



SURVEYOR'S STATEMENT

I, MICHAEL R. HOLT, HEREBY STATE THAT THIS PLAT IS A TRUE AND CORRECT EXPOSITION OF A SUBDIVISION AND SURVEY PREPARED BY ME, A MEMBER OF FREYTAG AND ASSOCIATES, INC., ARCHITECTS/ENGINEERS FOR CROWN EQUIPMENT CORPORATION, AND BEING A PART OF THE TRACTS CONVEYED TO CROWN EQUIPMENT CORPORATION BY DEEDS RECORDED IN O.R. 452, PAGE 546 & O.R. 551, PAGE 1566 IN THE RECORDS OF AUGLAIZE COUNTY, OHIO.

SIGNED AS BEING TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE THIS 19th DAY OF September 2007.



5/8" REBARS WITH RED PLASTIC CAPS STAMPED "MR. HOLT, RLS 7108" ARE SET AT ALL LOT CORNERS. POINTS OF CURVATURE ON RIGHT-OF-WAY LINES, STREET CENTERLINES, POINTS OF CURVATURE AND STREET INTERSECTIONS MARKED WITH 3" MAG SPIKES.

CROWN EQUIPMENT CORPORATION  
O.R. 452, PG. 546

VILLAGE APPROVALS

LOTS 1 & 2 ZONED PLANNED UNIT DEVELOPMENT  
LOTS 3 THRU 6 & 9 THRU 48 ZONED R-1 SINGLE-FAMILY RESIDENTIAL  
LOTS 7 & 8 ZONED R-2 MULTI-FAMILY RESIDENTIAL

APPROVED BY THE NEW BREMEN PLANNING COMMISSION THE 4 DAY OF September 2007.

William R. Wente  
PLANNING COMMISSION CHAIRMAN

ACCEPTED BY THE COUNCIL OF THE VILLAGE OF NEW BREMEN THE 11 DAY OF September 2007.

Jeffrey J. Rye  
Wayne J. Rye  
MAYOR  
VILLAGE ADMINISTRATOR

CROWN EQUIPMENT CORPORATION  
O.R. 551, PG. 1566  
TRACT No. 4  
REFERENCE AUG. CO. SURVEY FILE GER-14-18

PLAT OF SURVEY  
WALNUT STREET SUBDIVISION

IN THE  
VILLAGE OF NEW BREMEN  
SECTION 14, TOWN 7 SOUTH, RANGE 4 EAST  
SOUTH & EAST OF THE FIRST PRINCIPAL MERIDIAN  
GERMAN TOWNSHIP AUGLAIZE COUNTY STATE OF OHIO  
FOR  
CROWN EQUIPMENT CORPORATION  
40 S. WASHINGTON STREET  
NEW BREMEN, OHIO 45869

BY  
FREYTAG & ASSOCIATES, INC. ARCHITECTS / ENGINEERS  
226 NORTH MIAMI AVENUE P.O. BOX 220 SIDNEY, OHIO 45365

MICHAEL R. HOLT REGISTERED SURVEYOR No. 7108

REFERENCE: PLAT OF DICKE ACRES SUBDIVISION, PHASE 2  
PLAT CABINET 'C', SLIDES 143-144  
and ANNEXATION OF 4.041 ACRES, O.R. 552, PG. 1780

