

WAYNE COUNTY TAX MAP

Initials SD FILE# 2023-2465

DATE 7/14/2023

IDENT. WC 245

This Conveyance has been examined and the
Grantor has complied with Section 319.202
Of the Revised Code.

FEE \$

EXEMPT ☒

JARRA L. UNDERWOOD, County Auditor

AMT. PD 2.00 DATE 7/14/23

JARRA L. UNDERWOOD, AUDITOR

Mackenzie Taylor DEPUTY
MACKENZIE TAYLOR

202300006416 07/14/2023 02:23 PM
Filed for Record in WAYNE County, Ohio
Jane Carmichael Rec Fees: \$146.00
D&B OR Vol 955 Pgs 210 - 224

202300006415 07/14/2023 02:23 PM
Filed for Record in WAYNE County, Ohio
Jane Carmichael Rec Fees: \$280.00
COND OR Vol 33 Pgs 431 - 437

(space above this line reserved for recording data)

AMENDMENT NUMBER TWO TO
THE DECLARATION ESTABLISHING A PLAN FOR
CONDOMINIUM OWNERSHIP
UNDER CHAPTER 5311 OF THE OHIO REVISED CODE
FOR
THE WOODS AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS
(ESTABLISHING PHASE THREE)

This will certify that copies of this Declaration, together with the Drawings attached thereto as Exhibits have been filed in the Office of the County Auditor, Wayne County, Ohio.

Dated: 7/14/2023

Jarra Underwood, Wayne County Auditor

By: Mackenzie Taylor
Deputy Auditor MACKENZIE TAYLOR

This instrument prepared by:
John T. Keating, Esq.
Keating Law Offices, LLP
141 East Liberty Street
Wooster, Ohio 44691
telephone: (330) 262-2916



202300006416
BK 955 PG 211

AMENDMENT NUMBER TWO

TO

DECLARATION OF CONDOMINIUM OWNERSHIP FOR
THE WOODS AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS
(ESTABLISHING PHASE THREE)

WEAVER CUSTOM HOMES, INC., an Ohio corporation, hereinafter referred to as the "Declarant", as the owner in fee simple of the Condominium Property to be added to and become part of The Woods at The Villages of Wetherington Condominiums, hereby makes the following Amendment ("this Amendment") to the Declaration of Condominium Ownership for The Woods at The Villages of Wetherington Condominiums.

WITNESSETH:

WHEREAS, the Declarant submitted certain property (hereinafter referred to as "Phase One"), together with the buildings thereon (hereinafter referred to as the "Phase One Buildings") and other improvements, to the provisions of Chapter 5311 of the Ohio Revised Code, by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Declaration of Condominium Ownership for The Woods at The Villages of Wetherington Condominiums, Phase One", together with the Drawings and Bylaws recorded in connection therewith, the Declaration of Condominium Ownership being recorded in Wayne County Official Records Volume 937, Page 2033 et seq., and the Drawings being recorded in Wayne County Plat Records Volume 33, Page 130 et seq. (the Declaration, Bylaws, and Drawings are hereinafter collectively referred to as the "Declaration");

WHEREAS, Declarant reserved the right and option in Article XX of the Declaration to submit from time to time any part or parts of that certain land referred to and described in the Declaration as "the Additional Property", and submit all buildings and improvements thereon to the provisions of the Declaration, and thereby cause said part or parts, and said buildings and improvements, to become part of The Woods at The Villages of Wetherington Condominiums;

WHEREAS, pursuant to the expansion option reserved in Article XX of the Declaration, the Declarant submitted part of the Additional Property (hereinafter referred to as "Phase Two"), together with the building thereon (hereinafter referred to as the "Phase Two Building") and other improvements, to the provisions of Chapter 5311 of the Ohio Revised Code, by filing with the Wayne County Auditor and Wayne County Recorder a document entitled "Amendment Number One to Declaration of Condominium Ownership for The Woods at The Villages of Wetherington Condominiums (Establishing Phase Two)", together with the Drawings recorded in connection therewith, said Amendment Number One being recorded in Wayne County Official Records Volume 950, Pages 1153-1165,



and said Drawings being recorded in Wayne County Plat Records Volume 33, Pages 359-365;

WHEREAS, Declarant owns the land described on **EXHIBIT "A"** attached hereto and made a part hereof (hereinafter referred to as the "Phase Three Land"), which land is part of the Additional Property described in the Declaration;

