

ELFIE PROPERTIES, LLC

PLAT OF

Rolling Acres Estates

Part of Northeast Quarter,
Section 25, T-5-S, R-5-E,
formerly part of Moulton Township,
now part of the City of Wapakoneta,

Plus Part of Northwest Quarter,
Section 30, T-5-S, R-6-E,
formerly part of Duchouquet Township,
now part of the City of Wapakoneta,

Auglaize County, Ohio
Total=20.279 Acres

NOTES

1. A FIVE (5) FOOT EASEMENT ALONG EACH SIDE OF ALL INTERIOR LOT LINES SHALL BE AVAILABLE FOR THE EXCLUSIVE USE OF THE CITY OF WAPAKONETA FOR UTILITY PURPOSES.
2. ALL EASEMENTS ALONG THE PERIMETER OF THE SUBDIVISION ARE EIGHT (8) FEET WIDE UNLESS OTHERWISE INDICATED. ALL EASEMENTS ALONG STREET RIGHT-OF-WAY ARE EITHER TEN (10) FEET OR FIFTEEN (15) IN WIDTH.
3. ALL PROPERTY CORNERS, POINTS OF CURVE, POINTS OF TANGENCY AND INTERSECTIONS AS SHOWN HEREON SHALL BE PLACED WITHIN 30 DAYS AFTER COMPLETION OF STREET CONSTRUCTION.
4. THE LENGTH OF CRIMSON COURT IS 782.76 FEET.
5. THE DEVELOPMENT AREAS ARE TO BE ZONED R-1.
6. IT WILL BE NECESSARY TO ESTABLISH AN EASEMENT TO ACCOMMODATE THE SANITARY SEWER WHICH CROSSES THE SOUTHWEST CORNER OF THE SCHULER PROPERTY. DIMENSIONS WILL BE 31' x 70' x 74.39'.

