

**TRANSCRIBED HEREIN TO FACILITATE READING OF PARTLY ILLEGIBLE ORIGINAL  
DECLARATION OF RESTRICTIONS  
FOR HARBOR ISLAND, A RECORDED PLAT**

KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED OWNER OF HARBOR ISLAND SUBDIVISION IN CATAWBA ISLAND TOWNSHIP, OTTAWA COUNTY OHIO, DOES HEREBY ESTABLISH AND MAKE KNOWN THE GENERAL PLAN WHEREUNDER THE LOTS, WAYS AND BOAT CHANNELS OF SAID SUBDIVISION, SHALL BE HELD, USED AND OCCUPIED FOR THE FULL TERM OF FIFTY (50) YEARS FOLLOWING THE DATE OF THE RECORDING OF THIS DECLARATION AND SHALL **CONTINUE** THEREAFTER FOR CONSECUTIVE TERMS OF TEN (10) YEARS EACH, SUBJECT TO REVISION, MODIFICATION AND AMENDMENT AS HEREINAFTER PROVIDED, DURING SAID TERM AND EXTENSIONS THEREOF.

THE CONSIDERATIONS MOVING THIS DECLARANT TO PUBLISH THIS DECLARATION ARE: THE PROMOTION OF THE HEALTH WELFARE AND SAFETY OF PERSONS IN AND ABOUT SAID SUBDIVISION; THE PRESERVATION AND ENHANCEMENT OF PROPERTY VALUES, FOR IT'S BENEFIT AND THE BENEFIT OF THOSE NATURAL AND ARTIFICIAL PERSONS WHO WILL HEREINAFTER ACQUIRE FROM, THROUGH AND UNDER IT ; THE EXECUTION HEREOF, **BINDING** DECLARANT AND ITS SUCCESSORS AND ASSIGNS AND GRANTEEES OF LOTS HEREINAFTER CONVEYED, THEIR HEIRS, SUCCESSORS AND ASSIGNS, TO COMPLIANCE HERewith; AND THE LAWFUL AND ORDERLY AMENDMENT HEREOF IF THAT IS DEEMED NECESSARY AND IS PERFORMED AS HERINAFTER PROVIDED.

**NOW, THEREFORE,** THE UNDERSIGNED DOES HEREBY DECLARE AND ALL PERSONS, HEREINAFTER ACQUIRING BY CONVEYANCE FROM, THROUGH AND UNDER IT AND ITS SUCCESSORS, AGREE THAT THE SUBSTANCE OF THE FOLLOWING PARAGHAPHS SHALL CONSTITUTE **COVENANTS RUNNING WITH THE LAND** FOR THE TERMS AFORESAID, TO-WIT:

1. **DEFINITIONS.** THE FOLLOWING QUOTED WORDS AND DERIVATIVES THEREOF, WHENEVER USED IN THIS DECLARATION OF RESTRICTIONS AND ON THE RECORDED PLAT OF SAID SUBDIVISION, HEREINAFTER SOMETIMES CALLED THE PLAT , SHALL HAVE, UNLESS CONTEXT REQUIRES OTHERWISE , THE MEANINGS EXPLAINED IN THIS PARAGRAPH No.1:

A. THE WORD **RESTRICTIONS** SHALL INCLUDE THE DEFINITIONS, COVENANTS, CONDITIONS, AGREEMENTS, PROHIBITIONS, CHARGES, ASSESSMENTS, RULES, REGULATIONS AND PROVISIONS STIPULATED AND EXPRESSED OR REFERED TO.

B. THE WORD **GRANTOR** SHALL MEAN THIS DECLARANT, **HARBOR ISLAND,** AND ITS SUCCESSORS AND ASSIGNS.

C. THE WORD LOT SHALL REFER ONLY TO THE AREAS SO CALLED AND SO DELINEATED AS SUCH AND NUMBERED 1 THROUGH 35 ON THE PLAT; PROVIDED, HOWEVER, THE OWNER OF TWO CONTIGUOUS LOTS MAY TREAT, FOR THE IMPROVEMENT OF THE SAME, THE TOTAL AREA THEREOF AS ONE LOT.

D. THE WORD FRONTAGE WHEN USED IN REFERENCE TO A LOT OR LOTS SHALL MEAN THE WIDTH THEREOF MEASURED WHERE THE FRONT SET-BACK LINE, HEREINAFTER FIXED, TRAVERSES EACH LOT.