LEGAL DESCRIPTION OF WALNUT STREET SUBDIVISION BOUNDARY

EAST OF WALNUT STREET - BEGINNING AT A 5/8 INCH IRON PIN FOUND AT THE SOUTHWEST CORNER OF LOT NO. 6 IN DICKE ACRES SUBDIVISION, PHASE 2, VILLAGE OF NEW BREMEN, GERMAN TOWNSHIP, AUGLAIZE COUNTY, STATE OF OHIO, AS RECORDED IN PLAT CABINET 'C', SLIDES 143-144 OF THE RECORDS OF AUGLAIZE COUNTY, SAID POINT BEING AT THE NORTHWEST CORNER OF LOT NO. 46 IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, NORTH 77° 44' 05" EAST, 391.13 FEET TO A 5/8 INCH IRON PIN FOUND AT THE SOUTHWEST CORNER OF LOT NO. 4 IN SAID DICKE ACRES SUBDIVISION, PHASE 2, SAID POINT BEING AT THE NORTHERNMOST CORNER OF LOT NO. 46 IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH 50° 15' 23" EAST, 150.80 FEET ALONG SAID CORPORATION LINE TO A 5/8 INCH IRON PIN SET, SAID POINT BEING AT A CORNER IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH 8° 01' 30" EAST, 341.46 FEET ALONG SAID CORPORATION LINE TO A 5/8 INCH IRON PIN SET, SAID POINT BEING AT A CORNER IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH 48° 47' 30" EAST, 544.16 FEET ALONG SAID CORPORATION LINE TO A 5/8 INCH IRON PIN SET, SAID POINT BEING AT A CORNER OF THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH 25° 43' 47" EAST, 146.02 FEET ALONG SAID CORPORATION LINE TO A 5/8 INCH IRON PIN SET, SAID POINT BEING AT A CORNER IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH ZERO DEGREE 04' 00" EAST, 540.55 FEET TO A 5/8 INCH IRON PIN SET ON THE NORTH RIGHT-OF-WAY LINE OF AMSTERDAM ROAD, SAID POINT BEING AT A CORNER IN THE HEREIN DESCRIBED SUBDIVISION; THENCE, SOUTH ZERO DEGREE 04' 00" EAST, 540.55 FEET TO A 5/8 INCH IRON PIN SET ON THE NORTH RIGHT-OF-WAY LINE OF WALNUT STREET ALONG A CURVE TO THE RIGHT 25° 56' 00" TO A 5/8 INCH IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING NORTH 45° 04' 00" WEST, 21.21 FEET; THENCE, NORTH ZERO DEGREE 04' 00" WEST, 146.22 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A 5/8 INCH IRON PIN FOUND; THENCE, NORTHWESTERLY WITH THE EAST RIGHT-OF-WAY LINE OF WALNUT STREET ALONG A CURVE TO THE LEFT 48° 48' 00" TO A 5/8 INCH IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 565.00 FEET AND A CHORD BEARING NORTH 24° 25' 45" WEST, 466.14 FEET; THENCE, CONTINUING WITH SAID RIGHT-OF-WAY LINE, NORTH 48° 47' 30" WEST, 152.28 FEET TO A 5/8 INCH IRON PIN FOUND, CONTINUING WITH SAID RIGHT-OF-WAY LINE, ALONG A CURVE TO THE RIGHT 25° 56' 00" TO A 5/8 INCH IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 340.01 FEET AND A CHORD BEARING NORTH 27° 01' 26" WEST, 252.18 FEET; THENCE, CONTINUING WITH SAID RIGHT-OF-WAY LINE, NORTH 5° 15' 30" WEST, 487.90 FEET TO THE POINT OF BEGINNING. CONTAINING 18.612 ACRES, MORE OR LESS.

