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**SUPPLEMENTAL DECLARATION NO. 3
OF EASEMENTS AND AMENDED AND RESTATED
PROTECTIVE COVENANTS
FOR THE POPLAR HILL SUBDIVISION**

THIS SUPPLEMENTAL DECLARATION NO. 3 OF EASEMENTS AND AMENDED AND RESTATED PROTECTIVE COVENANTS FOR THE POPLAR HILL SUBDIVISION ("Supplement #3") is made this 9th day of July, 2001 by **THE TODD GROUP, INC.**, an Ohio corporation, and **TODD DEVELOPMENT COMPANY, INC.**, an Ohio corporation (together, "Developer").

RECITALS

- A. Heathwood Development Corp. ("Original Developer") was the "Developer" under that certain Declaration of Easements and Amended and Restated Protective Covenants for the Poplar Hill Subdivision ("Subdivision") as later amended by instruments filed in Official Record Volume 1420, Page 647, Official Record Volume 1420, Page 650, and Official Record Volume 1707, Page 310 of the Warren County, Ohio Records, (collectively, the "Declaration").
- B. Developer acquired from Original Developer all of Original Developer's right, title and interest under the Declaration and in and to the property, including the approximate 27.7 acres of real property located in the Subdivision in the City of Lebanon, Warren County, Ohio as described on the attached **EXHIBIT A** (The "Property").
- C. Developer desires to supplement, amend and clarify the Declaration.

DECLARATION

Developer hereby supplements, amends and clarifies the Declaration as follows:

1. **Detention/Retention Area.** The Plats of Subdivision relating to the Property recorded at Plat Book 36, Page 89 and Plat Book 36, Page 90 of the Warren County Ohio Records and the Declaration, specifically paragraph 2 of the Supplemental Declaration filed at Official Record Volume 1420, Page 650 of the Warren County, Ohio Records, is hereby supplemented, amended and clarified to provide that (i) the water detention basin is in fact on Lot 6081-A, not Lot 8061 as set forth therein, (ii) the entire limits of the "water retention basin" on such Lot are as shown on the attached **EXHIBIT B** as "Existing Detention Basin," (iii) all areas within Lot 6081-A outside of such "Existing Detention Basin" as shown on the attached **EXHIBIT B** are not subject to an easement for detention or retention purposes.

2. **Ratification.** In all other respects the Declaration is hereby ratified and confirmed.

Agreed and accepted this 9th day of July, 2001.

Signed and acknowledged
in the presence of:

DEVELOPER:

BOOK 3016 PAGE 34

BOOK 2219 PAGE 841

* This document is being re-recorded for the purpose of clearly showing Exhibit B as in the prior recorded document at Book 2219, Pg. 841. Exhibit B was partially cut-off.

THE TODD GROUP, INC

By:

Lori L. Buck
Its: Secretary/Treasurer

TODD DEVELOPMENT COMPANY, INC.

By:

Richard E. Martin
Its: Executive V.P.

STATE OF OHIO)

COUNTY OF BUTLER)

SS:

Lori Buck On this 9th day of July, 2001, before me, a notary public, in and for said state, personally appeared Richard E. Martin the Executive Vice President of THE TODD GROUP, INC., an Ohio corporation, the Developer in the foregoing Declaration, and acknowledged the signing thereof on behalf of the corporation.

Christopher P. Finney
Notary Public

STATE OF OHIO)

COUNTY OF BUTLER)

SS:

On this 9th day of July, 2001, before me, a notary public, in and for said state, personally appeared Richard E. Martin the Executive Vice President of TODD DEVELOPMENT COMPANY, INC., an Ohio corporation, the Developer in the foregoing Declaration, and acknowledged the signing thereof on behalf of the corporation.

Christopher P. Finney
Notary Public

This instrument was prepared by:

Christopher P. Finney, Esq.
FINNEY, STAGNARO, SABA & KLUSMEIER CO., L.P.A.
2623 Erie Avenue
P.O. Box 8804
Cincinnati, Ohio 45208
(513) 533-2996



CHRISTOPHER P. FINNEY
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.



CHRISTOPHER P. FINNEY
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

BOOK 3016 PAGE 35

BOOK 2219 PAGE 842

EXHIBIT A

**LEGAL DESCRIPTION - TRACT 1
24.2894 ACRES
CITY OF LEBANON
WARREN COUNTY, OHIO**

13-34 210-022 R/N
13-34-460-007 R/N



Situated in the State of Ohio, Warren County, City of Lebanon, Sections 34, Town 5 East, Range 3 North, being part of parcel 1 and all of parcel 2 as conveyed to Todd Development Co., Inc. as recorded in Official Record Volume 1550, Page 448 of the Warren County Recorder's Office and being more particularly described as follows:

