MC LEAN COUNTY PERMIT APPLICATION

CONDITIONAL USE 🗇 ZONING CHANGE 🗐 SUBDIVISION PLAT 📵 TEMP, USE 🗖 Name of applicant: Richard & Betty Schlichting 4087 14th St NW, Garrison ND 58540 Mailing address: 440-204-8262 (Betty) Telephone Number (440) 204-5262 ____(ofc) _____(res) Property is located in the SE (Quarter), Section 32, Township 148 Range 85 ____, or more specifically identified as: Part of the west half of the east half and the east half of the east half of the west half of southeast quarter of section 32, township 148 North, Range 85 West, McLean County, North Dakota 12 10+5 Purpose of requested change: Develop a subdivision for rural housing. Describe proposed construction: Construct new roads for subdivision built to county standards including culverts drainage ditches and rural water lines. Present land use: Proposed land use: Additional items required to be attached: Map of area Boundary line survey of site Preliminary map showing location of structures. ☐ Timing schedule indicting the starting and completion dates.

(MAKE CHECK PAYABLE TO McLEAN COUNTY TREASURER)

☐ Written approval of highway authority for new access roads.

Permit application fee in the amount of \$ 600 = 500/4

SEC 32 ACCEPTED AS WEST QUARTER CORNER OF SECTION 32 NB9"24"51"W 3626.80 A PLAT OF PART OF THE WEST HALF OF THE EAST HALF AND THE EAST HALF OF THE EAST HALF OF SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 148 NORTH, RANGE 85 WEST, MCLEAN COUNTY, NORTH DAKOTA. NW1/4 0F THE SET/4 85 N00"54"57"E \$??????? STREET 88.00 (85,652 Sq. FT.) (1.51 AC.) SCHLICHTING'S SECOND SUBDIVISION (72,440 SQ. FT.) (1.86 AC.) EXSENT THURY 'O' (71,264 SQ, FT) (1,64 AC.) 10' UTILITY EASEMENT LEGEND ROW MONUMENT FOUND SET 5/8"X18" REBAR WITH ORANGE PLASTIC CAP 14730 LOT LINE EXISTING EASEMENT LINE EXISTING LOT LINE 42 (72,244 SQ, FT,) (1,69 AC.) \$ 50 E 1885 20007 ----CLARK STREET NB977'4B"W BLOCK 1 2 (70,750 SQ. FT.) (1.52 AC.) 589'24'51'E EXA.61" BLOCK 1 BLOCK 2 (85,858 SQ. FT.) (1.51 AC.) 3,15,42,685 PLAT OF 923.54 BLOCK 3 989.63* (72,347 SO, FT.) (1.86 AC.) BASIS OF BEARINGS: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NADB3(2011). UTILITY EASEMENTS ARE 10" MIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF WAYS AS SHOWN UNLESS OTHERWISE NOTED. EASEMENTS OF RECORDS. ANGUST 2. 2012 AS DOCUMENT NO. STORIES. 24.00 CARRISON RURAL WATER ASSOCIATION RICHT DE WAY EASSMENT, RECORDED JULY 20, 1993 AS DOCUMENT NO. 320660. 989.31 ??????? STREET IO" UTBLITY ENSTING R/W EASEMENT BOOK C-119, PAGE 029 (88,051 SQ. FT.) (2.02 AC.) 323.21 (75,965 SO, FT.) (1.74 AC.) 557/4 (81,079 SQ, FT.) (1.86 AC.) EASEMENT FASEMENT BLOCK ENSEMENT TO UTILITY AVENUE NW 46TH WI/2-EI/2-SEI/4 (CORP OF ENGMEERS BOUNDARY LINE) AVOURT 2: 1978 hook des PARE 449 NB924'51"W 659.54" BOARD OF COUNTY COMMISSIONERS, APPROVED BY MCLEAN COUNTY, NORTH DAKOTA. ATTEST: ON THIS DAY OF DAY OF 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SMAD COUNTY AND STATE, PERSONALLY APPEARED BETTY A. SCHLICKTING, THE PERSON DESCRIBED IN AND WHO EXECUTED THE FORECASTO THE FORECAST STATE OF NORTH DAKOTA) COUNTY OF MCLEAN) AE, HE MUSESSHED, DO JEERST CERTY THAT HE ARE THE COMMENT OF THE LAND CESSERED M. HE ALT, OF "SCHLESTINGS SECOND SIGNASCH", A PLAT OF THAT PART OF THE MENT OF THE ON THS DAY OF A THE PERSON DESCRIBED III AND THE PERSON DESCRIBED III AND THE PERSON DESCRIBED III AND THE SAID COUNTY AND STATE, PERSONALLY APPEARD, WAS ALBER, REGISTRED I AND SERVICE, INSTRUMENT AND ACKNOMETISCH TO BE THE PERSON DESCRIBED III AND THE EXECUTED THE FORECOME INSTRUMENT AND ACKNOMETISCH TO BE THAT HE EXECUTED THE SAME AS HIS FREE HAT AND TOOLS. AMERIA MERIODELY MENDE DEPOSE AND ANS THAT HE ME RECERTED LAND SHIR FOR MAN DEPOSED DAMING THE ATTACHD RAT OF "SCHLICHMESS SECTION BURDINGS". A RAT OF PART OF THE MET HAT OF THE SECTION AND THE AST HALF OF THE AST HALF OF THE SECTION AND THE SECTION ASSOCIATED AS THE SECTION ASSOCIATED AS THE SECTION ASSOCIATED AS THE SECTION AS THE SEC COUNTY PLANNING AND ZONING COMMISSION REVEWED BY THE MOLEAN COUNTY PLANNING AND ZONING COMMISSION THIS NOTARY PUBLIC, NICLEAN COUNTY, NORTH DAKOTA JAMES ALBER REGISTERED LAND SURVEYOR REG. NO. LS-4730 THAT PART OF THE MEST HALF OF THE EAST HALF (M/2 E1/2 SE)/4) AND THE EAST HALF OF THE EAST HALF OF THE MEST HALF (E1/2 E1/2 M/2 SE)/4) OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP HA NORTH, RANCE 85 MEST OF THE FIFTH PRINCIPAL MEDIDIAN, MCLEMI COUNTY, NORTH DAVOTA, DESCRIBED AS FOLLOWS: RICHARD L. SCHLICHTING NOTARY PUBLIC, BURLEICH COUNTY, NORTH DAKOTA STATE OF NORTH DAKOTA) COUNTY OF BURLEIGH Line # Bearing Langth Li NO421'01'E 41.25' Li NO421'01'E 41.25' AN0421'01'E 41.25' IOTARY PUBLIC, COUNTY TRACT CONTAINS 24.78 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, REST BETH A. KNUTSON, AUDITOR STEVE COTTINGHAM, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS DIANE L BLUMHAGEN, DEPUTY AUDITOR RICHARD HULTBERG, CHAIRPERSON . THIS BETTY A. SCHLICHTING NATURAL DESCRIPTION OF THE PARTY OF THE PART 2023 moore engineering, inc. SHEET 1 OF 1 PROJ. NO. 23016



