

**RESTRICTIONS**

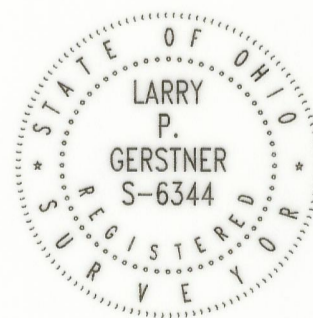
- 1) These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years from the date these covenants are recorded. After which time said covenants shall automatically extend for successive periods of ten years unless an instrument signed by a majority of the owners of the lots has been recorded, which agrees to change such covenants in whole or in part.
- 2) All sales or leases of lots in this subdivision shall be made subject to the following restrictions as are applicable to the use of the same.
- 3) These restrictions are made for the benefit of any and all persons who now may own property or who may hereafter own property in Bierly Subdivision and such persons are specifically given the right to enforce these restrictions and reservations.
- 4) Failure by the grantors, their heirs or assigns, or any landowner to enforce any restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequently thereto.
- 5) Enforcement shall be by proceedings at law in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages.
- 6) No more than one single dwelling house not to exceed two and one-half stories in height and a private garage shall be erected on said premises. Provided, however; there may be erected behind the dwelling house one detached building of new material not to exceed the size of the home and must be of similar construction of the existing home and not over 1 story in height and such building along with the dwelling house shall be maintained in an attractive condition.
- 7) The ground floor area of any dwelling house, exclusive of open porches and garages, shall not be less than one thousand two hundred square feet for one story dwelling nor less than six hundred square feet per story for dwellings of more than one story.
- 8) No dwelling or building shall be permitted closer than the platted building front set back line nor closer than fifteen feet from any other lot line.
- 9) Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement areas of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
- 10) No structure of a temporary character; i.e., trailer, basement, tent, shack, garage, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.
- 11) No outhouses shall be permitted on any part of the property; all toilet facilities must be contained within main dwelling. All improvements shall be completed within twelve months from the beginning of construction.
- 12) No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 13) No intoxicating liquors or beer shall be manufactured for sale, kept for sale, or sold on said premises.
- 14) Fires must be contained, enclosed, and carefully supervised. Use of fire arms on the premises is prohibited. The lot shall be kept clean and free of trash, garbage, and debris at all times. Advertising signs, other than for sale of lot, are prohibited.
- 15) Existing owner shall maintain all oil and gas rights to all lots.
- 16) No non-operable wrecked or junked cars shall be stored on any of said lots for a period in excess of fourteen days.
- 17) Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

**GENERAL NOTES:**

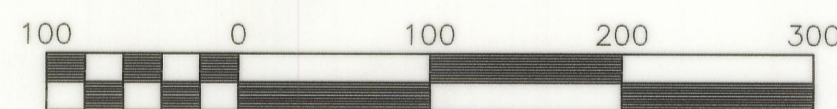
- 1) Driveway culverts when needed are to be installed by the owners/developers and are subject to all approval procedures of the Hocking County Engineer. Culverts where needed must be properly sized (12" minimum diameter and at least 30 feet long). The maximum driveway slope is 10%.
- 2) Individual sewage disposal facilities and their locations, as well as the location of private water wells, must be approved by, as well as comply with, Hocking County Health Department regulations.
- 3) The developer will insure that electrical and telephone service will be provided in the subdivision.
- 4) All lots depicted hereon are to be used for residential purposes only.
- 5) Utility easements are reserved 10.0' in width around all perimeter lines of the subdivision, 5.0' in width either side of interior lot lines, and 30' in width from the road centerline.
- 6) Water bars should be installed on all roadways on sloped hillsides.
- 7) Vegetative cover should be left on site to disrupt rain drop impact on bare, disturbed soils. Trees to be left on site should be clearly marked to avoid damage from equipment during the site preparation, material delivery, and any and all phases of development. The root zone (which extends to just below the crown of the trees), should be flagged off or otherwise marked to keep the roots safe from excessive traffic or from digging.
- 8) Stockpile topsoil in separate piles from subsoil for later use to reestablish vegetative cover after final construction. Place sediment barriers around the topsoil to avoid loss to erosion during construction time.
- 9) Temporarily seed and mulch any denuded areas within 7 days of disturbance if the site is to remain dormant for longer than forty-five days.
- 10) Maintain sediment control practices until completion of the construction phase.
- 11) The area of this subdivision is unzoned.
- 12) All property within Lots 1-6, inclusive of the Bierly Subdivision is titled to Cleo Bierly by deed Volume 96, Page 248, and deed Volume 125, Page 570.
- 13) No additional acreage adjacent to this plat owned by Cleo Bierly is planned to be developed within two years.
- 14) No lot shall be graded to create any new slope greater than 1 in 5.

