

The undersigned, Greenfield Land Co., LLC ("Developer"), owner and developer of said real estate shown and described herein, does hereby lay off plat and subdivide said real estate, in accordance with, the within plat.

This subdivision shall be known and designated as "THE TRAILS", an addition to the City of Greenfield and shall be subject to the following restrictions which shall operate as perpetual covenants.

Front building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected and maintained no buildings and structures.

A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and masked "drainage and utility easement (D. & U.E.)" to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric and gas, sewer and water service as a part of the respective utility systems; also is granted (subject to the prior rights of the public therein) the right to use the streets and lots with aerial service wires to serve adjacent lots and street lights, the right to cut down and remove or trim and keep trimmed any trees or shrubs that interfere or threaten to interfere with any of the said public utility equipment, and the right is hereby granted to enter upon the lots at all times for all the purposes aforesaid. No buildings, trees, fences or structures shall be placed on said area as shown on the plat and marked "drainage and utility easement (D. & U.E.)", but some may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user or the rights herein granted. A perpetual easement is also hereby granted to the Homeowners Association, their successors and assigns, within the area shown on the plat and marked "landscape easement (L.E.)" to install, construct, maintain and replace earth mounds, grass, shrubs, trees, flowers, lights, signs and landscape structures and accessories with all necessary equipment for the purpose of servicing the subdivision. No fencing of any kind shall be permitted on said landscape easements unless constructed by the Homeowners Association for landscape purposes.

1. Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the City of Greenfield. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces/ Water for roof or parking areas must be contained on the property long enough so that said drainage swales will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the City of Greenfield.

2. Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage, after which time, if no action is taken, the City of Greenfield will cause said repairs to be accomplished, and the said property owner shall be responsible for the payment of the bill for such repairs, forthwith.

3. No fence, wall, hedge, tree or other shrub planting which obstructs sight lines and elevations between the heights of 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 right-of-way lines and a diagonal line connecting 2 points measured 25 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot or in the case of a rounded property corner from the intersection of the street right-of-way lines extended. No tree shall be permitted to remain within such areas unless the foliage line is maintained at a sufficient height to prevent obstructions of such sight lines.

4. The same sight limitations shall apply to any lot line within 10 feet of the intersection of a street right-of-way line with the edge of the driveway pavement.

5. No trees shall be planted in the road right-of-way. No trees larger than 8 inches in diameter (measured thirty-six (36) inches above the ground surface) may be cut without permission of the Architectural Control Committee.

7. The developer shall be the initial Architectural Control Committee, which Committee shall regulate the external design, appearance and location of residences, buildings, structures, fences, swimming pools, or other improvements placed on any lot or common area in the subdivision.

7. All lots in this subdivision shall be designated as residential lots. No lot shall be further subdivided to create additional building lots. However, the Architectural Control Committee may approve plans to subdivide any lot (the "Subdivided Lot") or the use and construction of a residence on the Subdivided Lot together with a contiguous lot, or to allow a Subdivided Lot to be used as a side yard of a contiguous lot. Except as herein stated, no more than one (1) residence be built on any one (1) lot in the subdivision. No building shall be located nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the plat

8. All residential construction on any lot must start within one (1) year from the date of purchase and must be completed within one (1) year after the starting date, including final grading and landscaping. In the event construction has not been completed within said one (1) year period, Developer has the right, but not the obligation, to repurchase the lot from the lot owner at the original selling price of the lot without interest or other expense.

9. All driveways shall be paved with concrete, or other all-weather surface materials as approved by the Architectural Control Committee. No gravel or stone driveways will be permitted. No additional parking will be permitted on a lot other than the existing driveway.

10. The parking of any type or kind of vehicle shall not be permissible upon any lot or street, other than temporary parking by guests and invites of any owner. Except within an enclosed garage, no motor home, boat, recreational vehicle of any type, semi-tractor, trailer, inoperative or unlicensed vehicle shall be parked or repraised on any lot in this subdivision, or in any street thereon. This covenant shall in no way allow temporary parking or permanent parking on streets for which the City of Greenfield has passed ordinances prohibiting such.

