

BILL OF ASSURANCE

MARINA VILLAGE ADDITION No. 1 (LAKEFRONT)

KNOW ALL MEN BY THESE PRESENTS:

John E. Riewer, d/b/a Marina Village, hereinafter called grantor, is the owner of the following described land lying in Izard County, Arkansas, to-wit: (SEE ATTACHED EXHIBIT "A")

And it being deemed desirable that the above described property be now subdivided into building plots and roads and easements with certain areas reserved as shown on the attached plat and that said property be held, owned and conveyed, as platted, subject to the protection herein contained in order to enhance the value and use of the said property.

NOW THEREFORE, John E. Riewer, d/b/a Marina Village, for and in consideration of the benefits to accrue to it, its successors and assign, which benefits he acknowledges to be of value, does cause to be made a plat hereto attached showing surveys made by the said Jim H. Arnold (#684), surveyor, and executed by him on this date showing the bounds and dimensions of the property now being subdivided into lots and roads described by numbered lots, roads, easements and reserved areas, and the said grantor hereby donates and dedicates said roads to the public, hereafter easement of way over the streets as shown by said plat to be used for surfaced roads, or easements for property owners exclusive use or as the property owners choose. In addition to said roads, as shown on said plat, there are certain easements for drainage, utilities, etc., which grantor does hereby donate and dedicate to, for the use of or by, or for the benefit of, public utilities, the same being, without being limited by the generality of the foregoing, electric power, gas, telephone, water and sewer with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utility services to use and occupy said easements and to have free ingress and egress therefrom for the installation, maintenance, repair and replacement of such utility services.

The filing of the Bill of Assurance and plat for record in the office of the Circuit Clerk and Recorder of Izard County, Arkansas, shall be a valid and complete delivery and dedication of the roads and easements subject to the limitations herein set out.

The lands embraced in said plat shall be forever known as Marina Village Addition to Horseshoe Bend Estates.

RESTRICTIONS AND COVENANTS

1. Each homesite in Marina Village Addition to Horseshoe Bend Estates is restricted to the construction of one single family dwelling unit per lot.

2. No residence or structure shall be erected, placed or altered on any lot until after the building plans, specifications and plot plans, specifications showing the location of said residence, have been approved in writing as in conformity with and in harmony with the external design and location and size desired by the owner or his successors or by a duly designated property owners association. No log home dwellings shall be placed on any lakefront lots.

3. No temporary structure or temporary living quarters not in conformity with this Bill of Assurance shall be permitted for any period of time.

4. The dwelling unit must be a permanent structure and must have a material exterior composed of wood, anodized metal, masonry or cut natural or native stone, masonite or a combination of said materials or equivalent materials, which materials shall be approved as and in the manner provided for in Paragraph 2 hereof.

5. Each single family dwelling unit shall have a minimum of 2000 square feet under roof, including a two-car garage.

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OFFICE OF THE
 IZARD COUNTY CLERK
 Book M-15 Page 797 ^{12:15 P.} M
 Dated 3-2-99
 Rhonda Walbrook, Clerk

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6. No residence or building shall be located nearer to the interior lot side line than a distance of 15 feet or ten percent (10%) of the average width of the lot, whichever is greater, and in no event shall it be located nearer than 30 feet to the side line if the side line borders a public street or road. No fence enclosures shall be constructed between the street easements and the front portion of the construction dwelling above the height of three (3) feet. All dwellings must also comply with the building, zoning and set back requirements of the City of Horseshoe Bend. All Boat docks, covered or uncovered, must be in compliance with current standards set forth by the Municipal Recreational Improvement District (MRID) of the City of Horseshoe Bend.

7. No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall any trash or other refuse be thrown, placed or dumped upon any vacant lot or shall anything ever be done which may or shall become an annoyance or nuisance to the neighborhood or area in general. No advertising signs of any kind may be placed or erected on any parcel of property without specific permission of the City of Horseshoe Bend.

8. Easements for the installation, maintenance, repair and replacement of utility services, sewer or drainage have heretofore been donated and dedicated. Said easements being of various widths shall be respected by the property owners and trees, shrubbery, incinerators, structures or any other type of improvements on said easements may be destroyed at any time when necessary or when deemed economically required by any person, firm or corporation engaged in supplying said services without liability in any kind or nature as a result of said destruction.

9. Easements and rights of way may be changed at any time by agreement with the owner provided such change or changes do not adversely affect adjoining property.

10. All pets and domesticated animals shall be confined to the lot or lands owned or controlled by the owner of such pet or domesticated animal, except only when such animal is on leash or otherwise directly controlled by said owner or a member of his household or his designee.

