

" BIG RUN - SECTION THREE "
RESTRICTIVE COVENANTS

ACCEPTANCE OF THE CONVEYANCE OF TITLE BY WARRANTY DEED REFERENCING THESE COVENANTS SHALL BE DEEMED ACCEPTANCE BY THE GRANTEE, AND ALL SUBSEQUENT GRANTEES, OF THE ABSOLUTE DISCRETION IN THE UNDERSIGNED AND/OR THE ARCHITECTURAL CONTROL COMMITTEE TO APPROVE OR DISAPPROVE ALL BUILDING CONTRACTORS SELECTED BY THE GRANTEES FOR CONSTRUCTION UPON ANY LOT IN BIG RUN, SECTION THREE.

5. THE ARCHITECTURAL CONTROL COMMITTEE SHALL BE COMPOSED OF THREE (3) MEMBERS, APPOINTED BY THE UNDERSIGNED. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF DEATH OR RESIGNATION OF ANY MEMBER OF THE COMMITTEE, THE REMAINING MEMBERS SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR. NEITHER THE MEMBERS OR THE COMMITTEE NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. THE COMMITTEE SHALL SERVE AT THE DISCRETION OF THE UNDERSIGNED.

6. THE ARCHITECTURAL CONTROL COMMITTEE APPROVAL OR DISAPPROVAL AS REQUIRED IN THESE COVENANTS SHALL BE IN WRITING. IN THE EVENT THE COMMITTEE, OR ITS DESIGNATED REPRESENTATIVES, FAILS TO APPROVE OR DISAPPROVE WITHIN FOURTEEN (14) DAYS AFTER PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT, OR IN ANY EVENT, IF NO SUIT TO ENJOIN THE CONSTRUCTION HAS COMMENCED PRIOR TO THE COMPLETION THEREOF, APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANTS SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

7. WITH APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE, AND WHEREIN THE OPINION OF SAID COMMITTEE, THE LOCATION WILL NOT DETRACT MATERIALLY FROM THE APPEARANCE AND VALUE OF OTHER PROPERTIES, A DWELLING MAY BE LOCATED NEARER TO A STREET THAN ABOVE PROVIDED, BUT NOT NEARER THAN 25 FEET TO ANY STREET LINE.

8. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

9. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARBAGE, BARN OR OTHER OUT-BUILDING SHALL BE PERMITTED TO REMAIN ON ANY LOT OR USED ON ANY LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY. THE EXTERIOR SURFACE OF ALL BUILDINGS SHALL HAVE THE WRITTEN APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE. ALL DWELLINGS SHALL CONTAIN A GARBAGE DISPOSAL UNIT. OUTSIDE TRASH BURNERS WILL NOT BE PERMITTED.

10. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION PERIOD, AS APPROVED BY THE DEVELOPER. SIGNS MADE OR RENT ARE SPECIFICALLY PROHIBITED AND WILL RESULT IN THE REMOVAL OF SAID SIGNS AT THE RISK OF THE OWNER.

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17. ALL OUTDOOR AIR CONDITIONING UNITS SHALL BE SCREENED AND MAIL BOX SHALL BE ERRECTED OR MAINTAINED ON ANYLOT OR WITHIN THE SUBDIVISION WITHOUT PRIOR APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE. MAIL BOXES THROUGHOUT THE DEVELOPMENT ARE TO BE BLACK AND WITH 8" STREET ADDRESS LETTERS AND MOUNTED ON 6" X 6" ONE GAS COACH LIGHT SHALL BE INSTALLED ON EACH LOT. THE LIGHT SHALL BE BACK OF SIDEWALK WHICH IS FIVE FEET FROM THE SIDEWALK AND SIX FEET FROM DRIVEWAY.

18. AN INDIVIDUAL WATER SUPPLY SYSTEM IS REQUIRED FOR EACH UNIT CONSTRUCTED IN THIS SUBDIVISION AND SHALL BE INSTALLED WITH REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE BOARD OF HEALTH AND MARION COUNTY HEALTH DEPARTMENT.

19. ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS REQUIRED FOR CONSTRUCTION OF ANY IMPROVEMENTS WITHIN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OF LOTS IN THIS SUBDIVISION SHALL COMPLY WITH THE INDIANA DRAINAGE CODE AND ALL AMENDMENTS THERETO.

20. ANY MOTOR VEHICLE WHICH IS INOPERATIVE AND NOT BEING USED FOR NORMAL TRANSPORTATION SHALL NOT BE PERMITTED TO BE STORED ON ANY LOT. ABOVE THE GROUND SWIMMING POOLS SHALL NOT BE CONSTRUCTED ON ANY LOT.

21. THE FINISHED YARD ELEVATIONS AT THE HOUSE SITE ON ANY LOT SHALL BE NOT LOWER THAN THE ELEVATIONS SHOWN ON THE GENERAL DEVELOPMENT PLAN, AND/OR RECORD PLAT.

22. DRAINAGE SWALES, DITCHES OR DRAINAGE DETENTION ARE REQUIRED FOR DEDICATED ROADWAYS AND WITHIN THE RIGHT-OF-WAY, OR IN DRIVEWAYS, ARE NOT TO BE ALTERED, DUG OUT, FILLED IN, OR OTHERWISE CHANGED WITHOUT THE WRITTEN PERMISSION OF THE MARION COUNTY POLICE DEPARTMENT OF PUBLIC WORKS AND THE ARCHITECTURAL CONTROL COMMITTEE. PROPERTY OWNERS MUST MAINTAIN THESE SWALES AS FREE OF GRASSWAYS, OR OTHER NON-OPENING SURFACES. WATER FROM ROOFS, DRIVEWAYS, OR OTHER NON-OPENING SURFACES SHALL NOT BE DAMAGED BY WATER. DRIVEWAYS MAY BE CONSTRUCTED OVER THESE SWALES OR DRIVEWAYS ONLY WHEN APPROPRIATE SIDES OF CURBENTS OR OTHER APPROVED STRIPS HAVE BEEN PERMITTED BY THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS. ANY PROPERTY OWNER ALTERING, CHANGING, OR DAMAGING THESE DRAINAGE OR DITCHES WILL BE HELD RESPONSIBLE FOR SUCH ACTION AND WILL BE GIVEN 10 DAYS NOTICE BY REGISTERED MAIL TO REPAIR SAID DAMAGE, AFTER WHICH TIME, IF NO ACTION IS TAKEN, THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS WILL CAUSE SAID REPAIRS TO BE ACCOMPLISHED, AND THE STATEMENT FOR COSTS OF THE SAID REPAIRS WILL BE SENT TO THE AFFECTED PROPERTY OWNER FOR IMMEDIATE PAYMENT.

23. ALL CONSTRUCTION COMMENCED ON ANY LOT WITHIN THE DEVELOPMENT SHALL BE COMPLETED WITHIN ONE HUNDRED TWENTY (120) DAYS, UNLESS CIRCUMSTANCES BEYOND THE REASONABLE CONTROL OF THE BUILDER AND/OR OWNER PREVENT SOCH. THE UNDERSIGNED AND ALL PROPERTY OWNERS WITHIN THE BIG RUN, SECTION ONE, SUBDIVISION SHALL HAVE STANDING AUTHORITY TO SEEK AN INJUNCTION OR OTHER REMEDY FOR THE REMOVAL OF ALL MATERIAL AND

THIS SUBDIVISION SHALL BE KNOWN AS "BIG RUN - SECTION THREE".

THE STREET AND SIDEWALKS, IF NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO PUBLIC USE.

THERE ARE STRIPS OF GROUND MARKED "UTILITY AND DRAINAGE STRIPS" SHOWN ON THE PLAT WHICH ARE HEREBY RESERVED FOR PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, MAINS, SEWERS, DRAINS, DUCTS, LINES AND WIRES. PURCHASERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE EASEMENTS HEREBY CREATED AND SUBJECT AT ALL TIMES TO THE RIGHTS OF PROPER AUTHORITIES TO SERVICE THE UTILITIES AND THE EASEMENTS HEREBY CREATED, AND NO PERMANENT STRUCTURE OF ANY KIND, AND NO PART THEREOF, EXCEPT FENCES AND SIDEWALKS, SHALL BE BUILT, ERECTED OR MAINTAINED ON SAID "UTILITY AND DRAINAGE STRIPS".

