

TRANSFERRED AND NUMBERED THIS 17 DAY OF February, 2006

AUGLAIZE COUNTY AUDITOR #1162

FILED THIS 17 DAY OF February, 2006, AT 1:22 O'CLOCK P.M.  
RECORDED THIS 17 DAY OF February, 2006.  
PLAT CABINET D, SLIDE 60-62

AUGLAIZE COUNTY RECORDER

### CURVE TABLE

CURVE NUMBER	RADIUS	ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
1	500.00'	04°-20'-54"	37.95'	37.94'	S 35°-17'-47" W
2	350.00'	20°-55'-32"	127.83'	127.12'	S 27°-00'-28" W
3	35.00'	90°-00'-00"	54.98'	49.50'	N 82°-28'-14" E
4	35.00'	90°-00'-00"	54.98'	49.50'	S 07°-31'-46" E
5	375.00'	14°-52'-50"	97.39'	97.12'	S 30°-01'-49" W
6	375.00'	05°-53'-30"	38.56'	38.54'	S 19°-38'-38" W
7	40.00'	43°-36'-35"	30.45'	29.72'	S 38°-30'-11" W
8	50.00'	43°-45'-10"	38.18'	37.26'	S 38°-25'-54" W
9	50.00'	74°-47'-15"	65.26'	60.73'	S 20°-50'-19" E
10	50.00'	17°-15'-14"	15.06'	15.00'	S 66°-51'-33" E
11	50.00'	66°-46'-58"	58.28'	55.04'	N 71°-07'-21" E
12	50.00'	64°-56'-52"	56.68'	53.69'	N 05°-15'-25" E
13	40.00'	43°-20'-58"	30.26'	29.55'	N 05°-32'-32" W
14	325.00'	05°-32'-18"	31.42'	31.40'	N 19°-27'-31" E
15	325.00'	15°-14'-33"	86.46'	86.21'	N 29°-50'-57" E
16	525.00'	04°-20'-54"	39.84'	39.83'	N 35°-17'-47" E
17	475.00'	04°-20'-54"	36.05'	36.04'	S 35°-17'-47" W
18	35.00'	90°-00'-00"	54.98'	49.50'	S 82°-28'-14" W
19	35.00'	90°-00'-00"	54.98'	49.50'	N 07°-31'-46" W

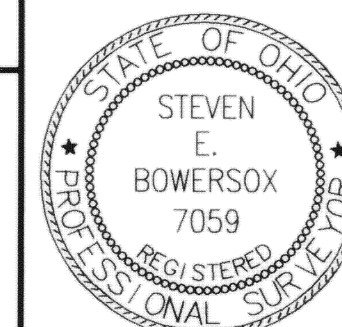
OWNER: THE VILLAGE OF NEW KNOXVILLE  
O.R. 115, PAGE 17  
O.R. 475, PAGE 1262

ACREAGE IN LOTS = 10.219 AC.  
STREET R/W = 1.548 AC.  
TOTAL ACREAGE = 11.767 AC.

## WESTPHALIA ESTATES SECTION ONE

SEC. 20, T 6 S, R 5 E, VILLAGE OF NEW KNOXVILLE,  
WASHINGTON TWP., AUGLAIZE CO., OHIO

SHEET 1 OF 3



**CHOICE ONE ENGINEERING**  
the choice that exceeds ...  
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date: 01-11-2006  
drawn by: seb  
job number: AugNkn0508Fin

BEARINGS BASED ON SURVEY WAS-20-3

SCALE: 1" = 100'

### LEGEND

- 5/8" X 30" REBAR W/CAP SET
- IRON PIN FOUND
- ⊗ RAILROAD SPIKE FOUND
- ✱ GIN SPINDLE SET
- ⊙ IRON PIPE FOUND

### LEGAL DESCRIPTION

BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWN 6 SOUTH, RANGE 5 EAST, WASHINGTON TOWNSHIP, VILLAGE OF NEW KNOXVILLE, AUGLAIZE COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the southwest corner of the southwest quarter of section 20;

thence, North 00°-17'-07" West, 1012.84 feet, along the west line of the quarter, to a point;

thence, North 88°-47'-36" East, 39.06 feet, to a railroad spike found and being the principal place of beginning;

thence, North 00°-03'-11" West, 354.83 feet, to a gin spindle set;

thence, North 37°-28'-14" East, 329.57 feet, to a gin spindle set;

thence, South 52°-31'-46" East, 445.51 feet, to an iron pin set;

thence, South 56°-52'-40" East, 50.00 feet, to an iron pin set;

thence, South 33°-07'-20" West, 6.91 feet, to an iron pin set;

thence, South 56°-52'-40" East, 152.61 feet, to a point;

thence, South 33°-25'-07" West, 328.76 feet, to a point;

thence, South 18°-30'-55" West, 396.44 feet, to a point;

thence, South 06°-54'-58" West, 294.07 feet, to a point;

thence, South 34°-43'-43" West, 55.78 feet, to a point;

thence, South 00°-03'-11" West, 36.60 feet, to an iron pin found;

thence, South 52°-20'-32" West, 209.17 feet, to a point, witness an iron pipe found North 81°-44'-17" West, 1.75 feet from said point;

thence, North 00°-03'-27" East, 927.43 feet, to an iron pipe found;

