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DECLARATION OF COVENANTS AND RESTRICTIONS  
FOX MEADOW, MONTVILLE TOWNSHIP, OHIO  
(TWENTY PERCENT GREEN SPACE REQUIREMENT)

THIS DECLARATION OF COVENANTS AND RESTRICTIONS is made this 4<sup>TH</sup> day of JANUARY, 1994 by FOX MEADOW DEVELOPMENT LIMITED PARTNERSHIP, an Ohio limited partnership ("Declarant").

WHEREAS, the Declarant is the owner of certain real property totalling approximately 560 acres situated in Montville Township (the "Township"), Medina County, Ohio by virtue of Deeds recorded in Volume OR 950, Page 117 and OR 950, Page 122 of the Records of the Medina County Recorder's Office, said real property (hereinafter referred to as the "Property") being more particularly described in the attached Exhibit "A";

WHEREAS, the Declarant intends to subject the Property to certain covenants, conditions and restrictions in order to preserve the value and residential qualities of the Property for the benefit of the Declarant, the Township and the future owners of the Property; and

WHEREAS, the Declarant has received valuable consideration from Montville Township in return for the subjection of the Property to the covenants, conditions and restrictions set forth below.

WHEREAS, the Property is zoned R-1 "Controlled Density Residential Development" (the "Zoning Classification") under the Township's Zoning Resolution;

WHEREAS, under the Zoning Classification not less than twenty (20) percent of the gross area of the Property shall be devoted to common green space ("Green Space") primarily for the use of the residents of the Property (the "Twenty Percent Green Space Requirement");

WHEREAS, this Declaration of Covenants and Restrictions is intended to satisfy the Township's Twenty Percent Green Space Requirement.

NOW, THEREFORE, Declarant hereby covenants and declares as follows:

1. As the Property is platted, the Twenty Percent Green Space Requirement shall be met so that at least twenty percent (20%) of the gross area of all portions of the Property that are being submitted to subdivision plats is platted as Green Space. By way of example, if the subdivision plat for the first phase of Fox Meadow covers 100 acres,

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with 35 of the 100 acres platted as Green Space, the 15 acre phase one surplus would be credited toward the Twenty Percent Green Space Requirement for the next phase or phases that are platted.

2. The Property is being submitted to a document entitled "Master Declaration of Covenants, Conditions, Easements and Restrictions of Fox Meadow, Montville Township, Ohio" (the "Master Declaration") that includes the following provisions to meet the requirements of the Zoning Classification with respect to the Twenty Percent Green Space Requirement:

- (a) The Green Space as shown on the subdivision plats of the Property shall remain as Green Space.
- (b) The Green Space shall be conveyed to Fox Meadow Master Association, Inc. ("Master Association") or to cluster associations ("Cluster Associations") with respect to Green Space within Cluster areas, said associations to be responsible for the operation, maintenance and repair of the Green Space and the improvements thereon.
- (c) All homeowners within the Property shall be members of the Master Association and homeowners who live in a Cluster area shall also be members of the Cluster Association for said Cluster.
- (d) The Township and other appropriate governmental authorities shall have the right of entrance to the Green Space for emergency purposes or in the event of non-performance of the maintenance responsibilities of the Master Association and/or Cluster Association within the Green Space, if such non-performance affects the public interest, and shall have the right, after proper notice (advance notice is not required for emergency entrance upon the Green Space), to make improvements and perform maintenance functions thereon with costs levied as a lien against the Property.

3. The covenants and restrictions of this Declaration are intended for the benefit of Montville Township and may be modified or amended by the Declarant, its successors and assigns, in whole or in part, only with the consent of the Board of Zoning Appeals or Trustees of Montville Township by resolution adopted by them as evidenced by their minutes.

4. The covenants and restrictions of this Declaration shall become effective on the date of the recording of the Subdivision Plat for Fox Meadow Subdivision No. 1, and shall remain effective in perpetuity, unless amended in accordance with paragraph 3 hereof.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand at CLEVELAND, Ohio the day and year first above written.

Witnesses

FOX MEADOW DEVELOPMENT LIMITED PARTNERSHIP, an Ohio limited partnership

Janice M. Galida  
Print Name JANICE M. GALIDA

By: Fox Meadow Development Co., an Ohio corporation, its General Partner

Christine A. Peskar  
Print Name Christine A. Peskar

By: [Signature]  
Its: PRESIDENT

STATE OF OHIO                    )  
  )  
COUNTY OF CUYAHOGA        )

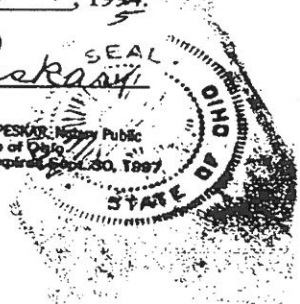
ss:

BEFORE ME, a Notary Public in and for said county and state, personally appeared the above-named FOX MEADOW DEVELOPMENT LIMITED PARTNERSHIP, by Fox Meadow Development Co., its General Partner, by L. Thomas Zupan, its PRESIDENT, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said partnership and corporation his free act and deed personally and as such partner and officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at CLEVELAND, Ohio, this 6TH day of JANUARY, 1994.

