

BEVERLY HILLS SUBDIVISION SECTION 2

LEGAL DESCRIPTION

BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 25, TOWN 5 SOUTH, RANGE 5 EAST, MOULTON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE NORTHEAST QUARTER SECTION 25 AND THE CENTERLINE OF GLYWOOD ROAD, C.R. #158-A;

THENCE NORTH 73° 39' 00" WEST WITH THE CENTERLINE OF C.R. #158-A, 257.84 FEET TO A POINT;

THENCE NORTH 1° 46' 00" EAST ALONG THE EAST LINE OF BEVERLY HILLS SECTION NO. 1 922.68 FEET TO THE NORTHEAST CORNER OF LOT NO. 23 OF BEVERLY HILLS SECTION NO. 1, SAID POINT BEING THE TRUE PLACE OF BEGINNING.

THENCE NORTH 88° 14' 00" WEST, 131.05 FEET:

THENCE ALONG A CURVE TO THE LEFT, WHOSE RADIUS IS 333.13 FEET, DELTA IS 4° 33' 00", LENGTH IS 26.45 FEET, AND LONG CHORD IS NORTH 4° 02' 30" EAST, 26.45 FEET:

THENCE NORTH 1° 46' 00" EAST, 6.04 FEET:

THENCE NORTH 88° 14' 00" WEST, 173.80 FEET:

THENCE NORTH 0° 00' 00" EAST, 100.05 FEET:

THENCE SOUTH 88° 14' 00" EAST, 176.88 FEET:

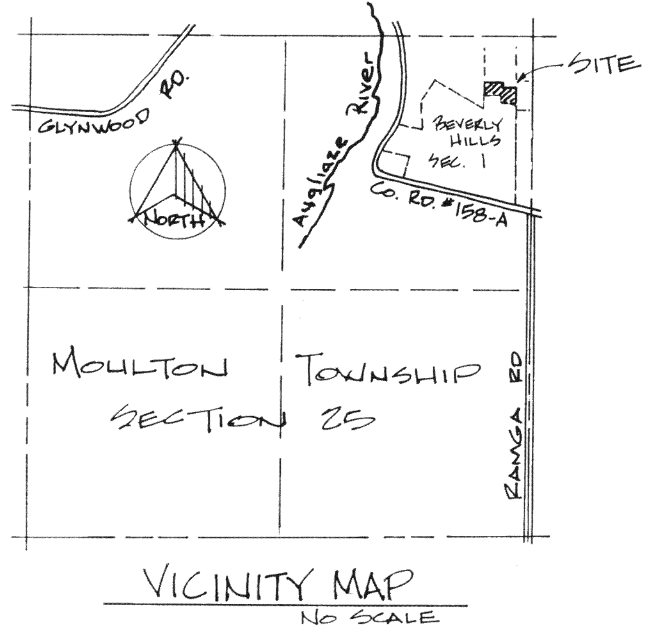
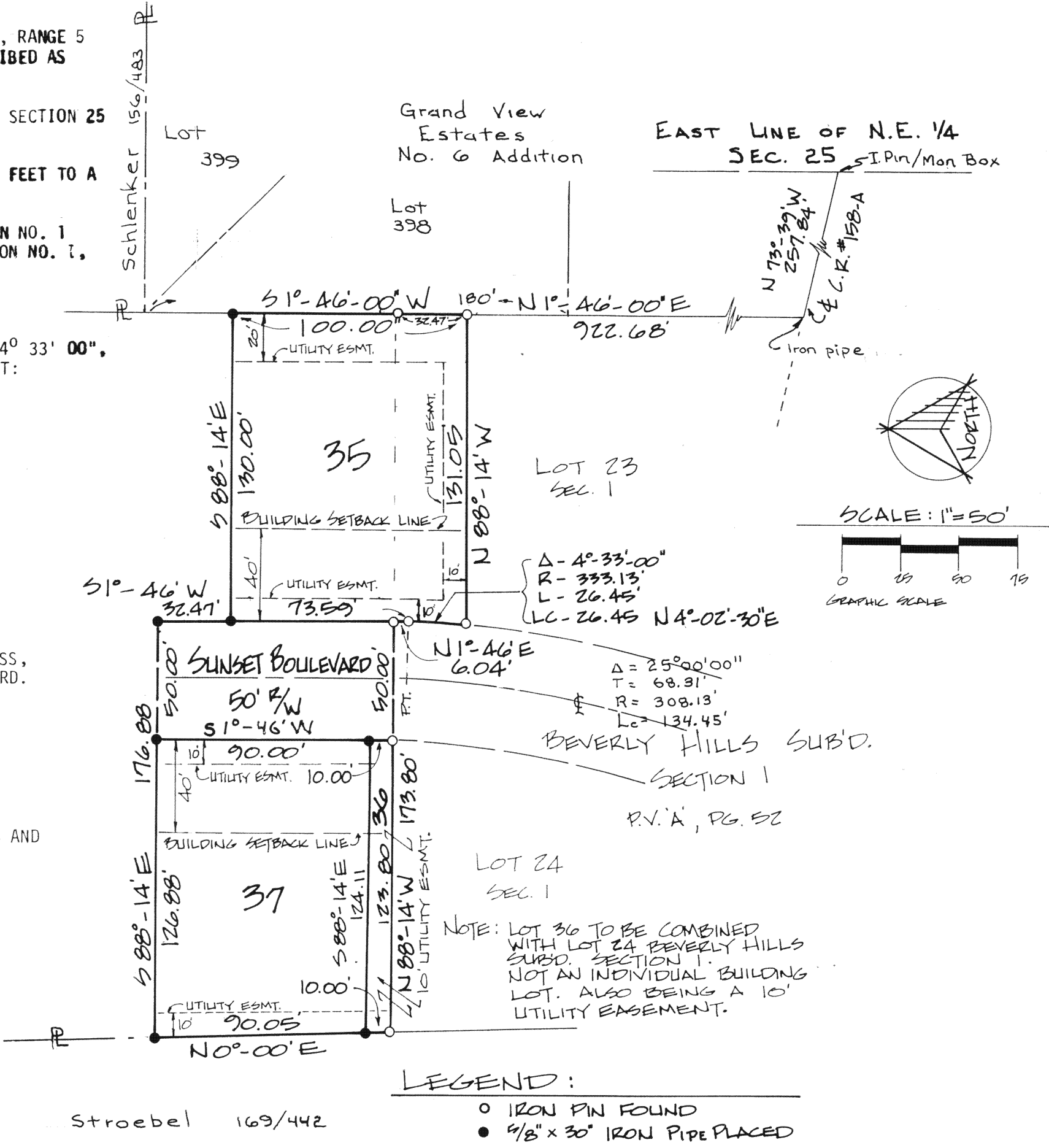
THENCE SOUTH 1° 46' 00" WEST, 32.47 FEET:

THENCE SOUTH 88° 14' 00" EAST, 130.00 FEET:

THENCE SOUTH 1° 46' 00" WEST 100.00 FEET TO THE PLACE OF BEGINNING, CONTAINING A TOTAL OF 0.701 ACRES, MORE OR LESS, INCLUDING FOR RIGHTS OF WAY, 0.115 ACRES, MORE OR LESS, ON SUNSET BOULEVARD.

RESTRICTIONS

LOT RESTRICTIONS SHALL BE THE SAME AS RECORDED IN PLAT CAB. "A", PAGE 54 AND COURT VOL. 10, PAGE 36 OF THE AUGLAIZE COUNTY RECORDS.



Situated in Section 25, Town 5 S, Range 5 E, Auglaize County, Ohio. Containing 0.701 acres, more or less. DEDICATORS and described in the deed recorded in Court Vol. 237, PAGE 689.

The undersigned, WALTER H. STINEBAUGH INC., hereby certify that the attached plat correctly shows the subdivision of BEVERLY HILLS SUBD. NO. 2, Section 25, to 37 lots, and that the plat of said subdivision is correct and that the same is in accordance with all the laws, rules, regulations, and ordinances of the State of Ohio, and that the same is in accordance with the requirements of the State of Ohio, for the benefit of himself and all other subsequent owners or parties interested in the same.

The undersigned hereby certify that any use of improvements made on this land shall be in accordance with all existing valid zoning, building, health, and other laws, rules, and regulations, including any applicable amendments, and that the same shall be in accordance with the requirements of the State of Ohio, for the benefit of himself and all other subsequent owners or parties interested in the same.

In Witness whereof, I have hereunto set my hand and affixed my official seal this 11th day of July, 1983. Witness: Rhonda Penkwood, Rhonda Schaub, Signed: Walter H. Stinebaugh.

STATE OF OHIO, COUNTY OF Auglaize.

Before me a Notary Public in and for said County personally came Walter H. 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 7/12 day of July, 1983. By: Ralph W. Stinebaugh.

I do hereby certify that I have surveyed the premises and prepared the attached plat and that said plat is correct.

By: Stephen Dee Wohl, REG. SURVEYOR NO. 5366, PEPS 6-23-1983.

We certify that the road construction plans meet with our approval this day of July, 1983.

By: Chris Lane, Robert V. Vogel, With B. Saint, COMMISSIONERS.

I certify that improvements are complete, bond has been furnished or surety has been furnished this 12th day of July, 1983.

By: Clayton W. Stimmel, County Engineer.

I certify that rules, regulations and applicable health laws have been adhered to this 12th day of July, 1983.

By: David A. Kowalski, County Board of Health.

I certify that rules, regulations and applicable health laws have been adhered to this 12th day of July, 1983.

By: R. A. Katterke, County Sanitary Engineer.

Approved this 11th day of July, 1983, by: Warren G. Wright, Chairman, Wapakoneta City.

We certify that all roads, streets and/or utilities contracts with the developer are legally completed, this day of July, 1983.

By: Chris Lane, Robert V. Vogel, With B. Saint, County Commissioners.

Transferred this July 12, 1983, by: Vernon E. Dargatzis, County Auditor.

For Record this 12th day of July, 1983, at 2:15 PM.

Filed this 12th day of July, 1983, in Plat Book A, Page 168, by: Michael Schumann, County Recorder.



SHEET 1 OF 2. ENGINEERS SURVEYORS WORL 216 E. Porter St. Sidney, Ohio 45305 (513) 492-7628.

BEVERLY HILLS SUBDIVISION SECTION 2

RESTRICTIVE COVENANTS

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 OF 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 ENCLOSED 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 900 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 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. NO KENNEL 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 MOVED 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.

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 ANY ONE OR MORE OF THE FOREGOING RESTRICTIONS, COVENANTS, OR CONDITIONS, AT ANY TIME IN THE FUTURE BE HELD TO BE ILLEGAL, VOID OR UNENFORCEABLE, 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 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.

SHEET 2 OF 2

