

HILL VALLEY ESTATES

SECTION 28, 28th PART TWO

I, the undersigned, hereby certify the writing of which is to be true and correct, representing a description of part of the Southwest Quarter of Section 28, Township Number 19 North, Range 5 East, Marion County, Indiana, described as follows:

Commencing at the southeastern corner of the above Southwest quarter of said Section 28; thence South $06^{\circ} 26' 45''$ West along the southern line of the property in the Northwest Quarter of said Section 28, 12.57 feet; thence North $09^{\circ} 56' 30''$ East, 573.79 feet; thence South $28^{\circ} 51' 31''$ West, 107.46 feet to the point of beginning of this description; thence South $57^{\circ} 01' 11''$ West, 104.10 feet; thence South $08^{\circ} 26' 45''$ West, 110.00 feet; thence North $46^{\circ} 48' 30''$ West, 120.77 feet; thence Northwest South $01^{\circ} 31' 30''$ West, 40.10 feet; thence North $13^{\circ} 15' 15''$ feet; thence westerly on a curve to the right radius having a radius of 100.00 feet, an arc distance of 51.70 feet; thence South $06^{\circ} 27' 00''$ West, 17.10 feet; thence North $09^{\circ} 22' 10''$ West, 135.00 feet; thence North $38^{\circ} 48' 30''$ West, 161.16 feet; thence North $06^{\circ} 27' 00''$ West, 77.95 feet to the southern line of Hill Valley Estates, 27th Section; thence North $06^{\circ} 27' 00''$ East, 151.00 feet along the southern line of Hill Valley Estates, 27th Section, 752.64 feet; thence South $06^{\circ} 27' 00''$ East, 360.00 feet to the point of beginning, containing 5.45 acres, more or less.

The above bearings are based on a survey by Mr. Walter Head of Robert Scherschel Company and on record description.

Subject to all legal highways and/or rights of way of all.

This subdivision consists of 18 lots, all being subdivided to 100' with streets as shown herein. The size of the lots and widths of the streets are shown in the plat in square feet and decimal parts thereof.

WITNESS my signature this 10th day of March, 1970.

John E. Fisher, R.E., Land Surveyor No. 80025
100 Paramee Drive, Lafayette, Indiana 47905
Telephone 617-447-9195

RESTRICTIONS:

- A. The streets, if not heretofore dedicated, are hereby heretofore dedicated to public use.
- B. There are strips of ground marked utility easements shown on this plat which are hereby reserved for public utilities, not including transportation companies, for the installation and maintenance of poles, mains, sewers, drains, ducts, lines and wires, etc. Purchasers of lots in this subdivision shall take title subject to the easements hereby created and shallвест at all times to the rights of proper authorities to service the utilities and the easements hereby created, reserved, and no permanent structure of any kind and no fence thereon, except fences and driveways, shall be built, erected or maintained in said "Hill Valley Estates".
- C. The lots in this subdivision are to be used and occupied in the condition by present and future owners or occupants shall be subject to the following existing conditions and restrictions, which shall run with the land.
- D. Front building lines are hereby established as set out on the plat, between which lines and the property lines of the several streets shall be kept clear and maintained no permanent or other structures, or parts thereof, except fences or driveways.
- E. All lots in this subdivision shall be used as residential lots. Only one single family dwelling not exceeding two and one-half (2 1/2) stories, with thirty-five (35) feet in height with the usual accessory buildings shall be erected or maintained on any lot in this subdivision.
- F. No residence shall be erected or maintained on any lot in this subdivision having a ground floor area of less than 1500 square feet if one story and 1500 square feet less than 1500 square feet for all floors, with a minimum 50% masonry extension.
- G. No trailer, tent, shack, garage, garage factor or temporary structure of any kind shall be used for temporary or permanent residential purposes on any lot. No offensive or offensive trades shall be carried on upon any lot or lots in this subdivision, nor shall anything be done thereon which shall be or become a nuisance to the neighborhood.
- H. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street shall be placed on any corner lot within the triangular area formed by the street property lines and a line connecting points 25 feet from the intersection of said street lines, or in the case of a rounded corner property corner, from the intersection of said street lines of a street line with the edge of a driveway or frontage of about 10 feet. No tree shall be permitted to remain within such distance of such intersections unless the following line is maintained at sufficient height to prevent obstruction of such sight lines.
- I. No building shall be erected, placed or otherwise set on any building plat in this subdivision until the building plans, specifications and other data showing the location of such building have been approved in writing as to the conformity and suitability of the same to conform with existing structures in this subdivision, and as to location of the building with respect to the topography and finished ground elevation by John E. Smith, or by a representative or representative committee designated by him. If said committee shall fail to act upon any plans submitted for its approval within 30 days, then the owner may proceed with the building plans submitted, provided such plans are not contrary to these covenants. Neither the members of such committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.
- J. The right to enforce such and all other covenants, limitations, conditions and restrictions set forth herein, together with the rights to enjoin the use of any building erected or altered in violation thereof by injunction or other legal process to impose hereby reserved to each and every owner of the several lots in this subdivision, their grantees and assigns, the shall be entitled to such injunctive relief without being required to show any damages, together with reasonable attorney's fee. The Metropolitan Plan Commission of Marion County shall also have the enforcement of all the foregoing covenants.
- K. These restrictions constitute a permanent burden running with the land and shall be in effect for a period of 50 years from date, provided that at the expiration of such term these restrictions shall be automatically renewed thereafter for periods of 50 years each, unless sooner terminated by the expiration of each 50 year period, the owner or owners of a majority of the lots in this subdivision shall execute and acknowledge a declaration in writing which provides that the restrictions contained in this subdivision shall be run over the land and property of Marion County, Indiana, in full force and effect. Any provision which would run outside shall be void.
- L. In addition to the above restrictions, if any injunction or court order shall be in full effect any of the other provisions which shall remain in full force and effect.

this description: thence South 45° 30' West, 110.0 feet; thence South 45° 30' West, 110.0 feet; thence North 45° 30' West, 106.5 feet; thence North 45° 30' West, 112.15 feet; thence westerly or easterly along the street right bearing + radius 112.15 feet, an arc distance of 112.15 feet; thence South 45° 30' West, 117.0 feet; thence North 45° 30' West, 117.0 feet to the southern line of Hill Valley Estates, 20th Section; thence North 45° 30' West along the northern line of Hill Valley Estates, 20th Section, 105.64 feet; thence South 45° 30' West to the point of beginning, containing 5.45 acres, more or less.

The above bearings are based on a survey by Mr. Wm. J. Mead of Robert Behrnsel Company and on record description.

Subject to all legal highways and/or rights of ways.

This subdivision consists of 15 lots numbered 11 to 25 with streets as shown herein. The size of the lots and widths of the streets are shown in the figures denoting feet and decimal parts thereof.

WITNESS my signature this 10th day of March, 1972.

John E. Fisher, Reg. Land Surveyor No. 50125
100 Barefoot Drive, Lafayette, Indiana 47906
Telephone 477-447-0912

This instrument prepared by
John E. Fisher

RESTRICTIONS:

A. The streets, if not hereinafter dedicated, when, are hereby dedicated to public use.

B. There are strips of ground marked off for utility easements shown on this plat which are hereby reserved for public utilities, not including transportation companies, for the installation and maintenance of poles, mains, sewers, drains, ducts, lines and wires, etc. Purchasers of lots in this subdivision shall take title subject to the easements hereby created and shall be subject at all times to the rights of proper authorities to service the utilities and the easements hereby created, and no permanent structure of any kind and no part thereof, except fences and driveways, shall be built, erected or maintained on said "Utility Easement".

C. The lots in this subdivision and the uses of the lots in this subdivision by present and future owners or occupants shall be subject to the following covenants and restrictions, which shall run with the land.