E. THE WORD SET-BACK SHALL REFER TO A LINE OR LINES TRAVERSING EACH LOT, BEYOND WHICH NO STRUCTURE SHALL BE PLACED, ERECTED, OR PERMITTED ON THE LOT SO TRAVERSED, AS PARTICULARLY EXPLAINED BELOW.

1. THE FRONT SET-BACK LINE OF LOTS NUMBERED 1 THROUGH 7 THE HARBOR FRONT LOTS, IS PARALLEL WITH AND THIRTY (30) FEET NORTHERLY OF THE CENTER LINE AND SAID CENTER LINE EXTENDED OF

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NORTH SHORE BLVD., AND NO STRUCTURE SHALL BE SOUTHERLY THEREOF.

*Restrictions for Rear setback is silent.....Twp. holds that min 25' setback be held.*

*Twp. Restrictions for Front setback is 35'min setback or avg. of adjacent existing houses*

2. THE FRONT SET-BACK LINE OF LOTS NUMBERED 7 THROUGH 17, THE LAKEFRONT LOTS, AS TO LOTS NUMBERED 7, 8, 9 AND 10 IS PARALLEL WITH AND FIFTY (50) FEET WESTERLY OF LINE A-B, ON SAID PLAT, AS TO LOTS NUMBERED 11 THROUGH 17, IS PARALLEL WITH AND SEVENTY (70) FEET WESTERLY OF LINES A-B AND B-C RESPECTIVELY ON SAID PLAT, AND NO STRUCTURE SHALL BE EASTERLY THEREOF. *Twp. Restrictions for Road fronting setback is 35'min or avg. of adjacent exist. houses*

3. THE FRONT SET-BACK LINES OF LOTS NUMBERED 18 THROUGH 35, THE BLOCK No. 2 LOTS, FRONTING ON BOAT CHANNELS, IS PARALLEL WITH AND THIRTY (30) FEET FROM THE BULKHEAD (SHEETING THAT ESTABLISHES THE WESTERLY, SOUTHERLY, AND EASTERLY EDGES OF THE BOAT CHANNELS OF SAID LOTS), AND NO STRUCTURES SHALL BE BETWEEN SAID SET-BACK LINE AND SAID BULKHEAD.

*Twp. Restrictions for Front setback is 35'min setback or avg. of adjacent existing houses*

4. THE SIDE SET-BACK LINES IN EACH LOT IN BLOCKS NUMBERED 1 AND 2 ARE SEVEN (7) FEET FROM THE SIDE LINES OF EACH LOT; AND NO STRUCTURE SHALL BE PLACED BETWEEN SAID SIDE LOT LINES AND SAID SIDE SET-BACK LINES, EXCEPT THE LIMITED STRUCTURES AND PLANTINGS PERMITTED UNDER PARAGRAPH No. 8 BELOW

F. THE WORD STRUCTURE SHALL MEAN AND INCLUDE EACH AND EVERY FABRICATED ARTICLE OR CONSTRUCTION CAPABLE OF BEING PLACED OR ERECTED ON LAND OR SUBMERGED LAND AND SHALL INCLUDE ATTACHMENTS, ANY RECONSTRUCTIONS AND ENLARGEMENT OR CHANGE IN THE EXTERIOR OF ANY EXISTING STRUCTURE, HEDGES, FENCES, WALLS, DETACHED IMPROVEMENTS SUCH AS PATIOS, ARBORS, FIRE PLACES AND OTHER ABOVE GROUND FACILITIES. (SIGNS, BILL BOARDS, ADVERTISING DEVICES, BUSINESS OR COMMERCIAL STRUCTURES OR FACILITIES ARE PROHIBITED. *SEE Vol 381, Pg 906...Decks, Patios, dock walks, and Walks..and pre-exist items.*

...SEE Vol 387,Pg 33..Decks,Patios,Dock Walks, Walks and lift structures...

G. THE WORDS PLANS AND SPECIFICATIONS SHALL MEAN DETAILED DRAWINGS, PLANS AND WRITTEN SPECIFICATIONS OF MATERIALS PREPARED TO FULLY DISCLOSE DIMENSIONS, BUILDING AND FINISHED GRADE ELEVATIONS, FLOOR , PLOT AND CONSTRUCTION PLANS, KIND AND QUALITY OF MATERIALS TO BE USED IN THE STRUCTURE WITH DETAILED EXPLANATION OF WHERE THE SAME SHALL BE USED, INTENDED USE OF THE STRUCTURE AND THE DATE WHEN THE COMPLETED WILL BE FINISHED.

