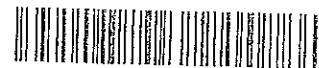


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CERTIFIED-FILED FOR RECORD

Barbara J. Hall

Recorder of Deeds

St. Charles County, Missouri

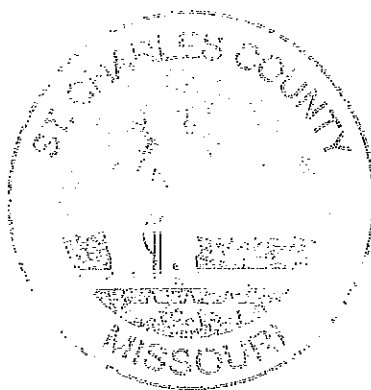
BY:LBRAVI

Legal size paper

Recorder of Deeds Certificate St. Charles County Missouri

NON-STANDARD DOCUMENT

This document has been recorded and you have been charged a \$25.00 non-standard fee pursuant to MSMo 59.310.3. This is the first page of your document--DO NOT REMOVE.



Barbara J. Hall
Recorder of Deeds
201 North Second Street, Suite 338
St. Charles, MO 63301

DECLARATION OF COVENANTS AND RESTRICTIONS

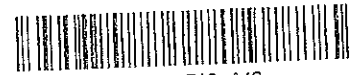
The Declarant, Mr. Leroy Vehige, L & L Vehige & Associates Inc., is the owner in fee simple of certain real property, hereinafter called "Restricted Property," lying, being, and situated in the County of St. Charles, State of Missouri, and described as follows; to wit:

(insert LEGAL DESCRIPTION OF MITIGATION SITE as Attachment A, and DESCRIPTIVE MAP OF OVERALL SITE as Attachment B)

The "Restricted Property" herein is, or will become, a mitigation site under the regulatory jurisdiction of the St. Louis District of the U.S. Army Corps of Engineers (hereinafter referred to as the U.S. Army Corps of Engineers), pursuant to Section 404 of the Clean Water Act (33 USC 1344).

The Declarant is the applicant for U.S. Army Corps of Engineers Nationwide permit number 39, File Number 2005-45096, dated June 12, 2006, to place fill material into jurisdictional waters of the United States, in accordance with plans which form a part of U.S. Army Corps of Engineers Nationwide permit number 39, and; the U.S. Army Corps of Engineers has regulatory jurisdiction of said waters of the United States, pursuant to Section 404 of the Clean Water Act (33 USC 1344).

The Declarant and the U.S. Army Corps of Engineers have reached an agreement whereby the Declarant will be permitted to place fill into a jurisdictional waters of the United States in accordance with the terms and conditions of U.S. Army Corps of Engineers Nationwide permit number 39, and; that in consideration for the permittee to place fill material into the jurisdictional waters of the United States, the Declarant will mitigate the adverse environmental effects resulting from the placement of fill material into the jurisdictional waters of the United States by creating a mitigation site, which when completed will be what is described herein as the "Restricted Property" and dedicating the realty described as the "Restricted Property" as follows: The mitigation site shall be dedicated for the perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above mentioned permit.



a. There shall be no fill material placed on "Restricted Property" except as necessary for construction of the approved mitigation site as provided, pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39, or for public safety or essential utility services. However, any public safety or essential utility services project must be approved by the U.S. Army Corps of Engineers, and effects upon the "Restricted Property" must be avoided and minimized to the maximum extent possible.

b. There shall be no commercial, industrial, agricultural, residential or recreational developments, buildings, or structures including signs, billboards, other advertising material, or other structures built or placed on "Restricted Property" except as necessary for completion of U.S. Army Corps of Engineers Nationwide permit number 39, or for educational or interpretive purposes. However, any projects for educational or interpretive purposes must be approved by the U.S. Army Corps of Engineers, and effects upon the "Restricted Property" must be avoided and minimized to the maximum extent possible.

c. There shall be no removal or destruction of trees and plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals, or other materials on "Restricted Property" except as necessary for completion of the mitigation site as provided pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39. Pursuant to the maintenance of the mitigation site, any forest management plan must be approved by the U.S. Army Corps of Engineers.

d. There shall be no grazing or keeping of cattle, sheep, horses, or other livestock on "Restricted Property".

e. There shall be no operation of snowmobiles, dunebuggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on "Restricted Property", except as necessary for construction of the mitigation site pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39. Access routes through the restricted are permitted if pre-approved by the Corps.

