

**RESTRICTIVE COVENANT
ESTABLISHING A
CONSERVATION DISTRICT**

REBECCA PREM GROPPE
HAMILTON COUNTY RECORDER
Doc #: 0 - 160634 Type: OCDA
Filed: 10/13/2000 2:05:25 PM \$ 1.00
Off. Rec.: 8395 1611 F 7 446

WHEREAS, the City of Loveland, an Ohio municipal corporation, with offices at 120 West Loveland Avenue, Loveland, Ohio 45140, is the owner in fee simple of 41.064 acres of certain real property known as the Simpson Farm Property (the "Property") which is situated in the City of Loveland, County of Hamilton, State of Ohio and which is more fully described in the Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Council of the City of Loveland, pursuant to Ordinance 2000-21, which was passed on April 25, 2000 and which became effective thirty (30) days thereafter, has declared the Property, a part of Phillips Park, a conservation district to be protected by a covenant;

NOW, THEREFORE, pursuant to the premises, and as authorized and directed by the above-referenced ordinance, and in order to enhance the natural beauty of the Property predominantly in its natural, scenic and open-space condition, there is hereby placed upon the Property this restrictive covenant which shall establish a conservation district and constitute a servitude thereupon and shall run with the land in perpetuity unless and until canceled as hereinafter provided.

Pursuant to this covenant, the following shall apply to the Property:

- a) a wide range of activities is encouraged, including hiking and backpacking on unimproved trails, bird and wildlife watching, primitive camping, scientific and scholastic study; and
- b) trails can be improved for safety or to protect them from the effects of erosion; and
- c) the property will be closed to any vehicular traffic other than necessary City service vehicles, or necessary vehicles to maintain the sanitary sewer that crosses the property; and
- d) the cutting of trees and underbrush is strictly prohibited except to provide visitor safety and where deemed necessary to protect the natural environment from the invasion of alien plants such as bush honeysuckle; and
- e) there shall be no filling, excavating, or change in the topography of the land in any manner except to provide visitor safety; and
- f) there shall be no spraying with herbicides or pesticides; and
- g) each and every other activity or construction which might endanger the natural or scenic state of the property is forbidden.

The Property shall not be sold by the City of Loveland, nor shall the covenants contained herein be changed or terminated, unless such sale, change or termination is first approved by a majority of electors of the City of Loveland at a special, primary or general election established and conducted pursuant to the Ohio Revised Code and/or the Charter of the City of Loveland.

8395 1611

This restrictive covenant was executed on behalf of the City of Loveland, Ohio by Wayne Barfels, its Acting City Manager, on October 2, 2000.

Signed and witnessed in the presence of:

CITY OF LOVELAND

Kimberly Vollet
Signature, Witness No. 1

by Wayne Barfels
Wayne Barfels, Acting City Manager

Kimberly Vollet
Printed Name, Witness No. 1

[Signature]
Signature, Witness No. 2

Richard C. MELFI
Printed Name, Witness No. 2

The foregoing was acknowledged before me on October 2, 2000 by Wayne Barfels, Acting City Manager, on behalf of the City of Loveland.

[Signature]
Notary Public

My Commission Expires: _____

Prepared and Approved as to Form:

[Signature]

Richard C. Melfi
City Solicitor (Acting)
Manley, Burke & Lipton
225 West Court Street
Cincinnati, Ohio 45202
(513) 721-5525



RICHARD C. MELFI, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03

Tax Parcels:
620-60-0017
620-60-0016
621-01-0001
621-01-0108

DESCRIPTION

Situated in the City of Loveland, and being a part of that land described in Official Record 6030 page 7010 of the Deed Records of Hamilton County, Ohio, more fully described as follows:

Starting at the west line of Wall Street with the south line of Brecker Street, being the northeast corner of Lot No. 6 of Block No. 1 of Clark's Subdivision, thence South 0 degrees 57 minutes 0 seconds East 160.00 feet to an Iron Pin in the West line of Wall Street; thence South 0 degrees 57 minutes 0 seconds East 133.30 feet to an Iron Pin in the West line of Wall Street and being the Real Point of Beginning for the tract herein described;

thence South 0 degrees 57 minutes 0 seconds East 88.35 feet to an Iron Pin in the West line of Wall Street (being 387 feet from the north line of Park Avenue);

thence South 73 degrees 6 minutes 15 seconds West 468.06 feet to an Iron Pin in the north line of Lot No. 5 of G.C. Hills Subdivision;