H. THE WORDS SUBDIVISION AND PLAT MEAN: BLOCKS NUMBERED 1 AND 2, THOSE PARTS OF BOAT CHANNELS NUMBERED 1 AND 2 WHICH ABUT SAID BLOCKS NUMBERED 1 AND 2, AND THOSE PARTS OF NORTH SHORE BLVD. WHICH ABUT SAID BLOCKS AND SAID BOAT CHANNELS.

#### FURTHER RESTRICTIONS

2. THE LOTS IN THIS SUBDIVISION SHALL BE USED FOR RESIDENTIAL PURPOSES ONLY AND FOR NO BUSINESS OR COMMERCIAL USE OR PURPOSE WHATSOEVER. NOT MORE THAN ONE SINGLE FAMILY DWELLING HOUSE WITH A GARAGE FOR NOT MORE THAN THREE AUTOMOBILES ATTACHED THERETO OR INCORPORATED THEREIN SHALL BE ERRECTED ON ANY LOT,(see Vol 215, Pg 490)..**"PROVIDED , HOWEVER, WHEN PERMITTED BY EXPRESS GRANT FROM GRANTOR, A TWO FAMILY DWELLING HOUSE WITH A GARAGE FOR NOT MORE THAN FOUR THERETO OR INCORPORATED THEREIN, MAY BE ERRECTED."**

3. NO NUISANCE OF ANY KIND OR CHARACTER SHALL BE COMMITTED OR SUFFERED ON ANY PREMISES IN SAID SUBDIVISION AND CONDUCT OF PERSONS INJURIOUS TO OTHERS OR TO PROPERTY MAY BE ENJOINED.

4. TEMPORARY STRUCTURES TO FACILITATE CONSTRUCTION MAY BE LOCATED ON ANY LOT UPON WRITTEN PERMIT OF THE GRANTOR, BUT ONLY DURING THE COURSE OF CONSTRUCTION WITHIN THE COMPLETION DATE SPECIFIED THEREFOR. NO PERSON MAY USE ANY STRUCTURE OTHER THAN A COMPLETED DWELLING FOR LIVING QUARTERS.

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5. ALL WATER , SANITARY, AND SEWERAGE FACILITIES SERVING ANY RESIDENCE SHALL BE INSTALLED WITHIN DWELLINGS AND BELOW GROUND LEVEL RESPECTIVELY AND SHALL MEET THE HEALTH AND SANITARY REGULATIONS AND REQUIREMENTS OF LAWFUL AUTHORITY.

6. BEFORE ANY STRUCTURE IS COMMENCED ON ANY LOT, THE LOT OWNER 'S PLANS AND SPECIFICATIONS THEREFOR SHALL BE RECEIVED IN DUPLICATE BY GRANTOR. EACH COPY THEREOF, WITHIN FIFTEEN (15) DAYS THEREAFTER , SHALL BE MARKED "APPROVED" OR "DENIED"; IF DENIED, THE REASONS THEREFOR SHALL BE WRITTEN ON OR ATTACHED BY MEMORANDUM TO SAID COPIES. ONE COPY , SO MARKED, SHALL BE AVAILABLE TO THE LOT OWNER AND THE OTHER COPY SHALL BE RETAINED. REVISED, OR AMENDED , OR CORRECTED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED AND DEALT WITH BY THE LOT OWNER AND THE GRANTOR AS ABOVE OUTLINED, FOR SUBMISSION OF ORIGINAL PLANS AND

SPECIFICATIONS. APPROVAL OR DENIAL OF PLANS AND SPECIFICATIONS IF EXECUTED FOR HARBOR ISLAND BY EDWARD C. LAY, ESQ. OF SANDUSKY, OHIO, OR JOHN W. LAY, OF PORT CLINTON, OHIO, OR BY THE DESIGNATED AGENT OR AGENTS FOR ITS SUCCESSORS OR ASSIGNS, SHALL CONSTITUTE SUCH ACTION BY THE GRANTOR.