This Declaration of Covenants and Restrictions may be changed, modified or revoked only upon written approval of the U.S. Army Corps of Engineers. To be effective, such approval must be



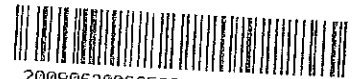
witnessed, authenticated, and recorded pursuant to the law of the State of Missouri.

Except as expressly limited herein, the Declarant reserves for itself, its heirs and assigns, all rights as owner of "Restricted Property", including the right to use the property for all purposes not inconsistent with this grant.

This Declaration of Covenants and Restrictions is created in consideration for the Declarant being allowed to place fill into jurisdictional waters of the United States in accordance with the terms and conditions of the U.S. Army Corps of Engineers Nationwide permit number 39.

The terms and conditions of this Declaration of Covenants and Restrictions shall, as of the date of execution of this document, bind the Declarant to the extent of its legal and/or equitable interest in "Restricted Property", and; this Declaration, and the covenants and restrictions contained herein, shall run with the land both as to benefit and to burden and shall be binding on the Declarant and its heirs, successors, and assigns forever.

The terms and conditions of this Declaration of Covenants and Restrictions shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of "Restricted Property" or any part thereof, and; any instrument of transfer, conveyance, or encumbrance affecting all or any part of "Restricted Property" shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.



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IN WITNESS, said Declarant has caused his name to be signed to these presents and attested by Becky Bode, this 30th day of June, ~~2006~~ 2009

Becky Bode

(Signature)

STATE OF MISSOURI

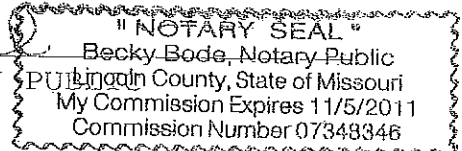
COUNTY OF St. Charles

I, the undersigned a Notary public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Becky Bode, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 30th Day of June, ~~2006~~ 2009

IMPRESS
NOTARY SEAL
HERE

Becky Bode
NOTARY



My commission expires: 11/5/2011



LAND DESCRIPTIONS

RIPARIAN CORRIDOR "A"

A tract of land being part of the Common Ground shown on the Plat of Allen Ridge, a subdivision recorded in Plat Book 43, Page 285 of the St. Charles County Recorder of Deeds Office, St. Charles, Mo. And being described as follows:

Commencing at an iron rod marking the Southwest corner of Lot 10 of said Allen Ridge; thence along the South line of said subdivision, South 71 degrees 28 minutes 29 seconds West, 7.56 feet to the POINT OF BEGINNING; thence from said Point Of Beginning, South 71 degrees 28 minutes 29 seconds West, 72.14 feet to a point; thence departing said South line, North 13 degrees 51 minutes 43 seconds West, 335.74 feet to a point; thence North 04 degrees 36 minutes 46 seconds West, 64.25 feet to a point; thence North 76 degrees 00 minutes 06 seconds East, 21.95 feet to a point; thence South 70 degrees 12 minutes 49 seconds East, 68.87 feet to a point on the West line of a fifteen foot wide easement to the City of Flint Hill, Mo., recorded in book 1039, Page 1891; thence along said West line, South 11 degrees 00 minutes 27 seconds East, 355.62 feet to the POINT OF BEGINNING, containing 0.71 acres.

