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Group Number 3032

1998 JUN 17 P 12:07

JERRY W. ROUSE
BOONE COUNTY CLERK

15.00p

**DECLARATION
of
RESTRICTIVE COVENANTS
for
MAGNOLIA TRACE SUBDIVISION**

SECTION ONE

This Declaration of Restrictive Covenants for Magnolia Trace Subdivision, Section III, is made this 12th day of June, 1998 by Magnolia Trace Development, LLC, a Kentucky limited liability company, hereinafter referred to as "Declarant"

WITNESSETH:

WHEREAS, Declarant is the owner of certain real estate known as Magnolia Trace Subdivision, Section One, as recorded in Plat 46.5A of the Plat Records of the Boone County Recorder's office at Burlington, Kentucky; and

WHEREAS, Declarant is developing said parcel of real estate as a residential subdivision; and

WHEREAS, Declarant desires to establish a general plan for the use, occupancy and enjoyment of the lots in said subdivision; and to this end, desires to subject the real estate referred to above to the Restrictive Covenants hereinafter set forth, each and all of which is and are for the benefit of said real estate and the subsequent owners thereof.

NOW, THEREFORE, Declarant hereby declares that all of the lots situated in the above-described real estate shall be held, sold, and conveyed subject to the following Restrictive Covenants which are for the purpose of protecting the value and desirability of, and which shall run with, the real estate.

COVENANTS AND RESTRICTIONS

1. **LAND USE.** No lot shall be used except for residential use, provided, however, that model homes for promotional and display purposes may be constructed and maintained by builders designated by the Declarant within the subdivision. Builder sales and promotional signage shall be permitted on any lots within the subdivision, provided that such signage is limited to the sales and promotion of lots within the subdivision.
2. **BUILDING TYPE.** No building or structure shall be erected, placed or permitted to remain upon any lot except one single-family residence not to exceed two (2) stories in height, which may include an attached garage. No other structure shall be erected, placed or permitted to remain on any lot, except as provided herein. Without limiting the generality thereof, the word "structure" as used herein means any thing or object, the placement of which upon any lot may affect the appearance of such lot, including any building, garage, shed, barn, greenhouse, coop,

RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KY 41018

1 / y

cage, shack, trailer, above-ground swimming pool, or any other temporary or permanent improvement on such lot. It is further provided, however, that the word "structure" does not include covered or uncovered patios or decks.

3. **LANDSCAPING.** Every house constructed on any lot shall be landscaped. Each lot owner shall be responsible for the installation of front yard landscaping as provided herein. Such front yard landscaping shall include a front yard landscape package installed by the lot owner or independent landscaping contractor equal to or greater than \$ 1250 in retail value where such value includes the retail costs of evergreens and deciduous trees and shrubs but excludes any installation labor, topsoil, mulch and other non-plant materials, sod or seed. In lieu of the aforementioned front yard landscape package, a lot owner may cause to have installed a required or optional front yard landscape package provided by the builder of the house. In the event the construction of the house is completed between the first day of March and the thirtieth day of September, this landscaping shall be installed no later than ninety days after the completion of the house. In the event the construction of the house is completed between the first day of October and the last day of February, this landscaping shall be installed no later than the first day of the following June.

4. **NUISANCES.** No activity which may be considered noxious or offensive by reason of odor, sound, appearance or sight, or which may be or become a nuisance or annoyance, will be permitted on any lot. No lot shall be used or maintained for dumping rubbish, trash, garbage or other waste.

5. **ANIMALS.** No animals, livestock or poultry of any kind shall be raised, bred, accepted or permitted to remain upon any lot, except that each residence shall be permitted dogs, cats or other ordinary domesticated household pets not totaling more than three (3) in number, provided that they are not kept, bred or maintained for any commercial purposes.

6. **FENCES.** No fences shall be erected or built on any part of any lot between the rear of the building constructed thereon and the street in front of the building. Fences erected on said lot from the rear of the building and the back property line shall not be in excess of four (4) feet in height and shall be rustic rail, split rails, ornamental iron, decorative wood, decorative metal or hedge, provided, however, that all fences constructed of the aforesaid materials shall be at least fifty percent (50%) open. Non-reflective metal fence may be installed as an integral part of a fence constructed of the aforesaid materials in order to provide a secure enclosure. Barbed wire, chain link wire or similar fences shall be prohibited. On a corner lot, the section or sections of fence running with the side street shall not extend closer to said side street at any point than the residence on said lot.

7. **AUTOMOBILES, RECREATIONAL VEHICLES, BOATS, TRAVEL TRAILERS.** No recreational vehicle, mobile home, boat, bus, delivery van, travel trailer or trailer shall be parked or stored on any lot, for a period in excess of forty-eight (48) hours during any calendar month, unless the same is in an enclosure or garage and completely out of view. No vehicle in inoperable condition shall be stored on any lot for a period in excess of five (5) days unless the same is in an enclosure or garage and completely out of view. 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 a lot on a temporary basis.

