



INDIANA

Not Just for One Transaction, But for Life

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## Subdivision Covenants and Restrictions

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# PLAT FOR BRIXTON RIDGE

tion 14, Township 17 North, Range 5 East in Hancock County, Indiana

DGE

D FUTURE OWNERS OF RESTRICTIONS, AND PLATTED REAL ESTATE

FOR SINGLE FAMILY HOMES ALLOWED UNDER

RESIDENTIAL DWELLING, ONE STORY DWELLING AND PORCHES, GARAGES AND

2 GARAGE ATTACHED TO

ANY PERMIT FROM THE CITY FROM THE BEGINNING

EXCESSIVE MATERIAL FROM AN UNPAVED GARAGE.

NO SIGN SHALL BE PLACED,

NO TERRAIN VEHICLES, OR VEHICLES WORKED IN A GARAGE AND

NO REAR DOORS OF GARBAGE TRUCKS PERMIT THE ACCUMULATION OF GARBAGE AT THE TIME REFUSE

TRUCK THAT IS INSTALLED ON THE GROUND.

NO TRUCK DURING THE TIME OF

NO TRUCK USED, BRED OR KEPT IN HOUSEHOLD PETS

N (18) INCHES DIAMETER, RADIO OR OTHER SIGNALS IN THE INTERIOR OF A

2 SEPARATELY OR IN PART RESERVED FOR THE USE OF AND GOVERNMENTAL

NO COURSES FOR AREA UNDERGROUND CONDUIT, TO WHICH IT SHALL BE THE RIGHT TO NOT OBSTRUCT THE

PUBLIC OR PRIVATE UTILITY NOT INCLUDING TELEPHONE LINES, MAINS, DUCTS

NO USE OF PROHIBITING

NO USE OF CONSTRUCTION AND ABSORPTION FIELD ON THE WEST SIDE OF LOT 3 TO THE

IN ORDER TO MAINTAIN AT LEAST (20%) OF THE LOT AREA FOR LOTS 4, 5 AND UNDERBRUSH MAY

5 FEET HIGH AND 4 INCH SPACING IN FENCE.

NO SET BACK LINE.

NO SET BACK BETWEEN POSTS SHALL BE LESS THAN THE WIDTH OF THE PROPERTY LINE.

NO SET BACK BETWEEN POSTS SHALL BE LESS THAN THE WIDTH OF THE AREAS PROVIDED THE SET BACK DOES NOT CONFLICT WITH ALL

B. THE SIGHT LINE 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. NO DRIVEWAY STRUCTURES SHALL BE LOCATED WITHIN DRIVEWAY LIMITS.

C. NO SUMP PUMPS OR OTHER DRAINS SHALL OUTLET ONTO THE STREET

D. NO TREES SHALL BE PLANTED IN THE HANCOCK COUNTY RIGHT-OF-WAY.

E. 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, OR OTHERWISE CHANGED WITHOUT THE WRITTEN PERMISSION OF THE HANCOCK COUNTY DRAINAGE BOARD (COMMISSIONERS). PROPERTY OWNERS MUST MAINTAIN THESE SWALES AS SODDED GRASSWAYS, OR OTHER NON-ERODED 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 ARE INSTALLED AS SET OUT IN SECTION 7.1 - 47 (5) OF THE HANCOCK COUNTY SUBDIVISION CONTROL ORDINANCE.

F. ANY PROPERTY OWNER ALTERING, CHANGING, OR DAMAGING THESE 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 HANCOCK COUNTY DRAINAGE BOARD (COMMISSIONERS) WILL CAUSE SAID REPAIRS TO BE ACCOMPLISHED, AND THE BILL FOR SUCH REPAIRS WILL BE SENT TO THE AFFECTED PROPERTY OWNER FOR IMMEDIATE PAYMENT.

18. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON THE LAND AND REMAIN IN EFFECT FOR A PERIOD OF THIRTY (30) YEARS AFTER THE DATE THAT THIS PLAT IS RECORDED, AFTER WHICH TIME THEY SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS, UNLESS SUCH EXTENSIONS ARE DISAPPROVED BY THE MAJORITY OF THE LOT OWNERS.

19. THE RIGHTS OF ENFORCEMENT OF THE FOREGOING RESTRICTIONS BY ALL LAWFUL MEANS INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO CAUSE REMOVAL BY DUE PROCESS OF LAW OF STRUCTURES ERECTED OR MAINTAINED IN VIOLATION THEREOF, IS RESERVED TO THE OWNERS OF THE LOTS IN THIS SUBDIVISION, THEIR HEIRS, SUCCESSORS AND ASSIGNS, WHO ARE ENTITLED TO SUCH RELIEF WITHOUT BEING REQUIRED TO SHOW ANY DAMAGE OF ANY KIND.