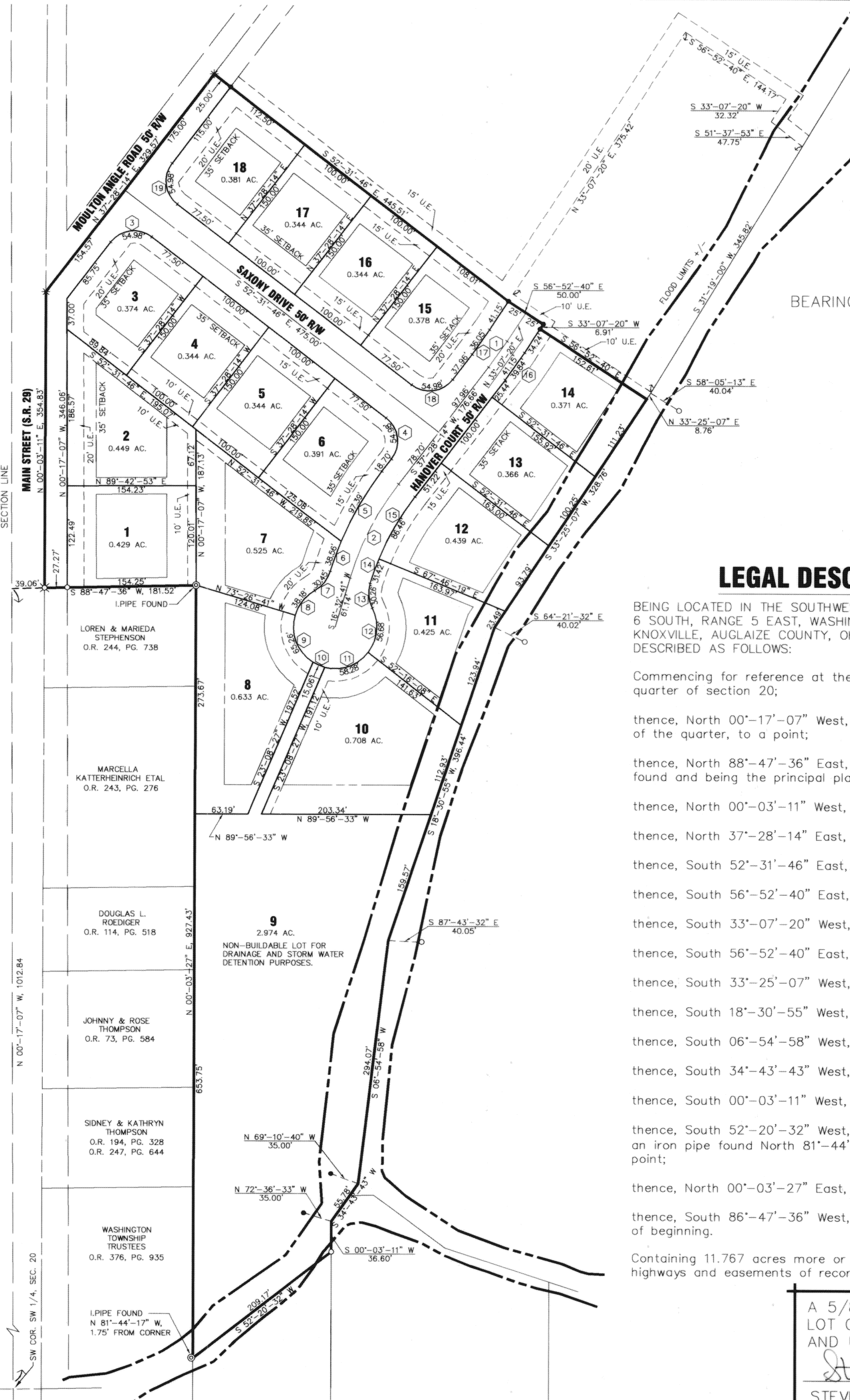
thence, South 86°-47'-36" West, 181.52 feet, to the principal place of beginning.

Containing 11.767 acres more or less and being subject to all legal highways and easements of record.

A 5/8"x 30" REBAR WITH CAP TO BE SET AT ALL LOT CORNERS AFTER CONSTRUCTION OF STREETS AND UTILITIES.

STEVEN E. BOWERSOX, P.S. #7059

1-11-2006  
DATE





COVENANTS AND RESTRICTIONS

Definitions:

Committee: The Committee shall be Westbury Limited (Developer) and the New Knoxville Community Improvement Corporation (CIC), each having one equal vote. The Committee shall continue until such Committee elects (by written instrument duly recorded in the Recorder's Office of Auglaize County, Ohio) to terminate its control as the Committee. After Westbury Limited and the New Knoxville CIC'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 the members of the Committee, and to appoint members to fill existing or available vacancies on the Committee. Each lot with a single family dwelling as currently exists or as created in the future and each dwelling unit within a condominium shall have one vote. The Committee shall then be composed of not less than three and not more than five members. Any Committee member may step down at anytime with the subsequent vacancy filled by majority vote of the record owners of the Subdivision. 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 performed pursuant to the provisions of this Declaration.

