

VOL 0700 PAGE 0099

200600012171  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
04-11-2006 At 03:57 pm.  
DECLAR AMEN 72.00  
OR Book 700 Page 99 - 105

**FIRST AMENDMENT**

**(ADDING SECOND PHASE) TO**

200600012171  
CUGINI & CAPOCCIA BUILDERS  
195 GREEN MEADOWS DR  
WESTERVILLE, OH 43081

**DECLARATION OF CONDOMINIUM**

**FOR**

**The Village at  
Murphy's Crossing  
Condominium**

**EXPANDING THE CONDOMINIUM PROPERTY**

**Delaware County Auditor**

by: *Goddard Hawks*

**This instrument prepared by**

**Kenton L. Kuehnle  
Allen, Kuehnle & Stovall LLP  
21 West Broad Street  
Columbus, Ohio 43215**

AMENDMENT TO DECLARATION

This Amendment to the Declaration of Condominium for The Village at Murphy's Crossing Condominium, ("the Condominium"), expanding and submitting additional property to the condominium is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Background

CCBI Murphy's X, LLC, an Ohio limited liability company, ("Declarant"), is the owner in fee simple of all the real property hereinafter described and the improvements thereon and appurtenances thereto.

The Declarant has submitted certain property to the provisions of Section 5311 of the Ohio Revised Code by the filing of a Declaration of Condominium (the "Declaration") of The Village at Murphy's Crossing. The Declaration is recorded in Official Record Volume 601 Page 1529, and the drawings are recorded in Cabinet 3, Slide 551, all of the Delaware County, Ohio Records.

The Declarant, pursuant to Article XVIII of the Declaration, reserved the right to expand the Condominium property by amending the Declaration to add the property (described in Exhibit C of the Declaration as the "Additional Property"), and improvements thereon and appurtenances thereto, to the original condominium. By this instrument, the Declarant is adding the property described in Exhibit A to this Amendment to the Condominium.

Declaration

Declarant, the sole owner of the Additional Property, hereby submits the portion of the Additional Property described on Exhibit A to this Amendment, to the provisions of Chapter 5311 of the Ohio Revised Code, and hereby amends the Declaration of Condominium as follows:

1. Definitions. All terms used herein shall have the same meanings as those terms are defined in the Declaration.
2. Additional Property Added. A legal description of the property being added to the Condominium is attached hereto as "Exhibit A" and incorporated herein by this reference.
3. Name. The Condominium, as expended hereby, shall continue to be named "The Village at Murphy's Crossing Condominium".
4. Purposes. The purposes of the Condominium shall continue to be as set forth in the Declaration (encompassing the additional property added hereby).

5. Improvements Description. The property being added by this amendment consists of one tract of land, on which is situated 1 residential buildings containing 4 Units. Improvements on such property are compatible in terms of quality of construction, principal materials used, and architectural style and design to the improvements now a part of the Condominium Property.

6. Units.

a. Unit Designation. The Units added to the Condominium are designated on the drawings filed simultaneously herewith, by a unit number which is referenced on the drawings filed herewith. The Units added in this phase are designated as "Unit E-92", "Unit E-245", "Unit E-253" and "Unit E-261." A listing of the proper Unit designations for all Units in the Condominium is attached as Exhibit B.

b. Composition of Units. Each Unit added hereby consists of the space in the building designated on the drawings filed simultaneously herewith, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration.

c. Unit Locations. The location of each Unit added hereby is shown on the Drawings filed simultaneously herewith.

7. Common and Limited Common Elements.

a. Common Elements. All of the property described in Exhibit A, including all of the land and all improvements thereon and appurtenances thereto, except those portions labeled or described herein or in the amendment to the Drawings filed herewith as a part of a Unit, are Common Elements.

b. Limited Common Elements. Those portions of the Common Elements that are added hereby that are labeled or designated "LCE" or "limited common elements" on the Drawings filed herewith, are Limited Common Elements. These Limited Common Elements are reserved for the exclusive use of the Units which those improvements are designed to serve, in accordance with the provisions of the Declaration and as designated on the Drawings.

c. Undivided Ownership of Common Elements. The undivided interest in the Common Elements appurtenant to all Units in the Condominium as expanded hereby, and as thereby allocated and reallocated, are shown in the attached Exhibit B, and are all equal to one/sixteenth (1/16<sup>th</sup>). The Common Elements shall be owned by the Unit owners as tenants in common, and ownership thereof shall remain undivided. No Unit owner may waive or release any rights in the Common Elements. Further, the undivided interest in the Common Elements of a Unit shall not be separated from the Unit to which it appertains.