Beginning at the southeasterly corner of lot 6334 of Poplar Hill Subdivision, Section 3, as recorded in Plat Book 43, Page 22 and 23, also being in the north line of Lot 5704 of Oak Forge Subdivision, Section 1, as recorded in Plat Book 33, Pages 92, 93 and 94; thence along the east line of said Poplar Hill Subdivision, Section 3 on the following five courses and distances:

1. N03°51'50"E, a distance of 249.15 feet;
2. S86°08'10"E, a distance of 245.00 feet ;
3. N03°51'50"E, a distance of 355.00 feet;
4. N10°04'28"E, a distance of 228.42 feet;
5. S87°37'52"W, a distance of 346.95 feet to the east line of Lot 6077 of Poplar Hill Subdivision, Section 2, as recorded in Plat Book 36, Page 89, 90 and 91;

thence along the east line of said Poplar Hill Subdivision, Section 2, N21°02'10"W, a distance of 268.46 feet to the south line of Lot 5000 of Poplar Hill Subdivision, Section 1, as recorded in Plat Book 30, Pages 1 and 2; thence along the southerly line of said Poplar Hill Subdivision, Section 1 and with the southerly line of Poplar Hill Subdivision, being a Replat of Lots 4996, 4997 and 4998, as recorded in Plat Book 31, Page 67, S87°30'00"E, a distance of 215.29 feet; thence along said Replat of Lots 4996, 4997 and 4998, on the following two courses and distances:

1. S68°55'00"E, a distance of 87.70 feet;
2. N21°05'00"E, a distance of 190.00 feet to the northerly right-of-way line of Derby Court (50' right-of-way);

thence along the north right-of-way line of Derby Court, N68°55'00"W, a distance of 6.56 feet to the southeasterly corner of Lot 4995 of said Poplar Hill Subdivision, Section 1; thence along the east line of said Lot 4995, N21°05'00"E, a distance of 130.00 feet to the south line of Lot 6046 of Poplar Hill Subdivision, Section 2; thence along the south line of said Poplar Hill Subdivision, Section 2, on the following three courses and distances:

1. S58°34'34"E, a distance of 55.72 feet;
2. S68°55'00"E, a distance of 85.18 feet;
3. S85°39'37"E, passing a iron pin found (bent) at 174.98 feet, for a total distance of 209.81 feet to the centerline of Cook Road;

thence along the centerline of Cook Road, S04°20'23"W, a distance of 1358.27 feet to ½" iron pin found at the northwest corner of a 53.258 acre tract of land owned by Classic-Summers, Ltd. (Official Record Volume 1939, Page 64); thence along the

westerly line of said 53.258 acre tract, S4°40'49"E, a distance of 1060.99 feet to a 5/8" iron pin found in the northerly line of Oak Forge Subdivision, Section 4 as recorded in Plat Book 40, Page 60 and 61; thence along the northerly line of said Oak Forge Subdivision, Section 4, S85°19'11"W, a distance of 290.81 feet to a 5/8" iron pin found at the southeast corner of said Oak Forge Subdivision, Section 1; thence along the easterly lines of said Oak Forge Subdivision, Section 1 on the following three courses and distances:

1. N11°32'13"W, a distance of 442.99 feet to a 5/8" iron pin found;
2. N43°20'41"W, a distance of 369.19 feet to a 5/8" iron pin found;
3. N03°51'50"E, a distance of 501.33 feet to a 5/8" iron pin with cap found at the northeasterly corner of Lot 5704 of the aforementioned Oak Forge Subdivision, Section 1;

thence along the northerly line of said Lot 5704, N84°12'17"W, a distance of 10.00 feet to the point of beginning;


Containing 24.2894 acres more or less and being subject to all easements, restrictions and right-of-ways of record.

The above description is based on a field survey dated July 2001 by Apex Engineering & Surveying, Inc., Kenneth R. Combs, Ohio Professional Surveyor Number 7311 and is recorded Volume 114, Page 71 of the Warren County Engineer's Record of Land Surveys.

TRACT II
LOT 6081-A, POPLAR HILL SUBDIVISION, SECTION 3
CITY OF LEBANON
WARREN COUNTY, OHIO

Situated in the State of Ohio, Warren County, City of Lebanon, Section 34, Town 5 East, Range 3 North, and being more particularly described as follows:

Being all of Lot 6081-A of Poplar Hill, Section Three, recorded in Plat Book 43, Pages 22 and 23.

