

DECLARATION OF RESTRICTIONS

Block Sixteen

MEYER CIRCLE

DECLARATION OF RESTRICTIONS

WHEREAS, J. C. NICHOLS COMPANY, a corporation, has heretofore executed a plat of Lots One (1) to Ten (10), both inclusive, in Block Sixteen (16) of Meyer Circle, which plat was recorded on the 31st day of July, 1951, under Document Number B-29231, in the office of the Recorder of Deeds of Jackson County, Missouri, at Kansas City, and has heretofore dedicated to the public the streets, terraces, roads and parkways shown on said plat for use by the public for street, terrace, road or parkway purposes, and

WHEREAS, J. C. Nichols Company now desires to place certain restrictions on said 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 said lots shown on said plat of Lots One (1) to Ten (10), both inclusive, in Block Sixteen (16) of Meyer Circle shall be and 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 or parkway of whatever name as shown on said plat of Meyer Circle, and which has been heretofore dedicated to the public for the purposes of public streets or parkways. 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 hereof fronts as hereinafter provided, shall be deemed to be the front street; 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 the lots hereinafter enumerated shall be taken to hold and agree and covenant with the owner of the said lots, and with its successors and assigns, to conform to and observe the following covenants, restrictions and stipulations as to the use

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thereof and the construction of residences and improvements thereon for a period of time ending on January 1, 1975, 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 hereinafter enumerated, 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. 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:

Lots 1 to 5, both inclusive, on State Line Road.
Lots 6 to 10, both inclusive, on Wyoming Street.

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:

On Lots 1 to 4, both inclusive, on State Line Road.
On Lot 5, on both State Line Road and 67th Street.
On Lot 6, on both Wyoming Street and 67th Street.
On Lots 7 to 10, both inclusive, on Wyoming Street.

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 restrictions governing the frontage of a 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. MINIMUM SIZE OF RESIDENCE.

Any residence erected on any of said lots shall be not more than one and one-half (1½) stories in height. Any residence one (1) story in height erected on any of said Lots One (1) to Ten (10), both inclusive, shall contain a minimum of One Thousand Seven Hundred (1,700) square feet of enclosed floor area; any residence more than one (1) story in height on said Lots One (1) to Ten (10), both inclusive, shall contain a minimum of One Thousand Nine Hundred (1,900) square feet of enclosed floor area, of which

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at least One Thousand Five Hundred (1,500) 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 structural changes being made in the exterior of the residence. J. C. Nichols Company hereby reserves the right to modify or change the height requirement and to reduce the floor area requirements set forth above; provided, that the total reduction in floor area requirements for any one residence may not exceed fifteen (15%) percent of the above minimum floor area requirements for such residence.

SECTION 5. GROUND FRONTAGE REQUIRED.

Any residence erected on any of said lots, or part or parts thereof, 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 lots, or part or parts thereof front, as follows:

On Lots 1 to 10, both inclusive - 120 feet.

The required frontage herein set forth is to be measured in all cases 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 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 herein provided for, 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 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 with 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 Meyer Circle 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.

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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 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 reference to the adjoining streets, and in case of the 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 on said plat with reference to the present location of said streets, 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.

(b) Those parts of the residence which may project to the front of and be nearer to the front streets and 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:

(c) Window Projections:

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

(d) Miscellaneous Projections:

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 three (3) feet.

(e) Vestibule Projections:

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 four (4) feet.

(f) Porch Projections:

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 or balconies, porte cocheres and terraces may project beyond the side building lines not to exceed ten (10) feet.

SECTION 7. FREE SPACE REQUIRED.