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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Reservations and Restrictive Covenants

Schlichting's Second Subdivision

To the Public:

This is a Declaration of Reservations and Restrictive Covenants of Lots One (1) through Four (4) of Block One (1), Lots One (1) through Three (3) of Block Two (2), Lots One (1) through Four (4) of Block Three (3) and Lot One (1) of Block 4 of Schlichting's Second Subdivision.

Part of the West Half of the East half and the East Half of the East Half of the West Half of Southeast Quarter of Section 32, Township 148 North, Range 85 West.

If the owners of such lots or any of them, or their heirs or assigns shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situated in such subdivision to prosecute any proceedings at law or in equity against the person or persons violating any such covenants, and either to prevent his from doing so or to recover damages for such violation, or both.

It is agreed as follows:

- 1. These restrictive covenants shall apply to all lots contained within the Schlichting's Second Subdivision as described above.
- 2. These restrictive covenants, as recorded with the Register of Deeds of McLean County, North Dakota, are to run with the land, in perpetuity, and shall be made a part of every deed, lease, or other instrument concerning either the possession of property interest of any of the above described property.
- 3. The provisions and conditions of the following restrictive covenants shall be binding on the undersigned, their heirs, representatives and assigns and all future and subsequent owners and interest holders.
- 4. The property will be used for residential purposes only.
- 5. No subdividing of any lot will be permitted, nor any variances be allowed.
- 6. Only one single family dwelling will be erected on each lot, not to exceed two stories. Each dwelling will have a minimum area of not less than eight hundred square feet (800 sq. ft) on the main floor, exclusive of garages, porches, or car ports. The minimum lot will be Sixty-five thousand three hundred forty square feet (65,340 sq. ft). The minimum front yard set back of the dwellings and outbuildings will be thirty-five feet (35') and the rear, thirty feet (30'). The minimum side yard clearance of the dwellings from the lot line shall be not less than fifteen feet (15'). One detached storage building, not larger than 3,600 sq. ft., one story in height; with sidewalls not to exceed 18' may be constructed. This building must have straight walls and the exterior of such building shall be a neutral color consistent with residential construction, no silver metal. In Schlichting's Second Subdivision

mobile homes are not permitted unless they are at least twenty-four (24) feet wide and ten (10) years or newer, and in good condition, at the time of placement. Mobile homes are to be placed on a permanent foundation, or on permanent piers so as to meet conventional financing requirements. All mobile homes must be skirted with proper coloring to the home. A mobile or trailer type home may be used as a

temporary dwelling during a period of construction of a permanent dwelling for up to one (1) year with consent from all adjoining landowners of Schlichting's Second Subdivision.

- 7. No cattle, horses, chickens, pigs, or other animals, except domestic pets, are permitted on the premises. There will be no tolerance for vicious dogs and nuisance barking.
- 8. The water supply and sanitary disposal must conform to the standards of the state and district health departments.
- 9. Weeds must be mowed or sprayed to reduce fire hazards a minimum of one time per year.
- 10. The owner of each lot shall make provisions for adequate off-street parking.
- 11. Unsightly storage of old cars, junk, trach, unlicensed vehicles is prohibited.
- 12. No Shacks, Huts, Street Cars, Railroad Cars, Buses and Mobile homes in disrepair are not permitted.
- 13. Temporary Use of Recreational Vehicle on Residential Property:

 One (1) recreational vehicle may be used as temporary accommodation to allow the property owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with the written approval of the McLean County Land Use Administrator upon receipt of an approved site plan, building permit, construction schedule, and such shall not exceed one (1) year in duration, unless authorized by the McLean County Zoning Commission. The unit may be placed on the site only upon receipt of a valid building permit for a single-family dwelling and must be removed from occupancy within seven (7) days of completion of the residence. The unit shall comply with all setbacks appropriate to the zone in which it is to be placed and shall not be parked on nor in any way obstruct public right of way. No person other than the owner of the residential property shall occupy the unit and the unit shall not be used as a temporary rental unit. A recreational vehicle is considered occupied if it is used as living quarters on any calendar day.
- 14. <u>Temporary Use of Recreational Vehicle Requirements for Camping on Residential Property:</u>

The use of one (1) recreational vehicle as a Temporary accommodation for guests may be allowed on "developed residential property" with an established residential use. The unit shall not be parked on nor in any way obstruct any public right-of-way, and shall be located a minimum of five (5) feet from another structure. The unit may not be skirted, provided a deck or patio above ground level, and the discharge of any gray water or sewage is prohibited. Use of the unit shall not exceed four (4) days at any one time or sixteen (16) days in any calendar year.

