

DEER TRAILS SUBDIVISION SECTION TWO

CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA

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COVENANTS

- 1.) THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS DEER TRAILS SUBDIVISION SECTION TWO, AND ADDITION TO THE CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA, ALL STREET AND ALLEYS AND PUBLIC OPEN SPACES SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.
- 2.) THERE ARE STRIPS OF GROUND AS SHOWN ON THE PLAT MARKED "D&U.E." (DRAINAGE AND UTILITY EASEMENT) AND "SANITARY SEWER EASEMENT". THESE STRIPS ARE RESERVED FOR PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, MAINS, SEWERS, DRAINS, DUCTS, LINES, AND WIRES SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENTS HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURE OF ANY KIND ARE TO BE ERRECTED OR MAINTAINED UPON SAID STRIPS OF GROUND. OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.
- 3.) THE STRIPS OF GROUND SHOWN ON THE PLAT AND MARKED "SANITARY SEWER, DRAINAGE, AND UTILITY EASEMENT" (S.S.,D&U.E.) ARE RESERVED FOR THE USE OF THE PUBLIC UTILITIES FOR THE INSTALLATION OF WATER MAINS, POLES, DUCTS, LINES AND WIRES, AND THE DRAINAGE FACILITIES, SAID STRIPS ARE ALSO RESERVED FOR THE CITY OF FRANKLIN FOR THE INSTALLATION AND MAINTENANCE OF SANITARY SEWER MAINS AND APPURTENANCES SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID STRIPS OF LAND; BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.
- 4.) ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF IMPROVEMENTS WITHIN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OF LOTS IN THIS SUBDIVISION, THEIR SUCCESSORS AND ASSIGNS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1985.

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HEREWITH, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID
IN ACCORDANCE WITH THE HEREIN PLAT.

WITNESS MY HAND AND SEAL THIS 24th DAY OF C
[Signature]
NEW LIFESTYLE DEVELOPMENT INC.
H. RAY JOHNSON
PRESIDENT

STATE OF INDIANA)
COUNTY OF JOHNSON) SS:

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN
COUNTY, INDIANA PERSONALLY APPEARED H. RAY JOHNSON PR
NEW LIFESTYLE DEVELOPMENT INC. AND EACH SEPARATELY AND
ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT
VOLUNTARY ACT AND DEED, FOR THE PURPOSE EXPRESSED HEI

WITNESSED MY HAND AND SEAL THIS 24th DAY OF Oct
[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-25-09
RESIDING IN MARION COUNTY

LINDA K. FOX
NOTARY TYPED OR

TRAILS SUBDIVISION SECTION TWO FRANKLIN, JOHNSON COUNTY, INDIANA

COVENANTS

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

5.) NO FENCE, WALL, HEDGE TREE OR SHRUB PLANTING OR OTHER SIMILAR ITEM WHICH OBSTRUCTS SIGHT LINES AT ELEVATION BETWEEN 2.5 AND 8 FEET ABOVE THE STREET, SHALL BE PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET RIGHT-OF-WAY LINES AND A LINE CONNECTING POINTS 25 FEET FROM THE INTERSECTION OF SAID STREET LINES (25 FEET FOR MINOR STREET AND 50 FEET FOR ARTERIAL STREETS), OR IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET RIGHT-OF-WAY LINES EXTENDED.

6.) STORM WATER DETENTION EASEMENTS SHOWN ON THE PLAT ARE FOR THE COMMON GOOD OF ALL LOT OWNERS IN THIS PLAT AND SHALL BE MAINTAINED BY THE LOT OWNERS.

7.) DRAINAGE SWALES (DITCHES) ALONG DEDICATED ROADWAYS AND WITHIN THE RIGHT-OF-WAY, OR ON DEDICATED EASEMENTS, ARE NOT TO BE ALTERED, DUG OUT, FILLED IN, TILED OR OTHERWISE CHANGED WITHOUT THE WRITTEN PERMISSION OF THE FRANKLIN BOARD OF PUBLIC WORKS AND SAFETY. PROPERTY OWNERS MUST MAINTAIN THESE SWALES AS SODDED GRASSWAYS, OR OTHER NO-ERODING SURFACES. WATER FROM ROOFS OR PARKING AREAS MUST BE CONTAINED ON THE PROPERTY LONG ENOUGH SO THAT THE SAID DRAINAGE SWALES OR DITCHES WILL NOT BE DAMAGED BY SUCH WATER. DRIVEWAYS MAY BE CONSTRUCTED OVER THESE SWALES OR DITCHES ONLY WHEN APPROPRIATE SIZED CULVERTS OR OTHER APPROVED STRUCTURES HAVE BEEN PERMITTED BY THE BOARD OF PUBLIC WORKS AND SAFETY.

