

HARVEST VIEW ACRES

LEGAL DESCRIPTION:

PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 5 WEST OF THE 3RD PRINCIPAL MERIDIAN, MADISON COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 3; THENCE SOUTH 01 DEGREES 05 MINUTES 19 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 479.31 FEET TO AN IRON PIN FOUND AT ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF ST. ROSE ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREES 05 MINUTES 19 SECONDS EAST, ALONG SAID WEST LINE, 2193.54 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 3; THENCE NORTH 88 DEGREES 23 MINUTES 48 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 1321.42 FEET TO AN IRON PIN FOUND AT THE SOUTHEAST CORNER OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 3; THENCE NORTH 02 DEGREES 15 MINUTES 01 SECONDS WEST, ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, A DISTANCE OF 1252.46 FEET TO THE SOUTHEAST CORNER OF A TRACT CONVEYED TO REHBERGER BY A DEED RECORDED IN BOOK 2059 ON PAGE 222 IN THE MADISON COUNTY RECORDS; THENCE NORTH 77 DEGREES 19 MINUTES 16 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID REHBERGER TRACT, AND ALONG THE SOUTHERLY LINE OF A 16-FOOT WIDE STRIP CONVEYED TO REHBERGER BY A DEED RECORDED IN BOOK 2110 ON PAGE 319 IN THE MADISON COUNTY RECORDS, A DISTANCE OF 616.26 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 02 DEGREES 01 MINUTES 29 SECONDS WEST, ALONG THE WEST LINE OF SAID REHBERGER TRACT, 544.00 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF ST. ROSE ROAD; THENCE NORTH 71 DEGREES 57 MINUTES 19 SECONDS WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 728.78 FEET TO THE POINT OF BEGINNING.

SECTION I

GENERAL PROVISIONS: The property, including all streets and roadways, and all additional property which shall become subject to these Restrictions, shall be subjected to the following use Restrictions:

- 1) **Specifications:** The property shall be used for single family residential purposes only.
 - a) **Floor plans including front, side and rear elevations must be presented.**
 - b) **Name of general contractor or construction company.**
- 2) **Obstruction of Traffic:** No fence, wall, tree, hedge or shrub planting shall be maintained in such a manner as to obstruct sight lines for vehicular traffic, as defined by all municipalities having authority therefore.
- 3) **Nuisances:** No noxious or offensive activity shall be carried on or upon any portion of the property, nor shall anything be done thereon that may be or become a nuisance or annoyance to the neighborhood, or which would tend to make the neighborhood undesirable for residential purpose. No exterior lighting shall be directed outside the boundaries of a lot or other parcel.

- 4) **Grades:** After the original finished construction grades have been satisfactorily established, there shall be no changes in existing grade on any lot without written consent of the then-owner of all adjacent lots and developer. No owner shall change, alter, or block the flow of surface water to affect the flow from or across any other lot or portion of the property. Generally, surface water shall be directed to flow along the lot lines.
- 5) **Roof Pitches:** Roofs on all dwelling must be at least 6/12 pitch with front gables of 8/12 pitch and shall be covered with architectural grade shingles and have simulated shake design appearance.
- 6) **Livestock and Animals:** No hogs, cows, goats, birds, livestock or animals of any kind other than domestic pets (except house pets with vicious propensities), shall be brought onto or kept on the property, dogs shall not be allowed to run at large. No kennels for breeding animals of any kind shall be established. Dogs shall not be permitted to bark continuously.
- 7) **Parking of Motor Vehicles, Boats, and Trailers:** Not more than one truck or commercial vehicle, boat, motor home, or trailer of any description may be parked or stored outside an approved detached structure or on a designated concrete pad as provided for in these Restrictions. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles such as pickup, delivery, and other approved construction. No inoperative vehicles or apparatus may be kept, maintained, or repaired anywhere in the subdivision. There shall be no overnight parking on the roads or streets of the development.
- 8) **Temporary Structures:** No garage, trailer, basement or other partially completed temporary structure shall be occupied for residential purposes. No partially destroyed or dilapidated structure open basement shall be allowed to remain upon any portion of the property.
- 9) **Dumping of Rubbish:** No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Such material shall be kept in sanitary containers, or incinerators or other equipment for the storage or disposal of such material, which equipment shall be kept in clean and sanitary condition and out of view from the front of the lot except for the day of trash pick-up.
- 10) **Care and Appearance of the Premises:** All lots shall be mowed at regular intervals and kept free of unsightly weeds, brush, and rubbish. The Developer shall have the right upon thirty (30) days notice to care for vacant or unimproved property and to remove grass, weeds, and rubbish and to do any and all things necessary or desirable in the opinion of Developer to keep such property neat and in good order, all at the cost and expense of the owner.
- 11) **Sewage Disposal:** Each dwelling constructed on any lot on the property shall be equipped with a private sewer system plated by an Illinois Registered Professional Engineer or Architect, consisting of a mechanically aerated digester or other devices, septic tanks and a disposal field system so designed, constructed and operated so as to provide sewage disposal for the premises and so as to be free of odor, and so as to prevent the seepage of septic water to the surface of the property or to enter any ground water streams or pipes flowing from said premises. No sewage or stagnant water shall be allowed to stand upon any tract.
- 12) **Detached Structures:** Not more than one (1) detached garage or outbuilding, not to exceed 48 feet in length by 36 feet in width, may be constructed on any tract. The plans for same must be approved prior to commencement of construction in the same manner as for the dwelling houses. Said structure must be located in the rear yard, must have a gable, sloped roof, and must be architecturally consistent with the development.
- 13) **Gardens:** Not more than 1,000 square feet of any lot may be used for a vegetable garden, which must be located in the rear yard.