201800004795
Filed for Record in
Auglaize County, Ohio
CHRISTINA LANBERT, RECORDER
09-12-2018 At 12:19 PM.
PLAT 129.60

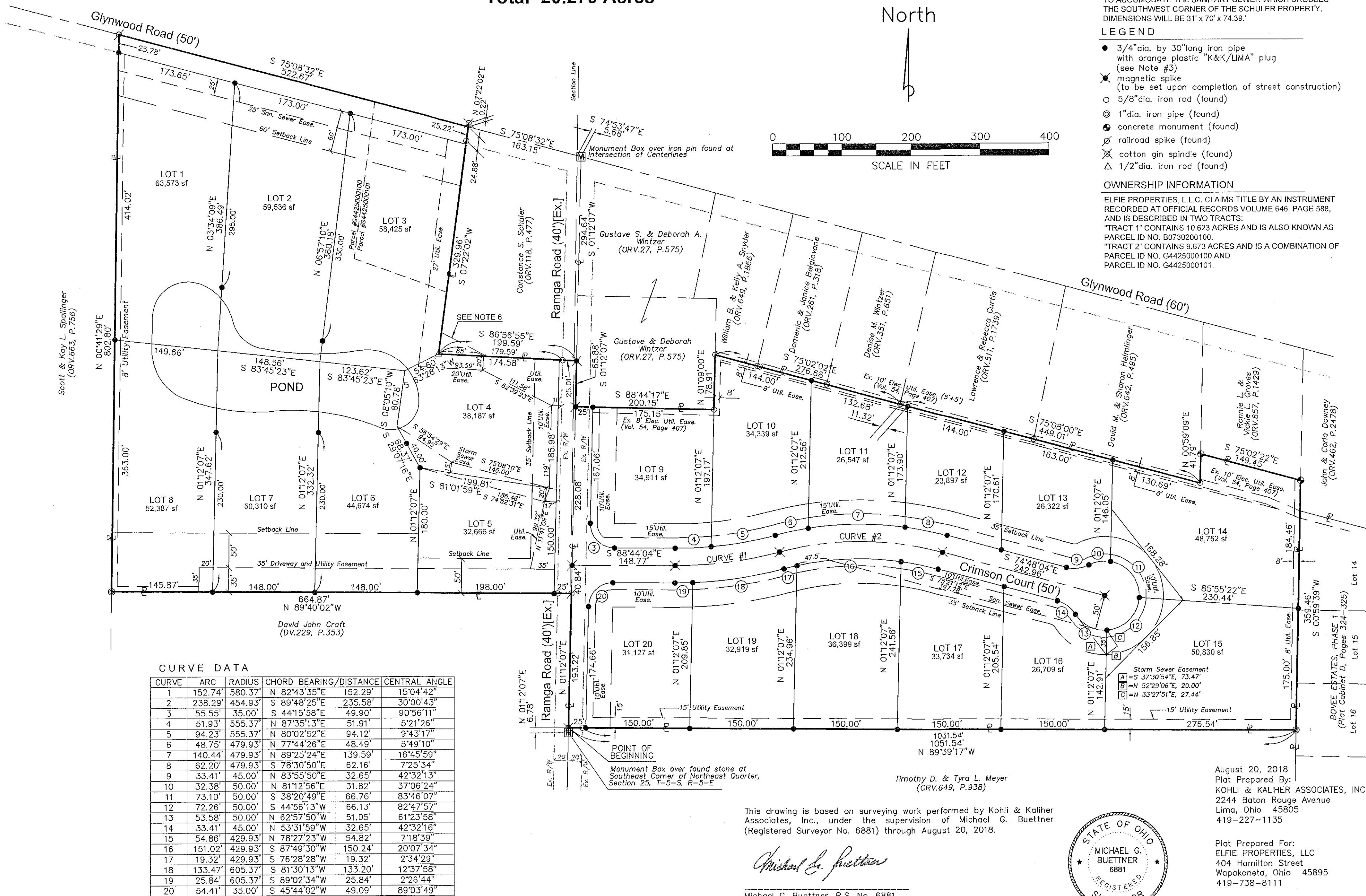
Col. D pgs 354-356

LEGEND

- 3/4" dia. by 30" long iron pipe with orange plastic "K&K/LIMA" plug (see Note #3)
- ✕ magnetic spike (to be set upon completion of street construction)
- 5/8" dia. iron rod (found)
- ⊙ 1" dia. iron pipe (found)
- concrete monument (found)
- ⊗ railroad spike (found)
- ⊗ cotton gin spindle (found)
- △ 1/2" dia. iron rod (found)

OWNERSHIP INFORMATION

ELFIE PROPERTIES, L.L.C. CLAIMS TITLE BY AN INSTRUMENT RECORDED AT OFFICIAL RECORDS VOLUME 646, PAGE 588, AND IS DESCRIBED IN TWO TRACTS:
"TRACT 1" CONTAINS 10.623 ACRES AND IS ALSO KNOWN AS PARCEL ID NO. B0730200100.
"TRACT 2" CONTAINS 9.673 ACRES AND IS A COMBINATION OF PARCEL ID NO. G4425000100 AND PARCEL ID NO. G4425000101.



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ELFIE PROPERTIES, LLC
ROLLING ACRES ESTATE
SUBDIVISION

DEED RESTRICTIONS

As part of a general plan for the development of the real estate herein being platted which is more fully described and recorded in PLAT CABINET _____, PAGES _____, in the Auglaize County Recorder's Office, as a residential area, and for the common advantage and benefit of the purchaser of any of the lots shown on said Subdivision Plat, the restrictions, covenants, reservations, liens, and charges hereinafter set forth, each and all of which is and are for the common benefit of said property and for each owner thereof, and shall apply to and be binding upon the purchasers and successors in interest: and the restrictions, covenants, reservations, easements, liens and charges applicable for each lot shall inure to the benefit of and be enforceable by the purchaser or purchasers of any other lot and their successors in interest.

The lots of real estate shown and described on the Subdivision Plat are and shall be held, transferred, sold and conveyed subject to the following conditions, restrictions, covenants, reservations, easements, liens and charges:

1. The words "Lots" or "Building Sites" shall be construed to mean and shall refer to one or more lots shown on the foregoing Subdivision Plat.

Architectural Approval

No residential dwelling shall be erected on any lot unless the building plans, specifications and plot plan showing locations of such structures have been approved by the Developer. Developer shall give notice of approval or rejection within fourteen (14) days after receipt of such plans and specifications. Developer agrees that approval of such plans and specifications shall not be unreasonably withheld.

Criteria considered in granting approval for residential building standards shall include, but not be limited to, harmony of external design and color with existing homes and structures in the area designated as Rolling Acres Estates and proposed height of foundation in relation to ground elevation. Construction of any out building or fences shall be only if such items are designed to be limited in nature and compatible with surrounding architecture and of no apparent detriment to the overall appearance of the area designated as Rolling Acres Estates.

