

Signed: *Becky McCann*

Becky McCann - County Recorder
Jackson County
State of Minnesota

Fee Amount: \$46.00

Total Pages: 5

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**SECOND
AMENDED & RESTATED
DECLARATION OF RESTRICTIVE COVENANTS
FOR
SUNSET VIEW FIRST ADDITION**

The Jackson Economic Development Authority ("EDA"):

A. Is owner of certain land located in the County of Jackson, State of Minnesota, part of which has been subdivided and platted as "SUNSET VIEW FIRST ADDITION";

B. Intends to sell lots in Sunset View First Addition (together "Lots" and individually "Lot") and to impose beneficial protective restrictions under a general plan or scheme of improvement for the benefit of the Lots and of the future owners thereof; and

C. Finds adoption and imposition of the certain restrictions, conditions, and covenants ("Covenants") will enhance and protect the value, desirability, and attractiveness of the Lots and will enure to the benefit of all current and future owners of the Lots.

NOW THEREFORE, EDA hereby adopts the following Covenants to be effective as to Sunset View First Addition.

1. POWERS OF EDA: EDA [a] shall have both the duty and the exclusive power to enforce the Covenants, [b] may bring appropriate court action to enforce the Covenants, and [c] shall be entitled to recover reasonable attorneys' fees and costs from any person who or entity that violates the Covenants.

2. RESIDENTIAL DWELLING RESTRICTION: Each Lot and the dwelling upon each Lot shall be used solely for private, residential purposes, including twin single homes.

3. MOBILE HOMES, ETC., PROHIBITED: No mobile home, trailer, tent, basement home, or temporary structure of any nature – and no haul-ons, including mechanical or utility cores, geodesic domes, earth homes, double wide mobile homes, or the like – shall be placed or used as a residence on any of the Lots; *provided*, that dwellings manufactured in component parts (exposed structural members) may be placed and permitted on any of the Lots.

4. NEW MATERIALS REQUIRED: Only new construction materials shall be used in the construction, remodeling, or modification of single family dwellings, including twin single homes, and accessory structures placed upon any of the Lots.

5. UNIFORM BUILDING CODE: All construction of dwellings and accessory structures upon the Lots shall conform to standards set forth in the Uniform Building Code as amended from time to time.

6. RESIDENTIAL DWELLING REQUIRED: After any Lot is sold by the EDA, a single family residence or twin home (side-by-side single family residences with a common wall) shall be constructed on the subject lot.

7. ONE-YEAR CONSTRUCTION REQUIREMENT: Except as otherwise provided herein, the interior and exterior of all dwellings to be constructed upon any Lot must be substantially completed within one (1) year from the date that the buyer becomes the legal owner of the lot.

7.1. This requirement may be expressly excused in writing by EDA, in EDA's sole discretion, because of extreme hardship due to strikes, fires, or national emergency.

7.2. If construction activities are not so completed or cease for a period of ninety (90) days without EDA's express, written consent in each instance, then EDA may declare the unfinished structure to be a nuisance, may remove the unfinished structure from the lot at the cost of the owner(s) of the lot, and may charge the costs thereof as a lien against the lot.

7.3. EDA may expressly waive or modify this one-year construction requirement in a written development agreement to be entered into between EDA and any developer who purchases multiple lots for staged development.

8. SILT FENCING REQUIRED:

8.1. Before excavating upon or otherwise beginning development of a Lot, the owner(s) thereof [a] shall erect silt fencing as required by law before excavating upon or otherwise beginning development of the Lot, and [b] shall maintain such silt fencing on the Lot in such manner and so long as is required by law.

8.2. If such silt fencing is not so erected and maintained by the owner(s) of the Lot, then the City of Jackson, MN, may cause silt fencing to be so erected and maintained on the Lot; may charge to the owner(s) – and owner(s) shall promptly pay – the expense(s) thereof, with interest; and if not promptly paid by the owner(s), may certify the expense(s) thereof, with interest, as a charge against the Lot to be collected with payment of real estate taxes.

