

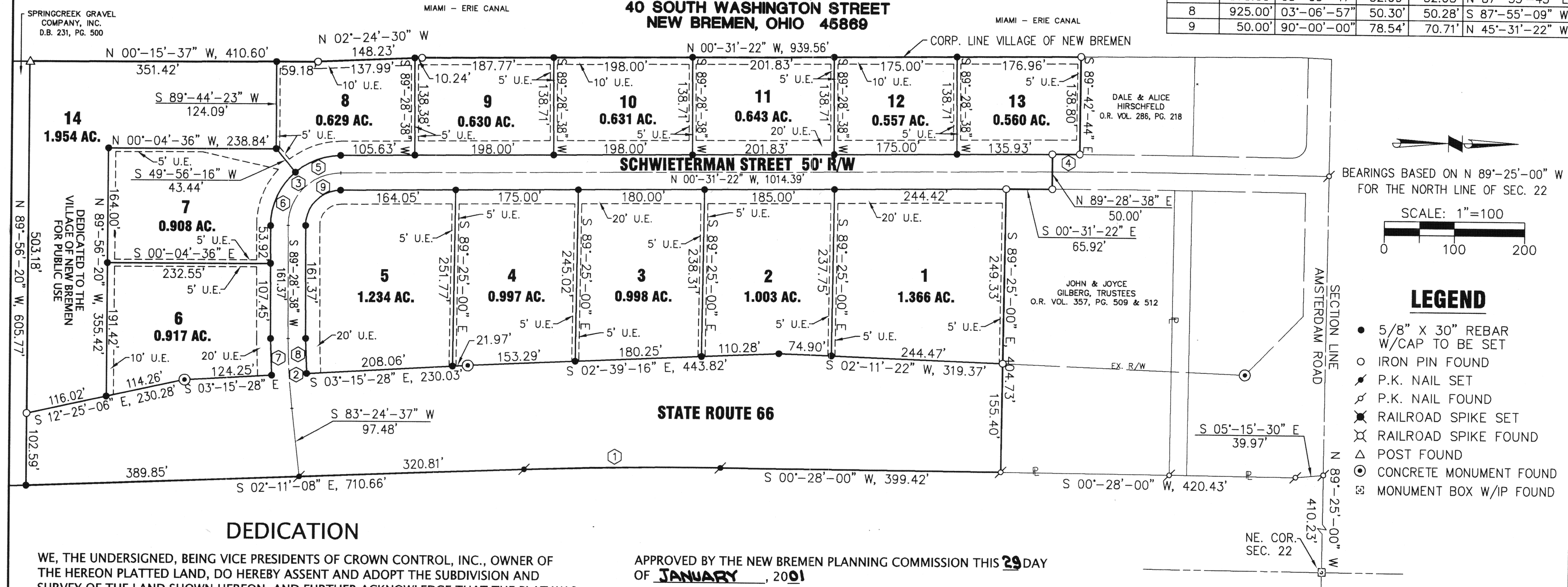
SCHWIETERMAN SUBDIVISION

IN THE VILLAGE OF NEW BREMEN
SECTION 22, TOWN 7 SOUTH, RANGE 4 EAST
JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO

FOR
CROWN CONTROL, INC.
40 SOUTH WASHINGTON STREET
NEW BREMEN, OHIO 45869

THIS PROPERTY IS ZONED C-2, GENERAL BUSINESS
OWNED BY CROWN CONTROL, INC. O.R. 103, PG. 943
AREA IN LOTS = 11.073 AC.
AREA DEDICATED TO VILLAGE = 1.954 AC.
AREA IN SCHWIETERMAN STREET = 1.545 AC.
AREA IN STATE ROUTE 66 R/W = 4.758 AC.
TOTAL AREA OF SUBDIVISION = 19.330 AC.

CURVE TABLE					
CURVE NUMBER	RADIUS	Δ	ARC LENGTH	CHORD LENGTH	CHORD BEARING
1	6049.46'	02°-39'-08"	280.03'	280.00'	S 00°-51'-34" E
2	950.00'	06°-04'-01"	100.59'	100.55'	S 86°-26'-37" W
3	75.00'	90°-00'-00"	117.81'	106.07'	N 45°-31'-22" W
4	10384.54'	00°-12'-56"	39.07'	39.07'	S 00°-24'-54" E
5	100.00'	40°-04'-39"	69.95'	68.53'	S 20°-33'-41" E
6	100.00'	49°-55'-21"	87.13'	84.40'	S 65°-33'-41" E
7	975.00'	03°-05'-47"	52.69'	52.68'	N 87°-55'-45" E
8	925.00'	03°-06'-57"	50.30'	50.28'	S 87°-55'-09" W
9	50.00'	90°-00'-00"	78.54'	70.71'	N 45°-31'-22" W



DEDICATION

WE, THE UNDERSIGNED, BEING VICE PRESIDENTS OF CROWN CONTROL, INC., OWNER OF THE HEREON PLATTED LAND, DO HEREBY ASSENT AND ADOPT THE SUBDIVISION AND SURVEY OF THE LAND SHOWN HEREON, AND FURTHER ACKNOWLEDGE THAT THE PLAT WAS MADE AT THE REQUEST OF CROWN CONTROL, INCORPORATED. THE STREETS SHOWN HEREON ARE DEDICATED TO THE PUBLIC USE FOREVER TO BE USED AS ROADWAY AND FOR INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND/OR REMOVAL OF ALL PROPERLY AUTHORIZED UTILITIES.