Committee Approval: No building, fence, wall, drainage improvement, utility connection, or other improvement shall be changed, commenced or 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, material, 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. 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 landscaping 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 Committee shall be permitted to make reasonable change for the review of such plans and specifications. Any approval obtained hereunder, whether by default or otherwise, shall be null and void unless construction is commenced within 180 days after the date of approval or date of original sale, whichever occurs later. 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.

Living Area: The Living Area shall be the total horizontal floor area (square feet) suitable for year round living, inclusive of exterior and interior wall thickness. Floor area shall not include cellars, basements; elevator and stair bulkheads; attic space; terraces; breezeways; patios; open porches; enclosed unheated porches; entrance steps and garages. Measurements of the floor area shall be taken to the outside of the exterior foundation.

1. THE PLANS FOR ALL RESIDENTIAL DWELLINGS ARE SUBJECT TO THE APPROVAL OF THE COMMITTEE. THE LIVING AREA OF A ONE-STORY SINGLE FAMILY RESIDENCE SHALL NOT BE LESS THAN 1,450 SQUARE FEET, AND IN THE CASE OF ANY RESIDENCE OF MORE THAN ONE STORY, THE REQUIREMENTS AS TO LIVING AREA SHALL NOT BE LESS THAN 1,850 SQUARE FEET FOR BOTH STORIES. NO RESIDENCE SHALL EXCEED TWO AND ONE-HALF STORIES IN HEIGHT. THE LIVING AREA OF EACH UNIT OF A SINGLE STORY MULTI-FAMILY RESIDENCE SHALL NOT BE LESS THAN 950 SQUARE FEET, AND IN THE CASE OF ANY RESIDENCE OF MORE THAN ONE STORY, THE REQUIREMENTS AS TO LIVING AREA OF EACH UNIT SHALL NOT BE LESS THAN 1,200 SQUARE FEET FOR BOTH STORIES. NO RESIDENCE SHALL EXCEED TWO AND ONE-HALF STORIES IN HEIGHT. ALL SINGLE-FAMILY DWELLING UNITS AND EACH UNIT OF A MULTI-FAMILY DWELLING SHALL HAVE AT LEAST A TWO-CAR GARAGE WITH A MINIMUM OF 480 SQUARE FEET IN SAID GARAGE. NO GARAGE MAY BE GREATER IN HEIGHT OR NUMBER OF STORIES THAN THE RESIDENCE FOR WHICH IT IS BUILT. ALL GARAGES SHALL BE ATTACHED TO THE MAIN STRUCTURE. ALL DRIVEWAYS MUST BE CONCRETE, MUST BE A MINIMUM OF EIGHTEEN (18) FEET WIDE, AND MUST BE COMPLETED WITHIN TWELVE (12) MONTHS FROM COMMENCEMENT OF THE DWELLING CONSTRUCTION.

2. ALL DWELLINGS MUST BE COMPLETED WITHIN ONE YEAR OF COMMENCEMENT OF CONSTRUCTION. LAWNS MUST BE DEVELOPED AROUND THE RESIDENCE AND MUST BE SOWN WITHIN 7 MONTHS AFTER COMPLETION OF THE RESIDENCE.

3. ALL DWELLINGS ERRECTED ON SAID LOTS, AND USE OF SAID LOTS SHALL CONFORM TO THE R-2 ZONING ORDINANCES OF THE VILLAGE OF NEW KNOXVILLE, OHIO.

4. NO ABOVE GROUND SWIMMING OR WADING POOLS SHALL BE PERMITTED ON ANY LOT EXCEPT FOR ONE WADING POOL NOT TO EXCEED 49 SQUARE FEET AND SHALL NOT EXCEED 16 INCHES IN HEIGHT.

5. NO RADIO OR TELEVISION SIGNALS NOR ANY OTHER FORM OF ELECTROMAGNETIC RADIATION SHALL BE PERMITTED TO ORIGINATE FROM ANY LOT WHICH MAY UNREASONABLY INTERFERE WITH RECEPTION OF TELEVISION OR RADIO SIGNALS UPON ANY OTHER LOT. THE USE OF SOLAR PANELS SHALL BE PERMITTED WHEN PLACEMENT AND DESIGN ARE PART OF THE ARCHITECTURAL CHARACTER OF THE STRUCTURE AS APPROVED BY THE COMMITTEE.

6. A PERSON OR PERSONS BUYING A LOT FOR INVESTMENT OR FOR FUTURE BUILDING MUST KEEP THE GRASS CUT AND MAINTAIN THE LOT IN A PRESENTABLE MANNER.

