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Fee Amt: $72.00 Page 1 of 7
Workflow# 0000174099-0001
Delaware County, OH
Melissa Jordan County Recorder
File# 2018-00032172
BK 1608 PG 597-603
KEPHART & FISHER LLC (BOX)
207 NORTH FOURTH ST
COLUMBUS, OH 43215

FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, EASEMENTS, ASSESSMENTS, CONDITIONS AND RESTRICTIONS FOR TERRA ALTA (A Planned Community Under Chapter 5312 of the Ohio Revised Code)

THIS FIRST AMENDMENT TO MASTER DECLARATION OF COVENANTS, EASEMENTS, ASSESSMENTS, CONDITIONS AND RESTRICTIONS FOR TERRA ALTA (this "First Amendment") is made as of the 27th day of November, 2018, by TERRA ALTA LLC, an Ohio limited liability company (the "Declarant" and "Master Developer").

RECITALS

A. The Master Developer executed and recorded that certain Master Declaration of Covenants, Easements, Assessments, Conditions and Restrictions for Terra Alta, dated September 27, 2018 and recorded in Book 1597, Pages 2042-2108, Recorder's Office, Delaware County, Ohio (the "Declaration").

B. Master Developer remains the "Declarant" and "Master Developer" under the Declaration as well as the owner of certain Lots in the Subdivision.

C. As of the date of this First Amendment, the Turnover Date has not occurred.

D. Article XV Paragraph C of the Declaration reserves to Master Developer the right, until the Turnover Date, to unilaterally amend the provisions of the Declaration at any time and from time to time, without consent of any other Owners or the Association, to correct typographical, factual or obvious errors or omissions, and as others deemed appropriate by the Master Developer for the orderly development of Terra Alta.

E. Due to a change in the lot numbers on the final recorded subdivision plats for Section 1, Part 1 and Section 1, Part 2 of Terra Alta, Developer has determined that it is

necessary and appropriate to unilaterally amend the Declaration to correct typographical, factual or obvious errors or omissions in Article V, Paragraph L of the Declaration and to amend Exhibit D attached to the Declaration, and that such amendments are appropriate for the orderly development of Terra Alta.

NOW, THEREFORE, in consideration of the covenants, easements, assessments, conditions and restrictions contained herein and in the Declaration, the sufficiency of which is hereby acknowledged, Developer declares as follows:

ARTICLE I

RECITALS AND DEFINITIONS

1.1 Recitals. The Recitals set forth above are true and accurate and form a material part of this First Amendment.

1.2 Definitions. Unless otherwise defined herein, terms used herein with initial capital letters have the same meanings assigned to such terms in the Declaration.

ARTICLE 2

DEVELOPMENT AND ARCHITECTURAL STANDARDS

2.1. Amendment to Specific Architectural and Landscaping Requirements for Certain Lots. Article V Paragraph L is hereby amended by deleting Paragraph L in its entirety and replacing it with the following:

> "L. "Notwithstanding anything to the contrary contained herein or in any Development and Architectural Standards, those Lots designated as Lots 11564, 11565, 11566, 11581 and 11582 of Terra Alta Section 1, Part 1 Phase A as depicted on Exhibit D attached to this Declaration and made a part hereof by this reference, and those Lots designated as Lots 11604, 11618, 11619, 11625 and 11626 of Terra Alta Section 1, Part 2 as depicted on Exhibit D attached to this Declaration and made a part hereof by this reference are required to: (a) have a stone or brick water table that extends upward a minimum of 1'-11" from top of foundation and "to grade" on the foundation around all four sides of the dwelling unit as generally depicted on Exhibit E attached to this Declaration and made a part hereof by this reference, and (b) install within two hundred seventy (270) days after initial occupancy of such dwelling unit the retail equivalent of $6,000 landscaping, patio or deck improvements along the rear elevation of such dwelling unit. Failure of an Owner to comply with any of the requirements of this Article V Paragraph L shall result in a $500 per calendar quarter (or any portion of a calendar quarter) Lot Assessment until such Lot is in full compliance with the requirements of this Article V Paragraph L."

