

# BEVERLY HILLS SUB-DIVISION NO.1

IN THE  
NORTH-EAST 1/4 OF SECTION 25  
T5S R5E  
MOULTON TOWNSHIP  
AUGLAIZE COUNTY  
OHIO

## DESCRIPTION

Commencing for reference at a railroad spike set at the intersection of the east line of the Northeast 1/4 of Section 25, with the centerline of County Road #158-A (Glynwood Road); thence along the centerline of County Road #158-A (Glynwood Road) north 73°-39'-00" west a distance of 257.84 feet to a railroad spike for the place of beginning for the parcel to be conveyed by this instrument -

(1) Thence from this place of beginning north 73°-39'-00" west along the centerline of County Road #158-A (Glynwood Road) for a distance of 433.81 feet to a railroad spike - (2) Thence continuing along the centerline of County Road #158-A (Glynwood Road) north 75°-53'-20" west for a distance of 800.41 feet to a railroad spike - (3) Thence north 14°-06'-40" east for a distance of 175.00 feet to a concrete monument, passing a concrete monument at 30.00 feet - (4) Thence north 75°-53'-20" west for a distance of 243.07 feet to a railroad spike on the centerline of County Road #158-A (Glynwood Road), passing a concrete monument at 212.30 feet - (5) Thence along the curved centerline of County Road #158-A (Glynwood Road) with a radius of 311.88 feet, the chord of which is north 31°-14'-27" east for a distance of 53.47 feet to a railroad spike - (6) Thence continuing along said centerline of County Road #158-A (Glynwood Road) north 36°-09'-30" east for a distance of 233.61 feet to a railroad spike - (7) Thence south 77°-57'-30" east for a distance of 482.53 feet to a concrete monument, passing a concrete monument at 32.87 feet - (8) Thence north 4°-39'-00" east for a distance of 241.00 feet to a concrete monument - (9) Thence north 40°-16'-50" west for a distance of 117.97 feet - (10) Thence north 19°-28'-53" east for a distance of 214.52 feet - (11) Thence south 50°-40'-00" east for a distance of 421.78 feet - (12) Thence south 76°-53'-00" east for a distance of 136.43 feet - (13) Thence north for a distance of 50.00 feet to a concrete monument - (14) Thence south 88°-14'-00" east for a distance of 173.80 feet to a concrete monument - (15) Thence south 1°-46'-00" west for a distance of 6.04 feet - (16) Thence along a curve to the right with a radius of 333.13 feet, the chord of which is south 4°-02'-30" west for a distance of 26.45 feet to a concrete monument - (17) Thence south 88°-14'-00" east for a distance of 131.05 feet to a concrete monument - (18) Thence south 1°-46'-00" west for a distance of 922.68 feet to the place of beginning, passing a concrete monument at 891.68 feet.

Containing in all 21.22 acres of land more or less.

Subject, however, to all easements and rights-of-way of record.

Note: All bearings refer to the centerline of County Road #158-A (Glynwood Road) as being north 73°-39'-00" west.

