

# Alma Gardens

## Subdivision Covenants an Restrictions

COMES NOW, the undersigned being the owners of all of the lots located in Alma Gardens Subdivision, a subdivision located in Houston County, Alabama as found recorded in the Office of the Judge of Probate of Houston County in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ hereby place the following covenants and restriction on all of the lots located in said subdivision.

1. Land use: No lot shall be used for any purpose other than for residential purposes. No lot shall be clear-cut, and existing trees shall be preserved as much as practical. All lots shall be permitted planned natural areas provided that the lawn and the natural areas form a cohesive whole. Purchased lots that remain vacant should be improved and maintained to blend in with the development of Alma Gardens.
2. Building Committee: No building shall be erected, altered, placed or permitted to remain on any building lot in this subdivision until the external design and location have been approved by a Building Committee consisting of Christopher E. Clemmons and Brad F. Dupree or their designated representative. In the event the Building Committee fails to approve or disapprove such design or location within thirty (30) days after plans have been submitted to the Building Committee, which said submission shall be evidenced by written receipt from one or more members of the Building Committee, then the requirement of approval shall be deemed to have been waived. In the event of death the survivor(s) shall appoint a replacement for such member of the building Committee.

Upon the sale of ninety-five percent (95%) of the lots in Alma Gardens Subdivision, the responsibilities of the Building Committee shall terminate and the committee shall automatically dissolve.

3. Building types: No building shall be erected, placed, or permitted to remain on any lot, other than the one (1) detached single family dwelling. However, detached garages and /or other buildings shall be permitted, provided that such

building must match the exterior of the home and is approved by the Building Committee.

4. Dwelling Quality and building specifications: All dwellings shall be of a quality of workmanship and materials substantially the same or better than that produced within Houston County, Alabama for the minimum permitted dwelling size.

5. Dwelling size: The minimum square footage requirements for the heated and cooled area of each dwelling shall be as follows:

(a) The minimum residential square footage requirements on all lots within Alma Gardens Subdivision shall be 1400 sq. feet .

*curb.* 6. Building location: No building shall be located on any lot nearer than 25 feet to the front ~~lot line~~, nor nearer than 10 feet to any side lot line, nor 35 feet from the back line. For purposes of this Declaration, eaves, steps, and open porches shall not be considered a part of the building provided, however, that no portion of a building on a lot may encroach upon another lot, except as otherwise provided herein.

7. Minimum roof pitch on the main dwelling shall be six (6) on twelve (12). Minimum roof pitch of porches shall be a three (3) on twelve(12).

8. All concrete foundation work above grade shall be finished with brick, stone, stucco, or approved veneer.

9. All roof penetrations (stackvents, etc. ) shall be located on the rear of the buildings. This does not include fireplaces.

10. All air conditioning compressors, meter boxes and similar equipment shall be screened by wood fencing or plants.

11. No fencing shall protrude past the furthestmost front corner of any residence.

12. All pools must be enclosed with a privacy fence.

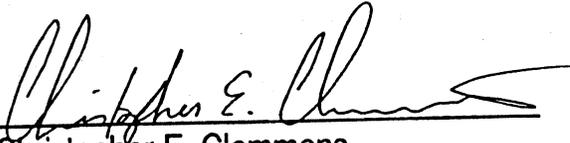
13. No lots shall be clear-cut. Existing trees shall be preserved as much as practical.

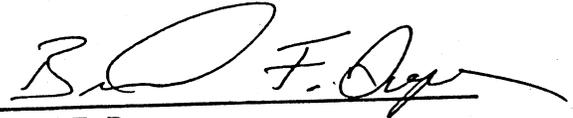
14. Outbuildings or detached structures must be consistent in design with said the residence.

15. The lots shall be completely landscaped (front yard sodded). Planned natural areas will be allowed provided that the lawn and the natural areas for a cohesive whole. There shall be a minimum of two trees planted, consisting of a two of the following three types of trees: magnolia, dogwood, and crept myrtle
16. Driveways shall be concrete, brick or asphalt. Driveways shall be designed to minimize removal of existing trees.
17. All mailboxes shall be standard in design. Construction details for the standard mailbox are on file with the Developer.
18. In the event ridge vents are used they must be of the "shingles over" design.
19. No noxious or offensive activity shall be carried on upon any parcel that might become an annoyance or nuisance to the neighborhood.
20. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out buildings shall be used on any parcel at any time as a residence, either temporarily or permanently.
21. No sign of any kind shall be displayed to the public view on any parcel except one advertising the property for sale which shall be no more than one (1) foot square or no more than five (5) foot square to advertise the property for sale during the construction period, both these signs shall be professionally designed and painted.
22. No oil drilling, refining, quarrying or mining operations of any kind shall be permitted on or in any parcel, nor shall oil wells, tanks, tunnels, mineral extractions or shafts be permitted upon any parcel.
23. No animals, livestock or poultry of any kind shall be raised, bred or kept on any parcel. Dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.
24. No parcel shall be used as a storage ground for any inoperable car, truck, boat travel trailer, motor home or vehicle of any kind, unless such inoperable vehicle be kept in an enclose garage or other accessory building.
25. No vehicle of any kind may be parked on or in front of any parcel for an extended period of time.

