

FRANKLIN HEIGHTS - SECTION FOUR  
INSTRUMENT #70-33362  
RECORDED AUGUST 4, 1970  
RESTRICTIONS

The streets shown and not heretofore dedicated are hereby dedicated to the public.

There are strips of ground shown on the within plat designated as "Utility and Drainage Easements" which are hereby reserved for the use of the public utility companies for the installation and maintenance of mains, ducts, poles, lines, sewers, drains and wires, subject at all times to the authority of the City of Indianapolis and to the easements herein reserved. No permanent or other structures shall be erected or maintained on said strips. The owners of lots in this addition, however, shall take their title subject to the rights of the public utilities and to those of the owners of lots in the addition to said easements herein granted for ingress and egress in, along, across and through the strips of ground reserved.

**C-1-LAND USE AND BUILDING TYPE:**

No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

**C-3-DWELLING COST, QUALITY AND SIZE:**

No dwelling shall be permitted on any lot at a cost of less than \$7,500 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 720 square feet for a one-story dwelling, nor less than 670 square feet for a dwelling of more than one story.

**C-4-BUILDING LOCATION:**

No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 25 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 25 feet or more from the minimum building setback line. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

**C-5-LOT AREA AND WIDTH:**

No dwelling shall be erected or placed on any lot having a width of less than 45 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 5,000 square feet.

**C-6-EASEMENTS:**

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot or wider where indicated on recorded plat.

**C-7-NUISANCES:**

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

**C-8-TEMPORARY STRUCTURES:**

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

C-9-SIG.

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

C-11-LIVESTOCK AND POULTRY:

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 purpose.

C-12-GARBAGE OR REFUSE DISPOSAL:

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

C-15-PROTECTIVE SCREENING:

Protective screening areas are established as shown on the recorded plat except as otherwise provided herein regarding street intersections under "Sight Distance at Intersections", planting, fences, or walls shall be maintained throughout the entire length of such areas by the owner or owners of the lots at their own expense to form an effective screen for the protection of the lots of the residential area. No building or structures except a screen fence or wall or utilities or drainage facilities shall be placed or permitted to remain in such areas. No vehicular access over the areas shall be permitted except for the purpose of installation and maintenance of screening, utilities, and drainage facilities.

C-16-SIGHT DISTANCE AT INTERSECTIONS:

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 3 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

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No screen planting over 48" high, nor any fence shall be permitted between the street right-of-way and the building setback line except as stated above. This restriction does not cover screen planting which is planted for privacy along Franklin Road lots.

H-1-ENFORCEMENT:

The right of enforcement of these covenants is hereby granted the Metropolitan Plan Commission of Marion County, Indiana, its successors or assigns.

The foregoing covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1995, at which time said covenants and restrictions shall be automatically extended for successive periods of 10 years, unless changed by a vote of the majority of the then owners of building sites covered by these covenants and restrictions, which shall remain in full force and effect. The right to enforce these provisions by injunction together with the right to cause removal by due process of law of any structure or any 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, except as provided in Covenant 11-1 above. Invalidity 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.