

**ALBERTA GOVERNMENT SERVICES
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BLACKBURNE CREEK
RESTRICTIVE COVENANT CAVEAT

DIAMONTE CAIRO & SHORTREED
1600 ROYAL TRUST TOWER
10205 101 STREET
EDMONTON ALBERTA
T5J 2K2

FILE 21,491 ASC

C A V E A T

TO THE REGISTRAR OF THE NORTH ALBERTA LAND REGISTRATION DISTRICT

TAKE NOTICE that we, Blackburn Creek Development Corporation claim for themselves and annex to and to run with the Lands the benefits, burdens, rights and restrictions as set forth in the Land Use and Development Restrictive Covenant Schedule attached hereto and marked Exhibit 1 (which forms a part hereof) respecting, inter alia, the use and the development of and to the lands described in The Land Schedule annexed hereto and marked Schedule "A" to Exhibit 1, being lands standing in the register in the name of Blackburn Creek Development Corporation.

Blackburn Creek Development Corporation forbids the registrations of any person as transferee or owner of, or any instrument affecting the aforesaid Lands, estate or interest, unless the instrument or Certificate of Title, as the case may be, as is expressed to be subject to our claim and the benefits, burdens, restrictions, covenants and conditions hereto annexed to the aforesaid lands.

We appoint the offices of Biamonte Cairo & Shortreed, Barristers and Solicitors, 1600 Royal Trust Tower, 10205 - 101

Street, Edmonton, Alberta, T5J 2Z2 as the place at which notice of proceedings relating hereto may be served.

DATED this 28th day of April A.D. 1992

BLACKBURN CREEK DEVELOPMENT CORPORATION

per: 

per: _____

EXHIBIT 1

LAND USE AND DEVELOPMENT RESTRICTIVE COVENANT CAVEAT SCHEDULE

TO THE REGISTRAR OF THE NORTH ALBERTA LAND REGISTRATION DISTRICT

WHEREAS:

1. BLACKBURN CREEK DEVELOPMENT CORPORATION (the "Developer") is the registered owner of the Lands situate in the City of Edmonton, the Province of Alberta as described in The Land Schedule annexed hereto and marked as Schedule "A" (the "Lands").
2. The Developer is in the process of developing the Lands as described in Schedule "B" annexed hereto as a series of residential lots to be known as the "Subdivision".
3. The Lands are to be districted to single family and multiple family districts as set out in the City of Edmonton Land Use Bylaw, from time to time.
4. In order to provide that the Lands and each and every part thereof will be developed on a well planned and uniform basis of high standards of appearance, it is desirable that the Developer annex to and or for the benefit of the Lands and each and every part thereof, certain restrictions, covenants and conditions

restrictive in nature in respect of the exterior design, use (to the extent that use is a function of design) and development of the Lands and each and every part thereof and the buildings, structures, improvements and premises to be erected on each and every part of the Lands, all as hereinafter set forth, which restrictions, covenants and conditions are not meant to detract or derogate from the Land Use Bylaw of the City of Edmonton, but are in addition and supplementary to, the restrictions, covenants and conditions contained in the said Land Use Bylaw.

5. Compliance with the Design Criteria as interpreted by the Developer and this Land Use and Development Restrictive Covenant Caveat shall be a requirement of Development approval. The Design Criteria are intended as a reference and guideline for use by the Developer in evaluating any specific Development proposal to ensure compliance with the Design Criteria.

NOW THEREFORE the Developer annexes to and for the benefit of the Lands and each and every part thereof and for the common benefit of the Developer and of any and all purchasers of the Lands and each portion thereto the following restrictions, conditions and covenants restrictive in nature, the benefits and burdens of such restrictions, conditions and covenants to run with the Lands.

ARTICLE 1INCORPORATION OF RECITALS AND DEFINITIONS

1.01 The recitals hereto are incorporated in this Land Use and Development Restrictive Covenant Caveat Schedule and shall form part hereof.

1.02 For the purposes of this Caveat including the recitals, the terms defined in this Article 1 shall have the meanings herein specified. The terms:

- (a) "Design Criteria" shall mean the Design Criteria described in Section 5.01 of this Caveat;
- (b) "Development" means carrying out of any permanent construction, or any residential building structure, improvement of premise on or excavation of the Lands, or any changes or alterations to any such building, structure, improvement or premise constructed on or in the Lands including landscaping;
- (c) "Developer" shall mean Blackburn Creek Development Corporation.

- (d) "Developer's Representative" shall mean that person or persons designated by the Developer from time to time;
- (e) "Homeowners Association" shall mean Blackburne Creek Homeowners Association Ltd.;
- (f) "Lands" or "Developer's Lands" shall mean the lands legally described in Schedule "A".

