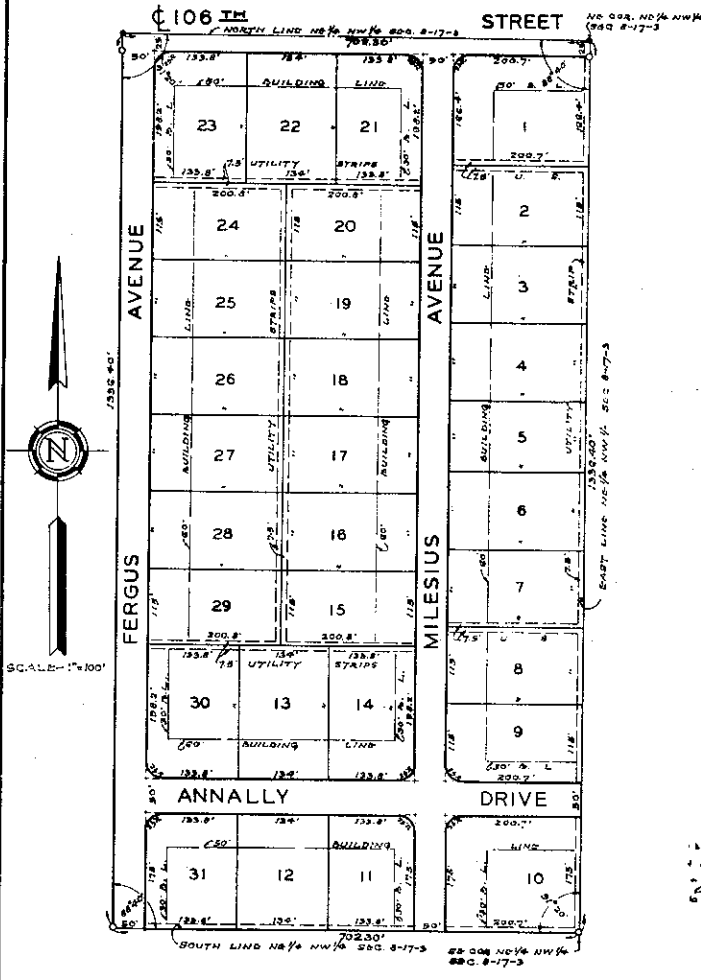


# ANNALLY DOWNS

## FIRST SECTION

### CERTIFICATE OF SURVEY



I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY REPRESENTING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 17 NORTH, RANGE 4 EAST, IN HAMILTON COUNTY, STATE OF INDIANA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH UPON AND ALONG THE EAST LINE THEREOF 1330.0 FEET TO THE QUARTER CORNER OF SAID QUARTER SECTION; THENCE WEST UPON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 702.30 FEET TO A POINT; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION 1330.0 FEET TO A POINT ON THE NORTH LINE OF SAID QUARTER SECTION; THENCE EAST UPON AND ALONG THE NORTH LINE OF SAID QUARTER SECTION 702.30 FEET TO THE ARBITRARY CORNER THEREOF AND THE POINT OF BEGINNING, CONTAINING 21.56 ACRES, MORE OR LESS, SUBJECT, HOWEVER, TO ALL LEGAL HIGHWAYS OR RIGHTS-OF-WAY, THIS SUBDIVISION CONSISTS OF 31 LOTS NUMBERED FROM 1 TO 31, BOTH INCLUSIVE, WITH STREETS AS SHOWN HEREON.

THE SIZES OF LOTS AND WIDTHS OF THE STREETS ARE SHOWN ON THIS PLAT IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

WITNESS MY SIGNATURE THIS 22 DAY OF January, 1956.



Roy G. Sullivan  
NOTARY PUBLIC  
STATE OF INDIANA

UNDER AUTHORITY PROVIDED BY CHAPTER 174-A ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND ORDINANCES ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HAMILTON, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF HAMILTON:

Roy G. Sullivan  
PRESIDENT

O. T. Hinks  
SECRETARY

APPROVED BY COUNTY PLAN COMMISSION AT A MEETING HELD \_\_\_\_\_, 1956.

