

PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

Located in E 1/2, Section 36, T15N,
R10W, Big Rapids Township, W 1/2,
Section 31, T15N, R9W, Colfax
Township, Mecosta County, Michigan.

Part 1. PREAMBLE:

The following covenants and restrictions are to be attached to the plat of the "Riverview Estates" and are to be made a part of said plat and are to be recorded in the office of the Register of Deeds in and for the county of Mecosta and shall subject said property from and after the date hereof to the Protective Covenants hereinafter contained. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Part 2. AREA OF APPLICATION:

The covenants and restrictions shall apply in their entirety to all the numbered lots presently within the plat of this fully protected residential area.

Part 3. LAND USE:

- 3-A All lots shall be used exclusively for residential purposes.
- 3-B No more than one single family dwelling house may be placed upon any lot.
- 3-C Any allowed structure that is erected must be set back not less than 45 feet from the front lot line; likewise, no structure shall be erected within 15 feet of any side lot line except, however, the set back for lots 39, 40, 46 thru 56, inclusive, and lots 106 thru 116, inclusive, shall be not less than 35 feet from the front lot line.

Part 4. BUILDING TYPE AND SIZE:

- 4-A 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 and a private garage for not more than three cars, together with not more than one necessary small outbuilding appurtenant thereto.
- 4-B On any lot, no building shall be permitted with a ground floor area of living space of less than 1000 square feet for a one-story building, and a ground floor area of less than 860 square feet for a dwelling of more than one story, except lots bordering on the river, which shall not be less than 1200 square feet of ground floor for a one-story building and not less than 1000 square feet for a dwelling of more than one story.

Carl Waldron
REGISTER OF DEEDS

79 MAR 19 49:34

STATE OF MICHIGAN
COUNTY OF MECOSTA
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PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

- 4-C All construction material must be new; all residences must have private inside bathroom facilities; all structures shall be completed on the exterior within six months from the start of construction and no exterior finishes of tar paper, rolled-brick siding, or other similar materials will be permitted.
- 4-D No house trailers, mobile homes, modular type houses of mobile home construction, tents, shacks, barns, basement homes, or similar structures shall be erected, moved to, or placed on said premises.

Part 5. EASEMENTS:

- 5-A Easements for the installation and maintenance of public utilities or drainage facilities are reserved along and within 8 feet of all side lot lines and 10 feet on all rear lines in this subdivision. Such other easements are hereby reserved to enter upon the premises, if necessary, to construct, operate, and maintain any other public improvements, pipes, poles, wires, etc. whether under or above ground.
- 5-B Drainage easements as indicated on the final plat plan shall be used for drainage purposes only, with the right of the Mecosta County Drain Commissioner and duly appointed deputies to make inspections or improvements as deemed necessary.

Part 6. NUISANCES:

- 6-A No noxious or offensive trade or activity shall be permitted on any lot, or shall anything be done thereon which shall be or become an annoyance or nuisance to the neighborhood. No animals or fowl shall be kept or maintained on any lot except customary household pets.
- 6-B Any tank for the storage of fuel placed or maintained on any lot outside of any building in this plat shall be located below the surface of the ground or screened from public view. Receptacles for ashes, refuse and garbage shall be so located and maintained so as not to be unsightly or conspicuous. No refuse pile or any other unsightly or objectionable material or thing shall be allowed or maintained on any lot in this plat.
- 6-C All inoperative automobiles, motorcycles, snow-mobiles, and other rolling stock or vehicles shall not be stored on any lot for more than seven days, unless kept within a garage or carport. A well maintained, neat appearing camper or trailer, may, if properly licensed with current year plates, be stored in rear yard of dwelling but is not to be occupied.

- Part 7. All septic tanks and water systems shall be constructed in conformance with and subject to the control and approval of the standards of the Department of Health of Mecosta County and the state of Michigan, or any similar governmental body having jurisdiction of the same.

PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

Part 8. No business, trade, or enterprise of any kind or nature whatsoever shall be conducted or carried out upon any lot or lots in said subdivision. However, professional home offices will be permitted. No signs 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 if 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.

Part 9. Any dwelling or garage on any lot in the plat which may in whole or in part be destroyed by fire, windstorm, or for any other reason, cause, or casualty, must be rebuilt or all debris removed and the lot restored to a slightly condition with reasonable promptness.

Part 10. Basic landscaping, including finished work, the seeding or sodding of the ground, and all installation of driveways must be completed within nine months after the date of occupancy of the dwelling structure.

Part 11. WATER SUPPLY AND SEWAGE DISPOSAL:

No water supply or sewage disposal system shall be permitted on any lot unless such system is located, constructed, and equipped in accordance with the requirements, standards, and recommendations and with the approval of the Health Department.

11-A Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 38, 67, 68, 69, 76, 77, 94, 95, 96, 97, 98, 99, 110, 111, 112, 113 and 114 are restricted so as to prohibit any conveyance or development upon such lots unless specific approval has been given by the Mecosta County Health Department. Such approval will be in writing and furnished to the Mecosta County Plat Board and Township officials and other agencies involved in the plat procedure; provided, however, such approval shall not be necessary at such time as public sewers are available for hookup.

11-B Specific plot plans have been developed for lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 47, 49, 61, 66, 78, 79, 80, 81, 91, 92 and 93, all of which are to become a part of this plat. Deviations from prepared plans will be allowed only after Health Department review of another acceptable plan prepared by an engineer, surveyor, or sanitarian.

11-C On those lots approved for improvement and development, septic tank/tile field sewage systems are to be installed in accordance with a preconceived plan which has been evaluated by a sanitarian from the Health Department. Determination of minimum sizes will be made during the evaluation process. All septic tanks will have an inspection port terminating in the top twelve (12) inches of final grade for the purpose of inspection and maintenance.

