BYRNEWAY
PLAT 2

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DECLARATION OF RESTRICTIONS

FOR PLAT II IN BYRNELAY, A
SUBDIVISION IN ADAMS TOWNSHIP, LUCAS COUNTY, OHIO

WHEREAS, the undersigned ELMHURST LAND CO., an Ohio corporation, is
the owner of all of the lots constituting Plat II of Byrnley, a Subdivision
in Adams Township, Lucas County, Ohio; and

WHEREAS, it is necessary and desirable, and will be beneficial to the
future of all of the lots above mentioned, to impose reasonable restrictions
upon the use, occupancy, improvement and enjoyment of all of said properties,
which shall affect all of the properties and shall become binding upon all present
and future owners of said properties and shall run with the land, all as
more fully hereinafter stated;

NOW, THEREFORE, in order to provide a uniform general plan for the
improvement, development, use, occupancy and enjoyment of said Byrnley Subdi-
vision Plat II as an architecturally harmonious and desirable residential dis-
trict, and to continue, maintain and perpetuate said Byrnley Subdivision Plat
II in its entirety as originally planned for the maintenance of property values
of residences to be hereafter constructed therein, in consideration of the pre-
mises, the undersigned, as owner of all the lots in said Byrnley Subdivision
Plat II, as now or hereafter constituted for itself, its successors and assigns,
for the regulation and protection of every person, their heirs, executors,
administrators, legal representatives and/or assigns who now is, or shall in the
future be, the owner, occupant or tenant of any interest in and to any lot, lots
or part thereof, in the improvement, development, use, occupancy and enjoyment
of said property, in Byrnley Subdivision Plat II, by the execution and recording
of this indenture of restrictions, does hereby restrict the improvement, develop-
ment, use, occupancy and enjoyment of all property in said Byrnley Subdivision,
Plat II, in Adams Township, Lucas County, Ohio, and being the real estate above
described, for the period, to the extent, and in the manner following, to-wit:

(a) These restrictions shall become effective upon the recording of
this indenture with the Recorder of Lucas County, Ohio.

(b) The restrictions hereinafter set forth shall run with the land
and shall be binding upon each and every person who now is or shall
hereafter become the owner of any interest in and to the within
described property or any part thereof until January 1, 1983, at
which time said restrictions herein contained or any portion thereof
may be extended and/or amended for a further ten (10) year period
and for successive ten (10) year periods thereafter upon the written
approval or written agreement of two-thirds (2/3) of the lot owners
in Byrnley Subdivision, Plat II.
(c) No structure shall be erected, altered, placed or permitted to remain on any residential lot other than a structure designed for a one-family dwelling, except on lots Nos. 70, 71, 72, 73 and 74 of Plat II, which may contain multi-family dwellings not exceeding two stories in height, subject to the provisions of Paragraph (1) hereof. Each lot may also contain a private garage or carport.

(d) No building (including porch thereto attached) shall be erected on any lot nearer to the front lot line than the setback line as shown on the recorded plat wherein such lot is situated, nor nearer than five (5) feet to any side lot line, except for a garage or other permitted accessory building which shall be located at least fifty-five (55) feet or more from the minimum building setback line.

(e) The minimum size dwelling that shall be permitted on any of lots numbered 13 through 65 inclusive of Plat II is: 1000 square feet of ground floor area (exclusive of open porches, garages and carports) in the case of one story dwellings; and 525 square feet of ground floor area (exclusive of open porches, garages and carports) with a total of 1000 square feet of finished, heated and habitable floor area in the case of dwellings of more than one story. The minimum size dwelling that shall be permitted on any of lots numbered 39 through 62 and 65 through 69, both inclusive is: 900 square feet of ground floor area (exclusive of open porches, garages and carports) in the case of one story dwellings; and 525 square feet of ground floor area (exclusive of open porches, garages and carports) with a total of 900 square feet of finished, heated and habitable floor in the case of dwellings of more than one story.

(f) Except a dwelling erected upon a lot as delineated by the record plat, the ownership of which lot is in one owner at the time of the erection of said dwelling, no dwelling shall be erected or placed on any lot having an area of less than 6000 square feet.

(g) No basement, garage, nor any other structure other than as above permitted, shall at any time be used or occupied 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 any lot any stable, cattle yard, hog pen, foul house, coop or yard, cesspool, privy vault or any form of privy; nor shall any live poultry, hogs, pigeons, sheep, goats, cattle or other livestock or noxious, dangerous or offensive thing, whether of the character of those hereinabove enumerated or otherwise, be permitted or maintained thereon.

(i) To assure a harmonious plan of development which will inure to the benefit of every property owner in said tract, no building, dwelling or other structure shall be erected, moved or maintained upon any lot unless so erected, moved or maintained in accordance with plans and specifications showing the nature, kind, shape, type, material, color scheme and location of such building, dwelling or other structure, which shall be submitted to Elmhurst Land Co., Toledo, Ohio, its successors or assigns, or to a committee to be selected as herein provided, and approval of such plans and specifications shall be endorsed thereon in writing prior to commencement of construction, moving or maintenance. Unless such plans and specifications or any part thereof shall have been disapproved in writing within thirty (30) days from the date of such submission, such plans and specifications shall be conclusively deemed to have been approved. The committee referred to herein shall be selected after Elmhurst Land Co. has conveyed 100% of the lots in Byrnway Subdivision Plat II; said committee to be selected by the owners of a majority of said lots in said subdivision. Said committee shall consist of three members, each of whom shall be the owners in fee simple of property in one of the plots herein referred to. Said committee shall serve without compensation any may act by a majority vote. The members shall serve at the pleasure of the authority by which they are elected, and vacancies occurring on said committee shall be filled by selection of new members in the same manner as provided for selection of the committee. The said Elmhurst Land Co. may, by
designation in writing, assign its rights herein in this Paragraph (i) contained to a corporation, person, partnership or committee.

