FAIR ACRES

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DECLARATION OF APPLICABLE RESTRICTIONS
FOR FAIR ACRES, AN ADDITION IN WASHINGTON
TOWNSHIP, LUCAS COUNTY, OHIO

WHEREAS, we, Norman M. Ramler and Frances Lowe Ramler, husband and wife, are the owners in fee simple of all of the real estate in Fair Acres, an Addition in Washington Township, Lucas County, Ohio, being lots numbered one (1) to forty-two (42) inclusive therein, and

WHEREAS, we intend to further develop and improve said land, and are desirous of subjecting all of the land above described to certain covenants, agreements, easements, restrictions, provisions, conditions and charges as hereinafter set forth, so as to bind said land and also benefit and bind all present and future owners and occupants of said land.

NOW, THEREFORE, we, the said Norman M. Ramler and Frances Lowe Ramler, hereby adopt this subdivision into lots as shown, and dedicate to public use the ways thereon shown. The restrictions hereinafter set forth are hereby adopted pursuant to a general plan for the better and uniform development of Fair Acres Addition. We hereby declare that said real estate is held by us and shall be conveyed hereafter subject to all of the following:

1. No building of any kind whatsoever shall be erected or maintained on said real estate except a single one story ranch type home with an overall length of the house and attached garage or breezeway to be not less than sixty (60) feet. There is designated upon the lots shown thereon a building line and no building or any part thereof shall be erected or maintained on said tract closer to any street than the building line so marked and in no event closer than sixty-six (66) feet from the center line of the said street. Lot number one (1) is reserved for commercial purposes.
2. No building, fence, hedge, wall, walk or other structure, grading or planting shall be commenced, erected or maintained, nor shall any addition to or change or alteration therein be made, until the plans and specifications, showing the nature, kind, shape, height, materials, floor plans, color scheme, location and approximate cost of such structure or work to be done, and the grading plan of the plot to be built upon shall have been submitted to and approved in writing by Ramler Building Committee and a copy thereof, as finally approved, lodged permanently with the Committee. The Committee shall have the right to refuse to approve any such plans or specifications or grading plans, which are not suitable, in its opinion, for aesthetic or other reasons; and in so passing upon such plans, specifications and grading plans it shall have the right to take into consideration the suitability of the proposed building or other structure and of the materials of which it is to be built to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect from the adjacent or neighboring property.

3. Ramler Building Committee shall consist of Norman M. Ramler, Frances Love Ramler, both of 1659 Laskey Road, Toledo, Ohio, and William Robinson of Plaza Hotel, Toledo, Ohio. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change, the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties.

4. There shall not be erected, constructed, suffered, permitted, committed, maintained, used or operated on any of the land included in said subdivision any nuisance of any character.
5. Any stable, cattle yard, or pasture, hog pen, fowl yard, pen or house, privy vault or any form of privy, or any vault, cesspool, catch basin or other receptacle for the collection and storage of liquid or other waste matter other than a septic tank or the underground storage of automobile fuel, shall be conclusively deemed to be a nuisance.

6. Any plant, manufactory, works, shop, store, establishment or structure for the purpose of carrying on any trade or business whatsoever, shall be conclusively deemed to be a nuisance, provided, however, that with the written permission of the Ramler Building Committee such classes of business as the said Committee may deem inoffensive may be conducted and structures erected and maintained therefor.

7. The determination of the Ramler Building Committee, its successors or assigns, as to what constitutes a nuisance within the meaning of the preceding paragraph shall be conclusive and binding, and no other person shall be entitled to any injunction to prevent the said Committee from determining whether breach of covenants has taken place or to enjoin the abatement thereof.

8. No truck or other commercial vehicle shall be allowed to stand or remain parked upon the premises other than for the purpose of a delivery.

9. Until such time as a public street lighting system shall be established in this subdivision, each lot owner shall erect and maintain at his own expense a post light adjacent to the street, which shall be in accordance with plans and specifications approved by the Ramler Building Committee.
10. All restrictions herein shall be construed together, but if it shall be held that any restrictions, or any part of any restriction, is invalid or unenforceable for any reason whatsoever, no other restrictions or any part thereof shall be affected or impaired. The aforesaid restrictions shall be in full force and effect until the first day of January, 1985, provided that prior to said date appropriate instruments in writing consenting to an extension of these restrictions for an additional period of twenty-five (25) years may be filed for record, signed, executed and acknowledged by the owners (not including mortgagees) of not less than two-thirds (2/3) in area of this subdivision.

Signed by Norman W. Ramler and Frances Lowe Ramler.

Two witnesses.

Acknowledged November 30, 1952 before a Notary Public, Lucas County, Ohio, (seal).

Received for record December 2, 1952 and recorded in Volume 1595 of Mortgages, page 148.

By Instrument received for record October 11, 1955 at 1:37 P.M., and recorded in Volume 1759 of Mortgages, page 169, pursuant to provisions in paragraph 3 of the above Declaration of Restrictions, Kermit Meck, Herbert J. Pfeiffer, Jr. and Geraldine Griffith were appointed the Committee as provided therein.

By Instrument received for record December 22, 1962 at 10:27 A.M. and recorded in Volume 2064 of Mortgages, page 663, pursuant to provisions in paragraph 3 of the above Declaration of Restrictions, Mr. K. Meck, Mr. H. Pfeiffer and Mrs. G. Griffith were appointed the new Committee as provided therein.
By Instrument not dated but acknowledged December 19, 1962 and recorded in Volume 2064 of Mortgages, page 665, Ramler Building Committee pursuant to the authority vested in them by the Declaration of Restrictions recorded in Volume 1595 of Mortgages, page 148, declared the following: as permissive use of the premises in question viz:

Use of the above described premises by the following shall not be deemed either a nuisance or offensive: Insurance firms, real estate firms, attorneys, small shops, dry cleaning pick-ups, barbers, beauty shops, doctors offices, photography studios and like types of businesses, operations and services.

Use of the above described premises as a restaurant, food dispensing business or gasoline service station shall be deemed a nuisance and is hereby declared by the Committee to be offensive.