15. ROAD MAINTENANCE: The roads within this development are dedicated for

- public use. Post installation maintenance is the responsibility of the owners of this development. Costs of such maintenance shall be equally shared between the lots benefitting from such maintenance. Maintenance shall be approved by a simply majority of the affected owners. Established approaches shall be shared by lots that are adjacent to said approaches.
- 16. Building of the initial road, together with graveling and bringing the road to grade shall be the responsibility of Developer. Thereafter, any maintenance, including snow removal, on the roads within Schlichting's Second Subdivision shall be the responsibility of the Residential Lot Owners, acting by and through the Board of the Association. The roads shall be always the responsibility of those living there. The county will not take over the maintenance of these roads.
- 17. No building shall be used for commercial use of any kind.
- 18. It shall be the duty and obligation of the Residential Lot Owner of each lot to insure that the entire lot area is finish grade and seeded with grass to prevent erosion and infiltration of noxious weeds within sixty (60) days of occupancy, weather permitting. In the event inclement weather does not permit the completion of this task, the same must be completed by June 1 of the year following occupancy.
- 19.All improvements to individual properties are strictly the responsibility of the owner.
- 20. Individual boat docks and ramps are the responsibility of their owner.
- 21. RESTRICTIONS AGAINST POLLUTION: No building shall be constructed unless a permit shall have been received as may be required by the Zoning Regulations of McLean County, North Dakota. No septic tank or other means of sanitary disposal shall be constructed, used or maintained unless the same meets with the requirements of all state and local health laws, rules and regulations and in no event shall any person undertake or permit any use of the property which would be dangerous to the health of any person residing in the area. All leach and drain fields and septic tanks shall be designed according to the State Health Department requirements.
- 22. Duration of these restrictions is through the year 2023 and automatically extended for ten (10) years periods, unless by a vote of eighty percent (80%) of the then owners it is agreed to change all or part. No changes will be made until at least seven (7) of the lots are sold.
- 23.All owners must agree to become members of the property owner's association, whose duty it will be to govern the affairs of the subdivision.
- 24. GRADING: Neither grantee nor any person or persons claiming under him shall or will at any time raise the grade of any lot or lots which would affect adjoining lots.
- 25.NUISANCES: No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause

such lot to appear in an unclean or untidy condition or that will be obnoxious to the eyes, or shall any substance, thing, or material be kept upon any lot that will emit foul or obnoxious orders or that will cause any noise that will cause any noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of surrounding property. Unsightly storage of old cars, junk, trash, and unlicensed vehicles is prohibited.

- 26.**SIGNS:** No signs of 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 a builder to advertise the property during the construction and sales period.
- 27. PARTIAL INVALIDITY: If any Covenants or condition or restriction herein above contained, or any portion thereof, is valid or void, such invalidity or void shall in no way affect any other covenant, condition or restriction.

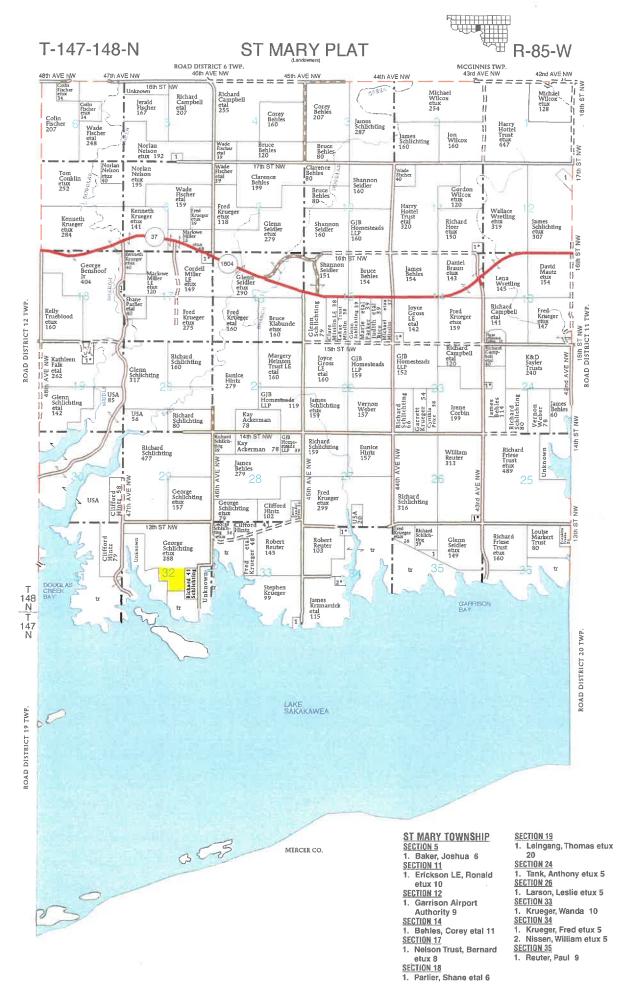
WITNESS WHEREOF, the owne	rs have caused the	se presents to be signed this
day of	_	
		V
		Nahard Cabilabilia
		Richard Schlichtinq
		X
		Betty Schlichting
STATE OF NORTH DAKOTA)	
	(ss	
COUNTYOFMCLEAN)	
On this days of	, before	e me, a notary public, personally
appeared	and	known to me to be the
persons described in the foregoing that they executed the within and f		
(SEAL)		
		Notary Public
	ľ	My commission expires:

