

DECLARATION OF RESTRICTIONS

**A848035**

WHEREAS, J. C. Nichols Company, a corporation, having heretofore executed a plat of Romanelli West, which plat was recorded on the 27 day of May, 1946, in the office of the Recorder of Deeds of Jackson County, Missouri, at Kansas City, under Recorder's Document No. A-845164, and having heretofore dedicated to the public all of the streets, roads, terraces, parkways and boulevards for street, road, terrace, parkway and boulevard purposes, respectively, as are shown thereon, now desires to place certain restrictions on said lots for the use and benefit of the present owner and for its and their future grantees:

NOW THEREFORE, In consideration of the premises, J. C. Nichols Company, for itself and for its successors and assigns, and for its and their future grantees, hereby agrees and declares that all of said lots shown on the aforesaid recorded plat of Romanelli West shall be and they are hereby restricted as to their use in the manner hereinafter set forth.

DEFINITION OF TERMS USED:

For the purpose of these restrictions, the word "street" shall mean any street, terrace, road, boulevard or parkway of whatever name, which is shown on the aforesaid recorded plat of Romanelli West, and which has been heretofore dedicated to the public for the purposes of a public street or for parkway or boulevard purposes.

The word "outbuilding" shall mean an enclosed, covered structure not directly attached to the residence to which it is appurtenant.

The word "lot" may mean either any lot as platted, or any tract, or tracts of land as conveyed, which may consist of one or more lots, or a part or parts of one or more lots as platted, and upon which a residence may be erected in accordance with the restrictions hereinafter set forth, or as set forth in the individual deeds from J. C. Nichols Company or from its successors and assigns. A corner lot shall be deemed to be any such lot as platted, or any tract of land as conveyed, having more than one street contiguous to it. The street upon which the lot, or part thereof, fronts, as hereinafter provided, shall be deemed to be a front street; and any other street contiguous to any such lot shall be deemed to be a side street.

PERSONS BOUND BY THESE RESTRICTIONS:

All persons and corporations who now own or shall hereafter acquire any interest in any of said lots in Romanelli West shall be taken and held to agree and covenant with the owner of the lots shown on said plat, 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 Twenty-five (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 may be improved, used or occupied for other than private residence purposes, and no flat or apartment house, though intended for residence purposes, may be erected thereon. Any residence erected or maintained thereon shall be designed for occupancy by a single family.

SECTION 2.  
FRONTAGE OF LOTS:

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

IN BLOCK 1 -

Lots 1 to 17, both inclusive, on 70th Street Terrace.  
Lots 18 to 35, both inclusive, on 71st Street.

IN BLOCK 2 -

Lots 1 to 18, both inclusive, on 70th Street.  
Lots 19 to 36, both inclusive, on 70th Street Terrace.

IN BLOCK 3 -

Lots 1 to 18, both inclusive, on Romany Road.  
Lots 19 to 36, both inclusive, on 70th Street.

IN BLOCK 4 -

Lots 1 to 18, both inclusive, on Romany Road.

SECTION 3.  
FRONTAGE OF RESIDENCES ON STREETS:

Any residence erected wholly or partially on any of the following lots, or 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 lots, it shall front or present a good frontage on the streets designated as follows:

IN BLOCK 1 -

On Lot 1, except the West ten (10) feet thereof, on both 70th Street Terrace and Ward Parkway.  
On Lots 2 to 16, both inclusive, on 70th Street Terrace.  
On Lot 17, except the East five (5) feet thereof, on both 70th Street Terrace and State Line Road.  
On Lot 18, except the East five (5) feet thereof, on both 71st Street and State Line Road.  
On Lots 19 to 34, both inclusive, on 71st Street.  
On Lot 35, except the West ten (10) feet thereof, on both 71st Street and on Ward Parkway.

IN BLOCK 2 -

On Lot 1, except the West ten (10) feet thereof, on both 70th Street and Ward Parkway.  
On Lots 2 to 17, both inclusive, on 70th Street.  
On Lot 18, except the East five (5) feet thereof, on both 70th Street and State Line Road.  
On Lot 19, except the East five (5) feet thereof, on both 70th Street Terrace and State Line Road.  
On Lots 20 to 35, both inclusive, on 70th Street Terrace.  
On Lot 36, except the West ten (10) feet thereof, on both 70th Street Terrace and Ward Parkway.

IN BLOCK 3 -

On Lot 1, except the West ten (10) feet thereof, on both Romany Road and Ward Parkway.  
On Lots 2 to 17, both inclusive, on Romany Road.  
On Lot 18, except the East five (5) feet thereof, on both Romany Road and State Line Road.  
On Lot 19, except the East five (5) feet thereof, on both 70th Street and State Line Road.  
On Lots 20 to 35, both inclusive, on 70th Street.  
On Lot 36, except the West ten (10) feet thereof, on both 70th Street and Ward Parkway.

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IN BLOCK 4 -

On Lot 1, except the East five (5) feet thereof, on both Romany Road and State Line Road.  
On Lots 2 to 17, both inclusive, on Romany Road.  
On Lot 18, except the West ten (10) feet thereof, on both Romany Road and Ward Parkway.

SECTION 4.

REQUIRED COST OF RESIDENCES:

Any residence erected wholly or partially on any of the lots, or part or parts thereof, shown on the aforesaid plat of Romanelli West, shall cost not less than \$7,500.00.

SECTION 5.

