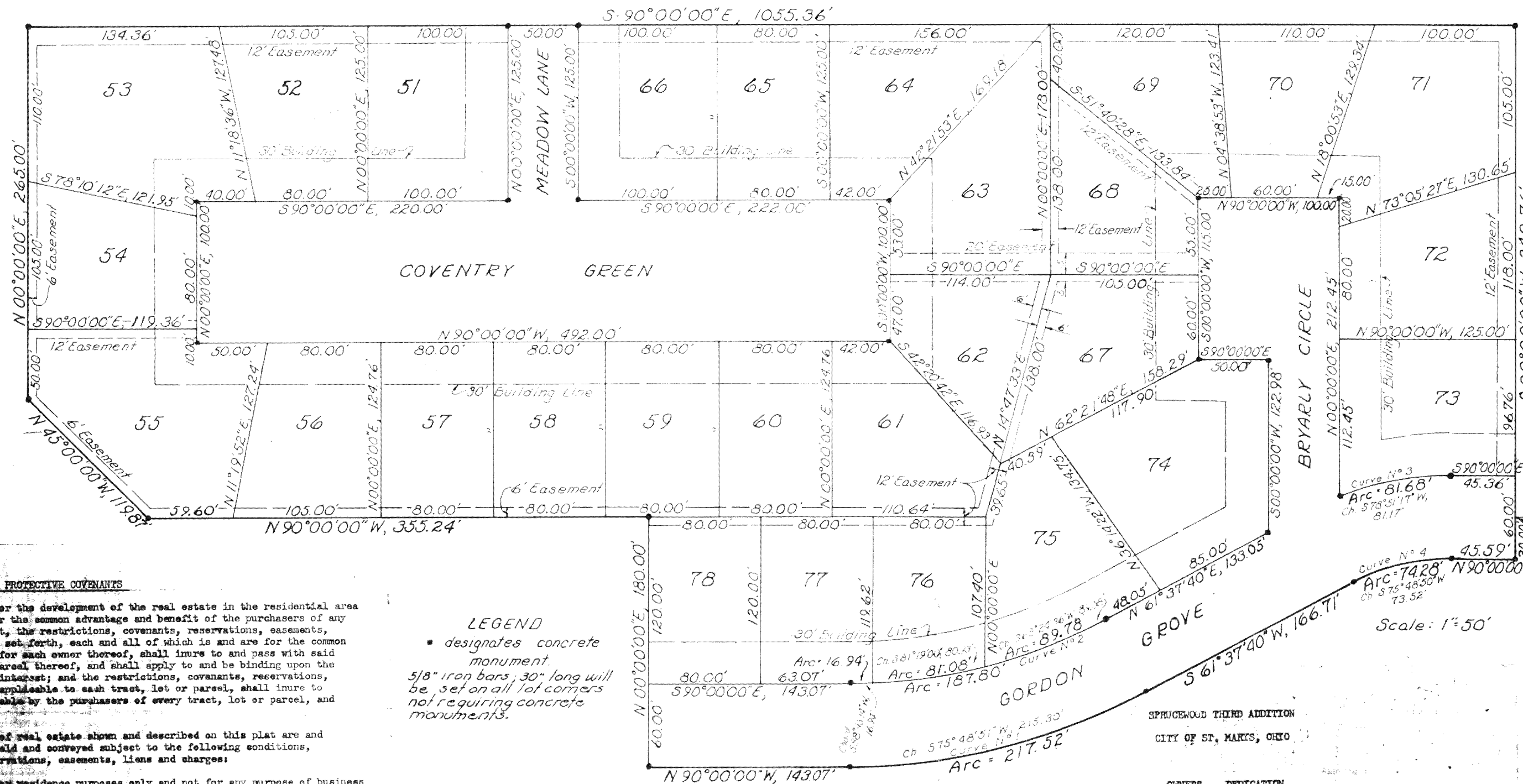


SPRUCEWOOD THIRD ADDITION

ST. MARYS, OHIO

SPRUCEWOOD SECOND ADDITION



PROTECTIVE COVENANTS

As a part of a general plan for the development of the real estate in the residential area on the foregoing plat, and for the common advantage and benefit of the purchasers of any of the lots shown on said plat, the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the common benefit of said property and for each owner thereof, shall inure to and pass with said property and each and every parcel thereof, and shall apply to and be binding upon the purchasers and successors in interest; and the restrictions, covenants, reservations, easements, liens and charges applicable to each tract, lot or parcel, shall inure to the benefit of and be enforceable by the purchasers of every tract, lot or parcel, and their successors in interest.

The tracts, lots and parcels of real estate shown and described on this plat are and shall be held, transferred, sold and conveyed subject to the following conditions, restrictions, covenants, reservations, easements, liens and charges:

- Said lots shall be used for residence purposes only and not for any purpose of business or trade or public entertainment or resort; and no nuisance, advertising sign, billboard or other advertising device shall be erected or permitted upon said lots or any of them be used in any way which may endanger health or unreasonably detract from the quiet of adjacent lots or premises.
- One lot or more, as platted shall constitute a building site and no building or structure shall be erected, placed, maintained or permitted to remain upon any such lot in said Sub-division other than one single-family dwelling house and private garage for not more than three cars.
- No buildings or structures other than one-family residences not to exceed 2½ stories in height, together with customary outbuildings, such as private garages, home workshops and greenhouses, incidental to the residential use, of such building sites shall be erected, maintained, or permitted upon any building site.
- All buildings shall be constructed of new material and no building or other structure whatsoever erected elsewhere shall be permitted to be moved upon any building site, except architecturally compatible outbuildings and temporary contractor's buildings.
- The building setback line, for residential building sites, shall be thirty feet from the street line as shown on the plat. No building or structure shall be located nearer than 7½ feet from the interior side property line.