WHEREAS, Declarant has constructed on the Phase Three Land one (1) building containing four (4) Units, for a total of four (4) Units (hereinafter referred to as the "Phase Three Building");

WHEREAS, the general architectural design, quality, appearance, and materials used in the construction of the Phase Three Building and the landscaping of the Common Elements surrounding the same are substantially the same as the architectural design, quality, appearance, materials, and landscaping on the Buildings in Phases One and Two and the Common Elements surrounding the same;

WHEREAS, the Units in Phase Three and the Common Elements in Phase Three shall be subject to the same uses, purposes, covenants, and restrictions as the Units in Phases One and Two and the Common Elements surrounding the same, and shall be subject, as one single Condominium, to the provisions of the Declaration;

WHEREAS, when the Phase Three Land and the Phase Three Building and the other improvements constructed thereon are added to the existing Condominium as hereafter provided, the undivided interest of each Unit in the combined Common Elements shall be re-established as set forth in **EXHIBIT "B"** attached hereto and made a part hereof;

WHEREAS, Declarant has determined to submit the Phase Three Land, Phase Three Building, and all other improvements thereon, to the provisions of the Declaration and the provisions of Chapter 5311, Ohio Revised Code;

NOW, THEREFORE, Declarant hereby declares as follows:

1. All of the above recitals are incorporated into and made a part of this Amendment. All terms used in this Amendment which are defined in the Declaration shall be interpreted to have the same meaning as defined in the Declaration, unless expressly otherwise provided herein or unless the context requires otherwise.

2. Declarant is the owner of the Phase Three Land (described on **EXHIBIT "A"** attached hereto), which together with the Phase Three Building and all other improvements thereon, all easements, rights, and appurtenances belonging thereto and all articles of personal property existing thereon for the common use of the Unit Owners, is hereby submitted to the provisions of Chapter 5311, Ohio Revised Code, and the provisions of the Declaration, as previously amended and as amended by this Amendment, and is hereby included in and made a part of The Woods at The Villages of Wetherington Condominiums (hereinafter collectively referred to as "the Condominium Property").



3. Article VI of the Declaration is amended and supplemented in the following respects:

(a) The "Units" in Phase Three are the same as in the original Declaration, except that Phase Three contains one (1) building containing four (4) Units, for a total of four (4) Units.

(b) Other improvements located on the Phase Three Land include driveways, landscaping, and underground and above-ground conduits and facilities for utilities.

(c) The unit designation of each Unit and its undivided interest in the Common Elements, in the common profits for distribution, and in the common expenses for assessments, are set forth on **EXHIBIT "B"** attached hereto, which exhibit is hereby substituted for the Exhibit "B" attached to the Declaration.

(d) Voting rights in the Association shall be in accordance with the "one-unit, one-vote" rule set forth in Article VIII, Section 3 of the Declaration.

(e) The layout, location, designation, and dimensions of the Building and of each Unit, the number of rooms in each Unit, the approximate area of each Unit in square feet, the layout, location, and dimensions of the Common Elements and Limited Common Elements to which each Unit has access, the location and dimensions of appurtenant easements, and other particulars, are shown graphically on the Drawings for The Woods at The Villages of Wetherington Condominiums, Phase 3.

4. The Declaration is hereby amended by adding the following to Article IV, Section 1 (Purposes):

Declarant, in order to establish a plan of condominium ownership for the Condominium Property, hereby subjects the Condominium Property to the provisions of Chapter 5311, Ohio Revised Code. The Condominium Property is hereby divided into SIXTEEN (16) separately designated and legally described freehold estates, hereinafter described and referred to as "Units", and ONE (1) freehold estate, hereinafter described and referred to as the "Common Elements."

5. EXHIBIT "A" of the Declaration is hereby supplemented by adding thereto and making a part thereof the Phase Three Land, being the land described on **EXHIBIT "A" (Legal Description of Condominium Property – Phase Three)** of this Amendment.

6. The Declaration is hereby amended by eliminating EXHIBIT "B" thereof and substituting in its place **EXHIBIT "B" (Allocation of Common Element Interests Among Condominium Units – Phases One, Two, and Three)** attached to and made a part of this Amendment. Any reference in the Declaration to EXHIBIT "B" shall henceforth be deemed a reference to **EXHIBIT "B"** of this Amendment.

7. The Drawings recorded in Wayne County Plat Volume 33, Pages 130-142, are hereby amended by adding thereto the Drawings for The



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Woods at The Villages of Wetherington Condominiums, Phase 3, to be recorded concurrently with this Amendment Number Two.

