

DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AFFECTING
LONGMERE LAKE RIDGE SUBDIVISION, PART THREE

THIS DECLARATION, made this 23rd day of June, 1994, by CIRI Land Development Company, hereinafter called CLDC,

WITNESSETH

WHEREAS, CLDC is the owner of the real property described in Article I of this Declaration, and is desirous of subjecting the real property described in said Article I, to the covenants, conditions and restrictions hereinafter set forth for the benefit of said property and for each owner thereof, and shall said covenants, conditions and restrictions inure to the benefit of a pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest, and any owner thereof;

NOW, THEREFORE, CLDC hereby declares that the real property described in and referred to in Article I hereof is, and shall be, held, transferred, sold and conveyed subject to the covenants, conditions and restrictions hereinafter set forth.

Definition of Terms

"CLDC" means CIRI Land Development Company, the maker of this Declaration and the record owner of the real property.

"Real Property" means the entire land area shown on and described by the plat of Longmere Lake Ridge Subdivision, Part Three, and successive development phases.

"Plat" means the plat of Longmere Lake Ridge Subdivision, Part Three, and successive plats of successive development phases.

"Lots" means the lots shown on the plat of Longmere Lake Ridge Subdivision, Part Three, and successive plats of successive development phases.

"Owner" means the owner, or the contract purchaser in possession, of a lot. CLDC shall be considered the owner of all lots not yet sold or those lots re-acquired by it.

"Longmere Lake Ridge Subdivision" means the residential community shown by the plat and successive plats.

ARTICLE I

Property Subject to This Declaration

The real property which is, and shall be, held and shall be conveyed, transferred and sold subject to the covenants, conditions and restrictions hereinafter set forth, is located in the Kenai Recording District, Third Judicial District, State of Alaska, and is more particularly described as follows:

Lots Twenty through Twenty-four (20-24), Block One (1), Longmere Lake Ridge Subdivision, Part Three, according to the official plat thereof, recorded on June 14, 1994 as Plat Number 94-28, in the records of the Kenai Recording District, Third Judicial District, State of Alaska.

CLDC may, from time to time, subject additional real property to the covenants, conditions and restrictions herein set forth by appropriate reference thereto.

ARTICLE II

Purpose of Declaration

The real property described in Article I hereof is subjected to the covenants, conditions and restrictions hereby declared to insure the fullest enjoyment and benefit of the property for single-family residential purposes; to promote attractive residential uses while preventing noxious, offensive or otherwise incompatible uses from affecting the value and enjoyment of the residential uses; to maintain the natural character and aesthetic qualities of the property for the continued enjoyment and benefit of property owners.

ARTICLE III

Land Use Conditions, Covenants and Restrictions

- A. Land Use and Building Type - No lot shall be used except for single-family residential purposes. No building or structure shall be erected, altered, placed or permitted to remain on any one lot other than:
1. One detached single-family dwelling. Each and every dwelling must have a garage capable of housing at least one automobile.
 2. Fences, gates and associated structures.
 3. A greenhouse.
 4. A garden tool shed, woodshed, children's playhouse, sauna or like structure.
 5. A doghouse and/or pen.
- B. Structural Setbacks - No building or structure shall be placed within 50' from the shoreline of Longmere Lake; thirty (30) feet of any public right-of-way; nor within twenty (20) feet of any side or rear interior lot line with the exception of the placement of fences along lot lines.

For purposes of this covenant, eaves, porches, steps and decks shall be considered as part of the structure.

- C. Water Supply - No individual water supply system shall be permitted on any lot unless such a system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Alaska Department of Environmental Conservation or such other rules and regulations which may be promulgated by applicable Federal, State or local authorities. Approval of such a system as installed shall be the responsibility of the individual lot owner.
- D. Sanitary Waste Disposal - No individual sanitary waste disposal system shall be permitted on any lot unless such a system is located, constructed and equipped in accordance with the requirements, standards and recommendations of the Alaska Department of Environmental Conservation or such other rules and regulations which may be promulgated by the applicable Federal, State or local authorities. Approval of such a system as installed shall be the responsibility of the individual lot owner.
- E. Temporary Structures - No structure of a temporary character including but not limited to a trailer, basement, tent, shack, garage, barn or other structure shall be placed on a lot and used as a permanent or temporary residence.
- F. Clearing - To maintain the natural setting and aesthetic values of Longmere Lake Ridge Subdivision, retention of natural vegetation shall be encouraged and indiscriminate tree clearing and clear-cutting of lots is prohibited. Clearing of any natural vegetation or standing timber is prohibited within 15 feet from interior lot lines.
- G. Nuisances - No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become a nuisance, or cause unreasonable embarrassment, disturbance or annoyance to other Owners in the enjoyment of their lots.

