OTTAWA HILLS FARMS

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

WHEREAS, the undersigned, The Port Lawrence Title and Trust Company, Trustee, an Ohio corporation having its principal office in Toledo, Lucas County, Ohio, and Walden H. Schultz and Barbara A. Schultz, husband and wife, residents of the City of Toledo, Lucas County, Ohio, are the owners of the following described real estate situated in the Village of Ottawa Hills, Lucas County, Ohio:

All of that part of the Northeast Quarter (1/4) of Section Thirty-One (31), Town Nine (9) South, Range Seven (7) East, in the Village of Ottawa Hills, Lucas County, Ohio, described as follows:

Beginning at the southeast corner of Ottawa Hills Farms, thence south along the west line of Plat No. I of Ottawa Hills a distance of Seven Hundred Forty and fourteen hundredths (740.14) feet to the north line of the New York Central Railroad right-of-way; thence northwest along the northerly line of the New York Central Railroad right-of-way a distance of Five Hundred Fifty-Four and Seventy-Five hundredths (554.75) feet to the east line of Hillendale Center Plat I; thence north along the east line of Hillendale Center Plat II a distance of Five Hundred Twenty-Eight and Thirty Hundredths (528.30) feet to a point that is Four Hundred Ninety-Five and Fifty-Two hundredths (495.52) feet south of the center line of Bancroft Street; thence easterly on a line drawn at right angles to the east line of the northeast quarter (1/4) of Section Thirty-One (31) a distance of One Hundred Sixty and No Hundredths (160.00) feet; thence north on a line parallel to the east line of Hillendale Center Plat II a distance of Two Hundred Forty-Seven and Twelve hundredths (247.12) feet to a point that is Two Hundred Sixteen and Twenty-Five hundredths (216.25) feet southerly of a line drawn parallel to and Fifty (50) feet southerly (at right angles) from the center line of Bancroft Street; thence easterly at right angles a distance of Ten (10) feet; thence northerly parallel to the east line of Hillendale Center Plat II a distance of Two Hundred Sixty-Seven and Eighty-Six hundredths (267.86) feet to the center line of Bancroft Street; thence easterly along the center line of Bancroft Street a distance of One Hundred Seventy and Twenty-Six hundredths (170.26) feet to the west line of Ottawa Hills Farms; thence southerly along the west line of Ottawa Hills Farms to the southwest corner of Ottawa Hills Farms; thence easterly along the south line of Ottawa Hills Farms a distance of One Hundred Sixty-Eight and Thirteen hundredths (168.13) feet to the point of beginning;

the portion of said real estate owned by the said The Port Lawrence Title and Trust Company, Trustee, having been acquired by it by deed recorded in Volume 1731 of Deeds, page 611, in the office of the Recorder of Lucas County, Ohio,
and the portion of said real estate owned by the said Walden H. Schultz and Barbara A. Schultz having been acquired by them by deed recorded in Volume 1696 of Deeds, page 306, in the office of the Recorder of Lucas County, Ohio; and

WHEREAS, said The Port Lawrence Title and Trust Company, Trustee, and Walden H. Schultz and Barbara A. Schultz have caused the said real estate described above to be platted and filed for record as Lot A and Lots numbered

Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twenty-Three (23) and Twenty-Four (24) in Ottawa Hills Farms Plat II, a Subdivision in the Village of Ottawa Hills, Lucas County, Ohio; and

WHEREAS, said plat has been duly approved by the Village of Ottawa Hills, Lucas County, Ohio; and

WHEREAS, the said The Port Lawrence Title and Trust Company, Trustee, and the said Walden H. Schultz and Barbara A. Schultz intend to further develop and improve said real estate and are desirous of subjecting all of said real estate above described to certain covenants, agreements, easements, restrictions, provisions, conditions and charges as hereinafter set forth, so as to bind all the real estate included in the aforementioned description and also benefit and bind all present and future owners and occupants of said real estate;

NOW, THEREFORE, in consideration of the premises and in consideration of the enhancement of the value of said parcels of real estate and to accord future purchasers of said parcels of real estate due and ample protection, to the end that said parcels, their use and development, will follow the general plan contemplated by the owners, said owners, for themselves, their heirs, successors and assigns, hereby declare and stipulate that each of said parcels of real estate shall be bound by the following restrictions and hereafter shall be conveyed subject to them:

1. All of said lots shall be used for residential purposes only. No more than one such residence building shall be built upon any one lot.
2. No building shall be erected or maintained on any lot other than a single family residence building, two stories in height, or a building of a story and one-half in height, with a minimum height of twenty-one (21) feet from the first floor level to the ridge line, which shall extend over sixty per cent (60%) of the total frontage of the house and shall contain adequate space for a livable room or rooms on the second floor having an eight-foot ceiling over seventy-five per cent (75%) of the total floor area of the said room or rooms. A two-family residence building may be erected on each of Lots Eight (8) and Seventeen (17).