38-32-5024 38-32-5023-010 MC LEAN COUNTY PERMIT APPLICATION St. Mary 146-65

CONDITIONAL USE 🗇 ZONING CHANGE 🗇 SUBDIVISION PLAT 🖪 TEMP. USE 🗇

Name of applicant:	George Schlichting & Bernice	<u>ي</u>		_			
Mailing address:	132 5th St NE Garrison, ND 58540						
				_			
Telephone Number	(701) 337-6597	_(ofc)					
Property is located i	in the SE (Quarter),	Section 32,	Township 148	,			
Range ⁸⁵	, or more specifically identified a	IS:					
				lf of			
	22 lots						
Purpose of requeste Develop a subdivision f	•						
Describe proposed	construction:						
Construct new roads fo water lines.	r subdivision built to county standards	including culverts drain	age ditches and rural				
Present land use:	gricultrual						
	Residential						
Additional items req	uired to be attached:						
☐ Map of area							
☐ Boundary line st	urvey of site						
Preliminary map	showing location of structures.						
☐ Timing schedule	indicting the starting and comp	letion dates.					
	I of highway authority for new ac	ccess roads.	26				
Permit application	on fee in the amount of \$ <i>\lo</i>	750	0/Airs+ 10 +	12 10+9			
(MAKE	E CHECK PAYABLE TO McLE	AN COUNTY TREA	(SURER) 😃 🖣	550/200			

