

Barbara McGrath's Addition to Clay Township
Recorded December 15, 1978
Plat Book 7 Page 75-76

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The undersigned, Barbara McGrath of Hamilton County in the State of Indiana and The Indiana National Bank, as Conservator of the Estate of Maurice Francis McGrath, being the owners of record of all of the above described tract of land, hereby lays off, plats, and subdivides into lots and streets such tracts and does hereby dedicate for public use any of such streets not previously dedicated, in accordance with the within plat. The following restrictions, limitations, and covenants are hereby imposed and shall run with the land contained in such plat.

This subdivision shall be known and designated as Barbara McGrath's Addition to Clay Township, a subdivision in Hamilton County, Indiana. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Lots designated upon the plat as lots numbered 1 through 6, inclusive are hereby reserved for single family, residential use, and shall be erected thereon living units containing not less than 1800 square feet in the case of a one-story structure or 1200 square feet of ground floor area in the case of a higher than one-story structure, exclusive of garages, open porches and patios. With no less than 2000 square feet for total finish floor.

No lot in this subdivision shall be further subdivided.

Said property is hereby restricted to residential dwellings for residential use. All buildings or structures erected upon said property shall be of new construction and no buildings or structure shall be moved from other locations onto said property and no subsequent buildings or structures other than single family homes shall be constructed. No trailer, tent, shack, basement, garage, barn, or other outbuilding or temporary structure shall be used for temporary or permanent residential purposes on any lot in this subdivision and no boat, trailer, disabled vehicle, or camper of any kind, shall be kept or parked upon said lot except within a garage or other approved structure.

No building shall be erected upon any lot in this subdivision until building plans, plot plans, and specifications of such structure proposed have been approved in writing by the Architectural Control Committee.

The Architectural Control Committee is composed of Barbara McGrath and George A. Buskirk, Jr.. In the event of resignation or death of any member of the committee, the remaining shall have full authority to designate a successor. The members of this committee shall not be entitled to any compensation for services performed pursuant to this covenant. At any time, the owners of two-thirds of the lots in this subdivision shall have the power through a duly recorded instrument to change, the membership of the committee, or to withdraw from the committee or to restore to it any of its powers and duties. In the event the committee or its designated representa-

ative fails to approve or disapprove within 30 days after the plans and specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to the completion thereof, approval will not be required and related covenants shall be deemed fully complied with.

Regardless of the approval for expiration of time for approval by the committee named above, no unusual types of materials may be used for building purposes without the permission of all the other owners of said subdivision. Materials for construction such as cinder blocks, cement concrete blocks, volcanic ash block, flag block in tile must be covered by brick or stone veneer above ground. No imitation of brick or stone may be used. All dwellings shall have a two car attached garage. Building materials must be approved by the committee at the time of the submitting plans for approval.

Each lot shall be conveyed as a separately designated and legally described freehold estate subject to the terms, conditions, and provisions hereof.

Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

No sign of any kind shall be displayed to the public view on any dwelling lot, except one sign not more than five square feet, advertising the property for sale or rent, nor shall said property be used in any way for any purpose which may endanger the health or unreasonably disturb the owner of any dwelling or any resident thereof. No business activities of any kind whatsoever shall be conducted in any building or in any portion of said property.

Until such time as a sanitary sewer system is installed in this subdivision, a sanitary septic tank or disposal tank with adequate absorption bed shall be installed and properly maintained for each dwelling erected. The specifications for the design, construction, size and location of such septic or disposal tank and absorption bed must be submitted in advance to and approved in writing by the necessary public authorities.

There are strips of ground as shown on this plat and marked Drainage and Utility easements, reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easements herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land except fences, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

In the event storm water drainage from any lot or lots flows across another lot, provision shall be made to permit such drainage to continue without restriction or reduction, across the downstream lot and into the natural drainage channel or course, even though

no specific drainage easement for such flow of water is provided on said plat.

No poultry or farm animals shall be raised or maintained on any lot. This restriction shall not prohibit a resident from keeping an usual pet animal or bird.

Private swimming pools may be constructed only on the rear half of any residential lot, no closer than 15 feet to any side or rear lot line, and shall be enclosed by a substantial protective barrier, which shall be adequate to protect persons, children or animals from danger or harm, and shall be equipped with a self-closing self-latching gate.

It shall be the duty of the owner of each lot in the subdivision to keep the grass on the lot properly cut and to keep the lot free of weeds and trash and otherwise neat and attractive in appearance.

All clothesline, equipments, garbage cans, service yards, woodpiles, or storage piles shall be kept screened by adequate plantings or fencing so as to conceal them from view of neighboring houses and streets. All rubbish, trash, or garbage shall be regularly removed from premises and shall not be allowed to accumulate thereon. All clotheslines shall be confined to patio areas.