**Surveyor's Certification**

I certify that all permanent markers and monuments called for have been or will be set upon completion of site work.



*Larry P. Gerstner*  
Larry P. Gerstner, P.E., P.S.  
Registered Surveyor No. 6344



Scale 1" = 100'

**BIERLY SUBDIVISION**

Situated in Marion Township, Hocking County, Ohio; being part of the East half of the Southwest quarter of Section 16, Township 15, Range 17.

**REFERENCES:**

- Tax maps
- Deed descriptions
- Previous surveys
- Existing monumentation
- Existing public roads

**REFERENCE BEARING:**

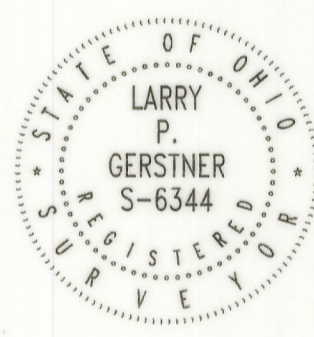
The East line of the Southwest quarter of Section 13 as South 0 degrees 04 minutes 26 seconds West. Bearings are based upon an assumed meridian and are to denote angles only.

**FLOOD PLAIN CERTIFICATION:**

This entire subdivision property is in Flood Zone X which is outside the 100-year flood plain as per Community Panel Number 390272-0025C effective date November 16, 1990.

**CERTIFICATION:**

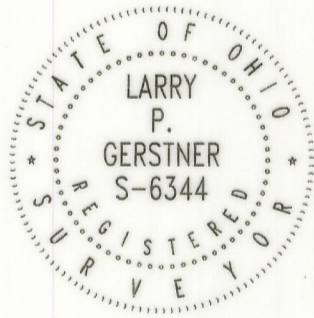
The above property was surveyed by Larry P. Gerstner, Ohio Registered Surveyor No. 6344, on February 27, 1998.



*Larry P. Gerstner*  
Larry P. Gerstner, P.E., P.S.  
Registered Surveyor No. 6344

