SECKINGER TERRACE

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DECLARATION OF RESTRICTIONS

WHEREAS, Paul M. Evans and Myrna A. Evans, husband and wife, are the owners in fee simple of the following described real estate, to wit:

Lots 1 to 20 both inclusive in SECKINGER TERRACE, a Subdivision in the City of Toledo, Lucas County, Ohio.

AND WHEREAS said Subdivision of SECKINGER TERRACE is laid out on part of the Southwest 1/4 of Section 17, Town 9 South, Range 7 East and the Replat of part of Lots 60, 61, 62, 63 and 64 in SECOR TERRACE FIRST EXTENSION all in the City of Toledo, Lucas County, Ohio.

AND WHEREAS the said Paul M. Evans and Myrna A. Evans, as such owners of such real estate have prepared and submitted a Plat of said parcel of land to the proper authorities of the City of Toledo, The Toledo City Plan Commission, The Platting Commissioner of the City of Toledo, Ohio and all other proper authorities in said City, County and State. Said Subdivision or Addition as shown by said Plat contains 20 lots and as aforesaid is known as SECKINGER TERRACE, said Plat being recorded in Volume 60 of Plats, at Page 44 Lucas County, Ohio, Record of Plats.

AND WHEREAS, as aforesaid, part of said Plat is a replat of parts of Lots 60, 61, 62, 63 and 64 in SECOR TERRACE FIRST EXTENSION in Lucas County, Ohio; that in the year 1945, Adam Glemp and Odessa Glemp, executed and caused to be recorded certain Restrictive Covenants, which Restrictive Covenants were received for record December 5th 1945 and recorded in Volume 1233 of Mortgages at Page 42; that said Restrictive Covenants provided certain restrictions as to the use of lots and lands in said SECOR TERRACE FIRST EXTENSION including the creation of a Committee composed of Adam Glemp, Odessa Glemp and Alonzo H. Bechtel Sr. who were given authority, in said Restrictive Covenants, among other things, to inspect building Plans, Specifications
and Sketches showing location of buildings, design, etc., with certain rights to designate a representative to act for and on behalf of said Committee; that Adam Glemp is the sole and only living survivor of said named Committee, Odessa Glemp and Alonzo H. Bechtel, Sr., being deceased;

AND WHEREAS said Adam Glemp joins herein with the said land owners, Paul M. Evans and Myrna A. Evans in this Declaration of Restrictions with the full intent and purpose of adopting this new Declaration of Restrictions in the place and stead of the Restrictive Covenants which are recorded, as aforesaid, in Volume 1283 at Page 42 Lucas County, Ohio Record of Mortgages; which Restrictive Covenants said Adam Glemp does hereby declare abrogated and null and void as to Lots 60, 61, 62, 63 and 64 in said SECOR TERRACE FIRST EXTENSION and said lots shall hereafter be governed and controlled by the Declaration of Restrictions hereafter set forth, to wit:

NOW THEREFORE Paul M. Evans and Myrna A. Evans, husband and wife, as owners, of the land described above and Adam Glemp as sole survivor of the Committee named in "Restrictive Covenants" herein before described do, in order to establish a general plan for the development of said subdivision or allotment, designed to make the said lots in said subdivision more attractive for residential purposes and to protect owners of said lots in the enjoyment of their use for residential purposes, and in consideration of the enhancement in value thereof said Paul M. Evans and Myrna A. Evans, as owners their heirs and assigns and Adam Glemp as surviving Committee, hereinbefore described, hereby declare and stipulate that the above described real estate now owned or conditionally controlled by them, shall hereafter be conveyed by said owners, their heirs and assigns, subject to the restrictions hereafter set forth.
1. No structure shall be erected, altered, placed or permitted to remain on any lot or parcel of land in said SECKINGER TERRACE in the City of Toledo, Lucas County, Ohio other than one detached single family residence not to exceed two stories in height and a private garage for not more than 3 cars.

2. These covenants and restrictions are to run with the land and shall be binding on Paul M. Evans and Myrna A. Evans, husband and wife, and all persons claiming under or through them until the 1st day of January 1985.