WEST OF WALNUT STREET - COMMENCING FOR REFERENCE AT A 1 INCH IRON PIN IN A MONUMENT BOX AT THE SOUTHWEST CORNER OF SECTION 14, TOWN 7 SOUTH, RANGE 4 EAST, SOUTH & EAST OF THE FIRST PRINCIPLE MERIDIAN, VILLAGE OF NEW BREMEN, GERMAN TOWNSHIP, AUGLAIZE COUNTY, STATE OF OHIO, SAID POINT BEING ON THE CENTERLINE OF WALNUT STREET, THENCE, NORTH ZERO DEGREE 40' 25" EAST, 40.00 FEET ALONG THE EAST LINE OF A 1.006 ACRES TRACT NOW OWNED BY CROWN CONTROL, INC., AS RECORDED IN OFFICIAL RECORD 137, PAGE 334 OF THE RECORDS OF AUGLAIZE COUNTY TO A 5/8 INCH IRON PIN FOUND, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED SUBDIVISION; THENCE, CONTINUE NORTH ZERO DEGREE 40' 25" EAST, 814.22 FEET ALONG THE WEST LINE OF THE HEREIN DESCRIBED SUBDIVISION TO AN IRON PIN IN CONCRETE FOUND AT THE NORTHEAST CORNER OF A 1.99 ACRES TRACT NOW OWNED BY DANIEL A. LUEBKE, AS RECORDED IN OFFICIAL RECORD 511, PAGE 1120 OF THE RECORDS OF AUGLAIZE COUNTY; THENCE, NORTH 84° 44' 30" EAST, 294.25 FEET ALONG A SOUTH LINE OF A TRACT NOW OWNED BY AMSTERDAM CENTER PARTNERSHIP, AS RECORDED IN OFFICIAL RECORD 143, PAGE 666 AND THE SOUTHWEST CORNER OF LOT NO. 10 IN WALNUT STREET PLANNED UNIT DEVELOPMENT, AS RECORDED IN PLAT CABINET 'C', SLIDES 143-144 OF THE RECORDS OF AUGLAIZE COUNTY TO A 5/8 INCH IRON PIN FOUND AT THE SOUTHWEST CORNER OF SAID LOT NO. 10, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE, SOUTHEASTERLY WITH SAID RIGHT-OF-WAY LINE ALONG A CURVE TO THE LEFT 24° 25' 45" TO A 5/8 INCH IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 410.01 FEET AND A CHORD BEARING SOUTH 91° 33' 51" EAST, 242.86 FEET; THENCE, SOUTH 48° 47' 30" EAST, 152.28 FEET ALONG SAID RIGHT-OF-WAY LINE TO A 5/8 INCH IRON PIN FOUND; THENCE, SOUTHERLY WITH SAID RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 42° 45' 00" TO A 5/8 INCH IRON PIN FOUND AND A CHORD BEARING SOUTH 24° 25' 45" WEST, 400.38 FEET; THENCE, SOUTH ZERO DEGREE 04' 00" EAST, 146.22 FEET ALONG SAID RIGHT-OF-WAY LINE TO A 5/8 INCH IRON PIN FOUND; THENCE, SOUTHWESTERLY WITH THE NORTH RIGHT-OF-WAY LINE OF AMSTERDAM ROAD ALONG A CURVE TO THE RIGHT 25° 56' 00" TO A 5/8 INCH IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING SOUTH 48° 56' 00" WEST, 698.35 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF AMSTERDAM ROAD TO THE POINT OF BEGINNING. CONTAINING 10.846 ACRES, MORE OR LESS.

TOTAL AREA = 29.508 ACRES  
AREA IN LOTS = 26.532 ACRES  
AREA IN STREET R.O.W. = 2.976 ACRES \*  
\* DOES NOT INCLUDE WALNUT STREET

OWNER'S DEDICATION

WE, THE UNDERSIGNED, BEING THE VICE-PRESIDENT OF DEVELOPMENT AND THE ASSISTANT TREASURER OF CROWN EQUIPMENT CORPORATION, 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 EQUIPMENT CORPORATION.

EASEMENTS SHOWN ON THIS PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES AND FOR PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED THIS 20th DAY OF September 2007.

John N. Palster  
Vice-President for Development  
Melanie M. Taylor  
Assistant Treasurer

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

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME MARK MANUEL, VICE-PRESIDENT FOR DEVELOPMENT AND BRADLEY L. SMITH, ASSISTANT TREASURER, WHO ACKNOWLEDGED THEY DID SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS THEIR FREE ACT AND DEED FOR THE PURPOSE THEREIN INTENDED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL AT New Bremen OHIO, THIS 20 DAY OF September 2007.

