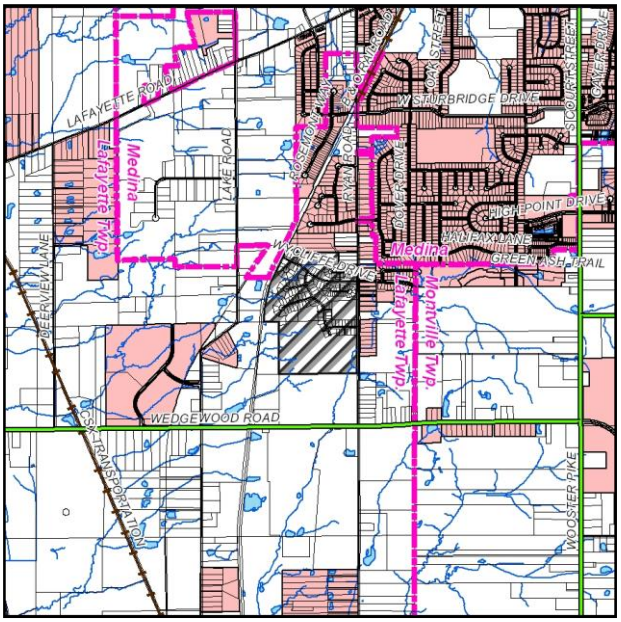
Planning Commission
Final Plat
Dover Highlands Subdivision, Phases 3 & 4
App. No. 077-2015-FP
Lafayette Township

Meeting:	September 2, 2015	**Sublots:**	Phase 3 - 16 Phase 4 - 19
Applicant:	Greenhaven Development Co.	**Zoning:**	MCBD (Medina City Buffer District) Residential
Engineer:	Cunningham & Associates, Inc.	**Utilities:**	Central water and sewer
Site Area:	Phase 3 – 7.9271 acres Phase 4 – 7.2439 acres	**School Dist.:**	Cloverleaf Local
Open Space:	Phase 3 - 2.1507 acres (27.1%) Phase 4 - none	**Reviewer:**	Susan Hirsch

EXECUTIVE SUMMARY

The Dover Highlands Subdivision is located on the west side of Ryan Road, north of Wedgewood Road (S.R. 162) and east of Lake Road. It is also on the east side of the abandoned B & O Railroad tracks/Chippewa Rail Trail. Phases 3 and 4 comprise a total of 15.21 acres and include a total of 35 single-family homes. The development will be served by central water and sanitary sewers.

Staff Recommendation: APPROVAL WITH MODIFICATIONS



Proposal: The developer requests approval of Phases 3 and 4 for Dover Highlands Subdivision. Both Phases are consistent with the Preliminary Plan approved in May of 2014. Phases 1 and 2 of the subdivision have been platted and are partially constructed. Neither Phase 1 nor 2 is built out.

Site Conditions: Phases 3 through 7 remain undeveloped, wooded and farmland**.** This land is rolling with wetlands in the southeast corner and western portion of the site.

Access: Access to the subdivision is exclusively from Ryan Road via Coverdale Way and Wycliffe Drive. There are two streets, Hooper Drive on the south and Wycliffe on the north that stub into the property to the west. Tyndale Lane stubbed into the property to the south on the previously approved Preliminary Plan. This street stub has been removed in response to the elimination of the connecting street in Wedgewood Estates.

Background:

Concept Plan	266 units	131 acres	May 22, 2002
Preliminary Plan	266 units	131 acres	April 9, 2003
Final Plat Phase I	100 units	47 acres	May 5, 2004
Revised Preliminary Plan	281 units	138 acres	July 6, 2005
Final Plat Phase II	50 units	27 acres	July 6, 2005
Preliminary Plan	283 units	138 acres	May 7, 2014

The original Preliminary Plan for the subdivision was approved in April of 2003. That plan consisted of 131 acres and provided for 266 dwelling units. The Final Plat for Phase 1 was approved in May of 2004. Phase 1 included 58 cluster units and 42 single-family sublots. A revised Preliminary Plan was approved in July of 2005 that added 7 acres and 15 sublots. The Final Plat for Phase 2 was approved at the same July 2005 meeting. Phase 2 included 50 sublots. A new Preliminary Plan was approved in May of 2014. This new plan added 2 sublots for a total of 283.

Agency Comments: *Italicized text* indicates quotations from submitting agency comments.

Lafayette Township Zoning Inspector: Alliss Strogin, 8/21/2015. *There is no change from the previously approved site plan, recommend approval.*

Tax Maps: Beth Mika, 8/25/2015. Conditional Approval:

Phase 3:

1. *Per discussion with the Auditor's and Recorder's offices, we would like both parcels to be in the same name and recommend that before the filing the plats, the 7.5 acre parcel be transferred to 'Greenhaven Development Co.', using the legal description found in Document No. 2005OR029852. Otherwise all sublots and blocks created in Phase 3 and 4, plus all future development will carry two names: Greenhaven Development Co. AKA Greenhaven Development Company.*
2. *Remove 'of Maps' from the legal description after the 3rd paragraph as shown on page 3.*
3. *Hatching angle on legend does not match hatching on the plan.*

Phase 4:

1. *Hatching angle on legend does not match hatching on plan*
2. *Bearings and distances are not legible where easements are hatched.*

Medina County Soil and Water Conservation District: Jim Dieter, 8/18/2015. *We have no comments at this time.*

Medina County Highway Engineer: Andy Conrad, 8/13/2015. *Conditional Approved.*
Ensure sewer and utility easements along Cranmer Circle match the proposed improvements.

ODOT: Jared Feller, 8/11/2015. *Since the Dover Highlands Subdivision does not have direct access to a state highway, ODOT does not have any objections.*

Medina County Health Dept.: Steve Mazak, 8/11/2015. *Dover Highlands Subdivision Phases 3 & 4 will be serviced by sanitary sewer and public water. Therefore our office has no further comments.*

Medina County Sanitary Engineer: Jeremy Sinko, 8/13/2015. *Phase 4: A sanitary sewer easement was left off the record plat. The record plat must be revised to include the easement before approval is granted.*

Columbia Gas: Russ Johnson, 8/11/2015. *Columbia Pipeline Group does not have any facilities that will be impacted by this proposed project.*

Staff Comments:

1. The Final plats conform to the Lafayette Township Zoning Resolution
2. The proposed subdivision is consistent with the Lafayette Township Comprehensive Plan Update (2010).
3. The proposed Final Plats substantially conform to the approved Preliminary Plan and its conditions of approval with the exception of the addition of a note stating that the 10 foot reservation strip will be rescinded automatically upon further dedication and extension of the street.
4. The Medina City Buffer District (MCB) permits single and two family dwellings with approval by the Board of Zoning Appeals of a conditional use permit for Planned Developments. 25% of the site must be set aside as open space.
5. The original HOA documents were approved by the Prosecutor's Office; any revisions specific to Phases 3 or 4 must be submitted for transmittal to the Township and Prosecutor's Office for review and approval.
6. The Declaration of Restrictions and Protective Covenants for Phases 3 and 4 (Page 3 of each Final Plat) includes a provision (19) that is applicable to cluster homes. There are no cluster homes within these phases; therefore this provision should be deleted.

Staff Recommendation: Staff recommends **APPROVAL WITH MODIFICATIONS** of the Final Plat for Phase 3 and Phase 4 of Dover Highlands Subdivision.

1. Applicant must submit three copies of a corrected Preliminary Plan indicating the revised reservation language prior to the Director signing the Final Plats.
2. Satisfy the comments of the Tax Map Department and the Sanitary Engineer as shown above.
3. If there are additions or amendments to the HOA documents they must be approved by the Prosecutor's Office and the Township prior to the Director signing the Final Plats
4. Phase 4, Final plat must be revised to include the sanitary sewer easement that was left off the plat, per Sanitary Engineer's comment.
5. Delete provision 19, dealing with cluster homes, from the Declaration of Restrictions and Protective Covenants for Phase 3 and Phase 4.

