

**OLD**

## **DECLARATION OF RESTRICTIONS**

KNOW ALL MEN BY THESE PRESENTS; that Saul S. Biskind is the owner of certain land which has been allotted and which is known as being situated in the City, of North Olmsted, and Olmsted Township, County of Cuyahoga and State Ohio, and known as Bretton Ridge Subdivisions No. 1 Subdivision No. 2, and proposed Subdivision No. 3, and proposed Subdivision, No. 4, being part of Original Olmsted Township Lot No. 10, Tract No. 6, Subdivision No. 1 as shown by the recorded plat in Volume 190 of Maps, Page 77, Subdivision No. 2 as shown by the recorded plat in Volume 191 of Maps, Page 14, and Subdivision No. 3, Proposed, located next westerly of Subdivision No. 2 as shown in Cuyahoga County Records, and Subdivision No. 4, Proposed, located next southerly of Subdivision No. 1 and No. 2 as shown in Cuyahoga County Records; and

WHEREAS, it is the intention and desire of the said Saul S. Biskind to assure that for the protection of all owners and future residents of the said Subdivisions, a set of covenants of restrictions will be in effect,

NOW THEREFORE, said Saul S. Biskind does hereby make and declare the following restrictions and covenants to run with the land and does make and declare said restrictive covenants to be in full force and effect from this day forth.

1. The owner of each building site, (building site shall mean any sub-lot upon which a dwelling may be erected in conformance with the requirements of the Declaration of Restrictions recorded on October 21, 1964, and being Cuyahoga County Recorder's File No. 835,400, to which these covenants apply) shall automatically become a member of the Bretton Ridge Home Owners Club, a non-profit corporation formed under the laws of the State of Ohio for the purposes set forth in paragraphs 2, 3, and 4, and shall be entitled to participate in the operation of such Club and shall be bound by the Code of Regulations for said Club as follows herein.

**NEW**

## **AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS FOR BRETTON RIDGE HOME OWNERS CLUB, INC.**

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS ("Declaration") is made on the date hereinafter set forth by BRETTON RIDGE HOME OWNERS CLUB, INC., an Ohio non-profit corporation, hereinafter referred to as "Association."

WITNESSETH:

WHEREAS, the Association is comprised of certain real property located in the City of North Olmsted and Olmsted Township, County of Cuyahoga, State of Ohio, and originally known as Bretton Ridge Subdivision No. 1, Subdivision No. 2, proposed Subdivision No. 3, and proposed Subdivision No. 4, being part of Original Olmsted Township Lot No. 10, Tract No. 6, Subdivision No. 1 as shown by the recorded plat in Volume 190 of Maps, Page 77, Subdivision No. 2 as shown by the recorded plat in Volume 191 of Maps, Page 14, Subdivision No. 3 located next westerly of Subdivision No. 2 as shown in Cuyahoga County Records, and Subdivision No. 4 located next southerly of Subdivision No. 1 as shown in Cuyahoga County Records, which is more particularly described in the legal description attached hereto and made a part hereof as Exhibit A (hereinafter referred to as the "Property"); and

WHEREAS, the original Declaration of Restrictions was filed by Saul S. Biskind (hereinafter referred to as "Declarant"), the original developer of the Property, in Volume 11344, Page 347 of the Cuyahoga County Records on October 21, 1964 and the original Code of Regulations in Volume 11364, Page 217 of the Cuyahoga County Records on December 15, 1964, and intended and desired to assure that for the protections of all owners and future residents of the Association, a set of covenants and restrictions to be in full force and effect and run with the land;

WHEREAS, the Declarant incorporated under the

2. To accept the following described real estate along with the building and equipment located thereon.

Situated in the City of North Olmsted, County of Cuyahoga and State of Ohio and being part of Original Olmsted Township Lot No. 10, Tract 6 and being bounded and described as follows:

Beginning at the Northwestern corner of Sublot No. 1 in Bretton Ridge Subdivision No. 1 prepared by Alexander Kanareff, Registered Surveyor 4446, May, 1964, unrecorded;

Thence North 87° 5.1 "44" East 74.33 Feet to a point in the North line of said Subdivision.

