

# CSM 5165

(Lots 5-8)

## RESTRICTIVE COVENANTS

1. Only one single family dwelling structure with or without attached garage and one accessory garage/storage building shall be allowed per lot. No building or structure shall be erected within 75 feet of the right-of-way line of Gale Avenue. The main residential structure shall have a minimum of 1,100 square feet of living area on the ground level. Community-Based Residential Facilities and all Conditional Uses under the Adams County Zoning Ordinance are prohibited.
2. All utility services and lines except for those in the right of way of adjoining public roads shall be underground.
3. No animals shall be kept on the property other than household pets that reside in the main residence. Pets shall be restricted to the owner's property.
4. No signs of any nature may be placed on the property other than one sign displaying the owner's name and address, one no trespassing sign, and if the lot is improved with a residence structure, one temporary real estate for sale sign not exceeding five square feet in size.
5. No commercial timbering, farming, manufacturing, sales or service business may be conducted on the property.
6. No outside storage shall be allowed within 75 feet of the right-of way of any public highway or within 25 feet of any lot line and then only in a neat and orderly manner.
7. All structures shall be promptly and expeditiously completed on their exterior, including painting or stain on all exterior surfaces within six months of commencement of construction.
8. Only the following siding materials may be used on structures: brick, stone, wood logs, real wood boards, vinyl siding, and concrete shingles. The following materials are prohibited as siding materials: tar paper, tar shingles, plywood, wood composite board, insulation board, corrugated metal, sheet metal, aluminum siding.
9. All residential structures shall have a pitched roof, excluding garages, covered porches and accessory buildings.
10. Single section mobile or manufactured homes are prohibited. Double wide manufactured or modular homes are allowed provided that the wheels are removed, they are placed on a concrete slab or perimeter concrete foundation, and the entire perimeter is enclosed with decorative concrete block or brick material.
11. All structures shall be maintained in a good state of repair including exterior finishes, and in the case of casualty shall promptly be repaired, replaced or removed.

12. No disabled or unlicensed motor vehicle and no vehicle, machine, equipment or materials used for business or farming purposes may be stored on the property outside of a building.
13. No outside toilet or privy shall be maintained on the property except for self-contained units used by contractors' workers during construction of a structure.
14. Prior to the construction of a residence on a lot, the use and storage of campers and recreational vehicles on the lot shall be permitted to the extent allowed under the Adams County Zoning Ordinance. In addition to County restrictions the use or storage of a camper or recreational vehicle is prohibited between December 1 and March 31 and at other times must be set back at least 150 feet from the right of way of a public highway, and 50 feet from all lot lines.
15. Reference is made to the developer installed gravel driveway located on lots 6 and 7 of Certified Survey Map No. 5165 and with respect to which the owners of lots 5,6,7, and 8 have ingress and egress easements. The reasonable expense of maintaining such driveway in its original condition shall be shared equally among the owners of said lot 6 and 7. However, if the owner of lot 5 or 8 uses such gravel driveway as the primary access drive to their lot then such lot owner shall be responsible for an equal share of maintenance expenses. Anticipated reasonable expenses include grading, adding stone and tree removal and trimming. The expense of snow plowing shall be shared equally by those lots that are improved with a residence structure and use such driveway as their primary access driveway, otherwise the owner incurring the expense of snow plowing shall be solely responsible for the cost. The driveway may be paved only with the consent of the owners of both lots 6 and 7. Once paved the cost of reasonable maintenance shall be shared equally by the owners of lots 6 and 7 and the owners of lots 5 and/or 8 only if an owner uses said driveway as the primary access driveway to their lot. No vehicles may be parked on the driveway and free access to all lots via said driveway must be maintained at all times.
16. These restrictive covenants may be amended by filing with the Adams County Recorder of Deeds a document approved of in writing by at least 51% of the owners of record of the eight lots consisting of lots 1 through 4 of Certified Survey Map No.5164 and lots 5 through 8 of Certified Survey Map No.5165.
17. These restrictive covenants may be enforced by any owner of record of a lot created by Certified Survey Maps No. 5164 and No. 5165. The plaintiff in a successful suit to enforce these covenants shall be entitled to recover court costs and reasonable attorney fees.
18. These restrictive covenants shall run with the land and shall be binding on the grantees, their heirs, successors and/or assigns.
19. In the event that any portion of these restrictive covenants is held invalid by a court of law, then the remaining portion of said covenants shall remain in full force and effect.