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DOVER HIGHLANDS SUBDIVISION PHASE 3

CREATING SUBLOTS 153 THROUGH 168 INCLUSIVE AND BLOCK "N" BEING PART OF LAFAYETTE TOWNSHIP TRACT I, LARGE LOT I, LOT 15 IN THE COUNTY OF MEDINA & STATE OF OHIO

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND ON THIS PLAT, THAT THE PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE SURVEY BALANCES AND CLOSES, THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT, AND THAT THE MONUMENTS SHOWN THEREON EXIST OR SHALL BE SET AS SHOWN.

ROBERT A. DAMON, REGISTERED SURVEYOR NO. 6083 _____ DATE _____

ACCEPTANCE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GREENHAVEN DEVELOPMENT CO., BY JOHN E. DEMUND, PRESIDENT, OWNER OF THE ABOVE DESCRIBED LAND, DOES HEREBY ACKNOWLEDGE THIS PLAT AND SUBDIVISION OF THE SAME TO BE MY OWN FREE ACT AND DEED AND DOES HEREBY DEDICATE TO PUBLIC USE FOREVER THOSE STREETS AND GRANT EASEMENTS OVER LANDS AS SHOWN BY THE LEGEND BELOW.

GREENHAVEN DEVELOPMENT CO.
A.K.A.
GREENHAVEN DEVELOPMENT COMPANY

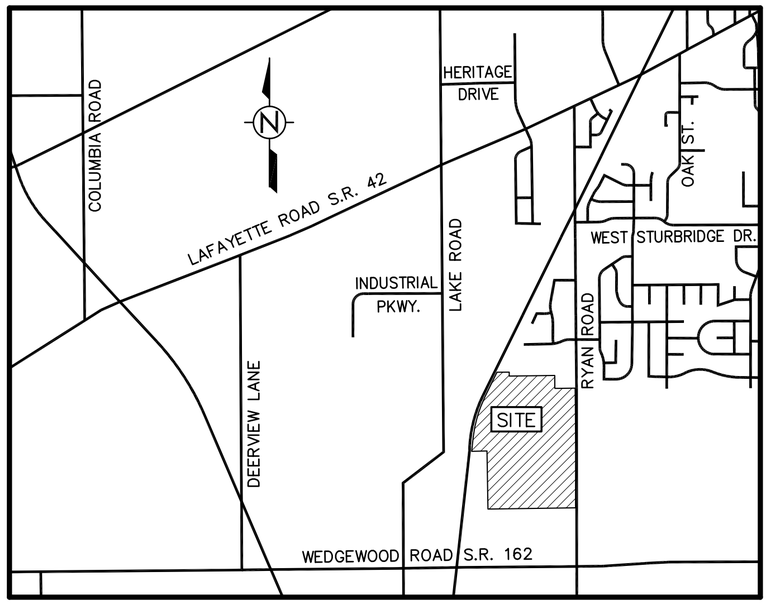
_____ _____
JOHN E. DEMUND, PRESIDENT DATE

COUNTY OF MEDINA)
) S.S.
STATE OF OHIO)

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED JOHN E. DEMUND, PRESIDENT, ACKNOWLEDGE THE SIGNING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE HIS OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF _____, 20____.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CUNNINGHAM & ASSOCIATES INC.
Civil Engineers & Surveyors
Medina, Ohio



LOCATION MAP

SHADING LEGEND

- SANITARY SEWER EASEMENT
- DEDICATED STREETS
- UTILITY / COMMUNICATIONS EASEMENT
- STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS
- EXISTING STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS
- WATER MAIN EASEMENTS
- EXISTING SANITARY SEWER EASEMENT
- EXISTING UTILITY / COMMUNICATIONS ESMTS.

ACREAGE

LOTS (16)	4.5002 AC.
BLOCKS (1)	2.1507 AC.
DED. STREETS	1.2762 AC.
TOTAL	7.9271 AC.

APPROVALS:

THE TOWNSHIP TRUSTEES OF LAFAYETTE TOWNSHIP ON THIS ____ DAY OF _____, 20___ HEREBY CERTIFY THIS PLAT MEETS ALL THE REQUIREMENTS OF THE TOWNSHIP ZONING RESOLUTION.

_____ _____ _____
CHAIRMAN, TRUSTEES TRUSTEE TRUSTEE

APPROVED BY THE MEDINA COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20____.

_____
DIRECTOR

ALL REQUIRED IMPROVEMENTS HAVE BEEN SATISFACTORILY INSTALLED OR ADEQUATE FINANCIAL GUARANTEES HAVE BEEN APPROVED BY THE MEDINA COUNTY ENGINEER.

_____
MEDINA COUNTY ENGINEER

ALL REQUIRED CENTRAL WASTEWATER DISPOSAL FACILITIES AND CENTRAL WATER FACILITIES HAVE BEEN SATISFACTORILY INSTALLED OR ADEQUATE FINANCIAL GUARANTEES HAVE BEEN APPROVED BY THE MEDINA COUNTY SANITARY ENGINEER.

_____ _____
DATE MEDINA COUNTY SANITARY ENGINEER

THE MEDINA COUNTY COMMISSIONERS ON THIS ___ DAY OF _____, 20___ HEREBY ACCEPT ALL OFFERS OF DEDICATION BY THE OWNERS OF THIS SUBDIVISION AND CERTIFY THAT REQUIRED IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ACCEPTED BY THE COUNTY ENGINEER.

_____ _____ _____
PRES. COMMISSIONERS COMMISSIONER COMMISSIONER

APPROVED FOR TRANSFER THIS _____ DAY OF _____, 20_____.

_____
TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS _____ DAY OF _____, 20_____.

_____
MEDINA COUNTY AUDITOR

RECEIVED AND RECORDED THIS _____ DAY OF _____, 20_____.
AT _____ A.M./P.M.
RECORDED IN PLAT DOCUMENT NO. _____
FEE: $_____

