SLOT 389

PB 5 P 243
SLOT 389

ETHAN HOLLER SUBDIVISION

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 26
TOWNSHIP 17, RANGE 17, CONGRESS LANDS, TOWNSHIP
OF READING, COUNTY OF PERRY, STATE OF OHIO

LEGAL DESCRIPTION OF 68.668 ACRES, MORE OR LESS

SITUATED IN THE STATE OF OHIO, COUNTY OF PERRY, TOWNSHIP OF READING, AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 17, RANGE 17 OF THE CONGRESS LANDS, AND BEING ALL OF THE PROPERTY CONVEYED TO THOMAS W. DONAHUE BY OFFICIAL RECORD 323, PAGE 692 OF THE PERRY COUNTY RECORDER AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A RAILROAD SPIKE SET IN THE PERRY–FAIRFIELD COUNTY LINE AT THE CENTERLINE INTERSECTION OF COUNTY LINE ROAD ~ COUNTY ROAD 89 (60' RIGHT OF WAY) AND COUNTY ROAD 140 (30' RIGHT OF WAY) MARKING THE SOUTHWEST CORNER OF SAID SECTION 26, THE NORTHWEST CORNER OF SECTION 35, THE SOUTHWEST CORNER OF SAID DONAHUE PROPERTY, THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO RONALD L. AND MICHELLE R. COOPERIDER BY OFFICIAL RECORD 247, PAGE 380 AND THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG SAID FERRY–FAIRFIELD COUNTY LINE, THE CENTERLINE OF SAID COUNTY LINE ROAD, THE WESTERLY LINE OF SAID SECTION 26, AND THE WESTERLY LINE OF SAID DONAHUE PROPERTY, NORTH 00 DEGREES 09 MINUTES 22 SECONDS WEST, 2189.37 FEET TO A SURVEY NAIL FOUND AT THE CENTERLINE INTERSECTION OF SAID COUNTY LINE ROAD AND STAGE COACH ROAD ~ COUNTY ROAD 52 (60' RIGHT OF WAY) MARKING THE NORTHWEST CORNER OF SAID DONAHUE PROPERTY AND THE SOUTHWEST CORNER OF THE PROPERTY CONVEYED TO STEVE AND LISA NUTTER BY OFFICIAL RECORD 320, PAGE 398, SAID POINT BEING REFERENCED BY A MAG NAIL FOUND (PREVIOUSLY SET) AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 26 BEARING N 00°00'00" E, 476.00 FEET;

THENCE ALONG THE CENTERLINE OF SAID STAGE COACH ROAD, THE NORTHERLY LINE OF SAID DONAHUE PROPERTY, AND THE SOUTHERLY LINE OF SAID NUTTER PROPERTY, NORTH 83 DEGREES 37 MINUTES 32 SECONDS EAST, 520.60 FEET TO A POINT IN THE SOUTHERLY LINE OF THE PROPERTY CONVEYED TO GARRY AND KATHY WINEGARDNER BY OFFICIAL RECORD 319, PAGE 2452 MARKING THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO RUSHCREEK ENTERPRISES, INC. BY OFFICIAL RECORD 323, PAGE 1051;

THENCE CROSSING SAID DONAHUE PROPERTY AND ALONG SAID RUSHCREEK ENTERPRISES, INC. PROPERTY THE FOLLOWING THREE (3) COURSES:

1) SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 440.70 FEET TO A "BORING S–8017" (PREVIOUSLY SET), PASSING A "BORING S–8017" (PREVIOUSLY SET) AT 30.00 FEET;

2) NORTH 87 DEGREES 08 MINUTES 50 SECONDS EAST, 199.01 FEET TO A "BORING S–8017" (PREVIOUSLY SET);

3) NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 453.00 FEET TO A POINT IN THE CENTERLINE OF SAID STAGE COACH ROAD AND IN THE NORTHERLY LINE OF SAID DONAHUE PROPERTY MARKING THE SOUTHERLY LINE OF THE PROPERTY CONVEYED TO DALE AND KATHLEEN CLEMENTS BY OFFICIAL RECORD 321, PAGE 2394, PASSING A "BORING S–8017" (PREVIOUSLY SET) AT 423.00 FEET;

