

**SUBDIVISION RESTRICTIONS FOR  
THE CROFTS MINOR SUBDIVISION**

WHEREAS, the undersigned, David L. Crofts and Alice S. Crofts, of Helena, Montana, are filing a plat of certain lands in Lewis and Clark County, Montana, known as the Crofts Minor Subdivision with the Lewis and Clark County Clerk and Recorder for recordation, and

WHEREAS, the undersigned are the owners of all the lots in said tract and desire to place restrictions upon said lots for the use and benefit of themselves as present owners and for the future owners thereof, and for the benefit of the general public interest.

NOW, THEREFORE, these covenants and conditions are made to apply to a tract of land situated in the SE ¼ of Section 24, T10N, R2W, Lewis and Clark County, Montana.

All persons or corporations who now or shall hereafter acquire any interest in and to any of the above described property, shall be taken and held to agree and covenant with the owners of the lots in said tract with their heirs, successors and assigns, to conform to and observe the following restrictive covenants as to the use thereof.

These restrictive covenants and conditions are designed to provide a uniform plan for the development of the whole of said tract, protect the natural environment and promote public health and safety.

The following restrictive covenants are revocable or alterable only with the consent of the Board of County Commissioners of Lewis and Clark County.

1. Notice is hereby given that each lot owner will be responsible for providing on-site retention of all stormwater runoff generated from the lot in excess of historical volumes.
2. Notice is hereby given of the potential health risk from radon concentrations; such risk can be evaluated through soil tests and mitigated through radon abatement techniques incorporated into structures.
3. Notice is hereby given of the presence of the 100-year floodplain on the property shown on FEMA floodplain map, Panel 1570, which will be revised in the future, and that a drainage easement is shown on the subdivision plat.
4. Any development, alteration, or encroachment within the drainage easement, which would restrict or alter the pattern of channel flow, is prohibited.
5. The storage of foods, garbage or feeding domestic pets outdoors or other activities which may create an attractive nuisance for wildlife species is prohibited.
6. All dwelling units within the subdivision shall be constructed to specifications which meet or exceed equivalent provisions in the applicable state building code for this seismic zone (Zone 3).
7. Any additional, replacement, or relocated utility lines shall be installed underground.
8. Any exterior lighting shall be arranged and directed downward in such a way as to minimize illumination beyond the property lines.
9. All rights to protest the creation of a community water or wastewater treatment system improvement district, whenever such action may occur, are hereby waived.
10. The undersigned, their heirs, successors and assigns, and all future owners of property within the



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subdivision, agree to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair, and/or maintenance of the following:

- a. the floodplain, and any and all other flooding within the subdivision,
- b. earthquake fault zone and any seismic activity.

11. All stream channels shall be maintained in their natural state, except for projects done in accordance with an approved 310 permit.

12. Gardens, fruit trees and compost piles shall be fenced with deer-proof fences. These fences shall be constructed of woven wire and a minimum of seven (7') feet high.

13. All cats and dogs must be restrained or penned at all times.

14. The developer shall provide wildlife-proof storage and disposal facility for garbage.

15. Notice is hereby given that non-native plants are particularly prone to wildlife use, and losses should be expected if they are used in landscaping.

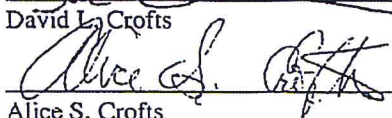
16. Notice is hereby given that each lot owner must obtain a floodplain development permit (from the County Floodplain Administrator) prior to any development. Plans for development of any floodplain areas shall be submitted to the County Floodplain Administrator. All improvements to the property within the designated floodplain shall comply with the Lewis and Clark County Floodplain Ordinance and its attendant regulations.

Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

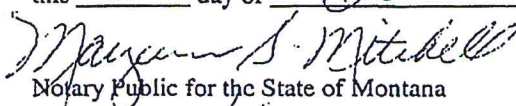
Dated at Helena, Montana, this 22<sup>nd</sup> day of October, 2003.

  
David L. Crofts

  
Alice S. Crofts

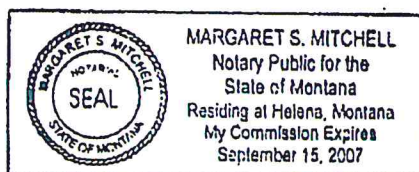
SUBSCRIBED AND SWORN TO before me

this 22<sup>nd</sup> day of Oct, 2003.

  
Notary Public for the State of Montana

Residing at Helena, Montana

My Commission Expires 9-15-2007



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Lewis & Clark County

COV

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