

Condo plat # 200403090050424



200403090050423

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03/09/2004 9:00AM MLKENTON L KU
Robert G. Montgomery
Franklin County Recorder

**FIFTH AMENDMENT
(ADDING SIXTH PHASE) TO
DECLARATION OF CONDOMINIUM
FOR
DORSET GLEN CONDOMINIUM
EXPANDING THE CONDOMINIUM PROPERTY**

**Franklin County Auditor
JOSEPH W. TESTA**

by: 
**Jane Lenning,
Deputy Auditor**

This instrument prepared by

**Kenton L. Kuehnle
Allen, Kuehnle & Stovall LLP
21 West Broad Street
Columbus, Ohio 43215**

TRANSFERRED

MAR 09 2004

**FOR REFERENCE PLEASE SEE
CONDOMINIUM PLAT BOOK NO. 127 PAGE 89-90**

**JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO**

AMENDMENT TO DECLARATION

This Amendment to the Declaration of Condominium for Dorset Glen Condominium, ("the Condominium"), expanding and submitting additional property to the condominium is made as of this 18th day of February, 2004.

Background

KBS Darby Park, LLC, an Ohio limited liability company, ("Declarant"), is the owner in fee simple of all the real property hereinafter described and the improvements thereon and appurtenances thereto.

The Declarant has submitted certain property to the provisions of Section 5311 of the Ohio Revised Code by the filing of a Declaration of Condominium (the "Declaration") of Dorset Glen Condominium. The Declaration is recorded as Instrument Number 200301140012723, and the drawings are recorded in Condominium Plat Book 110, Pages 45-46, all of the Franklin County, Ohio Records.

The Declarant, pursuant to Article XIX of the Declaration, reserved the right to expand the Condominium property by amending the Declaration to add the property (described in Exhibit C of the Declaration as the "Additional Property"), and improvements thereon and appurtenances thereto, to the original condominium. By this instrument, the Declarant is adding the property described in Exhibit A to this Amendment to the Condominium.

Declaration

Declarant, the sole owner of the Additional Property, hereby submits the portion of the Additional Property described on Exhibit A to this Amendment, to the provisions of Chapter 5311 of the Ohio Revised Code, and hereby amends the Declaration of Condominium as follows:

1. **Definitions.** All terms used herein shall have the same meanings as those terms are defined in the Declaration.
2. **Additional Property Added.** A legal description of the property being added to the Condominium is attached hereto as "Exhibit A" and incorporated herein by this reference.
3. **Name.** The Condominium, as expended hereby, shall continue to be named "Dorset Glen Condominium".

4. **Purposes.** The purposes of the Condominium shall continue to be as set forth in the Declaration (encompassing the additional property added hereby).

5. **Improvements Description.** The property being added by this amendment consists of 0.773 acres of land, on which is situated one (1) residential building containing 6 units. Improvements on such property are compatible in terms of quality of construction, principal materials used, and architectural style and design to the improvements now a part of the Condominium Property.

6. **Units.**

a. **Unit Designation.** Each of the Units added to the Condominium is designated on the drawings filed simultaneously herewith, by a building number followed by a unit number, where that Unit is located. A listing of the proper Unit designations (and the proper Unit designations of all Units in the Condominium), are shown on the attached Exhibit B.

b. **Composition of Units.** Each Unit added hereby consists of the space in the building designated on the Drawings filed simultaneously herewith, including and excluding, as appropriate, those same items as are described and defined in the description of Units in the Declaration. The location of each Unit added hereby is shown on the Drawings filed herewith.

c. **Unit Locations.** The location of each Unit added hereby is shown on the Drawings filed simultaneously herewith.