**BIERLY SUBDIVISION 12.337 ACRE BOUNDARY SURVEY DESCRIPTION**

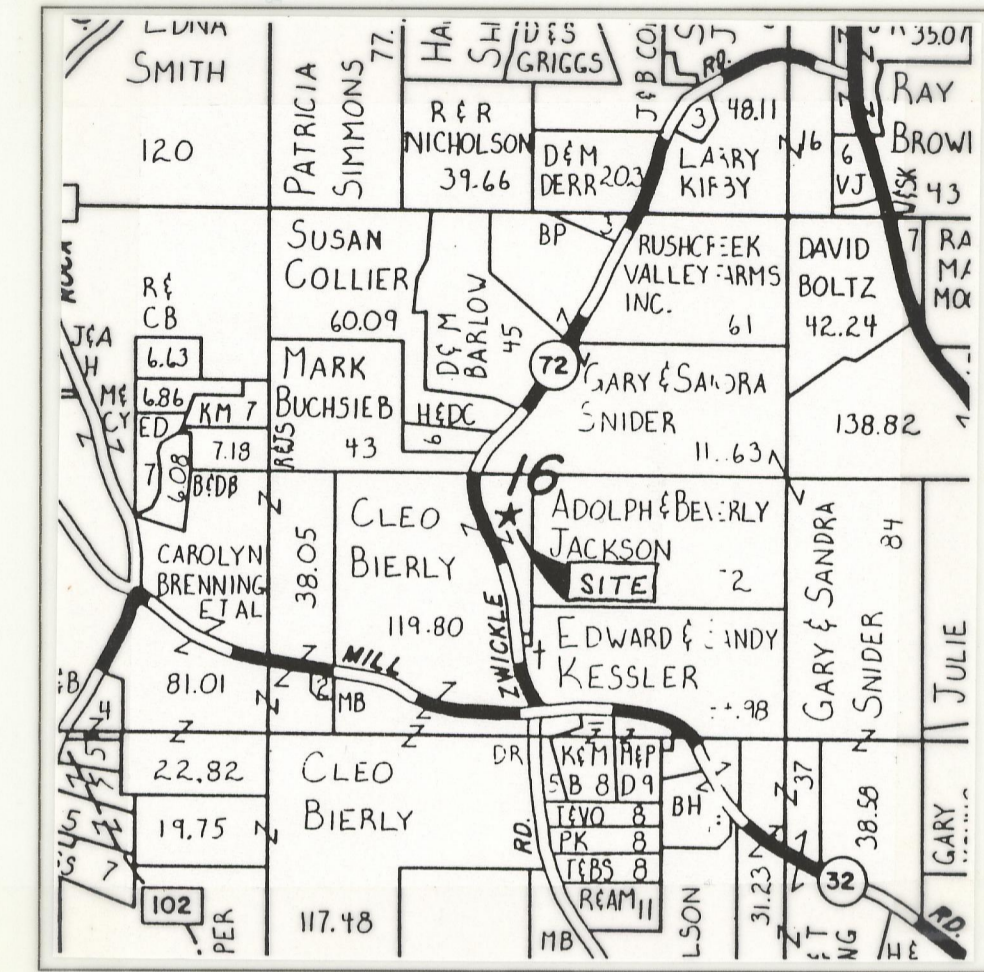
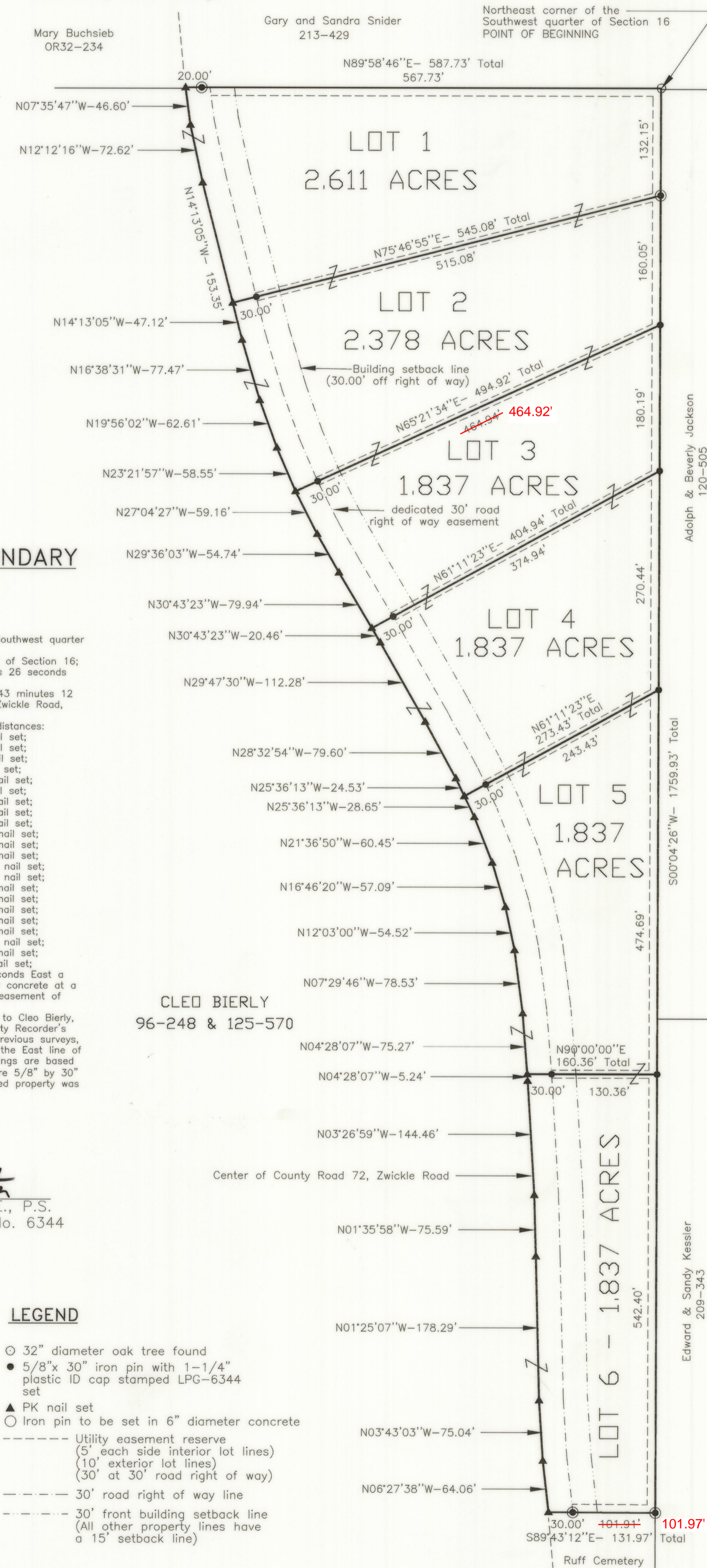
Situated in Marion Township, Hocking County, Ohio; being part of the East half of the Southwest quarter of Section 16, Township 15, Range 17; and being more particularly described as follows:  
Beginning at a 32" diameter oak tree at the Northeast corner of the Southwest quarter of Section 16; thence with the East line of the Southwest quarter of Section 16 South 0 degrees 04 minutes 26 seconds West a distance of 1759.93 feet to a 5/8" iron pin set in 6" diameter concrete;  
thence leaving the East line of the Southwest quarter of Section 16 North 89 degrees 43 minutes 12 seconds West a distance of 131.97 feet to a PK nail set in the center of County Road 72, Zwickle Road, and passing a 5/8" iron pin set in 6" diameter concrete at a distance of 101.97 feet;  
thence with the center of said County Road 72 the following twenty-two bearings and distances:  
1) North 6 degrees 27 minutes 38 seconds West a distance of 64.06 feet to a PK nail set;  
2) North 3 degrees 43 minutes 03 seconds West a distance of 75.04 feet to a PK nail set;  
3) North 1 degree 25 minutes 07 seconds West a distance of 178.29 feet to a PK nail set;  
4) North 1 degree 35 minutes 58 seconds West a distance of 75.59 feet to a PK nail set;  
