



**Osage National
Residential Holdings, LLC**

**Architectural Control Committee
Guidelines for Construction**

Osage National Community Association
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Lake Ozark, MO 65049
(573) 365-1950

Revised March 29, 2006

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Printed March 2006 Revised March 29 2006

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**OSAGE NATIONAL
COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES FOR CONSTRUCTION**

I. PREFACE

A. Purpose:

The Architectural Control Committee was established to review all improvements to any lot within the Osage National residential community. The diligent monitoring of improvements within the community assures the homeowner that the integrity of the development will not be compromised. The amended Declaration of Restrictions and Homes Association Declaration (the "Declaration of Restrictions"), which governs the land use, has been adopted to ensure the quality of living within this planned residential community, as well as maintain the peaceful sylvan characteristics of the area. The unique features of the community neighboring the Lake of the Ozarks require careful preservation of the woodland and wetland areas so as not to disturb the delicate balance of nature. The Architectural Control Committee is committed to this effort. Support from the homeowners and their contractor is necessary to allow Osage National to remain the premiere residential resort community in the Midwest.

B. Membership:

The Osage National Community Association's (the "ONCA") Board of Directors has appointed a five (5) member Architectural Control Committee. The membership consists of two (2) homeowners, two (2) Developer representatives and one (1) architectural and/or engineering professional. The Committee's Administrator is available for consultation or assistance with the review process and requirements during normal business hours by appointment. The office of the Architectural Control Committee is at the Executive Director's office at Osage National Clubhouse, 400 Osage Hills Road, Lake Ozark, MO 65049, telephone (573) 365-1950.

II. BUILDING INFORMATION

A. Overview:

Osage National Community Association's Architectural Control Committee (ACC) has put together this booklet for information and review for any ONCA member or their agent upon considering submitting plans for any and all exterior improvements or changes, including houses, garages, patios, pools, landscaping, painting, wastewater system improvements, etc.

The ACC meets every other Wednesday at 1:00 p.m.(or as needed). The meetings are held in the Clubhouse at Osage National, 400 Osage Hills Road, Lake Ozark.⁵ The telephone number is (573) 365-1950. The fax number is (573) 365-1823.

All plans must be submitted no later than 1:30 p.m. on the Friday preceding the Wednesday meeting. When submitting plans, all fees and applications must accompany them to be considered for review.

B. Selection of a Builder:

Choosing the right builder for your residence is a major decision. You should be personally comfortable with your contractor and feel he or she is competent. Speak to the references the contractor has provided as well as others for whom your contractor has built homes. Look closely at the workmanship of the homes your contractor has built. Ask the homeowners if the contractor has been available after the home was completed should minor repairs be needed. Do not hesitate in seeking references and comments other than those provided.

The Lake Ozark Builders Association can provide a list of contractors who are members of the Association. Check the local lending institutions for credit references. Request the firm or individual contractor to provide proof of workman's compensation, personal liability, and property insurance. Most owners' insurance policies will not cover injuries to workers on your property during the course of construction or during any improvements.

Please be aware the property owner and contractors are responsible to following all city and state regulations regarding the construction of the home. Additionally, please call Dig Rite (800) DIG RITE before beginning construction.

The ACC or the Board of Directors does not provide a "preferred builders" list.

Any disputes that may arise between the owner and the contractor must be resolved privately. The ACC will NOT be involved as an arbitrator or for support of either party unless the dispute involves a direct violation to the approved plans or the rules and regulations for building within the development.

Promotional signs are expressly forbidden, in accordance with Section 3(z)⁷ of the Declaration of Restrictions.

C. Design and Specifications:

1. General Information:

Every plan submitted should include a minimum of one (1) certified survey, two complete sets of floor plans and specifications, and two (2) copies of site plans. One (1) set of approved plans will be returned to the applicant, notations as to revisions and/or requirements, or exceptions for approval will be so noted on the returned plans. One (1) set of plans will be retained for the ACC files. A City of Lake Ozark building permit will be required. The City will require a copy of the site plan and building plans.

Once the ACC approves plans, no modifications or alteration can be made without written ACC approval.

The Applicant is responsible for the validity and accuracy of the plans submitted for review by the ACC. The ACC is not responsible for errors or omissions in the plans and specifications reviewed or approved. There are no variances granted at the building site for any phase of construction. The approved plans become a valid binding contract between the applicant and this office, therefore, it is necessary all proposed changes are supplied to the ACC.

The plans should reflect all proposed improvements using a noted scale. Construction details must be provided for review. Type of siding, roofing materials, color scheme, building

materials, etc., must all be provided at the time plans are submitted. Color swatches of base and trim color must be submitted with plans. The ACC may request a bonafide sample of any of the proposed building materials for the improvements. Should a sample be requested, the samples will become a part of the ACC file and may not be returned.

Concrete is to be conventionally poured with a raked or chopped finish. Other types of concrete must be submitted for ACC review.

2. Floor Plans:

Two (2) copies of floor plans must be submitted, on a minimum paper size of 24 inches x 30 inches, to the ACC. One copy will be retained for the ACC files and one copy will be returned to the owner, or the owner's designated representative.

Floor plans must be accurate, must reflect the dimensions of the site plan, be to scale (with the scale noted), and depict the position of all water using appliances and appurtenances, as a part of the floor plan package, drawings showing front, rear, and side views of the structure are to be included. Said drawings shall accurately depict scaled dimensions, slopes, exterior materials, positioning of windows and shutters, chimneys, and facades.

