

RESTRICTIONS AND RESERVATIONS: The grantors (John G. Roby and Neva Jo Roby) do hereby hold for themselves and for their subsequent heirs and assigns the following enumerated covenants, restrictions and reservations:

- The herein plat premises shall be used exclusively for residential purposes and shall be a single residence per each platting parcel or lot. There shall be no business, no commercial usage, no signs and no public services in or on any parcel or lot delineated hereon.
- There shall be only one residential dwelling with at least 1,200 square feet of family living area as the ground floor per each parcel or lot. The 1,200 square feet shall be exclusive of utility rooms, garages, open porches or breezeways. Basements and second story levels must be calculated as additional area in addition to the aforesaid 1,200 square feet of living area.
- There shall be no single mobile homes placed on any parcel or lot which will be used as a living quarters except for that period of time not more than 200 calendar days for which such unit may be placed during the time of construction of the residence for that particular parcel or lot. Residence must be completed for living within 200 calendar days from the time of foundation excavation. Upon completion of said residence, any temporary living structure or mobile home must be removed from the premises. This does not include motorized home or pull type camper which is classified as personal property and commonly used for vacation and is not used as an on site living quarters after completion of the residence.
- Dwellings shall be constructed of frame, or brick, or stone, or decorative concrete or fiberglass, or other acceptable material approved by the building authority having jurisdiction. No bare concrete block construction will be permitted unless the exterior surface is plastered and painted. (Stucco type finish). No log type structure and no unfinished wood (not painted or not stained) buildings will be permitted. There shall be no non-stucco surface exposed of any type concrete or block except for a concrete block foundation which has a maximum of only 16 inches vertical surface exposed above the finished ground (yard) level. Yard areas shall be finished with sod or grass seed, no bare land or weeds will be permitted to remain or as a garden. Assembled modular homes with over 1,200 sq. ft. are acceptable.
- There shall be no horses, ponies, sheep, goats, cattle, hogs or other farm type livestock permitted to be housed or maintained on any parcel or lot herein. Rabbits, hunting dogs and other similar outside animals or poultry are not permitted. Common household pets such as a dog or cat may be kept within the residence but shall not be permitted to run free wherein such animal will create annoyances, vex or harass to others residing within area. The breeding of household pets and / or the raising of any animals for the purpose of resale or for the purpose of giving litters shall not be permitted.
- Each land owner is responsible for contacting the county engineer, the county zoning officer, the county health department and the township or county building official prior to any construction or grading or excavation or installing of sanitary fields, drilling of water wells and the laying of roadside culverts. All of the aforesaid officials shall be contacted by the grantor or his representatives prior to any construction and prior to cutting of the roadside ditch and / or making a drive to the present roadway. Permits and / or permission must be granted by each authority.
- No motor vehicle unusable as a means of transportation shall be permitted to be kept on the outside of a building constructed for such purpose. Other than general personal standard vehicle maintenance, there shall be no mechanical work performed, no junking of vehicles, and no non-serviceable vehicles permitted. One automobile may be kept with a maximum of three cars established or found markers at the time of construction. The storage of utility equipment and personal belongings shall be permitted if the type of construction is approved by the authority having the building permit approval. The storage of utility equipment and personal belongings shall be in accordance with applicable laws and regulations.
- There shall be no fences, trees, shrubs or other permanent fixtures erected or planted closer than 30 feet from the centerline of the public highway. Any trees having any branches within that closer than 6 feet from the ground must be planted such a distance back from the public highway so as to maintain a non obstructed view for the driver attempting to gain ingress or egress from said highway.
- There shall be no material piled or left unattended wherein rats or wild rodents can breed or live. Materials which are a health hazard or cause a public health hazard. Such liquids shall not be transmitted to any pond, or to any jointly used subsurface tile nor shall such material be allowed to flow into the roadside ditch. No sanitary leaching bed, line, tile or subsurface storage vault or any other type drain which might contain household wastes will be permitted to be placed within 30 feet from the property boundary.
- Each and every separate property owner of the herein platting parcels or lots are subject to the real property rights of the adjacent owners and are subject to the any provisions necessary to benefit landowners regarding solar access. Owners shall abide by the provisions stipulated in the Ohio Revised Code and the particular provisions defined in sec. 5301.63 thereof. The owner of the benefited land may prevent any obstruction to the solar access described in the solar access easement by any equitable remedy, and may maintain any action at law for damages caused by any such obstruction.