_____
MEDINA COUNTY RECORDER

SHADING LEGEND

SANITARY SEWER EASEMENT

UTILITY / COMMUNICATIONS EASEMENT

EXISTING STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS

EXISTING SANITARY SEWER EASEMENT

DEDICATED STREETS

STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS

WATER MAIN EASEMENTS

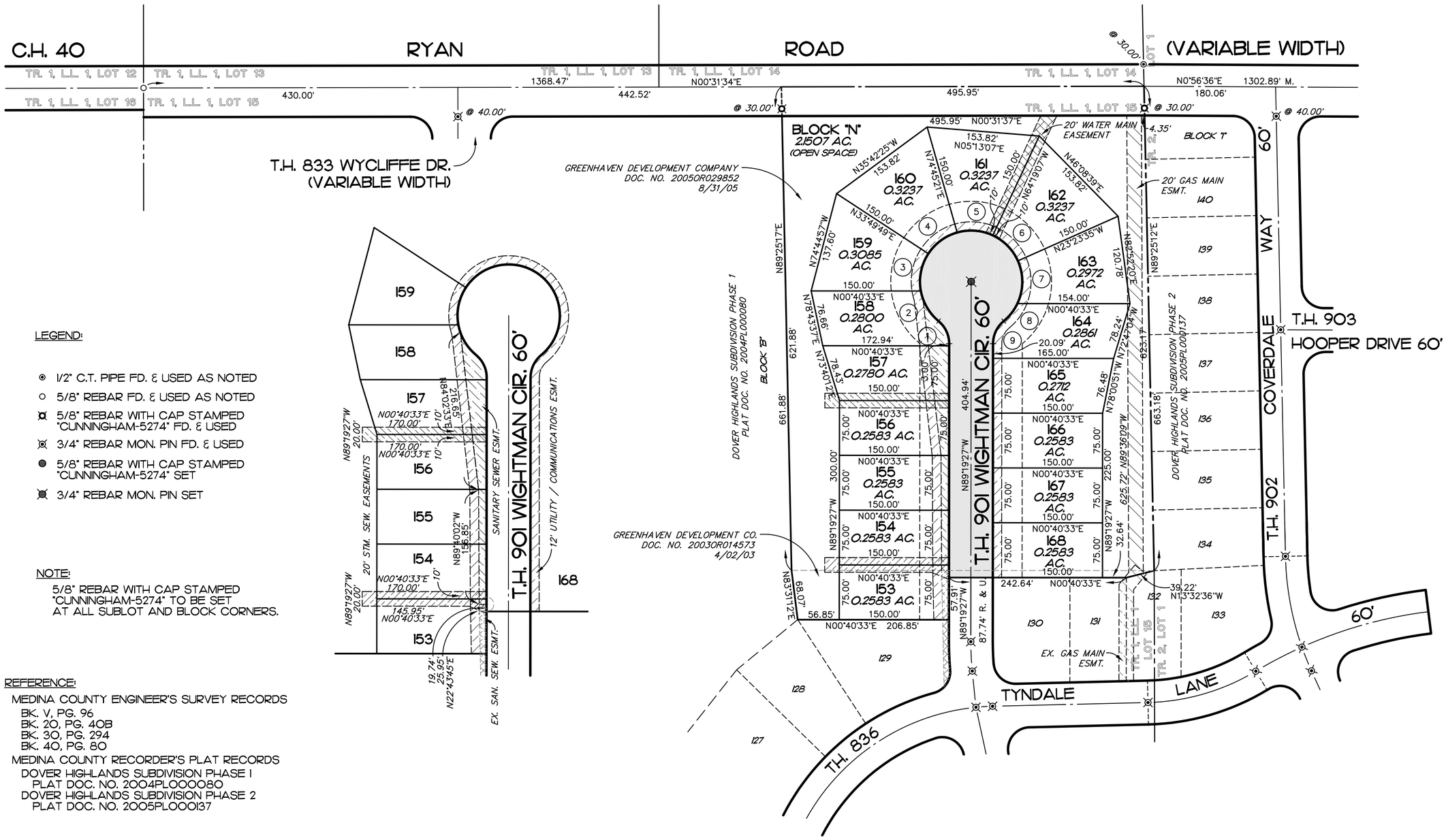
EXISTING UTILITY / COMMUNICATIONS ESMTS.

N

SCALE 1" = 100'

100 0 100 200

BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.



LEGEND:

- ⊙ 1/2" C.T. PIPE FD. & USED AS NOTED
- ○ 5/8" REBAR FD. & USED AS NOTED
- ⊠ 5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" FD. & USED
- ⊗ 3/4" REBAR MON. PIN FD. & USED
- ● 5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" SET
- ⊠ 3/4" REBAR MON. PIN SET

NOTE:

5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" TO BE SET AT ALL SUBLOT AND BLOCK CORNERS.

REFERENCE:

MEDINA COUNTY ENGINEER'S SURVEY RECORDS
BK. V, PG. 96
BK. 20, PG. 40B
BK. 30, PG. 294
BK. 40, PG. 80

MEDINA COUNTY RECORDER'S PLAT RECORDS
DOVER HIGHLANDS SUBDIVISION PHASE 1
PLAT DOC. NO. 2004PL000080
DOVER HIGHLANDS SUBDIVISION PHASE 2
PLAT DOC. NO. 2005PL000137

① R = 40.00, Δ = 50°28'44", A = 35.24, T = 18.86, C = 34.11, N65°26'11"E

② R = 70.00, Δ = 39°53'55", A = 48.74, T = 25.41, C = 47.77, N60°08'47"E

③ R = 70.00, Δ = 43°44'05", A = 53.43, T = 28.09, C = 52.14, N78°02'13"W

④ R = 70.00, Δ = 40°55'32", A = 50.00, T = 26.12, C = 48.94, N35°42'25"W

⑤ R = 70.00, Δ = 40°55'32", A = 50.00, T = 26.12, C = 48.94, N5°13'07"E

⑥ R = 70.00, Δ = 40°55'32", A = 50.00, T = 26.12, C = 48.94, N46°08'39"E

⑦ R = 70.00, Δ = 49°23'39", A = 60.35, T = 32.19, C = 58.49, N88°41'45"W

⑧ R = 70.00, Δ = 25°09'12", A = 30.73, T = 15.62, C = 30.48, N51°25'20"W

⑨ R = 40.00, Δ = 50°28'44", A = 35.24, T = 18.86, C = 34.11, N64°05'05"W

DOVER HIGHLANDS SUBDIVISION PHASE 3

PROJECT NO. 02-101 SHEET 2 OF 3

DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR
DOVER HIGHLANDS SUBDIVISION PHASE 3

W I T N E S S E T H :

WHEREAS GREENHAVEN DEVELOPMENT CO., AN OHIO CORPORATION (HEREINAFTER REFERRED TO AS "GRANTOR") IS THE OWNER OF CERTAIN REAL PROPERTY LOCATED IN LAFAYETTE TOWNSHIP TRACT I, LARGE LOT I, LOT 15 KNOWN AS SUBLOTS 153 THROUGH 168, BOTH INCLUSIVE, IN DOVER HIGHLANDS SUBDIVISION PHASE 3,

AND WHEREAS, GREENHAVEN DEVELOPMENT CO., FOR THE PURPOSE OF ESTABLISHING A PLAN OF UNIFORM DEVELOPMENT FOR SUCH REAL PROPERTY, IS DESIROUS OF IMPOSING CERTAIN RESTRICTIONS, AND PROTECTIVE COVENANTS OF SAID PROPERTY.

NOW THEREFORE, GREENHAVEN DEVELOPMENT CO., THE GRANTOR, DOES HEREBY FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, IMPOSE THE FOLLOWING RESTRICTIONS AND PROTECTIVE COVENANTS CONCERNING THE CONDITIONS, LIMITATIONS, RESERVATIONS, EASEMENTS, AND USES UPON THE FOLLOWING DESCRIBED REAL PROPERTY.

SITUATED IN THE TOWNSHIP OF LAFAYETTE, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING SUBLOTS 153 THROUGH 168, INCLUSIVE, OF DOVER HIGHLANDS SUBDIVISION PHASE 3 AS SHOWN BY THE PLAT RECORDED IN DOCUMENT NO. _____. OF MAPS, OF MEDINA COUNTY RECORDS, THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

1. EACH SUBLOT SHALL BE USED EXCLUSIVELY FOR ONE SINGLE FAMILY RESIDENCE AND GARAGE.

2. EACH HOUSE SHALL HAVE AT A MINIMUM OF A TWO CAR ATTACHED GARAGE. NO BASEMENT GARAGE(S) WILL BE PERMITTED. THE ABOVE FINISHED GRADE LIVING AREA OF THE MAIN STRUCTURE EXCLUSIVE OF OPEN PORCHES AND GARAGES SHALL BE NOT LESS THAN 1600 SQUARE FEET FOR A ONE-STORY DWELLING, 1800 SQUARE FEET FOR A ONE AND ONE-HALF STORY DWELLING, 1800 SQUARE FEET FOR A TWO-STORY DWELLING, 1800 SQUARE FEET FOR A SPLIT LEVEL DWELLING AND 1500 SQUARE FEET FOR A BI-LEVEL DWELLING. THE GRANTOR RESERVES THE RIGHT TO VARY THESE SQUARE FOOTAGE REQUIREMENTS UP TO 10% IF, IN HIS SOLE OPINION, THE DESIGN IS UNUSUALLY GOOD AND IS COMPATIBLE WITH THE OTHER HOUSES IN THE DEVELOPMENT. (DOVER HIGHLANDS ESTATE HOMES AREA)

3. NO NUISANCE, AND NO GAS WELL OR OIL DERRICK, ADVERTISING SIGN OR ADVERTISING DEVICE OTHER THAN A SIGN OF STANDARD SIZE FOR USE IN ADVERTISING THE SALE OR RENT OF THE ABOVE DESCRIBED PREMISES, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN ON SAID PREMISES, NOR SHALL THE SAME BE USED FOR THE HOUSING OR PASTURAGE OF POULTRY OR LIVE STOCK OF ANY DESCRIPTION WHATSOEVER, OR FOR ANY PURPOSE WHICH MAY ENDANGER THE HEALTH OR UNREASONABLY DISTURB THE QUIET OR ANY HOLDER OF ADJOINING LAND. ALL SIGNS SHALL BE REMOVED PROMPTLY WHEN PROPERTY IS OCCUPIED BY NEW OWNER, HAS BEEN RENTED OR SOLD.