3. Site Plan:

Three (3) copies of the site plan, on a minimum size of paper of 24 inches x 30 inches, are to be submitted for review. All improvements must be incorporated into the site plan including, but not limited to:

- Dimensions of the lot, as referenced by accompanying certified survey;
- Topography with contour elevations drawn accurately in two foot increments;
- Building envelope noted, setbacks defined;
- Structure, including garages, decks, patios, and courtyards depicted by a heavy, consistent line;
- Roof line or overhang depicted by a broken line;
- Square footage, entry level; lower and upper levels; and total. (Square footage requirements are exclusive of decks, carports, garages, gazebos, porches, etc.);
- Location of grinder pump (including horse power). Grinder pump models as required by City of Lake Ozark (see Attachment)
- Location of mailbox on site.
- Tree locations and species of all trees (all trees over six inches in diameter);
- Driveway location, dimensions, culvert location and size (minimum 15 inch pipe), existing finish grade elevations, type of material;
- Exterior heating and air conditioning units, size, and location;
- Floor elevations for each floor;
- Trash enclosure on individual lots will be prohibited;
- Propane tank size and location. Propane tanks must be buried;
- Swimming pools, size and location, cross-section and elevations, and pump house (if included); swimming pools must meet safety requirements (i.e. BOCA Codes or Fire

Protection District) with fenced area; specifications of fence must be depicted if applicable;

- Proposed landscaping, retaining walls or terrace walls, plantings, boulders, etc.
- Site plans, which, in the opinion of ACC, do not provide sufficient detail, will not be approved;
- Location of any flagpoles;
- Playgrounds, pet confinement areas, and fences, where applicable;
- Any retaining walls for support of driveway, elevations, and cross-section;
- Surface drainage paths, means of diverting, or channeling;
- Landscape plans must be submitted for all spec homes;
- **See Exhibit A for sample site plan drawings.**
- **All exterior modifications must be submitted for ACC review.**

4. Square Footage:

Minimum square footage requirements for residences shall be 1,600 square feet with at least 1,200 square feet on the main floor. In calculating the foregoing minimum square footage requirement, basements, porches, uncovered decks, patios and garages shall not be considered.

For lots within the Eagle View Villa subdivision, please refer to the Declaration of Restrictions governing that subdivision.

5. Setbacks:

All construction must be contained within the building envelope. Eaves and rooflines may extend a maximum of eighteen (18) inches into the setback. The setbacks are determined using the following lateral distances from the surveyed property lines:

Front: 25 feet from any lot line coincident with road right-of-way.

Rear: 30 feet from rear lot line

Side: 10 feet from lot

In cases where the city zoning requirements are more restrictive, they must be obeyed. The property owner should be aware of the existence of the ten (10) foot utility covenants along the property lines of each lot when plotting the construction and landscaping.

6. Surveys:

A certified property survey and topography from a professional land surveyor, licensed in Missouri, must be submitted for construction. The survey must include the recorded subdivision, existing roads, utility easements, property lines with dimensions and bearings, lot number, subdivision and classification, orientation, date, owner of record, and any other features identifying the legal limits of the lot. Should any encroachments be included, said encroachments are to be identified and dimensioned as such on the survey.

After the survey has been completed, the property pins are to remain intact. It is unlawful to remove any property pins set by a licensed surveyor to delineate a property boundary. Pin

location is to be marked to facilitate the necessary inspections. In order to clearly define the areas of activity, the property limits must be string-lined.

7. Elevations:

Determining grade elevations for proposed home construction is mandatory and must be signed and sealed by your surveyor. The contour elevations must be drawn accurately and to a noted scale, in no more than two (2)-foot increments

Profile drawings of the structure must incorporate the contour elevations of the lot. These elevations must be numerically noted as well as drawn on the elevations of the structure. Existing elevations are to be noted by means of a broken line; finish grade elevations noted by a heavy, consistent line. The topography of the property, as it relates to the structure, must be accurately detailed.

Elevations are to be provided if any structure or improvement is to be above grade, such as decks, landings, terrace walls, retaining walls, etc. Elevation of the floor of the lowest living area and the elevation of the original and finished grade at each corner of the structure must be included.

D. Site Preparation:

Limited clearing may be approved for site preparation in accordance with tree removal guidelines. Alteration of the existing grade is not allowed. All property lot lines are to be stringlined after the licensed surveyor has established the property pins. Failure to do so can result in an inspection by the ACC not being approved.

The preservation of trees should be emphasized when designing and laying out the home. It is requested that all flowering trees be allowed to remain wherever possible. To protect trees, it is suggested a "drip line" be created which consists of a fence or other identifying barrier be erected around the tree. This "line" should follow the outermost branches of the tree as much as possible.

See Article VIII. of this document, for further information on trees.

E. Fees:

1. Permit Fee:

A permit fee must be paid at the time plans are submitted. The permit fees are necessary to defray the administrative costs for operation of the ACC. Submittal fees are not refundable. Checks should be made payable to **the Osage National Architectural Control Committee.**

The ACC permit fee shall be \$425.00 per permit or other such fees as may be established from time to time. (Does not include any City of Lake Ozark permit(s)).

2. Deposit:

A \$1,500.00 damage/performance deposit must be posted for all new homes within Osage National HOA. Make check payable to the **Osage National Damage Deposit Fund.** Should there be damage from construction, the ACC will determine repair costs and the refund will be adjusted accordingly. A copy of the estimate to correct the situation will be made available to the applicant upon request. All damage/performance deposits shall be returned to titleholder of the property, regardless who may have initially posted the damage deposit.

The damage/performance deposit will be refundable providing that all construction is completed in accordance with the terms and conditions of these guidelines and instructions **The ACC will issue a Stop Work Order for violations of the following articles:**

