

CROSS REFERENCE

910005906

ADDITIONAL RESTRICTIONS
AVON CREEK ESTATES SECTION 5

90/2

The undersigned, Donald E. Lambert and Dorothy L. Lambert, husband and wife, Owners of the real estate known as "Avon Creek Estates - Section Five" and recorded in the Office of the Recorder of Marion County, Indiana of December 21, 1990 as Instrument #90-132322, do hereby wish to add the following restrictions to apply to the 96 lots in this addition.

1. These restrictions are in addition to the restriction recorded as part of the aforementioned plat.
2. Fences: All fencing, including materials and height, require the approval of the Architectural Control Committee. Fencing shall not extend forward of the rear corners of the Residence.
3. Landscaping: The Lot Owner shall landscape the lot within sixty (60) days following completion of a house, thereon, weather permitting. Landscaping shall include all required sidewalks.
4. Swimming Pools: No swimming pools where the water level is either partially or completely above ground level shall be permitted. Any in-ground swimming pool shall be properly fenced so as to protect the safety of others. Prior to erection, such fence shall be approved by the Committee.
5. Crawl Space & Foundation Drains: No crawl spaces, eaves, troughs, gutter, downspouts, or foundation drains shall be constructed so as to discharge water onto a street.
6. Exterior Antennas & Satellite Dishes: No television or radio antennas, satellite dishes or similar devices for television, radio, and/or telephone reception or transmission may be erected by any Lot Owner on the exterior of a residential dwelling structure in the Development. However, inside attic antennas and cable service are acceptable.
7. Gazebos: Free standing gazebos are permitted if design and location is approved by the Architectural Committee.
8. Clothes Lines: Collapsible and removable clothes lines will be permitted by the Committee, but permanent clothes lines will not be approved by the Committee.
9. Ditches & Swales: It shall be the duty of every Owner of every lot in the Development on which any part of an open storm drainage ditch or swale is situated to keep such portion thereof as may be situated upon his lot continuously unobstructed and in good repair, and to provide for the installation of such culverts upon said lot as may be reasonable necessary to accomplish the purposes of this subsection.

91 JUN 16

10. Sidewalks: All Lot Owners with frontage on Texarkana Drive and New Harmony Drive shall construct sidewalks per approved plans prior to finish landscaping. (See #3 above.)
11. Temporary Drives: Owner and/or Builder shall install a temporary stone driveway as the first phase of construction and delivery of all materials possible will keep on said driveway. Builder shall be responsible for street cleaning.
12. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them.

IN WITNESS WHEREOF, DONALD E. LAMBERT AND DOROTHY L. LAMBERT HAVE HEREUNTO CAUSED THEIR NAME TO BE SUBSCRIBED THIS 10th day of January 1991.

STATE OF INDIANA)
) SS
 COUNTY OF MARION)

Personally appeared before me, the undersigned a Notary Public in and for said County and State, This 10th day of January 1991, and Acknowledged the execution of the above and foregoing certificate as its and their voluntary act and deed for the uses and purposes herein expressed.

Donald E. Lambert Dorothy L. Lambert
 Donald E. Lambert Dorothy L. Lambert

My Commission Expires Nov. 13, 1993

Donald L. Dunk
 Notary Public
 DONALD L. DUNK

Notary resides in Hamilton County

APPROVED



7172 Graham Road
Indianapolis, Indiana 46250
317-842-6777
FAX# 317-841-4798

CROSS REFERENCE

PIC Job #79201-10000
January 13, 1993

93006437

CORRECTION CERTIFICATE
Avon Creek Estates-Section Five

JOHN P. VON ARX
REGISTERED
PLAT COMMISSIONER
JAN 14 1993 12 63

I, the undersigned, hereby certify that the plat of Avon Creek Estates-Section Five recorded as Instrument #90-132322 in the Office of the Recorder of Marion County, Indiana was prepared under my supervision and certified by me.

By error of the scrivener the bearing of North 86 degrees 36 minutes 13 seconds East along the common lot line of Lots 141 and 142 and along the common lot line of Lots 142 and 143 is in error.

To correct said error the bearing along said Lot lines shall be North 88 degrees 36 minutes 13 seconds East.

