

9/8/97

**RESTRICTIONS FOR LAKE RIDGE ESTATES**  
(Final Plat)

A Subdivision in the South 1/2 of the Northeast 1/4 of  
Section 25, Township 14 South, Range 22 East  
Richland Township, Miami County, Kansas

**1. LAND USE AND BUILDING TYPE**

(a) No lot in the Lake Ridge Estates Subdivision shall be improved, used or occupied except for private residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two and one-half stories in height above ground, plus an attached private garage for at least two but not more than three cars, and outbuildings incidental to residential use of the premises, all as further defined herein. All residences and other buildings permitted hereby on residential lots shall be initially new construction. No building shall be moved onto any such lots.

(b) No dwelling or residence shall be occupied until fully completed, and the exterior of such dwelling or residence must be fully completed within five (5) months after the first earth excavation is started. In the event of fire, windstorm, or other damage, no building shall be permitted to remain in a damaged condition longer than three (3) months.

**2. ZONING**

The Lake Ridge Estates Subdivision shall be subject to all requirements of the Zoning Regulations for Zoned Townships in Miami County, Kansas. Where more stringent requirements are set forth in these restrictions, said requirements as stated herein shall prevail.

**3. NUISANCES, ACTIVITIES, AND MISCELLANEOUS PROHIBITED ITEMS**

(a) 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, including mechanical work on automotive or other equipment of any kind. No prohibition is contained in this paragraph against minor repair work being accomplished in the garage of the completed residence on any lot or within an outbuilding on any lot.

(b) No cars, buses, boats, trucks, race cars, wrecked cars, modified stock cars, trailers, or vehicles that are not in operating condition or whose presence might make an unsightly appearance shall be allowed to be parked or left on any lot or within any street or road right of way at any time. No trash, old appliances, junk, garbage, or other refuse shall be allowed to accumulate on any lot in the Subdivision. Outside trash burning shall be permitted only in acceptable incinerators at the rear of a completed dwelling or on lots which are being developed or on which residences are under construction. Outside clothes lines shall be prohibited in front of any completed dwelling. No radio or television antenna, satellite dish, tower, or structure shall be located in front of any completed dwelling. The maximum height of said antennas, satellite dishes or towers, when located back of the front of a dwelling, shall not be more than ten (10) feet higher than the roof of any dwelling constructed on the lot.

(c) Trash, garbage, or other waste or refuse shall not be kept except in sanitary containers in a clean and sanitary condition, and shall be at all times kept in an area not exposed to public view, except during the day or days designated for regular trash service, at which time the containers and other trash and refuse may be placed at such designated places as determined by a regularly designated trash service.

(d) All incinerators or other equipment for the storage and/or disposal of trash, garbage or other waste shall be kept in a clean and sanitary condition.

9/6/97

**4. DWELLING SIZE**

Any residence consisting of a single level above ground shall contain a minimum of seventeen hundred fifty (1750) square feet of enclosed floor area; any residence consisting of two (2) levels of above ground shall contain a minimum of thirteen hundred fifty (1350) square feet of enclosed floor area on the first level above ground and an overall minimum of two thousand one hundred fifty (2150) square feet of enclosed area in the two (2) above ground levels; any residence consisting of a level or part of a level below ground level shall nevertheless contain the foregoing minimum enclosed floor areas above ground level. If a single level residence shall contain a basement garage, the minimum enclosed floor area shall be eighteen hundred (1800) square feet. The words "Floor Area" as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy, computed on the outside measurements of the residence, and shall not mean or include any patio areas, basement, garage, carports, porches or attics.

**5. GARAGES**

Each dwelling shall have an attached or basement private garage for not less than two (2) nor more than three (3) cars. The driveway of each lot shall contain sufficient paved area for the off street parking of at least two (2) cars, and shall extend to the edge of street pavement of the street serving the dwelling. All garages facing any street must be equipped with doors which will be kept closed as much of the time as practicable to preserve the appearance of the elevation of the house fronting the street.

**6. OUTBUILDINGS**

(a) One outbuilding, such as a barn, stable or storage building, may be constructed on any one lot in the Subdivision. No outbuilding shall contain more than two levels above ground and the maximum size of the enclosed first floor level of any such outbuilding shall not exceed the enclosed first floor area of the residence constructed on the same lot.

