

**MODIFICATION OF FIRST AMENDMENT TO DECLARATION AND BY-
LAWS CREATING AND ESTABLISHING A PLAN FOR CONDOMINIUM
OWNERSHIP UNDER CHAPTER 5311 OF THE OHIO REVISED CODE FOR
STONINGTON WOODS CONDOMINIUM**


Instr: 199806050021096 06/05/1998
Pages: 4 Fee: \$24.00 2:21PM
Robert Wise T19980016316
Licking County Recorder BXCARDINAL

WITNESSETH:

WHEREAS, Southgate Company Limited Partnership, an Ohio Limited Partnership, "Declarant", caused to be filed Declaration and Bylaws Creating and Establishing a Plan for Condominium Ownership under Chapter 5311 of the Ohio Revised Code for Stonington Woods Condominium. Said Declaration was filed with the Licking County Recorder's Office on June 9, 1997 and recorded in Official Records Vol. 911 p. 297; and

WHEREAS, a set of drawings pursuant to Ohio Revised Code Section 5311.07 was attached as Exhibit B to the above mentioned Condominium Declaration. Phase I of Stonington Woods Condominium consisted of 2.633 acres of land. Declarant expressly reserved the option to expand the condominium property within the limitations, and subject to the terms, set forth in the Declaration and Bylaws; and

WHEREAS, Declarant caused to be filed a First Amendment to Declaration and Bylaws Creating and Establishing a Plan for Condominium Ownership under Chapter 5311 of the Ohio Revised Code for Stonington Woods Condominium. Said First Amendment to the Declaration and Bylaws was filed on August 12, 1997 with the Licking County Recorder's Office in Official Record Vol. 930 p. 385. Phase II of Stonington Woods Condominium consisted of 2.861 acres of land. Declarant also expressly reserved the option to expand the condominium property pursuant to Article XVII of the Declarations. The remaining expandable property was erroneously identified in the First Amendment to Declaration and Bylaws in Exhibit "E" as 3.985 acres of land; and

WHEREAS, Declarant has learned the description of remaining expandable condominium lands identified in the First Amendment to Declaration and Bylaws Exhibit "E" contained an incorrect survey call and an inaccurate legal description.

NOW THEREFORE, the proper description of remaining/expandable condominium land in Stonington Woods Condominium is attached hereto and marked Exhibit "A". Declarant expressly reserves the option to expand the condominium property pursuant to Article XVII of the Declaration within the limitations, and subject to the terms, set forth in said article. Declarant does not consider any other drawings or plans presently appropriate in supplementing the foregoing provision. However, at such time as Declarant adds all or a portion of the additional property to the condominium property it shall file drawings with respect to the additional property as required by the condominium act.

Parcel No: 54-216672-00

IN WITNESS WHEREOF, the undersigned has executed this instrument this 5TH day of June, 1998

Signed and acknowledged
In the presence of;

SOUTHGATE COMPANY LIMITED PARTNERSHIP,
an Ohio limited partnership

GARRY M. PARK

Alley Kr. Lee

(Print Name)

WILLIAM ELWELL

William Elwell

(Print Name)

By: SOUTHGATE CORPORATION, an Ohio corporation,
General Partner of Southgate Company Limited Partnership

John J. O'Neill

John J. O'Neill, President

State of Ohio
County of Licking, ss:

This instrument was acknowledged before me by John J. O'Neill, the President of Southgate Corporation, an Ohio corporation and General Partner of Southgate Company Limited Partnership, an Ohio Limited partnership, on its behalf, this 5TH day of June, 1998.

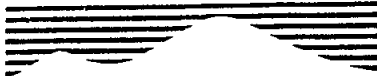
William E. Elwell

Notary Public



WILLIAM E. ELWELL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 7-20-99

This instrument was prepared by Havens, Willis, Erney, Skrobot & Fisher, 250 East Broad Street, Suite 1500, Columbus, Ohio 43215.



