

COUNTY OF LAKE

**FRANK A. SUPONCIC, CPA, CFE
RECORDER**

EASTERN
LAKE COUNTY
(440) 350-2510

WESTERN
LAKE COUNTY
(440) 946-2829

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2005R003977

LAKE COUNTY OHIO
RECORDED ON

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FRANK A SUPONCIC
LAKE COUNTY RECORDER

REC. FEE: 108.00
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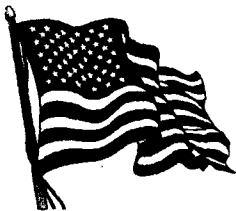
IMPORTANT RECORDING INFORMATION

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- Date Filed
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Thank You



105 MAIN STREET • P.O. BOX 490 • PAINESVILLE, OHIO 44077
www.lakecountyrecorder.org • E-mail: recorder@lakecountyohio.org

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DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, the undersigned, WESTMINSTER ABBEY, INC. (hereinafter referred to as "Grantor"), a corporation organized and existing under and by virtue of the laws of the State of Ohio, is the owner of the realty hereinafter described, and

WHEREAS, Grantor, for itself, its successors and assigns, desires to restrict for the mutual protection of present and future owners of lots in Summerwood Subdivision,

NOW, THEREFORE, Grantor, for itself and its successors and assigns, does hereby declare, publish and impose the following restrictions, covenants, limitations, reservations and easements hereinafter set forth to and upon the following described realty, known as Parcels #8A-2-12, #8A-2-13, #8A-2-16, #8A-2-17, and part of Parcels #8A-2-26 and #8A-2A-1, approximately 127.8345 acres located south of Girdled Road and west of Concord-Hambden Road presently owned by Grantor in the Township of Concord, County of Lake, and State of Ohio, as more fully described in Exhibit "A" attached hereto and made a part hereto:

- 1) There shall be no more than *one hundred twenty-five (125)* lots in the Subdivision herein identified as "Summerwood" as more fully depicted and described in the Conceptual Subdivision plat, a copy of which is attached hereto and incorporated herein.**
- 2) All lots in said Subdivision shall be used for single family, detached, private residence purposes only.**
- 3) There shall be none of the following uses permitted within said subdivision:
 - a) Townhouses****

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- b) Condominiums
- c) Apartments
- d) Multi-family dwellings and/or attached single-family dwellings
- e) Commercial businesses and/or centers
- f) Golf courses

4) A minimum of fifty-nine (59) acres of said Subdivision shall remain as open space.

The minimum Common Open space shall consist of twelve (12) acres. ***The open space shall be deeded to Concord Township, Lake County, Ohio within thirty (30) days of the date of filing of the final plat.***

5) The foregoing restrictions, reservations, covenants, limitations and agreements shall run with each said lot sold hereunder and shall be binding upon the owner or owners thereof until December 31, 2102, at which time said covenants shall be automatically extended for a successive period of ***ninety-nine (99)*** years, unless and until by a vote of the majority of the then-owners of the lots it is agreed to change the said covenants in full or in part, further subject to approval of the Concord Township Zoning Commission and the Concord Township Trustees, or their successor legislative authority; and all deeds hereinafter given by the owner or owners of each said lot during said restricted period shall contain said restrictions, reservations, covenants, limitations and agreements hereinabove set forth, and be subject thereto.

6) This instrument shall be fully enforceable by the Concord Township Trustees and/or their successor legislative authority.

7) The above restrictive Covenants shall also be enforceable by an appropriate developer's bond of sufficient surety. See Developer's Bond, Exhibit "B," and Bank's

**DESCRIPTION OF LAND FOR
SUMMERWOOD SUBDIVISION**

PARCEL A

(Being all of Lake County Auditor's Permanent
Parcels No. 08A-002-0-00-012; - 013; - 016; and 017)

Situated in the Township of Concord, County of Lake, and State of Ohio and known as being parts of Original Lots No. 4 and No. 5 in Tract No. 1 in the Eighth Range of the Tenth Township of the Connecticut Western Reserve and is bounded and described as follows:

Beginning in the centerline of the Concord-Hambden Road, 66 feet in width, at its intersection with the northerly line of land conveyed to Ernest R. and Deborah Anne Adamic by instrument dated May 30, 1989 and recorded in Volume 467, Page 617 of the Lake County Official Records and witnessing one inch diameter iron pipe stakes found bearing South 89°25'50" West, a distance of 32.31 feet and North 89°25'50" East a distance of 32.31 feet therefrom:

Thence North 22°21'10" West along said centerline of the Concord-Hambden Road 440.88 feet to the principal point of beginning of the following described land;

- COURSE I Thence South 89°25'50" West by a line which is parallel with said northerly line of land of Adamic 526.09 feet to a point;
- COURSE II Thence South 22°21'10" East by a line which is parallel with said centerline of the Concord-Hambden Road 440.88 feet to said northerly line of land of Adamic;
- COURSE III Thence South 89°25'50" West along said northerly line of land of Adamic 1169.05 feet to the westerly line of said Original Lot No. 5 and witness an iron pin stake (J. Arthur Temple, P.S.) found bearing South 89°25'50" West, a distance of 0.14 feet therefrom;
- COURSE IV Thence South 0°48'20" East along said westerly line of Lot No. 5, the same being the westerly line of said land of Adamic and a westerly line of land conveyed to Crossroads: Lake County Adolescent Counseling Service by instrument dated December 27, 1996 and recorded as Document No. 960048837 of the Lake County Records, a distance of 715.05 feet to an iron pin stake (J. Arthur Temple, P.S.) found marking a corner in said land;
- COURSE V Thence South 89°15'40" West along a northerly line of said land of Crossroads: Lake County Adolescent Counseling Service, 2169.53 feet to an iron pin stake found marking its intersection with the westerly line of said Original Lot No. 4 and witness an iron pin stake found bearing South 01°06'10" East a distance of 1922.45 feet therefrom;

Exhibit "A"

- COURSE VI Thence North $01^{\circ}06'10''$ West along said westerly line of Lot No. 4, the same being the easterly line of and conveyed to Robert P. and Sally S. Galen by instrument dated June 29, 1995 and recorded in Volume 1131, Page 280 of the Lake County Official Records, a distance of 1384.41 feet to the southerly line of the Sunset View Allotment as shown by plat recorded in Volume "L", Page 70 of the Lake County Plat Records;
- COURSE VII Thence North $66^{\circ}56'32''$ East along said southerly line of the Sunset View Allotment (at 1971.75 feet passing through an iron pin stake found marking the southeasterly corner of said allotment and the southwesterly corner of land conveyed to Martha Petrigala by instrument dated March 18, 1996 and recorded as Document No. 960008696 of the Lake County Records), a total distance of 2,351.86 feet to a fence post found in the aforesaid westerly line of Original Lot No. 5;
- COURSE VIII Thence South $0^{\circ}48'20''$ East along said westerly line of Original Lot No. 5, the same being the westerly line of land conveyed to William E. and Peggy B. Chaffee, trustees by instrument dated June 4, 1997 and recorded as Document No. 970018667 of the Lake County Records, a distance of 535.25 feet to the southwesterly corner of the same and witness a one inch diameter iron pipe stake found bearing South $0^{\circ}48'20''$ East, a distance of 212.52 feet therefrom;
- COURSE IX Thence North $89^{\circ}09'05''$ East along the southerly line of said land of Chaffee 1305.87 feet to the aforesaid centerline of Concord-Hambden Road;
- COURSE X Thence South $20^{\circ}30'30''$ East along said centerline of Concord-Hambden Road 563.76 feet to an angle therein;
- COURSE XI Thence South $22^{\circ}21'10''$ East continuing along said centerline of Concord-Hambden Road 101.47 feet to the principal point of beginning and containing a total of 121.830 acres of land, of which 91.379 acres is contained within said Original Lot No. 4 and 30.451 acres is contained within said Original Lot No. 5, as surveyed and described in June, 2001 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc. be the same, more or less, but subject to all legal highways.

Bearings contained herein are based upon the Ohio (North Zone) State Plane Coordinate System NAD 83 datum.

**DESCRIPTION OF LAND FOR
SUMMERWOOD SUBDIVISION**

PARCEL B

Situated in the Township of Concord, County of Lake, and State of Ohio and known as being parts of Original Lot No. 5 in Tract No. 1 in the Eighth Range of the Tenth Township of the Connecticut Western Reserve and is bounded and described as follows:

Beginning in the centerline of the Concord-Hambden Road, 66 feet in width, at its intersection with the northerly line of land conveyed to Ernest R. and Deborah Anne Adamic by instrument dated May 30, 1989 and recorded in Volume 467, Page 617 of the Lake County Official Records and witnessing one inch diameter iron pipe stakes found bearing South 89°25'50" West, a distance of 32.31 feet and North 89°25'50" East a distance of 32.31 feet therefrom:

Thence South 89°25'50" West a distance of approximately 1094 feet to a point, said point being the principal point of beginning of the following described land;

- COURSE I Thence South 0°34'10" East, a distance of approximately 323 feet to a point;
- COURSE II Thence North 83°08'40" West, a distance of approximately 603 feet to a point;
- COURSE III Thence North 0°48'20" West, a distance of 258.16 feet to a point;
- COURSE IV Thence North 89°25'50" East, a distance of approximately 658 feet to the principal point of beginning and containing 3.96 acres of land, as described by Stephen L. Guard, Ohio Professional Surveyor No. 7037 of CT Consultants, Inc. be the same, more or less, but subject to all legal highways.