2.2 Amendment to Exhibit D attached to Declaration. Exhibit D attached to the Declaration is hereby deleted in its entirety and replaced with Exhibit D attached to this First Amendment

ARTICLE 3

MISCELLANEOUS

3.1 The captions and headings in this First Amendment are for reference only and will not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions, agreements or other provisions contained in this First Amendment (or in the Declaration as amended by this First Amendment). In the event of any conflict between the terms of the Declaration and the terms of this First Amendment, the terms of this First Amendment shall govern. Whenever the context requires construing the provisions of this Declaration, the use of a gender will include both genders, use of the singular will include the plural, and the use of the plural will include the singular. The word "including" will be construed inclusively, and not in limitation, whether or not the words "without limitation" or "but not limited to" (or words of similar importance) are used with respect thereto.

3.2 As amended hereby, the Declaration remains in full force and effect. The terms of the Declaration, as amended by this First Amendment, will be a burden on the Lots, will be appurtenant to and for the benefit of the Association and will run with the land. This First Amendment shall be governed by and construed in accordance with the laws of the State of Ohio.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned has executed this First Amendment as of the date first set forth above.

MASTER DEVELOPER:

TERRA ALTA LLC, an Ohio limited liability company

By: _____
David W. Fisher
Member

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this 27th day of November, 2018 by David W. Fisher, Member of Terra Alta LLC, an Ohio limited liability company.

_____
Notary Public

JANIS A. ECKSTEIN - NOTARY PUBLIC
MY COMMISSION EXPIRES 7-22-22
STATE OF OHIO

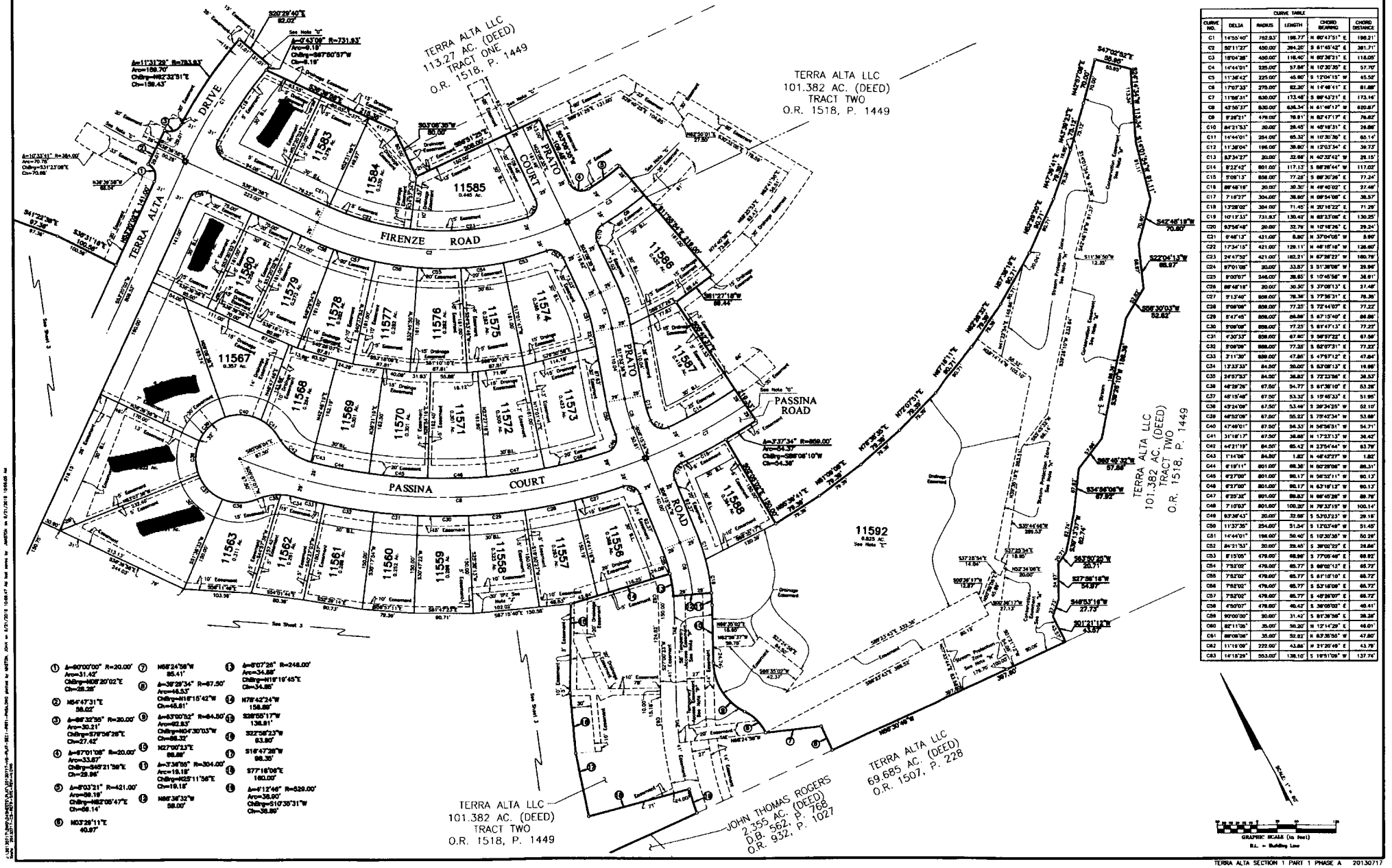
This document prepared by:

Robert S. Ryan, Esq.
Kephart Fisher LLC
207 N. Fourth Street
Columbus, Ohio 43215

EXHIBIT D

Terra Alta Section 1, Part 1, Phase A and Terra Alta Section 1, Part 2
[See Attached]

TERRA ALTA SECTION 1 PART 1 PHASE A

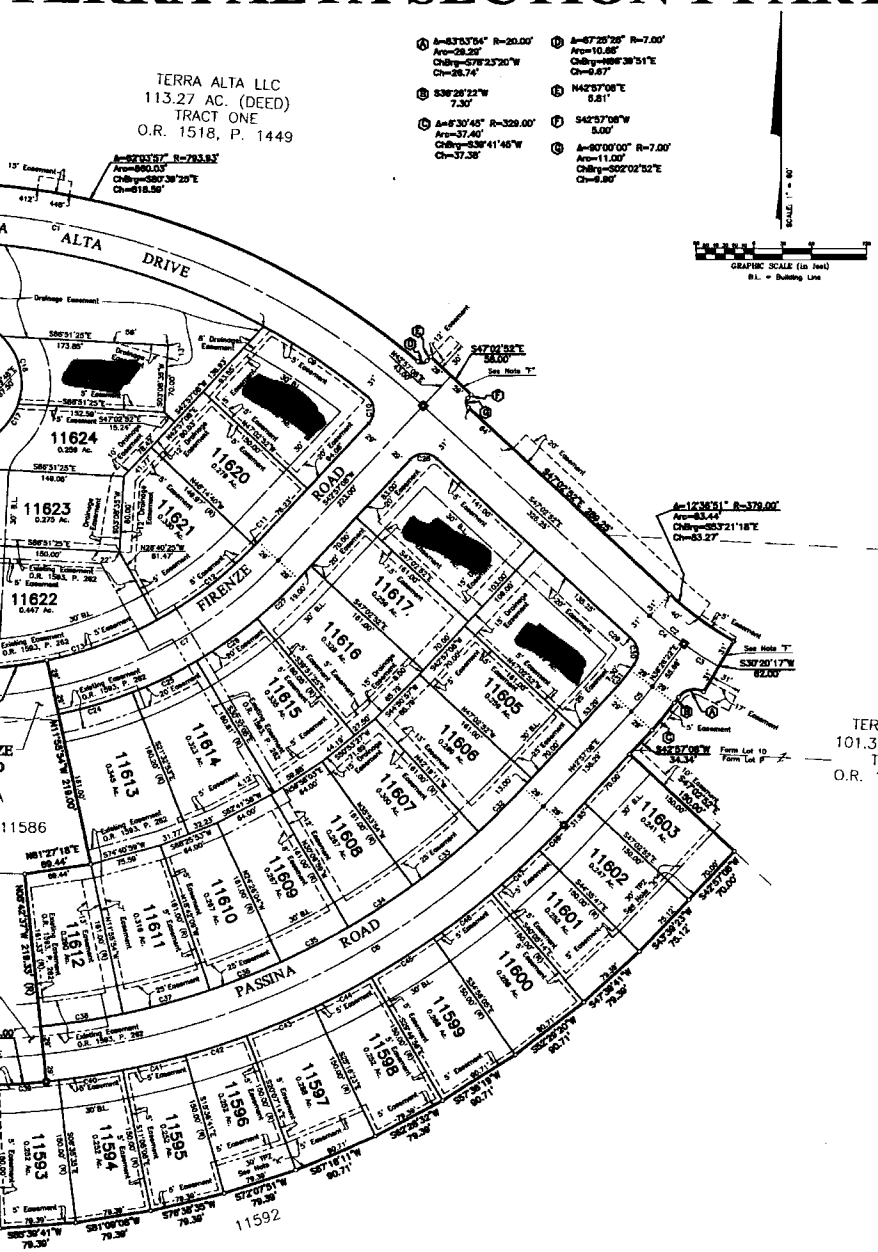


CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	14°55'40"	752.93'	196.77'	N 80°47'51" E	196.21'
C2	50°11'27"	450.00'	394.20'	S 61°45'42" E	381.71'
C3	18°04'28"	450.00'	118.40'	N 85°36'31" E	118.05'
C4	14°44'01"	225.00'	57.86'	N 10°30'30" E	57.70'
C5	11°38'42"	225.00'	45.80'	S 12°04'15" W	45.52'
C6	17°07'33"	275.00'	82.20'	N 14°46'41" E	81.88'
C7	11°06'31"	630.00'	173.48'	S 86°43'21" E	173.16'
C8	63°50'37"	630.00'	636.34'	N 61°46'17" W	620.87'
C9	8°26'21"	478.00'	78.61'	N 82°47'17" E	78.52'
C10	84°21'53"	20.00'	29.45'	N 45°18'31" E	26.86'
C11	14°44'01"	254.00'	65.32'	N 10°30'30" E	65.14'
C12	11°38'04"	196.00'	39.80'	N 12°03'34" E	39.73'
C13	83°34'27"	20.00'	32.56'	N 40°33'42" W	29.15'
C14	8°22'42"	801.00'	117.13'	S 86°36'44" W	117.02'
C15	5°08'13"	859.00'	77.25'	S 86°30'26" E	77.24'
C16	89°48'18"	20.00'	30.30'	N 49°40'02" E	27.46'
C17	7°16'37"	304.00'	38.60'	N 08°54'08" E	38.57'
C18	13°28'02"	304.00'	71.45'	N 25°16'22" E	71.29'
C19	10°19'33"	731.93'	130.49'	N 85°23'08" E	130.25'
C20	83°56'48"	20.00'	32.76'	N 10°18'26" E	29.24'
C21	6°46'13"	421.00'	5.80'	N 37°04'08" W	5.80'
C22	17°34'15"	421.00'	129.11'	N 46°18'16" W	128.60'
