

WILDERNESS TRAILS SUBDIVISION No. 3

SHEET 1 OF 2

PART OF THE S.E. 1/4, S.W. 1/4, SECTION 20,
T-5-S, R-6-E, DUCHOUQUET TOWNSHIP,
CITY OF WAPAKONETA,
AUGLAIZE COUNTY, OHIO.

DESCRIPTION

Being a parcel of land situate in the southeast quarter of the Southwest quarter of Section 20, T-5-S, R-6-E, City of Wapakoneta, Duchouquet Township, Auglaize County, Ohio and more particularly described as follows:

Commencing at a PK nail and shinner found at the intersection of the centerline of Redskin Trail and the east line said Southwest quarter of said Section 20; thence N 01°14'18" W with said east line, 40.00 feet to a capped 5/8 inch rebar found and the PLACE OF BEGINNING; thence S 88°24'15" W with the north right-of-way line of said Redskin Trail, 346.49 feet to a capped 5/8 inch rebar found; thence N 04°04'03" W, 183.43 feet to a capped 5/8 inch rebar found; thence S 88°24'15" W, 144.00 feet to a capped 5/8 inch rebar found at the southeast corner of Lot 6 in Wilderness Trails Subdivision No. 1; thence northeasterly the following five courses that define a portion of the east line of said Wilderness Trails Subdivision No. 1: N 01°35'45" W, 135.78 feet; southeasterly with a non-tangent curve to the left having a radius of 265.02 feet an arc length of 20.32 feet (chord being S 89°23'32" E, 20.31 feet); N 88°24'15" E, 33.95 feet; N 01°35'45" W, 138.73 feet; N 59°03'18" E, 104.60 feet to a capped 5/8 inch rebar found; thence N 88°24'15" E, 140.35 feet to a capped 5/8 inch rebar set on the west right-of-way of Apache Trail; thence N 01°11'52" E with said west right-of-way, 23.21 feet to a point; thence N 88°24'15" E, 214.81 feet to a capped 5/8 inch rebar set on the east line of said Southwest quarter; thence S 01°14'18" E with said east line, 531.46 feet to the PLACE OF BEGINNING containing 5.036 acres more or less and subject to all legal easements of record.

NOTES:

A five (5) foot easement shall be provided on each side of all interior lot lines for utility purpose, unless otherwise shown.

Unless otherwise shown a ten (10) foot easement shall be provided on the inside of all front lot lines for utility purposes.

Sidewalks shall be constructed within thirty (30) days after occupancy or at the direction of the City of Wapakoneta Safety Service Director.

LOT AREA			
LOT NO.	AREA Sq. Ft.	LOT NO.	AREA Sq. Ft.
1	14,387	59	14,098
2	12,156	60	13,736
3	15,632	61	13,249
4	11,475	62	12,892
5	11,480	63	12,535
41	12,161	64	14,115
42	15,054		

DEDICATION

We, the undersigned owners of the land contained in the hereon plat, have caused the area encompassed by this plat to be surveyed, platted and be known as:

WILDERNESS TRAILS SUBDIVISION No. 3

and do hereby voluntarily consent to the execution of said PLAT and dedicate the land within the road right-of-way and the utility easements to the use and benefit of the public use forever.

Signed this 24 day of June, 1998.

WITNESS:

OWNERS:

Robert L. Carman Gary L. Binkley
Gary L. Binkley, Co-owner and Developer
David L. Katterbach Darlene M. Binkley
Darlene M. Binkley, Co-owner and Developer

