

BOOK 1368

Case No. 5-8041

PAGE 0708

8359.1

CHUGACH HILLS SUBDIVISION

Located in the SE 1/4 of Section 4,
T13N, R1W, Seward Meridian, Alaska.

BUILDING AND LAND USE RESTRICTIONS

Plat Filed 12-31-85 Plat No. 85-354

The undersigned, be the representative of the owners of that certain land hereinafter described, hereby makes the following declarations as to limitations, restrictions and uses for which the lots or tracts constituting the aforesaid subdivision may be put and hereby specifying that said declarations shall constitute covenants to run with all of the lands, as provided by law, and shall be binding on all parties and all persons claiming under them, and for: the benefit of and limitations upon all future owners in said subdivision.

The land which is subject to these building and land use restrictions is described as follows: Lots 1A, 2A and 3, Block 1; Lots 1 through 5, Block 2; Tract A: Chugach Hills Subdivision located in the SE 1/4 of Section 4, T13N, R1W, Seward Meridian, Alaska.

LAND USE AND BUILDING TYPE

No lot shall be used except for residential purposes.

NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

SIGNS

No signs of any kind shall be displayed to the public view on any lot except one professional sign of more than one square foot, one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction or sales period.

GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers which are sheltered and kept from public view.

RE-SUBDIVISION

The area of lots herein described shall not be reduced in size by re-subdivision unless it is agreed upon by a majority of the property owners within the subdivision. Owners of three (3) contiguous lots, however, may divide the inner or middle lot, thus increasing the size of the two (2) remaining lots which shall then be treated for all purposes pertinent to these covenants as enlarged single lots.

BUILDING LOCATION

No building shall be located on any lot nearer to the front lot line or nearer to the side lot line than the minimum building setback lines required by the prevailing zoning district.

TREES

No owner shall be permitted to completely clear a lot on which standing trees of size and beauty exist. Space may be cleared to provide for construction and trees may be thinned so long as maximum natural beauty and aesthetic value of the tree is retained.

SIGHT DISTANCE

No fence, wall hedge, or shrub planting which obstructs sight lines at elevations between 2 feet 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 15 feet from the intersection of the street property lines extended. The same sightline 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 intersections unless the foliage line is maintained at sufficient height to prevent obstruction of sight lines.

TERMS

These covenants will be in effect from the date on which the subdivision plat is recorded. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 35 years from the date these covenants are recorded, after which time said covenants shall automatically be extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

CONSTRUCTION

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 fence shall be erected or placed on any lot nearer to any street than specified in the Municipality Setback Requirements, and the placement and type of fence shall enhance, rather than detract from the quality of surrounding neighborhood structures.

Construction of a home or any building on a lot or any additions to homes or buildings, shall be completed within one year.

ENFORCEMENT

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

SEVERABILITY

Invalidation of any of these covenants by judgment or court order shall not effect any of the other provisions which shall remain in full force and effect.

UTILITY EASEMENT

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other materials 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.

COMMON AREA

A common area (Tract "A") is reserved along the west property line of Chugach Hills Subdivision. Within this area, no structures, planting or other materials shall be permitted which will disturb the natural vegetation within the common area. Tract "A" is to be held in common, undivided interest by the owners of the lots within the subdivision.

OIL AND MINING OPERATIONS

No oil or gas drilling, no oil or gas development operations, oil or gas refining, quarrying or mining operations, of any kind shall be permitted on 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 on any lot. No surface entry will be permitted and no extraction of minerals will be permitted within a 500 foot buffer measured vertically from the surface.

REQUIREMENT FOR CERTIFICATION OF CONSTRUCTION BY REGISTERED ENGINEER

A Registered Engineer must certify that each dwelling located within Chugach Hills Subdivision has been constructed in accordance with a qualified soils test report which report shall be obtained and paid for by the purchaser of any lot and the report submitted to the Architectural Control Committee with the construction plans as required above.

COMMON DRIVEWAY ACCESS

Direct vehicular access to Hiland Drive shall be limited to one (1) driveway each for Lots 1A, 2A and 3 of Block 1 and to a total of two (2) driveways for Block 2, one (1) being located on the line common to and shared by Lots 4 & 5, Block 2, the second (2nd) to be located on the line common to Lots 2 & 3, Block 2, and shared by Lots 1, 2 & 3, Block 2.

DATE at Anchorage, Alaska, this 30th day of December, 1985.

CHUGACH INVESTORS

Robert Stanton, Jr.
Robert Stanton, Jr.

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 30th day of December, 1985, before me the undersigned, a Notary Public in and for the State of Alaska, personally appeared Robert Stanton, known to me and to be the President of Chugach Investors, an Alaska Corporation, and he acknowledged to me that the seal affixed to the foregoing instrument is the corporate seal of the said corporation and that he is duly authorized to execute said instrument and that he executed the same freely and voluntarily for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year above written.

88-089153
RECORDED
ANCHORAGE REC. DISTRICT
DEC 31 1 43 PM '85
REC'D BY [Signature]

Claudia R. [Signature]
Notary Public in and for Alaska
My Commission expires: 12/31/87
NOTARY PUBLIC