

# Covenants

For

College Hills DEED RECORD 119 P. 30-31

WAIVER OF CCD'S MS.REC. 126 P 334-336

5 pages

## Hamilton County

30

*For Union of Conservative Lead*

*Miss. Rev. 126 Page 334 thru 336*

*B*

*G*

25018 Plat of College Hills

We the Undersigned Heraby Certify that the within plat of "COLLEGE HILLS" is True and Correct and Represents a Subdivision into streets and lots of Part of the southwest Quarter of Section 12, Township 17 North Range 3 East more Particularly Described as Follows To-wit:

Beginning at a point in the south line of Said quarter section 82.5 feet east of the southwest corner thereof, thence running east along and with said south line 118.45 feet to a point, thence north and parallel with the west line of said quarter section 2671.56 feet to a point in the north line of said quarter section, thence west along and with said north line 1118.45 feet to a point, said point being where the east right of way line of the Union Traction Company interests said north line, distant 82.5 feet east of the northwest corner of said quarter section, thence south along and with said right of way line 2668.25 feet to the place of Beginning containing 68.55 acres more or less.

This subdivision consists of 130 lots numbered from 1 to 130 both inclusive. The Dimensions shown on within plat are in feet and decimal parts thereof. Witness our signature this 26th day of June 1928.

George G. Schmidt & Co. Surveyors  
By D. C. Walton

The undersigned, security Trust Company, Trustee, By Irwing W. Lemaux its President and William C. Kassebaum, its Secretary, Heraby Certifies that it has land off Platted and subdivided and do hereby lay off Plat and subdivide into lots and streets in accordance with the within plat (herein above certified by George G. Schmidt & Co., Surveyors) of Real estate as mentioned in the foregoing certificate by said surveyors, said subdivision shall be known and designated as "College Hills" and addition to the City of Indianapolis.

The undersigned owners hereby establish front yard lines as shown on the within Plat, the location of these lines on the several lots are shown in feet back from the property lines of the several streets, between which lines and the property lines of the streets there shall be erected or maintained no buildings or structures other than open one-story porches. The right to enforce these provisions by injunction together with the right to cause the removal by process of law is hereby dedicated to the public and is also reserved to the several owners of the several lots in this addition and their assigns.

There are strips of ground 4 feet in width as shown on the within plat reserved for the use of public utilities (not including street car transportation companies) for installation and maintenance of poles mains, wires, ducts and etc., for companies such as telephone telegraph, gas, water and electric light companies, subject at all times to the proper authorities and subject further to the easement herein granted. No permanent or other structures are to be erected or maintained upon said strips by the owner or owners of such lot or lots, but such owners shall take their title subject to the utility companies and to the right of the owners of the other lots in said addition on and to the easement herein granted for ingress and egress in along across and through the several strips of ground herein described.

The streets heretofore not dedicated are hereby dedicated to the public.

Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis, only single family dwellings may be built on an area of not less than 8650 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes.

For a period of 50 years, no lot or part of lot in this addition shall be used or occupied by any person or persons other than members of the pure caucasian race, domestic servants excepted.

In witness whereof this day of July 1928, the security trust Company, Trustee, has caused its name to be subscribed and its corporate seal to be hereto affixed and the same to be attested by the signatures of Irwing W. Lemaux, its President and William C. Kassebaum, its secretary, herunto duly authorized.

Security Trust Company, Trustee  
Irwing Whemaux President  
William C. Kassebaum Secretary

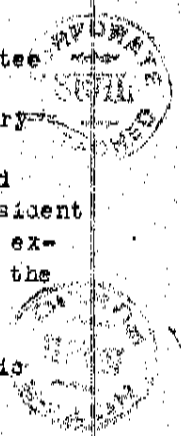
State of Indiana County of Marion ss

Personally appeared before Me the undersigned, a notary public in and for said County and state, the security Trust Company, Trustee by Irwing W. Lemaux, its President and William C. Kassebaum, its secretary, separately and severally acknowledged the execution of the above and foregoing certificate as their voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and notarial seal this 17th day of July 1928. Mary N. Smock  
My Commission expires July 31 1929 Notary Public

