

84-21349

Hearthstone
sec 2

THE UNDERSIGNED, SCHEETZ-SINGLETON, INC., BY J. MICHAEL SCHEETZ, PRESIDENT AND MARK SINGLETON, VICE-PRESIDENT, BEING THE OWNERS OF THE DESCRIBED REAL ESTATE, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME INTO LOTS AND STREETS IN ACCORDANCE WITH THE WITHIN PLAT. THE WITHIN PLAT SHALL BE KNOWN AND DESIGNATED AS HEARTHSTONE SECTION 2, AN ADDITION IN MARION COUNTY, INDIANA.

STREETS: THE STREETS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES AND SHRUBBERY THEREON, AS SHOWN ON THE WITHIN PLAT ARE HEREBY DEDICATED TO THE PERMANENT USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREON, WHENEVER DISCONTINUED BY LAW.

LAND USE: ALL NUMBERED LOTS IN THIS ADDITION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. ONLY ONE SINGLE-FAMILY DWELLING WITH ACCESSORY BUILDING AND NOT EXCEEDING 35 FEET IN HEIGHT MAY BE ERRECTED OR MAINTAINED ON SAID LOT.

FLOOR AREA: NO ONE-STORY HOUSE SHALL BE ERRECTED ON ANY LOT IN THIS ADDITION HAVING A MAIN FLOOR AREA OF LESS THAN 900 SQUARE FEET AND NO RESIDENCE WITH MORE THAN ONE STORY SHALL HAVE A MAIN FLOOR AREA OF LESS THAN 660 SQUARE FEET EXCLUSIVE OF OPEN PORCHES, GARAGES OR BASEMENTS.

TEMPORARY STRUCTURES: NO TRAILER, TENT, SHACK, BASEMENT, GARAGE, BARN OR OTHER OUTBUILDING OR TEMPORARY STRUCTURE SHALL BE USED FOR TEMPORARY OR PERMANENT RESIDENTIAL PURPOSE IN ANY LOT IN THIS ADDITION.

BUILDING LOCATION: NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LINE THAN THE MINIMUM BUILDING SETBACK LINES SHOWN ON THE RECORDED PLAT.

SIGHT OBSTACLE AT INTERSECTIONS: 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 ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES, AND A LINE CONNECTING POINTS 25 FEET FROM THE INTERSECTION OF SAID STREET LINES OR IN THE CASE OF ROUNDED PROPERTY CORNERS FROM THE INTERSECTION OF THE STREET LINES EXTENDED. THE SAME SIGHTLINE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF A STREET LINE WITH THE EDGE OF A DRIVEWAY, PAVEMENT OR ALLEY LINE. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTION UNLESS THE FOLIAGE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF THE SIGHT LINE.

NUISANCES: NO NOXIOUS OR OFFENSIVE TRADE SHALL BE CARRIED ON UPON ANY LOT IN THIS ADDITION NOR SHALL ANYTHING BE DONE THEREON WHICH SHALL BE OR BECOME A NUISANCE TO THE NEIGHBORHOOD.

ANIMALS: 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 PURPOSES.

EASEMENTS: THERE ARE STRIPS OF GROUND AS SHOWN ON THE WITHIN PLAT MARKED D.U. 65.E. (DRAINAGE, UTILITY AND SEWER EASEMENT) WHICH ARE RESERVED FOR THE USE OF PUBLIC UTILITY COMPANIES NOT INCLUDING TRANSPORTATION COMPANIES FOR THE INSTALLATION AND MAINTENANCE OF MAINS, DUCTS, POLES, LINES, WIRES, SEWERS AND DRAINS SUBJECT AT ALL TIMES TO THE AUTHORITY OF THE CITY OF INDIANAPOLIS, INDIANA, AND TO THE EASEMENTS HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES SHALL BE ERRECTED OR MAINTAINED ON SAID STRIPS. THE OWNERS OF SUCH LOTS IN THIS ADDITION, HOWEVER SHALL TAKE THEIR TITLE SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND OTHER OWNERS OF SAID LOTS IN THIS ADDITION TO SAID EASEMENT HEREIN GRANTED FOR INGRESS AND EGRESS IN, ALONG AND THROUGH THE STRIPS SO RESERVED.

DRAINAGE: IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT OR PARCEL OF LAND WITHIN THE AREA OF THIS PLAT TO COMPLY AT ALL TIMES WITH THE PROVISIONS OF THE DEVELOPMENT PLAN (GRADING PLAN) AS APPROVED FOR THIS PLAT BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF INDIANAPOLIS, INDIANA AND THE REQUIREMENTS OF ALL DRAINAGE PERMITS FOR THIS PLAT ISSUED BY SAID DEPARTMENT.