(j) No fence, wall or hedge shall be erected or maintained nearer to the dedicated street line than the building setback line of any lot, nor shall any fence or wall be erected on any lot without prior written approval being obtained in the manner provided in Paragraph (i) hereof.

(k) No trade or business shall be permitted or conducted on any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood.

(l) A perpetual easement is reserved to the undersigned, its successors and assigns, over the rear five (5) feet of each lot and across other spaces designated on the recorded plat as an easement right-of-way for utility installation, removal, repairs and maintenance. The said Elmhurst Land Co., its successors or assigns designated in writing, shall have the right in such spaces herein designated for utility installation to enter upon the same for utility installation, removal, repair and maintenance without notice to any owner.

(m) If any lot owner or occupant of any lot in said Subdivision, shall violate or threaten or attempt to violate any restriction herein contained, it shall be lawful for any other person or persons owning any real property in said Subdivision to prosecute any proceeding at law or in equity in any proper court or tribunal against the person or persons so violating, threatening or attempting to violate, to prevent him or them from so doing, or to correct any such violation, or to recover damages or other dues for such violation.

(n) If any restriction hereinabove set forth should be held invalid, unenforceable, or otherwise inoperative in whole or in part by any court, the remainder of the restrictions shall not be affected thereby, but shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, ELMHURST LAND CO., an Ohio corporation, has hereunto caused its corporate name and seal to be affixed and this Declaration of Restrictions to be executed by Robert S. Waples, its Vice President and S. S. Levin, its Secretary, said officers being duly authorized in the premises this 26th day of February, 1958.

Signed by Elmhurst Land Co., by Robert S. Waples Vice-President &

S. S. Levin Secretary.

Two witnesses.

Acknowledged 2/26/58 by said company, by said officers before a notary public, Lucas County, Ohio. Seal.

Received for record 2/28/58 at 10:13 A.M. & recorded in Vol. 1878 of Mortgages page 377.
AMENDMENT OF DECLARATION OF RESTRICTIONS
APPLICABLE TO LOTS IN BYRNWAY, PLAT TWO,
A SUBDIVISION IN ADAMS TOWNSHIP, LUCAS
COUNTY, OHIO.

Whereas, on the 28th day of February, 1958, Elmhurst Land
Co., an Ohio Corporation, being the then owner of all the lots
consisting Plat Two of Byrnway, a Subdivision in Adams Township,
Lucas County, Ohio, did cause to be recorded in Volume 1878, page 378,
Lucas County Mortgage Records a certain Declaration of Restrictions
and,

Whereas, the above named, being the owner of all of said
Byrnway, Plat Two, is of the opinion that Paragraph (c) does not
contain provisions which are for the best interests of the present
and future owners of property in said Byrnway, Plat Two, be it
therefore agreed that the following Paragraph (c) of said restrictions
be and the same is hereby deleted from said Declaration of Restrict-
ions for Byrnway, Plat Two and is hereby declared to be of no
further validity and effect.

(c) No structure shall be erected, altered, placed or
permitted to remain on any residential lot other
than a structure designed for a one-family dwell-
ing, except on Lots Nos. 70, 71, 72, 73 and 74 of
Plat II, which may contain multi-family dwellings
not exceeding two stories in height, subject to the
provisions of Paragraph (f) hereof. Each lot may
also contain a private garage or car-port.

In place and in lieu of said Paragraph (c) referred to and
quoted, said Declaration of Restrictions shall contain the following
amended Paragraph (c):

(c) No structure shall be erected, altered, placed or
permitted to remain on any residential lot other
than a structure designed for a one-family dwell-
ing, except on lots nos. 39, 69, 70, 71, 72, 73
and 74 of Plat II, which may contain multi-family
dwellings not exceeding two stories in height, subject to the provisions of Paragraph (i) hereof. Each lot may also contain a private garage or car-port.

Save and accept for the amendment and alteration specifically provided for herein, said original Declaration of Restrictions applicable to lots in said Byrneway, Plat Two, recorded in Volume 1878 of the Lucas County Mortgage Records at page 378, shall remain in all other respects in full force and effect.

IN WITNESS WHEREOF, the undersigned Elmhurst Land Co. by Robert S. Waples its Vice-President, have set their hands on the 20th day of March, 1958, and in the presence of the witnesses hereinafter appearing.

ELMHURST LAND CO.

By Robert S. Waples,
Vice-President

Two witnesses.

Acknowledged March 20, 1958 by said Company, by said Officers, by authority of its Board of Directors, before a Notary Public, Lucas County, Ohio (seal).

Received for record March 21, 1958 and recorded in Volume 1880 of Mortgages, page 320.