GROUND FRONTAGE REQUIRED:

Any residence erected on any of the following lots, or part or parts thereof, as indicated in this section, shall have appurtenant thereto, not occupied by any other residence, at least the number of feet of ground fronting on the street upon which the lot, or part or parts thereof, front as follows:

IN BLOCK 1 -

On Lots 1 and 35 - 90 feet.  
On Lots 2, 3, 4 and 5 - 70 feet.  
On Lots 6 to 17, both inclusive - 60 feet.  
On Lot 18 - 75 feet.  
On Lots 19 to 34, both inclusive - 60 feet.

IN BLOCK 2 -

On Lots 1 and 36 - 90 feet.  
On Lots 2, 3, 4 and 5 - 70 feet.  
On Lots 6 to 14, both inclusive - 60 feet.  
On Lots 15, 16 and 17 - 50 feet.  
On Lot 18 - 60 feet.  
On Lot 19 - 60 feet.  
On Lots 20 and 21 - 50 feet.  
On Lots 22 to 31, both inclusive - 60 feet.  
On Lots 32, 33, 34 and 35 - 70 feet.

IN BLOCK 3 -

On Lots 1 and 36 - 90 feet.  
On Lots 2, 3, 4 and 5 - 70 feet.  
On Lots 6 to 15, both inclusive - 60 feet.  
On Lots 16 and 17 - 50 feet.  
On Lots 18 and 19 - 60 feet.  
On Lots 20 and 21 - 50 feet.  
On Lots 22 to 31, both inclusive - 60 feet.  
On Lots 32, 33, 34 and 35 - 70 feet.

IN BLOCK 4 -

On Lot 1 - 60 feet.  
On Lots 2 to 13, both inclusive - 60 feet.  
On Lots 14, 15, 16 and 17 - 70 feet.  
On Lot 18 - 90 feet.

All measurements shall be on the front line of the lot. It is provided, however, that J. C. Nichols Company shall have and does hereby reserve the right in the sale and conveyance of any of said lots to reduce the required frontage to be used with any residence on any lot, and it may, at any time thereafter, with the consent in writing of the then owner of the fee simple title to any such lot, change any such required frontage as is herein provided for, or which may in such sale and conveyance be established by it, provided further, however, that no change may be made at any time which will reduce the required frontage of land to be used and maintained with any residence which may be erected thereon, more than ten (10) feet below the minimum number of feet required for each residence as set forth above.

**SECTION 6.  
SETBACK OF RESIDENCES FROM STREETS:**

(A) No part of any residence, except as hereinafter provided, may be erected or maintained on any of said lots nearer to the front street, or the side street than is the front building line or the side building line shown on said plat of Romanelli West, on the lot or lots on which such residence may be erected, provided, however, that J. C. Nichols Company shall have, and does hereby reserve the right in the sale and conveyance of any of said lots to change any building lines shown thereon, and may, at any time thereafter, with the consent in writing of the then record owners of the fee simple title to any such lot, change any such building line, which is shown on said plat, on such lot, or lots, or which may, in such sale and conveyance, be established by it, provided, however, that no change may be made at any time, which will permit the erection or maintenance of any residence on any lot, exclusive of those projections hereinafter set forth, more than ten (10) feet nearer to the front street, or five (5) feet nearer to the side street, than is the front building line, or the side building line shown on said plat, on such lot or lots. Reference is made herein to front and side building lines, for the purpose of determining the location of any residence with respect to the adjoining street, and in the case of the vacation or relocation of any of said streets, changes may be made in any of said building lines, provided: that such building lines shall in no case be established nearer to the new location of any of said streets than are the building lines shown on said plat, with respect to the present location of said street; and provided, further, that J. C. Nichols Company shall have the same privilege of changing the location of any such new building lines so established, as it has in the case of those shown on said plat of Romanelli West.

(B) Those parts of the residence which may project to the front of and be nearer to the front streets or the side streets than the front building lines and the side building lines, shown on said plat, and the distance which each may project, are as follows:

**WINDOW PROJECTIONS:**

(C) Bay, bow, or oriel, dormer and other projecting windows and stairway landings, other than full two-story or three-story, bay, bow, dormer or oriel windows or stairway landings, may project beyond the front building lines and the side building lines, not to exceed three (3) feet.

**MISCELLANEOUS PROJECTIONS:**

(D) Cornices, spoutings, chimneys, brackets, pilasters, grill work, trellises and other similar projections and any other projections for purely ornamental purposes, may project beyond the front building lines, and the side building lines, not to exceed four (4) feet.

**VESTIBULE PROJECTIONS:**

(E) Any vestibule, not more than one (1) story in height, may project beyond the front building lines, and the side building lines, not to exceed three (3) feet.

**PORCH PROJECTIONS:**

(F) Unenclosed, uncovered, or covered porches, and balconies, porte cocheres, and terraces, may project beyond the front building lines not to exceed twelve (12) feet; on corner lots, any unenclosed, uncovered or covered porches ~~porches~~ or balconies, porte cocheres, and terraces may project beyond the side building lines not to exceed five (5) feet. J. C. Nichols Company reserves the right to consent that the Board of Adjustment may modify the provisions of the Zone Ordinance (See Ordinance No. 45608 of Kansas City, Missouri) with respect to the location of any residence which may be erected on any of said lots with reference to the street or streets adjacent thereto; provided that any such residence shall conform to the building line which is now or may hereafter be established by J. C. Nichols Company.