EASEMENTS SHOWN ON THIS PLAT ARE TO BE USED FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT AND/OR REMOVAL OF ALL PROPERLY AUTHORIZED UTILITIES AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES.

SIGNED THIS 15 DAY OF May, 2001

WITNESS: Laura Anderson VICE PRESIDENT: Carol A. Jones

WITNESS: Denise Langenkamp VICE PRESIDENT: Carol A. Jones

THE STATE OF OHIO, AUGLAIZE COUNTY, S.S.

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME BRADLEY L. SMITH, VICE PRESIDENT AND CAROL A. JONES, VICE PRESIDENT WHO ACKNOWLEDGED THAT THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS THE FREE ACT AND DEED OF EACH OF THEM FOR THE PURPOSES THEREIN EXPRESSED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL AT New Bremen, OHIO, THIS 15 DAY OF May, 2001.

NOTARY: Laura M. Anderson

LAURA M. ANDERSON, Notary Public
In and for the State of Ohio
My Commission Expires Oct. 21, 2002

APPROVED BY THE NEW BREMEN PLANNING COMMISSION THIS 29 DAY OF JANUARY, 2001

CHAIRMAN: William A. White

ACCEPTED BY THE COUNCIL OF THE VILLAGE OF NEW BREMEN THIS 26 DAY OF JUNE, 2001

MAYOR: Robert E. Klein

VILLAGE ADMINISTRATOR: Larry H. Durbes

ORDINANCE NO. 2001-2-7

THE CONSTRUCTION OF THE STREETS DEDICATED HEREON HAVE BEEN APPROVED AND ACCEPTED THIS 26 DAY OF JUNE, 2001

VILLAGE ADMINISTRATOR: Larry H. Durbes

RECEIVED
JUL 17 2001

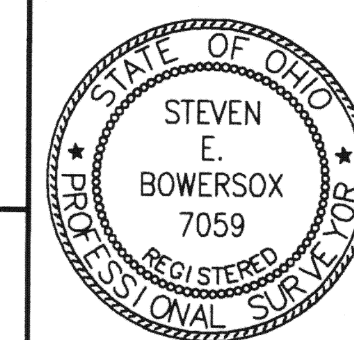
KARYN SCHUMANN
Auglaize Co. Auditor

TRANSFERRED AND NUMBERED THIS 17 DAY OF July, 2001.
#5910
Karyn Schumann, Jr.
AUGLAIZE COUNTY AUDITOR

FILED THIS 17 DAY OF July, 2001, AT 10:26 O'CLOCK A.M.
RECORDED THIS 17 DAY OF July, 2001.
PLAT CABINET C, SLIDE 251-252

Ann Bell
AUGLAIZE COUNTY RECORDER

SHEET 1 OF 2



Steven E. Bowersox
STEVEN E. BOWERSOX, P.S. #7059

01-26-2001
DATE

CHOICE ONE ENGINEERING
the choice that exceeds ...
440 E. HOEWISHER ROAD
SIDNEY, OHIO 45365
(937) 497-0200 • FAX (937) 497-0300
www.choiceoneengineering.com

date: 01-26-2001 drawn by: seb job number: AUGNBR0102

ARTICLE 1

WHEREAS, CROWN CONTROL, INC. IS THE OWNER HEREIN CALLED "THE DEVELOPER" OF CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF AUGLAIZE, STATE OF OHIO, CONSISTING OF APPROXIMATELY 19.33 ACRES SUBDIVIDED INTO 13 LOTS, LOTS 1 THROUGH 13, INCLUSIVE, SCHWIETERMAN SUBDIVISION (HEREINAFTER BEING COLLECTIVELY REFERRED TO AS THE "SUBDIVISION"), AS DESCRIBED AND SHOWN ON THE FINAL PLAN, SCHWIETERMAN SUBDIVISION, (SUCH FINAL PLAN, INCLUDING ANY SUBSEQUENT AMENDMENTS THERETO, OR RE-RECORDINGS THEREOF, BEING HEREINAFTER REFERRED TO AS THE "PLAT").

WHEREAS, THE DEVELOPER DESIRES TO SUBJECT THE SUBDIVISION AND EACH LOT LOCATED THEREIN TO, MUTUAL AND BENEFICIAL PROTECTIVE COVENANTS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS FOR THE MUTUAL BENEFIT OF THE FUTURE OWNERS OF SAID LOTS.

