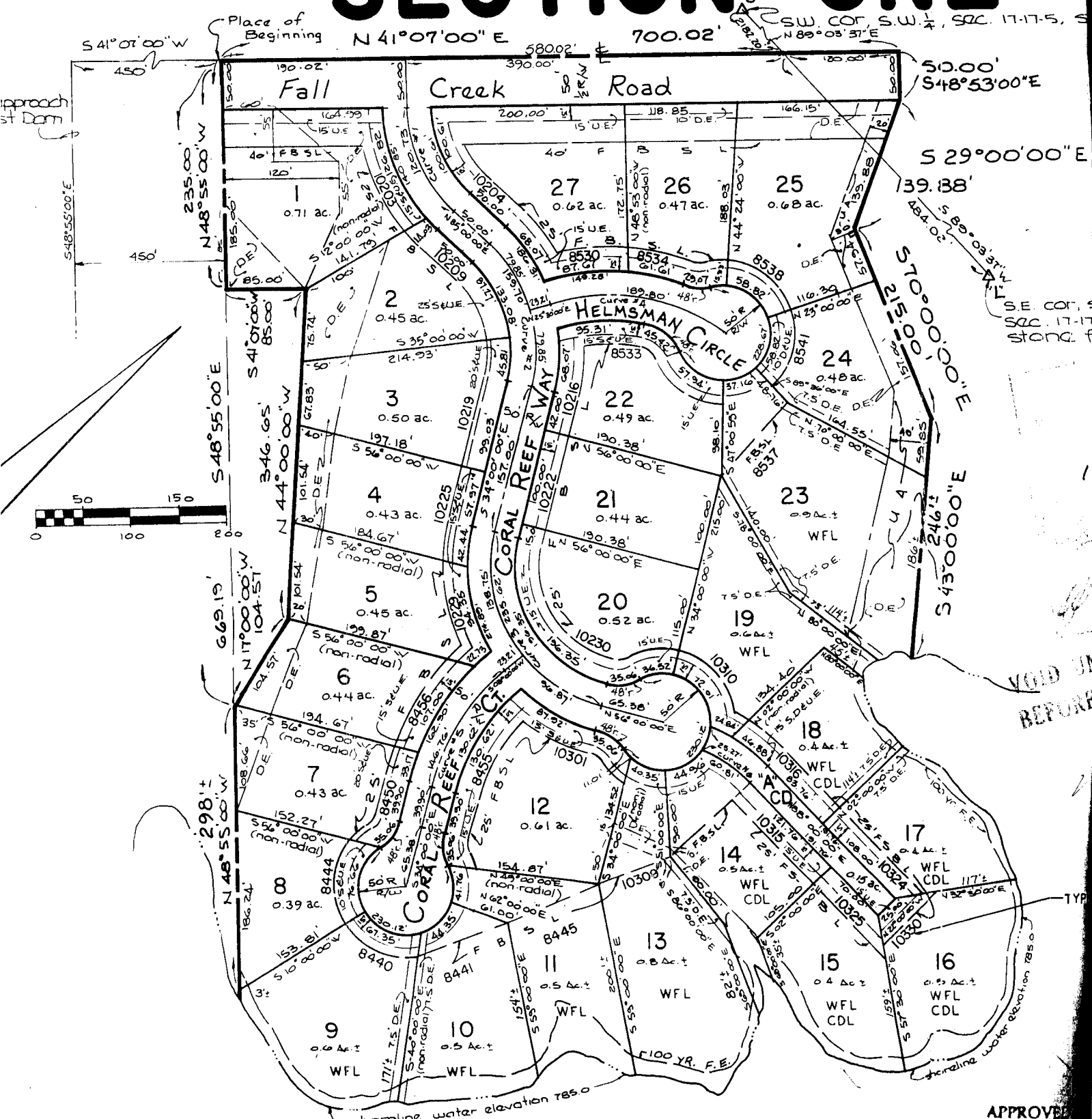


MASTHEAD SECTION ONE

79 5



LEGEND

- = DRAINAGE EASEMENT
- - - = SEWER EASEMENT
- = UTILITY EASEMENT
- | = FRONT BUILDING SETBACK LINE
- - - = COMMON DRIVE LOT
- = UNDISTURBED AREA
- = 100 YEAR FLOOD ELEVATION = 789.4 (mean sea level)

