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First American Title Insurance Company
Indianapolis Downtown—Corporate
251 E. Ohio Street, Suite 200
Indianapolis, IN 46204
Telephone (317) 684-7556

Subdivision Covenants and Restrictions

The information is provided as a public service only. The information on this site is general in nature, unofficial and is not a valid reference for any legal purposes. The user agrees to hold harmless, protect, indemnify, and forever release First American Title Insurance Company and its officers, directors, agents, and employees, from and against any and all liabilities, losses, damage, expenses and charges, including but not limited to attorneys' fees and expenses of litigation, which may be sustained or incurred by the user under, or arising directly or indirectly out of the use of the information contained in this site.

The undersigned, Bittner Woods, Inc. by Robert H. Prange, President, George D. Means Jr., Vice President, Emma M. Prange, Secretary and Rose M. Means, Treasurer, owners of the real estate described on sheet one of this plat, does hereby certify that it lays off, plats and subdivides the same in accordance with the plat shown on said sheet one. This subdivision shall be known and designated as Bittner Woods.

This subdivision shall be subject to the following restrictions which shall operate as perpetual covenants.

PROTECTIVE COVENANTS AND RESTRICTIONS

1. This subdivision shall be known and designated as Bittner Woods. All streets shown and not heretofore dedicated are hereby dedicated to the public.
2. Front building setback lines are hereby established as shown on this plat, between which lines and property line of the streets there shall be erected or maintained no building or structure. The strips of ground shown on this plat and marked "Easement" are reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, drainage facilities subject to all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained on said strips of land, but owners of lots in this subdivision shall take titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.
3. 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 Hancock County Surveyor. Property owners must maintain these swales as sodded grassways, or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches 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 County Surveyor.
4. Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given 10 days notice by registered mail to repair said damage, after which time, if no action is taken the Hancock County Surveyor will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.
5. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 and 8 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 40 feet from the intersection of said street lines (40 feet for minor streets and 75 feet for arterial streets) or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
6. The same sight limitations shall apply to any lot within 10 feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street lines.
7. All numbered parcels in the tract shall be known and described as residential parcel only. No structure shall be erected, altered, placed or permitted to remain on any numbered parcel other than one detached single family dwelling not exceeding two stories in height and one other structure appurtenant to such residence, which may be a garage, or small utility building.
8. The maintenance and utility charges for electric lights installed on Bittner Drive shall be the obligation of Bittner Woods, Inc. for a period of two (2) years or when 75% of lots are sold. Upon expiration of said two (2) year period or when 75% of lots are sold, said obligations shall become the common obligation of all lot owners.
9. No trailer, tent, shack, barn or other outbuilding shall be used as residence, temporarily or permanently, nor shall any structure of temporary character be used as a residence.
10. No commercial trade or activity shall be carried on any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
11. No commercial dog kennel or hospital shall be permitted but this shall not prohibit any family residing on any lot from having pet animals.
12. Easements are reserved for utility construction and maintenance and public. The street are hereby dedicated for the use of the public.
13. No residence shall be erected, altered, placed or permitted to remain upon any lot or lots except such as shall have a ground floor area, exclusive of porch and attached garage, or not less than 1500 square feet in case of a one story residence, or 1800 square feet in case of a one and half story house or a two story house or 1850 square feet in case of a tri- or bi-level house, with attached two car garage. No multiple dwelling will be permitted on any lot.
14. Any person purchasing a lot will be required to start building a home within a three year period from date of purchase. Once construction has started, it should be completed at the end of one year.
15. Any person purchasing a lot will be required to clean or clear lot of all weed and underbrush after purchase. This is to be done on a year-to-year basis.
16. No private or semi-public water supply or sewage disposal system may be located upon or adjacent to any lot in this subdivision that is not in compliance with the regulations or procedures as provided by the Indiana State Board of Health or other civil authority having jurisdiction. No septic tank or absorption field shall be located or constructed except as approved by said health authority.

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17. A front building set-back line is hereby established as shown on the plot, and all buildings shall be not less than 15 feet distance from the side lot line. No concrete block houses shall be constructed on any lot in this subdivision.
18. No firearms are to be discharged on any lot in this subdivision, except for self-protection.
19. These restrictions are to run with the land and shall be binding on all parties and all persons claiming under them, until January 1, 1984, at which time said restrictions shall be automatically extended for a period of 10 years, and for successive periods each 10 years thereafter, unless by a vote of the lot owners is taken.
20. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
21. No fences are to be erected, placed or maintained between the boundary line and the right-of-way line of the street.
22. No commercial truck and or trailer exceeding 21 feet in length or having a weight capacity of more than 6 tons will be parked on a regular basis within the subdivision.
23. The foregoing covenants and restriction are to run with the land and shall be binding on all parties and all persons claiming under them until March 1, 1997, at which time said covenants and restrictions shall be automatically extended for successive periods of 10 years unless change by vote of a majority of the owners of the building sites covered by these covenants, and restrictions, in whole or in part.

Invalidation of any one of the foregoing covenants or restrictions by judgement or court order shall in no way affect any of the other covenants or restrictions which shall remain in full force and effect.

WITNESS our hand and seal this the 31ST day of MARCH, 1977.

Robert H. Prange, Pres.
Robert H. Prange, President

George D. Means, Jr. Vice-Pres.
George D. Means, Jr., Vice President

Emma M. Prange, Sec.
Emma M. Prange, Secretary

Rose M. Means Treasurer
Rose M. Means, Treasurer

STATE OF INDIANA }
COUNTY OF HANCOCK } SS

Before me, a Notary Public in and for said County and State, personally appeared Bitter Woods, Inc. by Robert H. Prange, President, George D. Means, Jr., Vice President, Emma M. Prange, Secretary and Rose M. Means, Treasurer, who acknowledged the execution of the above and foregoing plat with covenants and restrictions as their act and deed.

My Commission expires _____
Richard T. Frye
Notary Public

This instrument prepared by Richard T. Frye.

Be it resolved by the Board of County Commissioners, Hancock County, Indiana, that the dedications shown on this plat are hereby approved and accepted this the 18 day of April, 1977.

Dawson T. ... Noble Anderson
BOARD OF COUNTY COMMISSIONERS

Approved by the Hancock County Plan Commission in accordance with the Subdivision Control Ordinance this the 17 day of March, 1977.

By: James E. McEld PRESIDENT
J. D. Gundry SECRETARY

DULY ENTERED
FOR TAXATION

APR 14 1977

Michael P. Brown