NOW, THEREFORE, THE DEVELOPER DECLARES THAT (I) THE SUBDIVISION, AND EACH OF THE LOTS THEREIN, SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS, EACH OF WHICH IS INCLUDED FOR THE PURPOSE OF ENHANCING AND PROTECTING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF THE SUBDIVISION; (II) THE RESTRICTIONS CONTAINED HEREIN SHALL RUN WITH THE LAND OF THE SUBDIVISION AND EACH LOT THEREIN, AND SHALL BE BINDING ON ALL PARTIES HAVING OR ACQUIRING ANY RIGHT, TITLE, OR INTEREST IN ANY LOT OR PART THEREOF; (III) THE RESTRICTIONS CONTAINED HEREIN SHALL BE FOR THE BENEFIT OF EACH OWNER OF ANY LOT OR LOTS IN THE SUBDIVISION, THE RESTRICTIONS SHALL NOT BE BINDING UPON ANY OTHER LAND OWNED BY THE DEVELOPER OTHER THAN THE LAND CONTAINED WITHIN THE LOTS IN THE SUBDIVISION, EVEN THOUGH SUCH LAND MAY BE CONTIGUOUS WITH THE LAND IN THE SUBDIVISION.

ARTICLE 2 - CONTROL COMMITTEE AND CONSTRUCTION REQUIREMENTS

2.1 CONCEPT. IT IS INTENDED THAT THE SUBDIVISION BE DEVELOPED INTO A BUSINESS AND INDUSTRY CENTER, IMPROVED WITH HIGH QUALITY FACILITIES OF PROPER LAND USE APPROPRIATE TO THE AREA IN A WELL LANDSCAPED SETTING.

2.2 CONTROL COMMITTEE. THE CONTROL COMMITTEE (THE COMMITTEE) SHALL BE COMPOSED OF NOT LESS THAN THREE (3) AND NOT MORE THAN FIVE (5) MEMBERS. EXCEPT AS PROVIDED IN THE FOLLOWING SENTENCE, REGARDLESS OF THE NUMBER OF MEMBERS OF THE COMMITTEE, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF THE COMMITTEE SHALL BE OWNERS OF THE LOTSIN THE SUBDIVISION.

NOT WITHSTANDING THE FOREGOING PROVISION, THE "THE DEVELOPER" RESERVES THE RIGHT TO APPOINT ALL OF THE INITIAL AND SUCCESSOR MEMBERS OF THE COMMITTEE, NONE OF WHOMNEEDS TO BE AN OWNER OF A LOT IN THE SUBDIVISION, WITH SUCH RIGHT TO CONTINUE UNTIL THEDEVELOPER ELECTIONS (BY WRITTEN INSTRUMENT DULY RECORDED IN THE RECORDER'S OFFICE OF AUGLAIZE COUNTY, OHIO) TO TERMINATE ITS CONTROL OF THE COMMITTEE. AFTER THE DEVELOPER'S CONTROL OF THE COMMITTEE HAS BEEN TERMINATED, THE THEN RECORD OWNERS OF THE LOTS IN THE SUBDIVISION SHALL HAVE THE POWER, BY MAJORITY VOTE, TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR TO REMOVE MEMBERS OF THE COMMITTEE, AND TO APPOINT MEMBERS TO FILL EXISTING OR AVAILABLE VACANCIES ON THE COMMITTEE. EACH LOT (AS CURRENTLY EXISTS OR AS CREATED IN THE FUTURE) SHALL HAVE ONE VOTE. ANY COMMITTEE MEMBER MAY STEP DOWN AT ANYTIME WITH THE SUBSEQUENT VACANCY FILLED BY MAJORITY VOTE OF THE RECORD OWNERS OF THE SUBDIVISION INCLUDING ANY FUTURE DEVELOPMENT PHASES. A MAJORITY OF THE THEN CURRENT MEMBERS OF THE COMMITTEE MAY, FROM TIME TO TIME, DESIGNATE ONE OR MORE REPRESENTATIVES (WHO NEED NOT BE MEMBERS OF THE COMMITTEE) TO ACT FOR IT. NEITHER THE MEMBERS OF THE COMMITTEE, NOR ANY REPRESENTATIVE DESIGNATED TO ACT FOR THE COMMITTEE, SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES RENDERED OR PREFORMED PURSUANT TO THE PROVISION OF THIS DECLARATION.

2.3 COMMITTEE APPROVAL. NO BUILDING, FENCE, WALL, STRUCTURE, PARKING LOT, DRAINAGE IMPROVEMENT, UTILITY CONNECTION, PERMANENT ADVERTISING SIGN, LANDSCAPING INCLUDING EXISTING TREES, OR OTHER IMPROVEMENT SHALL BE CHANGED, COMMENCED, ERECTED OR MAINTAINED UPON ANY LOT IN THE SUBDIVISION, NOR SHALL ANY EXTERIOR ADDITION, CHANGE, ALTERATION OR RESTORATION OF OR TO THE SAME BE MADE UNTIL THE CONSTRUCTION PLANS AND SPECIFICATIONS SHOWING THE NATURE, KIND, SHAPE, SIZE, HEIGHT, MATERIALS, COLORS AND LOCATION OF THE SAME IN ADEQUATE DETAIL AS REQUIRED BY THE COMMITTEE SHALL HAVE BEEN SUBMITTED TO AND APPROVED IN WRITING BY THE COMMITTEE AS TO HARMONY OF EXTERNAL DESIGN, CONSTRUCTION, AND LOCATION IN RELATION TO EXISTING OR PROPOSED SURROUNDING STRUCTURES AND TOPOGRAPHY AND AS TO THE GENERAL SUITABILITY OF SUCH CONSTRUCTION OR LANDSCAPING WITH OTHER CONSTRUCTION IN THE SUBDIVISION AND AS TO THE RELATIVE VALUE AND QUALITY OF SUCH IMPROVEMENTS, LANDSCAPING ADDITIONS, CHANGES, ALTERATIONS OR RESTORATIONS. APPROVAL BY THE COMMITTEE SHALL BE ARRIVED AT BY A SIMPLE MAJORITY VOTE OF THE MEMBERS.