5) North 3 degrees 28 minutes 59 seconds West a distance of 144.46 feet to a PK nail set;  
6) North 4 degrees 28 minutes 07 seconds West a distance of 80.51 feet to a PK nail set;  
7) North 07 degrees 29 minutes 46 seconds West a distance of 78.53 feet to a PK nail set;  
8) North 12 degrees 03 minutes 00 seconds West a distance of 54.52 feet to a PK nail set;  
9) North 16 degrees 46 minutes 20 seconds West a distance of 57.09 feet to a PK nail set;  
10) North 21 degrees 36 minutes 50 seconds West a distance of 60.45 feet to a PK nail set;  
11) North 25 degrees 36 minutes 13 seconds West a distance of 53.18 feet to a PK nail set;  
12) North 28 degrees 32 minutes 54 seconds West a distance of 79.60 feet to a PK nail set;  
13) North 29 degrees 47 minutes 30 seconds West a distance of 112.28 feet to a PK nail set;  
14) North 30 degrees 43 minutes 23 seconds West a distance of 100.40 feet to a PK nail set;  
15) North 29 degrees 36 minutes 03 seconds West a distance of 54.74 feet to a PK nail set;  
16) North 27 degrees 04 minutes 27 seconds West a distance of 59.16 feet to a PK nail set;  
17) North 23 degrees 21 minutes 57 seconds West a distance of 58.55 feet to a PK nail set;  
18) North 19 degrees 56 minutes 02 seconds West a distance of 62.61 feet to a PK nail set;  
19) North 16 degrees 38 minutes 31 seconds West a distance of 77.47 feet to a PK nail set;  
20) North 14 degrees 13 minutes 05 seconds West a distance of 200.47 feet to a PK nail set;  
