

RECEIVED AND RECORDED
89 APR 25 PM 3: 04
MARION COUNTY RECORDER

SOUTHERN LAKES ESTATES SECTION 5

890037958

IN
DANCE
EN

MADE TO
AND INTO THE
MAIN PLAT.

IS BETWEEN
SULAR AREA
STREET

LINE SIGHT
EDGE OF A
THE FOLIAGE

SIDE STREET

MITTED BY

ASEMENTS)
SPORATION

ESS TO THE
ED ON SAID
ED TO THE
SS AND

THE BUILDING

R OTHER

TERMS,
ED,
AND NOT
Y AT ALL
KS.

TERM: THE WITHIN COVENANTS, LIMITATIONS, AND RESTRICTIONS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS. THESE COVENANTS SHALL BE IN FULL FORCE AND EFFECT FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE OF RECORDING. COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS BY VOTE OF THE BOARD OF DIRECTORS, IT IS AGREED TO CHANGE THE COVENANTS IN WHOLE OR IN PART. INVALIDATION OF ANY OF THE COVENANTS SHALL NOT AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, THE UNDERSIGNED, HAVE HEREUNTO CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS 21ST DAY OF APRIL, 1989.

LUXHART CORPORATION
BY: *F. David Lux*
F. DAVID LUX, PRESIDENT



STATE OF INDIANA)
COUNTY OF MARION)
BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED LUXHART CORPORATION, BY
EXECUTION OF THE FOREGOING INSTRUMENT AS ITS VOLUNTARY ACT AND DEED AND AFFIXED THEIR SIGNATURE THERETO
WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS 21ST DAY OF APRIL, 1989.
NOTARY PUBLIC *Kelly M. Kelly*

THE UNDERSIGNED, LUXHART CORPORATION, BY F. DAVID LUX, PRESIDENT, FOR AND BEHALF OF SAID CORPORATION AS OWNER OF THE WITHIN DESCRIBED REAL ESTATE SHOWN AND DESCRIBED ON THIS PLAT, HEREBY LAYS OFF, PLATS AND SUBDIVIDES THE SAME INTO LOTS IN ACCORDANCE WITH THE WITHIN PLAT. THE WITHIN PLAT SHALL BE KNOWN AND DESIGNATED AS "SOUTHERN LAKES ESTATES SECTION 5", A SUBDIVISION IN MARION COUNTY, FRANKLIN TOWNSHIP, INDIANA.

8900037958

STREETS: THE STREETS AS SHOWN ON THE WITHIN PLAT ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

LAND USE: ALL NUMBERED LOTS IN THIS ADDITION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. NO BUILDING SHALL BE ERRECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLE-FAMILY DWELLING WITH ATTACHED ACCESSORY BUILDING AND NOT EXCEEDING 35 FEET IN HEIGHT.

DRAINAGE: IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT OR PARCEL OF LAND WITHIN THE AREA OF THIS PLAT TO COMPLY AT ALL TIMES WITH THE PROVISIONS OF THE DEVELOPMENT PLAN (GRADING PLAN) AS APPROVED FOR THIS PLAT BY THE DEPARTMENT OF PUBLIC WORKS, INDIANAPOLIS, INDIANA, AND THE REQUIREMENTS OF ALL DRAINAGE PERMITS ISSUED FOR ANY LOT OR PARCEL OF LAND WITHIN THIS PLAT.

STORM WATER DRAINAGE: IN THE EVENT STORM WATER DRAINAGE FROM ANY LOT OR LOTS FLOW ACROSS ANOTHER LOT, PROVISION SHALL BE MADE TO PERMIT SUCH DRAINAGE TO CONTINUE WITHOUT RESTRICTION OR REDUCTION (ARTIFICIAL AND/OR NATURAL) ACROSS THE DOWNSTREAM LOT AND INTO THE NATURAL DRAINAGE CHANNEL OR COURSE, EVEN THOUGH NO SPECIFIC DRAINAGE EASEMENT FOR SUCH FLOW OF WATER IS PROVIDED ON THE WITHIN PLAT.

SIGHT DISTANCE AT INTERSECTIONS: NO FENCE, WALL, HEDGE, TREE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO (2) FEET 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 RIGHT-OF-WAY 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 RIGHT-OF-WAY LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN TEN (10) FEET OF THE INTERSECTION OF A STREET RIGHT-OF-WAY LINE WITH THE EDGE OF A DRIVEWAY, PAVEMENT OR ALLEY LINE. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTION UNLESS THE FOLIAGE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF THE SIGHT LINE.

BUILDING LOCATION: NO BUILDING OR STRUCTURE SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LOT LINE (CORNER LOTS) THAN THE MINIMUM BUILDING SETBACK LINES AS SHOWN ON THE WITHIN PLAT.

ALL RESIDENCES WILL BE FOR SINGLE FAMILY USE. NO OTHER USES WILL BE PERMITTED EVEN ON CORNER LOTS AS OTHERWISE MIGHT BE PERMITTED BY THE D-3 ZONING ORDINANCE.

