

Christopher M. Goodman
110 Bridge Street
Wolf Creek, MT. 59648

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06/06/2019 09:29 AM Pages: 1 of 4 Fees: 28.00
Paulette DeHart Clerk & Recorder, Lewis & Clark MT



**SUBDIVISION RESTRICTIONS FOR THE
LOOKOUT LODGE MINOR SUBDIVISION**

WHEREAS, the undersigned, Lookout Lodge, LLC, of Craig, Montana, is filing a plat of certain lands in Lewis and Clark County, Montana, known as the Lookout Lodge Minor Subdivision with the Lewis and Clark County Clerk and Recorder for recordation, and

WHEREAS, the undersigned is the owner of all the lots in said tract and desires to place restrictions upon said lots for the use and benefit of Lookout Lodge, LLC as present owner and for the future owners thereof, and for the benefit of the general public interest.

NOW, THEREFORE, these covenants and conditions are made to apply to a tract of land situated in southeast $\frac{1}{4}$ of Section 20, and the southwest $\frac{1}{4}$ of Section 21, T15N, R3W, Lewis and Clark County, Montana.

All persons or corporations who now or shall hereafter acquire any interest in and to any of the above described property, shall be taken and held to agree and covenant with the owners of the lots in said tract with their heirs, successors and assigns, to conform to and observe the following restrictive covenants as to the use thereof.

These restrictive covenants and conditions are designed to provide a uniform plan for the development of the whole of said tract, protect the natural environment and promote public health and safety.

The following restrictive covenants are revocable or alterable only with the consent of the Board of County Commissioners of Lewis and Clark County.

1. Notice is hereby given of the potential health risk from radon concentrations and that such risk can be evaluated through soil tests and mitigated through radon abatement techniques incorporated into structures;
2. Notice is hereby given that all dwellings within the subdivision should be constructed to specifications which meet or exceed equivalent provisions in the applicable state building code for this seismic zone (Zone 3);
3. Notice is hereby given of a waiver of right to protest joining a road improvement district, in accordance with the County Subdivision Regulations;

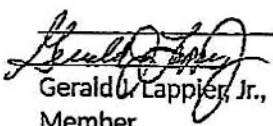
4. Notice is hereby given that any additional, replacement, or relocated utility lines shall be installed underground, in accordance with the County Subdivision Regulations, unless otherwise determined by utility providers;
5. Notice is hereby given that any exterior lighting shall be directed downward to minimize visibility beyond the property lines;
6. Notice is hereby given of a waiver of the right to protest joining a special district for the purpose of providing community water and/or wastewater treatment system improvements and/or maintenance;
7. Notice is hereby given of a restrictive covenant, binding the landowner, any heirs, successors and assigns, and all future owners of property within the subdivision, agreeing therein to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair; and/or maintenance of the following:
 - i. Roads;
 - ii. Fire; and
 - iii. Earthquake fault zone and any seismic activity.
8. Notice is hereby given that each lot owner will be responsible for providing on-site retention of all storm water runoff generated from the lot in excess of historical volumes;
9. Notice is hereby given of a prohibition of the storage of foods, garbage or feeding domestic pets outdoors or other activities which may create an attractive nuisance for wildlife species;
10. Notice is hereby given that property owners should contact Montana Fish, Wildlife and Parks for fencing standards and learning about living with wildlife in general;
11. Notice is hereby given that all dogs must be restrained or penned at all times;
12. Notice is hereby given of the presence of agricultural operations in the vicinity and that such operations may occur at varying times and seasons and include, but are not limited to, the noises and odors due to the operation of machinery, the pasturing and feeding of livestock, irrigation, and the application of fertilizers, herbicides, and pesticides to fields;
13. Notice is hereby given of a prohibition of the raising, confinement, and/or keeping of livestock;

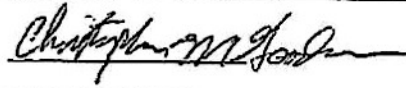
- 14. Notice is hereby given that all property owners are required to receive an approach permit from the County Road Department prior to the construction of a driveway or parking lot approach for their lots;
- 15. Notice is hereby given that a continuous barrier of natural screening through the use of trees or shrubs should be utilized around lot line perimeters adjacent to residential uses to reduce visual impacts;
- 16. Notice is hereby given that all future property owners, heirs and successors shall be provided a copy of the reviewed and approved vegetation management plan;
- 17. Notice is hereby given that all construction activity should comply with Best Management Practices to control erosion;
- 18. Notice is hereby given that prior to building construction, the owner shall contact the Community Development and Planning Department to determine whether any zoning regulations are applicable; and
- 19. Notice is hereby that all lots located within the Lookout Lodge Subdivision are each permitted for a single-family residential use or a single lodging facility; other uses are exempt from this restrictive covenant if the use is in conformance with applicable zoning regulations when local zoning regulations are in effect.

Enforcement of these covenants 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.

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

DATED at CASCADE, Montana, this 30 day of May, 2019.


 Gerald Lappier, Jr.,
 Member
 Lookout Lodge, LLC


 Christopher M.
 Goodman, Member
 Lookout Lodge, LLC

State of Montana

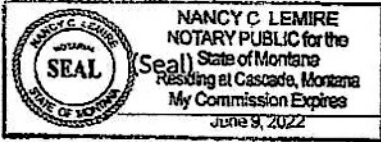
State of Montana

County of
CASCADE

County of
Lewis & Clark

This instrument was
acknowledged before
me on
5-30-2019 by
Gerald J. Lappier, Jr.,
as Member of
Lookout Lodge, LLC.

Nancy C Lemire
Nancy C Lemire
(Signature of notarial
officer)



This instrument was
acknowledged before
me on
5-30-2019 by
Christopher M.
Goodman, as
Member of Lookout
Lodge, LLC.

Nancy C Lemire
Nancy C Lemire
(Signature of notarial
officer)

