

RESTRICTIONS

THE FOLLOWING APPLY TO SECTION N°2 "ALGOMA PARK"

1. - THESE COVENANTS ARE IMPOSED FOR THE MUTUAL BENEFIT OF ALL THE HEREINAFOVE DESCRIBED REAL ESTATE. INVALIDATION OF ANY ONE OF THE FOREGOING COVENANTS SHALL IN NO WISE AFFECT ANY OTHER PROVISION CONTAINED HEREIN.
2. - ALL LOTS IN SAID SUBDIVISION SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY.
3. - NO RESIDENCE SHALL BE ERECTED, CHANGED OR ALTERED, OR BE PERMITTED TO REMAIN ON ANY LOT, OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED 2 1/2 STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN TWO CARS FOR THE SINGLE FAMILY DWELLING.
4. - NO ONE STORY DWELLING SHALL BE ERECTED ON ANY LOT IN SAID SUBDIVISION WHICH HAS LESS THAN 1100 SQ. FT. OF LIVABLE AREA ON THE FIRST FLOOR AND WHICH EXCLUDES PORCHES AND CARPORTS, AND NO DWELLING SHALL BE ERECTED HAVING MORE THAN ONE STORY IN HEIGHT WITH THE FIRST FLOOR LIVABLE AREA OF LESS THAN 900 SQ. FT., EXCLUDING PORCHES AND CARPORTS.
5. - NO DWELLING AND CARPORT, OR ENCLOSED PORCHES, SHALL BE LOCATED NEARER TO THE STREET LINE THAN THE BUILDING SET BACK LINE SHOWN ON THE AFORESAID MAP AND NO DWELLING SHALL BE ERECTED NEARER TO ANY INSIDE SIDE LOT LINE THAN 10 FEET AND THE TOTAL WIDTH OF THE TWO REQUIRED SIDE YARDS SHALL BE A MINIMUM OF 20% OF THE TOTAL LOT WIDTH.
6. - THE UNDERSIGNED, LOEB CONSTRUCTION COMPANY, RESERVES THE RIGHT TO SHIFT THE SIDE LINES OR THE FRONT SET BACK LINES TO CONFORM TO IMMEDIATE CIRCUMSTANCES OF ANY LOT EXCEPT THAT THE MINIMUM BUILDING SETBACK LINE AND SIDE YARD LINE MAY NOT BE REDUCED BELOW THE STANDARDS REQUIRED BY ROANOKE COUNTY AND THE CITY OF ROANOKE.
7. - NO FENCE, WALL, HEDGE OR SHRUB PLANTING SHALL BE PLACED ON THE FRONT OR SIDE LOT LINE THAT EXTENDS MORE THAN 10 FEET FROM THE LOT CORNER OR IS MORE THAN 3 FEET IN HEIGHT. A HEDGE, FENCE OR WALL MAY BE ERECTED ALONG THE SIDE LINES OF ANY LOT BEGINNING AT THE REAR OF THE HOUSE AND EXTENDING TO THE REAR LINES OF LOT AND ALONG THE REAR LOT LINE OF ANY LOT HIGHER THAN 3 FEET FOR THE PURPOSE OF GIVING PRIVACY TO THE REAR PORTION OF EACH LOT.
8. - NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME OBNOXIOUS OR A NUISANCE TO THE NEIGHBORHOOD.
9. - NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.
10. - NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN OF A SIZE NOT MORE THAN FIVE SQUARE FEET, TWO SIGNS OF NOT MORE THAN TEN SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT.
11. - NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.
12. - NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION. NO AUTOMOBILE SHALL BE KEPT ON THE PREMISES IN PUBLIC VIEW UNLESS THE SAME CARRIES A CURRENT VALID STATE INSPECTION CERTIFICATE.
13. - THESE CONDITIONS AND RESTRICTIONS ARE MADE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL LOT OWNERS, THEIR HEIRS, DEVISEES OR ASSIGNS FOR A PERIOD OF 35 YEARS FROM THE DATE HEREOF, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT, SIGNED BY TWO-THIRDS OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
14. - SHOULD ANY PROCEEDINGS AT LAW OR IN EQUITY DECREE THAT ANY ONE OR PART OF ANY ONE OF THE FOREGOING COVENANTS AND RESTRICTIONS BE DECLARED INVALID, THE SAME WILL NOT INVALIDATE ALL OR ANY PART OF THE REMAINING COVENANTS AND RESTRICTIONS.
15. - THE ENFORCEMENT OF ANY OF THE COVENANTS AND RESTRICTIONS HEREIN CONTAINED MAY BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY OF THE AFORESAID COVENANTS AND RESTRICTIONS EITHER BY INJUNCTION OR TO RECOVER DAMAGES FOR VIOLATION THEREOF.
16. - BEFORE ANY BUILDING SHALL BE ERECTED ON ANY LOT IN THE AFORESAID SUBDIVISION OR ANY CHANGES OR ALTERATIONS MADE ON THE EXTERIOR DESIGN THEREOF THE PLANS AND SPECIFICATIONS MUST BE FIRST APPROVED BY AN ARCHITECTURAL CONTROL COMMITTEE CONSISTING OF THE BOARD OF DIRECTORS OF LOEB CONSTRUCTION COMPANY, IN WRITING, WHICH MAY BE BY A RECITATION TO THAT EFFECT IN ANY DEED SIGNED BY THE OFFICERS OF THE CORPORATION, THEREAFTER THE LOT OWNERS BY MAJORITY VOTE, WHICH MAY BE EVIDENCED BY A RECORDED DOCUMENT, MAY ESTABLISH AN ARCHITECTURAL CONTROL COMMITTEE, IN LIEU OF THE BOARD OF DIRECTORS OF LOEB CONSTRUCTION COMPANY, WITH THE RIGHT TO EXERCISE THESE CONTROLS.
17. - IF ANY DWELLING HAS BEEN COMPLETELY ERECTED ON ANY LOT IN SAID SUBDIVISION, AND CONSENT HAS NOT BEEN OBTAINED AS ABOVE REQUIRED, AND NO OBJECTION HAS BEEN RAISED BY THE DIRECTORS OF THE CORPORATION AS AFORESAID, THEN ALL RIGHTS ON BEHALF OF THE CORPORATION OR ITS BOARD OF DIRECTORS RAISING ANY OBJECTION TO THE CHARACTER, STRUCTURE OR DESIGN OF SAID HOUSE OR ITS SPECIFICATIONS SHALL BE CONSIDERED WAIVED.

