

RESERVATIONS AND RESTRICTIONS

THE FOLLOWING RESERVATIONS AND RESTRICTIONS ARE MADE COVENANTS RUNNING WITH THE TITLE OF THE LAND SHOWN HEREON SUBDIVIDED, KNOWN AS SECTION NO. 5 - FLEMING OAKS, AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDATION OF THIS MAP, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) 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 OF BLOCKS 7 AND 8 OF SECTION NO. 5 - FLEMING OAKS, AS SHOWN HEREON, SHALL BE USED FOR RESIDENTIAL OR RELIGIOUS PURPOSES ONLY, AND NOT FOR COMMERCIAL PURPOSES, AND THE SAID PROPERTY SHALL NOT BE USED FOR ANY PURPOSE THAT WILL CREATE A NUISANCE OR ANNOYANCE IN THE NEIGHBORHOOD.
2. NO RESIDENCE LOT SHALL BE SUBDIVIDED INTO BUILDING LOTS OF LESS THAN 75 FT. WIDTH, EXCEPT THAT A LOT MAY BE DIVIDED AND ADDED TO ADJOINING LOTS.
3. NO DWELLING SHALL BE ERRECTED OR PLACED ON ANY LOT HAVING A WIDTH OF LESS THAN 75 FEET AND NOT NEARER TO THE STREET LINE THAN THE MINIMUM SETBACK LINE AS SHOWN HEREON.
4. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES ARE RESERVED WHERE SHOWN HEREON.
5. 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.
6. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE, OR OTHER WASTE, EXCEPT IN SANITARY CONTAINERS.
7. NO RESIDENCE MAY BE ERRECTED ON ANY LOT SHOWN HEREON WHOSE BUILDING COST FOR LABOR AND MATERIALS IS LESS THAN \$12,000 OR THE EQUIVALENT OF \$12,000 ON DATE OF RECORDATION OF THIS MAP, SAID HOUSE TO HAVE AN ENCLOSED LIVING AREA NOT LESS THAN 1,200 SQ. FT. EXCLUSIVE OF CARPORT, PORCHES, BREEZEWAY, AND GARAGE, EXCEPT THAT SAID ENCLOSED LIVING AREA SHALL HAVE NOT LESS THAN 11,000 SQ. FT. WHERE THE AREA OF CARPORT, PORCHES, BREEZEWAY, OR GARAGE IS EQUIVALENT TO OR MORE THAN 250 SQ. FT.
8. 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.
9. 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.
10. VIOLATION OR INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER, SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

KNOW ALL MEN BY THESE PRESENTS, To Wit:

THAT R. DOUGLAS NININGER AND RUTH M. NININGER ARE THE OWNERS OF THE FEE SIMPLE TITLE TO THE LAND SHOWN HEREON TO BE SUBDIVIDED, KNOWN AS SECTION NO. 5 - FLEMING OAKS, BOUNDED AS SHOWN HEREON BY OUTSIDE CORNERS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 TO 1, INCLUSIVE, and that said land is not subject to any lien or encumbrance.

THE UNDERSIGNED OWNERS CERTIFY THAT THE SAID SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED PARTIES.

THE SAID OWNERS HEREBY DEDICATE TO AND VEST IN THE CITY OF ROANOKE, WHEREIN SAID LAND LIES, SUCH PORTIONS OF THE PREMISES PLATTED AS ARE ON THIS PLAT SET APART FOR STREETS, EASEMENTS, OR OTHER PUBLIC USE, OR FOR FUTURE STREET WIDENING, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE CITY OF ROANOKE, AS AMENDED, AND THE VIRGINIA LAND SUBDIVISION ACT.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

R. Douglas Nininger (SEAL) July 5, 1960 Ruth M. Nininger (SEAL) July 5, 1960
OWNER DATE OWNER DATE

STATE OF VIRGINIA
CITY OF ROANOKE } TO WIT:

I, MARY LINDA M. SMILEY, A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID DO HEREBY CERTIFY THAT R. DOUGLAS NININGER AND RUTH M. NININGER, WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING EACH DATED JULY 5, 1960, HAVE EACH PERSONALLY APPEARED BEFORE ME IN MY CITY AND STATE AFORESAID AND ACKNOWLEDGED THE SAME.

MY COMMISSION EXPIRES JANUARY 2, 1961.

GIVEN UNDER MY HAND THIS 5 DAY OF JULY, 1960.

