

FOSTER GROVE SECTION 4 FINAL PLAT

DEED OF DEDICATION AND PROTECTIVE COVENANTS

THE UNDERSIGNED, OWNERS OF THE WITHIN DESCRIBED REAL ESTATE, DO HEREBY LAY OFF, PLAT AND SUBDIVIDE THE SAME INTO LOTS, PUBLIC WAYS AND EASEMENTS IN ACCORDANCE WITH THE WITHIN PLAT. THE WITHIN PLAT SHALL BE KNOWN AND DESIGNATED AS "FOSTER GROVE SECTION 4", AN ADDITION IN HAMILTON COUNTY, CLAY TOWNSHIP, INDIANA.

STREETS: THE STREETS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES AND SHRUBBERY THEREON, AS SHOWN ON THE WITHIN PLAT ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREON, WHENEVER DISCONTINUED BY LAW.

BUILDING LOCATION: NO BUILDING OR STRUCTURE SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LOT LINE (CORNER LOTS) THAN THE MINIMUM BUILDING SETBACK LINES AS SHOWN ON THE WITHIN PLAT.

EASEMENTS: THERE ARE STRIPS OF GROUND AS SHOWN ON THE WITHIN PLAT MARKED D.U. 65.E. (DRAINAGE, UTILITY AND SEWER EASEMENT) WHICH ARE RESERVED FOR THE USE OF PUBLIC UTILITY COMPANIES, INCLUDING CABLE TELEVISION COMPANIES, BUT NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF MAINS, DUCTS, POLES, LINES, WIRES, SEMERS AND DRAINS, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES, AND TO THE EASEMENTS HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES SHALL BE ERECTED OR MAINTAINED ON SAID STRIPS. THE OWNERS OF SUCH LOTS IN THIS ADDITION, HOWEVER SHALL TAKE THEIR TITLE SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES AND OTHER OWNERS OF SAID LOTS IN THIS ADDITION TO SAID EASEMENT HEREIN GRANTED FOR INGRESS AND EGRESS IN, ALONG AND THROUGH THE STRIPS SO RESERVED.

LAND USE: ALL NUMBERED LOTS IN THIS ADDITION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. NO BUILDING SHALL BE ERECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLE-FAMILY DWELLING.

LAND USE: NO HOTEL BUILDING, BOARDING HOUSE, MERCANTILE OR FACTORY BUILDING OR BUILDINGS OF ANY KIND FOR COMMERCIAL USE SHALL BE ERECTED OR MAINTAINED ON ANY LOT WITHIN THIS ADDITION.

TEMPORARY STRUCTURES: NO TRAILER, TENT, SHACK, BASEMENT, GARAGE, BARN OR OTHER OUTBUILDING OR TEMPORARY STRUCTURE SHALL BE USED FOR TEMPORARY OR PERMANENT RESIDENTIAL PURPOSE IN ANY LOT IN THIS ADDITION.

FLOOR AREA: NO ONE-STORY HOUSE SHALL BE ERECTED ON ANY LOT IN THIS ADDITION HAVING A MAIN FLOOR AREA OF LESS THAN 1500 SQUARE FEET AND NO RESIDENCE WITH MORE THAN ONE STORY SHALL HAVE A MAIN FLOOR AREA OF LESS THAN 1000 SQUARE FEET EXCLUSIVE OF OPEN PORCHES AND GARAGES.

LAND USE: NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY BUILDING PLOT IN THIS ADDITION UNTIL THE BUILDING PLANS, SPECIFICATIONS AND PLOT PLAN SHOWING THE LOCATION OF SUCH BUILDING HAVE BEEN APPROVED AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES HEREIN AND AS TO THE BUILDING WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION, BY A COMMITTEE ("ARCHITECTURAL CONTROL COMMITTEE") COMPOSED OF THE UNDERSIGNED OWNERS OF THE WITHIN DESCRIBED REAL ESTATE, OR BY THEIR DULY AUTHORIZED REPRESENTATIVE. 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 LOCATION, OR TO DESIGNATE A REPRESENTATIVE WITH LIKE AUTHORITY. IF THE COMMITTEE FAILS TO ACT UPON ANY PLANS SUBMITTED TO IT FOR ITS APPROVAL WITHIN A PERIOD OF FIFTEEN (15) DAYS FROM THE SUBMISSION DATE OF THE SAME, THE OWNER MAY PROCEED THEN WITH THE BUILDING ACCORDING TO THE PLANS AS APPROVED. NEITHER THE COMMITTEE MEMBERS NOR THE DESIGNATED REPRESENTATIVES SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT.

NUISANCES: NO NOXIOUS OR OFFENSIVE TRADE SHALL BE CARRIED ON UPON ANY LOT IN THIS ADDITION NOR SHALL ANYTHING BE DONE THEREON WHICH SHALL BE OR BECOME A NUISANCE TO THE NEIGHBORHOOD.