4. NO TEMPORARY RESIDENCE OR TRAILER OF ANY CHARACTER, EXCEPTING TEMPORARY CONSTRUCTION TRAILERS PERMITTED BY GRANTOR, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN UPON SAID PREMISES, NOR SHALL ANY BASEMENT, GARAGE OR INCOMPLETE STRUCTURE THEREON EVER BE USED AS A RESIDENCE.

5. GREENHAVEN DEVELOPMENT CO. RESERVES TO ITSELF OR ITS ASSIGNEE THE POWER TO APPROVE ALL PLANS AND SPECIFICATIONS OF ANY STRUCTURE OR BUILDING OF ANY CHARACTER PROPOSED TO BE PLACED OR ERECTED UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 3. SUCH POWER SHALL TERMINATE ON JANUARY 10, 2015, OR THIRTY SIX (36) MONTHS AFTER THE SAID GREENHAVEN DEVELOPMENT CO. HAS SOLD AND CONVEYED THE RIGHT, AND INTEREST IN ALL OF THE SUBLOTS ABOVE MENTIONED, WHICHEVER EVENT LATER OCCURS UNLESS SUCH POWER IS VOLUNTARILY TERMINATED AND RELINQUISHED BY THE GRANTOR TO THE OWNERS, PRIOR THERETO. UPON THE TERMINATION OF THE POWER DESCRIBED ABOVE, THE RIGHT OF APPROVAL OF PLANS AND SPECIFICATIONS SHALL AUTOMATICALLY VEST IN ALL OF THE THEN OWNERS OF THE ABOVE MENTIONED SUBLOTS AND SHALL BE EXCERCISABLE IN THE MANNER AND ACCORDING TO SUCH PROCEDURES AS THE MAJORITY OF SAID OWNERS SHALL DIRECT.

6. NO STRUCTURE OR BUILDING OF ANY CHARACTER SHALL BE PLACED OR ERECTED OR SUFFERED TO REMAIN UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 3, WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANS AND SPECIFICATION THEREFORE BY GREENHAVEN DEVELOPMENT CO., OR ITS ASIGNEE. SUCH PLANS AND SPECIFICATION 'SHALL BE SUBMITTED IN DUPLICATE, ONE SET OF WHICH SHALL BE RETAINED BY GREENHAVEN DEVELOPMENT CO., OR ITS ASSIGNEE. IN THE EVENT THAT SUCH PLANS AND SPECIFICATIONS ARE NOT APPROVED, BOTH SETS SHALL BE RETURNED TO THE SUBMITTER. IF GREENHAVEN DEVELOPMENT CO. OR THEN HOLDER OF THE POWER OF APPROVAL FAILS TO EITHER APPROVE OR DISAPPROVE ANY SUCH PLANS AND SPECIFICATIONS WITHIN THIRTY (30) DAYS AFTER THEIR PROPER SUBMITTAL, SUCH PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS HAVING BEEN APPROVED.

7. GRANTOR FURTHER RESERVES TO ITSELF, IT SUCCESSORS AND ASSIGNS, THE RIGHT TO PERMIT DEVIATION OR GRANT A VARIANCE FROM OR TO CHANGE, WAIVE, OR MODIFY ANY OR ALL OF THESE RESTRICTIONS, IF IN ITS SOLE JUDGMENT THE DEVELOPMENT OR LACK OF DEVELOPMENT OF THE PROPERTY OR AN ADJOINING OR ADJACENT PROPERTY, OR THE TOPOGRAPHY OR OTHER FEATURES OF THE LAND INVOLVED, MAKES SUCH COURSE NECESSARY OR ADVISABLE, WITH THE UNDERSTANDING THAT THE GRANTOR HEREIN MAY ASSIGN OR RELINQUISH THE POWER HEREIN RESERVED IN THE EVENT IT DECIDES TO DO SO.

8. GRANTOR AGREES THAT ANY OWNER OR OWNERS OF THE SUBLOTS IN DOVER HIGHLANDS SUBDIVISION PHASE 3 SHALL HAVE THE RIGHT TO ENFORCE THE FORGOING RESTRICTIONS, RIGHTS, RESERVATIONS, AGREEMENTS, COVENANTS, AND CONDITIONS, AND FAILURE TO TAKE SUCH ACTION SHALL NOT CONSTITUTE A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

9. AREAS ASSIGNED FOR STREETS OF THE DOVER HIGHLANDS SUBDIVISION PHASE 3 PLAT SHALL BE USED FOR STREET PURPOSES IN ACCORDANCE WITH THE REQUIREMENTS OF COUNTY OF MEDINA, GRANTOR HEREBY RESERVING THE RIGHT TO PLAT AND DEDICATE TO PUBLIC USE, STREETS ABUTTING THE SUBLOT IN AND FOR SAID SUBDIVISION AND TO CAUSE A SUBDIVISION OR PLATS OF THE ABOVE REAL ESTATE SHOWING SUBLOTS AND SHOWING STREETS THEREON DEDICATED TO PUBLIC USE BY THE GRANTOR TO BE FILED AND RECORDED IN THE OFFICE OF THE MEDINA COUNTY RECORDER AND WITH THE COUNTY OF MEDINA, AND/OR OTHER PUBLIC BODY, ANY OWNER HEREBY AGREEING TO JOIN WITH THE GRANTOR IN SIGNING AND RECORDING SAID SUBDIVISION PLAT OR PLATS, AND IN DEDICATING SAID STREETS FOR PUBLIC USE.

10. GRANTOR RESERVES THE EXCLUSIVE RIGHT TO GRANT EASEMENT AND RIGHTS-OF-WAY TO THE COUNTY OF MEDINA AND/OR ANY OTHER PUBLIC BODY AND/OR PUBLIC UTILITY FOR WATER MAINS, STORM AND SANITARY SEWERS AND APPURTENANCES IN THE PROPOSED STREETS IN THE SUBDIVISION OF THE AFOREMENTIONED REAL ESTATE, AND IN, UNDER, OVER, AND ACROSS A STRIP OR STRIPS OF LAND TWENTY (20) FEET WIDE COMPRISING THE REAR TWENTY (20) FEET OF EACH LOT AND FIVE (5) FEET WIDE ON THE SIDELINES OF EACH LOT, AND IN, UNDER, OVER AND ACROSS A STRIP OR STRIPS OF LAND DESIGNATED AS EASEMENTS ON THE RECORD PLAT OF DOVER HIGHLANDS SUBDIVISION PHASE 3 OF THE ABOVE REAL ESTATE, FOR THE CONSTRUCTION, MAINTENANCE OPERATION AND REPAIR OF STORM AND SANITARY SEWERS AND APPURTENANCES AND ELECTRIC AND TELEPHONE LINES AND APPURTENANCES, AND DRAINAGE SWALES.

11. GRANTOR RESERVES EASEMENTS AND RIGHTS-OF-WAY WITHIN, OVER, UNDER, AND ACROSS THE FRONT TEN (10) FEET OF EACH LOT, PARALLEL WITH AND CONTIGUOUS TO ALL STREET LINES FOR THE INSTALLATION, MAINTENANCE, REPAIR AND OPERATION OF ANY UNDERGROUND GAS LINES, ELECTRIC LINES AND TELEPHONE LINES, AND RESERVES THE RIGHT TO ASSIGN THE USE OF SAID EASEMENTS AND RIGHTS-OF-WAY, OR TO GRANT UNDERGROUND EASEMENTS FOR THE SAME TO THE RESPECTIVE PUBLIC UTILITY COMPANIES TO SERVICE SAID SUBDIVISION.

