

ARCHITECTURAL CONTROL

The Franklin Valley Restrictions, or covenants, form a legally recorded document prepared by prior owners of the land on which the community is located. The purpose of restrictions is the protection of individual property values against uncontrolled building and change that might otherwise cause those values to deteriorate. They serve the interest of the home owner. They are a community asset when soundly administered.

The restrictions have been a major controlling factor in the development of Franklin Valley into a pleasant, attractive residential community of harmonious structure and value. To maintain that level of achievement after erection of homes, the restrictions provide reasonable controls for certain types of exterior changes and additions to buildings and grounds.

Franklin Valley, Inc. was responsible for administration of restrictions during major construction in the community. As specified in the restrictions, responsibility for administration has been transferred to the residents through its representative organization, Franklin Valley Association, Inc. The restrictions may not be legally changed before 1982.

Members of the Architectural Control Committee are appointed by the Board of Directors, Franklin Valley Association.

Scope and Purpose

The Architectural Control Committee, Franklin Valley Association, shall function on behalf of all residents within the limits specified in the restrictions for the purpose of:

1. Reviewing and approving all plans for new dwellings, exterior changes or additions to existing dwellings, and all other exterior construction described in the restrictions, such as fences, walls, swimming pools, etc.
2. Encouraging the maintenance or architectural and esthetic harmony in the buildings and grounds of the community by all means at its disposal.

Procedure for Residents

Notwithstanding any provision for administrative procedure to the contrary contained in Franklin Valley Restrictions as drafted by Franklin Valley, Inc., original owners of all property in the community, the following procedures shall apply for the convenience of residents:

1. Any resident desiring to erect a building, addition, fence, wall, or other exterior structure or object described in the Franklin Valley Restrictions should submit a sketch and/or written description, or plans for same prepared by a registered architect, to the Chairman, Architectural Control Committee. Descriptive materials may be submitted to any other committee member if the Chairman is not available.
2. Within ten days following receipt of acceptable materials describing a proposed new structure the Architectural Control Committee will notify the resident submitting the descriptive materials that either: (a) the proposed structure is approved for construction, or (b) the proposed structure is not approved for reason of not conforming with the restrictions. No structure may be commenced without approval of plans as described. Appeal of disapproval may be made to the Board of Directors, Franklin Valley Association, or to the Association in total.

3. Residents wishing to register complaint concerning a violation of restrictions may do so in writing to the Chairman, Architectural Control Committee.

FRANKLIN VALLEY RESTRICTIONS

1. Declaration

The undersigned, for themselves, their successors and assigns, do hereby publish and declare and make known to all intending purchasers and future owners of the various lots comprising the above described subdivision, that the same will and shall be used, held, and/or sold expressly subject to the following building and use conditions, restrictions, covenants, agreements and easements which comprise the general plan for the improvement of the said subdivision and which shall be incorporated by reference in all deeds of conveyance and contracts for the sale of said lots and run with the land and be operative up to and until January 1st, 1982, at which time the aforesaid conditions, restrictions, covenants, agreements and easements shall be automatically extended for successive periods of ten years, unless by vote of two-thirds of the owners of the lots it is agreed to change said conditions, restrictions, covenants, agreements and easements in whole or in part.

2. Use of Property

- (a) Outlot A and any other vacant lots owned by Franklin Valley, Inc. in the above mentioned subdivision may be used for the construction, operation and maintenance of a water system thereon which may supply water to all of the lots in said subdivision and to property neighboring, adjoining, adjacent and/or contiguous thereto. Said lots may also be used as a private park(s).
- (b) All remaining lots shall be used for residence purposes only and no building of any kind whatsoever shall be erected, re-erected, moved or maintained thereon except a private dwelling house and appurtenant buildings as hereinafter provided. Such dwelling house shall be designed and erected for occupation by a single private family and a private attached garage for the sole use of the respective owner or occupant of the lot upon which said garage is erected. Such garage may have living quarters in connection therewith for use and occupancy by servants of the owner in the respective lots. Other buildings may be erected only if approved by Franklin Valley Association in such manner and location as Franklin Valley Association may in its sole discretion permit in writing.

3. Character and Size of Buildings

No buildings, septic tank, or septic field, fence, wall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration to any structure be made except interior alterations, until the plans and specifications prepared by a registered architect showing the nature, kind, shape, height and materials, color scheme, location on lot and approximate cost of such structure and the grading plan of the lot to be built upon shall have been submitted to and approved in writing by Franklin Valley Association or its authorized agent, and a copy of said plans and specifications as finally approved, lodged permanently with said Franklin Valley Association.

In any case, with or without the approval of Franklin Valley Association, no dwelling shall be permitted on any lot in the subdivision unless, in the case of a one-story building, the ground floor area thereof shall be not less than 1300 square feet, and in the case of a one and one-half

story building, the ground floor area shall not be less than 1000 square feet. No dwelling shall exceed two (2) stories in height. All restrictions on square footage shall be exclusive of garages, porches or terraces. All garages must be attached or architecturally related to the dwelling, and no garage shall provide space for less than 2 automobiles. Car ports may be approved by Franklin Valley Association, at their discretion, providing, they do not face the street. Two story houses shall have a minimum of 1500 square feet of finished area with at least 750 square feet on the ground floor.

4. Building Lines

No building on any of said lots shall be erected nearer than 40 feet to the front lot line, or nearer than 12 feet 6 inches to the side or rear lot line or 40 feet from side on corner lots, except by written consent of Franklin Valley Association.

