

For 2nd Amendment to restrictions see Deed Vol 305 pg 149

ENVELOPE: 390A
HIGHLAND PARK ESTATES AMENDED
RESTRICTIONS
SECTION 25
ATHENS TWP

HIGHLAND PARK SUBDIVISION RESTRICTIONS

As a further consideration of this conveyance and in consideration of the incorporation of like covenants in any and all conveyances of the other lots in this Addition hereinafter made, the grantees herein, for the benefit of themselves, their heirs, executors, administrators and assigns, hereby covenant and agree to and with the grantors, their heirs, executors, administrators and assigns, that this conveyance is subject to the restrictions, rights and reservations hereinafter set forth, which shall be made a part of all deeds and other conveyances of said premises, including the premises by this deed conveyed.

1. All of the lots included in said Addition as platted shall be used exclusively and solely for private residence purposes only, and no single lot shall be subdivided and a new name given thereto.
2. No building or buildings, or trailer or basement of any kind whatsoever shall be erected or maintained thereon, except residence dwellings and private garage or carports, for the sole use of the owners or occupants of the dwelling houses to which they relate, and no building or residence or other improvements shall be moved from other locations onto any part of these premises.
3. Any one story residence constructed on said subdivision shall contain a minimum of not less than 800 square feet of livable floor space, excluding carport or garage, and no residence shall be nearer than 10 feet to the adjoining lot line, and all dwellings, garages or carports shall be constructed at least 25 feet back from the front lot line.
4. 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 tend to make the property unsightly.
5. This property is conveyed with the express condition that it shall not be used for mercantile businesses or manufacturing purposes; and that no nuisance, commercial advertising sign, billboard, or other commercial advertising device shall be erected, placed, or suffered to remain on said premises, nor shall the premises be used in any way for any purpose which may endanger the health or unreasonably disturb the quiet of any holder of adjoining land.
6. 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 except as a temporary expedient during construction or improvement.
7. Jet or other mechanical septic system for sanitation purposes, constructed in accordance with laws and rules promulgated by the State of Ohio, and its administrative officers and approved by the County Health Department are permitted, otherwise prohibited.
8. Easements and rights of way are hereby expressly reserved by the grantors herein, upon and over each lot for the construction and maintenance of poles, wires, conduits, and the necessary and proper attachments in connection therewith, for the transmission of electricity or other power and for telephone and other purposes, and for the construction and maintenance of storm-water drains, land drains, public and private sewers, pipe lines for supplying gas, water and heat. In so far as practicable, streets are to be used for all utilities and underground lines and/or pipes. This conveyance is made subject to the easement granted previously for the construction of transmission lines and poles.

9. The restrictions herein contained shall run with and bind the land, and shall inure to the benefit and be enforceable by the grantors or the present or future owner of any land included in said tract, their respective legal representatives, 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 to or subsequent thereto.

10. If and when the City of Athens should annex this property, the grantees agree to pay their share of the costs of all streets and any other city improvements required for annexation.

11. The foregoing building restrictions to be in full force and effect until the 25th day of August, 1976, at which time the covenants of restrictions shall be automatically extended for successive periods of ten (10) years, unless by vote of two-thirds of the then owners of the lots of this Addition, it is agreed to change said covenants in whole or in part.

AMENDMENT TO RESTRICTION NO. 3 OF HIGHLAND PARK ESTATES

John Tansky and Marian Tansky, husband and wife, and James J. Armbruster and Erma N. Armbruster, husband and wife, being the sole owners of all Real Estate located within the Highland Park Estates, as recorded in Volume 8, page 129, of the Athens County Plat Records, by virtue of warranty deeds, recorded in Volume 272, Page 25, and Volume 279, Page 227, of the Deed Records of Athens County, Ohio, hereby amend the third restriction of said subdivision as follows:

"No. 3. Any one story residence constructed on said subdivision shall contain a minimum of not less than 1100 square feet of livable floor space excluding carport or garage and no residence shall be nearer than ten (10) feet to the adjoining lot line, and all dwellings, garages or carports shall be constructed at least twenty-five (25) feet back from the front lot line."

Any of the remaining restrictions of said Highland Park Estates, as recorded in Plat Book 8, at pages 128 and 129 to remain in full force and effect.

In the presence of:

/s/ Dewey Gribble
/s/ George D. Gribble

/s/ John Tansky
John Tansky

/s/ Marian Tansky
Marian Tansky

/s/ James J. Armbruster
James J. Armbruster

/s/ Erma N. Armbruster
Erma N. Armbruster

STATE OF OHIO, HOCKING COUNTY, SS:

Before me, a Notary Public in and for said County, personally appeared John Tansky and Marian Tansky, husband and wife, James J. Armbruster and Erma N. Armbruster, husband and wife, and acknowledged that they did sign the foregoing instrument of their voluntary act and deed.

In Testimony Whereof, I have hereunto set my hand at Athens, Ohio, this 13th day of December, 1967.

/s/ Gerald A. Mollica
Notary Public-State of Ohio
Lifetime Appointment

This instrument prepared by Gerald A. Mollica, Attorney at Law, Athens, Ohio

Filed, December 14, 1967, 1:30 P.M. #80726
Recorded: December 15, 1967
Luta M. Wright, Recorder
by Wilma Allen, Deputy