8. **ANTENNAS, AERIALS:** No free-standing antenna, receiver or satellite dish shall be erected or maintained on any lot. All antennas or receivers shall be attached to the principal building on the lot and shall have a maximum height of ten (10) feet above the roof line of said building. Satellite dishes attached to the principal building shall not exceed twenty-four (24) inches in diameter and shall not be visible from the street.
9. **SIGNS:** No signs, billboards, or advertisements of any kind shall be erected, posted, attached or displayed upon any lot except street and property identification signs not exceeding two (2) square feet in area and (1) temporary real estate sign not exceeding twelve (12) square feet in surface area, single or double faced, erected on any lot advertising same upon the market for sale. The restriction shall not prohibit or restrict builder sales and promotional signs.
10. **SWIMMING POOLS:** No above-ground swimming pools or swimming pools designed for above-ground use shall be erected or permitted to remain on any lot. In-ground swimming pools shall be permitted provided said swimming pools are constructed and maintained in compliance with local zoning, building and health codes.
11. **OIL AND MINING OPERATIONS:** No oil drilling, quarrying or mining operation shall be permitted on any lot.
12. **EASEMENTS:** Easements for installation and maintenance of utilities and drainage facilities are preserved as shown on the recorded subdivision plat. Within these easements, no structure, planting or other material, other than driveways or sidewalks, shall be placed or permitted to remain upon any lot which may damage or interfere with any easement or the installation or maintenance of utilities, or which may change, obstruct or retard direction or flow of any drainage channels in the easement area. The easement area of each lot and all improvements in the easement area shall be maintained by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
13. **EXCLUSION:** The provisions of paragraphs 4, 6, 7, and 12 of these Restrictive Covenants shall not apply to any lots owned by the Declarant, or any other builder in the subdivision, and held for sale
14. **TEMPORARY CONSTRUCTION STRUCTURES:** As long as there are unbuilt-upon lots within the subdivision, home builders shall be permitted to maintain temporary construction offices or trailers within the subdivision necessary for the construction of houses and subdivision improvements.
15. **ENTRY IMPROVEMENTS:** These Covenants and Restrictions shall not prevent the construction and maintenance of entry walls, monuments and/or subdivision identification signs and appurtenant landscaping and lighting of any street entrance to the subdivision.
16. **TERM, AMENDMENTS:** These Covenants and Restrictions shall run with the land and remain in effect with respect to lots for twenty-five (25) years from the date of the recording of

the subdivision plat. After such time as the Declarant, its successor or assigns owns no lots or undeveloped land in the subdivision, these Covenants and Restrictions may be amended, in whole or in part, or renewed for a specific period or periods by a written instrument executed by the owners of seventy-five percent (75%) of all of the lots in the subdivision and recorded in the land records of the county and state in which the subdivision is located.

- 17. **DIVISIBILITY; ENFORCEMENT.** The determination of a court of competent jurisdiction that any provision of this Declaration of Covenants and Restrictions is invalid for any reason shall not affect the validity of any other provision hereof. Each owner acknowledges that irreparable harm will result to the beneficiary of these restrictions by reason of violation of the provisions thereof or default, and, therefore, each beneficiary shall be entitled to relief by way of injunctions, specific performance and/or damages to enforce the provisions of these restrictions, as well as any other relief available at law or in equity.

IN WITNESS WHEREOF, the undersigned Declarant, Magnolia Trace Development, LLC, a Kentucky limited liability company, has hereunto set its signature on the day and year first above written.

Signed and acknowledged

MAGNOLIA TRACE DEVELOPMENT, LLC, a Kentucky limited liability company

in the presence of:

By: Paul J. Kahmann
Paul J. Kahmann

Its: Managing Member


STATE OF KENTUCKY)
)SS:
COUNTY OF Kenton)

Be it remembered that on this 12th day of June, 1998, before me, a Notary Public, in and for said County and State, personally came Paul J. Kahmann, the Managing Member of Magnolia Trace Development, LLC, a Kentucky limited liability company, which executed the foregoing instrument, who acknowledged that he did sign said instrument as such managing member on behalf of said limited liability company and by authority of the members of the company; that said instrument was signed as his free act and deed individually, and the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Robert W. [Signature]
Notary Public STATE OF KENTUCKY
My Comm. Expires: 2/16/99

This instrument prepared by:

 _____

Pete A. Smith

STRAUSS & TROY, L.P.A.

50 E. RiverCenter Blvd.

Suite 1400

Covington, Kentucky 41011

(513) 621-8900

W45307.1

Being located in the City of Florence, Boone County, Kentucky and being all of Section One, Magnolia Trace at Plantation Pointe Subdivision and described as follows:

Beginning at a point on the south right-of-way line of Trace Drive, said point being the northeast corner of Lot 31; thence leaving said south right-of-way line

S 12° 52' 00" E, 159.41 feet
 thence S 72° 30' 27" E, 418.17 feet
 thence N 53° 06' 54" E, 141.67 feet
 thence S 57° 13' 50" E, 171.81 feet
 thence S 13° 07' 13" E, 103.58 feet
 thence S 08° 27' 03" W, 76.13 feet
 thence S 23° 06' 52" W, 34.98 feet
 thence S 34° 39' 15" W, 54.59 feet
 thence S 59° 21' 18" W, 74.05 feet
 thence S 84° 52' 52" W, 201.53 feet
 thence N 72° 30' 27" W, 287.61 feet

to a point on the east right-of-way line of Colonnade Drive; thence with the east right-of way line along on the arc of a curve (R=75.00 feet) northwardly 7.28 feet to a point; thence N 17° 29' 33" E, 2.73 feet to a point, said point being the south east corner of Lot 10, thence leaving said right-of-way

N 72° 30' 27" W, 150.00 feet
 thence S 73° 26' 29" W, 118.86 feet
 thence S 77° 08' 00" W, 60.90 feet
 thence N 12° 52' 00" W, 466.00 feet

to a point on the said south right-of-way line of Trace Drive; said point being the northwest corner of Lot 3; thence with the said south right-of-way line of Trace Drive N 77° 08' 00" E, 246.10 feet to the P.C. of a curve; thence with the arc of said curve (R=225.00 feet) westwardly 85.98 feet to the point of Beginning.

WM43924.1

State of Kentucky, County of Boone
 JERRY W. ROUSE, Clerk of the Boone County
 Court, do certify that the foregoing
~~Map~~ was, on the 17 day of June

1998 at 12:07 P.M., lodged in my office
 for record, and that it has been duly recorded in
 my said office, together with this and the
 certificate thereon endorsed.

Given under my hand this 17 day of June
1998

JERRY W. ROUSE, CLERK

By Jerry Rouse DC

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. WE FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY D.S. 889, PG. 157, OF THE BOONE COUNTY DEEDS' OFFICE.

