

BUILDING AND DEVELOPMENT RESTRICTIONS FOR MAPLEWOOD FARM SUBDIVISION

Each and every subplot in the Maplewood Farm Subdivision located in the Township of Montville and the County of Medina shall be conveyed subject to the following restrictive covenants. The remaining farm with 8.66 acres, at 6996 Wooster Pike Road is not subject to these restrictive covenants.

1. Residential Use: Only one residential dwelling shall be erected per lot. The dwelling shall be restricted to the use of a single family, their household servants and guests. No lot shall be further subdivided without the written agreement of the owner of the subdivision and approval of Montville Township.
2. No Trade, Business, Profession, Etc.: No trade, business, profession or other type of commercial activity that is evident to the neighboring sublots or the general public shall be permitted except for the developer conducting such activities as are necessary for the completing of the development or contractors in the building and subsequent repair or maintenance of any dwelling or improvement.
3. No Animals: No animals with the exception of domestic cats, dogs and other household pets shall be permitted on the land of this subdivision. No animal of any kind shall be kept, harbored, used or bred on any subplot for commercial purposes or in connection with any business, trade or profession.
4. Lawn and Landscaping: Said landscaping shall be completed in a reasonable time after occupancy, not to exceed nine months. No fences, walls, entranceways or structures of any kind shall be built within the road right of way or without the required prior approval. Every reasonable effort shall be made to protect and preserve that natural characteristics of the land. No lot shall be used for dumping or storage of rubbish, trash, garbage or other waste. Household trash or garbage shall be kept in sanitary containers.
5. Approval of Plans, Specifications and Location of Buildings: In order to insure that the homes and other buildings in this subdivision will preserve a uniformly high standard of construction; no building or other structure shall be erected, placed or remain on any building lot in this subdivision until a set of plans of the working drawings and specifications, including a plot plan showing the location of the buildings or other structures, walls and fences, driveways and poles, property lines and setbacks is submitted to and approved by the owner of the subdivision or the subsequent homeowners association. Dwellings built in this subdivision shall be of conventional style and material. Refusal of approval of the plans, specifications and location may be based on ground, including a purely aesthetic grounds which in the sole and uncontrolled discretion of the owner shall be deemed sufficient. The owner of any lot in this subdivision is required to finish construction of their dwelling within 12 months of the commencement.
6. The Residence: All dwellings or buildings must adhere to the following specifications:
 - a. Garages shall be affixed to their respective dwelling with space for parking of not less than two (2) cars. The garage opening shall not face any street but shall open to the side or rear of the dwelling.
 - b. All dwellings must have a basement with overhead clearance of at least 7 feet.
 - c. All exposed exterior basement walls shall be covered with brick or stone.
 - d. The minimum allowable pitch of the main roof lines shall be 7/12.
 - e. The exterior of the front elevation of the dwelling cannot be built with more than 50% vinyl, aluminum or steel siding.
 - f. Minimum square feet for all dwellings (not including basements, porches, patios, decks or garage) shall be 2600 square feet for dwelling with two full floors of living space, 2400 square feet for a one and a half story dwelling, and 2200 square feet for a ranch style home (one level).