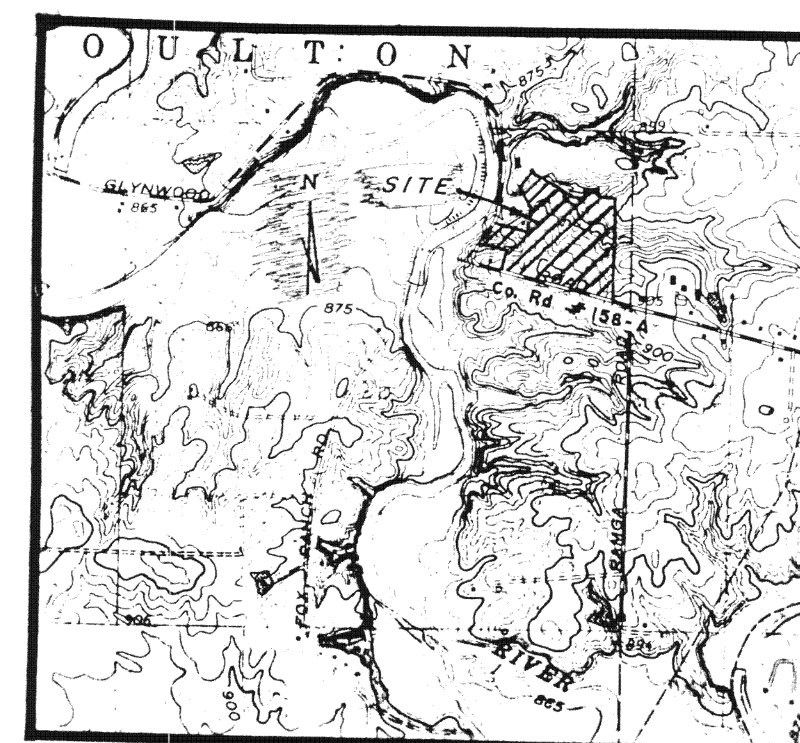
EAST LINE OF  
NORTHEAST 1/4 OF  
SECTION 25,  
MOULTON TOWNSHIP

PLACE OF  
BEGINNING  
257.84'  
N. 73°-39'-00" W.  
RAILROAD SPIKE  
SET

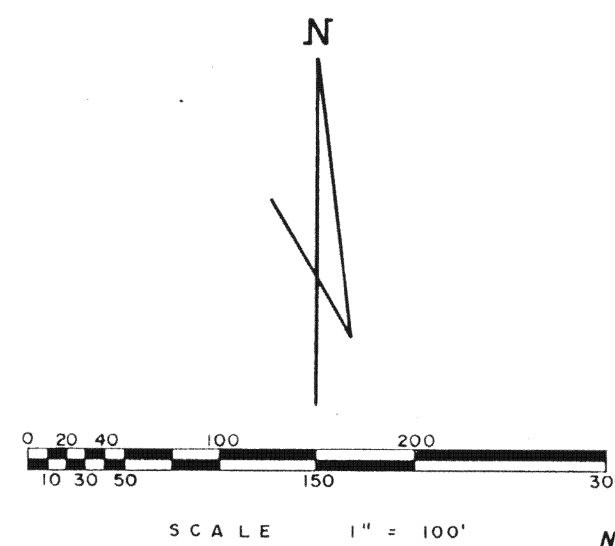
## CERTIFICATION BY SURVEYOR

I hereby certify that this plat represents a true and complete survey made by me or under my supervision in March 1977, and all markers are shown as to material and location and are in place or bond posted.

*Thomas C. Hubbell*  
THOMAS C. HUBBELL  
REG. SURVEYOR #5044



VICINITY MAP  
(NO SCALE)



○ DENOTES RAILROAD SPIKE  
● DENOTES CONCRETE MONUMENT

## CURVE DATA

CURVE #1	CURVE #2	CURVE #3	CURVE #4
Δ = 12°-30'-0"	Δ = 80°-00'-00"	Δ = 25°-0'-0"	Δ = 25°-0'-0"
T = 50.00'	T = 100.00'	T = 68.31'	T = 68.31'
R = 456.55'	R = 119.18'	R = 308.13'	R = 308.13'
L = 99.60'	L = 166.40'	L = 134.45'	L = 134.45'

NOTE: ALL CURVED LOT LINES ARE CHORD MEASUREMENTS.

SEE SHEET 2 OF 3 FOR DEDICATIONS

SEE SHEET 3 OF 3 FOR RESTRICTIONS

ALL LOT CORNERS AT STREET INTERSECTIONS TO HAVE 30' RADII.

ALL LOT CORNERS TO BE MARKED BY 5/8" IRON PINS, EXCEPT WHERE MONUMENTS ARE SHOWN.

