

RECORD PLAN

Sigler Road Plat

SECTION 30, TOWN 3, RANGE 9 M.Rs.
CITY OF NEW CARLISLE
CLARK COUNTY, OHIO
CONTAINS

22.919 Acres in Lots (22 Total Lots)
2.707 Acres in Right-of-Way

25.626 Acres TOTAL

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

DECLARATIONS

ALL LOTS WITHIN THE SUBDIVISION SHALL BE SUBJECT TO THE FOLLOWING DEVELOPMENT COVENANTS, CONDITIONS AND RESTRICTIONS WHICH ARE FOR THE BENEFIT OF ALL LOT OWNERS AND OCCUPANTS WITHIN THE SUBDIVISION, AND WHICH SHALL RUN WITH THE PROPERTY AND SHALL BE BINDING ON ALL OWNERS AND ALL PERSONS CLAIMING UNDER, THEN UNTIL DECEMBER 31, 2016, AT WHICH TIME SAID COVENANTS, CONDITIONS AND RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS BY A MAJORITY VOTE OF THE THEN OWNERS OF THE LOTS IN THE SUBDIVISION AGREE TO CHANGE SAID COVENANTS, CONDITIONS AND RESTRICTIONS IN WHOLE OR IN PART. THE SUBDIVISION IS DEFINED AS BEING THAT LAND WHICH IS BEING DEVELOPED BY THE DEVELOPER, T & R PROPERTIES, AND APPOINTED TO REVIEW ALL PLANS FOR EACH BUILDING LOT.

COVENANTS, CONDITIONS AND RESTRICTIONS

1. USE OF BUILDING LOTS. EACH BUILDING LOT WITHIN THE SUBDIVISION SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY. THE RESIDENTIAL PRODUCTS INCLUDE CONVENTIONAL SINGLE-FAMILY HOMES, PATIO CLUSTER HOMES, CONDOMINIUMS AND OTHER PLANNED RESIDENTIAL DWELLINGS. THE DEVELOPER, ITS AGENTS OR ASSIGNS, MAY USE THE BUILDING LOTS FOR CONSTRUCTION AND SALES PURPOSES DURING ANY BUILDING AND SALES PERIOD. NO LOT WITHIN THE SUBDIVISION SHALL HEREAFTER BE SUBDIVIDED INTO SEPARATE PARCELS TO CREATE ADDITIONAL RESIDENTIAL LOTS.

2. ALL HOME BUILDING PLANS TO BE SUBMITTED TO T & R PROPERTIES FOR APPROVAL PRIOR TO CONSTRUCTION. SAID HOME MUST BE CONSTRUCTED AS PER APPROVED DRAWINGS PRESENTED TO T & R PROPERTIES.

3. DWELING SIZE. DIFFERENT AREAS OF THE SUBDIVISION HAVE DIFFERENT TYPES OF HOUSING PRODUCTS. MINIMUM SQUARE FOOTAGE OF DWELLINGS WILL VARY WITH EACH HOUSING PRODUCT TYPE, AND HAVE THE FOLLOWING MINIMUM FLOOR AREAS EXCLUSIVE OF BASEMENTS, ATTICS, GARAGES, PORCHES, DECKS, AND UNHEATED AREAS:

1. ONE-STORY 1,600 SQUARE FEET
2. ONE AND 1/2 STORY Minimum Ground Floor 1,000 SQUARE FEET
3. TWO-STORY Minimum Ground Floor 1,000 SQUARE FEET
4. DWELLINGS MUST HAVE AT LEAST A 2-CAR STANDARD FULL-SIZED AUTO ATTACHED GARAGE. GARAGES FOR MORE THAN THREE CARS MUST BE APPROVED.

4. ARCHITECTURAL SIMILARITY. NO HOME OF THE SAME EXTERIOR ARCHITECTURE OF AN EXISTING HOME OR OF A MIRROR IMAGE PLAN OF AN EXISTING HOME WILL BE PERMITTED TO BE BUILT WITHIN 200 LINEAR FEET OF THE EXISTING HOME OR WITHIN 200 FEET OF THE EXISTING HOME IF THE EXISTING HOME IS BUILT ON A CORNER LOT. HOMES WITH THE SAME OR SIMILAR FLOOR PLANS AS EXISTING HOMES MAY BE BUILT WITHIN THESE LIMITS PROVIDING THE EXTERIOR ELEVATION OF THE HOME IS DIFFERENT. FINAL EXTERIOR JUDGMENT AUTHORITY, AND APPROVAL OF COMPLIANCE WITH THE COVENANT SHALL REST EXCLUSIVELY WITH THE DEVELOPER.