13-34-210-021 

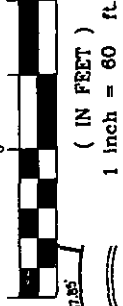
TRANSFER NOT NECESSARY
NICK NELSON, AUDITOR
WARREN COUNTY, OHIO

BOOK 3016 PAGE 37

BOOK 2219 PAGE 844



GRAPHIC SCALE

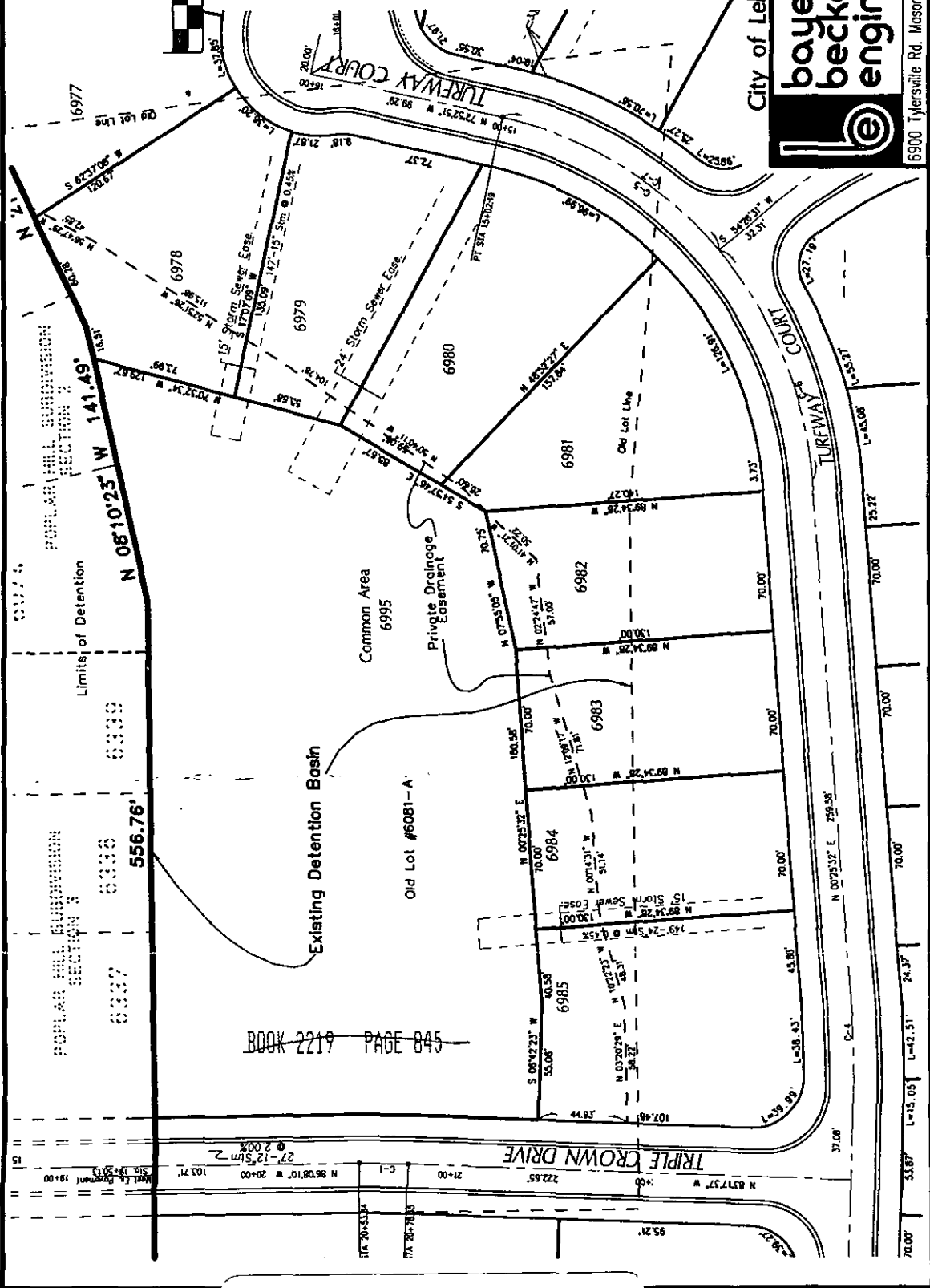


Note: Easement Shown for detention is based on construction drawings as prepared by Bayer-Becker Engineers and dated September 20, 2000.

Exhibit B
 POPLAR HILL
 Section Four
 Detention Basin
 City of Lebanon, Warren County, Ohio



bayer becker engineers
 engineers date: 07-10-01
 planners dwg by: MRB
 architects sheet: 128
 surveyors sheet: 128
 6900 Tylersville Rd. Mason, OH 45040 513-336-6600



BETH DECKARD - WARREN COUNTY RECORDER
 Doc #: 387901 Type: SUPPLM DECLR
 Filed: 4/29/2003 15:46:56 \$ 26.00
 OR Volume: 3016 Page: 34 Return: M
 Rec'd: 12081 Pages: 5
 FINNEY STRANARD SABA & KLUSMEIER CO

TRANSFER NOT NECESSARY
 NICK NELSON, AUDITOR
 WARREN COUNTY, OHIO

BOOK 2219 PAGE 845