- g. Setback of all buildings shall be:
Front – 70 feet from the road right of way; Rear – 25 feet from the property line; Side – 20 feet from the property line.
- h. All mailboxes in this subdivision shall be of the same color and design with the address numbers affixed and visible. The owner of this subdivision or its agent will approve such mailbox design.
- i. Address numbers shall be affixed to the dwelling and visible from the street.
- j. Lamp posts or other lighting is required near the driveway.
- k. No building shall be erected within 100 feet of an active oil and gas well, or within 50 feet of a properly plugged well. Drilling oil or gas wells on lots in this subdivision is prohibited.
7. Other Buildings: Any other buildings or structures erected on any subplot must compliment the style and architecture of the dwelling including color and material.
8. Swimming pools: In ground swimming pools are permitted, above ground pools will be considered on a case by case basis, and must not be visible from a neighboring parcel or roadway.
9. Vehicles and Equipment Must be Enclosed: No vehicles or equipment, including but not limited to cars, trucks, boats, motorhomes, farm implements or recreational vehicles shall be stored on the property for a period of over seven days, unless they are housed inside a permanent structure.
10. Utilities: All utilities to the dwelling or other structures will be run underground.
11. Satellite Dish: No satellite dish over 24 inches in diameter shall be permitted on any lot herein.
12. Driveways: All driveways shall be paved with concrete, asphalt or brick within 12 months of the owner taking possession of the dwelling.
13. Waiver of Restrictions: The failure of the owner to enforce any building restrictions, covenants, or conditions, shall in no way be deemed a waiver of the right to enforce these rules thereafter.
14. Remedies for Violations: Violation or breach of any condition, restriction, or covenant herein contained by any person or entity, claiming under the owner, or by virtue of any judicial proceeding, shall give the owner of an individual subplot, through the Homeowner's Association or owner of the subdivision, in addition to all other remedies, the right to proceed at law or in restrictions or covenants and to prevent the violation or breach of any of the. In addition to the foregoing, the owner or individual subplot owner through the Homeowner's Association, shall have the right, whenever there shall have been built on any subplot any structure or condition which is in violation of these restrictions, to enter upon the property where such violation of these restrictions exists and summarily abate or remove the same at the expense of the violator owner. Any such entry and abatement or removal shall not be deemed a trespass. No delay or omission on the part of the owner of the subdivision or the owners of the other lots in exercising any rights, power or remedy herein provided in the event of any breach of these restrictions shall be construed as a waiver thereof or acquiescence therein and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the subdivision owner for or on account of its failure to bring any action for any breach of these restrictions or for imposing restrictions which may be unenforceable.
15. Fire Pond Easements: The fire pond easements are entirely within the limits of sublots 12 and 20. This Fire Pond Easement is for the sole purpose of access by the Medina County Fire Department. The fire ponds are the property of the owners of sublots 12 and 20, and the maintenance of these fire ponds are the sole responsibility of the owners.
16. Invalidity Clause: Invalidation of any of these covenants by a court of competent jurisdiction shall in no way affect any of the other covenants which shall remain in full force and effect.

17. **Building Contractors:** The owner of this subdivision reserves the right to approve those building contractors who will be allowed to construct homes in this subdivision.
18. **Modification:** The owner reserves the right to make minor variances to specifications found herein, if, in its opinion, the intent of that particular section is maintained. After Seven years from the recording of this document, these restrictions can be modified by a two-thirds (2/3) majority of lot owners in the subdivision.
19. **Conflict of Restrictions:** In the event that these restrictions conflict with the zoning resolutions of the Township of Montville, the more stringent specification will prevail.
20. **Homeowners Association:** A Maplewood Farm Homeowners Association will be formed and every owner of a lot shall be a member of the Association. Membership shall be appurtenant, and may not be separated from ownership of any lot. The transfer of a lot shall automatically transfer membership to the transferee. Members shall have all such rights and obligations as are set forth in these restrictions and the Articles and Bylaws adopted by the Association including but not limited to the maintenance of landscaping in the cul-de-sac island and at the entrance of the subdivision.
21. **Governmental Regulation:** All lot owners and builders must abide by all governmental agency regulations, including, but not limited to, providing the Ohio EPA with a Notice of Intent (NOI) prior to construction, securing a storm water permit and installing of any needed siltation control devices during construction. Prior to any construction including but not limited to decks, patios, fences, accessory buildings and swimming pools, the homeowner or their agent shall receive a zoning certificate and shall comply with the Montville Township Zoning Resolutions.

