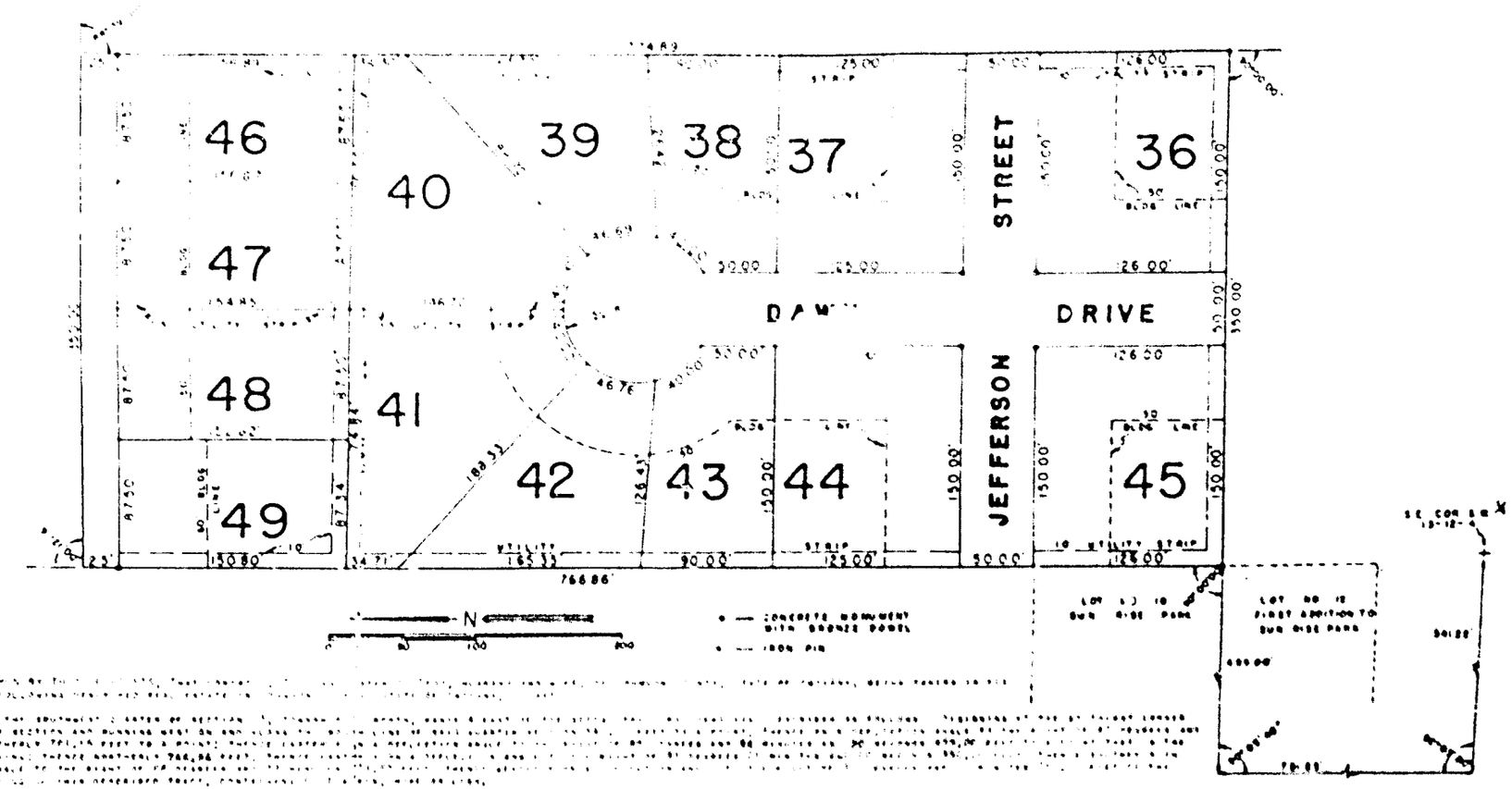
SECOND ADDITION TO SUNRISE PARK

FRANKLIN, INDIANA



[illegible] IN ACCORDANCE WITH THE PLAT HERETO ATTACHED, WHICH SUBDIVISION SHALL BE KNOWN AS "SECOND ADDITION TO SUN

THAT THE STREETS AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO PUBLIC USE AND THAT ALL OF THE LOTS CONTAINED IN THE ABOVE PLAT OR ANY PORTION THEREOF SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH RESTRICTIONS SHALL BE CONSIDERED AND HEREBY DECLARED TO BE COVENANTS RUNNING WITH THE LAND, WHICH SAID RESTRICTIVE COVENANTS ARE AS FOLLOWS, TO-WIT:

A. LAND USE AND BUILDING TYPE.

ALL BUILDINGS AND SITES IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL BUILDING SITES. NO STRUCTURES SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY BUILDING SITE OTHER THAN ONE DETACHED SINGLE-FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT, AND A PRIVATE GARAGE OR CAR-PORT FOR NOT MORE THAN TWO CARS.

B. ARCHITECTURAL CONTROL

NO BUILDING SHALL BE ERECTED, PLACED, OR ALTERED ON ANY LOT UNTIL THE BUILDING PLANS, SPECIFICATIONS AND PLOT PLAN SHOWING THE LOCATION OF SUCH BUILDINGS HAVE BEEN APPROVED BY AN ARCHITECTURAL CONTROL COMMITTEE, APPOINTED BY THE DEVELOPER, AS TO QUALITY OF WORKMANSHIP AND MATERIALS, AND CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES, AND AS TO LOCATION OF THE BUILDING WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION. NO CONTEMPLATION SHALL BE PAID TO THE MEMBERS OR REPRESENTATIVES OF THE COMMITTEE. AT ANY TIME, THE THEN OWNERS OF RECORD OF FIFTY-ONE (51%) PERCENT OF THE LOTS SHALL HAVE THE POWER THROUGH A DULY RECORDED WRITTEN INSTRUMENT TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR TO WITHDRAW FROM THE COMMITTEE OR RESTORE TO IT ANY OF ITS POWERS AND DUTIES. SAID COMMITTEE SHALL HAVE THE RIGHT TO REFUSE ANY SUCH PLANS OR SPECIFICATIONS, WHICH ARE NOT SUITABLE OR DESIRABLE, IN ITS OPINION, FOR ASTHETIC OR OTHER REASONS. COMMITTEE ACTION SHALL BE BY A MAJORITY ACTION OF ITS MEMBERS.