ARTICLE II

APPROVAL OF DEVELOPER'S REPRESENTATIVE

2.01 No Development shall be commenced or carried out on any portion of all the Lands except following application in writing for approval to the Developer's Representative, and then only as approved in writing by the Developer's Representative all as herein required. Application to the Developer's Representative must be made prior to any application for a Development permit or building permit from the City of Edmonton. The Developer's Representative shall always act reasonably in granting or denying any approval. Approval shall be by the Developer's Representative based among other things, upon the adequacy of site dimensions, conformity and harmony of external design with neighbouring structures, effect of location and use of improvements on neighbouring structures, effect of location and use of improvements on neighbouring sites,

improvements, operations and uses, relation of topography, grade and finished ground elevation of the site being improved to that of neighbouring sites, proper facing of elevations, and conformity of the plans and specifications to the Design Criteria hereinafter set forth.

2.02 Each and every person proposing Development on the Lands shall provide the Developer's Representative with preliminary plans and specifications and such other information that the Developer's Representative may require in order to approve a proposed Development, which plans and specifications shall be of the scale and detail required by the City of Edmonton for Development permit application. Each person proposing Development on any portion of all of the Lands shall submit with its application, the following to the Developer's Representative:

(a) detailed drawings of the house (plans, elevations, sections at 1:50 or 1/4" = 1'0");

(b) a plot plan identifying lot grades, floor elevations, setbacks, house locations and driveway slope at 1:300, prepared by a surveyor;

(c) a completed Application Form for House Plan Approval (indicating colours, materials, and other specific information as requested in the form);

(d) an undertaking by the person making the application that the plans and all other material which are approved by the Developer's Representative shall be identical to those which shall be submitted to the city for a Development and Building Permit.

Whenever the Developer's Representative receives a request for approval the Developer's Representative shall either provide its approval or disapproval in writing, to the address shown in the request for approval. The Developer's Representative shall, within fourteen (14) days from receipt of application, provide their approval, conditional approval or disapproval. No specific approval once given by the Developer's Representative may thereafter be revoked.

2.03 Wherever application for approval for Development on any portion of the Land is required pursuant to this Land Use and Development Restrictive Covenant Caveat, such application shall be made in writing to the Developer's Representative c/o Blackburn Creek Development Corporation, 10366 172 Street, Edmonton, Alberta (or such other address or such other party as the Developer's Representative may advise).

2.04 The Developer's Representative shall have the power to obtain the assistance, advice or opinion of such architect, landscape architect, surveyor, engineer or other expert as he may think fit and shall have the discretion to act upon any assistance,

advice or opinion so obtained.

2.05 The Developer's Representative shall have the right to reject any complete submissions in their entirety. Approval or rejection of any matter by the Developer's Representative is to be considered approval or rejection by the Developer.

2.06 The Developer's Representative stamp of approval affixed to plans, architectural drawings and specifications denotes the Developer's Representative approval and acceptance of the technical information contained in such plans, architectural drawings and specifications and approval of the visual design that the plans, and drawings and specifications appear to represent. The stamp of approval by the Developer's Representative may not be construed as a confirmation of dimensions shown on any submission. The applicant shall be responsible for all requirements of this Caveat, Building Codes and Regulations and laws of governing authorities having jurisdiction whether or not show on the drawing, notwithstanding the Developer's Representative stamp of approval.

ARTICLE III

COMPLIANCE

3.01 Each person proposing Development and carrying out a Development is responsible for ascertaining and complying with:

- (a) The requirement of any Dominion, Provincial or Municipal legislation applicable to such proposed Developments;
- (b) The conditions of any easements or restrictive covenant in respect of the Lands;
- (c) The restrictions, conditions and covenants contained in this instrument;

These restrictions, covenants and conditions are not to detract from any Land Use Bylaws of the City of Edmonton, but are in addition to, and supplementary to, the restrictions, covenants, and conditions contained in the Land Use Bylaw of the City of Edmonton, in force at the time.

3.02 Where reference is made herein to requirements of the Land Use Bylaw, such references shall mean the Land Use Bylaw, without relaxation or deviation from its specific and stated terms and requirements, restrictions, conditions and regulations, whether such relaxation and deviation is made through the exercise of discretion of authorized officials, is through the development permit or building permit process is, through application or appeal to the Development Appeal Board, is through application to other governmental authority or court of competent jurisdiction or otherwise howsoever.

ARTICLE IV

COMPATIBILITY

4.01 The Developer's Representative may in its sole discretion, acting reasonably, withhold approval of any proposed Development that has a design or use (to the extent that use is a function of design) which in the opinion of the Developer's Representative is not in conformance with the Design Criteria or is incompatible with other users of other portions of the Lands whose Developments have been approved.

ARTICLE V

DESIGN CRITERIA

5.01 The restrictions set out in Scheduled "C" annexed and forming part hereof apply to every Development on the Lands.

ARTICLE VI

WAIVER

6.01 The Design Criteria cannot be varied or waived without

the express written consent of the Developer.

6.02 The Developer retains the sole rights in their sole discretion, to vary, discharge or waive the restrictions, conditions and covenants of this Caveat. The waiver excusing or overlooking any of the restrictions, conditions or covenants in this Instrument by the Developer in respect to one Development of the Lands shall not be construed or constituted a waiver in favour of any other Development of the Lands nor be construed or constitute a waiver of any other of the restrictions, conditions and covenants contained in this Caveat.