6-11-98 Paul D. Mahan
DATE PAUL D. MAHAN, MEMBER
MAGNOLIA TRACE DEVELOPMENT LLC

STATE OF KENTUCKY COUNTY OF BOONE
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11th DAY OF September 1998 BY
PAUL J. MAHANN, MEMBER, MAGNOLIA TRACE DEVELOPMENT, LLC,
A KENTUCKY LIMITED LIABILITY COMPANY, ON BEHALF OF THE LLC.

Paul D. Mahan
NOTARY PUBLIC
STATE OF KENTUCKY
MY COMMISSION EXPIRES 6-11-99

I HEREBY CERTIFY THAT ALL PUBLIC IMPROVEMENTS (STREETS, STORM SEWER SYSTEMS, SANITARY SEWERS AND WATER LINES) HAVE BEEN INSTALLED AND INSPECTED IN ACCORDANCE WITH THE APPLICABLE SPECIFICATIONS OF THE BOONE COUNTY SUBDIVISION REGULATIONS IN THE SECTION OR PHASE OF THIS SUBDIVISION AND ARE PUBLICLY ACCEPTED AND MAINTAINED 45 DAYS FROM THE RECORDING OF THIS PLAT, OR THAT A GUARANTEE HAS BEEN POSTED WITH THE APPLICABLE ACCEPTING AGENCY TO ASSURE COMPLETION OF ALL IMPROVEMENTS.

STREET Public Services Drive TITLE Public Services Drive DATE 6-8-98
SIGNATURE OF CITY/COUNTY OFFICIAL [Signature]
AMOUNT OF GUARANTEE 0 EXPIRATION DATE SIGNATURE FOR RELEASE DATE

STORM SEWER SYSTEM General Manager Performance DATE 6-11-98
SIGNATURE OF CITY/COUNTY OFFICIAL [Signature] TITLE General Manager Performance DATE 6-11-98

SANITARY SEWER SYSTEM General Manager Performance DATE 6-11-98
SIGNATURE OF CITY/COUNTY OFFICIAL [Signature] TITLE General Manager Performance DATE 6-11-98

WATERLINE SYSTEM General Manager Performance DATE 6-11-98
SIGNATURE OF CITY/COUNTY OFFICIAL [Signature] TITLE General Manager Performance DATE 6-11-98

AMOUNT OF GUARANTEE EXPIRATION DATE SIGNATURE FOR RELEASE DATE

Plot 465A
Groups 3831 & 3832
Back Plat Gp. 2047

FOR VALUABLE CONSIDERATION, WE, THE UNDERSIGNED DO HEREBY GRANT TO THE UNION LIGHT, HEAT AND POWER COMPANY, CINCINNATI BELL TELEPHONE COMPANY, THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS, AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS UTILITY EASEMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY AND ALL NECESSARY FACILITIES FOR THE OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATION, OR OTHER UTILITIES. SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF ACCESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES, UNDERGROWTH OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THEREON, NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO: (1) REDUCE CLEARANCES OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES; OR: (4) CREATE HAZARDS. TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER, WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

6-11-98 Paul D. Mahan
DATE PAUL D. MAHAN, MEMBER
MAGNOLIA TRACE DEVELOPMENT, LLC

L. JERRY W. ROUSE, BOONE COUNTY COURT CLERK, CERTIFY THAT THIS PLAT WAS PRESENTED TO ME IN BOONE COUNTY ON THE 11th DAY OF September 1998 AT 11:00 AM AND MADE A PART OF THE RECORDS OF THIS OFFICE.
Jerry W. Rouse by Paula D. Jones, D.E.
JERRY W. ROUSE BOONE COUNTY COURT CLERK

ALL ISLANDS WITHIN THE RIGHT OF WAY OF WETHERINGTON BOULEVARD SHALL BE MAINTAINED BY THE PLANTATION POINTE HOMEOWNERS ASSOCIATION

THIS PLAT HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS AND IS BEING SUBMITTED FOR RECORDING IN THE OFFICE OF THE BOONE COUNTY CLERK.
6-3-98 Paul D. Mahan
DATE CHAIRMAN

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.
6-11-98 Raymond R. Erpenbeck
DATE RAYMOND R. ERPENBECK LICENSED



SECTION ONE
MAGNOLIA TRACE
AT
PLANTATION POINTE
FLORENCE BOONE COUNTY KENTUCKY

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT, LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY 41042