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NOV 10 2004

Theresa S. Anderson
Auditor of Hancock County

- 11. The streets as shown hereon with appurtenant right-of-ways, sidewalks, and street lamps, if not therefore dedicated, are hereby dedicated to the City of Greenfield for the use and benefit of the public.
- 12. The minimum square footage of living space of dwellings constructed on various residential lots in the Development exclusive of porches, terraces, garages, carports, accessory buildings or basements below ground level shall contain no less than 1800 square feet of ground floor living area for a one-story structure or 1200 square feet of ground floor area if higher than one-story, provided that higher than one-story structures shall have a minimum of 2200 square feet total living area and each dwelling shall have not less than a two car attached garage.
- 13. All lots in this subdivision shall be used solely for residential purposes except for residences used as model homes during the sale and development of this subdivision. No motor home, trailer, tent, shack, boat, garage, basement, or outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No dog kennel, junk yard, or commercial business of any kind will be permitted in this subdivision.
- 14. All structures on any lot in this subdivision shall be constructed with substantially all new material, except used brick is acceptable, and no used structures shall be relocated or placed on any such tract unless specifically submitted and approved by the Architectural Control Committee, which may make extensive restrictions concerning the same.
- 15. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, but not limited to landscaping, fences, walls, driveways, swimming pools and walkways) be erected, installed, removed, placed or altered (including changes in exterior on any lot in this plat until the building plans, specifications and site plans (herein after referred to as plans) showing the location thereof and of all improvements proposed, including driveway size and location and drainage, color and composition of all exterior materials to be used shall be submitted to the Architectural Control Committee with any other information and material the Architectural Control Committee may require. Such material is to be submitted in writing by the lot owner and approved in writing by the Architectural Control Committee as to the compatibility of the interior and exterior design, appearance and location of the same with existing structures in this plat and as to the conformity of the same with the intent of the covenants and restrictions set herein. Roof pitch shall be a minimum of 8/12 on the front of the home facing the street. Two (2) complete set of plans and specifications for any such proposed construction or improvement shall be submitted. There shall also be submitted, where applicable, any permits or reports required by law. All such plans shall be prepared by either a Registered Land Surveyor, Engineer or Architect (other than landscaping plans that do not contemplate any construction other than planting trees, shrubbery and flowers). The destruction of trees and vegetation and any other matter as may affect the environment and ecology of this subdivision shall be the proper concern of the Architectural Control Committee. The Architectural Control Committee shall have the sole and absolute discretion in proving or disproving all plans and materials, as well as the design, appearance and location of the proposed building, structure or other improvements.
- 16. Outbuildings and their location must be approved by the Architectural Control Committee/ Outbuildings shall be constructed of new materials, on a permanent foundation, and be similar in appearance with the residence on the lot on which the outbuilding is being built. Approved outbuildings shall be a maximum of 600 square feet. Metal outbuildings and mini-barns shall not be permitted in any event.
- 17. During, and at the conclusion of, the period of any construction activity on a lot, the builder performing such construction shall be required to keep his construction activity confined to such lot and shall keep all streets adjacent to such lot free of materials and debris and in a clean state. Without limiting the foregoing general requirements, a builder shall clean such adjacent streets within forty-eight (48) hours of any specific request therefore made by the Architectural Control Committee.
- 18. All sanitary sewage lines on the residential building lots shall be designed and constructed in accordance with the provisions and requirements of the City of Greenfield and the Indiana Department of Environmental Management.
- 19. All lots on which construction has not begun must be mowed and maintained by the lot owner. After construction, the structure, grounds and recreational equipment shall be maintained in a neat and attractive manner.
- 20. No noxious or offensive trade shall be permitted upon any lot in this subdivision nor shall anything be done thereon which may be a nuisance or annoyance to the neighborhood. No refuse will be maintained on the lot. Garbage and trash will be kept in containers which are not visible from the street, except on collection day/
- 21. No satellite dish greater than twenty-four inches (24") in diameter or any communication tower/antenna shall be allowed. Any television reception antenna shall be placed within the attic of the main residence.
- 22. Devices for solar technology must be architecturally integrated within the primary residence and must be approved by the Architectural Control Committee.
- 23. In-ground swimming pools shall be placed behind the residence. Above ground pools will not be permitted.
- 24. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes. Any animal so kept will not be permitted to roam at large within the subdivision and shall be confined to the owner's premises.
- 25. Notwithstanding any City of Greengield Ordinance to the contrary, fencing shall not exceed six (6) feet in height and no fence shall be placed closer to the front lot line than the rear of the primary residence. Chainlink fencing is not permitted. All fencing must be maintained in good condition. All privacy fencing must be of a style adopted by the Architectural Control Committee and match the color of the main residence. No fence shall be placed within the landscaping easements. All fencing shall be approved by the Architectural Control Committee.