7. **Common and Limited Common Areas.**

a. **Common Areas.** All of the property described in Exhibit A, including all of the land and all improvements thereon and appurtenances thereto, except those portions labeled or described herein or in the amendment to the Drawings filed herewith as a part of a Unit, are Common Areas.

b. **Limited Common Areas.** Those portions of the Common Areas that are added hereby that are labeled to designated "LCA" or "limited common areas" on the Drawings filed herewith, are Limited Common Areas. These Limited Common Areas are reserved for the exclusive use of the Units which those improvements are designed to serve.

c. **Percentages of Ownership.** The undivided interest in the Common Areas appurtenant to all Units in the Condominium as expanded hereby, and as thereby allocated and reallocated, are shown in the attached Exhibit B, and are all equal to one/forty-fourth (1/44th). The Common Areas shall be owned by the Unit owners as tenants in common, and ownership thereof shall remain undivided. No Unit owner may waive or release any rights in the Common Areas.

Further, the undivided interest in the Common Areas of a Unit shall not be separated from the Unit to which it appertains.

8. **Effects of Expansion.** Upon the filing for record of this Amendment to the Declaration adding the property described in Exhibit A to the Condominium Property:

a. the property shall hereafter be subject to all of the terms and provisions of the Declaration, to the same extent and with the same effect as if that property had been initially part of the Condominium Property, that is, the rights, easements, covenants, restrictions and assessment plan shall run with and will bind such property in the same manner, to the same extent, and with the same force and effect as the terms of the Declaration apply to the original Condominium Property;

b. the owner or owners of Units within such property shall thereupon become members of the Condominium Association, to the same extent, with the same effect, subject to the same obligations, and imbued with the same rights, as all other members; and

c. In all other respects, all of the provisions of the Declaration shall include and apply to such property, and to the owners, mortgagees and lessees of Units thereon, with equal meaning and of like force and effect.

Drawings, as required by the Ohio Revised Code, are filed herewith showing the information required with respect to the property added by this amendment.

IN WITNESS WHEREOF, this amendment has been executed on behalf of the Declarant on this 18th day of February, 2004.

KBS Darby Park, LLC

By 
James D. Schrim, III, Vice President

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

Before me, a notary public, personally appeared James D. Schrim, III, the Vice President of KBS Darby Park, LLC, an Ohio Limited Liability Company, the Declarant

herein, who acknowledged the execution of this document to be his free act and deed, on behalf of the Declarant, for the uses and purposes set forth herein.

In Witness whereof, I have hereunto set my name this 18th day of February, 2004.



Notary Public

KENTON L. KUEHNLE
ATTORNEY-AT-LAW
NOTARY PUBLIC FOR STATE OF OHIO
LIFETIME COMMISSION

DECLARATION OF CONDOMINIUM
DORSET GLEN CONDOMINIUM

Legal Description-Property Added
(Fifth Amendment, 0.773 Acre)

Situated in the State of Ohio, County of Franklin, City of Hilliard, being in Virginia Military Survey No. 6366, containing 0.773 acre of land, more or less, said 0.773 acre being out of that 6.250 acre tract of land described in the deed to KBS Darby Park, LLC, of record in Instrument No. 200208300215955, Recorder's Office, Franklin County, Ohio, said 0.773 acre being more particularly described as follows:

Beginning, for reference, at an aluminum cap set in concrete (Franklin County, Monument FCGS 5540) at the centerline intersection of Cosgray Road and Scioto Darby Road; thence N87°40'03"E, with the centerline of Scioto Darby Road, a distance of 874.00 feet to a P.K. nail found at the northeasterly corner of that 23.151 acre tract of land referred to as Parcel I and described in Exhibit "A" in the deed to the City of Hilliard, of record in Official Record 13308E05, the same being the northwesterly corner of that 0.454 acre tract of land described in the deed to the City of Hilliard, of record in Instrument No. 200007240145544, both being of record in the Recorder's Office, Franklin County, Ohio; thence N87°40'03"E, with the centerline of said Scioto Darby Road and with the northerly line of said 0.454 acre tract, a distance of 395.41 feet to the northeasterly corner of said 0.454 acre tract; thence S6°14'00"E, with the easterly line of said 0.454 acre, with the easterly line of Darby Park Condominium of record in Instrument Number 200105220112448, the westerly line of that 5.996 acre tract of land described in the deed to Wellington Housing Partners, Inc. of record in Instrument No. 200111150264445 and with the easterly line of Dorset Glen Condominium, of record in Condominium Plat Book 110, Page 45, all being of record in the Recorder's Office, Franklin County, Ohio, a distance of 572.03 feet to a 3/4-inch (I.D.) iron pipe set at the true point of beginning;