SURVEYOR
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

MARCH 1998 SCALE: 1"=100'
SHEET 1 OF 3

REC-11-2-1-98-10
MAGNOLIA TRACE
FLORENCE, KY
10

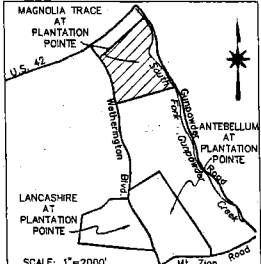
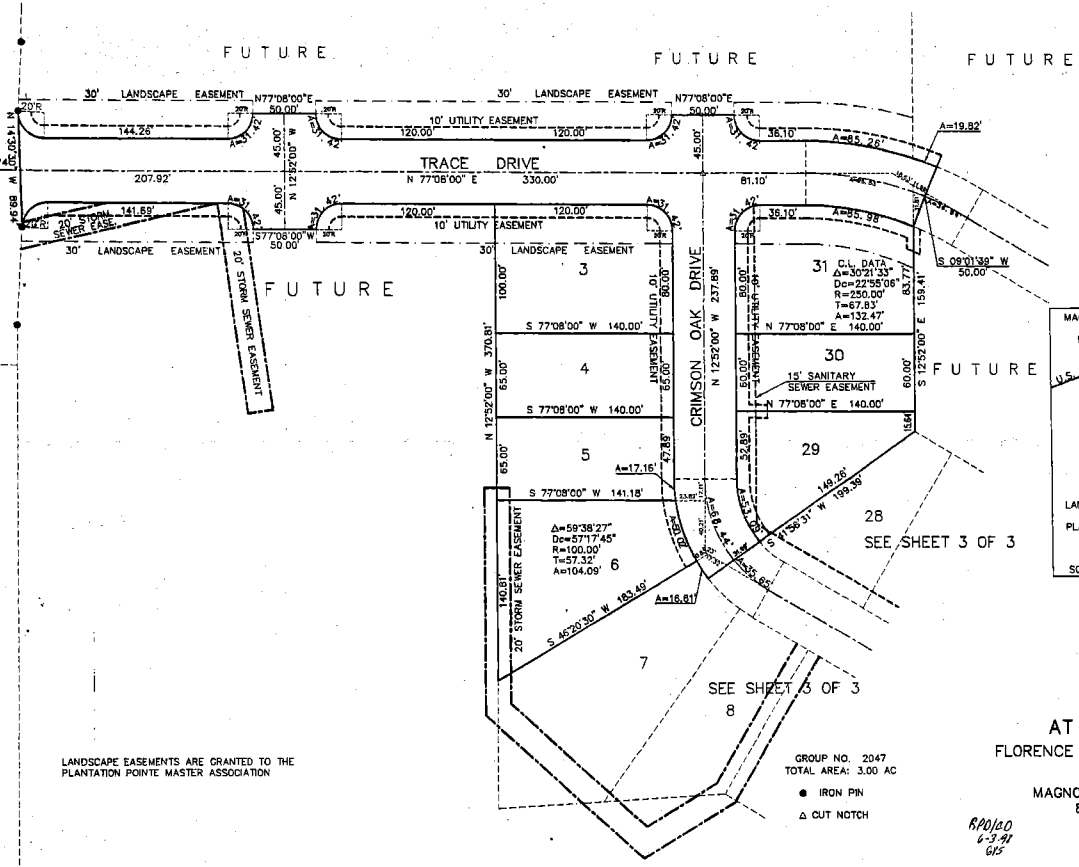
RD 100
6-3-98
GWS

THERE SHALL BE A 10' SURFACE DRAINAGE EASEMENT CENTERED ALONG EACH AND EVERY LOT LINE

BUILDING SETBACKS SHALL BE DETERMINED BY CURRENT APPLICABLE ZONING REGULATIONS OR DISTRICTS

ERPENBECK ELEMENTARY SCHOOL

WETHERINGTON BOULEVARD



LANDSCAPE EASEMENTS ARE GRANTED TO THE PLANTATION POINT MASTER ASSOCIATION

GROUP NO. 2047
TOTAL AREA: 3.00 AC
● IRON PIN
△ CUT NOTCH

SECTION ONE
MAGNOLIA TRACE
AT PLANTATION POINT
FLORENCE BOONE COUNTY KENTUCKY

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT, LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KY 41042

ENGINEER
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

MARCH 1998 SCALE: 1"=50'

SHEET 2 OF 3

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

DATE 3/20/98 *Raymond Wayne Erpenbeck* L.S. 2930



THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN ONE (1) YEAR OF PLANNING COMMISSION APPROVAL

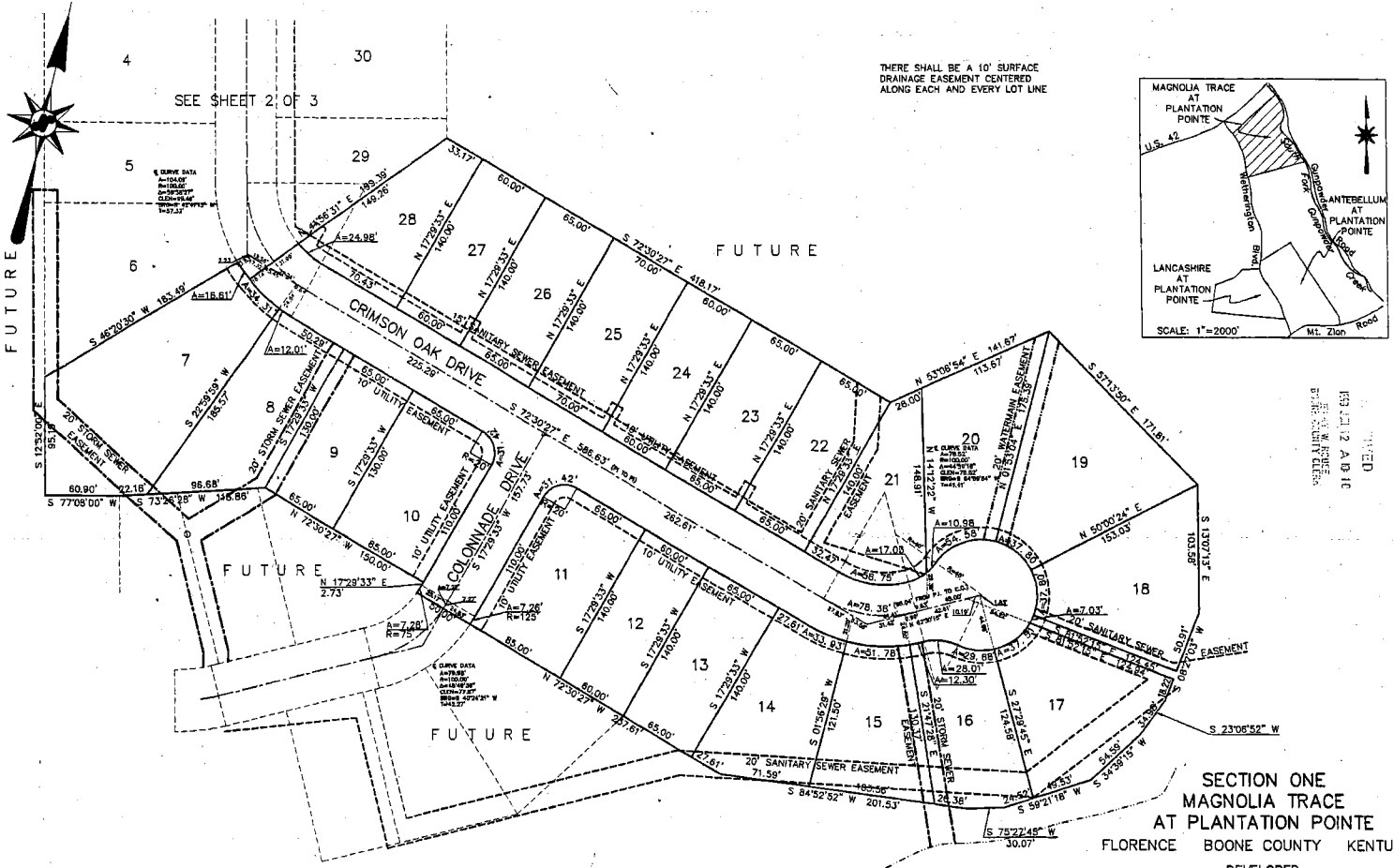
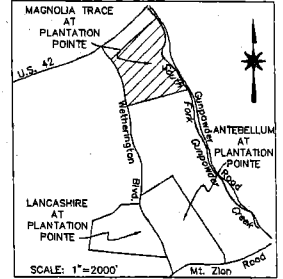
820100
8-3-98
613

