

76-52
500

AVENUE (EXISTING)

SECOND SECTION JOINS HERE

ROUND

SOMERSET HILLS

FIFTH SECTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 22 TOWNSHIP 17 NORTH, RANGE 3 EAST
MARION COUNTY, INDIANA

10. Front building set-back lines are established as shown on this plat between which line and the front lot line no building shall be erected, placed, altered or permitted to remain.

11. No structure or any part thereof shall be built or erected nearer than 20 feet to any side lot line.

12. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street, 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 points 25 feet from the intersection of said street lines, or in the case of a rear lot property line, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

13. Until such time as a sanitary sewer system is available in this area, no sanitary system shall be installed which does not meet the approval of the Indiana State Board of Health or other municipal authority exercising jurisdiction in the area and each owner shall be required to secure such approval in writing from the proper authority.

14. Invalidation of any one of these restrictions or part thereof by judgment or court order shall not affect or render the remainder of such restrictions invalid or inoperative.

15. Any limitations or restrictions herein contained may be altered or amended if the owners of at least two-thirds of the lots shall agree thereto. Such alterations or amendments shall be evidenced by written instrument signed and acknowledged by the representative owner or owners concurring therein, setting forth the facts sufficient to indicate compliance with this instrument and recorded in the Office of the Recorder of Marion County, Indiana.

The right to enforce these covenants including the right to prosecute any proceedings at law or in equity for violation or attempted violation thereof is dedicated to the owners of real estate in this subdivision and to the Metropolitan Plan Commission of Marion County, Indiana, its successors or assigns.

IN WITNESS WHEREOF Somerset Hills, Inc., by Eugene Friedmann, its President, and Elizabeth Jean Friedmann, its Secretary and Treasurer; and William M. Duchon and Dawn M. Duchon have caused this instrument to be executed this

1st day of MAY, 1964.

SOMERSET HILLS, INC.

BY: Eugene Friedmann
Eugene Friedmann, President

William M. Duchon
William M. Duchon



PLAT SURVEY

1/21/1917

This instrument is

The undersigned, Somerset Hills, Inc., by Eugene Friedmann, its President, and Elizabeth Jane Friedmann, its Secretary and Treasurer, owner of the above described tract, do hereby certify that they respectively laid off, platted and subdivided, and do hereby lay off, plat and subdivide into lots and public ways in accordance with this plat the real estate mentioned in the foregoing certificate to be known and designated as "Somerset Hills, Seventh Section," a subdivision of part of the southeast quarter of Section 22, Township 17 North, Range 3 East, in Marion County, Indiana.

All streets shown on this plat which have not heretofore been dedicated are hereby dedicated to public use. In order to afford adequate protection to all present and future owners of lots in this subdivision, the undersigned owner hereby adopts and establishes the following protective covenants, each and all, running to the benefit of each and every owner of any lot or lots in said subdivision, their heirs and/or assigns, binding all the same each grantor and their heirs and/or assigns.

1. All lots in this subdivision shall be known and described as residential lots.
2. No structure shall be erected, altered, placed or permitted to remain on any residential lot other than one, single-family dwelling, a private garage and such other out-buildings usual and incidental to the use of such residential lot.
3. No residence, dwelling house, garage, servant's quarters or other structure of any nature, composition, or description shall be constructed or erected on any lot until the building plans including plot plans, specifications, plans for landscaping and any other data or information which may be requested shall be submitted to the building committee for approval, said approval to be evidenced by a written instrument executed by the committee and delivered to the person or persons requesting such approval.
4. The building committee shall consist of three members and shall be composed of the following individuals: Eugene Friedmann, Elizabeth Jane Friedmann, and Willis Adams. A majority of the said members shall constitute a quorum for approval or disapproval of any plans submitted and the decision of the majority shall control without exception and their decision shall be final. The committee shall determine whether the proposed structures, plans, etc., evidence conformity and harmony of external design with existing structures and whether the building and property set-back lines are in conformity. In the event the building committee does not indicate its approval or disapproval of plans submitted within a period of 15 days after submission, the committee shall be deemed to have approved such plans. No charge shall be made to any purchaser of any lot for examination of plans or giving approval as provided. In the event of the death, disability, or resignation of any of the above named members, the remaining member or members shall select an successor or successors to fill the vacancy or vacancies created.
5. No residence or dwelling shall be constructed on any lot or part thereof unless such residence, exclusive of open porches and attached garages, shall have a ground floor area of 2,000 square feet if a one-story structure, or 1,500 square feet if a higher structure, provided also that in case of a building higher than one story, there shall be at least 900 square feet in addition to the ground floor area.
6. No trailer, shack, tent, bar, cart, garage, barn or other out-building shall be used at any time as a residence, temporary or permanent, nor shall any structure of a temporary character be used as a residence.
7. There are strips of ground of a width shown on this plat and marked "utility easement" which are reserved for the public utilities companies for the installation and maintenance of mains, ducts, lines, wires, sewers, and drains, subject at all times to the proper authorities and the easement herein reserved. No permanent or other structure shall be erected on any of these strips, and the owners of lots in this subdivision shall take title to the same, subject to the rights of the public utilities companies. Also, the owners shall have ingress and egress, in, along, across and through the strips so reserved.

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8. There are some strips of ground shown on this plan and section "E" which are reserved for purposes and uses hereinafter set forth. The structure located on the strip of ground shown on this plan and section "E" shall be erected upon or over any such strip, and owners of lots upon which such structure are so located shall have the right to such lots respectively subject to such easements and reservations and the rights of the proper authorities and the public.

9. No residence or dwelling house or structure appurtenant thereto or any structure of any character shall be erected or used for the purpose of carrying on a business, trade or profession or any other calling of any nature or description, on any lot on which such structure are established as shown on this plan between which lines and the street set forth on this plan shall be erected, placed, altered, or permitted to remain.

10. Front building set-back lines are established as shown on this plan between which lines and the street set forth on this plan shall be erected, placed, altered, or permitted to remain.

11. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street 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 points 25 feet from the intersection of said street lines, or in the case of a residential property street, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions at such sight lines.

12. Until such time as a sanitary sewer system is available in U.S. area, no sanitary system shall be installed or used without the approval of the Indiana State Board of Health or other municipal authority exercising jurisdiction over such matters, and each owner shall be required to secure such approval in writing from the proper authority.

13. Invalidation of any one of these restrictions or part thereof by judgment of court shall not affect or impair the remainder of such restrictions invalid or inoperative.

14. Any limitations or restrictions herein contained may be altered or amended if the owner of at least two-thirds of the lots shall agree thereto. Such alterations or amendments shall be evidenced by written instrument signed and acknowledged by the representative owner or owners concurring therein, setting forth the facts sufficient to indicate compliance with such instrument and recorded in the Office of the Recorder of Marion County, Indiana.

The right to enforce these covenants including the right to prosecute any proceedings at law or in equity for violation or attempted violation thereof is dedicated to the owners of real estate in this subdivision and to the representatives and Commission of Marion County, Indiana, its successors or assigns.

IN WITNESS WHEREOF, Somerset Hills, Inc., by Eugene Friedman, its President, and William C. Friedman, its Treasurer, has caused this instrument to be executed this 22nd day of August, 1960.