



COVENANT OF RESTRICTIONS

- (1) GENERAL: As a part of the general plan of development for the SOUTH RIDGE SUBDIVISION #1, and for the benefit of the purchasers, deed and/or title bearer, of any of the lots located within said subdivision, the herein described restrictions, covenants, and conditions, easements, and charges are for the common advantage of each and every lot, and shall apply to and be binding upon the purchasers and successors in interest.
- (2) DWELLING: The first floor living space for a one-story dwelling exclusive of open porches and garages erected upon said described lots shall not be less than 1,000 total square feet. All proposed residences shall have a minimum 4/12 roof pitch. Basement foundations are not recommended by the Engineer and Author of the subdivision construction plans and should be avoided.
- (3) PERMITS: All building permits are to be obtained from the City of Wapakoneta. Permits for storm and sanitary sewer taps are also to be obtained from the City of Wapakoneta, if applicable.
- (4) BUILDING LOCATION AND ELEVATION: Building location shall conform to the minimum setback lines as shown on the Plat of the subdivision. Minimum building elevations are as shown on the Grading Plan of the subdivision construction plans, such that the top of the foundation shall be at least 24" but not more that 36" above the street curb at the highest point on the Lot.
- (5) CONSTRUCTION TIME: Any house being constructed in said subdivision is to be completed within 6 months from the date of the beginning of construction. The same applies to any house additions that may occur at a later date. All houses shall be landscaped within 6 months from the date of their completion. All lawns and yards are to have a finished grade and are to be seeded within 6 months from the date of the house construction completion.
- (6) SIGNS, TOWERS, AND ANTENNAS: No signs of any kind shall be displayed to the public view on any lot in the subdivision except for one sign of not more than 6 square feet in total area for the purpose of advertising the property for sale or rent, or by the builder to advertise the property during actual construction and sale period, except for the existence of a sign by the developers of the subdivision advertising the Lots or configuration of the Lots, in which case must be approved by the City of Wapakoneta. There shall be no radio or television antenna, nor satellite dish greater than 36" diameter.
- (7) EASEMENTS: Easements are reserved as shown on the attached Plat of the subdivision for the installation and maintenance of public utilities, water, sanitary sewer and and storm-water drainage facilities, both present and future.
- (8) ARCHITECTURAL CONTROL: All proposed building plans and specfications, as well as a site plan including landscaping, grading plan, and elevation, shall be submitted to the developer, H & B Partnership, consisting of Gary Binkley and Guy Hut, its successors and assigns, for approval prior to the start of construction or installation. All said plans and specifications shall be delivered in person to said develop(s) for thier review. Refusal to approve such plans may be based on any grounds, including purely aesthetic grounds. There shall be no modular or double-wide residences permitted in this subdivision. In the event that a Duplex residence is proposed for a particular Lot in the subdivision, then a minimum of 900 square feet per side shall be required, with at least a One (1) car attached garaged per each side of the Duplex. Otherwise, a single unit familty residence shall consist of a minimum 1,000 square foot structure with a 2 car attached garage.
- (9) FENCES: No fence shall be erected on any residential lot within the subdivision without the express written approval of the Developer or it's assignee. Any written application to erect a fence shall show its location, size, height, and type of material to be be used. All approved fencing shall be properly maintained forever.
- (10) NUISANCES: No hunting, noxious, or offensive activities shall be carried on upon any residential lot, nor shall anything be done thereon which may become an annoyance to the neighborhood. Recreational vehicles shall not be used for a living quarters. Outside storage of any recreational vehicle, camper, or boat shall be in accordance with the City of Wapakoneta zoning regulations. On-Street parking of any vehicles will be not be permitted on a frequent basis by any lot owner.
- (11) LOT MAINTENANCE: All grounds and premises in said subdivision shall be mowed and kept reasonably free of noxious weeds and undergrowth by the owners thereof at all times prior, during and after the construction and erection of any building or structure. Thereafter the completion of installation of lawns and landscaping, all such grounds shall be maintained by the owners so as to conform to the beauty of the area in the subdivision.
- (12) OUT-BUILDINGS AND/OR STORAGE SHEDS: There shall be permitted only One (1) storage shed per Lot having a a total of 200 square feet or less, and must not be located within any public easement as shown in the accompanying Plat.
- (13) GARAGES AND DRIVEWAYS: All residences are to have at least a two car attached garage, with a minimum driveway width being 18 feet wide. All proposed driveways are to be finished, paved, or poured with a hard wearing surface such as asphalt, concrete, brick, or simular type of material within one month from the date of construction completion of said residence if the weather or season permits. Gravel and stone driveway surfaces are not considered to be a hard wearing surface by the developer and therefore are not permitted, except for use during construction of any dwelling or within one month from the date of construction of the residence.
- (14) LIVESTOCK AND POULTRY: No animals, bees livestock, or poultry of any kind shall be raised, bred, or kept on any lot in the subdivision with the exception of domestic dogs, cats, or any other household pet, provided they are housed within the structure, kept intact within the owners property line, and not kept, bred, or maintained for any type of commercial purposes.
- (15) GARBAGE AND REFUSE DISPOSAL: At no time shall anyone be allowed to store trash cans or bags of garbage anywhere on the exterior of their property where it can be visible or seen by others, except for the days of the regular scheduled garbage pick-up. No lot shall be used or maintained as a dumping ground for rubbish, trash, building materials garbage, or any other type of refuse material whatsoever.
- (16) STORM SEWER: A storm sewer tap has been provided for each lot in the subdivision (see construction plans on file with the City of Wapakoneta Engineer's Office) for the purpose of providing drainage for sump pumps, foundation drains, footer drains, or crawl space drains. All roof water drained by downspouts and gutters shall be kept out of the storm sewers and is to be surface drained onto the lots and drainage swales unless otherwise apporved by the City of Wapakoneta Engineering Department. See Restriction (3) regarding storm sewer tap permit.
- (17) SANITARY SEWER: A sanitary sewer tap has been provided for each lot in the subdivision (see construction plans on file with the City of Wapakoneta Engineer's Office) for the purpose of providing sanitary sewerage disposal to each and every lot in the subdivision. All "clean water" connections to the sanitary sewer system is strictly prohibited. See Restriction (3) regarding sanitary sewer permit.
- (18) SIDEWALKS: All lots in the subdivision shall install concrete sidewalks according to the specifications, codes, and requirements of the City of Wapakoneta within 30 days after occupancy of the house.
- (19) DRAINAGE SWALES: Each and every lot in the subdivision shall finish grade their lot to provide surface water drainage to defined drainage swales located at the sides and rear of all lots as shown on the Grading Plan of the subdivision construction plans. No owner of any Lot shall interfere or cause to interfere with the designed flow of surface water through drainage swales or drainage catch basins installed as a part of the subdivision development.

