

House

ROBIN HOOD PARK
To (Rec.1764) (#77-716)
RESTRICTIONS
"CERTIFICATE OF
SUBDIVISION"
Fee \$11.00

VOL 147 PAGE 723

Map Card # 3005
Plat Side Box 1 Env. 6

CERTIFICATE OF SUBDIVISION

KNOW ALL MEN BY THESE PRESENT, that we, E. RAY LEMON and R. FAYE LEMON, his wife, DANIEL C. BELL, single, and RAY NEELY and EDITH B. NEELY, his wife, are the exclusive owners in fee simple of that certain tract or parcel of land located on the south side of U.S. Route #460 and Wenoanah Avenue, partly in the Town of Pearisburg and partly in the County of Giles, and being a portion of the same tract or parcel of land conveyed to the said parties by deed dated the 2nd day of January, 1976, from DORIS M. HUFFMAN, originally containing approximately forty-three (43) acres, reference to which is herewith expressly made, and of record in the Clerk's Office of the Circuit Court of Giles County, Virginia, in Deed Book 140, Page 400.

We certify that of our own free will and act we have subdivided said tract or parcel of land into building lots and streets and have caused a plat of said portion to be drawn, and which said plat accurately describes all of the said lots or parcels of land and streets shown thereon, and which said plat is entitled, "Map showing Survey of Robin Hood Park", lying partly in the Town of Pearisburg, and partly in the County of Giles, Virginia, prepared by David B. Scott, C.L.S., Hillsville, Virginia; a copy of said plat being hereto annexed and made a part hereof and which said plat of subdivision having heretofore been presented to and approved by the Giles County Planning Commission, of Record in Plat Book _____ Page _____.

We further certify that as owners of the said land as shown on the said Plat, the following restrictions and covenants are hereby established applying to each and every lot of said subdivision as follows:

INSTRUMENT MAILED

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1. All persons who shall acquire any lot or parcel of land in this subdivision shall take and hold the same subject to and shall agree and covenant with the exclusive owners, and its successors and assigns to conform to and observe the following restrictions and conditions as to the use thereof; all of which restrictions and conditions shall continue to be binding upon the owners of any lot or portion of any lot shown thereon and their respective heirs, successors and assigns for a period of thirty years from the date of this instrument, and such covenants shall be automatically extended for successive periods of ten years, unless an instrument duly executed by the parties hereto, their heirs, successors and assigns in title, has been recorded agreeing to change said covenants and restrictions in whole or in part; and provided further that the owners of all the lots shall on the above mentioned map by unanimous consent in writing, and duly admitted to record in the Clerk's Office of the Circuit Court of Giles County, Virginia, alter or modify the same at any time they may mutually agree upon, and such restrictions and conditions shall be, and the same hereby are made covenants running with the land and binding upon such owners, their heirs, successors and assigns, and all persons claiming by, through or under them.

2. That all lots or portions thereof shown on said plat, except lots #60 and #61, shall be devoted exclusively to single or multi-unit residential purposes, and no trade, business or commercial enterprise, of any kind shall be permitted to be conducted on said lots. It is understood, however, that necessary outbuildings such as garages, storage buildings or children's playhouses may be constructed hereon in connection with such residences.

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3. No trailer or temporary living quarters or mobile home of any kind shall be placed on any lot. No tent, shack, garage, basement, or other similar building shall at any time be used as a residence either permanently or temporarily.

4. No outdoor toilet or privy of any type or description shall be constructed or used on any portion of the said subdivision, and each residence constructed thereon shall be required to use the sanitary disposal system provided for each lot and approved by the State Board of Health.

5. No spiritous liquor, intoxicating beverage, or drugs of any kind shall be sold on any of the lots designated for single or multi-family usage. No cattle, goats, swine, fowl or pigeons or any other animal, except household pets, shall be kept thereon; nor shall any noxious or offensive trade be carried on upon any lot, nor anything be done thereon which is unlawful or may become a nuisance to the neighborhood.

