



07/15/2022 09:00 AM
City & County of Denver
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**SECOND AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF
PROTECTIVE COVENANTS OF
DENVER INTERNATIONAL BUSINESS CENTER**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS OF DENVER INTERNATIONAL BUSINESS CENTER (this "Second Amendment") is made as of JUNE 24th, 2022 (the "Effective Date"), by and among the parties set forth below.

RECITALS

A. The Amended and Restated Declaration of Protective Covenants of Denver International Business Center were recorded in the real property records of the City and County of Denver, State of Colorado (the "Records") on April 9, 2002 at Reception No. 2002066268 (the "Original Covenants").

B. The Covenants were supplemented to subject certain additional lands thereto by that certain Application, which was recorded in the Records on April 9, 2002 at Reception No. 2002066269 (the "Application").

C. The Original Covenants, as supplemented by the Application, were amended by that certain First Amendment to Amended and Restated Declaration of Protective Covenants of Denver International Business Center dated as of January 27, 2016, which were recorded in the Records on January 29, 2016 at Reception No. 2016011309 (the "First Amendment"), pursuant to which certain real property was removed and excluded from the real property subject to the Original Covenants. The Original Declaration, as supplemented by the Application, and as amended by the First Amendment is referred to herein as the "Covenants."

D. The real property more particularly described in Exhibit A attached hereto and incorporated herein (the "Covenant Property") constitutes all of the real property subject to the terms of the Covenants as of the Effective Date.

E. Pursuant to Section 13.02 of the Covenants, the Covenants may be amended by an instrument in writing (1) executed and acknowledged by Owners (as defined in the Covenants) having fifty-five percent (55%) or more of the Amendment/Termination Voting Rights (as defined in the Covenants) and (2) placed of record in the Records, and any other county in which at the time of recordation any real property subject to the Covenants is located.

F. The undersigned parties (1) together constitute the Declarant under the Covenants, (2) together hold more than fifty-five percent (55%) of the Amendment/Termination Voting Rights (as defined in the Covenants), and (3) desire to amend the Declaration, all as more particularly set forth below.

AMENDMENT

NOW, THEREFORE, for and in consideration of the foregoing recitals, which are incorporated herein by this reference, the covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, the undersigned, in their capacity as Declarant and holders of more than fifty-five percent (55%) of the Amendment/Termination Votes (as defined in the Covenants), hereby amend the Covenants as follows:

1. **Release of Covenant Property Upon Dedication for Right of Way.** From and after the Effective Date of this Second Amendment and for so long as the Declaration remains in effect in accordance with its terms, upon the recordation of: (a) a plat which includes a dedication to the City and County of Denver (or to an entity as otherwise required by the City and County of Denver) (the "City") of; (b) a deed dedicating or conveying to the City; or (c) any other instrument dedicating or conveying to the City, a right of way on, over, under or through any portion of the Developer Property (the "ROW Property") by Developer, or by the then-current owner of all or any portion of the Developer Property, the Declaration shall immediately terminate with respect to the ROW Property, with no further action required by Developer, FlightSafety, the City, or any other party, and the Declaration shall have no further force or effect with respect to such ROW Property.

2. **Conflict; Reaffirmation of Covenants.** Declarant hereby affirms that the terms, covenants and conditions of the Covenants shall remain and continue in full force and effect as amended herein. If there is any conflict between the terms and provisions of this Second Amendment and the terms and provisions of the Covenants, the terms and provisions of this Second Amendment shall govern.

3. **Definitions.** All capitalized terms used herein, but not defined herein, shall have the same meanings given to such terms in the Covenants unless otherwise indicated.

4. **Governing Law.** The governing law of this Second Amendment and all provisions hereunder shall be governed by and construed in accordance with the laws of the State of Colorado.

5. **Binding Effect.** The benefits, burdens and all other provisions contained in this Second Amendment shall be binding upon, and inure to the benefit of, Declarant, the Owners' Association and all Owners, together with their respective heirs, executors, administrators, personal representatives, successors and assigns.

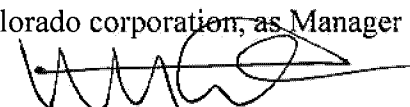
6. **Recording.** This Second Amendment shall be recorded in the Records.

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IN WITNESS WHEREOF, Declarant has executed this Second Amendment as of the Effective Date.