Approved this 17th day of July, 1920 city plan commission  
Geo. Q.O. Connor President

This document referred  
to as Document No. Rev 45

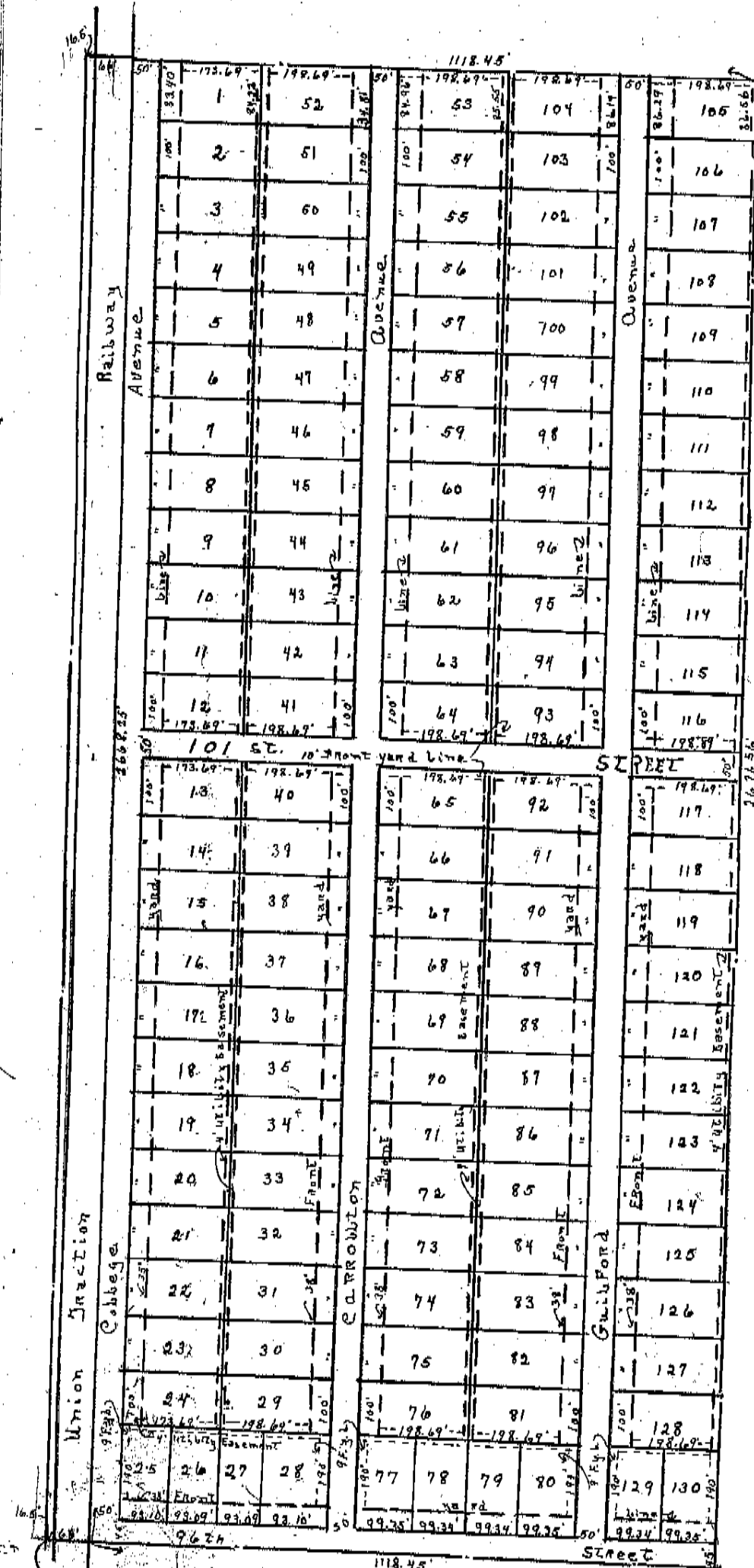


This document referred to in Document No. 9402120

This document referred to in Document No. 9402121

This document referred to in Document No. 9603257

Approved this 18th day of July 1928 Board of Public Works C. Hack President John McCloskey Cleo L. Fiddle Approved this 18th day of July 1928 City Civil Engineer A.H. Moore



