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BOOK 491 PAGE 649

DEDICATION OF REVISED FINAL PLAT, RESTRICTIVE COVENANTS,
CONDITIONS AND RESERVATIONS FOR RIVERSIDE VILLAGE, TOWN OF CAPON
BRIDGE-BLOOMERY DISTRICT,
HAMPSHIRE COUNTY, WEST VIRGINIA

WHEREAS, DBD OF WV, LLC, is the owner/developer and "Declarant" of and for Riverside Village subdivision, a 15 lot with common areas residential subdivision situate in the Town of Capon Bridge-Bloomery District, Hampshire County, West Virginia, and has heretofore filed that certain document titled "Restrictive Covenants, Conditions and Reservations for Riverside Village, Town of Capon Bridge-Bloomery District, Hampshire County, West Virginia", dated the 10th day of October, 2006, and of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Deed Book 459, Page 498, and which by reference incorporated a Plat of said subdivision which is of record in the Office of the Clerk of the County Commission of Hampshire County, West Virginia, in Map Book 10, at Page 186, for all pertinent and proper reasons; and,

WHEREAS, the Declarant has now caused a Revised Plat of Riverside Village subdivision to be prepared which revises and changes the metes and bounds descriptions, dimensions and acreage of Lot Nos. 11, 12, 13, 14, and 15 by removing from said lots certain portions thereof by minor boundary adjustment with the adjacent Common Area as shown on said plat, including all of which said portions of said lots that lies within the 100 year flood plain, and conveying those portions as designated on said plat into the Common Area, thereby increasing the area of the Common Area from its original acreage of 9.831 acres to its revised acreage of 10.1701 acres as shown on the Revised Final Plat of Riverside Village subdivision, and which said Revised Plat of Riverside Village Subdivision shall be recorded prior to or contemporaneously with the recordation of this instrument and is by reference incorporated herein for all pertinent and proper reasons, including a more particular metes and bounds description of Revised Lot Nos. 11, 12, 13, 14, and 15, and the Common Area as shown on said plat; and that all future conveyances of lots in said subdivision shall refer to and incorporate the Revised Final Plat of Riverside Village for all pertinent and proper reasons; and,

WHEREAS, a portion of Lot No. 12, which has heretofore been conveyed unto Thomas W. Alkire, et ux, by deed of the Declarant hereunder as set forth in Deed Book 460, at Page 705, lies in the 100 year floodlain, and the said Thomas W. Alkire, et ux, shall execute and record a deed conveying that portion of Lot 12 lying mainly in said 100 year flood plain, back to the Declarant herein for the purpose of Declarant merging same into the Common Area as shown on the above referenced Revised Final Plat; and,

WHEREAS, Declarant likewise does hereby incorporate the Revised Plat of Riverside Village subdivision into the Restrictive Covenants, Conditions and Reservations for Riverside Village as referenced above, to reflect the changes in dimensions and acreages of Lot Nos. 11, 12, 13, 14, and 15, and the Common Area to relect their new and revised descriptions as set forth on said Revised Final Plat, and likewise would amend and revise the Restrictive Covenants, Conditions and Reservations for Riverside Village, but only for the limited purpose of recognizing and amending said document to reflect and incorporate the revised metes and bounds descriptions and resultant revised acreages of Lot Nos. 11, 12, 13, 14, and 15, and the Common Area as shown on said Revised Final Plat; and,

NOW, THEREFORE, THIS DEDICATION OF REVISED FINAL PLAT, RESTRICTIVE COVENANTS, CONDITIONS AND RESERVATIONS FOR RIVERSIDE VILLAGE, TOWN OF CAPON BRIDGE-BLOOMERY DISTRICT, HAMPSHIRE COUNTY, WEST VIRGINIA, TO WIT:

WITNESSETH: That the Declarant of Riverside Village subdivision, namely DBD of WV, LLC, does by these presents, make, execute and delivers the following revisions and amendments to the Restrictive Covenants, Conditions and Reservations for Riverside Village subdivision, which said revisions and amendments shall apply to and be binding upon all real estate situate in said subdivision, and which are set forth as follows:

1. That a Revised Plat of Riverside Village subdivision shall be recorded prior to or contemporaneously with the recordation of this instrument to reflect the minor boundary adjustments made to

Lot Nos. 11, 12, 13, 14, and 15, and the Common Area, to reflect the changes made in the metes and bounds descriptions and resultant revised acreages of each of said lots and common area. Basically, areas of each of the aforementioned lots including that located within the 100 year flood plain have been deleted and removed from each of said lots and added and merged to the Common Area as shown on said Revised Final Plat by minor boundary adjustment by the Declarant. No other changes have been made to the original Plat of said subdivision as set forth in the aforesaid Clerk's Office in Map Book No. 10, at Page 186; EXCEPT those for the purpose of reflecting the changes to the Revised Final Plat due to the Declarant now conveying those portions of said lots as set forth above, and merging same with the Common Area, which required certain revisions to the Notes and plat to properly reflect these changes to metes and bounds descriptions and acreages, and Note M has been added to specifically address and clarify the revisions made to the lots and common area as mentioned above.

All future lots shall be conveyed subject to this Revised Final Plat of Riverside Village subdivision as prepared by Rickie C. Davy, PS, of R & S Services, Inc., dated September 2, 2010, and to be recorded prior to or contemporaneously with this instrument.

