This information is taken from public records filed with the Lucas County Recorder’s Office. Port Lawrence Title and Trust Company assumes no liability for the accuracy or completeness of the information contained herein.
DECLARATION OF RESTRICTIONS

FOR PLAT III IN BYRNWAY, 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 III of BYRNWAY, 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 BYRNWAY Subdivision Plat III as an architecturally harmonious and desirable residential district, and to continue, maintain and perpetuate said BYRNWAY Subdivision Plat III in its entirety as originally planned for the maintenance of property values of residences to be hereafter constructed therein, in consideration of the premises, the undersigned, as owner of all the lots in said BYRNWAY Subdivision Plat III, 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 Byrneway Subdivision Plat III, by the execution and recording of this indenture of restrictions, does hereby restrict the improvement, development, use, occupancy and enjoyment of all property in said Byrneway Subdivision, Plat III, 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 10 year period and for successive 10 year periods thereafter upon the written approval or written agreement of 2/3 of the lot owners in Byrneway Subdivision, Plat III.

(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. 105, 106 and 107 of Plat III, 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.

(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 5 feet to any side lot line, except for a garage or other permitted accessory building which shall be located at least 55 feet or more from the minimum building setback line.

(e) The minimum size dwelling that shall be permitted on any of lots numbered 78 through 99 inclusive of Plat III 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 75 through 78 and 100 through 104, 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, fowl 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 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 Byrneway Subdivision Plat III; 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 plats herein referred to. Said committee shall serve without
compensation and may act by a majority vote. The members shall serve
at the sufferance 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 corpora-
tion, 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 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 mainte-
nance. 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 tenant thereof, or any other
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 R. G. Dunbar, its President and S. S. Levin, its Secretary said Officers being duly authorized in the premises this 6th day of March, 1958.

ELMHURST LAND CO.

By: R. G. Dunbar, President.

Two witnesses.

(with corporate seal)

S. S. Levin, Secretary

Acknowledged March 6, 1958 by said Company, by said Officers, before a Notary Public, Lucas County, Ohio (seal).

Received for record March 7, 1958 and recorded in Volume 1879 of Mortgages, page 91.
AMENDMENT OF DECLARATION OF RESTRICTIONS
APPLICABLE TO LOTS IN BYRNEWAY, PLAT THREE,
A SUBDIVISION IN ADAMS TOWNSHIP, LUCAS
COUNTY, OHIO.

Whereas, on the 7th day of March, 1958, Elmhurst Land Co.,
an Ohio Corporation, being the then owner of all the lots constituting
Plat Three of Byrneway, a Subdivision in Adams Township, Lucas County,
Ohio, did cause to be recorded in Volume 1879, page 91, Lucas County
Mortgage Records a certain Declaration of Restrictions and,

Whereas, the above named, being the owner of all of said
Byrneway, Plat Three, 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 Byrneway, Plat Three, 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 Byrneway, Plat Three 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. 105, 106 and 107 of Plat
III, 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.

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. 75, 104, 105, 106 and 107
of Plat III, which may contain multi-family dwell-
ings not exceeding two stories in height, subject
to the provisions of Paragraph (1) 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 Eyrneway, Plat Three, recorded in Volume 1879 of the Lucas County Mortgage Records, at page 91, 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 Officer, 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 322.