Christine Ann Peskar  
NOTARY PUBLIC

CHRISTINE ANN PESKAR, Notary Public  
State of Ohio  
My commission expires 01/30/1997



This Instrument Prepared By:

Richard A. Rosner, Attorney At Law  
Kahn, Kleinman, Yanowitz & Arnson Co., L.P.A.  
Suite 2600, The Tower At Erieview  
1301 East Ninth Street  
Cleveland, Ohio 44114-1824  
(216) 696-3311

RARCAP09871.1

EXHIBIT "A"

Situated in the Township of Montville, County of Medina, and State of Ohio:

PARCEL 1:

And being part of Original Montville Township Lot Numbers 31, 41, 42, 51, 52 and 61, and being further described as follows:

Beginning in the center line of Sharon-Copley Road 60 feet wide (S.R. 162), said center line being the North line of Original Montville Township Lot No. 31, at a point distance Easterly 2589.41 feet from the Northwesterly corner of said Lot No. 31, said point being also Northeasterly corner of property conveyed to John J. and Linda S. Seman by deed recorded in Volume 136, page 149 of Medina County Records;

- Course 1 Thence North 89°-43'-37" East along the center line of Sharon-Copley Road a distance of 138.98 feet to the Northwesterly corner of land conveyed to Walter L. and Elva S. Bixler by deed recorded in Volume 336, Page 486 of Medina County Records;
- Course 2 Thence South 00°-16'-22" East along the Westerly line of land so conveyed to Walter L. and Elva S. Bixler a distance of 350.00 feet to the Southwesterly corner thereof.
- Course 3 Thence North 89°-44'-55" East along the South line of land so conveyed to Walter L. and Elva S. Bixler, and along the South line of Parcels No. 1 and 2 conveyed to Walter L. and Elva S. Bixler by deed recorded in Volume 315 Page 347 of Medina County Records, and along the South line of land conveyed to Louise Kemp by deed recorded in Volume 514 Page 962 of Medina County Records, a distance of 972.34 feet to a point to the Westerly line of land conveyed to Thomas A. and Patricia M. Ryan by deed recorded in Volume 677 Page 164 of Medina County Records;
- Course 4 Thence South 00°-15'-48" East along the West line of land so conveyed to Thomas A. and Patricia M. Ryan, a distance of 199.88 feet to the Southwesterly corner thereof;
- Course 5 Thence North 89°-40'-23" East along the South line of land so conveyed to Thomas A. & Patricia M. Ryan a distance of 436.08 feet to the Southeasterly corner thereof, said point being also the Southeasterly corner of land conveyed to William R. Pierce by deed recorded in Volume 463, Page 684 of Medina County Records;
- Course 6 Thence North 84°-21'-16" East a distance of 75.00 feet to an interior corner of land so conveyed to William Pierce;
- Course 7 Thence South 02°-15'-12" West along a West line of land so conveyed to William Pierce a distance of 399.60 feet to an interior corner thereof;
- Course 8 Thence North 84°-51'-37" East along a Southerly line of land so conveyed to William R. Pierce a distance of 350.35 feet to the Southwesterly corner of land conveyed to Gerald M. and Karen L. Bartkowiak by deed recorded in Volume 516, Page 539 of Medina County Records;