6. No building shall be erected on any lot closer than ten (10) feet to the adjoining side line, or twenty-five (25) feet from the front or rear property lines; this restriction as to lot set-back lines shall not, however, prevent the owner of two adjoining lots from erecting a residence on the restricted area between the two adjoining lots, but in such case not more than one residence shall be erected on the said two lots.

7. No lot or parcel herein, nor portion thereof, shall be used for a street or roadway as access to any property lying outside of the boundaries of the lands within this subdivision other than those streets or roadways shown on the plat filed herewith, except that any lot or parcel or portion

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thereof shown on said plat may be used as a street or roadway to reach any property lying outside of the boundaries hereof but only in the event the same shall be hereinafter acquired by the parties hereto, to-wit: E. RAY LEMON and R. FAYE LEMON, his wife, DANIEL C. BELL, single, and RAY NEELY and EDITH B. NEELY, his wife, for further development or expansion of this subdivision.

8. An easement is hereby reserved over the rear twenty (20) feet of each lot; over the front ten (10) feet of each lot; over the side ten (10) feet of any lot that borders a street, and along the side thereof of Lots #44, #45, #48 and #49 for utility installation and/or maintenance, with the right reserved to go upon the said right of way for such purposes of installation and/or maintenance as may be necessary and proper.

9. The premises and yard of any lot owner shall be kept clean of all debris, weeds and other obnoxious or unsightly matter.

10. The owners of lots shall not allow any person to cause any garbage, sewage, refuse, waste or other contaminating matter to be drained or discharged from the lot upon any adjacent lot or lots not owned by the said owners.

11. No metal fence shall be constructed nearer to the front lot line than that front line of the main dwelling itself.

12. Multi-units of any kind or description may be erected on any of Lots #41 thru #62.

13. Lots #60 and #61 may be used for commercial business.

14. Any single family residence constructed shall comply with the following restrictions in compliance with its lot:

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Lots #1 thru #16 , #34 thru #72 and #87 thru #93 shall have a minimum of 1,000 square feet of living area, exclusive of basement, carport, garage and porches.

Lots #17 thru #33 and #73 thru #86 shall have a minimum of 1,400 square feet of living area, exclusive of basement, carport, garage and porches.

15. If the purchasers of any lot or lots in this subdivision or any of its heirs, successors or assigns shall violate or attempt to violate any of the above restrictions, conditions and covenants, it shall be lawful for any other person or persons owning any other lot or lots in said subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any of the said restrictions, conditions and covenants, and either to prevent them, him or her, or it, from so doing or to recover damages or other amounts due for such violations; invalidation of any one of these restrictions or conditions by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

16. The developers reserves the right to approve or disapprove any building plans for any lot or lots in the subdivision prior to the start of said construction. However, said approval shall not be unduly withheld or delayed if said plans meet the general restrictions of the subdivision.

WITNESS the following signatures and seals of the said parties hereto this

May 24 day of May, 1977.

E. Ray Lemon (Seal)
E. RAY LEMON

R. Faye Lemon (Seal)
R. FAYE LEMON

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Daniel C. Bell (Seal)

DANIEL C. BELL

Ray Neely (Seal)

RAY NEELY

Edith B. Neely (Seal)

EDITH B. NEELY

STATE OF VIRGINIA

COUNTY OF ^{GILES} ~~PLASSEN~~, to-wit:

I, Daniel C. Bell, a Notary Public in and for the County and State aforesaid, do hereby certify that E. RAY LEMON and R. FAYE LEMON, his wife, whose names are signed to the foregoing Certificate of Subdivision bearing date on the 24th day of May, 1977, this personally appeared before me in my County and State aforesaid and acknowledged the same.

Given under my hand this 24th day of May, 1977.

My commission expires Feb 2, 1980.

Daniel C. Bell
Notary Public

STATE OF VIRGINIA

COUNTY OF PULASKI, to-wit:

I, R. Ray Lemon, a Notary Public in and for the County and State aforesaid, do hereby certify that DANIEL C. BELL, single, whose name is signed to the foregoing Certificate of Subdivision bearing date on the _____ day of _____, 1977, this day personally appeared before me in my County and State aforesaid and acknowledge the same

Given under my hand this 23rd day of May, 1977.

My commission expires May 28, 1979.