11-D Based upon information derived from test well data, well depths will be restricted to a minimum depth of 80 feet and will be constructed in accordance with ground water quality rules and regulations as adopted by the Mecosta County Health Department and the state of Michigan.

PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

Part 12. FLOOD PLAIN:

That any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall:

- 12-A No filling or occupation of the flood plain area will be allowed without the approval of the Department of Natural Resources.
- 12-B Have lower floors, excluding basements, a minimum of 1 foot higher than the elevation of the contour defining the flood plain limits.
- 12-C Have openings into basements not lower than the elevation of the contour defining the flood plain limits. The flood plain elevation being 867.7 (U.S.G.S. datum) for the Muskegon River and varies from 867.7 (U.S.G.S. datum) to 878.5 for Byers Creek.
- 12-D Have basement walls and floors, below the elevation of the contour defining the flood plain limits, watertight and reinforced to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the flood plain limit.
- 12-E Be equipped with positive means of preventing sewer backup from sewer lines and drains which serve buildings.
- 12-F Be properly anchored to prevent floatation.
- 12-G All restrictions stated in paragraph 12 shall not be amended and shall remain perpetual.

Part 13. As stated previously, these restrictions shall be considered as covenants running with the land and shall bind the purchasers of the above described property or any part thereof, or any interest therein, and shall further bind their heirs, executors, administrators, successors, and assigns, and if said owners, their heirs, executors, administrators, successors, or assigns shall violate, or attempt to violate, any of the covenants or restrictions herein contained, it shall be lawful for any person or persons owning any such lots or any real interest therein in the plat or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing, or to recover damages for such violation or attempt.

Part 14. All of the restrictions, conditions, covenants, or agreements contained herein shall continue for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by the majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part. Flood plain restrictions, part 12, can not be amended and shall remain in perpetuity.

Part 15. Any reasonable change, modification, or addition to the within restrictions shall be submitted in writing to the abutting lot owners and if so consented to in writing by said abutting lot owners, the change, modification, or addition shall be recorded and when recorded, shall be binding as the original restrictions. Flood plain restrictions, part 12, can not be amended and shall remain in perpetuity.

Part 16. ACKNOWLEDGMENT:

- 16-A Proprietor's: These restrictions shall run with the land and be binding upon and inure to the benefit of all parties claiming under or through them, and shall remain enforceable by any person holding land within the subdivision.

PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

T. A. FORSBERG, INC.

By: T. A. Forsberg
T. A. Forsberg, its President
Co-partner

Joseph Spagnuolo
Joseph Spagnuolo
Co-partner

James E. Burns
James E. Burns
Co-partner

Cyril W. Hackett
Cyril W. Hackett
Co-partner

Susan A. Kasel
Witness,
Susan A. Kasel

Susan A. Kasel
Witness,
Susan A. Kasel

ACKNOWLEDGMENT
CO-PARTNERSHIP

STATE OF MICHIGAN)
: ss.
COUNTY OF INGHAM)

On this 12th day of February, 1979, before me personally appeared T. A. Forsberg, Inc., James E. Burns, Cyril W. Hackett, and Joseph Spagnuolo, Co-partners of Riverview Estates, a co-partnership, to me known to be the persons who executed the foregoing instrument, and to me known to be such co-partners of said co-partnership and acknowledge that they executed the foregoing Protective Covenants of "Riverview Estates" Subdivision as such co-partners as the free act and deed on behalf of said co-partnership.

SUSAN A. KASEL
Notary Public, Ingham County, Mich.
My Commission Expires 5-4-81

Susan A. Kasel
Susan A. Kasel

16-B Riverview Development Corporation: These restrictions shall run with the land and be binding upon and inure to the benefit of all parties claiming under or through them, and shall remain enforceable by any person holding land within the subdivision.

T. A. Forsberg
T. A. Forsberg
President

James E. Burns
James E. Burns
Secretary-Treasurer

Susan A. Kasel
Witness,
Susan A. Kasel

Susan A. Kasel
Witness,
Susan A. Kasel

PROTECTIVE COVENANTS OF "RIVERVIEW ESTATES" SUBDIVISION

ACKNOWLEDGMENT
RIVERVIEW DEVELOPMENT CORPORATION

STATE OF MICHIGAN)
: ss.
COUNTY OF INGHAM)

On this 12th day of February, 1979, the foregoing instrument was acknowledged before me by T. A. Forsberg and James E. Burns, President and Secretary-Treasurer, respectively, of Riverview Development Corporation, a Michigan Corporation, on behalf of the corporation.

SUSAN A. KASEL
Notary Public, Ingham County, Mich.
My Commission Expires 5-4-81

Susan A. Kasel
Susan A. Kasel

16-C Mecosta County Health Department Acknowledgment

Duane F. Wood
Witness,
Duane F. Wood

William Baldwin
William Baldwin
Chief Sanitarian

Gerald J. Gray
Witness,
Gerald J. Gray

ACKNOWLEDGMENT
MECOSTA COUNTY HEALTH DEPARTMENT

STATE OF MICHIGAN)
: ss.
COUNTY OF MECOSTA)

On this 15th day of February, 1979, before me personally appeared William Baldwin, Chief Sanitarian of Mecosta County Health Department, to me known to be the person who executed the foregoing instrument, and to be known to be such Chief Sanitarian of said Mecosta County Health Department and acknowledges that he executed the foregoing Protective Covenants of "Riverview Estates" Subdivision as such Chief Sanitarian as the free act and deed of said Mecosta County Health Department.

Judy M. Sadoris
Judy M. Sadoris, Notary Public
Mecosta County, Michigan
My Commission expires: 7/18/79