NO ACTION TO ENJOIN CONSTRUCTION OR CLAIMS OF DAMAGES BECAUSE OF A BREACH OF ANY STIPULATION OF THIS NUMBERED PARAGRAPH OR OF SAID PLANS AND SPECIFICATIONS SHALL BE MAINTAINED UNLESS INSTITUTED WITHIN NINETY (90) DAYS AFTER THE ACTION OR OMISSION CREATING THE CAUSE OR CAUSES OF ACTION HAS COME TO THE PERSONAL KNOWLEDGE OF ANY ONE OF THE PERSONS ABOVE DESIGNATED TO ACT FOR HARBOR ISLAND OR ITS SUCCESSORS OR ASSIGNS.

7. NO RECEPTICALS FOR REFUSE, GARBAGE, TRASH OR DEBRIS OR TANKS FOR STORAGE OF ANY MATERIAL SHALL BE KEPT ABOVE GROUND LEVEL, UNLESS REQUIRED BY LAWFUL AUTHORITY. THIS ARTICLE DOES NOT APPLY TO RECEPTACLES AND TANKS WITHIN THE DWELLING OR GARAGE.

8. NO FENCE, WALL OR OTHER LIKE STRUCTURE, HEDGE OR ANNUAL PLANTING SHALL BE ERECTED OR GROWN BEYOND FORTY (40) INCHES IN HEIGHT, ABOVE AVG GROUND LEVEL. TREES SHALL BE SPACED, PLANTED AND PRUNED SO THAT THE VIEW, OF RESIDENTS OF THE PLAT, WITHIN AND BEYOND THE SET-BACK AREAS SHALL NOT BE OBSCURED OR IMPAIRED.

9. NO BOAT HOUSE OR BOAT DOCK SHALL BE CONSTRUCTED, PLACED OR KEPT ON ANY LOT  
. See AMD VOL 270, PG904. (and any watercraft unless stored inside a building on premises)

10. RISERS DRIVEN IN BOAT CHANNELS, AT THE BULKHEADS THEREOF, FOR MOORING OF PLEASURE BOATS, SHALL BE UNIFORM, OF 4" X 4" TIMBERS AND SHALL EXTEND THREE (3) FEET ABOVE THE BULKHEAD; UNLESS OTHERWISE PROVIDED AND STIPULATED IN THE RULES AND REGULATIONS GOVERNING USE OF WAYS, CHANNELS AND COMMON LOT.

11. NO LIVESTOCK, ANIMALS OR FOWL, EXCEPT THOSE REGULARLY AND CUSTOMARILY CONSIDERED HOUSE PETS, SHALL BE KEPT OR HARBORED ON ANY LOT.

12. VEHICLES USING THE WAYS OF SAID SUBDIVISION SHALL BE OPERATED IN THE MANNER AND AT SPEEDS NO GREATER THAN THAT REQUIRED FOR OPERATION IN CONGESTED AREAS UNDER THE TRAFFIC LAWS OF THE STATE OF OHIO, UNLESS OTHERWISE PROVIDED IN THE RULES AND REGULATIONS; NO FIRE ARMS OR NOISE PRODUCING DEVICES SHALL BE DISCHARGED OR OPERATED IN SAID SUBDIVISION, AND NOISE PRODUCING IMPLEMENTS AND APPLIANCES USED IN AND ABOUT DWELLINGS SHALL NOT BE OPERATED AT UNREASONABLE OR UNSEASONABLE TIMES SO AS TO UNDULY DISTURB THE PEACE AND QUIET OF THE COMMUNITY.

13. THERE IS HEREBY ASSESSED AGAINST EACH LOT IN SAID BLOCKS NUMBERED 1 AND 2, AN ANNUAL CHARGE TO SATISFY THE ANNUAL COSTS AND RESERVES CONSIDERED NECESSARY: TO KEEP UP, REPAIR, MAINTAIN AND KEEP NAVIGABLE THE WAYS AND BOAT CHANNELS OF SAID PLAT; TO PROVIDE SUCH UTILITIES AND THE SERVICE THEREOF TO LOT OWNERS AS GRANTOR DEEMS ADVISABLE FOR THE DEVELOPMENT AND BEST INTEREST OF SAID PLAT AND LOT OWNERS; AND TO REPAIR, MAINTAIN, ENLARGE IF NEEDED, AND