C23	24°47'52"	421.00'	182.21'	N 67°28'23" W	180.79'
C24	97°01'08"	20.00'	33.87'	S 21°38'08" W	29.96'
C25	8°00'07"	246.00'	35.65'	S 10°46'56" W	34.01'
C26	89°48'18"	20.00'	30.30'	S 37°08'13" E	27.48'
C27	5°13'46"	859.00'	78.36'	S 77°36'31" E	78.35'
C28	5°08'08"	859.00'	77.25'	S 72°44'07" E	77.22'
C29	5°47'45"	859.00'	86.86'	S 67°15'40" E	86.86'
C30	5°08'08"	859.00'	77.25'	S 61°47'13" E	77.22'
C31	4°30'33"	859.00'	67.60'	S 56°57'22" E	67.58'
C32	5°08'08"	859.00'	77.25'	S 52°07'31" E	77.22'
C33	3°11'30"	859.00'	47.85'	S 47°57'12" E	47.84'
C34	13°33'33"	84.50'	20.00'	S 53°08'13" E	19.96'
C35	24°57'53"	84.50'	36.82'	S 72°23'56" E	36.53'
C36	46°28'26"	67.50'	54.77'	S 61°38'10" E	53.28'
C37	46°15'46"	67.50'	53.32'	S 15°48'33" E	51.90'
C38	49°24'08"	67.50'	53.66'	S 29°34'25" W	52.10'
C39	46°52'08"	67.50'	55.22'	S 79°42'34" W	53.68'
C40	47°48'01"	67.50'	54.33'	N 54°56'31" W	54.71'
C41	31°16'17"	67.50'	36.85'	N 17°23'13" W	36.40'
C42	44°21'19"	84.50'	65.42'	N 23°54'44" W	63.79'
C43	1°14'06"	84.50'	1.82'	N 46°42'27" W	1.82'
C44	6°19'11"	801.00'	88.36'	N 80°28'06" W	88.31'
C45	6°27'00"	801.00'	90.17'	N 56°52'11" W	90.13'
C46	6°27'00"	801.00'	90.17'	N 63°18'13" W	90.13'
C47	6°29'32"	801.00'	89.82'	N 69°45'28" W	89.78'
C48	7°10'03"	801.00'	100.20'	N 76°33'15" W	100.14'
C49	93°36'43"	20.00'	32.68'	S 53°03'23" W	29.18'
C50	11°37'35"	254.00'	51.54'	S 12°03'49" W	51.45'
