# DO NOT DETACH



**Instrument Number: 202203310050167**
**Recorded Date: 03/31/2022 11:05:52 AM**



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Franklin County Recorder
373 South High Street, 18th Floor
Columbus, OH 43215
(614) 525-3930
http://Recorder.FranklinCountyOhio.gov
Recorder@FranklinCountyOhio.gov

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**Document Page Count:** 7

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**First Grantor:**
CITIZENS CONDOMINIUM ASSN INC

**First Grantee:**
CITIZENS CONDOMINIUM

| **Fees:** | |
|---|---|
| Document Recording Fee: | $34.00 |
| Additional Pages Fee: | $40.00 |
| Marginal Reference Fee: | $8.00 |
| **Total Fees:** | $82.00 |
| **Amount Paid:** | $82.00 |
| **Amount Due:** | $0.00 |

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**OFFICIAL RECORDING COVER PAGE**

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7/2
5

TRANSFER
NOT NECESSARY

MAR 30 2022

MICHAEL STINZIANO
AUDITOR
FRANKLIN COUNTY, OHIO

**FIRST AMENDMENT**
**TO**
**DECLARATION OF CONDOMINIUM**
**FOR**
**THE CITIZENS CONDOMINIUM**

**Cross References:** Instrument No. 202112070222275
Instrument No. 202112070222276

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**CERTIFICATE OF AUDITOR**

March 30, 2022

Receipt is hereby acknowledged of a copy of this First Amendment to The Citizens Condominium.

Franklin County Auditor

By _____
Deputy Auditor
Cody Farrell

This instrument was prepared by Calvin T. Johnson, Jr., attorney at law, Brosius, Johnson & Griggs, LLC, 1600 Dublin Road, Suite 100, Columbus, Ohio 43215.

**FIRST AMENDMENT**
**TO**
**DECLARATION OF CONDOMINIUM**
**FOR**
**THE CITIZENS CONDOMINIUM**

This First Amendment to the Declaration of The Citizens Condominium is made on or as of this 28th day of March 2022.

**Recitals**

A. The Citizens Condominium ("the Condominium") is a condominium created pursuant to the provisions of Chapter 5311 of the Revised Code of Ohio (the "Condominium Act") by the filing of the Declaration of The Citizens Condominium (the "Declaration"), recorded as Instrument No. 202112070222275, and the Drawings thereof (the "Drawings"), recorded as Instrument No. 202112070222276 (Condominium Plat Book 301 Page 110, et seq.), both of the records of the Recorder of Franklin County, Ohio.

B. Pursuant to the provisions of Article XVII of the Declaration and Chapter 5311 of the Revised Code of Ohio, the Declaration may be amended in the respects modified and amended hereby with the consent of all Unit Owners (including the Declarant) and all Mortgagees.

C. All Unit Owners (including the Declarant) and all Mortgagees duly approved and consented to the adoption of this First Amendment.

**Amendment**

NOW THEREFORE, the undersigned officers of The Citizens Condominium Association, Inc. hereby certify that all Unit Owners and all Mortgagees, as evidenced by the executed consents attached hereto as **Exhibit B** and **Exhibit C**, have adopted the following amendments to the Declaration:

1. All terms used herein shall have the same meanings as those terms have as used and defined in the Declaration.

2. Any other provision contained in the Declaration or the Drawings to the contrary notwithstanding, Units 902 and 903, respectively, shall each have one or more Limited Common Element areas on the ninth floor of the building, all as shown on the attached **Exhibit A** attached hereto and made a part hereof by this reference.

