

RESERVATIONS AND RESTRICTIONS

THE FOLLOWING RESERVATIONS AND RESTRICTIONS ARE MADE COVENANTS RUNNING WITH THE TITLE OF THE LAND SHOWN SUBDIVIDED HEREON, KNOWN AS SECTION NO. 1 "CHEROKEE HILLS", AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF THIRTY (30) YEARS FROM THE DATE OF RECORDATION OF THIS PLAT, AFTER WHICH TIME SAID COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS, UNLESS AN INSTRUMENT, SIGNED BY THE MAJORITY OF THE OWNERS OF THE LOTS, HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

1. ALL OF THE LOTS IN SECTION NO. 1 "CHEROKEE HILLS" AS SHOWN HEREON, SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY, AND NOT FOR COMMERCIAL PURPOSES, AND THE PROPERTY SHALL NOT BE USED FOR ANY PURPOSE THAT WILL CREATE A NUISANCE OR ANNOYANCE IN THE NEIGHBORHOOD.
2. NO RESIDENTIAL LOT SHALL BE SUBDIVIDED INTO BUILDING LOTS, EXCEPT THAT A LOT MAY BE DIVIDED AND ADDED TO ADJOINING LOTS, HOWEVER, SHOULD SAID DIVISION OCCUR, THE WIDTH AT THE MINIMUM BUILDING SETBACK LINE AS SHOWN HEREON, OF THE LESSER LOT REMAINING AFTER THE DIVISION OF THE TWO LOTS, SHALL NOT BE LESS THAN 90 FEET AND NO DWELLING SHALL BE ERRECTED NEARER THE STREET LINE THAN THE MINIMUM SETBACK LINE AS SHOWN HEREON.
3. NO STRUCTURE OF A TEMPORARY CHARACTER SUCH AS A 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.
4. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE, EXCEPT IN SANITARY CONTAINERS.
5. NO HOUSE MAY BE ERRECTED ON ANY LOT SHOWN HEREON WHOSE LIVABLE FLOOR AREA IS LESS THAN 1,100 SQUARE FEET, INCLUDING OUTSIDE WALLS, INTERIOR PARTITION WALLS AND STAIR WELLS, EXCLUSIVE OF CARPORT, PORCHES, BREEZEWAY AND GARAGE, EXCEPT THAT SAID LIVING AREA OF SAID HOUSE SHALL HAVE NOT LESS THAN 1,050 SQUARE FEET, INCLUDING OUTSIDE WALLS, INTERIOR PARTITION WALLS AND STAIR WELLS, WHERE THE AREA OF THE CARPORT, BREEZEWAY, PORCHES OR GARAGE IS EQUIVALENT TO OR MORE THAN 300 SQUARE FEET AND ATTACHED TO SAID HOUSE AT THE TIME OF CONSTRUCTION OF SAID HOUSE.
6. NO HOUSE SHALL BE ERRECTED ON ANY LOT EXCEEDING TWO STORIES IN HEIGHT AND A ONE OR TWO CAR GARAGE, AND NOT MORE THAN ONE SUCH DWELLING HOUSE SHALL BE ERRECTED ON ANY LOT.
7. ENFORCEMENT OF THESE COVENANTS 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.
8. VIOLATION OR INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
9. NO FENCE OR HEDGE SHALL BE PERMITTED ON THE FRONT PORTION OF ANY LOT OR ON THE FRONT 35 FEET OR THE DIVIDING LINE OF ANY LOT GREATER THAN 30 INCHES IN HEIGHT, SAID FENCE MATERIAL AND CONSTRUCTION TO BE AGREED TO BY ADJOINING OWNERS IN WRITING BEFORE INSTALLATION.
10. THE LOTS ARE SUBJECT TO THE UTILITY EASEMENTS AS SHOWN HEREON AS WELL AS NECESSARY ANCHORS OR GUYS TO ELECTRIC OR TELEPHONE POLES. ALSO IF THE TELEPHONE COMPANY OR ELECTRIC POWER COMPANY ELECTS TO PLACE CABLE, WIRES AND ASSOCIATE PLANT UNDERGROUND, IT WILL BE PROVIDED SPACE IN SAID UTILITY EASEMENTS AS SHOWN HEREON, AND THE RIGHT TO MAKE AND MAINTAIN BURIED SERVICE ENTRANCE TO ALL RESIDENCES IS HEREBY GRANTED.