S.W. Cor. S.W. 1/4 Sec. 12-17-3

1734

WAIVER OF COVENANTS CONTAINED INPLAT OF COLLEGE HILLS126334

WHEREAS, the plat of College Hills, an Addition to Hamilton County, Indiana, as recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, contains the following restrictive covenant, to-wit:

"Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis, only single family dwellings may be built on an area of not less than 8650 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes."

and

WHEREAS, the owner of Lots 18, 19, 20 and 21 in said College Hills Addition has requested the release and waiver of such restrictive covenant from all of the undersigned who own adjacent lots so as to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings, and

WHEREAS, the release and waiver of such restrictive covenant by the undersigned is subject to any approval required from the Town of Carmel in Hamilton County, Indiana, which now has the power and authority by law to grant re-zoning or variance in zoning for the use of land in the Carmel area including the lots in College Hills Addition.

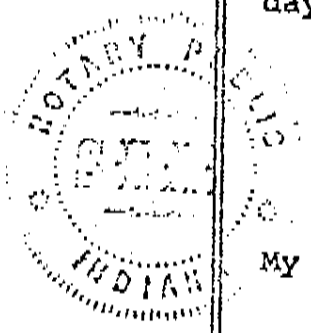
NOW, THEREFORE, the undersigned, who are the owners of the lots in the said College Hills Addition as more particularly designated after their respective names do hereby release and waive the restrictive covenant contained in the plat of

STATE OF INDIANA )  
 ) SS:  
COUNTY OF HAMILTON )

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Before me, a Notary Public in and for said County and State, personally appeared GERALD JENKINS and PATRICIA JENKINS, Husband and Wife, DONALD L. DAY and CLETIS J. DAY Husband and Wife, RICHARD E. EPPLEY and JEAN EPPLEY, Husband and Wife, and KENNETH D. THOMAS and ELEANORE G. THOMAS, Husband and Wife, who signed and acknowledged the execution of the foregoing instrument on the dates shown after their respective signatures.

WITNESS my hand and Notarial Seal this eight day of August 1971.



Walter S. Veon  
Notary Public  
WALTER S. VEON

My Commission expires:  
12-30-71

This Instrument Recorded Aug. 13 1971  
JUNE M. HEDGES, RECORDER HAMILTON COUNTY, IND.

This instrument prepared by Herbert J. Backer, Attorney at Law, 1350 Consolidated Building, Indianapolis, Indiana 46204

College Hills as set forth above to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings upon Lots 18, 19, 20 and 21.

This release and waiver does not remove any existing obligation and responsibility on the part of the owner of said lots to obtain from the Town of Carmel any re-zoning or variance in zoning and approval of any proposed building plans for the use of such lots for offices rather than single family dwellings.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals to this instrument.

Gerald C. Jenkins  
Gerald Jenkins  
Owners of Lot 32

Patricia Jenkins  
Patricia Jenkins, Husband and Wife  
(Dated Aug 24, 1971)

Donald L. Day  
Donald L. Day  
Owners of Lot 33

LETIS J. Day  
LETIS J. Day, Husband and Wife  
(Dated Aug 7, 1971)

Richard E. Eppley  
Richard E. Eppley  
Owners of Lot 34

Jeanne Eppley  
Jeanne Eppley, Husband and Wife  
(Dated Aug 8, 1971)

Kenneth D. Thomas  
Kenneth D. Thomas  
Owners of Lot 35

Eleanore G. Thomas  
Eleanore G. Thomas, Husband and Wife  
(Dated Aug 11, 1971)

This instrument prepared by Herbert J. Backer, Attorney at Law, 1350 Consolidated Building, Indianapolis, Indiana 46204