ARTICLE VII

TERM & ENFORCEMENT

7.01 The restrictions, covenants and conditions herein contained shall be enforced by the Developer until Development has been completed on 75% of the Subdivision following which the restrictions, covenants and conditions herein contained shall then be enforced by the Homeowners Association save and except the provisions contained herein for initial architectural design approval which shall at all times remain with the Developer's Representative.

7.02 This Caveat shall, in the first instance, be enforced by

the Developer, and subsequently by the Homeowners Association.

ARTICLE VIII

SEVERABILITY

8.01 Should any part, term or provision hereof be declared or decided by any Court to be illegal or in conflict with the laws or jurisdiction where the provisions hereof are to be performed, the validity of the remaining portion, terms, or provisions hereof, shall not be affected thereby and said illegal part, term or provision shall be deemed not to be a part hereof.

ARTICLE IX

DISCHARGE, POSTPONEMENT, VARIATION OF CAVEAT

9.01 The Developer retains the sole right to approve the compatibility of use, development and design of any Development, to vary, discharge, or postpone the terms and conditions of this Caveat as to any portion of the Lands, provided always that any such varying of the terms and conditions of this Caveat do not detract from the standard of the terms and conditions thereof.

9.02 This caveat may not be postponed or suborned to any other

mortgage, charge or encumbrance.

DATED this 28th day of April, 1992

BLACKBURN CREEK DEVELOPMENT CORPORATION

per: 

per: _____

SCHEDULE A

PLAN	BLOCK	LOTS
9221155	1	10 to 14 inclusive
9221155	4	24 to 42 inclusive
9221155	4	44 to 51 inclusive
9221155	5	1 to 22 inclusive
9221155	7	1 and 3
9221155	4	A

EXCEPTING THEREOUT ALL MINES AND MINERALS AND EXCEPT SUCH
EXCEPTIONS AND RESERVATIONS AS ARE EXPRESSED OR IMPLIED IN
CONNECTION WITH THE EXISTING CERTIFICATE OF TITLE.

SCHEDULE "B"

Firstly

All that portion of the south east quarter of section twenty nine (29), township fifty one (51), range twenty four (24), west of the fourth (4) meridian. Which lies west of the westerly limit of the road, as shown on road plan 4795EU and north of the land subdivided under plan 2817MC and the production easterly of the north boundary of lot (C) as shown on the said plan 2817MC, containing 33.6 hectares (83 acres) more or less.

Excepting thereout 0.450 hectares (1.10 acres) more or less as shown on road plan 814PX

Excepting thereout all mines and minerals.

Secondly

Plan 5743MC
Parcel (A)
Containing 26.3 hectares (65 acres) more or less.

Excepting Thereout 1.62 hectares (4 acres) more or less, subdivided under plan 7822404.

Excepting thereout all mines and minerals.

SCHEDULE "C"

**BLACKBURNE CREEK
DESIGN GUIDELINES**

BLACKBURNE CREEK

DESIGN GUIDELINES

INTRODUCTION

This document outlines opportunities and constraints associated with the construction of new homes in Blackburne Creek, an environmentally designed urban residential community on land west of the Calgary Trail to 111th Street, north of the Blackmud Creek, in south Edmonton. It provides a set of subdivision guidelines which will direct homeowners, designers and builders towards appropriate building forms and details without being restrictive. It is intended to be a set of guidelines which provides a framework and guidance to provide for the construction of more "traditional" styled homes which will be more compatible with the natural woodland areas that currently exist within and adjacent to the subdivision and which will be projected into the future. With this in mind, the possibilities for creative design and the use of more natural materials is myriad.

Decisions regarding a house plan's conformance with the Design Guidelines rest solely with Blackburne Creek Development Corporation (hereinafter referred to as "the Developer"). Judgment requiring interpretations of any specific part or all of the Design Guidelines is strictly the Developer's right, noting in conjunction with the recommendations of the Designated Consultant(s) appointed by the Developer.

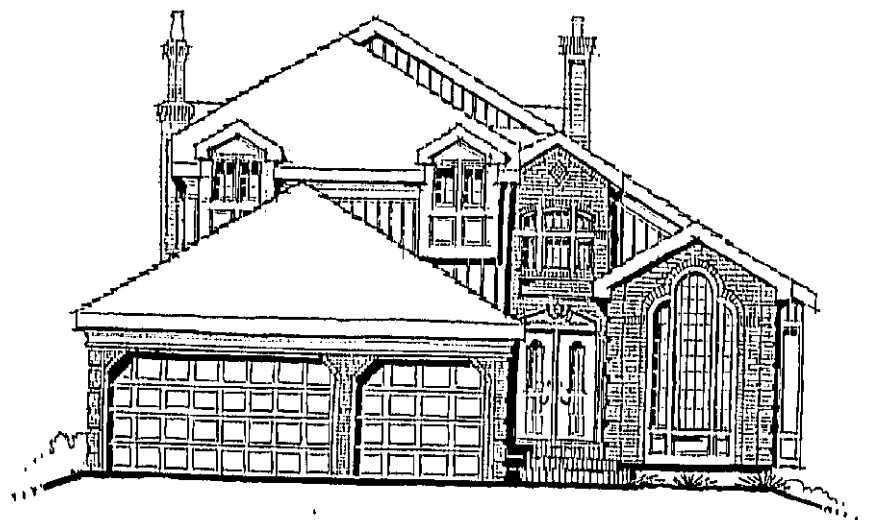
"Designs of Merit" which do not strictly follow the Design Guidelines will be given consideration. Acceptability of such designs will rest solely with the Developer.