D. Front building lines are hereby established and are shown on the plat, between which lines and the property lines of the several streets shall be six feet set back and maintained no permanent or other structures, or parts thereof, except fences or driveways.

E. All lots in this subdivision shall be used and treated as residential lots. Only one single family dwelling not exceeding two and one-half (2 1/2) stories or thirty-five (35) feet in height with the usual accessory buildings shall be erected or maintained on any lot in this subdivision.

F. No residence shall be erected or maintained in any lot in this addition having a ground floor area of less than 1500 square feet if one story or 1200 square feet less than 1500 square feet for 2 1/2 floors, with a minimum 50% masonry exterior.

No trailer, tent, shack, basement, garage or temporary structure of any kind shall be used for temporary or permanent residential purposes on any lot in this subdivision. No noxious or offensive trades shall be carried on upon any lot or lots in this subdivision, nor shall anything be done thereon which shall be or become a nuisance to the neighborhood.

H. No fence, wall, hedge or shrub obscures or obscures sight lines at least 10 feet between 2 and 3 feet where the street shall be placed on corner lots and to remain on any corner lot within the triangular area formed by the street property lines and the property lines of the corner, from the intersection of said street lines, or in the case of a curved corner, directly corner, from the intersection of said street lines extended. The same sight line limitations shall apply to all lots within 10 feet from the intersection of a street line with the edge of a driveway, curb, sidewalk or alley line. No tree shall be permitted to remain within such distance of such intersections or curbs unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

I. No building shall be erected, altered or maintained on any building plot in this subdivision until the building plans, specifications and plot plan, showing the location of such building have been approved in writing as to the conformity and harmony of actual external design with existing structures in this subdivision, and as to location of the building with respect to, to the topography and finished ground elevation by John E. Smith, or by a representative or representative plans designated by him. If said committee shall fail to act upon any plans submitted for its approval within 30 days, then the owner may proceed with the building plans submitted, provided such plans are not contrary to these covenants. Neither the members of such committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

J. The right to enforce each and all of the above limitations, conditions and restrictions set forth herein, together with the rights to cause the removal of any building erected or altered in violation thereof by injunction or other legal process in lawfully reserved to each and every owner of the several lots in this subdivision, their grantees and assigns, who shall be entitled to such injunctive relief without being required to show any damages, may be had with reasonable attorney's fee. The Metropolitan Plan Commissioner of Marion County, shall also have the right of enforcement of all the foregoing covenants.

K. These restrictions constitute covenants running with the land and shall be in effect for a period of 25 years from date, provided that at the expiration of each term these restrictions shall be automatically renewed thereafter for periods of 25 years each, unless discontinued one year prior to the expiration of each 25 year period, the owner or owners of a majority of the lots in this subdivision shall execute and acknowledge a declaration in writing waiving renewals and such written declaration shall be recorded in land records of Marion County, Indiana, in which event the provisions above set forth for renewals shall be null and void.

L. Invalidation of any one of these covenants by my judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

NOTES:

1. The original boundary survey was performed by Robert Behrnsel Company.

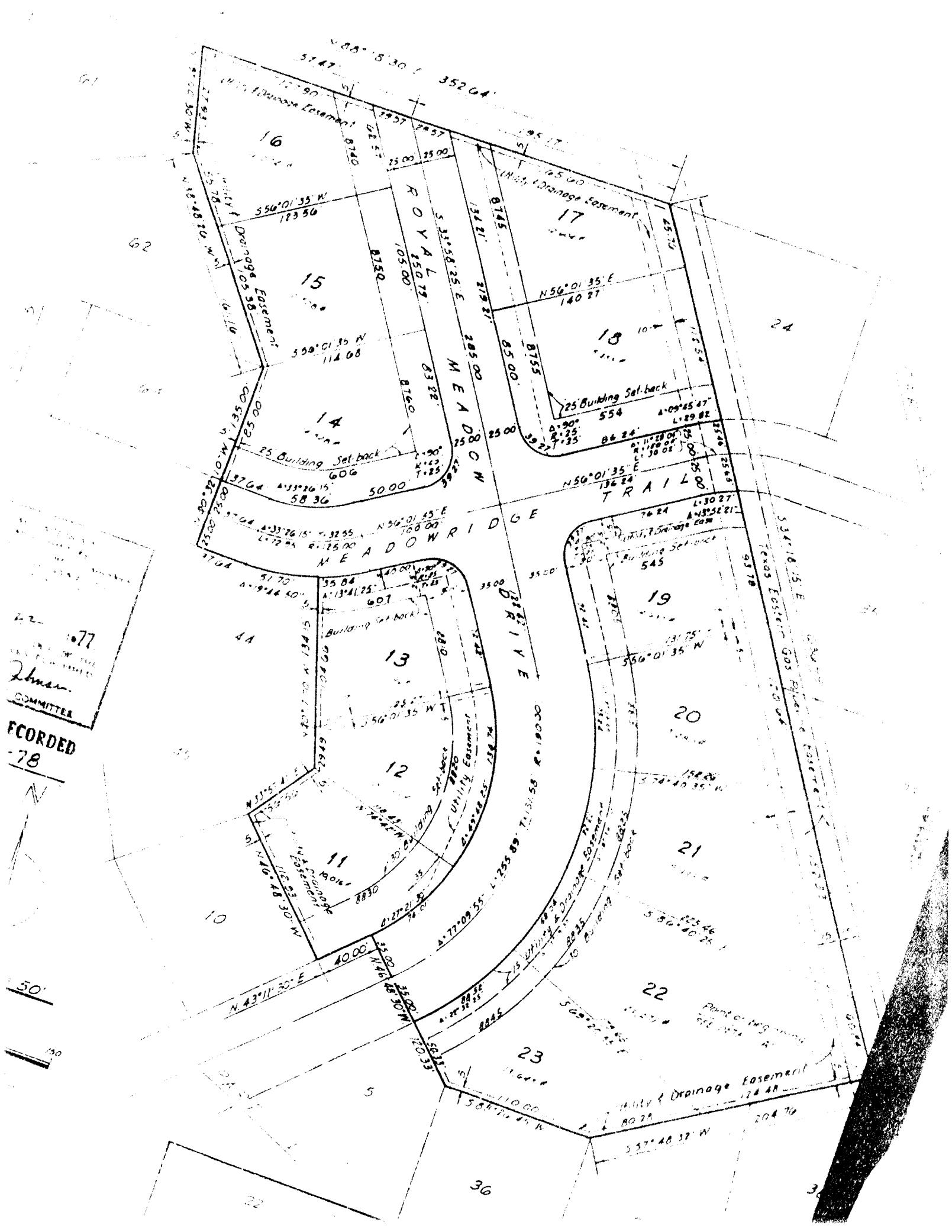
2. House numbers as assigned appear closer to the center of the building lines.

RHOF, Carson City, Inc., by John E. Smith, President and James C. McElroy, Vice President, Secretary have herein caused its and their names to be signed in and for said County and State, this 15th day of July 1972.

