

THIS RESTRICTIVE COVENANT is made the 23 day of October, 2006.

BETWEEN:

THE CITY OF EDMONTON
(hereinafter called "the Covenantee")

OF THE FIRST PART

- and -

THE CITY OF EDMONTON
(hereinafter called "the Covenantor")

OF THE SECOND PART

WHEREAS:

A. The Covenantor is the registered owner of lands in the City of Edmonton, in the Province of Alberta, legally described as:

LOTS 20 TO 41 INCLUSIVE, BLOCK 11, PLAN 0624661;
LOTS 34 TO 61 INCLUSIVE, BLOCK 12, PLAN 0624661;
LOTS 22 TO 34 INCLUSIVE, BLOCK 13, PLAN 0624661;
LOTS 72 TO 137 INCLUSIVE, BLOCK 15, PLAN 0624661;
LOTS 15 TO 26 INCLUSIVE, BLOCK 23, PLAN 0624661; and
LOTS 1 TO 36 INCLUSIVE, BLOCK 26, PLAN 0624661.

EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter called "the Servient Lands").

CITY CLERK 61288
FILE NO.

B. The Covenantee is the registered owner of lands in the City of Edmonton, in the Province of Alberta, legally described as:

LOTS 20 TO 41 INCLUSIVE, BLOCK 11, PLAN 0624661;
LOTS 34 TO 61 INCLUSIVE, BLOCK 12, PLAN 0624661;
LOTS 22 TO 34 INCLUSIVE, BLOCK 13, PLAN 0624661;
LOTS 72 TO 137 INCLUSIVE, BLOCK 15, PLAN 0624661;
LOTS 15 TO 26 INCLUSIVE, BLOCK 23, PLAN 0624661; and
LOTS 1 TO 36 INCLUSIVE, BLOCK 26, PLAN 0624661.

EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter called "the Dominant Lands"),

which Dominant Lands are capable of being benefited by the restrictive covenants hereinafter set forth.

C. The Covenantee wishes to ensure that a scheme of development is complied with by the Covenantor and all successors in title to the Servient Lands so as to ensure the continued architectural and design integrity of the development known as Brintnell Stage 13 Subdivision pursuant to Plan of Subdivision No. 0624661 ("Brintnell") for the benefit of the Dominant Lands.

D. This form of Restrictive Covenant is intended by the Covenantee to be registered against the remainder of the lots within Brintnell to ensure community of interest and reciprocity of obligation among the owners of land within Brintnell and, accordingly, the covenants contained in this Restrictive Covenant shall enure to the benefit of the Servient Lands.

NOW THEREFORE for the benefit and protection of the Dominant Lands or any parts thereof, and in consideration of the benefit that will enure to the Servient Lands due to the registration of this form of Restrictive Covenant against the remainder of the lots in Brintnell, and in further consideration of the sum of One Dollar (\$1.00) paid by the Covenantee to the Covenantor, (the receipt whereof is hereby acknowledged by the Covenantor) the Covenantor, on behalf of itself, its successors and assigns, hereby covenants with the Covenantee, its successors and assigns, to the intent that the burden of the restrictive covenants hereinafter set forth may run with and bind the Servient Lands and every part thereof, to the further intent that the benefit thereof may be annexed to and run with the Dominant Lands and every part thereof, to observe and perform the following restrictive covenants, that is to say:

1. Not to construct or place or permit or cause to be constructed or placed on the Servient Lands any building, structure or improvement of any kind (hereinafter called the Improvements"), unless such Improvements shall be constructed or placed on the Servient Lands in accordance with the Design Guidelines being attached hereto as Schedule "A".
2. Not to remove, modify or cause damage to any entry gate erected for the benefit of the Dominant Lands that may be situated on or about the Servient Lands.
3. This deed and the covenants herein set forth are hereby expressly annexed to the Dominant Lands.
4. This deed shall enure to the benefit of and be binding upon the Covenantor and the Covenantee and their respective administrators, successors and assigns.
5. The Covenantor acknowledges that the covenants herein contained are expressly intended to prevent disposition or use of any of the Servient Lands or any part thereof, except in conformity with the said restrictive covenants.
6. Neither the granting of time by the Covenantee to the Covenantor or any other owner for the time being of any of the Servient Lands to remedy any breach of the aforesaid restrictive covenants, nor the fact of the Covenantee failing to take action upon any breach by the Covenantor or any owner of the Servient Lands, of any of the aforesaid restrictive covenants, shall operate as a waiver or otherwise estop the Covenantee from taking action thereafter against the Covenantor or any owner of the Servient Lands, to enforce these presents, and any breach by the Covenantor or any owner of the Servient Lands, of any of the aforesaid restrictive covenants shall be deemed to be a continuing breach which may be restrained, enjoined or otherwise remedied by appropriate proceedings by the Covenantee.
7. Each covenant herein contained shall be of the same force and effect to all intents and purposes as a covenant running with the land and these presents, shall extend to, be binding upon and enure to the benefit of the successors and assigns of the Covenantor, and of the successors and assigns of the Covenantee.

If any of the covenants herein contained shall at any time be held by any court of competent jurisdiction to be invalid or unenforceable in the manner contemplated herein, then such covenant shall be severed from the rest of the covenants herein contained and such severance shall not prejudicially effect the enforceability of the remaining covenants in accordance with the intent of these presents.

IN WITNESS WHEREOF the Covenantor and the Covenantee have executed these presents the date and year first above written.

APPROVED:

AS TO FORM:

AS TO CONTENT:



THE COVENANTEE:

THE CITY OF EDMONTON, as
Represented by the Manager of the Land and
Buildings Branch, Asset Management and
Public Works Department

Per:

Terry J. Loat

(Seal)

APPROVED:

AS TO FORM:

AS TO CONTENT:



THE COVENANTOR:

THE CITY OF EDMONTON, as
Represented by the Manager of the Land and
Buildings Branch, Asset Management and
Public Works Department

Per:

Terry J. Loat

(Seal)

RES: Brintnell-RCDG-Stg13

BRINTNELL

Design Guidelines

The Design Guidelines contained herein are to ensure that the very highest standard of visual appeal and compatibility among homes in the neighbourhood are achieved to the benefit of the home owners in the neighbourhood. Accordingly, these Design Guidelines shall be registered as a restrictive covenant against each title in the subdivision.

The City and its Consultant make no warranty or representation as to the accuracy or completeness of any information provided in these Design Guidelines. These Design Guidelines contain restrictions and requirements in addition to and not in substitution of any applicable building code or other municipal, provincial or federal requirements. It is the responsibility of the user of these Design Guidelines, at its sole cost, to ensure that any house constructed or placed on the lot shall be in full compliance with all applicable building codes and all applicable municipal, provincial or federal laws and regulations.

*Prepared by:
Asset Management and Public Works Department
City of Edmonton
October 2006
For Further Information Contact: 496-6000
DGuide Brintnell*

DESIGN GUIDELINES FOR BRINTNELL

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DIRECTORY:

Developer:	City of Edmonton (the "City") 19 th Floor, Century Place 9803 – 102A Avenue Edmonton, Alberta T5J 3A3	Tel.: 496-6000 Fax: 496-6189 Sharon Swischook or Barb Winters
Design Guidelines Consultant:	Windward Landtec Inc. (the "Consultant") 12128 – 121A Street Edmonton, Alberta T5L 0A4	Tel.: 454-6799 Fax: 454-6896 Ray Jacobson, C.E.T.
Surveyor:	Pals Surveys & Associates Ltd. 10704 – 176 Street Edmonton, Alberta T5S 1G7	Tel: 455-3177 Fax: 451-2047 Larry Pals, A.L.S.
Geotechnical Engineers:	J. R. Paine & Associates 17505 – 106 Avenue Edmonton, Alberta T5S 1E7	Tel.: 489-0700 Fax: 489-0800 Rick Evans, P. Eng.

DESIGN GUIDELINES FOR BRINTNELL

Architectural Detailing

To achieve the highest possible standard of visual appeal in the neighbourhood, and to maintain property values and the continuing viability of the development to the benefit of homeowners in the neighbourhood, the within requirements for architectural detailing and continuity will apply to all homes constructed in this subdivision.

The use of traditional design is encouraged but all plans will be reviewed on their own merit.