After the Developer has sold all (20) lots an Architectural Committee consisting of three (3) individuals, who are each owners of lots in Rolling Acres Estates, shall be appointed by the Developer. The Architectural Committee shall assume full responsibility for approving any residential structures, outbuilding plans for residential structures, any storage outbuildings, or fences that are to be constructed on the referenced land know as Rolling Acres Estates. In the event of the death or resignation of any member of the committee originally appointed, the remaining members shall have the power to appoint new members to fill vacancies. Said Architectural Committee shall function, operate, and make decisions on a majority rule vote.

The following materials will be provided by the lot owners to the Developer or Architectural Committee, as the case may be.

- a) A formal site plan with final grade elevations and layout of proposed landscaping
b) A formal set of floor plans in 1/8" or 1/4" scale
c) A formal set of building elevations and listing of materials and specifications
d) A formal set of building specifications

In the event such Developer or Architectural Committee, as the case may be, fails to approve or disapprove said plans and specifications within thirty (30) days after the date the plans were submitted to them, then such approval shall not be required, provided the design is in harmony with similar structures located within Rolling Acres Estate, and that the structure conforms with all other covenants, restrictions and conditions set forth herein. In a case where the disapproval of a set of residential construction plans occurs, the Committee shall provide a written statement of the reason(s) for the disapproval and shall also indicate in a general manner, the type of plans and specifications that would be acceptable and approved by the Committee.

2. No residential structure shall be erected on a building site, the habitable floor area of which exclusive of basement, open porches and garages shall be less than 2,600 square feet for two-story structure and not less than 2,200 square feet for ranch style structures. The same square footage for two story residences shall be required on tri-level structures, on the main floor plus the upper level plus one-half the finished lower level shall be added to obtain the square footage. Vinyl siding shall be permitted if approved by the Developer or Architectural Committee. Front elevation shall have at least 2/3 masonry surface. The minimum roof pitch for the main residential structures shall be 6/12. All residential structures shall have a minimum 2-car garage.

3. Said building sites shall be used and occupied solely and exclusively for private residential purposes by a single family.

4. No more than one residence shall be built on each lot, and no lot shall be used for any other purposes other than a single-family residence. There shall be no commercial activity to be conducted on any lot within Rolling Acres Estate. This is to preserve the residential character of the neighborhood and to avoid increased vehicular traffic or industrial activity within the neighborhood. In addition and incidental to the required single family residence dwelling, a non-commercial workshop, storage building, green house, tennis court, or swimming pool may be constructed on any lot as long as such additions to the residence have approval of the Architectural Committee.

5. All buildings shall be constructed of new material and no building or other structure whatsoever erected elsewhere shall be permitted to be moved upon any building site without the written permission of the Developer or Architectural Committee.

6. No house may be occupied until completed. House must be completed in eight (8) months from time of commencement of construction.

7. Owners of each lot shall be prohibited from filling swales incorporated into the drainage design of the Subdivision.

8. No animals, livestock or poultry shall be kept or maintained on any of said building sites, except ordinary household pets which do not constitute an annoyance or nuisance, nor shall any house or travel trailers, campers or motor homes or boat trailers or snow mobile or snow mobile trailers, or any other such type equipment or recreation devises be stored or permitted to remain upon any building site, except inside the confines of a permanent structure. Also abandoned and/or non-licensed vehicles and equipment will not be permitted.

9. No signs, advertisement or billboards (except "For Sale" signs) either private or commercial in nature, may be erected or maintained on any building site.

10. No oil or gas wells shall be drilled nor any mining or commercial excavating operation of any kind be conducted on any building site.

11. No noxious and offensive activity, nor any commercial or business activities shall be carried out upon any building site nor shall anything be performed thereon which may be or may become an annoyance or nuisance.

12. All lots shall be permanently seeded and landscaped according to what is customary, normal and usual for the residence, which is being constructed. All exterior site work shall be approved by the Developer or Architectural Committee whenever performed. Landscape is defined as outdoor patio space, retaining walls, walkways, lawn shrubbery, tree work, and outdoor yard lighting system. Said landscaping shall be shown on the plot plan and be approved by the Developer or Architectural Committee as to quality, quantity and harmony with existing landscaping in the area of said building site and as to location with respect to topographic and natural lot drainage. Landscaping construction to be completed within eighteen (18) months from the commencement of construction.