thence North 87 degrees 17 minutes 58 seconds West 350.27 feet to an Iron Pin;

thence North 4 degrees 47 minutes 8 seconds East 1099.17 feet to an Iron Pin;

thence South 85 degrees 1 minutes 27 seconds East 1289.16 feet to a Fence Post;

thence South 4 degrees 47 minutes 22 seconds West 179.93 feet to an Iron Pin;

thence South 83 degrees 48 minutes 28 seconds East 544.26 feet to an Iron Pin at the northermost corner of Lot No. 11, Block 3, of Clark's Subdivision;

thence South 30 degrees 59 minutes 34 seconds West 327.02 feet to a Fence Post;

thence South 78 degrees 25 minutes 0 seconds West 93.50 feet to an Iron Pin at the northwesterly corner of Lot No. 23, Block 4, Clark's Subdivision;

thence South 0 degrees 57 minutes 0 seconds East 575.00 feet to an Iron Pin at the southwesterly corner of Lot No. 1, Block 4, Clark's Subdivision;

thence North 89 degrees 3 minutes 0 seconds East 190.00 feet to an Iron Pin;

thence South 0 degrees 57 minutes 0 seconds East 164.91 feet to an Iron Pin;

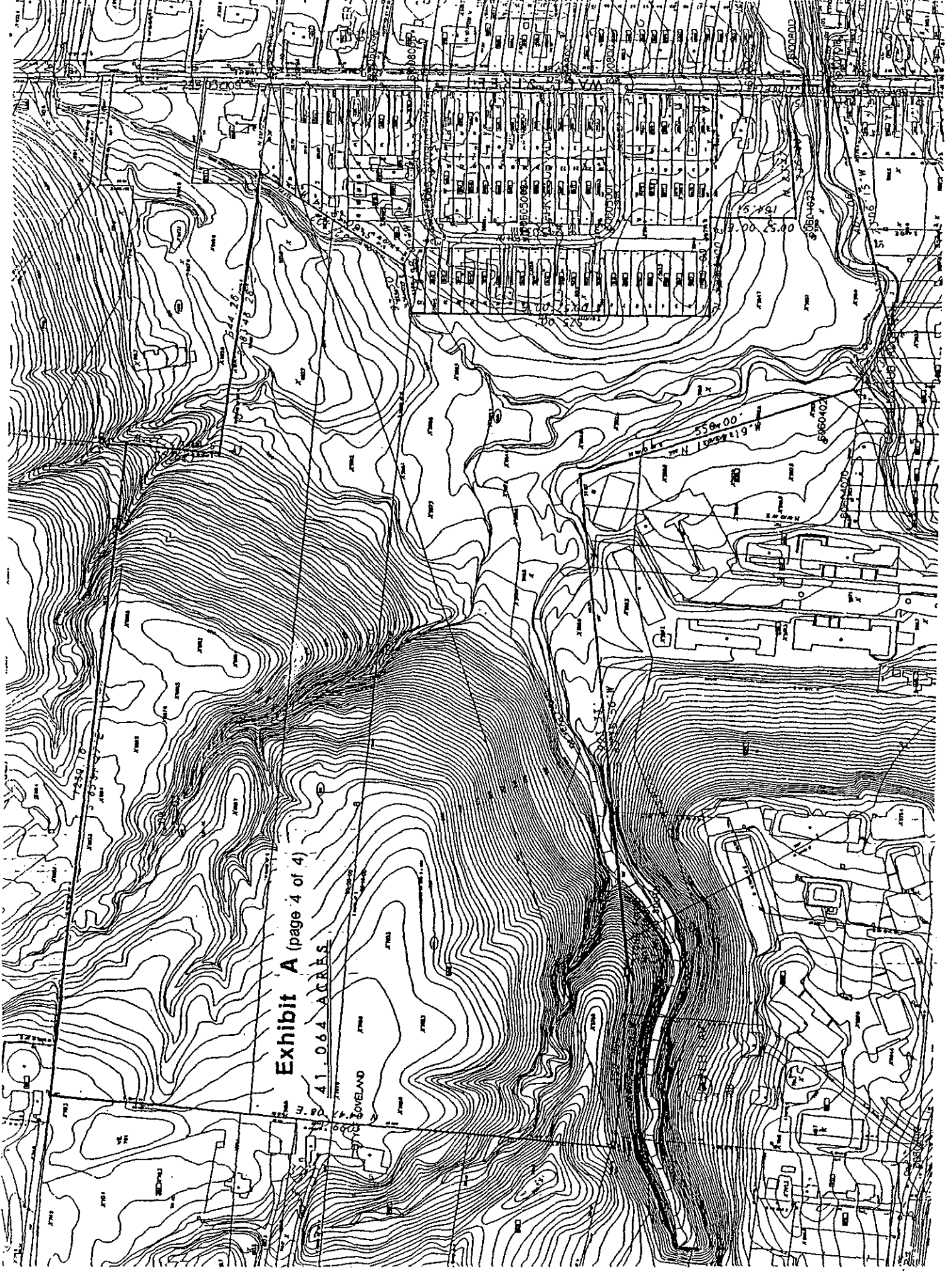
thence North 83 degrees 47 minutes 45 seconds East 236.00 feet to an Iron Pin in the westerly line of Wall Street at the Real Point of Beginning, containing 41.064 acres of land.