AND DESIGNATED AS "MARIENBUSH HARM DRIVE, SECREST CIRCLE, AND MARLE HEIGHTS DRIVE, AND FURTHER SUBMITS, SUBJECTS AND SUBORDINATES ITS MORTGAGE TO ALL ENCUMBRANCES WITHIN THE PLATTED LAND & SHOWS HEREON

Marienbush Farms

CREATING SUBLOTS 1 THROUGH 39 AND BLOCKS "A" AND "B"

before me, a Notary Public in and for said County and State, personally appeared the above named parties, who acknowledge to me that they are the legal owners of the above described premises and are executing this instrument as such owners.

NOTARIZED CERTIFICATION BY OWNERS who as such owners, WE, THE UNDERSIGNED OWNERS OF LANDS ENCLOSED WITHIN THIS SUBMISSION HEREBY ACKNOWLEDGE THIS PLAT AND SUBMISSION TO BE OUR FREE ACT AND DEED AND DO HEREBY DEDICATE TO PUBLIC USE, FOR THE STREET SHOWN IN BELOW AND THE AS SHOWN AND DEDICATED TO THE PUBLIC AS SHOWN IN THIS PLAT AND DO HEREBY WAIVE ALL ASSESSMENTS AGAINST THE LANDS ENCLOSED WITHIN THIS SUBMISSION.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

OWNER: TOM SWIMICH
CENTER ROAD HINCKLEY LLC.

STATE OF OHIO : 33
COUNTY OF MEDINA

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED THE ABOVE NAMED _____ from _____, JURISDICTION _____, LEGAL RESIDENCE _____, WHO ACKNOWLEDGED THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT AND DEED.

MY TESTIMONY WHEREIN I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF _____, 2005.

Notary Public

ZONING APPROVAL
THE TOWNSHIP TRUSTEES OF MONTVILLE TOWNSHIP ON THIS 14 DAY OF _____ 2005 HEREBY CERTIFY THAT THIS PLAT MEETS ALL REQUIREMENTS OF THE TOWNSHIP ZONING RESOLUTION.

CHAIRMAN, TRUSTEES

TRUSTEE

TRUSTEE

COUNTY ENGINEER
ALL REQUIRED INSTRUMENTS HAVE BEEN SATISFACTORILY REVIEWED AND APPROVED BY THE MEDINA COUNTY ENGINEER.

DATE
1/16/05

SOIL AND WATER CONSERVATION DISTRICT APPROVED BY THE DISTRICT COMMISSIONER AND WATER CONSERVATION DISTRICT THE _____ DAY OF _____, 2004.

APPROVAL FOR HOUSEHOLD WASTEWATER AND WATER SYSTEMS
THE MEDINA COUNTY HEALTH DEPARTMENT AFTER EVALUATING ALL MAPS, PLANS, AND/OR DOCUMENTS RECEIVED HEREBY CONDONATION APPROVES THE PLAT AS PROPOSED. THE APPROVAL OF INDIVIDUAL LOTS IS CONTINGENT UPON POSITIVE SITE EVALUATIONS. ANY CHANGES FROM THE SUBMITTED MATERIAL ARE NOT INCLUDED IN THE APPROVAL. THE FOLLOWING LOTS ARE SUBJECT TO ADDITIONAL LIMITATIONS AS COMMUNICATED TO THE APPLICANT.

APPROVED BY THE MEDINA COUNTY PLANNING COMMISSION THE _____ DAY OF _____, 2005.

HEALTH COMMISSIONER

PLANNING COMMISSION

APPROVED BY THE MEDINA COUNTY PLANNING COMMISSION THE _____ DAY OF _____, 2005.

HEALTH COMMISSIONER

PLANNING COMMISSION

RECORDED TO CORRECT
Parcel number of 31044

County Clerk

APPROVAL FOR TRANSFER
RECEIVED FOR TRANSFER THE _____ DAY OF _____, 2005.

TRANSFER
RECEIVED FOR TRANSFER THE _____ DAY OF _____, 2005.