- H. Garbage and Refuse Disposal - No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall be kept in sanitary containers. Such material shall not be disposed of by incineration on any lot.
- I. Fuel Storage - No lot shall be used for the storage of fuel, oil, or natural gas for commercial use or consumption. Any above-ground or underground storage of these fuels must meet all applicable regulations and requirements of the Federal, State and local governments.
- J. Commercial Vehicles - No commercial vehicles, or similar commercial or construction equipment shall be parked, placed, erected or maintained on any lot for any purpose except during the period of residential construction.
- K. Signs - Signs shall not be displayed to the public view on any lot except one sign of not more than five (5) square feet advertising the property for sale or rent and a sign of equal size to show property ownership.
- L. Animal Control - Animals, livestock or poultry may not be raised, bred or kept on any lot except dogs, cats or other normal household pets, provided that they are not kept, bred or maintained for any commercial purposes. All dogs shall be restrained as necessary to prevent their becoming a nuisance. Specifically excluded and not allowed are dog sled teams.
- M. Oil and Mining Operations - There are no oil or mineral rights acquired with this land. 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.
- N. Resubdivision - No lot shall be resubdivided or otherwise reduced from its original size.
- O. Easements - Easements for installation and maintenance of utilities are reserved as shown on the recorded plat.

ARTICLE IV

Building and Dwelling Restrictions

- A. Dwelling Size - Dwelling shall be single-family structure. The ground floor living area of the main structure exclusive of porches and garages, shall be not less than 1,200 square feet for a one-story dwelling, nor less than 800 square feet for a dwelling of more than one story.
- B. Driveways - All driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum 12 feet width on top and perpendicular to the road. Each lot owner shall, at the time of driveway construction, provide a culvert at the ditch crossing. Culverts shall be a minimum of twelve (12) inch diameter corrugated metal pipe, ten (10) gauge or equivalent.
- C. Code Conformation - All buildings constructed hereunder shall conform to the specifications and requirements of the most recent revisions of all electrical, mechanical, plumbing and building codes applicable under the laws of the State of Alaska or the Kenai Peninsula Borough and other local codes, if any, in force at the commencement of construction.
- D. Construction Period - Buildings may not remain in an unfinished state externally for more than six (6) months from the commencement of construction activities. Work on the structures shall be deemed to have commenced when excavation for foundation or basement has been made.

ARTICLE V

General Provision

- A. Term - These covenants, conditions and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty (20) 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 signed by a majority of the then record owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

- B. Amendment - This Declaration may be amended during the first twenty (20) year period, by an instrument signed by owners of not less than seventy-five percent (75%) of the record lots in Longmere Lake Ridge Subdivision. Thereafter, this Declaration may be amended by an instrument signed by owners of not less than a majority of the record lots in Longmere Lake Ridge Subdivision. Any amendment must be recorded.
- C. Enforcement - Enforcement shall be by appropriate proceeding(s) of law or in equity against any person or persons violating or attempting to violate any covenant, condition or restriction herein contained, such proceeding(s) may be brought by the owner or owners of record of any lot in the subdivision. Failure to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of the right to do so hereafter.
- D. Severability - Invalidation of any one of these covenants, conditions or restrictions by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF CLDC has caused this Declaration to be signed by its duly authorized officer the day and year first above set forth.

CIRI LAND DEVELOPMENT COMPANY

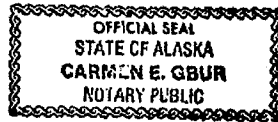

Kirk McGee, President

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

BOOK 0447 PAGE 136

THIS IS TO CERTIFY that on the 23RD day of JUNE, 1994, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared KIRK MCGEE to me known to be the PRESIDENT of the corporation described in and who executed the above and foregoing instrument and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate above written.



Carmen E. Gbur
Notary Public in and for Alaska
My commission expires: 7/7/95

mh

94-6290
KENDREC
DISTRICT 36-
RECORDED BY CMB

'94 JUL 8 PM 1 40

RETURN TO:

CLDC
2525 C STREET
P. O. BOX 93330
ANCHORAGE, AK 99509-3330
(907) 274-8636

030,018,001

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AMENDMENT TO THE DECLARATION OF
CONDITIONS, COVENANTS, AND RESTRICTIONS
AFFECTING LONGMERE LAKE RIDGE SUBDIVISION

THIS DECLARATION made this 4th day of
April, ²⁰⁰⁶ 2005, made by over seventy-five percent (75%)
of the owners of LONGMERE LAKE RIDGE SUBDIVISION, further
described as follows:

PARCEL ONE:

LOTS ONE THROUGH EIGHT (1-8), BLOCK ONE
(1), LONGMERE LAKE RIDGE SUBDIVISION,
Part One, according to the official plat
thereof, recorded on August 10, 1988, as
Plat No. 88-47, in the Records of the
Kenai Recording District, Third Judicial
District, State of Alaska; and