13. No walls, fences or hedges, except retaining walls not extending above ground level, shall be erected or planted on any building site between the front property line and the front wall of the residence regardless of when it is constructed or installed. No chain link or farm wire fence shall be installed anywhere within the Subdivision. The type of material for fences and their respective location(s) must have written approval from the Developer or Architectural committee. No perimeter property fencing shall be permitted.

14. No lot shall be used or maintained or a dumping ground for rubbish, trash, garbage or other waste collection. All such waste shall be kept and maintained in sanitary containers in a location hidden from public view.

DESCRIPTION

Part of the northeast quarter of Section 25, Township-5-South, Range-5-East, formerly part of Moulton Township, now part of the City of Wapakoneta, plus part of the northwest quarter of Section 30, Township-5-South, Range-6-East, formerly part of Duchouquet Township, now part of the City of Wapakoneta, Auglaize County, Ohio, together described by metes and bounds as follows:

Commencing at a monument box (over a found stone) at the southeast corner of the northeast quarter of said Section 25;

thence northerly with the record centerline of Ramga Road (a.k.a. Township Road 31) at N 01°12'07"E, 6.78 feet to a cotton gin spindle (found) at the southwest corner of a 10.623-acre tract described as "Tract One" of the deed recorded at Official Records Volume 646, Page 588 of the Auglaize County Recorder's Office, which point is the POINT OF BEGINNING;

thence continuing northerly with said record centerline at N 01°12'07"E, 193.22 feet to a railroad spike (found) at the southeast corner of a 9.673-acre tract described as "Tract Two" of said deed recorded at Official Records Volume 646, Page 588;

thence westerly with the north line of lands granted to David John Craft (Deed Volume 229, Page 353) at N 89°40'02"W, 664.87 feet to an iron pipe (found) at the northwest corner of said Craft lands;

thence northerly with the east line of lands granted to Scott Spallinger and Kay L. Spallinger (Official Records 663, Page 756) at N 00°41'29"E, 802.80 feet to a railroad spike (found) in the legal centerline of Glynwood Road;

thence east-southeasterly with said legal centerline of Glynwood Road at S 75°08'32"E, 522.67 feet to a point, said point being witnessed by a cotton gin spindle (found) at N 07°22'02"E, 0.22 feet therefrom;

thence southerly with the west line of lands granted to Constance S. Schuler (Official Records Volume 118, Page 477) at S 07°22'02"W, 329.96 feet to a 1/2-inch iron rod (found) at the southwest corner of said Schuler lands [at 24.88 feet, this course passes through a capped 5/8-inch iron rod (found); at 25.22 feet, this course intersects the existing south right-of-way line of Glynwood Road];

thence easterly with the south line of said Schuler lands at S 86°56'55"E, 199.59 feet to a magspike (set) in said record centerline of Ramga Road [at 179.59 feet, this course passes through a capped 5/8-inch iron rod (found) in the existing west right-of-way line of Ramga Road];

thence southerly with said record centerline of Ramga Road at S 01°12'07"W, 65.88 feet to a magspike (set);

thence easterly with the south line of lands granted to Gustave Wintzer and Deborah Wintzer (O.R. Volume 27, Page 575) at S 88°44'17"E, 200.15 feet to a capped 5/8-inch iron rod (found) at the southeast corner of said Wintzer lands;

thence northerly with the east line of said Wintzer lands at N 01°09'00"E, 78.91 feet to a capped 5/8-inch iron rod (found) at a boundary corner of lands granted to William B. Snyder and Kelly A. Snyder (O.R. Volume 649, Page 1866);

thence east-southeasterly with the south line of said Snyder lands, then with the south line of lands granted to Domenic Belgiovane and Janice Belgiovane (O.R. Volume 261, Page 318), then with the south line of lands granted to Denise M. Wintzer (O.R. Volume 351, Page 651) at S 75°02'02"E, 276.68 feet to a capped 5/8-inch iron rod (found) at the southeast corner of said Wintzer lands;

thence east-southeasterly with the south line of lands granted to Lawrence Curtis and Rebecca Curtis (O.R. Volume 511, Page 1739), then with the south line of lands granted to David M. Helminger and Sharon Helminger (O.R. Volume 642, Page 495) at S 75°08'00"E, 449.01 feet to a capped 5/8-inch iron rod (found) at the southeast corner of said Helminger lands;