Submission of preliminary drawings illustrating such creative designs is encouraged.

The Design Guidelines are applicable to single-family dwellings only. Multiple family dwellings are to be reviewed by the Developer and approved at the sole discretion of the Developer.

The Design Guidelines may be altered, amended or varied by the Developer in its sole and absolute discretion.

"No sale is to be represented as being final to a prospective purchaser until the final approval of the plan, elevations, lot siting and colour scheme has been given by the Developer (known as the "approved design"). The purchasers and/or builders shall be fully and solely responsible for such representations. The Developer is not liable for any consequences or losses incurred as a result of such representations being made to a prospective purchaser, including the costs of preparing the house plan application."



SAMPLE FRONT ELEVATION
FIGURE 1

DESIGN GUIDELINES OBJECTIVES

There are two (2) primary objectives which have been considered in developing these Design Guidelines:

1. Quality of the Community - the Design Guidelines are the mechanism which encourages the community to be of a high level of quality, reflecting an image appropriate to its setting.
2. The Community Image - The general architectural theme of this community will encourage homes which are in keeping with the more "traditional" styled homes which would be more compatible with the natural woodland setting afforded by the development area.

From an investment standpoint, architecturally controlled communities have proven their worth over the years. The Design Guidelines incorporate many of the components which have seemingly assisted in the long-term protection of one's housing investment. In addition, the Design Guidelines include some new ideas which have been included for the long-term, personal and financial benefit of the housing consumer.

CITY OF EDMONTON STANDARDS

Formal standards for this development will be those established in The City of Edmonton Land Use Bylaw 5996 as amended. Conformance with the Design Guidelines does not negate the requirement of approval by the City of Edmonton or other governmental agencies.

SETBACKS

Minimum setbacks will conform with those established by The City of Edmonton Land Use Bylaw 5996 as amended; however, the Developer reserves the right to increase the setbacks on a lot-to-lot basis, at its sole and absolute discretion, in order to enhance the overall streetscape of the subdivision.

Lots backing onto the ravine top-of-bank may be subject to a Development Setback Line which may require rear-yard setbacks which are in excess of those set out in the Land Use Bylaw. The same may apply to lots adjacent to certain pipeline rights-of-way.

DESIGNATED SURVEYOR

Coordinate Surveys Ltd. or whomever the Developer may designate from time to time shall be the Designated Surveyor for Blackburne Creek. The purchaser and/or builder must utilize Coordinate Surveys Ltd. to complete all plot plans, field stake-outs, real property reports, and Ground Elevation Certificates. All costs associated with these survey services shall be at the sole cost and expense of the purchaser and/or builder.

DWELLING UNIT SIZES (MINIMUM REQUIREMENTS)

The Developer has created three housing categories within the boundaries of the Blackburne Creek Subdivision in order to ensure the compatibility of dwelling unit sizes throughout. These housing categories include the Ravine Collection of Homes, the Custom Collection of Homes, and the Upland Collection of Homes.

The minimum size requirements for each type of home in each of the three categories is summarized as follows:

A. Ravine Collection of Homes

<u>Type</u>	<u>Size (Sq. Ft)</u>
Bungalow	1,600
Bi-level	1,600
Split	
2 levels	1,600
3 levels	2,000
1 1/2 or 2 Storey	2,000

B. Custom Collection of Homes

<u>Type</u>	<u>Size (Sq. Ft)</u>
Bungalow	1,400
Bi-level	1,400
Split	
2 levels	1,400
3 levels	1,800
1 1/2 or 2 Storey	1,800

C. Upland Collection of Homes

Type	Size (Sq. Ft.)
Bungalow	1,200
Bi-level	1,200
Split	
2 levels	1,200
3 levels	1,650
1 1/2 or 2 Storey	1,650

The specific boundaries set out for each of the three housing categories within Blackburne Creek are detailed on the attached plan (Figure 2).

Notwithstanding the minimum size requirements set out in each of the three housing categories described herein, the minimum width of the dwelling, including attached garage, shall not be less than seventy (70%) percent of the width of the lot measured at a nine (9) meter setback.

The Developer reserves the right, at its sole and absolute discretion, to grant a variance in the square footage requirement of a home design submitted for consideration in any one of the three categories if it is "exceptionally" well designed. In such a case, the home design will be approved under the "Design of Merit" category referenced in the Introduction hereof.

