

CROSS CREEK SUBDIVISION

SITUATED IN THE STATE OF OHIO, COUNTY OF ATHENS, TOWNSHIP OF YORK,
CITY OF NELSONVILLE AND BEING LOCATED IN SECTION 12,
TOWNSHIP 12, RANGE 15.

DEED RESTRICTIONS FOR CROSS CREEK SUBDIVISION

James E. Edwards, fee owner of Cross Creek Subdivision according to the plat thereof on file and recorded in the public records of Athens County, Ohio, hereby make the following declarations as to the limitations, restrictions, and uses to which the lots constituting said Subdivision may be put. Any reference herein to Grantor shall mean James E. Edwards, his agents, successors, or assigns.

The intent of these Deed Restrictions is to create a residential subdivision of consistent quality and value and to insure the residents and homeowners that there is a system in place to evaluate concerns which might affect consistency and value as they relate to the real estate. These Deed Restrictions shall be incorporated verbatim in each Deed conveyed or by reference in every and all deeds issued after recording of plat.

These restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of time allowed by law. Changes shall be by recorded instrument signed by a majority of the then owners within the Cross Creek Subdivision agreeing to change said restrictions, in whole or in part. One lot shall represent one vote agreeing to change said restrictions.

Invalidation of any of these restrictions by judgment or court shall in no way affect any of the other provisions which shall remain in full force and effect.

Lots shall be used for residential purposes. No more than one (1) single family dwelling shall be erected on a lot. All single family dwellings shall have at least an attached two (2) car garage, but not more than an attached four (4) car garage. No carports shall be allowed.

Developer shall approve the site location of all proposed dwellings and improvements on each of the subdivided lots for the purpose of promoting compatibility and promoting privacy within the subdivision.

No lot shall be subdivided except that two (2) lot owners may subdivide an adjacent lot between them, but only one (1) dwelling shall be built on the combined original lot and the subdivided portion of said divided lot; provided further that adjoining property owners may adjust a common boundary line by sale or exchange if it conforms in all respects with the applicable zoning ordinances and these restrictions.

No building materials shall be stored on any lot for a period of more than thirty (30) days prior to the commencement of any improvements or for more than thirty (30) days after said improvement has been completed.

Any dwelling erected in said subdivision shall be landscaped with grass, shrubs, and trees within one (1) year following completion of the outside of said dwelling.

No trade, sales, business, or manufacture of any kind shall be conducted on any lot or within any dwelling.

No structure of a temporary character, trailer, recreational vehicle, basement, tent, shack, garage, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

All swimming pools shall be in-ground type and protected to preclude unauthorized entry.

No fence, hedge, wall, or other permanent structure shall be erected or placed on any lot nearer to the front property line than the minimum building front yard setback line. No portion of the setback area nearer to any street than building lines, as hereinbefore fixed, shall be used for any purpose other than that of a lawn. Nothing herein contained, however, shall be construed as preventing the use of such portion of said premises for walks and drives, the planting of trees or shrubbery, the growing of flowers or ornamental plants, or for statuary, fountains, and similar ornamentation for the purpose of beautifying the said premises. No vegetables or grains of the ordinary garden or field variety, however, shall be grown upon such portions of the premises and no weeds, underbrush, or other unsightly growth shall be permitted to grow or remain anywhere upon said premises, and unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.

Grantor reserves to and for itself and its agents and assigns the right to grant consents for construction and operation of electric light, telephone poles, conduits, gas lines, pipes, or any and all other utility items in and upon any and all right-of-way, easements, and highways now existing and later created upon which any portion of said premises shall abut.

Grantor expressly reserves easements and right-of-way in, over, under, and across each lot in the subdivision, as designated on the plat, for the installation and maintenance of telephone and electric pole lines or conduits and/or sewers, swales, and conduits for storm water and sanitary purposes, gas and/or water lines, or any other similar facility or utility deemed convenient by grantor or its designees for the service of the premises hereby conveyed and for adjoining and adjacent property. Grantor hereby reserves the right to assign the use of any or all of said easements and right-of-way to any person, firm, or corporation furnishing any one (1) or more of the aforesaid facilities or utilities. Nothing herein contained shall obligate grantor to install or furnish any of the aforesaid facilities, utilities or services.

