

Name Change to Foster Manor Miss BK 175/677

DEED OF DEDICATION AND PROTECTIVE COVENANTS

FOSTER GROVE SEC. TWO

We, the undersigned, Schutz and Thompson, Inc., by John T. Schutz and Kenneth E. Thompson, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

The Subdivision shall be known and designated as Foster Grove, Section 2, an addition in Hamilton County, Clay Township. All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

1. Front and side yard building set back lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.
2. There are strips of ground various feet in width as shown on this plat and marked "Easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.
3. All lots in this subdivision shall be known and designated as residential lots. No structure shall be erected, altered, placed or permitted to remain on any lot herein other than one single family dwelling.
4. No hotel, boarding house, mercantile building, factory building or buildings of any kind of commercial use shall be erected or maintained on any lot in this subdivision.
5. No trailer, shack or out houses of a permanent nature shall be erected or situated on any lot except during the period of construction of a proper structure and for the use by the builder for his materials and tools.
6. Building lines as shown on the plat in feet back from the street property line are hereby established between which line and the street property line there shall be erected or maintained no building structure of any kind or part thereof.
7. No residence shall be erected or maintained on any lot or lots in this subdivision having a ground floor area exclusive of open porches and garages of less than 1500 square feet in case of a one story structure or 1000 square feet in case of a higher structure.
8. No building shall be erected, placed or altered on any building plat in this subdivision 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 the topography and finished ground elevation by all members of Building and Development Commission of Schutz and Thompson, Inc.
9. No noxious trade or activity shall be carried on upon any lot in this subdivision, nor shall anything be done herein which may become an annoyance or a nuisance to the neighborhood at large.
10. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants, restrictions, provisions of conditions herein, it shall be lawful for any person owning real estate in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and to prevent him or them from doing so or to recover damage or other dues for such violation.
11. No fences shall be erected in this subdivision between the front building lines and the property lines of the streets as shown on the within plat except with the approval of the Schutz and Thompson, Inc. which fences shall not exceed 36 inches in height and shall be of a decorative nature.
12. 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 said plat.
13. The foregoing covenants, or restrictions, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2005, at which time said covenants, or restrictions, shall be automatically extended for successive period of 10 years unless changed by vote of a majority of the then owners of the buildings covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restriction, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.
14. 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 erected, 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.
15. Driveways from Lots 79.85.86 & 91 exit onto cul-de-sacs. Driveways from Lots 75.76.77 & 78 exit onto East 136th Street, and must have a turn-around.
16. Driveways from Lot 74 must exit onto Gray Road, and must have a turn-around and intersect road at high point of the lot.

RECEIVED FOR RECORD

THESE OWNERS OF THE BUILDINGS COVERED BY THESE COVENANTS, RESTRICTIONS, OR CONDITIONS, IN WHOLE OR IN PART, UNWITTINGLY OR BY NEGLIGENCE, HAVE AGREED TO WAIVE AND RELEASE TO THE SURVEYOR AND HIS SUCCESSORS, IN WHOLE OR IN PART, ALL RIGHTS OF REDEMPTION OR RESCUE IN FULL FORCE AND EFFECT.

- 14. 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 erected, 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.
- 15. Driveways from Lots 79, 85, 86 & 91 exit onto cul-de-sacs. Driveways from Lots 75, 76, 77 & 78 exit onto East 136th Street, and must have a turn-around.
- 16. Driveways from Lot 74 must exit onto Gray Road, and must have a turn-around and intersect road at high point of the lot.

Witness our Hands and Seals this 19 day of JUNE 1981.

Kenneth E. Thompson
KENNETH E. THOMPSON, PRESIDENT

John T. Schutz
JOHN T. SCHUTZ, SECRETARY

RECEIVED FOR RECORD
AT 12:00 CLOCK P.M.
OCT 1 1981
BOOK 2 PAGE 116
May & Clark
REGISTERED LAND SURVEYOR - INDIANA

STATE OF INDIANA)
COUNTY OF HAMILTON)

Before me the undersigned Notary Public, in and for the County and State, personally appeared Kenneth E. Thompson and John T. Schutz, for each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this 19 day of JUNE 1981.

Thomas A. Schum

May 24 1984
MY COMMISSION EXPIRES

NOTARY PUBLIC

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 following:
Adopted by the Carmel City Plan Commission at a meeting held April 28, 1981.

Virginia L. Kern
PRESIDENT

CARMEL CITY PLAN COMMISSION

Donald M. Mart
SECRETARY

Under authority provided by Chapter 47, Acts of 1951, enacted by the General Assembly of the State of Indiana, and all acts amendatory thereto, this plat was given approval by the Board of County Commissioners of Hamilton County, Indiana, at a meeting held JUNE 22, 1981.

John V. Schneider

BOARD OF COMMISSIONERS OF HAMILTON COUNTY, INDIANA

George J. Brown

Barbara A. Jennings
Hamilton County Auditor

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 the 28th day of April, 1981; that all the monuments shown thereon actually exist and that the location, size, type and materials 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, Reg. Land Surveyor-#50115

DULY ENTERED FOR TAXATION
19 day October 19 81
Barbara A. Jennings
Hamilton County Auditor
COUNTY OF HAMILTON, INDIANA
RECORDED
NOV 15 1981
LAND SURVEYOR
#50115