Thence, South 84° 22' 38" East along the North line of said Subdivision 815. 00 feet to the Northeasterly corner of said Subdivision;

Thence, North 5° 37' 22" East along the Northerly prolongation of the easterly line of said Subdivision to its intersection with the Southerly line of land conveyed to La Donna Cummings and Ernest Cummings by deed dated June 16, 1962 and recorded in Volume 10390 of Deeds, Page 77 of Cuyahoga Country Records;

Thence Westerly along the Southerly line of land so conveyed to La Donna and Ernest Cummings to the southwesterly corner thereof; Thence Northerly along the Westerly line of land so conveyed to La Donna and Ernest Cummings, 50 feet to the Northwestern corner thereof; thence Easterly along the Northerly line of said Cummings land to its intersection with the Northerly prolongation of the Easterly line of said Bretton Ridge Subdivision No. 1;

Thence Northerly along said Northerly prolongation to its intersection with the Northerly line of land conveyed to Edward Heidenreich by deed dated January 21, 1944 and recorded in Volume 5665 of Deeds, Page 636;

laws of the State of Ohio as a nonprofit corporation, Bretton Ridge Home Owners Club, Inc., for the purposes of exercising the functions aforesaid; and

WHEREAS, the intent of the Association is to amend and restate the original Declaration of Restrictions and to subject the Association to the Planned Community Act as enacted in the Ohio Revised Code as Chapter 5312 and any future amendments thereto.

NOW, THEREFORE, the Association declares that the Property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes collectively referred to as "covenants and restrictions") hereinafter set forth and further specifies that this Amended and Restated Declaration shall constitute covenants and restrictions to perpetually run with said real property and shall be binding upon all subsequent owners, occupants, invitees, and licensees of all or any part of said real property, together with their grantees, successors, heirs, executors, administrators, or assigns, until such time as the same expire or are amended or rescinded as hereinafter provided.

Thence North 84° 31' 34" West along the Northerly line of land so conveyed to Edward Heidenreich, 500 feet to the Northwesterly corner thereof;

Thence South 5° 37' 22" West along the Westerly line of land so conveyed to Edward Heidenreich, and along the Westerly line of land conveyed to Edward Heidenreich and Lila Heidenreich by deed dated October 27, 1948 and recorded in Volume 6646 of Deeds, Page 405, 73, 30 feet to the Northwesterly corner of land conveyed to Saul S. Biskind by deed dated February 17, 1962 and recorded in Volume 10354 of Deeds, Page 481 of Cuyahoga County Records;

Thence South 60° 11' 27" West along the Northerly line of land so conveyed to Saul S. Biskind, 337.05 feet to the Northwesterly corner thereof;

Thence South 7° 09' 19" West along the Westerly line of land so conveyed to Saul S. Biskind 21.99 feet;

Thence South 62° 02' 17" West along the Northerly line of land conveyed to Saul S. Biskind by deed recorded in Volume 10366, Page 217 of Cuyahoga County Deed Records 132.04 feet to a point of curvature in the Easterly line of Christman Drive (60 feet wide) as shown on said plat of Bretton Ridge Subdivision No. 1;

Thence in a Southwesterly direction 40.11 feet on the arc of a circle deflecting to the right, chord of 40.10 bearing South 10° 33' 25" West to the place of beginning, be the same more or less, but subject to all legal highways.

3. To operate and maintain such real estate, buildings and equipment for park and recreation purposes, for the exclusive use and benefit of the members of the club,

4. To represent and promote the welfare of the residents of Bretton Ridge Subdivision Nos, 1, 2, and 3, and 4 as aforesaid generally; and to cooperate with the officials of township, municipal, county, state and other public authority 'for the promotion and betterment of the interests of the said Bretton Ridge Subdivision Nos. 1, 2, and 3,

and 4 as aforesaid, including, without limitation, the dedication of drainage ways for the purpose of carrying off storm water or granting easements thereto, to the appropriate township, municipal, county, or state authority requesting said dedication or easement, in any part of the real estate located in Bretton Ridge Subdivision Nos, 1, 2, and 3, and 4 as afore said, in order to permit said requesting authority to properly maintain and regulate said drainage ways and easements.

5. The real estate along with buildings and equipment, to be accepted by the club, is to be used for park and recreation purposes which shall include but not be limited to playfields, forest and picnic areas, swimming pool and other recreation facilities all for the exclusive use and benefit of the members of the club,