

Wellington Heights - Sec 6

The undersigned, WEIHE DEVELOPMENT CORP., by Allan H. Weihe, President, and Joyce M. Weihe, Secretary, Donald L. VanZee, Teresa E. VanZee, Myron D. Demaree, Bettie Demaree, James Stephen Snider, Vicki Lynn Snider, William E. Sterrett and Sheila Sterrett, all of Hamilton County, in the State of Indiana; being the owners of record of all of the accompanying described tract of land, hereby lay off, plat, and subdivide into lots and streets such tracts and do hereby dedicate for public use any of such streets not previously dedicated, in accordance with the within plat. The following restrictions, limitations, and covenants are hereby imposed upon and shall run with the land contained in such plat.

All lots in this subdivision are reserved for residential use, and no buildings other than a one family residence or structure or facility accessory in use thereto shall be erected thereon.

Not more than one building shall be erected or used for residential purposes on any lot in this subdivision.

The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than fifteen hundred (1500) square feet in the case of a one-story structure, nor less than nine hundred (900) square feet in the case of a multiple story structure, provided no structure of more than one story shall have less than an aggregate of eight-hundred (800) square feet of finished and liveable floor area. All garages shall be attached to the residence dwelling and be a minimum of two car size.

No trailer, tent shack, attached shed, basement, garage, or temporary building shall be used for temporary or permanent residence on any lot in this subdivision. An attached garage, tool shed, or detached storage building erected or used as a accessory to a residence in this subdivision shall be of a permanent type of construction and conform to the general architectural and appearance of such residence.

No fences shall be erected in this subdivision between the building lines and the property lines of the streets as shown on the within plat, except with approval of the Architectural Control Committee, which fences shall not exceed 42 inches in height and shall be of a decorative nature.

No building, structure or accessory building shall be erected closer to the side of any lot than 10 feet, however, any proposed construction closer than 15 feet to the side of any lot must be approved by the Architectural Control Committee. Where buildings are erected on more than one single lot this restriction shall apply to the side lines of the extreme boundaries of the multiple lots.

No structure in this subdivision shall exceed 2 1/2 stories or 25 feet in height measured from finish grade to the under side of eave line, and no structure other than an open porch shall be erected between the building line as designated on the plat and the property line of the street.

No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building has been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to topography and finished ground elevation, by the Architectural Control Committee composed of the officers of Weihe Development Corp., the Developer, or by their duly authorized representatives. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority. If the committee fails to act upon any plans submitted to it for its approval within a period of fifteen (15) days from the submission date of the same, the owner may proceed with the building according to the plans as approved. Neither the committee members nor the designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

The utility strips shown on the within plat are reserved as easements for use of city or county in which this subdivision is located, owners in this subdivision, and public utility companies for the installation, use, maintenance, repair, and removal of sewers, water mains, utility poles, wires, and other facilities and utilities necessary or incidental to the common welfare and use and occupancy for residential purposes of the houses to be erected in this subdivision. No building or other structure, except walks 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 subdivision shall take their title to the land contained in such utility strip subject to the perpetual easement herein reserved.

The drainage easements shown on the within plat are reserved for the drainage of storm water, whether by swale, ditch, or storm sewer. No structure other than storm water drainage structures, retaining walls, or elevated walks and drive-ways shall be erected in, on, over, under, or across any such easement; except that a drainage easement may also be used as a utility strip, and structures permitted in a utility strip may be erected therein provided that they do not interfere with the flow of water. Owners in this subdivision shall take their title to the land contained in such drainage easement subject to the perpetual easement herein reserved.

In the event storm water drainage from any lot or lots flows across another lot, provision shall be made to permit such drainage to continue without restriction or reduction, 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 said plat.

No animals, livestock, or poultry of any description shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for commercial purposes.

It shall be the duty of the owner of each lot in the subdivision to keep the grass on the lot properly cut and to keep the lot free from weeds and trash and otherwise neat and attractive in appearance. Should any owner fail to do so then Developer may take such action as it deems appropriate in order to make the lot neat and attractive, and the owner shall upon demand reimburse Developer for the expense incurred in so doing.