KNOW ALL MEN BY THESE PRESENTS, TO WIT:

THAT LOEB CONSTRUCTION COMPANY IS THE FEE SIMPLE OWNER AND PROPRIETOR OF THE LAND SHOWN HEREON TO BE SUBDIVIDED, KNOWN AS SECTION N°2 "ALGOMA PARK" BOUNDED AS SHOWN HEREON IN DETAIL BY OUTSIDE CORNERS 1 THRU 9 TO 1, INCLUSIVE, WHICH COMPRISES ALL THE LAND CONVEYED TO SAID OWNER BY DEED FROM WILLIAM WATTS, DATED AUGUST 20, 1974, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE COUNTY, VIRGINIA.

THE SAID OWNER CERTIFIES THAT IT HAS SUBDIVIDED THIS LAND AS SHOWN HEREON ENTIRELY WITH ITS OWN FREE WILL AND CONSENT AND PURSUANT TO AND IN COMPLIANCE WITH SECTIONS 15-779 THROUGH 15-794.3 OF THE VIRGINIA CODE OF 1950, AS AMENDED TO DATE, AND FURTHER PURSUANT TO AND IN COMPLIANCE WITH THE COUNTY OF ROANOKE "LAND SUBDIVISION ORDINANCE." ALL THE EASEMENTS ARE HEREBY DEDICATED FOR PUBLIC USE.

THE SAID OWNER DOES AS A CONDITION PRECEDENT TO THE APPROVAL OF THIS PLAT AND SUBDIVISION, AS SHOWN HEREON, BY THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, ON ITS OWN BEHALF AND FOR AND ON ACCOUNT OF ITS HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS, SPECIFICALLY RELEASES THE COUNTY AND THE VA. DEPT. OF HIGHWAYS FROM ANY AND ALL CLAIM OR CLAIMS FOR DAMAGES WHICH SUCH OWNERS, HEIRS, SUCCESSORS, DEVISEES AND ASSIGNS MAY OR MIGHT HAVE AGAINST THE COUNTY OR VA. DEPT. OF HIGHWAYS BY REASON OF ESTABLISHING PROPER GRADE LINES ON AND ALONG SUCH STREETS AS SHOWN ON THIS 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 VA. DEPT. OF HIGHWAYS AND SAID COUNTY OR VA. DEPT. OF HIGHWAYS SHALL NOT BE REQUIRED TO CONSTRUCT ANY RETAINING WALL OR WALLS ALONG THE STREET AND PROPERTY LINES THEREOF.

IN WITNESS WHEREOF ARE HEREBY PLACED THE FOLLOWING SIGNATURES AND SEALS ON THIS THE 16TH DAY OF AUGUST, 1974.

BY: John Loe PRESIDENT
Kathryn K. Loe SECRETARY
 LOEB CONSTRUCTION COMPANY
 CORPORATE SEAL

STATE OF VIRGINIA TO WIT:
 COUNTY OF ROANOKE

I, Patricia C. Smith, A NOTARY PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE DO HEREBY THAT JACK LOEB, JR. AND KATHEYN K. LOEB, PRESIDENT AND SECRETARY, RESPECTIVELY, OF LOEB CONSTRUCTION COMPANY, WHOSE NAMES AS SUCH ARE SIGNED TO THE FOREGOING WRITING DATED AUGUST 16, 1974, HAS EACH PERSONALLY APPEARED BEFORE ME IN MY AFORESAID CITY AND STATE AND ACKNOWLEDGED THE SAME ON AUGUST 16, 1974.

March 27 1978
 MY COMMISSION EXPIRES

Patricia C. Smith
 NOTARY PUBLIC

SHEET N° 1 OF 2 SHEETS

PLAT
 of
 SECTION N°2
 ALGOMA PARK

PROPERTY OF
 LOEB CONSTRUCTION COMPANY
 CAVE SPRING INDUSTRIAL DISTRICT
 ROANOKE CO., VIRGINIA

BY: DAVID RICK & ASSOCIATES
 ENGINEERS & SURVEYORS

DATE: AUGUST 12, 1974

SCALE: 1"=50'