

WAYNE COUNTY TAX MAP

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DATE 2 / 2 / 2023

IDENT. WC-245

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**AMENDMENT NUMBER ONE 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 TWO)**

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: 2/2/2023

Jarra Underwood, Wayne County Auditor

By: Janna Hatten
Deputy Auditor

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

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

AMT. PD \$2.00 DATE 2 / 2 / 23

JARRA L. UNDERWOOD, AUDITOR

Janna Hatten DEPUTY
Janna Hatten

AMENDMENT NUMBER ONE

TO

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

THE WOODS AT THE VILLAGES OF WETHERINGTON CONDOMINIUMS

(ESTABLISHING PHASE TWO)

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

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

WHEREAS, the general architectural design, quality, appearance, and materials used in the construction of the Phase Two 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 Phase One and the Common Elements surrounding the same;

WHEREAS, the Units in Phase Two and the Common Elements in Phase Two shall be subject to the same uses, purposes, covenants, and restrictions as the Units in Phase One 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 Two Land and the Phase Two 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 Two Land, Phase Two 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 Two Land (described on **EXHIBIT "A"** attached hereto), which together with the Phase Two 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 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 Two are the same as in the original Declaration, except that Phase Two contains one (1) building containing four (4) Units, for a total of four (4) Units.

(b) Other improvements located on the Phase Two 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 2.

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 TWELVE (12) 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 Two Land, being the land described on **EXHIBIT "A" (Legal Description of Condominium Property - Phase Two)** 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 and Two)** 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 Woods at The Villages of Wetherington Condominiums, Phase 2, to be recorded concurrently with this Amendment Number One.

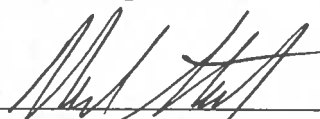
8. Each owner of a Unit in Phase Two of the Condominium shall have all easement rights described in the Declaration, including but not limited to the following easement rights set forth in Article XV, Section 1 (Easements of Enjoyment; Limitations) of the Declaration:

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 One, 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.

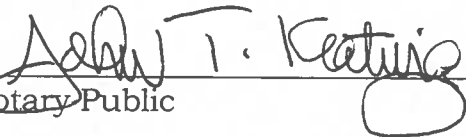
IN WITNESS WHEREOF, the Declarant has executed this Amendment Number One by its duly authorized officers this 27th day of January, 2023.

**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 27th day of January, 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.

EXHIBIT "A"

Legal Description of Condominium Property

(Phase Two)

SEE LEGAL DESCRIPTION CAPTIONED "BOUNDARY DESCRIPTION OF A 0.547 ACRE PARCEL" PREPARED BY SHAFFER, JOHNSTON, LICHTENWALTER & ASSOCIATES, INC. (Job No. EW-2074B-BB) 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 TWO (2) ACCESS EASEMENTS FOR THE WOODS AT THE VILLAGES OF WETHERINGTON CONDOMINIUM, PHASE 2:

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.

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



BOUNDARY DESCRIPTION OF 0.547 ACRE PARCEL

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 the principal place of beginning of the parcel herein described:

THENCE WITH THE FOLLOWING SEVEN (7) COURSES:

- 1) continuing S 77° 30' 34" E, 90.89 feet to a point;
- 2) S 42° 04' 25" E, 38.35 feet to a point;

Continued on Page 2

Page 2 (Description of 0.547 ac.)

- 3) **S 20° 00' 10" W, 158.51** feet to a point;
- 4) **N 69° 59' 50" W, 31.29** feet to a point;
- 5) **S 20° 00' 10" W, 30.00** feet to a point;
- 6) **N 69° 59' 50" W, 92.71** feet to a point;
- 7) **N 20° 00' 10" E, 194.59** feet to the principal place of beginning and containing within said bounds **0.547** acres of land, more or less, and subject to all legal highways and easements of record.

SURVEY REF: XX-406

**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:

TENCE WITH THE FOLLOWING SIX (6) COURSES:

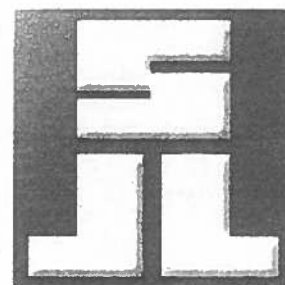
1) S 69° 59' 50" E, 124.00 feet to a point;

Continued on Page 2

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.

**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 THIRTEEN (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

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 $11^{\circ} 17' 20''$ and a chord which bears $S 08^{\circ} 43' 44'' W$, 26.56 feet to a point;
- 4) **S $03^{\circ} 05' 04'' W$, 5.89** feet to a point;
- 5) **N $60^{\circ} 01' 18'' W$, 87.85** feet to a point;
- 6) **N $69^{\circ} 59' 50'' W$, 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 $90^{\circ} 00' 00''$ and a chord which bears $S 65^{\circ} 00' 10'' W$, 28.28 feet to a point;
- 8) **S $20^{\circ} 00' 10'' W$, 64.92** feet to a point;
- 9) **S $24^{\circ} 47' 01'' W$, 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 $61^{\circ} 29' 56'' W$, 30.06** feet along a north right-of-way line of said Barrington Way to a point;
- 11) **N $24^{\circ} 47' 01'' E$, 59.67** feet to a point;
- 12) **N $20^{\circ} 00' 10'' E$, 113.66** feet to a point;
- 13) **S $69^{\circ} 59' 50'' E$, 31.29** feet to the principal place.

The Woods at The Villages of Wetherington Condominiums

EXHIBIT "B"

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

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	8.794%
522	Baycrest Slab w/Patio	7	1225	7.689%
523	Windsor Slab w/Sunroom	7	1401	8.794%
524	Easton Slab w/Patio	6	1225	7.688%
501	Windsor Basement w/Sunroom	7	1401	8.794%
502	Easton Basement w/Patio	6	1225	7.689%
503	Windsor Slab w/Sunroom	7	1401	8.794%
504	Easton Slab w/Patio	6	1225	7.688%
<u>Phase Two Units:</u>				
525	Bexley Slab w/Sunroom	7	1401	8.794%
526	Easton Slab	6	1225	7.688%
527	Easton Basement w/Sunroom	7	1401	8.794%
528	Windsor Basement w/Sunroom	7	1401	8.794%
TOTALS			15932	100.00%

[End of Exhibit B]