

ELIZABETH RIDON  
R.M.C.

DECLARATION OF RESTRICTIONS

THIS AGREEMENT is made this First day of November, 1972, between The Ervin Company, a Delaware corporation (hereinafter called "Developer") and any and all persons, firms, or corporations hereafter acquiring any of the within described property.

WITNESSETH:

The Developer is the owner of that certain subdivision known as Pelham Woods, Section 2-B as shown on that certain map recorded in Plat Book \_\_\_\_\_ at page \_\_\_\_\_, in the County RMC Office. The Developer has agreed to establish a general plan of development as herein set out to restrict the use and occupancy of the property for the protection of the property and the future owners thereof.

RESTRICTIONS

NOW, THEREFORE, in consideration of the Premises, the Developer agrees with any and all persons, firms, or corporations hereafter acquiring any of the property hereinafter described, that the same shall be and is hereby subject to the following restrictions, conditions and covenants (hereinafter collectively referred to as "Restrictions") relating to the use and occupancy thereof, which are to be construed as restrictive covenants running with the land comprising the lots hereinafter described and shall enure to the benefit of and be binding upon the heirs, successors, and assigns of Developer and all other acquiring parties and persons.

1. **DESCRIPTION OF PROPERTY RESTRICTED.** The property which is made subject to the restrictions set forth herein is more particularly described as follows, reference being made to the specified lots in the blocks shown on the designated subdivision map recorded in the RMC Office as indicated:

Block	Subdivision	Block	Page
<del>Block</del>	<del>Subdivision</del>	<del>Block</del>	<del>Page</del>

ALL numbered lots as shown on final plat of Pelham Woods, Section 2-B, prepared by, A. Alan Wallwork, Surveyor and recorded in Plat Book 4R, Page 50.

2. **RESIDENTIAL USE OF PROPERTY.** All lots shall be used for residential purposes only, and no structure shall be erected, placed or permitted to remain on any lot other than one single-family dwelling not more than three (3) stories in height, and any necessary structure customarily incident to such residential use subject, however, to the provisions set forth herein.

3. **BUILDING LINE REQUIREMENTS.** The minimum set back lines are not intended to create uniformity of set backs. They are meant to create a sense of spaciousness and to avoid monotony. For such purposes it is the Developer's intent that set back lines may be staggered where appropriate. The Developer reserves the right to select the precise site location of each house or other structure on each lot and to arrange the same in such manner and for such reasons as the Developer deems sufficient, provided however, the Developer shall make such determination so as to insure that the development of the lots subject to these restrictions is consistent with the provisions set forth herein.

No building or any part thereof, structure, out building or appurtenances of any nature shall be located on any lot nearer to the front line or nearer to the side street than the minimum set back lines shown on the recorded map, or nearer than 10 feet to any interior lot line, subject to the following additional provisions:

- (a) **Minor Deviations.** Any deviation from the building line requirements set forth herein, not in excess of 10% thereof, shall not be construed as a violation of said building line requirements.
- (b) **Subdivision of Lots.** By or with the written consent of the Developer, its successors or assigns, one or more lots (as shown on said map) or parts thereof, may be subdivided or combined to form one single building lot, and in such event the building line requirements prescribed shall apply to such lots as re-subdivided or combined.
- (c) **Corner Lots.** The front line of any corner lot shall be the shorter of the two property lines along the two streets.
- (d) **Porches and Eaves.** For the purpose of determining compliance or non-compliance with the foregoing building line requirements, porches, terraces, eaves, wing-walls and steps extended beyond the outside wall of a structure shall not be considered as a part of the structure. However, this provision shall not be construed to authorize or permit encroachment upon any easements or rights-of-way or property of an adjacent owner.

4. **DESIGN AND SITE APPROVAL.** After the initial construction of the main dwelling has been completed, no garage, carport, room, building, utility shed or similar structure customarily incident to the residential use of the lots subject to these restrictions (except as otherwise provided below) whether attached or detached from the main dwelling, shall be erected, placed, altered or permitted to remain on any lot unless the design plans and location of the same shall have been approved in writing by the Developer, its successors or assigns. If the Developer fails to approve or disapprove such design, plans and location within 14 days after receipt of written plans and specifications, then further approval will not be required but will be deemed to have been waived. Developer shall be entitled to stop any construction in violation of these restrictions so long as Developer owns any lot or lots within the subdivision above named or other sections of the same subdivision as may be shown on other maps recorded in the Public Records of the County wherein such subdivision properties are situate. Notwithstanding the foregoing, there shall be no limitation on and no approval shall be required with reference to design and location of any porch, stoop or terrace which may be added to the main dwelling, and any accessory structure must be located to the rear of the main dwelling.

5. **DWELLING BUILDING COST AND AREA REQUIREMENTS.** No dwelling shall be erected or placed on any lot at a cost of less than \$25,000.00 in the case of a single-family dwelling, nor constructed or maintained so as to have a ground floor heated living area (exclusive of uncovered porches, stoops, terraces, attached garages or carports) of less than 1400 square feet in the case of a one story or 1000 square feet in the case of a two story, or 400 square feet in the case of a split-level dwelling. The building costs prescribed herein are to be based on costs as of Nov. 1, 1972. It is Developer's purpose and intent to require in each instance the erection of such a dwelling or structure as would have cost not less than the prescribed minimum if it had been erected on the above date to the end that reasonable values among dwellings constructed at different times may remain comparable.

6. **OBSTRUCTIONS TO VIEW AT INTERSECTIONS.** The lower branches of trees, or other vegetation, in sight line approaches to any street or street intersection shall not be permitted to obstruct the view of said approach.

7. **WALLS, FENCES, HEDGES AND DELIVERY RECEPTACLES.**

- (a) No wall, hedge, mass planting or other similar obstruction exceeding three feet in height (and no fence of any type or height) shall be erected or permitted to remain between the street right-of-way and the applicable minimum building set back line which the dwelling faces.

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