CROSSGATES
PLAT 2

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Deed dated August 16, 1960, received for record August 17, 1960 at 2:32 P.M., and recorded in Volume 1763 of Deeds, page 394, wherein Elahurst Land Co. conveyed lots 62 to 110 inclusive, in Crossgates Plat II, a Subdivision in the City of Toledo, Lucas County, Ohio, contains the following:

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 Crossgates Plat II, as an architecturally harmonious and desirable residential district, and to continue, maintain and perpetuate said Crossgates Plat II in its entirety as originally planned for maintenance of property values of residences to be hereafter constructed therein, in consideration of the premises, the undersigned, as owners of all the lots in said Crossgates Plat II, as now or hereafter constituted, for itself, its successors and assigns, for the regulation and protection for all persons, their heirs, executors, administrators, legal representatives and/or assigns who now are, 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 Crossgates Plat II, by the execution and recording of these restrictions, does hereby restrict the improvement, development, use, occupancy and enjoyment of all property in said Crossgates Plat II, in the City of Toledo, 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, 1985, 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 two-thirds (2/3) of the lot owners in Crossgates 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. Each lot may also contain a private garage or carport.

(d) No building (including porch thereto attached) shall be erected or maintained on any part of a lot nearer to the front lot lines than the set back line as shown on the recorded plat wherein such plot is situated, nor nearer than five feet to any side of every plot built upon except for a garage or other permitted accessory building, which shall be located on or behind the minimum building set back line, subject to the provisions of paragraph (i) hereof. For the purposes of this Declaration of Restrictions, a plot is defined as that parcel of land on which a dwelling is constructed and/or maintained together with the land adjacent thereto and used in conjunction therewith, and may therefore include parts or all of two or more of the lots delineated on the recorded plat.

(e) Except as hereinafter provided, no dwelling shall be permitted on any lot unless the ground floor area of said dwelling, exclusive of one-story open porches and garages and carports, shall be not less than 1000 square feet for a one-story dwelling, nor less than 525 square feet for a dwelling of more than one story.

(f) Except a dwelling erected upon a lot as delineated by the recorded plat, the ownership of which lot is in one owner at the time of the erection of said 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 per-
manently, 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 stable, shed, 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.

(1) 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 conclusively deemed to have been approved. The committee referred to herein shall be selected after Elmhurst Land Co. has conveyed 90% of the lots in Crossgates Flat 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 owner in fee simple of property in said Flat II. 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 (1) contained to a corporation, person, partnership or committee.

(1) 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 will 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 an 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 maintenance. The said Elmhurst Land Co., its successors or assigns designated in writing, shall have the right in such spaces therein 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 to 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 hereinafter 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.