ACKNOWLEDGEMENT

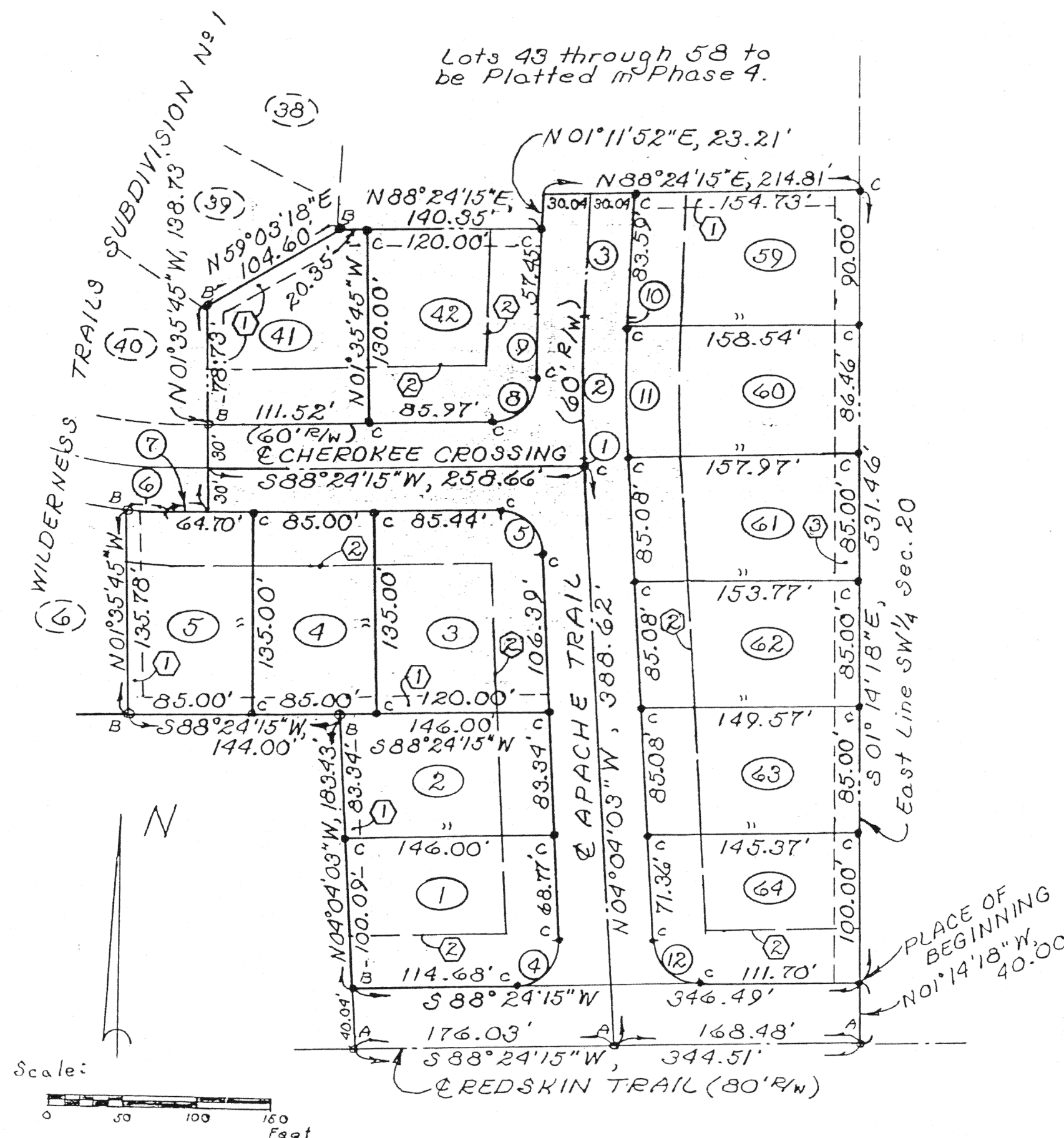
STATE OF OHIO
AUGLAIZE COUNTY, OHIO

Before me, a Notary Public in and for said State and County, did personally appear the above signed OWNERS who acknowledged that they signed the hereon PLAT and the signing thereof was their free act and deed. IN WITNESS thereof, I affix my hand and seal this 24 day of June, 1998.

My Commission expires

Robert L. Carman
Notary Public, Auglaize County, Ohio.

ROBERT L. CARMAN
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires October 17, 2008



LEGEND:

- (X) - Curve Data location designation - see Sheet 2 for table;
- (1) - denotes ten (10) foot utility easement;
- (2) - denotes thirty-five (35) foot Building Setback Line;
- (3) - denotes fifteen (15) foot utility easement;
- (XX) - denotes Lot Number
- o_A - PK nail found
- o_B - Capped 5/8 inch rebar found
- _C - Capped 5/8 inch rebar set.

SURVEYOR'S CERTIFICATION

I hereby certify that this plat is based on a true and accurate survey made under my direct supervision in March, 1994. A 5/8 inch rebar topped with a plastic Peramark cap stamped: KUCK & MORRISEY - LS 6470 has been or will be place at all lot corners and concrete monuments at locations shown on said plat within six (6) months from the recording date of this plat.