## DEED OF DEDICATION

THE UNDERSIGNED, THE LEWIS GROUP, INC., REPRESENTED BY ITS CORPORATE PRESIDENT, RICHARD A. LEWIS, AS CONTRACT PURCHASER AND OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE HEREIN PLAT. IN ADDITION THE FOREGOING COVENANTS, RESTRICTIONS, AND LIMITATIONS, ARE HEREBY IMPOSED AND SHALL RUN WITH THE PLATTED REAL ESTATE DESCRIBED HEREIN.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS BRIXTON RIDGE. ALL STREET AND ALLEYS AND PUBLIC OPEN SPACES SHOWN AND NOT THEREFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. THE APPARENT RIGHT-OF-WAY OF THE EXISTING ROADS IS 16.5 FEET. THE DEDICATED RIGHT-OF-WAY OF THIS MAJOR SUBDIVISION CONSISTS OF 1.24 ACRES.

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 OR MAINTAINED NO BUILDING OR STRUCTURE. THE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED "EASEMENT" ARE RESERVED FOR THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES, AND WIRES. DRAINAGE FACILITIES SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF OTHER LOTS IN THIS SUBDIVISION.

IN WITNESS WHEREOF, RICHARD A. LEWIS, PRESIDENT OF THE LEWIS GROUP, INC. HAVE HERETO CAUSED THEIR NAMES TO BE SUBSCRIBED THIS 3rd DAY OF March, 1997.

Richard A. Lewis, Pres  
RICHARD A. LEWIS, PRESIDENT  
THE LEWIS GROUP, INC.

COUNTY OF HAMILTON }  
STATE OF INDIANA } SS:

SUBSCRIBED TO BEFORE ME THIS 3rd DAY OF March, 1997

Wm. E. Rigney  
NOTARY PUBLIC

MY COMMISSION EXPIRES 5-7-97  
RESIDENCE OF HAMILTON COUNTY

## ACCEPTANCE OF DEDICATION

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 14th DAY OF April, 1997.

BOARD OF COUNTY COMMISSIONERS FOR HANCOCK COUNTY

Al. Wilson James B. ... Timothy W. Plank

# SECONDARY PLAT FOR BRIXTON

Part of the Northwest Quarter of Section 14, Township 17 North, Range 5 East in

## RESTRICTIVE COVENANTS FOR BRIXTON RIDGE

IN ORDER TO PROVIDE ADEQUATE PROTECTION TO ALL PRESENT AND FUTURE OWNERS OF LOTS IN THIS SUBDIVISION, THE FOLLOWING COVENANTS, RESTRICTIONS, AND LIMITATIONS ARE HEREBY IMPOSED UPON AND SHALL RUN WITH THE PLATTED REAL ESTATE DESCRIBED HEREIN.