- No residential structure shall be erected on any building site of which the habitable floor area thereof, exclusive of, open porches and garages, is less than 1250 square feet.
- Only open type fence or hedge not to exceed forty two inches in height above ground level shall be erected or planted along property line and shall not extend closer to the street than the front wall of the house.
- No animals, livestock or poultry shall be kept or maintained on any part of said building sites, except ordinary household pets which do not constitute an annoyance or nuisance; nor shall any house or camping trailer or Motor Home Coach be stored or permitted to remain upon any building site.
- No oil or gas wells shall be drilled nor shall any mining or commercial excavating operating any kind be conducted on any building site.
- No trade or activity of a business nature shall be carried on upon any building site nor shall anything be done thereon which may be or become an annoyance or nuisance.

LEGEND

- designates concrete monument.
- 5/8" iron bars; 30" long will be set on all lot corners not requiring concrete monuments.

11. Easements for utility purposes as shown on the foregoing plat are reserved for the construction, operation and maintenance of poles, wires, conduits and the necessary and proper attachments in connection therewith for the transmission of electricity, for telephone and other purposes, also for the construction, operation and maintenance of drains, sewers and pipe lines for supplying gas, water and for any other public or quasi-public utility or function maintained, furnished or performed in any method beneath the surface of the ground. Easements shown on the plat may also be used by utility companies as the circumstances require without incurring any liabilities from property owners for damages to sod, shrubbery or other surface improvements.

12. No lot shall be used or maintained as a dumping ground for rubbish; trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for storage or disposal of such material shall be kept in a clean and sanitary condition and shall be kept in a location which is not exposed to the public view.

13. The City of St. Marys is hereby granted for the sole purpose of street light installation and maintenance an easement upon, under and across a two and one-half foot strip parallel with and adjacent to each interior side lot line of each lot of said Addition, provided that such an easement is not granted hereby with reference to any such interior lot line as may fall within any tract created by a single purchase of more than one such lot.