1. Dump trucks and other vehicles transporting sand, gravel, top soil, fill, and any other material must be covered at all times.
2. City of Lake Ozark will strictly enforce all speed limits within Osage National.
3. All lots approved for construction must be maintained in a professional workmanlike manner, with all debris and trash confined to a trash receptacle of suitable size to accommodate the amount of rubbish for the lot. An excessive amount of trash and debris left on a lot for a period of seven (7) days will be considered a violation. All trash and debris shall be disposed of off property and outside the limits of Osage National.
4. Littering: Any driver, operator, or worker will be prosecuted to the fullest extent of the law for littering within the communities of Osage National. This may include a \$1,000.00 fine and up to one year in jail in addition to other measures deemed necessary by the Board of Directors.
5. All fires for the disposal of trash and debris shall be attended to at all times, with appropriate means of extinguishing immediately available. In Osage National all controlled burns must be approved by the Lake Ozark Fire Protection District's Fire Marshall as well as the ACC
6. No fill, top soil, sand, gravel, or other materials shall be placed on the road, road right-of-way, common area, or adjoining property at any time without express permission from all effected parties.
7. All construction equipment shall be parked on the lot and not impede traffic flow nor create a hazard for driving. Temporarily blocking one lane of traffic (i.e., delivering concrete, unloading and loading), shall be adequately identified for oncoming traffic as a hazard ahead, with the City of Lake Ozark and the ACC being notified of the situation. No construction vehicles may be left on the road or road right of way after hours or over night.
8. Washing out of cement trucks in the road right-of-ways, ditches, or adjoining property will not be allowed and may result in the forfeiture of all or part of the damage deposit. The cost for removing the wash will be borne by the contractor or property owner, as deemed necessary by the ACC.
9. Temporary individual sewage and personal sanitary facilities will be on all lots during all phases of residential home construction.
10. Any damage to adjoining property, roads, ditch lines, or common areas must be restored in a manner satisfactory to the ACC as well as the adjoining property owner (if applicable). If the restoration is not resolved in a timely manner, the damage deposit will be forfeited and utilized to reclaim area. An additional deposit will be required to bring the total back to \$1,500.00. This must be supplied by the contractor/property owner before resuming construction.

11. Changes during the course of construction must be submitted prior to commencing with said changes. Costs associated with this action will be deducted from the damage deposit.
12. Neither advertisements nor promotional materials shall be displayed at the construction site, as stipulated in Section 2(z) of the Declaration of Restrictions. Only the building permit issued by the Architectural Control Committee, City of Lake Ozark and the local fire protection district are to be displayed at the lot. A sign listing the builder and telephone number is allowed as a means of locating the builder in an emergency. No letters or numbers larger than three inches are allowed on the signs.
13. A minimum twenty-four hour advance notice is mandatory to schedule all inspections by the ACC representatives. This does not infer the inspection will be completed within the twenty-four hour notice time. All property limits are to be identified by means of a string line to facilitate inspections. All property identification lines are to be left intact during the entire course of construction. It is the contractor's or property owner's responsibility to inquire as to the status of the inspection. No concrete may be poured until verification has been given to the contractor or property owner that the inspection has been completed.
14. All utility trenches must be backfilled and cables buried.
15. Property pins intact.

3. **Banking:**

This deposit shall be in an interest bearing account, with all interest from the funds in the account being applied to the operations account of the ACC.

F. **Variances**

A reasonable variance may be petitioned before the ACC from the documented provisions of the Restrictive Covenants wherein the granting thereof will not be materially detrimental or injurious to the owners of other lots, as stated in Article V., E, of this document. The ACC has used the following guidelines as criteria for reviewing said request:

- If there is a reason for finding a "hardship" based on a peculiar topographical condition of the land.
- If there exists a condition of the land whereby no other feasible alternative is available to remedy the situation, the ACC will review the petition on a case-by-case basis. Recommendations by the ACC can be made to minimize or eliminate the magnitude of the variance and approval contingent thereon.
- A variance may not be approved for a "self-inflicted hardship", defined as a hardship created by the unapproved construction of a structure or improvement in violation of the building guidelines. The ACC is not bound to approve or grant variances after the violation has occurred. Submittal of an "as built" plan for a self-inflicted hardship does not assure the "as built" variances will be approved. Approval from adjoining property owner(s) to allow the infraction to the setback does not constitute approval by the ACC, nor does it supersede the ACC's decision.

- Any home granted a variance by the ACC must also obtain a variance from the City of Lake Ozark when and where applicable.

G. Landscape:

Site plans presented to the ACC shall include a landscape plan for all homes being built. Landscape plans must depict trees and bushes that will be planted, and any above ground structures or grade elevations which will be added. Features to be shown include, but are not limited to, retaining walls, fountains, gazebos, flag poles, light standards, sidewalks, and flumes. Property owners are reminded that landscape maintenance is required by the Declaration of Restrictions. Please refer to Section X., A 2, of this document, backflow preventor requirements for irrigation systems.

As a part of the construction approval process the homeowner must submit a landscape plan detailing the layout of lawns, planted areas, significant trees, irrigation systems, retaining walls and other exterior features to the Architectural Control Committee. If a landscape plan is not provided as a part of the submission to the ACC, the submission may still be considered provided the property owner posts a deposit equal to two percent (2%) of the expected value of the home.

To calculate the value of the home the following formula will be used:

$$\text{Total Finished Square Feet} \times \$100 = \text{Total Value}$$

To calculate the amount of the Required Landscaping the following formula will be used:

$$\text{Total Value} \times 2\% = \text{Landscaping Deposit}$$

For example if a home has a total finished square footage of 2,200 SF the value for the purpose of calculating the Landscaping Deposit would be \$220,000 (2,200 SF x \$100 = \$220,000) and the amount of the Landscape Escrow would be \$4,400 (\$220,000 Total Value x 2% = \$4,400 Landscape Escrow).

The Landscape Deposit will be escrowed with the Osage National Architectural Control Committee. The escrow will be released after the submission and approval of the completed landscaping plan, by the Osage National Architectural Control Committee

H. Driveways & Culverts:

Plans must be submitted depicting driveway location with dimensions; culvert location and size (as of this writing the City of Lake Ozark requires a fifteen (15) inch minimum), along with existing and finish grade elevations of driveway. Culverts are mandatory if there is an existing drainage ditch. Culverts must be of corrugated metal. It is the responsibility of the owner of record to maintain the culvert servicing the driveway to the residence, even though the culvert is within the road right-of-way.

No driveway apron shall be wider than the width of the garage, and no drive between the apron and the street shall be wider than twelve (12) feet. If the topography allows, a turnaround shall be provided on the lot. Hard surface driveways are required for all homes. Hard surfaces include concrete, asphalt and pavers.