S89"24"51"E 1833.82" COUNTY PLANNING AND ZONING COMMISSION REVIEWED BY THE HOLEAN COUNTY PLANNING AND ZONING BOARD OF COUNTY COMMISSIONERS APPROVED BY MCLEAN COUNTY, NORTH DAKOTA BETH A. KNUTSON, AUDITOR STEVE COTTINGHAM, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS DIANE L. BLUMHAGEN, DEPUTY AUDITOR RICHARD HULTBERG, CHAIRPERSON GOVERNMENT N86'24'30"W 303.99" 1,07 BOUNDARY RADIUS LENGTH CENTRAL ANGLE POINT OF BECOMING PLAT BOUNDARY UNE LOT LINE EXISTING EASEMENT LINE EXISTING LOT LINE IRON MONUMENT FOUND SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #5900 A PLAT OF PARTS OF THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER, THE WEST HALF OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER AND RESERVATION BOUNDARY 740.00 PART OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 148 NORTH, RANGE 85 WEST, MCLEAN COUNTY, NORTH DAKOTA. 20" ACCESS AND PRANACE EASEMENT BOUNDARY (89,512 SO, FT.) (1.00 AC.) 482.86 2023 N89'24'51"W 365.40 9 (88,401 SQ. FT.) (1.52 AC.) (72,242 50 FT.) (1.86 AC.) UTILITY EASEMENTS ARE 10" MIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF MAYS AS SHOWN UNLESS OTHERWISE NOTED. BASIS OF BEARINGS: NORTH DAKOTA STATE PLAN CDORDINATE SYSTEM, NORTH ZONE, NADBJ(2011). EASEMENTS OF RECORD: RTC RIGHT OF WAY EASEMENT, RECORDED AUGUST 2, 2012 AS DOCUMENT NO. 3375612. 500.00 SCHLICHTING'S THIRD SUBDIVISION GARRISON RURAL WATER ASSOCIATION RIGHT OF WAY EASEMENT, RECORDED JULY 2D, 1993 AS DOCUMENT NO. 320568. 2023 DUARTER SECTION LINE 353.00 THE SET /4 338.97 (85,305 SQ. FT.) (1.50 AC.) 72,633 SQ, FT.) (1.87 AC.) 353.00 11 (65,658 SQ, FT,) (1,51 AC.) (66,088 S0, FT,) (1.52 AC.) (65,554 SQ. FT.) (1.50 AC.) (65,658 SO FT.) (1.51 AC.) BLOCK 1 PLAT OF 750, PG.0883 TO PARTIE 10' UTILITY . (76,475 SQ. FT.) (1.75 AC.) 1792.98 Qurve # Langth Cr 83.17' C2 70.38' C3 80.04' C4 93.51' C5 307.11' 383.00 EASEMENT . 12 (65,608 SQ. FT.) (1.51 AE.) th Readon Delta Once O Beering 7 80.00 977241 90.02 5070417 8 80.00 877247 80.02 5070417 4 80.00 877257 50.07 507057 11 90.00 8977557 80.00 5070570978 ???? STREET CLARK STREET QUARTER SECTION LINE -353.00 EASEMENT TYP? STREET 13 (65,658 SQ. FT.) (15) AC.) BLOCK 2 989'24'51'E 570.45' (70,177 SQ. FT.) (1.81 AC.) (70,425 SQ, FT.) (1.62 AC.) 2 (70,186 SQ, FT,) (1.61 AC.) 4 (70,168 S0, FT.) (1.61 AC.) 5 (71,015 SQ, FT;) (1.83 AC.) 3821 T 382 74'02" 392.04'02'6 391,41027 353.00 14 (65,658 SQ. FT.) (1.51 AC.) ID' UTILIT 363.00 EAST LINE OF THE WIN/2-E1/2-WIN/2 OF THE SEI/4 7 (80,102 SQ. FT.) (1.84 AC.) (1.84 A) (1.84 A) (1.84 A) (1.87 A) (1. 