REPLAT OF PART OF LOT 2 OF BLOCK 1, OAKWOOD

CERTIFICATES

CERTIFICATE OF DEDICATION

Beverly A. Cox and James W. Cox, her husband, owning all of the following described premises in the City of Austin, Minnesota, to-wit:

That part of Lot 2, Block 1, Oakwood, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota, which lies in Section 4 - T102N - R18W;

less the west 60 feet of that part thereof which lies north of Lot 1 in said Block 1.

have caused the above described premises to be surveyed and platted as shown hereon, to be known as REPLAT OF PART OF LOT 2 OF BLOCK 1, OAKWOOD, and do hereby donate and dedicate to the public for public use forever the street and avenue appearing hereon; and also the utility easements appearing hereon, for the use of the municipality or other public utilities for the installation and maintenance of facilities installed in and over said easements to serve adjacent or other premises in the vicinity.

Park Lots 1 and 2 are hereby donated and dedicated to the public for public use for purposes to be used primarily for open space, but shall not be used for recreational development such as picnic shelters and playground equipment and the like.

Acceptance by the City of this Park Dedication shall constitute acknowledgement that the dedication to the public of Park Lots 1 and 2 shall also satisfy the City of Austin Subdivision ordinance requirements of land dedication for Park and recreation purposes for any other replat of land in Oakwood Addition to the City of Austin.

Witness our hands this 4 day of September, 1979.

Beverly A. Cox
Beverly A. Cox

James W. Cox
James W. Cox

STATE OF MINNESOTA)
) SS
COUNTY OF Mower)

The foregoing instrument was acknowledged before me this 4 day of SEPTEMBER, 1979 by Beverly A. Cox and James W. Cox, her husband.

Charles E. Fawver
NOTARY PUBLIC—MINNESOTA
MOWER COUNTY
MY COMMISSION EXPIRES FEB. 25, 1985

Charles E. Fawver
Notary Public
Mower County, Minnesota
My Commission Expires 2/25/85

SURVEYOR'S CERTIFICATE

I, Harold H. Haugh, a duly registered land surveyor, do this 4th day of Sept, 1979, by these presents, certify that the plat hereon is a correct representation of the survey thereof, that all distances are correctly shown on said plat, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, that all public highways located before the platting are correctly located and designated hereon, and that there are no wet lands to be designated in accordance with Section 505.02 of 1965 Minnesota Statutes, except as shown on the plat.

Harold H. Haugh
Harold H. Haugh
Registered Land Surveyor
Minnesota Reg. No. 5907

STATE OF MINNESOTA)
) SS
COUNTY OF FREEBORN)

The foregoing instrument was acknowledged before me this 4th day of Sept, 1979, by Harold H. Haugh.

DOROTHY J. STEINKE
NOTARY PUBLIC—MINNESOTA
FREEBORN COUNTY
MY COMMISSION EXPIRES MAR. 2, 1986

Dorothy J. Steinke
Dorothy J. Steinke, Notary Public
Freeborn County, Minnesota
My Commission Expires March 2, 1986

RESTRICTIVE COVENANTS

The Replat of part of Lot 2, Block 1, Oakwood is a Planned Unit Development under the zoning ordinance of the City of Austin and as such, all of the requirements and restrictions of the R-1 zone are applicable to this addition and are hereby imposed on this addition except as hereinafter set forth or as may be hereinafter modified from time to time by the City Council of Austin, through amendment of its zoning ordinances or modification of these specific restrictions in accordance with the procedures hereinafter set forth.

DEFINITIONS:
For purposes hereof the following terms shall have the following meaning:

a) "Lot" shall mean those plots of land numbered 1 through 16, inclusive, replat of Lot 2, Block 1 and any replats thereof as shown upon recorded subdivision map of OAKWOOD.

b) "Owner" shall mean the recorded owner, whether one or more persons or entities, excluding, however, all sellers under contracts for deed, and including in place thereof all purchases under contract for deed.

BUILDINGS:

1. Lot 1 and Lot 2 are to have driveway access from Valley Road. All other lots are to have driveway access from new streets provided by the Planned Unit Development.
2. Not more than one (1) dwelling shall be erected or constructed upon any one lot as shown upon the plat of OAKWOOD.
3. All dwellings shall be single family residences and shall be erected on a permanent foundation, with a minimum usable living area of 1080 square feet for one story structures and 936 square feet (ground area) for two story structures exclusive of porches, decks, and garages. No structure shall be greater than two stories exposed above grade.
4. No temporary trailer, basement, tent, shack, garage, barn or other non-housing structures, shall be erected or placed on the lot to be used as a residence, either temporarily or permanently, at any time.
5. All dwellings shall include an attached garage capable of accommodating one or two automobiles. No structure of any kind shall be constructed before commencement of the construction of the dwelling.
6. Outbuildings are prohibited. All storage facilities are to be incorporated with the house/garage structure.
7. Exterior materials to be stained wood siding - earthtone color (cedar, redwood, textured plywood or equal). Brick wainscoting is approved. (Maximum 50% cover on an elevation).
8. Set-backs:
   a) single family (detached)
      Front 15', rear 15', one side 5' opposite side 12'
      Note: it is intended that the dwelling be located close to one property line common to an adjacent dwelling to preserve open space.
   b) single family (attached - zero lot line)
      Front 15', rear 15', one side 0' opposite side 17', except Lot 10, opposite side set-back to be 12'.
9. Lots (8 and 9) and (10 and 12) are to be used for zero lot line houses or sold as one combined single family lot.
10. No dwelling shall be occupied until the exterior thereof is completely finished. All structures shall be completely finished on the exterior not later than nine (9) months after commencement of the excavation and construction thereof, subject to delays beyond the reasonable control of the owner.