CROWN EQUIPMENT CORPORATION  
O.R. 551, PG. 1566  
TRACT No. 4



Melanie M. Taylor  
TAYLOR  
Melanie M. (Johanna) Taylor  
In and for the State of Ohio  
My Commission Expires 10-27-09

P.U.D. ZONE  
SETBACKS VARIABLE  
10 FEET MINIMUM AT PERIMETER

BUILDING SETBACKS

R-1 ZONE  
FRONT 25' (40' LOTS 34, 35 & 36)  
SIDE 5' MIN. (15' TOTAL)  
REAR 10'

R-2 ZONE  
FRONT 25'  
SIDE 5' MIN. (15' TOTAL)  
REAR 10'

THERE SHALL BE A UTILITY EASEMENT 5 FEET IN WIDTH ALONG EACH SIDE OF ALL SIDE LOT LINES, AND 10 FEET IN WIDTH ALONG ALL REAR LOT LINES, UNLESS OTHERWISE NOTED HEREON.

TRANSFERRED AND NUMBERED THIS DAY OF September 2007.

JANET SCHULER  
AUGLAIZE COUNTY AUDITOR

AUGLAIZE COUNTY #6270

FILED THIS 25 DAY OF Sept 2007 AT 11:46 O'CLOCK A.M.

RECORDED THIS 25 DAY OF Sept 2007

IN PLAT CABINET 'C' SLIDE 143-144  
Ann Billing  
AUGLAIZE COUNTY RECORDER



WALNUT STREET SUBDIVISION FOR CROWN EQUIPMENT CORPORATION

DECLARATION, COVENANTS, CONDITIONS AND RESTRICTIONS

ARTICLE 1

WHEREAS, CROWN EQUIPMENT CORPORATION IS THE OWNER HEREIN CALLED "THE DEVELOPER" OF CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF AUGLAIZE, STATE OF OHIO, CONSISTING OF APPROXIMATELY 29.5 ACRES SUBDIVIDED INTO 48 LOTS, LOTS 1 THROUGH 48, INCLUSIVE, WALNUT STREET SUBDIVISION (HEREINAFTER BEING COLLECTIVELY REFERRED TO AS THE "SUBDIVISION"), AS DESCRIBED AND SHOWN ON THE FINAL PLAN, WALNUT STREET 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 RESIDENTIAL COMMUNITY, IMPROVED WITH HIGH QUALITY HOMES.

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.

NOT WITHSTANDING THE FOREGOING PROVISION, THE "THE DEVELOPER" RESERVES THE RIGHT TO APPOINT ALL OF THE INTITAL AND SUCCESSOR MEMBERS OF THE COMMITTEE, NONE OF WHOM NEEDS TO BE AN OWNER OF A LOT IN THE SUBDIVISION, WITH SUCH RIGHT TO CONTINUE UNTIL THE DEVELOPER ELECTS (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 AND EACH CONDOMINIUM UNIT) 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 PERFORMED 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. ALL STRUCTURES SHALL BE SINGLE-FAMILY RESIDENTIAL STRUCTURES UNLESS ANOTHER STRUCTURE TYPE IS APPROVED BY THE COMMITTEE, IN ITS SOLE DISCRETION.

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 WITHIN 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 EXCLUSIVELY FOR RESIDENTIAL PURPOSES 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 VISIBLE 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 ALL SIGNS, BILLBOARDS, OR ADVERTISING STRUCTURES OF ANY KIND ARE PROHIBITED WITH THE FOLLOWING EXCEPTIONS.  
A. BUILDER AND CONTRACTOR SIGNS DURING CONSTRUCTION PERIODS.  
B. ONE PROFESSIONAL SIGN OF NOT MORE THAN FOUR SQUARE FEET TO ADVERTISE A LOT FOR SALE DURING A SALES PERIOD.  
NO SIGNS ARE PERMITTED TO BE ATTACHED TO TREES.