Interpretation

The enforcement, administration and interpretation of these Design Guidelines shall be at the discretion of the City, and the Consultant. The unfettered application of these Design Guidelines, or such other guidelines as may be deemed necessary by the City and the Consultant, as the circumstances may require, shall be without notice or precedent. The City and the Consultant reserve the right to amend the Design Guidelines as necessary and as circumstances require, at any time.

Performance Fee

To ensure compliance with the Design Guidelines the purchaser under a Sales Agreement (the "Buyer") is to deposit with the City a certified cheque in the amount of \$2,000.00 (the "Performance Fee"). The Performance Fee will be returned to the Buyer upon confirmation of compliance with the Design Guidelines and the required start and completion dates as described in the Buyer's Sales Agreement. Interest will **not** be paid on the Performance Fee. Refunds will be approved only on completion of both construction of the house and landscaping.

Design Guidelines Approval Process

Prior to application, the Buyer shall have inspected and accepted the lot and all services. All discrepancies or damage are to be reported to the City in writing.

Before applying to the City for a development permit, the Buyer shall apply for approval to the Consultant. Applications shall include:

- Two (2) complete sets of house plans;
- Plot plan, prepared by an Alberta Land Surveyor, showing lot grades and drainage pattern, floor and garage elevations, house and driveway locations;
- Landscape plan showing the location of required Design Guideline elements;
- Completed Design Guidelines application form.

Incomplete applications will be rejected and returned within ten (10) business days.

DESIGN GUIDELINES FOR BRINTNELL

Construction must commence in accordance with the dates specified in the Buyer's Sale Agreement.

All homes must be constructed in accordance with the approved application and these Design Guidelines.

Approval of all submitted plans will be at the sole and unfettered discretion of the City and the Consultant.

Any changes by a Buyer from approved plans, including without limitation, landscaping plans, must be submitted to the Consultant and first approved in writing by the Consultant.

Failure to build the house exactly as approved under the Design Guidelines or to meet the required start and completion dates may result in the forfeiture of all, or part of the Performance Fee.

Completion and Final Inspection

Construction must be completed, as approved, including without limitation, landscaping, in accordance with the dates specified in the Buyer's Sale Agreement. Should the completion deadline fall in the period from November to the following June, the completion date is automatically extended to the following July 31st.

Upon the construction, including without limitation, the landscaping, being fully completed, and the Buyer having obtained final Lot Grading Approval from the City's Drainage Services, the Buyer may request a final inspection by submitting a "Request for Final Inspection" Form, as attached, to the Consultant.

Upon Final Acceptance by the Consultant, which may require attention to deficiencies by the Buyer and a further inspection by the Consultant, the Consultant will recommend acceptance by the City, and a refund of all or part of the Buyer's Performance Fee. A refund cheque will be issued by the City to the Buyer within thirty (30) days of the City's receipt of final approval.

General Requirements

All development must conform with the requirements of the Edmonton Zoning Bylaw No. 12800.

Exterior Finishes

Roof Overhang shall be a minimum of eighteen (18") inches

Roof Slopes shall be a minimum of 5/12

DESIGN GUIDELINES FOR BRINTNELL

Architectural Features

Elevations facing the street must include the following features:

- Shadow boards on exposed gables
- Battens and/or shutters on all window and door openings

and two of the following features:

- Columns
- Brick or Stone
- Lintels
- Fan windows
- Dentils
- Muntin bars on all windows
- Louvers
- Scales
- Porches
- Bay or boxed window
- Keystones

- Walls
- Vinyl or aluminum siding - double 4/5 horizontal application
 - Cedar siding
 - Stucco - sand float California finish
 - Brick or natural stone
 - All features on the front elevation must return at least 18 inches on the side elevation

- Parging
- Maximum height above grade two (2) feet on elevations exposed to street

- Colours
- Approved on an individual basis
 - Complimentary to adjacent homes
 - Repetition of all colours on adjacent lots will **not** be accepted

- Roof Material
- Acceptable roof materials are: asphalt shingles, wood shakes, or clay tile
 - Furnace stacks visible from the front must have a chase with corbelling

- Repetition of Front Elevation
- Not permitted for two lots on either side or the lot in direct view across the street

Corner Lots

- House Types
- Bungalows or side splits preferred.
 - Bi-level acceptable but height is to be minimized by restricting the height of the main floor to no more than eight (8 ft.) feet above the curb on the flanking street.
 - Two-storey homes may be permitted if the Consultant, at his sole discretion, considers the plan to be exceptionally well designed.

