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850096648

AVALON MEADOWS

PART W 1/2 NE 1/4 Sec 35, Twp 17N,

Range 4E.

RECEIVED FOR US GOV
SERIALS ACQUISITION
SECTION
NOV 4 11 07 AM '85
FBI/DOJ

Lawrence
Twp

DALE BARRETT

257-4171

**AVALON MEADOWS
COVENANTS, LIMITATIONS AND RESTRICTIONS**

1. **NAME.** This subdivision shall be known and designated as Avalon Meadows, a subdivision located in Indianapolis, Marion County, Indiana.

2. **STREET DEDICATION.** The streets shown and not heretofore dedicated are hereby dedicated to the public.

3. **LAND USE.** All lots within this Subdivision shall be used exclusively for residential purposes.

4. **SUBDIVISION OF LOTS.** No lot in this Subdivision shall be subdivided to form units of less area, nor shall more than one (1) single-family dwelling be erected, altered, placed or permitted to remain on any lot within this Subdivision.

5. TYPE, SIZE AND NATURE OF IMPROVEMENTS PERMITTED AND APPROVALS REQUIRED.

No single-family dwelling, garage, out building, swimming pool, tennis court or other recreational facility shall be erected, placed or altered on any lot without the prior written approval of the Building Control Committee to be established in accordance with paragraph 6 of these Subdivision Restrictions. Such approval shall be obtained prior to the commencement of construction and shall take into account restrictions as to the type of materials, exterior facade, design, layout, location, landscaping and finished grade elevations. Approvals will be considered upon the submission of satisfactory plans, including a plot plan, building plan showing floor areas and elevation, specifications, landscaping plan and such other data or information as may be reasonably requested, all subject to the following minimum standards:

- (a) No structure or building shall be erected, altered, placed or permitted to remain on any lot other than one (1) single-family dwelling not to exceed two stories in height, one (1) garage attached garage for not less than two (2) cars or not more than three (3) cars, and such other out buildings as are usual and incidental to the use of such lot for single family residential purposes.
- (b) No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be erected, placed or altered on any lot within this Subdivision for use as a residence, either temporarily or permanently, or at any time be used for such purpose.
- (c) All materials used on the exterior of any single-family residence, garage or out building constructed on any lot within this subdivision shall be demonstrated to last at least twenty-five (25) years.
- (d) No fence, wall, hedge or screen planting which obstructs view lines and elevations between two (2) and six (6) feet above any street shall be placed or permitted to remain on any owner's lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty-five (25) feet from the intersection of such lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same site line limitations shall apply to any lot within one (1) feet from the intersection of a street aligned with the edge of a driveway, driveway or alley line.
- (e) Every single-family dwelling, garage, out building or other structure permitted to be erected, placed or altered on any lot within this Subdivision by these Subdivision Restrictions shall be located so as to satisfy the setback lines and minimum area requirements of the District Zoning Ordinance of Marion County, Indiana, 45-40-1, as amended, except that in the case where a dwelling, garage, out building or other structure is erected, placed or altered on two or more adjoining lots, this restriction shall only apply to the lot lines of the extreme boundaries of the multiple lot.
- (f) Every single-family dwelling erected, placed or altered on any lot within this Subdivision shall maintain finished floor area, exclusive of porches, attached garages or carports, of 1,200 square feet. In the case of a two-story structure at least 600 square feet of the required minimum floor area shall be on the first floor.
- (g) No individual sewage disposal system shall be installed for use or be used to provide for the disposal of sewage on any lot within this Subdivision.
- (h) No individual water supply system shall be installed for use or be used to supply water to a single-family residence constructed on any lot within this Subdivision. Individual water supply systems installed for ancillary or auxiliary purposes shall be permitted by these Subdivision Restrictions if otherwise permitted by law and in compliance with all applicable laws, ordinances, rules and regulations governing the construction or use thereof.

(1) Any tank for the storage of fuel, gas, oil or other flammable or explosive liquid shall be located on any lot within this subdivision outside of any structure or building permitted by these Subdivision Restrictions shall be concealed or otherwise located below the surface of the ground.

