

TRANSFER NOT NECESSARY

DATE May 30 2023
AUDITOR Jackie McKee *JP*

INDEXED

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND RESERVATION OF EASEMENTS FOR
TRAILS EDGE ESTATES HOMEOWNERS ASSOCIATION, INC.**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS FOR TRAILS EDGE ESTATES HOMEOWNERS ASSOCIATION, INC., an Ohio not-for-profit corporation (this "Second Amendment to Declaration"), is made and effective as of the 26th day of May, 2023, by **Grandview Property Holdings, LLC**, an Ohio limited liability company, (the "Declarant"), with reference to the following facts:

WHEREAS, on February 14, 2023, Declarant filed a Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Trails Edge Estates Homeowners Association, Inc. ("Declaration"), as recorded at **Volume 284, Page 4361** of the Official Records of Holmes County, Ohio, which Declaration subjected the entirety of the real property described in Exhibit A attached thereto, being approximately 20.6240 acres located in the Village of Millersburg, County of Holmes, and State of Ohio, commonly known as Holmes County Auditor Permanent Parcel Number 0701668015, to the provisions of Chapter 5312 of the Ohio Revised Code, Ohio's Planned Community Act; and

WHEREAS, on April 26, 2023, Declarant filed a First Amendment to Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Trails Edge Estates Homeowners Association, Inc. (the "First Amendment"), as recorded at **Volume 285, Page 2414** of the Official Records of Holmes County, Ohio, which First Amendment removed the approximately 20.6240 acres from the Declaration and established Phase One of the Trails Edge Estates Planned Unit Development, consisting of approximately .985 acres depicted on Sheet 1 and Sheet 2, *Pleasant View Glass Plant Addition Replat No. 1, Trails Edge Estates Planned Unit Development Phase 1*, as recorded in **Plat Book 2, Page 644** and **Plat Book 2, Page 645**, comprised of Lots 1 through 8 ("Phase One"); and

WHEREAS, Declarant caused a not-for-profit corporation, known as the Trails Edge Estates Homeowners Association, Inc. ("Association") to be formed, with membership in the Association consisting exclusively of Owners of the Lots; and

WHEREAS, pursuant to the Declaration, the Association shall own or lease the Common Elements and/or Limited Common Elements as defined in the Declaration and as depicted on the Record Plan, being the record plat for Trails Edge Estates filed February 14, 2023 and recorded in **Plat Book 2, Page 635**, and any subsequent plats or replats; and

WHEREAS, Declarant reserved the right to exercise the Development Rights set forth in Article XII and XIII of the Declaration during the Development Period, which Development Rights include the right to amend the Declaration by a written instrument executed solely by the Declarant for the purpose of clarifying Declarant's original intent or correcting any other inadvertent error therein, as long as no such amendment materially affects any Owner's interest in the Association or the Common Elements; and

WHEREAS, the Declaration is currently in the Development Period and Declarant reserved the right to take any action reasonably necessary to complete the development without consent of the Owners at any time during the Development Period pursuant to Section 12.1 of the Declaration; and

WHEREAS, Declarant desires to amend the Declaration and First Amendment to create Phase Two of the Trails Edge Estates Planned Unit Development, subjecting approximately 1.416 acres, as

described in the legal description included as part of Exhibit A attached hereto and incorporated herein (“Phase Two”).