Also, by error of the scrivener the dimension of 78.83 feet along the Westerly line of Lot 158 is in error.

To correct said error the dimension along said lot line shall be 70.83 feet.



James E. Dankert
James E. Dankert, R.L.S. #4028

WAYNE TOWNSHIP
ASSESSOR
PLAT APPROVED
March 14, 1993
Charles R. Spears
ASSESSOR

APPROVAL OF CORRECTION
METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE

DATE: 1-14-93
SUBDIVISION ADMINISTRATOR: *Christina*

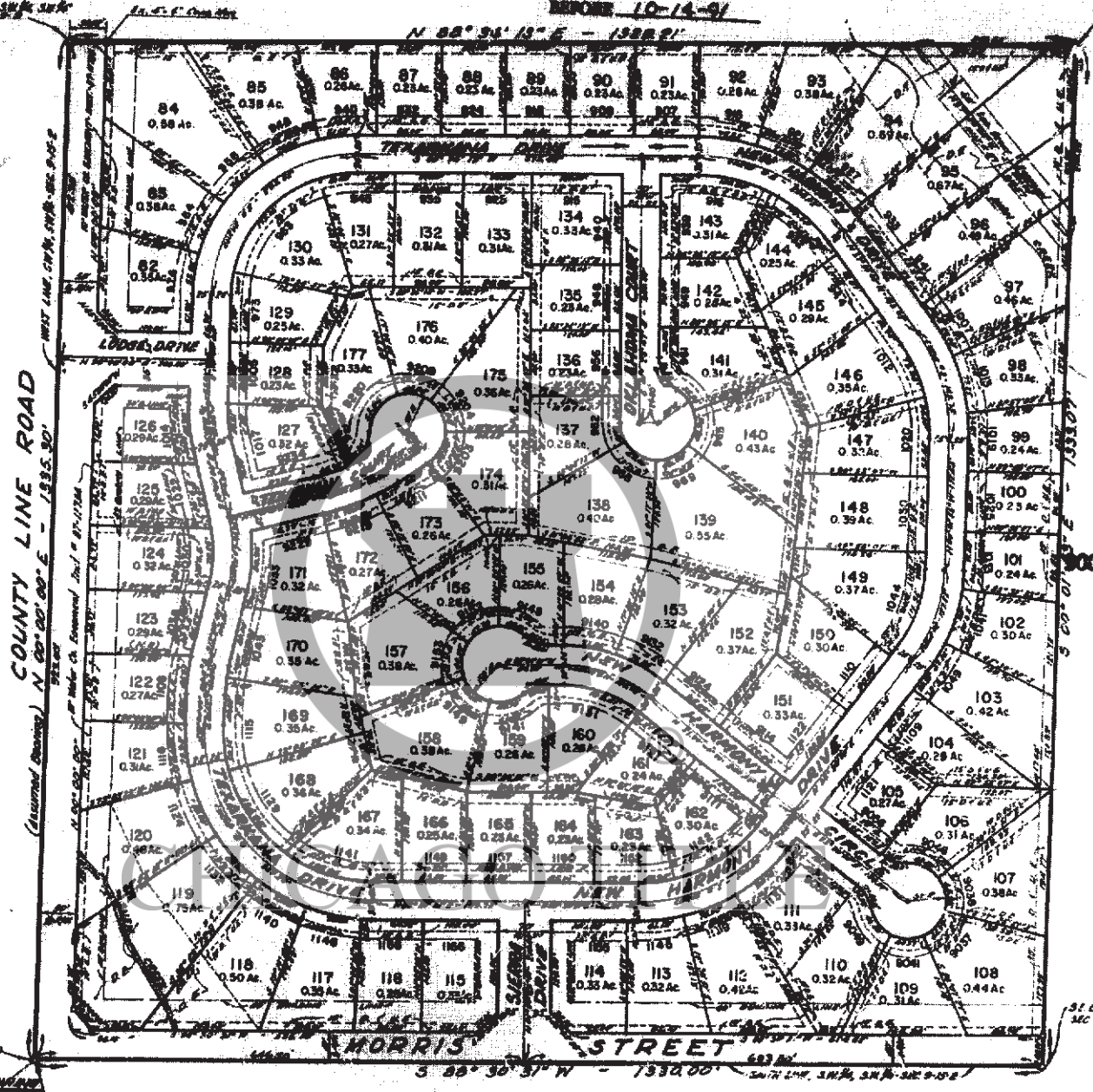
This instrument prepared by James E. Dankert of Paul I. Cripe, Inc.