NOTE: IRON PINS HAVE BEEN SET ON ALL PROPERTY CORNERS P.C.'S AND P.T.'S

LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT

D.E. DRAINAGE EASEMENT

B. BUILDING LINE

KNOW ALL MEN BY THESE PRESENTS. TO WIT:

THAT CHEROKEE HILLS ASSOCIATES, A PARTNERSHIP IS THE FEE SIMPLE OWNER AND PROPRIETOR OF THE LAND SHOWN HEREON SUBDIVIDED AND KNOWN AS SECTION NO. 1 "CHEROKEE HILLS" BOUNDED AS SHOWN HEREON, IN DETAIL BY OUTSIDE CORNERS 1 THRU 24 TO 1, INCLUSIVE WHICH COMPRISES PART OF THE LAND CONVEYED TO SAID OWNER BY DEED DATED OCT. 4, 1973, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA, IN D. B. 985, PAGE 586 AND WHICH LAND IS SUBJECT TO THE LIEN OF A CERTAIN DEED OF TRUST TO L. STUART BLANTON AND WILLIAM G. HAYWARD, TRUSTEES SECURING FIRST MORTGAGE CORPORATION, BENEFICIARY AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA, IN DEED BOOK 985 PAGE 589 DATED NOV. 21, 1973.

THE SAID OWNER CERTIFIES THAT THE SUBDIVISION OF THE LAND AS SHOWN HEREON INTO LOTS, BLOCKS AND STREETS IS ENTIRELY WITH ITS FREE WILL AND CONSENT AS REQUIRED UNDER SECTION 15.1 465 THRU 15.1 485 OF THE 1950 CODE OF THE COMMONWEALTH OF VIRGINIA, THE SAID OWNER, WITH THE CONSENT OF THE UNDERSIGNED TRUSTEES, DOES BY VIRTUE OF RECORDATION OF THIS PLAT DEDICATE IN FEE SIMPLE TO THE COUNTY OF ROANOKE ALL OF THE LAND EMBRACED WITHIN THE STREETS OF THE SUBDIVISION AND DEDICATES THE EASEMENTS SHOWN HEREON WITHIN THE BOUNDARY TO PUBLIC USE.

THE OWNER DOES AS A CONDITION PRECEDENT TO THE APPROVAL OF THE PLAT AND SUBDIVISION AND ACCEPTANCE OF THE DEDICATION OF THE STREETS SHOWN HEREON BY THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, ON ITS OWN BEHALF AND ON ACCOUNT OF ITS HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS, SPECIFICALLY RELEASES THE COUNTY OF ROANOKE AND THE VIRGINIA DEPARTMENT OF HIGHWAYS FROM ANY AND ALL CLAIM OR CLAIMS FOR DAMAGES WHICH SUCH OWNER, ITS HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS MAY OR MIGHT HAVE AGAINST THE COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS BY REASON OF ESTABLISHING PROPER GRADE LINES ON AND ALONG SUCH STREETS AS SHOWN ON THE PLAT OF THE LAND SUBDIVIDED (OR SUCH CHANGED STREETS AS MAY BE AGREED UPON IN THE FUTURE) AND BY REASON OF DOING NECESSARY GRADING, CUTTING OR FILLING FOR THE PURPOSE OF PLACING SUCH STREETS UPON THE PROPER GRADE AS MAY, FROM TIME TO TIME, BE ESTABLISHED BY SAID COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS, AND SAID COUNTY OR VIRGINIA DEPARTMENT OF HIGHWAYS, SHALL NOT BE REQUIRED TO CONSTRUCT ANY RETAINING WALL OR WALLS ALONG THE STREETS AND PROPERTY LINES THEREOF.

WITNESS THE SIGNATURES AND SEALS ON THIS 15th DAY OF December 1975

CHEROKEE HILLS ASSOCIATES, A PARTNERSHIP

BY: James E. Long Construction Co., Inc. ATTEST: Mildred R. Long
JAMES E. LONG CONSTRUCTION CO., PARTNER MILDRED R. LONG, SECRETARY
JAMES E. LONG, PRESIDENT

BY: James E. Lyle, Jr.
JAMES E. LYLE, JR., PARTNER

FIRST MORTGAGE CORPORATION

BY: L. Stuart Blanton BY: William G. Hayward
L. STUART BLANTON, TRUSTEE WILLIAM G. HAYWARD, TRUSTEE

STATE OF VIRGINIA
At Large OF ROANOKE TO WIT:

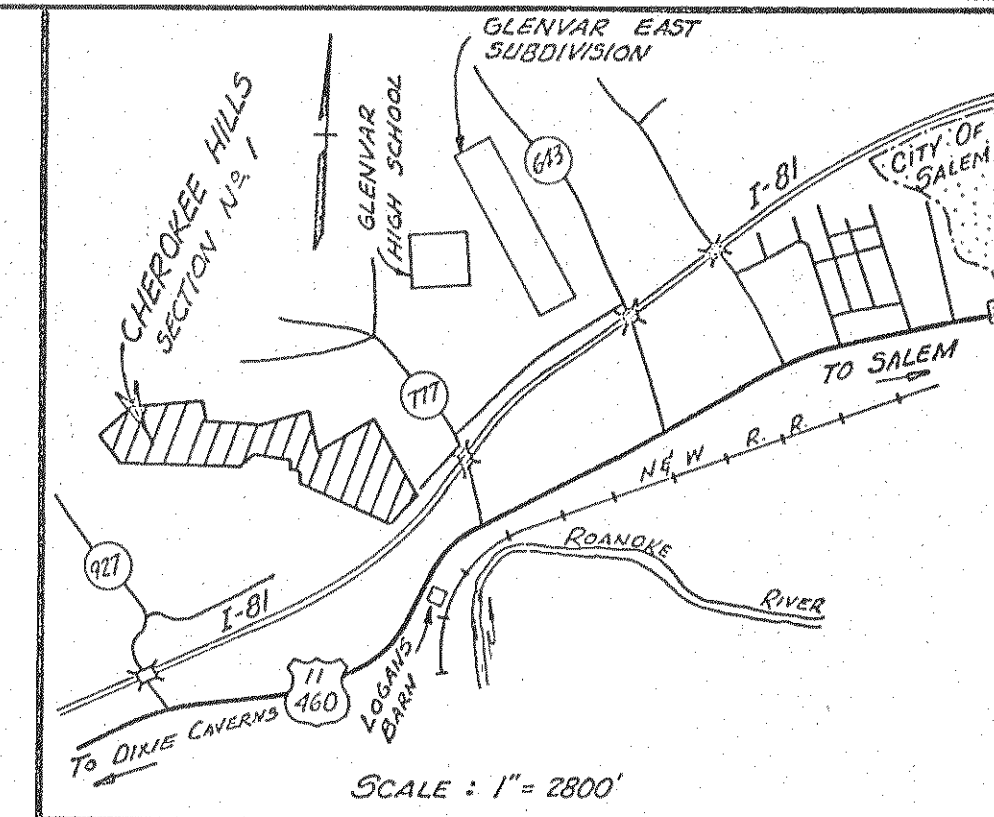
I, Michael S. Long, A NOTARY PUBLIC IN AND FOR THE AFORESAID CITY AND STATE DO HEREBY CERTIFY THAT JAMES E. LONG CONSTRUCTION CO., PARTNER JAMES E. LONG, PRESIDENT MILDRED R. LONG, SECY. AND JAMES E. LYLE JR., PARTNER, WHOSE NAMES AS SUCH ARE SIGNED TO THE FORE GOING WRITING DATED 15 December, 1975, HAS EACH PERSONALLY APPEARED BEFORE ME IN MY AFORESAID CITY AND STATE AND ACKNOWLEDGED THE SAME on 15 December, 1975

MY COMMISSION EXPIRES ON 26 June 1979. Michael S. Long
NOTARY PUBLIC

STATE OF VIRGINIA
City of Roanoke OF Roanoke

I, Donald S. Smalley, A NOTARY PUBLIC IN AND FOR THE AFORESAID CITY AND STATE DO HEREBY CERTIFY THAT L. STUART BLANTON, TRUSTEE, AND WILLIAM G. HAYWARD, TRUSTEE, WHOSE NAMES AS SUCH ARE SIGNED TO THE FOREGOING WRITING DATED December 15, 1975, HAS EACH PERSONALLY APPEARED BEFORE ME IN MY AFORESAID CITY AND STATE AND ACKNOWLEDGED THE SAME ON December 15, 1975.

MY COMMISSION EXPIRES ON Aug 31 1979. Donald S. Smalley
NOTARY PUBLIC



GENERAL LOCATION MAP

APPROVED:

Al Guepe
SECRETARY, ROANOKE COUNTY PLANNING COMMISSION

2-11-76
DATE

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY IS CORRECT.

Elizabeth Stokes
CERTIFIED LAND SURVEYOR

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA, THIS PLAT WITH THE CERTIFICATE OF ACKNOWLEDGEMENT THERETO ANNEXED IS ADMITTED TO RECORD ON Feb 13 1976 AT 2:30 O'CLOCK A.M.

TESTE ELIZABETH STOKES Elizabeth Stokes
DEPUTY CLERK

MAP OF SECTION N21 CHEROKEE HILLS

OWNERS: CHEROKEE HILLS ASSOCIATES
ROANOKE CO. , VIRGINIA

SCALE 1" 100' DATE 8-MAY 1974

BUFORD T. LUMSDEN & ASSOCIATES
CERTIFIED LAND SURVEYORS

ROANOKE, VA.

SHEET 1 OF 3

COMM 789