No burning of any kind, except for outdoor cooking on a properly constructed and maintained apparatus, shall be permitted.

No dwelling purchased and transferred to purchaser from grantor shall be left vacant and unoccupied for a period of more than eighteen (18) months after transfer. It shall be the responsibility of the purchaser to mow the lot and keep it in an orderly and sanitary condition prior to the construction of a dwelling. Extensions to the eighteen (18) month vacancy limitation hereinbefore referred to may be granted in writing by the grantor or its designee. Purchaser grants to grantor the right to repurchase such vacant lot upon expiration of the eighteen (18) months or other period of vacancy. Grantor shall give to purchaser or repurchaser in writing a notice thirty (30) days prior to the expired eighteen (18) months or as soon thereafter as practicable showing intent to repurchase said lot. Grantor, at its sole prerogative, can and may repurchase said lot after the expiration of said thirty (30) days at original sale price.

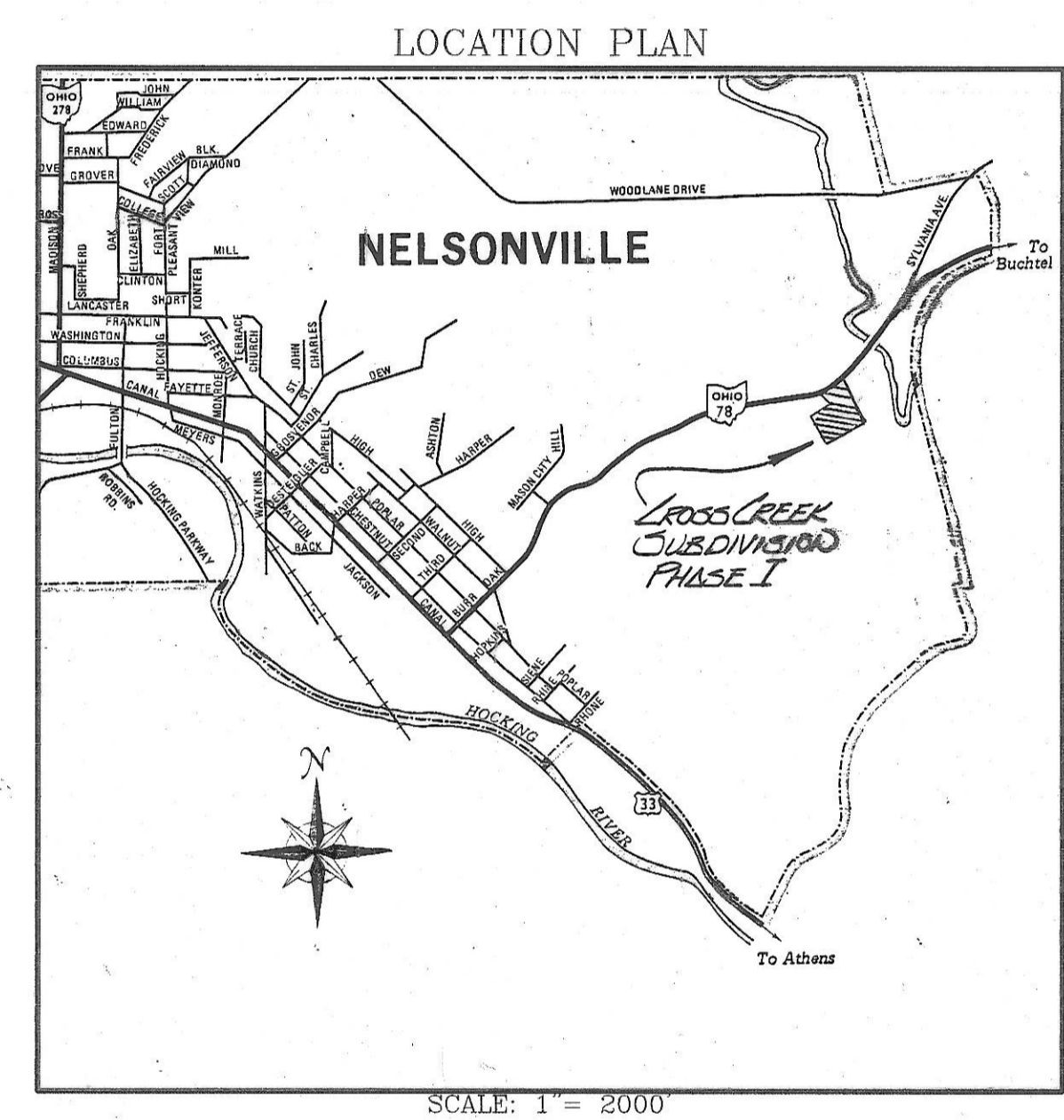
No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, and other common household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose, nor shall the number of such household pets be such that it constitutes a nuisance. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the subdivision. The owner of each lot shall keep said lot clean and free of trash, garbage, and debris at all times.

