

Orig. Recorder

RECEIVED FOR RECORD
Recorded: May 4
Book No. 7 Page: 56 B
95 MAY -4 AM 9:30
Fee: \$40.00
#35187 SANDRA K. WILT
Recorder
Clinton County, Ohio

Berlin Acres
Second Addition
Military Survey No. 2386
Washington Township, Clinton County, Ohio
March 1995, 30.9560 Acres

CLINTON COUNTY RECORD
26 MAR 22
1995

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 1, 2020, at which time said covenants shall be automatically extended for successive periods of ten (10) year, 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 (henceforth 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 in no way affect any other provisions which remain in full force and effect.
- All lots in the subdivision shall be known as RESIDENTIAL. No structure shall be erected other than on detached SINGLE FAMILY dwelling, not to exceed three (3) stories in height, exclusive of basement and a private attached garage for not less than (2) cars nor more than (4) cars unless approved in writing by the Developer.
- No building shall be erected or placed on any lot of this subdivision without initial approval of the design plans, materials, colors, and location of the building, by the Developer.
- 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.
- 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 front lot 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 such fence in good condition and repair at all times.
- No sign of any kind shall be displayed to the public view on any lot except one professional sign advertising the property for sale or one used by the builder to advertise the property during the construction and sales periods.
- No animals or livestock except dogs, cats and other usual household pets may be harbored on any lot.
- The total floor area of the main dwelling structure, exclusive of open porches, garages, or steps shall not be less than eighteen (1800) hundred square feet for one-story structures and twenty-two (2200) hundred square feet for one and one-half-story structures, exclusive of basement.
- In the Wilmington area it is recommended that general construction methods include exterior noise reduction.
- No above-ground swimming pools will be permitted. In-ground pools must be placed within the setback lines of the lot and have adequate safety fencing.
- 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.
- Driveways shall be concrete, asphalt, brick or pavers, and be completed within six (6) months of owner occupancy.

21. By January 1, 1998 or after 75 percent of the lots in BERLIN ACRES 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.
BERLIN ACRES, INC.

DEED REFERENCES:

Situated in Military Survey #2386, in Washington Township, Clinton County, Ohio, containing 30.9560 Acres, being 30.9560 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.

OWNERS CONSENT AND DEDICATION

We the undersigned BERLIN ACRES INC. owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat and subdivide said real estate in accordance with this plat, and do hereby agree that we will abide by all requirements of the City Standard Plans and Specifications of the City of Wilmington, Ohio.

This subdivision, to be known as Berlin Acres, Second Addition, and all streets, alleys, and public areas shown and not heretofore dedicated, are hereby dedicated to public use.

All easements shown as a part of this plat are dedicated to the use of private or public utilities for the installation, maintenance and replacement of utility lines. No structures shall be placed within an easement and any trees, flowers or other objects upon the easement are placed there at the property owner's risk.

After construction and grading is completed, monuments shall be placed on all lot corners where they do not exist at that time.

Lennis E. Perkins
LENNIS E. PERKINS (1)
Raymond L. Richardson
RAYMOND L. RICHARDSON (2)
Robert Berlin
ROBERT BERLIN (3)

Vicki Lannan Donald W. Gaddis
VICKI LANNAN DONALD W. GADDIS (1)
Vicki Lannan Donald W. Gaddis
VICKI LANNAN DONALD W. GADDIS (1)
Vicki Lannan Donald W. Gaddis
VICKI LANNAN DONALD W. GADDIS (1)

State of Ohio, County of Clinton SS,

Before me the undersigned Notary Public, in and for the County and State, personally appeared LENNIS E. PERKINS, RAYMOND L. RICHARDSON, ROBERT BERLIN, and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my Hand and Notary Seal this 31 day of MARCH, 1995.

Craig A. Curtis
Notary Public
CRAIG A. CURTIS
Notary Public, State of Ohio
My Commission Expires Jan. 13, 1999
Recorded in Clinton County

PLANNING COMMISSION APPROVAL

Under authority provided by acts of the General Assembly of the State of Ohio, and ordinances adopted by 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 March 28, 1995.

Charles E. ...
Chairman
Walter ...
Secretary

Engineer's Approval

I hereby approve this plat on this 12th day of April, 1995.

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

4-12-95
Date

CLINTON COUNTY COMMISSIONERS

We do hereby approve the within plat and accept the dedication of the streets shown thereon for the perpetual use of the public this 12th day of April, 1995.

Commissioners: [Signatures]

Clerk: Suzanne H. Woods

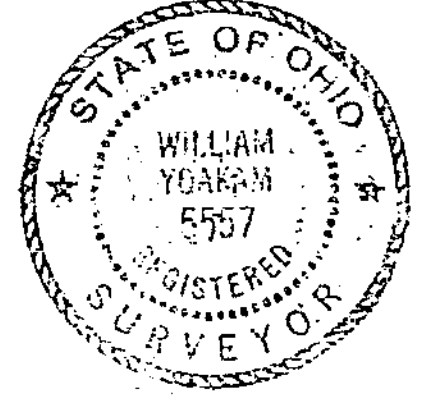
COUNTY RECORDER

File No. _____
Received on this _____ day of _____, 1995 at _____ M.
Recorded on this _____ day of _____, 1995 at _____ M.
Recorded in plat book No. _____ Page _____
Fee _____

By _____ Deputy _____ Clinton County Recorder

Engineer or Surveyor Certification

I, William R. Yeakam, hereby certify that I am a Professional Engineer or Surveyor, licensed in compliance with the laws of the State of Ohio, that this plat correctly represents a survey made or supervised by me, and that all monuments shown thereon actually exist at their locations.



William R. Yeakam, P.E., P.S.
Engineer - Surveyor

Ohio 30956 (Engineer) 5557 (Surveyor)
Registration No.

March 13, 1995
Date

REVISIONS	DATE	BY

DESIGNED BY: R. Campbell
DATE: 3/13/95
DWG. NO.: M363F2A
PROJECT: Berlin Acres Second Addition

HORIZ. SCALE: 1" = 100'
VERT. SCALE: NA
DWG. 2 of 2

WYCO ENGINEERING AND SURVEYING, INC.
8401 Claude Thomas Road
Franklin, Ohio 45005
513-746-6666