

STATE OF KANSAS }
ELLIS COUNTY }
This instrument was filed for record
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JUN 03 2011

771 of Record page 440
Kathleen Slivice
Fee 120.00 Register of Deeds

**AMENDMENT OF COVENANTS CONTAINED IN PLAT
AND DEDICATION OF HAYS CITY SUBURBAN ESTATES**



The undersigned, being at least three-fourths (3/4) of the Owners of the Hays City Suburban Estates, do hereby amend the covenants as contained in a certain "Plat and Dedication of Hays City Suburban Estates" dated December 3, 1973, and filed of record on December 20, 1973, in the office of the Register of Deeds of Ellis County, Kansas, in Book 266 of OGL at page 627.

WHEREAS, said Plat and Dedication did establish a plat of the following described property:

A tract of land in the Southeast One-Quarter of Section 1, Township 14 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas, more fully described as follows:

Chart DR
In Direct DR
Numerical DR
Checked k

Beginning at a point on the East line of Section 1, Township 14 South, Range 18 West, said point being 260 feet North of the Southeast corner of said Section 1; thence North, along the East line of said Section 1, a distance of 895.7 feet; thence West, with an internal angle of 89 degrees 23 minutes, 2,641.3 feet to the West line of the Southeast One-Quarter of said Section 1; thence South, along the West line of the Southeast One-Quarter 1,153.3 feet to the South line of said Section 1; thence East, along the South line of said Section 1, a distance of 2,011 feet; thence North, parallel to the East line of said Section 1, a distance of 260 feet; thence East, parallel to the South line of said Section 1, a distance of 630 feet to the point of beginning. (Tract contains 66.24 Acres, more or less.)

A copy of the Plat is attached hereto as Exhibit A.

Call=
Bob Diehl

WHEREAS, the Plat and Dedication provides in Section E-1:

"The restrictions and covenants may be altered, amended or removed at any time by the written approval of three-fourths of the owners of Hays City Suburban Estates."

WHEREAS, the undersigned desire to amend the restrictions and covenants as hereinafter set forth.

THEREFORE, upon this resolution as exemplified by the undersigned signators being more than three-fourths (3/4) of the now owners of Hays City Suburban Estates as follows:

1. The Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates dated May 22, 2003, and filed of record on May 30, 2003, in Book 563 of Records at page 29 is hereby repealed.
2. Sections D and E of the Plat and Dedication are hereby repealed.
3. The following Sections are hereby adopted as part of the Plat and Dedication dated December 3, 1973, and filed of record on December 20, 1973, in the office of the Register of Deeds of Ellis County, Kansas, at 266 of OGL at page 627.

C. AREA OF APPLICATION.

The residential covenants in Parts D and E in their entirety shall apply to all of Hays City Suburban Estates, unless otherwise specified.

D. RESIDENTIAL AREA COVENANTS.

D-1. LAND USE AND BUILDING TYPES. No lot shall be used except for residential purposes. No building shall be erected,

altered, placed or permitted to remain on any lot other than one detached, single-family dwelling and a private garage, and/or non-commercial storage building. No rooms may be rented or commercial occupancy of said premises permitted except by family units.

D-2. No residence may be constructed or maintained for rental purposes.

D-3. BUILDING CODES. All new construction shall meet or exceed the building codes in effect by the City of Hays, Kansas.

D-4. OUTBUILDINGS. All outbuildings shall be in conformity in style and setting to the main dwelling.

D-5. EASEMENTS. There is hereby granted in perpetuity to all of the lots described herein easements as set forth in the attached plat to locate, construct, maintain and authorize the location, construction, maintenance and use of conduits for any and all purposes of water, gas, sewer mains, poles and wires on all or any of them over, under and along said lots as described by reference herein, provided that no utility shall locate within twenty feet of the existing structure or dwelling and all utility locations shall be constructed and shall as closely as possible follow the natural topography of the land for utility construction and maintenance.

D-6. NUISANCES. No noxious or offensive activities shall be carried on or upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the owners. All lots shall be mowed and kept clean.

D-7. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, bar other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently; exclusive of guests for non-commercial purposes.

D-8. BUILDING MATERIALS. No structure or building shall be moved on any lot at any time, and all structures which are permitted to be built shall be of new material, except for exterior and interior finish materials used for decorative purposes. No structure or building shall be a mobile home, trailer house or doublewide. Factory built homes known as Modular Homes or Systems Built Homes shall be allowed and permitted so long as they are constructed in accordance with the International Residential Code (IRC), as amended from time to time, or the Uniform Building Code (UBC), as amended from time to time and so long as such homes meet or exceed the current applicable codes of the City of Hays, Kansas.