7. RESIDENTIAL USE: ALL LOTS SHALL BE USED ONLY FOR RESIDENTIAL DWELLINGS AND USES CUSTOMARILY INCIDENTAL THERETO, AND FOR NO OTHER PURPOSE. NO BUSINESS OR COMMERCIAL BUILDING MAY BE ERRECTED ON ANY LOT AND NO BUSINESS MAY BE CONDUCTED ON ANY PART THEREOF, EXCEPT FOR USE BY DEVELOPER IN CONNECTION WITH THE SALE OF LOTS IN THE DEVELOPMENT. NOTWITHSTANDING THE FOREGOING, AN OCCUPANT MAINTAINING A PERSONAL OR PROFESSIONAL LIBRARY KEEPING PERSONAL BUSINESS OR PROFESSIONAL RECORDS OR ACCOUNTS, CONDUCTING PERSONAL BUSINESS (PROVIDED THAT SUCH DOES NOT INVOLVE CUSTOMERS, MORE THAN ONE EMPLOYEE, LICENSEES OR INVITEES COMING TO THE RESIDENCE), MAKING PROFESSIONAL TELEPHONE CALLS OR CORRESPONDING, IN OR FROM A RESIDENCE, IS ENGAGING IN A USE EXPRESSLY DECLARED CUSTOMARILY INCIDENTAL TO RESIDENTIAL USE AND IS NOT IN VIOLATION OF THIS DECLARATION.

8. TEMPORARY STRUCTURES: NO STRUCTURE OR OBJECT OF TEMPORARY CHARACTER SUCH AS, BUT NOT LIMITED TO, HOUSE TRAILERS, VANS, TENTS, SHACKS, DOG HOUSES, OR SHEDS SHALL BE CONSTRUCTED, ERRECTED, KEPT OR MAINTAINED ON ANY LOT. THIS RESTRICTION SHALL NOT APPLY TO TEMPORARY STRUCTURES USED BY THE RESIDENTIAL DEVELOPER OR WITH THE RESIDENTIAL DEVELOPER'S CONSENT FOR DEVELOPMENT, CONSTRUCTION OR SALE OF THE LOTS, NOR TO TEMPORARY STRUCTURES SUCH AS TENTS, CANOPIES OR AWNINGS ERRECTED FOR SPECIAL EVENTS, PROVIDED THAT SUCH STRUCTURES ARE REMOVED WITHIN 72 HOURS AND OTHERWISE COMPLY WITH THE COMMUNITY STANDARD, NOR TO TEMPORARY CONSTRUCTION TRAILERS USED BY BUILDERS IN THE COURSE OF CONSTRUCTION OF IMPROVEMENTS.

9. NUISANCES: NO USE OR PRACTICE WHICH IS EITHER AN ANNOYANCE OR AN INTERFERENCE WITH THE PEACEFUL POSSESSION AND PROPER USE OF ANY LOT BY ITS OWNER(S) OR WHICH MAY BECOME AN ANNOYANCE OR OTHER NUISANCE SHALL BE ALLOWED. NO OWNER(S) OF ANY LOT SHALL COMMIT OR PERMIT ANY NUISANCE OR ANY ILLEGAL ACTIVITY IN OR ABOUT THE DEVELOPMENT. NO PLANT, ANIMAL, DEVICE OR THING SHALL BE KEPT OR MAINTAINED, WHOSE NORMAL ACTIVITIES OR EXISTENCE IS IN ANY WAY CONSIDERED NOXIOUS, DANGEROUS, UNSIGHTLY, UNPLEASANT, OR OF A NATURE WHICH MAY DIMINISH OR DESTROY THE ENJOYMENT OF LOTS BY THE OWNERS OR OCCUPANTS THEREOF.

10. UTILITY CONNECTIONS: PERMANENT BUILDING CONNECTIONS FOR ALL UTILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, ELECTRICITY, GAS, TELEPHONE AND CABLE, SHALL BE RUN UNDERGROUND FROM THE PROPER CONNECTING POINTS TO THE BUILDING STRUCTURE, IN SUCH A MANNER TO BE CONSISTENT WITH GOVERNMENTAL REQUIREMENTS AND ACCEPTABLE TO THE COMMITTEE.

11. PETS: OWNERS MAY KEEP COMPANION PETS SUCH AS BIRDS, DOMESTICATED CATS, FISH, DOGS, AND OTHER SMALL MAMMALS. OWNERS MAY NOT KEEP A NUMBER OF PETS WHICH THE COMMITTEE, IN HIS SOLE AND ABSOLUTE DISCRETION, SHALL DEEM EXCESSIVE. NO LOT OWNER MAY KEEP EXOTIC CATS, HORSES, POTBELLY PIG, FOWL, REPTILES, OBNOXIOUS, VICIOUS OR DANGEROUS ANIMALS, FARM LIVESTOCK OR ZOO-TYPE ANIMALS ON ANY LOT. PETS MUST BE KEPT UNDER CONTROL. OWNERS ARE RESPONSIBLE FOR THEIR PETS AT ALL TIMES. PETS SHALL NOT BE PERMITTED TO MAKE NOISE FOR EXTENDED PERIODS OF TIME OR TO RUMMAGE THROUGH REFUSE, SUCH ACTIONS BEING DEEMED A NUISANCE. THE OWNER OF ANY PET SHALL REMOVE AND PROPERLY DISPOSE OF ITS PET'S WASTE FROM THE LOT. FAILURE TO REMOVE AND DISPOSE OF A PET'S WASTE MATERIAL SHALL BE DEEMED A NUISANCE.