12. THE HEREIN ENUMERATED RESTRICTIONS, RIGHTS, RESERVATIONS, AGREEMENTS, COVENANTS AND CONDITIONS SHALL BE DEEMED TO BE COVENANTS RUNNING WITH THE LAND, AND NOT AS CONDITIONS HEREOF, AND SHALL RUN WITH SAID LAND UNTIL JANUARY 10, 2040 ON WHICH DATE AND AT TEN (10) YEAR INTERVALS THEREAFTER, THEY SHALL BE AUTOMATICALLY EXTENDED UNLESS THE OWNERS OF TWO-THIRDS (2/3RDS) OF THE ABOVE MENTIONED SUBLOTS IN DOVER HIGHLANDS SUBDIVISION PHASE I BY APPROPRIATE INSTRUMENT RECORDED IN THE COUNTY RECORDER'S OFFICE, HAVE AGREED TO THE TERMINATION OF SAID RESTRICTIONS.

13. ANY AND ALL AREAS INDICATED AS STREAM, WETLAND, OR PRESERVATION ZONE SHALL NOT BE ADVERSELY IMPACTED WITHOUT PRIOR APPROVAL FROM THE U.S. ARMY CORPS OF ENGINEERS, REGULATORY SECTION, HUNTINGTON DISTRICT, WEST VIRGINIA.

14. EACH HOME SITE SHALL HAVE A POST LIGHT ADJACENT TO EACH DRIVEWAY APPROXIMATELY FIVE FEET FROM DRIVEWAY AND APPROXIMATELY TWENTY FEET FROM THE CURB.

15. EACH DRIVEWAY TO BE CONCRETE PAVEMENT.

16. EACH BUILDER TO CONSTRUCT SIDEWALKS ALONG THE LOT FRONTAGE.

17. ABOVE GROUND AND IN GROUND POOLS ARE ALLOWED IF APPROVED BY THE HOMEOWNERS ASSOCIATION.

18. SHEDS AND OUTBUILDINGS ARE ALLOWED IF COLOR IS COORDINATED WITH HOUSING UNIT AND APPROVED BY THE ARCHITECHTURAL AND DESIGN COMMITTE AND/OR BOARD.

19. EACH CLUSTER HOME IN THE DOVER HIGHLANDS VILLAGE CLUSTER HOME AREA SHALL HAVE MINIMUM LIVING AREA OF 1250 SQUARE FEET

DOVER HIGHLANDS SUBDIVISION PHASE 4

CREATING SUBLOTS 169 THROUGH 187 INCLUSIVE
BEING PART OF LAFAYETTE TOWNSHIP TRACT 2, LOT 1 AND TRACT 1, LARGE LOT 1, LOTS 15 & 36
IN THE COUNTY OF MEDINA & STATE OF OHIO

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND ON THIS PLAT, THAT THE PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED, THAT THE SURVEY BALANCES AND CLOSES, THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT, AND THAT THE MONUMENTS SHOWN THEREON EXIST OR SHALL BE SET AS SHOWN.

ROBERT A. DAMON, REGISTERED SURVEYOR NO. 6083 _____ DATE _____

ACCEPTANCE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GREENHAVEN DEVELOPMENT CO., BY JOHN E. DEMUND, PRESIDENT, OWNER OF THE ABOVE DESCRIBED LAND, DOES HEREBY ACKNOWLEDGE THIS PLAT AND SUBDIVISION OF THE SAME TO BE MY OWN FREE ACT AND DEED AND DO HEREBY DEDICATE TO PUBLIC USE FOREVER THOSE STREETS AND GRANT EASEMENTS OVER LANDS SHADED BY THE LEGEND BELOW.

GREENHAVEN DEVELOPMENT CO.
A.K.A.
GREENHAVEN DEVELOPMENT COMPANY

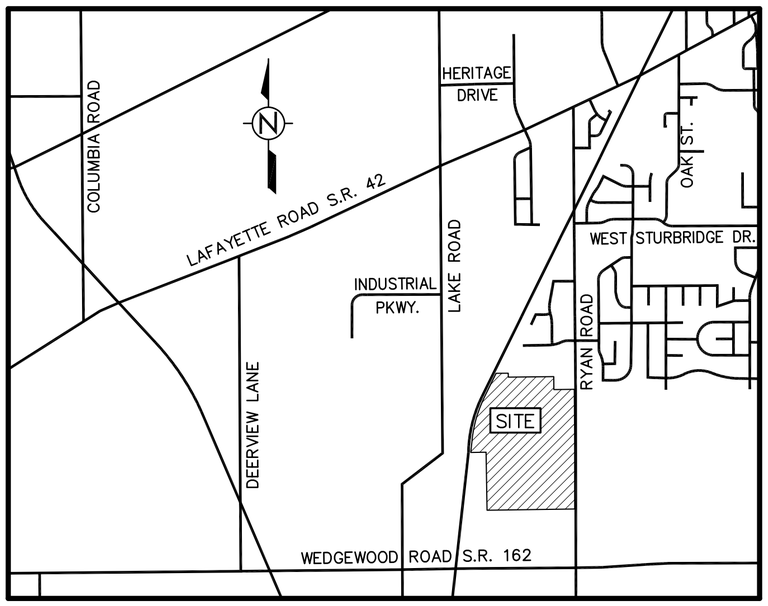
_____ _____
JOHN E. DEMUND, PRESIDENT DATE

COUNTY OF MEDINA)
) S.S.
STATE OF OHIO)

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE SIGNED JOHN E. DEMUND, PRESIDENT, ACKNOWLEDGE THE SIGNING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE HIS OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF _____, 20____.

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CUNNINGHAM & ASSOCIATES INC.
Civil Engineers & Surveyors
Medina, Ohio



LOCATION MAP

SHADING LEGEND

SANITARY SEWER EASEMENT		DEDICATED STREETS
UTILITY / COMMUNICATIONS EASEMENT		STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS
EXISTING STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS		WATER MAIN EASEMENTS
EXISTING SANITARY SEWER EASEMENT		EXISTING UTILITY / COMMUNICATIONS ESMTS.

ACREAGE

LOTS (19)	6.1583 AC.
DED. STREET	1.0856 AC.
TOTAL	7.2439 AC.

APPROVALS:

THE TOWNSHIP TRUSTEES OF LAFAYETTE TOWNSHIP ON THIS ____ DAY OF _____, 20___ HEREBY CERTIFY THIS PLAT MEETS ALL THE REQUIREMENTS OF THE TOWNSHIP ZONING RESOLUTION.

_____ _____ _____
CHAIRMAN, TRUSTEES TRUSTEE TRUSTEE

APPROVED BY THE MEDINA COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20_____.

_____
DIRECTOR

ALL REQUIRED IMPROVEMENTS HAVE BEEN SATISFACTORILY INSTALLED OR ADEQUATE FINANCIAL GUARANTEES HAVE BEEN APPROVED BY THE MEDINA COUNTY ENGINEER.

_____
MEDINA COUNTY ENGINEER

ALL REQUIRED CENTRAL WASTEWATER DISPOSAL FACILITIES AND CENTRAL WATER FACILITIES HAVE BEEN SATISFACTORILY INSTALLED OR ADEQUATE FINANCIAL GUARANTEES HAVE BEEN APPROVED BY THE MEDINA COUNTY SANITARY ENGINEER.

_____ _____
DATE MEDINA COUNTY SANITARY ENGINEER

THE MEDINA COUNTY COMMISSIONERS ON THIS ___ DAY OF _____, 20___ HEREBY ACCEPT ALL OFFERS OF DEDICATION BY THE OWNERS OF THIS SUBDIVISION AND CERTIFY THAT REQUIRED IMPROVEMENTS HAVE BEEN CONSTRUCTED AND ACCEPTED BY THE COUNTY ENGINEER.

_____ _____ _____
PRES. COMMISSIONERS COMMISSIONER COMMISSIONER

APPROVED FOR TRANSFER THIS _____ DAY OF _____, 20_____.