REPLACE IMPROVEMENTS SERVING SAID LOT OWNERS FOR CARE, IMPROVEMENT, USE AND MAINTENANCE OF THE COMMON LOT AND FOR THE CONSTRUCTION AND MAINTENANCE OF  
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PROTECTIONS AGAINST THE HAZARDS AND ENCROACHMENTS OF THE ELEMENTS, PROVIDING THE SAME BECOMES NECESSARY OR IS DEEMED SO BY THE ASSESSING AUTHORITY. THE ASSESSING AUTHORITY SHALL BE THE OWNER OR OWNERS OF A MAJORITY (EIGHTEEN (18) OR MORE) OF THE LOTS IN THE PLAT AND MAY FORM AN ASSOCIATION CALLED HARBOR ISLAND ASSOCIATION, OR MAY INCORPORATE, AS A CORPORATION NOT FOR PROFIT, UNDER THE NAME OF HARBOR ISLAND ASSOCIATION, INC, OR A CLOSELY SIMILAR NAME IF THAT NAME IS NOT THEN AVAILABLE, BECAUSE PRE-EMPTED. THE ASSOCIATION SHALL CONSIST OF ALL LOT OWNERS IN THE PLAT AND EACH MEMBER SHALL HAVE ONE ( 1) VOTE , TO BE EXERCISED IN PERSON OR BY PROXY., FOR EACH LOT OWNED; THAT IS, THERE SHALL BE THIRTY FIVE ( 35) VOTES IN THE DEFINITION OF LOT UNDER PART "C" OF PARAGRAPH No. 1 ABOVE AND THE DEFINITION OF "LOT " SHALL NOT AFFECT VOTING. ANY LOT OWNER WHO FAILS OR REFUSES TO PARTICIPATE IN THE ASSOCIATION'S AFFAIRS SHALL NEVERTHELESS BE ENROLLED AS A MEMBER THEREOF AND MAY BE STYLED, AN INACTIVE MEMBER, WHILE NOT PARTICIPATING.

ANNUAL ASSESSMENTS SHALL BE DETERMINED AND BILLED ON OR ABOUT MAY 1<sup>ST</sup> OF EACH YEAR AND SHALL BECOME DUE AND PAYABLE ON AND AFTER JULY 2, OF THE SAME YEAR. THE ASSESSING AUTHORITY MAY DELIVER, BY UNITED STATES MAIL WITH POSTAGE PREPAID, SUCH BILLING TO ANY KNOWN OWNER OR CO-OWNER OF ANY LOT AT THE ADDRESS SHOWN ON THE DEED TO SAID OWNER OR OWNERS AND THE SAME SHALL CONSTITUTE VALID AND SUFFICIENT NOTICE OF AND DEMAND FOR PAYMENT OF SUCH ASSESSMENT. CO-OWNERS OF ANY LOTS SHALL BE JOINTLY AND SEVERALLY LIABLE FOR THE FULL SUM OF EACH ASSESSMENT. A LIEN IS HEREBY CREATED AND RESEVED IN FAVOR OF THE ASSESSING AUTHORITY FOR THE AGGREGATE SUM OF ALL PAST DUE AND UNPAID ASSESSMENTS, WITH INTEREST THEREON, UPON THE LOT OT LOTS OF OWNERS WHO FAIL, REFUSE OR NEGLECT TO PAY THE SUMS SO ASSESSED ON OR ABOUT JULY 1<sup>ST</sup> OF THE YEAR WHEN THEY ARE SO BILLED THEREFOR; AND SUCH LIEN SHALL ATTACH, HAVE PRIORITY AND BE EFFECTIVE FROM THE DUE DATE OF EACH PAST DUE ASSESSMENT.

14. THE ASSOCIATION MENTIONED IN PARAGRAPH No. 13 ABOVE, ACTING BY AFFIRMATIVE VOTE REPRESENTING EIGHTEEN ( 18) OR MORE LOTS, MAY ORGANIZE, ELECT OFFICERS AND COMMITTEES, ADOPT REGULATIONS FOR ITS GOVERNMENT AN BY-LAWS FOR THE DIRECTION OF ITS OFFICERS, GOVERNING BOARD AND COMMITTEES, EMPLOY PERSONS AND GENERALLY, IN SO FAR AS LAWFUL, DO AND PERFORM THOSE ACTS AND THINGS AND HAVE THE POWERS COMMONLY HELD AND EXERCISED BY CORPORATIONS, NOT FOR PROFIT; AND SHALL HAVE, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE FOLLOWING POWERS AND DUTIES, IN ADDITION TO THOSE EXPRESSED IN PARAGRAPH No. 13 ABOVE:

- A. TO MAKE AND ENFORCE REASONABLE RULES AND REGULATIONS,
  - 1. TO DIRECT AND CONTROL THE OPERATION AND MOORING OF BOATS IN SAID BOAT CHANNELS AND ADJACENT WATERS:
  - 2. TO PREVENT POLLUTION AND OBSTRUCTIONS OF THE WATERS IN AND ABOUT

SAID CHANNELS AND TO KEEP THEM OPEN, FREE OF DEBRIS AND HARMFUL DEPOSITS AND FIT FOR BOATING THEREIN;

3. TO GOVERN THE USE OF THE COMMON LOT AS A BEACH, PARK, AND RECREATION AREA FOR THE BENEFIT OF OWNERS OF LOTS NUMBERED 1 THROUGH 6 AND ALL LOTS IN SAID BLOCK No. 2 THEIR BONIFIED GUESTS AND TENENTS IN COMMON WITH THE GRANTOR; AND
4. TO FIX MAXIMUM LOAD LIMITS OF VEHICLES USING THE WAYS IN SAID PLAT AND THE CONNECTING WAYS OWNED BY THE GRANTOR AND FURNISHING ACCESS TO SAID PLAT AND TO REGULATE THE PARKING AND OPERATION OF VEHICLES ON AND ALONG SAID WAYS.

B. TO AMEND, MODIFY OR SUPPLEMENT THE FOREGOING RESTRICTIONS AFTER REASONABLE NOTICE OF INTENT TO DO SO IS FIRST DELIVERED TO LOT OWNERS OR CO-OWNERS IN THE MANNER PROVIDED IN PARAGRAPH No. 13 FOR DELIVERY OF NOTICE

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ANNUAL ASSESSMENTS. THE INTENT AND PURPOSE OF THIS SUB-PARAGRAPH, WHENEVER AMENDMENT OR OTHER REVISION AS AFORESAID IS AFFIRMED, SHALL BE EXPRESSED IN A WRITING, EXECUTED AS A DEED OF CONVEYANCE OF LANDS OF OWNERS CONSTITUTING THE NECESSARY MAJORITY IN NUMBER OF LOTS OWNED, AND BECOME EFFECTIVE SO AS PERFORM THE AMENDMENT, MODIFICATION OR SUPPLEMENT, OR ANY COMBINATION THEREOF, WHEN RECEIVED FOR RECORD IN THE OFFICE OF THE RECORDER OF OTTAWA COUNTY, OHIO.

THE FOLLOWING LETTERED PARAGRAPHS, WHEREIN LANDS, SUBMERGED LANDS AND WATER AREAS, INTERESTS, RIGHTS AND PRIVILEGES THEREIN ARE EXCEPTED, RESERVED AND RETAINED AND CERTAIN RIGHTS AND PRIVILEGES ARE GRANTED, CONSTITUTES PART OF THE FOREGOING DECLARATION OF RESTRICTIONS FOR THE PURPOSE OF GIVING NOTICE THEREOF (THE SUBSTANCE OF THE FOLLOWING PARAGRAPHS) TO ALL PERSONS WHO MAY OR WILL BECOME HEREINAFTER INTERESTED IN PREMISES IN AND ABOUT SAID PLAT; AND TO CARRY INTO THESE PARAGRAPHS THE MEANINGS OF WORDS USED AS SUCH WORDS ARE DEFINED IN PARAGRAPH No. 1 OF SAID DECLARATION OF RESTRICTIONS.

A. THE GRANTOR EXCEPTS FROM THE PREMISES DESCRIBED ON THE RECORDED PLAT OF HARBOR ISLAND SUBDIVISION, "RESERVE A", AS SHOWN ON SAID PLAT AND LYING WESTERLY OF THE WESTERLY LOTS IN SAID SUBDIVISION, SUBJECT TO THE GRANTS THERE THROUGH BELOW MADE.

B. THE GRANTOR RESERVES THE USE IN COMMON WITH LOT OWNERS, THEIR BONA FIDE TENANTS AND GUESTS, OF ALL WAYS AND BOAT CHANNELS IN SAID PLAT AND THE RIGHT AND PRIVILEGE TO TRANSFER, ASSIGN AND CONVEY THE EXCEPTED PREMISES AND RIGHTS, PRIVILEGES, OPTIONS, USES AND POWERS RESERVED AND RETAINED BY IT, UNDER THE FOREGOING DECLARATION OF RESTRICTIONS, ON OR UNDER SAID RECORDED PLAT, AND IN THESE LETTERED PARAGRAPHS, TO ITS SUCCESSORS OR ASSIGNS, AS THE CASE MAY BE.