thence northerly with the east line of said Helminger lands at N 00°59'09"E, 41.79 feet to a concrete monument (found) at the southwest corner of lands granted to Ronnie L. Groves and Vickie L. Groves (O.R. Volume 657, Page 1429);

thence east-southeasterly with the south line of said Groves lands at S 75°02'22"E, 149.45 feet to a concrete monument (found) at the southeast corner of said Groves lands, which point is also in the west line of lands granted to John Downey and Carla Downey (O.R. Volume 462, Page 2478);

thence southerly with the west line of said Downey lands, then with the west line of lands platted as "Bovee Estates, Phase 1" (Plat Cabinet D, Pages 324-325) at S 00°59'39"W, 359.46 feet to a one-inch diameter iron pipe (found) at the northeast corner of lands granted to Timothy D. Meyer and Tyra L. Meyer (O.R. Volume 649, Page 938);

thence westerly with the north line of said Meyer lands at N 89°39'17"W, 1031.54 feet to the POINT OF BEGINNING [at 1031.54 feet, this course passes through a capped 5/8-inch iron rod (found) in the existing east right-of-way line of Ramga Road].

The area herein described contains a gross area of 20.279 acres, of which 0.366 acres are subject to the existing right-of-way of Ramga Road, leaving a net area of 19.913 acres.

Owner of record is "Elfie Properties, L.L.C." which claims title by an instrument recorded at Official Records Volume 646, Page 588 at the office of the Auglaize County Recorder.

This description is based on surveying work performed under my supervision by Kohli & Kaliher Associates, Inc., through September 4, 2018. Bearings are based on a bearing of N 01°12'07"E for the record centerline of Ramga Road, as per previous survey by others.

Michael G. Buettner

Michael G. Buettner
Registered Surveyor No. 6881



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PROTECTIVE COVENANTS
(continued from sheet two of three)

15. All utilities providing service to any dwelling house or outbuilding shall be located, trenched and buried underground. There shall be no overhead services in the Subdivision.

16. Each residence constructed on the lots shall be connected to the sanitary sewer system. No septic tanks of any nature will be permitted in the Subdivision.

17. Each and every building site and lot shall be subject to building setback requirements as delineated on the Subdivision Plat and the most current City of Wapakoneta zoning ordinances.

18. All buildings, structures and residences located on the lots within the Subdivision shall be maintained in substantial repair, and the grass, trees, shrubbery, and hedges shall be reasonably trimmed and attended.

19. Easements for the installation and maintenance of storm sewers, sanitary sewers, water lines, and all public utilities and drainage facilities are reserved as shown on the accompanying Subdivision Plat. Any lot which is designed for natural flow of surface water, and any improvement made on or under any such easement shall be made at the risk of the owner of the building site upon which such improvements are made. All utilities servicing lots shall be located underground at the expense of the lot owner. The lot owner is responsible for sidewalk installation as per City of Wapakoneta street codes, specifications and requirements.

20. No swimming pools of any kind shall be permitted to be placed or suffered to remain on any lot unless the same shall be installed in ground so that the finished elevation, excluding diving boards, shall not be more than one (1) foot above the established grade level of the lot on which said swimming pool is to be installed. This restriction shall not be construed to apply to infant, inflatable, or portable wading pools as long as they are not an annoyance or nuisance to the Subdivision.

21. Drives shall be at least sixteen (16) feet in width and constructed of concrete or paving brick. Construction of sidewalks within the street right-of-way shall be the responsibility of the Lot owner and be constructed in accordance with the City of Wapakoneta specifications. Sidewalk construction shall be completed no later than thirty (30) days after occupancy of the dwelling.

22. All restrictions, covenants and conditions as set forth on the accompanying Subdivision Plat run with the land, and are reserved for the benefit of all building sites and all lot owners, and shall be binding on all future lot owners of each and every building site, and all persons claiming title under them until January 1, 2028, after which time said easements, restrictions, covenants and conditions shall automatically be extended for periods of ten (10) years each, provided that the owners of three-fourths (3/4) majority of the building sites may, in writing, change, modify, alter, amend or annul any of the restrictions, reservations or conditions at any time. All easements shown on the plat shall be dedicated for use forever.