Exterior alterations, additions or changes to any building, situated upon the lots shown, or changes in fences, landscape screens, walls, structures and paved areas, shall be commenced or erected only upon submission of plans and specifications to be approved in writing as to harmony of exterior design and location in relation to surrounding structures and topography by the Architerutal Committee.

Any buildings or construction within the statutory limits of the Emily Vestal Legal Drain shall require approval from the Hamilton County Surveyor and/or Hamilton County Drainage Board.

No curb cuts or drive entrances shall be made off of or on 146th St.

As deemed by the Indiana Department of Natural Resources, all residential dwellings in this subdivision shall be provided with a flood protection grade set at or above elevation 772.6 feet, M.S.L.

The flood protection grade is the lowest point around the perimeter of the building at which floodwater may enter the interior of the building. For slab-type structures, the flood protection grade would be the elevation of the top of the slab. If a crawl space or basement is used, the flood protection grade would pertain to the lowest land grade around the exterior of the building .

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or to recover damages and against the land to enforce any lien created by these covenants contained in said Declaration of

Covenants and Restrictions, and the Carmel Town Plan Commission, its successors or assigns.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date of this plat, at which time said covenants, or restrictions, shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of then owners of the buildings covered by these covenants, or restrictions, in whole or in part.

Witness my signature this 27 day of October, 1978.

Barbara McGrath by George A. Burkirk Jr., The Indiana National Bank
State of Indiana)) SS:
County of Hamilton)

Before me the undersigned, a Notary Public and for said County and State, personally appeared Barbara McGrath, who acknowledged the execution of the foregoing instrument as her voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and Notarial Seal this 27 day of October, 1978.

Theodore L. Butz
Notary Public

My Commission Expires
1/29/82
County of Residence: Hamilton
State of Indiana)
County of Hamilton) SS

Before me the undersigned, a Notary Public in and for said County and State, personally appeared The Indiana National Bank, as Conservator of the Estate of Maurice Francis McGrath, who acknowledged the execution of the foregoing instrument as its voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and Notarial Seal this 27 day of October, 1978.

Theodore L. Butz
Notary Public

My commission expires 1/29/82
County of Residence: Hamilton

COMMISSION CERTIFICATE

Under the authority provided by chapter 174-Acts of 1947, enacted

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by the general assembly of the state of Indiana, and all acts amendatory thereto, and an ordinance adopted by the town board of trustees of the town of Carmel, as follows:

Adopted by the Carmel-Clay Plan Commission at a meeting held August 15th, 1978.