Mary Linda M. Smiley
NOTARY PUBLIC

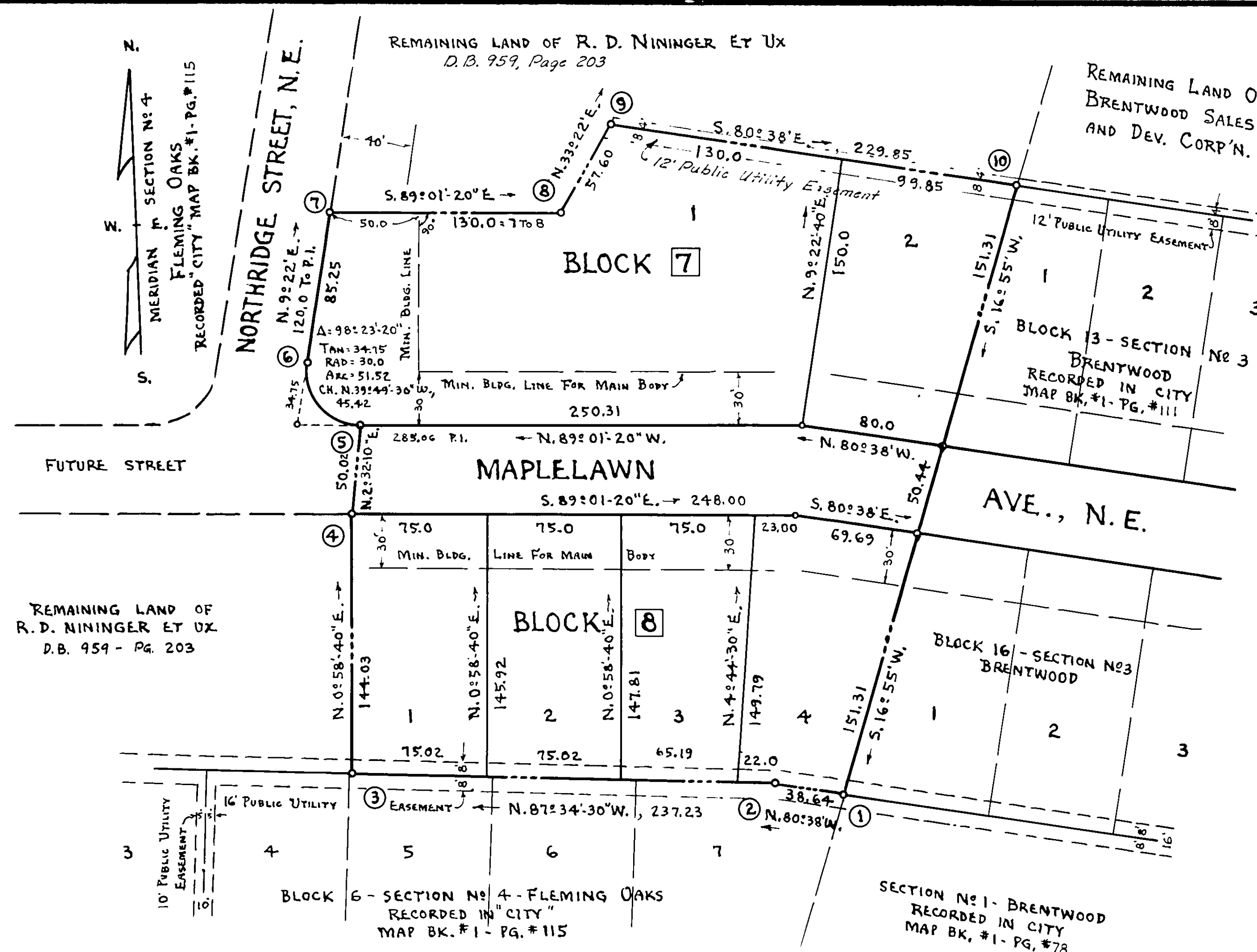
APPROVED:

Walter K. Sembach 7-22-60 H. Clatus Boyles 7-25-60
AGENT FOR ROANOKE CITY PLANNING COMMISSION DATE CITY ENGINEER OF ROANOKE, VIRGINIA. DATE

IN THE CLERK'S OFFICE OF THE HUSTINGS COURT FOR THE CITY OF ROANOKE, VIRGINIA, THIS MAP IS PRESENTED ON July 27, 1960, AND WITH THE CERTIFICATE OF DEDICATION AND ACKNOWLEDGEMENT THERE TO ANNEXED, IS ADMITTED TO RECORD AT 12:10 O'CLOCK PM.

TESTE: W. H. CARR, CLERK.

BY: Yvonne S. Satter
DEPUTY CLERK



JULY 1, 1960.
I, HEREBY, CERTIFY THAT THIS
PLAT OF SURVEY IS CORRECT.

C.B. Malcolm
VA. STATE CERTIFIED SURV.

CAPTION LEGAL REFERENCE:
SECTION NO. 5 - FLEMING OAKS IS COMPOSED OF CENTRAL
PORTION OF CONVEYANCE TO R.D. NININGER ET UX BY DEED RE-
CORDED IN D.B. 959, PG. 203.

BOUNDARY CLOSURE CALCULATIONS - 2.589 Acres						
LINE	BEARING	DISTANCE	NORTH	SOUTH	EAST	WEST
1-2	N. 80° 38' W.	38.64	6.29			38.17
2-3	N. 87° 34' 30\" W.	237.23	10.04			237.03
3-4	N. 0° 58' 40\" E.	144.03	144.01		2.46	
4-5	N. 2° 32' 10\" E.	50.02	49.97		2.21	
5-6	N. 39° 49' 30\" W.	45.42	34.88			29.09
6-7	N. 9° 22' E.	85.25	84.11		13.87	
7-8	S. 89° 01' 20\" E.	130.00		2.21	129.97	
8-9	N. 33° 22' E.	57.60	48.10		31.68	
9-10	S. 80° 38' E.	229.85		37.41	226.78	
10-1	S. 16° 55' W.	353.06		337.78		102.73
TOTALS			377.40	377.40	406.97	406.97

MAP OF SECTION NO. 5
FLEMING OAKS
BEING BLOCKS 7 AND 8
PROPERTY OF

R. DOUGLAS NININGER AND RUTH M. NININGER
ROANOKE, VIRGINIA.

By: C.B. Malcolm and Son
VA. STATE CERT. ENGRS.

DATE: JULY 1, 1960. SCALE: 1\" = 50'