

Mt Holly Preserve Community Association
Minutes April 29, 2010

Present: Joe Troxell, Tye Sellers, Dolly Klanke, Daryl Klanke, Allen Haynes, Susan Crooks, Kevin Crooks, Nancy Lenga, Ray Lenga, Alan Hannan, George Kenney, Judith Kenney, Tim Ryan, Chuck Williams, Scott Rankin, Jeff Shepherd, Angie Nichols, David Page, Ronald O'Bannon, Max Minniear, Alice Minniear, Rick Link, Debi Link, Elliot Shreve, Julia Victor, Miriam Lillback, Larry Lillback, Alan Jones, Katie Jones, Jamin McDowell, Julie McDowell, Michele Hall, Chuck Agricola, Cindy Jacobs, Tom Uhlenbrock Sue Uhlenbrock, Danny Summers Lorna Summers, Bob Wicher, Melody Wicher, Adam Best, William Richmond, Rick Meyers, Tonya Meyers, Robin Fisher

Larry Lillback called the meeting to order at 7:05 PM.

Larry read the current and proposed changes to the **DECLARATION OF COVENANT AND RESTRICTIONS FOR MT. HOLLY PRESERVE.**

MT. HOLLY PRESERVE HOA (hereinafter sometimes called Owner) being the Owner of the following described property, situated in Scott's Military Survey, Batavia Township, Clermont County, Ohio and being lots 1 thru 80, Mt. Holly Preserve, as recorded in Plat Book____, Page_____, Clermont County, Ohio Recorder's Office ("Property"), have established a general plan for the improvement and development of the Property, and do hereby establish **these modified** covenants, conditions and restrictions upon which all lots and portions of such lots shall be improved or sold and conveyed by them Owner. All of these covenants, conditions and restrictions are for the benefit of each owner of land in such subdivision, or any interest therein, and shall inure to the benefits of and bind each of the successors in interest to the present owner thereof All of these covenants, conditions and restrictions are imposed upon each of such lots and are to be construed as restrictive covenants running with the title to such lots, and with each and every parcel thereof;

Comments were made but there were no objections made to the introduction paragraph proposed changes.

Next reading was 1. **SINGLE FAMILY RESIDENCES.** No lot shall be used except for single family residence purposes.

Comments were made but there were no objections made to the introduction paragraph proposed changes.

Next reading was **2. BUILDINGS AND STRUCTURES.** No building or structure shall be erected, placed or permitted to remain upon any lot except one single family residence not to exceed two stories in height. All garages must be attached to such single family residence. No other structure shall be erected, placed or permitted to remain upon any lot. The word “structure” as used herein means anything or object, the placement of which upon any lot, may affect the appearance of such lot, including, without limitation, any building, garage, shed, barn, greenhouse, co-op, house trailer, or any other improvement on such lot, except that temporary structures are permitted under Paragraph 12 below. It is further provided, however, that the word “structure” does not include covered or uncovered patios, swimming pools, bath houses, walls and fences; or storage sheds containing less than **one hundred eight (108)** square feet of floor space, however, fences and walls are restricted under Paragraph 9 below. No swimming pools that are entirely above ground and partially above ground shall be permitted. House plans must be approved in writing by the Owner before construction can commence.

Comments were made but there were several objections made to this paragraph and proposed changes, included increase to 10 x12; or 12x12 or 16x10. Board set that they would take the suggestions under advisement and come up with an agreed increase from the current 72 square feet of floor space for storage sheds.

Next reading was **3. SETBACK LINES.** The minimum home setback from right of way line is 50'. The minimum side yard line is 15'. The minimum rear yard line is 35'. The Batavia Township Zoning requirements should also be adhere to.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **4. ANIMALS AND PETS.** No animals of any kind shall be kept or maintained on any lot, except household pets, such as cats and dogs, provided that they are not in violation of Paragraph 13 below pertaining to prohibited activities.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **5. SIGNS.** No sign, billboard, or advertisement of any kind shall be displayed, **with the exception of Political signs or School signs recognizing a student athlete**, on or about any lot to public view except for signs advertising the property for sale or rent, or signs used by the Owner to advertise or promote the subdivision.

Comments were made but there were several objections made to this paragraph and proposed changes, some included temporary signs for 15 days or less; garage sales; birthday celebrations; Board said that they would come up with appropriate language for the amendment.

Next reading was **6. LANDSCAPING CONSIDERATION.** Each house must be sodded or seeded in the front yard and rear yard portion as soon as possible but within 6 months of completion of home construction.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **7. EXTERIOR SURFACES OF BUILDINGS.** No free standing antennae, satellite dishes or receivers are permitted. No signs will be affixed to or placed upon the exterior walls or roof or any part thereof on any building with the exception of one sign of reasonable size advertising the sale or rental of the property.

Comments were made but there were no objections made to keeping paragraph as is. It was brought to the Board's attention that the restriction of satellite dishes may be a Constitutional violation. Hence the restriction of satellite dishes may not be enforceable.

Next reading was **8. MINIMUM AREA REQUIREMENTS.** No residence shall be erected within the subdivision, nor any residence be altered, in such a manner that the enclosed living area of such residence all be less than 1,650 square feet for a single story home and 2000 square feet for a two-story home, unless approved by Owner. Living Area" shall not include any garage or basement area.

Comments were made but there were no objections made to the proposed changes.