21) North 12 degrees 12 minutes 16 seconds West a distance of 72.62 feet to a PK nail set;  
22) North 7 degrees 35 minutes 47 seconds West a distance of 46.60 feet to a PK nail set;  
thence leaving the center of said County Road 72 North 89 degrees 58 minutes 46 seconds East a distance of 587.73 feet to the point of beginning, passing a 5/8" iron pin set in 6" diameter concrete at a distance of 20.00 feet, and containing 12.337 acres more or less, and subject to the public easement of said County Road 72 and any other public or private easements of record.  
The above 12.337 acre survey is intended to describe part of various tracts as deeded to Cleo Bierly, deed references Volume 96, Page 248, and Volume 125, Page 570, both of the Hocking County Recorder's Office. This survey was based upon information obtained from tax maps, deed descriptions, previous surveys, existing monumentation and an existing public road. The reference bearing for this survey is the East line of the Southwest quarter of Section 16 as South 0 degrees 04 minutes 26 seconds West. Bearings are based upon an assumed meridian and are to denote angles only. All iron pins set by this survey are 5/8" by 30" and are capped by a 1-1/4" plastic identification cap stamped LPG-6344. The above described property was surveyed by Larry P. Gerstner, Ohio Registered Surveyor No. 6344 on February 27, 1998.