RIPARIAN CORRIDOR "B"

A tract of land being part of Lot 10 of the Plat of Allen Ridge, a subdivision recorded in Plat Book 43, Page 285 of the St. Charles County Recorder of Deeds Office, St. Charles, Mo. And being described as follows:

Commencing at an iron rod marking the Southwest corner of Lot 10 of said Allen Ridge; thence along the South line of said subdivision, North 71 degrees 28 minutes 29 seconds East, 7.57 feet to the POINT OF BEGINNING; thence from said Point Of Beginning, along the East line of a fifteen foot wide easement to the City of Flint Hill, Mo., recorded in Book 1039, Page 1891, North 11 degrees 00 minutes 27 seconds West, 155.24 feet to a point; thence departing said easement, South 73 degrees 14 minutes 03 seconds East, 33.96 feet to a point; thence South 49 degrees 08 minutes 20 seconds East, 43.58 feet to a point; thence South 14 degrees 44 minutes 57 seconds East, 96.99 feet to a point on the South line of Lot 10, being the South line of said subdivision; thence along said South line, South 71 degrees 28 minutes 29 seconds West, 63.84 feet to the POINT OF BEGINNING containing 0.18 acres.

RIPARIAN CORRIDOR "C"

A tract of land being part of the Common Ground shown on the Plat of Allen Ridge, a subdivision recorded in Plat Book 43, Page 285 of the St. Charles County Recorder of Deeds Office, St. Charles, Mo. And being described as follows:

Commencing at an iron rod marking the Southwest corner of Lot 10 of said Allen Ridge; thence along the South line of said subdivision, South 71 degrees 28 minutes 29 seconds West, 79.7 feet to the southwest corner of a tract known as riparian corridor A, said corner being the POINT OF BEGINNING of the tract herein described; thence continuing along the south line of said subdivision, South 71 degrees 28 minutes 29 seconds West, 10.00 feet to a point; thence departing said line, North 20 degrees 23 minutes 54 seconds West, 261.66 feet; thence North 10 degrees 50 minutes 11 seconds West, 78.00 feet; thence North 02 degrees 57 minutes 42 seconds West, 48.00 feet; thence North 48 degrees 31 minutes 02 seconds East, 20.00 feet; thence North 59 degrees 32 minutes 13 seconds East, 20.00 feet to a point on the western line of the aforementioned tract known as riparian corridor A; thence along said western line, South 04 degrees 36 minutes 46 seconds East, 64.25 feet; thence South 13 degrees 51 minutes 43 seconds East, 335.74 feet to the POINT OF BEGINNING, containing 11348 square feet or 0.26 acre.



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

May 28, 2009

Regulatory Branch
File Number: 2005-45096

Mr. Leroy Vehige
L & L Vehige & Associates
1688 Parr Road
Wentzville, Missouri 63385

Dear Mr. Vehige:

We have reviewed your submittal of the 2008 mitigation monitoring report for the Allen Ridge residential development located in St. Charles County, Missouri. The report was submitted on your behalf by Crawford, Murphy & Tilly, Inc. The U.S. Army Corps of Engineers (the Corps) requires submittal of monitoring reports to assess the development and condition of compensatory mitigation sites and ensure that the compensatory mitigation sites are successfully replacing the aquatic resource area, functions, and services lost as a result of permitted activities. Likewise, annual monitoring reports are required by Special Condition 4 of Department of the Army Permit with USACE File No. 2005-45096, authorized on June 12, 2006.

The August 29, 2008 monitoring report is the second of five consecutive annual monitoring inspections required at the mitigation site. According to the report, the survivorship of planted trees at the mitigation site is 84 percent. This exceeds the minimum 80 percent survivorship required in Special Condition 3 of the permit. The report also indicates moderately stable channel conditions, as well as utilization by crayfish.

On May 14, 2009, the site was inspected by Regulatory Branch representatives. The conditions described in the 2008 monitoring report were generally observed. Tree survivorship appeared to be very good, with only one mortality observed. Some of the trees appeared to have been replanted to meet requirements for survivorship. The trees appeared to be healthy and in good condition.

The relocated channel appeared to be in generally good condition. Some areas of bank undercutting and sloughing were observed, but these were moderate. We observed that some attempts appear to have been made to stabilize the erosion using rock or stabilization blanket. The channel did not appear to have been constructed in the exact configuration depicted in the site plan included in the SCI Engineering mitigation plan dated May 4, 2006. The extent of relocation appears to be longer than that indicated in submitted plans. However, given the generally good condition of the channel, attentiveness to other permit conditions, and timely submittal of monitoring reports, the District will not pursue this discrepancy as a compliance matter.