THENCE ALONG THE CENTERLINE OF SAID STAGE COACH ROAD AND THE NORTHERLY LINE OF SAID DONAHUE PROPERTY AND THE SOUTHERLY LINE OF SAID CLEMENTS PROPERTY, NORTH 83 DEGREES 37 MINUTES 32 SECONDS EAST, 212.33 FEET TO A RAILROAD SPIKE FOUND MARKING THE NORTHEAST CORNER OF SAID DONAHUE PROPERTY, SAID POINT ALSO MARKS THE NORTHWEST CORNER OF THE PROPERTY CONVEYED TO GEORGE D. JEFFERS, JR. BY OFFICIAL RECORD 264, PAGE 670, AND THE SOUTHEAST CORNER OF THE PROPERTY CONVEYED TO STEVE AND LISA NUTTER BY OFFICIAL RECORD 318, PAGE 2331;

THENCE ALONG THE EASTERLY LINE OF SAID DONAHUE PROPERTY AND THE WESTERLY LINE OF SAID JEFFERS PROPERTY THE FOLLOWING THREE (3) COURSES:

1) SOUTH 24 DEGREES 27 MINUTES 19 SECONDS EAST, 509.50 FEET TO AN IRON PIN SET, PASSING AN IRON PIN SET AT 35.00 FEET;

2) SOUTH 19 DEGREES 41 MINUTES 30 SECONDS EAST, 1500.33 FEET TO A 5/8" IRON REBAR W/CAP "TCW" FOUND;

3) SOUTH 05 DEGREES 53 MINUTES 45 SECONDS EAST, 415.50 FEET TO AN IRON PIN SET MARKING THE SOUTHEAST CORNER OF SAID DONAHUE PROPERTY;

THENCE ALONG THE SOUTHERLY LINE OF SAID DONAHUE PROPERTY AND WITH TOWNSHIP ROAD 140, SOUTH 89 DEGREES 53 MINUTES 20 SECONDS WEST, 1680.35 FEET TO THE TRUE POINT OF BEGINNING.

THE PARCEL AS SURVEYED CONTAINS 68.668 ACRES, MORE OR LESS.

ALL IRON PINS SET ARE 5/8" X 30" REBAR CAPPED "BORING S–8017".

SUBJECT TO ALL LEGAL EASEMENTS, RIGHT–OF–WAYS, SETBACKS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 26 AS BEING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND ARE USED TO DENOTE ANGLES ONLY.

THE ABOVE DESCRIPTION WAS PREPARED FROM AN ACTUAL FIELD SURVEY IN AUGUST 2005 BY D. TODD BORING, OHIO PROFESSIONAL SURVEYOR #8017.

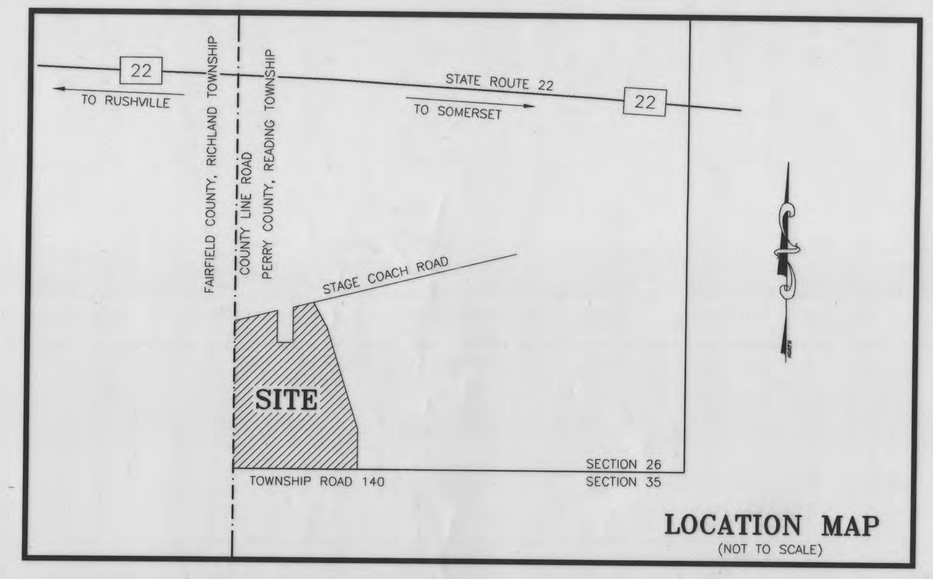
STATE OF OHIO
D. TODD BORING
S-8017
REGISTERED
PROFESSIONAL SURVEYOR

Description Meets Minimum Survey Standards. Approval for transfer is up to the Auditor's Office.
9-29-05
Perry County Engineers Ofc.