IN THE EVENT THE COMMITTEE SHALL FAIL TO APPROVE OR DISAPPROVE ANY CONSTRUCTION PLANS AND SPECIFICATIONS OR LANDSCAPE PLAN WITHIN THIRTY (30) DAYS AFTER THE SAME SHALL HAVE BEEN SUBMITTED TO IT, THEN SUCH APPROVAL WILL BE DEEMED TO HAVE BEEN GIVEN.

THE COMMTTEE SHALL BE PERMITTED TO MAKE A REASONABLE CHARGE FOR THE REVIEW OF ANY SUCH PLANS AND SPECIFICATIONS. ANY APPROVAL OBTAINED HEREUNDER, WHETHER BY DEFAULT OR OTHERWISE, SHALL BE NULL AND VOID UNLESS CONSTRUCTION IS COMMENCED WITH 180 DAYS AFTER THE DATE OF APPROVAL OR DATE OF ORIGINAL SALE WHICHEVER OCCURS LATER.

2.4 RULES. THE COMMITTEE MAY ESTABLISH RULES CONSISTENT WITH THE STANDARDS SET FORTH HEREIN TO GOVERN THE CONSTRUCTION OF ANY IMPROVEMENTS, LANDSCAPING, ADDITIONS OR CHANGES ON UNITS IN THE SUBDIVISION.

ARTICLE 3 - GENERAL PROTECTIVE COVENANTS AND RESTRICTIONS

3.1 LAND USE OF ALL LOTS IS GOVERNED BY THE ZONING REGULATIONS FOR THE VILLAGE OF NEW BREMEN, OHIO, AS PRESENTLY ENACTED OR HEREAFTER AMENDED.

3.2 LOTS SHALL BE USED FOR GENERAL COMMERCIAL PURPOSES EXCLUSIVELY ONLY AS APPROVED BY THE COMMITTEE.

3.3 NO LOT SHALL BE SUBDIVIDED EXCEPT AS APPROVED BY THE COMMITTEE AND AS EXPRESSLY AUTHORIZED BY THE VILLAGE OF NEW BREMEN PLANNING COMMISSION.

3.4 BUILDING SETBACKS SHALL BE OBSERVED, AS PROVIDED ON THE PLAT SUBJECT TO SUCH ENCROACHMENTS AS MAY BE PERMITTED BY APPLICABLE ZONING LAWS AND ORDINANCES AND SHALL BE SUBJECT TO ANY MINIMUM BUILDING SETBACK LINES SET FORTH IN THE APPLICABLE ZONING LAWS AND ORDINANCES.

3.5 ALL LOTS, WHETHER OCCUPIED OR UNOCCUPIED, SHALL AT ALL TIMES BE MAINTAINED IN A NEAT AND ATTRACTIVE CONDITION AND IN SUCH MANNER AS TO PREVENT THEIR BECOMING UNSIGHTLY BY REASON OF UNATTRACTIVE GROWTH ON SUCH LOT OR THE ACCUMULATION OF RUBBISH OR DEBRIS THEREON. IN ORDER TO IMPLEMENT EFFECTIVE CONTROL OF THIS PROVISION, THERE IS RESERVED TO THE COMMITTEE FOR ITSELF AND ITS AGENTS, THE RIGHT, BUT NOT THE OBLIGATION, AFTER TEN (10) DAYS NOTICE TO ANY LOT OWNER, TO ENTER UPON ANY RESIDENTIAL LOT WITH SUCH EQUIPMENT AND DEVICES AS MAY BE NECESSARY FOR THE PURPOSE OF MOWING, REMOVING, CLEARING, OR CUTTING UNDERBRUSH, WEEDS OR OTHER UNSIGHTLY GROWTH AND TRASH WHICH IN THE OPINION OF THE COMMITTEE DETRACTS FROM THE OVERALL BEAUTY OR SAFETY OF THE SUBDIVISION.

SUCH ENTRANCE UPON SUCH PROPERTY FOR SUCH PURPOSES SHALL BE DURING DAYLIGHT HOURS ON ANY DAY EXCEPT SUNDAY, AND SHALL NOT CONSTITUTE A TRESPASS. THE COMMITTEE MAY CHARGE THE OWNER A REASONABLE COST FOR SUCH SERVICES, WHICH CHARGE SHALL CONSTITUTE A LIEN UPON SUCH LOT ENFORCEABLE BY APPROPRIATE PROCEEDINGS AT LAW OR EQUITY; PROVIDED, HOWEVER, THAT SUCH LIEN SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE OR DEED OF TRUST ENCUMBERING SUCH LOT. THE PROVISIONS OF THIS SECTION SHALL BE NOT CONSTRUED AS AN OBLIGATION ON THE PART OF THE COMMITTEE TO MOW, CLEAR, CUT OR PRUNE ANY LOT, NOR TO PROVIDE GARBAGE OR TRASH REMOVAL SERVICES.