We observed that the mitigation area is being mowed. Mowing within the mitigation area is prohibited under Covenant 4(c) of the Declaration of Covenants and Restrictions, which was signed on December 23, 2006. You must desist from any further mowing activity within the mitigation site. Failure to do so may result in a finding of non-compliance with the permit for the project.

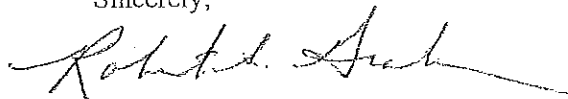
Special Condition 7 of the permit requires that "The boundaries of the Mitigation Site shall be clearly marked and signed as mitigation areas, and identify mitigation as part of Corps permit number 2005-45096." We did not observe that mitigation marker signs have been installed at the site. These signs must be installed to maintain compliance with the permit. Please notify this office upon completion of this permit requirement. This is of particular importance in mitigation sites bordering residential property. You are reminded that, as the permit holder for the project, you are responsible for compliance with permit conditions regardless of whether the unauthorized disturbance is caused by a subdivision resident, homeowner's association, or other third-party entity. Installation of mitigation marker signs can significantly reduce the potential for unauthorized mowing, maintenance, and other disturbance caused by encroachment from adjacent residential property. Mitigation marker signs should be placed at no further than 150-ft. intervals, and should be placed on all boundaries of the mitigation site. At your request, we can provide you with examples of mitigation marker sign language and configuration.

General Condition 14 of the permit requires that the compliance certification (Attachment A of the permit) be signed and submitted upon completion of the impacts. At this time, we have no record that this documentation has been submitted. Please submit the compliance certification as required.

On October 10, 2008 the Corps released Regulatory Guidance Letter No. 08-03. Section 4.a.iii describes the required report submittal format for all monitoring reports submitted in fulfillment of compensatory mitigation requirements for activities authorized by permits issued by the Department of the Army (33 CFR Parts 325 and 322). The intent of the protocols described in the Regulatory Guidance Letter is to standardize reporting requirements, including report content and format. Standardization of monitoring report requirements will likely increase expediency in report review and processing. We request that future monitoring report submittals are prepared according to the protocols described in Regulatory Guidance Letter No. 06-03. A copy of the letter has been enclosed for your use.

Thank you for your submittal. We look forward to receiving additional monitoring reports for the Allen Ridge project. Please refer to file number MVS-2005-45096 in your correspondence. If you have any questions regarding our findings, please contact Matt Shively at (314) 331-8632. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the enclosed postage paid card or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Robert Gramke
Missouri Section Chief
Regulatory Branch

Enclosure

Copy Furnished:

Mr. Kurtis Eisenbath
Crawford, Murphy & Tilly, Inc.
One Memorial Drive
Gateway Tower, Suite 500
St. Louis, Missouri 63102

Leroy Vehige
L&L Vehige and Assoc.
1688 Parr Rd.
Wentzville, Mo 63385

July 29, 2009

Robert Gramke
Department of the Army
St. Louis district corps of Engineers
1222 Spruce Street
St. Louis, Mo. 63103-2833

Regulatory Branch
File Number 2005-45096

Dear Mr. Gramke

Enclosed is Recorded copy of Covenants & Restrictions of
Revised Mitigation area Per agreement in Letter of June 16, 2009

Also Enclosed is a drawing, showing the Additional tree's to be
planted.

also per letter Dated May 28, 2009, Indicates that you have
a Record of Compliance Certification (Attachment A), I am
Enclosing a copy that I had mailed on 2-23-07, I guess it got
lost somewhere.