No portion of any hard surface driveway may be constructed within the sideyard easement. For driveway construction into the side lot setback to be approved, the driveway must be on existing grade. Should the driveway encompass a portion of the setback, appropriate and efficient methods of diverting the runoff must be included. Should a berm be utilized to support the

driveway, the berm must be confined entirely within the boundaries of the lot. The driveway may not be supported by a retaining wall or similar structure where it encroaches into the side lot line setback.

Curbing must not exceed six inches (6 in.) in height above grade level.

The hard surface of the driveway must abut the road pavement and be flush with the existing pavement of the road at the point of juncture. Hard surfacing in anticipation for future road resurfacing will not be allowed.

Any constructed berm or landscaping within the sideyard or backyard easement is the responsibility of the property owner. Should the utility easements be utilized by any bonafide utility company, the portion of the constructed berm or landscaping within the setback may need to be removed. The costs associated with the restoration, repairing, or replacing of the berm or landscaping will be the responsibility of the owner of record.

J. Fences:

Plans must be submitted depicting location, dimensions, and type of fence proposed. All fences are to be within the building envelope. Privacy fences are not allowed. Decorative fences, rock wing walls, etc., which are primarily for landscaping or cosmetic purposes, must also be free from all setbacks and not located within the road right-of-way. Light posts of stone or brick must be low profile and be positioned using the same guidelines as decorative fences. Maintenance of such structures is the responsibility of the owner of record and the Osage National Community Association is not responsible for any damage, direct or incidental, to any structure outside the property boundaries.

K. Decks and Deck Railings:

The ACC has the authority to allow a deck to extend beyond the building envelope. However, to minimize the extent of the encroachment into setbacks, all other possible means of relocating the deck within the building envelope and maintaining a minimum deck size must have been exhausted prior to requesting the ACC to allow an encroachment. The applicant will be advised of the ACC's decision to allow the variance after the ACC has reviewed the plans. As previously stated, variances will only be granted if a true hardship exists, based on the lot's configuration and dimensions. Enclosing decks extending beyond the building envelope is strictly prohibited. Enclosing under the decks may be considered.

All walking platforms, including decks and martini decks, as defined by the City of Lake Ozark safety building codes, above grade elevation and as stipulated in these building codes, must be protected by a railing meeting appropriate codes. Pickets, if run vertically, must meet the appropriate city code. Guardrail protection must be afforded to all screened porches and similar structures above existing finish grade level as designated by the city building codes

L. Swimming Pools:

All pools must be submitted on a site plan, with a cross-section noting elevations attached. The pool may not be located within the setbacks, nor any appurtenances thereof (i.e., pump house, deck, retaining walls, etc.). All decking, retaining walls, railings, etc., must be submitted to the ACC in accurate detail. All swimming pools must meet applicable codes for safety purposes. Please refer to Article X. A 2, of this document, for information on backflow preventor requirements. A swimming pool discharge permit will be required from the ACC. Pool discharge may not be drained into the sanitary sewer system.

M. Poles:

All poles must adhere to the restrictions in Section 3 (4) of the Covenants and Restrictions. No flag poles, light standards, basketball goals, or other permanent structures or appurtenances over six foot in height are to be erected without prior ACC approval.

N. Builder Signs:

A sign listing the builder and telephone number is allowed as a means of locating the builder in an emergency. No advertisements nor promotional material shall be displayed at the construction site, as stipulated in Section 3(z) of the Declaration of Restrictions.

The total dimensions of the sign cannot be greater than 48 inches x 48 inches.

The sign will contain, within the 48 inch x 48 inch area, the building permits affixed there-to.

The sign will be placed on its own post (and in no case on a tree), visible from the road.

The sign will contain only the company name, emergency phone number, and building permits. It will be of professional quality. No casually painted or hand-printed signs.

Only one sign is allowed for each job site.

The sign containing the company name, emergency phone number and building permit will only be allowed for the duration of the initial building permit. The builder may apply for extension of time after the initial building permit has expired. If an extension of time is granted, the ACC will issue letter to the builder authorizing the sign for a specific period of time.

Signs which do not meet the above criteria, or which are not, in the opinion of the ACC, the quality expected within the development, will be removed.

III. REVIEW AND PERMITTING PROCESS

A. ARCHITECTURAL CONTROL COMMITTEE (ACC)

1. ACC Review and Permitting:

Notice of the ACC's decision regarding approval or disapproval of plans will be sent to the applicant and owner of record within five working days following the meeting. Should plans be disapproved for any reason, a special meeting will NOT be called to review the required revisions prior to the regularly scheduled meeting. A majority vote by the ACC members is necessary for approval.

Upon written receipt of the approval by the ACC, the building permit will be issued. The permit should be obtained from the ACC Administrator at Osage National Golf Resort, 400 Osage Hills Road, Lake Ozark MO . Upon request from the property owner a permit will be mailed. No work is to begin until the building permit is posted. One set of approved plans will be returned at the time the permit is issued. The other set of plans is retained by the ACC to validate that all construction is completed as approved.

Building permits are issued for a nine (9) month period or for the amount of time the applicant feels is necessary for completion of the project, subject to Architectural Control Committee approval.

Should construction not be completed by the date of expiration of the building permit, an extension must be requested and approved by the Committee. Any improvement not completed or upon which construction has ceased for ninety consecutive days or partially destroyed and not rebuilt within the life of the building permit, shall be considered a nuisance. The cost of repairs or completion shall be deducted from the deposit or if the cost exceeds the deposit amount, the balance shall be assessed to the property.

2. Appeals:

As provided for in the amended Declaration of Restrictions, any decision made by the ACC may be appealed to the Osage National Community Association's Board of Directors within thirty days after such decision. The request must be addressed to the Osage National Community Association Board of Directors at 400 Osage Hills Road, P. O. Box 1300, Lake Ozark, MO 65049.

