

409578

AMENDMENT CERTIFICATE

TO

BRIDGESIDE

RESTRICTIONS, RESERVATIONS AND COVENANTS

(Third Amendment Certificate)

This Amendment Certificate to Bridgeside Restrictions, Reservations and Covenants ("Third Amendment Certificate") is made, executed, acknowledged and delivered this 10th day of June, 1996 in the City of North Olmsted, County of Cuyahoga and State of Ohio by Shore West Construction Company, an Ohio corporation (hereinafter referred to as "Shore West").

R E C I T A L S:

A. On the 9th day of August, 1995 Bridgeside Restrictions, Reservations and Covenants were filed for record by Shore West with the Recorder of Lorain County, Ohio at O.R. Volume ^{1,953,540} 1126, Page 000001 (the "Restrictions"), designating the real property described in Exhibit "A" therein as Bridgeside Subdivision No. 1 ("Subdivision No. 1") and subjecting Subdivision No. 1 to the terms of the Restrictions.

B. On the 13th day of September, 1995, an Amendment Certificate to Bridgeside Restrictions, Reservations and Covenants (First Amendment Certificate) was filed for record by Shore West with the Recorder of Lorain County, Ohio at O.R. Volume 1144, Page 000789

Accom 049
Cleveland title
4200 Roc Bridge
Independence OH 44137
rail
ref

O.R. VOL. PAGE
1291 000001



(the "First Amendment Certificate") which added a provision to the Restrictions regarding swimming pools.

C. On the 27th day of October, 1995, an Amendment Certificate to Bridgeside Restrictions, Reservations and Covenants (Second Amendment Certificate) was filed for record by Shore West with the Recorder of Lorain County, Ohio at O.R. Volume 1168, Page 516 (the "Second Amendment Certificate"), designating the real property described in Exhibit A therein as Bridgeside Subdivision No. 2 ("Subdivision No. 2") and subjecting Subdivision No. 2 to the terms of the Restrictions.

D Shore West is the owner of the real property known as Subdivision No. 1 and described in Exhibits "A" and "B" of the Restrictions and is the owner of the real property known as Subdivision No. 2 and described in Exhibit A of the Second Amendment Certificate, except real property that prior to the date of this Third Amendment Certificate has been: (1) subdivided and conveyed to third parties; (2) conveyed for public roadways, or (3) otherwise conveyed and not owned by Shore West on the date of this Third Amendment Certificate.

E. A portion of Subdivision No. 1 that abuts Walker Road shall be landscaped and maintained by the Association which landscaping will be located on four (4) of the Lots in Subdivision No. 1.

F. Shore West now desires by this Third Amendment Certificate: (1) to ratify and affirm the Restrictions, the First



Amendment Certificate and the Second Amendment Certificate, and (2) pursuant to Article XIII, Section 6 of the Restrictions, to modify and amend the Restrictions to provide for landscape easements on, over, under and across certain Lots in Subdivision No. 1.

NOW, THEREFORE, Shore West does hereby adopt this Third Amendment Certificate.

ARTICLE 1

DEFINITIONS

Except as otherwise defined in this Third Amendment Certificate, all capitalized words and terms herein shall have the same definition and meaning as set forth and used in the Restrictions.

ARTICLE II

AMENDMENT OF RESTRICTIONS

The following Section 3 is hereby added to Article IV of the Restrictions and shall be a part of the Restrictions:

3. A. Landscape Easement Grants.

Landscape easements on, over, under and across a portion of the Lots shown in the Exhibits attached hereto and made a part hereof and specified as follows (the "Landscape Easement Premises") are hereby granted (collectively the "Landscape Easements" and individually a "Landscape Easement"):

(i) Sublot No. 1 as depicted on the Plat in Exhibit 1 and described in Exhibit 1A.



PAGE
O.R. VOL. 1291 000004

(ii) Sublot No. 14 as depicted on the Plat in Exhibit 2 and described in Exhibit 2A;

(iii) Sublot No. 32 as depicted on the Plat in Exhibit 3 and described in Exhibit 3A; and

(iv) Sublot No. 33 as depicted on the Plat in Exhibit 4 and described in Exhibit 4A.

