

Shadow Wood

RESTRICTIVE

JOHN E SMITH ENTERPRISES, INC., AN INDIANA CORPORATION, BEING THE OWNER OF ALL REAL ESTATE IN INDIANA, DOES HEREBY DEDICATE FOREVER, FOR PUBLIC USE ALL THE STREETS AND WAYS SHOWN THEREON INDICATED.

SAID OWNER DOES HEREBY ESTABLISH THE FOLLOWING CONDITIONS, COVENANTS AND RESTRICTIONS

- A. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL LOT EXCEPT A PRIVATE ATTACHED GARAGE FOR NOT LESS THAN ONE CAR NOR MORE THAN THREE CARS. NO OTHER STRUCTURE SHALL BE PERMITTED ON ANY LOT.
- B. NO BUILDING SHALL BE LOCATED NEARER TO THE FRONT LOT LINE, NOR NEARER TO A SIDE STREET LOT LINE THAN ANY BUILDING ON ANY BUILDING LOT NEARER THAN TWENTY-FIVE (25) FEET FROM ANY SIDE STREET VEHICULAR TURNAROUND, NOR SHALL ANY BUILDING BE LOCATED NEARER THAN FIVE (5) FEET FROM ANY SIDE STREET.
- C. NO FENCE, WALL, HEDGE, OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATION OF ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET RIGHT-OF-WAY LINES, OR IN CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET PROPERTY LINES. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN TEN (10) FEET FROM ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET RIGHT-OF-WAY LINES, OR IN CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET PROPERTY LINES. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTION UNLESS IT IS A TREE OF A SPECIES WHICH IS COMMON TO THE AREA. NO FENCE OR SHRUB PLANTING (TREES EXCEPTED) OF OVER 36" IN HEIGHT SHALL BE PERMITTED ON ANY LOT.
- D. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE PERMITTED UPON ANY LOT, NOR SHALL ANY NOISY OR OFFENSIVE BUSINESS OR INDUSTRY BE PERMITTED ON ANY LOT.
- E. NO TRAILER, TENT, SHACK, OR OTHER OUTBUILDING ERECTED ON ANY LOT IN THE ADDITION TO A RESIDENCE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE. NO BOAT, OR TRAVEL TRAILER, OR MOTOR HOME SHALL BE PERMITTED ON ANY LOT.
- F. ALL LOTS IN THIS SUBDIVISION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. ONLY ONE SINGLE STORY RESIDENCE WITH THE USUAL ACCESSORY BUILDINGS SHALL BE ERECTED OR MAINTAINED ON ANY LOT.
- G. NO RESIDENCE SHALL BE ERECTED ON A LOT WITHIN THE SUBJECT REAL ESTATE SHOULD SAME BE A SINGLE STORY STRUCTURE, OR IF A MULTI-STORY STRUCTURE THEN A MINIMUM OF 1200 SQUARE FEET OF GROSS FLOOR AREA.
- H. ALL DRIVEWAYS BUILT ON ANY LOT IN THIS ADDITION SHALL BE PAVED. FOUR (4) FOOT CONCRETED DRIVEWAYS CONCURRENT WITH THE INSTALLATION OF DRIVEWAY(S). PROVIDED, HOWEVER, IN ANY EVENT, SUCH DRIVEWAYS SHALL BE PAVED.
- I. NO BUILDING, WALL, FENCE, OR OTHER STRUCTURE SHALL BE ERECTED OR PLACED ON ANY LOT WITHOUT THE APPROVAL OF THE CITY OF INDIANAPOLIS. THE PLOT PLAN SHOWING THE LOCATION OF THE SAME, HAVE BEEN APPROVED BY THE CITY OF INDIANAPOLIS. IN SAID ADDITION, AND AS TO LOCATION OF SUCH STRUCTURE OR STRUCTURES WITH RESPECT TO THE STREET, THE CITY OF INDIANAPOLIS COMMITTEE MAY BE ABOLISHED AT ANY TIME AT THE OWNER'S DISCRETION. PROVIDED A WRITTEN APPROVAL OF THE CITY OF INDIANAPOLIS.
- J. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT OR PARCEL OF LAND WITHIN THE ADDITION TO MAINTAIN THE SAME FOR THIS PLAT BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF INDIANAPOLIS AND THE CITY OF INDIANAPOLIS.

THE FOREGOING COVENANTS, RESTRICTIONS AND CONDITIONS SHALL RUN WITH THE LAND AND SHALL BE ENFORCEABLE AGAINST SAID ADDITION, AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2011, AT WHICH TIME THE MAJORITY OF THE THEN OWNERS OF THE LOTS OF THE ADDITION, IT IS HEREBY AGREED TO WAIVE.