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SEE SHEET 2 OF 3

THERE SHALL BE A 10' SURFACE DRAINAGE EASEMENT CENTERED ALONG EACH AND EVERY LOT LINE



RECEIVED
MAY 12 1998
BOONE COUNTY CLERK

SECTION ONE
MAGNOLIA TRACE
AT PLANTATION POINTE
FLORENCE BOONE COUNTY KENTUCKY

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT, LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY 41042

ENGINEER
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

MARCH 1998 SCALE: 1"=50'

SHEET 3 OF 3

6-3-98 *Carl R. White*

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, AND COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

DATE: 5/22/98 *Raymond W. Erpenbeck* L.S. 2930

BUILDING SETBACKS SHALL BE DETERMINED BY CURRENT APPLICABLE ZONING REGULATIONS OR DISTRICTS



THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN ONE (1) YEAR OF PLANNING COMMISSION APPROVAL.

GROUP NO. 2047
TOTAL AREA: 6.38 AC.

APD 100
6-3-98
212

- IRON PIN
- △ CUT NOTCH

784

Plat 505 B
Group 393a
Back Group 2047

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. WE FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY D.S. 888, PG. 157, OF THE BOONE COUNTY CLERK'S OFFICE.

3-11-27 Paul J. Karamani, MEMBER
DATE: PAUL J. KARAMANI, MEMBER
MAGNOLIA TRACE DEVELOPMENT LLC

I HEREBY CERTIFY THAT ALL PUBLIC IMPROVEMENTS (STREETS, STORM SEWER SYSTEMS, SANITARY SEWERS, AND WATER LINES) HAVE BEEN INSTALLED AND INSPECTED IN ACCORDANCE WITH THE APPLICABLE SPECIFICATIONS OF THE BOONE COUNTY SUBDIVISION REGULATIONS IN THE SECTION OR PHASE OF THIS SUBDIVISION AND ARE PUBLICLY ACCEPTED AND MAINTAINED 45 DAYS FROM THE RECORDING OF THIS PLAT OR THAT A GUARANTEE HAS BEEN POSTED WITH THE APPLICABLE ACCEPTING AGENCY TO ASSURE COMPLETION OF ALL IMPROVEMENTS.

FOR VALUABLE CONSIDERATION, WE, THE UNDERSIGNED DO HEREBY GRANT TO THE UNION LIGHT, HEAT AND POWER COMPANY, CINCINNATI BELL TELEPHONE COMPANY, THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS, AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "UTILITY EASEMENT" FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR OR REPLACEMENT OF ANY AND ALL NECESSARY UTILITIES FOR THE OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATION, OR OTHER UTILITIES. SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES UNDERGROWTH OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THEREON. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO: (1) REDUCED CLEARANCES OF OTHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES; OR: (4) CREATE HAZARDS. TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER. WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

STATE OF KENTUCKY COUNTY OF BOONE
THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 22ND DAY OF March 1998 BY PAUL J. KARAMANI, MEMBER, MAGNOLIA TRACE DEVELOPMENT, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, ON BEHALF OF THE LLC.

Susan Segnoche
NOTARY PUBLIC
State of Kentucky
MY JURISDICTION IS 3-16-2000
MY COMMISSION EXPIRES

| | | | |
|-----------------------------------|-------------|---------------------------|----------------|
| STREETS | <u>None</u> | PUBLIC SERVICES DIST. | <u>2-4-98</u> |
| SIGNATURE OF CITY/COUNTY OFFICIAL | <u>None</u> | TITLE | DATE |
| AMOUNT OF GUARANTEE | <u>N/A</u> | SIGNATURE FOR RELEASE | DATE |
| STORM SEWER SYSTEM | <u>None</u> | | |
| SIGNATURE OF CITY/COUNTY OFFICIAL | <u>None</u> | TITLE | <u>1/20/98</u> |
| AMOUNT OF GUARANTEE | <u>N/A</u> | SIGNATURE FOR RELEASE | DATE |
| SANITARY SEWER SYSTEM | <u>None</u> | | |
| SIGNATURE OF CITY/COUNTY OFFICIAL | <u>None</u> | SEWER COMMISSION/DISTRICT | <u>1/20/98</u> |
| AMOUNT OF GUARANTEE | <u>N/A</u> | SIGNATURE FOR RELEASE | DATE |
| WATER LINE SYSTEM | <u>None</u> | | |
| SIGNATURE OF CITY/COUNTY OFFICIAL | <u>None</u> | TITLE | <u>1/20/98</u> |
| AMOUNT OF GUARANTEE | <u>N/A</u> | SIGNATURE FOR RELEASE | DATE |

3-11-27 Paul J. Karamani, MEMBER
DATE: PAUL J. KARAMANI, MEMBER
MAGNOLIA TRACE DEVELOPMENT, LLC

Marilyn K. Rouse
I, Marilyn K. Rouse, BOONE COUNTY COURT CLERK, CERTIFY THAT THIS PLAT WAS PRESENTED TO ME IN BOONE COUNTY ON THIS 12 DAY OF March 1998 AT 12:40 AND MADE A PART OF THE RECORDS OF THIS OFFICE.