ENFORCEMENT: IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THESE COVENANTS, RESTRICTIONS, PROVISIONS OR CONDITIONS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OWNING ANY REAL PROPERTY SITUATED IN THIS ADDITION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, AND EITHER TO PREVENT HIM OR HER OR THEM FROM DOING SO, OR TO RECOVER DAMAGE OR OTHER FEES FOR SUCH VIOLATION.

FENCES: NO FENCE SHALL BE ERECTED ON OR ALONG ANY LOT LINE, NOR ON ANY LOT, THE PURPOSE OF WHICH WILL BE TO OBSTRUCT REASONABLE VISION, LIGHT OR AIR, AND ALL FENCES SHALL BE KEPT IN GOOD REPAIR AND ERECTED REASONABLY SO AS TO ENCLOSE THE PROPERTY AND DECORATE THE SAME WITHOUT HINDERANCE OR OBSTRUCTION TO ANY OTHER PROPERTY. NO FENCE SHALL BE ERECTED BETWEEN THE FRONT PROPERTY LINES AND THE BUILDING SETBACK LINE OTHER THAN A FENCE OF A DECORATIVE NATURE NOT EXCEEDING THREE (3) FEET IN HEIGHT.

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STORM WATER DRAINAGE: IN THE EVENT STORM WATER DRAINAGE FROM ANY LOT OR LOTS FLOW ACROSS ANOTHER LOT, PROVISION SHALL BE MADE TO PERMIT SUCH DRAINAGE TO CONTINUE WITHOUT RESTRICTION OR REDUCTION ACROSS THE DOWNSTREAM LOT AND INTO THE NATURAL DRAINAGE CHANNEL OR COURSE. EVEN THOUGH NO SPECIFIC DRAINAGE EASEMENT FOR SUCH FLOW OF WATER IS PROVIDED ON THE WITHIN PLAT.

TERM: THE WITHIN COVENANTS, LIMITATIONS AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES CLAIMING UNDER THEM. THESE COVENANTS SHALL BE IN FULL FORCE AND EFFECT FOR TWENTY-FIVE (25) YEARS FROM RECORDING DATE. AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS BY 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 OF THE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

ENFORCEMENT: THE RIGHT TO ENFORCE THESE PROVISIONS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL, BY DUE PROCESS OF LAW, OF ANY STRUCTURE OR PART THEREOF ERRECTED, OR MAINTAINED IN VIOLATION HEREOF, IS HEREBY DEDICATED TO THE PUBLIC, AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN THIS SUBDIVISION AND TO THEIR HEIRS AND ASSIGNS.

ANIMALS: NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BRED 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 PURPOSES.

LIGHTS: LI SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS TO ERECT AND MAINTAIN A "DUSK TILL DAWN" TYPE LIGHT IN FRONT OF THEIR RESPECTIVE FRONT YARDS.

SPECIAL DRAINS: IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS WHO UTILIZE SUMP PUMPS AND/OR FREE FLOW GEO-THERMAL HEAT PUMPS TO DISCHARGE EXCESS WATER INTO THE EXISTING UNDERGROUND STORM SEWER SYSTEM. EXCESS WATER SHALL NOT BE DISCHARGED ABOVE GROUND.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREUNTO CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS 27th DAY OF JULY 1984.

QUADRANT DEVELOPMENT COMPANY, INC.
BY: *John T. Schultz*
JOHN T. SCHULTZ, PRESIDENT
BY: *C. William Wright*
C. WILLIAM WRIGHT, SECRETARY

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AT THE CLERK'S OFFICE

MAY 20 1984 53
REGISTRAR GENERAL CLERK, INDIANA
Shirley H. Decker

STATE OF INDIANA))
COUNTY OF MARION)) SS:

BEFORE ME A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED THE ABOVE AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED AND AFFIXED THEIR SIGNATURE THERETO.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS 27th DAY OF JULY 1984.
NOTARY PUBLIC *Theresa A. Sahn*
THERESA A. SAHM

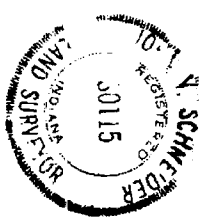
MY COMMISSION EXPIRES MAY 24, 1988 COUNTY OF RESIDENCE MARION
UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1974, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF CARMEL, AS FOLLOWS:

ADOPTED BY THE CARMEL CITY PLAN COMMISSION AT A MEETING HELD MARCH 20 1984
CARMEL CITY PLAN COMMISSION
James M. Wood PRESIDENT
Frederick M. Cant SECRETARY

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF CARMEL, INDIANA, AT A MEETING HELD ON THE 14th DAY OF AUGUST 1984.

John V. Schneider
John V. Schneider

I, JOHN V. SCHNEIDER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON MARCH 20, 1984, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN, AND THAT ALL REQUIREMENTS SPECIFIED IN THE SUBDIVISION ORDINANCE OF THE CITY OF CARMEL HAVE BEEN MET.



John V. Schneider
JOHN V. SCHNEIDER