3. Section 2 of Article VI of the Declaration is hereby superseded and deleted in its entirety and replaced with the following new Section 2:

> "Section 2. Limited Common Elements - Description. Those portions of the Common Elements labeled or designated "Limited Common Elements" on the Drawings or so described in the Declaration or amendments thereto are Limited Common Elements. Each Limited Common Element is reserved for the exclusive use of the Unit Owners and

Occupants of the Unit or Units it is designed or designated to serve. Units 902 and 903, respectively, shall each have one or more Limited Common Element areas on the ninth floor of the building. Other Units in the Condominium are not anticipated to have Limited Common Elements. Subject to rules adopted by the Board of Directors, the Board may authorize the use of Limited Common Elements, as distinguished from the Common Elements and exclusive use areas, for the construction of open, unenclosed patios, hedges, decks, fences, or similar improvements provided that the improvements are maintained and insured by the owner of the Unit to which the Limited Common Element is appurtenant."

4. Sheet 13 of the Drawings is hereby amended by the exhibit attached hereto as **Exhibit A** showing the sizes, locations, and dimensions of the Limited Common Element areas appurtenant to Units 902 and 903, respectively.

5. Section 2(b) of Article III of the Declaration is hereby amended by adding the following language to the end of Section 2(b):

"Without limiting the generality of the foregoing, no additions, alterations, or improvements shall be commenced, erected, or maintained in the Limited Common Elements until the plans and specifications showing the nature, kind, shape, height, materials, color, and location of the same shall have been submitted to and approved in writing by the Board or its designated representative or representatives, in its or their sole and unfettered discretion. All additions, alterations, and improvements to the Limited Common Elements must comply with all rules and regulations of the Association, comply with all building, zoning, code, and other applicable governmental requirements, and be performed by licensed, bonded, and insured contractors. As a condition of approval allowing a Unit Owner to add to, make improvements to, or alter the Limited Common Elements, the Unit Owner, and all future owners of the Unit to which the Limited Common Element is appurtenant, shall indemnify and hold the Association harmless from and against, and the Association shall be entitled to recover against the Unit Owner, and the Unit Owners successors and assigns in ownership of the Unit, all expenses, losses, costs, deficiencies, liabilities, and damages (including, without limitation, reasonable attorney and legal fees and expenses), incurred, arising out of or resulting from the installation, repair, maintenance, replacement and/or use of the Limited Common Elements."

6. Section 2(g) of Article III of the Declaration is hereby superseded and deleted in its entirety and replaced with the following new Section 2(g):

"(g) Limited Common Element Uses. Those portions of the Common Elements described herein and/or shown on the Drawings as Limited Common Elements shall be used and possessed exclusively by the Unit Owners and Occupants of the Unit or Units served by the same, as specified in this Declaration, and shall be used only for the purposes intended and subject to the other provisions of Condominium Organizational Documents and such rules and regulations as may from time to time be duly promulgated by the Board. In addition, no Limited Common Element shall be used in a manner that

violates any applicable federal, state, or local law, regulation, ordinance, or other governmental restriction or requirement."

7. Any repair or maintenance provision contained in the Declaration to the contrary notwithstanding, as a condition to approval, the responsibility for repairing, maintaining, replacing, and insuring any addition or improvement to a Limited Common Element shall be the responsibility of the Unit Owner and all future owners of that Unit. Furthermore, each Unit Owner, on that Unit Owner's behalf and on behalf of that Unit Owner's successors and assigns in ownership, acknowledges and agrees that, in the event the Board determines, in its sole discretion, that any improvement constructed, created, or installed in a Limited Common Element by a Unit Owner needs to be removed, whether temporarily or permanently, to allow the Association to fulfill its obligations to perform repairs and maintenance as required by the provisions of the Declaration and/or Ohio law, the Unit Owner shall remove the improvement at the Unit Owner's sole cost and expense and return the area formerly occupied thereby to a state consistent with its prior state or, alternatively, in the event of the need for emergency repairs and maintenance, the Board may cause the removal of the improvements at the Unit Owner's sole cost and expense. All work performed in maintaining, repairing, and/or replacing improvements to the Limited Common Elements must comply with all rules and regulations of the Association, comply with all building, zoning, code, and other applicable governmental requirements, and be performed by licensed, bonded, and insured contractors.