UTILITIES AND SERVICES:

1. Any outside heat pump, air conditioning device or other service facility requiring installation above ground level shall be adequately screened or covered from view.

UTILITIES EASEMENTS:

1. Easements for the installation and maintenance of utilities, including telephone lines, are reserved upon those portions of the platted property designated on the plat as such and no buildings or similar obstructions shall be placed upon the property included in such easements. Utilities easements herein shall be perpetual except insofar as they may be surrendered or modified by appropriate governing body.

341127

Office of County Recorder
Mower County, Minnesota } SS

I hereby certify that the within instrument was filed for record on the 10 day of Sept A.D., 1979 at 10 o'clock A.M. and duly recorded in Book 13 of Plats on page 10.

Charles Enger
CHARLES ENGER, COUNTY RECORDER
By Dorothy Johnson Deputy

RESTRICTIVE COVENANTS (Continued)

LAND USE:

1. Lots 4, 5, 9 and 15 are subject to a pathway easement as shown on the plat drawing for neighborhood pedestrian access to park areas. NO motorized vehicles are allowed on said pathways. No sidewalks will be installed along street right of ways.
2. Yard fencing is prohibited; however, privacy screens at patios, decks, etc. are allowed and shall be designed to be compatible with the dwelling. The size of the patios, decks, etc. may not exceed 80% of the ground area covered by the dwelling and are subject to setback requirements.
3. Swimming pools, hot baths, etc. are allowed and must be installed and fenced as per City of Austin requirements. Related equipment and bath houses to match dwelling.
4. All land and water recreational vechicles motorized and non-motorized, and equipment shall be stored in the garage/storage structure.

MODIFICATION AND TERMINATION OF RESTRICTIONS:

1. This being a Planned Unit Development, the requirements and restrictions herein set forth may be modified or terminated only by the City Council of Austin. No modification or change, other than a change applicable to all Planned Unit Developments, shall be effective until a public hearing has been held by the City Council on said modifications with notice of the hearing thereon having been mailed to owners of said lots in this addition not less than 10 days prior to said hearing.
2. These restrictions may be enforced by the City of Austin or by one or more property owners in this addition and shall be enforceable by the City in accordance with the terms of its zoning ordinance or by either the City of Austin or property owners through use of injunction.
3. These restrictions shall remain in force until terminated or modified by the City Council of the City of Austin, MN.

COUNTY AUDITOR'S CERTIFICATE

I, Graham R. Uzlik, the duly appointed, qualified and acting County Auditor of Mower County, Minnesota, and the person having official charge of the records of the proceedings of the Board of County Commissioners of said County, do hereby certify that at a regular meeting of said Board of County Commissioners on _____, 19__, the said Board did duly accept, confirm and approve the attached plat of REPLAT OF PART OF LOT 2 OF BLOCK 1, OAKWOOD, in the Southwest Quarter of the Northwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota.

County Auditor

I, Graham R. Uzlik, County Auditor, Mower County, Minnesota, hereby certify that liens, if any, against the above described premises in any drainage proceedings have been apportioned to the respective lots, tracts and parcels situated in the described tract, pursuant to Minnesota Statutes (1953) 106.401, as amended by 1957 Session Laws, Chapter 495.

Graham R. Uzlik
County Auditor

STATE OF MINNESOTA)
) SS
COUNTY OF MOWER)

I, the duly appointed, qualified and acting City Recorder of the City of Austin, Mower County, Minnesota, and the person having official charge of all the minutes, resolution and ordinance books of said City, do hereby certify that at a regular meeting of the Common Council of the City of Austin, on Sept 4, 1979 by Resolution No. 6369, duly passed at said meeting, the said Common Council did duly accept, confirm and approve the attached plat of REPLAT OF PART OF LOT 2 OF BLOCK 1, OAKWOOD, in said county, and that said resolution was duly published in the official newspaper of the City of Austin on SEPT 8, 1979.

Date SEPT 10, 1979

Richard Borzyskowski
City Recorder

OFFICIAL PLAT