**JOBES
HENDERSON &
ASSOCIATES INC.**

CIVIL ENGINEERING & LAND SURVEYING

Exhibit "A"

LEGAL DESCRIPTION FOR A 4.229 ACRE PARCEL

Being a part of Section 3, Township-2, Range-12, United States Military Lands, City of Newark, Licking County, State of Ohio, and being a survey of part of that tract as conveyed to Southgate Company Limited Part., by deed of record in Official Record Volume 45, Page 179, all references being to those of record in the Recorder's Office, Licking County, Ohio, said 4.229 acre parcel being more particularly bounded and described as follows:

Beginning at an existing iron pin (5/8" rebar) marking the southwest corner of the Stonington Woods Condominium Phase II, as recorded in Condominium Plat Book 4, Page 64, said point being on the easterly right of way line of South Terrace Avenue, as recorded in Plat Book 13, Page 209 and being the northwesterly corner of the herein described 4.229 acre parcel;

thence South $76^{\circ}17'49''$ East, along the southerly line of said Stonington Woods Phase II, a distance of 560.24 feet to an iron pin set;

thence South $04^{\circ}33'03''$ West, along the westerly line of that McMillen Partnership Four Tract as recorded in Official Record Volume 30, Page 369, a distance of 314.04 feet to an iron pin set;

thence North $80^{\circ}14'22''$ West, with what represents a new line through said Southgate Company Limited Partnership tract, a distance of 554.62 feet to an iron pin set in the easterly right of way line of South Terrace Avenue;

thence North $04^{\circ}25'27''$ East, along said right of way line a distance of 352.79 feet to the Point of Beginning and containing 4.229 acres more or less, according to a survey made by Jobes Henderson & Associates during January, 1998.

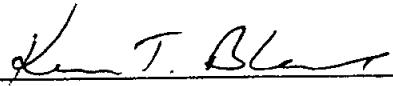
The bearings in the above description are based on the south line of the Stonington Woods Phase II as recorded in Condominium Plat Book 4, Page 64 as being South $76^{\circ}17'49''$ East.

All iron pins set are 5/8" in diameter rebar by 30" in length with red surveyors identification caps marked "J&H, PS 6878".

Subject to all valid and existing easements, restrictions and conditions of record.

January 19, 1998
Revised May 14, 1998
L116/S01-68




Kevin T. Blaine, P.S.
Reg. Surveyor No. 7830

BOUNDARY SURVEY OF STONINGTON WOODS PHASE III

Being a part of Section 3, Township-2, Range-12, United States Military Lands,
City of Newark, Licking County, Ohio

SOUTH TERRACE AVENUE
PB 13, Pg. 209

N04°25'27"E
352.79'

Point of Beginning
2nd original Stonington Woods Condominium Phase II
Condominium Plat Book 1, Page 64

Stonington Woods Phase II
Stonington Woods Condominium Phase II
Condominium Plat Book 4, Page 64
2.861 Acres

S76°17'49"E
560.24'

Stonington Woods Phase III
Southgate Company Limited Partnership

4.229 Acres

S14.04°
S 73°03'W

McMillen
OR. 30,
Page 369
T.D. 5.85
Acres

554.62'
N80°14'22"W

Southgate Company Limited Part.
O.R. 45, Pg. 173

SURVEYOR'S NOTES

Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that an accurate and current title search may disclose.

The locations of underground utilities as shown hereon are based on aboveground structures and record drawings provided the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities.

All or some of subsurface improvements on and adjacent to the site are not necessarily shown hereon.

The location and/or existence of utility service lines to the property surveyed are unknown and are not shown hereon.

Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of underground or overhead containers or facilities that may affect the use or development of this tract.

NOTE: This survey was prepared by the Surveyor and is subject to the provisions of the Ohio Revised Code, Chapter 173, which shall govern the practice of surveying.

LEGEND

- : Monument found
- : Iron pin found
- : Iron pin set
- : Existing Right of Way
- - - : Existing Centerline



SCALE 1"=40'
0 40' 80'

Community Panel No.: 390328 0200 B
Flood Zone: C
Effective Date: December 1, 1983



Kevin T. Deane
KEVIN T. DEANE P.S. 7830

RECERTIFIED	
Professional Surveyor	State Surveyor
DATE: 11/1/98	DATE: 11/1/98
BY: J.K.	BY: J.K.
REMOVED	REMOVED
3/13/98	3/13/98
BY: J.K.	BY: J.K.

**JOES
HENDERSON &
ASSOCIATES INC.**
CIVIL ENGINEERING & LAND SURVEYING

59 GRANT STREET
NEWARK, OHIO 43055
TEL. (614)344-5451
FAX (614)344-5746

Boundary Survey for
Stonington Woods
Phase III

DWG. NO.

S01-74

DATE 1-9-98

Revised: 5-13-98

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