UNDER AUTHORITY PROVIDED BY CHAPTER 47-A ACTS OF THE GENERAL ASSEMBLY OF INDIANA OF 1951, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD \_\_\_\_\_, 1956.

BOARD OF COUNTY COMMISSIONERS

Walter A. Williams

Edmund B. Franklin James H. Sullivan  
Witnesses

Edmund B. Franklin  
26 January 1956  
Edmund B. Franklin

THE UNDERSIGNED, GEORGE J. FERRELL AND ALICE B. FERRELL, HUSBAND AND WIFE, DO HEREBY DIVIDE, PLAT AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THIS PLAT AND CERTIFICATE OF SURVEY. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "ANNALLY DOWNS FIRST SECTION". THE UNDERSIGNED, GEORGE J. FERRELL AND ALICE B. FERRELL, HUSBAND AND WIFE, AND AS OWNERS OF THE ABOVE DESCRIBED REAL ESTATE, HEREBY ESTABLISH THE FOLLOWING RESTRICTIONS ON SAID REAL ESTATE, AS SHOWN BY RECORDED SURVEY:

1. THE STREETS SHOWN ON THIS PLAT, IS NOT HERETOFORE DEDICATED, AND HEREBY DEDICATED TO PUBLIC USE AND ALL STREETS SHALL BE GRADED AND CONSTRUCTED TO THE SPECIFICATIONS SET UP BY THE HAMILTON COUNTY BOARD OF COMMISSIONERS, BY AND AT THE EXPENSE OF THE DEVELOPER OF THIS SUBDIVISION.
2. FRONT AND SIDE BUILDING LINES AS SHOWN ON THE ABOVE PLAT, NEARLY ESTABLISHED, AND EXCEPT TO THE SEVERAL STREETS THEREON SHALL BE OBSERVED AND MAINTAINED NO PERMANENT OR OTHER STRUCTURES, OR PART THEREOF, EXCEPT OPEN PORCHES, AND EXCEPT TO THE 300 YARD LINES UNDER THE CONDITIONS HEREINAFTER REFERRED TO.
3. THEREAS STAIRS ON GROUND MARKED "UTILITY STRIPS" SHOWN ON THIS PLAT THEY ARE HEREBY RESERVED FOR PUBLIC UTILITIES, NOT INCLUDING, HOWEVER, TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF PIPES, MAINS, SEWERS, DRAINAGE, DUCTS, LINES AND WIRES, CUMMERS, OR TRENDS IN THIS ADDITION SHALL TAKE TITLE SUBJECT TO THE EASEMENTS HEREBY CREATED AND SUBJECT AT ALL TIMES TO THE RIGHTS OF PROPER AUTHORITIES TO SERVICE SUCH UTILITIES IN THE EASEMENTS HEREBY CREATED FOR SAID UTILITY STRIPS, AND NO PERMANENT STRUCTURES OF ANY KIND AND NO PART THEREOF, EXCEPT PORCHES, SHALL BE BUILT, CREATED OR MAINTAINED ON SAID UTILITY STRIPS.
4. ALL LOTS IN THIS ADDITION SHALL BE DESIGNATED AS RESIDENTIAL LOTS, ONLY ONE SINGLE-FAMILY DWELLING WITH GARAGE ONLY, AND NOT EXCEEDING TWO STORIES IN HEIGHT, MAY BE ERRECTED OR MAINTAINED ON ANY LOT.
5. NO LOT IN THIS ADDITION SHALL BE RESUBDIVIDED INTO A BUILDING PLOT HAVING AN AREA OF LESS THAN 2000 SQUARE FEET.
