

DRAFT DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR

CARRERA COMMONS SUBDIVISION

(*The following information has been provided per City of Missoula Subdivision Regulations Article 5-020.14.K.1-10)

The information provided below serves as a draft set of Covenants, Conditions, and Restrictions for the *CARRERA COMMONS SUBDIVISION* as the proposed major subdivision intends to have common property deeded to a property owners association. None of the information included herein should be construed for any draft of the final Covenants, Conditions, and Restrictions that must be in place prior to final plat approval. At such time where final plat approval is required for the *CARRERA COMMONS SUBDIVISION*, the property owners' association articles of incorporation, bylaws, covenants, and restrictions will be prepared and reviewed by an attorney licensed to practice law in the State of Montana and such documents will be filed at the Missoula Clerk and Records Office.

ARTICLE 1 – DRAFT PROTECTIVE COVENANTS

Weed Control. Lot Owners shall revegetate any ground disturbances created by construction or maintenance activities with beneficial species at the earliest appropriate opportunity after construction or maintenance is completed. Owners shall maintain their Lots in compliance with the Montana Noxious Weed Control Act, the Missoula County Noxious Weed Management Plan, and the *CARRERA COMMONS SUBDIVISION* Weed Management and Revegetation Plan, which will be appended to these covenants, conditions, and restrictions prior to final plat approval. The property owner is responsible for weed management on all undeveloped Lots until transfer to future owners occurs.

ARTICLE II. PROPERTY OWNERS' ASSOCIATION REQUIRED COVENANTS PER MCSR 5-020-14.K.1-10

Section 1. Property Owners' Association.

The *CARRERA COMMONS SUBDIVISION* requires the establishment of a Property Owners' Association for the ownership and maintenance of common areas depicted on the Plat of *CARRERA COMMONS SUBDIVISION*. The following provisions apply to the Property Owners' Association:

1. A Property Owners' Association shall be established before any lot is sold.
2. Membership in the Property Owners' Association shall be mandatory for each lot owner.
3. The established restrictions on open space and common areas shall be

perpetual and shall run with the land.

4. A Property Owners' Association shall be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities within the common areas depicted on the Plat of *CARRERA COMMONS SUBDIVISION*.
5. Lot Owners shall pay their pro rata share of association costs. The assessment charged by the Property Owners' Association can become a lien on the property.
6. The Property Owners' Association may adjust the assessment to meet changed needs.
7. Prior to final plat approval, the Property Owners' Association articles of incorporation, bylaws, covenants, and restrictions must be prepared or reviewed by an attorney licensed to practice law in the State of Montana in order that applicable Property Owners' Association requirements are met.
8. The Property Owners' Association shall have means of enforcement and means of receiving and processing complaints.
9. The permission of the Missoula City Council shall be required before the Property Owners' Association can be dissolved or the restrictions modified.
10. The Property Owners' Association shall have a regular maintenance program for private roads, parks, buildings, drainage facilities, and other mutually controlled facilities, as applicable.

ARTICLE III: APPLICABILITY

As stated above, the applicability of this document in its draft form is to satisfy the preliminary plat requirements stated in Article 5-020.14.K.1-10. 5-020.14 directly states "if common property is to be deeded to a property owner's association, the subdivider must file a draft of the covenants and restrictions that will govern the association". This provision of the subdivision regulations is included in the preliminary plat requirements but pertains to criterion that must be met prior to final plat approval. Requiring applicants to file any form of protective covenants or declarations for subdivision that has yet to receive a governing body decision is clearly not the intent or purpose of this regulation. Therefore, all of the required elements from Article 5-020.14.K.1-10 have been stated directly herein, and will be met prior to final plat approval should *CARRERA COMMONS SUBDIVISION* receive the required preliminary plat approval.