

E-RECORDING
202300021773
Filed for Record in Clermont County, Ohio
Deborah Hall Clepper, Recorder
11/21/2023 03:03 PM Recording Fees: \$78.00
DECLAR OR 2957 / p375 - p381

**AMENDMENT TO CONSENT DECREE AND
BUILDING DESIGN STANDARDS COVENANT
FOR RESIDENTIAL DEVELOPMENT AT
LEGENDARY RUN COMMUNITY ASSOCIATION, INC.**

WHEREAS, a *Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements* was recorded on March 12, 1998, at Book 1031, page 762, in the Recorder's Office of Clermont County ("**Declaration**") by Traditions Investments-Pierce, Inc. ("**Declarant**");

WHEREAS, the Declaration provided for the development of a residential planned golf community in Pierce Township, Clermont County, Ohio ("**Township**") under uniform construction and design standards intended to preserve the estate and rural character of the real property identified in the Declaration and known as Legendary Run ("**Legendary Run**");

WHEREAS, Township and Developer entered into an Amended Agreed Entry and Consent Decree filed on June 28, 1999, and recorded at Vol 361, Pg 144 in the Court of Common Pleas of Clermont County ("**Decree**");

WHEREAS, the Decree was entered pursuant to a settlement agreement reached between Township and Developer in resolution of Case No. 1997 CV 0321 regarding the design standards to be implemented at Legendary Run;

WHEREAS, the Decree incorporated *Building Design Standards Covenant for Residential Development* recorded at Book 870, page 743 ("**Building Covenant**");

WHEREAS, the Building Covenant incorporated *PGC Development Building Design Standards* ("**Design Standards**") as Exhibit 2, recorded at Book 870, page 760, to the Building Covenant;

WHEREAS, the Declaration established the Legendary Run Community Association, Inc. ("**Association**") to operate and maintain Legendary Run and to maintain and enforce the Building Covenant;

WHEREAS, the Declaration incorporated as Exhibit G, recorded at Book 1031, page 869, the *Building Design Review Criteria for Proposed Planned Golf Development Community* dated February 12, 1997 ("**Design Review Criteria**"), to be implemented by a Design Review Committee of the Association.

WHEREAS, as part of its duties and responsibilities, the Association, through its Design Review Committee, reviews and approves applications for improvements in Legendary Run that comply with the Design Review Criteria;

WHEREAS, the Association received a preliminary application for new construction of a proposed residence in Legendary Run identified as Lot 515 on White Oak Road (“**Lot 515**”), a legal description of which is attached as **Exhibit A**, and which is designated as “Legendary Run Section 7-B Lot 515” and also as “Parcel G” on Legendary Run drawings and/or the Declaration;

WHEREAS, the Association presented information regarding the proposed home on Lot 515 to the Township at a public meeting of its Board of Trustees on May 10, 2023, indicating that the construction materials and building characteristics for the proposed home differed from the requirements of the Building Covenant, Design Standards, and Design Review Criteria for Legendary Run as specified in the Decree (collectively, “**Design Requirements**”);

WHEREAS, the Association provided to the Township a copy of the preliminary application for the proposed home on Lot 515 that had been submitted to the Design Review Committee with a rendering, elevations, floor plans, site plans, and related information;

WHEREAS, the Association has petitioned the Township to amend the Design Requirements to remove Lot 515 from the obligations of the Design Requirements because of the location and remoteness of Lot 515 from the other parts of the Legendary Run Community;

WHEREAS in support of the petition to amend the Design Requirements related to Lot 515, the Association noted the following unique aspects and characteristics of Lot 515:

1. Lot 515 abuts only the Legendary Run golf course driving range to the south, and it does not connect to any other property within Legendary Run;
2. Lot 515 is more a part of the neighborhood of existing homes along White Oak Road, and the design application for the proposed home on Lot 515 included metal siding, metal roof, garage doors facing the street, and a lower pitch roof which do not comply with the Design Requirements for a large estate property, but are similar in architectural characteristics to the existing home to the east of Lot 515; and
3. Because of the uniqueness and remoteness of Lot 515 from Legendary Run, and its proximity to the neighborhood of existing similar homes along White Oak Road, Lot 515 should complement the homes along White Oak Road that have a farmhouse architectural theme instead of the Design Requirements applicable to Legendary Run;

WHEREAS, the Association will require the owner of Lot 515 to make the following revisions to the preliminary application: maintain a 75 foot setback from the right of way; eliminate two of the front-facing garage doors; provide additional garage doors if so desired on the east elevation of the garage; submit a complete landscape plan; submit site utilities plan including sanitary leaching field or the like to comply with applicable requirements; and submit final construction plans;

WHEREAS, an amendment to remove Lot 515 from the obligations of the Design Requirements would further the intent of the Township in creating a community that is compatible with its surrounding communities;