The main body of any residence, including attached garages, attached greenhouses, ells and porches, enclosed or unenclosed, but exclusive of all other

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projections set forth above in Section 6, erected or maintained on any of the lots hereby restricted, shall not occupy more than seventy-five (75%) percent of the width of the lot on which it is erected, measured in each case on the front building line or the front building line produced to the side lines of the lot, whichever line is of greater length; and any such residence exclusive of those projections referred to in paragraphs (c) and (d) of Section 6, shall be set back at least ten (10) feet from both sides of the lot upon which such residence is erected. It is provided, however, that the maximum width of any residence which may be erected on any of said lots, may, with the consent in writing of J. C. Nichols Company, be increased by not to exceed ten (10%) percent of the width of any such lot, measured as above provided. It is further provided that the required set back from the side lines of the lot as herein provided, may with the consent in writing of J. C. Nichols Company, be reduced by not to exceed thirty-three and one-third (33-1/3%) percent of the amount of any such required set back, provided, however, that this reservation shall in no way whatever affect the provisions relative to the change of said building lines as set forth in Section 6 herein. In any case where the frontage of ground used with any residence is greater than the required frontage, then for the purpose of limiting the width of the residence and establishing its location with respect to the side lines of the lot, the frontage so used shall be deemed to be the required frontage and the provisions of this Section shall be construed accordingly, and if any residence of the maximum width is built or maintained on any such lot, then thereafter the frontage so used may not be reduced so long as said residence is maintained thereon, and the same shall apply as to the location of any residence with respect to the side lines of the lot. The used frontage may be reduced at any time by the conveyance of a part of the lot, provided that it be not reduced below the minimum number of feet required with any residence of a width that might then be erected thereon, based on the provisions of this Section and provided further, that in no case may it be reduced below the required frontage herein specified in Section 5.

SECTION 8. OUTBUILDINGS PROHIBITED.

No outbuildings may be erected on any of said lots without the consent in writing of J. C. Nichols Company.

SECTION 9. PERGOLAS PROHIBITED.

No pergola, or any detached structure for purely ornamental purposes, may be erected on any part of any of said lots without the consent in writing of J. C. Nichols Company.

SECTION 10. OIL TANKS PROHIBITED.

No tank for the storage of fuel may be maintained on any of the lots hereby restricted, above the surface of the ground, without the consent in writing of J. C. Nichols Company.

SECTION 11. BILLBOARDS PROHIBITED.

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kind may be erected or maintained on any of the lots hereby restricted without the consent in writing of J. C. Nichols Company; provided, however, that permission is hereby granted for the erection and maintenance of not more than one (1) advertising board on each lot or tract as sold and conveyed, which advertising board shall not be more than five (5) square feet in size and may be used for the sole and exclusive purpose of advertising for sale or lease the lot or tract upon which it is erected.

SECTION 12. LIVESTOCK AND POULTRY PROHIBITED.

No livestock or poultry may be kept or maintained upon any of the lots which are hereby restricted without the consent in writing of J. C. Nichols Company or of its successors or assigns.

SECTION 13. DAMS AND BRIDGES.

No dams, bridges, or obstructions of any kind may be built in or over the creek which runs through Lots Six (6) to Ten (10), both inclusive, of the land hereby restricted without the consent in writing of J. C. Nichols Company.

SECTION 14. DURATION OF RESTRICTIONS.

Each of the restrictions above set forth shall continue and be binding upon J. C. Nichols Company and upon its successors and assigns until January 1, 1975, and shall automatically be continued thereafter for successive periods of twenty-five (25) years each, provided, however, that the owners of the fee simple title to two-thirds of the front feet of all the Lots One (1) to Ten (10), both inclusive, in Block Sixteen (16) of Meyer Circle, may release all of the land hereby restricted from any one or more of the restrictions herein set forth on January 1, 1975, or at the end of any successive twenty-five (25) year period thereafter by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and filing the same for record in the office of the Recorder of Deeds of Jackson County, Missouri, prior to January 1, 1970, or at least five (5) years prior to the expiration of any successive twenty-five (25) year period after January 1, 1975.

SECTION 15. RIGHT TO ENFORCE.

The restrictions herein set forth shall run with the land and bind the present owner, its successors and assigns, and all parties claiming by, through or under it shall be taken to hold, agree and covenant with the owner of said lots, its successors and assigns, and with each of them to conform to and observe said restrictions as to the use of said lots hereby restricted, and the construction of improvements thereon, but no restrictions herein set forth shall be personally binding on any corporation, person, or persons, except in respect of breaches committed during its, his or their seisin of, or title to said land, and the owner or owners of any of the above land restricted shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set

