

## FOSTER GROVE SECTION FIVE -- SECONDARY 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 5", 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. S. E. (DRAINAGE, UTILITY AND SEMER 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, SEWERS AND DRAINS, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES, AND TO THE EASEMENTS HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES SHALL BE ERRECTED OR MAINTAINED ON SAID STRIPS EXCEPT FOR BRICK WALLS, FENCES, DRIVEWAYS AND WALKWAYS. 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 EASEMENTS 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 ERRECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLF-FAMILY DWELLING.

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

**TEMPORARY STRUCTURES:** NO TRAILER, TENT, SHACK, 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 ERRECTED ON ANY LOT IN THIS ADDITION HAVING A MAIN FLOOR AREA OF LESS THAN 1900 SQUARE FEET AND NO RESIDENCE WITH MORE THAN ONE-STORY SHALL HAVE A MAIN FLOOR AREA OF LESS THAN 1300 SQUARE FEET EXCLUSIVE OF OPEN PORCHES AND GARAGES.

**LAND USE:** NO BUILDING SHALL BE ERRECTED, 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.

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

TEMPORARY STRUCTURES: NO TRAILER, TENT, SHACK, 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 ERRECTED ON ANY LOT IN THIS ADDITION HAVING A MAIN FLOOR AREA OF LESS THAN 1800 SQUARE FEET AND NO RESIDENCE WITH MORE THAN ONE-STORY SHALL HAVE A MAIN FLOOR AREA OF LESS THAN 1300 SQUARE FEET EXCLUSIVE OF OPEN PORCHES AND GARAGES.

LAND USE: NO BUILDING SHALL BE ERRECTED, 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.

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 DUES FOR SUCH VIOLATION.

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.

FENCES: NO FENCE SHALL BE ERRECTED 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 ERRECTED REASONABLY SO AS TO ENCLOSE THE PROPERTY AND DECORATE THE SAME WITHOUT HINDRANCE OR OBSTRUCTION TO ANY OTHER PROPERTY. NO FENCE SHALL BE ERRECTED 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.

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: IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS TO ERRECT AND MAINTAIN A 'DUSK TILL DAWN' TYPE LIGHT IN FRONT OF THEIR RESPECTIVE FRONT YARDS.

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P. L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY OR SUPPLEMENTARY THERETO, AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:

ADOPTED BY THE CARMEL CITY PLAN COMMISSION AT A MEETING HELD ..... September 24 ..... 1985.

CARMEL CITY PLAN COMMISSION

*[Signature]*  
PRESIDENT

*[Signature]*  
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 ..... DAY OF ..... 1985.

*[Signature]*  
CHAIRMAN

*[Signature]*  
MEMBER

RECEIVED FOR RECORD  
AT 1:42 O'CLOCK A.M.

JAN 17 1985

BOOK 12 PAGE 108

This Instrument Prepared by: JOHN T. SCHUTZ, PRESIDENT QUADRANT DEVELOPMENT, INC.

# FOSTER GROVE SECTION FIVE - SECONDARY PLAT

## DEED OF DEDICATION AND PROTECTIVE COVENANTS

**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 (ARTIFICIAL AND/OR NATURAL) 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.

**DRAINAGE:** 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 DEVELOPMENT PLAN (GRADING PLAN) AS APPROVED FOR THIS PLAT BY THE CARMEL DEPARTMENT OF COMMUNITY DEVELOPMENT AND THE REQUIREMENTS OF ALL BUILDING PERMITS ISSUED FOR ANY LOT OR PARCEL OF LAND WITHIN THIS PLAT.

**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, IN THE EVENT ANY LOT IS NOT ADJACENT TO A STORM SEWER, SUMP PUMPS OR OTHER SUBSURFACE DISCHARGE SHALL NOT EMIT CLOSER THAN 25 FEET FROM THE PROPERTY BOUNDARY. GEO-THERMAL HEAT PUMPS WHICH DO NOT DISCHARGE INTO A STORM SEWER SHALL BE CLOSE LOOPED WITHIN ITSELF.

**ENFORCEMENT:** THE RIGHT TO ENFORCE THE WITHIN PROVISIONS, RESTRICTIONS AND COVENANTS BY INJUNCTION WITH THE RIGHT TO CAUSE 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 AND ASSIGNS, AND 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.

**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 A PERIOD OF 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.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREBY CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS ..... 30th ..... DAY OF ..... AUGUST ..... 1985.

BY: *[Signature]*  
QUADRANT DEVELOPMENT COMPANY, INC.

JOHN T. SCHUTZ, PRESIDENT

BY: *[Signature]*  
C. WILLIAM WRIGHT, SECRETARY

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

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

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE HEREUNTO CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS 30th DAY OF AUGUST 1985.

QUADRANT DEVELOPMENT COMPANY, INC.

BY: JOHN T. SCHUTZ, PRESIDENT  
C. WILLIAM WRIGHT, SECRETARY

STATE OF INDIANA )  
COUNTY OF MARION ) SS:

BEFORE ME A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED THE ABOVE NAMED, 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 30th DAY OF AUGUST 1985.

NOTARY PUBLIC: THERESA A. SAHM

Notary Seal: Theresa A. Sahn, Notary Public, State of Indiana

MY COMMISSION EXPIRES May 27, 1988. COUNTY OF RESIDENCE: MARION

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P. L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY OR SUPPLEMENTARY THEREOF, AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:

ADOPTED BY THE CARMEL CITY PEAN COMMISSION AT A MEETING HELD September 24, 1985.  
CARMEL CITY PLAN COMMISSION  
PRESIDENT: Pauline McGee  
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 28th DAY OF 1985.  
CHAIRMAN: Bill Schaller  
MEMBER: Fred Smith

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 JULY 1, 1985, 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.

RECEIVED FOR RECORD AT 11 O'CLOCK A.M.

JAN 17 1985

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This Instrument Prepared by: JOHN T. SCHUTZ, PRESIDENT, QUADRANT DEVELOPMENT COMPANY, INC.

JOHN V. SCHNEIDER

