

TEXT FROM DEED RECORDED RESTRICTIONS

ISLAND VIEW SUBDIVISION
RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that whereas the Lakeside Foundation, a corporation not for profit organized under the laws of the State of Ohio, is the owner in fee simple of the following described real estate to-wit.

Situated in the Village of Marblehead, County of Ottawa, State of Ohio, and being part of Great Lot No. 18, Section No. 1 (formerly a part of Danbury Township) and more particularly described as follows:

Beginning at the junction of the east boundary line of Great Lot No. 18 with the waters of Lake Erie and running thence in a southerly direction along said east line a distance of 773 feet, more or less, to an iron pin: thence in a westerly direction, a distance of 451.77 feet, more or less, to an "x" incised in the south rail of the old interurban railway; thence in a westerly direction a distance of 405.91 feet, more or less, to an iron pin set in the west line of Great Lot no. 18; thence in a northerly direction along the said west line of Great Lot 19 (and which is also the west corporation line of the Village of Marblehead and the east line of grounds of the Lakeside Association) a distance of 1024 feet, more or less to the junction of the west boundary line of Great Lot No. 18 with the waters of Lake Erie; thence in a general easterly and southeasterly direction along an irregular line bounding the shore and waters of Lake Erie to the place of beginning, containing eighteen (18) acres of land, more or less, but subject to all legal highways, consisting of 52 lots, and two (2) unallotted tracts containing 5.35 acres, together with land set aside for ways and parks, all as surveyed and platted by Aubrey Stoutenburg, a registered engineer and surveyor, such plat being recorded in Ottawa County Plat Records, Volume 9, page 6, in the Recorder's Office of said County.

And whereas the Lakeside Foundation proposes at sometime in the future to convey to the Lakeside Association all of the real estate, as herein-before described, excepting any part or parts which the Lakeside Foundation may have conveyed prior to such conveyance to said Lakeside Association.

NOW, THEREFORE, It is hereby declared by the said owner and proprietor of Island View Subdivision, The Lakeside Foundation, its successors or assigns, that all lots in such subdivision shall be sold by warranty deed conveying merchantable title in fee simple to the purchaser, subject however to conditions of usage in accordance with the following restrictions and reservations, to-wit:

(1) No more than one structure, for single-family residential usage only, and of a minimum area of 700 square feet, may be built on any one lot. A car-port or garage and at least one complete bathroom shall be contained within the one structure. No view-obstructing portion of the structure shall extend beyond the building lines shown on the plat not nearer than twelve (12) feet to any side line or rear line of lots, except that for lots A-1 to A-7, inclusive, and lots E-1 to E-7, inclusive, a structure may be erected on a property consisting of more that one lot, and in such case the said twelve (12) feet side line clearance shall apply to the property line rather than to the lot line. Compete plans for a proposed structure prepared by a registered architect or other qualified professional designer, all submitted in duplicate to a committee of three (3) members, chosen annually by the Lakeside Foundation or its successor, the Lakeside Association, or any other successor or assigns; the plans shall be approved by said committee prior to construction.

(2) Structures on lots facing Foundation Park shall be limited to only (1), with maximum roof height of fourteen (14) feet above approved finished grade line, On all other lots structures may be 1-story or 1-

1/2 story, with a maximum roof height of twenty-one (21) feet. In all cases basements are optional. No roofwater drainage shall be connected to the sanitary sewer main except for structures on Lots C-1, D-11, E-1. Unsightly trash and garbage cans are prohibited, each home shall contain an electric garbage disposer and/or a built-in-chimney incinerator.

(3) No tent, trailer, shack, roofed basement, or other temporary dwelling shall be permitted on any lot at any time. No offensive activity nor anything which may be (or may later become) an annoyance or nuisance to neighbors shall be permitted; dogs or similar pets shall be tied at all times. Spirituous, vinous or fermented liquors shall never be sold or given away, wither by wholesale or retail, any part of this subdivision.

(4) No fences, hedges, shrubs, lines for laundry, parking lots, tanks or other obstacles which obstruct the view toward the Lake Erie shall be allowed beyond the aforesaid building limits. Owners shall keep their property free from litter and trash, keep the grass and weeds mowed and the foliage of existing trees trimmed to a minimum height of ten (10) feet above the ground line; failure to comply therewith shall be cause for the aforesaid Committee to hire the work done by others and to assess the cost of same against the offending owner.

(5) A perpetual easement ten (10) feet in width is reserved along the route of the existing sanitary sewer and water mains for the installation, maintenance, and service connections of utilities for residential structures in the subdivision.