D-9. SIGNS. No signs of any kind shall be displayed to the public view on any lot excepting signs advertising the sale

or rental of the property, or signs used by a builder to advertise the property during the construction and sale period.

D-10. OIL AND GAS MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot, excepting those mineral rights of record as of the date of the said Plat and Dedication.

D-11. DWELLING SIZE. The ground floor area of the main structure exclusive of one-story porches, garages and outbuildings shall be not less than 1,200 square feet. No building may exceed thirty-five (35) feet in height, measured from the adjoining roadway.

D-12. BUILDING LOCATIONS. No building shall be located nearer to the front lot line than 50 feet and nearer than 50 feet to any side lot line. No outbuildings shall be located on any lot nearer than 50 feet from any lot line or 50 feet from the side lot line.

D-13. RESTRICTION ON SUBDIVISION. From and after the adoption of this amendment, all residences shall be built on at

least one and a half (1½) lots with the exception of Lots 13, 14, 15, 38, 39, 43, 44, 48, 49, 50 and 51, upon which one residence per lot may be built.

D-14. MAINTENANCE OF PROPERTY. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in clean sanitary conditions.

D-15. RESTRICTION ON WATER RIGHTS. No water well or water storage facility of whatever kind or nature shall be located, placed or drilled within a radius of 100 feet of a waste water facility, sanitary sewer or septic tank situated on any lot nor maintained within 100 feet of a water well or water storage facility of whatever kind or nature, nor shall any lot, nor any part of any lot of said property be used in such manner as would violate any safety or health regulations of the State of Kansas or the United States concerning public water safety. Recognizing the limited supply of water, use of water by any lot owner from a water well located on the lots described herein, or from any water well located contiguous or adjacent to any lot described in this plat, shall be limited to

residential and household purposes for that lot only and not for any agricultural or commercial purposes.

D-16. TREGO COUNTY RURAL WATER DISTRICT #2. From and after the adoption of this Amendment, all residences built hereinafter shall be required to connect to and use as the residence's residential water, the Trego County Rural Water District #2., as available. The lots affected are Lots 7-51, inclusive, of Hays City Suburban Estates, Ellis County, Kansas. Those lots are permitted to have private water wells in addition to connection to Trego County Rural Water District #2.

E. GENERAL PROVISIONS

E-1. MEMBERS. The membership and members of the Hays City Suburban Estates shall be the owners of each residence and the owners of any undeveloped lots. If an owner of an undeveloped lot owns more than one lot, the owner of such undeveloped lot shall be only entitled to one vote. If a residence owner owns a residence sitting on one and a half or more lots, the residence owner shall only be entitled to a total of one vote for each residence owned.

E-2. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of ninety-nine (99) years from the date these covenants are recorded, after which time said covenants

shall be automatically extended for successive periods of ten (10) years, unless an instrument in writing signed by the majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

E-3. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages. The action may be brought by any member of Hays City Suburban Estates.

E-4. SEVERABILITY. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

5. EASEMENT OF RECORD. The dedication and plat hereof is subject to easements of record.

E-6. GRANDFATHER CLAUSE. Nothing herein shall be deemed to make improper or in violation of these covenants any existing structure.

IN WITNESS WHEREOF, we have hereunto set our hands this 14th day of April, 2011.

IN WITNESS WHEREOF, the undersigned has set the undersigned's hand this 14th day
of April, 2011.

Karen M. Swanson
KAREN M. SWANSON

ACKNOWLEDGMENT

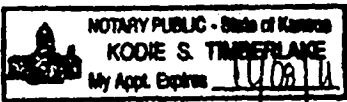
STATE OF Kansas)
COUNTY OF JOHNSON) ss

BE IT REMEMBERED, that on this 14th day of April, 2011, before me, the undersigned, a Notary Public, duly commissioned in and for the county and state aforesaid, came Karen M. Swanson, personally known to me to be the same person(s) who executed the foregoing instrument of writing, and said person(s) duly acknowledged the execution of the same for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by seal on the day and year last above written.

Kodie S. Timberlake

My appointment expires:



Kenneth W. Werner
Kenneth W. Werner

Amelia R. Werner
Amelia R. Werner

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Kenneth W. Werner and Amelia R. Werner, husband and wife.