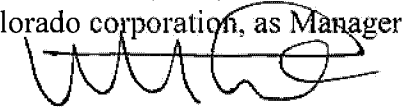
DIBC HOTEL CONFERENCE, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
Name: MARK THROCKMORTON
Title: VICE PRESIDENT

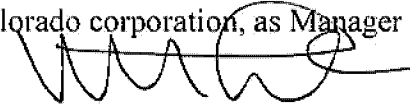
DIBC RETAIL, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
Name: MARK THROCKMORTON
Title: VICE PRESIDENT

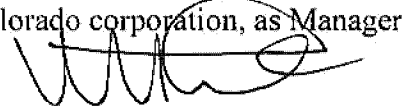
DIBC COMMERCIAL, LLC,
a Colorado limited liability company

By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
Name: MARK THROCKMORTON
Title: VICE PRESIDENT

DIBC RESIDENTIAL, LLC,
a Colorado limited liability company

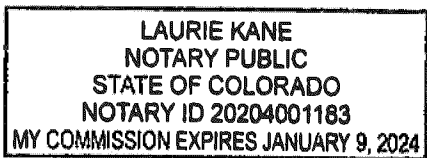
By: L.C. Fulenwider, Inc.,
a Colorado corporation, as Manager

By: 
Name: MARK THROCKMORTON
Title: VICE PRESIDENT

STATE OF COLORADO)
)
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 24th day of June, 2022, by Mark Trackmator as the Vice President of L.C. Fulenwider, Inc., a Colorado corporation, as Manager of DIBC Hotel Conference, LLC, a Colorado limited liability company; DIBC Retail, LLC, a Colorado limited liability company; DIBC Commercial, LLC, a Colorado limited liability company; and DIBC Residential, LLC, a Colorado limited liability company.

WITNESS my hand and official seal.



Laurie Kane

Notary Public

My commission expires: Jan 9, 2024

EXHIBIT A
TO
SECOND AMENDMENT TO DECLARATION

Legal Description of Covenant Property

NINE (9) PARCELS OF LAND LOCATED IN THE EAST ONE-HALF OF SECTION 4,
TOWNSHIP 3 SOUTH,
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER,
STATE OF COLORADO

BASIS OF BEARINGS: THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION
4, TOWNSHIP 3 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN. BEING
MONUMENTED BY A #5 REBAR AT THE CENTER ¼ CORNER AND A 3-1/4"
ALUMINUM CAP STAMPED "LS 27278" AT THE EAST ¼ CORNER, BEARING
S89°57'53"E AS REFERENCED TO UTM ZONE 13.

PARCEL 1

ALL OF THE EAST ONE-HALF OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 66
WEST OF THE 6TH PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE
FOLLOWING PARCELS.

EXCEPTION TO PARCEL 1

BEGINNING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 4;
THENCE ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4,
N89°47'21"E A DISTANCE OF 1962.02 FEET;

THENCE S56°21'08"W A DISTANCE OF 2376.81 FEET, TO A POINT ON THE WEST
LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4;

THENCE ON SAID WEST LINE, N00°43'33"E A DISTANCE OF 1309.85 FEET, TO THE
POINT OF BEGINNING.

TOGETHER WITH,

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 1 RECORDED
UNDER RECEPTION NO. 9500058523 IN THE RECORDS OF THE DENVER COUNTY
CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2 RECORDED
UNDER RECEPTION NO. 9700021511 IN THE RECORDS OF THE DENVER COUNTY
CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 3 RECORDED UNDER RECEPTION NO. 9800128959 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 4 RECORDED UNDER RECEPTION NO. 2005114056 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 RECORDED UNDER RECEPTION NO. 2015112451 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 6 RECORDED UNDER RECEPTION NO. 2006114375 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 2

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 1 RECORDED UNDER RECEPTION NO. 9500058523 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 3

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 2 RECORDED UNDER RECEPTION NO. 9700021511 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 4

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 3 RECORDED UNDER RECEPTION NO. 9800128959 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 5

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 4 RECORDED UNDER RECEPTION NO. 2005114056 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 6

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 5 RECORDED UNDER RECEPTION NO. 2015112451 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 7

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 6 RECORDED UNDER RECEPTION NO. 2006114375 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 8

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 8 RECORDED UNDER RECEPTION NO. 2000036321 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

PARCEL 9

ALL OF DENVER INTERNATIONAL BUSINESS CENTER FILING NO. 9 RECORDED UNDER RECEPTION NO. 2001043013 IN THE RECORDS OF THE DENVER COUNTY CLERK AND RECORDER;

SAID PARCELS CONTAINING A CALCULATED AREA OF 12,659,811 SQUARE FEET OR 290.6293 ACRES.