

**PAGOSA LAKES PROPERTY OWNERS'
ASSOCIATION RESOLUTION 2023-05
RESOLUTION ON UNCOUPLING OF, AND/OR UN-
CONSOLIDATION OR CONSOLIDATION OF LOTS
(Replaces Resolution 2020-09)**

WHEREAS Paragraph 9E of the Declaration of Restrictions Pagosa permits an owner of contiguous lots to apply to the ECC for permission to use such lots as a site for a single dwelling and have the lots treated as one lot, which also reduces the Property Owner's assessment,

WHEREAS prior Boards of Directors of the Pagosa Lakes Property Owners Association enacted Resolutions, Policies and Estoppel Agreements between 1991 and 1998 regarding coupling and uncoupling lots,

AND WHEREAS, prior Boards of Directors, in good faith, signed Estoppel Agreements that, though in contradiction to the Declaration of Restrictions, were relied upon by the property owners of the unimproved coupled lots,

AND WHEREAS, many of the past transactions pertaining to the coupling of lots did not have Estoppel Agreements, or which Estoppel Agreements were not recorded with the Clerk and Recorder of Archuleta County,

AND WHEREAS, the Board wishes to clarify the confusion of Property Owners that has arisen as a result of the many previous Resolutions, Policies and Estoppel Agreements enacted over the years and to update the procedures and requirements for applications to the ECC for permission to use contiguous lots as a site for a single dwelling,

THEREFORE, BE IT RESOLVED THAT:

1. As of August 8, 2002, with the adoption of Resolution 2002-06, the Association ceased coupling lots as a method of preserving open space, treating multiple lots as a single lot or enabling Property Owners to reduce total assessment billings. The Association will only accept Archuleta County approved lot "Consolidation" to treat contiguous lots as a single lot for Association assessments and to comply with requirements contained within the Declaration of Restrictions. The Association is hereafter to refer all property owners requesting contiguous lots to be treated as a single lot to the Archuleta County Planning Office for their "Consolidation" procedure.
2. If a Property Owner of uncoupled contiguous lots wishes to apply for permission to treat the lots as one lot pursuant to Paragraph 9E (or a similar paragraph in the applicable declaration for the appropriate subdivision), the Property Owner must first Consolidate the lots through processes available at Archuleta County. Thereafter, the Property Owner will submit the following to the Association:

- a. written proof of the application of Consolidation through Archuleta County;
- b. payment of all assessments, fines or other fees owed by any lot involved in the Consolidation, curing of any covenant or rule violation, if any exists;
- c. verification that Consolidation of said lots will not result in the existence of covenant or rule violation of the Consolidated lot; and
- d. payment of the Association's fee, which will be the amount equal to five times the amount of the annual assessment in place for the year in which the application is made.

In the event that lot Consolidation is an integral element of resolving a violation of a covenant or rule violation, the Board of Directors may exercise its discretion in the application of 2 b stated above. Otherwise, the Association will grant permission if the requirements are met.


3. If a Property Owner desires to uncouple his/her lots and the Property Owner has neither consolidated the lots through the processes available at Archuleta County, nor constructed improvements over lot lines, nor in any way created a situation prohibiting separation of the lots, the Association, by action of its Board of Directors at an open meeting, will uncouple the lots following receipt of:
 - a. a written request from the Property Owner;
 - b. payment of all assessments from the date the lots were coupled to the date of uncoupling by or on behalf of the present Owner; and
 - c. verification that uncoupling will not result in the existence of a covenant or rule violation on one or more of the uncoupled lots.

If a Property Owner has created a situation in which uncoupling the lots would result in a violation of the covenants, including any land use and improvement restrictions, on one or more of the uncoupled lots, the lots will remain coupled until the situation is resolved so that there would be no violation on one or more of the uncoupled lots. For instance, if one uncoupled lot would contain only an accessory building and no residence, the lots shall remain coupled until the accessory building is removed. The Property Owner may be referred to the Planning Department for Archuleta County regarding the potential for Consolidating the lots in the event the Property Owner cannot or does not wish to remove a situation in which uncoupling lots would result in a violation on one or more of the uncoupled lots.

The Board of Directors reserves the right to evaluate each request for uncoupling on a case-by-case basis to determine the nature and possible resolution of any issues that may be raised due to the particular circumstances of the lots involved.


4. In the event that previously coupled lots are consolidated by the County, without first having requested that the Association uncouple the lots, payment of assessments from paragraph 3b shall not be required. Once consolidation is approved, those lots will be deemed to no longer be coupled.
5. Existing "coupled" lots will continue to be considered as one lot, for assessment purposes, until that time that an owner request uncoupling and adheres to the policy set forth in Paragraph 3, above.
6. For those properties which became encumbered by a recorded Estoppel Agreement, the Association prepared and recorded an instrument releasing the previously recorded Estoppel Agreement following adoption of Resolution 2002-06.
7. If an owner applies to the County to unconsolidated lots, before doing so, the owner must apply to the ECC to determine and take corrective action such that the unconsolidation would not result in a violation of the covenants, including any land use and improvement restrictions, on one or more of the unconsolidated lots. Once unconsolidated, the owner must cure any remaining violations.

ADOPTED by the Board of Directors this 14th day of September, 2023.



Dan Mayer, President

ATTEST:



Monte Whitman, Secretary