12. FENCES: NO FENCE, WALL OR BARRIER OF ANY KIND (INCLUDING SHRUBBERY AND HEDGES) MAY BE ERRECTED, EXCEPT AS MAY BE APPROVED BY THE COMMITTEE.

13. ANTENNAE: NO RADIO, TELEVISION, OR OTHER ELECTRONIC ANTENNAE OR AERIAL MAY BE ERRECTED OR MAINTAINED ON ANY LOT OR THE EXTERIOR OF ANY IMPROVEMENT, WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COMMITTEE. SATELLITE DISHES ARE ALLOWED ONLY IF SMALLER THAN 36" IN DIAMETER.

14. SUBDIVISION OF LOTS: NO LOT SHALL BE SUBDIVIDED OR PROPERTY LINES ALTERED IN ANY MANNER, EXCEPT AS MAY BE APPROVED IN WRITING BY THE COMMITTEE, AND IN ACCORDANCE WITH VILLAGE OF NEW KNOXVILLE ZONING, SUBDIVISION, AND ZERO LOT LINE ORDINANCES. A SINGLE LOT MAY BE COMBINED WITH ANOTHER LOT OR PORTION THEREOF, TO FORM A LARGER LOT, WITH PRIOR WRITTEN APPROVAL OF THE COMMITTEE, AND IN ACCORDANCE WITH VILLAGE OF NEW KNOXVILLE ZONING, AND SUBDIVISION ORDINANCES.

15. MINERAL EXPLORATION: NO LOT SHALL BE USED IN ANY MANNER TO EXPLORE FOR, USE, OR EXPLOIT COMMERCIALLY ANY WATER, OIL, OR OTHER HYDROCARBONS, MINERALS OF ANY KIND, GRAVEL, EARTH, SOIL, OR ANY OTHER SUBSTANCE LOCATED ON OR UNDER THE GROUND.

16. MACHINERY AND EQUIPMENT: NO COMMERCIAL MACHINERY OR EQUIPMENT OF ANY KIND SHALL BE PLACED, OPERATED OR MAINTAINED UPON ANY LOT, EXCEPT SUCH MACHINERY OR EQUIPMENT REASONABLY NECESSARY FOR USE IN CONNECTION WITH MAINTENANCE OR CONSTRUCTION OF IMPROVEMENTS ON THE LOT.

TRANSFERRED AND NUMBERED THIS 17 DAY OF February, 2026.

Karen Schuman Jr  
AUGLAIZE COUNTY AUDITOR

FILED THIS 17 DAY OF February, 2026 AT O'CLOCK \_M.  
RECORDED THIS 17 DAY OF February, 2026  
PLAT CABINET D, SLIDE 60-62

Ann Bellings  
AUGLAIZE COUNTY RECORDER

17. VEHICLES, TRAILERS, BOATS AND MOTOR HOMES: NO MOTOR VEHICLE MAY BE LEFT ON ANY LOT (EXCEPT IF STORED IN A FULLY ENCLOSED GARAGE) FOR A PERIOD LONGER THAN TWO (2) DAYS IN A CONDITION SUCH THAT IT IS INCAPABLE OF BEING OPERATED, AFTER WHICH TIME THE VEHICLE SHALL BE CONSIDERED AS A NUISANCE AND MUST BE REMOVED FROM THE LOT. NO MOTOR VEHICLE, TRAILER, BOAT, MOTOR HOME, OR MOBILE HOME MAY BE KEPT OR STORED ON ANY UNPAVED AREA OF THE LOT. NO TRUCK, TRAILER, BOAT, MOTOR HOME, OR MOBILE HOME MAY BE KEPT OR STORED ON ANY PORTION OF ANY LOT FOR PERIODS LONGER THAN 24 HOURS, UNLESS STORED WITHIN A FULLY ENCLOSED GARAGE. NO COMMERCIAL VEHICLES MAY BE PARKED, STORED OR TEMPORARILY KEPT ON ANY LOT (EXCEPT WHEN IN A FULLY ENCLOSED GARAGE) OR ON ANY STREET IN THE SUBDIVISION, EXCEPT TEMPORARILY TO SERVICE EXISTING IMPROVEMENTS, OR TO BE USED IN CONNECTION WITH CONSTRUCTION OF IMPROVEMENTS ON THE LOT. THE DOORS OF GARAGES HOUSING TRUCKS, TRAILERS, BOATS, MOTOR HOMES, OR MOBILE HOME SHALL BE CLOSED AT ALL TIMES EXCEPT FOR ACTUAL ENTRY OR EXIT.

