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**SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS,
AND RESERVATION OF EASEMENTS
FOR THE MARIEMONT LANDING
HOMEOWNERS ASSOCIATION, INC.**

REBECCA PREH GROPPE
HAMILTON COUNTY RECORDER
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Filed: 08/08/2001 8:42:09 AM \$ 5.00
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Cert No.: 190254 R/L

MARIEMONT LANDING STANDARD LOT NEIGHBORHOOD

Whereas, the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for The Mariemont Landing Homeowners Association, Inc. is recorded in Volume 8654, page 1027 of the Official Records of Hamilton County (the Declaration), and

Whereas, the Declaration is binding upon all Owners and the property described in Exhibit A, attached, and

Whereas, Pennington Properties, LLC, is the Declarant of the Declaration, and

Whereas, pursuant to Article II, Section 2.3, and Article IV, Section 4.1, the Declaration may be amended or supplemented by a recorded instrument executed by the Declarant for the purpose of designating Common Elements, imposing additional restrictions and assigning maintenance responsibilities, and

Whereas, the Declarant desires to amend and supplement the Declaration as to certain property; now therefore

Declarant hereby amends and supplements the Declaration as follows:

- I. Annexation.** Pursuant to Article XII, Section 12.1, the property described in Exhibit A is hereby annexed to the terms of the Declaration which shall be a covenant running with the land and binding upon the land and all owners thereof.
- II. Designation of Neighborhood.** The property described in Exhibit A shall be deemed to be a "Neighborhood" as set forth in Article II, Section 2.3 of the Declaration.
- III. Designation of Common Elements.** The property described in Exhibit B shall be deemed to be Common Elements as set forth in Article IV, Section 4.1 of the Declaration. Such Common Elements shall consist of private streets, sidewalks, entrance structures, surface water management, etc.
- A. Designation of Maintenance.** The Common Elements described in Exhibit B shall be part of the Association's responsibility for maintenance pursuant to Article IV, Section 4.1. Such maintenance responsibility includes street signage

and the landscaping and entryway monuments. Columbia Township or Hamilton County assume no responsibility for maintenance of any item that is within the Association's maintenance responsibility.

IV. Designation of Limited Common Elements. The Common Elements for the Mariemont Landing Standard Lot Neighborhood shall also contain Limited Common Elements.

A. Description. The Limited Common Elements shall be those portions of the Common Elements allocated for the exclusive use of one or more but fewer than all of the Lots in accordance with the restrictions set forth herein. The Limited Common Elements shall include:

1. Sewer, gas, water and electric lines that serve one Standard Lot or Dwelling Unit. The portion serving only the Lot shall be allocated solely to that Standard Lot, and any portion thereof serving more than one Standard Lot or a portion of the Common Elements is a part of the Common Elements.
2. The private street to the rear of the Standard Lots designated as "Rear Access Drive" on the Record Plan.
3. Other items as shown on the Record Plan and any replat thereof.

B. Title. The Association in accordance with the conditions, limitations and rights set forth in this Article shall hold the title to the Limited Common Elements.

C. Allocation. Unless otherwise stated on the plats, the Limited Common Elements shall be allocated to the Standard Lots to which they are adjacent to and which they serve.

D. Use. Each Owner is hereby granted an exclusive and irrevocable license to use and occupy the Limited Common Elements allocated to such Owner's Lot. Such use shall include maintenance, repair and / or renovation activities.

V. Reservation of Easements. Declarant reserves unto itself, its successors and assigns, landscape easements, landscape/walk easements, drainage easements and utility easements as shown on the Record Plan. Drainage easements shown and noted on the Record Plan shall be part of the Surface Water Management System as set forth in the Declaration.

VI. Owner's Responsibility. Each Owner shall maintain his or her property, including the structures thereon, drainage easements, street trees and sidewalks in accordance with Article IV of the Declaration.

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VII. Assessments.

- A. Neighborhood Assessment.** There is hereby established a Neighborhood Assessment in addition to the Annual General Assessment for the purpose of the Neighborhood Expenses of the Association which apply only to Mariemont Landing Standard Lots. Such Neighborhood Expenses shall be, but not limited to, (1) operation, maintenance, repair and replacement of the Common Elements and other maintenance as required by Article VIII of this Declaration; (2) the cost of any insurance attributable to Common Elements required by this Declaration; and (3) reasonable reserves for contingencies and replacement of the Common Elements. The Standard Lot Neighborhood Assessment shall not be subject to any limitations and shall be allocated equally to each Mariemont Landing Standard Lot. The initial Standard Lot Neighborhood Assessment is \$60.00 annually.

