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No. 78

RESTRICTIVE COVENANTS  
APPLYING TO ALL OF PETTETT GARDENS  
SEDGWICK COUNTY, KANSAS

Recorded in Book "245" of Miscellaneous, page 133.

Filed May 12, 1949; 3:15 P.M.

1. Each residential structure erected in said addition shall occupy a minimum ground floor area of 700 square feet.

2. No person of any race other than the white race shall occupy any lot, tract, building site, or building in said addition, except that this shall not apply to or prevent occupancy by domestic servants.

3. No swine, guineas, calves, sheep, goats or horses, and not more than one cow, shall be kept by any occupant in any lot, or tract in said addition.

4. All residential structures shall comply with State and County sanitation requirements.

5. All structures shall set back 30 feet (thirty) from the front property line, and any structure on any corner lot shall set away from the side property line a distance of 20 feet (twenty). All structures shall set away from the rear property line a distance of 3 feet (three).

6. All residential structures shall be confined to brick, frame, or concrete construction. All residential frame structures shall be restricted to wood siding and asbestos cement siding.

7. No noxious or offensive trade or business shall be allowed in said addition.

8. No lot in said addition shall be divided or sold for the purpose of erecting another residence or structure thereon, which would reduce the lot size for each structure below that shown by the recorded plat thereof.

9. No trailer, basement, tent, shack, barn or other out-building shall be erected on any lot for use as a residence, either temporarily or permanently, nor shall any residence of a temporary nature be permitted.

10. In the event of the death of the Sponsor, I, Walter Pettett, or if he be living, with his written permission, a committee or 3 (three) members to serve for a period of 3 (three) years shall be selected by the majority of the lot owners in said addition, and shall have the power given herein to the said Sponsor. Said committee member shall be owners of at least one lot in said addition. In the event of the death, resignation, or removal of any committee member, his successor shall be selected by the majority of the lot owners in said addition.



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11. Invalidation by any competent authority of any one or more of the restrictions herein contained or by any judgment of any court of competent jurisdiction shall in no wise affect any of the other or remaining provisions herein, which shall still remain in full force and effect.


12. These restrictions shall run with the land for a period of not less than 25 years from the date hereof. After the expiration of said period these restrictions may be continued, amended, modified or abolished entirely by an agreement in writing signed and acknowledged by the owners of not less than (3/4) three-fourths of all lots, tract, or building sites in said addition, and said agreement, if and when so executed shall be filed for record in the office of the Register of Deeds of Sedgwick County, Kansas. As long as these restrictions remain in force and effect, it shall be the right and privilege of the Sponsor, Committee, or any person or persons owning lots, tracts, or building sites in said addition to prosecute in their own names any lawful proceeding against any person or persons violating, or attempting to violate or evade any of these restrictions, for the purpose of enjoining or preventing such violation or evasion, and to recover any damage they may be deemed to have sustained by reason of any such violation or evasion.

13. These restrictions shall extend to and be binding upon the heirs, executors, Administrators, Successors and Assigns of the parties hereto.

IN WITNESS WHEREOF, this instrument has been executed by I. Walter Pettett and G. Irene Pettett, husband and wife, the owners of all the land in said Pettett Gardens, on this 12 day of May, 1949.

I. Walter Pettett  
G. Irene Pettett

Ack'd May 12, 1949 by I. Walter Pettett and G. Irene Pettett, husband and wife, Before Bess Williams, Notary Public for Sedgwick County, Kansas. (Seal)

  
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