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AT <u>309</u> . M.	DEC 03 2004 120
VOL. _____	PG. _____
RECORDER, MEDINA CO., OHIO	

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATION OF EASEMENTS
FOR
LAKE MEDINA RESERVE HOMEOWNERS' ASSOCIATION, INC.**

This First Amendment ("First Amendment") to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR LAKE MEDINA RESERVE HOMEOWNERS' ASSOCIATION, INC. (the "Declarations"), is made and entered into as of the 22 day of November, 2004 ("Amendment Date"), by and among CROSSBOW DEVELOPMENT, INC., an Ohio corporation (the "Declarant"), PELTON DESIGN & CONSTRUCTION, LTD., an Ohio limited liability Company ("Pelton"), KENNETH E. RUPP and JUNE E. RUPP, residents of the State of Ohio (collectively, the "Rupps")(Declarant, Pelton and the Rupps are sometimes hereinafter referred to collectively as the "Owners") and the MEDINA TOWNSHIP ZONING COMMISSION.

RECITALS

- A. On or about November 12, 2004, the Declarant did file the Declarations with the Medina County Recorder's Office (Document No. 2004ORO44370) making the real property described on Exhibit A attached hereto and incorporated by this reference herein (the "Property"), subject to the Declarations;
- B. Subsequent to the filing of the Declarations by the Declarant, the Declarant did sell certain portions of the Property to Pelton and the Rupps;
- C. Declarant, Pelton and the Rupps are all of the Owners as defined in the Declarations;
- D. The Owners now wish to amend the terms and conditions of the Declarations by this First Amendment; and
- E. Medina Township Zoning Commission, by its signature hereon, approves to this First Amendment.

NOW, THEREFORE, in consideration of the mutual agreements and benefits made and conferred herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. The foregoing recitals are incorporated herein as if fully rewritten herein.
- 2. The Owners are all of the Owners under the Declarations and unanimously: (i) consent to this First Amendment; and (ii) waive the need for any notices or other requirements under sections 15.2, et seq. of the Declarations.
- 3. Section 9.4.1 of the Declarations is hereby deleted in its entirety and replaced with the following:

9.4.1 Dwelling Floor Areas. The living area of the Living Unit on any Lot, exclusive of porches, decks, attics, basements (including walkout basements), areas not heated year round and garages, shall be no less than 3,500 square feet, which Living Unit on any Lot shall be set back from any boundary line not less than seventy-five (75) feet from the front boundary line, thirty (30) feet from the back boundary line and fifteen (15) feet from any side boundary line. The Board, in its sole discretion, may allow a deviation from the foregoing set back requirements where the physical topography and location of a Lot will make compliance with the foregoing requirements physically impossible or unreasonable. Set back lines must be in compliance with Medina Township Zoning requirements. Where two or more adjacent Lots are acquired and used to construct a single Living Unit, the boundary lines and setback restrictions refer only to those side lines bordering on adjacent Lots owned by another Owner.

4. Section 9.4.5.2 of the Declarations is hereby deleted in its entirety and replaced with the following:

9.4.5.2 The placement of all garages shall be such that they shall have their driveway access opening to the side or rear of the Lot and shall be of such a size as to reasonably accommodate three (3) passenger vehicles.

5. Except as expressly modified by this First Amendment, the Declarations shall remain in full force and effect and are hereby ratified and confirmed. In the event of a conflict between the terms and conditions of the Declarations and this First Amendment, the terms and conditions of this First Amendment shall control.

6. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declarations.

7. This First Amendment shall be construed in accordance with the laws of the State of Ohio, without regard to principles of conflict of laws.

8. This First Amendment may be executed in one or more counterparts, each of which when taken together shall constitute one and the same original.

[The remainder of this page is left intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be acknowledged, executed and delivered personally or by their duly authorized officers as of the Amendment Date.

CROSSBOW DEVELOPMENT, INC.,
an Ohio corporation

By: [Signature]
William J. Bailey, President

PELTON DESIGN & CONSTRUCTION,
LTD, an Ohio limited liability company

By: [Signature]
Printed Name: TIM FELTON
Title: PRESIDENT, MEMBER

MEDINA TOWNSHIP ZONING COMMISSION

By: [Signature]
Printed Name: ALLIS J. STRAGIN
Title: Medina Twp Zoning Comm. Ch.