14. These conditions, limitations, and restrictions set forth herein shall be considered part of any contract, deed, lease or instrument relating to any lot in Sprucewood Third Addition, without being incorporated therein, and the acceptance of any contract, deed, lease, or instrument relating thereto shall operate as a covenant to use the premises in conformity with the conditions, limitations and restrictions herein set forth which are for the use and benefit of every person who shall or may become the owner of, or have any title to any lot or parcel of land situated in Sprucewood Third Addition.

15. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages, invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions which shall remain in full force and effect.

Know all men by these presents:

We the undersigned owners of the within described land, have caused the area encompassed by this plat to be surveyed, platted and to be known as the SPRUCEWOOD THIRD ADDITION to the CITY OF ST. MARYS, OHIO and do hereby certify that the said plat is a true representation of the same.

Aug-Mar Community Dev. Corp.
Ed. Stapleton, Pres.

ACKNOWLEDGMENT

Before me, a Notary Public in and for said County of Auglaize, State of Ohio, personally appeared the above signed owners and acknowledged the signing of the foregoing instrument to be their own free act and deed.

In testimony whereof, I have affixed my hand and seal this 8th day of April, 1975.

Notary Public in and for said County of Auglaize and State of Ohio.

PLANNING COMMISSION APPROVAL

Approved by the planning commission of the City of St. Marys, Ohio, at the meeting of April 9, 1975.

Kenneth J. Hegmann
Secretary Planning Commission

CERTIFICATE OF ACCEPTANCE

Aug-Mar Community Development Corporation has on file with the City, a letter of irrevocable credit to assure completion of all required improvements in accordance with pertinent City Ordinances.

Kenneth J. Hegmann
Director of Public Service

April 9, 1975
Date

CURVE N°1
Δ = 28°22'20"
R = 439.26'
D = 13°2'37"
T = 111.04'
L = 217.52'

CURVE N°2
Δ = 28°22'20"
R = 379.26'
D = 15°6'26"
T = 95.87'
L = 187.80'

CURVE N°3
Δ = 22°17'11"
R = 210.00'
D = 27°17'01"
T = 41.36'
L = 81.68'

CURVE N°4
Δ = 28°22'20"
R = 150.00'
D = 38°11'50"
T = 37.92'
L = 74.28'

N 89°52'17" W, 1457.75'
N. Line Sec. 3
R.R. Spike
N.E. Cor.
Sec. 3

COUNTY AUDITORS CERTIFICATE

I hereby certify that there are no unpaid taxes on this land comprising the SPRUCEWOOD THIRD ADDITION to the CITY of ST. MARYS, OHIO and that this plat was filed for transfer in the Office of the Auglaize County Auditor, this 14th Day of April, 1975.

Lawrence E. Dargatz
Auditor

138765

COUNTY RECORDERS CERTIFICATE

Received for recording in the Office of the Auglaize County Recorder this 14th Day of April, 1975, at 3:55 P.M. Page 2-22 of 2 sheets.

Recorded
L. Roy H. Kinner

DESCRIPTION

Situated in the City of St. Marys, Township of St. Marys, County of Auglaize and the State of Ohio:

Commencing at the northeast corner of Section 3 of said Township; thence N 89° 52' 17" W with the north line of said Section 3, 1457.75'; thence S 20° 59' 00" W with the centerline of Spruce Street, 688.87'; to the intersection of the centerline of Spruce Street and the centerline of Gordon Grove; thence N 90° 00' 00" W with the centerline of Gordon Grove, 442.92'; to the PLACE OF BEGINNING; thence S 00° 00' 00" W, 30.00' to a monument; thence N 90° 00' 00" W, 45.59' to a monument; thence southwest on a curve to the left having a radius of 150.00' an arc distance of 74.28' to a monument; thence S 61° 37' 40" W, 166.71' to a monument; thence southwest on a curve to the right having a radius of 439.26' an arc distance of 217.52' to a monument; thence N 90° 00' 00" W, 143.07' to a monument; thence N 00° 00' 00" E, 180.00' to a monument; thence N 90° 00' 00" W, 355.24' to a monument; thence N 45° 00' 00" W, 110.87' to a monument; thence N 00° 00' 00" E, 265.00' to a monument; thence N 90° 00' 00" E, 1055.36' to a monument; thence S 00° 00' 00" W, 349.76' to the PLACE OF BEGINNING.

