

OLD MILL PARK

SECTION THREE
SHEET No. 2 of 2 SHEETS

7216

OLD MILL PARK - SECTION 3 SUBDIVISION Covenants, Conditions and Restrictions

- NAME.** This Subdivision shall be known and designated as Old Mill Park - Section 3, a Subdivision located in Indianapolis, Marion County, Indiana.
- STREET DEDICATION.** The streets shown and not heretofore dedicated are hereby dedicated to the public.
- LAND USE.** All lots within this Subdivision shall be used exclusively for residential purposes.
- RESTRICTION OF LOTS.** No lots in this Subdivision shall be subdivided so that more than one (1) single family dwelling be erected, placed or permitted to remain on any lot within this Subdivision.
- TYPE, SIZE AND NATURE OF IMPROVEMENTS PERMITTED.** Every lot within this Subdivision shall be improved in accordance with the following minimum standards:
 - No structure or building shall be erected, altered, placed or permitted to remain on any lot other than one (1) single family dwelling not to exceed two stories in height, one (1) private attached or detached garage for not more than three (3) cars, and such other out buildings as are usual and incidental to the use of such lot for single family residential purposes.
 - No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out building shall be erected, placed or altered on any lot within this Subdivision for use as a residence, either temporarily or permanently, or at any time be used for such purpose.
 - All materials used on the exterior of any single family residence, garage or out building constructed on any lot within this Subdivision shall be demonstrated to last at least fifty (50) years.
 - No fence, wall, hedge or shrub planting which obstructs side lines and elevations between two (2) and six (6) feet above any street shall be placed or permitted to remain on any lot within the triangular area formed by the street and right of way lines and a line connecting points twenty-five (25) feet from the intersection of such lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same side line limitations shall apply to any lot within ten (10) feet from the intersection of a street situated with the edge of a driveway, passway or alley line.
 - Every single family dwelling, garage, out building or other structure permitted to be erected, placed or altered on any lot within this Subdivision by these Subdivision Restrictions shall be located so as to satisfy the setback lines and minimum yard requirements of the District 3 Zoning Ordinance, Indiana, 66-403, as amended, except that in the case where a dwelling, garage, out building or other structure is erected, placed or altered on two or more adjoining lots, this restriction shall only apply to the lot lines of the exterior boundaries of the multiple lots.
- Every single family dwelling erected, placed or altered on any lot within this Subdivision shall have a minimum finished floor area, exclusive of open porches, attached garages or car ports, of 1,200 square feet. In the case of a one story structure at least 660 square feet of the required minimum floor area shall be the first floor.
- No individual sewage disposal system shall be installed for use on any lot to provide for the disposal of sewage on any lot within this Subdivision.
- No individual water supply system shall be installed for use on any lot to supply water to a single family residence constructed on any lot within this Subdivision. Individual water supply systems installed for ancillary or auxiliary purposes shall be permitted by these Subdivision Restrictions if otherwise permitted by law and in compliance with all applicable laws, ordinances, rules and regulations governing the construction or use thereof.
- Any tank for the storage of fuel erected, placed or altered on any lot within this Subdivision outside of any structure or building permitted by these Subdivision Restrictions shall be concealed or otherwise located below the surface of the ground.
- STORAGE AND DISPOSAL OF TRASH, RUBBISH OR GARBAGE.** No refuse pile or other unsightly or objectionable materials or things shall be allowed or maintained on any lot within this Subdivision. Rubbish, trash, garbage or the like shall be kept only in sanitary containers and all incinerators or other equipment for the storage or disposal thereof shall be kept in a clean and sanitary condition. Open burning of trash, rubbish or other debris (other than fallen leaves) shall not be permitted on any lot within this Subdivision.
- ANIMALS.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot within this Subdivision, except dogs, cats or other animals generally and customarily recognized as household pets, provided that they are not kept, bred or maintained for any commercial purpose.
- NUISANCE.** No noxious or offensive activity shall be carried on or permitted to occur on any lot within this Subdivision, nor shall anything be done thereon which may become a nuisance or annoyance to the owners of other lots. Any structure or building permitted to be constructed on any lot which may be destroyed or in part destroyed by fire, windstorm or for any other reason, shall be rebuilt and restored to its previous condition within a reasonable length of time and all debris accumulated in connection therewith shall be removed within a reasonable time after any such occurrence.
- FOR SALE OR ADVERTISING SIGNS.** No sign of any kind shall be displayed to the public view on any lot within this Subdivision except one professional sign of not more than one (1) square foot, one (1) sign of not more than five (5) square feet advertising any such lot or the improvements thereon for sale or rent, or signs used by a builder or developer to advertise a lot or any improvements constructed thereon during construction or the sales period.
- UTILITIES.** Easements for the installation and maintenance of public utilities, sewers or drainage facilities as shown on the recorded plat of this Subdivision and designated as "Public Utilities, Sewers and Drainage" are hereby granted to public utility companies and the City of Indianapolis for the installation, construction, operation and maintenance of lines, wires, sewers, mains, drains and any other public easements" on the recorded plat of this Subdivision are easements hereby granted for Subdivision. No change shall be made in the finished grade elevations of any lot thereon or otherwise, whether in connection with the construction of improvements drainage pipes, ditches or drains located within any such drainage easement without the approval of all Federal, state, county or municipal authorities from whom approval is required by law or in any way which would prohibit, impede, restrict or alter the normal flow of surface water drainage. No permanent structure or building permitted on any lot within this Subdivision shall be erected or maintained within any designated easement area.