In the event a homeowner or contractor elects to appeal a determination made by the ACC regarding the approval or disapproval of plans or specifications, a written petition must be submitted to the ACC's Administrator within a minimum of ten days prior to the scheduled Board of Directors meeting

B. OTHER REVIEWS

1. Lake Ozark Fire Protection District:

The Lake Ozark Fire Protection District's Fire Marshall must also review and approve plans for any proposed construction on Horseshoe Bend. You may contact the Fire Marshall at (573) 3656407 or at the Lake Ozark Fire Station on Business Highway 54 in Lake Ozark, MO. The ACC requests that a copy of the Fire Marshall's permit be submitted to this office for inclusion into the ACC's files.

2. City of Lake Ozark:

The City of Lake Ozark requires a permit for any project within the city limits which requires a variance. The property owner or the owner's agent must go to the City Hall and display a copy of your stamped and signed building plans and your ACC permit. The City Hall telephone number is (573) 365-5378.

IV. OTHER NECESSARY PERMITS

A. Burn Permits:

Open burning may be allowed with permission from the appropriate fire protection district, Lake Ozark Fire Protection District (573) 365-6407 as noted in item B above. The ACC must be notified. You must provide the lot number, subdivision, street, and contractor at the time the burn request is granted. All fires must be attended to at all times, with adequate arrangements for immediately extinguishing the fire provided. Any unattended fire will be documented and the appropriate action instituted by the Fire Protection District. The Osage National Community Association may take corrective action against the property owner to include a stop work order, fine or both.

V. INSPECTION PROCEDURES

A. Overview:

During the construction process, several inspections must be completed by the ACC inspectors. At least a twenty-four hour notice is required to schedule all inspections. Failure to allow sufficient time for scheduling the inspections may result in a delay of construction time. If possible, inspections will be completed so such delays do not occur. In the event the foundation of the structure is within five feet of any lot line setback, it may be necessary that a certified survey of the concrete or foundation is provided. It is the responsibility of the applicant to inquire as to the results of the inspection by the ACC Administrator. No work shall continue until said inspection has been approved. If disapproved, construction must cease until the inspection has been approved.

B. Right of Entry:

Agents of the Osage National Community Association (ONCA) have the right to enter any lot or tract at any reasonable time for the purpose of inspection, maintenance and repair of any part of the sewage treatment system, or for the purpose of inspecting for possible violation of the provisions of the Osage National Declaration of Restrictions or other rules and guidelines contained in this manual. The right of entry is granted to the ONCA and its authorized representatives, its successors and representatives, the Developer, and the representatives of any person, firm, corporation, municipality or public agency contracting or otherwise acting with or for the ONCA to provide security operation, maintenance or monitoring service.

C. Footing Location Inspections:

A footing location inspection is done to see that the construction is being performed as submitted to ACC. No structural review is inferred. Location is the only criterion used in ACC footing inspections. No concrete may be poured at any time without prior approval. Failure to comply will be a violation of the building guidelines set forth for the development. All excavation is to be completed and forms correctly placed prior to requesting said inspection. The ACC may request a survey by a professional land surveyor licensed in the State of Missouri to survey the foundation prior to pouring any concrete. A copy of the survey must be submitted for approval to be granted. No framing may begin until a copy of the certified foundation survey is received and approved by the ACC. An additional footing inspection by the City of Lake Ozark may be required.

When the footing inspection for the house is done, the owner's property will be reclassified from unimproved to improved for purposes of ONCA assessment.

D. Final Inspection:

A final inspection will be completed at the time of expiration of the building permit, with results made available to the applicant. A copy of the occupancy permit from the City of Lake Ozark must be submitted prior to the ACC's final inspection. Should an additional inspection be necessary after the initial final inspection is completed, a charge of twenty-five dollars (\$25.00) for each additional inspection will be deducted from the posted damage/performance deposit to defray the costs of administration. Should the improvement be completed prior to expiration of the building permit, the applicant must notify the ACC office to schedule the final inspection.

E. Corrective Action:

Failure to comply with the above rules and regulations may result in all or a portion of the damage deposit being forfeited. Any other course of action deemed necessary by the Property Owners Association's Board of Directors may be implemented to correct the violation.²⁴ In the event a Stop Work Order is posted, all construction activity shall cease until the corrective action is completed and inspected by the ACC. Reinstatement of the building permit will require that all corrective action has been taken.

VI. CONSTRUCTION ACTIVITY

All construction and equipment must be confined to the limits of the lot that has been approved for construction. It is the owner of record's responsibility to remove all construction materials and debris from the site. No on-site dumping of fill is allowed at Osage National. No brush, dirt, fill, equipment, building materials, or other materials may be stored on an adjacent lot, common area, or any road during the improvement process. All trash and debris must be disposed of in a proper receptacle. All work is to be done in a professional manner and the site cleaned up after each day's work. It is mandatory that temporary sewage facilities be available on the construction site during the entire course of construction. Particular attention should be paid to guidelines in Section II., E., 2, of this document.

VII. COMMON AREAS

Areas designated as common, community, or access on the plat recorded in Miller County, Missouri are to remain in a natural state and are maintained by the ONCA. These areas have been set aside for drainage, future ONCA improvements or amenities, sanctuary for wildlife and to maintain the woodland characteristics of the community. It is not permissible to make any improvement to these areas. Clearing the underbrush, grading, graveling, or any other alteration is prohibited unless approval is received by the Board of Directors or the ACC. Removal of any trees is also prohibited. Trees that have fallen or rotted may be removed only if there is a potential danger to existing structures and prior approval by the ACC has been obtained. There are no permanent structures to be erected on any common area, including but not limited to, walkways, paths, retaining walls, etc. without prior written consent of the ACC. All improvements will be of natural materials, walkways are to be serpentine in design and no trees are to be removed.