- Course 9 Thence South 05°-06'-48" East along a Westerly line of land so conveyed to William R. Pierce, as aforesaid, a distance of 189.12 feet to the Southerly line thereof;
- Course 10 Thence North 88°-10'-33" East along said Southerly line of land so conveyed to William R. Pierce, a distance of 620.55 feet to a point;
- Course 11 Thence North 54°-24'-58" East a distance of 315.25 feet to the northwesterly corner of land conveyed to Max C. & Karen A. Schmidt by deed recorded in Volume 429 Page 69 of Medina County Records;
- Course 12 Thence South 35°-29'-48" East along the Westerly line of land so conveyed to Max C. & Karen A. Schmidt, a distance of 182.65 feet to the Southwesterly corner thereof;
- Course 13 Thence North 54°-28'-48" East along the Southerly line of land so conveyed to Max C. & Karen A. Schmidt, a distance of 237.80 feet to a point in the center line of Wadsworth Road, 60 feet wide (S.R.57), said point being also the Southeasterly corner of land so conveyed to Max C. & Karen A. Schmidt;
- Course 14 Thence South 35°-35'-02" East along said center line of Wadsworth Road a distance of 130.06 feet to the Northeasterly corner of land conveyed to John J. Fetzer by deed recorded in Volume 266 Page 929 of Medina County Records;
- Course 15 Thence South 51°-44'-54" West along the North line of land so conveyed to John J. Fetzer a distance of 222.80 feet to the Northwest corner thereof;
- Course 16 Thence South 35°-39'-59" East along the West line of land so conveyed to John J. Fetzer, a distance of 191.28 feet to the Southwest corner thereof;
- Course 17 Thence North 66°-43'-37" East along the South line of land so conveyed to John J. Fetzer a distance of 227.52 feet to the center line of Wadsworth Road, 60 feet wide, and the Southeast corner of land so conveyed;
- Course 18 Thence South 35°-35'-02" East along the center line of Wadsworth Road a distance of 426.89 feet to an angle point therein;
- Course 19 Thence South 35°-25'-34" East along the center line of Wadsworth Road a distance of 2092.07 feet to an angle point therein;
- Course 20 Thence South 37°-13'-50" East along the center line of Wadsworth Road a distance of 367.79 feet to a point in the Northeasterly corner of land conveyed to Jerome S. & Sharon A. Ratkowski by deed recorded in Volume 154 Page 788 of Medina County Records;
- Course 21 Thence South 58°-48'-00" West along the North line of land so conveyed to Jerome S. & Sharon A. Ratkowski, a distance of 245.21 feet to the Northwesterly corner thereof;

- Course 22 Thence South  $21^{\circ}-52'-33''$  East along the Westerly line of land so conveyed to Jerome S. & Sharon A. Ratkowski, a distance of 113.53 feet to the Southwesterly corner thereof;
- Course 23 Thence South  $66^{\circ}-23'-39''$  East along the Southerly line of land so conveyed to Jerome S. and Sharon A. Ratkowski, a distance of 542.59 feet to the center line (unrelocated) of Wadsworth Road and the Southeasterly corner of land so conveyed to Jerome S. and Sharon A. Ratkowski;
- Course 24 Thence South  $36^{\circ}-03'-08''$  East along the old center line of Wadsworth Road (S.R. 57) a distance of 50.39 feet to an angle point therein;
- Course 25 Thence South  $29^{\circ}-33'-08''$  East along the aforesaid center line a distance of 278.51 feet to an angle point therein;
- Course 26 Thence South  $11^{\circ}-30'-45''$  East along the center line of Wadsworth Road a distance of 116.58 feet to a point of the East right of way of I-71;
- Course 27 Thence South  $30^{\circ}-51'-23''$  West along the East right of way of I-71 a distance of 169.74 feet to a point;
- Course 28 Thence South  $13^{\circ}-17'-55''$  East along the East right of way of I-71 a distance of 14.36 feet to a point.
- Course 29 Thence South  $30^{\circ}-51'-23''$  West along the East right of way of I-71 a distance of 634.79 feet to a point;
- Course 30 Thence South  $27^{\circ}-59'-39''$  West along the East right of way of I-71 a distance of 200.28 feet to a point;
- Course 31 Thence South  $30^{\circ}-51'-23''$  West along the East right of way of I-71 a distance of 174.55 feet to a point, said point being in the center line of Poe Road 60 feet wide (C.H.71);
- Course 32 Thence North  $89^{\circ}-39'-14''$  West along the center line of Poe Road a distance of 102.78 feet to an angle point therein;
- Course 33 Thence North  $89^{\circ}-53'-10''$  West along the center line of Poe Road a distance of 2446.11 feet to the Southeasterly corner of land conveyed to Ronald A. and Joan M. Rini by deed recorded in Volume 497 Page 277 of Medina County Records;
- Course 34 Thence North  $00^{\circ}-21'-29''$  West along the East line of land so conveyed to Ronald A. and Joan M. Rini, a distance of 2024.56 feet to the Northeasterly corner thereof;
- Course 35 Thence South  $89^{\circ}-42'-26''$  West along the Northerly line of land so conveyed to Ronald A. and Joan M. Rini, a distance of 831.71 feet to the Northwesterly corner thereof;
- Course 36 Thence South  $00^{\circ}-17'-45''$  East along the Westerly line of land so conveyed to Ronald A. and Joan M. Rini, a distance of 1732.29 feet to the Northeasterly corner of land conveyed by Herman L. and Winifred P. Garrett by deed recorded in Volume 483 Page 534 of Medina County Records;