VIII. Restrictions. The following restrictions apply to the Property described in Exhibit A.

- A. Dwelling Type.** No building shall be erected, altered, placed or be permitted to remain on any Lot other than one single-family dwelling and a garage for at least two cars.
- B. Garages.** All garages within this Neighborhood shall be accessed from the rear of the Lot by means of a private street.
- C. Fences.** No fence of any sort may be erected unless and until prior approval in accordance with Section 9.2 of the Declaration has been obtained. With the exception of the white picket fences constructed as part of the building of each Dwelling Unit, no fence shall be erected in the front yard. For purposes of this section, the front yard shall run from the private street to the rear line of the Dwelling Unit. Privacy fences, if permitted, shall not exceed six (6) feet in height and shall be limited to the area immediately adjacent to a deck or patio. Invisible pet fences are permitted without prior approval.
- D. Other Structures.** No structure of a temporary character, trailer, shack, barn, storage shed or other outbuilding shall be permitted on any Lot. Construction trailers and/or storage sheds shall be permitted only during construction.
- E. Pools and Spas.** No swimming pools of any type shall be permitted. All hot tubs and spas must be inground or if above ground incorporated into a deck. All hot tubs and spas must be screened with a privacy fence.
- F. Play Equipment.** No large-scale play equipment, such as swing sets, jungle gyms, or sandboxes shall be permitted. No basketball hoops, whether permanent or movable, shall be permitted.

G. Clothes Drying. No outdoor close drying apparatus of any sort shall be permitted.

H. Gardens. With the exception of decorative landscaping, no gardens of any sort shall be permitted in the Neighborhood. Additional landscaping may be installed with prior approval in accordance with Section 9.2 of the Declaration. The Association shall have the right to require the Owner to maintain such additional landscaping and also the right to remove such additional landscaping if the Owner fails to maintain it.

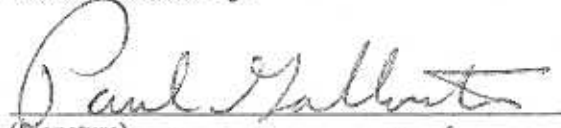
I. Mailboxes, Lampposts. All mailboxes and lampposts must be of uniform design, style and color as determined by Declarant.

IX. Maintenance of Lots and Dwelling Units. The Standard Lots and the Dwelling Units shall be maintained and repaired by each Standard Lot Owner and the Association in accordance with the provisions of this Article and as set forth in the Chart of Maintenance Responsibilities as shown in Exhibit "C", attached to this Supplemental Declaration. Said chart shall not be a part of the Declaration and may be amended from time to time by the Association. All expenses associated with the maintenance, repair and replacement of the Property shall be assessed in accordance with said chart.

X. Declarant's Rights. Declarant hereby reserves all rights as set forth in the Declaration with respect to the Common Elements.

IN WITNESS WHEREOF, Pennington Properties, LLC has caused this Supplemental Declaration to be signed this ___ day of July, 2001, by Michael J. Gallenstein, Member, pursuant to a resolution of the Members.

*Signed and Acknowledged
in the Presence of:*



(Signature)

Paul Gallenstein

(Printed Name)



(Signature)

Kristi L. Robins

(Printed Name)

Pennington Properties, LLC


by: 

Michael J. Gallenstein
Member

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STATE OF KENTUCKY)
) ss:
COUNTY OF KENTON)

The foregoing instrument was acknowledged before me, this 17th day of July, 2001, by Michael J. Gallenstein, Member of Pennington Properties, LLC, a Kentucky limited liability company, on behalf of the company.



Notary Public, State at Large
Com. Exp. Oct 28, 2001
Paul J. Deepel

Instrument Prepared By:
James A. Matre
Matre & Matre Co. LPA
9400 Montgomery Road, Suite C
Cincinnati, Ohio 45242
513-793-6220

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EXHIBIT A

Situate in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio and being Lots numbered 1 through 12, 29 through 40, as shown on the Record Plan of Mariemont Landing, Block A, Plat Book _____, Pages _____ through _____ of the Plat Records of Hamilton County, Ohio.

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EXHIBIT B

COMMON ELEMENTS

Situate in Section 3, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio and being Tracts "A", "B", "C", "D" and "E" as shown on the Record Plan of Mariemont Landing, Block A, Plat Book _____, Pages _____ through _____ of the Plat Records of Hamilton County, Ohio.