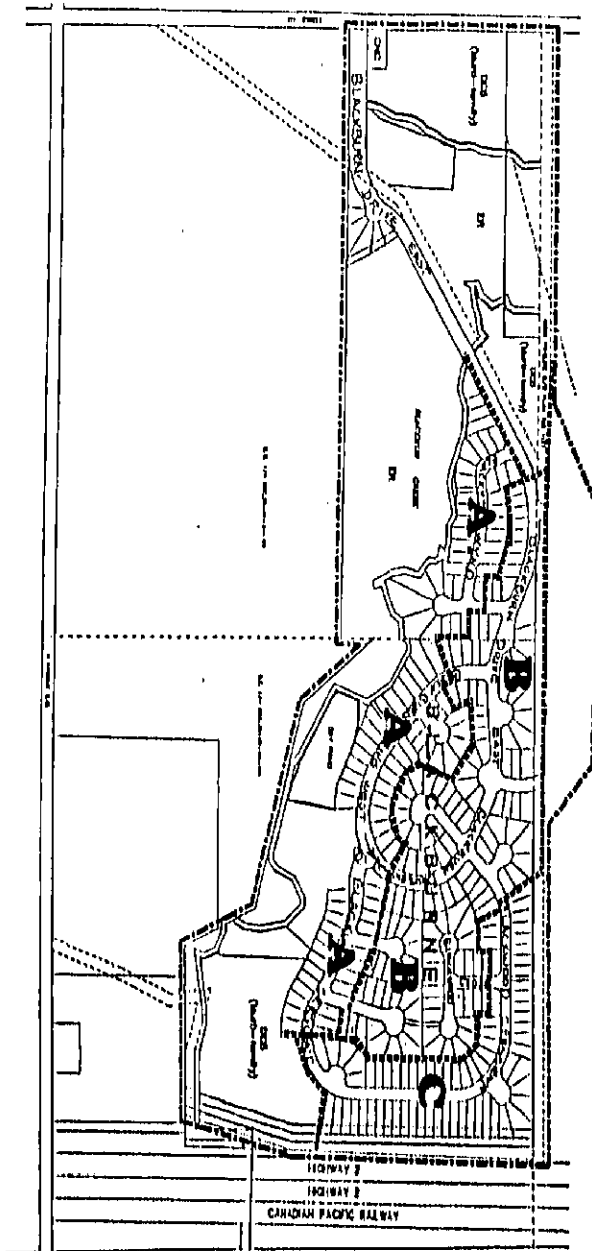


FIGURE 2

BUILDING ELEVATIONS

All elevations must be submitted at the same time for a comprehensive review.

Repetition - Homes on the same street may use the same colour scheme and similar material treatment provided the house styles are not similar. The first house application of similar house styles to be received will be reviewed first. Subsequent applications will be reviewed as received and, if rejected, will be rejected at the purchaser's and/or builder's cost.

Front Elevations - In an attempt to achieve the Community Image desired by the Developer, it is strongly encouraged that the predominant cladding material on the front elevation of the home should be brick. Where brick is utilized on the front elevation of the house, it is strongly recommended that the brick be laid "full height" (meaning from ground level to a point finishing on the underside of the eave) so as to create a "panel" effect highlighting certain architectural features or elements of the home. When brick is utilized as the predominant cladding material on the front elevation, brick returns are not required onto the side elevations.

The balance of the elevation should contain architectural features which complement the predominant cladding material. Bay windows, enclosed porches, shutters, window and door details, planters and high-level gable treatments, or frieze-board (below the eave) detailing are all suggested good examples of such features.

In the event that brick is not utilized as the predominant cladding material on the front elevation, the approved cladding materials will include double 4/8 vinyl or aluminum siding, machine applied/trowel finished stucco (California Style Stucco), wood siding or stone, stacked, not applied on the flat surface. Two (2) foot brick returns are mandatory when the predominant cladding material is one of the approved cladding materials other than brick.

Homes on corner lots have greater public visibility because of a second front elevation. For a successful home design on these lots, the appropriate front elevation guidelines must continue onto the second elevation and be phased out in an appropriate manner.

Any portions of the elevations which are forward of the plane of the front entrance door are considered to be extensions of the front elevation and therefore all the front elevation guidelines apply, as in the case of the inward flanking side elevation of a forward projecting garage.

Rear and Side Elevations - The rear and side elevations must be clad with the same cladding materials utilized on the front elevation except when the front elevation is entirely clad in brick, then any one of the approved cladding materials may be utilized.

Chimneys - All fireplace and furnace chimneys that are exposed in any significant manner to the front or flanking roadway shall be contained within a corbelled chase. The chase must be a minimum dimension of two (2') feet by two (2') feet and must be constructed of materials which are compatible with the predominant siding material on the respective elevation.

All fireplace chimneys are to be brick when they are situated on an exterior wall and are located within the first one-third of the elevation of a home which fronts or flanks a public roadway. The aesthetic appearance of any of these chimneys with lengths greater than ten (10) feet can be enhanced either by interrupting its length with a roof line or by adding an intermediate detailing feature.

INSTALLING

1. Corner and window trim boards, where applicable, shall be a minimum of six (6) and four (4) inches in width respectively. Belly boards are to be a minimum of ten (10) inches.
2. Panelled garage doors are to be integrated into the design of the remainder of the home.
3. Highly crafted entrance doors are encouraged for all front entrances exposed to a public roadway.
4. To make the homes of Blackburne Creek distinctively different from homes constructed in other Edmonton subdivisions, we are strongly encouraging the use of a "cathedral" style window on the front elevation of the home. (See Figure 3).