3.6 GARBAGE CONTAINERS, IF ANY, SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION, AND SHALL BE SO PLACED OR SCREENED BY SHRUBBERY, FENCING, OR OTHER APPROPRIATE MEANS SO AS NOT TO BE VISABLE FROM ANY ROAD, OR WITHIN SIGHT DISTANCE ON THE LOT AT ANY TIME EXCEPT DURING REFUSE COLLECTION.

3.7 NO OIL OR NATURAL GAS DRILLING, REFINING, QUARRYING OR MINING OPERATIONS SHALL BE PERMITTED UPON ANY LOT. CONTAINERS FOR STORAGE OF HOME HEATING OIL OR PROPANE GAS, FOR USE BY THE INDIVIDUAL PROPERTY OWNER ONLY, SHALL BE ALLOWED AND SHALL BE INSTALLED UNDERGROUND.

3.8 SIGNS. SIGNS MEANS ANY DEVICE FOR VISUAL COMMUNICATION THAT IS TO BE USED FOR THE PURPOSE OF INFORMING OR ATTRACTING THE ATTENTION OF THE GENERAL PUBLIC.

ALL SIGNS OR OTHER ADVERTISING DEVICES SHALL BE APPROVED BY THE COMMITTEE PRIOR TO INSTALLATION. THE CHARACTER OF THE SIGN SHALL BE IN KEEPING WITH THE DESIGN INTENT AND CHARACTER OF THE BUILDING, THE SITE DESIGN, AND BUSINESS CONDUCTED. THE PURPOSE OF THE SIGN OR SIGNS IS AS FOLLOWS:

- 1. BUSINESS SIGNS THAT DIRECT ATTENTION TO THE ACTIVITY CONDUCTED ON THE LOT.
- 2. DIRECTIONAL SIGNS THAT DIRECT CUSTOMERS AND TRAFFIC ON THE LOT.

BUSINESS SIGNS SHALL CLASSIFIED AS ATTACHED SIGNS, DETACHED SIGNS OR ARCHITECTURAL AWNING SIGNS. IN ADDITION:

- 1. ATTACHED SIGNS ARE SIGNS PHYSICALLY ATTACHED TO THE BUILDING AND SHALL NOT PROJECT 2 FEET HORIZONTALLY FROM THE BUILDING FACADE NOR ABOVE THE ROOF EAVE LINE.
- 2. NO SIGNS SHALL BE ERECTED ON A ROOF.
- 3. DETACHED SIGNS ARE SIGNS NOT ATTACHED TO A BUILDING AND ONLY ONE DETACHED BUSINESS SIGN SHALL BE PERMITTED PER LOT.
- 4. DETACHED SIGNS SHALL NOT OBSTRUCT OR ADVERSELY AFFECT VISIBILITY OR TRAFFIC VISIBILITY.
- 5. ARCHITECTURAL AWINING SIGNS ARE SIGNS THAT ARE ATTACHED TO A BUILDING WITH THE MESSAGE INTEGRATED INTO THE CANOPY SURFACE.

SIGN LIGHTING SHALL BE SO ARRANGED TO CONFINE THE ILLUMINATION TO THE SIGN, AVOID GLARE, OR OTHER DISTURBANCE ON ADJACENT PROPERTY AND SHIELD THE SOURCE OF THE ILLUMINATION. FLASHING LIGHTS OR OTHER DISTRACTIONS SHALL NOT BE PERMITTED WHERE SUCH DEVICES WILL DETRACT FROM A TRAFFIC CONTROL DEVICE OR NORMAL TRAFFIC ACTIVITY.

NEON OR INTERIOR ILLUMINATED SIGNS SHALL BE IN KEEPING WITH THE CHARACTER OF THE BUILDING AND BUSINESS CONDUCTED.

3.9 ALL UTILITY LINES SHALL BE INSTALLED UNDERGROUND.

3.10 PLANS FOR INITIAL LANDSCAPING MUST BE SUBMITTED TO THE COMMITTEE FOR APPROVAL. A MINIMUM OF 7.5% OF THE LOT COST SHALL BE ALLOCATED FOR LANDSCAPING EACH LOT. LANDSCAPING INCLUDES SEEDING AND PLANTING OF TREES, SHRUBS AND GROUND COVERS, EXCLUDING ROUGH GRADING WORK. LANDSCAPE WORK MUST BE COMPLETED WITHIN SIX MONTHS OF OCCUPANCY.

3.11 CONSTRUCTION OF A BUILDING ON ANY LOT IS TO BE COMPLETED WITHIN THREE (3) YEARS FROM THE DATE OF THE ORIGINAL PURCHASE FROM THE DEVELOPER AND COMPLETION OF CONSTRUCTION IS EXPECTED WITHIN ONE (1) YEAR FROM THE DATE OF BEGINNING CONSTRUCTION. THE DEVELOPER RESERVES THE RIGHT TO REPURCHASE ANY LOT IN THE SUBDIVISION UPON WHICH THE CONSTRUCTION OF THE BUILDING HAS NOT BEEN COMPLETED WITHIN FOUR (4) YEARS FROM THE DATE OF THE ORIGINAL SALE FROM THE DEVELOPER.