IF ANY PARTIES OWNING OR CLAIMING AN INTEREST IN ANY LOT, OR PART OF ANY LOT, SHALL VIOLATE ANY OF THESE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON, PERSONS, FIRM, FIRMS, COMPANY, COMPANIES, OR PERSONS, VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO BRING AN ACTION TO ENFORCE THE SAME.

THE INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT, OR DECREE OF A COURT OF RECORD SHALL NOT AFFECT THE VALIDITY OF ANY OTHER COVENANT HEREIN.

THE METROPOLITAN DEVELOPMENT COMMISSION, ITS SUCCESSORS AND ASSISTANTS SHALL ENFORCE THESE COVENANTS AND RESTRICTIONS ON THIS PLAT OTHER THAN THOSE COVENANTS, RESTRICTIONS AND CONDITIONS WHICH ARE SPECIFICALLY EXCEPTED THEREFROM.

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DEED COVENANTS FOR SHADOW WOOD SOUTHSECTION TWO

REAL ESTATE PLATTED AS SHADOW WOOD SOUTH, SECTION TWO, AN ADDITION TO THE CITY OF INDIANAPOLIS, IS SHOWN ON SAID PLAT, AND THE EASEMENTS SHOWN ON THE RECORDED PLAT ARE HEREBY RESERVED FOR THE PURPOSES TO GOVERN THE USE AND OCCUPANCY OF THE LOTS IN SAID ADDITION:

PROVISIONS TO GOVERN THE USE AND OCCUPANCY OF THE LOTS IN SAID ADDITION:

RESIDENTIAL BUILDING PLOT OTHER THAN A DWELLING NOT TO EXCEED 2 & 1/2 STORIES IN HEIGHT AND MUST INCLUDE NO DUPLEXES SHALL BE BUILT ON ANY LOTS.

NO BUILDING SHALL BE PLACED ON ANY LOT CLOSER TO THE BUILDING SETBACK LINES SHOWN ON THE RECORDED PLAT THAN THE DEDICATED RIGHT-OF-WAY OF THE STREETS OR TWENTY (20) FEET FROM THE DEDICATED CUL-DE-SAC OR TWENTY (20) FEET TO ANY SIDE LOT LINE WITH MINIMUM AGGREGATE SIDEYARDS OF THIRTEEN (13) FEET.

ALL UTILITIES SHALL BE PLACED BETWEEN TWO (2) AND SIX (6) FEET ABOVE THE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON THE LOTS AND A LINE CONNECTING THEM AT POINTS TWENTY-FIVE (25) FEET FROM THE INTERSECTION OF THE STREET AND PROPERTY LINES EXTENDED.

NO SIGN SHALL BE PLACED FROM THE INTERSECTION OF A STREET RIGHT-OF-WAY LINE, WITH THE EDGE OF A DRIVEWAY.

NO SIGN SHALL BE PERMITTED ON ANY LOT FROM FRONT LOT TO BUILDING SETBACK LINE, UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGN.

NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE, OR BECOME, AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

NO LOT SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OR MOTOR HOME OF ANY DESCRIPTION SHALL BE STORED ON ANY LOT EXPOSED TO VIEW FROM THE STREET OR NEIGHBORHOOD.

NO LOT SHALL BE PLATTED WHICH HAS A MAIN FLOOR AREA EXCLUSIVE OF GARAGE LESS THAN 900 SQUARE FEET IF A SINGLE FAMILY DWELLING NOT EXCEEDING TWO AND ONE HALF (2 1/2) STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT ON ANY LOT IN THIS SUBDIVISION.

NO LOT SHALL BE PLATTED WHICH HAS A MAIN FLOOR AREA EXCLUSIVE OF GARAGE LESS THAN 900 SQUARE FEET IF A SINGLE FAMILY DWELLING NOT EXCEEDING TWO AND ONE HALF (2 1/2) STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT ON ANY LOT IN THIS SUBDIVISION.

CONCRETE PUBLIC SIDEWALKS PARALLEL TO MORRIS, PRAIRIE DEPOT AND DUNNWAY STREET(S) SHALL BE INSTALLED, SAID BUYER SHALL INSTALL SAID SIDEWALK(S) NO LATER THAN ONE YEAR FROM DATE THAT PREMISES ARE PLATTED.

NO LOT SHALL BE PLATTED WHICH HAS A MAIN FLOOR AREA EXCLUSIVE OF GARAGE LESS THAN 900 SQUARE FEET IF A SINGLE FAMILY DWELLING NOT EXCEEDING TWO AND ONE HALF (2 1/2) STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT ON ANY LOT IN THIS SUBDIVISION.

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THESE COVENANTS SHALL BE BINDING UPON ALL PARTIES OWNING, OR CLAIMING ANY INTEREST IN ANY LOT OR PART THEREOF, AND THESE COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS BY VOTE OF THE BOARD OF METROPOLITAN DEVELOPMENT COMMISSION OR ABOLISH SAID COVENANTS IN WHOLE, OR IN PART.