3.9 ALL NEW RESIDENTIAL LOT UTILITY LINES SHALL BE INSTALLED UNDERGROUND.

3.10 PLANS FOR INITIAL LANDSCAPING MUST BE SUBMITTED TO THE COMMITTEE FOR APPROVAL. A MINIMUM OF 4% OF THE BUILDING CONSTRUCTION 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 RESIDENCE 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 RESIDENTIAL 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 SALE 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 PUBLIC USE AREA "A" - A 3.081 ACRES PLOT LOCATED ALONG THE WEST SIDE OF THE SUBDIVISION HAS BEEN DEDICATED TO THE VILLAGE OF NEW BREMEN TO BE USED EXCLUSIVELY AS A STORM WATER MANAGEMENT AREA. MAINTENANCE AND UPKEEP OF THIS AREA SHALL BE PROVIDED BY THE VILLAGE OF NEW BREMEN.

3.13 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.

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

3.15 NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND OR DESCRIPTION SHALL BE RAISED, KEPT OR BRED ON ANY LOT IN THE SUBDIVISION. DOGS, CATS, OR OTHER SUCH HOUSEHOLD PET MAY BE KEPT ON ANY LOT, PROVIDED THAT NO SUCH HOUSEHOLD PET MAY BE KEPT ON ANY LOT FOR COMMERCIAL PURPOSES.

3.16 NO OUTBUILDINGS OR DETACHED STRUCTURES SHALL BE ALLOWED.

3.17 PUBLIC SIDEWALKS SHALL BE INSTALLED BY THE LOT OWNER AT THE TIME OF HOME CONSTRUCTION. SIDEWALK DESIGN SHALL CONFORM TO DETAILS AND SPECIFICATIONS INCLUDED IN THE CONSTRUCTION DOCUMENTS FOR THE STREETS IN THE SUBDIVISION. DRAWINGS ARE AVAILABLE AT THE OFFICES OF THE VILLAGE OF NEW BREMEN OR THE OFFICES OF THE COMMITTEE.

3.18 NO BOAT, BOAT TRAILER, HOUSE TRAILER, CAMPER, VAN, RECREATION VEHICLE, TENT OR EQUIPMENT OR VEHICLE OF A SIMILAR NATURE SHALL BE PARKED OR STORED ON ANY ROAD, STREET, DRIVEWAY, YARD OR LOT IN THE SUBDIVISION FOR ANY PERIOD OF TIME IN EXCESS OF 3 DAYS EXCEPT IN GARAGES.

3.19 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.

3.20 NO PERSON SHALL INSTALL OR MAINTAIN A WATER SERVICE CONNECTION WHERE A BOOSTER PUMP HAS BEEN INSTALLED, UNLESS AN AIR GAP SEPARATION IS PROVIDED.

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 ONE RESIDENCE UPON TWO (2) OR MORE LOTS, PENDING COMPLIANCE WITH THE ZONING REGULATIONS OF THE VILLAGE OF NEW BREMEN.

4.2 EACH SINGLE-FAMILY RESIDENTIAL STRUCTURE SHALL HAVE NOT LESS THAN 1,600 SQUARE FEET ON THE GROUND FLOOR, INCLUDING ATTACHED GARAGE SPACE, BUT EXCLUDING DECKING AND PATIOS, AND HAVE A MINIMUM CEILING HEIGHT OF NOT LESS THAN EIGHT FEET IN ALL ENCLOSED, HEATED, HABITABLE SPACE.

4.3 EACH MULTI-FAMILY RESIDENTIAL STRUCTURE SHALL HAVE NOT LESS THAN 1,200 SQUARE FEET PER UNIT ON THE GROUND FLOOR, INCLUDING ATTACHED GARAGE SPACE, BUT EXCLUDING DECKING AND PATIOS, AND HAVE A MINIMUM CEILING HEIGHT OF NOT LESS THAN EIGHT FEET IN ALL ENCLOSED, HEATED, HABITABLE SPACE.

