

408596

DECLARATION OF  
RESTRICTIVE AND PROTECTIVE COVENANTS  
FOR COUNTRY LIVING ACRES

Jack W. Barkley, Deborah J. Barkley, Charles H. Barkley, and Louise Barkley, being the fee owners of the following described real property located in Campbell County, State of Wyoming, same being the real property now duly platted as Country Living Acres, a subdivision of Campbell County, as such plat is now recorded in Book 2 of Plats, Page 25 of the records in the office of the County Clerk of Campbell County, Wyoming, hereby makes the following declaration as to limitations, restrictions, and uses to which the lots or tracts constituting such subdivision may be put, and hereby specifies that such declaration shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of limitations on all future owners in such subdivision, to-wit:

A. PURPOSE OF COVENANTS

The purpose of these restrictions is to insure the use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction on the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners.

B. AREA OF APPLICATION

B-1. FULLY PROTECTED RESIDENTIAL AREA. The covenants herein declared in their entirety shall apply to all of Blocks 1 & 2, excepting only lots 4 of Block 2 and 17 of Block 1, Country Living Acres, a subdivision of Campbell County, Wyoming.

B-2. MULTI RESIDENTIAL AREA. Lot 17 of Block 1 and Lot 4 of Block 2 of this subdivision are designated for the construction of multiple dwellings. All covenants herein listed

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR CAMPBELL COUNTY, WYOMING**

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IN THE MATTER OF THE )  
ORGANIZATION OF: )  
 )  
COUNTRY LIVING ACRES )  
IMPROVEMENT AND SERVICE DISTRICT )

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**DECLARATION OF ELECTION RESULTS AND ORGANIZATIONAL RESOLUTION**

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THIS MATTER coming on for hearing this 15<sup>th</sup> day of February, 2000, upon the certificate of the Canvassing Board, said election being for the organization and establishment of the proposed Country Living Acres Improvement and Service District, and for the election of three (3) Board Members to serve as the initial Board of Directors of the district, said election held on the 7<sup>th</sup> day of February, 2000, and the Board being fully informed in the premises finds:

1. That a petition for the organization of the proposed Country Living Acres Improvement and Service District was heretofore filed and presented to the Board in conformity with the statutes in such cases made and provided; that the allegations of said petition are true, that said petition was signed by more than sixty percent (60%) of the tax-paying electors of said proposed district, and that a bond or cash deposit sufficient to cover all costs and expenses connected with these proceedings was duly filed with this Board.

2. That notice of hearing on said petition was given for the time and in the manner prescribed by law.

3. The area of the proposed district does not overlap any land presently within any other Improvement and Service District nor does it include any lands within a city or town, and the proposed district lies wholly within the County of Campbell and the State of Wyoming.

4. That the question of the organization of said Improvement and Service District was, by order of this board duly entered, and submitted to the electors of said proposed district at an election held on the 7<sup>th</sup> day of February, 2000, said election being conducted in accordance with W.S. 22-29-114 through 22-29-115, a mail ballot election.

5. That the published notice of said election was duly given, said notice being published in the Scout, a newspaper of general circulation in the district on December 23, 1999.

6. That the ballot was duly mailed to each qualified elector as provided by law on January 13, 2000.

7. That at said election, the Campbell County Clerk certifies to this board and filed herein the return of said election; that 13 total votes were cast; that 12 votes were for the Organization, and 1 vote was against the Organization of said district. That the majority of votes cast were in favor of the organization of the proposed district.

8. That at the election, Bob Jordan received the highest number of votes for Director for the three year term, that Steven G. Wuensch received the highest number of votes for Director for the four year term, and that Anne H. Ochs received the highest number of votes for Director for the five year term.

IT IS THEREFORE RESOLVED:

1. That the Country Living Acres Improvement and Service District, and the same hereby is, declared, created, and established as a governmental subdivision of the State of Wyoming, and as a body corporate, with all the powers of a public or quasi-municipal corporation; that the Board of Directors herein named shall have, and they are hereby vested with, all the powers, duties and obligations of Directors of Country Living Acres Improvement and Service District as conferred and provided by said act, all laws amendatory thereof and supplemental thereto, and as may by law hereafter be provided.

2. That the corporate name of said District is, and it shall hereafter be known as the "Country Living Acres Improvement and Service District".

3. That the Country Living Acres Improvement and Service District shall have and exercise through its proper officers, all of the power and authority conferred upon Improvement and Service Districts under and by virtue of the provisions of Section 18-12-101 to 18-12-140, Wyoming Statutes, 1977, and all laws hereunto enabling, and all such power and authority as may hereafter be conferred by law.