- (20) UTILITIES: All utility services to each and every lot shall be located underground at the lot owners expense. The City of Wapakoneta reserves the right to provide public utilities in designated utility easements located within the subdivision above ground, except on or along side yard easements, in which case, the utilities must be located under ground. Each and every lot in the subdivision shall be subject to a 3 foot side yard utility easement for the purpose of providing utility services to each lot, and/or for providing power for street lighting purposes.
- (21) STORMWATER DETENTION POND: As a part of the recording of the SOUTH RIDGE SUBDIVISION #1, the stormwater detention pond located South of Ashland Avenue and North of Federal Route 33 shall be reserved for drainage purposes only, and not for any type of recreation activity including fishing, hunting. swimming, boating, or any other type of water related activities which a body of water may provide.

Also, as a part of the recording of the SOUTH RIDGE SUBDIVISION #1, the stormwater detention pond facitity, including the 18" diameter outfall sewer pipe, shall be placed on the Permanent Maintenance Program of the Auglaize County Commissioners, as per Section 6131.63 of the Ohio Revised Code, and as per Contract between the developer and said Board of County Commissioners. A copy of the Commissioner's Resolution and related contract and recordings shall be on file with the Board.

As per prior agreement with said permanent maintenance of the stormwater detention pond, the Department of Public Works for the City of Wapakoneta shall be the designated responsible party for performing all maintenance related work on said pond and 18" diameter outfall sewer. All costs associated with performing any related maintenance shall be borne by the Lot owners within the SOUTH RIDGE SUBDIVISION through assessments placed upon the property taxes in the name of the SOUTH RIDGE SUBDIVISION POND MAINTENANCE. Each and every Lot in the Subdivision shall be assessed at a uniform rate of distribution, whether or not the Lot is developed or not. The Auditor of Auglaize County shall possess and maintain a listing of a "SCHEDULE OF LANDOWNERS" for the subdivision listing all tax identification numbers for each and every Lot in the subdivision affected by the stormwater detention pond maintenance agreement.