THERE ARE STRIPS OF GROUND MARKED "DRAINAGE EASEMENT" WHICH ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF DRAINAGE IMPROVEMENTS. PURCHASERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLE SUBJECT TO THE EASEMENT HEREBY CREATED, AND SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND THE EASEMENT HEREBY CREATED AND NO PERMANENT STRUCTURE OF ANY KIND SHALL BE BUILT, ERECTED OR MAINTAINED ON ANY SUCH "DRAINAGE EASEMENT".

ALL LOTS IN THIS SUBDIVISION AND ALL PRESENT AND FUTURE OWNERS OR OCCUPANTS THEREOF SHALL BE SUBJECT TO THE FOLLOWING DEVELOPMENT STANDARDS, CONDITIONS AND RESTRICTIONS, WHICH SHALL RUN WITH THE LAND:

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES AND NO BUILDING SHALL BE ERECTED, ALTERED, OR PLACED ON ANY LOT, OTHER THAN ONE (1) DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED TWO (2) STORIES IN HEIGHT AND AN ATTACHED PRIVATE GARAGE FOR NO LESS THAN TWO (2) OR MORE THAN THREE (3) CARS. CARPETS WITH OPEN SIDES SHALL NOT BE PERMITTED. ALL DRIVEWAYS AND VEHICLE PARKING AREAS SHALL BE HARD SURFACES WITH EITHER CONCRETE, OR BRICK. NO GRAVEL OR STONE DRIVEWAYS SHALL BE PERMITTED.

2. ALL DWELLINGS CONSTRUCTED UPON ANY LOT IN THIS DEVELOPMENT SHALL CONFORM TO THE FOLLOWING MINIMUM LIVING AREA REQUIREMENTS, TO-WIT: A) THE GROUND FLOOR LIVING AREA OF ALL SINGLE STORY DWELLINGS SHALL CONTAIN NOT LESS THAN 1,500 SQUARE FEET (EXCLUSIVE OF ONE (1) STORY OPEN PORCHES AND GARAGES AND OTHER AREAS NOT CONSIDERED LIVING AREAS.) NO TWO (2) STORY DWELLING SHALL CONTAIN LESS THAN 1,100 SQUARE FEET OF LIVING AREA ON THE GROUND FLOOR AND ALL TWO (2) STORY DWELLINGS SHALL CONTAIN AT LEAST 2,000 SQUARE FEET OF LIVING AREA IN THE TWO (2) STORIES. ALL RESIDENCES NOT SINGLE STORY BUT LESS THAN TWO (2) STORY, SHALL CONTAIN NOT LESS THAN 1,750 SQUARE FEET OF LIVING AREA.

NOTWITHSTANDING COMPLIANCE WITH THE FOREGOING MINIMUM LIVING AREA REQUIREMENTS, THE DEPARTMENT OF METROPOLITAN DEVELOPMENT OF THE CITY OF INDIANAPOLIS, COUNTY OF MARION, IN INDIANA, SHALL NOT ISSUE AN IMPROVEMENT LOCATION PERMIT FOR ANY DWELLING UPON ANY LOT IN THIS DEVELOPMENT, NOR SHALL ANY DWELLING BE CONSTRUCTED UNLESS THE BUILDING AND SITE PLANS PRESENTED BY THE LOT OWNER HAVE BEEN APPROVED BY AND BEAR THE STAMP OF APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVE, WHICH APPROVAL AND STAMP SHALL BE SUBSTANTIALLY THE FOLLOWING FORM, TO-WIT:

THIS SITE AND BUILDING PLAN FOR LOT _____ IN BIG RUN HAS BEEN APPROVED FOR PERMITS AND CONSTRUCTION BY _____ ONLY, AS THE BUILDING CONTRACTOR FOR THE LOT OWNER, ALL AS REQUIRED BY THE PLAT OF BIG RUN, SECTION THREE.

