

**DECLARATION
OF
PROTECTIVE COVENANTS AND EASEMENTS
FOR
EMERALD VALLEY FIRST ADDITION**

ARTICLE I

Land Use and Building Type

No dwelling shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling no to exceed two (2) stories in height. Such dwelling may have an attached, minimum two-car garage for not more than three (3) cars. Furthermore, no lots shall further be subdivided, except by revision or modification of these protective covenants and restrictions in accordance with Article 14 herein.

No detached garages or other outbuildings shall be permitted.

ARTICLE 2

Architectural Control

No building, fence or wall shall be erected, placed or altered on any lot until the plans and specifications and a plan showing the location of the structure, fence or wall, have been approved the Architectural Control Committee as to quality of the workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fences, except for underground pools only.

No approvals shall be granted unless the proposed improvements comply with the attached architectural control guidelines.

ARTICLE 3

Dwelling Size

- A. A one-story dwelling with basement shall have a minimum floor area of 1200 square feet exclusive of the basement area.
- B. A two-story dwelling and/or a one and one-half story dwelling shall have a minimum floor area of 1200 square feet on the first floor.
- C. A one-story duplex shall have a first floor area of no less than 1200 square feet per unit.
- D. A two-story duplex or a one and one-half story duplex shall have a minimum floor area per unit on the first floor of 1200 square feet.

The above minimum square footage is computed on the main structure exclusive of porches and garages and applies to all lots.

ARTICLE 4

Building locations

- A. Building set backs must meet City of Lakefield building set back (Zoning Code) requirements.
- B. For the purpose of this covenant, eaves and steps shall not be construed as part of a building: provided, however, that this shall not be construed to permit any portion of eaves or steps on a lot to encroach upon another lot.

ARTICLE 5

Easements

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structures, plantings or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public utility company is responsible.

ARTICLE 6

Nuisances

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

ARTICLE 7

Temporary Structures

No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other building shall be used on any lot at any time as a residence either temporarily or permanently, except during construction, for a duration no longer than six (6) months during construction.

ARTICLE 8

Signs

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or sign used by a builder to advertise the property during the construction and sales period.

ARTICLE 9

Livestock and Poultry

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lots, except dogs, cats, or other domestic household pets, provided they are not kept, bred, or maintained for any commercial purposes. No dog runs or kennels permitted. A total of two (2) animals will be allowed.

ARTICLE 10

Garbage and Refuse Disposal

- A. No part of the individual lots or boulevards shall be used at any time for the storage or abandonment of junked automobiles or other motor equipment. Vehicles under repair must be removed within forty-eight (48) hours.
- B. No lot shall be used or maintained as a dumping found for rubbish, trash, garbage or other waste. Garbage, rubbish and trash shall not be kept on said premises except in sanitary containers.

- C. No boats, trailers, campers, motorcycles, tent trailers, horse trailers, mobile homes, motor homes, fish houses or other like equipment shall be stored or kept upon any lot except when enclosed with a garage or similar permitted structure. Guest parking will be allowed not to exceed fifteen (15) days in duration.
- D. No building of any kind or for any purpose may at any time be moved to and upon any of the lots, except construction trailers, or buildings, which will be permitted during any business, trade, or commercial activity of any kind be conducted upon any lot.

ARTICLE 11

Term

These restriction and covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-one (21) years from the date these covenants are recorded, after which time said restrictions and covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole, or in part. The majority amendment is only after all lots have been sold by the developers.

ARTICLE 12

Development Control

- A. The Development Control Committee and the Architectural Control Committee is composed of the acting members of the Lakefield Economic Development Authority (EDA). The Architectural Control Committee shall received input from the Lakefield Planning and Zoning board for approval of items as so much as the Planning and Zoning Board has been charged with enforcing the City of Lakefield Zoning Code.
- B. No members of either Committee shall be entitled to any compensation for services performed pursuant to this covenant.
- C. The Committee's approval or disapproval as required in these covenants shall be in writing; and, in the event the Committee or its designed representatives fails to approve or disapprove with in forty-five (45) days after plans and specifications have been submitted to it, or in any event if no suit t enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

ARTICLE 13

Any of the protective covenants and the restrictions herein contained may be revised or modified by the EDA.

ARTICLE 14

Enforcement

If there shall be a violation or attempt to violate any of these covenant or restrictions, any person or persons owning any real estate situated in this subdivision may prosecute and proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either prevent him or them from so doing or to recover damages for such violation.

ARTICLE 15

Definitions

"Owners": as used in this declaration shall mean and refer to the recorded owner, whether one or more person or entities of any of said lots but not with standing any applicable theory of mortgage, shall not mean or refer to the mortgagee unless and until such mortgage shall acquire title pursuant to foreclosure or any proceeding in lieu of foreclosure.

ARCHITECTURAL CONTROL GUIDELINES

House Design

- Roof pitch – main roof minimum, 6 to 12 pitch
- Building offset – minimum of 2
- Roof offsets – minimum of two
- Type of shingles – wood shake or 25 year asphalt dimension shakes
- Driveway – minimum of 22 feet width, concrete or asphalt

Equipment Allowed

- Basketball equipment on a pole
- Swimming pool, in-ground only
- Satellite Dish – 18” diameter maximum
- Staked firewood – maximum amount 2 cord with and length, 5 foot high, next to the house only
- Clothesline – umbrella type only

Specifically not allowed

- Antennas
- Propane tanks
- Window air conditioners

Development Committee Responsibility

- Trees and shrubs – type, placement, quantity
- Fences – for in-ground pools only
- Color scheme
- Deck material and color
- Landscape plan
- Firewood, next to building and not to exceed 5 foot in height or more than 2 cords

Required

- Liability insurance upon purchase of the lot
- Maintenance of lot