- Roof Lines
- Predominantly sloped to both streets.

DESIGN GUIDELINES FOR BRINTNELL

Flanking

Elevations

- The house should present a double frontage appearance by using consistent exterior finishing materials and architectural treatment on both the flanking and front elevation.
- Large expanses of blank wall space will not be permitted.

Lakefront

Elevations

- Special attention must be paid to rear elevations on all lots backing onto the lake. In all cases the design treatment of the rear elevations should blend with the rest of the house. No large flat rear elevations for entire width of house are permitted.
- On the walkout (Lake) elevation the maximum distance from grade to the first eave shall be 20 feet (6 metres).

Landscaping

Sod

- Front yard, including boulevard, and each side yard to the back of the house. Sod may stop at fence tie-backs if fence is built at time of landscape completion.
- On corner lots, the flanking yard from the curb to the house for the full depth of the lot is also to be sodded.

Lake Front

Lots

- As the entire lot is exposed, additional landscaping must be provided on Lake Front lots. In addition to the minimum requirements for internal lots, the backyard must be topsoiled and sodded.

Trees

- One (1) tree is to be planted in the front yard which is to be one and three quarters (1¾") inch calliper trunk at time of planting. (Ornamental trees such as flowering crab apple, Toba Hawthorne, etc. are suggested.)

and*

Shrubs

- Four (4) shrubs are to be planted in the front yard grouped in a single, mulched bed
 - Spreading varieties – two (2 ft.) feet spread at time of planting
 - Upright varieties – two (2 ft.) feet high at time of planting

Ecoscaping

Proposals for ecoscaping the front yard (low maintenance, low water use) will be considered, but will require submission of detailed plans for approval, prior to landscaping construction. The use of hard surface landscaping rather than sod will require the planting of trees and extensive shrubbery, to visually soften the hard surface and achieve greenery.

* for RPL lots, one (1) tree **OR** four (4) shrubs required, as described above.

DESIGN GUIDELINES FOR BRINTNELL

Signage

All signage (i.e. "Model Homes", "For Sale", directional, construction, etc.) is to be approved standard format provided by the City. Temporary and permanent signage shall be co-ordinated and approved by the City.

Specific Requirements for RSL (Residential Small Lot Zone) Lots

House Width

House width must relate proportionately to the lot width and neighbouring houses. Minimum width on all lots shall be ninety (90%) percent of building pocket width including garage. The maximum garage offset shall be 2 feet. Individual homes will be reviewed on their own merit of design, massing, proportion and compatibility.

Garages, Driveways, and Walkways

Minimum double, front attached located as shown on the garage location plan included in this document.

Maximum desired distance from eaves to top of door shall be two (2) feet. In the event that lot grade requires a distance of more than two (2) feet from eaves to top of door, the distance must be broken-up by trim work matching the trim on the house.

Driveways and walkways may be constructed in poured in place concrete, paver stones or a combination of the two. Individual patio blocks will not be permitted. Where coloured concrete or pavers are utilized, the colour must be expressly approved by the Consultant.

The following lots have boulevard trees in front of the property:

	Lots 1 – 3	Block 4
	Lots 5 – 6	Block 4
	Lots 12 – 19	Block 4
	Lots 21 – 23	Block 4
	Lots 25 – 27	Block 4
and	Lots 34 – 39	Block 5

A minimum clearance of five feet between the edge of the driveway apron and the boulevard tree trunk is a requirement.

Specific Requirements for RPL (Planned Lot Residential Zone) Lots

House Width

House width must relate proportionately to the lot width and neighbouring houses. Minimum width on all lots shall be ninety (90%) percent of building pocket width.

Homes will be reviewed on their individual merits of design, massing, proportion, and compatibility.

Garage and Walkways

There will be no front access garages on RPL housing.