VIII. Trees

- A. The ACC and its agents will review tree removal requests in a manner that takes the entire development into consideration, not just the individual lot.
- B. Tree removal is discouraged before actual development on a lot. Removal shall be limited to those trees that are diseased or in danger of falling and damaging property. If thinning of trees before development is desired a \$75.00 permit fee must be paid and a \$500.00 tree damage deposit posted. Additionally the property must submit a plan for the disposal of the thinned trees, limbs and other materials. All trees over five feet in height which are to be removed shall be pre-marked. A pre-removal review will then be made by the ACC and only those trees which have been pre-marked with white paint and not been countermarked with orange industrial marking shall be removed. Removal of any trees not marked or which are countermarked, the

failure to follow the disposal plan, or damage to the roads as a part of this process, shall result in forfeiture of the tree damage deposit and may result in additional fines based on ACC assessment of damage. No trees over 6" in diameter shall be thinned or removed prior to approval of building plans by ACC.

- C. At the time of construction all trees over five feet in height which are to be removed shall be marked with white paint and those trees over five feet to not be removed shall be marked with orange industrial marking. If trees are removed without a permit, the ACC shall require the property owner to replace any trees removed immediately with a nursery grade replacement .
- D. Trees to be removed should be limited to those trees located in footprints of construction, diseased trees, dead trees, and deformed trees.
- E. Some thinning of trees may be allowed (see Item B above). Priority for preservation will be given to flowering trees and rare trees. Removal of diseased trees is encouraged. A diseased tree is defined as one infested with fatal and incurable viruses and blights. Normal infestation with insects or nonfatal viruses and blights will not be a cause for removal.
- F. The property owner will assume all responsibility for the removal of trees from their property. The property owner will pay all fees and fines and will be responsible for proper clean up of any trees on their lot which are cut or which fall over.
- G. All trees, brush, limbs, or other debris consequent to clearing or removal shall be disposed of in an acceptable manner. Acceptable methods are burning (with permit from the appropriate fire protection district) chipping and mulching, or carrying off site to a location where permission to dispose has been obtained. Failure to dispose of the cut material will be treated as a violation of a permit and can result in forfeiture of damage deposit and additional fines.

IX. CONSOLIDATING OR SUBDIVIDING LOTS

Lots may be subdivided if all portions of the lots so subdivided are conveyed to the owners of an adjacent lot(s), thereby enlarging such lot(s). The boundary between the enlarged lot(s) shall constitute the new back and side lines for the purposes of the meeting the building guidelines.

The subdivision of lots authorized by this section shall be effective only if the owners of the lot being subdivided and the owners of the lots being enlarged join in the execution of an indenture, setting forth the new boundary of the enlarged lots. The indenture shall be approved in writing by the President of the Property Owners Association and is recorded in the Office of the Recorder of Deeds, Miller County, Missouri.

No Lot shall be divided or subdivided except with the approval of the ACC. If an Owner owns contiguous Lots, they may be combined into a single homesite but only upon obtaining the prior written approval of the applicable governmental authority and the Board of Directors of the Osage National Community Association (each such approved combination of Lots being called a "Combined Lot"); provided, however, (i) for purpose of assessments, a Combined Lot shall be deemed only one Lot; (ii) all assessments with respect to a Combined Lot shall constitute a lien upon the entire Combined Lot; and (iii) the Owner of each Combined Lot shall be entitled to the rights of only one Osage National Community Association Membership in respect of all such

Lots so combined. After combining Lots, the Combined Lot shall remain as such, and the Owner(s) thereof shall not be permitted at any time to rent, sell, or otherwise transfer or convey less than all of such Combined Lot.

X. UTILITIES

The utilities are City owned and operated. The following is provided for informational purposes only. Please check with the City for details.

A. Wastewater:

1. Central Sewer Systems:

- All residential lots are required to hook up to the central sewer system. A written application to the City of Lake Ozark for service (along with the connection fee) will be required prior to service being available. The service line from the structure to the property line is the responsibility of the customer:
- The City of Lake Ozark will provide the connecting accessories. The applicant is advised to contact the City of Lake Ozark a minimum of forty-eight hours in advance during normal business hours of when the service is anticipated and installation thereof. The City of Lake Ozark must approve all connections prior to the trench being backfilled by the Applicant.
- The Applicant will not permit footing drains, down spouts, or other sources of surface or storm water to enter into the sewer system through either the inside piping or through the building sewer.
- The size and slope of the Applicant's service sewer shall be subject to the approval of the City of Lake Ozark, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than 1/8 inch per foot.
- Whenever possible, the sewer service shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall. The depth shall be sufficient to afford protection from frost and be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.
- The Applicant or customer is responsible for the maintenance of the service sewer from the grinder pump to the building of the customer and subject to the approval of an authorized inspector of the City of Lake Ozark and honor the rules and regulations as well as construction information of the City of Lake Ozark.
- The City of Lake Ozark will not be required to supply sewer service until each connection has been inspected and approved.

- No person shall discharge or cause to be discharged any storm water, surface water, ground water, swimming pool water, hot tub water, roof runoff, subsurface drainage, or cooling water into the grinder pump.
- The homeowner is required to purchase a grinder pump system to pump sewage from the home into the central sewage system. The lots require either a high head five (5) horsepower grinder pump or a two (2) horsepower grinder pump. The low pressure sewer system was designed using the City required Flygt or Myers brand of grinder. Please refer to Exhibit B for detail regarding grinder pump.

2. Sanitary Grinder Pump Sewage System

The following is an overview of the regulations governing the disposal of sanitary sewage and are taken in part from Title VII. Utilities, Chapter 700: Sewage Treatment and Waste Disposal, City of Lake Ozark, Missouri.

It is the homeowners responsibility to insure that the City's requirements, including all amendments to same, are adhered to.

The homeowner is required to purchase a grinder pump system to pump sewage from the home into the central sewage system. Lots at higher ground elevations require a lower head two (2) horsepower grinder pump and lots at lower ground elevations require a five (5) horsepower grinder pump (the developer can provide this information). The low-pressure sewer system was designed using the Myers or Flygt brand of grinder pumps. Property owners with questions concerning manufacturers or service of grinder pumps may call for Myers Pumps, Enviro-Line Co., Inc. at 573-374-5838 or for Flygt Pumps, VanDevanter Engineering at 636-343-8880.