AVON CREEK ESTATES

SECTION FIVE 00013222

Seal area with text: **SEAL**

VOID UNLESS RECORDED
 BEFORE 10-14-91



90 DEC 21 PM 14 53

REC'D
MARION COUNTY REGISTER

I, the undersigned, hereby certify that the within plat is true and correct to the best of my professional knowledge and belief and represents a survey performed under my direct supervision in the Southwest Quarter of the Southeast Quarter of Township 15 North, Range 2 East, Marion County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Quarter Section; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of said Quarter section 1335.40 feet to the Northwest corner of the said Quarter Quarter Section; thence North 05 degrees 36 minutes 13 seconds East 1329.21 feet to the Northeast corner of said Quarter Section; thence South 00 degrees 01 minutes 53 seconds East 1335.07 feet to the Southeast corner of said Quarter Quarter Section; thence South 00 degrees 30 minutes 31 seconds West along the South line of said Quarter Section 1330.00 feet to the place of beginning, containing 40.71 acres more or less.

This subdivision consists of 90 lots, numbered 42 thru 177 both inclusive. The size of the lots and widths of streets are shown in figures denoting feet and decimal parts thereof.

This survey was made under my supervision during the month of March, 1981.

Witness my signature this 3rd day of December, 1980.

James E. Danbert
James E. Danbert, R.S. #4028



The undersigned, Donald E. Lambert and Dorothy L. Lambert, husband and wife, owners of the above-described real estate, do hereby layoff, plat and subdivide the same into lots and streets in accordance with the within plat.

The within plat shall be known and designated as "AVON CREEK ESTATES - SECTION FIVE," an addition in Marion County, Indiana.

- A. The streets shown and not heretofore dedicated are hereby dedicated to the public for its use.
- B. All numbered lots in this addition shall be designated as residential lots. Only one single family dwelling with accessory building and not exceeding two stories in height may be erected or maintained on each lot.
- C. Front and side building lines are established as shown on this plat between which lines and the property lines of the street no structure shall be erected or maintained. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the street shall be placed or permitted to remain on any corner within the triangular area formed by street property lines and a line connecting points 25 feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same sight line 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.
- D. No one story house shall be erected on any lot in this addition having a ground floor area of less than 1500 square feet and no one and one-half story houses or two story houses will have less than 1000 square feet, exclusive of open porches, garages or basements.
- E. No trailer, tent, shack, basement, garage, barn or other outbuilding or temporary structure shall be used for temporary or permanent residential purposes on any lot in this addition.
- F. All lots shall be accessed from the interior streets of this subdivision. No direct vehicular access shall be permitted from Norris Street to the lots bordering thereon; nor from County Line Road to the lots bordering thereon.
- G. No poultry or farm animals shall be raised or maintained on any lot. This restriction shall not prohibit a resident from keeping a small pet animal or bird.
- H. There are strips of ground as shown on the within plat marked "Drainage Easement" and/or "Utility Easement" which are hereby 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 of all times to the authority of Marion County, Indiana, and the easements herein reserved. 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 sanitary sewer construction approved by the Department of Public Works and the requirements of all sanitary sewer construction permits for this plat issued by said Department. Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained or allowed to continue on the portion of the owner's real estate in which the easement and right-of-way is granted without express written permission from the Department. Such permission, when duly recorded, shall run with the real estate. The Department, and its agents shall have the right to ingress and egress, for temporary purposes only, over the owner's real estate adjoining said easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.
- I. Any building once approved and under construction must be completed within one (1) year from the time construction was started. No building shall be on any lot nearer to the front or side property line than the minimum building setback lines, as shown on the recorded plat or as required by current zoning laws.
- J. Architectural design and environmental controls: No building, fence, wall or other structure shall be erected, placed and altered on any building plot 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 hereto and as to the building with respect to topography and finished ground elevations by an architectural and environmental control committee. Also the proposed location of any destruction of trees and vegetation or any other such matters, as may affect the environment and ecology of the Avon Creek Estates area, shall be proper concern of the committee. This committee shall be composed of the undersigned owners of the herein-described real estate or by their duly authorized representatives. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to approve or disapprove such design and locations or to designate a representative with like authority.
- The committee's approval or disapproval, as required in this covenant, shall be in writing. In the event that said written approval is not received from the committee within fourteen (14) days from the date of submission, it shall be deemed that the committee has disapproved the present plan. Neither the committee nor the designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.
- K. A utility building may be constructed on each lot, if approved by the architectural and environmental control committee. This utility building is to be constructed in such a manner as to meet the standards of construction as used in the construction of the house. The utility building shall be located behind the main dwelling and, in no instance, shall the utility building be located in front or at the side of the main dwelling.
- L. No vehicle shall be allowed to park on any street within said subdivision except for a reasonable length of time when the vehicle is being used for delivery or pickup purposes.
- M. Recreational vehicles, boats and nonused or nonoperational vehicles, shall be kept in either the dwelling's garage, basement or utility building.
- N. No noxious or offensive activity shall be carried out on any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- O. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other wastes shall not be kept except in sanitary containers. Said garbage, trash or other waste shall be disposed of weekly by a refuse collection service, designated by the above-mentioned architectural and environmental control committee or a home owners organization, if established. No burning of any waste, including leaves, shall be allowed except by an order issued and approved by said committee. All equipment for the storage and disposal of all rubbish shall be kept in clean and sanitary condition and shall not be so used as to create an offensive sight or odor.
- P. Each driveway shall be paved with either a concrete or asphalt surface within one (1) year after completion of the home which it serves.
- Q. Storage tanks, oil or gas storage tanks shall be buried.