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Exhibit C
Chart of Maintenance Responsibilities

Item of Maintenance	Association Responsibility	Unit Owner Responsibility
Entrance Structure & Signage	All	None
Driveways	None	All
Foundations	None	All
Dwelling Unit Exteriors	None	All
Roofs	None	All
Postlights, including electric lines	None	All
Landscaping	All within Common Elements	All within Lots
Grass Mowing	All within Common Elements	All within Lots
Snow Plowing	Private Streets	Driveways, Walks, Patios and Decks
Decks	None	All
Patios	None	All
Driveways	None	All
Main sidewalk along private streets	None	All
Sidewalks serving Living Units	None	All
Living Unit Interiors	None	All
Plumbing	None	All
Electric	None	All
Utility Lines	All within Common Elements	All within Limited Common Elements
Downspout Lines	None	All
Retaining Walls	All	None
Street Lighting	All	None
Surface Water Management System: retention basins, including any pipes, concrete gutters or mechanical devices	All	None
Surface Water Management System: drainage swales	None, except within Common Elements	Mowing and keeping clear of obstruction within Lot
Picket Fences in front of Lots	None	All



**CINCINNATI
LAND
SURVEYING, INC.**

11126 Kenwood Road, Suite A
Cincinnati, Ohio 45242
513/891-1611
Fax: 513/791-1936

**LEGAL DESCRIPTION of R.L. PORTION
of TRACT 'A'
MARIEMONT LANDING - BLK. 'A'
0.0333 ACRE TRACT**

Situated in Section 3, Town. 4, Fractional Range 2 of the Miami Purchase, Columbia Township, Hamilton County, Ohio, being part of Registered lands conveyed to Pennington Properties, LLC by R.L. Certificate No. 184877 of said County's Records and being more particularly described as follows:

Commencing at Hamilton County CAGIS Monument No. 2235, said monument being witnessed by Hamilton County CAGIS Monument No. 2236 located N88°14'37"W, 895.16 feet distant;

Thence, from said Hamilton County CAGIS Monument No. 2235, S62°07'07"E a distance of 1,100.20 feet to a point in a northwesterly corner of R.L. Certificate No. 184877, which point is the True Point of Beginning for this description;

Thence, along a northerly line of said R.L. Certificate No. 184877 and through Tract 'A' of Mariemont Landing, Blk 'A', S80°02'00"E, a distance of 30.64 feet to a point in an easterly line of same Tract 'A';

Thence, along lines of said Tract 'A' the following two (2) courses:

- 1.) Along the arc of a curve deflecting to the right, having a radius of 36.00 feet and being subtended by a chord bearing S24°46'16"W, 54.96 feet in length, a total arc distance of 62.53 feet to a point of compound curvature;
- 2.) Along the arc of a curve deflecting to the right, having a radius of 341.00 feet and being subtended by a chord bearing S74°59'34"W, 5.52 feet in length, a total arc distance of 5.52 feet to a point in a westerly line of the aforementioned R.L. Certificate No. 184877;

Thence, through the aforementioned Tract 'A' and along said westerly line of R.L. Certificate No. 184877, N01°50'00"W, 56.66 feet to the Point of Beginning.

Containing 1,453 square feet of land, more or less, which is 0.0333 acre, being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record.

This description was prepared by Kevin Richardson, Registered Surveyor No. 8011 in the State of Ohio, from a survey performed by Cincinnati Land Surveying, Inc. dated May 18, 2001.



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**LEGAL DESCRIPTION of R.L. PORTION
of TRACT 'D'
MARIEMONT LANDING - BLK. 'A'
0.2526 ACRE TRACT**

Situated in Section 3, Town. 4, Fractional Range 2 of the Miami Purchase, Columbia Township, Hamilton County, Ohio, being part of Registered lands conveyed to Pennington Properties, LLC by R.L. Certificate No. 184877 of said County's Records and being more particularly described as follows:

Commencing at Hamilton County CAGIS Monument No. 2235, said monument being witnessed by Hamilton County CAGIS Monument No. 2236 located N88°14'37"W, 895.16 feet distant;

Thence, from said Hamilton County CAGIS Monument No. 2235, S63°20'04"E a distance of 1,177.75 feet to a point in a northerly line of R.L Certificate No. 184877, which point is the True Point of Beginning for this description;

Thence, along said northerly line of said R.L Certificate No. 184877 and through Tract 'D' of Mariemont Landing, Blk 'A', S80°02'00"E, a distance of 70.85 feet to a point in an easterly line of same Tract 'D' and an easterly line of same Mariemont Landing, Blk. 'A';

Thence, along lines of said Tract 'D' and Mariemont Landing, Blk. 'A' the following four (4) courses:

- 1.) S18°37'21"W, a distance of 141.41 feet to a point;
- 2.) S77°55'53"E, a distance of 197.25 feet to a point;
- 3.) S18°37'21"W, a distance of 39.71 feet to a point;
- 4.) N76°56'11"W, a distance of 18.42 feet to a point in a westerly line of aforementioned R.L. Certificate No. 184877;

Thence, with lines of said R.L. Certificate No. 184877, the following two (2) courses:

- 1.) N01°05'06"W, 6.28 feet to a point;
- 2.) Along the arc of a curve deflecting to the left, having a radius of 1,918.82 feet and being subtended by a chord bearing S88°35'47"W, 24.39 feet in length, a total arc distance of 24.39 feet to a point;

Thence, again with lines of said Tract 'D', the following five (5) courses:

- 1.) N76°56'11"W, 116.18 feet to a point;

- 2.) Along the arc of a curve deflecting to the right, having a radius of 35.00 feet and being subtended by a chord bearing N33°55'45"W, 47.75 feet in length, a total arc distance of 52.54 feet to a point of reverse curvature;
- 3.) Along the arc of a curve deflecting to the left, having a radius of 115.00 feet and being subtended by a chord bearing N04°25'33"E, 18.65 feet in length, a total arc distance of 18.67 feet to a point;
- 4.) N00°08'03"W, 46.53 feet to a point;
- 5.) Along the arc of a curve deflecting to the left, having a radius of 162.00 feet and being subtended by a chord bearing N15°49'24"W, 87.62 feet in length, a total arc distance of 88.72 feet to the Point of Beginning.

Containing 11,003 square feet of land, more or less, which is 0.2526 acre, being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record.

This description was prepared by Kevin Richardson, Registered Surveyor No. 8011 in the State of Ohio, from a survey performed by Cincinnati Land Surveying, Inc. dated May 18, 2001.



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**LEGAL DESCRIPTION of R.L. PORTION
of TRACT 'E'
MARIEMONT LANDING - BLK. 'A'
0.3442 ACRE TRACT**

Situated in Section 3, Town. 4, Fractional Range 2 of the Miami Purchase, Columbia Township, Hamilton County, Ohio, being part of Registered lands conveyed to Pennington Properties, LLC by R.L. Certificate No. 184877 of said County's Records and being more particularly described as follows:

Commencing at Hamilton County CAGIS Monument No. 2235, said monument being witnessed by Hamilton County CAGIS Monument No. 2236 located N88°14'37"W, 895.16 feet distant;

Thence, from said Hamilton County CAGIS Monument No. 2235, S62°35'49"E a distance of 1,129.39 feet to a point in a southerly line of Tract 'E' (private) of Mariemont Landing, Blk. 'A' and a northerly line of R.L. Certificate No. 184877, which point is the True Point of Beginning for this description;

Thence, through Tract 'E' and along said northerly line of R.L. Certificate No. 184877, S80°02'00"E, a distance of 50.59 feet to a point in an easterly line of same Tract 'E';

Thence, along lines of said Tract 'E' the following five (5) courses:

- 1.) Along the arc of a curve deflecting to the right, having a radius of 162.00 feet and being subtended by a chord bearing S15°49'24"E, 87.62 feet in length, a total arc distance of 88.72 feet to a point;
- 2.) S00°08'03"E, 46.53 feet to a point;
- 3.) Along the arc of a curve deflecting to the right, having a radius of 115.00 feet and being subtended by a chord bearing S04°25'33"W, 18.65 feet in length, a total arc distance of 18.67 feet to a point of reverse curvature;
- 4.) Along the arc of a curve deflecting to the left, having a radius of 35.00 feet and being subtended by a chord bearing S33°55'45"E, 47.75 feet in length, a total arc distance of 52.54 feet to a point;
- 5.) S76°56'11"E, 116.18 feet to a point in the southerly line of the aforementioned R.L. Certificate No. 184877;

Thence, along said southerly line of R.L. Certificate No. 184877 and along the arc of a curve deflecting to the left, having a radius of 1,918.82 feet and being subtended by a chord bearing S86°38'50"W, 106.15 feet in length, a total arc distance of 106.15 feet to a point in a southerly line of the aforementioned Tract 'E';

Thence, along said southerly line of Tract 'E' the following two (2) courses:

- 1.) N76°56'11"W, a distance of 132.11 feet to a point;
- 2.) Along the arc of a curve deflecting to the left, having a radius of 85.00 feet and being subtended by a chord bearing N77°20'05"W, 1.18 feet in length, a total arc distance of 1.18 feet to a point in a westerly line of R.L. Certificate No. 184877;

Thence, along said westerly line of R.L. Certificate No. 184877 and through aforementioned Tract 'E', N01°50'00"W, a distance of 30.68 feet to a point in a northerly line of same Tract 'E' and in the southerly line of Lot 40 of Mariemont Landing, Blk. 'A';