Prepared: MARCH 1, 1977

By: SHELTON & ASSOCIATES, INC.  
1430 NORTH COLE STREET  
LIMA, OHIO

Dwn. By: DRF

Beverly Hills Subdivision  
In The N.E. 1/4 of Section 25,  
T5S-R5E,  
Moulton Township,  
Auglaize County, Ohio

Situated in Section 25 Township 5 SOUTH Range 5 EAST  
County AUGLAIZE Ohio. Containing 21.22 acres and being  
the same tract as conveyed to WALTER H. STINEBAUGH, INCORPORATED  
and described in the deed  
recorded in Deed Book 237, PAGE 689 AUGLAIZE County, Ohio.  
The undersigned WALTER H. STINEBAUGH & REGINA A. STINEBAUGH DBA WALTER STINEBAUGH, INC. hereby  
certify that the attached plat correctly represents their BEVERLY HILLS  
SUBDIVISION, a subdivison of lots ONE to THIRTY - FOUR

inclusive, do hereby accept this plat of same and dedicate to public use as such  
all of the roads, boulevards, cul-de-sacs, parks, planting strips, sanitary  
sewer easements, etc., shown herein and not heretofore dedicated. The afore-  
said dedication to not include HOLLYWOOD PLACE, being a "Private Drive"  
as shown hereon.

The undersigned further agrees that any use of improvements made on this land  
shall be in conformity with all existing valid zoning, platting, health, or  
other lawful rules and regulations including any applicable off-street parking  
and loading requirements of Auglaize County, Ohio, for the benefit of himself  
and all other subsequent owners or assigns taking title from, under, or  
through the undersigned.

In Witness thereof THIS 29 TH day of JUNE  
19 77.

Witness Donald E. Byrne Signed Walter H. Stinebaugh, Pres  
Richard P. Wilson Regina A. Stinebaugh, Secy

STATE OF OHIO  
COUNTY OF Auglaize

Before me a Notary Public in and for said County personally came WALTER H. &  
REGINA A. STINEBAUGH who acknowledged the signing of the foregoing  
instrument to be their voluntary act and deed for the purposes therein  
expressed.

in witness whereof I have hereunto set my hand and affixed my official seal  
this 29 TH DAY OF JUNE, 19 77.

By Jack M. Cole  
JACK M. COLE  
NOTARY PUBLIC, Auglaize County  
My Commission Expires January 7, 1980

Lots 9, 10, 11, 12, 13, & 16 are hereby granted easements for ingress - egress, utility installations-  
maintenance, over the following described tract of land and said owners are further responsible for upkeep  
of the street hereon:

DESCRIPTION FOR A PRIVATE DRIVE

Being a Private Drive situated in Moulton Township, Auglaize County, Ohio in the N.E. 1/4 of Section  
25, T.5 S., R.5 E. and being more particularly described as follows:

Commencing for reference at a railroad spike set marking the intersection of the east line of the N.E.  
1/4 of Section 25, with the centerline of CR #158-A-

We certify that all roads, streets and/or utilities contracts with the developer are legally covered by an  
irrevocable letter of credit this 8th day of July 1977.

Paul F. Rombert  
William Link  
Howard DeWitt  
County Commissioners

We certify that the road construction plans meet with our approval this 27 day of June 19 77.

Emmett H. Shoup Jr.  
Vernon J. Fark  
Robert J. Engel  
Township Trustees

I certify that (improvements are complete, bond or surety has been furnished) this 8th day of July 19 77.

Clayton H. Stimmel  
County Engineer

Approved this 22 day of June, 19 77 Edward H. Wosiek  
County Board of Health

Approved this 28th day of June, 19 77 Ken Katterbach  
Ass't. County Sanitary Engineer

Reviewed this 21st day of MARCH, 19 77 Walter F. Shimes, Jr., Sec.  
County Regional Planning Commission

Approved this 28th day of June, 19 77 (Approval of this plat for recording does not constitute an acceptance of  
the dedication of any public street, road or highway dedicated on such plat, Section 711.04 and 711.041, Ohio Revised  
Code.)