- (22) INCLUSIVE: As a part of the recording of this subdivision plat and restrictive covenants, the construction plans, profiles, and specifications of the SOUTH RIDGE SUBDIVISION shall also become a part of these restrictive covenants with regards to any or all construction specifications, grading plans and minimum suggested foundation elevations, drainage installations and connection, water and sanitary sewer installations and connections, or any other type of specification or recommendation by the author of the construction plans for the subdivision, including all disclaimers and recommendations contained therein as stated in said construction plans which are of public record and on file with the City of Wapakoneta Engineering Department.
- (23) ENFORCEMENT: Enforcement of the above restrictions, covenants, and conditions shall be proceedings at law, or in equity against any person or persons violating or attempting to violate any restriction either to restrain violation, or to recover damages. Should any one or more of the foregoing restrictions, covenants, or conditions at any time in the future be held 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 force and effect.
- (24) The forementioned restrictions, covenants, and conditions are in addition to any applicable City of Wapakoneta building and zoning regulations.

DEDICATION

We, the undersigned owners of the land herein shown on the attached plat of land have caused said described area to be surveyed, platted, and recorded to be known as SOUTH RIDGE SUBDIVISION #1, and do hereby certify that said plat is a true representation of the same. We also do hereby dedicate the street right-of-ways and utility easements as shown on the attached plat to the public for their use, forever. There shall be a 3 foot wide utility easement parallel with and adjacent to each side lot line unless otherwise as shown on the Plat.

H & B Partnership

Gary Binkley 6/22/04

Gary Binkley date

Guy Hut date

Witness date

Pachadorum 19464

Witness date

ACKNOWLEDGEMENT

STATE OF OHIO COUNTY OF AUGLAIZE

Before me, a Notary Public in and for the State of Ohio, County of Auglaize, personally appeared Gary Binkley and Guy Hut, developers, hereby representing H & B Partnership, being the owners and developers of the SOUTH RIDGE SUBDIVISION #1, and acknowledged the signing of the foregoing instrument to be their free act and deed.

IN WITNESS THEREOF, I have affixed my hand and seal on this 22 day of

Ruhai Broller Notary Public



RICHARD D. BROREIN NOTARY PUBLIC, STATE OF 0-150 My Commission Expires August 9, 2005

SURVEYOR'S CERTIFICATION

I, Ted K. Schnell, being a Licensed Professional Engineer (Registration # 51,963), and a Licensed Professional Surveyor (Registration # 7216), in the State of Ohio, do hereby certify that:

- All lot dimensions, distances, and bearings, as shown on the accompanying Subdivision Plat of the SOUTH RIDGE SUBDIVISION #1, are correct and accurate, to my best ability.
- (2) All lot corners as shown on the accompanying Subdivision Plat of the SOUTH RIDGE SUBDIVISION #1. shall be set in accordance within the minimum standards as required under Section 4733-37 of the Ohio Administrative Code, within 60 days from the filing of this Plat.

Ted K. Schnell 5-24-04

RECORDER'S CERTIFICATE

This Plat and attached Covenant of Restrictions was filed for permanent record in the Auglaize County Recorder's Office on this _____ day of _____ , 2004, at ____ : 57 am/pm, and is now permanently recorded in PLAT CABINET ____ , SLIDE(S) _____ 346 - 348 ___ .

Ann Billings date

Auglaize County Recorder

AUDITOR'S CERTIFICATE

of	and attached Tower in the Restriction SECTION GRANTOR HAS COMPLIED WITH SECTION OF THE RESTRICTION OF THE RE	319.202	JUN 2 2 2004
FEE:	EXEMPT ARYN SCHUMANN, COUNTY AUDITOR		
	V - N	A:	

CERTIFICATE OF ACCEPTANCE

I do hereby certify that the public improvements have been constructed in accordance with the plans, profiles, and specifications for the SOUTH RIDGE SUBDIVISION #1, that the PLAT of the Subdivision has been reviewed and approved, and that all street rights-of-ways and easments as show herein have been approved and dedicated to the City of Wapakoneta on behalf of the public.

Rex Katterheinrich
Director of Public Service and Safety

105 5/24/04

PLANNING COMMISSION APPROVAL

The Planning Commission for the City of Wapakoneta, Ohio does hereby certify that the attached Plat for the land encompassing the area to be known as SOUTH RIDGE SUBDIVISION #1,

was approved by said Planning Commission on the 24th day of May 2004.

Chairman $\frac{6/22/04}{\text{date}}$

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No. Revision/Issue
Project Name

SOUTH RIDGE
SUBDIVISION #1
14.189 ACRE PARCEL
CITY OF WAPAKONETA, OHIO

Project Location

PART OF THE SE 1/4 OF SECTION 31, AND PART OF THE SW 1/4 OF SECTION 32 DUCHOUQUET TOWNSHIP

Project SOUTH RIDGE #1 Date MAY, 2004 Scale NONE

3