

RESTRICTIVE COVENANT

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UNIVERSITY HEIGHTS BUILDING SCHEME

WHEREAS The City of Calgary is the registered owner of all lands within the University Heights Subdivision in the City of Calgary, indicated on Schedules "A" and "B", appended hereto, and

WHEREAS The City of Calgary desires to ensure that all development within the major portions of University Heights Subdivision shall maintain certain standards of architectural excellence for the benefit of all future property owners in the said subdivision and for the benefit of The City of Calgary as owner of all streets, lanes and community or public reserves in the said subdivision;

NOW, THEREFORE, THIS DEED WITNESSETH that in consideration of the foregoing The City of Calgary does hereby for itself, its assigns and successors in title Covenant as follows:

1. All those lots and parcels set out in Schedules A and B hereto as shown on a registered plan of subdivision filed in the Land Titles Office for the South Alberta Land Registration District as Number 1323 J.K. shall be developed only in conformity with
 - (a) the conditions and covenants set out in this University Heights Building Scheme and with
 - (b) The Building By-law, The Zoning By-law and other relevant by-laws of The City of Calgary.
2. All lots and parcels described in Schedules A and B hereto together with all streets and lanes adjacent thereto shall be deemed to form the University Heights Building Scheme and the land use and building restrictions and conditions herein shall be deemed to be covenants running with the land and shall be binding upon and enure to the benefit of all lots and parcels and owners thereof in the said subdivision. Such subsequent plans of subdivision affecting the lots and parcels described in Schedules A and B as may hereafter be registered. Such land use and building restrictions and conditions may be enforced by the owner of any lot or parcel described in the Schedules hereto or in such subsequent plans of subdivision affecting the said lots and parcels as aforesaid or by The City of Calgary by reason of its ownership of streets, lanes and community or public reserve or other property described in the said Schedules.
3. No business or commercial use shall be made of any dwelling unit on any lot or parcel described in the Schedules hereto.
4. No re-subdivision shall be made if such resubdivision reduces either the frontage or the area of any lot. Blocks 8 and 9 shall be exempt from this condition.
5. In calculating the ground area of any building on a lot or parcel described in the Schedules hereto the measurements for calculation shall be taken as the outside measurements of the main walls of the building at ground level and shall not include any garage which does not have habitable rooms above it and shall not include any porch, verandah or unheated sunroom.
6. The sideyards on each lot shall be a minimum width of ten per cent (10%) of the average width of the lot unless the Planning Board allows a lesser width but in no circumstances shall the width of a sideyard be less than five (5) feet.
7. No building on a lot or parcel described in the Schedules hereto shall be serviced with utilities except by lines and pipes which bring the utilities into the building wholly underground.
8. All garbage cans and receptacles on any lot or parcel described in the Schedules hereto shall be screened. The City reserves the right to landscape and to plant trees on all streets, boulevards and community or public reserves. Owners of lots and parcels described in the Schedules hereto will be required to maintain in accordance with principles of good husbandry, trees, shrubs and landscaped boulevards adjoining their lot or parcel.

Covenants affecting lands in Schedule A:

9. No owner shall erect or permit to be erected on any lot or parcel described in Schedule A more than one single-family dwelling, which shall be used only as a single-family dwelling, together with buildings or structures accessory thereto. Such accessory buildings shall conform in architectural style and exterior finish with the principal building on the site.

10. No dwelling shall be erected on any lot or parcel described in Schedule A unless the principal dwelling has a minimum area measured in accordance with clause 5 of this scheme of 1,200 square feet.

Covenants affecting lands in Schedule B:

11. No owner shall erect or permit to be erected on Lots 23 to 32 inclusive of Block 5 or on Lots 1 to 11 inclusive of Block 7 as described in Schedule B hereto any building other than a side-by-side duplex containing two single-family dwelling units or a pair of semi-detached one-family dwellings together with accessory buildings or structures conforming in architectural style and appearance with the principal building on the site. Each single-family dwelling unit forming part of a duplex and each semi-detached one-family dwelling shall cover a ground area measured in accordance with clause 5 of this building scheme of at least 900 square feet.

12. No owner shall erect or permit to be erected on Lots 1 to 11 inclusive in Block 6 or in Block 8 described in Schedule B hereto any building other than a multiple family dwelling containing three or more dwelling units together with accessory buildings or structures conforming in architectural style and appearance with the principal building on the site.

13. Block 9 as described in Schedule B hereto may be developed as the site of a church building, or alternately, in conjunction with Block 8 as an integral part of a development utilizing the two blocks.

14. For multiple-family dwellings, that is, buildings containing three or more dwelling units the principal structural components shall be of masonry or of concrete or of steel and a combination of masonry and concrete or other material.

15. The Technical Planning Board of the City of Calgary shall be responsible for the interpretation of this building scheme. Any dispute which may arise in connection with the Building Scheme shall be determined by the Technical Planning Board and the decision of the Board shall be final and binding.

16. The Schedules A and B appended to this deed are hereby declared to be part of this building scheme as fully as if contained in this part.

17. No failure on the part of the City of Calgary or of any other owner or owners to enforce promptly and fully the conditions and covenants and restrictions of this building scheme shall be or be deemed to be a waiver of the right of the City or of any owner or owners to enforce the conditions, covenants and restrictions of this building scheme.

SIGNED, SEALED AND DELIVERED
at the City of Calgary this
24th day of August,
A.D. 1962.

THE CITY OF CALGARY
BY:

W. D. [Signature]
DEPUTY Mayor

[Signature]
City Clerk

UNIVERSITY HEIGHTS BUILDING SCHEME

SCHEDULE A

Plan 1323 J.K.

Block 3 ✓

Lots 92 & 93 ✓

Block 4 ✓

Lots 1 to 38 inclusive ✓

Block 5 ✓

Lots 14 & 15 ✓

Lots 16 to 22 inclusive ✓

Lots 33 to 49 inclusive ✓

Excepting thereout all mines and minerals.

SCHEDULE B

Plan 1323 J.K.

Block 5 ✓

Lots 23 to 32 inclusive ✓

Block 6 ✓

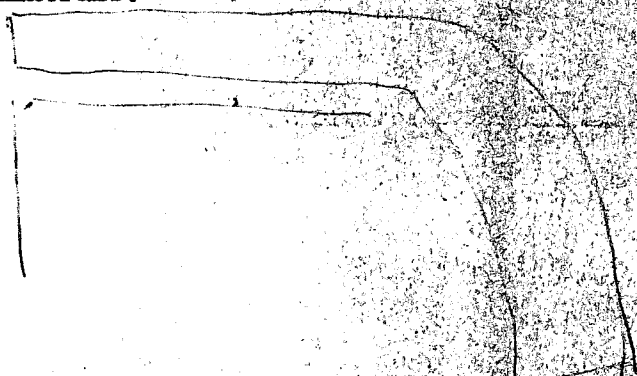
Lots 1 to 11 inclusive ✓

Block 7 ✓

Lots 1 to 11 inclusive ✓

Blocks 8 & 9 ✓

Excepting thereout all mines and minerals.



A.D. 1962

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RESTRICTIVE COVENANT

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VERSTY HEIGHTS BUILDING

SCHENK

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**A. C. MACWILLIAMS
CITY SOLICITOR
CITY HALL
CALGARY ALBERTA**

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1940
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