15 (86,017 SQ, FT) (1.52 AC.) 9.0.8 S89"24"51"E 1648.85" CORNER SET CONNER OF SECTION 32 STATE OF HORTH DAKOTA) COUNTY OF MCLEAN) WE, HE LUNGSCHED, DO HERRY CREETY HAIT WE ARE THE OWNESS OF HE LAND DESCRIBED IN HE ALT OF "SCHLISHINGS" THEIR SUBJUNIONS", APILL OF THOSE PARTS OF HE WEST HALF OF HE WEST HA OF WAY OF RECEID, IF MAY, AGES, MORES, MORES NOTARY PUBLIC, COUNTY, NOTARY PUBLIC, MICLEAN COUNTY, NORTH DAKOTA ON THE DAY OF DAY OF THE PROCESS OF DEDICATION ON THIS DAY OF FOREDWIG INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE CRECUTED THE SAME AS HIS FREE ACT AND COUNTY DESCRIPTION OF FOREDWIG INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE CRECUTED THE SAME AS HIS FREE ACT AND LOVER TO BE THAT FREE THAT HE CRECUTED THE SAME AS HIS FREE ACT AND COUNTY TO THAT THE CRECUTED THE SAME AS HIS FREE ACT AND COUNTY TO THAT THE CRECUTED THE SAME AS HIS FREE ACT AND COUNTY TO THAT THE CRECUTED THE COUNTY THAT THAT THE CRECUTED THE COUNTY THAT THE CRECUTED THE COUNTY THAT THE CRECUTED THE CRECUTED THAT THE CRECUTED THAT THE CRECUTED THE CRECUTED THAT THAT THE CRECUTED THAT STATE OF NORTH DAKOTA) COUNTY OF BURLEIGH) CONCENSES AT THE MORPHEST COMING OF SEED EXTENSION CONTRIBUTE, THOSE MORE NO DECRESS AT MUNICIPAL SECTION OF S AMEG ALBE, REM DALY SWORK (DODGS AND SAT PATHES) THE RECESTED THAD SWRFCOM WHO PREVIOUS DAN UUX HIM-ATHACHD PATH OF "SOUTHWATCH PREVIOUS PATHES, THE WEST WALK FOR THE WEST WALK FOR THE WEST WALK FOR SAT PATHES, THE WEST WALK FOR THE WEST WAS THE WAS THE WEST WAS THE WAS THE WEST WAS THE WAS THE WEST WAS THE WEST WAS THE WEST WAS THE W NOTARY PUBLIC, BURLEICH COUNTY, NORTH DAKOTA JAMES ALBER REGISTERED LAND SURVEYOR REG. NO. LS-4730 KONDE SCHLICHTING THOSE PARTS OF THE WEST HALF OF THE WEST HALF (M/2 W/2 SEL/A) AND THE WEST HALF OF THE LEST HALF OF THE WEST HALF (M/2 E/2 M/2 SEL/3 OF THE CORRESSED CALARTER, AND PART OF COMERNINGEN LOT, 3 OF ALL LOCKIED, WESTICM, 32, TOMMSHIND HAD HADRIN, RANGE 85 WEST OF THE FFTH PRINCIPAL MERDIAN, MCMEAN COUNTY, NORTH DANCHA, DESCRIBED AS TOLLOWS. moore engineering inc. REGISTER SOLANOS SHEET 1 OF 1 PROL NO. 2284 ALBER LS-4730 III III SCHLICHIIII D IN AND WHO DEED. AND RIGHTS