CARSON CITY, INDIANA

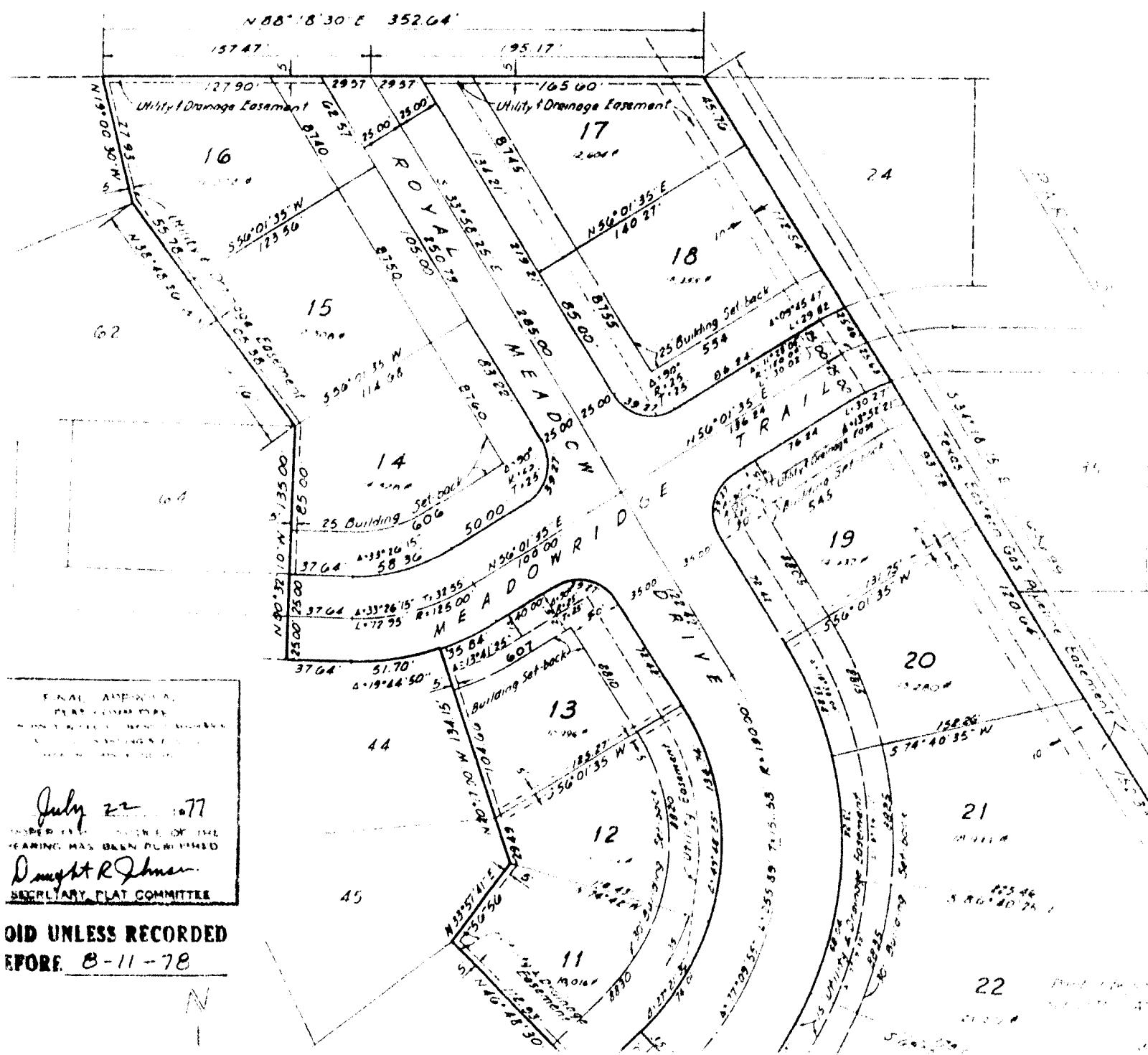
John E. Smith, President

James C. McElroy, Vice President



HILL VALLEY ESTATES

SECTION 28, PART TWO



FINAL APPROVAL
PLAT COMMITTEE
A COMMITTEE OF THE
HILL VALLEY ESTATES
HOME OWNERS ASSOCIATION
APPROVED AND FILED
THIS PLAT

July 22, 1977
SPECIAL NOTICE: THIS PLAT
RECORDING HAS BEEN PURSUED
Dorothy R. Johnson
SECRETARY, PLAT COMMITTEE

OID UNLESS RECORDED
BEFORE 8-11-78

N

22