9. ENCROACHMENT PROHIBITED: Each activity and all materials used in the activity (including construction activities, materials, and equipment) shall be confined to the lot owned by the person(s) conducting the activity and shall not encroach upon any other lot without first obtaining the express, written consent of the owner(s) of the encroached upon lot.

10. MAINTENANCE PENDING AND DURING CONSTRUCTION: Each of the Lots must be mowed and maintained (including weed control) on a regular basis so as to comply with all applicable codes, ordinances, statutes, and regulations.

10.1. In the event of neglect, [a] the lot may be maintained and mowed by the City of Jackson, [b] the costs thereof may be billed to and are payable by the owner(s) of the lot,

and [c] any such costs that are not timely paid may be charged as a lien against the lot, collectible with real property taxes.

11. FLOOR AREA: Each single-family dwelling constructed or placed upon any of the Lots shall contain not less than 1200 square feet of gross living floor area (excluding basements, porches, garages, patios, decks, and other exterior storage areas), **except** that each twin home constructed with a common wall on the following lots in Blocks 2 and 3 shall contain not less than 1000 square feet of gross living area (excluding basements, porches, garages, patios, decks, and other exterior storage areas): Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, 11 and 12.

12. HEIGHT: No single family dwelling constructed or placed upon any of the Lots shall be more than two (2) stories in height on the front yard side, except with EDA's prior, written permission.

13. ROOF PITCH: Each single family dwelling shall have a roof with not less than a 4:12 pitch.

14. LANDSCAPING: Within ninety (90) days after final completion of the dwelling as evidenced by issuance of a *Certificate of Occupancy* from the City of Jackson, and weather conditions permitting, the owner(s) of the lot must complete minimal landscaping, including seeding or sodding of all open areas. **NOTE that all tree plantings require a permit from the City.**

15. ACCESSORY BUILDINGS: No more than one accessory building per dwelling is permitted on any Lot, and each accessory building must be at least 120 square feet in floor area and must be placed upon a foundation or concrete slab.

16. EXTERIOR MAINTENANCE: The owner(s) of each of the Lots shall maintain the exterior of the dwelling, accessory buildings, and all other structures in good condition, with paint upon all exposed wood surfaces; shall maintain lawn, landscaping, walks, and driveways in good condition; and shall properly repair each of the same as effects of damage, wear, weather, or deterioration become apparent.

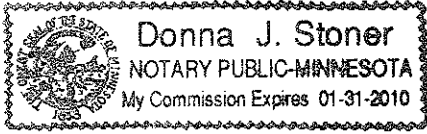
17. GARAGE WITH HARD-SURFACED DRIVEWAY: Each single family dwelling shall have attached to it a garage of at least 480 square feet, with a minimum width of 20 feet on the motor vehicle entrance side; and prior to issuance of a *Certificate of Occupancy*, a paved, brick, or asphalt driveway shall be constructed or installed continuously between the garage and the public street adjacent to the lot.

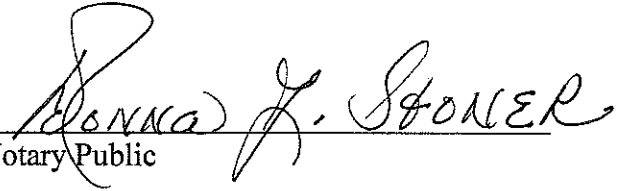
18. NO SETBACK FOR CERTAIN LOTS: No setback shall be required for dwellings to be constructed across the lot lines between the following lots in Blocks 2 and 3: 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; and the common wall of twin homes shall be constructed along the line separating said lots.

19. ALL DWELLINGS TO FRONT ON NORTH POND DRIVE: All dwellings shall front upon, and all driveways shall access from, North Pond Drive.

20. USE OF PUBLIC EASEMENTS RESTRICTED: The City of Jackson, MN, may keep clear – and no person shall plant trees or shrubs upon or erect or locate any fence, wall, or other structure upon – any area designated as a utility or access easement on the plat of Sunset View II; and the City of Jackson, MN, acting in its sole discretion, may remove at the Lot

body corporate and politic under the laws of Minnesota, by authority of its board of directors and on behalf of the EDA.




Notary Public

Drafted by:
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