18. SIGNS: NO SIGN OR BILLBOARD OF ANY KIND OR NATURE, INCLUDING, BUT NOT LIMITED TO, COMMERCIAL AND SIMILAR SIGNS, WHETHER PERMANENT OR TEMPORARY, SHALL BE ERRECTED OR MAINTAINED ON ANY LOT, EXCEPT SIGNS REQUIRED AS A MATTER OF LAW, SIGNS APPROVED BY THE COMMITTEE AND ORDINARY SIGNS WHICH OFFER REAL ESTATE FOR SALE AND WHICH ARE LOCATED IN THE FRONT YARD OF ANY LOT (DEFINED TO MEAN THAT PORTION OF A LOT LOCATED BETWEEN THE PUBLIC STREET AND FRONT BUILDING SETBACK LINE AS DEPICTED ON THE APPLICABLE PLAT, OR, IF NOT SO DEPICTED, THIRTY (30) FEET FROM SUCH PUBLIC STREET RIGHT-OF-WAY).

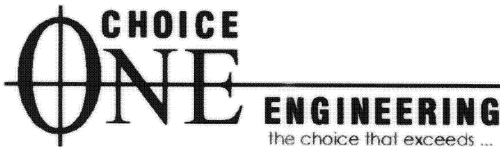
19. LOT MAINTENANCE: EACH LOT OWNER SHALL FURNISH AND BE RESPONSIBLE FOR, AT SUCH OWNER'S EXPENSE, ALL MAINTENANCE AND REPAIR OF ALL IMPROVEMENTS ON THE LOT, INCLUDING THE DWELLING AND ANY OTHER STRUCTURES THEREON, LANDSCAPING, FERTILIZATION AND MOWING OF THE GRASS, TRIMMING OF TREES, SHRUBS AND OTHER VEGETATION, DEAD LEAF REMOVAL AND SNOW REMOVAL, SO AS TO MAINTAIN THE DWELLING AND THE LOT IN A HIGH-QUALITY STATE OF APPEARANCE AT ALL TIMES. GRASS SHALL BE KEPT MOWED. DEAD, DISEASED, OR DAMAGED TREES WHICH MIGHT CREATE A HAZARD TO PROPERTY OR PERSONS ON ANY LOT OR ADJACENT LOT, SHALL BE PROMPTLY REMOVED OR REPAIRED. EACH LOT OWNER SHALL BE REQUIRED TO PLANT TREES. NO TREES OR SHRUBS SHALL BE PLANTED IN THE TREE LAWN BETWEEN THE SIDEWALKS AND STREETS. NO TREE, SHRUB, OR PLANTING SHALL BE PERMITTED WHICH OBSTRUCTS A CLEAR VIEW OF INTERSECTIONS. OUTSIDE MECHANICAL EQUIPMENT SHALL BE PLACED ON THE SIDE OR REAR OF A HOME. MECHANICAL EQUIPMENT ON THE SIDE OF A HOME SHALL BE CONCEALED BY MEANS OF A SCREENING WALL OR BY SUFFICIENT LANDSCAPING TO PROVIDE A PERMANENT SCREEN AT ALL TIMES OF THE YEAR.

20. TRASH: NO TRASH OR OTHER REFUSE SHALL BE DUMPED ON ANY VACANT LOT, WHETHER DURING CONSTRUCTION OR SUBSEQUENT THERETO. ANY DUMPING WHICH MAY OCCUR MAY BE CLEANED OFF BY THE DEVELOPER OR THE VILLAGE OF NEW KNOXVILLE AND THE COST THEREOF PLUS AN OVERHEAD ADMINISTRATIVE FEE SHALL BE ASSESSED AGAINST THE LOT OWNER, THE OFFENDER AND/OR THE LOT FROM WHICH THE CONTRACTOR OR SUBCONTRACTOR HAS MOVED THE DEBRIS. TRASH, REFUSE OR WASTE MATERIALS SHALL NOT BE BURNED ON ANY LOT. REFUSE CONTAINERS: TRASH, GARBAGE AND OTHER WASTE SHALL BE KEPT IN AN ENCLOSED AREA. TRASH AND GARBAGE CONTAINERS SHALL NOT BE PERMITTED TO REMAIN OUTSIDE EXCEPT TWELVE HOURS PRIOR TO TRASH COLLECTION.

WESTPHALIA ESTATES  
SECTION ONE

SEC. 20, T 6 S, R 5 E, VILLAGE OF NEW KNOXVILLE,  
WASHINGTON TWP., AUGLAIZE CO., OHIO

SHEET 2 OF 3



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www.choiceoneengineering.com

date: 01-11-2006	drawn by: seb	job number: AugNkn0508Cov
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COVENANTS AND RESTRICTIONS (continued)

