

# ZIMMER ESTATES SECTION TWO

547

REC'D FOR RECORD

JAN. 22, 1966

AT 11:16 A.M.

1. ALL NUMBERED HOMESITES OR BUILDING TRACTS IN THIS SUBDIVISION SHALL BE KNOWN AND USED AS SINGLE RESIDENTIAL HOMESITES. NO TRACT SHALL BE RESUBDIVIDED INTO SMALLER TRACTS FOR THE PURPOSE OF ADDITIONAL RESIDENCES. ONLY ONE RESIDENCE MAY BE BUILT OR PLACED ON ANY TRACT.
2. ALL DWELLINGS ERECTED OR PLACED ON ANY TRACT IN THIS ADDITION SHALL HAVE A MINIMUM OF 1350 SQ. FT. OF LIVING AREA ON THE FIRST FLOOR EXCEPT LOTS NUMBERS 111, 112, 113, 114, 115, AND LOT NUMBER 116, INCLUSIVE WHICH SHALL HAVE A MINIMUM OF 1500 SQ. FT. OF LIVING AREA ON THE FIRST FLOOR. THE GROUND FLOOR AREA OF TWO STORY HOUSES SHALL BE GOVERNED BY THE ZONING RULES IN EFFECT. ALL BUILDINGS SHALL BE ON A SOLID SHAPE BRICK, BLOCK OR CONCRETE FOUNDATION. THE EXTERIOR SHALL BE COVERED WITH DROP SIDING, WOOD, CEMENT, STONE, ROCK OR BRICK. NO CONCRETE OR CINDER BLOCK HOUSES ARE PERMITTED. NO ASPHALT BASE EXTERIOR SIDING IS PERMITTED. ROOFS SHALL BE COVERED WITH WOOD, COMPOSITION OR ASPHALT SHINGLES, OR APPROVED BUILT-UP ROOFING. ROLL ROOFING IS NOT PERMITTED. FRAME EXTERIOR SHALL BE STAINED, VARNISHED, OR PAINTED WITH TWO COATS OF APPROVED LEAD AND OIL PAINT. THE EXTERIOR OF ANY BUILDING SHALL BE FULLY COMPLETED WITHIN A PERIOD OF ONE YEAR FROM THE TIME OF BEGINNING. BUILDING MUST BE OF CONVENTIONAL DESIGN, AND IN HARMONY WITH THE NEIGHBORHOOD. ALL CONSTRUCTION MUST BE PERFORMED IN A WORKMANLIKE MANNER AND FOLLOW STANDARD CARPENTRY PRACTICE. USED LUMBER IS NOT PERMITTED.
3. ANY OUTBUILDING SHALL HAVE THE SAME QUALITY FINISH AND ROOF AS THAT PRESCRIBED FOR RESIDENCES IN NO. 2 ABOVE. NO SUCH BUILDING CAN BE MADE OF UNSIGHTLY MATERIAL, BOXES, OR SIMILAR LUMBER.
4. ALL BUILDINGS SHALL BE PLACED BACK OF THE BUILDING SET-BACK LINE AS SHOWN ON THE ACCOMPANYING PLAT. (PORCHES AND BAY WINDOWS EXCEPTED) AND NO NEARER THAN TEN (10) FEET TO ANY SIDE PROPERTY LINE. NO FENCE SHALL BE ERECTED NEARER THE ROAD THAN THE BUILDING LINE (HEDGES OR SHRUBS NOT EXCEEDING THREE (3) FEET IN HEIGHT). NO GARDEN MAY BE PLANTED NEARER THE ROAD THAN THE SET-BACK LINE.
5. NO TRAILER, DEFENCE CABIN, TENT OR SHACK IS PERMITTED ON THIS LAND, NOR IS ANY BASEMENT, GARAGE, OR OTHER OUTBUILDING AT ANY TIME TO BE USED AS A TEMPORARY OR PERMANENT RESIDENCE.
6. UNTIL SUCH TIME AS PUBLIC WATER AND SANITARY SYSTEMS ARE AVAILABLE, EACH DWELLING ERECTED IN THIS PLAT SHALL HAVE A WELL AND A PRIVATE SEWAGE DISPOSAL SYSTEM, THE LOCATION AND CONSTRUCTION OF WHICH SHALL BE APPROVED BY THE PROPER HEALTH AUTHORITIES. NO OUTSIDE TOILETS ARE PERMITTED. EFFLUENT FROM SANITARY SEWAGE SYSTEMS SHALL NOT BE PERMITTED TO EMPTY INTO A STREAM, OPEN DITCH, STORM SEWER OR DRAIN.
7. NOXIOUS OR OFFENSIVE TRADE SHALL NOT BE CARRIED ON UPON THIS LAND NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. NO BUSINESS IS PERMITTED.