26. No parcel shall be used for a dumping or storage ground for rubbish, trash, garbage, waste or other material. Trash, garbage and other waste must be kept in sanitary containers. All containers must be kept in a clean and sanitary condition. Garbage cannot be placed on the curb until the day of pickup.
27. No individual sewage disposal system shall be permitted on any parcel.
28. These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of (30) thirty years from the date of these covenants are recorded. After (30) thirty years, these covenants shall be automatically extended for successive periods of ten (10) years, unless a majority of the current owners of the parcels sign and record an instrument revoking or altering these covenants in whole or in part.
29. Enforcement shall be by proceedings at law or in equity, either to restrain violation or to recover damages, against any person or persons violating or attempting to violate any covenant. If the party attempting to enforce these restrictions shall prevail in any proceedings at law or at equity, such party shall be entitled to recover reasonable attorney fees and court costs, which will be assessed against the party found to be in violation of such restriction.
30. No building shall be erected or altered on any parcel until the construction plans have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with the existing structures and location with respect to topography and finished grade elevation.
31. No satellite dishes over eighteen (18) inches in diameter.
32. The front of all houses must be in brick veneer.

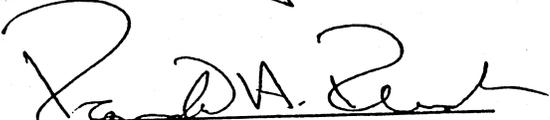
Dated this the 9<sup>th</sup> day of Aug., 2000.

  
Christopher E. Clemmons

  
Brad F. Dupree

STATE OF ALABAMA  
COUNTY OF HOUSTON

Sworn to and subscribed before me this 9<sup>th</sup> day of August, 2000.

  
Notary Public  
Exp.: 6/4/01

April 26, 2002

Mayor Alloway  
City of Ashford

Subject: Request for variance in Alma Gardens Subdivision

Dear Sir:

I would like to formally request a variance in the location of the front set back line on all lots in Alma Gardens Subdivision.

The current set back is 25 feet from the front property line. I would like to change that to 25 feet from the curbing on the road. It would result in a net change of approximately 8 feet and allow for better placement of the home being built.

The developer/owners of the subdivision have expressed no objection to my request. Gary Turner and Chris Clemmons are the sole owners.

Sincerely,

Gary Turner  
Chris Clemmons  
Owners/Builder

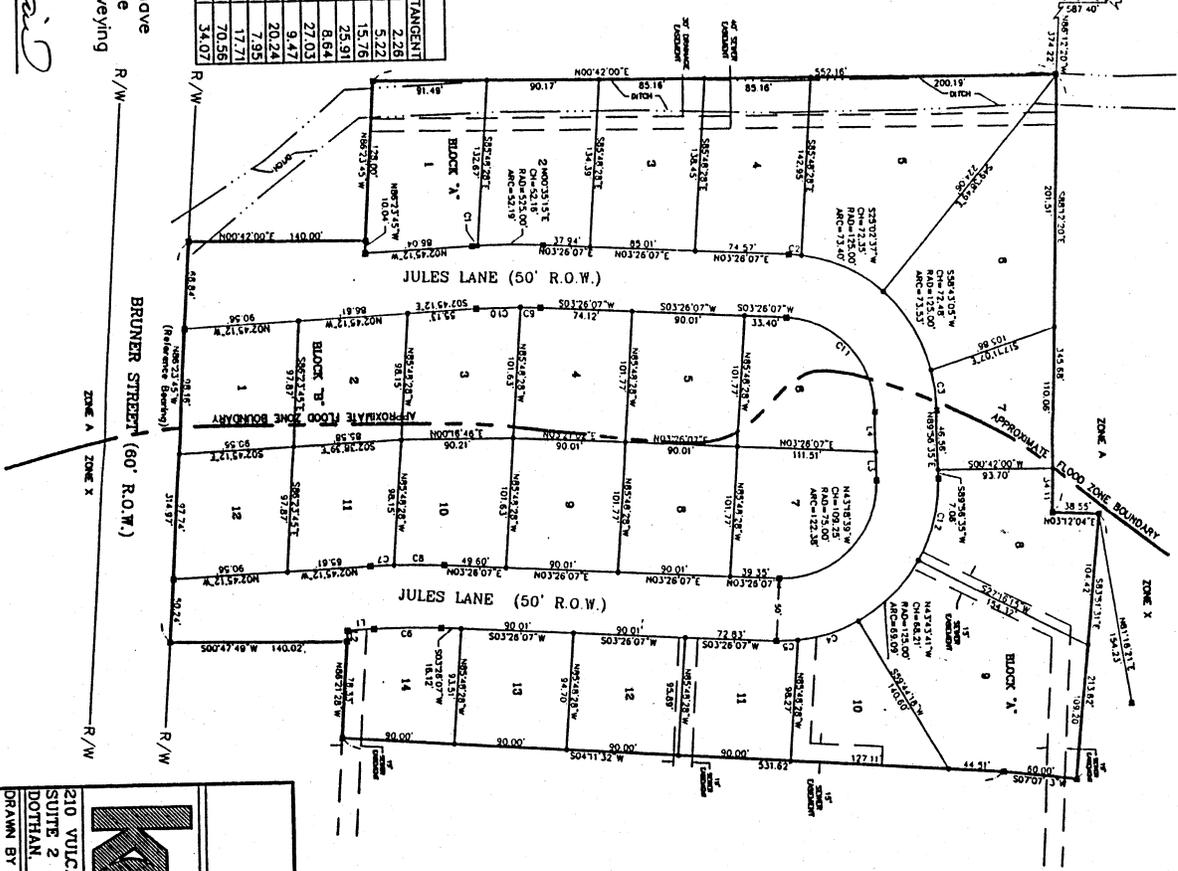
NW CORNER OF THE NW 1/4 OF THE NE 1/4, SECTION 33, T3N, R28E. GOVERNMENT BE TAKEN FROM NORTHWOOD SUB PLAT BOOK 8, PAGE 4