21. RESPONSIBILITIES OF BUILDERS: EACH BUILDER WHO OWNS A LOT SHALL HAVE THE RESPONSIBILITY FOR MAINTENANCE AS DO OWNERS OF LOTS AS SET FORTH ABOVE.
22. INCLUSION: THESE CONDITIONS, LIMITATIONS AND RESTRICTIONS SET FORTH HEREIN SHALL BE CONSIDERED PART OF ANY CONTRACT, DEED, LEASE OR INSTRUMENT RELATING TO ANY LOT IN THE SUBDIVISION WITHOUT BEING INCORPORATED THEREIN, AND THE ACCEPTANCE OF ANY CONTRACT, DEED, LEASE OR INSTRUMENT RELATING TO ANY LOT IN THE SUBDIVISION SHALL OPERATE AS A COVENANT TO USE THE PREMISES IN CONFORMITY WITH THE CONDITIONS, LIMITATIONS AND RESTRICTIONS HEREIN SET FORTH WHICH ARE FOR THE USE AND BENEFIT OF EVERY PERSON WHO SHALL OR MAY BECOME THE OWNER OF OR HAVE ANY TITLE TO ANY LOT LOCATED IN THE SUBDIVISION.
23. CHANGES: THE FOREGOING RESERVATIONS, RESTRICTIONS, CONDITIONS, COVENANTS, OBLIGATIONS AND CHARGES MAY BE CHANGED, MODIFIED, ALTERED, AMENDED OR ANNULLLED AT ANY TIME UPON THE ACTION, IN WRITING, OF THE OWNERS OF THREE-FOURTHS MAJORITY OF THE LOTS.
24. LEGALITY: 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.
25. DURATION: THE FOREGOING RESTRICTIONS, COVENANTS AND CONDITIONS SHALL RUN WITH AND BIND THE LOTS IN THE SUBDIVISION AND SHALL ENSURE TO THE BENEFIT OF AND BE ENFORCEABLE AS PROVIDED HEREIN FOR AN INITIAL TERM OF THIRTY (30) YEARS FROM THE DATE THAT THIS PLAT IS RECORDED. THE RESTRICTIONS, COVENANTS AND CONDITIONS HEREOF SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS THEY ARE TERMINATED BY A THREE-FOURTHS MAJORITY VOTE OF THE LOT OWNERS WITHIN THE SUBDIVISION.
26. INTERPRETATION: FINAL INTERPRETATION OF ANY RESTRICTION, COVENANT OR CONDITION SHALL BE DETERMINED BY THE COMMITTEE.
27. MINIMUM ARCHITECTURAL GUIDELINES: THE MINIMUM ROOF PITCH SHALL BE 5/12 FOR THE MAIN ROOF STRUCTURE. ALL LOTS MUST HAVE CONCRETE SIDEWALKS AT LEAST FOUR FEET IN WIDTH. ALL EXTERIOR BUILDING MATERIALS AND COLORS SHOULD COMPLEMENT THE SURROUNDING ENVIRONMENT AND SHALL BE APPROVED BY THE COMMITTEE. PLYWOOD, FIBERBOARD, AND ALUMINUM SIDING ARE NOT ACCEPTABLE MATERIALS. CHIMNEYS ON AN EXTERIOR WALL SHOULD BE EXTENDED TO GRADE LEVEL, FOR APPEARANCE SAKE, RATHER THAN TERMINATING AT THE FIRST FLOOR ELEVATION. EXPOSED METAL FLUES ARE NOT PERMITTED. PREFABRICATED CHIMNEY FLUE CAPS MUST BE SCREENED WITH A MASONRY OR OTHER NONCOMBUSTIBLE MATERIAL SHROUD. CHIMNEYS SHOULD BE SIDED IN TRADITIONAL BRICK, STONE, STUCCO STONE OR A HIGH QUALITY VINYL SIDING. WOOD SIDED CHIMNEYS ARE NOT ACCEPTABLE. NO FENCE, WALL OR BARRIER OF ANY KIND (INCLUDING SHRUBBERY AND HEDGES) MAY BE ERECTED WITHOUT THE APPROVAL IN ADVANCE OF THE COMMITTEE. GENERALLY, REQUESTS FOR THE INSTALLATION OF NON COMMERCIAL METAL PLAYGROUND SETS WILL BE DENIED. ACCESSORY BUILDINGS ARE ONLY PERMITTED WHEN APPROVED BY THE COMMITTEE, AND SHALL BE IN KEEPING WITH THE ARCHITECTURAL CHARACTER OF THE DWELLING UNIT. THE LOT OWNER SHALL MAINTAIN A SIDE YARD OF AT LEAST TEN (10) FEET ON BOTH SIDES OF THE LOT.
- LANDSCAPING: PLANS FOR INITIAL LANDSCAPING MUST BE SUBMITTED TO THE COMMITTEE FOR APPROVAL. ALTHOUGH THE COMMITTEE SHALL HAVE THE AUTHORITY TO APPROVE ANY LANDSCAPING PLAN SUBMITTED, IT IS SUGGESTED AS A GUIDELINE THAT A MINIMUM OF THREE (3%) OF THE BUILDING CONSTRUCTION COST BE ALLOCATED FOR LANDSCAPING EACH BUILDING SITE. LANDSCAPING INCLUDES SEEDING AND PLANTING OF TREES, SHRUBS AND GROUND COVER, EXCLUDING ROUGH GRADING WORK. LANDSCAPE WORK MUST BE COMPLETED WITHIN SIX (6) MONTHS OF OCCUPANCY.
- EVERY EFFORT SHALL BE MADE TO MAINTAIN EXISTING TREES AND VEGETATION. EXISTING TREES SHALL BE PRESERVED WHEREVER POSSIBLE AND PROTECTED AGAINST CUT OR FILL WITHIN THE DRIP LINE OF THE BRANCHES. THE GENERAL OBJECTIVE IS TO MAXIMIZE THE LAWN AREAS AND PLANTING BEDS AND MINIMIZE THE AMOUNT OF HARD SURFACES. ALL ROCKS AND FOREIGN MATERIAL SHALL BE REMOVED.
- LAWN AREAS: THE FINAL GRADE SHOULD BE SET TO DRAIN TO THE PROPER AREAS. LAWN AREAS SHALL BE SEEDED OR SODDED WITH A HIGH QUALITY BLUEGRASS SEED BLEND. SUPPLEMENT SEED, AS NEEDED, SHOULD BE USED TO ACHIEVE A QUALITY LAWN.
- PLANTING BEDS: ALL PLANTING BEDS SHALL BE CLEAR OF ALL EASEMENTS AND PROPERTY LINES AND SHOULD BE IN PROPORTION WITH THE HOUSE AND LAWN. ALL BEDS SHALL BE WELL MAINTAINED AND SHOULD BE COVERED WITH A HIGH QUALITY SHREDDED HARDWOOD BARK, CYPRESS MULCH, DECORATIVE GRAVEL, OR LAVA ROCK.
- TREES AND SHRUBS: ONLY QUALITY PLANT MATERIAL SHALL BE USED.
- TREES: A MINIMUM OF ONE SHADE TREE PER FRONT YARD SHALL BE REQUIRED. SHADE TREES SHOULD BE A MINIMUM OF 1-1/2 INCH DIAMETER TRUNK, EIGHT (8) FEET IN HEIGHT. ORNAMENTAL TREES SHOULD BE A MINIMUM OF ONE (1) INCH DIAMETER TRUNK. TREES THAT ARE A NUISANCE WILL NOT BE ALLOWED. EXAMPLES OF THESE TREES ARE BLACK WALNUT, COTTONWOOD, ETC. A MINIMUM OF TWO TREES PER LOT WILL BE REQUIRED. THE TREES MUST MEET COMMITTEE SPECIFICATIONS AND ONE OF THE TWO TREES SHALL BE A SHADE TREE.
- SHRUBS: GOOD QUALITY AND HEALTHY SHRUBS WITH A TWELVE INCH MINIMUM POT DIAMETER.
28. NO MODULAR, FACTORY-BUILT, OR DOUBLE-WIDE HOUSING ALLOWED.