8. Each owner of a Unit in Phase Three of the Condominium shall have all easement rights described in the Declaration, including but not limited to the following easement rights set forth in Article XV, Section 1 (Easements of Enjoyment; Limitations) of the Declaration:

In addition, every Unit owner shall have a non-exclusive right and easement of access to and from his, her or its Unit, over those portions of the private streets known as Barrington Way and Wetherington Lane (which together form Lot Number 8643 in the City of Wooster) which extend from the phase of the Condominium in which said Unit is located to the public road known as West Highland Avenue.

9. Except as amended by this Amendment Number Two, all of the terms and provisions, including but not limited to all rights, privileges and obligations contained in the original Declaration, the original Drawings, and the original Bylaws of the Unit Owners' Association, as originally executed and recorded, and as previously amended, shall remain in full force and effect.

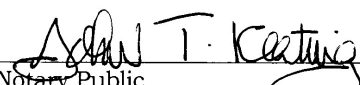
IN WITNESS WHEREOF, the Declarant has executed this Amendment Number Two by its duly authorized officers this 13 day of July, 2023.

WEAVER CUSTOM HOMES, INC.,
an Ohio corporation

By: 
Merle Stutzman, President

STATE OF OHIO)
)
WAYNE COUNTY) **ss:**

The foregoing instrument was acknowledged before me this 13th day of July, 2023, personally appeared the above-named **Merle Stutzman, as President of WEAVER CUSTOM HOMES, INC., an Ohio corporation**, on behalf of said corporation. This is an acknowledgement certificate; no oath or affirmation was administered to the signer.


Notary Public



JOHN T. KEATING
Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.



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The Woods at The Villages of Wetherington Condominiums, Phase Three

EXHIBIT "A"

Legal Description of Condominium Property

(Phase Three)

SEE LEGAL DESCRIPTION CAPTIONED "BOUNDARY DESCRIPTION OF A 0.398 ACRE PARCEL" PREPARED BY SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC. (Job No. EW-2074B-CC) ATTACHED HERETO AND MADE A PART HEREOF.

RESERVING UNTO WEAVER CUSTOM HOMES, INC., its successors and assigns, a perpetual non-exclusive easement over the above-described premises for use of roadways and extensions thereof, and use of and installation of all utility lines and easements, all for the benefit of the Additional Property, regardless of whether or not the Additional Property is actually added to the Condominium.

TOGETHER WITH THE FOLLOWING THREE (3) ACCESS EASEMENTS FOR THE WOODS AT THE VILLAGES OF WETHERINGTON CONDOMINIUM, PHASE 3:

1) SEE LEGAL DESCRIPTION CAPTIONED "BOUNDARY DESCRIPTION OF A DRIVE & UTILITY EASEMENT" PREPARED BY SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC. (Job No. EW-2074B-BB) ATTACHED HERETO AND MADE A PART HEREOF.

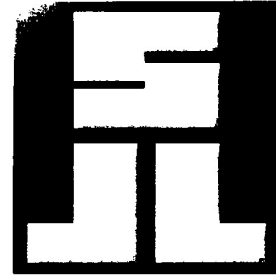
2) SEE LEGAL DESCRIPTION CAPTIONED "BOUNDARY DESCRIPTION OF A DRIVE & UTILITY EASEMENT" PREPARED BY SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC. (Job No. EW-2074BZ) ATTACHED HERETO AND MADE A PART HEREOF.

3) SEE LEGAL DESCRIPTION CAPTIONED "BOUNDARY DESCRIPTION OF DRIVE & UTILITY EASEMENT" PREPARED BY SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC. (Job No. EW-2074B-CC) ATTACHED HERETO AND MADE A PART HEREOF.



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***SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS***



BOUNDARY DESCRIPTION OF 0.398 ACRE PARCEL

EW-2074B-CC

Situated in the City of Wooster, County of Wayne, State of Ohio:

Known as being a part of Lot 8644 in the Villages of Wetherington as recorded in Volume 25;
Page 113 of Wayne County Plat Records and further bound and described as follows:

Commencing at the southwest corner of said Lot 8644;

Thence N 00° 41' 17" E, 1059.47 feet along a west line of Lot 8644 to a point;

Thence S 84° 17' 26" E, 287.62 feet to a point;

Thence S 66° 37' 45" E, 262.44 feet to a point;

Thence S 03° 27' 29" E, 102.86 feet to a point;