4.4 ALL RESIDENCES SHALL HAVE A MINIMUM TWO-CAR GARAGE. OPENINGS OF GARAGES SHALL MEET THE FOLLOWING CRITERIA:

WALNUT STREET: LOTS 1, 2, 3, 11 THRU 25, INCLUSIVE, AND LOT 48.  
OPENINGS OF GARAGES SHALL NOT FACE WALNUT STREET.  
NO CURB CUTS ARE ALLOWED ON LOTS 3, 11, 21, 22, 25 AND 48;  
DRIVES SHALL ENTER FROM ADJACENT STREET.  
GILBERG & KUENNING STREETS: LOTS 4 THRU 10, INCLUSIVE, AND LOTS 26 THRU 47, INCLUSIVE. OPENINGS OF THE GARAGES MAY FRONT ON THE STREET, HOWEVER, EVERY EFFORT SHALL BE MADE TO SCREEN GARAGE OPENING.

4.5 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.

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

4.7 VENTS PROTRUDING THROUGH THE ROOF SHOULD BE PLACED ON REAR ROOF SURFACES WHEN POSSIBLE AND/OR BE PAINTED A COLOR TO BLEND WITH ROOF COLORING.

4. 8 SWIMMING POOLS SHALL MATCH ARCHITECTURAL CHARACTER OF THE STRUCTURE AND BE APPROVED BY THE COMMITTEE.

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

4.10 ROOF DRAINAGE SHALL BE CONNECTED TO THE STORM DRAIN PROVIDED ON EACH LOT. FOUNDATION TILING AND BASEMENT DRAINS SHALL BE PUMPED TO OUTLET ABOVE FINISHED GRADE.

4.11 ALL DRIVEWAYS SHALL BE HARD SURFACE PAVEMENT AND SHOULD EXTEND FROM THE GARAGE DOOR TO THE STREET AND BE APPROVED BY THE COMMITTEE.

4.12 THE FRONT ELEVATION OF THE RESIDENCES ON LOTS 3, 11, 15, 16, 21, 22, 25 AND 48 SHALL FACE WALNUT STREET.

4.13 THE FRONT ELEVATION OF THE RESIDENCES ON LOTS 28, 29, 42 AND 43 SHALL FACE GILBERG STREET.

4.14 THERE SHALL BE NO ACCESS TO AMSTERDAM ROAD FROM LOTS 7, 8, 15, 16, 34, 35 AND 36. LANDFORMS AND PLANT MATERIAL PLACED BY THE DEVELOPER ALONG AMSTERDAM ROAD SHALL NOT BE REMOVED OR DISTURBED BY SUBSEQUENT LOT OWNERS, UNLESS APPROVED BY THE COMMITTEE.

4.15 THE FINISHED GRADE AT THE BUILDING FACE SHALL NOT BE LESS THAN 18 INCHES ABOVE THE TOP OF CURB AT THE FRONT CENTER OF THE LOT, AS SHOWN ON THE GRADING PLAN. IF A RESIDENCE IS CONSTRUCTED ON TWO OR MORE LOTS, THE HIGHER LOT ELEVATION SHALL PREVAIL. THE FINISHED FLOOR ELEVATION OF THE MAIN FLOOR OF A RESIDENCE SHALL BE A MINIMUM OF 6 INCHES ABOVE THE EXTERIOR GRADE, AS ESTABLISHED HEREIN.

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 PARTY UPON THE RECURRENCE OR CONTINUATION OF SAID VIOLATION. IF ANY PERSON IS SUCCESSFUL 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 OWNERS (WITH EACH LOT AS CURRENTLY EXISTS OR CREATED IN THE FUTURE, AND EACH CONDOMINIUM UNIT, HAVE ONE VOTE) MAY AMEND THIS DECLARATION. UNLESS SO AMENDED 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 THE 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 REVEW SHALL BE ADDRESSED AND DELIVERED TO: THE COMMITTEE, WALNUT STREET SUBDIVISION, C/O RE-MAX SELECT 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.