IN THE EVENT THE DEVELOPER EXERCISES SAID REPURCHASE RIGHTS, THE DEVELOPER SHALL GIVE WRITTEN NOTICE TO THE THEN OWNER OF RECORD OF SUCH LOT, SUCH NOTICE TO BE BY CERTIFIED MAIL ADDRESSED TO THE MAILING ADDRESS FOR TAX NOTICES. THE REPURCHASE PRICE WHICH THE DEVELOPER SHALL PAY FOR SUCH LOT, IN THE EVENT OF SUCH REPURCHASE, SHALL BE THE SALES PRICE OF SUCH LOT UPON ITS ORIGINAL SALE, WITHOUT INTEREST OR ALLOWANCE FOR APPRECIATION IN VALUE. THE DEVELOPER, AT ITS SOLE DISCRETION, MAY WAIVE ITS RIGHT TO REPURCHASE ANY LOT OR LOTS IN THE SUBDIVISION, BUT IN NO EVENT SHALL THE DEVELOPER BE ENTITLED TO EXERCISE THE REPURCHASE RIGHT AFTER SIX (6) YEARS FROM THE ORIGINAL SALE. THE OWNER SHALL TRANSFER SUCH LOT TO THE DEVELOPER BY LIMITED WARRANTY DEED FREE AND CLEAR OF ANY LIENS AND ENCUMBRANCES ARISING SUBSEQUENT TO THE DATE OF THE CLOSING OF THE PURCHASE OF LOT FROM THE DEVELOPER.

3.12 NO FENCE SHALL BE CONSTRUCTED ON ANY LOT NEARER TO ANY STREET LINE THAN THE BUILDING SETBACK LINE. FENCES SHALL NOT BE CONSTRUCTED WITHIN ANY UTILITY EASEMENT. OTHERWISE ALL FENCE DESIGNS AND LOCATION SHALL BE IN KEEPING WITH THE ARCHITECTURAL CHARACTER OF THE STRUCTURE AND SHALL BE APPROVED BY THE COMMITTEE.

3.13 DRAINAGE OF SURFACE WATER, STORM WATER, FLOOR DRAINS, AND/OR FOUNDATION DRAINS SHALL NOT BE CONNECTED TO SANITARY SEWERS.

3.14 NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND OR DESCRIPTION SHALL BE RAISED, KEPT OR BRED ON ANY LOT IN THE SUBDIVISION EXCEPT ANIMAL HOSPITALS AND VETERINARY OFFICES.

3.15 OUTBUILDINGS OR DETACHED STRUCTURES SHALL BE IN KEEPING WITH THE ARCHITECTURAL CHARACTER OF THE PRINCIPAL STRUCTURE AND SHALL BE APPROVED BY THE COMMITTEE.

3.16 SIDEWALKS, AS PROVIDED BY THE DEVELOPER, SHALL BE PROTECTED DURING ALL PHASES OF BUILDING CONSTRUCTION. WHERE ENTRY DRIVES OR DRIVEWAYS INTERSECT THE WALK, THE CONCRETE SHALL BE SAWCUT AT A JOINT AND REMOVED FOR THE DRIVE PAVEMENT. ANY DAMAGED PORTION OF SIDEWALKS, NOT TO BE REMOVED FOR A DRIVE, SHALL BE REPAIRED BY REMOVING THE DAMAGED SECTION AT A JOINT AND REPLACING THE SECTION WITH NEW CONCRETE 4" THICK TO MATCH EXISTING.

3.17 NO BOAT, BOAT TRAILER, HOUSE TRAILER, CAMPER, VAN, RECREATIONAL VEHICLE, DELIVERY TRUCK, TRACTOR-TRAILER OR VEHICLE OF A SIMILAR NATURE SHALL BE PARKED OR STORED ON THE STREET IN THE SUBDIVISION FOR ANY PERIOD OF TIME IN EXCESS OF 2 DAYS.

3.18 THE COMMITTEE, AND THE DEVELOPER OR THEIR AGENTS SHALL NOT BE RESPONSIBLE FOR DEFECTS IN PLANS OR SPECIFICATIONS SUBMITTED, REVISED, OR APPROVED IN ACCORDANCE WITH THE FOREGOING PROVISIONS, NOR FOR ANY STRUCTURAL OR OTHER DEFECTS IN ANY WORK, DONE ACCORDING TO SUCH PLANS AND SPECIFICATIONS.

3.19 REQUIREMENTS DURING CONSTRUCTION PERIOD:

- 1. STREETS AND PUBLIC RIGHT-OF-WAYS SHALL HAVE MUD, DEBRIS AND OTHER OBSTRUCTIONS REMOVED DAILY TO MAINTAIN OPEN AND CLEAN STREETS.
- 2. SITE DRAINAGE SHALL CONFORM TO THE DRAINAGE PATTERNS ON ALL ADJOINING PROPERTIES.
- 3. ALL DEBRIS AND EXCESS SOIL SHALL BE DISPOSED OFF-SITE AT A PROPER LOCATION. THESE MATERIALS SHALL NOT BE DEPOSITED ON ADJOINING LOTS WITHOUT APPROVAL BY THE OWNER.
- 4. THE CONTRACTOR SHALL INSTALL AND MAINTAIN ON-SITE SEDIMENT BARRIERS TO PREVENT EROSION OF SEDIMENT INTO THE SUBDIVISION DRAINAGE SYSTEM DURING CONSTRUCTION. THE BARRIER SYSTEM CAN BE CONSTRUCTED WITH THE SILT FENCE OR STRAW BALES AND SHALL BE MAINTAINED UNTIL A PERMANENT LAWN IS ESTABLISHED, THEN REMOVED.