The covenants and restrictions herein above enumerated are for the benefit of the grantors, their heirs and assigns and all other adjacent owners and said restrictions and covenants shall run with the land. In the event that any person attempts to violate the above restrictions, the grantors their heirs or their assigns shall have the right to prosecute any proceedings at law or in equity, either to restrain or to enforce such violation or to recover damages for the same. Any invalidation of any restriction or any covenant by Judgment or Court Order, shall not affect the validity of the remaining covenants and restrictions.

DESCRIPTION: Being two portions of a certain 12.84 acres conveyed to John G. Roby and Neva Jo Roby by Kenneth W. Kilgore and Bettie D. Kilgore as found in Deed Volume 162 at Page 177, situated in VMS 5874 and VMS 5817, civil township of Canaan, county of Madison, state of Ohio, said portion used for subdivision being bounded and more particularly described as follows: (Being Madison County Engineer's Aerial Map Parcel # 411)

Portion that bounds lot #1 and lot #2 (westerly portion...containing 129,394 square feet or 2.9705 acres).....Beginning with a P.K. spike set in the centerline of Price-Hilliards Road (county road #32) at a point 118.75 feet measured easterly along the centerline of said roadway from the centerline of U.S. RT. #42 and the same being the southerly corner of a 2.84 acre tract recorded in D.B. 205 at Pg. 118.....

Thence: With the centerline of Price-Hilliards Road...N 79 deg 12 min 00 sec W 377.480 ft. to a 3/4" iron spike found.....the southerly corner of 12.84 acres aforesaid;

Thence: N 05 deg 51 min 00 sec E 292.52 ft. to a 3/4" pipe set;

Thence: N 05 deg 59 min 00 sec E 99.24 feet to a 3/4" pipe set;

Thence: S 78 deg 27 min 00 sec E 391.42 feet to a 3/4" pipe set;

Thence: S 71 deg 04 min 00 sec W 336.081 ft. to the place of beginning;

Portion that bounds lot #3, #4, #5, #6, #7 and lot #8 (easterly portion...containing 305,253 square feet or 7.0097 acres).....Beginning with a P.K. spike set in the centerline of Price-Hilliards Road (county road #32) at a point 118.75 feet measured easterly along the centerline of said roadway from the centerline of U.S. RT. #42 and the same being the southerly corner of a 2.84 acre tract recorded in D.B. 205 at Pg. 118.....

Thence: With the centerline of Price-Hilliards Road...N 79 deg 12 min 00 sec W 377.480 ft. to a 3/4" iron spike found.....the southerly corner of 12.84 acres aforesaid;

Thence: N 05 deg 51 min 00 sec E 292.52 ft. to a 3/4" pipe set;

Thence: N 05 deg 59 min 00 sec E 99.24 feet to a 3/4" pipe set;

Thence: S 78 deg 27 min 00 sec E 391.42 feet to a 3/4" pipe set;

Thence: S 71 deg 04 min 00 sec W 336.081 ft. to the place of beginning;

Note: Lot #1, Lot #2, Lot #3 are each within VMS 5874. Lot #5, Lot #6, Lot #7 and Lot #8 are each within VMS 5817. Lot #4 is partly in VMS 5874 and partly in VMS 5817. 30.00 feet measured from centerline of road to be road right of way.

This description is based on an actual field survey in year 1982 made by the undersigned with the bearings being based on the instruments recorded in Deed Volume 205 at Pages 118 and 119. Iron pins, iron pipes, posts, fences, and P.K. (parker kalon) spikes were either found or set as delineated on the herein platting subdivision of lots or parcels:

By: *Rodger Irwin Baker* Feb. 23, 1983
Rodger Irwin Baker, Ohio Surveyor # S-05539
395 Ohio State Route # 56, London, Ohio 43140
Telephone #: 614-852-0347