Richard D. Morrissey
KUCK AND MORRISEY, INC.
Richard D. Morrissey, L.S.
Registered Surveyors, Ohio No. 6470.



RESTRICTIONS

1. All building lots (sites) shall be used and occupied solely for private residential purposes by a single family, including family servants.
2. No residential structure shall be erected on any building lot the inhabitable area thereof excluding basements, open porches and garages shall be not less than 1,600 square feet for a one story building, a one and a half story, two story and/or tri-level building. Each single family home must have a attached two car garage.
3. Only new construction, using new materials only, shall be permitted on any lot. No cinder or cement block structures will be permitted. Each home must have a minimum 5/12 roof pitch. All homes must be constructed on a crawl space or basement. The interior of the dwelling unit must be completed within a six (6) month period from the start of construction.
4. Each lot may have one (1) detached out-building of not more than two hundred (200) square feet and must be constructed of new building material.
5. No building shall be located on any lot nearer to the front lot line nor to the side street line than the minimum building setback line shown on this recorded plat.
6. Drives shall be at least sixteen (16) feet in width and constructed of blacktop, concrete or paving bricks. Construction of sidewalks within street right-of-way shall be the responsibility of the Lot owner and be constructed in accordance with the City of Wapakoneta Specifications. Sidewalk construction shall be completed no later than thirty (30) days after occupancy of the dwelling.
7. No noxious or offensive activity shall be carried on or upon any lot within this plat, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
8. No structure, trailer, basement, tent, shed, garage, barn or other outbuildings shall be used on any lot within this plat at any time either as a temporary or permanent dwelling.
9. No signs of any kind shall be displayed to the public view on any lot within this plat, except on to the following types:
a. One (1) sign advertising the property for sale or rent;
b. One (1) sign to advertise the property during construction, development and sale.
10. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lots within this plat, excepting dogs, cats and other household pets, not to exceed a total of two (2) pets, providing they are not kept, bred or maintained for any commercial purpose. Kennels are hereby strictly forbidden.
11. No lot within this plat shall be used or maintained as a dumping ground for rubbish or trash. Garbage or other wastes shall be kept only in sanitary containers. All incinerators or other similar equipment for storage or disposal of such materials shall be kept in a clean and sanitary condition. All lots shall be mowed and the grass kept neat, trimmed and cut at all times.
12. No trucks or trailers of any type other than those used for family purposes shall be parked and kept or stored on any lot within this plat unless the same be parked and kept or stored in a garage or other accessory building which has been erected with the consent and approval of the developer, or its assignee. No boats, trailers, motor homes or other chattels of a similar nature shall be stored or maintained on the premises, except on a temporary basis only.
13. All fences erected upon these lots shall in no way exceed the height of four (4) feet, nor may they be extended beyond the front setback as shown on this plat. Only "decorative type" fences shall be permitted beyond the front building setback line as established hereon. Chain-link or farm fences are strictly prohibited beyond the front building setback line. Unless City of Wapakoneta Ordinances requires differently.
14. No owner of any lot shall interfere with the natural flow of surface water through drainage swales or drainage pipes on his/her lot.

