

FALENDER'S MEADOW SECOND ADDITION, PART FOUR

PLAT BOOK 32, PAGE 97

RECORDED OCTOBER 9, 1961

RESTRICTIONS

1. All lots in this subdivision shall be known as residential lots. No building shall be erected, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and private garage for not more than two cars.
2. No building shall be erected or located nearer to the front lot line or nearer to the side street line than the building set-back lines shown on the within plat. No building shall be erected or located nearer than five (5) feet to the side line of any lot, except that the side line restriction shall not apply in the case of a detached garage located on the rear one-half of the lot, in which case a minimum side yard shall be two feet and a minimum rear yard shall be five feet for said detached garage. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street shall be placed or permitted to remain within the triangular area formed by the street property lines and a line connecting points 25 feet from the intersection of said street lines. The same sightline limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of driveway. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.
3. No lot in this subdivision shall be resubdivided into building plots having an area of less than 9000 square feet or a width of less than 60 feet at the front building set-back line, nor shall any residence be erected or located on any building plot having an area of less than 9000 square feet or a width of less than 60 feet at the front building set-back line; provided, that one single family residence may be erected or located on any numbered lot in this subdivision.
4. No noxious or offensive trade or activity shall be carried on upon any lot in this subdivision nor shall anything be done thereon which may be or become a nuisance to the neighborhood.
5. No structure of a temporary character, trailer, basement, shack, tent, garage, barn or other out-building shall be used on any lot at any time as a residence, either temporarily or permanently.
6. There are "utility strips", shown on the within plat which are reserved as easements for the use of the municipality in which this addition is located, owners in this addition, and public utility companies for the installation, use, maintenance, repair and removal of sewers, water mains, gas mains, utility poles, wire and other facilities and utilities necessary or incident to the common welfare and the use and occupancy of residential purposes of the houses to be erected in this addition. No building or other structure except walks or driveways shall be erected or maintained upon, over, under or across any such utility strip for any use except as set forth herein and owners in this addition shall take title to the land contained in such utility strips subject to the perpetual easement hereby reserved.
7. There are "Sewer Easements", shown on the within plat which are reserved for the drainage of storm water, whether by swale, ditch or storm sewer and/or installation and maintenance of sanitary sewers to serve the lots in this addition. No structures other than storm water drainage structures and/or sanitary sewer structures shall be erected in, on, over, and under or across any such easements except that a "sewer easement" may also be used as a "utility strip" and structures permitted in a "utility strip" may be erected therein, provided that they do not interfere with the flow of water.
8. Owners in this Addition shall take title to the land contained in such "sewer easements" subject to the perpetual easement herein granted and by acceptance of title agree to keep and maintain such easements in a condition which will insure its primary function as a means of disposing of storm water.
9. The right to enforce this provision "7" is hereby dedicated and reserved to the public and to the governmental bodies within whose limits the platted real estate is now or shall hereafter be situated and this right shall be in addition to and not derogation of, the right of enforcement set out under provisions "10" and "11".
10. The ground floor area of any residence erected in this subdivision, exclusive of open porches and garage, shall not be less than 900 square feet. These covenants are to run with the land and shall be binding on all persons claiming under them until Aug. 1, 1984, and thereafter until terminated by the TOWN OF SPEEDWAY.
11. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for the TOWN OF SPEEDWAY to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, and either to prevent him or them from so doing or to recover damages or other dues for such violation.
12. Invalidation of any one of these Covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.