The above tract contains 10.163 Acres of land and is divided into 28 lots and numbered as shown on the plat. Building setback lines, utility easements, lot dimensions and streets are as shown on the plat.

SURVEYOR'S CERTIFICATE

I hereby certify that I am a Surveyor registered professionally to practice in the State of Ohio, and that this plat is, in all respect, correct and was prepared from an actual survey completed under my supervision in August 1974.

August J. Penman
Registered Surveyor No. 6017

12/20/74 R.D.M.
Rev. 8/30/74, R.D.M.

SPRUCEWOOD THIRD ADDITION
(CHANGE OF PLATTED EASEMENT RE: LOT #68)

WHEREAS, Sprucewood Third Addition to the City of St. Marys, Auglaize County, Ohio, is a platted subdivision as recorded in Auglaize County Plat Cabinet "A" at page 22; and

WHEREAS, according to said Plat Records there exists along the entire south end of Lot #68 an easement being 15 feet in width as set forth in the Protective Covenants, paragraph 11 on said Plat; and

WHEREAS, said easement across the south end of Lot #68 has been encroached by the undersigned owner of Lot #68 by the construction of a residence dwelling over a portion of said easement, but the encroachment has not materially restricted the value of the easement for the purposes dedicated; now, therefore

IT IS AGREED that the aforescribed easement across the entire south end of Lot #68 shall henceforth be restricted to the size and description as follows:

Beginning at a point being the southeast corner of Lot #68; thence north along the east line of said lot a distance of 15 feet to a point; thence west a distance of 32.0 feet to a point; thence south a distance of 7.9 feet to a point; thence west a distance of 45.0 feet to a point; thence in a northwesterly direction a distance of 8.45 feet to a point; thence west a distance of 25.0 feet to a point on the west line of Lot #68; thence south along the west line of said lot a distance of 15.0 feet to the south line of said lot; thence east on the south line of said lot a distance of 105.00 feet to the place of beginning.

SAID EASEMENT shall supercede and take the place of the previously platted easement as referred to herein, and may be recorded in the Plat Records of Auglaize County, Ohio, as an amendment to those as recorded in Plat Cabinet "A" at page 22, but shall not affect the validity of other existing easements, building lines, covenants, and other matters of record.

IN WITNESS WHEREOF, Creative Woodcraft & Supply, Inc., by its President and under authority of its Board of Directors does hereby agree to the foregoing.

CREATIVE WOODCRAFT & SUPPLY, INC.

BY: Ralph Brumbaugh
Ralph Brumbaugh, President

STATE OF OHIO, Auglaize COUNTY, SS.

Before me personally appeared Ralph Brumbaugh, President of Creative Woodcraft & Supply, Inc., who signed the foregoing instrument of his own free will for himself personally and on behalf of Creative Woodcraft & Supply, Inc. and as the free act and deed of said corporation, this 22nd day of December, 1976.

G. EDWARD STEPLETON
Notary Public, Auglaize County, Ohio
My Commission Expires October 2, 1977

G. Edward Stepleton
Notary Public

* * * * *

ST. MARYS CITY PLANNING COMMISSION APPROVAL

The change of the platted easement of Lot #68 in Sprucewood Third Addition is hereby approved and accepted at a meeting of the City Planning Commission held this 21st day of December, 1976.

Kenneth L. Hegemann
Kenneth L. Hegemann, Secretary

RECORDER'S CERTIFICATE

147238

The foregoing was received for recording at 11:30 o'clock on the 23rd day of December, 1976, and recorded in Plat Cabinet 234 at page 302-303. \$3.00

LeRoy H. Kruse (RB)
LeRoy H. Kruse, Recorder
Auglaize County, Ohio