*Larry P. Gerstner*  
Larry P. Gerstner, P.E., P.S.  
Registered Surveyor No. 6344

**LEGEND**

- 32" diameter oak tree found
- 5/8" x 30" iron pin with 1-1/4" plastic ID cap stamped LPG-6344 set
- ▲ PK nail set
- Iron pin to be set in 6" diameter concrete
- Utility easement reserve (5' each side interior lot lines) (10' exterior lot lines) (30' at 30' road right of way)
- 30' road right of way line
- 30' front building setback line (All other property lines have a 15' setback line)



**LOCATION MAP**

SCALE: 1" = 2000'  
Section 16, Marion Township, Hocking County, Ohio

**OWNER:** Cleo Bierly  
30360 Logan-Horns Mill Road, Logan, Ohio 43138  
**DEVELOPER:** Cleo Bierly  
30360 Logan-Horns Mill Road, Logan, Ohio 43138  
**ENGINEER:** Larry P. Gerstner, 9 East Second Street, Suite A, Logan, Ohio 43138, (614) 385-4260  
**SURVEYOR:** Larry P. Gerstner, 9 East Second Street, Suite A, Logan, Ohio 43138, (614) 385-4260

**OWNERS STATEMENT:** Situated in Marion Township, Hocking County, Ohio; being part of the East half of the Southwest quarter of Section 16, Township 15, Range 17, containing 12.337 acres; being part of the same tract as conveyed in Volume Official Record 98, Page 247, and Volume Official Record 125, Page 570, as recorded in the Hocking County Recorder's Office. The undersigned Cleo Bierly hereby certifies that the attached plat correctly represents her **BIERLY SUBDIVISION**, a subdivision of lots 1 through 6 inclusive and do hereby accept this plat of the same and dedicate to public use all roads and public areas shown hereon and not heretofore dedicated. The undersigned further agrees that any use or improvements made on the land, shall be in conformity with all existing valid zoning, platting, health or other lawful rules and regulations of the State of Ohio and County of Hocking for the benefit of themselves and all of the subsequent owners or assigns taking title from, under, or through the undersigned. Easements are reserved where indicated and are for public utility or private access purposes.

**IN WITNESS WHEREOF** Cleo Bierly has hereunto set her hand this 27<sup>th</sup> day of MARCH, 1998.

Witness: *Sharon A. Miller* Owner: *Cleo Bierly*  
*Susan R. Dennis* Cleo Bierly

STATE OF OHIO  
COUNTY OF HOCKING

Before me a Notary Public in and for said County personally came Cleo Bierly who acknowledged the signing of the foregoing instrument to be her voluntary act and deed. **IN WITNESS WHEREOF** I have hereunto set my hand and affixed my seal this 27<sup>th</sup> day of March, 1998.

*Susan R. Dennis*  
Notary Public

My Commission Expires 3/19/00



**APPROVALS:**

- Mathematically approved this 27<sup>th</sup> day of March 1998 *Paul D. Wyr*  
County Mapping Department
- Approved this 1<sup>st</sup> day of April 1998 *William R. Shaw*  
County Engineer
- Approved this 27<sup>th</sup> day of March 1998 *Michael W. Moore, P.S.*  
County Sanitarian
- Approved this \_\_\_ day of \_\_\_ 1998 *Larry Stann*  
Chairman-Regional Planning Comm.
- Approved this \_\_\_ day of \_\_\_ 1998 *Royal L. Wiseman*  
Sident, County Commissioners
- Fred C. Hawk*  
County Commissioner
- Larry Stann*  
County Commissioner

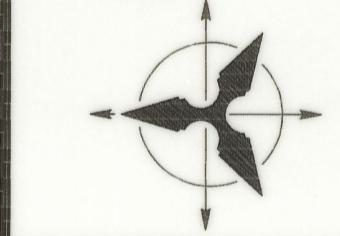
Transferred on tax duplicate this 10<sup>th</sup> day of April 1998

*Renith R. Wilson*  
County Auditor

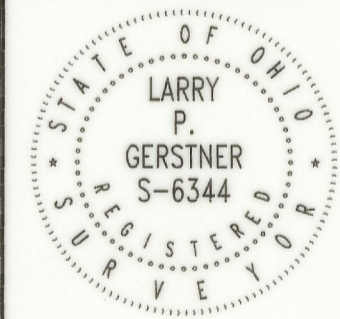
Filed for record this 10<sup>th</sup> day of April 1998 at 2:50 P.m  
Recorded this 10<sup>th</sup> day of April 1998 in Plat Cabinet 2 at Page 25  
File No. 1908 Fee \$43.20

*Donna R. Leach*  
County Recorder

**LARRY P. GERSTNER**  
**ENGINEERING & SURVEYING**  
9 East Second Street, Suite A, Logan, Ohio 43138  
(614) 385-4260



**BIERLY SUBDIVISION**  
**ZWICKLE ROAD**  
**LOGAN, OHIO**  
**SUBDIVISION PLAT**



*Larry P. Gerstner*  
Larry P. Gerstner  
Ohio P.E. #39713  
Ohio P.S. #6344

**REVISIONS**

3/24/98	

SCALE: 1" = 100'

JOB NO: 1389 DRAWN BY: LPO DATE: 3/12/98

**SHEET**