CERTIFICATION OF SURVEYOR

I CERTIFY THAT, UNDER THE DIRECTION OF "THOMAS W. DONAHUE", OWNER OF THE REAL ESTATE SHOWN HEREON, RECORDED IN OFFICIAL RECORD 323, PAGE 692, I SURVEYED AND PLATTED A TOTAL OF 68.668 ACRES INTO 18 PARCELS, WHICH WILL BE LOT #1 TO LOT #18 INCLUSIVE, ALL LOTS OF THIS SUBDIVISION HAVE A MINIMUM OF 200.00 FEET OF PUBLIC ROAD FRONTAGE, THE DIMENSIONS OF ALL "LOTS" SHOWN HEREON ARE IN FEET AND DECIMAL PARTS OF FEET. ALL SURVEY MONUMENTATION (ie. SURVEY IRON PINS SET AND FOUND) SHOWN HEREON WILL BE USED FOR CONTROL OF FUTURE SURVEYS.

D. TODD BORING
OHIO PROFESSIONAL SURVEYOR #8017
P.O. BOX 2452 LANCASTER, OHIO 43130
PHONE: 740–689–8449 FAX: 740–689–3823
DATE: AUGUST 25, 2005



LOCATION MAP
(NOT TO SCALE)

PROTECTIVE COVENANTS ~ ETHAN HOLLER SUBDIVISION
DECLARANT ~ THOMAS W. DONAHUE

1. SINGLE–STORY RESIDENCE BUILDINGS SHALL HAVE A MINIMUM TOTAL FINISHED FLOOR AREA OF 1,400 SQUARE FEET. RESIDENCES CONSISTING OF MORE THAN ONE STORY, INCLUDING SPLIT LEVELS, SHALL HAVE A MINIMUM TOTAL FINISHED FLOOR AREA OF 1,700 SQUARE FEET WITH A MINIMUM OF 900 SQUARE FEET OF FINISHED FLOOR AREA ON THE FIRST FLOOR. FINISHED FLOOR AREA SHALL BE EXCLUSIVE OF PORCHES, BASEMENTS, AND GARAGES. FINISHED FLOOR SHALL BE COMPUTED BY MEASURING THE OUTSIDE WALL DIMENSIONS. SAID RESIDENCE BUILDING SHALL HAVE AN ATTACHED GARAGE CAPABLE OF STORING AT LEAST ONE AUTOMOBILE. THE CONSTRUCTION OF THE RESIDENCE BUILDING SHALL BE COMPLETED WITHIN ONE (1) YEAR FORM THE TIME THAT A BUILDING PERMIT IS ISSUED BY READING TOWNSHIP OR ISSUING AUTHORITY. IF THE READING TOWNSHIP ZONING RESOLUTION REQUIRES MORE STRINGENT REQUIREMENTS THAN THOSE STATED ABOVE, THE MORE STRINGENT REQUIREMENTS SHALL APPLY.

2. THE EXTERIOR OF THE RESIDENCE BUILDING SHALL BE COVERED WITH VINYL SIDING, WOOD, STUCCO, STONE, BRICK OR OTHER MANUFACTURED SIDING MATERIAL DESIGNED TO RESEMBLE A MATERIAL SIDING PRODUCT (i.e. FIBROUS CEMENT SIDING THAT RESEMBLES WOOD CLAPBOARD SIDING). NO ASPHALT BASE EXTERIOR SIDING IS PERMITTED. DWELLINGS SHALL HAVE A MINIMUM 6/12 ROOF PITCH ON THE MAJOR PORTIONS OF THE ROOF.