1. ALL LOTS IN THIS SUBDIVISION SHALL BE USED SOLELY FOR SINGLE FAMILY RESIDENTIAL PURPOSES EXCEPT FOR PERMITTED HOME OCCUPATIONS ALLOWED UNDER APPLICABLE ZONING LAWS.
2. THE MINIMUM SQUARE FOOTAGE OF LIVING SPACE OF A RESIDENTIAL DWELLING CONSTRUCTED ON ANY LOT SHALL BE 2000 SQUARE FEET FOR A ONE STORY DWELLING AND 2400 SQUARE FEET FOR A TWO STORY DWELLING EXCLUDING OPEN PORCHES, GARAGES AND BASEMENTS.
3. ALL RESIDENTIAL DWELLINGS SHALL HAVE AT LEAST A TWO CAR GARAGE ATTACHED TO THE PRIMARY RESIDENTIAL DWELLING.
4. EVERY DWELLING SHALL BE COMPLETE AND RECEIVED AN OCCUPANCY PERMIT FROM THE APPROPRIATE GOVERNMENTAL AGENCY WITHIN A TWELVE MONTH PERIOD FROM THE BEGINNING OF CONSTRUCTION OF SAID DWELLING.
5. ALL DRIVEWAYS SHALL BE A HARD SURFACE ASPHALT OR CONCRETE MATERIAL FROM AN EXISTING DEDICATED STREET TO THE RESIDENTIAL DWELLING'S ATTACHED GARAGE.
6. NO TEMPORARY HOUSE, TRAILER, GARAGE, OR OTHER OUT BUILDING SHALL BE PLACED, ERECTED OR KEPT ON ANY LOT.
7. NO MOTOR VEHICLES, BOATS, TRAILERS, MOTORCYCLES, TERRAIN VEHICLES, SNOWMOBILES OR CAMPERS SHALL BE PARKED ON ANY LOT UNLESS PARKED IN A GARAGE AND KEPT FROM VIEW.
8. NO OWNER OF A LOT SHALL BURN OR PERMIT THE BURNING OUT-OF-DOORS OF GARBAGE OR OTHER REFUSE, NOR SHALL ANY SUCH OWNER ACCUMULATE OR PERMIT THE ACCUMULATION OUT-OF-DOORS OF SUCH GARBAGE OR REFUSE ON HIS LOT EXCEPT AT THE TIME REFUSE COLLECTIONS ARE BEING MADE.
9. EVERY TANK FOR THE STORAGE OF FUEL OR OTHER MATERIALS THAT IS INSTALLED OUTSIDE ANY BUILDING SHALL BE BURIED BELOW THE SURFACE OF THE GROUND.
10. NO OUTSIDE TOILETS SHALL BE PERMITTED ON ANY LOT EXCEPT DURING THE TIME OF CONSTRUCTION OF THE RESIDENTIAL DWELLING.
11. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS, OR OTHER USUAL AND COMMON HOUSEHOLD PETS NOT TO EXCEED A TOTAL OF FOUR (4) MAY BE PERMITTED ON A LOT.
12. NO ANTENNAS, SATELLITE DISHES LARGER IN SIZE THAN EIGHTEEN (18) INCHES DIAMETER, OR OTHER APPARATUS FOR THE TRANSMISSION OF THE TELEVISION, RADIO OR OTHER SIGNALS SHALL BE PERMITTED ON ANY LOT UNLESS ENTIRELY CONTAINED WITHIN THE INTERIOR OF A BUILDING.
13. ALL LOTS ARE SUBJECT TO THE FOLLOWING EASEMENTS EITHER SEPARATELY OR IN COMBINATION, AS SHOWN ON THE HEREIN PLAT, WHICH EASEMENTS ARE RESERVED FOR THE USE OF LOT OWNERS, PUBLIC OR PRIVATE UTILITY COMPANIES AND GOVERNMENTAL AGENCIES.

B. THE SIGHT LINE OF THE INTERSECTION OF A STR PAVEMENT OR ALLEY LINE. IN INTERSECTION OF TWO STREET WITHIN DRIVEWAY LIMITS.

C. NO SUMP PUMPS

D. NO TREES SHALL

E. DRAINAGE SWALE RIGHT-OF-WAY, OR ON DEDICATED OUT, FILLED IN, OR OTHERWISE HANCOCK COUNTY DRAINAGE BOARD THESE SWALES AS SODDED OR ROOFS OR PARKING AREAS MUST SAID DRAINAGE SWALES OR DITCHES MAY BE CONSTRUCTED OVER 1 CULVERTS ARE INSTALLED AS PER SUBDIVISION CONTROL ORDINANCE

F. ANY PROPERTY I SWALES OR DITCHES WILL BE HE (10) DAYS NOTICE BY REGISTERED NO ACTION IS TAKEN, THE HANCOCK SAID REPAIRS TO BE ACCOMPLISHED BY THE AFFECTED PROPERTY OWNER

18. THESE COVENANTS ARE TO AND REMAIN IN EFFECT FOR A 1 PLAT IS RECORDED, AFTER WHICH SUCCESSIVE PERIODS OF TEN (10) THE MAJORITY OF THE LOT OWNERS

19. THE RIGHTS OF ENFORCEMENT INCLUDING, BUT NOT LIMITED TO, OF STRUCTURES ERECTED OR OWNERS OF THE LOTS IN THIS WHO ARE ENTITLED TO SUCH RELIEF

THE UNDERSIGNED, THE LEWIS RICHARD A. LEWIS, AS CONTRACTOR DESCRIBED HEREIN, DO HEREBY ACCORDANCE WITH THE HEREIN RESTRICTIONS, AND LIMITATIONS PLATTED REAL ESTATE DESCRIBED

THIS SUBDIVISION SHALL BE KNOWN AS ALLEYS AND PUBLIC OPEN SPACE DEDICATED TO THE PUBLIC. 1 16.5 FEET. THE DEDICATED ROAD IS 1.24 ACRES.

FRONT BUILDING SETBACK LINE BETWEEN WHICH LINES AND PERIMETER MAINTAINED NO BUILDING OR STRUCTURE MARKED "EASEMENT" ARE INSTALLATION OF WATER AND SEWER FACILITIES SUBJECT AT ALL TIMES HEREIN RESERVED. NO PERMITS MAINTAINED UPON SAID STRIP SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE OWNERS OF

IN WITNESS WHEREOF, RICHARD A. LEWIS, PRESIDENT OF THE LEWIS GROUP, INC.