EASEMENTS: THERE ARE STRIPS OF GROUND AS SHOWN ON THE WITHIN PLAT MARKED D. U. & S. E. (DRAINAGE, UTILITY AND SEWER EASEMENTS) WHICH ARE RESERVED FOR THE USE OF PUBLIC UTILITIES INCLUDING CABLE TELEVISION COMPANIES, BUT NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, LINES, WIRES, SEWERS AND DRAINS, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES, AND TO THE EASEMENTS HEREIN RESERVED FOR THE INSTALLATION AND MAINTENANCE OF SUCH STRUCTURES. PERMANENT OR OTHER STRUCTURES SHALL BE ERRECTED OR MAINTAINED ON SAID STRIPS EXCEPT FOR FENCES, DRIVEWAYS AND WALLS. THE RIGHTS OF THE PUBLIC UTILITIES/AND OTHER OWNERS OF SAID STRIPS SHALL BE MAINTAINED AND THIS ADDITION TO SAID EASEMENTS HEREIN GRANTED FOR INGRESS AND EGRESS IN, ALONG AND THROUGH THE STRIPS SO RESERVED.

FENCES: NO FENCE SHALL BE ERRECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT NEARER TO THE BUILDING LINE AND THE FRONT PROPERTY LINE (SIDE BUILDING LINE AND SIDE PROPERTY LINE FOR CORNER LOTS) THAN THE MINIMUM BUILDING SETBACK LINES AS SHOWN ON THE WITHIN PLAT.

ANIMALS: NO ANIMALS, LIVESTOCK, OR OTHER ANIMALS SHALL BE KEPT OR MAINTAINED ON ANY LOT, EXCEPT THAT NONE SHALL BE KEPT OR MAINTAINED ON ANY LOT NEARER TO THE BUILDING LINE AND THE FRONT PROPERTY LINE (SIDE BUILDING LINE AND SIDE PROPERTY LINE FOR CORNER LOTS) THAN THE MINIMUM BUILDING SETBACK LINES AS SHOWN ON THE WITHIN PLAT.

FENCES: NO FENCE SHALL BE ERRECTED IN THIS SUBDIVISION BETWEEN THE FRONT BUILDING LINE AND THE FRONT PROPERTY LINE (SIDE BUILDING LINE AND SIDE PROPERTY LINE FOR CORNER LOTS) OF THE STREETS AS SHOWN ON THE WITHIN PLAT.

ANIMALS: NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BREED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS, OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BREED, OR MAINTAINED FOR ANY COMMERCIAL PURPOSES.

ENFORCEMENT: THE RIGHT TO ENFORCE THE WITHIN PROVISIONS, RESTRICTIONS AND COVENANTS BY INJUNCTION WITH THE RIGHT TO CAUSE REMOVAL BY DUE PROCESS OF LAW OF ANY SEPTIC TANK, ABSORPTION BED OR STRUCTURE ERRECTED OR MAINTAINED IN VIOLATION THEREOF IS HEREBY DEDICATED AND RESERVED TO THE OWNERS OF THE SEVERAL LOTS IN THIS SUBDIVISION, THEIR HEIRS AND ASSIGNS, AND 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.

ENFORCEMENT: THE METROPOLITAN DEVELOPMENT COMMISSION, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT, POWER OR AUTHORITY, TO ENFORCE ANY COVENANTS, COMMITMENTS, RESTRICTIONS OR OTHER LIMITATIONS CONTAINED IN THIS PLAT OTHER THAN THOSE COVENANTS, COMMITMENTS, RESTRICTIONS OR LIMITATIONS THAT EXPRESSLY RUN IN FAVOR OF THE METROPOLITAN DEVELOPMENT COMMISSION. PROVIDED FURTHER, THAT NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT THE METROPOLITAN DEVELOPMENT COMMISSION FROM ENFORCING ANY PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE, 58-A0-3, AS AMENDED, OR ANY CONDITIONS ATTACHED TO APPROVAL OF THIS PLAT BY THE PLAT COMMITTEE.

ALL RESIDENTIAL HOMES WILL CONTAIN AT LEAST 1200 SQUARE FEET OF LIVING SPACE AS REQUIRED UNDER THE PRESENT D-2 RESIDENTIAL DISTRICT ORDINANCE.

DRIVEWAYS: 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 INLETS.

GARAGES: EACH RESIDENTIAL HOME WILL HAVE AT LEAST A TWO CAR ATTACHED GARAGE AND NO CARPORTS.
NO MOBILE HOMES WILL BE PLACED IN SAID ADDITION OR BE ALLOWED TO REMAIN IN SAID ADDITION.

ALL RESIDENTIAL HOMES FOR LOTS 178 THROUGH 183 WILL CONTAIN AT LEAST 1400 SQUARE FEET OF LIVING SPACE NOT INCLUDING GARAGE AREA.

LOTS #178 THRU 183 INCLUSIVE AND LOT 170
IN SOUTHERN LAKES ESTATES SECTION 5 (HEREINAFTER CALLED "LAKE 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 HAVE THE RIGHT TO ENTER INTO THE WATER TO FISH OR FOR ANY OTHER PURPOSE. SWIMMING IN THE LAKE IS PROHIBITED. BOATING ON THE LAKE IS PROHIBITED. THE OWNER OF LOTS WITHIN SOUTHERN LAKES ESTATES SECTION 5 WHOSE LOTS DO NOT INCLUDE A PART OF THE LAKE, SHALL HAVE NO RIGHT TO 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 5.

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 THE 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.

THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR-INDIANA #30560
SCHNEIDER ENGINEERING CORP.
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226
TELEPHONE -- (317) 898-8282

890037958