TRANSFERRED AND NUMBERED THIS 17 DAY OF February, 2006.

Karen Schumann, Jr.  
AUGLAIZE COUNTY AUDITOR

FILED THIS 17 DAY OF February, 2006 AT O'CLOCK \_M.  
RECORDED THIS 17 DAY OF February, 2006  
PLAT CABINET 2, SLIDE 60-62

Anna Billings  
AUGLAIZE COUNTY RECORDER

PLAT AUTHORIZATION AND DEDICATION

Robert Condon, Mayor and Janet Hall, Clerk, for the Village of New Knoxville, the owner of the land included within this plat have caused the area located in the Village of New Knoxville, Ohio encompassed by this plat, to be surveyed, platted, and known as Westphalia Estates, Section One. Furthermore, Robert Condon, Mayor and Janet Hall, Clerk, for the Village of New Knoxville dedicate the streets and easements as shown on this plat to the public use forever.

Robert Condon, Mayor  
Village of New Knoxville  
Janet Hall, Clerk  
Village of New Knoxville

State of Ohio  
County of AUGLAIZE

The foregoing instrument was acknowledged before me this 14th day of February, 2006, by Robert Condon, as Mayor and Janet Hall, as Clerk for the Village of New Knoxville.

Notary Public  
JASON E. THRS, Attorney at Law  
Notary Public - State of Ohio  
Commission has no expiration date  
Sec. 147.03 R.C.

NEW KNOXVILLE PLANNING COMMISSION

THIS PLAT WAS INSPECTED AND APPROVED BY US THIS 3rd DAY OF January, 2006.

Kent Miller  
CHAIRPERSON

VILLAGE OF NEW KNOXVILLE COUNCIL

THIS PLAT WAS INSPECTED AND ACCEPTED BY US THIS 14th DAY OF FEBRUARY, 2006.

Janet Hall, Clerk  
Robert H. Condon, Mayor

WESTPHALIA ESTATES  
SECTION ONE  
SEC. 20, T 6 S, R 5 E, VILLAGE OF NEW KNOXVILLE,  
WASHINGTON TWP., AUGLAIZE CO., OHIO

SHEET 3 OF 3

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date: 01-11-2006  
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job number: AugNkn0508Cov