[Signature]
Kenneth E. Rupp
[Signature]
June E. Rupp

STATE OF OHIO)
 MEDINA) ss,
COUNTY OF ~~CUYAHOGA~~)

The foregoing instrument was acknowledged before me this 19th day of November, 2004 by William J. Bailey, President of Crossbow Development, Inc., an Ohio corporation, (the "Corporation") on behalf of said Corporation and as his free act and voluntary deed and the free act and voluntary deed of the Corporation.

[Signature]
Notary Public, State of Ohio



CYNTHIA A. CANCELLIERE
Notary Public, State of Ohio
My Commission Expires
2-6-05

STATE OF OHIO)
 Medina) ss,
COUNTY OF Medina)

The foregoing instrument was acknowledged before me this 23rd day of November, 2004 by [Signature] TIM R. PELTON the duly authorized officer of PELTON DESIGN & CONSTRUCTION, LTD., an Ohio limited liability company, (the "Company") on behalf of said Company and as his free act and voluntary deed and the free act and voluntary deed of the Company.

[Signature]
Notary Public, State of Ohio

BONNIE J. SCHOEN, Notary Public
In and for the State of Ohio
My Commission Expires July 18, 2007

STATE OF OHIO)

STATE OF OHIO)
)
COUNTY OF MEDINA) ss,

The foregoing instrument was acknowledged before me this 2nd day of December, 2004 by ALISS STROGIN, as the CHAIRWOMAN of the Medina Township Zoning Commission (the "Commission") on behalf of said Commission and as his free act and voluntary deed and the free act and voluntary deed of the Commission.

Cecilia A. Goe
Notary Public, State of Ohio

CECELIA A. GOE
Notary Public - State of Ohio
My Commission Expires March 9, 2009

STATE OF OHIO)
)
COUNTY OF MEDINA) ss,

The foregoing instrument was acknowledged before me this 29th day of November, 2004 by Kenneth E. Rupp and June E. Rupp as their individual free acts and voluntary deeds.

Barbara L. Zinn
Notary Public, State of Ohio

BARBARA L. ZINN
Notary Public, State of Ohio
My Commission Expires Sept. 26, 2009

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATION OF EASEMENTS
FOR
LAKE MEDINA RESERVE HOMEOWNERS' ASSOCIATION, INC.
Exhibit A
Property Submitted
[Legal Description]

PARCEL 1:

SITUATED IN THE TOWNSHIP OF MEDINA, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING A PART OF TOWNSHIP LOT 58 AND TOWNSHIP LOT 69 FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT MARKING THE NORTHEAST CORNER OF LOT 69 THE SAME BEING THE PRINCIPAL PLACE OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

THENCE S 00° 33' 21" E, 1565.18 FEET ALONG THE EASTERLY LINE OF SAID LOT 69 TO A POINT IN THE BOUNDARY OF THE MEDINA CITY RESERVOIR;

THENCE S 52° 02' 51" W, 5.68 FEET TO A POINT;

THENCE S 59° 24' 49" W, 41.73 FEET TO A POINT;

THENCE N 61° 39' 00" W, 28.98 FEET TO A POINT;

THENCE S 65° 30' 29" W, 62.69 FEET TO A POINT;

THENCE S 20° 13' 37" W, 37.95 FEET TO A POINT;

THENCE S 26° 33' 31" W, 57.27 FEET TO A POINT;

THENCE N 83° 31' 34" W, 60.29 FEET TO A POINT;

THENCE S 45° 10' 03" W, 35.41 FEET TO A POINT;

THENCE S 65° 40' 52" W, 47.31 FEET TO A POINT;

THENCE N 01° 37' 55" W, 82.21 FEET TO A POINT;

THENCE N 32° 06' 40" W, 60.08 FEET TO A POINT;

THENCE N 59° 30' 40" W, 50.53 FEET TO A POINT;

THENCE N 41° 41' 34" W, 50.03 FEET TO A POINT;