BIG RUN ARCHITECTURAL CONTROL COMMITTEE

By: _____

3. NO BUILDING SHALL BE LOCATED ON ANY LOT NEAR TO THE FRONT

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3. NO BUILDING SHALL BE LOCATED ON ANY LOT NEAR TO THE FRONT LOT LINE OR NEARER THE SIDE STREET LINE THAN THE MINIMUM BUILDING SET-BACK AS SHOWN ON THE RECORDED PLAT. NO BUILDING SHALL BE LOCATED NEARER THAN 7 FEET TO A SIDE YARD LINE, AND THE TOTAL SIDE YARD SET-BACK (BOTH SIDES) MUST BE AT LEAST 19 FEET. NO BUILDING SHALL BE ERRECTED CLOSER THAN 25 FEET TO THE REAR LOT LINE, UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE, AS TO USE, LOCATION AND HARMONIOUS DESIGN. NO GARAGE OR STORAGE BUILDING MAY BE CONSTRUCTED SEPARATE AND APART FROM THE MAIN DWELLING.

4. NO BUILDING SHALL BE ERRECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE CONSTRUCTION PLANS AND SPECIFICATION AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE WITH ALL GROUND FLOOR ELEVATIONS SPECIFIED THEREON, HAVE BEEN APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AS TO QUALITY OR WORKMANSHIP AND MATERIALS, HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES, AND AS TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISH GRADE ELEVATIONS AND EXSISTING TREES AND FOLIAGE. NO FENCE OR WALL OR MAIL BOX AND POST SHALL BE ERRECTED, PLACED OR ALTERED ON ANY LOT OR WITHIN THE DEVELOPMENT, UNLESS PREVIOUSLY APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE IN WRITING. OWNERS ARE ADVISED THAT FENCES IN

EXCESS OF THREE AND ONE-HALF (3½) FEET IN HEIGHT WILL NOT BE APPROVED, EXCEPT FOR THE REAR YARD LINE OF THOSE LOTS WHOSE REAR YARD LINE ABUTS THE EAST PROPERTY LINE OF THE SUBDIVISION OR WHERE SUCH PROPOSED FENCE IS INTENDED TO SCREEN A PATIO OR INGROUND SWIMMING POOL. ALL SUCH FENCES MUST HAVE WRITTEN APPROVAL BY THE ARCHITECTURAL CONTROL COMMITTEE PRIOR TO ANY CONSTRUCTION OR PERMIT. APPROVALS SHALL BE AS PROVIDED IN PARAGRAPHS 2, 4, 5, & 6 OF THESE COVENANTS. IT SHALL BE THE LOT OWNER'S RESPONSIBILITY TO COMPLY PRECISELY WITH ALL BUILDING AND SITE FINISH GROUND ELEVATIONS AS FINALLY REQUIRED AND APPROVED BY THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS AND AS EVIDENCE UPON THE FINAL CONSTRUCTION PLANS FOR THE DEVELOPMENT OF BIG RUN.

NOTWITHSTANDING COMPLIANCE WITH ALL MINIMUM DEVELOPMENT STANDARDS AS REQUIRED BY APPLICABLE ORDINANCES AND THE COVENANTS AND RESTRICTIONS OF THIS PLAT, NO CONSTRUCTION SHALL COMMENCE UPON ANY LOT IN THIS DEVELOPMENT UNLESS THE ARCHITECTURAL CONTROL COMMITTEE OR ITS DESIGNEE SHALL HAVE FIRST APPROVED IN WRITING THE BUILDING CONTRACTOR SELECTED BY THE LOT OWNER FOR THE CONSTRUCTION.

"BIG RUN — RESTRICTED"

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11. NO OIL OR WATER DRILLINGS, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRIES OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL, WATER OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED ON ANY LOT. ALL PROPANE TANKS MUST BE CONCEALED.

12. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED, OR KEPT ON ANY LOT EXCEPT THAT DOGS, CATS, OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BRED, OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.

13. NO LOT SHALL BE USED AS OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, OR GARBAGE. ANTENNAS, MASTS, TOWERS, OR SATELLITE DISHES OF ANY KIND WILL NOT BE PERMITTED ON ANY LOT OR OUTSIDE

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10. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON
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OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT
KEPT, BRED, OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.