3.20 ALL EXTERIOR LIGHTING SHALL BE APPROVED BY THE COMMITTEE. LIGHT FIXTURES SHALL HAVE METAL HALIDE LAMPS. A MINIMUM ILLUMINATION OF TWO FOOT-CANDLES SHALL BE MAINTAINED FROM THE MAIN BUILDING ENTRY TO THE PARKING AREAS FOR SAFETY.

ARTICLE 4 - PROTECTIVE COVENANTS, RESTRICTIONS AND DESIGN CRITERIA

4.1 LOTS SHALL NOT BE SUBDIVIDED SO AS TO REDUCE THE PRICE OF THE LOT. THE FOREGOING SHALL NOT PROHIBIT THE CONSTRUCTION OF A FACILITY UPON TWO (2) OR MORE LOTS, PENDING COMPLIANCE WITH THE ZONING REGULATIONS OF THE VILLAGE OF NEW BREMEN.

4.2 ANTENNAS, SATELLITE DISHES AND OTHER RECEIVING AND/OR TRANSMITTING EQUIPMENT SHALL BE INSTALLED TO MINIMIZE VISIBILITY FROM HTE STREET AND MUST BE APPROVED BY THE COMMITTEE.

4.3 MAIL BOXES SHALL MEET U.S. POSTAL SERVICE SPECIFICATIONS, AND MATCH THE ARCHITECTURAL CHARACTER OF THE STRUCTURE AND BE APPROVED BY THE COMMITTEE.

4.4 ROOF DRAINAGE AND FOUNDATION DRAINS SHALL BE CONNECTED TO THE STORM DRAIN PROVIDED ON EACH LOT.

4.5 ALL DRIVE AND PARKING AREAS SHALL BE HARD SURFACE PAVEMENT APPROVED BY THE COMMITTEE AND SHALL BE COMPLETED PRIOR TO OCCUPANCY.

4.6 ALL PARKING LOTS OF A WIDTH GREATER THAN 64 FEET SHALL INCLUDE A LANDSCAPE BUFFER APPROVED BY THE COMMITTEE.

4.7 LOTS 1, 2, 3, 4, 5 - 30% OF THE EXTERIOR WALL FINISH SURFACE OR 100% OF THE FRONT ELEVATION FACING STATE ROUTE 66 SHALL BE CLAD WITH MASONRY, GLASS, AN EXTERIOR INSULATION FINISH SYSTEM (EIFS), OR OTHER CEMENTITIOUS MATERIAL.

4.8 LOTS 6, 7, 8, 9, 10, 11, 12, 13 - 30% OF THE EXTERIOR WALL FINISH SURFACE OR 100% OF THE FRONT ELEVATION FACING SCHWIETERMAN STREET SHALL BE CLAD WITH MASONRY, GLASS, AN EXTERIOR INSULATION FINISH SYSTEM (EIFS), OR OTHER CEMENTITIOUS MATERIAL.

4.9 NO MATERIALS, SUPPLIES, EQUIPMENT, OR PRODUCTS SHALL BE STORED OR PERMITTED TO REMAIN ON ANY PORTION OF A LOT OUTSIDE A PERMANENT STRUCTURE WITHOUT APPROVAL BY THE COMMITTEE.

ARTICLE 5 - EASEMENTS

5.1 THE EASEMENT AREA OF EACH LOT IN THE SUBDIVISION SHALL BE MAINTAINED BY THE OWNER OF SUCH LOT, EXCEPT FOR THOSE IMPROVEMENTS FOR WHICH A PUBLIC AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE.

ARTICLE 6 - ENFORCEMENT

6.1 IN THE EVENT OF THE ACTUAL OR THREATENED VIOLATION OF BREACH OF ANY OF THESE RESTRICTIONS, OR ANY AMENDMENTS OR SUPPLEMENT THEREOF, BY ANY LOT OWNER OR BY ANY PERSON OR ENTITY USING OR OCCUPYING ANY LOT, THEN THE DEVELOPER, THE COMMITTEE, ANY LOT OWNER OR OWNERS, OR THE VILLAGE OF NEW BREMEN SHALL HAVE THE RIGHT TO COMPEL COMPLIANCE WITH THE TERMS AND CONDITIONS HEREOF, BY ANY AND ALL SUCH COURSES OF ACTION OR LEGAL REMEDIES WHICH MAY BE APPROPRIATE. NO DELAY OR FAILURE ON THE PART OF AN AGGRIEVED PARTY TO INVOKE ANY AVAILABLE REMEDY SHALL BE HELD TO BE A WAIVER OF ANY RIGHT OR REMEDY AVAILABLE TO SUCH PART UPON THE RECURRENCE OR CONTINUATION OF SAID VIOLATION. IF ANY PERSON IS SUCCESSFULL IN ENFORCING THESE RESTRICTIONS PURSUANT TO THIS ARTICLE, SUCH PERSON MAY RECOVER FROM THE VIOLATING PARTY THE COSTS OF SUCH ENFORCEMENT PROCEEDINGS, INCLUDING REASONABLE ATTORNEY'S FEES.