THENCE N 14° 06' 09" W, 41.13 FEET TO A POINT;
THENCE N 00° 45' 54" W, 46.69 FEET TO A POINT;
THENCE N 14° 22' 55" W, 62.36 FEET TO A POINT;
THENCE N 28° 48' 03" W, 110.83 FEET TO A POINT;
THENCE N 45° 59' 11" W, 67.42 FEET TO A POINT;
THENCE N 81° 59' 36" W, 35.11 FEET TO A POINT;
THENCE N 50° 56' 28" E, 53.94 FEET TO A POINT;
THENCE S 80° 50' 55" W, 81.70 FEET TO A POINT;
THENCE N 78° 07' 19" W, 52.20 FEET TO A POINT;
THENCE N 71° 30' 00" W, 81.71 FEET TO A POINT;
THENCE N 38° 23' 53" W, 51.08 FEET TO A POINT;
THENCE N 23° 44' 18" W, 80.54 FEET TO A POINT;
THENCE N 04° 19' 28" E, 28.71 FEET TO A POINT;
THENCE S 35° 15' 43" W, 40.74 FEET TO A POINT;
THENCE S 47° 34' 21" W, 44.83 FEET TO A POINT;
THENCE S 10° 09' 40" E, 50.02 FEET TO A POINT;
THENCE S 15° 47' 46" W, 55.64 FEET TO A POINT;
THENCE S 00° 31' 15" E, 43.71 FEET TO A POINT;
THENCE S 74° 16' 10" W, 37.54 FEET TO A POINT;
THENCE N 76° 40' 47" W, 39.32 FEET TO A POINT;
THENCE N 67° 06' 37" W, 31.27 FEET TO A POINT;
THENCE N 34° 57' 17" W, 41.30 FEET TO A POINT;
THENCE N 75° 57' 29" W, 32.91 FEET TO A POINT;
THENCE S 67° 32' 01" W 28.44 FEET TO A POINT;

THENCE S 43° 29' 00" W, 71.16 FEET TO A POINT;
THENCE N 79° 24' 05" W, 22.22 FEET TO A POINT;
THENCE N 53° 55' 43" W, 28.52 FEET TO A POINT;
THENCE N 59° 47' 05" W 88.45 FEET TO A POINT;
THENCE N 54° 04' 01" W, 38.15 FEET TO A POINT;
THENCE N 38° 31' 56" W 29.85 FEET TO A POINT;
THENCE N 01° 19' 27" W, 44.36 FEET TO A POINT;
THENCE N 23° 08' 18" E, 77.97 FEET TO A POINT;
THENCE N 30° 38' 05" E, 52.64 FEET TO A POINT;
THENCE N 72° 27' 43" W, 81.93 FEET TO A POINT;
THENCE N 21° 42' 49" W, 44.13 FEET TO A POINT;
THENCE N 01° 30' 55" W, 120.97 FEET TO A POINT;
THENCE N 37° 36' 19" W, 48.97 FEET TO A POINT;
THENCE N 68° 57' 06" W, 25.87 FEET TO A POINT;
THENCE S 80° 50' 54" W, 18.15 FEET TO A POINT;
THENCE N 86° 54' 26" W 119.86 FEET TO A POINT;
THENCE S 72° 14' 57" W, 26.49 FEET TO A POINT;
THENCE S 24° 19' 52" W, 25.08 FEET TO A POINT;
THENCE S 09° 17' 35" W, 56.33 FEET TO A POINT;
THENCE S 40° 13' 10" W, 44.22 FEET TO A POINT;
THENCE N 75° 14' 08" W, 30.54 FEET TO A POINT;
THENCE N 40° 44' 14" W, 36.93. FEET TO A POINT;
THENCE N 39° 40' 07" W, 48.46 FEET TO A POINT;
THENCE N 12° 22' 43" W, 22.61 FEET TO A POINT;

THENCE N 29° 26' 15" E, 24.25 FEET TO A POINT;

THENCE N 42° 52' 49" E, 51.06 FEET TO A POINT;

THENCE N 19° 29' 33" E, 26.11 FEET TO A POINT;

THENCE S 83° 21' 54" W, 35.44 FEET TO A POINT;

THENCE S 71° 26' 37" W, 21.32 FEET TO A POINT IN THE WESTERLY LINE OF LANDS NOW OR FORMERLY IN THE NAME OF ALFRED J. & ROSE O. GERICKE;

THENCE N 00° 38' 26" W, 439.87 FEET TO A POINT IN THE BOUNDARY OF THE MEDINA CITY RESERVOIR;

THENCE S 64° 21' 54" E, 19.06 FEET TO A POINT;

THENCE S 68° 02' 05" E, 204.51 FEET TO A POINT;

THENCE N 68° 33' 16" E, 63.61 FEET TO A POINT;

THENCE N 56° 02' 41" E, 64.87 FEET TO A POINT;

THENCE N 50° 19' 48" E, 85.21 FEET TO A POINT;

THENCE N 36° 47' 41" E, 40.93 FEET TO A POINT;