OWNER'S CONSENT AND DEDICATION: We, John G. Roby and Neva Jo Roby (husband and wife) being the undersigned and the lawful owners of the lands platting herein, do hereby voluntarily consent to the execution of this plat of eight (8) parcels or lots, and to dedicate the platting easements for utility purposes and do hereby dedicate the use of a thirty feet wide (30') strip of land along the Price-Hilliards Road for the purpose of highway drainage and highway maintenance and said thirty feet strip is to be permitted for public highway use forever. The easements shown on this plat are for the purpose of construction, operation, and maintenance of, repair, replacement of and the removal of water, gas, telephone, electric and storm water services for the sole benefit of our heirs and assigns within the perimeter of the herein platting subdivision only. Utility companies being licensed to provide services therein have the expressed right and privilege of removing any and all trees or other definite obstructions within the delineated easements limits and the bounds thereon. Said easements are to remain free of structures, obstructions and trees and utility companies shall have the privilege of ingress and egress within the limits platting herein. (width of easements). Any fences, buildings, trees or obstructions should any of the above be found or erected within the limits of said easements herein platting.

John G. Roby 3/4/83 *Neva Jo Roby* 3/4/83
Date Date
Witness Witness

CERTIFICATE OF NOTARY PUBLIC: State of Ohio, County of Madison, SS
Be it remembered that on this 14th day of March, 1983, before me a Notary Public, the undersigned, in and for the county of Madison, in the state of Ohio, personally came John G. Roby and his wife Neva Jo Roby who are the lawful owners of the herein platting property, acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed.

In testimony whereof, I have set my hand and affixed my Notary Seal on the day and date written above:

James E. Hart Notary Public for the State of Ohio and in the County of Madison

SURVEYOR'S STATEMENT AND CERTIFICATION: I, Rodger Irwin Baker (aka Rodger I. Baker) do hereby certify that I am a professional licensed registered surveyor number S-05539 in and for the State of Ohio. I personally performed the field survey and established or found markers as delineated hereon. This map or plat has been based on the minimum standard detail requirements as prescribed by the Ohio Administrative Code adopted by Land Title Survey and is intended for the use of the Bureau of Land Management and Mapping as adopted in year 1982. In my opinion this plat properly delineates the true bounds as found by me in year 1982 and again verified in February 1983.

Rodger Irwin Baker
Signed this 23rd day of February, 1983 Rodger Irwin Baker, Registered Surveyor

MADISON COUNTY REGIONAL PLANNING COMMISSION: This plat was approved by the Madison County Regional Planning Commission on the 8th day of March, 1983.

By: *James E. Hart* Chairman of the Planning Commission

ZONING COMMISSION APPROVAL: This plat has been approved by the Madison County Zoning Commission for the Township of Canaan and for the County of Madison on the date herein.

approved on this 8th day of March, 1983

By: *Robert C. Dow* Zoning Inspector or Commission Representative

COUNTY ENGINEER APPROVAL: I, the Madison County Engineer, being duly elected and bonded, do hereby approve this plat and find that no construction sureties are required:

I accept and approve this plat for recording on this 14th day of March, 1983:

By: *Robert C. Dow* Madison County Engineer, London, Ohio
Professional Engineer and Surveyor

COUNTY COMMISSIONERS APPROVAL: We, the elected board of Madison County Commissioners, of the County of Madison, State of Ohio, do hereby approve and accept this plat for record on this 14th day of March, 1983.

H.L. Marley *Robert Edwards*
County Commissioner County Commissioner

COUNTY SANITARY DEPARTMENT AND HEALTH OFFICER: I hereby approve and accept this plat on this 14th day of March, 1983.

By: *Tom A. Leonard* Authorized Officer

COUNTY AUDITOR'S TRANSFER: Transferred on this 14th day of March, 1983.