**LEGEND**

- RAD RADIUS
- CH CHORD
- ARC ARC LENGTH
- R/W RIGHT OF WAY
- BREAK LINE
- - - APPROXIMATE FORTY ZONE BOUNDARY
- DITCH
- EASEMENT

LINE	BEARING	DISTANCE
L1	S02°45'12"E	21.02
L2	S88°21'28"E	8.80
L3	N89°56'35"E	22.23
L4	N89°56'35"E	31.38

LINE	RADIUS	CHORD BEARING	CHORD DISTANCE	CENTRAL ANGLE	LENGTH	TANGENT
1	525.00	S02°30'24"E	4.52	0°23'36"	10.44	4.52
2	125.00	S05°48'43"W	10.44	4°21'13"	31.38	15.76
3	125.00	S82°45'25"W	31.27	14°27'20"	51.10	25.91
4	125.00	N16°10'59"W	50.74	23°52'21"	51.10	25.91
5	125.00	N00°31'06"W	17.24	7°54'26"	17.25	8.64
6	500.00	S00°23'28"W	53.98	6°11'19"	54.01	27.03
7	500.00	S01°46'00"E	18.94	1°58'24"	18.94	9.47
8	500.00	S01°19'40"W	40.45	4°17'54"	40.46	20.24
9	500.00	S02°28'35"E	15.90	1°55'01"	15.90	7.95
10	475.00	S00°37'04"E	35.40	4°16'18"	35.41	17.71
11	75.00	S48°41'21"W	102.78	113°24'	113.24	70.56
12	125.00	N74°48'33"W	65.75	30°29'44"	66.53	34.07



I hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of the International Technical Standards for the Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

Surveyor's Signature: *Chris Clemmons*

License No.: 19258

Surveyor: RICKY E. KINSAUL

**Kinsaul & Associates**  
LAND SURVEYORS ©

SURVEY DEPICTING REVISED FLOOD ZONE BOUNDARY FOR  
**CHRIS CLEMMONS**

210 VULCAN WAY SUITE 2 DOTHAN, AL 36303	CA-0465-LS (334) 792-9108	DWG FILE PROJECT 02070_CLEMMONS
DRAWN BY K.G.C.	JOB NO. 02070	LAST DATE OF FIELD WORK: 04/11/02
SCALE 1" = 100'	DATE 04/15/02	SHEET 1 OF 1

- NOTES:**
- This Plot does not reflect any easement or title research.
  - This Plot is not valid without Surveyor's Original Seal and signature.
  - Survey Source: Plat of Almo Garden Subdivision as recorded in Plat Book 10, Page 99 as recorded in the Office of the Judge of Probate, Houston County, Alabama.
  - Flood Zone Boundary obtained from Flood Insurance Rate Map, Panel 275 of 400, Map Number 0108900275 E, stamped 'Preliminary' and dated September 30, 1999; as published by the Federal Emergency Management Agency.
  - Assumed North is based on the North Right of Way line of Bruner Street being N86°23'45"W.
  - All existing structures on, under and adjacent to the site are not necessarily shown herein. Boundary information obtained from Field Plat of Almo Garden Subdivision.

ASSUMED