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Capitalized Terms. All capitalized terms not otherwise defined in this Second Amendment to Declaration shall have the meanings ascribed to them in the Declaration.
2. Creation of Phase Two. Declarant hereby establishes Phase Two of the Trails Edge Estates Planned Unit Development, consisting of the approximately 1.416 acres depicted on Sheet 1 and Sheet 2, *Pleasant View Glass Plant Addition Replat No. 1, Trails Edge Estates Planned Unit Development Phase 2*, and as described in the legal description of the 1.416 acres, all attached hereto and incorporated herein as *Exhibit A*, with Phase Two being comprised of Lots 9 through 18 and the Common Elements, Limited Common Elements, and Easements depicted on the attached Exhibit A (“Phase Two”).
3. Exhibit A to the Declaration to be deleted from the Declaration and replaced. Exhibit A to the Declaration is hereby deleted and replaced with Sheet 1 and Sheet 2, *Pleasant View Glass Plant Addition Replat No. 1, Trails Edge Estates Planned Unit Development Phase 1*, and Sheet 1 and Sheet 2, *Pleasant View Glass Plant Addition Replat No. 1, Trails Edge Estates Planned Unit Development Phase 2* and the legal description of the 1.416 acres, attached hereto and incorporated herein as Exhibit A to this Second Amendment to Declaration, with all references in the Declaration to “Exhibit A” being understood to be to the Exhibit A attached hereto.
4. Exhibit B to the Declaration to be deleted from the Declaration and replaced. Exhibit B to the Declaration is hereby deleted and replaced with the “*Description 18.223-acre parcel*,” attached hereto and incorporated herein as Exhibit B to this Second Amendment to Declaration, with all references in the Declaration to “Exhibit B” being understood to be to the Exhibit B attached hereto.
5. Record Plan. As used in the Declaration, “Record Plan” is amended to mean Phase 1, and Sheet 1 and Sheet 2, *Pleasant View Glass Plant Addition Replat No. 1, Trails Edge Estates Planned Unit Development Phase 2*, included hereto as part of Exhibit A to this Second Amendment to Declaration and as contemporaneously filed in the Holmes County Plat Records at Plat Book 2 , Page 448 and Plat Book 2 , Page 1049, and any subsequent plats or replats thereto.
6. Property. As used in the Declaration, “Property” is amended to mean Phase 1, and the real estate depicted and described in Exhibit A attached hereto, being the 1.416 acres identified above as being Phase Two, and any other property which is later made subject to the terms of this Declaration and any amendments thereto by the creation of additional phases of development out of the property described in Exhibit B attached hereto and incorporated herein, being the approximately 18.223 acres remaining out of the original 20.6240 acres (“Additional Property”), together with any improvements made thereon. If and when additional phases are created and added to the Property, the term “Property” shall also include that portion of the Additional Property so dedicated to the Association and/or subjected to the terms of the Declaration, including all buildings, improvements and structures thereon and all easements, rights and appurtenances belonging thereto.
7. Additional Property. As used in the Declaration, “Additional Property” shall mean the 18.223 acres described in Exhibit B of this Second Amendment to Declaration from which additional phases may be created, and which acreage is not already subject to the Declaration.
8. All of the other provisions of the Declaration not specifically amended herein shall remain in effect as of the date of this First Amendment to Declaration.

[Signature Page Follows]

[Signature Page – Second Amendment to Declaration]


The undersigned, being duly authorized Managing Member of Grandview Property Holdings, LLC, has hereunto set his hands the date set forth above.

**Grandview Property Holdings, LLC,
an Ohio limited liability company**

By: 
Reuben Schlabach, Its Managing Member

**STATE OF OHIO
COUNTY OF HOLMES**

The foregoing instrument was acknowledged before me this 25th day of May, 2023, by **Reuben Schlabach, Managing Member of Grandview Property Holdings, LLC, an Ohio liability company**, on behalf of the company.


Notary Public



GARRETT M. ROACH
Attorney at Law
Notary Public, State of Ohio
My Commission Has No
Expiration Date
Section 147.03 R.C.

