ESTERO PLACE

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DECLARATION OF RESTRICTIONS UPON
ESTERO PLACE
A SUBDIVISION IN WASHINGTON TOWNSHIP,
LUCAS COUNTY, OHIO

KNOW ALL MEN BY THESE PRESENTS: That

Whereas, the undersigned, hereinafter referred to as the "OWNERS" are the owners of or have an interest in fee simple in one or more lots in ESTERO PLACE, A Subdivision in Washington Township, Lucas County, Ohio.

AND WHEREAS, Owners desire to establish restrictions upon the manner and use improvements, and enjoyment of the above described subdivision and to hereby impose on said lots in said Estero Place, certain restrictions.

NOW THEREFORE, in consideration of the premises and in consideration of the enhancement in value thereof, and to afford purchasers due and ample protection in the use and occupancy thereof for the purposes of which the same are designated and to provide a general plan for the development of said addition designed to make more attractive for residential purposes, Owners, for themselves, their heirs and assigns, hereby declare and stipulate that each lot in said Estero Place shall hereafter be conveyed by them, their heirs and assigns, subject to the following restrictions hereinafter set forth.

1. All lots in said Subdivision shall be known and described as residential lots and shall be used and occupied solely and exclusively for private residence purposes by a single family; and no other than one single family, private residence purpose building with attached garage, hereinafter for convenience called "dwelling" shall be erected, reconstructed, placed or suffered to remain on any lot in said subdivision and which shall meet all of the requirements and restrictions set out below; and no lot in said subdivision shall be subdivided into smaller parcels or used or occupied as one parcel.

2. No trailer, basement, tent, shack, garage, barn, house car or other temporary shelter shall be maintained or used as a residence, temporarily or permanently, on any lot in said subdivision, and no building erected thereon shall be used as a residence until the exterior has been completed as specified and called for in the plans and specifications thereof.

3. The garage attached to any dwelling shall have a capacity of not more than three (3) passenger motor cars, and such garage shall be for the sole private use of the owner(s) of the lot upon which it is located. Such garage shall be subject to all of the reservations, restrictions, requirements and limitations which are applicable herein to the dwelling.

4. No lot in said subdivision shall be re-subdivided into building sites, nor shall any dwelling be erected on any lot having an area or street frontage of less than that shown in the original recorded plat.
5. All dwellings erected in said subdivision shall have at least 1600 square feet of floor space on the ground floor level including garage.

6. No dwelling shall be erected which is not constructed with brick or brick veneer, or stone or stone veneer. This shall not be construed to exclude frame gables.

7. No dwelling shall be erected which is more than 1½ stories in height.

8. No dwelling or part thereof, nor any addition thereto or alteration thereof, shall be erected, reconstructed, placed or suffered to remain upon any part of any lot in said subdivision closer to any street than is specified by the setback lines shown upon the plat of said subdivision as recorded. Steps, uncovered porches and terraces, no part of which is more than 3 feet above the level of the first floor of the dwelling may be built and maintained on any part of such restricted areas.

9. No lot in said subdivision shall be used for any purpose not permitted by the Zoning Regulations of Washington Township as the same may be amended from time to time; and no nuisance of any character shall be erected, constructed, suffered, permitted, committed, maintained, used or operated thereon.

11. Easements for installation or maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

12. The provisions herein contained shall run with and bind the land and shall be binding on all parties and all persons claiming under the Owners, and shall be in the benefit of and be enforceable by the Owners or the owner of any lot in said subdivision their respective legal representatives, heirs, successors and assigns to and including December 31, 1980, after which time said covenants and restrictions shall be automatically extended for successive periods of 10 years, unless and instrument signed by a majority of the then property owners of the lots in said subdivision has been recorded, agreeing to change said covenants and restrictions in whole or in part.

The failure by Owners or any lot owner however long continued to object to any violation or to enforce any restriction, condition, covenant or agreement herein contained, shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto. Enforcement shall be by proceedings at law or in equity against any persons or person violating or attempting or threatening to violate any covenant, condition or restriction either to restrain such violation or to recover damages thereon, and Owners or any lot owner bringing such proceedings shall be entitled to be paid for and may recover from the owner of the land on which such violation is threatened or has occurred, the costs and expenses including attorney fees incurred or expended as a result of such threatened violation.
The undersigned, Owners, do hereby for a valuable consideration, and in consideration of the premises and of the enhancement in value of the lots in said subdivision consent and agree to the foregoing restrictions and covenants.

S. M. Bassett
Alma Bassett

Acknowledged March 31, 1956 in Lee County, Florida, before a Notary Public, State of Florida at Large (seal).

Received for record April 5, 1956 and recorded in Volume 1785 of Mortgages, page 98.