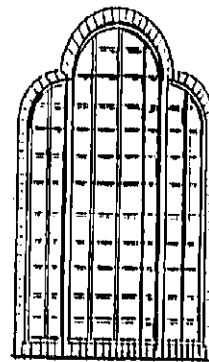
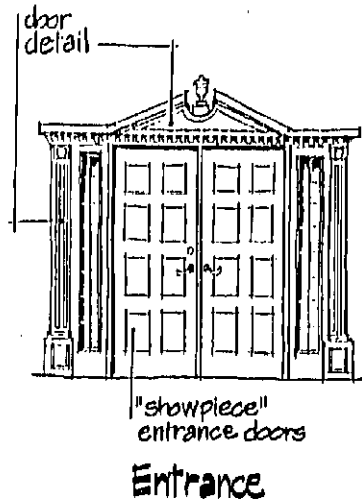
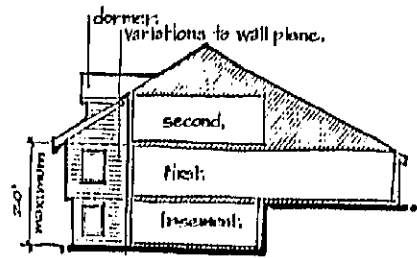
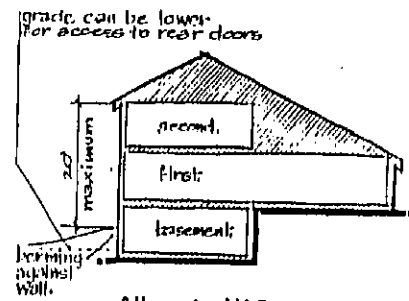


FIGURE 3

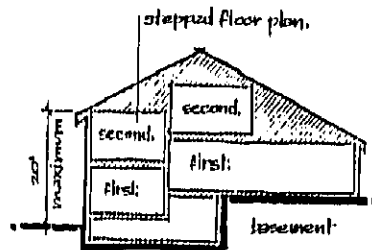
Walk-out Basement Homes - The rear elevations of these homes are to be designed to minimize any three-storey massing. Figure 4 recommends several alternative approaches to reducing the massing. A good design rule of thumb is to create a rear elevation so that the majority of the elevation has its first eave roof line within the first twenty (20) feet of grade.



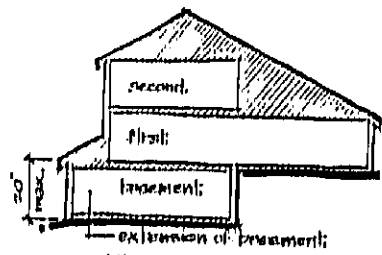
Alternate N° 1.



Alternate N° 2.



Alternate N° 3.



Alternate N° 4.

FIGURE 4

ROOFS

All roofs are to be wood shakes or shingles only. Other metal tiles or sheet roofing, clay tiles, slate or asphalt shingles, including the heavier weight shingles, are not permitted.

The roof slopes are to be a minimum of 5 in 12. All roof stacks, flashings, etc., are to be painted out to match the weathered roof colour. Fascia boards are to be a minimum of ten (10) inches deep, unless the architectural style of the proposed home to be constructed on the lot warrants a relaxation of this requirement.

Overhang dimensions are to be compatible with the style of the home. No minimum or maximum widths have been established.

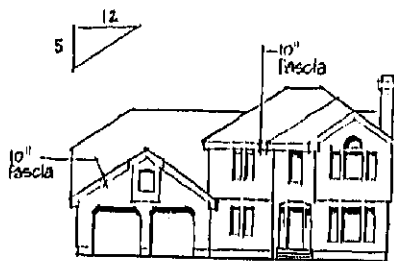
DRIVEWAYS/SIDEWALKS/ENTRANCE STRIPS

Driveways and sidewalks are to be constructed of the following materials:

1. Concrete including plain, stamped or coloured concrete.
2. Coloured concrete pavers.
3. Exposed or washed concrete.

Entrance steps, particularly the front entrance steps, should be constructed of materials which are consistent with those provided above; however, precast concrete steps will be permitted providing they do not appear to be inconsistent with the driveway or sidewalk materials.

We suggest that any steps required to accommodate a rise in grade above the street to the front door are to be in sets of three or less.



Roof Slope / Fascia

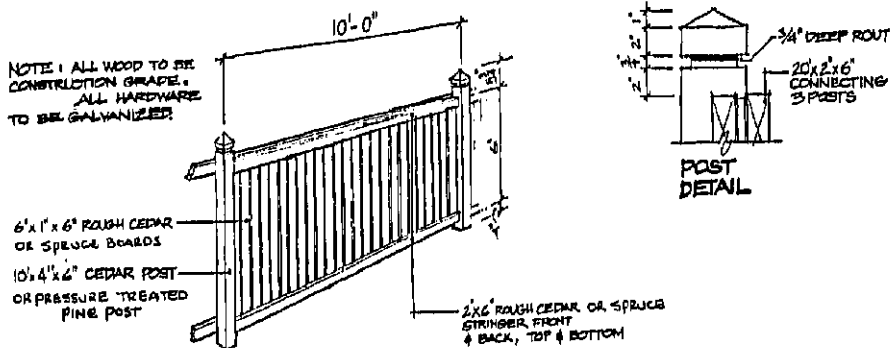
Builders shall be responsible for the construction of the driveway apron which must be the same design and constructed of the same material as the driveway.