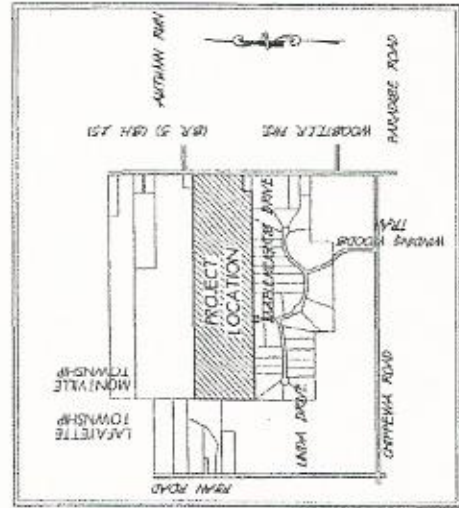
RECORDING
RECEIVED FOR TRANSFER AND RECORDING THE _____ DAY OF _____, 2005.

RECORDING
RECEIVED FOR TRANSFER AND RECORDING THE _____ DAY OF _____, 2005.

RECORDING
RECEIVED FOR TRANSFER AND RECORDING THE _____ DAY OF _____, 2005.



DAVID J. BECK
REGISTERED SURVEYOR NO. 1264
AUGUST 25, 2004



LOCATION MAP
RECEIVED 2:56 PM
2005 FEB 15

NO. REC
Marilyn J. Stewart
By: _____
REGISTERED SURVEYOR

PREPARED BY
A & J SOKOL CO.
PLANNING CONSULTANTS
404 BIRKENHEAD WAY
MARIETTA, OHIO 44130
330220-0042

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RECORDING
RECEIVED FOR TRANSFER AND RECORDING THE _____ DAY OF _____, 2005.

LEGEND:

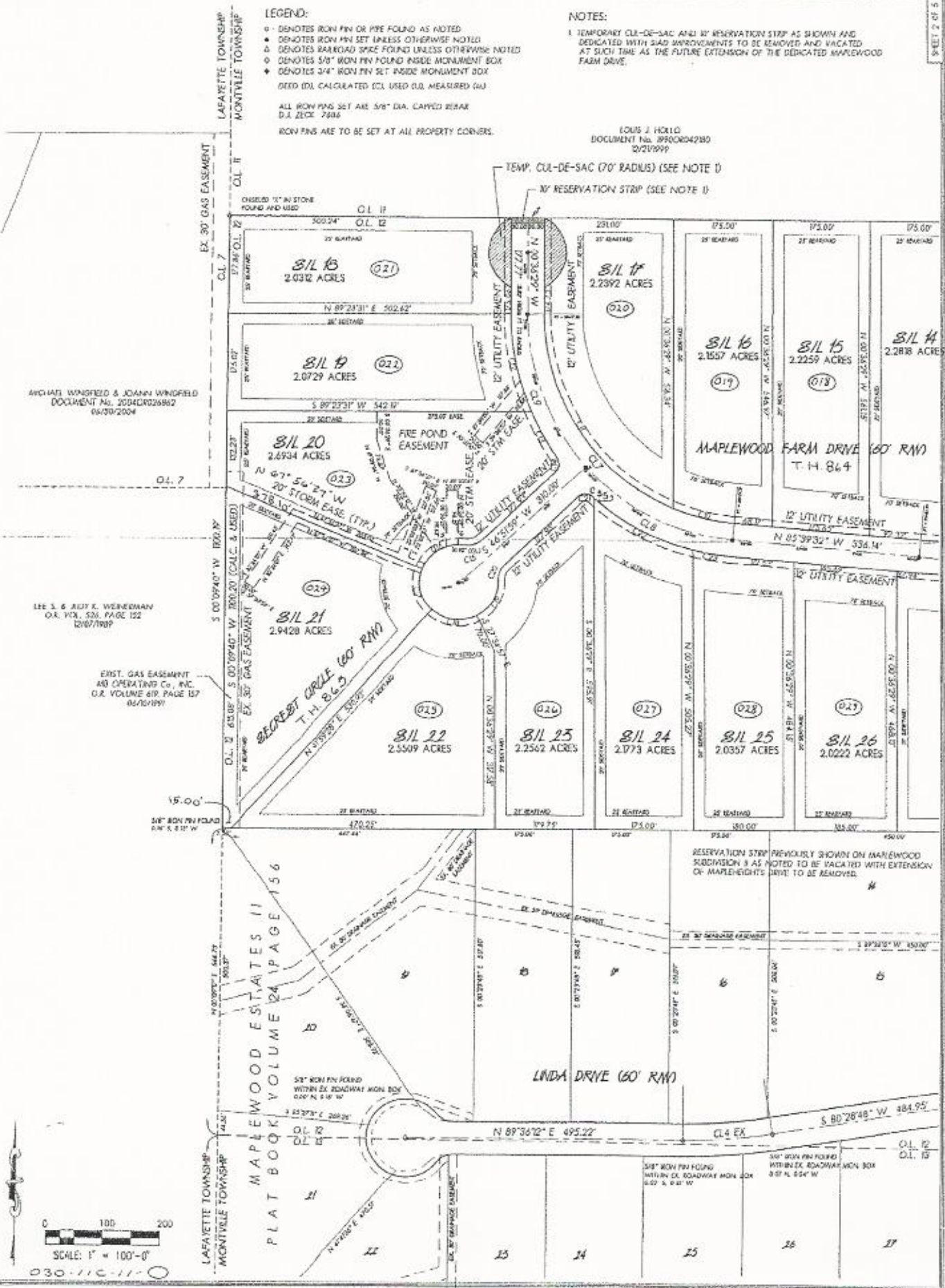
- DENOTES IRON PIN OR PIPE FOUND AS NOTED
- DENOTES IRON PIN SET UNLESS OTHERWISE NOTED
- △ DENOTES RAILROAD SPIKE FOUND UNLESS OTHERWISE NOTED
- ◊ DENOTES 5/8" IRON PIN FOUND INSIDE MONUMENT BOX
- ◆ DENOTES 3/4" IRON PIN SET INSIDE MONUMENT BOX