3. Invalidation of any of the restrictions and covenants herein, by Judgment, Court Order, or otherwise shall in no wise affect any of the other provisions contained in this Declaration of Restrictions, which shall remain in full force and effect.

4. No residence shall be located nearer to the front line of any lot in said Addition or Subdivision than the building line shown on the Plat of said SECKINGER TERRACE in the City of Toledo, Lucas County, Ohio.

5. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance to the neighborhood.

6. All easements shown in said Plat of SECKINGER TERRACE in the City of Toledo, Lucas County, Ohio shall be effective and binding upon all lots and lands which constitute a part of said SECKINGER TERRACE.

7. No fence of any kind whatsoever shall be permitted to enclose the yard in front of the building line on said Plat of said SECKINGER TERRACE and no fence except of an ornamental nature may be used to enclose side and rear areas and in no case shall such fence be more than 4 feet in height and same shall not be built or installed unless and until the kind of fence, its design and its effect on the neighborhood shall have been considered by the Committee herein after named.
and the written consent of said Committee obtained before construction starts.

8. No outside toilets and no septic tanks shall be built or installed on or in any lot.

9. No garage may be erected or maintained nearer any rear or side lot line than 3 feet.

10. No building, structure, fence or basement shall be erected, placed or altered on any building residential lot in said SECKINGER TERRACE in the City of Toledo, Lucas County, Ohio until the building plans, specifications, design and plot plan showing the location of such building have been approved in writing by the Building Committee designated herein, as to location of the building with respect to topography and finished ground elevation and cost thereof. Such Committee shall be composed of Paul M. Evans and Robert Wm. McDole and no member of said Committee shall be entitled to compensation for services rendered in connection with this paragraph. In case of death of said Paul M. Evans or his incompetency his wife Myrna A. Evans shall become a member of said Committee with identical powers; in case of death of said Robert Wm. McDole or his incompetency his wife Eleanor D. McDole shall become a member of said Committee with identical powers. All plans, estimates and profiles for any building, fence or structure to be erected on the real estate hereinabove described shall, before any part of construction work is begun, be submitted to the Committee, hereinabove provided for and no building, fence or structure shall be constructed until said plans, estimates, profiles or sketches, design and plot plan have been approved by said Committee in writing as aforesaid.

11. As provided and recited herein said Adam Glemp joins herein for the purpose of and with the full intent and purpose of adopting this new "Declaration of Restrictions", in the place and stead of the
Restrictive Covenants heretofore filed in Volume 1283 at Page 42 of the Record of Mortgages of Lucas County, Ohio and covering Lots 60, 61, 62 and 63 except the West 125.28 feet thereof and Lot 64 in SECOR TERRACE FIRST EXTENSION Lucas County, Ohio which Restrictive Covenants as to said described lots and lands are by said Adam Glemp abrogated and set aside and held for naught and as aforesaid this Declaration of Restrictions shall hereafter govern and control the construction of buildings and the use of the land now described in and a part of SECKINGER TERRACE, a Subdivision in the City of Toledo, Lucas County, Ohio and upon the signing hereof said Adam Glemp does hereby resign and withdraw from the Committee named in the said Restrictive Covenants covering Secor Terrace First Extension hereinbefore mentioned and does hereby relinquish any and all authority and control over any lot or lots or over any lands now described in and made a part of said SECKINGER TERRACE a Subdivision in the City of Toledo, Lucas County, Ohio and the Committee herein named shall henceforth govern and control said lots and lands as herein set forth, free from any right, title, interest or authority of said Adam Glemp therein.

IN WITNESS WHEREOF the said Paul M. Evans, Myrna A. Evans, husband and wife and Adam Glemp hereunto set their hands this 28th day of July A.D. 1963.

(Signed) Paul M. Evans
Myrna A. Evans
Adam Glemp

Two witnesses.

Acknowledged July 28th 1963 in Lucas County, before a Notary Public, State of Ohio, (Seal).

Received for record August 1st 1963 at 11:37 A.M., and recorded in Volume 2085 of Mortgages, page 503.