2. That accordingly that certain document titled Restrictive Covenants, Conditions and Reservations for Riverside Village, which is of record in the aforesaid Clerk's Office in Deed Book 459, at Page 498, shall also be amended for the limited purpose of reflecting the changes to the metes and bounds descriptions, and acreages of the lots (Lot Nos. 11, 12, 13, 14 and 15) and Common Area as referenced above to reflect their revised dimensions and acreages. In particular it appears that the above referenced document would need to be revised and amended in the following paragraphs of said document:

- A) Article 1, Section 6, shall be amended to reflect the change in acreage in the Common Area
- B) the third paragraph in Article 1, Section 7, shall be amended to reflect the change in acreage in the Common Area.
- C) Article 1, Section 9, shall be amended to also include by reference the Revised Plat of Riverside Village subdivision, for all

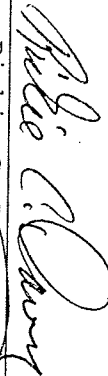
of the same purposes including the restrictions and reservations and Notes, flood plain and way designations, set back lines, etc., as some of these may change due to the minor boundary adjustment changes in the metes and bounds descriptions of Lot Nos. 11, 12, 13, 14, and 15 and the Common Area as shown on the Revised Final Plat of Riverside Village subdivision.

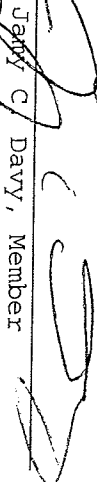
D) the heading of the section titled "Designated Access to River for each Lot as located within the total Common Area of 9.831 Acres" shall now be changed to reflect the revised acreage of the Common Area which is now 10.1701 acres.

E) That all other terms, stipulations and conditions as set forth in the original Restrictive Covenants, Conditions and Reservations for Riverside Village shall remain in full force and effect without change or amendment as if set forth textually verbatim herein, and any subsequent conveyance of lots in this subdivision shall be taken subject to the original document and this document which reflects the revised metes and bounds descriptions of Lot Nos. 11, 12, 13, 14, and 15, and the Common Area.

IN WITNESS WHEREOF: The Declarant does hereby execute this Dedication of Revised Plat and Declaration of Protective Covenants, Conditions, and Restrictions on Riverside Village this 4th day of September, 2010.

DBD OF WV, LLC,
a WV Limited Liability Company

BY: 
Rickie C. Davy, Member

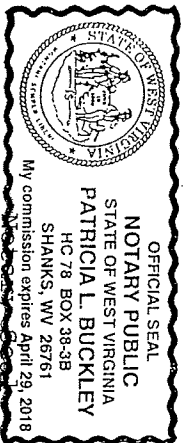
BY: 
Jerry C. Davy, Member

BY: 
James R. Berger, Jr., Member

STATE OF WEST VIRGINIA,
COUNTY OF HAMPSHIRE, TO WIT:

I, Patricia L. Buckley, a Notary Public, in and for the county and state aforesaid, do hereby certify that Rickie C. Davy, whose name is signed and affixed to the foregoing instrument dated the 4 day of September, 2010, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 4 day of September, 2010.

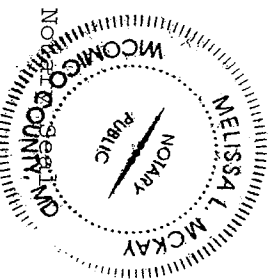


Patricia L. Buckley
Notary Public

STATE OF Maryland,
COUNTY OF Worcester, TO WIT:

I, Melissa L. McKay, a Notary Public, in and for the county and state aforesaid, do hereby certify that Jamy C. Davy, whose name is signed and affixed to the foregoing deed dated the 4 day of September, 2010, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 4th day of September, 2010.

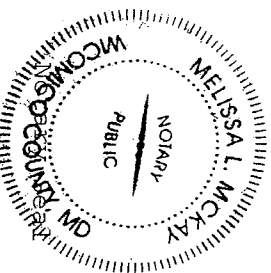


Melissa L. McKay
Notary Public

STATE OF Maryland,
COUNTY OF Worcester, TO WIT:

I, Melissa L. McKay, a Notary Public, in and for the county and state aforesaid, do hereby certify that James R. Bergey, Jr., whose name is signed and affixed to the foregoing deed dated the 4 day of September, 2010, has this day acknowledged the same before me in my said county and state.

Given under my hand and Notarial Seal this 4th day of September, 2010.



Melissa L. McKay
Notary Public

CARL, KEATON
& FRAZER, PLLC
ATTORNEYS AT LAW
56 E. MAIN STREET
ROMNEY, WV 26757

This document was prepared by William C. Keaton, Attorney at Law, Romney, West Virginia.

STATE OF WEST VIRGINIA, Hampshire County Commission Clerk's Office 9:15:10 12:46pm

The foregoing Instrument, together with the certificate of its acknowledgment, was this day presented in said office and admitted to record.

SHANKS H LINK
HAMP SHIRE County 12:46:10 PM
Instrument No 127590
Date Recorded 09/15/2010
Document Type C&R
Pages Recorded at
Book Page 491-649
Recording Fee \$10.00
Additional \$0.00

Teste Sharon A. Link Clerk.