Thence, along lines of said Tract 'E' the following six (6) courses:

- 1.) Along the arc of a curve deflecting to the right, having a radius of 115.00 feet and being subtended by a chord bearing S79°11'53"E, 9.08 feet in length, a total arc distance of 9.08 feet to a point;
- 2.) S76°56'11"E, a distance of 14.50 feet to a point;
- 3.) Along the arc of a curve deflecting to the left, having a radius of 37.00 feet and being subtended by a chord bearing N51°27'53"E, 57.99 feet in length, a total arc distance of 66.64 feet to a point;
- 4.) N00°08'03"W, a distance of 29.02 feet to a point;
- 5.) Along the arc of a curve deflecting to the left, having a radius of 35.00 feet and being subtended by a chord bearing N42°35'47"W, 47.26 feet in length, a total arc distance of 51.88 feet to a point of compound curvature;
- 6.) Along the arc of a curve deflecting to the left, having a radius of 328.24 feet and being subtended by a chord bearing N88°30'10"W, 39.44 feet in length, a total arc distance of 39.46 feet to a point in a westerly line of aforementioned R.L. Certificate No. 184877;

Thence, through aforementioned Tract 'E' and along said westerly line of R.L. Certificate No. 184877, N01°50'00"W, a distance of 22.17 feet to a point in the southerly line of Tract 'A' of Mariemont Landing, Blk. 'A' and a northerly line of same Tract 'E';

Thence, along lines of Tract 'E' the following two (2) courses:

- 1.) Along the arc of a curve deflecting to the left, having a radius of 341.00 feet and being subtended by a chord bearing N74°59'34"E, 5.52 feet in length, a total arc distance of 5.52 feet to a point;
- 2.) Along the arc of a curve deflecting to the left, having a radius of 36.00 feet and being subtended by a chord bearing N24°46'16"E, 54.96 feet in length, a total arc distance of 62.53 feet to the Point Of Beginning.

Containing 14,992 square feet of land, more or less, which is 0.3442 acre, being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record.

This description was prepared by Kevin Richardson, Registered Surveyor No. 8011 in the State of Ohio, from a survey performed by Cincinnati Land Surveying, Inc. dated May 18, 2001.



**CINCINNATI
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**LEGAL DESCRIPTION of R.L. PORTION
of LOT 40
MARIEMONT LANDING - BLK. 'A'
0.0282 ACRE TRACT**

Situated in Section 3, Town. 4, Fractional Range 2 of the Miami Purchase, Columbia Township, Hamilton County, Ohio, being part of Registered lands conveyed to Pennington Properties, LLC by R.L. Certificate No. 184877 of said County's Records and being more particularly described as follows:

Commencing at Hamilton County CAGIS Monument No. 2235, said monument being witnessed by Hamilton County CAGIS Monument No. 2236 located $N81^{\circ}03'35''W$, 895.09 feet distant;

Thence, from said Hamilton County CAGIS Monument No. 2235, $S58^{\circ}40'46''E$ a distance of 1,141.33 feet to a point in the northerly line of Lot 40, which point is also in a westerly line of R.L. Certificate No. 184877 and the True Point of Beginning for this description;

Thence, with said northerly line of Lot 40, along the arc of a curve deflecting to the right, having a radius of 328.24 feet and being subtended by a chord bearing $N88^{\circ}56'45''E$, 10.23 feet in length, a total arc distance of 10.23 feet to a point;

Thence, with the easterly line of said Lot 40, $S04^{\circ}34'27''E$ a distance of 99.63 feet to a point in the northerly line of Miami Run (private);

Thence, with said northerly line of Miami Run (private), the following two (2) courses:

- 1.) $N76^{\circ}56'11''W$, 6.35 feet to a point;
- 2.) Along the arc of a curve deflecting to the left, having a radius of 115.00 feet and being subtended by a chord bearing $N79^{\circ}11'53''W$, 9.08 feet in length, a total arc distance of 9.08 feet to a point in said westerly line of R.L. Certificate No. 184877;

Thence, with said westerly line of R.L. Certificate No. 184877, $N01^{\circ}50'00''W$ a distance of 96.04 feet to the Point of Beginning.

Containing 1,228 square feet of land, more or less, which is 0.0282 acre, being subject to all legal highways, rights-of-way, easements, covenants and/or restrictions of record.

This description was prepared by Kevin Richardson, Registered Surveyor No. 8011 in the State of Ohio, from a survey performed by Cincinnati Land Surveying, Inc. dated May 18, 2001.

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