(2) Mailboxes installed for mail delivery to a lot shall be located, shall be of a type and shall be of a color and manufacture approved prior to installation by the Building Control Committee. Such mailboxes shall be installed in a location which is also approved by the Building Control Committee.

6. **BUILDING CONTROL COMMITTEE.** The Building Control Committee shall be composed of three (3) members to be selected within the sole discretion of Delaware Land Development Corp. as the developer of this subdivision, or its designated nominee. Individual members of the Building Control Committee shall be subject to appointment and removal within the sole discretion of Delaware Land Development Corp. or its designated nominee: Delaware Land Development Corp. may, at its option and at any time, transfer the rights, duties and responsibilities of the Building Control Committee to any organization or association of property owners which may hereafter be formed, in which event a designated three (3) member committee of such organization or association shall function as the Building Control Committee for purposes of these Subdivision Restrictions. The Building Control Committee's approval or disapproval as required by these Subdivision Restrictions shall only be effective if in writing. To the extent that a written approval is not received from the Building Control Committee within twenty-one (21) days from the date of receipt of any plans required to be submitted by these Subdivision Restrictions, the failure to issue such written approval shall be construed as the disapproval of any such plans submitted.

7. **STORAGE AND DISPOSAL OF TRASH, RUBBISH OR GARBAGE.** No refuse pile or other unsightly or objectionable materials or things shall be allowed or maintained on any lot within this Subdivision. Rubbish, trash, garbage or the like shall be kept only in sanitary containers and all incinerators or other equipment for the storage or disposal thereof shall be kept in a clean and sanitary condition. Open burning of trash, rubbish or other debris (other than fallen leaves) shall not be permitted on any lot within this Subdivision.

8. **ANIMALS.** No cats, livestock or poultry of any kind shall be raised, bred or kept on any lot within this Subdivision, except dogs, cats or other animals generally and customarily recognized as household pets, provided that they are not kept, bred or maintained for any commercial purpose.

9. **NUISANCE.** No noxious or offensive activity shall be carried on or permitted to exist on any lot within this Subdivision, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other lots. Any structure or building permitted to be constructed on any lot which may be in whole or in part destroyed by fire, windstorm or for any other reason, shall be rebuilt and restored to its previous condition within a reasonable length of time and all debris accumulated in connection therewith shall be removed within a reasonable time after any such occurrence.

10. **FOR SALE OR ADVERTISING SIGN.** No sign of any kind shall be displayed to the public view on any lot within this Subdivision except one professional sign of not more than one (1) square foot, one (1) sign of not more than five (5) square feet advertising any such lot or the improvements thereon for sale or rent, or signs used by a builder or developer to advertise a lot or any improvements constructed thereon during construction or the sales period.

11. **ASSESSMENTS.** Assessments for the installation and maintenance of public utilities, sewers or drainage facilities as shown on the recorded plat of this subdivision and designated "S.U.S.", which stands for "Sewer and Utility Assessments", are hereby granted to public utility companies and the City of Indianapolis for the installation, construction, operation and maintenance of lines, wires, sewers, mains, drains and any other public improvements, whether under or above ground. Assessments shown on the recorded plat of this subdivision and designated "D.S.", which stands for "Drainage Assessments", are assessments hereby granted for the collection, transmission or discharge of surface water drainage within and through this subdivision. No changes shall be made in the finished grade elevations of any lot within this subdivision, whether in connection with the construction of improvements thereon or otherwise, so as to modify, alter or change the location or depth of any drainage awais, ditches or creeks located within any such Drainage Assessment without the approval of all federal, state, county or municipal authorities from whom approval is required by law or in any way which would prohibit, impede, restrict or alter the natural flow of surface water drainage. No permanent structure or building permitted on any lot within this subdivision shall be erected or maintained within any designated assessment area.

12. **STORAGE, REPAIRS OR MAINTENANCE OF MOTOR VEHICLES.** The repair or storage of inoperative motor vehicles or material alteration of motor vehicles shall not be permitted on any lot within this subdivision unless entirely within a garage permitted to be constructed by these Subdivision Restrictions.