Carmel-Clay Plan Commission

E. Davis Coots
President

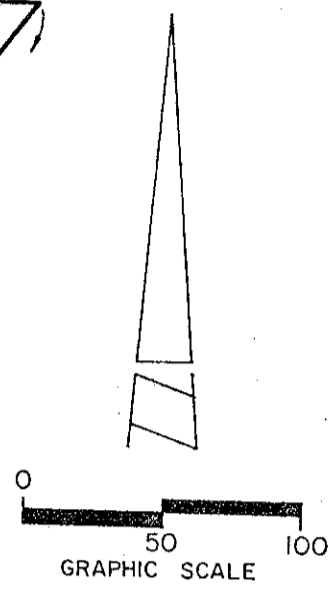
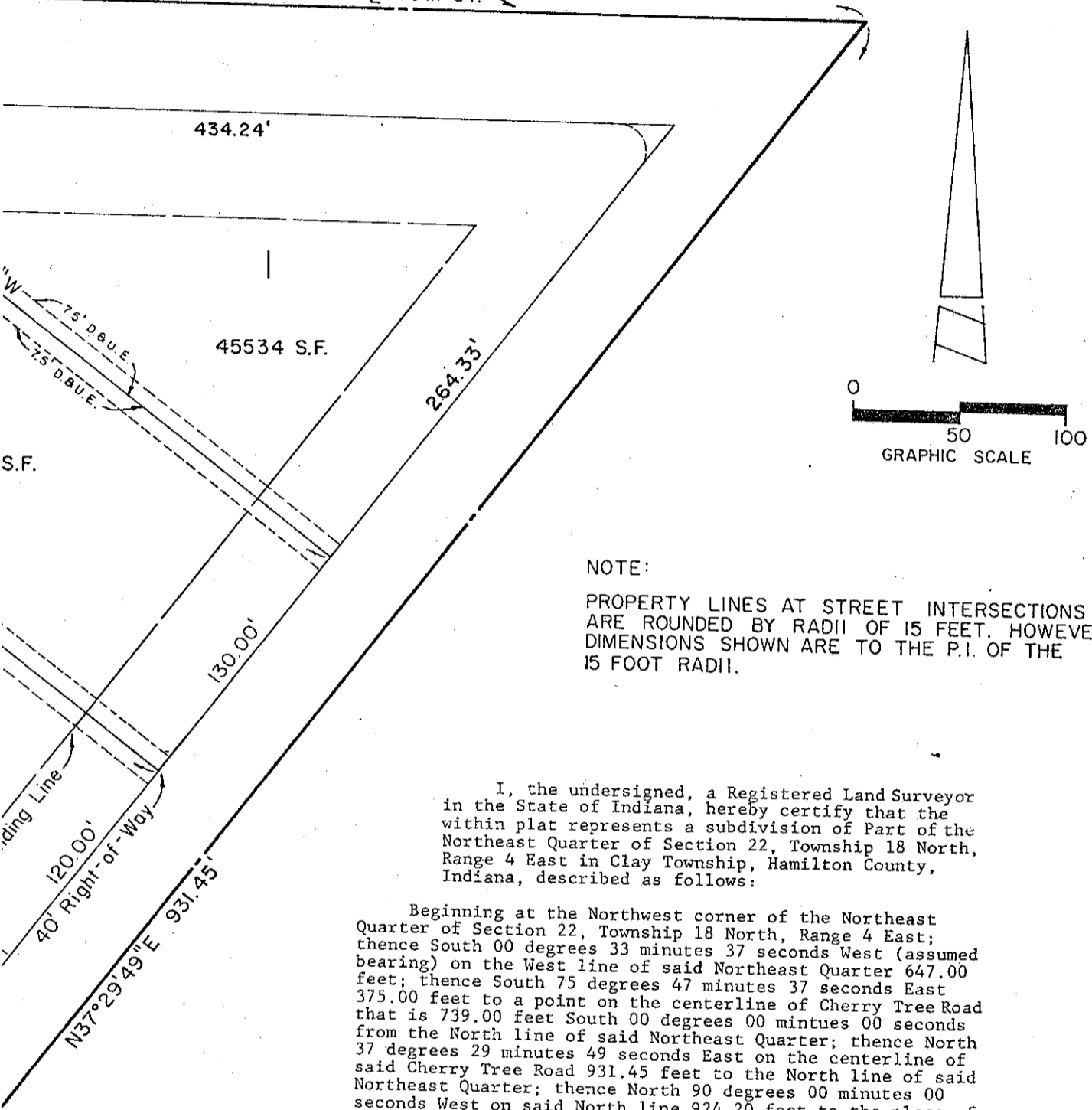
Rosalind McCart
Secretary

This Instrument prepared by Allan H. Weihe, this 29th day of June, 1978.,

CLAY TOWNSHIP

E. 1/4, SEC. 22, T18N, R4E

146th ST.



NOTE:

PROPERTY LINES AT STREET INTERSECTIONS ARE ROUNDED BY RADII OF 15 FEET. HOWEVER, DIMENSIONS SHOWN ARE TO THE P.I. OF THE 15 FOOT RADII.

I, the undersigned, a Registered Land Surveyor in the State of Indiana, hereby certify that the within plat represents a subdivision of Part of the Northeast Quarter of Section 22, Township 18 North, Range 4 East in Clay Township, Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 22, Township 18 North, Range 4 East; thence South 00 degrees 33 minutes 37 seconds West (assumed bearing) on the West line of said Northeast Quarter 647.00 feet; thence South 75 degrees 47 minutes 37 seconds East 375.00 feet to a point on the centerline of Cherry Tree Road that is 739.00 feet South 00 degrees 00 minutes 00 seconds from the North line of said Northeast Quarter; thence North 37 degrees 29 minutes 49 seconds East on the centerline of said Cherry Tree Road 931.45 feet to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on said North line 924.20 feet to the place of beginning, containing 10.55 acres, more or less.

Subject to the Statutory Easement for the Emily Vestal Legal Drain, and subject further to all other legal easements and rights of way.

This subdivision consists of six lots numbered 1 through 6, both inclusive, with streets as shown hereon.

The size of the lots and the width of street right of way are shown in figures denoting feet and decimal parts thereof.

Witness my signature this 15th day of August, 1978.

Allan H. Weihe
Allan H. Weihe, Reg. L.S.-Indiana #10398

DULY ENTERED FOR TAXATION

15th day December 1978

Barbara J. Jennings Auditor
Hamilton County

0740

RECORDED FOR RECORD
O'CLOCK P.M.

DEC 15 1978

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HAMILTON COUNTY, INDIANA

BARBARA McGRATH's ADDITION

N.W. CORNER, N.E. 1/4,
SECTION 22 - T18 - R4E

N90°00'00"W 924.20' NORTH

