

3151295

DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS.

KNOW ALL MEN BY THESE PRESENTS: That W.H. Austin, and Jennie M. Austin, owners of all property included in the Plat of Austin's Airport Addition, heretofore recorded in Volume 36 of Plats, Page 39-40, records of the Auditor of King County, Washington, do hereby declare that the following restrictions shall apply to and all of said property shall be subject to the following restrictions, as though the said restrictions were placed in each and every deed or other instrument affecting the title to said property, or any part thereof:

A. All lots in this tract shall be known and described as residential lots. No structures shall be erected, altered, placed, or permitted to remain on any residential building plot 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 2 cars.

B. No building shall be erected, placed, or altered on any building plot in this subdivision until the building plans, specifications, and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision, and as to location of the building with respect to topography and finished ground elevation, by a committee composed of W.H. Austin, -----, and -----, or by a representative designated by a majority of the members of said committee. In the event of the death or resignation of any member of said committee, the remaining member, or members, shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority. In the event said committee, or its designated representative, fails to approve or disapprove said design and location within 30 days after said

plans and specifications have been submitted to it or, in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this Covenant will be deemed to have been fully complied with. Neither the members of such committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this Covenant. The powers and duties of such committee, and of its designated representative, shall cease on and after January, 1944. Thereafter the approval described in this covenant shall not be required unless, prior to said date and effective thereon, a written instrument shall be executed by the then record owners of a majority of the lots in this subdivision and duly recorded appointing a representative, or representatives, who shall thereafter exercise the same powers previously exercised by said committee.

C. No building shall be located nearer than 20 feet to the front lot line nor nearer than 20 feet to any side street line. No building, except a detached garage or other outbuilding located 70 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line. No residence or attached appurtenance shall be erected on any lot farther than 30 feet from the front lot line.

D. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 5000 square feet or a width of less than 50 feet at the front building setback line, EXCEPT that a residence may be erected or placed on lots Nos. 5, 6, 7, 8, 9 and 15 as shown on the recorded plat.

E. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

F. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

G. No dwelling costing less than \$2500.00 shall be permitted on any lot in the tract. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than 700 square feet in the case of a one-story structure nor less than 600 square feet in the case of a one and one-half, two, or two and one-half story structure.

H. An easement is reserved over the rear 5 feet of each lot for utility installation and maintenance.

I. No persons of any race other than the White or Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

J. That any dwelling or structure erected or placed on any lot in this subdivision shall be completed as to external appearance including finished painting within 6 months from date of commencement of construction and shall be connected to septic tank or public sewerage.

THESE COVENANTS are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1967, at which time said Covenants shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said Covenants in whole or in part.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the Covenants herein it shall be lawful for any other person or persons owning any real property situated in said development or

subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

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

WITNESS OUR HANDS AND SEALS this 8 day of March, 1941.

W. H. Austin

Jennie M. Austin
Owners

STATE OF WASHINGTON)
COUNTY OF KING) SS

THIS IS TO CERTIFY, That on this 8 day of March, A.D. 1941, before me Guy E. Dunning, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came W.H. Austin and Jennie M. Austin, husband and wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Guy E. Dunning
Notary Public in and for the State of Washington, residing at Seattle.

- 4 - 923
Filed for Record *Mar 13, 1941* 9:11 A.M.
Request of *Guy E. Dunning*
EARL MILLIKIN, County Auditor

AUSTIN'S AIRPORT ADDITION

AN ADDITION TO THE CITY OF SEATTLE

SAMUEL J. HUMES
REGISTERED CIVIL ENGINEER

SCALE 1 IN = 60 FEET

AUGUST - 1940

DESCRIPTION

THIS PLAT OF AUSTIN'S AIRPORT ADDITION, AN ADDITION TO THE CITY OF SEATTLE, WASHINGTON, INCLUDES AND COVERS THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY PAGES N^o. 1 AND N^o. 2.