5. DRIVEWAYS. ALL RESIDENCES IN THIS SUBDIVISION SHALL HAVE PAVED CONCRETE, BRICK OR STONE PAVERS FOR DRIVEWAY SURFACES AND BUILDER OR LOT OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF THE DRIVEWAY APPROACH.

6. BUILDING MATERIALS. ALL DWELLINGS MUST HAVE EXTERIOR SURFACES CONSTRUCTED OF 80% BRICK, STUCCO, SYNTHETIC STUCCO OR CEDAR OR A COMBINATION THEREOF. OTHER NATURAL WOODS OR MATERIALS APPROVED.

7. ROOFS. ALL ROOFS MUST BE CONSTRUCTED WITH A MINIMUM 5/12 PITCH (5 INCHES OF FALL PER RUNNING FOOT). ALL ROOFS MUST BE COVERED WITH DIMENSIONAL SHINGLES OR AN APPROVED UPGRADE.

8. LANDSCAPING. ALL BUILDING LOTS MUST BE LANDSCAPED WITH 10 SHRUBS BEING 15" TO 18" MINIMUM, 2 SHADE TREES BEING 1 1/2 CALIPER MINIMUM ONE SPECIEM ENVIRONMENTAL TREE BEING 6" TO 8" MINIMUM.

9. LIGHTING. A LAMP POST CONTROLLED BY A PHOTO-ELECTRIC CELL MUST BE INSTALLED IN THE FRONT YARD OF EACH BUILDING LOT AT THE TIME OF CONSTRUCTION OF A DWELING THEREON. THE LAMP POST MUST BE HARD-WIRED HAVING NO "ON/OFF" SWITCH AND MUST BE COORDINATED IN DESIGN AND CONSTRUCTION AS DETERMINED & APPROVED BY THE DEVELOPER. THE BUILDING LOT OWNER SHALL MAINTAIN THE LIGHT IN OPERATING CONDITION AT ALL TIMES.

10. MAIL BOXES. ALL MAIL BOXES WITHIN THE SUBDIVISION SHALL BE OF A COORDINATED DESIGN AND CONSTRUCTION AS DETERMINED & APPROVED BY THE DEVELOPER.

11. ANTENNAS. NO ANTENNAE, RADIO, TELEVISION OR MICROWAVE TOWERS, OR ANY FORM OF ELECTROMAGNETIC RADIATION SHALL BE ERRECTED OR PERMITTED ON ANY BUILDING LOT IN THE SUBDIVISION.

12. BUILDING LOCATION AND SETBACKS. NO BUILDING SHALL BE LOCATED NEARER TO ANY STREET THAN THE BUILDING SETBACK LINE SHOWN ON THE RECORDED PLAT OF THE SUBDIVISION. THE SETBACK AREAS DESIGNATED ON THE RECORDED PLAT SHALL BE FOR LAWN PURPOSES. THIS COVENANT SHALL NOT BE CONSIDERED TO PREVENT THE USE OF THE SETBACK AREAS FOR WALKS, DRIVES, TREES, SHRUBBERY, FLOWERS OR ORNAMENTAL PLANTS USED FOR THE PURPOSES OF BEAUTIFICATION.

13. UTILITY OR DRAINAGE EASEMENTS. NO STRUCTURES OR MATERIALS SHALL BE PLACED OR PERMITTED WITHIN THE SIDWALK OR DRAINAGE EASEMENT AREAS AS DESIGNATED ON THE RECORDED PLAT OF THE SUBDIVISION. PLANTINGS WITHIN SAID UTILITY OR DRAINAGE EASEMENT AREAS ARE AT THE OWNER'S SOLE RISK OF LOSS IF SUCH PLANTINGS, AS DETERMINED SOLELY BY THE APPLICABLE UTILITY COMPANY WOULD DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF UTILITIES, OR WOULD CHANGE OR RETARD THE FLOW OF SURFACE WATER FROM THE STREET COURSE. EACH BUILDING LOT OWNER SHALL MAINTAIN SUCH PORTION OF ANY UTILITY OR DRAINAGE EASEMENT AREA OR OTHER SURFACE DRAINAGE AREAS THAT IS LOCATED UPON SUCH BUILDING OWNERS LOT.