Inspection

The City of Lake Ozarks Public Works Superintendent, bearing proper credential and identifications, shall be permitted to enter private properties at any reasonable time for the purpose of inspection and observation to ensure that the grinder pump system is constructed in accordance with the City's regulations.

Construction Permit

Before commencement of construction of a grinder pump system the owner shall first obtain a written construction permit signed by the City of Lake Ozarks Public Works Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information relevant to wastewater discharges. A permit and inspection fee shall be paid to the City at the time the application is filed.

Operating Permit

Before commencement of operation of a grinder pump system, the owner shall first obtain a written permit signed by the City of Lake Ozarks Public Works Superintendent. The operating permit shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the operating permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) normal business hours, after receipt of notice by the Superintendent.

Connecting Costs

The costs and expenses incidental to the building sewer and grinder pump system installation and connection to the City's wastewater facilities shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Separate Connections Required

A separate and independent building sewer and grinder pump system shall be provided for every building.

Building Sewer Design

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, joining and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the City of Lake Ozark. In the absence of code provisions the appropriate specifications of the ASTM and WPCF shall apply.

Surface Runoff and Groundwater Drains

No person shall connect roof, foundation, areaway, parking lot, roadway, floor drains, swimming pools, hot tubs, or other surface runoff or groundwater drains to any sanitary sewer.

Roof, foundation, areaway, parking lot, roadway, or other surface or groundwater drains shall discharge to natural outlets or storm sewers.³⁷

Conformance to Applicable Codes

The connection of a building sewer into a sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the City of Lake Ozark, or the procedures set forth in appropriate specifications of the ASTM and WPCF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the City of Lake Ozarks Public Works Superintendent before installation.

The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the applicable building codes or other applicable requirements of the City.

Connection Inspection

The applicant for a sanitary sewer connection permit shall notify the City of Lake Ozarks Public Works Superintendent when such sewer is ready for inspection prior to its connection to the City's facilities. Such connection and testing as deemed necessary by the Superintendent shall be made under the supervision of the Superintendent.

Excavation Guards and Property Restoration

Excavations for sanitary sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Lake Ozark.

Basis for Charges

The City of Lake Ozark shall collect sewer service charges for the use of the services rendered by the sanitary sewage system from the owners or occupants of every building used for human occupancy which is connected with the sanitary sewage system of the City.

B. Water Service:

1. Backflow Preventers:

The City of Lake Ozark requires that property owners install backflow preventers in water lines, including but not limited to water lines, swimming pools, and irrigation. Please contact the City of Lake Ozark at 573-751-4594 or at 365-5378.

2. Metered Water:

Metered water service is available to all lots at Osage National. Property owners should apply to the City of Lake Ozark.

Installation of water service may be coordinated with electrical utility installation and located in the same trench. It is the customer's responsibility to provide the water service line and conduit for Ameren UE's power cable to the structure. After meter is set, a three-quarter inch male iron pipe thread will be needed to connect to meter. It is the contractor's or applicant's responsibility to backfill after the connection.

Any requests for turning water off at the meter to repair a leak must be made to the City of Lake Ozark. It is strictly forbidden for a customer, or a plumber employed by the customer, to turn water service on or off at the meter. Personnel are available to turn service on and off during normal business hours. The cost to repair any damage done to the meter by the customer or the customer's representative may be billed to the customer. The City of Lake Ozark retains ownership of the water meter. It is the responsibility of the customer to make certain that the meter does not freeze in the winter months.

In some areas of the water distribution system, water pressure is considerably higher than necessary. The installation of a pressure reducing valve is suggested in these areas.

C. Fuel Storage Tanks:

1. Above Ground Storage:

No above ground fuel storage is allowed.

2. Underground Propane Storage:

Underground propane storage will be allowed with the approval of ACC. The designated utility corridors or setback easements are not to be utilized for underground tank burial. The tank and all appurtenances shall be in accordance with the Lake Ozark regulations and be approved by the district's Fire Marshall (573) 892-2947). The location of underground propane storage tanks shall be noted on the site plan.

A copy of said installation inspection and yearly inspections shall be forwarded to the ACC for inclusion in the ACC's files.

Any deviations from the dimensions must obtain Fire Marshall's approval prior to submission to the ACC

D. Telephone Service:

Local telephone service is provided by Southwestern Bell Telephone. Call toll free 1-800-464-7928 to make arrangements.

F. Cable Television:

Local cable service is from Charter Cable. As with all utility service, it is important to contact them before paving work on sidewalks and driveways are done. If you contact Charter Cable at 1-800-892-2947 before doing driveway work, a conduit will be provided free of charge. Contact Charter Cable to arrange for delivery.

G. Electricity:

Power is supplied to all of Osage National by Ameren UE (573) 365-9203. Standard procedure is to coordinate installation of power in the same trench as the water line.

XI. AMENDMENT PROCESS

The provisions of Osage National Community Association's Architectural Control Committee Guidelines for Home Builders shall be in effect and run with the land and shall exist and be binding upon all properties in any subdivision listed in the Declaration of Restrictions. This guideline for home builders can be amended at anytime by the Developer or as outlined in Article IV of the Declaration of Restrictions.

- A. The number of such Owners as is required to effect such an amendment, as outlined in the recorded Declaration of Restrictions or any amendments thereto;
- B. By the affirmative majority vote of the Osage National Community Association Board of Directors; or
- C. The Architectural Control Committee may request the Osage National Community Association Board of Directors to amend any item pertaining to the ACC's responsibility or regulations governing construction within that property described in Exhibit A of Declaration of Restrictions which is subject to these guidelines

XII. PROPERTY

The property covered by these guidelines is described in Exhibit A of Declaration of Restrictions. Additional property may be made subject to the guidelines upon designation by the Developer, its successor or assigns.