Wayne A. Ford, Sec.  
(Secy.) City or Village Planning Commission

Transferred this July day of July, 19 77 Vernon E. Daughes  
149841 County Auditor

Filed for Record this 11 day of July, 19 77 at 11:02 A.M.

Recorded this 11 day of July, 19 77 in Plat Book A Page No. A-52-53-54

LeRoy H. Knise  
County Recorder

(Description of Private Drive Continued)

Thence N.73°-39'-00" W., along the centerline of C.R.#158-A for a distance of 691.65'ft. to a railroad spike set -  
Thence N.75°-53'-20" W., along the centerline of C.R.#158-A for a distance of 650.11'ft. -  
Thence N.14°-06'-40" E. for a distance of 30.00'ft. to the northerly right-of-way line of CR #158-A marking the PLACE OF BEGINNING for the  
parcel to be conveyed by this instrument -

- (1) Thence from this PLACE OF BEGINNING N.14°-06'-40"E. for a distance of 252.09'ft. -
- (2) Thence along a curve to the left, with a radius of 25.00'ft., the chord of which is N.19°-05'-59" W. for a distance of 27.39'ft. -
- (3) Thence along a curve to the right with a radius of 25.00'ft., the chord of which is N.59°-06'-40" E. for a distance of 35.36'ft. -
- (4) Thence along a curve to the right with a radius of 25.00'ft., the chord of which is S.30°-53'-20" E. for a distance of 35.36'ft. -
- (5) Thence along a curve to the right with a radius of 25.00'ft., the chord of which is S.47°-19'-19" W. for a distance of 27.39'ft. -
- (6) Thence S.14°-06'-40" W. for a distance of 252.09'ft. to a point on the northerly right-of-way line of CR #158-A -
- (7) Thence N.75°-53'-20" W. along said northerly right-of-way line, a distance of 20.00'ft. to the PLACE OF BEGINNING.

Containing in all 0.16 acres of land more or less.

Subject to all easements and right-of-way of record.

NOTE: All bearings refer to the northerly right-of-way line of CR #158-A as being N.75°-53'-20" W.



# BEVERLY HILLS SUBDIVISION

## RESTRICTIONS

1. Said lots shall be used for residence purposes only and not for any purpose of business, public entertainment or resort; and no nuisance, advertising sign, bill-board, or other advertising devices shall be erected or permitted on said lots.

2. No building or structure shall be erected, placed, maintained or permitted to remain on any building site or plot in said subdivision, the walls or roof line of which shall be nearer to the street on which the same faces than 40 feet, and no such building or structure shall be erected, placed, maintained, or permitted to remain on any building site or plot, the walls of which shall be nearer than 10 feet from the side lot lines of any lot adjoining said site or plot.

3. No residential structure shall be erected on any building site, the habitable floor area of which, exclusive of basements, open porches and garages, is less than 1200 square feet: if such residential structure exceeds one story in height, the habitable floor area of the first floor shall contain at least 800 square feet: the overall width across the front of all residential structures, including the garage if attached thereto, shall not be less than 60 feet.

4. No building or other structure shall be erected, placed or altered on any building site unless the building plans, specifications, and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design and color with existing structures in the subdivision and as to the location of the building with reference to topography and finished ground elevation by an Architectural Committee composed of three individuals appointed by Jean and Walter H. Stinebaugh, the owners of the real estate shown on the foregoing plat, its successors or assigns. In the event of the death or resignation of any member of the committee originally appointed, the remaining members or member of the committee shall have the power to appoint new members to fill the vacancies.

In the event such Architectural Committee fails to approve or disapprove said plans and specifications within fifteen (15) days after the same have been submitted to the Architectural Committee for approval, then such approval shall not be required provided the design is in harmony with similar structures in the development and conforms to all of the other covenants, restrictions and conditions herein set forth.