THENCE N 25° 22' 30" W, 72.89 FEET TO A POINT;

THENCE N 40° 14' 23" W, 96.46 FEET TO A POINT;

THENCE N 30° 43' 54" W, 64.56 FEET TO A POINT IN THE NORTHERLY LINE OF TOWNSHIP LOT 69;

THENCE N 89° 51' 09" E, 586.60 FEET ALONG THE NORTHERLY LINE OF LOT 69 TO AN IRON PIN FOUND;

THENCE N 07° 31' 34" W, 317.71 FEET TO AN IRON PIN FOUND;

THENCE N 00° 10' 40" E, 240.50 FEET TO AN IRON PIN FOUND;

THENCE N 14° 47' 30" W, 278.36 FEET TO AN IRON PIN FOUND;

THENCE N 01° 29' 55" E, 480.67 FEET TO A POINT IN THE CENTERLINE OF GRANGER ROAD;

THENCE N 89° 28' 32" E, 866.43 FEET ALONG THE CENTERLINE OF GRANGER ROAD TO AN IRON PIN FOUND IN THE EASTERLY LINE OF TOWNSHIP LOT 58;

THENCE S 00° 22' 23" E, 1315.01 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING THEREIN 68.6521 ACRES OF LAND AS SURVEYED IN JULY 1987 BY CHARLES A. ROLLING, REGISTERED SURVEYOR NO. 5569 (SEE EXHIBIT "A" ATTACHED FOR EXCEPTION TO THIS PARCEL).

Permanent Parcel Number: 026-06D-22-017, *-19 thru -050, and 026-06D-27-016*

PARCEL 2

SITUATED IN THE TOWNSHIP OF MEDINA, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING A PART OF TOWNSHIP LOT 69 FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT MARKING THE NORTHEAST CORNER OF LOT 69;

THENCE S 00° 33' 21" E, 1587.13 FEET ALONG THE EASTERLY LINE OF LOT 69 TO A POINT IN THE BOUNDARY OF THE MEDINA CITY RESERVOIR AND THE PRINCIPAL PLACE OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

THENCE S 00° 33' 21" E, 526.33 FEET ALONG THE EASTERLY LINE OF LOT 69 TO A POINT IN THE BOUNDARY OF THE MEDINA CITY RESERVOIR;

THENCE N 85° 07' 12" W, 12.51 FEET TO A POINT;

THENCE N 67° 56' 54" W, 74.26 FEET TO A POINT;

THENCE N 85° 52' 54" W, 61.43 FEET TO A POINT;

THENCE N 03° 26' 03" E, 87.44 FEET TO A POINT;

THENCE N 56° 44' 17" E, 109.26 FEET TO A POINT;

THENCE S 83° 19' 22" W, 43.05 FEET TO A POINT;

THENCE N 62° 38' 35" W, 28.69 FEET TO A POINT;

THENCE S 66° 34' 25" W, 79.07 FEET TO A POINT;

THENCE N 27° 01' 30" W, 53.13 FEET TO A POINT;

THENCE N 02° 08' 07" E, 77.26 FEET TO A POINT;

THENCE N 13° 58' 10" E, 47.65 FEET TO A POINT;

THENCE N 51° 12' 15" E, 29.22 FEET TO A POINT;

THENCE N 72° 03' 23" E, 115.72 FEET TO A POINT;

THENCE N 12° 29' 19" W, 63.92 FEET TO A POINT;

THENCE N 27° 00' 52" E, 37.75 FEET TO A POINT;

THENCE N 51° 57' 32" E, 56.31 FEET TO A POINT;

THENCE N 38° 33' 37" E, 17.36 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING 1.4961 ACRES OF LAND.

Permanent Parcel Number: 026-06D-27-006

PARCEL 3

SITUATED IN THE TOWNSHIP OF MEDINA, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING PART OF TOWNSHIP LOT 69 FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE FOUND AT THE SOUTHEAST CORNER OF SAID LOT 69, SAID POINT BEING THE PRINCIPAL PLACE OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

THENCE S 89° 26' 41" W, 76.11 FEET ALONG THE SOUTHERLY LINE OF LOT 69 TO A POINT;

THENCE N 24° 29' 58" E, 25.00 FEET TO A POINT;

THENCE N 06° 44' 12" E, 44.63 FEET TO A POINT;

THENCE N 66° 36' 41" E, 43.23 FEET TO A POINT;

THENCE S 83° 32' 38" E, 20.17 FEET TO A POINT IN THE EASTERLY LINE OF SAID LOT 69;

THENCE S 00° 33' 21" E, 81.23 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING 0.1154 ACRES OF LAND.