INGRESS AND EGRESS: THERE SHALL BE NO MEANS OF INGRESS AND EGRESS (PEDESTRIAN OR VEHICLE) TO EAST 91ST STREET FROM THE REAR OF LOTS NUMBERED 74, 75, 77, 78 AND 79. THERE SHALL BE NO MEANS OF INGRESS AND EGRESS (PEDESTRIAN OR VEHICLE) TO MASTERS ROAD FROM THE REAR OF LOTS NUMBERED 79, 80, 89, 90, 91, 92, 93, 94 AND 95 AND FROM THE EAST SIDE OF LOTS 84 AND 85.

UTILITY LINES AND ANTENNAS: ALL ELECTRICAL SERVICE, TELEPHONE AND OTHER UTILITY LINES SHALL BE PLACED UNDERGROUND, BUT THIS RESTRICTION MAY BE WAIVED IN WRITING BY SCHEETZ-SINGLETON, INC. THEIR SUCCESSORS OR ASSIGNS. NO OUTSIDE ANTENNAS, POLES, MASTS OR TOWERS SHALL BE PERMITTED UNLESS APPROVED IN WRITING BY SCHEETZ-SINGLETON, INC., THEIR SUCCESSORS OR ASSIGNS.

AIRPORT AUTHORITY: NO STRUCTURE (ANTENNAS, POLES, MASTS, TOWERS, ETC.) OR TREES IN THIS SUBDIVISION SHALL BE IN EXCESS OF 40 FEET IN HEIGHT. THE INDIANAPOLIS AIRPORT AUTHORITY, ITS SUCCESSORS OR ASSIGNS SHALL HAVE THE RIGHT TO ENFORCE THIS RESTRICTION BY APPROPRIATE LEGAL PROCEEDINGS.

AIRPORT AUTHORITY: THE OWNERS OF LOTS WITHIN THIS SUBDIVISION RECOGNIZE AND ACKNOWLEDGE THAT AN AIRPORT CURRENTLY KNOWN AS INDIANAPOLIS METROPOLITAN AIRPORT OWNED BY THE INDIANAPOLIS AIRPORT AUTHORITY EXISTS APPROXIMATELY 0.45 MILES NORTH OF THE SUBDIVISION AND THAT AIRCRAFT USING SUCH AIRPORT AND ITS RUNWAYS WILL BE USING THE AIR SPACE ABOVE THE SUBDIVISION. THE OWNERS OF THE LOTS WITHIN THIS SUBDIVISION HEREBY WAIVE AND RELEASE ANY RIGHT OR CAUSE OF ACTION WHICH SUCH OWNERS MAY NOW HAVE OR WHICH THEY MAY HAVE IN THE FUTURE AGAINST THE INDIANAPOLIS AIRPORT AUTHORITY, ITS GRANTEEES, PERMITEES, LICENSEES, SUCCESSORS AND ASSIGNS DUE TO ANY NOISE, VIBRATIONS, FUMES, DUST, FUEL PARTICLES OR OTHER AFFECTS AS MAY BE INHERENT AND REASONABLY NECESSARY TO THE SAFE OPERATION OF AIRCRAFT NOW KNOWN OR HEREAFTER USED FOR NAVIGATION OF OR FLIGHT IN THE SKY AND USING THE ABOVE DESCRIBED AIRPORT AS IT NOW EXISTS OR AS IT MAY IN THE FUTURE EXIST.

FENCES: ALL FENCES SHALL BE APPROVED IN WRITING BY SCHEETZ-SINGLETON, INC., THEIR SUCCESSORS OR ASSIGNS BEFORE ANY CONSTRUCTION.

ENFORCEMENT: 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 CONSTRUED TO PREVENT THE METROPOLITAN DEVELOPMENT COMMISSION FROM ENFORCING ANY PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE, 58-40-3, AS AMENDED, OR ANY CONDITIONS ATTACHED TO APPROVAL OF THIS PLAT BY THE PLAT COMMITTEE.

TERM: THE WITHIN COVENANTS, LIMITATIONS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES CLAIMING UNDER THEM. THESE COVENANTS SHALL BE IN FULL FORCE AND EFFECT FOR TWENTY-FIVE (25) YEARS FROM RECORDING DATE, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS BY VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS, IT IS AGREED TO CHANGE THE COVENANTS IN WHOLE OR IN PART. INVALIDATION OF ANY OF THE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREUNTO CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS 15th DAY OF MARCH, 1984.

STATE OF INDIANA)
) SS
COUNTY OF MARION)

BEFORE ME A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED SCHEETZ-SINGLETON, INC., J. MICHAEL SCHEETZ, PRESIDENT, AND MARK SINGLETON, VICE-PRESIDENT, AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS ITS VOLUNTARY ACT AND DEED.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS 15th DAY OF MARCH, 1984.

NOTARY PUBLIC *Richard J. Williams*
 Richard J. Williams

MY COMMISSION EXPIRES 7-20-86
COUNTY OF RESIDENCE Hamilton

SCHEETZ-SINGLETON, INC.
BY *J. Michael Scheetz*
 MICHAEL SCHEETZ, PRESIDENT
BY *Mark Singleton*
 MARK SINGLETON, VICE-PRESIDENT