Double attached front drive garages are a minimum requirement and all garages must be located in accordance with the Developer's Garage Location Plan.

LANDSCAPING AND FENCING

Basic landscaping and fencing is a mandatory requirement for all lots purchased in Blackburne Creek. The landscaping and fencing must be completed within six (6) months, weather permitting, of occupying the dwelling unit and consists of the following:

- * front yard completely landscaped;
- * lawn areas are to be sodded in the front yard to the fence tie-backs;
- * two trees - minimum three (3) inch calliper for deciduous trees or a minimum ten (10) foot height for coniferous trees, all of which are to be located in the front yards. Only one tree is required in the front yards of houses constructed on pie-shaped lots in any cul-de-sac where space will not permit a second tree.
- * wooden fencing to the details, design, colour, and extent illustrated in Figure 5;
- * six (6) foot high, green clad chain link fence will be permitted as an alternate fencing material only along those property lines which flank or back on to the ravine areas or a pipeline right-of-way.



The approved stain colour is Olympic "Forest".

Acceptable alternatives are as follows:

- Behr Contemporary #516 Evergreen
- Benjamin Moore Evergreen
- Pratt and Lambert #1338 Leafy Bower

FIGURE 5

The Security Deposit will be released only after the landscaping and fencing has been completed and certified as such by the Developer and a Ground Elevation Certificate indicating conformance with the approved Lot Grading Plan has been provided by the purchaser and/or builder to the Developer.

LOT GRADING AND RETAINING WALLS

Lot grading is to be consistent with the subdivision's approved Lot Grading Plan. Splash Pads or fixed downspouts are mandatory as required by The City of Edmonton. Lot grading should be absorbed with the building massing (i.e., step floors, walk-out basements, etc.) to minimize the need for grades steeper than 3 to 1.

The staking out of the home is the responsibility of the purchaser and/or builder. Building elevations must conform with the Lot Grading Plan. The purchaser and/or builder is responsible for the entire cost of this work.

Sideyard Grading - In addition to the critical grade control point at the corner of the lot, the grade elevations along the entire length of side property lines will also be important considerations.

The Developer has established critical swale grades for each lot. Revisions to these particular grades may be considered; however, The City of Edmonton reserves the sole right to accept or reject any revisions to these grades.

Particular attention is to be given to the sideyard grading for those lots with split drainage and/or side to side drainage. In the case of a side to side draining lot, the base of the steps for any side door access should be approximately equal to the level of the driveway at the garage door. For those lots with split drainage, the base of the steps should be lower than the level of the driveway. Keep in mind that in those cases, modifications to the exterior cladding may be necessary to ensure that the maximum two (2) foot parking line is maintained.

In the case of those walkout basement lots adjacent to non-walkout basement lots, retaining walls, etc., between backyards may be required.

In order to ensure that the proposed final grades of each house do not adversely affect an adjacent house, the Developer reserves the right to conduct an inspection. If in the opinion of the Developer adjustments to the final grade are necessary for the mutual benefit of adjacent houses, any and all costs associated with making the necessary adjustments are the sole responsibility of the purchaser and/or builder.

Retaining Walls - When retaining walls are required in front yards and the front 50% of the side yards, they are to be constructed of washed aggregate concrete or brick complete with complementary brick cap detail. The colour of the cap should be compatible with the materials utilized on the house. The use of wood as a structural material for retaining walls will be permitted only within the rear 50% of the side yards and 100% of the rear yards. Wood cannot be used as a structural material in front yards.

Each individual retaining wall will be limited to an exposed height of four (4) feet.

In all cases, the lot purchaser and/or builder who creates the need for a retaining wall structure shall be responsible for its construction and related costs thereto. In the event of a dispute, and at their sole and absolute discretion, the Developer and its Designated Consultant(s) in consultation with a Surveyor, shall determine the party responsible for the construction of and the cost of the retaining wall system.

Parged Line - Special attention is to be given to the architectural treatment of exposed foundation walls. A maximum of two (2) feet of parged concrete is allowed on front and side elevations.

The cladding material is to be extended groundward to achieve this desired result, or alternative detailing is required.

For those lots with side slopes, the height of the parged line can be increased on the downward side of the units provided that larger basement windows are installed with sills set maximum six (6) to ten (10) inches above grade.

OTHER IMPORTANT DESIGN GUIDELINES

APPEARANCE DURING CONSTRUCTION

The purchaser and/or builder is required to keep the lot clean and orderly during construction. There will be no burning of garbage, and the use of disposal bins is strongly encouraged during construction of the home. Builders found negligent will be back-charged for clean-up carried out by the Developer.

No builder/purchaser shall allow any trees, fencing, buildings or other site improvements to fall into a state detrimental to the subdivision.

APPROVAL PROCESS

Construction can commence only after the necessary City of Edmonton and the Developer Approvals have been granted. Any construction prior to receiving approval will result in the automatic forfeiture of the Security Deposit.

