BERLIN [illegible]S

FIRST [illegible]ITION

MILITARY SURVEY NO. 2386

WASHINGTON TOWNSHIP 8 UNION TOWNSHIP

CLINTON COUNTY, OHIO   FEBRUARY 1991

PLAT OF 28.0057 ACRES 8 REPLAT LOTS 1 8 2

PLAT BOOK ____, PAGE ____

PROTECTIVE COVENANTS AND RESTRICTIONS

1. 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.

2. 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.

3. Invalidation of any of these covenants by judgement or court order shall in no way effect any other provisions which remain in full force and effect.

4. 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.

5. No building shall be erected or placed on any lot of this subdivision without initialed approval of the design plans, materials, colors, and location of the building, by the Developer, who shall approve or disapprove design plans, etc., 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 initialed approvals.

6. 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.

7. 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.

8. 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.

9. Debris and unused materials shall be removed or stored out of sight immediately after construction is completed and occupancy obtained.

10. 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.

11. 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.

12. 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 [illegible] of both, maximum. [illegible] barns and buildings will have an enclosed, confined area to maintain pets kept outside. Sanitary conditions must be maintained at all times.

13. The total floor area of the [illegible]

[illegible]

17. 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.

18. 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.

19. 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.

20. No lot hereafter shall be subdivided into parcels for additional residential purposes.

21. No satellite dish antennas are permitted without the written consent of the Developer, as to specific location.

22. 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 to improve the appearance of the premises as subdivider 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.

23. Driveways shall be concrete, asphalt, brick or pavers, and be completed within six (6) months of owner occupancy.

24. 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.

25. 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 2.0[illegible] Acres, and Lot 2, being 1.5013 Acres of Berlin Acres as recorded in Plat Book Volume 7, Envelope 31-8, 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 [illegible]" as shown on this plat are for the [illegible] and repair of streets. This [illegible] on this plat, unless [illegible] construction, operation, [illegible] water [illegible] trees or [illegible] streets [illegible] purposes [illegible] forever.

[illegible]

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 ________, 1991.

________ Chairman   ________ Secretary

COUNTY ENGINEER

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

________, PE, PS.
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 ____ day of ________, 1991.

Commissioners : ________

Clerk : ________

COUNTY RECORDER

File No. ________
Received on this ____ day of ________, 1991, at ________ .M.
Recorded on this ____ day of ________, 1991, at ________ .M.
Recorded in plat book No. 7 Page 38 A-B
Fee ________
By ________ Deputy   ________ 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. Yoakam, # 5557
Registered Surveyor

STATE OF OHIO
WILLIAM
YOAKAM
5557
REGISTERED
SURVEYOR

Developers - Owners
Berlin Acres, Inc.
495 Hiatt Avenue
Wilmington, Ohio 45177
382-[illegible]

APPROVED
[illegible]
DATE [illegible]

BERLIN ACRES
First Addition

[illegible] ENGINEERING
[illegible]