6. NO RESIDENCE SHALL BE ERRECTED, OR MAINTAINED ON ANY LOT OR PART THEREOF IN THIS ADDITION HAVING A GROUND FLOOR AREA EXCLUSIVE OF OPEN PORCHES AND GARAGES, AND SHALL BE ERRECTED OR MAINTAINED ON ANY LOT OR PART THEREOF IN THIS ADDITION HAVING A GROUND FLOOR AREA EXCLUSIVE OF OPEN PORCHES AND GARAGES, OF LESS THAN 1000 SQUARE FEET, IN A ONE-STORY STRUCTURE, OR 800 SQUARE FEET IN A ONE AND ONE HALF OR TWO STORY STRUCTURE, NO OTHER BUILDINGS OR STRUCTURES OF ANY KIND OR ASSEMBLY THEREOF, NO DWELLING OR RESIDENCE OF ANY KIND MAY BE ERRECTED OR MAINTAINED ON ANY LOT OR PART THEREOF IN THIS ADDITION THAT DOES NOT CONFORM TO THE HAMILTON COUNTY, INDIANA, BUILDING CODE AND MASTER PLAN.
7. ANY BUILDING OR RESIDENCE MUST BE FULLY COMPLETED ON THE OUTSIDE THEREOF BEFORE BEING OCCUPIED, BUILDING PAPER AND OTHER SIMILAR MATERIAL SHALL NOT CONSTITUTE IN WHOLE OR ANY PART OF THE SUBSTANCE FINISH OF ANY BUILDING, OR TRAILER, TENT, SHACK, BARRACK, GARAGE OR TEMPORARY STRUCTURE, OR ANY KIND SHALL BE USED FOR TEMPORARY OR PERMANENT RESIDENTIAL PURPOSES ON ANY LOT IN THIS ADDITION.
8. THE EXTERIOR OF THE DWELLINGS SHALL BE OF STONE, BRICK OR NEW WOOD OR ANY PORTION AND COMINATION OF SUCH MATERIAL AND SHALL BE IN KEEPING WITH THE DEVELOPMENT OF THE COMMUNITY. GARAGES SHALL BE MADE OF STONE, BRICK OR NEW WOOD OR ANY PORTION AND COMINATION OF SUCH MATERIAL AND SHALL BE IN KEEPING WITH THE DEVELOPMENT OF THE COMMUNITY.
9. UNTIL SUCH TIME AS A SANITARY SEWER SYSTEM IS AVAILABLE IN THIS AREA, A SANITARY SEPTIC TANK OR LAUNDRY TUB, SINK OR CUPBOARD DRAIN MAY BE TILED INTO ANY OPEN DITCH DOWNSTREAM WATER DISCHARGE SHALL BE PERMITTED TO BE USED IN THIS ADDITION, NO SEPTIC TANK, EFFLUENT OR LAUNDRY TUB, SINK OR CUPBOARD DRAIN MAY BE TILED INTO ANY OPEN DITCH DOWNSTREAM WATER DISCHARGE.
10. NO KIDNEY OR ORGANIC TRASH SHALL BE CHURGED UPON ANY LOT IN THIS ADDITION, NO LIVE STOCK, POULTRY, RABBIT HUTCHES OR DOG KENNELS SHALL BE PERMITTED; NOR SHALL ANYTHING BE DONE THEREON WHICH SHALL BE OR BECOME A NUISANCE TO THE NEIGHBORHOOD.
11. THE OWNERS OF EACH OF THE SEVERAL LOTS ARE TO KEEP THEM CLEAN AND ORDERLY, NO JUNK, OLD UNUSED CARS OR EQUIPMENT ARE TO BE PARKED ON ANY LOT IN THIS ADDITION, OR OF THIS NATURE OR COMPLETION OF BUILDINGS, BEFORE OWNER OF ANY LOT BEGINS ERECTION OF A BUILDING THEREON, NO SHALL ESTABLISH A DRIVE-WAY ENTRANCE INTO SAID LOT WITH CONCRETE, METAL OR REINFORCED CONCRETE, TO BEHIND FRONT PORCH.
12. NO BUILDING OR PART THEREOF SHALL BE BUILT NEARER THAN 30 FEET TO ANY LINE OF ANY LOT EXCEPT THAT IN THE CASE WHERE THE SAME PERSON OR PERSONS OWN TWO ADJOINING LOTS, NO BUILDING OR PART THEREOF SHALL BE BUILT NEARER THAN 30 FEET TO ANY LINE OF SAID TWO ADJOINING LOTS, BUT NO RESIDENCE OR BUILDING OF ANY CHARACTER SHALL BE BUILT IN SUCH A MANNER AS TO BE ON ANY PART OF ANY STRIP COVERED BY SUCH UTILITY EASEMENT AND PROVIDED FURTHER THAT IN NO CASE SHALL ANY RESIDENCE OR BUILDING BE ERRECTED NEARER THAN 30 FEET TO ANY OTHER RESIDENCE OR BUILDING THEREON.