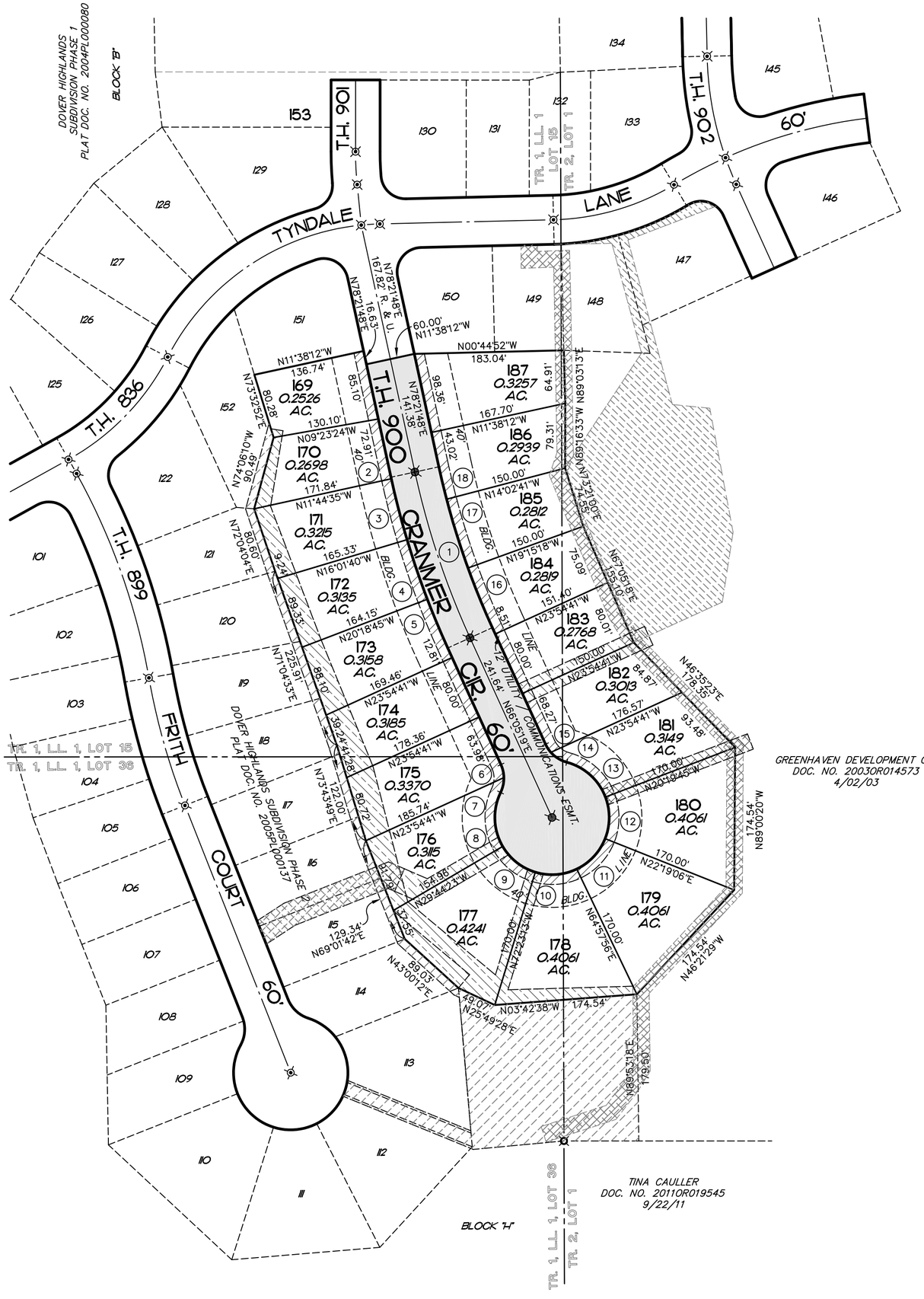
_____
TAX MAP DRAFTSMAN

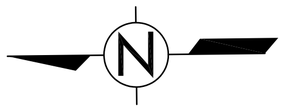
RECEIVED FOR TRANSFER THIS _____ DAY OF _____, 20_____.

_____
MEDINA COUNTY AUDITOR

RECEIVED AND RECORDED THIS _____ DAY OF _____, 20_____.
AT _____ A.M./P.M.
RECORDED IN PLAT DOCUMENT NO. _____
FEE: $_____

_____
MEDINA COUNTY RECORDER





SCALE 1" = 100'

100 0 100 200

BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY.

REFERENCE:

MEDINA COUNTY ENGINEER'S SURVEY RECORDS
BK. 20, PG. 40B
BK. 30, PG. 294
BK. 40, PG. 80

MEDINA COUNTY RECORDER'S PLAT RECORDS
DOVER HIGHLANDS SUBDIVISION PHASE 1
PLAT DOC. NO. 2004PL000080
DOVER HIGHLANDS SUBDIVISION PHASE 2
PLAT DOC. NO. 2005PL000137

LEGEND:

- ⊗ R.R. SPIKE FD. & USED AS NOTED
- ⊙ 1/2" C.T. PIPE FD. & USED AS NOTED
- ○ 5/8" REBAR FD. & USED AS NOTED
- ⌧ 1" REBAR FD. & USED
- ⌧ 5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" FD. & USED
- ● 5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" SET
- ⌧ 3/4" REBAR MON. PIN FD. & USED
- ⌧ 3/4" REBAR MON. PIN SET

NOTE:

1. 5/8" REBAR WITH CAP STAMPED "CUNNINGHAM-5274" TO BE SET AT ALL SUBLOT CORNERS.
2. SEE SHEET 4 FOR RAMAINING EASEMENTS.

① R = 1000.00 Δ = 12°16'29" A = 214.24 T = 107.53 C = 213.83 N72°13'33"E	② R = 1030.00 Δ = 0°06'23" A = 1.91 T = 0.96 C = 1.91 N78°18'37"E	③ R = 1030.00 Δ = 4°17'05" A = 77.03 T = 38.53 C = 77.01 N76°06'52"E	④ R = 1030.00 Δ = 4°17'05" A = 77.03 T = 38.53 C = 77.01 N71°49'47"E	⑤ R = 1030.00 Δ = 3°35'56" A = 64.70 T = 32.36 C = 64.69 N67°53'17"E	⑥ R = 40.00 Δ = 23°36'50" A = 16.48 T = 8.36 C = 16.37 N77°53'44"E
⑦ R = 40.00 Δ = 26°51'54" A = 18.76 T = 9.55 C = 18.58 N76°51'54"W	⑧ R = 70.00 Δ = 56°18'25" A = 68.79 T = 37.46 C = 66.06 N88°24'50"E	⑨ R = 70.00 Δ = 42°38'50" A = 52.10 T = 27.32 C = 50.91 N38°56'12"E	⑩ R = 70.00 Δ = 42°38'50" A = 52.10 T = 27.32 C = 50.91 N3°42'38"W	⑪ R = 70.00 Δ = 42°38'50" A = 52.10 T = 27.32 C = 50.91 N46°21'29"W	⑫ R = 70.00 Δ = 42°38'50" A = 52.10 T = 27.32 C = 50.91 N89°00'20"W
⑬ R = 70.00 Δ = 54°03'40" A = 66.05 T = 35.71 C = 63.62 N42°38'25"E	⑭ R = 40.00 Δ = 33°25'56" A = 23.34 T = 12.01 C = 23.01 N32°19'33"E	⑮ R = 40.00 Δ = 17°02'48" A = 11.90 T = 5.99 C = 11.86 N57°33'55"E	⑯ R = 970.00 Δ = 4°39'23" A = 78.83 T = 39.44 C = 78.81 N68°25'00"E	⑰ R = 970.00 Δ = 5°12'38" A = 88.21 T = 44.14 C = 88.18 N73°21'00"E	⑱ R = 970.00 Δ = 2°24'29" A = 40.77 T = 20.39 C = 40.76 N77°09'34"E

SHADING LEGEND

SANITARY SEWER EASEMENT		DEDICATED STREETS
UTILITY / COMMUNICATIONS EASEMENT		STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS
EXISTING STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS		WATER MAIN EASEMENTS
EXISTING SANITARY SEWER EASEMENT		EXISTING UTILITY / COMMUNICATIONS ESMTS.