13. NO LOT SHALL BE USED AS OR MAINTAINED AS A DUMPING GROUND FOR
RUBBISH, TRASH, OR GARBAGE. ANTENNAS, MASTS, TOWERS, OR SATELLITE
DISHES OF ANY KIND WILL NOT BE PERMITTED ON ANY LOT OR OUTSIDE
ANY DWELLINGS, UNLESS FIRST APPROVED BY THE ARCHITECTURAL CONTROL
COMMITTEE. NO TRASH OR BUILDING MATERIAL MAY BE BURNED OR BURIED ON
ANY LOT WITHIN THE DEVELOPMENT AND ALL LOTS SHALL BE KEPT CLEAN
AT ALL TIMES DURING CONSTRUCTION. DUMPSTERS SHALL BE USED AND
LOCATED ON EACH LOT DURING ANY CONSTRUCTION WITH ALL TRASH AND
EXCESS MATERIAL STORED THEREIN AND REMOVED PROMPTLY WHEN FULL.

14. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS
THE SIGHT LINES AT ELEVATIONS BETWEEN TWO (2) AND SIX (6) FEET
ABOVE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY
CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET
PROPERTY LINES AND CONNECTING THEM AT POINTS TWENTY FIVE (25)
FEET FROM THE INTERSECTION OF THE STREET PROPERTY LINES, OR
IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION
OF THE STREET PROPERTY LINES EXTENDED. THE SAME SIGHT LINES
LIMITATIONS SHALL APPLY ON ANY LOT WITHIN TEN (10) FEET FROM
THE INTERSECTION OF A STREET PROPERTYLINE WITH THE EDGE OF
A DRIVEWAY PAVEMENT. NO DRIVEWAY SHALL BE LOCATED WITHIN
FORTY (40) FEET OF THE INTERSECTION OF TWO (2) STREET LINES.
SIDEWALKS SHALL BE CONSTRUCTED AS REQUIRED BY THE SIDEWALK PLAN
APPROVED BY THE PLAT COMMITTEE FOR THE DEPARTMENT OF METROPOLITAN
DEVELOPMENT, WHICH CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE
LOT OWNER UPON WHOSE LOT THE SIDEWALK IS TO BE CONSTRUCTED. ALL
SIDEWALKS TO BE CONSTRUCTED BY LOT OWNERS SHALL BE COMPLETED AT SUCH
TIME AS THE DRIVEWAY ON THE LOT IS CONSTRUCTED.

15. EACH LOT SHALL BE KEPT IN A NEAT AND PLEASING MANNER, WITH
THE GRASS MOWED WHEN NECESSARY TO MAINTAIN A GROWTH OF SIX (6)
INCHES OR LESS AT ALL TIMES. CAMPERS, RECREATIONAL VEHICLES OR
BOATS OF ANY KIND MAY NOT BE STORED OR PARKED ON ANY LOT
OUTSIDE THE MAIN DWELLING OR GARAGE. ALL BASKETBALL BACKBOARDS
AND ANY OTHER FIXED GAMES AND PLAY STRUCTURES SHALL BE LOCATED
BEHIND THE FRONT FOUNDATION LINE OF THE MAIN STRUCTURE AND
WITHIN LOT SETBACK LINES, AND MUST BE APPROVED BY THE
ARCHITECTURAL CONTROL COMMITTEE PRIOR TO LOCATION ON THE PREMISES.