13. **NOTICE OF ENFORCEMENT.** In the event of the violation or threatened violation, of any of the Subdivision Restrictions herein enumerated, Delaware Land Development Corp. or its nominee, the persons in ownership from time to time of lots in this subdivision and all parties claiming under them, and the Metropolitan Development Commission of the consolidated City of Indianapolis shall have the right, individually, jointly or severally, to enforce these Subdivision Restrictions and pursue any and all remedies, in law or equity, available under applicable Indiana law, with or without proving any actual damage, including the right to secure injunctive relief or secure removal by due process of any building, structure, improvement or facility not in compliance with these Subdivision Restrictions, and shall be entitled to recover reasonable attorney's fees and other legal costs and expenses incurred as a result thereof.

14. **GENERAL.** These Subdivision Restrictions may be amended or changed upon the express written approval of the fee simple owners of at least two-thirds (2/3) of the lots in this Subdivision, which amendments or changes shall become effective upon recordation of the same in the Office of the Recorder of Marion County, Indiana. These Subdivision Restrictions shall run with the land and shall be binding on all parties claiming under them for a period of twenty-five (25) years from the date of recordation, and shall automatically extend for successive periods of ten (10) years each unless prior to the expiration of any such ten (10)-year period they are amended or changed in whole or in part as provided above. Nullification of any portion of these Subdivision Restrictions by judgment or decree shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

RECORDED IN MARION COUNTY, INDIANA
NOV 11 1989

IN WITNESS WHEREOF, the undersigned of Delaware Land Development Corp. have caused these Subdivision Restrictions to be executed this 29th day of October, 1989.

Delaware Land Development Corp.
By: Dennis L. Barrett, President

Attest:
Dale A. Barrett
Notary Public

STATE OF INDIANA)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State, personally appeared Dennis L. Barrett and Dale A. Barrett, the President and Secretary, respectively, of Delaware Land Development Corp., an Indiana corporation, who, having been duly sworn, acknowledged the execution of the foregoing Covenants, Limitations and Restrictions for and on behalf of said corporation for the uses and purposes therein expressed.

WITNESS my hand and Notarial Seal this 29th day of October, 1989.



