



The City of Ashby is an equal opportunity provider & employer.

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DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF ASHBY COUNTRY VIEW ESTATES TO THE CITY OF ASHBY, MINNESOTA

NOW, THEREFORE, the parties hereto and each of them in consideration of the covenants and agreements of the others, hereby covenant, bargain and agree for themselves, their heirs and assigns as follows:

For the purpose of enhancing and protecting the value, attractiveness and desirability of the lots constituting such subdivision, Declarants declare that all of the described real property and each part of such property shall be held, used, and maintained subject to the following covenants, conditions and restrictions, which constitute covenants, running with the land which shall be binding on all parties having any right, title or interest in the described property or any part of such property, their heirs, successors, and assigns, and shall inure to the benefit of each owner of such property.

If the owners of such lots or any of them or their heirs or assigns, violate any of the covenants hereinafter set forth, any other person owning real property situated in such subdivision or the City of Ashby may prosecute any proceedings at law or in equity against the person or persons violating any of such covenants either to prevent such person or person from so doing or to recover damage for such violation, or both.

Invalidation of any these covenants by judgment or court order shall in no wise affect any other provisions hereof, which shall remain in full force and effect.

1. All lots shall be residential lots and restricted to such use.
2. No lots shall be used for commercial purposes.
3. No subdivision shall be made of any lot.
4. No noxious or offensive activity shall be carried on upon any lot, or shall anything be done thereon which may become a nuisance or any annoyance to the neighborhood.
5. No animals, livestock, or poultry of any kind shall be kept upon any lot except domestic dogs, cats, or other household pets that may be kept provided they are not kept, bred or maintained for any commercial purpose.
6. No sign of any kind shall be displayed to the public view on any lot except those displaying the name of the owners, and except one professional sign of not more than 3' x 3' advertising the property for sale.
7. No sod, soil, sand, or gravel shall be sold or removed from any platted lots except for the purpose of excavating for the construction or alteration of a residence or any appurtenance on said premises thereto or for the property grading thereof.
8. No outside toilet shall be permitted on any lot.
9. The roof of each dwelling or residence contained within the Subdivision shall have a minimum pitch of 4 to 12.
10. All provisions of current zoning ordinance now in effect or as subsequently amended or adopted hereafter shall become a part of these covenants.
11. "Subdivision" shall be Ashby Country View Estates to the City of Ashby, Grant County, Minnesota, according to the duly recorded plat thereof.
12. All lots shall be for residential use for single-family dwellings only. No duplex, townhouse, condominium, apartment building, or other similar multi-family structure shall be constructed upon any lot.
13. Any dwelling constructed on a lot shall have not less than 1100 square feet of enclosed living space on the main floor or a combined total of 1700 square feet of enclosed living space on the first and second floors. Square footage of the basement does not count toward the total enclosed living space.
14. No lot shall be used for commercial purposed of any kind. Notwithstanding the foregoing: 1) an owner or occupant of any lot may maintain his or her personal/professional library thereon, or keep his or her personal or professional records or accounts thereon, or handle his or her personal business by telephone or correspondence therein, provided that such use is incidental to the principal residential use and that such use does not involve externally observable business activity such as deliveries to the lot or visitation by customers or employees; and 2) an owner or occupant may operate a child care business out of their dwelling.

15. The developer may erect and display no more than 3 professional signs of not more than 8' x 16' advertising lots in the subdivision for sale during the development period.
16. All dwellings must be stick built on premises.
17. Permanent signs identifying the entrances to the Subdivision may be erected by the Developer.
18. The exterior of any building erected upon a lot must be completed within 12 months of the commencement of construction of said building. The front yard of a lot, this is, that portion of the lawn of the lot lying between the public street abutting and providing direct access to said lot, and the dwelling constructed thereon, shall be sod or seeded within 60 days of substantial completion of the dwelling, unless the substantial completion occurs between October 1st and May 1st of any year, in which case such sodding or seeding shall be completed by the following July 1st.
19. No owner or occupant of a lot shall allow a motor vehicle to remain on such lot for a period of more than 30 days if such motor vehicle lacks vital component parts or is in inoperable condition, unless it's kept in an enclosed garage.
20. Any dwelling upon a lot shall contain a minimum of a single garage and a maximum of a triple garage that must be attached to and be part of the dwelling.
21. No trailer, mobile home, manufactured home, basement home, tent, shack garage, camper, barn or out-building shall be used upon a lot at any time as a residence.
22. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other wastes. All Refuse shall be kept in sanitary containers, NO incinerators (burning barrels) allowed.
23. Any building or other structure constructed upon a lot shall, except for windows and doors, be covered with lapped siding, wood shingles, brick, cement, stone, or grooved v-jointed materials for walls. The roof of any structure shall be wood, asphalt, steel or fiberglass. Other building and roofing materials as approved by the Federal Housing Authority of the Housing and Urban Development Department of the United States of America, from time to time, shall also be acceptable. No structure shall utilize galvanized siding or roofing.
24. Private sewage systems shall not be permitted on any lot. Sanitary sewer/water service shall be obtained solely from the City of Ashby and must comply with city sewer; water and sump pump regulations and use the intended connections for each.
25. All structures require Land Use applications approved by the City of Ashby.
26. These covenants shall run with the lots and shall be binding upon all parties hereto, their heirs, successors, and assigns.
27. During the development period, the developer may, in its discretion waive the compliance with, in writing, of any restrict or provision herein. (Variance)
28. No lot shall contain any new or used mobile homes.
29. No trucks, commercial type vehicles, semi-tractors or trailers shall be stored or parked on any lot or residential street in the division except while engaged in making a delivery.
30. No fence shall be erected over five (5) feet in height from normal grade with the exception of deck privacy.
31. For snowplowing purposes, individual mailboxes will not be permitted. Cluster mailboxes have been installed. It is the responsibility of the residents getting mail at these locations to remove the snow for mail delivery.
32. All structures shall have a permanent perimeter foundation.
33. Refer to City Ordinance for setback requirements.
34. All established drainage must not be disturbed.
35. All unimproved lots must be maintained by owner by controlling weeds and grasses in accordance with City Ordinances.
36. All secondary structures shall match or compliment the exterior materials and structure of the residential building. All secondary structures shall not exceed a total of 600 square feet and must have minimum overhang of 12" on eaves and gables.
37. Driveway access to East Main will only be allowed for Lot 1, Block 1. All other driveway accesses will be off streets within the development.