B. Priority of Existing Utility Easement.

The Landscape Easements shall at all times be subject and subordinate to the rights granted to the utility companies (the "Utilities") and to the 10' Utility Easement shown on the Bridgeside Subdivision No. 1 Final Plat recorded July 28, 1995 at Volume 55, Pages 20, 21 and 22 of the Lorain County Recorder Plat Records (the "Utility Easement").

C. Use of Landscape Easement Premises.

The Landscape Easement Premises shall be used exclusively by the Association for landscaping purposes subject, however, to the Utility Easement. The landscaping plan, method and type of landscaping including, without limitation, the choice of trees, plants, bushes, shrubs and grass shall be determined by the Association.

D. Maintenance of the Landscape Easement Premises.

The Association shall maintain the Landscape Easement Premises and the costs and expenses of such maintenance shall be paid by the Association and shall be Association Expenses which costs and expenses shall include the maintenance of liability insurance and



such other insurance as determined by the Association. Said maintenance shall include any repair and replacement of the Landscape Easement Premises, trees, plants, bushes, shrubs, grass and other landscaping as the result of damage or destruction caused by the Utilities in exercising their rights pursuant to the Utility Easement and the Utilities shall have no liability to the Association for such damage or destruction except to restore the land as provided in the Utility Easement.

E. Termination of the Landscape Easements.

Should the Association fail to maintain the landscaping, the Owner of a Lot subject to a Landscape Easement may terminate the Landscape Easement by written notice to the Association specifying the failure to maintain. Should the Association fail to respond in writing to the Owner's written notice within sixty (60) days with a plan of maintenance, then the Landscape Easement shall terminate and be of no further force and effect. Should the Landscape Easement terminate as provided herein, then said Owner shall have full use of the Lot free and clear of the Landscape Easement but subject to the maintenance obligations as otherwise provided in the Restrictions and subject to the Utility Easement.

ARTICLE III

RATIFICATION OF RESTRICTIONS

The Restrictions, the First Amendment Certificate, and the Second Amendment Certificate, are hereby ratified and affirmed.



IN WITNESS WHEREOF, Shore West Construction Company has hereto
set its hand as of the date first above written.

SIGNED IN THE PRESENCE OF:

Marilyn Ratt
MARILYN SCOTT
[Print Name]

Yvonne Schuman
YVONNE SCHUMAN
[Print Name]

Marilyn Ratt
MARILYN SCOTT
[Print Name]

YVONNE SCHUMAN
Yvonne Schuman
[Print Name]

SHORE WEST CONSTRUCTION
COMPANY

By: Frederic C. Bower
Frederic C. Bower, President

And: Neil R. Bower
Neil R. Bower
Vice-President

PAGE
1297 000006



STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

BEFORE ME, a notary public in and for said county and state, personally appeared the above-named SHORE WEST CONSTRUCTION COMPANY, an Ohio corporation, by Frederic C. Bower, its President and by Neil R. Bower, its Vice President, who acknowledged to me that they did sign the foregoing document on behalf of said corporation, and that the same is their free act and deed individually, and as such officers, and the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at North Olmsted, Ohio, this 10th day of June, 1996.

Marilyn Scott
NOTARY PUBLIC

MARILYN SCOTT
Notary Public, State of Ohio, Cuy. Cty.
My Commission Expires August 22, 2000

This instrument prepared by:

Edwin A. Kennedy, Esq.
Arter & Hadden
1100 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115