Public sewer and water service shall be used. No private septic system or water supply shall be used.

No neon lights, placards, advertising sign, billboard, or other advertising device shall be permitted, erected, placed, or allowed to remain upon any lot or building, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonably disturb the quiet of any occupier of adjoining land. The provision shall not be construed to prevent the grantor, or grantees, their respective successors and assigns, from maintaining on the premises and advertising sign or device relating to the sale of any premises. Such signs or devices advertising property for sale or used to advertise the builder during construction shall be limited to six (6) square feet and erected only temporarily, but for not more than eight (8) months. A permanent sign erected at the entrance of Cross Creek Subdivision, identifying the subdivision, however, would be exempt from this erection restriction.

If any grantees, their successors, or their assigns shall violate or attempt to violate any of the restrictions herein, it shall be lawful for any person or persons owning any real property situated in the subdivision to institute legal action against any person or persons violating or attempting to violate any such restrictions and either prevent it or therefrom so doing, or to recover damages or other relief for such violation.

Reasonable variances to these Deed Restrictions may be granted from time to time to a lot owner by the grantor or its authorized agent only prior to the sale of the last lot in the subdivision and thereafter by a majority of the then owners within the subdivision. One lot shall represent one vote. Any variance shall be in writing signed by the party or parties granting the variance.



DESCRIPTION

Being part of the tract of land that is now or formerly in the name of James E. Edwards as recorded in Official Record 244 at page 481, Athens County Recorder's Office, said tract being situated in Section 12, T12N, R15W, York Township, City of Nelsonville, Athens County, State of Ohio and being more particularly described as follows:

Beginning, for reference, at the southwest corner of Section 12;

Thence South 86 degrees 30 minutes East a distance of 965.81 feet to a point;

Thence North 03 degrees 30 minutes East a distance of 1634.22 feet to a 5/8" X 30" iron pin with a plastic identification cap set and the principal place of beginning for the tract herein described;

Thence with a new line through the grantor's land, South 58 degrees 13 minutes 00 seconds East a distance of 410.16 feet to a 5/8" X 30" iron pin with a plastic identification cap set on a southwesterly line to the grantor;

Thence along a southwesterly line to the grantor the following two courses:
North 35 degrees 58 minutes 00 seconds West a distance of 66.15 feet to a 5/8" X 30" iron pin with a plastic identification cap set, and;
North 23 degrees 26 minutes 59 seconds West a distance of 266.85 feet to a 5/8" X 30" iron pin with a plastic identification cap set on the grantor's most westerly corner;

Thence along a northwesterly line to the grantor, North 58 degrees 13 minutes 00 seconds East a distance of 376.31 feet to a 5/8" X 30" iron pin with a plastic identification cap set on a corner to the grantor;

Thence continuing along a line to the grantor, North 49 degrees 38 minutes 00 seconds West a distance of 148.49 feet to a 5/8" X 30" iron pin with a plastic identification cap set on the southeasterly right-of-way of State Route 78 and a corner to the grantor;

Thence continuing along a line to the grantor and along said right-of-way line the following two courses:
North 62 degrees 49 minutes 49 seconds East a distance of 68.39 feet to a point, and;
North 46 degrees 48 minutes 20 seconds East a distance of 44.09 feet to a 5/8" X 30" iron pin with a plastic identification cap set;