Bearings contained herein are based upon the Ohio (North Zone) State Plane Coordinate System NAD 83 datum.



BABCOCK - JONES
CIVIL ENGINEERS AND SURVEYORS

1924 MENTOR AVE., PAINESVILLE, OHIO 44077 PHONE (440) 357-1811 FACSIMILE (440) 357-9173

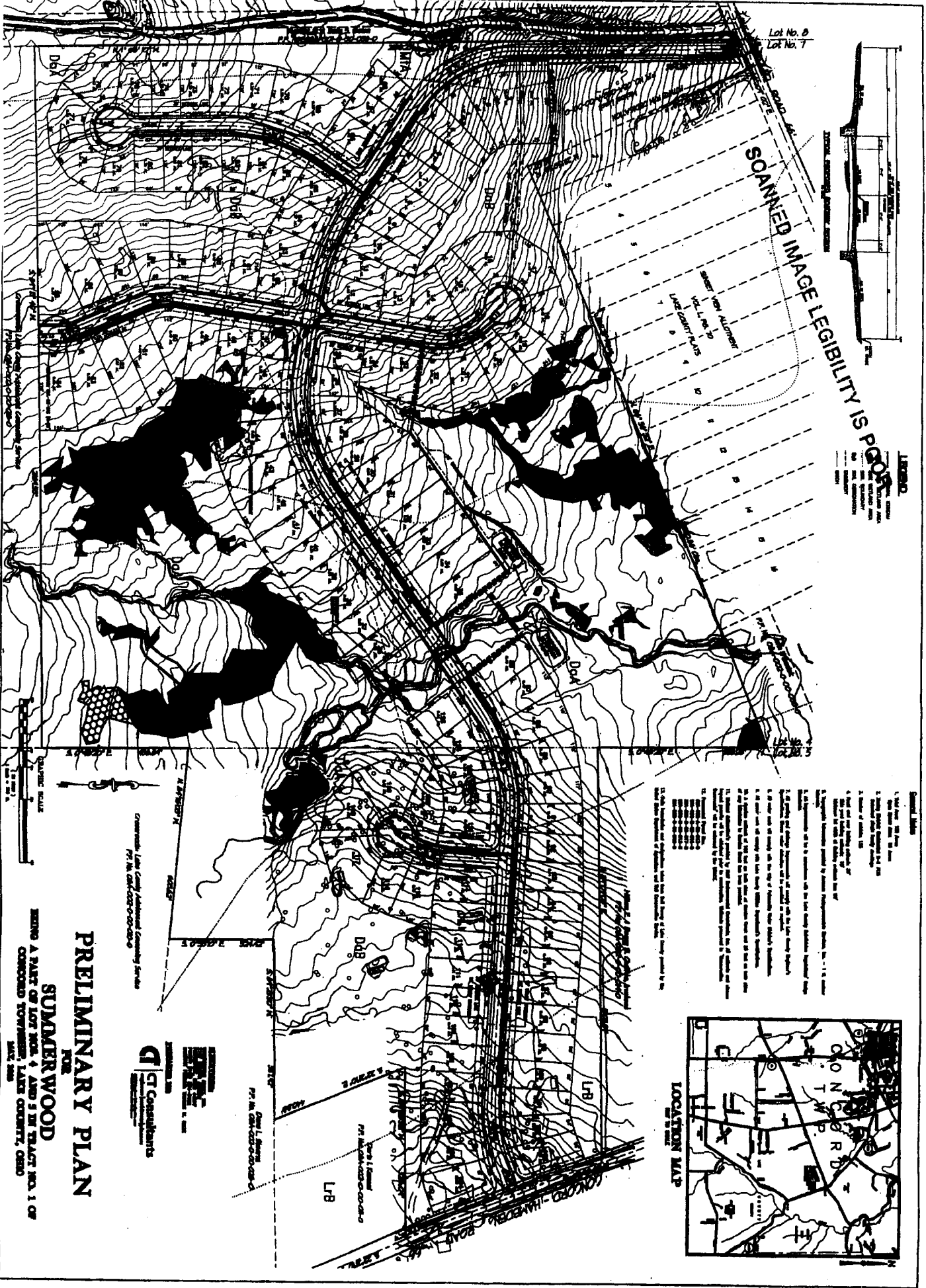
PARCEL C

Situated in the Township of Concord, County of Lake and State of Ohio and known as being a part of Sublot No. 1 in Sunset View Allotment as recorded in Volume L, Page 70 of Lake County Plat Records;

