

Briarwood Heights Add. Restrictions

1. All of the land included in said tract, except as herein after expressly provided, shall be used exclusively and solely for private residence purposes only.

2. No building or buildings of any kind whatsoever shall be erected or maintained thereon, except dwelling houses and only one such house shall be erected on any premises and private garages for the sole use of the owners or occupants of the dwelling houses to which they are necessary.

3. No single lot shall be sub-divided; however, this restriction shall not be construed to prevent any owner of two or more adjacent lots from building in such a manner to utilize one or more lots as grounds for his single dwelling.

4. No building or residence or other improvement shall be moved from other locations on to any part of these premises without the consent of the grantors herein.

5. Said premises shall not be used for storing wrecked, junked or permanently disabled automobiles, or any other wrecked or junked articles or for storing anything that would make the property unsightly.

6. No residence shall be constructed in said subdivision which shall contain less than eight hundred fifty (850) square feet of livable space, exclusive of basement, garage and attic, and said residence shall not be nearer than five (5) feet to the adjoining lot.

7. This property is conveyed with the express condition that it shall not be used for mercantile business or manufacturing purposes; that no nuisance, advertising sign, billboard or other advertising device shall be erected, placed or suffered to remain on said premises except with the consent and approval of the Briarwood Board, hereinafter designated, nor shall the premises be used in any way or any purpose which may endanger the health or unreasonably disturb the quiet of any holder of adjoining land.

8. No spirituous, vinous or fermented liquors shall be manufactured or sold either at wholesale or retail upon said premises. No privy shall be maintained, placed or suffered to remain upon said premises.

9. These premises shall not be used for housing, feeding, corraling or harboring goats, swine, chickens or other fowl or livestock of any kind.

10. There shall not be erected, constructed, suffered, permitted used, operated or maintained on said tract any nuisance of any character. If any nuisance of any character, whether or not hereinafter specified, shall at any time be erected, constructed, used, operated or maintained on any of said premises, such nuisance shall be forthwith abated upon notice or demand therefor from the Grantors or from any one or more of the present or future owners, of any premises in said tract. Upon failure so to immediately abate said nuisance, the grantors, or said owner or owners may summarily abate such nuisance, using such force as may be necessary therefor, and the Grantors or said owner or owners shall not in any way be liable for any damage in law or equity, but shall be paid by, and may recover from, the owner of the land upon which said nuisance was committed, all costs and expenses incurred or expended in abating the same. Any stable, cattle or fowl yard, hog pen, cesspool, catch basin, or other receptacle for collection or storage of liquid or other waste matter shall be conclusively deemed to be a nuisance except the following: (a) cisterns for rain water; (b) tanks for the underground storage of oil or gas; (c) tanks for the disposal of sewage, constructed according to requirements of the Ohio State Department of Health, but no outside or detached privies shall be maintained on any lot in any case. Any plant, manufacturing shop, works, store, establishment or structure for the purpose of carrying on any trade or business whatsoever, shall be conclusively deemed to be a nuisance. Any hogs, cattle or other livestock maintained on said tract shall be conclusively deemed a nuisance. All improved premises in said tract shall be kept free and clear from unsightly or obnoxious weeds and grass, and no board or other fences or hedges shall be permitted on any of said premises, excepting ornamental fences and hedges, the design of which has been approved by the Briarwood Board, hereinafter designated. The determination, by the Briarwood Board, as to what constitutes a nuisance within the meaning of this restriction, shall be conclusive and binding, and no owner of any tract of land in said tract, or any other persons, shall be entitled to an injunction to prevent the Briarwood Board from determining whether or not a breach of this

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restriction has occurred or to enjoin the abatement thereof. Nothing hereinbefore contained shall in any manner be deemed a limitation upon said right of the Briarwood Board to determine what constitutes a nuisance within the meaning of this restriction.

11. The Briarwood Board shall consist of three or more persons appointed by the grantors who shall serve at the pleasure of said grantors until such time as the grantors shall call an election at which time a new Board will be elected by the owners of all the lots in said Briarwood, each owner to have as many votes as he has lots and a majority shall control, which said Board shall serve at the pleasure of a majority of the owners voting as set out herein.

12. Each owner at the time of construction of the residence on said lot shall provide parking space for all cars of the owner either by garage, carport or other space, so that cars will not be parked on Briarwood Drive or any other street, in said subdivision.

13. Easements and rights-of-way are hereby expressly reserved by the grantors herein, in, upon and over each lot for the following purposes: For the construction and maintenance of poles, wires, conduits, and the necessary or proper attachments in connection therewith for the transmission of electricity or other power and for telephone and other purposes; for the construction and maintenance of storm-water drains, land drains, public and private sewers, pipe lines for supply of gas, water and heat, and for any other public or quasi-public utility or function conducted, maintained, furnished, or performed by or in any method approved by the Briarwood Board.

Drives and lanes are to be used for public utilities and drainage. Natural ravines are not to be obstructed and are to be used as common drainage for lots abutting and adjacent to them.

14. The restrictions herein contained shall run with and bind the land and shall inure to the benefit of and be enforceable by the grantors or the present or future owner of any land included in said tract, their respective legal representative, heirs, successors and assigns, and failure by the grantors or any landowner, however long continued, to object to any violation of, or to enforce any restriction or restrictions herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequent thereto.

15. Whenever the context requires it, the provisions hereof shall apply to either corporations, partnerships or individuals, to men or women, to the singular or plural and these changes shall, in all cases, be assumed as though in each case fully expressed.

Amendment to restriction no. 6 filed July 7 1958

Received July 7, 1958 - 9 A.M.
Recorded July 14, 1958

- Fred H. Johnson
- Elizabeth E. Johnson
- P. F. Good
- Theodora L. Good
- Dwight Rutherford
- Rose D. Rutherford

- Gordon R. Stout
- Jacqueline Stout
- George E. Hill
- Beatrice K. Hill
- Richard E. Cone
- Lois Cone
- Albert H. Shuster
- Dorothy W. Shuster
- Richard W. McKinstry
- Gaynell McKinstry
- Ray E. Dawson
- Phyllis Dawson
- Robert H. Marquis
- Lila Marquis
- Donald C. Hoffee
- Christine Hoffee
- Howard I. Shull
- Mary E. Shull
- Fred Schleiher, Jr.
- Lola Schleiher

Attest: *Charles S. Blapp*
Recorder

By Agreement and consent of all the owners of lots in Briarwood Heights Addition to the City of Athens, Ohio, as of June 1, 1958, restriction No. 6 is amended to read as follows:

6. Any one story residence constructed in said sub-division shall contain a minimum of not less than 1100 square feet of livable floor space.

Any one and one half or two story residence constructed in said sub-division shall contain not less than 1200 square feet of livable floor space with a minimum of 800 square feet of livable area on the first floor and a minimum of 400 square feet of livable area on second floor.

AMENDED RESTRICTIONS TO BRIARWOOD HEIGHTS ADDITION TO THE CITY OF ATHENS PLAT BOOK 7 - PAGE 287

#43952 --- \$ 1.00