This instrument was prepared by:
Garrett M. Roach, Attorney-at-Law
Critchfield, Critchfield & Johnston Ltd.
138 east Jackson Street
Millersburg, Ohio 44654
(330) 674-3055

;

EXHIBIT A

Phase Two Sheet 1 and Sheet 2 and Original signed legal description for the 1.416-acre parcel

Description Trails Edge Estates Planned Unit Development – Phase 2
1.416 acres

Being part of Lot 950 in Pleasant View Glass Plant Addition Replat No. 1 (P. 2 page 635) in the Village of Millersburg, situated in Lot 42, First Quarter, T-9 N, R-7 W, Hardy Township, Holmes County, Ohio, also known as part of the lands conveyed to Grandview Property Holdings, LLC in Official Record vol. 285 page 2414, PN 0701668017.

Described as follows:

Commencing at a 5/8 inch rebar found marking the northwest corner of Lot 42, thence S 88 degrees 09' 46" E 411.77 feet along the lot line to a 5/8 inch rebar found, thence along a curve to the left having a delta angle of 01 degree 31' 15", R – 6625.55 feet, T – 87.94 feet, Ch. Brg. – S 03 degrees 49' 35" E, Ch. – 175.86 feet along Samuel M. Steimel and Beth E. Ladrach's (O.R. 263 page 2877) west line and along the west line of Lot 18 in Block 5 of Pleasant View Glass Plant Addition an arc distance of 175.86 feet to a 5/8 inch rebar found, thence S 88 degrees 09' 46" E 270.19 feet along said Steimel and Ladrach's south line and along Steven R. Erb and Judie D. Erb's (O.R. 229 page 2630 and O.R. 223 page 634) south line to a point the TRUE POINT OF BEGINNING.

thence with the following EIGHT (8) COURSES:

- 1) S 88 degrees 09' 46" E 155.02 feet along said Erb's south line to a 5/8 inch rebar found;
- 2) S 00 degrees 48' 20" W 285.93 feet along Robin's Terrace, Inc.'s (O.R. 206 page 2378) west line and along the west line of Lot 20 in Block 15 of Pleasant View Glass Plant Addition to a point;
- 3) S 89 degrees 56' 07" W 133.67 feet through the lands of said Grandview Property Holdings, LLC and along the north line of Phase 1 Trails Edge Estates Planned Unit Development (Plat vol. 2 page 644) to a point;
- 4) S 00 degrees 41' 29" W 19.50 feet through the lands of said Grandview Property Holdings, LLC and along the west line of said Phase 1 Trails Edge Estates Planned Unit Development to a point;
- 5) S 89 degrees 56' 07" W 117.37 feet through the lands of said Grandview Property Holdings, LLC and along the north line of said Phase 1 Trails Edge Estates Planned Unit Development to a point;
- 6) N 00 degrees 48' 20" E 174.34 feet through the lands of said Grandview Property Holdings, LLC to a point;
- 7) S 87 degrees 56' 24" E 96.00 feet through the lands of said Grandview Property Holdings, LLC to a point;

8) N 00 degrees 48' 20" E 139.80 feet through the lands of said Grandview Property Holdings, LLC to the TRUE POINT OF BEGINNING.

This parcel contains 1.416 acres, but subject to all highways and easements of record.

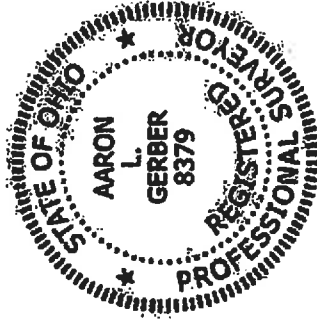
All iron pins set are 5/8 inch rebar with a plastic identification cap marked "Baker Surveying LLC".


Basis of bearings from Ohio State Plane Coordinate System, North Zone, N.A.D. 83, 2011 adjustment.