Marilyn K. Rouse
BOONE COUNTY COURT CLERK

THIS PLAT HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS AND IS BEING SUBMITTED FOR RECORDING IN THE OFFICE OF THE BOONE COUNTY CLERK.

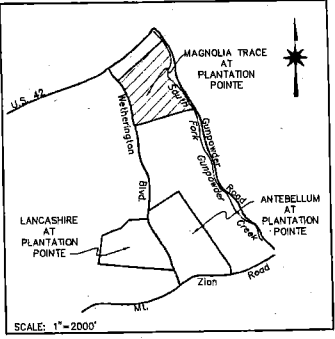
18/18/98 Janet C. Cox
DATE: 12/2

PROCESSED 12/2/98 CWS



I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS. MEETS THE REQUIREMENTS OF A CLASS A SURVEY WITH AN UNADJUSTED CLOSURE OF AT LEAST 1/10000. THE BEARINGS AND DISTANCES HAVE BEEN ADJUSTED FOR CLOSURE. THE BEARINGS AND DISTANCES ARE BASED ON A DEED OF RECORD. COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNERS.

12-1-98 Raymond W. Erpenbeck
DATE: RAYMOND W. ERPENBECK LS 2830



SECTION TWO
MAGNOLIA TRACE
AT
PLANTATION POINT
FLORENCE BOONE COUNTY KENTUCKY

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT, LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY 41042

SURVEYOR
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

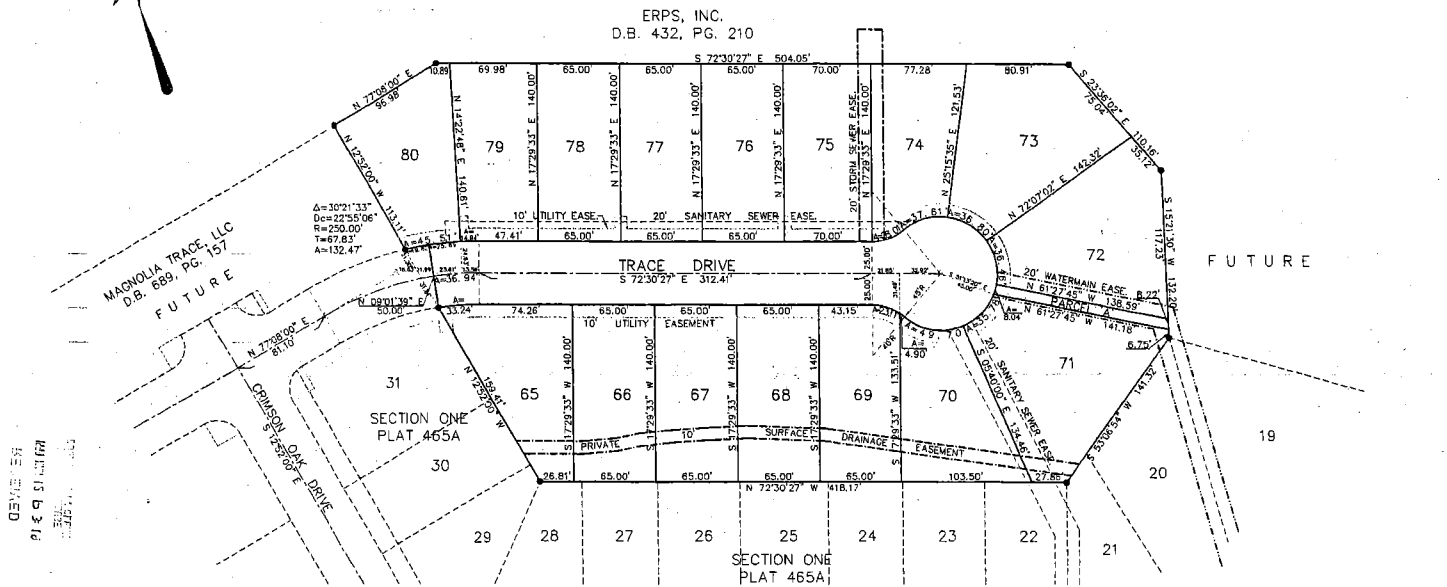
NOVEMBER 1998 SCALE: 1"=100'
SHEET 1 OF 2

842

Plat 505 B
Group 3932
Back Group 2047



ERPS, INC.
D.B. 432, PG. 210



RECEIVED
JAN 15 3 16

RPD106
12-2-98
C15

I CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS, MEETS THE REQUIREMENTS OF A CLASS A SURVEY WITH AN UNADJUSTED CLOSURE OF AT LEAST 1:10000. THE BEARINGS AND DISTANCES HAVE BEEN ADJUSTED FOR CLOSURE. THE BEARINGS AND DISTANCES ARE BASED ON A DEED OF RECORD. COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS, AND THAT DEDICATED AREAS INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

12-2-98 *Raymond W. Erpenbeck*
DATE RAYMOND W. ERPENBECK LS 2930



BUILDING SETBACKS WILL BE DETERMINED BY CURRENTLY APPLICABLE ZONING REGULATIONS OR DISTRICT.

THERE SHALL BE A 10' WIDE SURFACE DRAINAGE EASEMENT CENTERED ALONG EACH LOT LINE UNLESS OTHERWISE NOTED.

ALL EASEMENTS SHOWN SHALL BE CENTERED ON THEIR APPROPRIATE STRUCTURES UNLESS OTHERWISE NOTED.

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN ONE (1) YEAR OF PLANNING COMMISSION APPROVAL.