Thence leaving said right-of-way line and with a new line through the grantor's land the following four courses:
With a curve to the right having a radius of 538.00 feet and a delta of 12 degrees 19 minutes 23 seconds, the chord bearing South 30 degrees 43 minutes 18 seconds East a distance of 115.49 feet to a 5/8" X 30" iron pin with a plastic identification cap set;
With a curve to the left having a radius of 470.00 feet and a delta of 07 degrees 13 minutes 24 seconds, the chord bearing South 28 degrees 10 minutes 18 seconds East a distance of 59.21 feet to a 5/8" X 30" iron pin with a plastic identification cap set;
South 31 degrees 47 minutes 00 seconds East a distance of 300.00 feet to a 5/8" X 30" iron pin with a plastic identification cap set, and;
South 58 degrees 13 minutes 00 seconds East a distance of 60.00 feet to the principal place of beginning, containing 3.760 acres, more or less, and subject to all easements of record.

All 5/8" X 30" iron pins with plastic identification caps set are stamped "Seymour & Associates".

The bearings used in the above described tract were based on the South line of Section 12 as being South 86 degrees 30 minutes 00 seconds East and are for the determination of angles only.

The above described tract was surveyed by George F. Seymour, Ohio Professional Surveyor No. 6044, Sept. 9, 1997

George F. Seymour
George F. Seymour, P.S. #6044

OWNER'S STATEMENT:
OWNER: James E. Edwards
DEVELOPER: Same
SURVEYOR: Seymour & Associates - 830 W. Hunter St., Logan, Ohio 43138
STATEMENTS: Situated in the State of Ohio, County of Athens, Township of York, City of Nelsonville, being situated in Section 12, T12N, R15W, and being part of a tract of land in the name of James E. Edwards, as recorded in Official Record 244 at page 481, all records of the Athens County Recorder's Office, said subdivision tract containing a total of 3.760 acres, more or less.

The undersigned, James E. Edwards, does hereby certify that the attached plat correctly represents "Cross Creek Subdivision", a subdivision of Lots 1 thru 6 inclusive, and does hereby accept this plat of same and dedicate to public use all roads and public areas shown herein and not heretofore dedicated. The undersigned further agrees that any use or improvements made on the land shall be in conformity with all existing valid zoning, platting, health or other lawful regulations of the State of Ohio and County of Athens for the benefit of himself and all other subsequent owners or assignees taking title from, under or through the undersigned.

In witness thereof, hereunto set his hand this 16 day of December, 1997

Witnesses: *Michael Elliott*, *David C. Burkett*
Owners: *James E. Edwards*

STATE OF OHIO, COUNTY OF HOCKING
Before me, a Notary Public, in and for said county, personally came James E. Edwards who acknowledged the signing of the foregoing instrument to be his voluntary act and deed. In witness whereof, I have hereunto set my hand and affixed my official seal this 16 day of December, 1997.

Notary Public: *Sharon Dalton* County Athens
My Commission Expires SHARON DALTON
Notary Public, State of Ohio
My Commission Expires 11-23-00

APPROVALS:
Mathematically approved this 7th day of Jan, 1998, by the
Paul H. Staley
Athens County Engineer's Office

Approved this 29th day of OCTOBER, 1997 by the
Charles J. Smith
Chairman, Nelsonville City Planning Commission

Approved this 29th day of OCTOBER, 1997 by the
Mark Hall
City Manager, Nelsonville

Transferred on tax duplicate this 20th day of January, 1998
by the
David S. Swett
Athens County Auditor

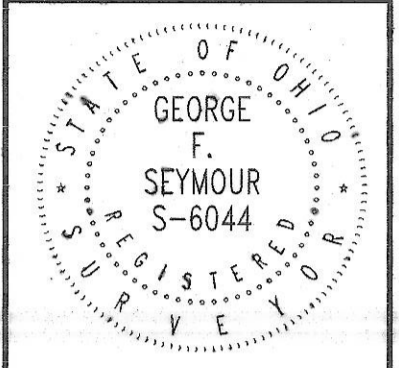
Filed for record this _____ day of _____, 199 , at _____ m.
Recorded this _____ day of _____, 199 , in Plat
Cabinet _____ at page _____
File No. _____ Fee _____ by the
Athens County Recorder