DOVER HIGHLANDS SUBDIVISION PHASE 4

PROJECT NO. 02-101 SHEET 2 OF 4

T.H. 836

T.H. 899

FRITH COURT 60'

T.H. 900 CRANMER CIR. 60'

169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187

N10°00'22"E 14.98'

93.62' N79°59'38"W

N69°53'50"E 174.77'

EX. STM. SEW. ESMT.

STM. SEW. ESMT.

N68°19'48"E 161.51'

EX. STORMWATER MANAGEMENT ESMT.

N66°05'19"E 25.00'

N23°54'41"W 170.00'

12.5'

25' SAN. SEW. EASEMENT

170.00' N23°54'41"W

12.5'

N69°40'15"E 20.00'

N20°19'45"W 190.72'

10'

190.72' N20°19'45"W

10'

20' WATER MAIN EASEMENT

N76°13'09"E 170.83'

30.00' N65°58'18"W

12.5'

N29°44'23"W 100.67'

N24°01'42"E 30.62'

119.54' N29°44'23"W

12.5'

10'

10'

SAN. SEW. ESMT.

EX.SAN. SEWER ESMT.

39.63' N24°01'42"E

N40°28'09"E 139.79'

N72°23'13"W 135.15'

148.09' N72°23'13"W

120.83' N40°28'09"E

10.97' N64°57'56"E

EX. GAS MAIN ESMT.

N01°00'17"W 153.18'

21.30' N49°31'51"W

EX. STORM SEWER / ACCESS / DETENTION BASIN ESMT.

N

SCALE 1" = 60'

60 0 60 120

SHADING LEGEND

SANITARY SEWER EASEMENT	DEDICATED STREETS
UTILITY / COMMUNICATIONS EASEMENT	STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS
EXISTING STORM SEWER, STORMWATER DRAINAGE, MAINTENANCE & ACCESS EASEMENTS	WATER MAIN EASEMENTS
EXISTING SANITARY SEWER EASEMENT	EXISTING UTILITY / COMMUNICATIONS ESMTS.

DOVER HIGHLANDS SUBDIVISION PHASE 4

PROJECT NO. 02-101 SHEET 3 OF 4

DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
FOR
DOVER HIGHLANDS SUBDIVISION PHASE 4

W I T N E S S E T H :

WHEREAS GREENHAVEN DEVELOPMENT CO., AN OHIO CORPORATION (HEREINAFTER REFERRED TO AS "GRANTOR") IS THE OWNER OF CERTAIN REAL PROPERTY LOCATED IN LAFAYETTE TOWNSHIP TRACT 1, LARGE LOT 1, LOT 15 KNOWN AS SUBLOTS 169 THROUGH 187, BOTH INCLUSIVE, IN DOVER HIGHLANDS SUBDIVISION PHASE 4,

AND WHEREAS, GREENHAVEN DEVELOPMENT CO., FOR THE PURPOSE OF ESTABLISHING A PLAN OF UNIFORM DEVELOPMENT FOR SUCH REAL PROPERTY, IS DESIROUS OF IMPOSING CERTAIN RESTRICTIONS, AND PROTECTIVE COVENANTS OF SAID PROPERTY.

NOW THEREFORE, GREENHAVEN DEVELOPMENT CO., THE GRANTOR, DOES HEREBY FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, IMPOSE THE FOLLOWING RESTRICTIONS AND PROTECTIVE COVENANTS CONCERNING THE CONDITIONS, LIMITATIONS, RESERVATIONS, EASEMENTS, AND USES UPON THE FOLLOWING DESCRIBED REAL PROPERTY.

> SITUATED IN THE TOWNSHIP OF LAFAYETTE, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING SUBLOTS 169 THROUGH 187, INCLUSIVE, OF DOVER HIGHLANDS SUBDIVISION PHASE 4 AS SHOWN BY THE PLAT RECORDED IN DOCUMENT NO. _____, OF MEDINA COUNTY RECORDS, THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

1. EACH SUBLOT SHALL BE USED EXCLUSIVELY FOR ONE SINGLE FAMILY RESIDENCE AND GARAGE.

2. EACH HOUSE SHALL HAVE AT A MINIMUM OF A TWO CAR ATTACHED GARAGE. NO BASEMENT GARAGE(S) WILL BE PERMITTED. THE ABOVE FINISHED GRADE LIVING AREA OF THE MAIN STRUCTURE EXCLUSIVE OF OPEN PORCHES AND GARAGES SHALL BE NOT LESS THAN 1600 SQUARE FEET FOR A ONE-STORY DWELLING, 1800 SQUARE FEET FOR A ONE AND ONE-HALF STORY DWELLING, 1800 SQUARE FEET FOR A TWO-STORY DWELLING, 1800 SQUARE FEET FOR A SPLIT LEVEL DWELLING AND 1500 SQUARE FEET FOR A BI-LEVEL DWELLING. THE GRANTOR RESERVES THE RIGHT TO VARY THESE SQUARE FOOTAGE REQUIREMENTS UP TO 10% IF, IN HIS SOLE OPINION, THE DESIGN IS UNUSUALLY GOOD AND IS COMPATIBLE WITH THE OTHER HOUSES IN THE DEVELOPMENT. (DOVER HIGHLANDS ESTATE HOMES AREA)

3. NO NUISANCE, AND NO GAS WELL OR OIL DERRICK, ADVERTISING SIGN OR ADVERTISING DEVICE OTHER THAN A SIGN OF STANDARD SIZE FOR USE IN ADVERTISING THE SALE OR RENT OF THE ABOVE DESCRIBED PREMISES, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN ON SAID PREMISES, NOR SHALL THE SAME BE USED FOR THE HOUSING OR PASTURAGE OF POULTRY OR LIVE STOCK OF ANY DESCRIPTION WHATSOEVER, OR FOR ANY PURPOSE WHICH MAY ENDANGER THE HEALTH OR UNREASONABLY DISTURB THE QUIET OR ANY HOLDER OF ADJOINING LAND. ALL SIGNS SHALL BE REMOVED PROMPTLY WHEN PROPERTY IS OCCUPIED BY NEW OWNER, HAS BEEN RENTED OR SOLD.

4. NO TEMPORARY RESIDENCE OR TRAILER OF ANY CHARACTER, EXCEPTING TEMPORARY CONSTRUCTION TRAILERS PERMITTED BY GRANTOR, SHALL BE ERECTED, PLACED OR SUFFERED TO REMAIN UPON SAID PREMISES, NOR SHALL ANY BASEMENT, GARAGE OR INCOMPLETE STRUCTURE THEREON EVER BE USED AS A RESIDENCE.

5. GREENHAVEN DEVELOPMENT CO. RESERVES TO ITSELF OR ITS ASSIGNEE THE POWER TO APPROVE ALL PLANS AND SPECIFICATIONS OF ANY STRUCTURE OR BUILDING OF ANY CHARACTER PROPOSED TO BE PLACED OR ERECTED UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 4. SUCH POWER SHALL TERMINATE ON JANUARY 10, 2015, OR THIRTY SIX (36) MONTHS AFTER THE SAID GREENHAVEN DEVELOPMENT CO. HAS SOLD AND CONVEYED THE RIGHT, AND INTEREST IN ALL OF THE SUBLOTS ABOVE MENTIONED, WHICHEVER EVENT LATER OCCURS UNLESS SUCH POWER IS VOLUNTARILY TERMINATED AND RELINQUISHED BY THE GRANTOR TO THE OWNERS, PRIOR THERETO. UPON THE TERMINATION OF THE POWER DESCRIBED ABOVE, THE RIGHT OF APPROVAL OF PLANS AND SPECIFICATIONS SHALL AUTOMATICALLY VEST IN ALL OF THE THEN OWNERS OF THE ABOVE MENTIONED SUBLOTS AND SHALL BE EXCERCISABLE IN THE MANNER AND ACCORDING TO SUCH PROCEDURES AS THE MAJORITY OF SAID OWNERS SHALL DIRECT.