8.) ANY PROPERTY OWNER ALTERING, CHANGING, DAMAGING, OR FAILING TO MAINTAIN 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 BOARD OF PUBLIC WORKS AND SAFETY WILL CAUSE SAID REPAIRS TO BE ACCOMPISHED AND THE BILL FOR SAID REPAIRS WILL BE SENT TO THE AFFECTED PROPERTY OWNER FOR IMMEDIATE PAYMENT. FAILURE TO PAY WILL RESULT IN A LITIGATION AGAINST THE PROPERTY.

9.) PUBLIC STREETS - THE STREETS AND PUBLIC RIGHT-OF-WAY SHOWN HEREIN, SUBJECT TO CONSTRUCTION STANDARDS AND ACCEPTANCE, ARE HEREBY DEDICATED TO THE PUBLIC USE, TO BE OWNED AND MAINTAINED BY THE GOVERNMENTAL BODY HAVING JURISDICTION.

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10.) DEFINITIONS

(A) FRONT AND SIDE YARD SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET THERE SHALL BE ERRECTED OR MAINTAINED NO BUILDING OR STRUCTURE.

(A) SIDELINE - MEANS A LOT BOUNDARY THAT EXTENDS FROM SAID LOT.

(B) REAR LINE - MEANS THE LOT BOUNDARY LINE THAT IS FARTHEST FROM AND SUBSTANTIALLY PARALLEL TO THE ROAD ON WHICH THE LOT ABUTS, EXCEPT THAT ON CORNER LOTS, IT MAY BE DETERMINED FROM EITHER ABUTTING ROAD.

(C) FRONT YARDS - THE FRONT BUILDING SETBACKS SHALL BE TWENTY-FIVE (25) FEET AS SET FORTH UPON THIS PLAT

(D) SIDE YARDS - THE SIDE YARD SETBACK LINE SHALL NOT BE LESS THAN AN AGGREGATE OF FOURTEEN (14) FEET, HOWEVER, NO SIDE YARD SHALL BE LESS THAN SIX (6) FEET FROM THE SIDE LINES OF THE LOT.

(E) REAR YARDS - REAR YARD SETBACKS SHALL BE AT LEAST FIFTEEN (15) FEET FROM THE REAR LOT LINE.

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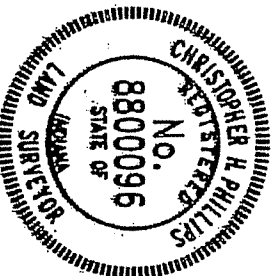
THIS INSTRUMENT SUBMITTED BY THE GRANTEE HAS ON SEPTEMBER 23, 1999 NOT RECORDED AS INSTRUMENT NUMBER 97001043 IN FILE "H", PAGE A-19 ALSO BEING PART OF THE PARCEL RECORD AS INSTRUMENT NUMBER 98000258 AND 98000259 IN THE OFFICE OF THE RECORDER INTO LOTS AND PUBLIC RIGHTS-OF-WAY AS SHOWN THEREON, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST, AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN; THAT THE COMPUTED ERROR OF CLOSURE OF THE BOUNDARY SURVEY IS NOT MORE THAN ONE (1) FOOT IN TEN THOUSAND (10,000) FEET AND THAT THIS PLAT COMPLEIES WITH THE PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF FRANKLIN.

