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**2020R013231**

LAKE COUNTY OHIO

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BECKY LYNCH

LAKE COUNTY RECORDER

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## Becky Lynch

Lake County Recorder

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Reflected hereon is the pertinent recording information:

File Number  
Date Filed  
Time Filed  
Recording Fees\*  
Number of pages recorded

\*Various recording fees are split between Lake County and the State of Ohio as they are collected. These amounts are sent to the Ohio Housing Trust Fund in quarterly payments payable to the Treasurer State of Ohio - generally half or \$17.00 of \$34.00 from each recording as an example. The other half is currently deposited to the Lake County General Fund with a \$4.00 allocation per document reserved for the Recorder Department Technology Fund.

NAUTICAL RIDGE-CONDOMINIUMS  
FAIRPORT HARBOR, OHIO

PHASE NO. 6

ADDING UNITS 203, 205, 208, 210

SIXTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP

This will certify that copies of this Sixth Amendment to Declaration of Condominium Ownership for the Nautical Ridge Condominiums and the Drawings attached thereto, have been filed in the office of the County Auditor, Lake County, Ohio

COUNTY AUDITOR

Date: May 22 - 2020

*Martha Pappas*  
Deputy Auditor

This Sixth Amendment to the Declaration of Condominium Ownership has been filed in the office of the Lake County Recorder on May \_\_\_\_\_, 2020 and recorded in \_\_\_\_\_.

COUNTY RECORDER

Date: May \_\_\_\_\_ 2020

\_\_\_\_\_  
County Recorder

This Instrument Prepared By:

Marc I. Strauss, Esq.  
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Cleveland, Ohio 44128  
(330) 348-6051  
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SIXTH AMENDMENT TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
FOR THE NAUTICAL RIDGE CONDOMINIUMS  
FAIRPORT HARBOR, OHIO  
(PHASE NO. 6)

WHEREAS, Nautical Ridge Development LLC, an Ohio limited liability company, hereinafter referred to as "Declarant", filed for record the Declaration of Condominium Ownership ("Declaration") with the Bylaws attached thereto, and Drawings incorporated by reference therein, on April 20, 2006, with the Lake County Recorder, the Declaration being recorded in No. 2006R015438 of the Lake County Deed Records and the Drawings being recorded in No. 2006R015437, Volume 52, Page 9 of Lake County Condominium Map Records and thereby submitted Phase I of the Nautical Ridge Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code (the Condominium Property Act); and

WHEREAS, by First Amendment to the Declaration recorded on September 8, 2006, with the Lake County Recorder, the Declaration being recorded in No. 2006R037066 of Lake County Deed Records and the Drawings being recorded in No. 2006R037065, Volume 53, Page 3, of the Lake County Condominium Map Records, the Declarant submitted Phase 2 of the Nautical Ridge Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, by Second Amendment to the Declaration recorded on March 27, 2007, with the Lake County Recorder, the Declaration being recorded in No. 2007R010295 of Lake County Deed Records and the Drawings being recorded in No. 2007R010294, Volume 54, Page 29 of Lake County Condominium Map Records, the Declarant submitted Phase 3 of the Nautical Ridge Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, by Third Amendment to the Declaration recorded on February 26, 2008, with the Lake County Recorder, the Declaration being recorded in No. 2008R005256 of Lake County Deed Records and the Drawings being recorded in No. 2008R005255, Volume 54, Page 29 of Lake County Condominium Map Records, the Declarant submitted Phase 4 of the Nautical Ridge Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, by Fourth Amendment to the Declaration recorded on December 24, 2008, with the Lake County Recorder, the Declaration being recorded in No. 2008R033898 of Lake County Deed Records and the Drawings being recorded in No. 2008R033897, Volume 58, Page 4 of Lake County Condominium Map Records, the Declarant submitted Phase 5 of the Nautical Ridge Condominiums to the provisions of Chapter 5311 of the Ohio Revised Code; and

WHEREAS, by Fifth Amendment to the Declaration recorded on August 2, 2013, with the Lake County Recorder, the Declaration being recorded in No. 2013R023721 of Lake County Deed Records, consisting of seven (7) pages; and

WHEREAS, Successor Declarant is the legal title holder of and desires to add to the Condominium Property and to submit to Chapter 5311 of the Ohio Revised Code, as Additional Property pursuant to Article XI of the Declaration, the real property designated herein as Phase No. 6 of the Nautical Ridge Condominium, which is improved with two (2) buildings. The buildings are comprised of four (4) units (Units 203, 205, 208, and 210); and