CROSS CREEK SUBDIVISION
YORK TWP.
481 A&B

9800001087
Filed for Record in
ATHENS COUNTY, OHIO
JULIA MICHAEL SCOTT
On 02-17-1998 At 08:56 am.
PLAT 43.20

ENV. 481B

PROFESSIONAL LAND SURVEYORS
SEYMOUR & ASSOCIATES
P.O. Box 624
830 W. Hunter St.
Logan, Ohio 43138
614-385-4349



CROSS CREEK SUBDIVISION
SITUATED IN THE STATE OF OHIO, COUNTY OF ATHENS, TOWNSHIP OF YORK, CITY OF NELSONVILLE AND BEING LOCATED IN SECTION 12, TOWNSHIP 12, RANGE 15

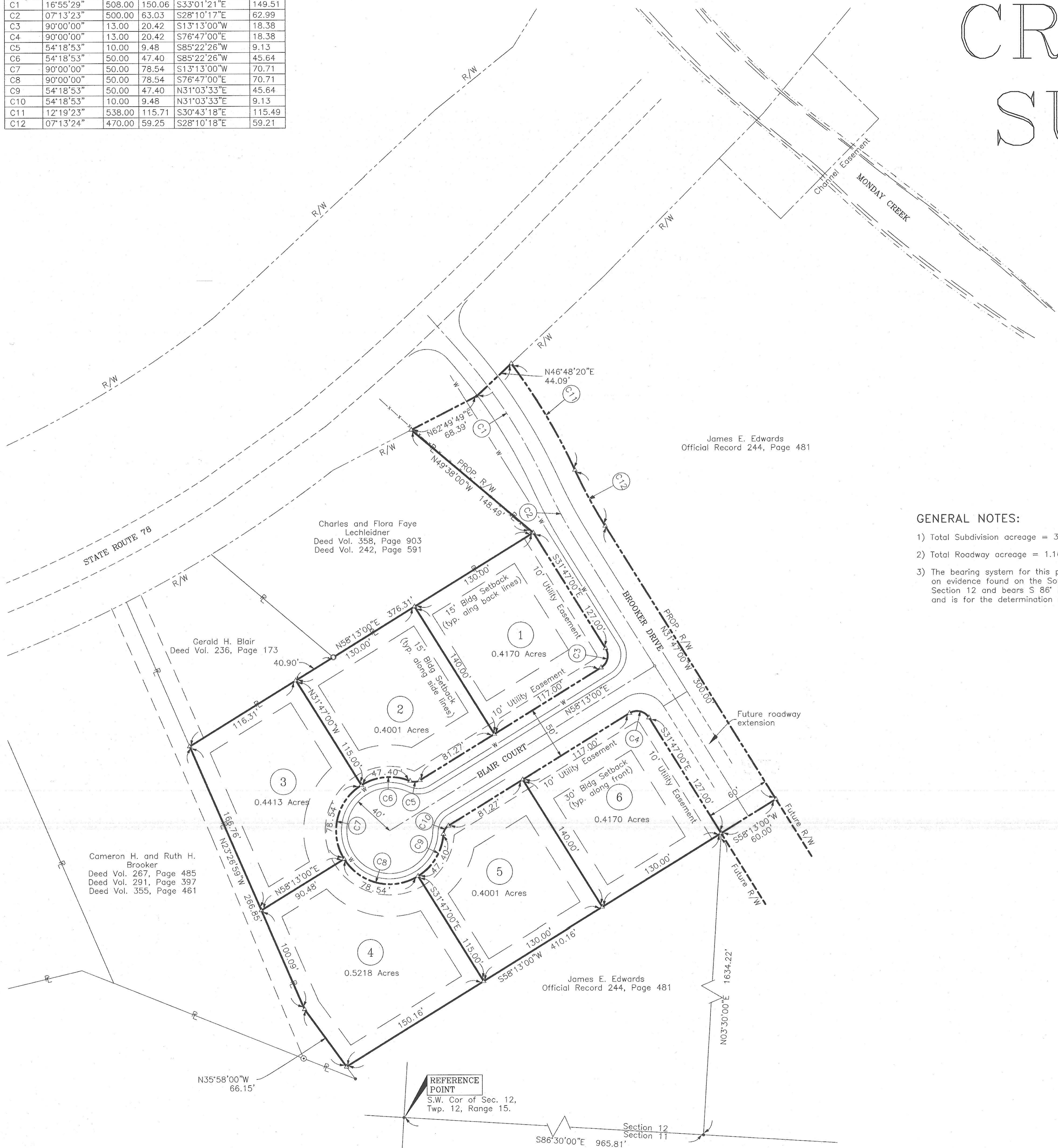
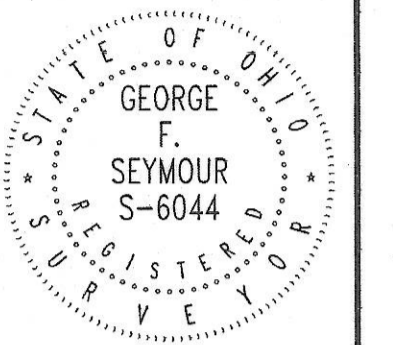
REVISIONS:
DATE: 9/09/97
DRAWN: JLC
JOB: A19717