4. That the following are, pursuant to the resolution of this Board, duly designated as the first Board of Directors of the Country Living Acres Improvement and Service District for the terms set forth opposite each of their respective names, to-wit:

Bob Jordan

To serve for a three (3) year term

Steven G. Wuensch

To serve for a four (4) year term

Anne H. Ochs

To serve for a five (5) year term

5. That the boundaries of the Country Living Acres Improvement and Service District and the land situated therein are described with particularly as follows:

Beginning at the South  $\frac{1}{4}$  corner of Section 34, Township 49 North, Range 73 West of the 6<sup>th</sup> P.M., Campbell County, Wyoming; Thence S89° 25'00" W along the South boundary of said Section 34 a distance of 1349.21 feet to the Southwest corner of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ ; Thence N0° 03'02" W along the West boundary of said E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  a distance of 2518.97 feet to a point line on the Southern boundary of the 4-J Road; Thence N 44° 55'54" E along the Southern boundary of the 4-J Road a distance of 1898.60 feet to a point on the North South centerline of Section 34; Thence S0° 09'20" E along the said North South centerline of Section 34 a distance of 3849.35 feet to the point of beginning. The above described parcel of land containing 98.42 acres more or less. All bearings referenced to the South boundary of Section 34 as S89° 25'00"W as per Jessie E. Spielman Survey.

6. That the Certificate of Election Results are hereby filed herein by the Canvassing Board, and the same is hereby in all respects approved and confirmed.


7. That the form of Oath of Office hereto attached as Exhibit "A" be, and the same is hereby affixed and approved as the form of oath to be executed by the Directors of said District in qualifying for their offices.


8. That the members of the Board of Directors of the District shall qualify for office and organize the Board in the manner prescribed by the laws of the State of Wyoming.

9. That within ten days here from, the County Clerk shall transmit to the Department of Audit, and the Campbell County Assessor, a copy of this Declaration and Resolution,

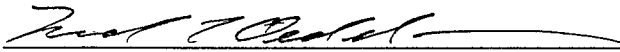
RESOLVED this 15<sup>th</sup> day of February, 2000.

CAMPBELL COUNTY BOARD OF COMMISSIONERS

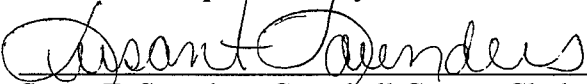
  
\_\_\_\_\_  
Chairman, Campbell County Commissioners

  
\_\_\_\_\_  
Member, Campbell County Commissioners



  
\_\_\_\_\_  
Member, Campbell County Commissioners

ATTEST:

  
\_\_\_\_\_  
Susan F. Saunders, Campbell County Clerk

shall apply insofar as they are compatible with the construction of multiple dwellings.

(a) Covenant D-1 shall not burden this area.

(b) Density. On the lots described and regulated by this section, no more than three single person residences shall be constructed per 6,000 square feet of land area in each benefitted lot.

(c) Nothing in this section shall authorize any use or development in this area which shall degrade or diminish the value or attractiveness of the subdivision as a whole.

(d) Any and all development in the two multi-dwelling lots shall conform to all requirements of applicable County or State law as such shall be approved and enforces as of the commencement of any development.

C. RESIDENTIAL AREA COVENANTS

C-1. LAND USE AND BUILDING TYPE. 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 not to exceed two and one-half stories in height and a private garage for not more than three cars.

No residence shall be constructed containing less than 1,200 square feet of floor space, exclusive of basement area, and garage area. All buildings shall be of conventional construction according to the edition of the Uniform Building Code which governs construction in the City of Gillette, Wyoming, as of the date construction is commenced. Mobile homes and trailer homes shall not be installed within this subdivision. Construction of residences, in accordance with the specifications listed herein, shall be continuous and shall last no more than one year. No construction of any kind or character may be commenced until the plans and specifications therefore have been submitted to and approved by the Board of Covenants, which shall be given a copy of all plans and specifications for retention in its files. Occupancy shall not commence until construction has been completed.

C-2. BUILDING LOCATION.

(a) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than twenty-five (25) feet.

(b) No building shall be located nearer than five (5) feet to an interior lot line. No dwelling shall be located on any interior lot nearer than twenty-five (25) feet to the rear lot line.

(c) For the purposes of this covenant, eaves, steps, and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

C-3. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements.

C-4. 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 an annoyance or nuisance to the neighborhood.