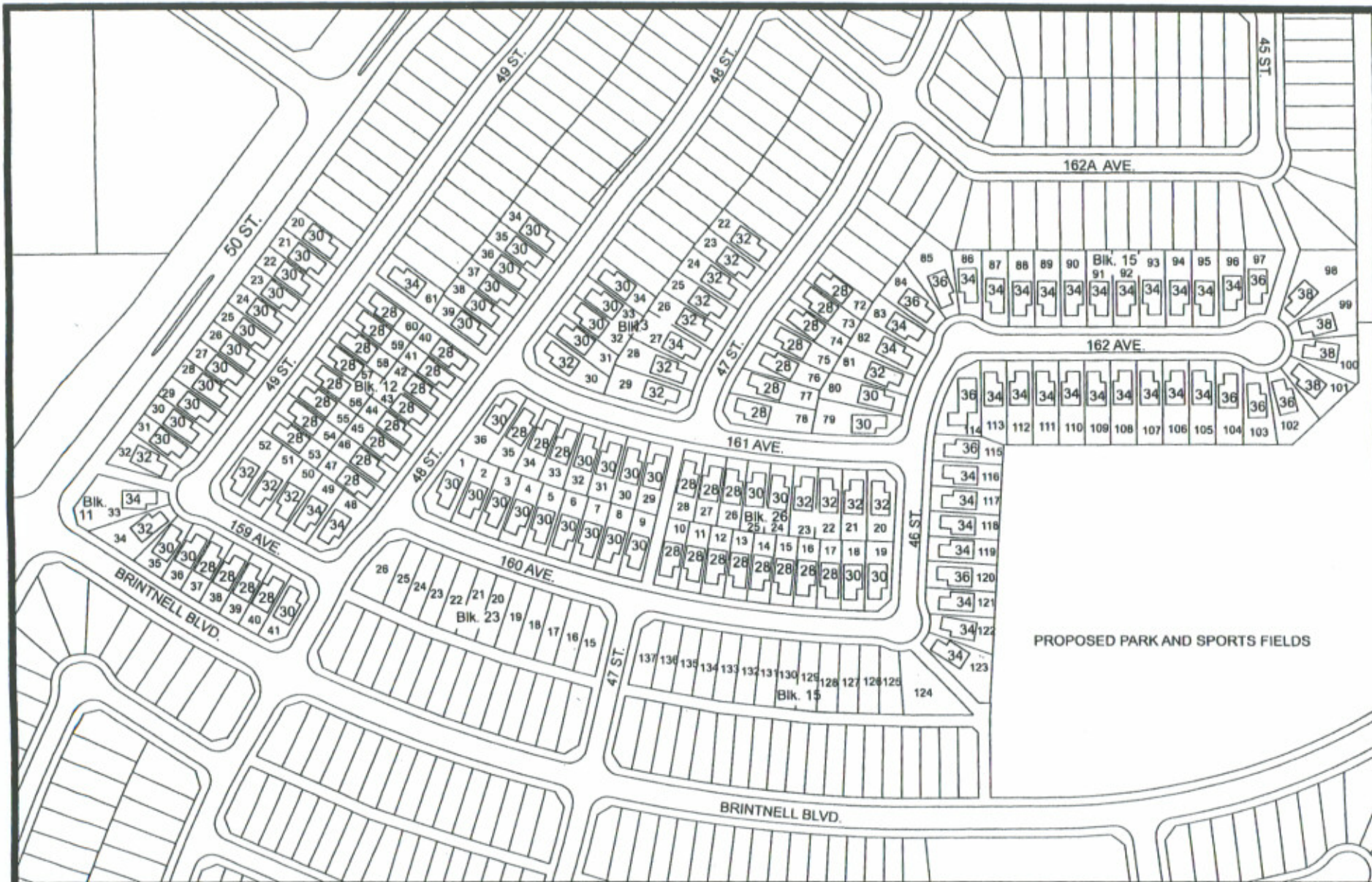
Detached garages should be consistent in style, finish, and colour with the design of the house.

Roof slopes are to reflect those on the house.

Alternatively, a 20 ft. by 20 ft. boxed in gravel parking pad must be provided. The pad shall be constructed on a compacted sub-grade with a minimum three (3") inches of ¾" crushed gravel.