INITIAL SUBMISSION

The purchaser and/or builder shall submit two (2) copies of the following information to Coordinate Surveys Ltd. or whomever the Developer designates from time to time.

- * detailed drawings of the house (plans, elevations, sections at 1:50 or 1/4" = 1'0");
- * a plot plan identifying lot grades, floor elevations, setbacks, house locations and driveway slope at 1:300, prepared by a Surveyor;
- * a completed Application Form for House Plan Approval (indicating colours, materials, and other specific information as requested in the form).

A copy of the Application Form for House Plan Approval is enclosed in these Design Guidelines.

The Developer's designated Consultant(s) shall review the plan and recommend approval or rejection of the Application based on adherence of the plans to these Design Guidelines. The Developer will make the final decision regarding the approval or rejection of the Application. A copy of the Application Form and a marked-up set of plans shall then be made available to the purchaser and/or builder. The original Application Form and one set of similarly marked prints will be kept by the Developer for future reference.

Any changes to the exterior of the approved design must be submitted to the Developer and its Designated Consultant(s) and approved in writing prior to the construction of any such change. Incomplete Applications will be returned to the purchaser and/or builder.

No preliminary or verbal approvals will be given for any house plans.

INTERIM BUILDING REVIEW

The Developer and/or its Designated Consultant(s) may carry out an on-site review of the home during construction. Periodic checks may be made to ensure conformance with the approved Lot Grading Plan and these Design Guidelines. Modifications may be requested relating to actual site conditions.

FINAL APPROVAL

Upon being advised in writing by the purchaser and/or builder of the completion of the home, including all landscaping and fencing, the Designated Consultant(s) shall carry out a site inspection to confirm compliance with the Design Guidelines and the approval previously granted.

Prior to performing the site inspection, the purchaser and/or builder shall provide the Developer with a Ground Elevation Certificate completed by the Designated Surveyor, to confirm compliance with the Lot Grading Plan. The Ground Elevation Certificate shall be provided at the sole cost of the purchaser/builder.

The site inspection and the receipt of an approved Ground Elevation Certificate will form the basis of a recommendation to the Developer regarding the release of all or a portion of the Security Deposit.

In the event that a home is constructed without an approved design, or the construction of the home does not conform with the approved design, or the lot is not graded in compliance with the Lot Grading Plan, the Security Deposit shall be absolutely forfeited and payable to the Developer. The right to determine construction and lot grading conformance lies solely with the Developer.

Notwithstanding the forfeiture of the Security Deposit, the purchaser and/or builder shall remain liable for any subsequent loss or damages however caused or incurred as a consequence of their failure to build in accordance with an approved design or to grade the lot in accordance with the Lot Grading Plan.

BLACKBURNE CREEK

APPLICATION FOR HOUSE PLAN APPROVAL

APPLICANT

Name: _____
Address: _____
Postal Code: _____ Telephone: _____

LEGAL DESCRIPTION: _____
MUNICIPAL ADDRESS: _____

HOUSING DESIGN

Type: House Type: _____ Model: _____
Ground Floor Area _____ sq. m. _____ sq. ft.
Second Floor Area _____ sq. m. _____ sq. ft.
Total Floor Area _____ sq. m. _____ sq. ft.

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

Detail: Roof Material: _____
Wall Material/Colour: _____
Brick or Stonework Colour: _____
Trim Material/Colour: _____
Garage Door Material/Colour: _____
Chimney Material/Colour: _____
Soffit Material/Colour: _____
Driveway Material: _____

SITING

Conformance to setback and lot grading requirements are the responsibility of the purchaser and/or builder.

Setback Front: _____ Rear: _____ Left Side: _____ Right Side: _____ Height: _____
Grading Minimum Basement Elevation: _____ Fin. 1st Floor _____
Lot Corners - Front Rt: _____ Lt: _____ Rear Rt: _____ Lt: _____

USE OF HOUSE PLAN APPROVAL SERVICES

The Applicant acknowledges that the house plan approval is provided as a service and that the Developer and its Designated Consultant(s) assume no responsibility for the accuracy of the information provided, or for any losses or damages resulting from use thereof.

The Applicant further acknowledges that he will hold the Developer and its Designated Consultant(s) harmless from any action resulting from the use of this information.

Date: _____ Signature of Applicant: _____

CANADA
PROVINCE OF ALBERTA
TO WIT

I, ANTHONY S. CAIRO, of the city of
Edmonton, in the Province of Alberta,
Solicitor

MAKE OATH AND SAY AS FOLLOWS:

1. I am agent for the above named Caveator.
2. I believe that the said Caveator has a good and valid claim upon the said land and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interest in or proposing to deal therewith.

SWORN BEFORE ME at the City of)
Edmonton, in the Province of)
Alberta, this 1st day of)
May, 1992.

S. Tkachuk

A COMMISSIONER OF OATHS IN AND
FOR THE PROVINCE OF ALBERTA

Anthony S. Cairo
ANTHONY S. CAIRO

SUSAN TKACHUK 93
COMMISSION EXPIRES JAN. 16, 19__