BEGINNING AT A POINT ON THE EAST LINE OF S.A. MAPLE'S DONATION CLAIM, 1209.404 FEET NORTH OF THE SOUTHEAST CORNER OF SAID DONATION CLAIM; THENCE SOUTH 51° 14' 00" WEST 247.00 FEET; THENCE NORTH 39° 00' 00" WEST 149.00 FEET; THENCE SOUTH 50° 56' 45" EAST 19.35 FEET; THENCE NORTH 39° 03' 15" WEST 651.00 FEET; THENCE NORTH 70° 20' 00" EAST 408.50 FEET; THENCE SOUTH 337.00 FEET TO THE SOUTHEAST CORNER OF HENRY NELSON TRACT; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF SAID HENRY NELSON TRACT 385.00 FEET TO A POINT ON THE EAST LINE OF S.A. MAPLE DONATION CLAIM, WHICH IS NORTH 537.00 FEET ACCORDING TO DEED FROM THE PLACE OF BEGINNING; THENCE TO THE BEGINNING, EXCEPTING THEREFROM THAT PORTION LYING NORTH OF THE SOUTH LINE OF SWIFT AVENUE AS CONDEMNED AND ESTABLISHED BY ORDINANCE N^o. 53964 OF THE CITY OF SEATTLE, WHICH SAID TRACT AS IT EXISTS IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:—

THAT PORTION OF THE S.A. MAPLE'S DONATION CLAIM N^o. 49 IN TOWNSHIP 24 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:— BEGINNING ON THE EAST LINE OF SAID DONATION CLAIM AT A POINT WHICH IS NORTH 0° 14' 16" EAST 1209.404 FEET FROM THE SOUTHEAST CORNER OF SAID CLAIM; THENCE SOUTH 51° 28' 16" WEST 247.00 FEET; THENCE NORTH 38° 45' 44" WEST 149.00 FEET; THENCE NORTH 51° 11' 01" EAST 19.35 FEET; THENCE NORTH 38° 30' 36" WEST 651.00 FEET; THENCE NORTH 68° 38' 15" EAST 408.50 FEET; THENCE SOUTH 0° 14' 16" WEST 337.00 FEET; THENCE NORTH 51° 11' 01" EAST 278.79 FEET TO THE SOUTHERLY LINE OF SWIFT AVENUE AS ESTABLISHED BY ORDINANCE N^o. 53964 OF THE CITY OF SEATTLE; THENCE SOUTHEASTERLY ALONG SAID AVENUE LINE 89.216 FEET TO THE EAST LINE OF SAID DONATION CLAIM; THENCE ALONG SAID CLAIM LINE SOUTH 0° 14' 16" WEST 436.35 FEET TO BEGINNING.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE THE UNDERSIGNED, OWNERS IN FEE SIMPLE OF THE LAND HEREBY PLATTED, DO HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS, AVENUES AND ALLEYS SHOWN HEREON, AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, ALSO ALL PARKS, EASEMENTS OR WHATEVER PUBLIC PROPERTY OR PLACES THERE ARE SHOWN ON THE PLAT FOR THE PURPOSE THEREON INDICATED; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS OR FILLS UPON THE LOTS, BLOCKS, TRACTS OR PARCELS OF LAND SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRADING OF ALL THE STREETS, AVENUES, ALLEYS AND PLACES SHOWN HEREON.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 3RD DAY OF OCTOBER A.D. 1940.

W.H. AUSTIN
JENNIE M. AUSTIN

ACKNOWLEDGEMENT

STATE OF WASHINGTON } ss.
COUNTY OF KING

THIS IS TO CERTIFY, THAT ON THIS 3RD DAY OF OCTOBER A.D. 1940, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED W.H. AUSTIN AND JENNIE M. AUSTIN, HIS WIFE, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING DEDICATION AND WHO ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3RD DAY OF OCTOBER A.D. 1940.

MILDRED A. AUSTIN
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,
RESIDING AT SEATTLE.



I HEREBY CERTIFY THAT THE WITHIN PLAT OF AUSTIN'S AIRPORT ADDITION, AN ADDITION TO THE CITY OF SEATTLE, WAS DULY APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEATTLE, BY ORDINANCE N^o. 70331 APPROVED THE 16TH DAY OF OCTOBER A.D. 1940.

EXAMINED AND APPROVED BY ME THIS 3RD DAY OF OCTOBER A.D. 1940.

W.C. THOMAS
CITY COMPTROLLER AND EX-OFFICIO CITY CLERK

C.W. WARTELLE
CITY ENGINEER

3127169



FILED FOR RECORD AT THE REQUEST OF THE CITY ENGINEER
THIS 18 DAY OF OCT. A.D. 1940. AT 37 MINUTES PAST 8 A.M.
AND RECORDED IN VOL. 36. OF PLATS, PAGE 3940 RECORDS OF
KING COUNTY.

EARL MILLIKIN
COUNTY AUDITOR

1953 Dec 1