- Course 37 Thence South 89°-59'-40" West along the North line of land so conveyed to Herman L. and Winifred P. Garrett, a distance of 305.74 feet to the Northwesterly corner thereof;
- Course 38 Thence South 01°-25'-54" East along the Westerly line of land so conveyed to Herman L. and Winifred P. Garrett, a distance of 287.47 feet to a point in the center line of Poe Road, said point being also the Southwesterly corner of land conveyed to Herman L. and Winifred P. Garrett;
- Course 39 Thence North 89°-58'-11" West along the center line of Poe Road a distance of 719.83 feet to a point in the Southeasterly corner of land conveyed to Arnold & Florence M. Conley by deed recorded in Volume 502, Page 180 of Medina County Records;
- Course 40 Thence North 00°-07'-05" West along the Easterly line of land so conveyed to Arnold and Florence M. Conley a distance of 365.14 feet to the Northeasterly corner thereof;
- Course 41 Thence north 89°-59'-43" West along the Northerly line of land so conveyed to Arnold and Florence M. Conley and along the Northerly line of land conveyed to James A. Sr. and Joyce A. Duso by deed recorded in Volume 372, Page 495 of Medina County Records, a distance of 711.97 feet to a point in the easterly line of land conveyed to Ted H. and Margaret A. Fauber by deed recorded in Volume 603, Page 806 of Medina County Records;
- Course 42 Thence North 00°-09'-22" West, along the Easterly line of land so conveyed to Ted H. and Margaret A. Fauber a distance of 2341.47 feet to the Northeasterly corner thereof;
- Course 43 Thence South 89°-56'-01" West along the Northerly line of land so conveyed to Ted H. and Margaret A. Fauber and along the Northerly line of land conveyed to Ted H. and Margaret Fauber and Robin R. Smith a distance of 1619.11 feet to the Southeasterly corner of land conveyed to Weden O. Spence by deed recorded in Volume 492, Page 347 of Medina County Records;
- Course 44 Thence North 00°-08'-07" West along the Easterly line of land so conveyed to Weden O. Spence and along the Easterly line of land conveyed to Earl A. Belak by deed recorded in Volume 554, page 871 of Medina County Records, a distance of 1745.91 feet to the Southwesterly corner of land conveyed to George R. and Bonnie Louise Sikora by deed recorded in Volume 499, Page 737 of Medina County Records;

- Course 45 Thence South 89°-26'-58" East along the southerly line of land so conveyed to George R. and Bonnie Louise Sikora a distance of 1618.69 feet to the Southeasterly corner thereof;
- Course 46 Thence North 00°-09'-10" West along the Easterly line of land so conveyed to George R. and Bonnie Louise Sikora a distance of 498.72 feet to the Southwesterly corner of land conveyed to the Board of Commissioners of Medina County by deed recorded in O.R. Volume 925, Page 583.
- Course 47 Thence North 89°-43'-40" East along the Southerly line of land so conveyed to said Commissioners, a distance of 146.12 feet to the Southeasterly corner thereof;
- Course 48 Thence North 00°-09'-10" West along the Easterly line of land so conveyed to said Commissioners, \*, a distance of 489.98' to the center line of Sharon-Copley Road and the place of beginning; and containing 524.195 Acres of land.  
\*and along the Easterly line of land conveyed to John J. & Linda S. Seman  
*030-11A-18-004*

PARCEL 2:

And known as being part of Original Township Lot 41, bounded and described as follows: Beginning at the intersection of the Southeast corner of Lot 41 and the centerline of Poe Road (C.H. 71) 60 feet wide; thence Westerly along the centerline of Poe Road (C.H. 71), a distance of 838.98 feet to a point, said point being the Southeast corner of a 2.00 acre parcel now or formerly owned by Garrett; thence Northerly along said 2.00 acre parcel Easterly line and the Easterly line of a 445.9335 acre parcel now or formerly owned by Zupan, a distance of 2019.81 feet to a point; thence Easterly along the Southerly line of said 445.9335 acre parcel, a distance of 831.70 feet to a point in the East line of said Lot 41; thence Southerly along the East line of said Lot 41, a distance of 2024.66 feet to the Place of Beginning and containing within said bounds 38.682 acres of land, be the same more or less.

Permanent Parcel No. *030-11A-27-001*

ROBERT HALE  
Medina County Recorder  
Recorded this date  
Page 785-92 Fees 35.00  
95 JAN 11 NO: 49