Thank You
Leroy Vehige
L&L Vehige & Associates
1688 Parr Rd.
Wentzville, Mo. 63385



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

August 3, 2009

Regulatory Branch
File Number: 2005-45096
MDNR #CES001512

Mr. Leroy Vehige
L & L Vehige & Associates
1688 Parr Road
Wentzville, Missouri 63385

Dear Mr. Vehige:

We have received your submittal dated July 29, 2009 regarding the revisions to the Allen Ridge mitigation area. The submittal indicates that the mitigation plan has been revised to include an additional 0.26 acres along the western boundary of Riparian Corridor A, west of the relocated channel. The additional 0.26 acres, referred to as Riparian Corridor C, was added as compensation for allowing mowing within Riparian Corridor B. Riparian Corridor B is located east of the relocated channel, and is 0.18 acres in size. The District allowed this revision due to the location of Riparian Corridor B within a residential lot, which necessitates maintenance mowing. Riparian Corridors A and C are not to be mowed, except with prior permission of the District and as deemed necessary by the District for weed control or other management purposes. The submittal included a legal description of Riparian Corridor C, as well as the signed and notarized copy of the deed restriction for the property, as requested. We also received the signed Attachment A, Work Completion Certification.

Submittal of these documents fulfills your compliance obligations as described in our May 28, 2009 and June 16, 2009 letters. We appreciate your timely response and attentiveness to this matter. Our records indicate that three years of mitigation monitoring remain for the project, as required by the Special Conditions of the Section 404 permit. We look forward to receiving the monitoring reports for the remainder of the annual monitoring.

Thank you for your submittal. If you have any questions regarding our findings, you may respond in writing or contact Matt Shively at (314) 331-8632. Please refer to file number MVS-2005-45096 in your correspondence. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the enclosed postage paid card or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

Robert Gramke
Missouri Section Chief
Regulatory Branch

Enclosure

Copy Furnished:

Ms. Carrie Schulte – MDNR

Mr. Kurtis Eisenbath – Crawford, Murphy & Tilly, Inc.

DECLARATION OF COVENANTS AND RESTRICTIONS

The Declarant, Mr. Leroy Vehige, L & L Vehige & Associates Inc., is the owner in fee simple of certain real property, hereinafter called "Restricted Property," lying, being, and situated in the County of St. Charles, State of Missouri, and described as follows; to wit:

(insert LEGAL DESCRIPTION OF MITIGATION SITE as Attachment A, and DESCRIPTIVE MAP OF OVERALL SITE as Attachment B)

The "Restricted Property" herein is, or will become, a mitigation site under the regulatory jurisdiction of the St. Louis District of the U.S. Army Corps of Engineers (hereinafter referred to as the U.S. Army Corps of Engineers), pursuant to Section 404 of the Clean Water Act (33 USC 1344).

The Declarant is the applicant for U.S. Army Corps of Engineers Nationwide permit number 39, File Number 2005-45096, dated June 12, 2006, to place fill material into jurisdictional waters of the United States, in accordance with plans which form a part of U.S. Army Corps of Engineers Nationwide permit number 39, and; the U.S. Army Corps of Engineers has regulatory jurisdiction of said waters of the United States, pursuant to Section 404 of the Clean Water Act (33 USC 1344).

The Declarant and the U.S. Army Corps of Engineers have reached an agreement whereby the Declarant will be permitted to place fill into a jurisdictional waters of the United States in accordance with the terms and conditions of U.S. Army Corps of Engineers Nationwide permit number 39, and; that in consideration for the permittee to place fill material into the jurisdictional waters of the United States, the Declarant will mitigate the adverse environmental effects resulting from the placement of fill material into the jurisdictional waters of the United States by creating a mitigation site, which when completed will be what is described herein as the "Restricted Property" and dedicating the realty described as the "Restricted Property" as follows: The mitigation site shall be dedicated for the perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above mentioned permit.

WHEREAS, a permit to place fill in the jurisdictional waters of the United States would not have been granted but for the performance of the mitigation measures contained in the said permit, including the dedication of the "Restricted Property" for this use as environmental mitigation, and; that, a certified copy of this document, as recorded in the Office of the County Recorder for St. Charles County, Missouri, must be submitted to the U.S. Army Corps of Engineers within 60 days of the authorization of Nationwide permit number 39, and; the said permit is issued in consideration for the performance of the mitigation measures contained in the said permit, including the execution and recording of this Declaration of Covenants and Restrictions.