ALL IRON PINS SET ARE 5/8" DIA. CAPPED REBAR
D.I. DECK 7846
IRON PINS ARE TO BE SET AT ALL PROPERTY CORNERS.

NOTES:

1. TEMPORARY CUR-DE-SAC AND 12' RESERVATION STRIP AS SHOWN AND DEDICATED WITH S/D IMPROVEMENTS TO BE REMOVED AND VACATED AT SUCH TIME AS THE FUTURE EXTENSION OF THE DEDICATED MAPLEWOOD FARM DRIVE.

LOUIS J. HOLLO
DOCUMENT No. 3950004280
02/21/999



ANDREAS WINFIELD & JOHANN WINFIELD
DOCUMENT No. 20340026802
06/30/2004

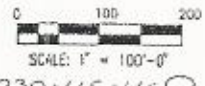
LEE S. & ADY K. WEINEMAN
O.R. VOL. 526, PAGE 122
12/07/1997

ERST. GAS EASEMENT
AND OPERATING Co., INC.
O.R. VOLUME 419, PAGE 157
06/16/1991

RESERVATION STRIP PREVIOUSLY SHOWN ON MAPLEWOOD SUBDIVISION 3 AS NOTED TO BE VACATED WITH EXTENSION OF MAPLEHEIGHTS DRIVE TO BE REMOVED.

MAPLEWOOD ESTATES II
PLAT BOOK VOLUME 24 PAGE 156

LINDA DRIVE (60' R/W)



030-11C-11-0

NOTES:
1. FOR LEGEND SEE SHEET NO. 2 OF 5

LOUIS J. HOKLID
DOCUMENT NO. 89020042100
12/21/99

0 100 200

SCALE 1" = 100'-0"

○ 30-11c-11-○
○ 30-11c-12-○

SHEET 3 OF 5