15. All easements and right-of-way as shown in and over lots within this 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, or drainage facilities including surface drainage and other purposes, also for the construction, operation and maintenance of drains, sewers and pipe lines for supplying gas, water, heat 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 upon the plat may also be used by utility companies as circumstances require.
16. Architectural Approval: All proposed construction on lot within this plat must be in compliance with City of Wapakoneta Zoning Regulations or as allowed by the Board of Zoning Appeals.
No dwelling, detached building or fence shall be erected on any lot unless the building plans, specifications and plot plan showing location of such structures have been approved by the Developer. The developer shall give notice of approval or rejection within fourteen (14) days after receipt of such plans and specifications. The developer agrees that his approval of such plans and specifications shall not be unreasonably withheld.
Criteria considered in granting approval shall be in conformity with commonly accepted building standards, harmony of external design and color with existing homes in the subdivision and proposed height of foundation in relation to ground elevation adjacent to said building. Approval for construction of any outbuilding or fence shall be considered only if such items are designed to be limited in nature, compatible with surrounding architecture and of no apparent detriment to the overall looks of the subdivision.
17. In the event that there is invalidation of any one of these covenants, changes restrictions or limitations by judgment or order of any court of competent jurisdiction, the same shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.
18. Enforcement of the terms of these restrictions shall be vested in each owner of lots within this plat. Said lot owner may, at their discretion, join together to enforce any and all of the terms of these restrictions.
Enforcement shall be proceedings, in law or in equity against any person or persons or legal entity violating or attempting to violate any covenant, restrictions or limitations. These remedies are available to any owner of any lot within this plat who may seek both a restraint of such violation and damages thereof.
19. No changes shall be made in the size of the area making up the lake as shown on the approved construction drawings for Wilderness Trail Subdivision No. 1 and located within the lake easement area shown on the plat for said Wilderness Trails Subdivision No. 1 as recorded in Plat Cabinet "C" on Pages 119 and 120 in the Auglaize County Recorder's Office. No changes shall be made in the elevation level of the inlet and outlet to the lakes as shown on the approved construction drawings for said Wilderness Trails Subdivision No. 1 on file at the Engineer's Office of the City of Wapakoneta, Ohio.
For the purpose of general maintenance of the lake including by way of illustration, erosion control and algae control, general cleaning and maintenance of the inlet and outlet tiles and maintenance of the dikes and for establishing rules in connection with the usage of the lake see Restriction No. 19 on the Plat for Wilderness Trails Subdivision No. 1 as recorded in Plat Cabinet "C" on Pages 119 and 120 in the Auglaize County Recorder's Office.
With the exception of the general maintenance of the lake listed above, all the storm sewers, major maintenance of the pond and the outlet tile as shown on the approved construction drawings for Wilderness Trails Subdivision No. 1 and No. 2 and on the approved construction drawings for future phases of Wilderness Trails Subdivisions within the limits of the Phillips farm land obtained for said subdivision will be permanently maintained by the Auglaize County Engineer under Section 6137 of the Ohio Revised Code as the Wilderness Trails Subdivision watershed with the owners of all lots within all phases of Wilderness Trails Subdivision being responsible for the cost of the permanent maintenance. All Fee holders and all receiving title to the Fee through them are subject to payment of Drainage Maintenance Fees assessed or to be assessed by the County pursuant to O.R.C. 6137 and following.

CENTERLINE ALIGNMENT DATA					
CURVE NO.	DELTA	TANGENT	RADIUS	ARC	CHORD: BEARING & DISTANCE
1	TANGENT				N 04°04'03" W, 5.44'
2	5°15'55"	47.91'	1042.00'	95.76'	N 01°26'06" E, 95.72'
3	TANGENT				N 01°11'52" E, 82.13'

RIGHT-OF-WAY ALIGNMENT DATA					
CURVE NO.	DELTA	TANGENT	RADIUS	ARC	CHORD: BEARING & DISTANCE
4	92°28'18"	31.32'	30.00'	48.42'	N 42°10'06" E, 43.33'
5	87°31'41"	28.73'	30.00'	45.83'	N 47°49'54" W, 41.50'
6	4°23'35"	10.16'	265.02'	20.32'	S 89°23'32" E, 20.31'
7	TANGENT				N 88°24'15" E, 33.95'
8	89°30'00"	29.74'	30.00'	46.86'	N 43°39'16" E, 42.24'
9	2°17'35"	21.45'	1,072.00'	42.90'	N 00°03'05" E, 42.90'
10	0°22'08"	3.26'	1,012.00'	6.51'	S 01°00'48" W, 6.51'
11	4°53'47"	43.27'	1,012.00'	86.46'	S 01°37'10" E, 86.46'
12	87°31'41"	28.73'	30.00'	45.83'	S47°49'54" E, 41.50'

PLANNING COMMISSION APPROVAL

The Planning Commission of the City of Wapakoneta hereby certifies that the above PLAT was approved by said Commission on the 24 day of JUNE, 1998.

John E. Shewitz
CHAIRMAN

Thomas W. Stank
SECRETARY

AUDITOR'S CERTIFICATE

This plat was filed for transfer this 24th day of July, 1998.

FEE: _____

Raymond Schumann
Auglaize County Auditor R.K.

RECORDER'S CERTIFICATE

06355

Number: _____

Filed for record in the Auglaize County Recorder's Office this 24 day of

July, 1998, at 9:56 A.M. and recorded in Plat Cabinet C,
Page 160-161.