

BERLIN ACRES

FIRST ADDITION

MILITARY SURVEY NO. 2386

PLAT BOOK 7, PAGE 38A+B

WASHINGTON TOWNSHIP & UNION TOWNSHIP

CLINTON COUNTY, OHIO FEBRUARY 1991

PLAT OF 28.0057 ACRES & REPLAT LOTS 1 & 2

PROTECTIVE COVENANTS AND RESTRICTIONS

- These covenants and restrictions are for the benefit of all lot owners and are to run with the land and shall be binding upon all parties and all persons claiming under them until January 2020, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by a majority vote of the then owners of the lots it is agreed to change said covenants in whole or in part.
- It shall be lawful for BERLIN ACRES (hereinafter referred to as Developer) or any other person or persons owning any real property situated in BERLIN ACRES to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any covenant or restriction herein contained and either to prevent him or them from so doing, to recover damages or other dues from such violations.
- Invalidation of any of these covenants by judgement or court order shall not in any way effect any other provisions which remain in full force and effect.
- All lots in this subdivision shall be known as RESIDENTIAL LOTS. No structure shall be erected on any lot other than one detached SINGLE FAMILY dwelling, not to exceed three (3) stories in height, exclusive of basement and a private garage for not less than two (2) cars nor more than four (4) cars attached to the residence unless otherwise approved in writing by the Developer.
- No building shall be erected or placed on any lot of this subdivision without initiated approval of the design plans, materials, colors, and location of the building, by the Developer, who shall approve or disapprove design plans, within five (5) days of submission by the builder. Two (2) sets of plans must be submitted to the Developer, with one set returned with initiated approvals.
- No building shall be located nearer to the front lot line or nearer to the side street lot line than the building set-back line as shown on the recorded plat.
- No noxious or offensive trade or activities shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the occupants of any lot.
- No trailer, basement, tent, shack, garage or other out building erected on this plat shall at any time be used as a residence, either temporarily or permanently nor shall any structure of a temporary nature be used as a residence.
- Debris and unused materials shall be removed or stored out of sight immediately after construction is completed and occupancy obtained.
- No fence, wall or hedge shall be permitted to extend nearer to any line than the minimum building set-back line, or the front of the building, whichever is further from the street. Owner will maintain and keep any fence, constructed on his property, in good condition and repair at all times and in general appearance to match adjacent properties. All fencing will be three or four rail wood.
- No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than 2 x 2 feet square or one sign of not more than 4 x 8 feet advertising the property for sale used by the builder to advertise the property during the construction and sales periods, or a permanent entrance sign installed by the Developer.
- No animals, livestock, or poultry of any kind shall be raised, bred, or kept, on any lot except dogs, cats, and other household pets, provided they are not kept, bred, or maintained for commercial purposes. Two dogs or two cats or combination of both, maximum. Matching barns and buildings will have an enclosed, confined area to maintain pets kept outside. Sanitary conditions must be maintained at all times.
- The total floor area of the main dwelling structure, exclusive of open porches, garages, or steps shall not be less than eighteen (1800) square feet for one story structures and twenty-two (2200) square feet for one and one half story structures, exclusive of basement. All dwellings and auxiliary structures must be completed within twelve (12) months of starting date and completed during the 2nd calendar year following the purchase of the lot. No other structure or out-building shall be erected, placed or suffered to remain upon any lot except a building which will match the architecture of the residence and have compatible colors with the dwelling residence. Masonry or wooden structures shall be erected, no used materials or siding other than the above mentioned, will be allowed, except for exterior decorating effects. No aluminum, wood substitute, or T-111 siding shall be permitted. Normal roof pitches shall be 4/12 or greater, unless approved by the Developer. Post lamps, with electric eye only, are required and must be located a minimum of ten (10) feet from the driveway and fifteen (15) feet from the minimum front yard setback distance.
- In the Wilmington area it is recommended that general construction methods include exterior noise reduction.
- The minimum landscaping requirements shall be: two trees, 1 and 1/2 inches or more in diameter and twelve (12) shrubs located in the front yard area.
- No above-ground swimming pools will be permitted. In-ground pools must be placed within the setback lines of the lot. All pools must have adequate safety fencing. Tennis courts must be placed in relationship to observe all easements and setback lines of the lot.

- The owners of all building lots with the subdivision shall be required to maintain storm water drainage ways in such a manner as not to interfere or hinder the normal flow of water. Driveways shall have storm water pipe per county standards. Driveway culvert headwalls shall have adequate protection from damage to avoid constricted drainage.
- Easements as shown on the record plat for each lot, are reserved for utility installation, maintenance and repair, and all surface water drainage. Any improvements made on such easements by the owner are made at the risk of the property owner.
- No junk or debris, such as discarded automobiles, machinery or vehicles, or parts thereof including any waste materials shall be stored on any lot. Boats, trailer, recreational vehicles, and other such items must be kept free from public view.
- No lot hereafter shall be subdivided into parcels for additional residential purposes.
- No satellite dish antennas are permitted without the written consent of the Developer, as to specific location.
- Lot owner shall keep the premises neat and clean, the buildings well painted and remove weeds and underbrush, subdivider, and its successors and assigns, reserve the right to enter upon the premises for the purpose of cutting grass, removing underbrush or debris or filling in for any purpose or assigns may deem necessary and to charge lot owners and assigns for the costs thereof. No rubbish or refuse shall be dumped on any lot. Trash, garbage or other waste shall be kept in sanitary containers.
- Driveways shall be concrete, asphalt, brick or pavers, and be completed within six (6) months of owner occupancy.
- Each lot shall use a mail box and post, the design and decor of which shall be properly maintained to not detract from other property landscaping.
- By January 1, 1993 or after 75 percent of the lots in BERLIN ACRES, First Addition, have been sold, a Homeowners Association will approve a body of three property owners to settle disputes, make changes and generally represent the majority concerns. The three representatives will be elected by homeowners vote, with one (1) vote per lot, for a term of one (1) year.