3. NO GARAGE OR UNFINISHED SINGLE–FAMILY DWELLING, TRAILER, HOME TRAILER, BARN, TENT, BASEMENT, BOAT OR OTHER OUTBUILDING SHALL AT ANY TIME BE OCCUPIED OR USED AS A TEMPORARY OR PERMANENT RESIDENCE.

4. PRIOR TO ANY CONSTRUCTION, DWELLINGS, WATER WELLS, AND PRIMARY AND SECONDARY SEWAGE SYSTEMS SHALL BE LOCATED AS APPROVED BY THE PERRY COUNTY HEALTH DEPARTMENT, AND A SEWAGE DISPOSAL PERMIT SHALL BE OBTAINED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

5. SAID PREMISES SHALL BE MAINTAINED REASONABLE NEAT AND TRIM AT ALL TIMES AND SHALL BE FREE OF ALL VISIBLE DEBRIS, JUNK, LITTER, OR STORED COMMERCIAL MATERIAL OF ANY KIND. WEEDS AND UNDERBRUSH MUST BE KEPT UNDER CONTROL AT ALL TIMES. GARBAGE, TRASH AND OTHER WASTE SHALL BE KEPT IN SANITARY CONTAINERS.

6. NO SWINE OR FOWL ARE PERMITTED TO BE RAISED ON OR ABOUT THE PREMISES.

7. SAID PREMISES SHALL NOT BE USED FOR ANY PURPOSE OR IN ANY WAY THAT IS ILLEGAL OR WHICH MAY ENDANGER THE HEALTH OR UNREASONABLY DISTURB THE QUIET OF ANY OCCUPANT OF ADJACENT OR NEIGHBORING PREMISES.

8. NO AUTOMOBILE OR MOTOR–DRIVE VEHICLE MAY BE LEFT UPON ANY LOT FOR A PERIOD LONGER THAN THIRTY (30) DAYS IN A CONDITION SUCH THAT IT IS INCAPABLE OF BEING OPERATED UPON THE PUBLIC HIGHWAY. AFTER SUCH TIME, THE VEHICLE SHALL BE CONSIDERED A NUISANCE AND DETRIMENTAL TO THE WELFARE OF THE NEIGHBORING PROPERTIES AND SHALL BE REMOVED THERE FROM OR PLACED WITHIN INSIDE STORAGE.

9. DRIVEWAYS SHALL BE WELL MAINTAINED WITH GRAVEL, ASPHALT, CONCRETE, OR STONE, DUST SHALL BE CONTROLLED. THE DRIVEWAYS CULVERT PIPE, IF REQUIRED, AND THE DRIVEWAY LOCATION MUST CONFORM TO THE SPECIFICATION SET FORTH BY THE PERRY COUNTY ENGINEER'S OFFICE.

10. NATURAL STORM WATER DRAINAGE WAYS SHALL BE MAINTAINED IN SUCH A MANNER THAT DOES NOT INTERFERE WITH THE NORMAL FLOW OF WATER. IN THE EVENT THAT ANY DRAINAGE TILE LINES ARE DISTURBED, SAID LINES SHALL BE PROFESSIONALLY REROUTED IN A REASONABLE MANNER AND SHALL NOT DISRUPT THE DRAINAGE OF ADJOINING TRACTS. EACH OWNER MUST MAINTAIN, REPAIR OR REPLACE THAT PORTION OF ANY TILE OF WATERWAY THAT CROSSES SAID OWNER'S TRACT.

11. THE COVENANTS AND AGREEMENTS HEREIN CONTAINED SHALL RUN WITH THE LAND CONVEYED HEREBY AND SHALL BE BINDING UPON THE GRANTEES, THEIR HEIRS AND ASSIGNS FOR THE PERIOD OF THIRTY–FIVE (35) YEARS AND SHALL BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS AND PRIOR TO THE EXPIRATION OF ANY SUCH TEN (10) YEAR PERIOD, AN INSTRUMENT SIGNED BY THE OWNERS OF RECORD OF A MAJORITY OF THE TRACTS INCLUDED HEREIN HAS BEEN RECORDED CHANGING OR MODIFYING SAID COVENANTS IN WHOLE AND PART. PERRY COUNTY, READING TOWNSHIP ZONING REGULATIONS THAT ARE MORE STRINGENT THAN THESE PROTECTIVE COVENANTS SHALL HAVE PRECEDENCE OVER THESE PROTECTIVE COVENANTS.