Next reading was **9. FENCES AND WALLS.** Any fence or wall which exceeds four (4) feet in height (excepting any retaining wall required by written opinion of a civil engineer to conform to the natural terrain of the area); or any fence of the chain link variety; or any fence extending past the front plane of any residence or within the setback lines as set forth in or referenced in Paragraph 3 herein are not permitted.

Comments were made but there were several objections made to keeping this paragraph as is proposed changes, included increase to the height to five feet; six feet; seven feet and allow the fence from the road back to the end of the property; Board said that they would take this matter under advisement and include it in an amendment.

Next reading was **10. PARKING OF TRUCKS AND OTHER VEHICLES.** No work trucks or any vehicle required to have a truck license plate, boats, trailers, campers, mobile homes, buses or stepvans shall be permitted to be parked upon any lot or in front of any lot, except any such vehicles may be stored or parked in an enclosed

garage. It is further provided that any vehicles being used for the purpose of construction, delivery, or repair work upon any lot shall be permitted to park on **or** in front of any lot.

Comments were made but there were many objections made to this paragraph and proposed changes, some included allowing trucks of any size; allowing any trucks that did not require the use of CDL license to operate; Board said that they would take this matter under advisement and include it in an amendment.

Next reading was **11. DIVISION OF LOTS.** No lot shall be re-subdivided except as approved by the Owner, provided, however, the Owner shall approve conveyance between adjoining lot owners to adjust a boundary so long as an additional building site is not created.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **12. TEMPORARY STRUCTURES.** During construction of a structure upon a lot, a temporary construction office shall be permitted while the subdivision is under development, provided that said construction office is actually used in connection with the construction on the lot.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **13. PROHIBITED ACTIVITIES.** Except as otherwise provided herein, no industry, business, trade, occupation, profession or commercial activity of any kind shall be conducted, maintained or permitted on any lot.

Comments were made but there were no objections made to keeping paragraph as is.

Next reading was **14. GREEN BELT EASEMENT RESTRICTIONS.** Within the area designated on these plans as a green belt easement, no live trees may be removed. No building or structure may be constructed within this easement. To the maximum extent possible no construction or earth disruption shall be permitted within such green belt easement area. Storm pipe/storm water management facility, sanitary, driveway, or water line construction are permitted within such green belt easement area. Provided, however, said construction shall be kept to the smallest amount of area possible. It is the intent of this easement for property to remain in its natural state, however, new plantings will be allowed.

Comments were made but there were no objections made to keeping paragraph as is. Several comments included that the reason that they bought into the neighborhood was because there is an enforced green belt easement.

Next reading was proposed new addition **15. CURB APPEAL.** In order to have a neighborhood which is well-maintained and enjoyed by all the homeowners, grass must be cut and landscaping maintained at all times. Curtains, blinds, or standard window treatments must be placed in front windows. No home shall have paper, cardboard, painted windows or sheets in the front windows after three (3) months of occupancy. No window air conditioners will be allowed.

Comments were made and objections were made that people could do what they wanted with their property and that it was not acceptable to add such language. Board recommended that the language be submitted for vote.

Next reading was proposed new addition 16 VIOLATION FINES This Declaration grants the Board of Directors of the HOA broad discretionary powers regarding the establishing of architectural standards and guidelines and the review and approval of the construction of improvements and the alteration of Structures on Lots within the community. These discretionary powers are also coupled with the ability to establish and levy fines and penalties for noncompliance.

Comments were made and objections were made that fines should not be included and that it was not acceptable to add such language. Board recommended that the language be submitted for vote.

Next reading was **old 15 now 17. MAINTENANCE OF STORM DRAINAGE DETENTION/RETENTION BASIN EASEMENT BY HOME OWNERS ASSOCIATION AND LANDSCAPE MAINTENANCE.**

Notwithstanding any other provisions contained herein to the contrary, it shall be the responsibility of the owners and successors in title to each lot within this subdivision jointly maintain all structures, appurtenances and easement areas of storm water detention/retention basins, as a Home Owners Association. The owners and successors in title to each of said lots shall from time to time, elect one of their members to act as agent for the Home Owners Association to provide for such maintenance. Said agent shall assess all of said costs equally against said lot owners who will pay such charges to the

agent within thirty (30) days after billing. Any unpaid assessments shall become a lien against any such lot in default upon certification by the agent to the Recorder of Clermont County, Ohio. Such certification shall contain a description of the Recorder of Clermont County, **Ohio; such** certification shall contain a description of the property, the name and address of the owner, and the amount of the delinquent assessment. Said lien shall remain valid for a period of five (5) years and may be foreclosed by the agent on behalf of the Home Owners Association.

In event that the decision is made to install gas lights or landscaping at the entrance or other location within the subdivision, the cost and maintenance thereof shall be handled pursuant to the above procedure.

All of the foregoing covenants, conditions, and restrictions shall continue and remain in full force and effect at all times as against the owner of any lot within the subdivision, regardless of how title was acquired, until January 1, 2010, on which date, these covenants, conditions and restrictions shall be automatically extended for successive periods often years unless on or before the end of one such extension period, the owners of 75% of the lots in the subdivision, shall, by written instrument duly recorded, declare an amendment or termination of any or all of these covenants, conditions or restrictions.

Comments were made but there were no objections made to proposed change.

Procedural items discussed:

- 1) Ballots would be produced and submitted to our attorney for review;
- 2) Request was made for an Auditor to count the ballots;
- 3) Effort would be made to get process completed before the end of June, 2010

4) Sample Ballot would be posted on Web site

No further matters were discussed.

Meeting adjourned at 9:05 PM