

Keep in Key Envelope # 3625

231322

the Southeast corner of Churchman and 9th Streets in the City of Beech Grove, Indiana, and extending to a depth of 150 feet, said restrictions to be in the same manner and words and figures as is provided by the covenants of restrictions attached to, and forming a part of plat of said Beech Grove Park Amended, as same is recorded in the Office of the Recorder, Marion County, Indiana, and any amendments thereto, and said undersigned, Cassius M. Bottema, hereby binds himself, his heirs, executors, administrators and assignees to the strict observance of said restrictions so far as same apply in the use and occupancy of said above described strip of land.

C. M. Bottema

Gertrude O. Bottema

Before me, the undersigned, a Notary Public in Marion County, State of Indiana, the above has personally appeared and set his hand and seal, this 22 day of January 1942.

Hallie Pierson (LS)

Notary Public

My commission expires 12/5/43.

Submitted to and approved by Board of Public Works and Safety, City of Beech Grove, Ind. this 23rd day of January, 1942.

Charles Adams, Pres.

John E. Byland

Lewis E. Marine

Board of Public Works and Safety,

Attest: Floyd H. Harlan,

Clerk Treasurer

(Corp. Seal of City of Beech Grove.)

Plat Book
26 page 131
Inst. #3417
Jan. 24, 1942
Recorded
Jan. 26, 1942

BEECH GROVE PARK AMENDED.

I, the undersigned, hereby certify that the within plat of "BEECH GROVE PARK AMENDED", an addition to the City of Beech Grove was surveyed by me is true and correct and represents a subdivision of the following described tracts of land in Marion County, State of Indiana, being a part of the Northwest one-quarter of Section 28, Township 15, North Range 4 East, being more particularly described as follows: Lots 1, 2, 4, 6 and 8 and 100' the south end of Lot 3 and 165' the south end of Lot 4, and All of Lot 7, except 60' x 150' in N. W. corner of Lot 7, of "Beech Grove Park Addition" as recorded in Plat Record 22, page 156 also "Beech Grove Park Resubdivision as recorded in Plat Record 26, page 58 also Vacated Lots in Beech

231322

Grove Park Resubdivision in Town Lot Record 1073 page 415 in Marion County Recorders Office; also the following described tract of land in Marion County, State of Indiana, being the land which was described in Beech Grove Park Resubdivision and the previous vacation description; being a part of the Northwest one-quarter of section 28, Township 15 North Range 4 East, being more particularly described as follows:- Beginning at the Southeast corner of the Northwest one-quarter of Section 28-15-4, thence west along the south line of said quarter section, 1027.4 to a point; thence north parallel with east line of said quarter section, 445 feet to a point; thence east parallel to the south line of said quarter section 345 feet to a point; thence south parallel to east line of said quarter section 100 feet to a point; thence east parallel to south line of said quarter section 345 feet to a point; thence south parallel to east line of said quarter section 100 feet to a point; thence east parallel to south line of said quarter section three hundred and thirty-seven and four tenths (347.4) feet to a point on east line of said quarter section; thence south along east line of said quarter section 245 feet to point of beginning, containing an area of 8.15 acres more or less.

The widths of streets and size of lots are marked on this plat in figures denoting feet, and the decimal part thereof.

This addition contains 55 Lots numbered respectively from 1 to 55 inclusive.

Witness my signature this 22nd day of January 1942.

Herbert Brunsmas (LS)

Registered Engineer No. 1583

The undersigned, Henry A. and Eleanor Catherine Smith, husband and wife also Roy and Florence M. Charnley (owners of Lots 5 and 6) husband and wife certifies that they do hereby lay-off, plat and subdivide into lots in accordance with this plat.

This subdivision shall be known and designated as "BEECH GROVE PARK AMENDED", to the City of Beech Grove, Indiana.

The streets shown on this plat and not heretofore dedicated are hereby dedicated to the public.

A. All lots in the tract shall be known and described as residential lots. No structures shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single dwelling, not to exceed two and one-half stories in height and a private garage for not more than two cars.

231322

B. No building shall be located on any plot nearer than 35 feet to the front lot line, nor nearer than 10 feet to any side street line. No building except a garage or other outbuilding located 100 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line. No residence or attached appurtenance shall be erected on any lot the front line of which structure is further than 45 feet from the front lot line.

C. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 6750 square feet nor a width of less than 50 feet at the front building setback line.

D. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

E. No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

F. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

G. No dwelling with a value of less than \$3500.00 shall be permitted on any lot in the tract. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than 700 square feet in the case of one-story structures, nor less than 520 square feet in the case of one and one-half, two or two and one-half story structure.

H. An easement is reserved over the five feet of each lot for utility installation and maintenance.

I. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1966, at which time said covenants shall be automatically extended for successive periods of ten years, unless by vote the majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.

J. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the Covenants herein it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

231322

K. 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.

L. The undersigned owners hereby expressly covenant and agree that until such time as a Sanitary Sewer System is available for use in this Addition, a sanitary septic tank, in addition thereto adequate absorption beds in connection therewith, shall be installed for each dwelling in this addition, such septic tank and absorption bed shall be of a type and construction and so located on each individual lot as will be approved in writing by the Indiana State Board of Health, such approval to be obtained for any or all of such lots, either separately or collectively. No other provision or device for sewage disposal shall be installed, erected, maintained or permitted to remain on any lot in this Addition.