By: *Phyllis M. Griffith* Auditor for Madison County Auditor

COUNTY RECORDER'S RECORDING DATA: No. 107107

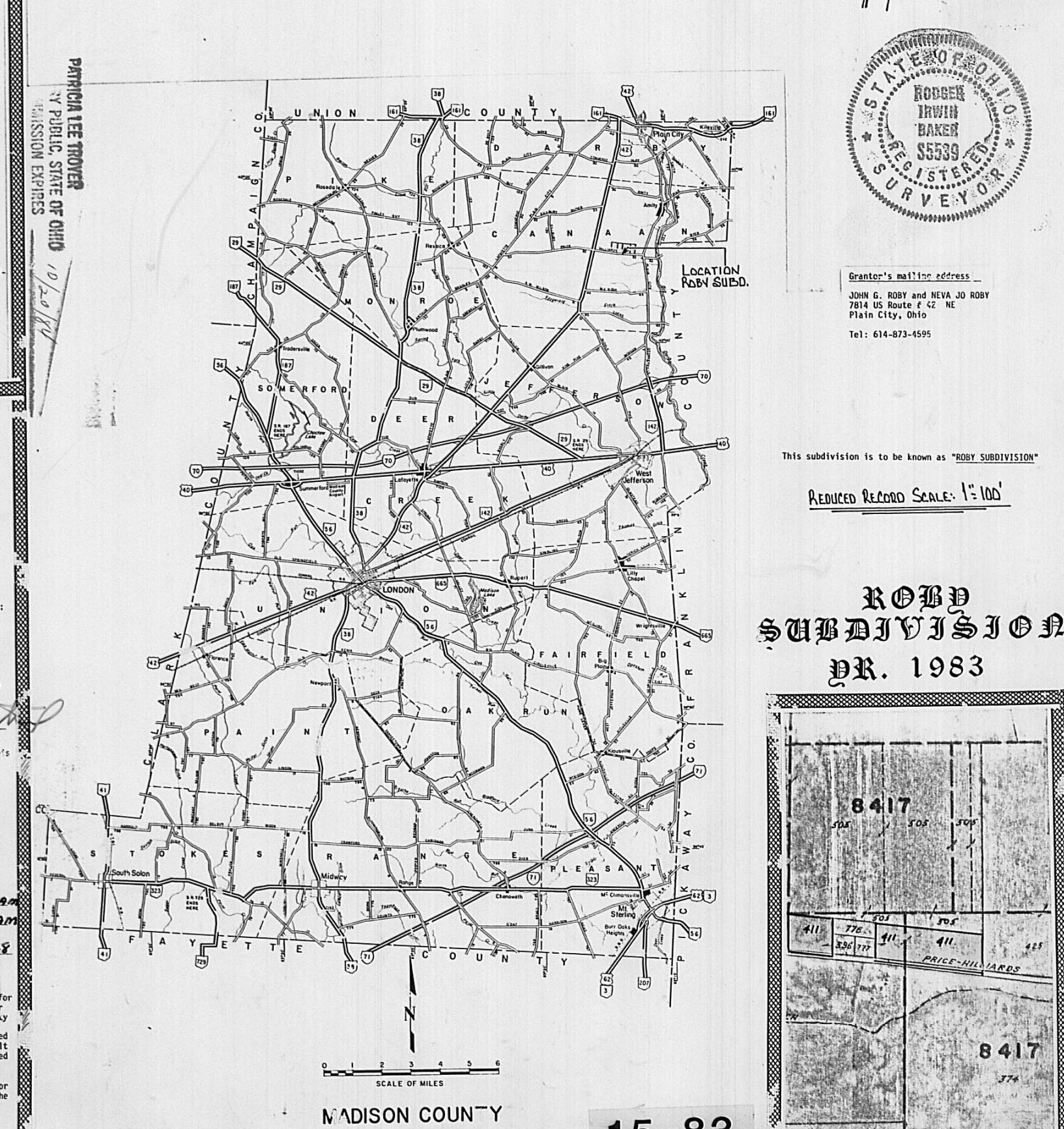
This Plat was Received on this 14th day of March, 1983 (6:24 AM)

This Plat was Recorded on this 14th day of March, 1983 (2:44 PM)

This Plat is Recorded in Plat Volume (book) number 2 At Page 247-248

FEES \$ 10.00
By: *William G. Moore* Deputy County Recorder

STATEMENT OF MATTERS: Each Lot Owner or Parcel Owner is subject to assessments for the construction and / or maintenance of any surface or subsurface drainage of storm water which may result from the development of the herein platting subdivision. The Madison County Commissioners assume no legal obligation to repair or replace any ditches which may be constructed as a result of this subdivision development, unless such ditch has been defined as a county ditch or a public drainage. The owner of the herein platting subdivision shall be assessed as a necessary to provide residential drainage, each lot or parcel owner shall be assessed and share the costs incurred for maintenance and / or construction thereof. Drainage improvements shall be made through petition and / or hearing unless such a ditch exists only a single owner and / or agreements are made between all parties affected and / or benefited at which time such drainage is considered a private drainage system and with the approval of the Madison County Engineer and the Madison County Health Department and any other political division having jurisdiction.



ROBY SUBDIVISION
PR. 1983