See Holmes County Plat Book 2, page 648 for survey.
This survey made and description prepared by Aaron L. Gerber, P.S. 8379.
May 11, 2023



Aaron L. Gerber P.S. 8379



APPROVED FOR TRANSFER ONLY
NO SUBDIVISION PLAT REQUIRED
(O.R.C. 711.001 & 711.131)
Lot(s) not for building unless
approved by Board of Health.
HOLMES CO. PLANNING COMMISSION
By  Date 5/11/23

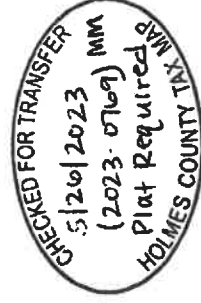


EXHIBIT B

Original signed legal description for the 18.223-acre parcel

4864-2237-9110, v. 1

Description 18.223 acre parcel

Being part of Lot 950 in Pleasant View Glass Plant Addition Replat No. 1 (P. 2 page 635) in the Village of Millersburg, situated in Lots 42 and 47, First Quarter, T-9 N, R-7 W, Hardy Township, Holmes County, Ohio, also known as part of the lands conveyed to Grandview Property Holdings, LLC in Official Record vol. 285 page 2414, PN 0701668017.

Described as follows:

Commencing at a 5/8 inch rebar found marking the northwest corner of Lot 42, thence S 88 degrees 09' 46" E 111.22 feet along the lot line to a 5/8 inch rebar found the TRUE POINT OF BEGINNING, witnessed by a 5/8 inch rebar found S 88 degrees 09' 46" E 16.56 feet.

thence with the following THIRTY (30) COURSES:

- 1) S 88 degrees 09' 46" E 300.55 feet along the lot line to a 5/8 inch rebar found;
- 2) Along a curve to the left having a delta angle of 01 degree 31' 15", R - 6625.55 feet, T - 87.94 feet, Ch. Brg. - S 03 degrees 49' 35" E, Ch. - 175.86 feet along Samuel M. Steimel and Beth E. Ladrach's (O.R. 263 page 2877) west line and along the west line of Lot 18 in Block 5 of Pleasant View Glass Plant Addition an arc distance of 175.86 feet to a 5/8 inch rebar found;
- 3) S 88 degrees 09' 46" E 270.19 feet along said Steimel and Ladrach's south line and along Steven R. Erb and Judie D. Erb's (O.R. 229 page 2630 and O.R. 223 page 634) south line to a point;
- 4) S 00 degrees 48' 20" W 139.80 feet through the lands of said Grandview Property Holdings, LLC to a point;
- 5) N 87 degrees 56' 24" W 96.00 feet through the lands of said Grandview Property Holdings, LLC to a point;
- 6) S 00 degrees 48' 20" W 349.84 feet through the lands of said Grandview Property Holdings, LLC and along the west line of Phase 1 Trails Edge Estates Planned Unit Development (Plat vol. 2 page 644) to a point;
- 7) N 89 degrees 56' 07" E 76.00 feet through the lands of said Grandview Property Holdings, LLC and along the south line of said Phase 1 Trails Edge Estates Planned Unit Development to a drill hole found in concrete;
- 8) S 00 degrees 48' 20" W 125.00 feet along Debra K. Kandel's (O.R. 223 page 634) west line to a 5/8 inch rebar found;
- 9) N 89 degrees 56' 07" E 175.00 feet along said Kandel's (D.V. 260 page 405 and O.R. 223 page 634) south line and along the south line of Lot 8 in Block 14 of