APPROVED
DAY OF
LAWRENCE

VOID UN
REPAIR

57436

8. Side Yards - The side yard setback lines shall not be less than an aggregate of twenty-two (22) feet. Provided, however, no side yard shall be less than eight (8) feet from the side lines of the lot. The setback lines shall be at least twenty (20) feet from the rear lot line excepting in the case of water frontage lot setbacks, shall be twenty (20) feet or 784 feet above mean sea level, whichever is greater; provided, however, the Indiana Department of Natural Resources may authorize an encroachment upon lands below 784 feet above mean sea level because of unusual topographic conditions.

9. DEVELOPMENT CONTROL COMMITTEE: Prior to application for improvement location permit from the Department of Metropolitan Development of the City of Indianapolis for the construction of a residence or other structure, site plans and building plans shall be approved in writing by the Development Control Committee as defined in the Declaration Restrictions. Such approval shall include building design, color and location private drives, tree preservation and proposed landscaping.

10. ONE YEAR FLOOD ELEVATION - A line depicted as "ONE YEAR F.F.E." on any lot in this addition denotes an area between such line and the water line of the reservoir in which no building, or permanent structure may be erected without the prior written approval of the Indiana Department of Natural Resources.

11. UNDESIGNATED AREAS - Areas designated on lots or parts of lots there shall be no tree removal, soil disturbance or other type improvement in such areas unless approved by the Development Control Committee, but they shall remain in their natural state as permanent open space.

12. CONTROLLING DOCUMENTATION: The restrictions contained in this plat are an implementation of the Declaration of Restrictions of GALT HARBORS, recorded as Instrument No. 79-9744/ in the Office of the Recorder of Marion County, Indiana. In the event of a discrepancy between these plat restrictions and the Declaration, then the Declaration shall control.

13. DURATION: These covenants are to run with the land, and shall be binding to all parties and all persons claiming under them until January 1, 2060 at which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless changed in whole or in part by vote of those persons who are then the owners of a majority of the numbered lots in the development.

14. ENFORCEMENT: The right of enforcement of each of the foregoing restrictions by injunction, together with the right to cause the removal by the process of law of structures erected or maintained in violation thereof, is reserved to the Control Committee, the owners of the lots in the subdivision, their heirs and assigns, their successors or assigns, who are entitled to such relief without being required to show any damage of any kind to the Control Committee, any owner or owners, by or through any such violation or attempted violation. The right of enforcement of the covenants is hereby also granted to the Department of Metropolitan Development of Marion County, its successors or assigns.

15. SEVERABILITY: Every one of the restrictions hereby declared to be independent of, or severable from, the rest of the restrictions and of and from every other one of the restrictions, and of and from every combination of the restrictions. Therefore, if any of the restrictions shall be held to be invalid or to be unenforceable, or to lack the quality of running with the land, that holding shall be without effect upon the validity, enforceability or "running" quality of any other one of the restrictions.

STATE OF INDIANA)
COUNTY OF HAMILTON)

IN TESTIMONY WHEREOF, witness the signature of the Declarant this 17th day of Dec 1979.

THE SHOREWOOD CORPORATION
100 North Clarendon Drive
Noblesville, Indiana 46060

James A. O'Brien, Senior Vice President
Philip A. Klinger, Secretary

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, The Shorewood Corporation, by James A. O'Brien, Senior Vice President and Philip A. Klinger, Secretary and acknowledged execution of the above and foregoing certificate as its and their voluntary act and deed for the purposes and purposes therein expressed.

PLAT RESTRICTIONS

The undersigned, as showman for the above-described real estate hereby certifies that they do lay off, plat and subdivide the same into lots, block, and streets in accordance with this plat and certificate.