- 14) **Swimming Pools:** Swimming pools may be in-ground or above ground and must be located in the rear of the home. No swimming pools may be constructed or erected until the plans for same have been approved including approximate location.
- 15) **Satellite Dish:** Satellite dish antennae must be attached to the home.
- 16) **Propane tanks:** Propane tanks must be located substantially in-ground (below grade) of home.
- 17) **Fencing:** No fencing will be allowed except in rear of home. Not to exceed 6 feet in height. No chain-link fence will be approved for fencing. All fencing plans must be approved.
- 18) **Driveways:** Minimum 30 feet concrete apron in front of garage, remainder from the street to the dwelling house or approved detached structure, may be constructed of granular material, provided same must be reasonably attractive and appropriate for residential use (no slag, cinders or by-products of any type).

SECTION II

The construction of single-family dwelling upon any portion shall be subject to the following Restrictions:

- 1) **Land Use:** Each lot shall be used for the construction of not more than one single-family residential structure and not more than one (1) detached outbuilding.
- 2) **Square Footage Requirements:** The ground floor area of each single-family house, exclusive of one-story open porches, breezeways, garages and basements shall be not less than:
 - a. **1,600 square feet for a one-story dwelling**
 - b. **1,000 square feet on main level for a one-and-a-half or a two-story dwelling, with the total square footage being not less than 2,000 square feet of living area. Basements, garages, and outbuildings shall not be included in the computation of the required square footage.**
- 3) **Building Lines:** No building shall be located nearer to any street line nor to any side or back lines of a lot than the building lines shown on the plat. Prior to the recordation of the plat, no building shall be location nearer than fifty (50) feet and no further back than two hundred (200) feet from the street line nor fifty (50) feet to any side or back property line. However, where more than one (1) lot is used for the construction of one (1) overlapping dwelling or its appearances, the side line restrictions are waived on lines between the combined lots.
- 4) **Approval of Plan by Developer:** No construction shall commence on any lot until the following are approved; name of general contractor, plans, specifications and the type of materials for said proposed construction, including the general location and facing of the building and the finished grade. Developer may reject any plans for construction which in their opinion does not conform to the general subdivision development plan. During construction, Developer shall have access to said construction and ground, for the purpose of making inspection for the purpose of ascertaining whether the provisions hereof have been and are being fully complied with. Detached garages, outbuildings or any detached structure, including fences may be constructed or erected only after obtaining written approval of the general plans for the same. All subsequent improvements, additions, alterations replacements or repair shall be in harmony with the general architectural scheme of the development and of the same type of materials and workmanship. All construction shall be completed within twelve (12) months of the commencement thereof.

- 5) **Building Materials:** The permanent exterior of all building shall be of 85% face brick of front main floor and garage remainder of home to be maintenance free siding.
- 6) **Utility Easements:** Easements for installation and maintenance of utilities and drainage facilities are reserved to the Developer as shown on the plats. Such easements shall include the right of ingress and egress for construction and maintenance purposes. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage any structure installed in accordance with said easement, or interfere with the installation and maintenance of utilities, or which may change the direction of the flow of drainage in the easements, or which may obstruct or retard the flow water through drainage channels in the easements. The easement area of each lot and all improvements for which a public authority or utilize company is responsible.
- 7) **Homeowners Associated:** After all lots in the subdivision have been sold by the undersigned, or ten (10) years after the sale of the first lot, whichever comes first, the Harvest View Acres Homeowners Associated, hereafter established as an Illinois not-for-profit corporation shall be vested with all powers, duties and responsibilities of the Homeowner Associated as set out in these Covenants and Restrictions, including the power of assessment. Upon formation of the Homeowners Associated, the developer will convey "Common" to said Associated, who will own and be responsible for maintenance of said "Commons".

Subject to the Building and Zoning Regulations and to Easements, Covenants, Conditions and Restrictions of Record, if any situated in MADISON COUNTY, ILLINOIS.

Dated this _____ day of _____ 2020.

NAME

NAME