By way of explanation, but not limitation, the following is deemed to be a prima facie nuisance condition, to-wit: the storage or accumulation of junk and unoperable vehicles, machinery, building materials, trash and liter and the operation of inadequately muffled motorcycles, cars and other vehicles. For purposes of this covenant a nuisance shall be defined as such term is understood at Common Law.

C-5. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence

either temporarily or permanently.

C-6. SIGNS. No sign of any kind shall 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.

C-7. OIL AND 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.

C-8. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets and no more than one horse per two and one-half (2 1/2) acres may be kept, provided that they are not kept, bred, or maintained for any commercial purpose. Any and all animals kept on any lot shall be maintained in a humane and sanitary manner and shall not be allowed off of said lot except under the control of the owner.

C-9. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers and such containers shall be emptied at least once each week. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

C-10. WATER SUPPLY. No individual water-supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards, and recommendations of Campbell County, Wyoming. Approval of such system as installed shall be obtained from such authority.

C-11. SEWAGE DISPOSAL. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located, and constructed in accordance with the requirements, standards, and recommendations of Campbell County, Wyoming. Approval of such system as installed shall be obtained from such authority.

C-12. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall,



hedge, or shrub planting which obstructs sight lines at elevations between two and six 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 twenty-five 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 sight-line limitations shall apply on any lot within ten 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.

C-13. LAND NEAR PARKS. No building shall be placed nor shall any material or refuse be placed or stored on any lot within five feet of the property line of any park.

C-14. PARKING OF VEHICLES. Parking of trailer campers, truck campers, bus campers, boats and boat trailers and otherwise large vehicles such as stock trucks and trailers shall be limited to a period of 48 hours, when parked on the street in front of a residence or on the front driveway or parking area between the front building line and the street.

C-15. FENCES. Each lot shall be separated from nonsub-division land by a fence of sufficient size and strength to keep commercial livestock out of the subdivision and to keep those animals which lot owners may maintain on their lots within the confines of said lot. Each lot owner shall maintain the fence on his lot, provided that if all lot owners agree, then responsibility for maintaining a perimeter fence adequate to fence commercial stock out of the subdivision may be assigned to the Country Living Acres Homeowners Association which may charge a reasonable fee to each owner to pay for the maintenance of said fence.

Each lot shall be circumscribed by a fence of such strength and density that animals allowed by covenant C-8, whether or not any are kept, will be unable to leave the lot.

Fences will be of a high quality to preserve the tone of the subdivision and therefore barbwire fences are not permitted. All fence plans shall be submitted to the Board of Covenants for its approval which is a condition precedent to construction. The Board shall review plans solely to assure itself that fencing will be adequate to hold allowable animals and that the overall appearance of the subdivision shall not be adversely affected.

C-16. ACCESS. Every lot shall have access to the abutting subdivision road, or to the Highway by means of a drive, which shall be graded and shaled. This access drive shall be completed no later than two weeks after construction on an approved residence commences. This covenant is enacted in the expectation that the establishment of an access drive on an early stage of construction will minimize surface damage and maintain the general beauty of the subdivision through control of vehicular movement on lots within the subdivision. All access drives shall be a minimum of 20' (twenty) in width and shall include a culvert to assure drainage along the subdivision road which culvert shall be a minimum of 18" (eighteen) in diameter and constructed so as to conduct water under the drive along interior roads.

C-17. UTILITIES. All utilities, whether public or private shall be installed underground in a safe and workmanlike manner so as to maintain the scenic nature of this subdivision. The Board of Covenants is empowered to grant variances from this section when a literal application hereof would cause undue hardship to a particular lot owner.

D. GENERAL PROVISIONS.

D-1. FURTHER SUBDIVISION PROHIBITED. No lot in this subdivision may be divided in any way to revise or alter from the description on the plat filed of record with the Campbell County Clerk.

D-2. BOARD OF COVENANTS.

a. There is established a Board of Covenants to assist in the administration and interpretation of the covenants established herein.

b. The Board shall have three members: who shall be Jack W. Barkley; and the Country Living Acres Homeowners Association; and one additional member to be appointed by Jack W. Barkley and to serve at his pleasure.

c. The Board shall meet from time to time and at its meetings shall review and decide whether to approve building plans to determine whether proposed construction is in conformity with their covenants. The Board shall not unreasonably withhold approval of plans.

d. The Board may sit as an Adjustment Board with authority to grant variances from the terms of covenants due to unforeseen circumstances, when a strict or literal application of the covenants would achieve a result inconsistent with the general intention of all the parties as stated in A. Purpose Of Covenants.

e. The Board has authority to enforce any and all covenants through the use of any and all courses of action not contrary to law.

f. A majority of the members of the Board must concur to take any of the actions listed herein.

g. Should this section be found inoperative by judgment or court order or act as a competent legislative authority, its invalidation shall not affect the operation, validity or availability of the Restrictive and Protective Covenants filed in conjunction with Country Living Acres, an official subdivision of Campbell County, Wyoming, as filed.