NOW, THEREFORE, Successor Declarant, pursuant to the authority granted in Article XII of the Declaration, hereby declares that the Declaration be and hereby is amended as follows (unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Declaration):

1. The Phase No. 6 Property and the improvements thereon, and all easements, rights and appurtenances relating thereto and all articles of personal property related thereto existing for the common use of the Unit Owners, are hereby added to the Condominium Property as defined in Article I of the Declaration and are also hereby submitted pursuant to Chapter 5311 of the Ohio Revised Code as part of the Condominium Property in accordance with and to be governed in all respects by the terms and provisions of the Declaration as hereby and hereinafter amended.
2. Exhibit "A" of the Declaration entitled Allotted Drawings, is hereby amended by Exhibit "A" attached hereto and incorporated herein by reference, to add Phase No. 6 for dedication to the Nautical Ridge Condominiums.
3. The Legal Description of the Condominium Property set forth in Exhibit "1" of the Declaration is amended to include the real property for Phase 6 of the Nautical Ridge Condominiums, the legal description for Phase 6 being described in Exhibit "A-1" attached hereto and made a part hereof.
4. The Legal Description of the Additional Property set forth in Exhibit "2" of the Declaration is amended by the deletion therefrom of the real property described in Exhibit "A-1" hereof, the residue of the Additional Property being described in Exhibit "2" attached hereto and made a part hereof.
5. In the First Paragraph of Article II of the Declaration and Article II(A) of the Declaration the number of Units referred to herein is increased from 21 to 25 Units. A narrative description of the Building and Units for Phase No. 6 is set forth in Exhibit "3" attached hereto and made a part hereof.
6. The undivided interest of each Unit in the Common Elements as set forth in Exhibit "5" of the Declaration is hereby amended to be as set forth in Exhibit "4" attached hereto and made a part hereof.
7. The particulars of the land, buildings and other improvements for Phase No. 6, including but not limited to, the layout, location, designation, dimensions of each Unit, the layout, locations and dimensions of the Common Elements and the location and dimensions of all appurtenant easements or encroachments are shown geographically on the Phase No. 6 Amendment to Allotted Drawings incorporated in this Sixth Amendment to the Declaration of Condominium Ownership for the Nautical Ridge Condominiums, by reference as Exhibit "A", prepared by and bearing the certified statement of Laurie E. Al-Hawaz, Professional Engineer, Ohio, as required by the Condominium Act of the State of Ohio. The Phase No. 6 Amendment to the Allotted Drawings will be filed in Condominium Map Records of the Office of the Recorder of Lake County, Ohio, simultaneously with the filing of this Sixth Amendment to the Declaration.

8. Pursuant to Article XVIII of the Declaration, the two (2) year warranty period for Phase No. 6 shall commence on the date the deed or other evidence of ownership is filed for record following the first sale of a Condominium Ownership Interest in Phase No. 6 to a Purchaser in good faith for value.
9. No owner of a Unit which was not included in Phase 1, 2, 3, 4 or 5 shall: (a) have or obtain any interest in funds collected by the Association from the owners of Units included in Phase No. 1, 2, 3, 4 or 5 prior to the filing of this Sixth Amendment (except replacement reserve funds), nor (b) have or be subjected to any past, current, and/or contingent liability for expenses arising with respect to the Condominium Property prior to the filing of this Sixth Amendment.
10. Except as amended herein the Declaration shall remain in full force and effect.
11. Consent to this Sixth Amendment to the Declaration is hereby granted, by unanimous consent of the existing units owners as of the date of the filing of this Sixth Amendment to extend the development period, and by the Successor Declarant on behalf of the Unit Owners and their mortgagees pursuant to Articles XII of the Declaration.

IN WITNESS, WHEREOF, the said Fairport Real Estate LLC, as Successor Declarant, as aforesaid, has caused its name to be signed to this Sixth Amendment to Declaration of Condominium Ownership as of this 11<sup>th</sup> day of May 2020.