Witness our signatures this 24th day of January 1942.

Henry A. Smith
Eleanor Catherine Smith
Roy Charnley
Florence M. Charnley

STATE OF INDIANA, COUNTY OF MARION, SS:

Before me, the undersigned, a notary public, in and for said County and State, this day personally appeared Henry A. Smith and Eleanor Catherine Smith husband and wife and Roy Charnley and Florence M. Charnley husband and wife and acknowledged the execution of the above instrument.

Witness my hand and seal this 24th day of January 1942.

Lynn H. Spafford (LS)
Notary Public

My commission expires June 24, 1943.

Submitted January 23, 1942.

Charles Adams Pres.

Lewis E. Marine

John E. Byland

Board of Works & Safety

Approved Jan. 23, 1942,

City of Beech Grove (Seal)

Floyd H. Harlan

Clerk & Treasure-

Submitted January 23, 1942.

Jesse Lambert

John E. Byland

Charles C. Koehrich

Frank Gaither

Arthur Hendricks

Common Council

231322

Approved Jan. 23, 1942.
City of Beech Grove (Seal)
Floyd H. Harlan
Clerk-Treasurer

Approved this -- day ----- 19--.

Wm. T. Ayres

Wm. Bosson Jr.

Harry F. Hohlt

Commissioners of Marion Co., Ind. *

CERTIFICATE OF PLAT CORRECTION

Misc. Record
331 page 209
Inst. #7008
Feb. 18, 1942
Recorded
Feb. 18, 1942

-52-

WHEREAS: The undersigned, Henry A. and Eleanor Catherine Smith, husband and wife, also, Roy and Florence M. Charnley, husband and wife, joined in the platting of "Beech Grove Park Amended" an addition to the City of Beech Grove, Indiana, the plat of which is recorded in Plat Book 26, page 131 in the office of the Recorder of Marion County, and

WHEREAS: In the plat, the length of Lots 49 to 55 was inadvertently omitted, and in the description of the property platted, a strip of ground 60 x 150 feet out of the Northwest corner of Lot 7 in "Beech Grove Park Addition" as recorded in Plat Book 22, Page 156, was insufficiently described.

NOW, Therefore, in order that the plat of said "Beech Grove Park Amended" shall be correct in every respect, the undersigned herein designate and certify that the correct dimension of the south line of each of said lots 49 to 55 inclusive is as follows: The length of the south line of Lot 49 is 134.29 ft; of Lot 50 is 135.21 ft; of Lot 51 is 136.12 ft; of Lot 52 is 136.91 ft; of Lot 53 is 137.69 ft; of Lot 54 is 138.48 ft; of Lot 55 is 139.32 ft, and the correct length of the north line of Lot 55 is 144.66 ft.

It is further certified that the correct description of the 60 x 150 feet portion of Lot 7, in Beech Grove Park Addition that was specifically omitted in the platting of "Beech Grove Park Amended" is more particularly described as follows:-

Beginning at the Northwest corner of Lot 7 in "Beech Grove Park Addition" to the City of Beech Grove, as recorded in Plat Book 22, Page 156, in the office of the Recorder of Marion County, thence in a southeasterly direction along the south line of Churchman Avenue in said City a distance of 61.9 ft;

231322

thence, south 134.35 ft. to a point 60 ft. east of the west line of said Lot 7, thence west to the west line of said Lot, thence north 150 ft. to the point of beginning.

The undersigned execute this instrument for the purpose of correcting the recorded plat of the said Beech Grove Park Amended.

Henry A. Smith
Eleanor Catherine Smith
Roy Charnley
Florence M. Charnley

STATE OF INDIANA, COUNTY OF MARION, SS:

Before me, the undersigned, a notary public, in and for said County and State, this day personally appeared Henry A. Smith and Eleanor Catherine Smith, husband and wife, and Roy Charnley and Florence M. Charnley, husband and wife, and acknowledged the execution of the above instrument.

Witness my hand and seal this 16 day of February 1942.

Verl Pierson (—)
Notary Public

My Commission Expires Oct. 16-1942.

I, the undersigned hereby certify that I am the Engineer who surveyed Beech Grove Park Amended and that the above corrections should be made in the plat thereof.

Herbert Brunsmma (LS)
Registered Engineer #1583.
Submitted February 16th 1942,

Charles Adams
Lewis E. Marine
John E. Byland,
Board of Works & Safety.

Approved February 16th 1942.

City of Beech Grove (Corp. Seal)
Floyd H. Harlan,
Clerk & Treasurer

Submitted February 16th, 1942

Jesse Lambert
Arthur Hendricks
John E. Byland
Charles C. Koehrich
Frank Gaither

COMMON COUNCIL

APPROVED February 16th, 1942
CITY OF BEECH GROVE (Corp. Seal)

Floyd H. Harlan,
Clerk & Treasurer