My Commission Expires: _____ My County of Residence: _____

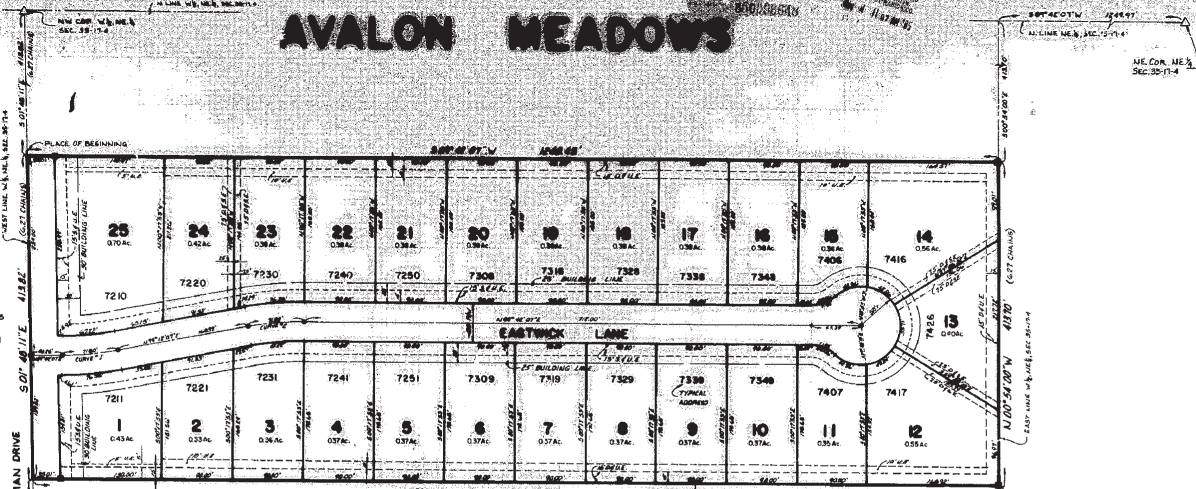
7110

CURVE DATA					
CURVE NO.	PI	PC	PT	EA	EB
1	50° 30' 00"	121.77	540.77	121.77	121.77
2	50° 30' 00"	121.77	540.77	121.77	121.77
3	50° 30' 00"	121.77	540.77	121.77	121.77
4	50° 30' 00"	121.77	540.77	121.77	121.77
5	50° 30' 00"	121.77	540.77	121.77	121.77
6	50° 30' 00"	121.77	540.77	121.77	121.77
7	50° 30' 00"	121.77	540.77	121.77	121.77
8	50° 30' 00"	121.77	540.77	121.77	121.77
9	50° 30' 00"	121.77	540.77	121.77	121.77
10	50° 30' 00"	121.77	540.77	121.77	121.77
11	50° 30' 00"	121.77	540.77	121.77	121.77
12	50° 30' 00"	121.77	540.77	121.77	121.77
13	50° 30' 00"	121.77	540.77	121.77	121.77
14	50° 30' 00"	121.77	540.77	121.77	121.77
15	50° 30' 00"	121.77	540.77	121.77	121.77
16	50° 30' 00"	121.77	540.77	121.77	121.77
17	50° 30' 00"	121.77	540.77	121.77	121.77
18	50° 30' 00"	121.77	540.77	121.77	121.77
19	50° 30' 00"	121.77	540.77	121.77	121.77
20	50° 30' 00"	121.77	540.77	121.77	121.77
21	50° 30' 00"	121.77	540.77	121.77	121.77
22	50° 30' 00"	121.77	540.77	121.77	121.77
23	50° 30' 00"	121.77	540.77	121.77	121.77
24	50° 30' 00"	121.77	540.77	121.77	121.77
25	50° 30' 00"	121.77	540.77	121.77	121.77

* DETECTING CURVE ELEMENTS



AVALON HILLS SECTION 15
1/4" = 40' 0.00"



NOTES ON MONUMENTS & MARKERS

- DENOTES A 4" x 4" x 10" UNID. PRECAST CONCRETE MONUMENT W/ CAST EMBOS IN TOP, SET VERTICALLY & FLUSH W/ FINISH GRADE
- DENOTES 3/8" DIA. 1/2" DIA. COPPER COATED STEEL PINS, 1/4" DIA. 1/2" DIA. HARDENED CAR W/ A CUT Y IN THE TOP, SET VERTICALLY & FLUSH W/ FINISH STREET SURFACE

I, the undersigned hereby certify that to the best of my professional knowledge and belief the within plat of subdivision represents a survey made under my supervision and that I am a duly Licensed Professional Engineer in the State of California, License No. 10000. I am a duly Licensed Professional Engineer in the State of California, License No. 10000. I am a duly Licensed Professional Engineer in the State of California, License No. 10000.



FILED
NOV 4 1981
LAWRENCE TOMPKINS
ENGINEER

APPROVED THIS ...
DAY OF ... 1981
LAWRENCE TOMPKINS REGISTERED
ENGINEER

FILED
NOV 4 1981
LAWRENCE TOMPKINS
ENGINEER



652930018

RECORD TO BE MAINTAINED IN THE RECORDS OF THE CLERK OF MARION COUNTY, INDIANA

IN WITNESS WHEREOF, the undersigned of Delaware Land Development Corp. have caused these subdivision restrictions to be executed this 24th day of October, 1985.

Delaware Land Development Corp. By: Dennis L. Barrett, President

ACCEPT: Bill A. Barrett, Notary Public

STATE OF INDIANA | 551 COUNTY OF MARION |

Before me, a Notary Public in and for said County and State, personally appeared Dennis L. Barrett and Dale A. Barrett, the President and Secretary, respectively, of Delaware Land Development Corp., an Indiana corporation, who, having been duly sworn, acknowledged the execution of the foregoing Covenants, Limitations and Restrictions for and on behalf of said Corporation for the uses and purposes therein expressed.

WITNESS my hand and Notarial Seal this 24th day of October, 1985.