NO PERSON OR PERSONS HOLDING UNDER THEM, OR OCCUPYING ANY LOT OR PART THEREOF, VIOLATING ANY REAL ESTATE IN SAID ADDITION TO PROSECUTE ANY PROCEEDINGS AT LAW, OR IN EQUITY AGAINST THEM TO PREVENT HIM, OR THEM, SO DOING, OR TO RECOVER DAMAGES THEREFOR.

THESE COVENANTS SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS HEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

NO PERSON OR PERSONS HOLDING UNDER THEM, OR OCCUPYING ANY LOT OR PART THEREOF, VIOLATING ANY REAL ESTATE IN SAID ADDITION TO PROSECUTE ANY PROCEEDINGS AT LAW, OR IN EQUITY AGAINST THEM TO PREVENT HIM, OR THEM, SO DOING, OR TO RECOVER DAMAGES THEREFOR.

TO THE CITY OF INDIANAPOLIS, MARION COUNTY,
HEREBY RESERVED FOR THE PURPOSE

STORIES IN HEIGHT AND MUST INCLUDE

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F SUCH BUILDING, WALL, FENCE, OR
ESIGN WITH EXISTING STRUCTURES
BE APPOINTED BY THE OWNER, SAID

OF THE DRAINAGE PLAN AS APPROVED
SAID DEPARTMENT.

IN ANY LOT OR PART THEREOF, IN
OF TEN YEARS UNLESS BY VOTE OF

ANY LOT, OR PART THEREOF, VIOLATE
LAW, OR IN EQUITY AGAINST THE

REMAIN IN FULL FORCE AND EFFECT.

RESTRICTIONS OR OTHER LIMITATIONS CONTAINED

THE METROPOLITAN DEVELOPMENT COMMISSION, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT IN THIS PLAT OTHER THAN THOSE COVENANTS, COMMITMENTS, RESTRICTIONS OR LIMITATIONS THAT BE CONSTRUED TO PREVENT THE METROPOLITAN DEVELOPMENT COMMISSION FROM ENFORCING ANY PROVISION OF THIS PLAT BY THE PLAT COMMITTEE.

THIS SUBDIVISION CONSISTS OF 41 LOTS NUMBERED 11 THRU 51 AND DECIMAL PARTS THEREOF. WITH 9

IN WITNESS WHEREOF, JOHN E SMITH ENTERPRISES, INC., BY JOHN E SMITH, PRESIDENT, AND JAN October, 1992.

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By:

ATT

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN E SMITH, PRESIDENT OF JOHN E SMITH ENTERPRISES, INC., WHOSE NAME AND ADDRESS ARE SET FORTH IN THE ABOVE FOREGOING INSTRUMENT AS ITS VOLUNTARY ACT AND DEED.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS 8th DAY OF October, 1992.

NOTARY PUBLIC: Anita L. Himès

PRINTED NAME: ANITA L. HIMÈS

COMMISSION EXPIRES: SEPTEMBER 19, 1995

RESIDENT OF MONTGOMERY COUNTY, INDIANA

THIS INSTRUMENT PREPARED BY

FOR DAMAGES THEREFOR.

NO WISE AFFECT ANY OF THE OTHER PROVISIONS HEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THE POWER OF AUTHORITY, TO ENFORCE ANY COVENANTS, COMMITMENTS, RESTRICTIONS OR OTHER LIMITATIONS EXPRESSLY RUN IN FAVOR OF THE METROPOLITAN DEVELOPMENT COMMISSION; PROVIDED, FURTHER, THAT NOTHING IN THE PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE, 58-AO-3, AS AMENDED, OR ANY CONDITIONS ATTACHED TO A

STREETS AS SHOWN HEREON. THE SIZE OF THE LOTS AND WIDTHS OF THE STREETS ARE SHOWN IN FIGURES DENOT

JANA M. PAGE, SECRETARY, HAVE HEREON CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS 8th DAY OF

JOHN E SMITH ENTERPRISES, INC.

JOHN E SMITH, PRESIDENT

WITNESSED BY:

JANA M. PAGE, SECRETARY

SMITH ENTERPRISES, INC., BY JOHN E SMITH, ITS PRESIDENT, AND JANA M. PAGE, ITS SECRETARY, AND ACK

WITNESSED BY G. MARK SMITH, ATTORNEY AT LAW

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SHALL REMAIN IN FULL FORCE AND EFFECT.

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S OF THE STREETS ARE SHOWN IN FIGURES DENOTING FEET

NAMES TO BE SUBSCRIBED THIS 8th DAY OF

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NT AND JANA M. PAGE, ITS SECRETARY, AND ACKNOWLEDGED