

2435756

DECLARATION OF BUILDINGS AND USE RESTRICTIONS

The undersigned owners: BURGESS E. COLEMERE and ENID M. COLEMERE, his wife of the following described property situate in Salt Lake County, Utah, to-wit:

Lots 24 to 40 inclusive, MONIE BELLO ESTATES #2, according to the official Plat thereof, as recorded in the office of the County Recorder of Salt Lake County,

are desirous of creating these restrictions affecting said property.

PART A. RESIDENTIAL AREA RESTRICTIONS

A-1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one attached two-family dwelling not to exceed two stories in height and a private garage or carport for not more than three cars for each unit. All buildings shall be constructed of new materials except used brick providing it is approved by the Architectural Control Committee.

A-2. Architectural Control. No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the building setback line unless similarly approved. Approval shall be as provided in part B.

A-3. DWELLING COST, QUALITY AND SIZE. No dwelling shall be permitted on any lot at a cost of less than \$25,000.00 including lot, based upon cost levels prevailing on the date these restrictions are recorded, it being the intention and purpose of these restrictions to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these restrictions are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be no less than 1,200 square feet for a one-story dwelling, nor less than 950 square feet for a dwelling of more than one story.

A-4. BUILDING LOCATION.

(1) Dwellings and accessory buildings: The minimum side yard for any dwelling shall be eight (8) feet and the total width of the two required side yards shall be not less than eighteen (18) feet. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building shall have a minimum side yard of not less than one (1) foot, provided that no private garage or other accessory building shall be located closer than ten (10) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street shall be not less than twenty (20) feet or the average of the existing buildings where fifty (50) percent or more of the frontage is developed, but in no case less than fifteen (15) feet or be required to be more than twenty (20) feet.

(2) Other building: The minimum side yard shall be ten (10) feet, and the total width of the two required side yards shall be not less than eighteen (18) feet. Minimum side yard provisions of this section shall apply to all structures, including guy wires for the support of any towers constructed on this Subdivision.

FEB 4 1972 4:10 PM  
Recorded at  
Request of SECURITY TITLE COMPANY  
Fee Paid, JERADEAN MARTIN  
Recorder, Salt Lake County, Utah  
By Deputy

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(3) Front yard regulations: The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight (8) feet shall be thirty (30) feet, or the average of the existing buildings where fifty (50) percent or more of the frontage is developed, provided that in no case shall the front yard be less than twenty (20) feet or be required to be more than thirty (30) feet. All accessory buildings, other than private garages, which have a side yard of at least eight (8) feet, shall be located at least six (6) feet in the rear of the main building.

(4) Rear yard regulations. The minimum depth of the rear yard for any main building shall be thirty (30) feet, and for accessory buildings one (1) foot, provided that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard.

(5) Height regulations. No building or structure shall be erected to a height greater than two (2) stories or twenty-five (25) feet, and no dwelling structure shall be erected to a height less than one (1) story.

(6) For the purpose 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 a lot to encroach upon another lot.

A-5. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear seven feet of each lot. Within these easements, no structure, planting or other material 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 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.

A-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.

A-7. 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. No building shall be under construction for more than one year.

A-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 rent, or signs used by the builder to advertise the property during the construction and sales period.

A-9. OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

A-10. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets, and a reasonable number of small animals and/or fowl may be kept, (excluding horses, cows, sheep, hogs, mink and animals of such types) provided that they are not kept, bred, or maintained for any commercial purpose and do not become a nuisance to the neighborhood. The Architectural Control Committee shall rule on when a nuisance is caused by such pets, fowl or animals.

A-11. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

A-12. **SIGHT DISTANCES AT INTERSECTIONS.** No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

A-13. All use restrictions shall conform to the Salt Lake County Zoning ordinances.

#### PART B. ARCHITECTURAL CONTROL COMMITTEE

B-1. **MEMBERSHIP.** The Architectural Control Committee is composed of Burgess E. Colemere, Emerson Hand, and Kenneth W. Mackey

Salt Lake County, Utah. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee the remaining members have full authority to designate a successor. Neither the members of the committee, nor its designated representatives shall be entitled to any compensation for services performed pursuant to these restrictions. Burgess E. Colemere, owner and developer, or his agents or assigns, shall be granted authority to change committee members at any time, provided he is the owner of one or more of the remaining lots. In the event of the death of Burgess E. Colemere, his designated successor shall automatically become a member of the committee. All buildings erected on the lots must have the written approval of Burgess E. Colemere.

B-2. **PROCEDURE.** The committee's approval or disapproval as required in these restrictions shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after the plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related restrictions shall be deemed to have been fully complied with.

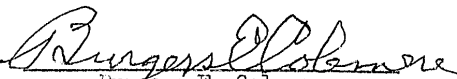
#### PART C. GENERAL PROVISIONS

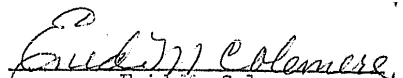
C-1. **TERM.** These restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of forty years from the date these restrictions are recorded, after which time said restrictions shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said restrictions in whole or in part.

C-2. **ENFORCEMENT.** If the parties hereto, or any of them or their heirs or assigns, shall violate or attempt to violate any of the restrictions herein it shall be lawful for any other person or persons owning any real property situated in said development, to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

C-3. **SEVERABILITY.** Invalidation of any one of these restrictions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

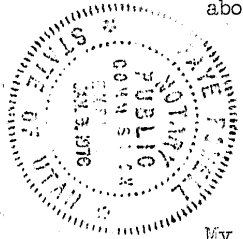
#### PART D. ATTEST

  
Burgess E. Colemere

  
Enid M. Colemere

STATE OF UTAH )  
                  : ss.  
COUNTY OF SALT LAKE)

On the 3rd day of February, 1972, personally appeared before me Burgess E. Colemere and Enid M. Colemere, his wife, the signers of the above instrument, who did acknowledge to me that they executed the same.



Gayle Powell

Notary Public  
Residing at Salt Lake County, Utah

My commission expires: January 3, 1976

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