16. NO INDIVIDUAL SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY
LOT WITHOUT PRIOR WRITTEN APPROVAL BY THE ARCHITECTURAL CONTROL
COMMITTEE AND MARION COUNTY AND WILL BE LOCATED AND CONSTRUCTED IN
ACCORDANCE WITH REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE
INDIANA STATE BOARD OF HEALTH. GEO-THERMAL SYSTEMS SHALL BE APPROVED
BY ALL APPLICABLE AGENCIES PRIOR TO INSTALLATION. SOLAR HEATING SYSTEMS
OF ANY NATURE MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE
AS TO DESIGN AND ESTHETIC QUALITY PRIOR TO CONSTRUCTION. OWNERS ARE
HEREBY ADVISED THAT SUCH SYSTEMS ARE GENERALLY DISCOURAGED AND WILL NOT
BE APPROVE DUNLESS THEIR DESIGN BLENDS ESTHETICALLY WITH THE STRUCTURE
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17. ALL OUTDOOR AIR CONDITIONING UNITS SHALL BE SCREENED FROM VIEW. NO MAIL BOX SHALL BE ERECTED OR MAINTAINED ON ANY LOT OR WITHIN THE DEVELOPMENT WITHOUT PRIOR APPROVAL OF THE ARCHITECTURAL CONTROL COMMITTEE. THE MAIL BOXES THROUGHOUT THE DEVELOPMENT ARE TO BE BLACK IN COLOR, LARGE AND WITH 8" STREET ADDRESS LETTERS AND MOUNTED ON 6" x 6" WOOD POSTS. ONE GAS COACH LIGHT SHALL BE INSTALLED ON ALL LOTS SIX FEET FROM BACK OF SIDEWALK WHICH IS FIVE FEET FROM FRONT PROPERTY LINE AND SIX FEET FROM DRIVEWAY.

18. AN INDIVIDUAL WATER SUPPLY SYSTEM IS REQUIRED FOR EACH DWELLING UNIT CONSTRUCTED IN THIS SUBDIVISION AND SHALL BE LOCATED IN ACCORDANCE WITH REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE INDIANA STATE BOARD OF HEALTH AND MARION COUNTY HEALTH DEPARTMENT.

19. ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF ANY IMPROVEMENTS WITHIN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OF LOTS IN THIS SUBDIVISION AND THEIR SUCCESSORS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965, AND ALL AMENDMENTS THERETO.

20. ANY MOTOR VEHICLE WHICH IS INOPERATIVE AND NOT BEING USED FOR NORMAL TRANSPORTATION SHALL NOT BE PERMITTED TO REMAIN ON ANY LOT. ABOVE THE GROUND SWIMMING POOLS SHALL NOT BE PERMITTED OR CONSTRUCTED ON ANY LOT.

21. THE FINISHED YARD ELEVATIONS AT THE HOUSE SITE ON LOTS IN THIS SUBDIVISION SHALL BE NOT LOWER THAN THE ELEVATIONS SHOWN ON THE GENERAL DEVELOPMENT PLAN, AND/OR RECORD PLAT.

22. DRAINAGE SWALES (DITCHES) OR DRAINAGE DETENTION AREAS ALONG DEDICATED ROADWAYS AND WITHIN THE RIGHT-OF-WAY, OR IN DEDICATED BASEMENTS, ARE NOT TO BE ALTERED, DUG OUT, FILLED IN, TILED, OR OTHERWISE CHANGED WITHOUT THE WRITTEN PERMISSION OF THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS AND THE ARCHITECTURAL CONTROL COMMITTEE. PROPERTY OWNERS MUST MAINTAIN THESE SWALES AS SODDED GRASSWAYS, OR OTHER NON-ERODING SURFACES. WATER FROM ROOFS OR PARKING AREAS MUST BE CONTAINED ON THE PROPERTY LONG ENOUGH SO THAT SAID DRAINAGE SWALES OR DITCHES WILL NOT BE DAMAGED BY SUCH WATER. DRIVEWAYS MAY BE CONSTRUCTED OVER THESE SWALES OR DITCHES ONLY WHEN APPROPRIATE SIZES OF CULVERTS OR OTHER APPROVED STRUCTURES HAVE BEEN PERMITTED BY THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS. ANY PROPERTY OWNER ALTERING, CHANGING, OR DAMAGING THESE DRAINAGE SWALES OR DITCHES WILL BE HELD RESPONSIBLE FOR SUCH ACTION AND WILL BE GIVEN 10 DAYS NOTICE BY CERTIFIED MAIL TO REPAIR SAID DAMAGE, AFTER WHICH TIME, IF NO ACTION IS TAKEN, THE INDIANAPOLIS DEPARTMENT OF PUBLIC WORKS WILL CAUSE SAID REPAIRS TO BE ACCOMPLISHED, AND THE STATEMENT FOR COSTS OF THE SAID REPAIRS WILL BE SENT TO THE AFFECTED PROPERTY OWNER FOR IMMEDIATE PAYMENT.