This description, prepared by Amos Greene, Oh. Reg. Surveyor No. 6141, is based on a survey made in November 1994.

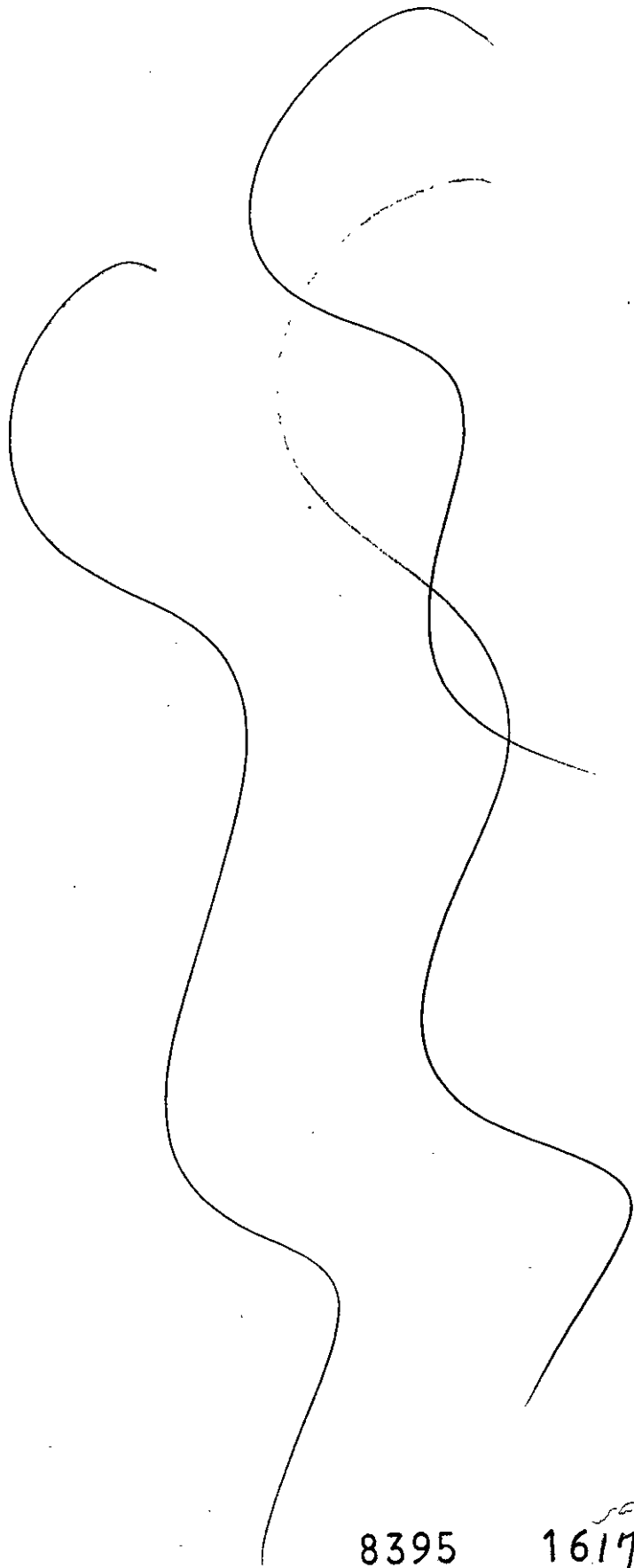
Exhibit A (page 4 of 4)

41.064 ACRES

SOVELAND



3191 3038



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1617