8. Except as otherwise explicitly provided herein, the Declaration, Bylaws, and Drawings remain unaffected by this First Amendment and shall continue in full force and effect.

IN TESTIMONY WHEREOF, the undersigned President and Secretary of The Citizens Condominium Association, Inc., pursuant to the provisions of Article XVII of the Declaration, have executed this certificate and affirm its adoption as aforesaid, on or as of this 28 day of March 2022.

THE CITIZENS CONDOMINIUM ASSOCIATION, INC.
an Ohio corporation not-for-profit

Kimberly Lille, President

JOHN A. LEIBOLD, Secretary

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

The foregoing instrument was executed before me this 28 day of March 2022, by Kimberly Lille, the President, and JOHN A. LEIBOLD, the Secretary, of The Citizens Condominium Association, Inc., an Ohio not-for-profit corporation, on behalf of said corporation, who certified the adoption of the foregoing amendments as stated therein.

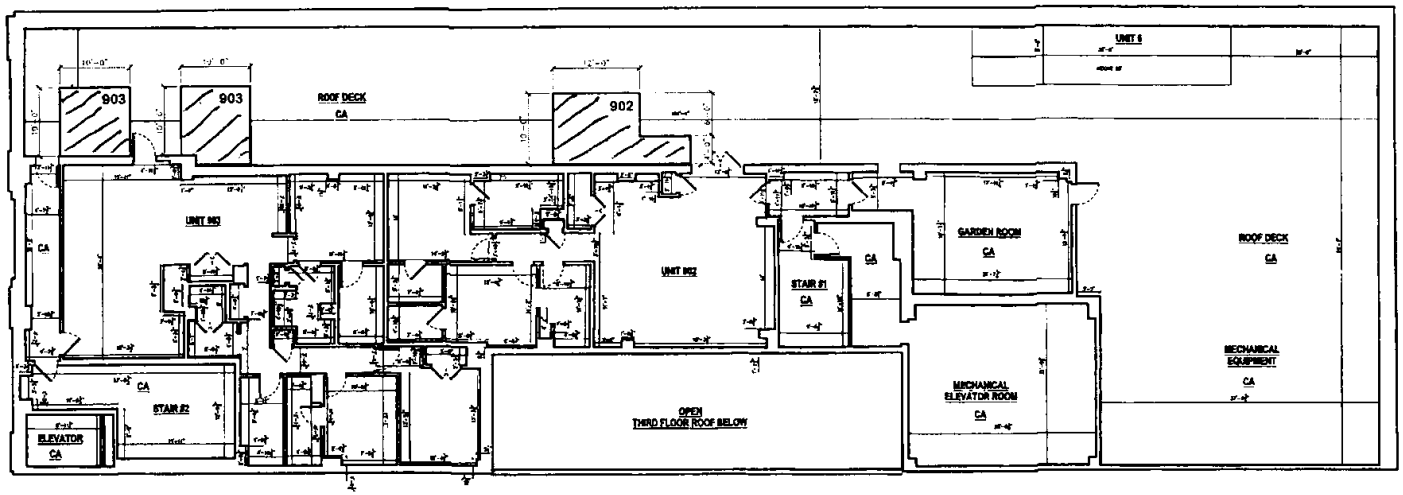
NOTARIAL SEAL STATE OF OHIO

Karen A Farrell
Notary Public, State of Ohio
My Commission Expires:
November 07, 2026

Notary Public

# Exhibit A

First Amendment
The Citizens Condominium




**THE CITIZENS CONDOMINIUM - 9th FLOOR PLAN**

UNIT 901: NUMBER DESIGNATES UNIT DESIGNATION
CA: DESIGNATES COMMON ELEMENT

903 LIMITED COMMON ELEMENT FOR UNIT 903

902 LIMITED COMMON ELEMENT FOR UNIT 902

ORIGINAL SHEET - ARCH C

Stantec
Stantec Consulting Services Inc.
1500 Lake Shore Drive Suite 100
Columbus OH 43204-3800
Tel: (614) 486-4383
www.stantec.com

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing. Any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

| Revision | By | Appd | YYYY.MM.DD |
|---|---|---|---|
| Issued | By | Appd | YYYY.MM.DD |

Permit/Seal

Client/Project
Edwards Companies
The Condominium Drawings of THE CITIZENS CONDOMINIUM
51 North High Street, Columbus, Ohio.