13. NO BUILDING SHALL BE ERRECTED, PLACED OR LOCATED ON ANY OF THESE LOTS IN THIS ADDITION UNTIL THE BUILDING PLANS, PLOT PLANS AND SPECIFICATIONS SHOWING THE LOCATION OF THE BUILDING, THE LOCATION OF THE UTILITY STRIPS, THE LOCATION OF THE BUILDING, WITH RESPECT TO PROPERTY AND BUILDING SET-BACK LINES, IN THE EVENT OF THE DEATH OF THE ABOVE NAMED OWNERS, THEIR HEIRS OR ASSIGNS SHALL HAVE THE AUTHORITY TO DESIGNATE A QUALIFIED AGENT WHO SHALL HAVE THE SAME POWER TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATION, IN ANY EVENT, AFTER JANUARY 1, 1977, THE THEN OWNER OR OWNERS OF RECORD OF A LOT WHO SHALL HAVE THE SAME POWER TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATION, THIS RIGHT TO ENFORCE THESE RESTRICTIONS AMONG THE LAND OWNERS, THEIR AUTHORIZED REPRESENTATIVES WHO THEREAFTER SHALL HAVE ALL THE POWERS AS SET FORTH ABOVE, STRUCTURES OR PART THEREOF ERRECTED OR MAINTAINED IN VIOLATION OF THESE RESTRICTIONS, AND THE SAID RIGHT, TOGETHER WITH THE RIGHT TO CAUSE REMOVAL OF ANY SUCH STRUCTURE OR PART THEREOF, SHALL BE ENFORCED BY ANY SUCH RESTRICTIONS, MAY BE ENFORCED BY INJUNCTION OR BY APPOINTMENT AS SET FORTH ABOVE.
14. THE RIGHT TO ENFORCE THESE RESTRICTIONS SHALL BE ENFORCED BY INJUNCTION OR BY APPOINTMENT AS SET FORTH ABOVE.
15. 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.
16. THESE RESTRICTIONS, CONSTITUTE COVENANTS RUNNING WITH THE LAND AND SHALL BE IN EFFECT FOR PERIODS OF 25 YEARS FROM THE DATE, PROVIDED THAT AT THE EXPIRATION OF THE SAID TERM THESE RESTRICTIONS SHALL BE AUTOMATICALLY RENEWED THEREAFTER FOR PERIODS OF 25 YEARS EACH, UNLESS, AT LEAST ONE YEAR PRIOR TO THE EXPIRATION OF THE SAID TERM, THE SAID OWNERS OR OWNERS OF A MAJORITY OF LOTS IN THIS ADDITION SHALL EXECUTE AND ACKNOWLEDGE A DECLARATION IN WRITING, WHICH WHEN RECORDED, AND SAID DECLARATION SHALL BE RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, IN WHICH EVENT THE PROVISIONS ABOVE SET OUT FOR RENEWALS SHALL BE NULLIFIED.

IN WITNESS WHEREOF, THE OWNERS OF THE ABOVE DESCRIBED REAL ESTATE HAVE HEREUNTO CAUSED THEIR NAMES TO BE SUBSCRIBED.

Edmund B. Franklin  
George J. Ferrell

Alice B. Ferrell  
Alice B. Ferrell

COUNTY OF HAMILTON, INDIANA: ss: Edmund B. Franklin, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED GEORGE J. FERRELL AND ALICE B. FERRELL, HUSBAND AND WIFE, AND ACKNOWLEDGED THE EXECUTION OF THIS FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED AND AFFIXED THEIR SIGNATURES THERETO.

WITNESS MY HAND AND SEAL THIS 28 DAY OF January, 1956.

My Commission Expires March 27, 1960.

Roy G. Sullivan  
NOTARY PUBLIC.