C. DWELLING SIZE

NO DWELLING SHALL BE PERMITTED ON ANY LOT, THE HABITABLE FLOOR AREA OF WHICH, EXCLUSIVE OF BASEMENTS, PORCHES AND GARAGES OR CAR-PORTS, IS LESS THAN 1150 SQUARE FEET IN THE CASE OF A ONE STORY STRUCTURE OR LESS THAN 900 SQUARE FEET OF HABITABLE FIRST FLOOR AREA IN THE CASE OF A TWO STORY STRUCTURE.

D. BUILDING LOCATION

NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE NOR NEARER TO THE SIDE STREET LINE THAN THE MINIMUM BUILDING SET BACK LINES SHOWN ON THE RECORDED PLAT. NO BUILDING SHALL BE LOCATED NEARER THAN 15 FEET TO ANY INTERIOR LOT LINE. EXCEPT THAT IN CASES WHERE THE SAME PERSON OWNS THE ADJOINING TRACTS OR LOTS, SUCH OWNER MAY BUILD A RESIDENCE OR GARAGE OR CAR-PORT ACROSS THE DIVIDING LINE OR TO COINCIDE THEREWITH BUT IN NO CASE SHALL ANY RESIDENCE BE ERECTED NEARER THAN 30 FEET TO ANY OTHER RESIDENCE. ANY PRIVATE GARAGE OR CAR-PORT ON A CORNER LOT SHALL BE ATTACHED TO THE DWELLING DIRECTLY OR ATTACHED BY MEANS OF A PORCH OR BREEZEWAY.

E. LOT AREA AND WIDTH

NO LOT SHALL BE RE-SUBDIVIDED INTO, NOR SHALL ANY DWELLING BE ERECTED OR PLACED ON ANY LOT HAVING A WIDTH OF LESS THAN 82 FEET AT THE MINIMUM BUILDING SET-BACK LINE OR AN AREA OF LESS THAN 13,500 SQUARE FEET.

F. EASEMENTS

EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE RECORDED PLAT AND OVER THE REAR TEN FEET OF EACH LOT.

G. NUISANCES

NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

H. TEMPORARY STRUCTURES

NO STRUCTURES OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, SHED, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY.

I. SIGNS

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT OTHER THAN ONE PROFESSIONAL SIGN OF NOT MORE THAN ONE SQUARE FOOT, ONE SIGN OF NOT MORE THAN FIVE SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

J. GARBAGE AND REFUSE DISPOSAL

NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.

K. LIVESTOCK AND POULTRY

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE BRED, KEPT 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 PURPOSE.

L. SIGHT DISTANCES

NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO AND SIX FEET ABOVE THE ROADWAYS 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 THEM AT POINTS TWENTY-FIVE FEET FROM THE INTERSECTION OF THE STREET LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN TEN FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A 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. NO FENCE OR WALL SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT NEARER TO ANY STREET THAN THE MINIMUM BUILDING SET-BACK LINE.

M. OIL OR MINING OPERATIONS

NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED UPON ANY LOT.

N. GENERAL PROVISIONS

1. TERM. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

2. ENFORCEMENT. ENFORCEMENT SHALL BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES.

3. SEVERABILITY. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

[illegible] THIS [illegible] DAY OF [illegible] [illegible] JOHN AND PATRICE A. [illegible]

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E. LOT AREA AND WIDTH

NO LOT SHALL BE RE-SUBDIVIDED INTO, NOR SHALL ANY DWELLING BE ERECTED OR PLACED ON ANY LOT HAVING A WIDTH OF LESS THAN 80 FEET AT THE MINIMUM BUILDING SET-BACK LINE OR AN AREA OF LESS THAN 13,500 SQUARE FEET.

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IN WITNESS WHEREOF, THIS 6th DAY OF November, 1959, ROBERT A. TODD AND ESTHER A. TODD, HUSBAND AND WIFE HAVE SET THEIR HANDS AND SEALS.

Robert A. Todd — ROBERT A. TODD

Esther A. Todd — ESTHER A. TODD

STATE OF INDIANA
COUNTY OF JOHNSON SS

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED ROBERT A. TODD AND ESTHER A. TODD, BOTH WELL KNOWN TO ME, AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS BEING THEIR VOLUNTARY ACT AND DEED FOR THE PURPOSES CONTAINED THEREIN. WITNESS MY HAND AND NOTARIAL SEAL THIS 6 DAY OF November, 1959.

MY COMMISSION EXPIRES [illegible]

NOTARY PUBLIC

I, JAMES A. FREESE DO HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN INDIANA AND THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME ON THE 6TH DAY OF NOVEMBER, 1959.

JAMES A. FREESE
REG. ENGR. NO. 4011
NOVEMBER 6, 1959

BY THE AUDITOR OF THE CITY OF FRANKLIN, INDIANA

[illegible]

APPROVED BY THE CITY COUNCIL OF FRANKLIN, INDIANA ON THE 9 DAY OF November, 1959

ENTERED FOR TAXATION THIS 27th DAY OF June, 1960

[illegible]