11. No tree or shrub, the height of which at maturity exceeds five feet, shall be permitted in side yards and no storage building or other structures shall be permitted in side yards, unless approved in writing by the grantor or his successor.

12. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty (30) years from the date of these covenants being recorded, after which time said covenants shall be automatically extended for successive periods of years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change such covenants in whole or in part.

13. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant.

14. Invalidity of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

By John F. Engles, Notary Public
 IZARD County, Arkansas
 Commission Expires _____

STATE OF ARKANSAS
 COUNTY OF IZARD

WARRIA VILLAGE ADDITION

By: John E. Riemer

John E. Riemer, Owner

Authorized by Jack Downing

Jack Downing, Chairman, Planning Commission

Date: 2-1-99

On this day John Riemer, personally appeared before me know to me to be the person whose name is subscribed to the within instrument and acknowledged that they executed the same for the purposes there contained.

My Commission Expires 6-25-2003

No Bill of
Assurance for
Sharp addition

Setbacks
45' front
30' rear
15' sides

with
need
permit

On any corner lot, no solid fence or traffic visibility shall be permitted higher than the street right-of-way lines.

**** 4. Recreational vehicles, travel trailers, trucks and similar vehicles parked in front half of vacant lots or on city property for more than 30 days. "Recreational Vehicle, travel trailer or bus" shall not be used for permanent residence.

***** 5. All dwelling units shall have a minimum dimension on any side of the lot.

***** 6. All dwelling units shall use siding materials consistent with the International Building Code.

***** 7. All dwelling units shall be constructed on a concrete slab with continuous turned down footings or have a continuous masonry or concrete foundation.

***** 8. All dwelling units shall have shingle roofs unless alternative roofing is specifically approved by the Building Committee.

C. SPECIAL RESTRICTIONS.

1. R-1A Included is all of the land within the City limits of Horseshoe Bend which has not been platted, except the land which is zoned R-2A. Included are the following additions:

* (57) SHARP #1

** (58) SHARP #2

*** (59) MARINA VILLAGE NO. 1

a. Each proposed lot(s) or addition(s) in the R-1A District shall have a zoning lot area of less than twelve thousand (12,000) square feet, with a minimum width at the established building line of ninety (90) feet except that in an approved mobile home area lots may have a minimum of 6000 square feet with a minimum width of 60 feet.

**** b. All single-family detached dwellings on lake front lots shall have a minimum of one thousand four hundred (1,400) square feet under roof and one thousand (1,000) square feet heated on the first floor level. All other single-family detached dwellings shall have a minimum of one thousand (1,000) square feet under roof and eight hundred fifty (850) square feet heated on the first floor level. Exception - in an approved mobile home area, minimum size shall be 600 square feet heated.

c. YARD AREAS.

No buildings shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement

Ordinance #2002-03

Ordinance #2002-03

Ordinance #93.14

Ordinance #2002-03

Ordinance #2004-02

(1) FRONT YARD.

Forty-five (45) feet from the front lot line. Any yard adjoining a side street (corner lot) shall have a set back of thirty (30) feet from the side street.

(2) SIDE YARD.

A total of fifteen (15) feet or ten (10) percent of the lot width (whichever is greater) at the building set back lines.

(3) REAR YARD.

Thirty (30) feet from the rear property line.

(a) Any proposed lot adjoining Crown Lake shall have as its lakeside property line the meandering of the water level at an elevation of 636.50 feet above mean sea level. (This is essentially the level of the spillway intake).

R-1B

Included are the following additions:

- (15) VALLEY VIEW
- (16) RIVERVIEW
- (22) GREEN VALLEY
- (25) CAPITOL
- (29) PINE RIDGE
- (31) BEN'S CREEK
- (33) LYNWOOD
- (38) TREASURE HILLS
- (39) HILLCREST
- (40) GREENBRIAR
- (41) FOREST HEIGHTS
- (42) TIMBER RIDGE

Each dwelling unit must have at least 1,000 square feet of floor space, including carport, with at least 850 square feet of this space located on the first floor level.

No residence shall be located on any lot nearer to the front than 45 feet nor nearer to the rear line than 25 feet. Exceptions for (16), (22), (25) and (29): No residence shall be located on any lot nearer to the rearline than 30 feet.

No residence shall be located nearer to the interior lot side line than a distance of 15 feet or ten percent (10%) of the average width of the lot, whichever is greater, and in no event shall it be located nearer than 30 feet to the side line if the side line borders a public street or road.

3. R-1C

Included are the following additions:

- (43) SLEEPY HOLLOW
- (44) EDGE HILL

*** Ordinance #93-05