

ACCESSORY APARTMENT COVENANT

THIS COVENANT is made this 18 day of August, 2019 between the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County" and Timothy D. Schwander, whose address is 303 Longs Rd., Silverthorne, hereinafter referred to as the "Owner."
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For and in consideration of the County's approval of an "accessory apartment" on the property described below pursuant to Section 3809.03 of the Summit County Land Use and Development Code, the Owner hereby covenants and agrees to, with and for the benefit of the County and the general public as follows:

1. **Property Affected:** This covenant and restrictions imposed hereby shall apply to the real property located in Summit County, Colorado, owned by the Owner and particularly described as:
2. **Use Restricted:** Either the accessory apartment or the primary residence shall be restricted to long-term rental to persons employed within Summit County a minimum of 30 hours per week and shall not be left vacant or used for family members or guests. The restricted unit may not be rented on a short-term basis. Long-term rental shall mean rental for at least six (6) months. Total occupancy of the accessory apartment shall not exceed three persons, regardless of their relationship, or one person for each 300 square feet of living space, whichever is less.
3. **List of Tenants Available:** Upon request of the County, the owner shall, within ten (10) days of such request provide the County with a list of the current tenants, their places of employment, and a copy of the lease agreement for the unit.
4. **Rental Procedures:** At such time that the restricted unit becomes vacant, the property owner must immediately make reasonable good faith efforts to rent the unit to a qualified occupant. For the purposes of this covenant, a qualified occupant is defined as persons residing and employed in Summit County a minimum of 30 hours per week. In the event that the County discovers the unit is not being rented according to the requirements of this covenant, the property owner shall have 90 days to lease the unit to a qualified occupant, and submit a copy of such lease to the County along with the names of the current tenants and their places of employment. If the property owner is unable to lease the unit to a qualified occupant within 90 days, the property owner shall contact the Summit Combined Housing Authority to request assistance with finding a qualified occupant to lease the unit. If after receiving the Housing Authority's assistance for a period of 90 days, the unit has not been leased to a qualified occupant, the matter shall be turned over to the County for enforcement. The County shall have the ability to pursue any and all remedies necessary to enforce the requirements of this covenant, including revocation of the accessory apartment approval.
5. **Enforcement:** Should any violation of this Covenant or any provision of the accessory apartment approval occur, the County shall be entitled to all costs, including reasonable attorney's fees, incurred in enforcing the same.
6. **Binding Effect:** This Covenant shall run with the land and be binding upon the Owner, its heirs, successors, representatives, and assigns.
7. **Recordation:** Owner shall record this instrument in a timely fashion in the official records of Summit County, at the Office of the Summit County Clerk and Recorder, and County may re-record it at any time as may be required to effectively preserve its rights in this Covenant, in the exercise of County's discretion.
8. **Severability:** The terms and conditions of this Covenant are expressly intended to be severable. In the case one or more of the provisions contained in this Covenant, or any application hereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Agreement and the application thereof shall not in any way be affected or impaired thereby.

Tim Schwander
303 Longs Rd., B.R.R.
Silverthorne, CO 80498

August 17, 2010

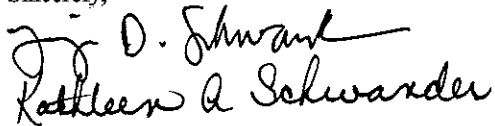
RE: Administrative Review for Tract 3, Smith Homesites, aka Building Site #3, HC Smith Homestead August 17, 2010

Summit County Planning Department
Frisco, Colorado

To whom it may concern:

As the owners of the above-referenced property, we would like to apply for an administrative review for the creation of a new garage and accessory dwelling unit.

Sincerely,

Handwritten signatures of Timothy D. Schwander and Kathleen A. Schwander. The signature of Timothy D. Schwander is written in black ink and is positioned above the signature of Kathleen A. Schwander.

Timothy D. Schwander
Kathleen A. Schwander