(b) Any outbuilding shall be situated on the lot so as to comply with building setback requirements contained in paragraph 7 below. Additionally, any outbuilding shall be located a minimum of 50 feet behind any dwelling on the same lot and shall be at least 100 feet from any street right-of-way line.

(c) All outbuildings shall be constructed using wood, masonry or prefinished metal panels for exterior siding. All exterior building openings shall be equipped with doors or windows so that the entire building can be closed. Attached exterior patio covers or carports will be considered acceptable but open pole-barn type structures are strictly prohibited. The exterior surfaces of any such building shall be painted in earthtone colors (shades of brown, beige or green) and no exterior galvanized metal panels on roofs or walls will be permitted. Roofing materials shall be painted prefabricated metal panels, wood or asphalt (composition) shingles.

**7. BUILDING LOCATION**

(a) Building Setback Lines are shown on the Plat. These lines parallel street right-of-way lines and are located 50 feet (measured at right angles) therefrom. No building shall be located on any lot so that any portion of said building encroaches beyond these lines or, therefore, is closer than 50 feet (measured at right angles) to the right-of-way line of any street, circle or way as designated on the Plat.

(b) No building shall be located on any lot nearer than 40 feet (measured at right angles) to any rear lot line.

(c) No building shall be located on any lot nearer than 35 feet (measured at right angles) to any side lot line.

(d) For the purposes of these restrictions, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on one lot to encroach upon another lot.

(e) All provisions contained in paragraphs 7(a) through 7(d) above shall pertain to any and all primary residences, garages, outbuildings, swimming pools and any other structures.

9/06/97

8. EASEMENTS AND COMMON PROPERTY

(a) Utility Easements.

(i) Utility Easements have been reserved across lots included in the Plat.

(ii) A license has been granted to designated utility companies, the agents, employees, assigns and successors, to enter upon, construct and maintain public utilities upon, over, and under designated utility easement areas subject to certain terms and conditions set forth in the documents granting such easements.

(iii) No structure, planting or other material shall be placed or permitted to remain within designated utility easements 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 easements, 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 authority or utility company is responsible.

(b) Drainage Easements. Drainage easements are reserved across certain lots in this subdivision for the purpose of installation, construction and maintenance of storm water drains and for slope control purposes, including the right to grade and plant slopes and to prevent any practices which might create erosion problems or which might change, obstruct, or retard drainage flow.

(c) Street Right of Way's. Access easements have been reserved through this Plat and dedicated to the Public to provide continual access within and through the subdivision for the Owners and to preclude the obstruction of storm water flow. The Street Right-of-Way's shall remain unobstructed for the use and enjoyment of the Owners and shall be used in accordance with provisions set forth in this document.

9. TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

The keeping of a mobile home, either with or without wheels, on any part of the Subdivision is prohibited. A recreational vehicle, travel trailer, motor boat, house boat or other similar water borne vehicle may be maintained, stored, or kept on any parcel in the Subdivision only if housed completely within a structure which has been architecturally approved by provisions of paragraph 6 hereof or if such vehicle is stored behind the front line of a residence (in rear areas).

10. 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 ten square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

9/06/97

**11. UTILITIES/STORAGE TANKS**

Water, electric, telephone and other utility lines shall be located underground within each lot. Homes shall be all electric, including heat pump. No tank or similar structure for the storage of fuel or any other fluid substance shall be installed or maintained above the surface of the ground on any of the lots hereby restricted, unless said tank or similar structure is located adjacent to an approved outbuilding and is screened from view so that it cannot be seen.

**12. LIVESTOCK AND POULTRY**

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except as permitted below:

- (a) No more than two (2) horses may be housed, kept and maintained on each lot.
- (b) No more than two (2) adult dogs may be kept and maintained on each lot. American Pit Bull Terriers (commonly referred to as Pit Bulldogs) shall not be permitted.
- (c) Household pets (non vicious) shall be permitted. However, all animals and household pets shall be contained within their respective lot areas to prevent animals from running at large. In no case shall any animal be kept, bred or maintained for any commercial purpose.