5. Nothing shall be permitted on any premises in said subdivision which may be or become detrimental to a good neighborhood. This restriction prohibits the keeping of poultry and all animals of every description whatsoever, excepting only house pets.

6. No old buildings or structure, and no building or structure already erected shall be moved onto or upon any lot or premises in said subdivision: nor shall any such building or structure be maintained thereon and no temporary structure for residence purposes shall be erected or maintained thereon, and no garage, trailer, tent, shack or uncompleted house shall be occupied or used for residential purposes.

7. All grounds and premises in said subdivision shall be mowed and kept reasonably clear of weeds and undergrowth by the owners thereof at all times prior to the start or commencing of the erection of any building, and thereafter all such grounds shall be maintained and kept up by the owners so as to conform to the beauty of the area in said subdivision.

8. No wall, fence or hedge, except retaining walls not extending above ground level, shall be planted or erected on any building site between the front property line and the front set back line, except along the side property line, provided it does not exceed 3 feet in height above the top of the ground.

9. No oil or gas wells shall be drilled nor shall any mining or commercial excavating operation of any kind be conducted on any building site.

10. 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.

11. The foregoing restrictions, covenants and conditions shall run with the land and shall be binding on all future owners of all building sites, and all persons claiming under them, until January 1, 1990.

12. Should anyone or more of the foregoing restrictions, covenants, or conditions, at any time in the future be held to be illegal, void or unenforcible, such fact shall not in any way impair the validity of any of the other restrictions, covenants or conditions, all of which shall remain in full force and effect.

13. An easement for utility purposes is hereby expressly reserved to Jean and Walter H. Stinebaugh, the present owners of all building sites, and to its successors and assigns, and to the purchasers of any building sites Auglaize County, their heirs, executors, administrators and assigns, over and across the rear and side lot lines of all building sites, as shown on the final plat. In case it is desired to split any lot to add to an adjacent lot to form a building site of larger size than required by Article 2, of Subdivision Regulations, the utility easement will be on the new boundary line.

14. All dwellings shall provide off street parking for not less than one (1) motor vehicle per family.

15. All easements which contain water and sewer lines are hereby granted to Auglaize County as permanent easements and shall be exempt from Restriction No. 13, above.

## IN THE COMMON PLEAS COURT OF AUGLAIZE COUNTY, OHIO

IN RE: ALTERATION OF THE : CASE NO. 80-57  
 PLAT RESTRICTIONS OF BEVERLY  
 HILLS SUBDIVISION, IN THE :  
 TOWNSHIP OF MOULTON, :  
 AUGLAIZE COUNTY, OHIO. : JOURNAL ENTRY

This matter came on for hearing on the 7th day of April, 1980, on the Petition of Walter H. Stinebaugh, Inc., an Ohio Corporation; and other owners of property in the Beverly Hills Subdivision, representing themselves, all being represented by John E. Herman, Attorney at Law, representing themselves, and other proprietors, for the alteration of the plat restrictions of the Beverly Hills Subdivision, in the Township of Moulton, Auglaize County, Ohio, and on consideration of said Petition and the evidence, the Court finds that thirty (30) days notice of the filing of said Petition and the hearing thereof, has been given by the applicants by publication in a newspaper printed in a general circulation in this County, and that two-thirds (2/3) of the persons owing lots or parts thereof described in said plat have joined in said application to alter said plat restrictions.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Paragraph #6 of the Plat Restrictions of the Beverly Hills Subdivision, Plat Cabinet A, Page 54, be altered in the following respects:

6. No old buildings or structure and no building or structure already erected shall be moved onto or upon any lot or any premises in said Subdivision; nor shall any such building or structure be maintained thereon and no temporary structure for residential purposes shall be erected or maintained thereon, and no garage, trailer, tent, shack or uncomplete house shall be occupied or used for residential purposes, unless proper approval is obtained from the Architectural Committee as spelled out in Article 4 of the Beverly Hills Subdivision Restrictions.