- STORAGE, REPAIR OR REPAIR OF MOTOR VEHICLES.** The repair or storage of dispositive motor vehicles or trailers, alteration of such vehicles shall not be conducted on any lot within this Subdivision unless in compliance with the restrictions set forth in these Subdivision Restrictions.
- RIGHT OF EGRESS.** In the event of the violation, or threatened violation, of any of the Subdivision Restrictions herein contained, the person in violation, or if no person is named, the person in ownership from time to time of the lot in violation, shall be liable to the City of Indianapolis for the right, beneficially enjoyed or severally, to enforce these Subdivision Restrictions and to cause any and all violations in law or equity, including the right to remove any and all structures, actual damages, including the right to remove any and all structures, and to cause the removal of any building, structure, equipment or facility not in compliance with these Subdivision Restrictions and shall be entitled to recover reasonable attorneys' fees and other legal and witness expenses as a result thereof.
- GENERAL.** These Subdivision Restrictions may be amended or changed upon the express written approval of at least a majority of the lots in this Subdivision, which amendments or changes shall become effective upon recording of the amendments or changes in the Office of the Recorder of Marion County, Indiana. These Subdivision Restrictions shall run with the land and shall be binding on all parties claiming under them for a period of twenty-five (25) years from the date of recording, and shall be automatically renewed for successive periods of ten (10) years each unless prior to the expiration of any such ten (10) year period they are amended or changed in all or in part as provided above. Revocation of any portion of these Subdivision Restrictions by judgment or decree shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

FINAL APPROVAL
PLAT COMMISSIONER
INDIANAPOLIS DEVELOPMENT CORPORATION
OFFICE OF PLANNING & ZONING
MARION COUNTY, INDIANA

MAY 27 1978
PROPERLY FILED WITH THE
PLAT COMMISSIONER
DORIS R. JOHNSON
PLAT COMMISSIONER

VOID UNLESS RECORDED
BEFORE OCT 13 1978

IN WITNESS WHEREOF, I, E. F. Reilly, Sr., by all of its partners, has caused these Subdivision Restrictions to be executed this 14th day of April, 1978.

E. F. Reilly, Sr.
E. F. Reilly, Sr., General Partner

Franklin L. Johnson
Franklin L. Johnson, General Partner

Randy L. Justice, Jr.
Randy L. Justice, Jr., General Partner

STATE OF INDIANA)
COUNTY OF MARION) SS:

Before me, a Notary Public in and for said County and State, personally appeared Frank Johnson, Franklin L. Johnson and Randy L. Justice, Jr., General Partners of E. F. Reilly Co., who, after having first been duly sworn, acknowledged the execution of the foregoing Subdivision Restrictions for and on behalf of said Partnership for the uses and purposes therein expressed.

WITNESS my hand and Notarial Seal this 14th day of April, 1978.

My commission expires:
11-21-78

My Notarial Seal
Notary Public

RECORDED IN MARION COUNTY INDIANA ON
MAY 2 1978