

DECLARATION OF RESTRICTIONS
195818

WHEREAS, J. C. Nichols Company, a corporation, has heretofore executed a plat of Lots 19 to 30, both inclusive, in Block 4, Lots 1 to 23, both inclusive, and Lot "A" in Block 5 and Lots 1 to 11, both inclusive, and Lot "A" in Block 6 of Russell West, which plat was recorded on the 13th day of November, 1958, under Document Number A-938056, in the office of the Recorder of Deeds of Jackson County, Missouri, and has heretofore dedicated to the public all of the streets, roads, terraces and parkway shown on said plat for use by the public for street, road, park or parkway purposes, and

WHEREAS, J. C. Nichols Company now desires to place certain restrictions on certain of these lots shown on said plat for the use and benefit of the present owner and its future grantees,

NOW THEREFORE, in consideration of the premises, J. C. Nichols Company for itself and for its successors and assigns and for its future grantees hereby agrees that all of the lots shown on the above described plat shall be and are hereby restricted as to their use in the manner hereinafter set forth, provided, however, that J. C. Nichols Company contemplates conveying Lot "A" in Block 6 to Kansas City, Missouri, for park purposes and none of the restrictions herein set forth shall in any way whatsoever affect any part of said Lot "A" in Block 6.

DEFINITION OF TERMS USED

For the purpose of these restrictions the word "street" shall mean any street, terrace, road or parkway of whatever name which is shown on plat of Russell West. The word "structure" shall mean an enclosed, covered structure not directly adjacent to the roadway on which it is abutment. The word "park" shall mean any lot or lots or any tract or tracts of land or portion which are used or reserved, or a part or parts

PERSONS BOUND BY THESE RESTRICTIONS.

All persons and corporations who now own or shall hereafter acquire any interest in the above enumerated lots hereby restricted shall be taken to hold and agree and covenant with the owner of said lots and with its successors and assigns, to conform to and observe the following covenants, restrictions and stipulations as to the use thereof and the construction of residences and improvements thereon for a period of 25 years from June 1st, 1946, provided, however, that each of said restrictions shall be renewable in the manner hereinafter set forth.

SECTION 1. USE OF LAND.

None of said lots hereby restricted may be improved, used or occupied for other than private residence purposes and no flat nor apartment house though intended for residence purposes may be erected thereon, provided, however, that Lots 11 and 12 and "A" in Block 5 of Romanelli West may be used for church or for church and parsonage purposes. Any residence erected or maintained on any of the lots hereby restricted shall be designed for occupancy by a single family.

SECTION 2. FRONTAGE OF LOTS.

For the purpose of these restrictions the following lots, or parts thereof, as indicated in this Section, shall be deemed to front on the streets designated as follows:

IN BLOCK 4. Lots 19 to 30, both inclusive, on 69th Street Terrace.

IN BLOCK 5. Lots 1 to 11, both inclusive, on 69th Street Terrace.

Lots 12 to 23, both inclusive, on Arno Road.

IN BLOCK 6. Lots 1 to 11, both inclusive, on Arno Road.

SECTION 3. FRONTAGE OF RESIDENCES ON STREETS.

Any residence erected wholly or partially on any of the following lots, or on any part or parts thereof, as indicated in this section, shall front or present a good frontage on the street or streets designated, and for this purpose as applied to all inside lots, it shall mean that the residence shall front on the street designated and on any corner lot, it shall front, or present a good frontage on the streets designated as follows:

IN BLOCK 4. On Lot 19 on both 69th Street Terrace and Ward Parkway.

On Lots 20 to 29, both inclusive, on 69th Street Terrace.

On Lot 30 on both 69th Street Terrace and State Line Road.

IN BLOCK 5. On Lot 1 on both 69th Street Terrace and State Line Road.
On Lots 2 to 11, both inclusive, on 69th Street Terrace.
On Lots 12 to 22, both inclusive, on Arno Road.
On Lot 23 on both Arno Road and State Line Road.

IN BLOCK 6. Lot 1 on both Arno Road and State Line Road.
On Lots 2 to 11, both inclusive, on Arno Road.

Provided, however, that if any part less than the whole of any corner lot is acquired by the owner of an inside lot contiguous to said corner lot, then as to the part of such corner lot so acquired, the provisions hereof requiring a residence erected on a corner lot to front or present a good frontage on two or more streets, shall not be operative but the part of the corner lot so acquired shall be deemed to be a part of the inside lot to which it is contiguous, as to the restriction governing the frontage of the residence on the street and said part of any such corner lot so acquired shall be subject to the restrictions applicable to the inside lot.

SECTION 4. REQUIRED SIZE OF RESIDENCES.

Any residence not more than one story in height erected on any of the said lots hereby restricted shall contain a minimum of 1100 square feet of enclosed floor area; any such residence more than one story in height shall contain a minimum of 1500 square feet of enclosed floor area, of which at least 750 square feet shall be on the first floor. The words "enclosed floor area" as used herein shall mean and include in all cases areas enclosed and finished for all-year occupancy and shall not mean or include any areas in utility rooms, basements, garages, porches or attics; provided, however, that certain interior areas need not be immediately finished for occupancy if the residence is so designed and built that such areas can be finished at a later date without any structural changes being made in the exterior of the residence. J.C. Nichols Company hereby reserves the right to reduce any of the

minimum floor area requirements herein provided, such total reduction for any and all lots hereby restricted shall not be less than the minimum floor area requirements for such lots as set forth in Section 3, both inclusive, of this ordinance. No such reduction shall not be made in any lot which is a corner lot or which is a lot on which a residence is required to front or present a good frontage on two or more streets.