May the spirit and purpose of these covenants and restrictions be that all persons may dwell in peace and harmony together, enjoying the riches of God's earth.

BERLIN ACRES, INC.

DEED REFERENCES:

Situated in Military Survey #2386, in Union and Washington Townships, Clinton Co., Ohio, containing 31.5738 Acres, being 28.0057 Acres of a tract as conveyed to Berlin Acres, Inc. and described in the deed recorded in Official Record 51, Page 68, Clinton County, Ohio and also Lot 1 being 2.0668 Acres, and Lot 2, being 1.5013 Acres of Berlin Acres as recorded in Plat Book Volume 7, Envelope 31-B, Clinton County, Ohio.

OWNER'S CONSENT AND DEDICATION

We the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets as shown hereon to the public use forever.

Any "Public Utility Easements" as shown on this plat are for the placement of sidewalks and for the maintenance and repair of streets. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, or other utility lines or services, storm water disposal and for the express privilege of removing any and all trees or other obstructions to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

John D. Manno
Robert B. Burt
Raymond K. Robinson
Owners

William Berlin
Stephen W. Gooding
D. J. ...
Witnesses

CERTIFICATE OF NOTARY PUBLIC

State of Ohio, S.S.

Be it remembered that on this 25 day of MARCH, 1991, before me the undersigned, a Notary Public in and for said State, personally came Bill D. Manno and Robert Burt who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

In testimony whereof, I have set my hand and Seal on the day and date above written.

Craig A. Carter
Notary Public

NOTARY PUBLIC STATE OF OHIO
My commission expires JANUARY 13, 1994
Notary Public, State of Ohio
My Commission Expires January 13, 1994
Recorded in Clinton County

CITY PLANNING COMMISSION

Under authority provided by acts of the General Assembly of the State of Ohio, and ordinance adopted by the Council of the City of Wilmington, Ohio, this Plat was given approval by the City of Wilmington as follows:

Approved by City Planning Commission at a meeting held on February 26, 1991.
William J. Temple Chairman
Neva J. Martin Secretary

COUNTY ENGINEER

I hereby approve this plat on this 5th day of April, 1991.

William J. Temple, P.E., P.S.
Clinton County Engineer

CLINTON COUNTY COMMISSIONERS

We hereby approve the within plat and accept the dedication of the streets shown thereon for the perpetual use of the public this 5th day of April, 1991.

Commissioners: *David Emmett Bailey*
David R. Stewart
John W. Watson

Clerk: *Wendy K. Wood*

COUNTY RECORDER

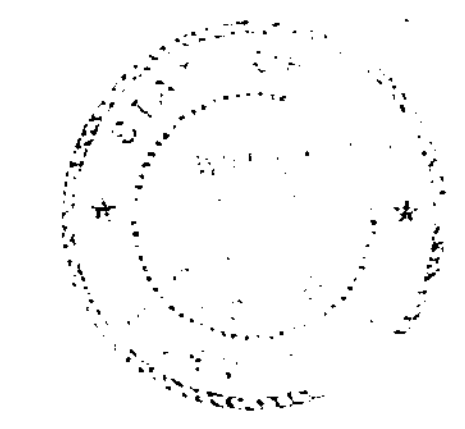
File No. 6850
Received on this 12 day of April, 1991, at 11:49 A.M.
Recorded on this 12 day of April, 1991, at 11:49 A.M.
Recorded in plat book No. 7 Page 38 A+B
Fee

By *Andrea K. Witt* Deputy
Jean S. Richardson Clinton County Recorder

CERTIFICATE OF SURVEYOR

I hereby certify that this map is a true and complete survey made under my supervision, in February, 1991 and that all monuments and lot corner pins are (or will be) set as shown.

William R. Yackam
William R. Yackam, # 5557
Registered Surveyor



Developers - Owners
Berlin Acres, Inc.
495 Hiatt Avenue
Wilmington, Ohio 45177
382-3736

APPROVED
CLINTON COUNTY ENGINEER
PER *Neil R. Roberts*
DATE 4/9/91 FEE NONE

BERLIN ACRES
First Addition

WYCO ENGINEERING
AND SURVEYING
8401 CLAUDE THOMAS RD
FRANKLIN, OHIO

| | |
|------------------|--------------|
| SCALE: 1" = 100' | REVISION |
| DATE: 2/ 9/91 | 513-740, 600 |
| DRAWN BY: R.C. | |
| SHEET 2 OF 2 | 0067114 |

Original Recordings

22-79