(216) 696-3898

44404/45842

148061.1A



Plat to Accompany Legal Description of Landscape Easement

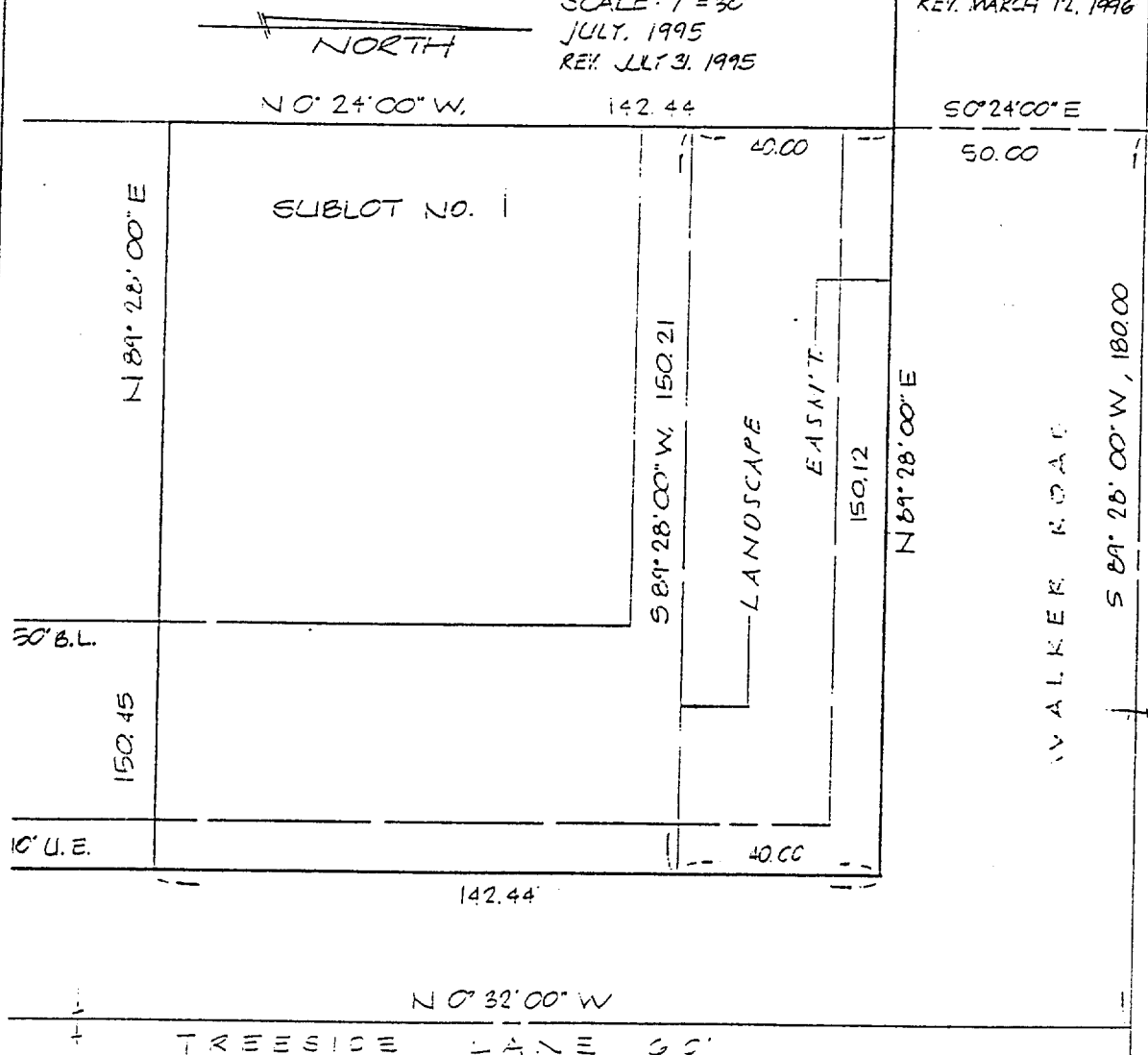
Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 1 in the Bridgeside Subdivision No. 1 of part of Original Avon Township Section No. 29.

SCALE: 1" = 30'
JULY, 1995
REV. JULY 3, 1995

REV. MARCH 12, 1996

PAGE

1291 000008



R.M. Kole & Assoc., Inc. - Professional Land Surveyors
9701 Brookpark Road - Suite 241 - Cleveland, Ohio 44129
Phone (216)741-3232, Fax (216)741-4319

EXHIBIT 1



Richard M. Kole & Assoc.

PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK ROAD • SUITE 251 • CLEVELAND, OHIO 44129 • (216) 741-3232

March 18, 1996

LEGAL DESCRIPTION - LANDSCAPE EASEMENT SUBLOT 1

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 1 in the Bridgeside Phase 1 Subdivision of part of Original Avon Township Section No. 29, as shown by the Plat recorded in Volume 55, Page 22 of Lorain County Map Records;

Starting at the intersection of the centerlines of Walker Road, and Treeside Lane, 60.00 feet wide, as appears by said Plat; thence South 89° 28' 00" West along the centerline of Walker Road, 180.00 feet to a point; thence South 0° 24' 00" East, 50.00 feet to a point in the Southerly line of Walker Road, at the Northwest corner of Sublot No. 1 as appears by said Plat, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence North 89° 28' 00" East along the said Southerly line of Walker Road, 150.12 feet to a point at its intersection with the Westerly line of Treeside Lane, as appears by said Plat;

thence South 0° 32' 00" East along the said Westerly line of Treeside Lane, 40.00 feet to a point;

thence South 89° 28' 00" West, 150.21 feet to a point in the said Westerly line of Sublot No. 1;

thence North 0° 24' 00" West along the said Westerly line of Sublot No. 1, 40.00 feet to the point of beginning and containing 0.1379 acres of land, but subject to a preexisting 10.00 foot wide utility easement as appears by said Plat, as described on March 12, 1996 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

C.R. VOL. PAGE
1291 000009

EXHIBIT 1A



PAGE

~~F.R.~~ VOL.

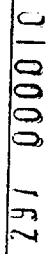


EXHIBIT 2



Richard M. Kole & Assoc.

PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK ROAD • SUITE 251 • CLEVELAND, OHIO 44129 • (216) 741-3232

March 18, 1996

LEGAL DESCRIPTION - LANDSCAPE EASEMENT SUBLOT 14

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 14 in the Bridgeside Phase 1 Subdivision of part of Original Avon Township Section No. 29, as shown by the Plat recorded in Volume 55, Page 22 of Lorain County Map Records;

Starting at the intersection of the centerlines of Walker Road, and Treeside Lane, 60.00 feet wide, as appears by said Plat; thence North 89° 28' 00" East along the said centerline of Walker Road, 140.00 feet to a point; thence South 0° 24' 00" East, 50.00 feet to a point in the Southerly line of Walker Road, at the Northeast corner of Sublot No. 14 as appears by said Plat, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 0° 24' 00" East along the Easterly line of said Sublot No. 14, 40.00 feet to a point;

thence South 89° 28' 00" West, 109.80 feet to a point in the Easterly line of Treeside Lane, as appears by said Plat;

thence North 0° 32' 00" West along the said Easterly line of Treeside Lane, 40.00 feet to a point at its intersection with the said Southerly line of Walker Road;

thence North 89° 28' 00" East along the said Southerly line of Walker Road, 109.89 feet to the point of beginning and containing 0.1009 acres of land, but subject to a preexisting 10.00 foot wide utility easement as appears by said Plat, as described on March 12, 1996 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

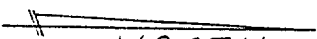
G.R. VOL. PAGE
1297 000011

EXHIBIT 2A



Plat to Accompany Legal Description of Landscape Easement

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 32 in the Bridgeside Subdivision No. 1 of part of Original Avon Township Section No. 29.

 NORTH
REV. MARCH 12, 1996
SCALE: 1" = 30'
JULY, 1995
REV. JULY 31, 1995
REV. AUGUST 2, 1995
N 0° 32' 00" W, 152.44

S 0° 32' 00" E
50.00

SUBLOT NO. 32

N 89° 28' 00" E

S 89° 28' 00" W, 150.00

LANDSCAPE EASEMENT

150.00

N 89° 28' 00" E

S 89° 28' 00" W, 190.00

WALKER ROAD

50' B.L.

150.00

10' UTIL. EASMT.