3. No building or part thereof shall be erected or maintained on any part of said lots closer to the street than is shown by the setback lines shown on said lots, provided, however, that covered porches, the floors of which are not higher than the first floor level, may encroach on such restricted area.

4. Free and open spaces shall be left on any lot built upon on both sides of every building erected thereon, which free and open spaces shall extend the full depth of the lot. No part of any building shall encroach upon these free and open spaces. The aggregate width of such free and open spaces required on both sides of any building on lots of more than eighty-five (85) feet in width shall be not less than fifty per cent (50%) of the width of the building, or, in any case, less than thirty (30) feet. The minimum width of such free or open space to be left on either side of any building shall be two-fifths (2/5ths) of the minimum aggregate width of the free or open spaces required for such lot.

The aggregate width of such free or open spaces required on both sides of any building on lots eighty-five (85) feet and less in width, shall be not less than twenty-five (25) feet and the minimum width of such free or open spaces to be left on either side of any such building shall be not less than ten (10) feet.

Covered porches, the floors of which are not higher than the level of the first floor of the building, may encroach upon such free or open spaces not more than twelve (12) feet, but not nearer than ten (10) feet to either exterior limit of such free or open spaces. Steps, uncovered porches and terraces, no part of which is more than three (3) feet above the level of the first floor of the building, may be built and maintained on any part of such restricted areas. Garages, located not nearer than one hundred (100) feet to the front street, shall not be subject to the provisions of this paragraph. Garages may be located nearer the front street than one hundred (100) feet with the consent of the Planning Commission.

5. Complete plans and specifications for all residence buildings or other structures, fences, hedges, walls, walks or other structure proposed to be erected on the lots covered by these restrictions shall be submitted to the Planning Commission, or its successor, of the Village of Ottawa Hills and, so long as he may live, to Jess J. Ellis, who presently resides at 3881 West Bancroft Street, Toledo, Ohio, and approval thereof in writing by said Planning Commission, or its successor, and, so long as he may live, by said Jess J. Ellis, shall first be obtained before the construction of any such residence, or other structures described herein, is commenced. All such plans and specifications shall show the nature, kind, shape, materials, dimensions, outside color schemes, grade of main foundation as to the lot, location of structure, the grading and planting plan of said specifications.

6. No building or other structure shall be erected, constructed, used, operated or maintained on any of the lots covered by these restrictions, or any part thereof, for any unlawful purpose or so as to create any nuisance or impair or diminish the value of any of the lots covered by these restrictions.

7. The restrictions contained herein shall be operative and binding on each of the lots covered by these restrictions until the first day of January 1980,
but which, in whole or in part, may be extended for a period of twenty-five (25) years from that date and thereafter for successive periods of twenty-five (25) years, provided that prior to January 1, 1960, and prior to the expiration of each extension, appropriate instruments in writing consenting to such extension shall be filed for record, signed, executed and acknowledged by the owners (not including mortgagees) of not less than two-thirds (2/3rds) in area of the land in this subdivision.

8. The restrictions herein contained may, at any time or from time to time, be annulled, waived, modified or amended, in whole or in part, by an instrument in writing signed and acknowledged jointly by the Planning Commission or its successor, and the owners of this real estate, and filed for record in the office of the Recorder of Lucas County, Ohio, and lodged in the office of the Clerk of Council of the Village of Ottawa Hills. Nothing herein shall be deemed to prevent or estop the owners, or their respective successors, heirs, devises or assigns, or any interested party from making application at any time and from time to time to the Council of the Village of Ottawa Hills for a change or modification in the zoning of the area covered by these restrictions, and any action by the Council, inconsistent with any of the restrictions herein contained, shall be deemed to void such restriction, and shall be binding on all persons owning lots aforesaid and in Ottawa Hills Farms. All other restrictions not inconsistent with such action of Council shall remain in full force and effect.

Invalidation of any one of the foregoing covenants or restrictions by judgment, court order or otherwise, shall not affect any of the others, and such others shall remain in full force and effect.

IN WITNESS WHEREOF, the said The Port Lawrence Title and Trust Company, Trustee, by its president, J. Albert Laskey, and its secretary, H. K. Dimke, and the said Walden H. Schultz and Barbara A. Schultz, husband and wife, have caused their names to be subscribed this 23rd day of May, 1960.

(Corporate Seal).  (Signed)  The Port Lawrence Title and Trust Company, Trustee

By J. Albert Laskey, President,

And M. K. Dimke, Secretary.

Walden H. Schultz,
Barbara A. Schultz.

Acknowledged May 23rd 1960 by said Company as Trustee, by said officers, before a Notary Public, Lucas County, Ohio, (Seal).

Acknowledged May 23rd 1960 by Walden H. Schultz and Barbara A. Schultz, before a Notary Public, Lucas County, Ohio, (Seal).

Received for record July 25th 1960 and recorded in Volume 1978 of Mortgages, page 185.