WHEREAS, because of the unique characteristics of Lot 515 which are not found anywhere else within Legendary Run, the amendment of the Design Requirements would apply only to Lot 515 and not to any other areas of Legendary Run, and it would not serve as a precedent for an amendment for any other areas of Legendary Run;

1. Exhibit A-2, Page 1, Section 2, Paragraph F: Provide a safe and desirable living environment for residential areas and characterized by a controlled building and site development program;

2. Page 2, Section 2, Paragraph G: Provide rational and economic development in relation to public services;

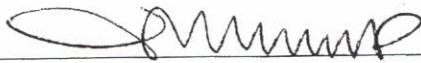
3. Page 16, Section 13, Paragraph A: Minor Adjustments. During the course of development within an established PGC Development, the Township Administrator shall authorize minor adjustments to any Detailed Final PGC Plan which are not inconsistent with the approved Preliminary PGC Plan.

NOW THEREFORE, based upon consideration of the foregoing, Township and Association hereby agree as follows:


1. The Design Requirements are hereby amended to remove Lot 515 from the requirements for building materials as specified in the Design Requirements in Book 1031, Pages 884 through 886.

IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the dates indicated below.

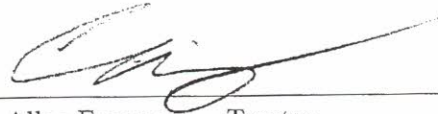
PIERCE TOWNSHIP, OHIO

By: 

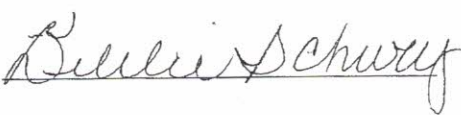
Dr. Peter J. Kambelos, Trustee



Mr. Nicholas Kelly, Trustee




Mr. Allen Freeman, Trustee

Attest: 

Attest: _____

LEGENDARY RUN COMMUNITY ASSOCIATION, INC.

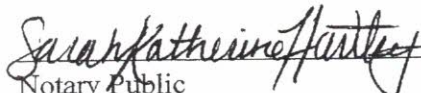
By: 
REX W. JOHNSON, President

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 18th day of October, 2023 by Rex W. Johnson, the President of Legendary Run Community Association, Inc., on its behalf.



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026


Notary Public
My commission expires: April 25, 2026

ACKNOWLEDGEMENT

The owners of Lot 515 hereby acknowledge the foregoing and agree to be bound by its terms.

[Signature]

[Signature]

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 25th day of October, 2023 by Daniel J. Schuster



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026

[Signature]

Notary Public
My commission expires: April 25, 2026

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 25th day of October, 2023 by Melissa A. Schuster



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026

[Signature]

Notary Public
My commission expires: _____

Instrument prepared by:

BARRON PECK BENNIE & SCHLEMMER
DANIEL M. BENNIE, ESQ.
3074 MADISON ROAD
CINCINNATI, OH 45209

EXHIBIT A

Situated in the County of Clermont, in the State of Ohio, and more particularly described as follows:

Situated in Eddins M.S. No. 1366, Pierce Township, Clermont County, Ohio:

And being All of Lot 515 of the Legendary Run Subdivision, Section Seven-B, as recorded in Plat Cabinet 13, Pages 3-5, inclusive, of the Clermont County, Ohio Records.

For information purposes only:

Property Address: 941 White Oak Road, Cincinnati, OH 45245

Parcel No: 272813E131.

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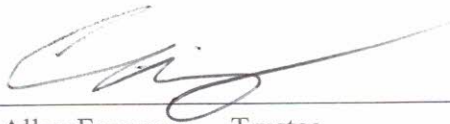
PIERCE TOWNSHIP, OHIO

By: 

Dr. Peter J. Kambelos, Trustee



Mr. Nicholas Kelly, Trustee




Mr. Allen Freeman, Trustee

Attest: 

Attest: _____

LEGENDARY RUN COMMUNITY ASSOCIATION, INC.

By: 
REX W. JOHNSON, President

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 18th day of October, 2023 by Rex W. Johnson, the President of Legendary Run Community Association, Inc., on its behalf.



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026


Notary Public
My commission expires: April 25, 2026

ACKNOWLEDGEMENT

The owners of Lot 515 hereby acknowledge the foregoing and agree to be bound by its terms.

[Signature]

[Signature]

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 25th day of October, 2023 by Daniel J. Schuster



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026

[Signature]
Notary Public
My commission expires: April 25, 2026

STATE OF OHIO)
) SS.
COUNTY OF CLERMONT)

The foregoing instrument was acknowledged before me on this 25th day of October, 2023 by Melissa A. Schuster



SARAH KATHERINE HARTLEY
Notary Public
State of Ohio
My Comm. Expires
April 25, 2026

[Signature]
Notary Public
My commission expires: _____

Instrument prepared by:

BARRON PECK BENNIE & SCHUEMMER
DANIEL M. BENNIE, Esq.
3074 MADISON ROAD
CINCINNATI, OH 45209

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