Front walkways may be constructed of poured in place concrete, paver stones or a combination of the two. Individual patio blocks will not be permitted. Where coloured concrete or pavers are utilized, the colour must be expressly approved.

All landscaping must meet the requirements outlined in Edmonton Zoning Bylaw 12800.



LEGEND

34 GARAGE LOCATION WITH
 MAXIMUM HOUSE WIDTH
 IN FEET

NOTE ON BUILDING WIDTH

EFFECTIVE FRONTAGES ARE MEASURED AT A 39.37 FEET SETBACK
 FROM THE FRONT BOUNDARY.

EFFECTIVE FRONTAGES ON REVERSE PIE-SHAPED LOTS ARE MEASURED
 AT A 75.46 FEET SETBACK FROM THE FRONT BOUNDARY.



BRINTNELL

DESIGN GUIDELINES APPLICATION FORM

APPLICANT:

Name: _____

Address: _____

Subdivision: _____

Legal Description: Lot _____ Block _____ Plan _____

HOUSING DESIGN

Type: House Type: Bungalow _____ Bi-Level _____ Split Level _____ Two Storey _____
(please check)
Other (provide details) _____

Form: Roof Style: _____ Roof Pitch/Slope: _____
Roof Material/Colour: _____

Detail: Exterior Wall Material/Colour: _____
Brick or Stonework Colour: _____
Trim Material/Colour: _____
Garage Door Material/Colour: _____
Chimney Material/Colour: _____
Fascias/Soffit/Eavestrough/Downspout Colour: _____

Note: For Colour, please specify Manufacturer's name, reference number and colour; Example, Olympic 706 Brown

Landscaping: Front yard tree/shrub planting (to be shown on Plan) Deciduous trees _____ No. _____ Caliper _____
Evergreen trees _____ No. _____ Height _____
Shrubs _____ No. _____ Height/Spread _____

USE OF HOUSE PLAN APPROVAL SERVICES

The Design Guidelines for the lands described in this Application Form are hereby incorporated and form a part of this Application Form.

The undersigned acknowledges that this architectural design approval is provided as a service and that the City of Edmonton and its designated Consultant assume no responsibility for the accuracy of the confirmation provided or for any costs, loss or damage resulting from reliance thereon.

The undersigned will hold the City of Edmonton and its designated Consultant harmless from any losses, damages, claims or actions resulting from the use of this approval service.

Date: _____ Signature of Applicant: _____

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DESIGN GUIDELINES APPLICATION FORM

DESIGN GUIDELINE CHECKLIST:

The Consultant will complete this form to check the house design's conformance to the Design Guidelines. This review will include grading, view, orientation, shadowing, landscaping, building form, scale, detailing, materials and colour information.

COMMENTS/RECOMMENDATIONS:

CONDITIONS OF APPROVAL:

PRELIMINARY APPROVAL

Date Received: _____ By: _____

Date Reviewed: _____ By: _____

FINAL APPROVAL

Date Received: _____ By: _____

Date Reviewed: _____ By: _____

Recommended for Approval: _____ By: _____

APPROVED: _____

BRINTNELL

DESIGN GUIDELINES FINAL APPROVAL FORM

Final Inspection

Application For

Lot _____ Block _____ Plan _____

Street Address _____

Subdivision _____

Applicants Name: _____

Mailing Address: _____

Postal Code: _____ Phone Number: _____

House

Roof Material

Roof Colour

Exterior Walls Material

Exterior Walls Colour

Garage Door Material

Garage Door Colour

Brickwork Colour

Brick Returns Around all Corners
by at least 18 inches

Fascia, Soffit, Eavestrough
and Downspout Colour

Landscaping

- ☐ Sod completed in front and both sideyards
☐ Sod completed in flanking yard for corner lot

Coniferous (Evergreen) Number _____ Height _____

Deciduous (Leaf) Number _____ Caliper _____

Shrubs Number _____ Height
or Spread _____

Comments

The Design Guidelines for the lands described in this Final Inspection Application Form are hereby incorporated and form a part of this Final Inspection Application Form. The undersigned certifies that both dwelling(s) and landscaping are 100% complete and meet the Design Guideline requirements. I have received an approval of the Landscaped Lot Grading from the City of Edmonton Drainage Services.

Signature of Buyer

Date