My Commission Expires: My County of Residence:

7330

1. NAME. This Subdivision shall be known and designated as Avalon Meadows, a Subdivision located in Indianapolis, Marion County, Indiana.

(1) Any tank for the storage of fuel erected, placed or altered on any lot within this subdivision outside of any structure or building permitted by these Subdivision Restrictions shall be concealed or otherwise located below the surface of the ground.

11. UTILITIES. Assessments for the installation and maintenance of public utilities, sewers or drainage facilities as shown on the recorded plat of this Subdivision and designated "S.U.S.", which stands for "Sewer and Utility Assessments", are hereby granted to public utility companies and the City of Indianapolis for the installation, construction, operation and maintenance of lines, wires, sewers, mains, drains and any other public improvements, whether under or above ground.

12. STORAGE, STORAGE OR MATERIAL ALLOCATION OF MOTOR VEHICLES. The repair or storage of nonoperative motor vehicles or material allocation of motor vehicles shall not be permitted on any lot within this Subdivision unless entirely within a garage permitted to be constructed by these Subdivision Restrictions.

13. SIGNS. No structure or other unattractive or objectionable materials or things shall be allowed or maintained on any lot within this Subdivision. Rubbish, trash, garbage or the like shall be kept only in sanitary containers and all incinerators or other equipment for the storage or disposal thereof shall be kept in a clean and sanitary condition.

(f) Every single-family dwelling, garage, out building or other structure permitted to be erected, placed or altered on any lot within this Subdivision by these Subdivision Restrictions shall be located so as to satisfy the setback lines and minimum yard requirements of the Building District Regulations in the Duwaine District zoning Ordinance of Marion County, Indiana, 65-40-2, as amended, except that in the case where a dwelling, garage, out building or other structure is erected, placed or altered on two or more adjoining lots, this restriction shall only apply to the lot lines of the extreme boundaries of the multiple lot.

(g) No individual sewage disposal system shall be installed for use or be used to provide for the disposal of sewage on any lot within this Subdivision.

(h) No individual water supply system shall be installed for use or be used to supply water to a single-family residence constructed on any lot within this Subdivision. Individual water supply systems installed for auxiliary or auxiliary purposes shall be permitted by these Subdivision Restrictions if otherwise permitted by law and in compliance with all applicable laws, ordinances, rules and regulations governing the construction or use thereof.

(i) No structure or other unattractive or objectionable materials or things shall be allowed or maintained on any lot within this Subdivision. Rubbish, trash, garbage or the like shall be kept only in sanitary containers and all incinerators or other equipment for the storage or disposal thereof shall be kept in a clean and sanitary condition.

(j) No structure or other unattractive or objectionable materials or things shall be allowed or maintained on any lot within this Subdivision. Rubbish, trash, garbage or the like shall be kept only in sanitary containers and all incinerators or other equipment for the storage or disposal thereof shall be kept in a clean and sanitary condition.

CROSS REFERENCE

860015078

RECEIVED FOR RECORD
BETH CLAUGHLIN
RECORDER HARRIS CO.
FEB 21 10 01 AM '86

58

Date 1-22-86

Pursuant to the Avalon Meadows Covenants, Limitations and Restrictions that were recorded November 4, 1985 and regarding paragraph 6 dealing with the Building Control Committee, the Delaware Land Development Corp. assigns as its designated nominee, Timothy L. Paschal, Builder, Inc.

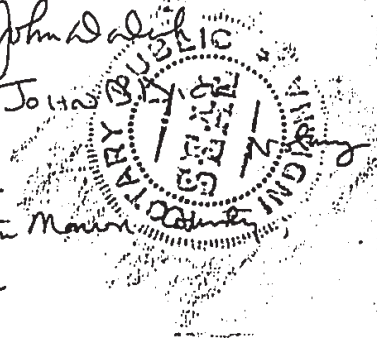
85-96648

Delaware Land Development Corp Dale A. Barrett, Secretary
Delaware Land Development Corp. by Dale A. Barrett, Secretary

Witness my hand and Notarial Seal this Feb 19, 1986
my Commission expires
2/10/87

Signature John Dick

Printed
Residing in Marion
Indiana



Prepared by: John Dick