

more, that the Owner believes there has been a definite violation of said beautification easement, and therefore, a violation of the agreement by which said easements were obtained, by the erection across from the Owner's property on the East side of U. S. Highway No. 25 of a large paved entrance (containing signs, concrete and rock walls, etc.) for a "drive-in" theatre; and

WHEREAS, despite the patent invalidity of the purported beautification easements, the Owner's views and those of the owner of Lot No. 18, are, in general, in accord with the objectives of the Highway Department in preserving a beautified area along this portion of U. S. Highway No. 25, and to the end that these objectives may be continued on an agreeable basis, and in an effort to avoid litigation designed to nullify the said easements by Court order, the parties hereto have reached an agreement.

NOW, THEREFORE, for and in consideration of the above recitals and in consideration of the mutual benefits accruing to the parties hereto, the said parties do hereby covenant, contract and agree as follows:

THE HIGHWAY DEPARTMENT DURING THE EXISTENCE OF SAID EASEMENT SHALL:

(a) Permit use for residential front yards only by the Owner and his grantees of so much of those certain residential lots fronting on the Southwest side of U. S. Highway No. 25 (said lots being numbered 3 to 23, inclusive, on said plat of Sans Souci Heights, prepared by W. J. Riddle, Surveyor, December 1949), as may lie within the bounds of any existing easement for beautification purposes.

(b) Permit the planting of shrubbery by the Owner or any Grantee of said lot, or lots, of a type commensurate with that now planted, except that no boundary hedges or shrubbery in the nature of a hedge shall be employed or planted.

(c) Permit the owner of any lot, or lots, to fill-in and/or raise the elevation, through proper grading technique conducted only under the supervision and with the specific approval of said Highway Department, of so much of any lot as may lie within the bounds of said