NOW THEREFORE, the Declarant for and in consideration of the facts herein recited and the mutual covenants, terms, conditions and restrictions herein contained, does hereby make the following covenants and creates the following restrictions on the "Restricted Property", for the purpose set forth herein:

COVENANTS OF DECLARANT:

1. The Declarant shall not obstruct the view of "Restricted Property" in its natural, scenic, and open condition.
2. The Declarant does hereby insure the right of the U.S. Army Corps of Engineers, in a reasonable manner and at reasonable times, to enforce by proceedings at law or in equity the covenants hereinafter set forth. The U.S. Army Corps of Engineers does not waive or forfeit the right to take action as may be necessary to insure compliance with the covenants and purposes of this declaration by any prior failure to act.
3. The Declarant does hereby agree to allow the U.S. Army Corps of Engineers the right to enter "Restricted Property" at all reasonable times for the purpose of inspecting "Restricted Property" to determine if the Declarant, or its heirs or assigns, is complying with the covenants and purposes of this declaration.
4. Unless prior express written consent is obtained from the U.S. Army Corps of Engineers, under the terms of the aforesaid U.S. Army Corps of Engineers Nationwide permit number 39, the Declarant shall abide by the following covenants:

a. There shall be no fill material placed on "Restricted Property" except as necessary for construction of the approved mitigation site as provided, pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39, or for public safety or essential utility services. However, any public safety or essential utility services project must be approved by the U.S. Army Corps of Engineers, and effects upon the "Restricted Property" must be avoided and minimized to the maximum extent possible.

b. There shall be no commercial, industrial, agricultural, residential or recreational developments, buildings, or structures including signs, billboards, other advertising material, or other structures built or placed on "Restricted Property" except as necessary for completion of U.S. Army Corps of Engineers Nationwide permit number 39, or for educational or interpretive purposes. However, any projects for educational or interpretive purposes must be approved by the U.S. Army Corps of Engineers, and effects upon the "Restricted Property" must be avoided and minimized to the maximum extent possible.

c. There shall be no removal or destruction of trees and plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals, or other materials on "Restricted Property" except as necessary for completion of the mitigation site as provided pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39. Pursuant to the maintenance of the mitigation site, any forest management plan must be approved by the U.S. Army Corps of Engineers.

d. There shall be no grazing or keeping of cattle, sheep, horses, or other livestock on "Restricted Property".

e. There shall be no operation of snowmobiles, dunebuggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on "Restricted Property", except as necessary for construction of the mitigation site pursuant to the U.S. Army Corps of Engineers Nationwide permit number 39. Access routes through the restricted are permitted if pre-approved by the Corps.

This Declaration of Covenants and Restrictions may be changed, modified or revoked only upon written approval of the U.S. Army Corps of Engineers. To be effective, such approval must be

witnessed, authenticated, and recorded pursuant to the law of the State of Missouri.

Except as expressly limited herein, the Declarant reserves for itself, its heirs and assigns, all rights as owner of "Restricted Property", including the right to use the property for all purposes not inconsistent with this grant.

This Declaration of Covenants and Restrictions is created in consideration for the Declarant being allowed to place fill into jurisdictional waters of the United States in accordance with the terms and conditions of the U.S. Army Corps of Engineers Nationwide permit number 39.

The terms and conditions of this Declaration of Covenants and Restrictions shall, as of the date of execution of this document, bind the Declarant to the extent of its legal and/or equitable interest in "Restricted Property", and; this Declaration, and the covenants and restrictions contained herein, shall run with the land both as to benefit and to burden and shall be binding on the Declarant and its heirs, successors, and assigns forever.

The terms and conditions of this Declaration of Covenants and Restrictions shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of "Restricted Property" or any part thereof, and; any instrument of transfer, conveyance, or encumbrance affecting all or any part of "Restricted Property" shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.