ARTICLE 7 - LOT OWNER ACCEPTANCE

7.1 THE OWNER OR GRANTEE OF ANY LOT WHICH IS SUBJECT TO THESE RESTRICTIONS, BY ACCEPTANCE OF THE DEED OR OTHER INSTRUMENT CONVEYING TITLE TO SUCH LOT, OR BY THE EXECUTION OF THE CONTRACT FOR THE PURCHASE THEREOF, WHETHER FROM THE DEVELOPER OR FROM A SUBSEQUENT OWNER OF SUCH LOT, SHALL ACCEPT, AND SHALL BE DEEMED TO HAVE ACCEPTED, SUCH DEED OR OTHER CONTRACT UPON AND SUBJECT TO THESE RESTRICTIONS HEREIN CONTAINED, ALL OF THE SAME BEING COVENANTS RUNNING WITH THE LAND.

ARTICLE 8 - TERM AND MODIFICATION

8.1 THIS DECLARATION MAY BE AMENDED ONLY BY THE SOLE ACT OF THE DEVELOPER UP TO THE TIME THE DEVELOPER RELINQUISHES CONTROL OF THE COMMITTEE. THEREAFTER, A MAJORITY VOTE OF THE LOT OWNER (WITH EACH LOT AS CURRENTLY EXISTS OR CREATED IN THE FUTURE, AND EACH CONDOMINIUM UNIT, HAVE ONE VOTE) MAY AMEND THIS DECLARATION. UNLESS SO AMENED THIS DECLARATION SHALL RUN FOR AN INITIAL PERIOD OF 30 YEARS WITH SUCCESSIVE AUTOMATIC RENEWAL PERIODS OF 10 YEARS.

ARTICLE 9 - SEVERABILITY

9.1 EACH RESTRICTION IS HEREBY DECLARED TO BE INDEPENDENT FROM THE REMAINDER OF THE RESTRICTIONS. INVALIDATION OF ANY ONE OF THE RESTRICTIONS SHALL IN NO WAY AFFECT ANY OF THE OTHER RESTRICTIONS.

9.2 THE PROVISIONS OF THESE RESTRICTIONS ARE IN ADDITION TO, AND SUPPLEMENTAL OF, THE OUTLINE PLAN CONDITIONS SET FORTH ON THE PLAT AND ANY ORDINANCES, LAWS AND REGULATIONS OF VILLAGE OF NEW BREMEN, OHIO.

ARTICLE 10 - COMMITTEE ADDRESS

10.1 THE MATTERS OR PLANS REQUIRED TO BE SUBMITTED TO THE COMMITTEE FOR APPROVAL OR REVIEW SHALL BE ADDRESSED AND DELIVERED TO: THE COMMITTEE, SCHWIETERMAN SUBDIVISION, C/O RE-MAX ONE REAL ESTATE, INC., 131 S. WASHINGTON STREET, NEW BREMEN, OHIO 45869, OR TO SUCH OTHER ADDRESSES THE COMMITTEE SHALL SUBSEQUENTLY DESIGNATE BY WRITTEN INSTRUMENT DULY RECORDED IN THE RECORDER'S OFFICE OF AUGLAIZE COUNTY, OHIO

ARTICLE 11 - MISCELLANEOUS PROVISIONS

11.1 ANY DISPUTE CONCERNING THE PROVISIONS OF THIS DECLARATION SHALL BE RESOLVED BY ARBITRATION IN ACCORDANCE WITH THE PREVAILING RULES OF THE AMERICAN ARBITRATION ASSOCIATION.

11.2 IN ALL MATTERS INVOLVING THE INTERPRETATION AND CONSTRUCTION OF THE TERMS AND PROVISIONS OF THIS DECLARATION, THE OPINION OF THE COMMITTEE SHALL BE FINAL, AND IN NO EVENT BE DEEMED ARBITRARY OR CAPRICIOUS.

11.3 THE COMMITTEE, ITS MEMBERS, AGENTS, EMPLOYEES, CONTRACTORS, AND THE VILLAGE OF NEW BREMEN SHALL NOT BE LIABLE TO ANY OWNER OR ANY OTHER PARTY FOR LOSS, CLAIMS OR DEMAND ASSERTED ON ACCOUNT OF THEIR ADMINISTRATION OF THE COMMITTEE OR THESE RESTRICTIONS OR THE PERFORMANCE OF THEIR DUTIES HEREUNDER OR ANY FAILURE OR DEFECT IN SUCH ADMINISTRATION AND PERFORMANCE.

11.4 THE COMMITTEE MAY ADOPT , AND ENFORCE, REASONABLE RULES AND REGULATIONS PERTAINING TO THE CONSTRUCTION ON, AND USE OF THE LOTS IN THE SUBDIVISION, WHICH SHALL BE BINDING ON THE OWNERS OF LOTS IN THE SUBDIVISION IN THE SAME MANNER AS THIS DECLARATION.