5. Animals

No chickens, other fowl or livestock shall be kept or harbored on any of the said lots. No animals shall be kept or maintained on any lot excepting household pets for the use by the owner and members of his family. No animals shall be kept on the premises for any commercial purpose. Household pets shall have such care as not to be objectionable or offensive on account of noise, odor or unsanitary conditions. At no time shall any horses be kept on the land.

6. Sewage

All sewage shall be disposed of by septic tank or other sanitary methods approved by the Michigan Department of Health or by such public body as may succeed to its duties and functions. The design of any septic tank and its appurtenant drainage system shall be approved in writing by Franklin Valley Association, through its representatives as to location, design and construction. No sewage effluent from septic tanks, garbage or other refuse shall be permitted to enter any lake, canal or waterway within the subdivision or bordering thereon.

7. Wells

No well shall be dug, installed or constructed on any of the lots in the above described subdivision except with the written approval of Franklin Valley Association, through its duly authorized representatives.

8. Sight Distance at Intersections

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

9. Easements

Easements for installation and maintenance of utilities and underground sewerage and drainage lines are reserved as shown on the recorded plat and also in and over a strip of land six

feet in width along all other interior lot lines. After such utilities have been installed, planting, fencing or other lot line improvements shall be allowed so long as access without charge or liability for damages be granted for the maintenance of utilities or underground drainage lines so installed or for the installation of additional facilities. No lot owner shall reserve or grant any easement, right of way in, upon, under or over his lot for conduits, poles, driveways, pathways, or for any other purpose without the consent in writing of Franklin Valley Association, or its duly authorized agent.

10. Temporary Structures

Trailers, tents, shacks, barns or any temporary building of any description whatsoever are expressly prohibited within this subdivision and no temporary residence shall be permitted in unfinished residential buildings. The erection of a temporary storage building for materials and supplies to be used in the construction of a dwelling, and which shall be removed from the premises on completion of the building, may be allowed with the written consent of Franklin Valley Association.

11. General Conditions

- (a) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Waste shall be kept in sanitary containers properly concealed from public view. A specifically designated area may be temporarily used by designated builders if permission is given them by Franklin Valley Association, for the purpose only of burying allowable building waste in a manner which will not be objectionable to adjacent properties.
- (b) No trailers or commercial vehicles, other than those present on business, may be parked in the subdivision.
- (c) No laundry shall be hung for drying in such a way as to be readily visible from the street on which lot fronts.
- (d) All homes shall be equipped with electric garbage disposal units in the kitchen.

12. Lease Restrictions

No owner of any of said lots shall lease and/or sublet less than the whole of any dwelling.

13. Exterior Surface of Dwellings

All dwellings shall be of brick or brick veneer. Poured concrete brick, cinder brick or cinder block shall not be used as an exterior surface in any of said dwellings; provided, however, Kragstone shall be permitted. Wood, stone, glass or ledge rock may be used in combination with brick, provided that the same does not exceed 50% of the exterior surface, unless authorized in writing by Franklin Valley Association, through its duly authorized agents.

14. Fences

- (a) No fence, wall or solid hedge may be erected, grown or maintained in front of or along the front building line of any lot, nor shall any fence or wall be erected on or between the side lines of any lot which is more than four feet in height or extended forward or beyond the front building line. No wire fences shall be permitted on any of the lots in said subdivision, but rather permitted fences shall be of permitted masonry materials or of wood construction of a ranch type split rail or picket design. If a particular condition arises in which fencing beyond the four foot height or of a material other than designated is desirable, a request for

such permission may be submitted to the Franklin Valley Association and they may have the right to grant such permission notwithstanding.

- (b) No fence shall be permitted within 15 feet of any stream or natural water course in the subdivision, except with the written approval of Franklin Valley Association through its duly authorized agents.
- (c) All portions of the lots lying in front of the building line as hereinbefore set forth shall be used for ornamental purposes only.

15. Signs

No sign or billboard shall be placed or maintained on any residence lot, except that one advertising the lot or house or house and lot for sale or lease, and having not more than 5 square feet in surface and the top of which shall be 3 feet or less above the ground, may be erected and maintained on any of said lots. Such other signs may be erected and maintained as are permitted in writing by Franklin Valley Association.

16. Destruction of Building by Fire, etc.

Any dwelling or building on any lot in the within subdivision which may be in whole or in part destroyed by fire, windstorm or otherwise, must be rebuilt with all reasonable dispatch and, pending such rebuilding, all debris shall be removed from such lot and property in order to preserve the sightly condition of the subdivision.

17. Altering Size of Lots

No lots in said subdivision shall be subdivided or in any respect reduced in size in any manner whatever. Lots may be enlarged by the consolidation of 2 or more of the same in their entirety under a single ownership and must be developed as a unit and all restrictions provided for hereunder shall apply to such consolidated lots as the same apply to any single lot.

18. Creeks and Drainage Ditches

Natural creeks and/or drainage ditches now located in said subdivision shall not be drained, filled, altered, changed, dammed or widened without the express written consent of Franklin Valley Association.

19. Severability of Provisions

Invalidation of any of the covenants, conditions or limitations in this instrument contained by judgment or court order, shall in no wise affect any of the other covenants, conditions and limitations which shall remain in full force and effect.

20. Violations

Violation of any restriction or condition or breach of any covenant or agreement herein contained shall give Franklin Valley Association, in addition to all other remedies provided by law, the right to enter upon the land upon which such violation or breach exists and summarily to abate and remove, at the expense of the owner thereof, any erection, thing or condition that may be or exist contrary to the intent and meaning of the provisions hereof, and Franklin Valley Association shall not thereby be deemed guilty of any manner of trespass for such entry, abatement or removal.