The Clerk is hereby directed to transmit a certified copy of this entry to the Auglaize County Recorder.

Costs assessed against Petitioners.

*Shirley Rone*  
 Judge

APPROVAL:

John E. Herman, Attorney  
 for Petitioners

State of Ohio, Auglaize County, SS  
 I, WANDA KOGGE, Clerk of the Common Pleas Court within and for said County, hereby certify that the foregoing is a true and correct copy of the original Journal Entry

on file and in this office remaining.

In Testimony Whereof, I do hereunto subscribe my name officially and affix the seal of said Court, at the Court House in Wapakoneta in said County, this 13th day of May, A.D. 1980.

WANDA KOGGE, Clerk  
 By *Shirley Rone*, Deputy

State of Ohio Auglaize County, S. S.  
 Received May 13 1980  
 at 11:40 O'clock A. M.  
 Recorded May 13 1980  
 Vol. No. 10 Page 36

\$4.00

Recorder, Auglaize Co., Ohio

## IN THE COMMON PLEAS COURT OF AUGLAIZE COUNTY, OHIO

IN RE: ALTERATION OF THE : CASE NO. 80-57  
 PLAT RESTRICTIONS OF BEVERLY  
 HILLS SUBDIVISION, IN THE :  
 TOWNSHIP OF MOULTON, :  
 AUGLAIZE COUNTY, OHIO. : JOURNAL ENTRY

This matter came on for hearing on the 7th day of April, 1980, on the Petition of Walter H. Stinebaugh, Inc., an Ohio Corporation; and other owners of property in the Beverly Hills Subdivision, representing themselves, all being represented by John E. Herman, Attorney at Law, representing themselves, and other proprietors, for the alteration of the plat restrictions of the Beverly Hills Subdivision, in the Township of Moulton, Auglaize County, Ohio, and on consideration of said Petition and the evidence, the Court finds that thirty (30) days notice of the filing of said Petition and the hearing thereof, has been given by the applicants by publication in a newspaper printed in a general circulation in this County, and that two-thirds (2/3) of the persons owing lots or parts thereof described in said plat have joined in said application to alter said plat restrictions.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Paragraph #6 of the Plat Restrictions of the Beverly Hills Subdivision, Plat Cabinet A, Page 54, be altered in the following respects:

6. No old buildings or structure and no building or structure already erected shall be moved onto or upon any lot or any premises in said Subdivision; nor shall any such building or structure be maintained thereon and no temporary structure for residential purposes shall be erected or maintained thereon, and no garage, trailer, tent, shack or uncomplete house shall be occupied or used for residential purposes, unless proper approval is obtained from the Architectural Committee as spelled out in Article 4 of the Beverly Hills Subdivision Restrictions.

The Clerk is hereby directed to transmit a certified copy of this entry to the Auglaize County Recorder.

Costs assessed against Petitioners.

*Shirley Rone*  
 Judge

APPROVAL:

John E. Herman, Attorney  
 for Petitioners

State of Ohio, Auglaize County, SS  
 I, WANDA KOGGE, Clerk of the Common Pleas Court within and for said County, hereby certify that the foregoing is a true and correct copy of the original Journal Entry

on file and in this office remaining.

In Testimony Whereof, I do hereunto subscribe my name officially and affix the seal of said Court, at the Court House in Wapakoneta in said County, this 13th day of May, A.D. 1980.

WANDA KOGGE, Clerk  
 By *Shirley Rone*, Deputy

State of Ohio Auglaize County, S. S.  
 Received May 13 1980  
 at 11:40 O'clock A. M.  
 Recorded May 13 1980  
 Vol. No. 10 Page 36

\$4.00

Recorder, Auglaize Co., Ohio