Until such time as a sanitary sewerage system is installed in this subdivision, sanitary septic tank with adequate absorption bed or dry well shall be installed for each dwelling erected. Such septic tank absorption bed and/or dry well shall be of such a type and construction and so located on the land as to be approved in writing by the Public Health Authority or the Architectural Control Committee. No other sanitary project or device for sewer disposal shall be permitted or used in this subdivision unless prior approval is obtained from said committee and the same is approved by the proper regulatory authorities.

No lot in this subdivision shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste and shall not be kept, except in sanitary containers.

The right to enforce the within restrictions, limitations, and covenants by injunction is hereby dedicated and reserved to owners of lots in this subdivision, their heirs and 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. Said provisions shall be and continue in full force and effect for a period of twenty (20) years from the date of this plat and thereafter unless and until by a vote of the then owners of a two-thirds majority of the total lots in this subdivision it is agreed to change the covenants in whole or in part. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Witness our signatures this 1st day of September, 1976.

Allan H. Weihe, President

Joyce M. Weihe, Secretary

Myron D. Demaree

Donald L. Van Zee

William E. Sterrett

James Stephen Snider

Bettie Demaree

Teresa E. Van Zee

Sheila Sterrett

Vicki Lynn Snider

COMMISSION

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Gerald W.

Wellington Heights - Sec 6

Secretary,
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Myron D. Demaree and Bettie Demaree do hereby join in the execution of the plat of Wellington Heights, Sixth Section, as to any real estate described therein which they presently own and they agree to be bound by the covenants of such platted subdivision and hereafter their particular parcel of real estate shall be known as Lot #85.

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Donald L. Van Zee and Teresa E. Van Zee do hereby join in the execution of the plat of Wellington Heights, Sixth Section, as to any real estate described therein which they presently own and they agree to be bound by the covenants of such platted subdivision and hereafter their particular parcel of real estate shall be known as Lot #86.

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William E. Sterrett and Sheila Sterrett do hereby join the execution of the plat of Wellington Heights, Sixth Section, as to any real estate described therein which they presently own and they agree to be bound by the covenants of such platted subdivision and hereafter their particular parcel of real estate shall be known as Lot #91.

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James Stephen Snider and Vicki Lynn Snider do hereby join the execution of the plat of Wellington Heights, Sixth Section, as to any real estate described therein which they presently own and they agree to be bound by the covenants of such platted subdivision and hereafter their particular parcel of real estate shall be known as Lot #92.

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STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

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Committee.
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Before me the undersigned, a Notary Public in and for said County and State, personally appeared Weihe Development Corp., by Allan H. Weihe, and Joyce M. Weihe, Donald L. Van Zee, Teresa E. Van Zee, Myron D. Demaree, Bettie Demaree, James Stephen Snider, Vicki Lynn Snider, William E. Sterrett and Sheila Sterrett, who acknowledged the execution of the foregoing instrument as their voluntary act and deed for the uses and purposes therein expressed.

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Witness my hand and Notarial Seal this 1st day of September, 1976.

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Notary Public LARRY K. SHIMMER



My Commission Expires MARCH 12, 1977

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174-ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NOBLESVILLE, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF NOBLESVILLE AS FOLLOWS:

ADOPTED BY THE CITY PLAN COMMISSION AT A MEETING HELD 20 Dec, 1971

NOBLESVILLE CITY PLAN COMMISSION

G.F. Fearhally
President-G. F. Fearhally

Wallace L. Kern
Secretary-Wallace L. Kern

COUNTY COMMISSIONERS' CERTIFICATE:

UNDER AUTHORITY PROVIDED BY CHAPTER 47, ACTS OF 1951, OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD ON:

September 20, 1976

Roy Davis
Roy Davis
Gerald W. Landes
Gerald W. Landes

John Hartley
John Hartley
Barbara Jennings
Barbara Jennings, County Auditor

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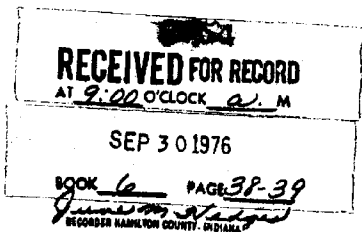
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30 day September, 1976

Barbara J. Jennings Auditor