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Reservations and Restrictive Covenants

Schlichting's Third Subdivision

To the Public:

This is a Declaration of Reservations and Restrictive Covenants of Lots One (1) through Fifteen (15) of Block One (1) and Lots One (1) through Seven (7) of Block Two (2) of Schlichting's Third Subdivision.

Parts of the West Half of the West Half of the Southeast Quarter, the West Half of the East Half of the West Half of the Southeast Quarter and Part of Government Lot 3, Section 32, Township 148 North, Range 85 West.

If the owners of such lots or any of them, or their heirs or assigns shall violate any of the covenants hereinafter set out, it shall be lawful for any other person owning real property situated in such subdivision to prosecute any proceedings at law or in equity against the person or persons violating any such covenants, and either to prevent his from doing so or to recover damages for such violation, or both.

It is agreed as follows:

- 1. These restrictive covenants shall apply to all lots contained within the Schlichting's Third Subdivision as described above.
- 2. These restrictive covenants, as recorded with the Register of Deeds of McLean County, North Dakota, are to run with the land, in perpetuity, and shall be made a part of every deed, lease, or other instrument concerning either the possession of property interest of any of the above described property.
- 3. The provisions and conditions of the following restrictive covenants shall be binding on the undersigned, their heirs, representatives and assigns and all future and subsequent owners and interest holders.
- 4. The property will be used for residential purposes only.
- 5. No subdividing of any lot will be permitted, nor any variances be allowed.
- 6. Only one single family dwelling will be erected on each lot, not to exceed two stories. Each dwelling will have a minimum area of not less than eight hundred square feet (800 sq. ft) on the main floor, exclusive of garages, porches, or car ports. The minimum lot will be Sixty-five thousand three hundred forty square feet (65,340 sq. ft). The minimum front yard set back of the dwellings and outbuildings will be thirty-five feet (35') and the rear, thirty feet (30'). The minimum side yard clearance of the dwellings from the lot line shall be not less than fifteen feet (15'). One detached storage building, not larger than 3,600 sq. ft., one story in height; with sidewalls not to exceed 18' may be constructed. This building must have straight walls and the exterior of such building shall be a neutral color consistent with residential construction, no silver metal. In Schlichting's Third Subdivision

mobile homes are not permitted unless they are at least twenty-four (24) feet wide and ten (10) years or newer, and in good condition, at the time of placement. Mobile homes are to be placed on a permanent foundation, or on permanent piers so as to meet conventional financing requirements. All mobile homes must be skirted with proper coloring to the home. A mobile or trailer type home may be used as a

temporary dwelling during a period of construction of a permanent dwelling for up to one (1) year with consent from all adjoining landowners of Schlichting's Third Subdivision.

- 7. No cattle, horses, chickens, pigs, or other animals, except domestic pets, are permitted on the premises. There will be no tolerance for vicious dogs and nuisance barking.
- 8. The water supply and sanitary disposal must conform to the standards of the state and district health departments.
- 9. Weeds must be moved or sprayed to reduce fire hazards a minimum of one time per year.
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- 11. Unsightly storage of old cars, junk, trach, unlicensed vehicles is prohibited.
- 12. No Shacks, Huts, Street Cars, Railroad Cars, Buses and Mobile homes in disrepair are not permitted.
- 13. Temporary Use of Recreational Vehicle on Residential Property:

 One (1) recreational vehicle may be used as temporary accommodation to allow the property owner to construct a permanent residence or remodel an existing residence on the lot. The use of the recreational vehicle shall be authorized with the written approval of the McLean County Land Use Administrator upon receipt of an approved site plan, building permit, construction schedule, and such shall not exceed one (1) year in duration, unless authorized by the McLean County Zoning Commission. The unit may be placed on the site only upon receipt of a valid building permit for a single-family dwelling and must be removed from occupancy within seven (7) days of completion of the residence. The unit shall comply with all setbacks appropriate to the zone in which it is to be placed and shall not be parked on nor in any way obstruct public right of way. No person other than the owner of the residential property shall occupy the unit and the unit shall not be used as a temporary rental unit. A recreational vehicle is considered occupied if it is used as living quarters on any calendar day.
- 14. <u>Temporary Use of Recreational Vehicle Requirements for Camping on Residential Property:</u>

The use of one (1) recreational vehicle as a Temporary accommodation for guests may be allowed on "developed residential property" with an established residential use. The unit shall not be parked on nor in any way obstruct any public right-of-way, and shall be located a minimum of five (5) feet from another structure. The unit may not be skirted, provided a deck or patio above ground level, and the discharge of any gray water or sewage is prohibited. Use of the unit shall not exceed four (4) days at any one time or sixteen (16) days in any calendar year.

15. ROAD MAINTENANCE: The roads within this development are dedicated for

- public use. Post installation maintenance is the responsibility of the owners of this development. Costs of such maintenance shall be equally shared between the lots benefitting from such maintenance. Maintenance shall be approved by a simply majority of the affected owners. Established approaches shall be shared by lots that are adjacent to said approaches.
- 16. Building of the initial road, together with graveling and bringing the road to grade shall be the responsibility of Developer. Thereafter, any maintenance, including snow removal, on the roads within Schlichting's Third Subdivision shall be the responsibility of the Residential Lot Owners, acting by and through the Board of the Association. The roads shall be always the responsibility of those living there. The county will not take over the maintenance of these roads.
- 17. No building shall be used for commercial use of any kind.
- 18. It shall be the duty and obligation of the Residential Lot Owner of each lot to insure that the entire lot area is finish grade and seeded with grass to prevent erosion and infiltration of noxious weeds within sixty (60) days of occupancy, weather permitting. In the event inclement weather does not permit the completion of this task, the same must be completed by June 1 of the year following occupancy.
- 19. All improvements to individual properties are strictly the responsibility of the owner
- 20. Individual boat docks and ramps are the responsibility of their owner.
- 21. <u>RESTRICTIONS AGAINST POLLUTION:</u> No building shall be constructed unless a permit shall have been received as may be required by the Zoning Regulations of McLean County, North Dakota. No septic tank or other means of sanitary disposal shall be constructed, used or maintained unless the same meets with the requirements of all state and local health laws, rules and regulations and in no event shall any person undertake or permit any use of the property which would be dangerous to the health of any person residing in the area. All leach and drain fields and septic tanks shall be designed according to the State Health Department requirements.
- 22. Duration of these restrictions is through the year 2023 and automatically extended for ten (10) years periods, unless by a vote of eighty percent (80%) of the then owners it is agreed to change all or part. No changes will be made until at least fourteen (14) of the lots are sold.
- 23. All owners must agree to become members of the property owner's association, whose duty it will be to govern the affairs of the subdivision.
- 24. **GRADING:** Neither grantee nor any person or persons claiming under him shall or will at any time raise the grade of any lot or lots which would affect adjoining lots.
- 25.NUISANCES: No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause

such lot to appear in an unclean or untidy condition or that will be obnoxious to the eyes, or shall any substance, thing, or material be kept upon any lot that will emit foul or obnoxious orders or that will cause any noise that will cause any noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of surrounding property. Unsightly storage of old cars, junk, trash, and unlicensed vehicles is prohibited.

- 26.**SIGNS:** No signs of 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 a builder to advertise the property during the construction and sales period.
- 27.**PARTIAL INVALIDITY:** If any Covenants or condition or restriction herein above contained, or any portion thereof, is valid or void, such invalidity or void shall in no way affect any other covenant, condition or restriction.

WITNESS W	HEREOF, the own	ers have c	aused the	ese presents to be signed this	
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				X	
				George Schlichtinq	
				V	
				Bernice Schlichtinq	
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On this	days of		, before	e me, a notary public, personally	
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