

ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING SECTION 303 (FINAL PLAT REQUIREMENTS) OF PART 3 (FINAL PLATTING PROCEDURES) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE REFERENCE TO DECLARATIONS OF COMMON INTEREST COMMUNITIES.

WHEREAS, the City Code of Colorado Springs requires certain information to be shown upon the final subdivision plat, including recorded information concerning maintenance districts, metropolitan districts, and homeowners associations, concerning ownership and/or maintenance responsibilities; and

WHEREAS, the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101 *et seq.*, provides for declarations that address important obligations and rights concerning the ownership and maintenance of common interest communities; and

WHEREAS, such obligations and rights may include provisions applicable to addressing construction defects and repairs, such as arbitration and owner consent requirements for homeowners associations to take legal action; and

WHEREAS, *Vallagio at Inverness Residential Condo Ass'n v. Metro. Homes*, 2015 CAO 65 upholds limitations on the amendment of declaration provisions concerning alternate dispute resolution for construction defect claims without declarant consent; and

WHEREAS, the reliance by both developers and owners of common interest communities on the terms and conditions of declarations related to obligations and rights with respect to ownership and maintenance, as well as the means for resolution of construction defect claims, is important for managing risks and encouraging common interest communities; and

WHEREAS, the holdings in *Vallagio* are, therefore, consistent with the public policy of Colorado Springs; and

WHEREAS, development of condominiums and townhomes within common interest communities plays an important role in infill and redevelopment because such development creates affordable housing alternatives and homeownership opportunities that foster community stabilization and community vibrancy and vitality; and

WHEREAS, requiring recording information concerning declarations for common interest communities on subdivision plats will support development and ownership in common interest communities in Colorado Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City council hereby finds the inclusion of recording references for applicable declaration instruments will provide the public with notice of matters affecting land use, including applicable ownership obligations and rights concerning ownership, maintenance, and homeowners associations, as well as notice of other important provisions set forth in such declarations.

Section 2. Section 303 (Final Plat Requirements) of Part 3 (Final Platting Procedures) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, shall be amended as follows:

7.7.303: FINAL PLAT REQUIREMENTS:

* * *

C. * * *

29. ~~Districts, And~~ **Districts, And Associations, And Common Interest Communities:** Recordation information (reception number, etc.) shall be given on the plat for any maintenance district, metropolitan district, owners' association, **or declaration of a common interest community as set forth in C.R.S. § 38-33.3-101 et seq.**, etc., that is referenced on the plat as a body for any ownership and/or maintenance responsibility per the plat.

D. * * *

7. Reception Numbers: Reception numbers of all applicable easements, agreements and documentation as may be referenced on the subdivision plat drawing, **including declarations of common interest communities**, or accompanying documentation for recording.

* * *

Section 3. This ordinance shall be in full force and effect after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____ 2015.

Finally passed: _____

Merv Bennett, Council President

Mayor's Action:

- Approved: _____
- Disapproved: _____, based on the following objections:

John W. Suthers, Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Merv Bennett, Council President

ATTEST:

Sarah B. Johnson, City Clerk