Thence, from said true point of beginning, with the easterly and northerly lines of said 6.250 acre tract and with the westerly and southerly lines of said 5.996 acre tract the following three (3) courses and distances:

1. S6°14'00"E, a distance of 59.98 feet to a 3/4-inch (I.D.) iron pipe found in a curve;
2. eastwardly, with the arc of a curve to the left, having a radius of 150.00 feet, a central angle of 21°13'30" and a chord that bears S85°37'15"E, a chord distance of 55.25 feet to a 3/4-inch (I.D.) iron pipe found at the point of tangency;
3. N83°46'00"E, a distance of 49.94 feet to a 3/4-inch (I.D.) iron pipe found in a northeasterly corner of said 6.250 acre tract, the same being in a northwesterly right-of-way corner of Moundview Road (50.00 feet in width) as the same is dedicated and delineated upon the recorded plat of Dedication Plat of Moundview Road and Easements, of record in Plat Book 59, Pages 96 and 97, Recorder's Office, Franklin County, Ohio;

Thence S6°14'00"E, with the easterly line of said 6.250 acre tract and with the westerly right-of-way terminus of said Moundview Road, a distance of 38.12 feet to a 3/4-inch (I.D.) iron pipe set;

Thence S83°46'00"W, a distance of 74.24 feet to a point of curvature;

Thence westwardly, with the arc of a curve to the right, having a radius of 151.00 feet, a central angle of 28°02'46" and a chord that bears N82°12'37"W, a chord distance of 73.18 feet to a point of reverse curvature;

DECLARATION OF CONDOMINIUM
DORSET GLEN CONDOMINIUM

Legal Description-Property Added
(Fifth Amendment, 0.773 Acre) - (Cont'd) -

Thence westwardly, with the arc of a curve to the left, having a radius of 15.00 feet, a central angle of 86°09'08" and a chord that bears S68°44'12"W, a chord distance of 20.49 feet to a point of compound curvature;

Thence southwardly, with the arc of a curve to the left, having a radius of 134.00 feet, a central angle of 8°35'26", and a chord that bears S21°21'55"W, a chord distance of 20.07 feet to a point;

Thence N72°55'48"W, radially to the aforementioned curve, a distance of 47.00 feet to a point;

Thence S83°46'00"W, a distance of 187.24 feet to a point;

Thence N6°14'00"W, a distance of 97.47 feet to a point;

Thence N83°46'00"E, a distance of 184.50 feet to a point in the westerly line of said Dorset Glen Condominium;

Thence S6°14'00"E, with the westerly line of said Dorset Glen Condominium, a distance of 2.42 feet to a southwesterly corner of said Dorset Glen Condominium;

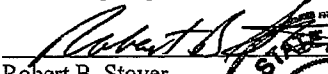
Thence N83°46'00"E, with a southerly line of said Dorset Glen Condominium, a distance of 116.00 feet to the true point of beginning and containing a 0.773 acre tract of land, more or less.

Subject to all rights-of-way, easements and restrictions, if and, of previous record.

We hereby state that the foregoing description was prepared from information obtained from actual field surveys conducted by Bauer, Davidson & Merchant, Inc. in November of 2003 and in February of 2004.

The bearings referred to in the above description correspond to the bearing N87°40'03"E as given for the centerline of Scioto Darby Road and as described in the deed to Jeffery A. Yocca Builders, Inc., of record in Instrument No. 200001190012926, Recorder's Office, Franklin County, Ohio.