**13. FENCES AND LANDSCAPING**

- (a) Any fence or boundary wall erected, kept, or maintained around any of said lots or any part, or parts thereof, shall be in keeping with the design and architecture of the residence upon such lot and of ornamental nature. No such fence or boundary wall shall be more than five (5) feet in height. No fence or boundary wall shall be located closer than twenty five feet (25') from any public street right-of-way line.
- (b) Any fence erected in front of any dwelling shall be constructed of wood (such as split rail), stone or other naturally-occurring materials. Wire fences, barricades or solid privacy-type fences shall not be erected in front of any dwelling on any lot.
- (c) When steel wire fences are erected (behind the front wall of any dwelling), only smooth steel wire shall be acceptable. Chicken wire or barbed wire fences are prohibited. Chain link wire fencing, properly installed, is acceptable, if installed behind the dwelling.
- (d) Upon completion of any dwelling hereunder, including walks, driveways, patios, and other approved appurtenances, as set forth in these restrictions, all areas disturbed in any way during construction shall be finish-graded and sodded, seeded, or planted with ground cover to establish a lawn area. The builder or homeowner shall plant shrubs and other landscaping materials at least along the front elevation of the dwelling. Such plant materials shall be maintained by the lot owner or dwelling occupant and shall be replaced when necessary.

**14. SEWAGE DISPOSAL**

Single-family wastewater treatment facilities shall be installed to serve each individual dwelling in the subdivision. Such facilities shall be designed and constructed in accordance with applicable provisions of the state laws, county Sanitation Code and regulations. All effluent from said treatment facilities shall be contained on each individual lot in accordance with said laws, code and regulations. All dispersal lines and treatment appurtenances shall be located at least ten (10) feet from the nearest property line and at least one hundred (100) feet from any individual water well.

**15. GENERAL**

Once four (4) residences have been established within Lake Ridge Estates, a homeowners association may be formed and/or changes to these restrictions may be made upon written agreement of at least 75% of the homeowners.

9/6/97

THESE RESTRICTIONS ARE MADE PART OF FINAL PLAT for "LAKE RIDGE ESTATES" SUBDIVISION and FOREVER SHALL BE ENFORCEABLE AS IF ON FACE OF FINAL PLAT.

DEVELOPER SIGNATURES BELOW:

Jerry A. Cosner

JERRY A. COSNER

Date: 9 / 8 / 97

Rita L. Cosner

RITA L. COSNER

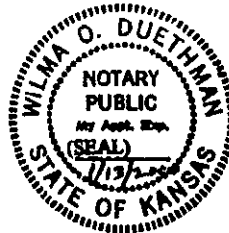
Date: 9 / 8 / 97

STATE ) KANSAS  
COUNTY ) MIAMI

This acknowledges that the above parties, Jerry A. Cosner and Rita L. Cosner, appeared before me on this 15 day of September, 1997.

Wilma O. Duethman  
Notary Public

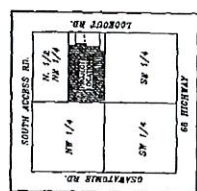
My commission expires: Jan 13, 2000



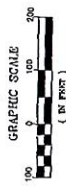
NOTARY PUBLIC  
WILMA O. DUETHMAN  
My Comm. Exp. 1/13/2000  
STATE OF KANSAS  
270  
14.00  
HOLD  
245

N.E. 1/4 Sec. 25-16-22  
 Pl. 2000  
 Original Copy Instrument.  
 123578

FINAL PLAT  
**LAKE RIDGE ESTATES  
 PHASE - 2**  
 A Subdivision in the South 1/2 of the Northwest 1/4 of  
 Section 25, Township 16N, Range 25E, Meridian 22W,  
 Richland Township, Miami County, Kansas



VICINITY MAP  
 SEC. 25-16-22  
 SCALE: 1" = 200'



- LEGEND
- 1/4" = 20' NEAR &
  - 1/8" = 40' NEAR &
  - 1/16" = 80' NEAR &
  - 1/32" = 160' NEAR &
  - 1/64" = 320' NEAR &
  - 1/128" = 640' NEAR &
  - 1/256" = 1280' NEAR &
  - 1/512" = 2560' NEAR &
  - 1/1024" = 5120' NEAR &
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