C51	14°44'01"	196.00'	50.40'	S 10°30'30" W	50.26'
C52	84°21'53"	20.00'	29.45'	S 39°02'22" E	26.86'
C53	8°15'05"	478.00'	68.86'	S 77°05'48" E	68.92'
C54	7°53'02"	478.00'	65.77'	S 69°02'13" E	65.72'
C55	7°53'02"	478.00'	65.77'	S 61°16'10" E	65.72'
C56	7°53'02"	478.00'	65.77'	S 53°16'08" E	65.72'
C57	7°53'02"	478.00'	65.77'	S 45°26'07" E	65.72'
C58	4°50'07"	478.00'	40.43'	S 38°05'02" E	40.41'
C59	90°00'00"	20.00'	31.42'	S 81°38'39" E	28.28'
C60	82°11'05"	35.00'	50.20'	N 12°14'29" E	46.01'
C61	88°08'36"	35.00'	52.82'	N 83°35'55" W	47.80'
C62	11°19'09"	272.00'	43.86'	N 21°20'49" E	43.78'
C63	14°18'29"	553.00'	138.10'	S 19°51'09" W	137.74'

① A=90°00'00" R=20.00' Arc=31.42' ChBrg=N08°20'02"E Ch=28.28'
② N54°47'31"E 56.02'
③ A=86°32'56" R=20.00' Arc=30.21' ChBrg=N79°04'26"E Ch=27.42'
④ A=87°01'08" R=20.00' Arc=33.87' ChBrg=S46°21'39"E Ch=29.96'
⑤ A=8°03'21" R=421.00' Arc=59.19' ChBrg=N82°05'47"E Ch=59.14'
⑥ N03°29'11"E 40.97'
⑦ N56°24'56"W 85.41'
⑧ A=39°29'34" R=67.50' Arc=46.53' ChBrg=N15°15'42"W Ch=45.61'
⑨ A=83°00'52" R=84.50' Arc=82.53' ChBrg=N04°30'03"W Ch=75.32'
⑩ N27°00'23"E 59.09'
⑪ A=3°36'56" R=304.00' Arc=19.18' ChBrg=N25°11'56"E Ch=19.18'
⑫ N86°36'32"W 58.00'
⑬ A=8°07'26" R=248.00' Arc=34.88' ChBrg=N19°19'45"E Ch=34.85'
⑭ N78°42'24"W 158.89'
⑮ S28°55'17"W 138.91'
⑯ S22°56'23"W 93.80'
⑰ S16°47'28"W 98.35'
⑱ S77°18'06"E 160.00'
⑲ A=4°12'46" R=529.00' Arc=38.90' ChBrg=S10°36'31"W Ch=38.89'