GROUP NO. 2047
TOTAL AREA: 4.255 AC

- IRON PIN
- △ CUT NOTCH



SECTION TWO
MAGNOLIA TRACE
AT PLANTATION POINTE
FLORENCE BOONE COUNTY KENTUCKY

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT, LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY 41042

ENGINEER
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY 41018

NOVEMBER 1998 SCALE: 1"=50'

SHEET 2 OF 2

347

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. I FURTHER CERTIFY THAT TITLE TO THE PROPERTY SHOWN HEREON WAS ACQUIRED BY DEED RECORDED IN DEED BOOK 779, PAGE 302 OF THE BOONE COUNTY CLERK'S OFFICE.

7/30/99 Raymond W. Erpenbeck
Managing Partner

STATE OF KENTUCKY COUNTY OF Kenton

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30th DAY OF July, 1999 BY RAYMOND W. ERPEBECK, MANAGING PARTNER, MAGNOLIA TRACE DEVELOPMENT, LLC A KENTUCKY LIMITED LIABILITY COMPANY, ON BEHALF OF SAID COMPANY.

Sandra Beeghly
NOTARY PUBLIC
MY JURISDICTION IS State of Georgia
MY COMMISSION EXPIRES 3-11-2000

THIS PLAT HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS AND IS BEING SUBMITTED FOR RECORDING IN THE OFFICE OF THE BOONE COUNTY COURT CLERK.

7-7-99 M. K. Rouse
TPO

I, MARILYN K. ROUSE, BOONE COUNTY COURT CLERK, CERTIFY THAT THIS PLAT WAS PRESENTED TO ME IN BOONE COUNTY ON THIS 30 DAY OF July, 1999 AT 6:30 P.M. AND MADE A PART OF THE RECORDS OF THIS OFFICE.

Marilyn K. Rouse, Clerk
MARILYN K. ROUSE Sy. Renee Hing Jr.

I CERTIFY THAT THIS PLAT DEPicts A SURVEY MADE BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE KENTUCKY MINIMUM SURVEYING STANDARDS; MEETS THE REQUIREMENTS OF A CLASS "A" SURVEY WITH AN UNADJUSTED CLOSURE OF AT LEAST 1:10000; THE BEARINGS AND DISTANCES HAVE BEEN ADJUSTED FOR CLOSURE; THE BEARINGS AND DISTANCES ARE BASED ON A DEED OF RECORD; COMPLIES WITH ALL REQUIREMENTS OF THE BOONE COUNTY ZONING AND SUBDIVISION REGULATIONS; AND THAT DEDICATED AREA INCLUDING PUBLIC WAYS OR STREETS ARE CURRENTLY OWNED BY THE PROPERTY OWNER.

7-7-99 Raymond W. Erpenbeck LS 2930
DATE



RWD/CC
7-7-99
6/3

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY CLERK FOR RECORDING PURPOSES WITHIN ONE (1) YEAR OF PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT ALL PUBLIC IMPROVEMENTS (STREETS, STORM SEWER SYSTEMS, SANITARY SEWERS, AND WATER LINES) HAVE BEEN INSTALLED AND INSPECTED IN ACCORDANCE WITH THE APPLICABLE SPECIFICATIONS OF THE BOONE COUNTY SUBDIVISION REGULATIONS IN THE SECTION OR PHASE OF THIS SUBDIVISION AND ARE PUBLICLY ACCEPTED AND MAINTAINED AS DATES FROM THE RECORDING OF THIS PLAT; OR THAT A GUARANTEE HAS BEEN POSTED WITH THE APPLICABLE ACCEPTING AGENCY TO ASSURE COMPLETION OF ALL IMPROVEMENTS.

STREETS
Robert W. Jones Public Services Director 7/29/99
SIGNATURE OF CITY/COUNTY OFFICIAL TITLE DATE

AMOUNT OF GUARANTEE _____ EXPIRATION DATE _____ SIGNATURE FOR RELEASE _____ DATE _____

STORM SEWER SYSTEM
Robert W. Jones Public Services Director 7/29/99
SIGNATURE OF CITY/COUNTY OFFICIAL TITLE DATE

AMOUNT OF GUARANTEE _____ EXPIRATION DATE _____ SIGNATURE FOR RELEASE _____ DATE _____

SANITARY SEWER SYSTEM
Robert W. Jones Public Services Director 7/29/99
SIGNATURE OF CITY/COUNTY OFFICIAL SEWER COMMISSION/DISTRICT DATE

AMOUNT OF GUARANTEE _____ EXPIRATION DATE _____ SIGNATURE FOR RELEASE _____ DATE _____

WATER LINE SYSTEM
Robert W. Jones Public Services Director 7/29/99
SIGNATURE OF CITY/COUNTY OFFICIAL TITLE DATE

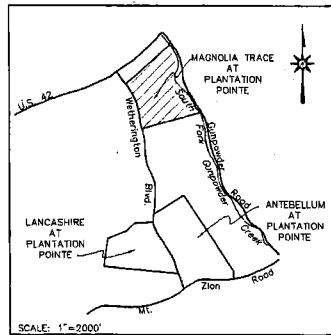
AMOUNT OF GUARANTEE _____ EXPIRATION DATE _____ SIGNATURE FOR RELEASE _____ DATE _____

FOR VALUABLE CONSIDERATION, WE THE UNDERSIGNED TO HEREBY GRANT TO CINCERY AND SUBSIDIARIES, CINCINNATI BELL TELEPHONE COMPANY, INTERMEDIA (CATV), TELESAT (CATV), THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "UTILITY EASEMENT" FOR ALL NECESSARY FIXTURES FOR THE OVERHEAD AND UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATIONS, OR OTHER UTILITIES. SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF ACCESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM OR REMOVE ANY TREES, UNDERGROWTH OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THERETO. NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENT. NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO: (1) REDUCE CLEARANCES OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES; OR (4) CREATE A HAZARD. TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER. WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

7-30-99 Raymond W. Erpenbeck

PLAT 524B Group 3974
Back ref Group 2047.