40.00

152.44

40.00

BRIDGESIDE DRIVE

N 0° 32' 00" W

R.M. Kole & Assoc., Inc. - Professional Land Surveyors
9701 Brookpark Road - Suite 241 - Cleveland, Ohio 44129
Phone (216) 741-3232, Fax (216) 741-4319

EXHIBIT 3

PAGE
O.R. VOL.

1291 000012



Richard M. Kole & Assoc.

PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK ROAD • SUITE 251 • CLEVELAND, OHIO 44129 • (216) 741-3232

March 18, 1996

LEGAL DESCRIPTION - LANDSCAPE EASEMENT SUBLOT 32

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 32 in the Bridgeside Phase 1 Subdivision of part of Original Avon Township Section No. 29, as shown by the Plat recorded in Volume 55, Page 22 of Lorain County Map Records;

Starting at the intersection of the centerlines of Walker Road, and Bridgeside Drive, 60.00 feet wide, as appears by said Plat; thence South 89° 28' 00" West along the said centerline of Walker Road, 190.00 feet to a point; thence South 0° 32' 00" East, 50.00 feet to a point in the Southerly line of Walker Road, at the Northwest corner of Sublot No. 32 as appears by said Plat, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence North 89° 28' 00" East along the Southerly line of Walker Road, 150.00 feet to a point at its intersection with the Westerly line of Bridgeside Drive as appears by said Plat;

thence South 0° 32' 00" East along the said Westerly line of Bridgeside Drive, 40.00 feet to a point;

thence South 89° 28' 00" West, 150.00 feet to a point in the Westerly line of said Sublot No. 32;

thence North 0° 32' 00" West along the said Westerly line of Sublot No. 32, 40.00 feet to the point of beginning and containing 0.1377 acres of land, but subject to a preexisting 10.00 foot wide utility easement as appears by said Plat, as described on March 12, 1996 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

EXHIBIT 3A

PAGE
129 / 000013



Plat to Accompany Legal Description of Landscape Easement

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 33 in the Bridgeside Subdivision No. 1 of part of Original Avon Township Section No. 29.

PAGE

O.R. VOL.

