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IN THE MATTER OF RESTRICTIONS AFFECTING
A PART OF BELLHURST, A SUBDIVISION IN
WASHINGTON TOWNSHIP, LUCAS COUNTY, OHIO.

WHEREAS, S. H. Squire, Superintendent of Banks of the State of Ohio in charge of the liquidation of The Ohio Savings Bank & Trust Company, is the record owner in fee simple of certain property in BELLHURST, a Subdivision in Washington Township, Lucas County, Ohio; and

WHEREAS, it is desirable that reasonable restrictions upon the manner of use, improvement and enjoyment of said land by all of the vendees, grantees, devisees, tenants or occupants who shall hereafter become purchasers, owners, tenants or occupants thereof, be imposed upon said lands; and

WHEREAS, the Superintendent of Banks of the State of Ohio has in mind the development of said property as an architecturally harmonious, artistic and desirable residential district; and

WHEREAS, heretofore there have been sold and conveyed certain lots and parts of lots in said Bellhurst, subjecting the same to certain restrictions, contained in said deeds, which, by the terms thereof, expire on January 1, 1940; and

WHEREAS, said Superintendent of Banks desires to impose and make known certain restrictions, conditions, provisions and covenants to which all of the property now owned by the Superintendent of Banks as above in said Bellhurst, shall be subject subsequent to January 1, 1940, and subject to which said property will hereafter be conveyed by said Superintendent of Banks;

NOW, THEREFORE, in consideration of the premises and for the mutual benefit and protection of the said Superintendent of Banks of the State of Ohio and of each and every person who shall
hereafter become the owner of any interest in and to the within described property or any part thereof, the following restrictions are hereby imposed upon the ownership, use, improvement and enjoyment of any interest in and to the hereinabove described property and shall be binding upon all owners of any interest in and to the above described property, their grantees, heirs, executors, administrators, successors and assigns in the manner following, to-wit:

(a) All lots in said tract shall be known and described as residential lots except lots numbered 1 to 20, both inclusive, and lots numbered 63 to 83, both inclusive, which may be used for commercial purposes, which structures must be constructed of brick or other fire-proof materials, and plans for which must have the approval in writing of a committee appointed by the owner of the majority of lots in said Bellhurst. No structure shall be erected on any residential lot other than one detached dwelling not to exceed two stories in height, and not to be occupied by more than two families, and a one, two or three car garage.

(b) No building shall be erected on any residential lot nearer than 30 feet to, nor farther than 40 feet from, the front lot line, nor nearer than 5 feet to any side lot line. The side line restrictions shall not apply to a garage located on the rear one-quarter of a lot, except that, on corner lots, no structure shall be permitted nearer than 10 feet to the side street line.

(c) No building shall be erected on any business lot nearer than 20 feet to the front lot line, nor nearer than 5 feet to any side lot line, except that on corner lots no structure shall be permitted nearer than 10 feet to the side street line; nor shall any structure on a business lot be permitted nearer than 5 feet to the rear lot line.
(d) No residential lot or lots shall be resubdivided into building sites, nor shall any building be erected on any residential lot having an area or street frontage of less than that shown on the original recorded plat.

(e) No noxious or offensive trade shall be carried on upon any lot in said Bellhurst, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(f) No building or other structure shall be erected, moved or maintained on any lot unless erected, moved, or maintained in accordance with plans and specifications showing the nature, kind, shape, type, material, color scheme and location of such structure, which shall be submitted to S. H. Squire, Superintendent of Banks of the State of Ohio, in charge of the liquidation of The Ohio Savings Bank & Trust Company, his successors or assigns, or a committee appointed by him, and approval thereof shall be endorsed thereon in writing.

In requiring the submission of plans and specifications as herein set forth the Superintendent of Banks or a committee appointed by him have in mind the development of Bellhurst, as an architecturally harmonious, artistic and desirable residential subdivision, and in approving or withholding its approval of any plans and specifications so submitted, the Superintendent of Banks or said committee may consider the appropriateness of the improvement contemplated with relation to improvements on contiguous or adjacent lots, its artistic and architectural merit, its adaptability to the lot upon which it is proposed to be erected or made, and such other matters and considerations as the Superintendent of Banks or said committee may deem to be to the interest and benefit of the owners of lots in Bellhurst, as a whole with reference to said plan of development; and any determination made by the Superintendent of Banks or said committee
in good faith shall be binding upon all parties in interest.

(g) No basement, garage nor any structure other than as permitted hereinabove, shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted on any lot. No trailer or tent shall be permitted on any lot for any purpose whatsoever.

(h) There shall not be erected, permitted or maintained on said lot any stable, cattle yard, hog pen, fowl yard or house, cesspool, privy vault or any form of privy; nor shall any live poultry, hogs, cattle or other live stock or any noxious, dangerous or offensive thing, whether of the character of those hereinbefore enumerated or not, be permitted or maintained thereon.

(i) No signs of any character shall be erected, pasted, posted, or otherwise displayed on or about any lot, without the written permission of the Superintendent of Banks, his successors or assigns, who shall have the right in his discretion to prohibit, restrict and control the size, construction, material, wording, location and height of all such signs.

(j) A perpetual easement is reserved over the rear five feet of each lot for utility installation and maintenance.

(k) No dwelling costing less than $5,000.00 shall be permitted on any lot in Bellhurst, and the ground floor area thereof shall not be less than 700 square feet in the case of a one-story structure nor less than 500 square feet in the case of a one and one-half or two story structure, and no building shall have a width of more than 26 feet on any residential lot within this described area having a frontage of 40 feet or less.

(l) Concrete sidewalks of not less than 4 feet in width shall be installed to serve each residential property before being occupied, and are to be installed at the expense of the builder or purchaser.
(Signed) S. H. Squire, Superintendent of Banks of the State of Ohio, in charge of the liquidation of The Ohio Savings Bank & Trust Company
By Newman R. Thurston, Special Deputy Superintendent of Banks.

Two witnesses.
Acknowledged May 26th, 1939 by said Superintendent, by said Deputy, before a Notary Public, Lucas County, Ohio, (Seal).

Received for record June 23, 1939 and recorded in Volume 987 of Deeds, page 431.
(m) No wines, liquors, beer or other intoxicants shall be manufactured or sold on any lot herein known and described as either a residential or commercial lot.

(n) Said premises shall be occupied by Caucasian persons exclusively, except that this covenant and restriction shall not prevent occupancy by domestic servants of a different race or nationality employed by an owner or tenant.

(o) The covenants and restrictions hereinabove shall run with the land and shall be binding on each and every person who shall hereafter become the owner of any interest in and to the within described property or any part thereof until June 30, 1975, at which time said covenants and restrictions herein contained or any portion thereof may be extended for a further ten year period and for successive ten year periods thereafter on the written approval or agreement of two-thirds of the property owners in said Bellhurst.

(p) Any violation or attempt to violate any of the covenants or restrictions herein while the same are in force shall be unlawful. Any other person or persons owning any other lots in said Bellhurst may prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

(q) If any of the covenants or restrictions hereinabove are held invalid by judgment or court order, the remainder of the covenants or restrictions shall not be affected thereby and shall remain in full force and effect.

IN WITNESS WHEREOF, the said S. H. Squire, Superintendent of Banks of the State of Ohio, in charge of liquidation of The Ohio Savings Bank & Trust Company, by Newman R. Thurston, his specially appointed Deputy, has hereunto executed this Declaration of Restrictions this 26th day of May, 1939.