6. NO STRUCTURE OR BUILDING OF ANY CHARACTER SHALL BE PLACED OR ERECTED OR SUFFERED TO REMAIN UPON ANY OF THE SUBLOTS OF THE AFORESAID DOVER HIGHLANDS SUBDIVISION PHASE 4, WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANS AND SPECIFICATION THEREFORE BY GREENHAVEN DEVELOPMENT CO., OR ITS ASIGNEE. SUCH PLANS AND SPECIFICATION 'SHALL BE SUBMITTED IN DUPLICATE, ONE SET OF WHICH SHALL BE RETAINED BY GREENHAVEN DEVELOPMENT CO., OR ITS ASSIGNEE. IN THE EVENT THAT SUCH PLANS AND SPECIFICATIONS ARE NOT APPROVED, BOTH SETS SHALL BE RETURNED TO THE SUBMITTER. IF GREENHAVEN DEVELOPMENT CO. OR THEN HOLDER OF THE POWER OF APPROVAL FAILS TO EITHER APPROVE OR DISAPPROVE ANY SUCH PLANS AND SPECIFICATIONS WITHIN THIRTY (30) DAYS AFTER THEIR PROPER SUBMITTAL, SUCH PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS HAVING BEEN APPROVED.

7. GRANTOR FURTHER RESERVES TO ITSELF, IT SUCCESSORS AND ASSIGNS, THE RIGHT TO PERMIT DEVIATION OR GRANT A VARIANCE FROM OR TO CHANGE, WAIVE, OR MODIFY ANY OR ALL OF THESE RESTRICTIONS, IF IN ITS SOLE JUDGMENT THE DEVELOPMENT OR LACK OF DEVELOPMENT OF THE PROPERTY OR AN ADJOINING OR ADJACENT PROPERTY, OR THE TOPOGRAPHY OR OTHER FEATURES OF THE LAND INVOLVED, MAKES SUCH COURSE NECESSARY OR ADVISABLE, WITH THE UNDERSTANDING THAT THE GRANTOR HEREIN MAY ASSIGN OR RELINQUISH THE POWER HEREIN RESERVED IN THE EVENT IT DECIDES TO DO SO.

8. GRANTOR AGREES THAT ANY OWNER OR OWNERS OF THE SUBLOTS IN DOVER HIGHLANDS SUBDIVISION PHASE 4 SHALL HAVE THE RIGHT TO ENFORCE THE FORGOING RESTRICTIONS, RIGHTS, RESERVATIONS, AGREEMENTS, COVENANTS, AND CONDITIONS, AND FAILURE TO TAKE SUCH ACTION SHALL NOT CONSTITUTE A WAIVER OF THE RIGHT TO DO SO THEREAFTER.

9. AREAS ASSIGNED FOR STREETS OF THE DOVER HIGHLANDS SUBDIVISION PHASE 4 PLAT SHALL BE USED FOR STREET PURPOSES IN ACCORDANCE WITH THE REQUIREMENTS OF COUNTY OF MEDINA, GRANTOR HEREBY RESERVING THE RIGHT TO PLAT AND DEDICATE TO PUBLIC USE, STREETS ABUTTING THE SUBLOT IN AND FOR SAID SUBDIVISION AND TO CAUSE A SUBDIVISION OR PLATS OF THE ABOVE REAL ESTATE SHOWING SUBLOTS AND SHOWING STREETS THEREON DEDICATED TO PUBLIC USE BY THE GRANTOR TO BE FILED AND RECORDED IN THE OFFICE OF THE MEDINA COUNTY RECORDER AND WITH THE COUNTY OF MEDINA, AND/OR OTHER PUBLIC BODY, ANY OWNER HEREBY AGREEING TO JOIN WITH THE GRANTOR IN SIGNING AND RECORDING SAID SUBDIVISION PLAT OR PLATS, AND IN DEDICATING SAID STREETS FOR PUBLIC USE.

10. GRANTOR RESERVES THE EXCLUSIVE RIGHT TO GRANT EASEMENT AND RIGHTS-OF-WAY TO THE COUNTY OF MEDINA AND/OR ANY OTHER PUBLIC BODY AND/OR PUBLIC UTILITY FOR WATER MAINS, STORM AND SANITARY SEWERS AND APPURTENANCES IN THE PROPOSED STREETS IN THE SUBDIVISION OF THE AFOREMENTIONED REAL ESTATE, AND IN, UNDER, OVER, AND ACROSS A STRIP OR STRIPS OF LAND TWENTY (20) FEET WIDE COMPRISING THE REAR TWENTY (20) FEET OF EACH LOT AND FIVE (5) FEET WIDE ON THE SIDELINES OF EACH LOT, AND IN, UNDER, OVER AND ACROSS A STRIP OR STRIPS OF LAND DESIGNATED AS EASEMENTS ON THE RECORD PLAT OF DOVER HIGHLANDS SUBDIVISION PHASE 4 OF THE ABOVE REAL ESTATE, FOR THE CONSTRUCTION, MAINTENANCE OPERATION AND REPAIR OF STORM AND SANITARY SEWERS AND APPURTENANCES AND ELECTRIC AND TELEPHONE LINES AND APPURTENANCES, AND DRAINAGE SWALES.

11. GRANTOR RESERVES EASEMENTS AND RIGHTS-OF-WAY WITHIN, OVER, UNDER, AND ACROSS THE FRONT TEN (10) FEET OF EACH LOT, PARALLEL WITH AND CONTIGUOUS TO ALL STREET LINES FOR THE INSTALLATION, MAINTENANCE, REPAIR AND OPERATION OF ANY UNDERGROUND GAS LINES, ELECTRIC LINES AND TELEPHONE LINES, AND RESERVES THE RIGHT TO ASSIGN THE USE OF SAID EASEMENTS AND RIGHTS-OF-WAY, OR TO GRANT UNDERGROUND EASEMENTS FOR THE SAME TO THE RESPECTIVE PUBLIC UTILITY COMPANIES TO SERVICE SAID SUBDIVISION.

12. THE HEREIN ENUMERATED RESTRICTIONS, RIGHTS, RESERVATIONS, AGREEMENTS, COVENANTS AND CONDITIONS SHALL BE DEEMED TO BE COVENANTS RUNNING WITH THE LAND, AND NOT AS CONDITIONS HEREOF, AND SHALL RUN WITH SAID LAND UNTIL JANUARY 10, 2040 ON WHICH DATE AND AT TEN (10) YEAR INTERVALS THEREAFTER, THEY SHALL BE AUTOMATICALLY EXTENDED UNLESS THE OWNERS OF TWO-THIRDS (2/3RDS) OF THE ABOVE MENTIONED SUBLOTS IN DOVER HIGHLANDS SUBDIVISION PHASE 1 BY APPROPRIATE INSTRUMENT RECORDED IN THE COUNTY RECORDER'S OFFICE, HAVE AGREED TO THE TERMINATION OF SAID RESTRICTIONS.

13. ANY AND ALL AREAS INDICATED AS STREAM, WETLAND, OR PRESERVATION ZONE SHALL NOT BE ADVERSELY IMPACTED WITHOUT PRIOR APPROVAL FROM THE U.S. ARMY CORPS OF ENGINEERS, REGULATORY SECTION, HUNTINGTON DISTRICT, WEST VIRGINIA.

14. EACH HOME SITE SHALL HAVE A POST LIGHT ADJACENT TO EACH DRIVEWAY APPROXIMATELY FIVE FEET FROM DRIVEWAY AND APPROXIMATELY TWENTY FEET FROM THE CURB.

15. EACH DRIVEWAY TO BE CONCRETE PAVEMENT.

16. EACH BUILDER TO CONSTRUCT SIDEWALKS ALONG THE LOT FRONTAGE.

17. ABOVE GROUND AND IN GROUND POOLS ARE ALLOWED IF APPROVED BY THE HOMEOWNERS ASSOCIATION.

18. SHEDS AND OUTBUILDINGS ARE ALLOWED IF COLOR IS COORDINATED WITH HOUSING UNIT AND APPROVED BY THE ARCHITECHTURAL AND DESIGN COMMITTE AND/OR BOARD.

19. EACH CLUSTER HOME IN THE DOVER HIGHLANDS VILLAGE CLUSTER HOME AREA SHALL HAVE MINIMUM LIVING AREA OF 1250 SQUARE FEET