LEGAL DESCRIPTION
DEER TRAILS SECTION TWO

PART OF THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 12 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 87 DEGREES 42 MINUTES 18 SECONDS EAST (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.48 FEET TO THE WEST LINE OF DEER RUN SUBDIVISION SECTION ONE; THE PLAT OF IS RECORDED IN PLAT CABINET "D", PAGE 23, A4B IN THE RECORDS OF THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA. THE NEXT FOUR (4) COURSES FOLLOW THE SOUTHERLY AND WESTERLY LINES OF LAST SAID SUBDIVISION; 1) THENCE CONTINUING NORTH 87 DEGREES 42 MINUTES 18 SECONDS EAST ALONG LAST SAID NORTH LINE 10.24 FEET; 2) THENCE SOUTH 23 DEGREES 54 MINUTES 40 SECONDS EAST 182.88 FEET; 3) THENCE SOUTH 35 DEGREES 58 MINUTES 14 SECONDS WEST 259.80 FEET; 4) THENCE SOUTH 25 DEGREES 00 MINUTES 08 SECONDS WEST 251.14 FEET TO THE NORTHWEST CORNER OF DEER RUN SUBDIVISION SECTION TWO; THE PLAT OF WHICH IS RECORDED IN PLAT CABINET "D", PAGE 71, A4B IN THE RECORDS OF SAID RECORDERS OFFICE. THE NEXT EIGHT (8) COURSES FOLLOW THE WESTERLY LINE OF LAST SAID SUBDIVISION; 1) THENCE SOUTH 25 DEGREES 00 MINUTES 08 SECONDS WEST 37.27 FEET; 2) THENCE SOUTH 17 DEGREES 45 MINUTES 47 SECONDS WEST 96.87 FEET; 3) THENCE SOUTH 17 DEGREES 33 MINUTES 00 SECONDS EAST 58.83 FEET; 4) THENCE SOUTH 10 DEGREES 49 MINUTES 25 SECONDS WEST 140.00 FEET; 5) THENCE SOUTH 79 DEGREES 10 MINUTES 35 SECONDS EAST 11.07 FEET; 6) THENCE SOUTH 02 DEGREES 08 MINUTES 03 SECONDS EAST 182.84 FEET; 7) THENCE SOUTH 26 DEGREES 28 MINUTES 01 SECONDS EAST 54.88 FEET; 8) THENCE SOUTH 02 DEGREES 08 MINUTES 03 SECONDS EAST 135.00 FEET TO THE NORTH LINE OF DEER TRAILS SUBDIVISION SECTION ONE; THE PLAT OF WHICH IS RECORDED IN PLAT CABINET "D", PAGE 70, A4B IN THE RECORDS OF SAID RECORDERS OFFICE. THE NEXT FOUR (4) COURSES FOLLOW THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF LAST SAID SUBDIVISION; 1) THENCE SOUTH 87 DEGREES 51 MINUTES 57 SECONDS WEST 298.18 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED TRACT; 2) THENCE SOUTH 02 DEGREES 08 MINUTES 03 SECONDS EAST 185.00 FEET; 3) THENCE NORTH 87 DEGREES 51 MINUTES 57 SECONDS EAST 6.71 FEET; 4) THENCE SOUTH 02 DEGREES 08 MINUTES 03 SECONDS EAST 135.00 FEET; 5) THENCE SOUTH 87 DEGREES 51 MINUTES 57 SECONDS WEST 625.00 FEET; 6) THENCE NORTH 02 DEGREES 08 MINUTES 03 SECONDS WEST 139.87 FEET TO A NON-TANGENT CURVE CONCAVE NORTHWESTERLY; THE RADIUS OF SAID CURVE BEARS NORTH 11 DEGREES 45 MINUTES 20 SECONDS WEST 275.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 48 MINUTES 58 SECONDS 18.32 FEET; THENCE NORTH 07 DEGREES 58 MINUTES 22 SECONDS WEST 186.18 FEET; THENCE NORTH 85 DEGREES 20 MINUTES 03 SECONDS EAST 102.56 FEET TO A NON-TANGENT CURVE CONCAVE EASTERLY; THE RADIUS OF SAID CURVE BEARS NORTH 85 DEGREES 20 MINUTES 03 SECONDS EAST 209.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09 DEGREES 25 MINUTES 13 SECONDS 32.89 FEET; THENCE NORTH 04 DEGREES 45 MINUTES 16 SECONDS EAST 12.00 FEET; THENCE SOUTH 85 DEGREES 14 MINUTES 44 SECONDS EAST 185.00 FEET; THENCE SOUTH 04 DEGREES 45 MINUTES 18 SECONDS WEST 28.92 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 57 SECONDS EAST 359.92 FEET TO THE POINT OF BEGINNING CONTAINING 4.88 ACRES, MORE OR LESS, SUBJECT TO ALL PERTINENT RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS.

WITNESS MY HAND AND SEAL THIS 2nd DAY OF OCTOBER, 2001.



CHRISTOPHER H. PHILLIPS
REGISTERED LAND SURVEYOR #89099886
STATE OF INDIANA

FOR SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS
SEE MISCELLANEOUS RECORDS INSTRUMENT NUMBER 972020251 IN
THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA.

- 2) THERE ARE STRIPS OF PUBLIC EASEMENT, (GRAVEL EASEMENT, THESE NOT INCLUDING THE AND MAINTENANCE LINES, AND WATERS AUTHORITY AND PERMITS OR OF OR UNLAWFUL IN THIS SUBDIVISION RIGHTS OF THE IN OF OTHER LOTS.
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