*Richard A. Lewis*  
RICHARD A. LEWIS, PRESIDENT  
THE LEWIS GROUP, INC.

COUNTY OF HAMILTON }  
STATE OF INDIANA } SS  
SUBSCRIBED TO BEFORE ME

*Wm. E. Rigney*  
NOTARY PUBLIC

BE IT RESOLVED BY THE BOARD THAT THE DEDICATIONS SHOWN ON THIS PLAT BE APPROVED AND THE DAY OF 14 2007

BOARD OF COMMISSIONERS  
*[Signature]*

APPROVED BY THE HANCOCK COUNTY SUBDIVISION CONTROL ORDINANCE  
*[Signature]*

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A. DRAINAGE EASEMENT (D.E.) ARE CREATED TO PROVIDE PATHS AND COURSES FOR AREA AND LOCAL STORM DRAINAGE EITHER OVERLAND OR IN ADEQUATE UNDERGROUND CONDUIT, TO SERVE THE NEEDS OF THE SUBDIVISION AND ADJOINING GROUND. IT SHALL BE THE RESPONSIBILITY OF INDIVIDUAL LOT OWNERS TO MAINTAIN AND NOT OBSTRUCT THE OVERLAND DRAINAGE ACROSS HIS INDIVIDUAL LOT.

B. UTILITY EASEMENTS (U.E.) ARE CREATED FOR THE USE OF PUBLIC OR PRIVATE UTILITY COMPANIES AND CABLE TELEVISION COMPANIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION OF POLES, PIPES, MAINS, DUCTS AND CABLES OR OTHER RELATED UTILITY STRUCTURES.

C. NON ACCESS EASEMENTS (N.A.E.) ARE CREATED FOR THE PURPOSE OF PROHIBITING DRIVEWAY ACCESS FROM A DEDICATED STREET TO THE LOT.

THE OWNER OF LOT 2 SHALL BE RESPONSIBLE FOR THE COST OF CONSTRUCTION AND MAINTENANCE OF THE PERIMETER DRAIN RUNNING FROM THE SEPTIC ABSORPTION FIELD ON LOT 2 EASTERLY WITHIN THE DRAINAGE EASEMENT ALONG THE SOUTH SIDE OF LOT 3 TO THE DRAINAGE OUTLET.

14. THE REAL ESTATE HEREIN SUBDIVIDED IS VERY WOODED AND IN ORDER TO MAINTAIN THE NATURAL ENVIRONMENT AS MUCH AS POSSIBLE, TWENTY PERCENT (20%) OF THE LOT AREA FOR LOTS 1, 2 AND 3 AND FORTY PERCENT (40%) OF THE LOT AREA FOR LOTS 4, 5 AND 6 SHALL REMAIN IN A NATURAL STATE EXCEPT THAT DEAD TREES AND UNDERBRUSH MAY BE REMOVED FROM ANY PORTION OF THE LOT.

15. FENCES SHALL BE ALLOWED PER THE FOLLOWING SPECIFICATIONS:

A. ALL PERIMETER FENCES SHALL BE A MAXIMUM OF SIX (6) FEET HIGH AND CONSTRUCTED WITH WROUGHT IRON FENCING WITH A SIX (6) TO TWELVE (12) INCH SPACING OF POSTS OR MATERIALS SIMILAR IN APPEARANCE TO A WROUGHT IRON FENCE.

B. NO FENCE SHALL BE ALLOWED IN FRONT OF THE BUILDING SET BACK LINE.

C. A FOUR (4) FOOT HIGH WOOD FENCE VERTICALLY CURVED BETWEEN POSTS SHALL BE ALLOWED NO CLOSER THAN TWENTY FIVE (25) FEET OF THE PERIMETER OF THE PROPERTY LINE.

D. A SIX FOOT (6) HIGH WOOD FENCE VERTICALLY CURVED BETWEEN POSTS SHALL BE ALLOWED FOR PRIVACY AREAS, PATIOS, SWIMMING POOL, OR OTHER AREAS PROVIDED THE AREA ENCLOSED IS NO LARGER THAN 4000 SQUARE FEET AND DOES NOT CONFLICT WITH ALL OTHER HEREIN FENCE SPECIFICATIONS.

16. OUTBUILDINGS SHALL NOT BE ALLOWED UNLESS ENCLOSED BY A FENCE PER THE SPECIFICATIONS OUTLINED IN PARAGRAPH 16D ABOVE.

17. RESTRICTIONS PER THE HANCOCK COUNTY AREA SUBDIVISION CONTROL ORDINANCE.

A. 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 (40 FEET FOR MINOR STREETS AND 75 FEET