8. REMOVAL OF SOIL, TREES, EARTH, ETC. WHICH MAY INJURE THE VALUE OR APPEARANCE OF ANY TRACT IS PROHIBITED.
9. NO BUILDING MATERIAL, JUNK OR RUBBISH SHALL BE LEFT ON ANY LOT EXCEPT DURING ACTUAL BUILDING OPERATIONS.
10. NO WASTE MATERIAL PILES, DISCARDED AUTOMOBILES, MACHINERY, ETC. MAY BE STORED ON ANY LOT IN THIS PLAT.
11. NO POULTRY, PIGS, COWS, GOATS OR HORSES MAY BE KEPT ON ANY LOT IN THIS PLAT.
12. THE WEEDS AND UNDERBRUSH ON THESE LOTS MUST BE CONTROLLED AND THE BUILDINGS WELL PAINTED, ASSURING NEAT AND CLEAN PREMISES AT ALL TIMES.
13. THE PURCHASERS OF LOTS IN THIS PLAT AGREE TO MAINTAIN THE LAND AS PROVIDED IN THE ABOVE RESTRICTIONS. FAILURE TO COMPLY WITH RESTRICTIONS AFTER WRITTEN NOTICE BY COMMITTEE OF SUBDIVISION, SAID COMMITTEE SHALL ENTER UPON THE PREMISES, HAVE THE WORK DONE AND SEND STATEMENT TO OWNER FOR PAYMENT.
14. THE PRIVILEGE AND EASEMENT IS HEREBY RESERVED TO THE SELLER, HIS HEIRS, REPRESENTATIVES AND ASSIGNS TO ERECT LIGHT AND TELEPHONE POLES AND SUITABLE EQUIPMENT FOR ANY OTHER UTILITIES AND TO LAY WATER MAINS ON OR IN THE REAR FIVE (5) FEET, OR AS SHOWN ON EACH LOT HEREIN PLATTED.
15. THESE COVENANTS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON THE PARTIES AND ALL PERSONS CLAIMING UNDER THEM, UNTIL 1975, AT WHICH TIME SAID COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS. AT ANY TIME SAID COVENANTS MAY BE CHANGED BY WRITTEN CONSENT OF SIXTY (60) PERCENT OF THE THEN OWNERS OF TRACTS, EACH OWNER HAVING ONE VOTE FOR EACH SEPARATE TRACT OWNED BY HIM.
16. IF THE PARTIES HERETO, OR ANY OF THEM OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY, SITUATED IN SAID DEVELOPMENT OR SUBDIVISION DESCRIBED HEREIN TO PROSECUTE ANY PROCEEDINGS AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGE OR OTHER DUES FOR SUCH VIOLATIONS.
17. ALL DWELLINGS SHALL HAVE A TWO (2) CAR ATTACHED GARAGE.
18. INVALIDATION OF ANY ONE OF THE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FORCE AND EFFECT.
19. THE SUBDIVIDER COMPOSED OF CLAUDE E. WRIGHT OR ANY REPRESENTATIVE APPOINTED BY HIM, SHALL SERVE AS A COMMITTEE TO APPROVE IN WRITING ALL HOMES ERECTED WITHIN THIS SUBDIVISION. THEY SHALL APPROVE ALL DESIGNS, PLANS, LOCATION OF BUILDINGS OR LOTS AND ESTABLISH FINISH GRADES OF FLOOR ELEVATIONS AND LAWN AREAS. THIS AUTHORITY SHALL RUN WITH THE RESTRICTIVE COVENANTS OF THE PLAT OR UNTIL SUCH TIME AS A DULY APPOINTED COMMITTEE SHALL BE APPOINTED FROM PROPERTY OWNERS LIVING WITHIN THIS SUBDIVISION WHO WILL THEN ASSUME THE SAME AUTHORITY HELD BY ORIGINAL COMMITTEE.
20. DRAINING ROAD TILE SHALL BE LAID ONLY UNDER SUPERVISION AND INSPECTION OF BEAVERCREEK TOWNSHIP OR THE GREENE COUNTY ENGINEER. ALL DRIVEWAYS SHALL BE OF CONCRETE OR BITUMINOUS MATERIAL FROM THE FRONT PROPERTY LINE TO THE GARAGE.