

SECTION ONE COVENANTS

We, Kenneth L. Borgmann and Patricia A. Borgmann, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as Richman Platz Section One. All streets shown and not heretofore dedicated are hereby dedicated to the public.

Front building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected or maintained no buildings or structures. The strips of ground shown on this plat and marked drainage and utility easement (D. & U.E.) or drainage easement (D.E.) are reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, line and wires, and drainage facilities. The strips of ground are subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained on said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.

The easements labeled "Landscape Easements" are hereby granted to the Developer and Homeowners Association and are reserved for landscaping, trees, shrubs, flowers, signs and other incidentals associated with these items, and are to be maintained, repaired or replaced by the Homeowners Association. The lot owners in this addition shall take title to their lots subject to the rights of the Homeowners Association.

This subdivision shall be subject to the following restrictions which shall operate as perpetual covenants:

1. **Drainage Swales.** (Ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Hancock County Drainage Board (Commissioner). Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roof 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 sized culverts are installed as set out in 7.1-47 of the Hancock County Subdivision Control Ordinance.
2. **Altering Drainage Swales.** Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage, after which time, if no action is taken, the Hancock County Drainage Board (Commissioners) will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.

Open channel and tile drains within all drain easements shall be regulated drains subject to Indiana Code 36-9-27 and its amendments.

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 drainage plan as approved for this plat by the Hancock County Drainage Board through its agents, the Hancock County Surveyor and the Hancock County Engineer, and the requirements of all drainage permits for this plat by said Hancock County Drainage Board.

The property shall be graded pursuant to the final construction plan and may not thereafter be changed without the written approval of the Hancock County Surveyor, whose decision may be appealed to the Hancock County Drainage Board.

No trees or shrubs shall be planted, nor any structure erected in any drainage easement, unless otherwise approved by the Hancock County Surveyor and the Hancock County Engineer or unless shown on the development plan as part of the landscaping.
3. **Corner Lots.** No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 and 8 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines (40 feet for minor streets and 75 feet for arterial streets) or in the case of a rounded property corner from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within 10 feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two (2) street center lines.
4. **Drains.** No sump pump drains or other drains shall outlet onto the street. No drainage structures shall be located within driveway limits.

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Auditor of Hancock County

5. *No trees in Right-of-ways and easements. No trees or landscaping shall be planted in the Hancock County road right-of-way or in the drainage easements created and shown on the plat. any irrigation or lawn sprinkling devices or material placed within the right-of-way shall in no way be the responsibility of the Hancock County Highway Department in any event, whether through the actions of the Hancock County Highway Department or other governmental agency.*
6. *Driveways. All driveways shall be paved with concrete, asphalt, or other all-weather surface materials as provided by the developer or its assigns. No gravel or stone driveways will be permitted*
7. *Utility Easements. There are strips of property as shown on the recorded plat which are hereby designated and reserved for use of the public utilities for the installation and maintenance of utilities and drainage facilities (hereinafter referred to as Utility Easement). No permanent or other structure or obstruction shall be erected or maintained on such Utility Easement but each owner shall take title to that part of the Utility Easement comprising a part of his lot, subject to the rights of such public utility for ingress and egress in and along, across, through, and over the Utility Easement.*
8. *Minimum Living Space Areas. The minimum square footage of living space of dwellings constructed on the residential lots in the Development exclusive of porches, terraces, garages, finished living area above garages which otherwise would be considered attic space, carports, accessory buildings or basements below ground level shall contain no less than 1700 square feet of ground floor living area for a one-story structure or 1200 square feet of ground floor living area if higher than one-story, provided that higher than one-story structures shall have a minimum of 2200 square feet of total floor living area and each dwelling shall have a two or three car attached garage containing a minimum of 600 square feet.*
9. *Architectural Design. No building, fence, walls or other structure shall be erected, placed or altered on any building lot in this subdivision until the building plans, specifications and plot plan showing the location of such structures have been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to the topography and finished ground elevations by the Architectural Control Committee. Only wood, masonry, brick, stone and stucco exteriors shall be permitted. Vinyl or aluminum siding shall not be permitted on the exterior of the structure. Only masonry, brick or stone chimneys are permitted. Ventless fireplaces shall utilize flues which exit the roof of the structure. No modular or concrete homes shall be permitted. No wood foundations or wood basements shall be permitted.*
10. *Building Location. No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the plat. No accessory building shall be located closer to any front or side lot line than the required minimum front and side yard distance for the primary dwelling.*
11. *Residential Use Only. All lots in this subdivision shall be used solely for residential purposes except for residences used as model homes during the sale and development of this subdivision. No motor homes, trailer, tent, shack, boat, garage, basement, or other outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No commercial business of any kind will be permitted in this subdivision. Only one single family dwelling with attached garage shall be permitted on one lot.*
12. *Limitation on Time. All residential construction on any lot must be completed within one (1) year after the starting date, including final grading and hard-surfaced driveway.*
13. *Parking Limitations. No inoperative or unlicensed vehicle shall be parked on or repaired on any lot or on the driveway thereof. No camper, trailer, mobile home, boat, truck, school bus or other vehicle of any kind may be parked in the subdivision unless such vehicle is kept in the garage, except for personal automobiles, vans and pick-up trucks.*
14. *Architectural Control Committee. The Architectural Control Committee shall be composed initially of the Developer, and after completion of the development, by a committee of three (3) homeowners designated by the Developer for the term of one (1) year and serving thereafter until their successors are elected by a majority vote of the homeowners in the development. The purpose of the Committee shall be to enhance and protect the value, desirability, and attractiveness of the development as a whole and to ensure that all buildings, fences, walls or other structures are harmonious with the overall architectural character of the development.*