Terry Bottorf
Notary Public

Seal: 

My appointment expires: 03/17/2012

Steven J. Pfeifer
Steven J. Pfeifer

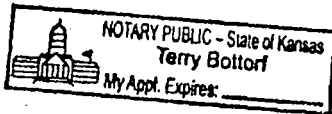
Denise L. Pfeifer
Denise L. Pfeifer

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Steven J. Pfeifer and Denise L. Pfeifer, husband and wife.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

Michael A. Legleiter
Michael A. Legleiter

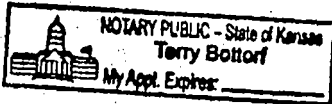
Sharolyn K. Legleiter
Sharolyn K. Legleiter

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 19 day of April, 2011, by Michael A. Legleiter and Sharolyn K. Legleiter, husband and wife.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 3/17/2012

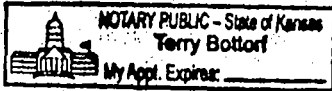
Kathleen M. Parsons
Kathleen M. Parsons

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of APRIL, 2011, by Kathleen M. Parsons.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

Carolyn E. Smith
Carolyn E. Smith

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 23 day of May, 2011, by Carolyn E. Smith, a single person.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

Thomas L. Mai
Thomas L. Mai

Jessica L. Mai
Jessica L. Mai

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 10 day of May, 2011, by Thomas L. Mai and Jessica L. Mai, husband and wife.

Terry Bottorf
Notary Public

Seal: 

My appointment expires: 03/17/2012

Mitchell A. Weber
Mitchell A. Weber

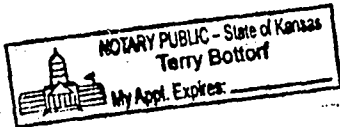
Julia A. Weber
Julia A. Weber

STATE OF KANSAS)
)
COUNTY OF ELLIS)


This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of APRIL, 2011, by Mitchell A. Weber and Julia A. Weber, husband and wife.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012



Andrew J. Urban

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Andrew J. Urban, a single person.



Notary Public

Seal:



My appointment expires: 09/17/2012

Richard L. Fetteroff
Richard L. Fetteroff

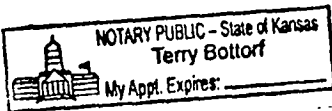
Janice M. Fetteroff
Janice M. Fetteroff

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Richard L. Fetteroff and Janice M. Fetteroff, husband and wife.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

Diana K. Dible
Diana K. Dible

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 16th day of May, 2011, by Diana K. Dible, a single person.

Leasa A. Huddle
Notary Public

Seal:



My appointment expires: 10-21-2013

Michael Suppes
Michael Suppes

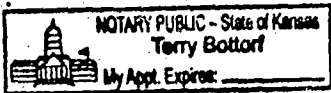
Beatrice E. Suppes
Beatrice E. Suppes

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27th day of April, 2011, by Michael Suppes and Beatrice E. Suppes, husband and wife.

Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

Terry L. Bottorf
Terry L. Bottorf

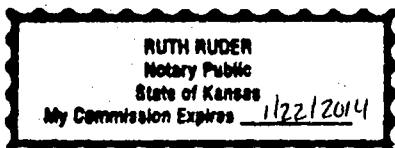
Debra A. Bottorf
Debra A. Bottorf

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 11th day of May, 2011, by Terry L. Bottorf and Debra A. Bottorf, husband and wife.

Ruth Rude
Notary Public

Seal:



My appointment expires: 1/22/2014

James F. Koerner
James F. Koerner

Arlis G. Koerner
Arlis G. Koerner

STATE OF KANSAS)
)
COUNTY OF ELLIS)


This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 30 day of APRIL, 2011, by James F. Koerner and Arlis G. Koerner, husband and wife.


Terry Bottorf
Notary Public

Seal:



My appointment expires: 03/17/2012

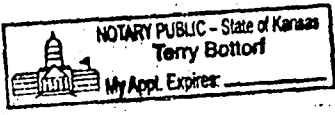

Troy A. Burkhart


Tiffany S. Burkhart

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Troy A. Burkhart and Tiffany S. Burkhart, husband and wife.


Notary Public

Seal: 

My appointment expires: 03/17/2012

T. J. Martin
T. Martin

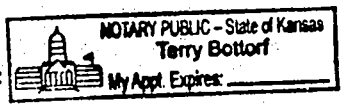
Timothy J. Martin

STATE OF KANSAS)
)
COUNTY OF ELLIS)

This instrument, Amendment of Covenants Contained in Plat and Dedication of Hays City Suburban Estates, was acknowledged before me on the 27 day of April, 2011, by Timothy J. Martin, a single person.

Terry Bottorf

Notary Public



Seal:

My appointment expires: 03/17/2012