R. Ray Lemon
Notary Public

STATE OF VIRGINIA

COUNTY OF GILES, to-wit:

I, Allen C. Thorne, a Notary Public in and for the County and State aforesaid, do hereby certify that RAY NEELY and EDITH B. NEELY, his wife, whose names are signed to the foregoing Certificate of Subdivision bearing date on the 24th day of May, 1977, this day personally appeared before me in my County and State aforesaid and acknowledged the same.

Given under my hand this 24th day of May, 1977.

My commission expires Feb. 2, 1980.

Allen C. Thorne
Notary Public

VIRGINIA: In the Clerk's Office, Circuit Court of Giles County,
May 24th 1977

This ~~RESTRICTIONS~~ with the certificate annexed was this day presented in said office and admitted to record at 4:55 P. M. and examined.

Teste: Ted J. Johnson, Jr., Clerk

BY: J. P. Bidow Deputy Clerk

THIS AMENDMENT OF SUBDIVISION RESTRICTIONS applicable to ROBIN HOOD PARK subdivision, provides as follows:

WHEREAS there exists a subdivision of real property located partly within the Town of Pearisburg and also in the County of Giles, as set forth on a plat of said subdivision entitled ROBIN HOOD PARK, which is of record in the office of the Clerk of the Circuit Court of Giles County, Virginia in Plat Cabinet A, Slide 61, and

WHEREAS said subdivision is subject to restrictive covenants which are of record in said Clerk's Office in Deed Book 147 at page 723, and

WHEREAS said covenants provide that such restrictions may be amended by unanimous agreement of all of the owners of the lots in said subdivision, and

WHEREAS when said covenants were prepared, it was intended that lots 61 and 62 which front on Wenonah Avenue be allowed to be developed for commercial purposes, however an error was made and commercial development was allowed on lots 60 and 61, and

WHEREAS L. WILLIAM IRBY and KAREN C. IRBY, the owners of lot 62 have requested an amendment to said restrictions to allow the erection of a professional office and parking area for such professional office on such lot,

NOW THEREFORE in consideration of the benefits accruing to the owners of the lots in said subdivision, such owners and the lots owned by them being designated herein, it is hereby agreed and covenanted among such owners that the development restriction applicable to lot number 62 shall be amended as follows:

"As to lot number 62 only, the erection of a professional office building, along with associated parking areas for such building shall be allowed on such lot. In addition, lot 62 may be combined with lot number 61 so that a professional office building may be erected on the division line between lot 61 and 62 without regard to the side setback lines between lot 61 and 62 or the utility easements located along such lot lines."

Except as modified as set forth above, the remaining restrictions and covenants applicable to said subdivision shall

*722 Wenonah Ave
Pearisburg Va 24133*

This is the same as 12-29-94
*L. William Irby
722 Wenonah
Pearisburg Va*

remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

Lot numbers 1, 2, 1/2 lot 3 Harry Davis Williams (seal)
Harry Davis Williams

Beulah Edith Williams (seal)
Beulah Edith Williams

Lot numbers 1/2 3, 4 Margaret Stowers (seal)
Margaret Stowers

Lot numbers 5, 6, 7 Fred C. Martin (seal)
Fred C. Martin

Babette F. Martin (seal)
Babette F. Martin

Lot number 8 John Henry Vickers (seal)
John Henry Vickers

Yolanda C. Vickers (seal)
Yolanda C. Vickers

Lot number 9, 91 A. Wade Witt (seal)
A. Wade Witt

Brenda L. Witt (seal)
Brenda L. Witt

Lot number 10 Robert L. Dunn (seal)
Robert L. Dunn

Barbara S. Dunn (seal)
Barbara S. Dunn

Lot number 11 W. Alvin Williams (seal)
W. Alvin Williams

Louise C. Williams (seal)
Louise C. Williams

Lot number 12 Bradley R. Jones (seal)
Bradley R. Jones

Ellen K. Jones (seal)
Ellen K. Jones

Lot number 13, 14 Sidney B. Gibson (seal)
Sidney B. Gibson

Louise P. Gibson (seal)
Louise P. Gibson