1297 000014

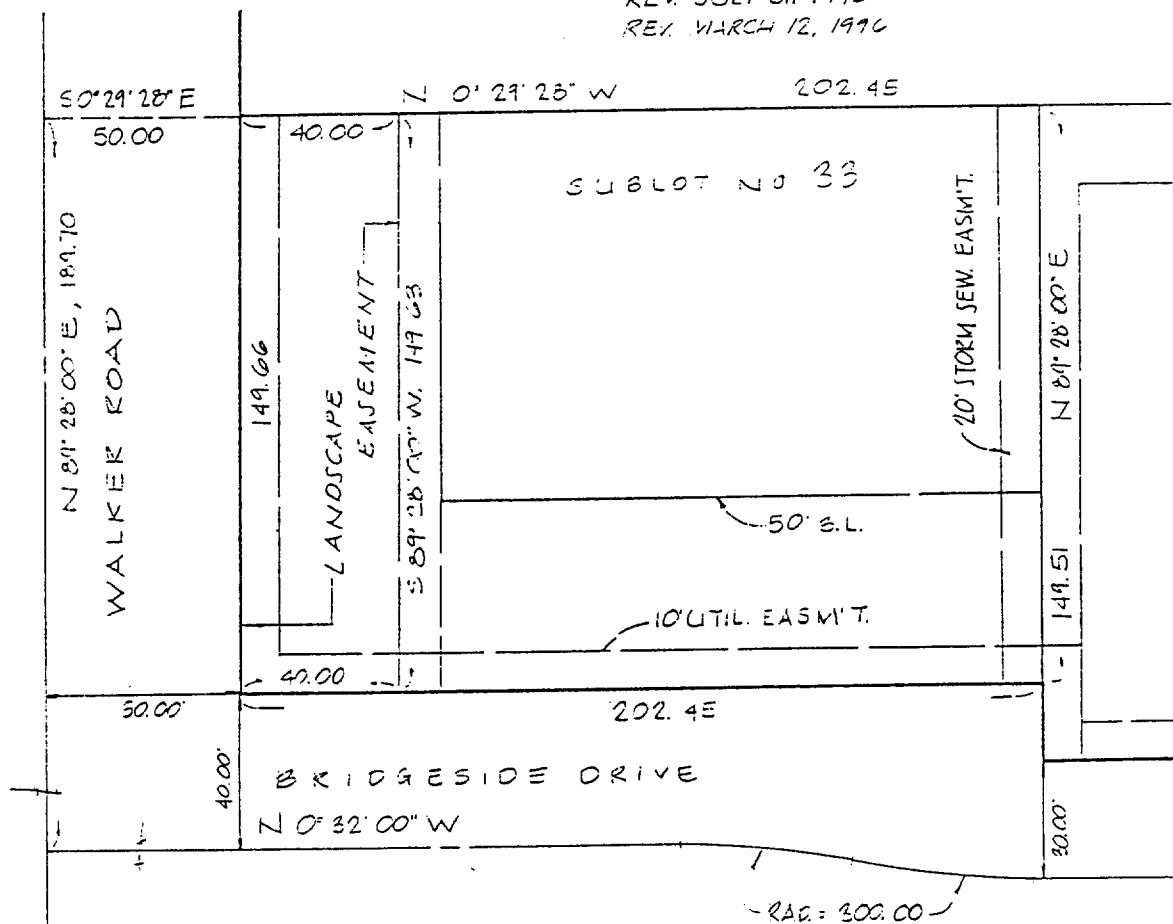
NORTH

SCALE: 1" = 40'

JULY, 1995

REV. JULY 31, 1995

REV. MARCH 12, 1996



R.M. Kole & Assoc., Inc. - Professional Land Surveyors
9701 Brookpark Road - Suite 241 - Cleveland, Ohio 44129
Phone (216)741-3232, Fax (216)741-4319

EXHIBIT 4



Richard M. Kole & Assoc.

PROFESSIONAL LAND SURVEYORS

9701 BROOKPARK ROAD • SUITE 251 • CLEVELAND, OHIO 44129 • (216) 741-3232

March 18, 1996

LEGAL DESCRIPTION - LANDSCAPE EASEMENT SUBLOT 33

Situated in the City of Avon Lake, Lorain County, Ohio and known as being part of Sublot No. 33 in the Bridgeside Phase 1 Subdivision of part of Original Avon Township Section No. 29, as shown by the Plat recorded in Volume 55, Page 22 of Lorain County Map Records;

Starting at the intersection of the centerlines of Walker Road, and Bridgeside Drive, as appears by said Plat; thence North 89° 28' 00" East along the said centerline of Walker Road, 189.70 feet to a point; thence South 0° 29' 28" East, 50.00 feet to a point in the Southerly line of Walker Road, at the Northeast corner of Sublot No. 33 as appears by said Plat, said point also being the Principal Place of Beginning of the easement herein intended to be described;

thence South 0° 29' 28" East along the Easterly line of said Sublot No. 33, 40.00 feet to a point;

thence South 89° 28' 00" West, 149.63 feet to a point in the Easterly line of Bridgeside Drive as appears by said Plat;

thence North 0° 32' 00" West along the said Easterly line of Bridgeside Drive, 40.00 feet to a point at its intersection with the said Southerly line of Walker Road;

thence North 89° 28' 00" East along the said Southerly line of Walker Road, 149.66 feet to the point of beginning and containing 0.1374 acres of land, but subject to a preexisting 10.00 foot wide utility easement as appears by said Plat, as described on March 12, 1996 by R.M. Kole & Assoc., Inc., Professional Land Surveyors.

MARY ANN JAMISON
LORAIN COUNTY RECORDER

O.R. VOL

JUN 21 3 39 PM '96

001297

RECEIVED FOR RECORD

PG 1
FILM ROLL NO 1100

O.R. VOL. PAGE
1297 000015

EXHIBIT 4A

66⁰⁰
yw