8. Effects of Expansion. Upon the filing for record of this Amendment to the Declaration adding the property described in Exhibit A to the Condominium Property:

a. the property shall hereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that property had been initially part of the Condominium Property, that is, the rights, easements, covenants, restrictions and assessment plan shall run with and will and bind such property in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the original Condominium Property;


b. the owner or owners of Units within such property shall thereupon become members of the Condominium Association, to the same extent, with the same effect, subject to the same obligations, and imbued with the same rights, as all other members; and

c. in all other respects, all of the provisions of the Declaration shall include and apply to such property, and to the owners, mortgagees and lessees of Units thereon, with equal meaning and of like force and effect.

Drawings, as required by the Ohio Revised Code, are filed herewith showing the information required with respect to the property added by this amendment.

IN WITNESS WHEREOF, this amendment has been executed on behalf of the Declarant on this \_\_\_ day of December, 2006.

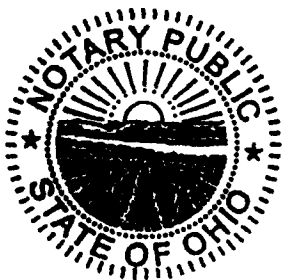
CCBI Murphy's X, LLC

By  \_\_\_\_\_  
Paolo Cugini, authorized member

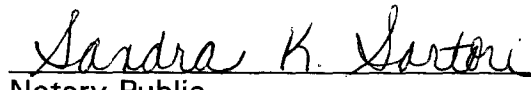
STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

Before me, a notary public, personally appeared Paolo Cugini, authorized member of CCBI Murphy's X, LLC, an Ohio limited liability company, the Declarant in the foregoing instrument, who acknowledged the execution of this instrument to be the signatory's free act and deed, on behalf of the Declarant, for the uses and purposes set forth herein.

In Witness whereof, I have hereunto set my name this 10 day of April, 2006.



SANDRA K. SARTORI  
Notary Public, State of Ohio  
My Commission Expires  
05-24-09

 \_\_\_\_\_  
Notary Public

05088503

March 9, 2006

DECLARATION OF CONDOMINIUM  
MURPHY'S CROSSING CONDOMINIUMLegal Description - Property Added  
First Amendment, 0.589 Acre

Situated in the State of Ohio, County of Delaware, City of Powell, being in Farm Lot 29 and Farm Lot 30, Quarter Township 4, Township 3, Range 19, United States Military Lands, containing 0.589 acre of land, more or less, 0.145 acre of said 0.589 acre, being out of Farm Lot 29 and 0.444 acre of said 0.589 acre being out of Farm Lot 30, both being part of that 13.742 acre tract of land described in the deed to CCBI Murphy's X, LLC, of record in Official Record Volume 560, Page 783, Recorder's Office, Delaware County, Ohio, said 0.589 acre being more particularly described as follows:

Beginning, for reference, at the centerline intersection of West Olentangy Street, Murphy's Parkway and Village Point Drive, said intersection also being in the northerly line of said Farm Lot 30 and in the southerly line of Farm Lot 31; thence S82°21'56"E, with the centerline of said West Olentangy Street, with the northerly line of said Farm Lot 30 and with the southerly line of said Farm Lot 31, a distance of 787.80 feet to a point; thence S07°06'53"W, with the easterly line of said 13.742 acre tract and with the westerly line of that 1.9 acre tract of land designated as Tract I and described in the deed to Stovar-Nevitt Partners, of record in Deed Book 600, Page 570, Recorder's Office, Delaware County, Ohio, a distance of 602.64 feet to a 3/4-inch (I.D.) iron pipe set at the true point of beginning;