This subdivision shall be known and designated as Westwood - Section One.

All streets shown and not hereinafter dedicated, are hereby dedicated to the public for its use.

1. EASEMENTS FOR DRAINAGE, SEWERS AND UTILITIES:

Lots are subject to drainage easements, sewer easements and utility easements, either separately or in combination of the three, as shown on the plat, which are reserved for the use of the lot owners, public utility companies and governmental agencies as follows:

- A. DRAINAGE EASEMENTS (D.E.) - are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of the subdivision and adjoining ground and/or public drainage systems; and it shall be the responsibility of the lot owner to maintain the drainage across his own lot. Under no circumstances shall said easement be blocked in any manner by the construction or re-construction of any improvement, nor shall any grading restrict the water flow in any manner. Said areas are subject to construction or reconstruction to any extent necessary to obtain adequate drainage at any time by any governmental authority having jurisdiction over drainage or by the developer of the subdivision.
- B. SEWER EASEMENTS (S.E.) - are created for the use of the local governmental agency having jurisdiction over the storm and sanitary waste disposal system of said city and/or county designated to serve the addition for the purposes of installation and maintenance of sewers that are a part of said system. Each owner of a lot must connect with any public sanitary sewer available.
- C. UTILITY EASEMENTS (U.E.) - are created for the use of public utility companies, not including transportation companies, for the installation of pipes, mains, ducts and cables as well as for the uses specified in the case of sewer easements.
- D. The owners of all lots in this addition shall take title subject to the rights of public utilities, governmental agencies, and the rights of the other lot owners in this addition to said easement herein granted for ingress and egress in, along, and through the strips of ground for the purposes herein stated.

2. DWELLING SIZE AND USE:

All lots in this subdivision shall be known and designated as residential lots. No business building shall be erected on said lots and no business may be conducted on any part thereof, other than the home occupations permitted in the Dwelling Districts Zoning Ordinance of Marion County, Indiana. No structure shall be erected, altered, placed or permitted to remain on any residential lot herein, other than one detached single-family dwelling not to exceed two and one-half stories in height and residential accessory buildings. Any garage, or accessory building erected, shall be of permanent type of construction and shall conform to the general architecture and appearance of such residence. The minimum square footage of living space of dwellings constructed on all residential lots shall be 2000 square feet, for single floor residence and 2400 square feet for two story of multi-story residence with the ground floor being a minimum of 1200 square feet exclusive of porches, terraces, porches, carports, accessory buildings and basements.

3. PRIVATE DRIVES:

Where private drives are shown on this plat and designated "C.D." they shall be owned in common with the other lot owners serviced by such drive and it shall be the obligation of each owner in common with the other lot owners served by such drive to contribute an equal share in the cost of maintenance of such drives. Where a majority of lot owners served by private drive elect to repair such drive and one or more lot owners fail to pay their allocable share of such repair, then the owners paying such cost may file a lien for the reasonable value of labor performed and materials furnished as prescribed by the lien law of the State of Indiana against any such lot and the owner thereof and recover the full assessment owed together with interest from the date and reasonable attorneys fees. The private drive may contain utilities (private or public) to serve said lots in which event the several property owners shall maintain the utilities not otherwise maintained by the respective utility in the same manner as set out for drives Lots 14 thru 16.

4. ACCESS:

There shall be no direct driveway access by the Owners of the lots abutting Fall Creek road, as other means of access have been provided.

5. FENCES:

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. No trees shall be permitted to remain within said distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

6. RESIDENTIAL SETBACK REQUIREMENTS:

- A. In general - Unless otherwise provided in these restrictions or on the recorded plat, no dwelling house or above grade structure shall be constructed or placed on any residential lot in the Development except as provided herein.
- B. Definitions - "Side line" means a lot boundary that extends from the road on which a lot abuts to the rear line of said lot. "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 setback lines shall be all as set forth upon this plat of the Development.
- D. Cul-De-Sacs - If the particular lot abuts on a cul-de-sac, the front building setback line shall be shown on the plat of that lot.