C. GRANTOR RESERVES THE RIGHT AND PRIVILEGE TO PERMIT THE OVERHANG OF OVERHEAD UTILITY LINE FIXTURES WHERE EASEMENTS THEREFOR OTHERWISE GRANTED OR

RESERVED DO NOT PROVIDE SUFFICIENT SPACE FOR SUCH OVERHANG; GRANTOR TO BE SOLE JUDGE OF THE LOCATION OF ANY POLE ON ANY EASEMENT RESERVED OR GRANTED BY IT.

D. GRANTOR RESERVES THE FOLLOWING RIGHT, PRIVILEGE AND OPTION TO REPURCHASE ANY PREMISES IN SAID SUBDIVISION THEREFOR TO CONVEYED:

EACH OWNER ACQUIRING PREMISES IN SAID SUBDIVISION FROM GRANTOR AGREES FOR SAID OWNER OR OWNERS HEIRS, SUCCESSORS AND ASSIGNS, TO MAKE NO SALE OF SAID PREMISES EXCEPT IN THE FOLLOWING MANNER:

1. EACH OWNER, WHEN INTENDING TO SELL OR CONVEY, SHALL NEGOTIATE THEREFORE BY OFFER OF PURCHASE WHEREIN THE TOTAL PURCHASE PRICE AND ALL TERMS AND AGREEMENTS OF THE SALE ARE SET FORTH;
2. HAVING RECEIVED SUCH AN OFFER, SAID OWNER WILL, BEFORE ACCEPTING THE SAME, FORTHWITH EXHIBIT SAID OFFER TO GRANTOR AND DELIVER GRANTOR A TRUE COPY THEREOF;
3. GRANTOR SHALL HAVE FIFTEEN ( 15 ) DAYS THEREINAFTER WITHIN TO NOTIFY OWNER, AT OWNER'S ADDRESS STATED IN SAID OFFER, THAT GRANTOR WILL PURCHASE THE PREMISES AT THE PRICE AND UNDER THE TERMS AND AGREEMENTS OF SAID OFFER ;
4. IN THE EVENT GRANTOR DELIVERS SAID NOTICE TO SAID OWNER, OWNER WILL THEREUPON CLOSE THE SALE AND CONVEYANCE OF SAID PREMISES WITH THE GRANTOR, FULFILLING IN ALL RESPECTS THE AGREEMENTS AND PROVISIONS OF SAID OFFER AS THOUGH SAID OFFER HAD BEEN ORIGINALLY MADE BY GRANTOR AND ACCEPTED BY SAID OWNER; AND
5. IF GRANTOR DOES NOT EXERCISE ITS OPTIONS TO REPURCHASE WITHIN SAID ( 15 ) FIFTEEN DAY PERIOD, IT WILL EXECUTE AND DELIVER TO SAID OWNER OR OWNER'S NOMINEE A SUITABLE AND RECORDABLE INSTRUMENT WHEREUNDER IT WILL DISCLAIM ANY RIGHT OF REPURCHASE WITH RESPECT TO THE SALE PROPOSED BY SAID OFFER.

E. GRANTOR RESERVES EASEMENTS AND RIGHTS OF WAY FOR CONSTRUCT-

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ON AND MAINTENANCE OF PRIVATE AND PUBLIC UTILITIES AND DRAINS ALONG AND OVER THE WAYS IN SAID PLAT, NOT INCONSISTANT WITH THE USE OF SAID WAYS FOR OTHER ROAD PURPOSES.

F. GRANTOR RESERVES THE RIGHT TO USE THAT PART OF THE COMMON LOT WESTERLY OF THE FRONT SET-BACK LINE EXTENDED FOR SUCH PURPOSES AND STRUCTURES AS IT MAY PUT THE SAME TO AND ERECT IN DEVELOPING SAID PLAT AND PROVIDING SERVICES FOR THE LOT OWNERS THEREOF. *SEE Misc Vol 11, PG 652 Paragraph No. 2 and also other land of ...successors in the vicinity of said Harbor Island Subdn*

G. OWNERS OF LOTS IN SAID SUBDIVISION, AND THEIR BONA FIDE TENANTS AND GUESTS SHALL HAVE AND ARE HEREBY GRANTED THE FOLLOWING RIGHTS, PRIVILEGES AND USES IN COMMON WITH GRANTOR, BUT UNDER AND SUBJECT TO THE FORGOING RESTRICTIONS AND RESERVATIONS:

1. USE OF THE EXTENSION WESTERLY AND NORTHERLY OF NORTH SHORE

BLVD. FOR ROADWAY PURPOSES TO PROVIDE ACCESS TO PUBLIC HIGHWAYS THEREOVER;

2. USE OF THE BOAT CHANNELS, WATERWAY AND WAYS IN AND ADJACENT TO SAID PLAT FOR ACCESS BY WATER AND LAND TO LOTS IN SAID PLAT;

3. USE OF THAT PART OF THE COMMON LOT EASTERLY TO THE FRONT SET-BACK LINE EXTENDED, WITH REASONABLE ACCESS THERETO, AND USE OF OTHER PARTS OF SAID LOT NOT NEEDED OR USED BY GRANTOR FOR ITS PURPOSES AND STRUCTURES, FOR BEACH, PARK AND RECREATION PURPOSES FOR THE BENEFIT OF LOTS NUMBERED 1 THROUGH 6 AND 18 THROUGH 35; AND

4. USE OF THE EASEMENTS AND RIGHTS OF WAY RESERVED IN PARAGRAPH E. HEREOF, UPON PERMIT FROM THE GRANTOR, FOR INSTALLATIONS TO BE LOCATED AS STIPULATED BY THE GRANTOR.

IN TESTIMONY WHEREOF THE FOREGOING IS EXECUTED BY HARBOR ISLAND, A PARTNERSHIP, ACTING BY THE SUBSCRIBERS, WHO ARE ALL OF THE PARTNERS THEREOF AND THE RESPECTIVE SPOUSES OF EACH.

SIGNED AND ACKNOWLEDGED IN  
OUR PRESENCE:

HARBOR ISLAND, A PARTNERSHIP,

BY Edward C. Lay, A partner; and wife

BY John W. John W. Lay, A partner; and wife

Kenneth C. Young  
Wm L. Moon

BY Jane I. Mitchell, A partner; and Husband

BY Mary L. Lambert, A partner; and Husband

STATE OF OHIO      SS  
OTTAWA COUNTY

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY PERSONALLY APPEARED HARBOR ISLAND, A PARTNERSHIP, BY EDWARD C. LAY, JOHN W. LAY JANE L. MITCHELL AND MARY L. LAMBERT, THE PARTNERS; AND THEIR RESPECTIVE SPOUSES, ABOVE NAMED, WHO ACKNOWLEDGED THE SIGNING THEREOF TO BE THEIR FREE ACT AND DEED, THIS 14 TH DAY OF DECEMBER, 1959 Wm L. Moon

SUBSEQUENT DECLARATIONS AND AMENDMENTS AND ESMTS:

VOL 215,PG 490 ...JULY 31,1961 1<sup>ST</sup> AMD FOR H.I. "...MISC VOL 11, PG 652 9/5/1965 2<sup>ND</sup> AMD

**VOL 235,PG 270 ...JUNE 23,1963 DECL FOR PT RES. "A" (SHAD)...**

**VOL 270,PG 904...DEC 27, 1976 AMD DECL FOR PT RES "A" (ALL);**

**VOL 277,PG 001...SEPT 28,1978 DECL FOR PLAT 3; VOL 381,PG 906 AMD JUNE 1993(ALL)**

**VOL 381, PG 909.JUN 1993 AMD. PLAT3....VOL- 387,PG 030 AMD PT RES "A" FEB 1994(SHAD**

**VOL 387, PG 033 FEB 1994 AMD FOR PLAT 1.....VOL 387, PG 036 FEB 1994 AMD FOR PLAT 3**

**VOL 413, PG 197,,,,NOV 1996 D&L PTNRS. TO H. I. ASSN. .SHAD, PERCH, N. ISLAND CIR**

**VOL 424, PG 099 FEB 1998 ESMT TO COUNTY OVER COHO, SHAD PERCH, N. ISL CIR,**

**VOL 1144, PG 625 AMD DECL FOR LOTS 36-50 ( SHAD ROW)**

Annual Dues are Currently \$300 /Lot per year. When approved by membership, dues may increase. Special Assessment in effect

Fiscal Year 2011 thru 2015 of \$.200 per Lot per year for road paving repairs and channel dredging.