Thence S 69° 59' 52" E, 176.46 feet to a point;

Thence S 51° 59' 33" E, 42.06 feet to a point;

Thence S 77° 30' 34" E, 221.90 feet to a point

Thence S 20° 00' 10" W, 159.69 feet to the principal place of beginning of the parcel herein
described:

THENCE WITH THE FOLLOWING NINE (9) COURSES:

- 1) continuing S 20° 00' 10" W, 35.00 feet to a point;
- 2) S 69° 59' 50" E, 92.71 feet to a point;

Continued on Page 2

3477 Commerce Parkway, Suite C □ Wooster, Ohio 44691
Ph. (330) 345-6377 □ Fax (330) 345-6725 □ Email: sjl@sjl-inc.com



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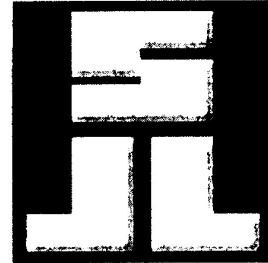
Page 2 (Description of 0.398 ac.)

- 3) S 20° 00' 10" W, 83.66 feet to a point;
- 4) S 24° 47' 01" W, 59.67 feet to a point;
- 5) N 61° 29' 56" W, 19.74 feet to a point;
- 6) northwesterly 16.32 feet along the arc of a curve deflecting to the left, said curve having a radius of 110.00 feet, a central angle of 08° 29' 54" and a chord which bears N 65° 44' 53" W, 16.30 feet to a point;
- 7) N 69° 59' 50" W, 77.95 feet to a point;
- 8) N 20° 00' 00" E, 174.00 feet to a point;
- 9) S 69° 59' 50" E, 25.98 feet to the principal place of beginning and containing within said bounds 0.398 acres of land, more or less, and subject to all legal highways and easements of record.



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**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



**BOUNDARY DESCRIPTION OF DRIVE &
UTILITY EASEMENT**

EW-2074B-BB

Situated in the City of Wooster, County of Wayne, State of Ohio:

Known as being a part of Lot 8644 in the Villages of Wetherington as recorded in Volume 25;
Page 113 of Wayne County Plat Records and further bound and described as follows:

Commencing at the southwest corner of said Lot 8644;

Thence N 00° 41' 17" E, 1059.47 feet along a west line of Lot 8644 to a point;

Thence S 84° 17' 26" E, 287.62 feet to a point;

Thence S 66° 37' 45" E, 262.44 feet to a point;

Thence S 03° 27' 29" E, 102.86 feet to a point;

Thence S 69° 59' 52" E, 176.46 feet to a point;

Thence S 51° 59' 33" E, 42.06 feet to a point;

Thence S 77° 30' 34" E, 221.90 feet to a point;

Thence S 20° 00' 10" W, 159.59 feet to the principal place of beginning of the easement herein
described:

THENCE WITH THE FOLLOWING SIX (6) COURSES:

1) S 69° 59' 50" E, 124.00 feet to a point;

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3477 Commerce Parkway, Suite C □ Wooster, Ohio 44691
Ph. (330) 345-6377 □ Fax (330) 345-6725 □ Email: sjl@sjl-inc.com



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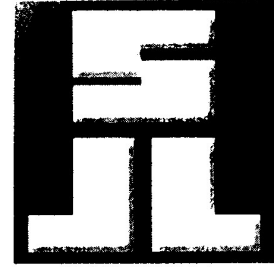
Page 2 (Description of easement)

- 2) S 20° 00' 10" W, 5.00 feet to a point;
- 3) N 69° 59' 50" W, 31.29 feet to a point;
- 4) S 20° 00' 10" W, 30.00 feet to a point;
- 5) N 69° 59' 50" W, 92.71 feet to a point;
- 6) N 20° 00' 10" E, 35.00 feet to the principal place of beginning.