RECEIVED
JUL 30 1999
P 4:51



SECTION THREE
MAGNOLIA TRACE
AT PLANTATION POINTE
BOONE COUNTY KENTUCKY

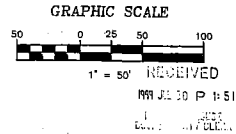
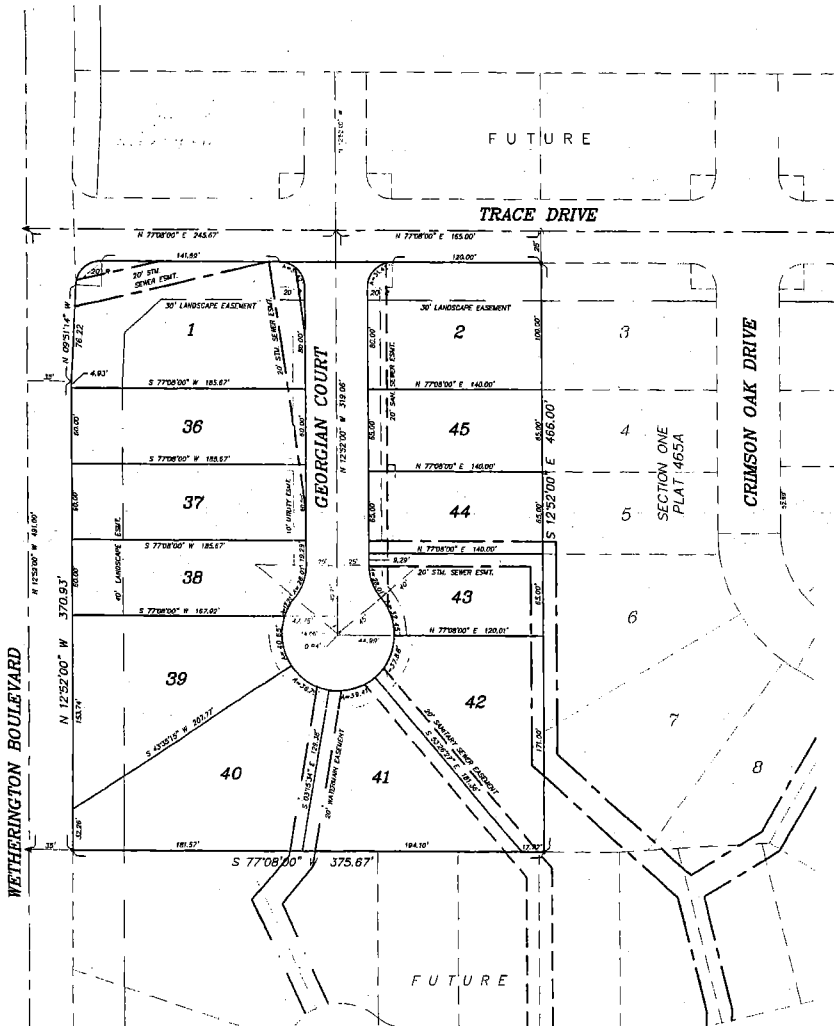
DEVELOPER
MAGNOLIA TRACE DEVELOPMENT LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY

ENGINEER
RAYMOND ERPEBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KY 41018

906 JULY 1999
SHEET 1 OF 2

ERPENBECK
ELEMENTARY
SCHOOL

ERPS



SECTION TWO
PLAT 505B



FOR VALUABLE CONSIDERATION, WE THE UNDERSIGNED DO HEREBY GRANT TO PLANTATION POINTE MASTER ASSOCIATION, INC. THEIR SUCCESSORS AND ASSIGNS, FOREVER, NON-EXCLUSIVE EASEMENTS AS SHOWN ON THE WITHIN PLAT AND DESIGNATED AS "LANDSCAPE EASEMENT" FOR THE PURPOSE OF THE CONSTRUCTION AND MAINTENANCE OF VARIOUS BRICK AND STONE MONUMENT WALLS AND OTHER TYPE BRICK AND STONE STRUCTURES; THE PLANTING OF VARIOUS SHRUBBERY, TREES AND OTHER LANDSCAPING MATERIALS; AND FOR THE GENERAL CARE, MAINTENANCE AND REPAIR OF SAME. NO BUILDING OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENT, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED IN ANY WAY AND NO FENCES MAY BE CONSTRUCTED UPON THE EASEMENT EXCEPT BY THE PLANTATION POINTE MASTER ASSOCIATION, INC.

NOTE: THERE SHALL BE NO VEHICULAR ACCESS PERMITTED FROM ANY LOT TO WETHERINGTON BOULEVARD.

BUILDING SETBACKS WILL BE DETERMINED BY CURRENTLY APPLICABLE ZONING REGULATIONS OR DISTRICT.

THERE SHALL BE A 10' WIDE SURFACE DRAINAGE EASEMENT CENTERED ALONG EACH LOT LINE UNLESS OTHERWISE NOTED.

ALL EASEMENTS SHOWN SHALL BE CENTERED ON THEIR APPROPRIATE STRUCTURES UNLESS OTHERWISE NOTED.

THIS PLAT SHALL BE VOID IF NOT FILED WITH THE BOONE COUNTY COURT CLERK FOR RECORDING PURPOSES WITHIN ONE (1) YEAR OF PLANNING COMMISSION APPROVAL.

- GROUP NO. 2047
TOTAL AREA: 4.012 AC
- IRON PIN
 - △ CUT NOTCH
 - ▲ P.K. NAIL

**SECTION THREE
MAGNOLIA TRACE
AT PLANTATION POINTE
BOONE COUNTY KENTUCKY**

DEVELOPER
MAGNOLIA TRACE DEVELOPMENT LLC
8720 VALLEY VIEW DRIVE
FLORENCE, KENTUCKY

ENGINEER
RAYMOND ERPENBECK
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KENTUCKY

JULY 1999 SCALE: 1"=50'

SHEET 2 OF 2

RDP/CD
7-7-99
GVS

906