14. VEHICLES. NO BUSES, CAMPERS, MOTOR HOMES, TRAILERS, TRUCKS LARGER THAN 1 TON, TRACTORS, SEMI-TRAILERS OR OTHER SIMILAR VEHICLES SHALL BE STORED ON ANY BUILDING LOT. ALL AUTOMOBILES, TRUCKS LESS THAN 1 TON, MOTORCYCLES, VANS, BOATS, JET SKIS, SNOWMOBILES OR OTHER SUCH VEHICLES SHALL BE HOUSED WITHIN A GARAGE. NO IMPERFORABLE VEHICLE OR UNLICENSED MOTOR VEHICLE SHALL BE STORED ON ANY BUILDING LOT.

15. WASTE DISPOSAL. NO EXTERIOR PORTION OF ANY BUILDING LOT SHALL BE USED AS A DUMPING GROUND OR STORAGE AREA FOR RUBBISH, MACHINERY, SCRAP, PAPER, GLASS, OR OTHER SUCH MATERIALS. GARBAGE OR OTHER WASTE SHALL BE KEPT IN CLEAN AND SANITARY CONDITION AND SCREENED FROM PUBLIC VIEW. THIS COVENANT SHALL NOT BE DEEMED TO PROHIBIT THE STORAGE OF BUILDING MATERIALS USED IN THE CONSTRUCTION OF APPROVED STRUCTURES ON ANY BUILDING LOT, PROVIDED SUCH BUILDING MATERIALS ARE INCORPORATED INTO THE APPROVED IMPROVEMENT WITHIN NINE (9) DAYS AFTER ITS DELIVERY TO SUCH LOT. ALL IMPROVEMENTS COMMENCED BY AN OWNER OF ANY BUILDING LOT WITHIN THE SUBDIVISION MUST BE COMPLETED WITHIN 180 DAYS FROM THE DATE OF COMMENCEMENT.

17. LOT MAINTENANCE. NO WEED, UNDERBUSH OR UNSIGHTLY GROWTHS OR OBJECTS OF ANY KIND SHALL BE PERMITTED TO REMAIN ON ANY BUILDING LOT WITHIN THE SUBDIVISION. ALL LAWNS AREAS SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AND SHALL BE MOWED ON A REGULAR BASIS AND IN CONFORMANCE WITH THE CITY OF NEW CARLISLE CODE OF ORDINANCES.

18. HOME MAINTENANCE. THE EXTERIOR OF THE RESIDENTIAL STRUCTURE AND/OR OUT BUILDING SHALL BE MAINTAINED IN A QUALITY CONSISTENT WITH THE NEIGHBORHOOD.

19. ANIMALS. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BREED OR KEPT ON ANY BUILDING LOT, EXCEPT THAT DOGS, CATS OR OTHER USUAL AND COMMON HOUSEHOLD PETS MAY BE KEPT ON ANY BUILDING LOT SO LONG AS SUCH PETS ARE NOT KEPT, BREED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE. NO ANIMALS SHALL BE PERMITTED TO RUN LOOSE OR BECOME A NUISANCE TO ANY OWNER OF ANY BUILDING LOT IN THE SUBDIVISION.

20. SIGNAGE. NO SIGN OR BILLBOARD SHALL BE ERRECTED OR DISPLAYED ON ANY BUILDING LOT EXCEPT (A) ONE SIGN OF NO MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE PROPERTY FOR SALE; (B) SIGNS USED BY THE DEVELOPER, ITS SUCCESSORS AND/OR ASSIGNS, TO ADVERTISE LOTS OR RESIDENCES FOR SALE DURING THE CONSTRUCTION AND SALES PERIOD.

21. FENCES. NO CHAIN LINK OR OTHER METAL FENCES OF ANY KIND WILL BE PERMITTED ON ANY BUILDING LOT IN THE SUBDIVISION, EXCEPT FOR SECURITY FENCES AROUND IN-GROUND SWIMMING POOLS. ALL FENCING MUST BE APPROVED.