23. 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 full force and effect.

24. There shall be no changes made to the size or surface area of the lake as shown on the attached Subdivision Plat, and as shown on the detail plans, profiles and specifications of the Rolling Acres Estates Subdivision Construction Drawings on file with the City of Wapakoneta Engineering Department. There shall also be no changes made to the elevation of any of the inlet or outlet drainage pipe structures installed as part of the original construction of the Rolling Acres Estates Subdivision. All lakefront lots located within the Rolling Acres Estates Subdivision shall install their respective footer drains, sump pumps drains and/or downspout drains directly to the lake or pond at the lot owners' expense. The Developer or Architectural committee, as the case may be must review all elevations, materials and location of said footer drains, sump pump drains, and/or downspout outletting into lake as a part of the Architectural and Construction review process as earlier described in these restrictions. The normal water elevation of the lake shall in no way be altered. The finished dike elevations of the lakes or ponds shall in no way be altered from elevations established and as shown on the "Grading Plan" of the Rolling Acres Estates Subdivision Construction Drawings on file with the City of Wapakoneta Engineering Department.

25. The forementioned restrictions, reservations, covenants and conditions are in addition to any applicable City of Wapakoneta building and zoning regulations.

26. The site developer is responsible for maintenance of the onsite detention pond, until such time as a homeowner's association is established with 25% occupancy and a maintenance agreement is executed by both developer and homeowner's association representatives. The maintenance agreement must be approved by the City of Wapakoneta and an approved copy must be submitted to the City for their records. Maintenance shall include:

- All pond and drainage swale maintenance.
- Danger signs should be mounted at appropriate locations to warn of deep water, possible flood conditions that exist during storm periods, and other dangers that exist.
- Retention pond maintenance shall include algae control with pond additives as deemed necessary, and bluing agents as needed.
- Grass shall be maintained throughout the entire basin area, with the grass cut regularly (no less than 5 times a year by the homeowner association) and in accordance with the City of Wapakoneta zoning ordinances.
- Debris, trash removal, and other necessary maintenance shall be performed after each storm as needed to assure continued operation in conformance with the design.

By: David P. Schlenker
David P. Schlenker, Managing Member



KARA LYNN MYERS
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 01, 2021

DEDICATION

I, the undersigned owner of the land shown, have caused the area encompassed by this plat to be surveyed, platted and to be known as ROLLING ACRES ESTATES, and do hereby certify that said plat is a true representation of the same. We also dedicate the street right-of-ways and the utility easements (with certain reservations solely to the City of Wapakoneta) as shown on the above plat to the public for their use forever.

ELFIE PROPERTIES, LLC

David P. Schlenker
Witness

By: David P. Schlenker
David P. Schlenker
Managing Member

ACKNOWLEDGEMENT

STATE OF OHIO, S.S.

COUNTY OF AUGLAIZE

Before me, a Notary Public in and for the County and State aforesaid, personally appeared David P. Schlenker, Managing Member of ELFIE PROPERTIES, LLC, an Ohio Limited Liability Company, and acknowledged the signing of the foregoing instrument to be his free act and deed.

IN TESTIMONY WHEREOF, I have affixed my hand and seal on this 12 day of September, 2018.

Kara Lynn Myers
Notary Public

PLANNING COMMISSION APPROVAL

The Planning Commission of the City of

Wapakoneta hereby certifies that the above plat was approved by said Commission on the 11th day of September, 2018.

By: Paul Ant 9-12-18
Chairman date

By: Mary Paul 9-11-18
Secretary date

CERTIFICATE OF ACCEPTANCE

I hereby certify that the above plat was approved and the street right-of-way and easements dedicated thereon were accepted by Council of the City of Wapakoneta, Ohio.

By: Flood Neagy 9/12/18
Director of Public Service and Safety date

RECEIVED

SEP 12 2018

JANET SCHULER
Auglaize County Auditor
AUDITOR'S CERTIFICATE

This plat was filed for transfer this 12 day of Sept 2018.

Fee: _____

Janet Schuler
Janet Schuler,
Auglaize County Auditor

RECORDER'S CERTIFICATE

Number: 4705

Filed for record in the Auglaize County

Recorder's Office on this 12th day of September, 2018 at 12:18 p.m., and recorded in Plat Cabinet D, Page 354 - 356

Christian Lambert
Chris Lambert,
Auglaize County Recorder