Beginning at a 1" iron pipe found at the intersection of the northwesterly corner of Sublot No. 1 and the southerly right-of-way line of Girdled Road (66 feet wide);

- COURSE I:** Thence South 2°10'45" West along the westerly line and to the southwesterly corner of Sublot No. 1, a distance of 799.28 feet to a 1" iron pipe found;
- COURSE II:** Thence North 71°03'00" East along the southerly line and to the southeasterly corner of Sublot No. 1 a distance of 398.53 feet to a 5/8" iron pin found;
- COURSE III:** Thence North 19°45'00" West along the easterly line of Sublot No. 1 a distance of 82.05 feet to a 5/8" x 30" iron pin set and capped Babcock, Jones & Associates, Inc.;
- COURSE IV:** Thence North 87°49'15" West a distance of 281.10 feet to a 5/8" x 30" iron pin set and capped Babcock, Jones & Associates, Inc.;
- COURSE V:** Thence North 2°10'45" East a distance of 564.34 feet to a 5/8" x 30" iron pin set and capped Babcock, Jones & Associates, Inc.;
- COURSE VI:** Thence North 19°45'00" West a distance of 36.46 feet to a 5/8" x 30" iron pin set and capped Babcock, Jones & Associates, Inc. on the southerly right-of-way line of Girdled Road;
- COURSE VII:** Thence South 70°15'00" West along the southerly right-of-way line of Girdled Road a distance of 50.00 feet to the place of beginning and containing 2.0445 acres of land as surveyed and described by Harry S. Jones, Registered Surveyor No. 6343 in October, 2001.

Bearings are based upon the centerline of Girdled Road being South 70°15'00" West and are used to describe angles only.



Lot No. 6
Lot No. 7

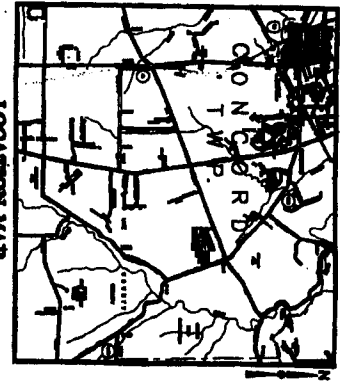
SCANNED IMAGE LEGIBILITY IS POOR



CRESENT

General Notes

1. All work shall be in accordance with the latest edition of the Ohio Building Code.
2. All work shall be in accordance with the latest edition of the Ohio Electrical Code.
3. All work shall be in accordance with the latest edition of the Ohio Mechanical Code.
4. All work shall be in accordance with the latest edition of the Ohio Plumbing Code.
5. All work shall be in accordance with the latest edition of the Ohio Fire and Safety Code.
6. All work shall be in accordance with the latest edition of the Ohio Energy Code.
7. All work shall be in accordance with the latest edition of the Ohio Environmental Code.
8. All work shall be in accordance with the latest edition of the Ohio Health Code.
9. All work shall be in accordance with the latest edition of the Ohio Safety Code.
10. All work shall be in accordance with the latest edition of the Ohio Administrative Code.



PRELIMINARY PLAN

FOR SUMMERWOOD

BEING A PART OF LOT NOS. 4 AND 5 IN TRACT NO. 1 OF CONCORD TOWNSHIP, LAKE COUNTY, OHIO SEC. 28



Exhibit "B"

DEVELOPER'S BOND

WHEREAS, the undersigned Westminster Abbey, Inc., hereinafter referred to as "Developer," is the owner of a tract of land located in the Township of Concord, Lake County, Ohio (the "Township") to be known as the Summerwood Subdivision ("Summerwood"), a planned unit development, consisting of approximately 127.8345 acres located south of Girdled Road and west of Concord-Hambden Road and identified as permanent parcel nos. 8A-2-12, 8A-2-13, 8A-2-16, 8A-2-17, and parts of parcel nos. 8A-2-26 and 8a-2A-1, as more fully described in Exhibit A attached hereto (the "Property"), and,

WHEREAS, in order to proceed with the development of Summerwood, and to assure the Township that Summerwood will be developed strictly in accordance with the Declaration of Restrictive Covenants attached as Exhibit B (the "Covenants"), and to induce the Township Board of Trustees ("Board of Trustees") to approve Developer's request to rezone the Property to allow for the development of Summerwood, Developer agrees as follows:

1. Developer shall develop Summerwood strictly in accordance with the Covenants and the applicable rules and regulations of the Lake County Planning Commission.