- Pleasant View Glass Plant Addition to a 5/8 inch rebar found on the west line of Garrison Alley;
- 10) S 00 degrees 48' 20" W 150.00 feet along the west line of Garrison Alley to a 5/8 inch rebar found;
 - 11) S 89 degrees 56' 07" W 175.00 feet along David L. Parkinson's (D.V. 242 page 928 and O.R. 223 page 634) north line and along the north line of Lot 12 in Block 14 of Pleasant View Glass Plant Addition to a 5/8 inch rebar found;
 - 12) S 00 degrees 48' 20" W 100.01 feet along said Parkinson's (O.R. 223 page 634) west line and along the west line of Cary Street to a 5/8 inch rebar found;
 - 13) N 89 degrees 56' 07" E 125.00 feet along the south line of Cary Street to a 5/8 inch rebar found;
 - 14) S 00 degrees 48' 20" W 50.00 feet along Cobra Pipeline Company, Ltd.'s (O.R. 202 page 3247) west line to a 5/8 inch rebar found;
 - 15) N 89 degrees 56' 07" E 50.00 feet along the south line of said Cobra Pipeline Company, Ltd. to a 5/8 inch rebar found on the west line of Garrison Alley;
 - 16) S 00 degrees 48' 20" W 250.00 feet along the west line of Garrison Alley to a 5/8 inch rebar found on the lot line;
 - 17) S 89 degrees 56' 07" W 200.00 feet (passing into Lot 47) along the north line of Koch Street to a 5/8 inch rebar found;
 - 18) S 00 degrees 48' 20" W 17.83 feet along the west line of Koch Street to a 5/8 inch rebar found on ATX Ventures, LLC's (O.R. 277 page 1886) east line;
 - 19) Along a curve to the right having a delta angle of 00 degrees 10' 03", R - 8796.75 feet, T - 12.86 feet, Ch. Brg. - N 14 degrees 37' 36" W, Ch. - 25.71 feet along said ATX Ventures, LLC's east line an arc distance of 25.72 feet to a 5/8 inch rebar found on the lot line;
 - 20) N 88 degrees 05' 03" W 267.54 feet along the lot line to a mag nail found marking the southwest corner of Lot 42;
 - 21) N 14 degrees 17' 43" W 20.93 feet along the lot line and along the corporation line to a mag nail found;
 - 22) N 43 degrees 39' 14" W 247.06 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
 - 23) N 59 degrees 56' 49" W 129.49 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
 - 24) N 05 degrees 32' 01" W 45.69 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
 - 25) N 35 degrees 16' 11" W 187.00 feet along the lot line and along the corporation line to a 5/8 inch rebar found;

- 26) N 03 degrees 15' 43" E 195.33 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
- 27) N 16 degrees 07' 03" E 240.02 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
- 28) N 15 degrees 40' 47" E 184.32 feet along the lot line and along the corporation line to a 5/8 inch rebar found;
- 29) N 21 degrees 50' 14" E 100.16 feet along the east line of a gap area to a 5/8 inch rebar found;
- 30) Along a curve to the right having a delta angle of 01 degree 29' 54", R – 6925.05 feet, T – 90.55 feet, Ch. Brg. – N 03 degrees 36' 09" W, Ch. – 161.09 feet along the east line of a gap area an arc distance of 181.09 feet to the TRUE POINT OF BEGINNING.

This parcel contains 18.223 acres, but subject to all highways and easements of record. Containing 18.205 acres in Lot 42 and 0.018 acres in Lot 47.

This parcel is subject to an existing 30 foot easement recorded in Official Record vol. 24 page 430.

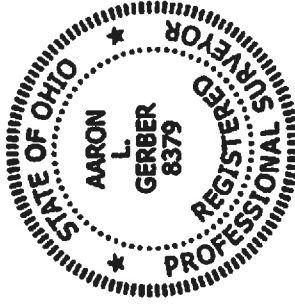
All iron pins set are 5/8 inch rebars with a plastic identification cap marked "Baker Surveying LLC".

Basis of bearings from Ohio State Plane Coordinate System, North Zone, N.A.D. 83, 2011 adjustment.

See Holmes County Plat Book 2, page 648 for survey.
 This survey made and description prepared by Aaron L. Gerber, P.S. 8379.
 May 11, 2023

AL

Aaron L. Gerber P.S. 8379



APPROVED FOR TRANSFER ONLY
 NO SUBDIVISION PLAT REQUIRED
 (O.R.C. 711.001 & 711.131)
 Lot(s) not for building unless
 approved by Board of Health.
 HOLMES COUNTY PLANNING COMMISSION
 By: *[Signature]* Date: 5/13/23