Permanent Parcel Number: 026-06D-27-007

PARCEL 4

SITUATED IN THE TOWNSHIP OF MEDINA, COUNTY OF MEDINA, STATE OF OHIO AND KNOWN AS BEING PART OF TOWNSHIP LOT 69 FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE FOUND AT THE SOUTHEAST CORNER OF SAID TOWNSHIP LOT 69;

THENCE S 89° 26' 41" W, 88.82 FEET ALONG THE SOUTHERLY LINE OF LOT 69 TO THE PRINCIPAL PLACE OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

THENCE 89° 26' 41" W, 269.47 FEET ALONG THE SOUTHERLY LINE OF LOT 69 TO A POINT IN THE BOUNDARY OF THE MEDINA CITY RESERVOIR;

THENCE N 68° 17' 07" E, 23.67 FEET TO A POINT;

THENCE N 62° 58' 52" E, 67.89 FEET TO A POINT;

THENCE N 73° 56' 37" E, 46.53 FEET TO A POINT;

THENCE S 83° 57' 38" E, 58.02 FEET TO A POINT;

THENCE N 55° 20' 32" E, 41.27 FEET TO A POINT;

THENCE S 86° 49' 29" E, 37.82 FEET TO A POINT;

THENCE S 11° 10' 42" E, 66.40 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING THEREIN 0.2558 ACRES OF LAND.

Permanent Parcel Number: 026-06D-27-005

LEGAL DESCRIPTION EXHIBIT "A"

LESS AND EXCEPT: (FROM PARCEL NO. 1)

Situated in the Township of Medina, County of Medina, State of Ohio and known as being part of the land conveyed to Jennifer Gericke-Rider in OR-394, Page 941 of Medina County Recorders Records dated 8/13/87 located in Medina Township Lots 58 and 69 further bounded and described as follows:

Beginning at a 5/8" rebar found at the intersection of the east line of Medina Township Lot 58 and the centerline of C.H. 21 Granger Road (60 feet wide);

Thence S 89° 28' 32" W, 766.37 feet along the centerline of said C.H. 21 to the principal place of beginning of the parcel described herein witnessed by a 5/8" rebar with cap stamped "Cunningham-5274" set S 01° 29' 55" W, 30.02 feet.

Thence, S 01° 29' 55" W, 469.94 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence S 14° 47' 19" E, 277.05 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence S 0° 10' 05" W, 252.35 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence S 76° 55' 02" E, 262.67 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence S 0° 31' 37" E, 319.03 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence S 72° 49' 52" W, 137.68 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence N 12° 22' 44" W, 14.67 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence N 38° 42' 37" W, 25.67 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence N 72° 40' 21" W, 143.94 feet to a 5/8" rebar with cap stamped "Cunningham-5274" set;

Thence N 48° 19' 42" W, 38.87 feet to a 5/8" rebar found at the southeast corner of land conveyed to Jadran and Evica B. Golem in OR-1304, Page 986 of Medina County Recorders Records dated 01/07/98;

Thence N 7° 31' 08" W, 317.85 feet along the east line of said land conveyed to Jadran and Evica B. Golem to a 5/8" rebar found at an angle point therein;

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Thence N 0° 10' 05" E, 240.43 feet along the east line of said land conveyed to Jadran and Evica B. Golem to a 5/8" rebar found at an angle point therein;

Thence N 14° 47' 19" W, 278.23 feet along the east line of said land conveyed to Jadran and Evica B. Golem to a 5/8" rebar found at an angle point therein;

Thence N 01° 29' 55" E, 480.72 feet along the east line of said land conveyed to Jadran and Evica B. Golem to the northeast corner thereof being in the centerline of said C.H. 21 witnessed by a 5/8" rebar found S 01° 37' 35" W, 30.04 feet;

Thence N 89° 28' 32" E, 100.06 feet along the centerline of said C.H. 21 to the principal place of beginning and containing therein 5.0001 acres of land as surveyed in June, 2003 by Robert A. Damon, Registered Surveyor No. 6083.

Permanent Parcel Number: _____

Bearings are to an assumed meridian and are used to denote angles only. Intending to contain 63.6520 acres after said exception.

Prior Instrument Reference: Volume 394, Page 941