EXHIBIT A
TELEPHONE NUMBERS

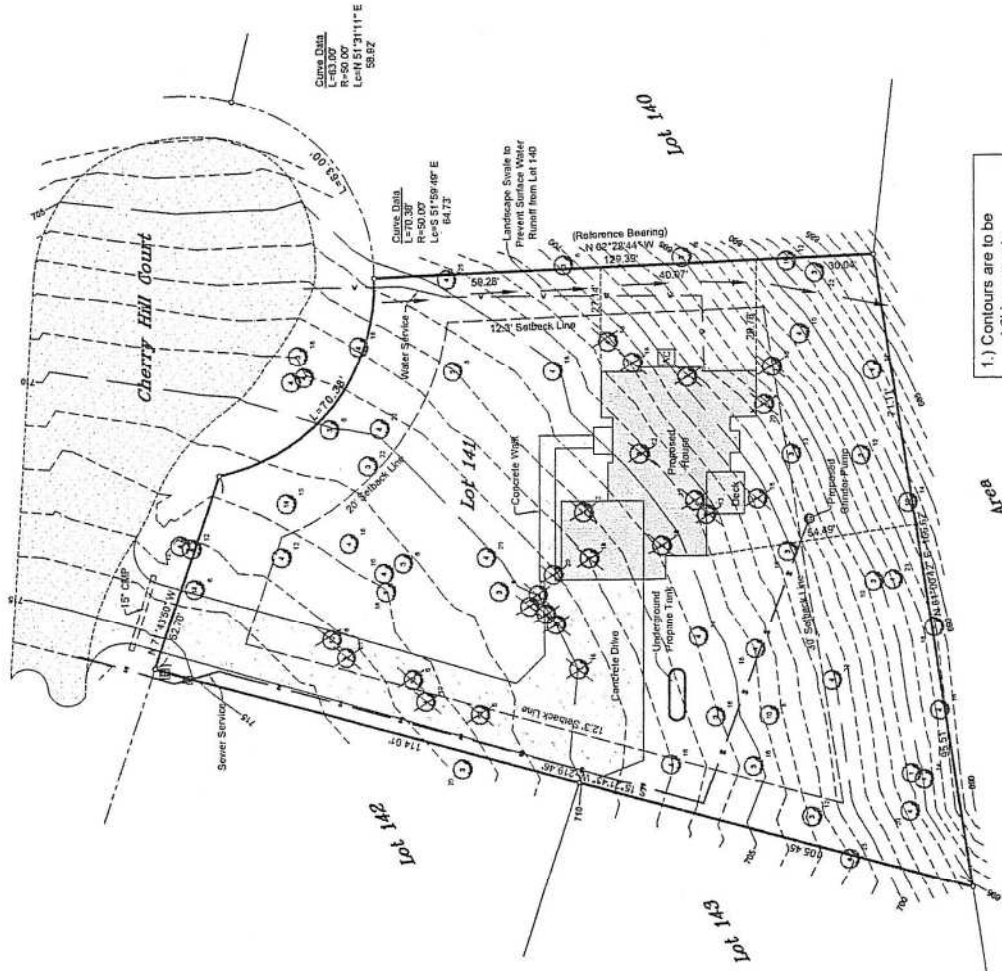
Charter Cable TV Company	800-892-2947
Lake Builders Association	573-348-1523
Lake Ozark Fire Protection District	573-365-5361
Modern Sanitation	573-348-5012
City of Lake Ozark	573-365-5378
Southwestern Bell Telephone	800-464-7928
Ameren UE (local and permits)	573-365-9203
Post Office (Lake Ozark)	573-365-3344
Post Office (Sunrise Beach)	573-374-7993
Osage National ACC Office	573-365-1950 Ext. 19
Department of Natural Resources (DNR)	573-751-2729

Exhibit B
Sample Site Plan

PLAT OF A SURVEY
 LOT 141
 OAKMONT VILLAGE
 CITY OF LAKE OZARK
 MILLER COUNTY, MO



- Tree Legend:**
- 1 Dogwood
 - 2 Dogwood Cluster
 - 3 White Oak
 - 4 Black Oak
 - 5 Water Oak
 - 6 Post Oak
 - 7 Red Oak
 - 8 Chin-A-Pin Oak
 - 9 Locust
 - 10 Hickory
 - 11 Elm
 - 12 Walnut
 - 13 Sycamore
 - 14 Ash
 - 15 Cedar
 - 16 Maple
 - 17 Cherry
 - 18 Pear
 - 19 Pine
 - 20 Apple



- 1.) Contours are to be at 2' increments.
 2.) Landscape plan required.

- Legend:**
- Found Monument (As noted)
 - Found Iron Pin (1/2", Except as Noted)
 - Set Iron Pin (1/2", Except as Noted)
 - ⊙ Right Of Way Marker
 - ⊕ Tree w/ Size
 - ⊖ Telephone Rider
 - ⊗ Cleared
 - ⊘ Water Valve
 - ⊙ Sewer Valve
 - ⊙ Street Light
 - ⊙ Fire Hydrant
 - ⊙ Power Pole
 - ⊙ Only Wire
 - ⊙ Water Meter
 - ⊙ Electric Transformer
 - ⊙ Air Conditioner Pad
 - ⊙ Sewer Service
 - ⊙ Water Service
 - ⊙ Right of Way Line
 - ⊙ Center Line
 - ⊙ Dashed Line
 - ⊙ Edge of Pavement
 - ⊙ Asphalt Surface
 - ⊙ Aggregate Surface
 - ⊙ Concrete Surface

Notes:
 1.) Existing Iron Pins of Record.
 2.) Utility locations are from Construction plans and are subject to Field Verification.

Surveyor's Certification:

This is to certify that I, _____, Licensed Professional Land Surveyor in the State of Missouri, made a survey of the above described tract of land at the request of the owner, _____, on the _____ day of _____, 2005, and that said survey was executed in accordance with the requirements of the Missouri Minimum Standards for Property Boundary Surveys appearing at 4 CSR 30-16, and 19 CSR 30-2, adopted December 30, 1994, as amended October 30, 2003 and that said survey meets the requirements of a Urban Class Survey.

(Typed Name) _____ PLS _____
 (Date) _____ LC _____

SAMPLE SITE PLAN