Project No.: 2270464101
File Name: 464101Y_112_ASBUILT_9TH FLOOR
Scale: 3/32" = 1 Foot

| RAW | RRR | RRR | 2021.09.21 |
|---|---|---|---|
| Dwn. | Dsgn. | Chkd. | YYYY.MM.DD |

Title
**9th FLOOR PLAN**

Revision: 0 Sheet: 13 of 18
Drawing No.
**112**

**EXHIBIT B**

**CONSENT AND APPROVAL OF FIRST AMENDMENT**
**TO**
**DECLARATION OF CONDOMINIUM**
**FOR**
**THE CITIZENS CONDOMINIUM**

March 28, 2022

The undersigned, 51 NORTH HIGH STREET, LLC, the sole owner of all Units in The Citizens Condominium and the Declarant, hereby consent(s) and agree(s) to and vote(s) for the First Amendment to the Declaration of The Citizens Condominium to which this consent and approval is attached.

The undersigned further authorize(s) the officers of The Citizens Condominium Association, Inc. to execute the necessary documents to be filed and recorded with the Franklin County Auditor and Recorder evidencing the consent(s) if any,

IN TESTIMONY WHEREOF, the undersigned has executed this instrument this 28 day of March, 2022.

**51 NORTH HIGH STREET, LLC,**
an Ohio limited liability company
By Kimberly Lille

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

This instrument was acknowledged before me this 28 day of March 2022 by Kimberly Lille, the Vice President of 51 North High Street, LLC an Ohio limited liability company, on behalf of said limited liability company. No oath or affirmation was administered to the signer with regard to the notarial act.

Karen A Farrell
Notary Public

NOTARIAL SEAL
STATE OF OHIO

Karen A Farrell
Notary Public, State of Ohio
My Commission Expires:
November 07, 2026

**EXHIBIT C**

**CONSENT AND APPROVAL OF FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR THE CITIZENS CONDOMINIUM**

Horizon Bank, an Indiana banking corporation with its principal office located in Indianapolis, Indiana, the Mortgagee under mortgages recorded as Instrument No. 202112150227444 and Instrument No. 202112150227451, records of the Recorder's office Franklin County, Ohio and the holder of a mortgage or mortgages or a lien or liens on all of the condominium units owned by 51 North High Street, LLC in The Citizens Condominium located generally at 51 North High Street, Columbus, Ohio 43215 (Parcel Numbers 010-304258 through 010-304326, both inclusive), hereby consents to First Amendment to the Declaration of Condominium for The Citizens Condominium to which this consent is attached.

IN WITNESS WHEREOF, the said HORIZON BANK has caused this instrument to be signed by Stacey Roberts, Vice President, this 25th day of March 2022.

HORIZON BANK

By Stacey Roberts Vice President
(Name) (Title)

STATE OF INDIANA )
MARION ) ss:
COUNTY OF ~~LAPORTE~~ )

Before me the undersigned, a Notary Public in and for said County and State, this 25th day of March 2022, personally appeared Stacey Roberts, Vice President of HORIZON BANK who as such officer for and on behalf of said Bank acknowledged the execution of this consent.

WITNESS MY HAND and OFFICIAL SEAL

Rita C Holden
Notary Public

Rita C Holden
Notary Public Seal State of Indiana
Hancock County
Commission # 698652
My Commission Expires 03/30/2025