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**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



BOUNDARY DESCRIPTION OF DRIVE & UTILITY EASEMENT EW-2074BZ

Situated in the City of Wooster, County of Wayne, State of Ohio:

Known as being a part of Lot 8644 in the Villages of Wetherington as recorded in Volume 25; Page 113 of Wayne County Plat Records and further bound and described as follows:

Commencing at the southwest corner of said Lot 8644;

Thence N 00° 41' 17" E, 1059.47 feet along a west line of Lot 8644 to a point;

Thence S 84° 17' 26" E, 287.62 feet to a point;

Thence S 66° 37' 45" E, 262.44 feet to a point;

Thence S 03° 27' 29" E, 102.86 feet to a point;

Thence S 69° 59' 52" E, 176.46 feet to a point;

Thence S 51° 59' 33" E, 42.06 feet to a point;

Thence S 77° 30' 34" E, 312.80 feet to a point;

Thence S 42° 04' 25" E, 38.35 feet to a point;

Thence S 20° 00' 10" W, 158.51 feet to the principal place of beginning of the easement herein described:

THENCE WITH THE FOLLOWING THRITEEN (13) COURSES:

- 1) S 69° 59' 50" E, 65.44 feet to a point;
- 2) S 60° 01' 18" E, 78.18 feet to a point of curvature;

Continued on Page 2



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Page 2 (Description of Easement)

- 3) southwesterly **26.60** feet along the along the arc of a curve deflecting to the left, said curve having a radius of 135.00 feet, a central angle of 11° 17' 20" and a chord which bears S 08° 43' 44" W, 26.56 feet to a point;
- 4) S 03° 05' 04" W, **5.89** feet to a point;
- 5) N 60° 01' 18" W, **87.85** feet to a point;
- 6) N 69° 59' 50" W, **44.11** feet to a point of curvature;
- 7) southwesterly **31.42** feet along the arc of a curve deflecting to the left, said curve having a radius of 20.00 feet, a central angle of 90° 00' 00" and a chord which bears S 65° 00' 10" W, 28.28 feet to a point;
- 8) S 20° 00' 10" W, **64.92** feet to a point;
- 9) S 24° 47' 01" W, **62.87** feet to a point on a north right-of-way line of Barrington Way (Private Street and known as being a part of Lot 8643 of said Plat Records);
- 10) N 61° 29' 56" W, **30.06** feet along a north right-of-way line of said Barrington Way to a point;
- 11) N 24° 47' 01" E, **59.67** feet to a point;
- 12) N 20° 00' 10" E, **113.66** feet to a point;
- 13) S 69° 59' 50" E, **31.29** feet to the principal place.



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**SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS**



**BOUNDARY DESCRIPTION OF DRIVE &
UTILITY EASEMENT**

EW-2074B-CC

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Thence S 66° 37' 45" E, 262.44 feet to a point;

Thence S 03° 27' 29" E, 102.86 feet to a point;

Thence S 69° 59' 52" E, 176.46 feet to a point;

Thence S 51° 59' 33" E, 42.06 feet to a point;

Thence S 77° 30' 34" E, 221.90 feet to a point;

Thence S 20° 00' 10" W, 159.59 feet to the principal place of beginning of the easement herein
described:

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

- 1) S 20° 00' 10" W, 35.00 feet to a point;

Continued on Page 2



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Page 2 (Description of easement)

- 2) N 69° 59' 50" W, 25.98 feet to a point;
- 3) N 20° 00' 10" E, 35.00 feet to a point;
- 4) S 69° 59' 50" E, 25.98 feet to the principal place of beginning.



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The Woods at The Villages of Wetherington Condominiums

EXHIBIT "B"

Allocation of Common Element Interests Among Condominium Units
(Phases One, Two, and Three)

Page 1

Unit No.	Type	Number of Rooms	Gross Interior Finished SF (1st floor)	Undivided Interest in Common Elements
<u>Phase One Units:</u>				
521	Bexley Slab w/Sunroom	7	1401	6.559%
522	Baycrest Slab w/Patio	7	1225	5.735%
523	Windsor Slab w/Sunroom	7	1401	6.559%
524	Easton Slab w/Patio	6	1225	5.735%
501	Windsor Basement w/Sunroom	7	1401	6.559%
502	Easton Basement w/Patio	6	1225	5.735%
503	Windsor Slab w/Sunroom	7	1401	6.559%
504	Easton Slab w/Patio	6	1225	5.735%
<u>Phase Two Units:</u>				
525	Bexley Slab w/Sunroom	7	1401	6.559%
526	Easton Slab	6	1225	5.735%
527	Easton Basement w/Sunroom	7	1401	6.559%
528	Windsor Basement w/Sunroom	7	1401	6.559%
<u>Phase Three Units:</u>				
505	Windsor Basement w/Sunroom	7	1401	6.559%
506	Easton Basement w/Sunroom	7	1401	6.559%
507	Windsor Basement w/Sunroom	7	1401	6.559%
508	Easton Basement	6	1225	5.735%
TOTALS			21360	100.000%

[End of Exhibit B]