12. EACH OF THESE COVENANTS CONTAINED HEREIN IS INDEPENDENT AND SEPARATE, AND IN THE EVENT ANY ONE OR MORE SUCH COVENANTS SHALL FOR ANY REASON BE HELD INVALID OR UNENFORCEABLE, ALL REMAINING COVENANTS SHALL NEVERTHELESS REMAIN IN FULL FORCE AND EFFECT.

APPROVALS

APPROVAL THIS 5 DAY OF Oct., 2005
TOWNSHIP ZONING INSPECTOR

APPROVAL THIS 29 DAY OF September, 2005
PERRY COUNTY HEALTH COMMISSIONER

APPROVAL THIS 3 DAY OF October, 2005
PERRY COUNTY ENGINEER

200500000559
FILED FOR Record in
PERRY COUNTY, OHIO
BARBARA J. FOX
10-05-2005 At 10:21 am.
PLAT 173.80

STATE OF OHIO, PERRY COUNTY
RECEIVED FOR RECORD ON THIS 5 DAY OF OCTOBER, 2005 AT 10:21 (A.M. – P.M.)
RECEIVED FOR RECORD ON THIS 5 DAY OF OCTOBER, 2005
IN PLAT BOOK 5, PAGE 243, SLOT 389
PERRY COUNTY RECORDER

DATE 10-5-05 SUBMITTED FOR ACCEPTANCE AND APPROVAL
FEE $173.80

TRANSFER DATE: 10-5-05
PERRY COUNTY AUDITOR

ACCEPTED AND APPROVED UNDER SECTION 711.05 OF THE REVISED CODE OF THE STATE OF OHIO, IN THAT A LEAST MINIMUM SPECIFICATION FOR SUBDIVISION THOROUGHFARES AND DRAINAGE IN PERRY COUNTY MUST BE MET BEFORE APPLICATION UNDER SECTION 711.091 IS MADE.

PERRY COUNTY COMMISSIONER
PERRY COUNTY COMMISSIONER
Fred Shriner
PERRY COUNTY COMMISSIONER

DEDICATION

I, THE UNDERSIGNED, THOMAS W. DONAHUE, A MANAGING MEMBER OF THE "ETHAN HOLLER SUBDIVISION", BEING THE OWNER AND PARTY HAVING ANY RIGHT, TITLE OR INTEREST IN THE REAL ESTATE SHOWN HEREON, HEREBY CERTIFY THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AND COMMON USE AREA AS SHOWN, THAT SAID LOTS HAVE BEEN NUMBER #1 TO #18, INCLUSIVELY, THAT THE SUBDIVISION HAS BEEN NAMED "ETHAN HOLLER SUBDIVISION". RESTRICTIVE COVENANTS, AS SHOWN HEREON, SHALL APPLY TO ALL FUTURE OWNERS OF ANY LOT OR LOTS IN THIS SUBDIVISION WHETHER SPECIFIED IN EACH INDIVIDUAL CONVEYANCE OR NOT.

Thomas W. Donahue
THOMAS W. DONAHUE
by Heidi L. Green P.O.A.
WITNESS
WITNESS

ACKNOWLEDGMENT

STATE OF OHIO, COUNTY OF PERRY

BEFORE ME, NOTARY PUBLIC, IN AND FOR SAID COUNTY, PERSONALLY APPEARED, THOMAS W. DONAHUE, OWNER OF "ETHAN HOLLER SUBDIVISION", WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE DID SIGN THE SAID INSTRUMENT AS HIS FREE ACT AND DEED. IN TESTIMONY WHEREOF I HERETO SUBSCRIBE MY NAME AND AFFIX MY SEAL THIS 5th DAY OF October, 2005.

NOTARY PUBLIC: Kimi L Beach
MY COMMISSION EXPIRES: 4-1-08

1/2

SEPTEMBER 14, 2005

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