(6) The lots and all tracts of land in this subdivision shall never be used as sites for a manufacturing or industrial purpose of any kind..

(7) Requirements as set forth in Paragraphs (1) and (2), above, are hereby waived as to the existing 2-1/2 story structure on lot A-12.

(8) Property owners in this subdivision shall pay promptly, as they may become due, all taxes and assessments levied by any lawful governmental authority.

From and after such time as the Lakeside Foundation transfers and conveys to the Lakeside Association whatever interest it may still have in the lands included within the said Island View Subdivision, the owner of each piece of property therein shall pay annually for the maintenance and improvement of streets, parks and sanitary facilities for the said subdivision such amount as the trustees of the Lakeside Association may assess, but not to exceed one percent (1%) of the appraised value of the said property as it appears on the County Tax Duplicate.

(9) That from and after the time the Lakeside Foundation transfers and conveys to the Lakeside Association whatever interest it may still have in the lands included within the said Island View Subdivision, the owner or owners of each parcel of real estate in said Island View Subdivision will keep his or their premises in such condition as the sanitary and police regulations of the Lakeside Association may require, and during all meetings will be subject to the rules and regulations of said meetings, and particularly to Section 16 of such rules and regulations covering the so-called Closed Season..

(10) Procedure for amending or altering any of the foregoing restrictions shall be as follows: A petition signed by the owners of at least three-fourths of the lots in Island View Subdivision, shall be filed

with the Lakeside Foundation, or its successor the Lakeside Association, or any other successor or assigns. The petition shall set forth in clarity and detail the change requested and the reasons therefore. The petition shall receive careful consideration by the Lakeside Foundation or its successor the Lakeside Association, or any other successors or assigns, and which shall have full discretion in action thereon and granting same. Following the making of any change in such restrictions, the restrictions so amended shall be put in legal form and filed with the Ottawa County Recorder for permanent record, before being of any force or effect.

(11) Should any property owner, his heirs or assigns in this subdivision violate or attempt to violate any of the foregoing restrictions or reservations it shall be lawful for any other property owner in said subdivision to prosecute proceedings at law or in equity against such violator and either to prevent him from so doing or to recover damages for such violation. Upon the violation of any of the foregoing requirements, restrictions and reservations by any owner, his heirs, administrators, executors or assigns, the Lakeside Foundation or its successor the Lakeside Association or any other successor or assigns may cause a written notice to be served upon the alleged violator, and the holder of any lien or mortgage of record covering the premises in question, stating therein the time and place of a hearing before such Committee, as hereinbefore provided for in paragraph designated as (1), upon the matter of the alleged violation, the time of such hearing to be not earlier than ten days after the service of the notice as aforesaid. Notice may be served upon the offending party and lien holder either by handing a copy of the notice to such party or parties or by the leaving of a copy thereof at his or her residence. If the offending party or lien holder cannot be found or his residence located, the notice of the hearing may be given by publication for three (3) consecutive weeks in a newspaper published in Ottawa County, Ohio and with the time of the hearing to be not earlier than ten days after the final publication of such notice. If at such hearing it is determined by such Committee that any of the aforesaid requirements, restrictions and reservations are being violated by the alleged offender, and finding to that effect is so made by then upon failure of the owner his or her administrators, executors or assigns, to desist or discontinue such violation within ten days thereafter, a proceeding for forfeiture may be instituted in the Common Pleas Court of Ottawa County, Ohio, by the Lakeside Foundation, or its successor the Lakeside Association, or any other successor or assigns, against the owner or owners of the lot or lots in question, naming therein also all lien holders against the said property, and such proceeding to be conducted in the same manner as a foreclosure proceeding, except that after the appraisal of the property is made in the manner provided by the statutes of Ohio for the foreclosure of real estate, the Lakeside Foundation, or its successor the Lakeside Association, or any other successor or assigns, shall have the right to acquire the property so appraised at its appraised value. Upon payment of such appraised value the Sheriff of Ottawa County, Ohio, shall execute and deliver a deed to the Lakeside Foundation or its successor the Lakeside Association, or any other successor or assigns covering the property described in the petition for forfeiture, thereby conveying to such grantee the entire interest of all parties defendant named in forfeiture proceedings. The money so paid, less court costs, shall be distributed under order of the Court in the following manner, to-wit:

- (a) In payment of any taxes or special assessments against such property.
- (b) To lien holders as their interest may appear.
- (c) Balance, if any, to owner or owners, or persons representing same.

(12) Should any of the foregoing requirements be hereafter invalidated or be declared of no force or effect by a court of competent jurisdiction, such order shall not be construed as affecting the other restrictions and provisions as hereinbefore set forth.