Fairport Real Estate LLC

By: 

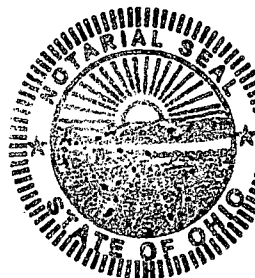
Its: Manager

Executed before me this 11 day of May 2020, by Fairport Real Estate LLC, by and through Marc I. Strauss, its Manager, who having been first duly sworn, acknowledged that he did sign the foregoing instrument and that the same is his free act and deed individually and on behalf of Fairport Real Estate LLC and the duly authorized free act and deed of said entity.

  
NOTARY PUBLIC

This Instrument Prepared By:

Marc I. Strauss, Esq.  
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Cleveland, Ohio 44128  
(330) 348-6051  
[mislaw@sbcglobal.net](mailto:mislaw@sbcglobal.net)



CHRISTIE PURPURA, Notary Public  
State of Ohio - Lake County  
My Commission Expires Jan 8, 2023

## LIST OF EXHIBITS

1. Legal Description of Phase 6
2. Legal Description of Remaining Additional Property
3. Narrative Description of Building and Units
4. Percentage Interest of Ownership of Common Areas and Facilities

EXHIBIT "I"

TO SIXTH AMENDMENT TO DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
THE NAUTICAL RIDGE CONDOMINIUMS

LEGAL DESCRIPTION OF PHASE NO. 6

UNOFFICIAL COPY

EXHIBIT "2"

TO THE SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
OWNERSHIP FOR THE NAUTICAL RIDGE CONDOMINIUMS

LEGAL DESCRIPTIONS OF REMAINING ADDITIONAL PROPERTY

As of the filing of the within Sixth Amendment for Phase 6, there are three parcels of Additional Property which are designated in the following legal descriptions as "2", "3", and "4".

UNOFFICIAL COPY

EXHIBIT "3"

TO THE SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
OWNERSHIP FOR THE NAUTICAL RIDGE CONDOMINIUMS

A NARRATIVE DESCRIPTION OF BUILDINGS AND UNITS

Nautical Ridge Condominiums Development is located off High Street in Village of Fairport Harbor, Lake County, Ohio. The Development is served by Nautical Way, a private road (private roads served by the Nautical Ridge Condominiums Owners Association). The Developer intends to build 45 units in the Development on existing roads.

In this Phase 6 there are two (2) buildings with four (4) Units. The Units being included in the Development at this time are Units 203, 205, 208, and 210. The Building is a one-story building of wood frame construction with vinyl exterior. The roof will be constructed with asphalt shingles. Each Unit will consist of approximately 1,500 square feet plus a two and one-half car attached garage. Each Unit has one level and will include three bedrooms, two full baths, Great Room, kitchen, laundry room and patio/deck.

Any inconsistencies between the Narrative Description and the Allotted Drawings shall be resolved in favor of the Allotted Drawings.

EXHIBIT 4

TO THE SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM  
OWNERSHIP FOR THE NAUTICAL RIDGE CONDOMINIUMS

PERCENTAGE INTEREST IN OWNERSHIP OF COMMON AREAS AND FACILITIES

DESIGNATION OF UNIT NUMBERS, ADDRESS, AND INTEREST

| Unit No. | Unit Type            | Percentage |
|----------|----------------------|------------|
| 1        | Sutton               | 4.0        |
| 3        | Sutton               | 4.0        |
| 4        | Sutton               | 4.0        |
| 5        | Waterford            | 4.0        |
| 6        | Nantucket w/basement | 4.0        |
| 7        | Waterford            | 4.0        |
| 8        | Nantucket            | 4.0        |
| 9        | Carlisle             | 4.0        |
| 10       | Lakeview             | 4.0        |
| 15       | Nantucket            | 4.0        |
| 16       | Sutton               | 4.0        |
| 19       | Sutton               | 4.0        |
| 20       | Nantucket            | 4.0        |
| 29       | Nantucket            | 4.0        |
| 30       | Nantucket            | 4.0        |
| 36       | Shoreline            | 4.0        |
| 37       | Nantucket            | 4.0        |
| 38       | Nantucket            | 4.0        |
| 45       | Carlisle             | 4.0        |
| 46       | Sutton               | 4.0        |
| 47       | Monterey             | 4.0        |
| 203      | Fairport             | 4.0        |
| 205      | Fairport             | 4.0        |
| 208      | Fairport             | 4.0        |
| 210      | Fairport             | 4.0        |
|          |                      | 100%       |