Marion Co.

PLAT RESTRICTIONS

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SEP 12

The undersigned, BROWNSBURG DEVELOPMENT COMPANY, by Darell E. Zink, Jr., Assistant General Manager, owner of the real estate described in the plat of Southern Lakes Estates - Section I, does hereby lay off, plat and subdivide the same in accordance with the foregoing plat of Southern Lakes Estates - Section I. The following restrictions, limitations and covenants are hereby imposed upon and shall run with the land contained in such plat.

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- The foregoing plat shall be known and designated as Southern Lakes Estates - Section I.
- All numbered lots in this subdivision are reserved for residential purposes only.
- 3. All residential homes will contain at least 1200 square feet of living space as required under the present D-2 residential district ordinance.
- 4. No mobile homes will be placed in said addition or be allowed to remain in said addition.
- Each residential home will have at least a single car attached garage and no carports.
- 6. Driveways will be constructed to said residences and will be paved with a hard surface, such construction to be completed no later than one (1) year after the conveyance of any lot or parcel in this proposed addition, and no driveway will be constructed over storm water drain inlet.
- No fences will be erected in front of the setback lines unless that policy is changed by proper amendment of the applicable zoning ordinance.
- 8. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (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 twenty-five (25) feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street line with the edge of a driveway pavement. trees shall be permitted to remain within such distances of such intersection unless foliage line is maintained at sufficient height to prevent obstruction of sight line.
- 9. All residents will be for single family use. No doubles, even on corner lots as otherwise permitted by the D-3 ordinance, shall be permitted.
- 10. The drainage easement inures to the benefit of everyone within the Feather Run watershed, not merely to

- 10. The drainage easement inures to the benefit of everyone within the Feather Run watershed, not merely to individual property owners, and no fence, shrubbery, or planting structure will be placed or permitted to remain within the easement which will impede the flow of water.
- 11. The right to enforce the within provisions, restrictions and covenants by injunction, together with the right to cause the removal by due process of law of any septic tank, absorption bed or structure erected or maintained in violation thereof is hereby dedicated and reserved to the owners of the several lots in this subdivision, their heirs and assigns. The Metropolitan Development Commission, their successors or assigns, who shall be entitled to such relief without being required to show any damage of any kind to any such owner or owners by or through any such violation or attempted violation. provisions shall be in full force until January 1, 2005 at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the majority of the then owners of the lots, it is agreed to change the covenants in whole or in Invalidation of any of the covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
- 12. No animals, livestock or poultry shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- 13. There are strips of ground as shown on the plat marked drainage and/or utility easements which are reserved as easements for the use of the municipality in which this addition is located and public utility companies for the installation, maintenance, use, repair and removal of sewers, water mains, gas mains, utility poles, wires and other facilities and utilities necessary or incident to the common welfare and the use and occupance of residential purposes of the houses to be erected in this No buildings or other structure except walks addition. or driveways shall be erected or maintained upon, over, under or across any such utility strip for any use except as set forth herein and owners in this addition shall take title to the land contained in such utility strips subject to the perpetual easements hereby reserved.
- 14. Streets as designated on the plat if not heretofore dedicated are hereby dedicated to the public.
- 15. Residential homes will not be constructed so as to use exterior concrete block as that building material is now known except for building foundation.
- 16. Lots 38 through 47 in Southern Lakes Estates Section I (hereinafter called "Lake Lots") include as a part of the lots a portion of a body of water (hereinafter called the "Lake") which serves as a retention pond or drainage outlet for areas located west, south, north and east of such Lake. An easement for the Lake as designated on the plat exists over and across a portion of the Lake Lots. The owners of the Lake Lots shall have the right to use the Lake for fishing; provided, however, no owner shall

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use the Lake for any purpose. It is contemplated that upon the development of additional sections in Southern Lakes there will be other lots which will include as part of the lot, a portion of the Lake. The owners of those lots will have the right to use the Lake subject to the same restrictions as contained herein with respect to the owners of Lake Lots in Southern Lakes Estates Section I.

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The obligation to maintain the Lake, if any maintenance is necessary, shall rest with the owners of the Lake Lots (including owners of lots in other sections whose lots include a part of the Lake). The owners of Lake Lots shall determine by a majority vote what maintenance is required and the owners of the Lake Lots shall be obligated to contribute an equal share toward the cost of such maintenance.

- 17. Neither the undersigned nor any owner of a Lake Lot shall be liable to any other person for any injury to person or property or death to a person arising out of or in connection with the Lake, it being understood that the Lake is necessary for drainage purposes. Neither the owners of Lake Lots nor the undersigned shall have any obligation for any damage, injury or death which might occur as a result of the Lake.
- The within covenants, limitations and restrictions shall run with the land and shall be binding on all parties and persons claiming under them. Such provisions shall be in full force and effect until January 1, 2010, at which time said covenants shall be automatically extended for successive periods of ten years unless by vote of the majority of the then owners of the lots it is agreed to change the covenants in whole or in part. Invalidation of any of the covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, Brownsburg Development Company, by Darell E. Zink, Jr., Assistant General Manager, has executed these Plat Restrictions this Od day of ________, 1983.

BROWNSBURG DEVELOPMENT COMPANY

Darell E. Zink,

Assistant General Manager

STATE OF SS:

Before me, a Notary Public in and for said County and