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FILED

RECEIVED FOR RECORD

3:00:21 PM 11-93

NOTARY PUBLIC
MARION COUNTY RECORDER

900132322

- *. No sign of any kind shall be displayed to the public view upon any lot, except for one sign of not more than five (5) square feet, advertising the property for sale or rent or sign used by a builder to advertise the property during the new construction and sales period. However, any sign required by law, may be displayed.
- 5. Hunting or Trapping: No hunting or trapping shall be allowed on any lot or other area within the boundaries of Avon Creek Estates.
- T. The right to enforce the within provisions, restrictions and covenants by injunction, together with the right to cause the removal by due process of law of any septic tank, absorption bed or structure erected or maintained in violation thereof, is hereby dedicated and reserved to the owners of the several lots in this subdivision, their heirs or assigns, who shall be entitled to such relief, without being required to show any damage of any kind to any such owner or owners by or through any such violation or attempted violation. Such provisions shall be in full force and effect until June 1, 2000, at which time said covenants shall be automatically terminated for successive periods of ten (10) years, unless by a 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 one of the covenants by judgment or court order shall in no manner affect any of the other provisions, which shall remain in full force and effect.
- U. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them.

IN WITNESS WHEREOF, Donald E. Lambert and Dorothy L. Lambert, husband and wife, have hereunto caused their names to be subscribed this 3rd day of December, 1990.

STATE OF INDIANA)
) SS
COUNTY OF MARION)

Before me, the undersigned, a notary public in and for said County and State, personally appeared Donald E. Lambert and Dorothy L. Lambert, husband and wife, this 3rd day of December, 1990 and acknowledged the executing of the above and foregoing certificate as their voluntary act and deed for the uses and purposes herein expressed.

Donald E. Lambert
Donald E. Lambert

Dorothy L. Lambert
Dorothy L. Lambert

My commission expires April 1, 1992
County of Residence Marion



Holly J. Lee
Notary Public, Holly J. Lee

The Metropolitan Development Commission, its successors and assigns, shall have no rights, power or authority to enforce any covenants, commitments, restrictions or 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-A0-3, as amended, or any conditions attached to approval of this plat by the Plat Committee.

CHICAGO TITLE

900132322