22. SWIMMING POOLS. NO ABOVE-GROUND SWIMMING POOLS WILL BE PERMITTED ON ANY BUILDING LOT IN THE SUBDIVISION.

23. YARD LIGHTING. A POST LIGHT CONTROLLED BY A PHOTO-ELECTRIC CELL IS TO BE INSTALLED IN THE FRONT YARD OF EACH LOT. THE DESIGN AND LOCATION OF THE YARD LIGHT IS TO BE APPROVED BY THE DEVELOPER. THE HOMEOWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE LIGHT IN OPERATING CONDITION AT ALL TIMES.

24. (A) CONTRACTOR CLEANUP. BUILDING CONTRACTOR SHALL BE REQUIRED TO EMPLOY THE USE OF DUMPSTERS OR OTHER SIMILAR STORAGE DEVICES DURING CONSTRUCTION AND SHALL PROMPTLY REMOVE ALL DEBRIS AND EXCESS MATERIAL DURING AND AT THE COMPLETION OF CONSTRUCTION. BUILDING CONTRACTORS SHALL BE REQUIRED TO CLEAN MUD, GRAVEL, DIRT OR ANY OTHER DEBRIS FROM THE STREET DURING THE CONSTRUCTION PHASE. (B) EACH CONTRACTOR SHALL PROVIDE A PORT-A-JOHN FOR WORKERS DURING CONSTRUCTION.

25. SEVERABILITY. INVALIDATION OF ANY OF THESE COVENANTS AND RESTRICTIONS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OTHER PROVISION THEREOF, ALL OF WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

26. ENFORCEMENT. IT SHALL BE LAWFUL FOR THE DEVELOPER, OR ANY PERSON OR PERSONS OWNING ANY REAL PROPERTY WITHIN THE SUBDIVISION, TO PROSECUTE ANY ENFORCEMENT ACTION OR IN REMEDY HEREIN. THE DEVELOPER MAY SEEK DAMAGES FOR SUCH VIOLATION TOGETHER WITH THE COSTS INCURRED IN ENFORCEMENT OF THE RESTRICTIONS.

27. AMENDMENT/SUBMODIFICATIONS. THESE COVENANTS AND RESTRICTIONS MAY BE MODIFIED OR AMENDED BY THE DEVELOPER, SO LONG AS THE DEVELOPER OWNS A BUILDING LOT, TO THE EXTENT NECESSARY TO CORRECT FACTUAL INFORMATION OR OMISSIONS, TO MEET THE REQUIREMENTS OF ITS LENDING INSTITUTION, OR TO CLARIFY, MODIFY OR AMPLY ANY OF THE PROVISIONS HEREIN, PROVIDED THAT SUCH AMENDMENTS, MODIFICATIONS, CLARIFICATIONS OR AMPLIFICATIONS WOULD BE IN THE BEST INTEREST OF THE DEVELOPMENT. ANY SUCH CHANGE IN THESE COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE IN WRITING AND MAILED BY U.S. MAIL TO EACH BUILDING LOT OWNER.

28. OUTBUILDINGS. ALL OUTBUILDINGS MUST BE APPROVED. BUILDING ARCHITECTURE AND MATERIALS MUST BE THE SAME AS THE FIRST OR GROUND FLOOR OF THE RESIDENCE AND ARE SUBJECT TO THE RESTRICTIONS OF THE NEW CARLISLE ZONING CODE.

29. CONSTRUCTION TRAFFIC. CONSTRUCTION TRAFFIC WILL BE REQUIRED TO REMOVE ALL DEBRIS, MUD, ETC. CREATED DURING THE COURSE OF CONSTRUCTION.

30. FINISHED FLOOR ELEVATIONS. THE FIRST FLOOR ELEVATION OF ALL RESIDENTIAL STRUCTURES SHALL BE APPROVED BY THE CITY ENGINEER OF THE CITY OF NEW CARLISLE, OHIO OR T & R PROPERTIES.

31. DUMPING OF ANY CHEMICAL BY-PRODUCT, MUD OR MISCELLANEOUS DEBRIS OF ANY KIND INTO THE STORM SEWER SYSTEM IS NOT PERMITTED.

32. ALL HOME BUILDING PLANS TO BE SUBMITTED TO T & R PROPERTIES FOR APPROVAL PRIOR TO CONSTRUCTION. SAID HOME MUST BE CONSTRUCTED AS PER APPROVED DRAWINGS PRESENTED TO T & R PROPERTIES.

THIS INSTRUMENT PREPARED BY



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