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TERRA ALTA SECTION 1 PART 2



Ⓐ A=83°53'54" R=20.00' Arc=29.29' ChBrg=S78°23'20"W Ch=26.74'
Ⓑ S38°26'22"W 7.30'
Ⓒ A=6°30'45" R=329.00' Arc=37.40' ChBrg=S38°41'46"W Ch=37.38'
Ⓓ A=67°25'25" R=7.00' Arc=10.88' ChBrg=N89°39'51"E Ch=9.87'
Ⓔ N42°57'08"E 5.81'
Ⓕ S42°57'08"W 5.00'
Ⓖ A=90°00'00" R=7.00' Arc=11.00' ChBrg=S02°02'52"E Ch=9.90'

GRAPHIC SCALE (in feet)
B.L. = Building Line

NOTE "F": No vehicular access until such time as the public street right-of-way is extended and dedicated by plat or deed.

NOTE "G" - ACREAGE BREAKDOWN:

Total acreage	15.659 Ac.
Acreage in Lot 11629	1.285 Ac.
Acreage in remaining lots	10.458 Ac.
Acreage in right-of-way	3.996 Ac.

NOTE "H" - ACREAGE BREAKDOWN: Terra Alta Section 1 Part 2 is out of the following Delaware County Parcel Numbers:

41913001001000	5.471 Ac.
41913001002000	3.903 Ac.
41913001003000	6.285 Ac.

NOTE "I": At the time of platting, electric, cable, and telephone service providers have not issued information required so that easement areas, in addition to those shown on this plat as deemed necessary by these providers for the installation and maintenance of all of their main line facilities, could conveniently be shown on this plat. Existing recorded easement information about Terra Alta Section 1 Part 2 or any part thereof can be acquired by a competent examination of the then current public records, including those in the Delaware County Recorder's Office.

NOTE "J": At the time of platting, all of Terra Alta Section 1 Part 2 is within Zone X (areas determined to be outside of the 0.2% annual chance floodplain) as designated and delineated on Flood Insurance Rate Maps, Community Panel Number 39041C0118K, for Delaware County, Ohio and Incorporated areas, with an effective date of April 16, 2009.

NOTE "K" - TREE PRESERVATION ZONE (TPZ): Within the areas of Lots 11596, 11597, 11601, 11602 and 11603 that contain existing trees, no work shall be performed or structures placed within the tree preservation zone which would damage any of the trees that are 6" or greater in diameter at breast-height therein; except that the zone may be disturbed to the extent necessary for the installation and maintenance of pedestrian trails and pedestrian bridges and necessary drainage structures. Any fences placed within tree preservation zone shall be split rail fences and may include mesh backing. Any part of the zone so disturbed shall be restored as nearly as practicable to the original condition.

NOTE "L": This section of Terra Alta Subdivision is subject to an additional transportation fee of $1,000.00 per dwelling unit at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of $3,200 per dwelling unit. For each single family house, 2 replacement trees shall be planted (in addition to the required plantings) and a $500 fee shall be paid for each single-family lot at the time of building permit issuance to achieve compliance with Chapter 1168 Tree Preservation Regulations.