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15. **Water Systems.** All water systems and methods of sewage treatment and disposal in this subdivision are to be in compliance with the regulations or procedures of the State Board of Health or other civil authority having jurisdiction.
16. **Fuel Tanks.** No fuel storage tanks, above or below ground, shall be allowed in this subdivision.
17. **Lot Maintenance.** All lots on which construction has not begun must be mowed and maintained by the lot owner. After construction, the structure, grounds and recreational equipment shall be maintained in a neat and attractive manner.
18. **Nuisances.** No noxious or offensive trade shall be permitted upon any lot in this subdivision nor shall anything be done thereon which may be a nuisance or annoyance to the neighborhood. No refuse will be maintained on any lot. Garbage and trash will be kept in approved containers which are not visible from the street, except on collection day.
19. **Outbuildings.** Outbuildings or accessory buildings shall be permitted on any lot only if approved by the Architectural Control Committee. The approval for such structures shall be in the same manner as is required for a primary residence. The maximum size of any outbuilding or accessory structure shall not exceed 600 square feet. All outbuildings and accessory structures shall be required to have exteriors similar in appearance to the primary residence and shall be of permanent construction. No metal outbuildings shall be approved or constructed.
20. **Antennas.** Only digital satellite systems not exceeding 18" in diameter shall be permitted in the development. Said system shall be allowed only if located on the rear of the primary residence.
21. **Swimming Pools.** Swimming pools must be placed behind the residence. Above ground pools will not be permitted.
22. **Fencing.** Fencing shall not exceed six (6) feet in height and no fence shall be placed closer to the front lot line than the rear of the primary residence and approved by the Architectural Control Committee. No chain link fences of any type shall be permitted. All fencing must be maintained in good condition. On corner lots an additional requirement is that fences may not be placed closer to the street than the building setback line on the side of the residence.
23. **Mailboxes, Lights, and Trees.** The Architectural Control Committee shall require a standardized mailbox and driveway light for each residence and shall establish a design, material, and paint specification for the mailbox and light which shall be standard for all mailboxes and lights in this subdivision. All mailboxes and posts shall meet the requirements of the Hancock County Ordinance governing mailboxes. Upon completion of the residence each lot owner shall plant 2 1/2 inch pear trees 3 feet from the front line or 4 feet behind the sidewalk.
24. **Sidewalks.** Each homeowner (lot owner) shall be responsible for constructing a four (4) foot wide concrete sidewalk of 4,000 strength plain cement four (4) inches thick, sloped 1/4 inch per foot toward the street with expansion joints each forty-eight (48) feet, along the entire street frontage of their respective lot. The sidewalk shall also have traverse joints each six (6) feet and be placed on an acceptable compacted subgrade. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one (1) foot inside the street right-of-way line, (not on the lot) and parallel to the street right-of-way line. The Homeowners Association shall be responsible for maintenance and upkeep of the sidewalk after initial construction except for any damage done by the adjoining lot owner.
25. **Builders.** All homes in this subdivision shall be built by custom builders and all home plans and builders shall be approved by the Developer or the Architectural Control Committee if so assigned by the Developer.
26. **Homeowner's Association.** Each lot owner shall be required to join the Homeowner's Association for the purposes outlined in the Homeowner's Association By-Laws.
27. **Sump pumps installed to receive and discharge groundwaters or other stormwaters shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of stormwaters or the discharge of sanitary sewage.**

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Auditor of Hancock Co.

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