PARCEL TWO:

LOTS NINE THROUGH THIRTEEN (9-13), BLOCK
ONE (1), and LOTS ONE AND TWO (1,2)
LONGMERE LAKE RIDGE SUBDIVISION, Part
Two, according to the official plat
thereof, recorded on September 11, 1991,
as Plat No. 91-42, in the Records of the
Kenai Recording District, Third Judicial
District, State of Alaska; and

PARCEL THREE:

LOTS TWENTY THROUGH TWENTY-FOUR (20-24),
BLOCK ONE, LONGMERE LAKE RIDGE
SUBDIVISION, Part Three, according to the

If there is an amendment to this
declaration, it shall be in effect if any
of the following conditions are met.

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907 263 2910

official plat thereof, recorded on June 14, 1994, as Plat No. 94-28, in the Records of the Kenai Recording District, Third Judicial District, State of Alaska; and

PARCEL FOUR (4):

LOTS FOURTEEN THROUGH NINETEEN (14-19), BLOCK ONE, and LOTS THREE THROUGH FIVE (3-5), BLOCK TWO, LONGMERE LAKE RIDGE SUBDIVISION, Part Four, according to the official plat thereof, recorded on May 1, 2002, as Plat No. 2002-27, in the Records of the Kenai Recording District, Third Judicial District, State of Alaska.

WITNESSETH:

WHEREAS, the undersigned are the owners of the real property hereinabove described comprising the LONGMERE LAKE RIDGE SUBDIVISION, and in the desire to assure the continued development of the subdivision for the benefit of future property owners and the protection of property values within the LONGMERE LAKE RIDGE SUBDIVISION, a protective covenant is being amended.

NOW THEREFORE, the undersigned hereby establish and file for record the following amendment to the original Declaration of Covenants, Conditions, and Restrictions, recorded in Book 447 at Page 130, in the Kenai Recording District, Third Judicial District, State of Alaska.

**ARTICLE III
LAND USE CONDITIONS, COVENANTS, AND RESTRICTIONS**

Section B. Structural Setbacks. - No building or structure shall be placed within 50' from the shoreline of

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AMENDMENT TO THE DECLARATION OF CCRS
LONGMERE LAKE RIDGE SUBDIVISION
Page 2 of 22



2 of 22
2006-003068-0

Longmere Lake; thirty(30) feet of any public right-of-way; nor within twenty (20) feet of any side or rear interior line with the exception of the placement of fences along lot lines. For purposes of this covenant, eaves, porches, steps and decks shall be considered as part of the structure. However, the structural setback along the north side of Lot Twenty-three (23), Block One (1), shall be ten (10) feet.

THE UNDERSIGNED, HEREBY CERTIFY THAT THIS REPRESENTS THE ONLY AMENDMENT IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ALL OTHER ARTICLES OF SAID ORIGINAL COVENANTS RECORDED IN BOOK 447 at Page 130, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, REMAIN IN FULL FORCE AND AFFECT.

NOTARY ATTACHMENTS (Pages 4-22) ARE AS FOLLOWS:

DANIEL L. DERA EVE	RUBY Y. DERA EVE
STEVEN J. STENGA	MARY B. STENGA
KURT R. ERIKSSON	AMY J. ERIKSSON
MICHAEL R. FLORES	KATHRYN FLORES
RORY R. POLAK	DEBORAH H. POLAK
JEFFREY S. MAGEE	JEFFREY S. MAGEE
JEFFREY S. MAGEE	CARMEN C. MAGEE
JAMES E. STENGA	JESSICA V. GASPARINI-STENGA
MARC V. ZIMMERMAN, Trustee	LINDA A. ZIMMERMAN, Trustee
ZIMMERMAN REVOCABLE TRUST	ZIMMERMAN REVOCABLE TRUST
DOUGLAS L. RICHESIN	LAURA M. RICHESIN
JAMES D. CEHULA	MYRA L. WILSON
JACKSON MEYER	KANDICE R. MEYER
SCOTT JOSEPH CHRISTIAN	JILL ALISON CHRISTIAN
SEAN B. CUDE	MELISSA A. SMITH-CUDE
M. THOMAS DWINNELL	PATRICIA G. DWINNELL
CHARLES SHARP	DEANNA SHARP
LINN J. PLOUS, Trustee of the	
TWODOC ULTRA TRUST	
RANDY RAY BRIDWELL	PETER J. THOMSON
JOSEPH E. HARDY	BILLIE B. HARDY

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AMENDMENT TO THE DECLARATION OF CCRS
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Page 3 of 22



3 of 22
2006-003068-0