D-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.

D-4. SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF the undersigned owners have hereunto set their hands and seals this 16th day of July, 1976.

Jack W. Barkley  
Jack W. Barkley

Deborah J. Barkley  
Deborah J. Barkley

Charles H. Barkley  
Charles H. Barkley

Louise Barkley  
Louise Barkley

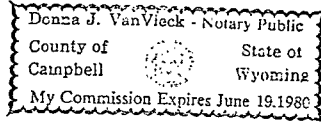
STATE OF WYOMING )  
County of Campbell )ss  
)

The foregoing instrument was acknowledged before me this  
16th day of July, 1976, by Jack W. Barkley, Deborah  
J. Barkley, Charles H. Barkley, and Louise Barkley.

Witness my hand and official seal.

Donna J. VanVleck  
Notary Public

My Commission Expires:



STATE OF WYOMING }  
Campbell County } ss.

Filed for record this 4th day of August A. D., 19 76 at 9:16 o'clock A. M. and recorded in Book 353  
of Photos, on page 236 Fees \$ 13.50

By William E. Caldwell Deputy  
County Clerk and Ex-Officio Register of Deeds

CHECKED

400798

THE MILLS COMPANY, SHERIDAN 143343

410999

SUPPLEMENT AND ADDITIONAL  
DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS FOR  
COUNTRY LIVING ACRES

Jack W. Barkley, Deborah J. Barkley, Charles H. Barkley, and Louise Barkley, being the fee owners of the following described real property located in Campbell County, State of Wyoming, the same being the real property now duly platted as Country Living Acres, a subdivision of Campbell County, as such plat is now recorded in Book 2 of Plats, Page 25 of the records in the office of the County Clerk of Campbell County, Wyoming, hereby makes the following declaration as to limitations, restrictions, and uses to which the lots or tracts constituting such subdivision may be put, and hereby specifies that such declaration shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of limitations on all future owners in such subdivision. The following covenant is filed this day as a supplemental and additional covenant and is to govern the use of land within Country Living Acres in conjunction and in harmony with those Restrictive and Protective Covenants filed for record the 4th day of August 1976 with the Clerk of Campbell County and Ex-Officio Recorder of deeds and records in Book 353 of Photos on page 236.

C-18 OUTBUILDINGS In addition to the structures authorized elsewhere for construction within Country Living Acres, owners of lots may construct one building on their lot to serve as storage for any equipment or animals which may be kept within the subdivision. Provided, however, that any storage building constructed shall be of similar construction, quality and appearance to the residence on the lot and shall be built in accordance with relevant standards governing construction of similar buildings within the City of Gillette, as of the commencement of construction which shall control the construction to the same extent as if it were located within the City of Gillette. A building authorized by this section shall not be intended or designed nor actually used for residential purposes.

L C L C L

IN WITNESS WHEREOF the undersigned owners have hereunto set their hands and seals this 12th day of October, 1976.

Jack W. Barkley  
Jack W. Barkley

Deborah J. Barkley  
Deborah J. Barkley

Charles H. Barkley  
Charles H. Barkley

Louise Barkley  
Louise Barkley

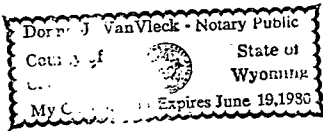
STATE OF WYOMING )  
 ) ss  
County of Campbell )

The foregoing instrument was acknowledged before me this 12th day of October, 1976, by Jack W. Barkley, Deborah J. Barkley, Charles H. Barkley, and Louise Barkley.

Witness my hand and official seal.

Dorothy J. Van Vleck  
Notary Public

My Commission Expires: \_\_\_\_\_



STATE OF WYOMING }  
Campbell County } ss.

Filed for record this 12th day of October A. D., 1976 at 9:26 o'clock A. M. and recorded in Book 357 of Photos on page 337 Fees \$ 4.50

Clivian E. Addison  
County Clerk and Ex-Officio Register of Deeds

RECORDED  
ABSTRACTED  
INDEXED  
CHECKED  
By Dorothy Debs  
Deputy 410349  
THE HILLS COMPANY, SHERIDAN 143957

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