23. ALL CONSTRUCTION COMMENCED ON ANY LOT WITHIN THE DEVELOPMENT SHALL BE COMPLETED WITHIN ONE HUNDRED TWENTY (120) DAYS, UNLESS CIRCUMSTANCES BEYOND THE REASONABLE CONTROL OF THE BUILDER AND/OR OWNER PREVENT SUCH. THE UNDERSIGNED AND ALL PROPERTY OWNERS WITHIN THE BIG RUN, SECTION ONE, SUBDIVISION SHALL HAVE STANDING AUTHORITY TO SEEK AN INJUNCTION OR ORDER FOR THE REMOVAL OF ALL MATERIAL AND PARTIALLY COMPLETED STRUCTURES IN VIOLATION OF THIS COVENANT.

24. ALL COSTS OF LITIGATION AND ATTORNEY'S FEES RESULTING FROM VIOLATION OF THESE COVENANTS SHALL BE THE FINANCIAL RESPONSIBILITY OF THE LOT OWNER OR OWNERS FOUND TO BE IN VIOLATION.

25. THESE RESTRICTIONS ARE HEREBY DECLARED TO BE COVENANTS RUNNING 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 THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS AT ANY TIME AFTER FIFTEEN (15) YEARS FOLLOWING THE DATE OF RECORDATION, AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

26. THE OWNER OF ANY LOT, DEVELOPER, THEIR SUCCESSORS OR ASSIGNS SHALL HAVE THE RIGHT TO ENFORCE BY A PROCEEDING AT LAW OR IN EQUITY, ALL RESTRICTIONS, CONDITIONS, OR COVENANTS IMPOSED BY THESE COVENANTS, BUT DECLARANT SHALL NOT BE LIABLE FOR DAMAGES OF ANY KIND TO ANY PERSON FOR FAILURE EITHER TO ABIDE BY, ENFORCE OR CARRY OUT ANY OF THE RESTRICTIONS. NO DELAY OR FAILURE BY ANY PERSON TO ENFORCE ANY RESTRICTIONS OR TO INVOLVE ANY AVAILABLE REMEDY WITH RESPECT TO A VIOLATION OR VIOLATIONS THEREOF SHALL BE UNDER ANY CIRCUMSTANCES BE DEEMED OR HELD TO BE A WAIVER BY THAT PERSON OF THE RIGHT TO DO SO THEREAFTER, OR AS ESTOPPEL OF THAT PERSON TO ASSERT ANY RIGHT AVAILABLE TO HIM UPON THE OCCURRENCE, RECURRENCE OR CONTINUATION OF ANY

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27. THE METROPOLITAN DEVELOPMENT COMMISSION, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT, POWER OR AUTHORITY, TO ENFORCE ANY COVENANTS, COMMITMENTS, RESTRICTIONS OR OTHER LIMITATIONS CONTAINED IN THIS PLAT OTHER THAN THOSE COVENANTS, COMMITMENTS, RESTRICTIONS, OR LIMITATIONS THAT EXPRESSLY RUN IN FAVOR OF THE METROPOLITAN DEVELOPMENT COMMISSION: PROVIDED FURTHER, THAT NOTHING HEREIN SHALL BE CONSTRUCTED TO PREVENT THE METROPOLITAN DEVELOPMENT COMMISSION FROM ENFORCING ANY PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE, 58-AO-3, AS AMENDED, OR ANY CONDITIONS ATTACHED TO APPROVAL OF THIS PLAT BY THE PLAT COMMITTEE.

28. WHENEVER THE TERMS "UNDERSIGNED", "DEVELOPER", OR "DECLARANT" ARE USED IN THIS DOCUMENT, THEY SHALL BE DEFINED AS JOHN J. MEYER, JR., AND LARRY WALKER, THEIR SUCCESSORS, OR ASSIGNS.

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