BAUER, DAVIDSON & MERCHANT, INC.
Consulting Engineers


Robert B. Stover
Professional Surveyor No. 7244

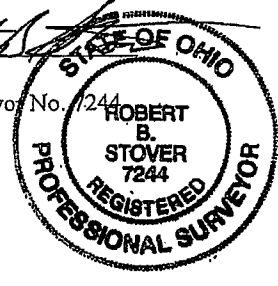


Exhibit B

Unit	Address	Bedrooms	Baths	Square Footages*		% Int. Common Areas
				Living	Garage	
3 - 3952	3952 Darby Park Road	3	2 1/2	1778	220	1/44 th
3 - 3956	3956 Darby Park Road	3	2 1/2	1603	220	1/44 th
3 - 3960	3960 Darby Park Road	3	2 1/2	1603	220	1/44 th
3 - 3964	3964 Darby Park Road	3	2 1/2	1778	220	1/44 th
4 - 3925	3925 Hill Park Road	3	2 1/2	1630	220	1/44 th
4 - 3927	3927 Hill Park Road	2	2 1/2	1357	220	1/44 th
4 - 3929	3929 Hill Park Road	3	2 1/2	1522	220	1/44 th
4 - 3931	3931 Hill Park Road	3	2 1/2	1522	220	1/44 th
4 - 3933	3933 Hill Park Road	2	2 1/2	1357	220	1/44 th
4 - 3935	3935 Hill Park Road	3	2 1/2	1630	220	1/44 th
6 - 3953	3953 Hill Park Road	3	2 1/2	1630	220	1/44 th
6 - 3955	3955 Hill Park Road	2	2 1/2	1357	220	1/44 th
6 - 3957	3957 Hill Park Road	3	2 1/2	1522	220	1/44 th
6 - 3959	3959 Hill Park Road	3	2 1/2	1522	220	1/44 th
6 - 3961	3961 Hill Park Road	2	2 1/2	1357	220	1/44 th
6 - 3963	3963 Hill Park Road	3	2 1/2	1630	220	1/44 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.

Unit	Address	Bedrooms	Baths	Square Footages*			% Int. Common Areas
				Living	Garage	Total	
7-3969	3969 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th
7-3971	3971 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
7-3973	3973 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
7-3975	3975 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
7-3977	3977 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
7-3979	3979 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th
8-3985	3985 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th
8-3987	3987 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
8-3991	3991 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
8-3993	3993 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
8-3995	3995 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
8-3997	3997 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th
11-3982	3982 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th
11-3984	3984 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
11-3986	3986 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
11-3988	3988 Hill Park Road	3	2 1/2	1522	220	1742	1/44 th
11-3990	3990 Hill Park Road	2	2 1/2	1357	220	1577	1/44 th
11-3992	3992 Hill Park Road	3	2 1/2	1630	220	1850	1/44 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.

Unit	Address	Bedrooms	Baths	Square Footages*			% Int. Common Areas
				Living	Garage	Total	
12 - 3965	3965 Darby Park Road	3	2 1/2	1778	220	1998	1/44 th
12 - 3969	3969 Darby Park Road	3	2 1/2	1603	220	1823	1/44 th
12 - 3973	3973 Darby Park Road	3	2 1/2	1603	220	1823	1/44 th
12 - 3977	3977 Darby Park Road	3	2 1/2	1778	220	1998	1/44 th
14 - 5871	5871 Darby Hill Lane	3	2 1/2	1630	220	1850	1/44 th
14 - 5875	5875 Darby Hill Lane	2	2 1/2	1357	220	1577	1/44 th
14 - 5879	5879 Darby Hill Lane	3	2 1/2	1522	220	1742	1/44 th
14 - 5883	5883 Darby Hill Lane	3	2 1/2	1522	220	1742	1/44 th
14 - 5887	5887 Darby Hill Lane	2	2 1/2	1357	220	1577	1/44 th
14 - 5891	5891 Darby Hill Lane	3	2 1/2	1630	220	1850	1/44 th

* Square footages are measured using the method traditionally used in the industry, from the center of the interior walls to the outside surface of exterior walls, although the unit itself goes only to the interior surface of the walls.