SHEET 12

No.	Δc=	R=	Lc=	Brg=	Chd=
C1	16°55'29"	508.00	150.06	S33°01'21"E	149.51
C2	07°13'23"	500.00	63.03	S28°10'17"E	62.99
C3	90°00'00"	13.00	20.42	S13°13'00"W	18.38
C4	90°00'00"	13.00	20.42	S76°47'00"E	18.38
C5	54°18'53"	10.00	9.48	S85°22'26"W	9.13
C6	54°18'53"	50.00	47.40	S85°22'26"W	45.64
C7	90°00'00"	50.00	78.54	S13°13'00"W	70.71
C8	90°00'00"	50.00	78.54	S76°47'00"E	70.71
C9	54°18'53"	50.00	47.40	N31°03'33"E	45.64
C10	54°18'53"	10.00	9.48	N31°03'33"E	9.13
C11	12°19'23"	538.00	115.71	S30°43'18"E	115.49
C12	07°13'24"	470.00	59.25	S28°10'18"E	59.21

CROSS CREEK SUBDIVISION

PROFESSIONAL LAND SURVEYORS
SEYMOUR & ASSOCIATES
 P.O. Box 624
 830 W. Hunter St.
 Logan, Ohio 43138
 614-385-4349



James E. Edwards
 Official Record 244, Page 481

Charles and Flora Faye
 Lechleider
 Deed Vol. 358, Page 903
 Deed Vol. 242, Page 591

Gerald H. Blair
 Deed Vol. 236, Page 173

Cameron H. and Ruth H.
 Brooker
 Deed Vol. 267, Page 485
 Deed Vol. 291, Page 397
 Deed Vol. 355, Page 461

James E. Edwards
 Official Record 244, Page 481

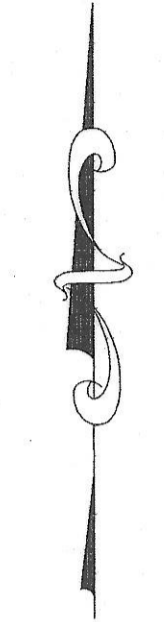
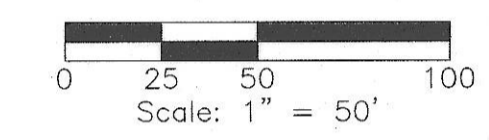
REFERENCE POINT
 S.W. Cor of Sec. 12,
 Twp. 12, Range 15.

GENERAL NOTES:

- 1) Total Subdivision acreage = 3.760 Acres.
- 2) Total Roadway acreage = 1.163 Acres.
- 3) The bearing system for this plat is based on evidence found on the South line of Section 12 and bears S 86° 30' 00" E and is for the determination of angles only.

LEGEND

- △ 5/8" iron pin set 30" in length with plastic ID cap inscribed "SEYMOUR & ASSOC."
- Iron pipe found
- ⊙ 5/8" iron pin found
- Point



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9800001086
 Filed for Record in
 ATHENS COUNTY, OHIO
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 On 02-17-1998 At 08:56 am.
 PLAT 43.20

ENV. 481 A

REVISIONS	DATE
	9/08/97
DRAWN	JLC
CHECKED	
DATE	
BY	
NO.	
SHEET 2/2	