Thence, from said true point of beginning, S07°06'54"W, with the easterly line of said 13.742 acre tract and with the westerly line of said 1.9 acre tract, a distance of 86.67 feet to a 3/4-inch (I.D.) iron pipe found at the southwesterly corner of said 1.9 acre tract, the same being at the northwesterly corner of Murphy's Park Section 3, the subdivision plat of same being shown of record in Plat Cabinet 3, Pages 648 and 648A, Recorder's Office, Delaware County, Ohio;

Thence S46°31'38"W, with the southeasterly line of said 13.742 acre tract and with the westerly line of said Murphy's Park Section 3, a distance of 37.73 feet to a 5/8-inch (I.D.) iron pipe found at the northeasterly corner of Murphy's Crossing Condominium Phase I, as the same is designated and delineated upon the recorded plat, of record in Condominium Plat Book 3, Slide 551, Recorder's Office, Delaware County, Ohio;

Thence N82°14'20"W, with a northerly line of said Murphy's Crossing Condominium Phase I, a distance of 203.67 feet to a point;

Thence N07°27'57"E, in part with an easterly line of said Murphy's Crossing Condominium Phase I, a distance of 110.11 feet to a point;

Thence S82°21'56"E, a distance of 84.96 feet to a point of curvature;

Thence northeastwardly, with the arc of a curve to the left having a radius of 33.00 feet, an arc length of 40.81 feet, a central angle of 70°51'31" and, a chord that bears N62°12'18"E, a chord distance of 38.26 feet to the point;

Thence S39°42'06"E, a distance of 24.66 feet to a point;

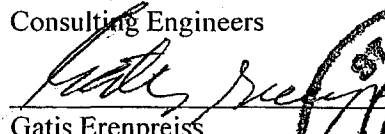
Thence S82°21'56"E, a distance of 92.63 feet to the true point of beginning and containing 0.589 acre of land, more less.

Subject to all rights-of-way, easements and restrictions, if any, of previous record.

We hereby state that the foregoing description was prepared from information obtained from an actual field survey conducted by Bauer, Davidson & Merchant, Inc. in January of 2005.

The bearings given in the foregoing description are based on the bearing of S82°21'56"E for the centerline of West Olentangy Street as it is numbered and delineated upon the recorded plat of Murphy Park Section 1, Cabinet 2, Slides 647A, 647B and 647C, Recorder's Office, Delaware County, Ohio.

BAUER, DAVIDSON & MERCHANT INC.  
Consulting Engineers

  
Gatis Erenpreiss  
Professional Surveyor No. 5572



## Exhibit B

<u>Unit</u>	<u>Address</u>	<u>Bed- rooms(1)</u>	<u>Baths</u>	<u>Square Footage</u>	
				<u>Living Area</u>	<u>Basement or crawl space</u>
A-127	127 Murphy's Crossing Drive	4	3	2,387	952
A-133	133 Murphy's Crossing Drive	2	2½	2,322	1,236
A-139	139 Murphy's Crossing Drive	3	3	2,247	952
B-104	104 Murphy's Crossing Drive	4	3	2,387	952
B-110	110 Murphy's Crossing Drive	2	2½	2,322	1,236
B-116	116 Murphy's Crossing Drive	3	3	2,247	952
B-122	122 Murphy's Crossing Drive	2	2½	2,096	988
C-119	119 Murphy's Crossing Drive	4	3	2,387	952
C-125	125 Murphy's Crossing Drive	2	2½	2,322	1,236
D-97	97 Murphy's Crossing Drive	4	3	2,387	952
D-103	103 Murphy's Crossing Drive	2	2½	2,096	988
D-109	109 Murphy's Crossing Drive	2	2½	2,092	1,034
*	E-92 92 Murphy's Crossing Drive	3	2½	2,413	1,491
*	E-245 245 Murphy's Green	3	2½	2,319	1,422
*	E-253 253 Murphy's Green	4	2½	2,411	1,545
*	E-261 261 Murphy's Green	4	2½	2,411	1,236

(1) Contains a loft and bonus room (some bonus rooms are unfinished)

\* Unit added by this amendment