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	64°41'27"	782.83'	881.40'	S 79°23'38" E	816.37'
C2	12°36'51"	410.00'	90.26'	S 53°21'18" E	90.06'
C3	6°06'06"	410.00'	43.66'	S 56°36'46" E	43.64'
C4	6°30'45"	410.00'	46.60'	S 50°18'15" E	46.58'
C5	6°30'45"	300.00'	34.10'	N 39°41'45" E	34.08'
C6	41°29'15"	830.00'	568.83'	N 67°37'15" E	580.92'
C7	39°06'59"	450.00'	275.80'	N 60°30'37" E	271.51'
C8	51°18'25"	731.93'	655.42'	S 89°51'25" E	633.74'
C9	10°12'33"	731.93'	130.42'	S 59°05'57" E	130.25'
C10	93°54'46"	20.00'	32.79'	S 04°01'16" E	29.24'
C11	0°48'13"	421.00'	5.90'	S 43°21'14" W	5.90'
C12	17°34'15"	421.00'	128.11'	S 52°32'28" W	128.80'
C13	24°47'32"	421.00'	182.21'	S 73°43'31" W	180.78'
C14	97°01'06"	20.00'	33.87'	N 45°21'59" W	29.96'
C15	8°34'11"	84.50'	12.64'	N 07°25'40" E	12.63'
C16	33°07'26"	84.50'	48.85'	N 28°16'29" E	48.17'
C17	29°46'36"	67.50'	30.37'	N 31°06'53" E	30.11'
C18	65°37'41"	67.50'	77.32'	N 13°45'16" W	73.18'
C19	80°34'37"	67.50'	94.93'	N 86°51'25" W	87.30'
C20	65°37'41"	67.50'	77.32'	S 20°02'28" W	73.18'
C21	29°46'36"	67.50'	30.37'	S 28°39'44" E	30.11'
C22	33°07'26"	84.50'	48.85'	S 31°29'20" E	48.17'
C23	8°34'11"	84.50'	12.64'	S 01°06'31" E	12.63'
C24	8°36'59"	479.00'	80.39'	N 73°15'37" E	80.30'
C25	8°59'12"	479.00'	75.15'	N 63°57'31" E	75.05'

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C26	9°19'20"	479.00'	77.94'	N 54°48'15" E	77.85'
C27	7°11'27"	479.00'	60.12'	N 46°30'51" E	60.08'
C28	90°00'00"	20.00'	31.42'	N 87°57'08" E	28.28'
C29	0°24'40"	441.00'	3.16'	S 47°15'12" E	3.16'
C30	83°53'54"	20.00'	29.29'	S 00°30'36" E	26.74'
C31	6°30'45"	271.00'	30.80'	S 38°41'45" W	30.79'
C32	4°43'42"	861.00'	84.16'	S 48°18'56" W	84.09'
C33	6°25'16"	861.00'	96.77'	S 50°53'27" W	96.72'
C34	9°43'55"	861.00'	80.13'	S 58°56'03" W	80.10'
C35	9°43'56"	861.00'	80.13'	S 62°41'58" W	80.10'
C36	9°43'55"	861.00'	80.13'	S 68°25'53" W	80.10'
C37	6°48'16"	861.00'	94.06'	S 74°40'39" W	94.80'
C38	6°13'17"	861.00'	86.97'	S 81°16'46" W	86.93'
C39	4°30'33"	869.00'	67.80'	N 85°39'41" E	67.59'
C40	4°30'33"	869.00'	67.80'	N 81°09'08" E	67.86'
C41	4°30'33"	869.00'	67.80'	N 76°38'35" E	67.58'
C42	4°30'33"	869.00'	67.80'	N 72°08'02" E	67.56'
C43	5°08'09"	869.00'	77.25'	N 67°18'11" E	77.22'
C44	4°30'33"	869.00'	67.80'	N 62°25'20" E	67.58'
C45	5°08'09"	869.00'	77.25'	N 57°36'39" E	77.22'
C46	5°08'09"	869.00'	77.25'	N 52°28'30" E	77.23'
C47	4°30'33"	869.00'	67.80'	N 47°36'28" E	67.58'
C48	2°27'05"	869.00'	36.78'	N 44°18'40" E	36.78'
C49	11°39'31"	830.00'	173.48'	S 88°43'21" E	173.16'
C50	16°04'28"	450.00'	118.40'	N 85°36'31" E	118.05'

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