2. Developer, as security for his assurance and bond that he will develop Summerwood strictly in accordance with the Covenants and applicable rules and regulations as aforesaid, does hereby assign, transfer and set over to the Board of Trustees and its successors in office, One Hundred Fifty Thousand Dollars (\$150,000.00) (the "Fund"), which Developer has on deposit and/or is entitled to draw from FIRST MERIT BANK, N.A. ("Bank"), and does hereby authorize and direct the said Bank to acknowledge the within assignment and to assure the Board of Trustees, that the above-mentioned Fund less earned interest, shall be held by Bank in escrow for the benefit of the Board of Trustees to secure the aforesaid bond and guarantee the completion of the items hereinafter set forth, upon the terms and conditions of this agreement.


3. In the event Developer violates any of the Covenants in the development of Summerwood, and such violation continues unabated for a period of thirty (30) days after Developer's actual receipt of written notice of said violation from the Board of Trustees, upon written notice by the Board of Trustees to Bank and the Developer to this effect, the interest of the Developer in and to the above said funds shall cease, and said funds shall be paid to the Board of Trustees for the cost of enforcing Developer's compliance with the Covenants and taking such other actions that are or may be necessitated by Developer's breach, and Bank shall make said funds available to the Board of Trustees as set forth in Bank's Acknowledgment attached hereto.

Exhibit "E"

4. The covenants herein contained shall be binding upon Developer and Bank and their respective heirs, executors, administrators, successors, grantees, and assigns. This Developer's Bond shall remain in effect until the subdivision plat for Summerwood is recorded with the Lake County Recorder and all site infrastructure improvements for Summerwood completed in accordance with any plans and drawings approved by the Lake County Planning Commission and written notice of same has been forwarded by the Lake County Planning Commission to the Board of Trustees, Bank and Developer. Upon such recording and completion, this bond shall be null and void and the Bank shall release the Fund to Developer, and Bank shall thereafter be released from any further obligations hereunder. Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the facts may require.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 11th day of DECEMBER, 2002.

WEST MINSTER ABBEY, INC., Developer

By: 

THOMAS M. KOST, PRESIDENT
Its: PRESIDENT

Exhibit "C"

BANK'S ACKNOWLEDGMENT

FIRST MERIT BANK, N.A. (the "Bank") acknowledges the above Developer's Bond of Westminster Abbey, Inc. and hereby agrees to hold the sum of One Hundred Fifty Thousand Dollars \$150,000.00 (less earned interest) in escrow according to the terms thereof, subject only to the following: In the event the Developer violates any of the covenants set forth in the Declaration of Restrictive Covenants attached to the Developer's Bond in the development of the Summerwood Subdivision in Concord Township, Lake County, Ohio, and such violation continues unabated for a period of thirty (30) days after Developer's actual receipt of written notice of said violation from the Concord Township Board of Trustees, upon written notice by the Board of Trustees to Bank and the Developer to this effect, the interest of the Developer in and to the above said funds shall cease, and said funds shall be paid to the Board of Trustees for the cost of enforcing Developer's compliance with the Covenants and taking such other actions that are or may be necessitated by Developer's breach, and Bank shall make said funds available to the Board of Trustees

Executed this 11th day of December, 2002,

FIRST MERIT BANK, N.A.

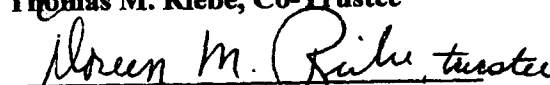
By: Jeffrey J. Calabrese
JEFFREY J. Calabrese
Its: Senior Vice President
Senior Vice President

ACKNOWLEDGMENT AND CONSENT

The undersigned, Thomas M. Riebe and Doreen M. Riebe, Co-Trustees of The Riebe Living Trust, as present record owners of the subject property, hereby acknowledge our full awareness of the terms and conditions of the foregoing Declaration of Restrictive Covenants and we hereby agree and consent to be fully bound by all of said terms and conditions.

Dated: June 29, 2004


Thomas M. Riebe, Co-Trustee


Doreen M. Riebe, Co-Trustee