

MOSS CREEK

Perry Township, Marion Co., Indiana

SECTION ONE

890017933

LOT DATA

Lot No.	Area	Acres	Owner	Original Building
1	0.2420	0.0055	7/20/01	2177/1/1 - 6
2	0.2420	0.0055	7/20/01	2177/1/1 - 6
3	0.2420	0.0055	7/20/01	2177/1/1 - 6
4	0.2420	0.0055	7/20/01	2177/1/1 - 6
5	0.2420	0.0055	7/20/01	2177/1/1 - 6
6	0.2420	0.0055	7/20/01	2177/1/1 - 6
7	0.2420	0.0055	7/20/01	2177/1/1 - 6
8	0.2420	0.0055	7/20/01	2177/1/1 - 6
9	0.2420	0.0055	7/20/01	2177/1/1 - 6
10	0.2420	0.0055	7/20/01	2177/1/1 - 6
11	0.2420	0.0055	7/20/01	2177/1/1 - 6
12	0.2420	0.0055	7/20/01	2177/1/1 - 6
13	0.2420	0.0055	7/20/01	2177/1/1 - 6
14	0.2420	0.0055	7/20/01	2177/1/1 - 6
15	0.2420	0.0055	7/20/01	2177/1/1 - 6
16	0.2420	0.0055	7/20/01	2177/1/1 - 6
17	0.2420	0.0055	7/20/01	2177/1/1 - 6
18	0.2420	0.0055	7/20/01	2177/1/1 - 6
19	0.2420	0.0055	7/20/01	2177/1/1 - 6
20	0.2420	0.0055	7/20/01	2177/1/1 - 6

LOT DATA

Lot No.	Date	Building	Area	Acres	Owner	Original Building
1	1/1/01	19000	767	0.023	4000	12100/0/0/0
2	1/1/01	19000	767	0.023	4000	12100/0/0/0
3	1/1/01	19000	767	0.023	4000	12100/0/0/0
4	1/1/01	19000	767	0.023	4000	12100/0/0/0
5	1/1/01	19000	767	0.023	4000	12100/0/0/0
6	1/1/01	19000	767	0.023	4000	12100/0/0/0
7	1/1/01	19000	767	0.023	4000	12100/0/0/0
8	1/1/01	19000	767	0.023	4000	12100/0/0/0
9	1/1/01	19000	767	0.023	4000	12100/0/0/0
10	1/1/01	19000	767	0.023	4000	12100/0/0/0
11	1/1/01	19000	767	0.023	4000	12100/0/0/0
12	1/1/01	19000	767	0.023	4000	12100/0/0/0
13	1/1/01	19000	767	0.023	4000	12100/0/0/0
14	1/1/01	19000	767	0.023	4000	12100/0/0/0
15	1/1/01	19000	767	0.023	4000	12100/0/0/0
16	1/1/01	19000	767	0.023	4000	12100/0/0/0
17	1/1/01	19000	767	0.023	4000	12100/0/0/0
18	1/1/01	19000	767	0.023	4000	12100/0/0/0
19	1/1/01	19000	767	0.023	4000	12100/0/0/0
20	1/1/01	19000	767	0.023	4000	12100/0/0/0

FINAL APPROVAL

PLAT COMMITTEE

METROPOLITAN DEVELOPMENT COMMISSION

DIVISION OF DEVELOPMENT SERVICES

MARION COUNTY BUILDING

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PER ORDER PUBLISHED NOTICE OF THIS HEARING HAS BEEN PUBLISHED

900 09 2001 10:09 PM FR STEWART TITLE NOBLESV7 774 2027 TO STS GREENWOOD P. 02

February 17, 1988

The undersigned, Newtown Developments, Inc., Robert K. Yeager, President and Virginia M. Yeager, Secretary, owners of the real estate described in the plat of Moss Creek, Section One, does hereby lay off, plat and subdivide the same in accordance with the plat and description. Moss Creek, Section One consists of twenty-five (25) lots numbered one (1), two (2), eighteen (18), one hundred and eight (108) to one hundred and eighteen (118) inclusive and one hundred and fifty one (151) to one hundred and sixty-one (161) inclusive. The following restrictions, limitations and covenants are hereby imposed upon and shall run with the land contained in such plat,

1. The foregoing plat shall be known and designated as Moss Creek, Section One.
2. Streets as designated on the plat if not heretofore dedicated are hereby dedicated to the public.
3. All numbered lots in this subdivision are reserved for residential purposes only.
4. There are front yard building lines as shown on the plat and no structures or part thereof shall be erected or maintained between each building line and the property lines of the lot. The minimum side yards of any lot would be an aggregate of 12', provided, however, no side yard shall be less than 6'.
5. No lot shall hereafter be subdivided into parcels for additional residential purposes.
6. No trailer, tent, garage or other out building erected in the subdivision shall be used as a residence, temporarily or permanently, nor shall any building of a temporary character be erected.
7. No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
8. Not more than one building shall be erected or used for residential purposes on any lot in this addition.
9. No fence, wall hedge or shrub planting which obstructs site lines at elevations between 2' and 6' above the street shall be placed or permitted to remain within the triangular area formed by the street, property lines and a line connecting points 25' from the intersection of said street lines. The same site line limitation shall apply to any lot within 10' from the intersection of the street line with the edge of a driveway. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of site lines.
10. No animals, livestock or poultry shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. A maximum number of dogs per household allowed is one.
11. All driveways in the subdivision shall be paved with either asphalt or concrete.
12. All sidewalks in the subdivision will be installed by the purchaser within one year of purchase or as required by Marion County Ordinance.
13. A. There are strips of ground as shown on the plat marked drainage and/or utility easements which are reserved as easements for the use of the municipality in which they addition is located and public utility companies for the installation, maintenance, use, repair and removal of sewers, water mains, gas mains, utility poles, wires and other facilities and utilities necessary or incident to the common welfare and the use and occupancy of residential purposes of the houses to be erected in this addition. No

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- 6. No trailer, tent, garage or other out building erected in the subdivision shall be used as a residence, temporarily or permanently, nor shall any building of a temporary character be erected.
- 7. No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
- 8. Not more than one building shall be erected or used for residential purposes on any lot in this addition.
- 9. No fence, wall hedge or shrub planting which obstructs site lines at elevations between 2' and 6' above the street shall be placed or permitted to remain within the triangular area formed by the street, property lines and a line connecting points 25' from the intersection of said street lines. The same site line limitation shall apply to any lot within 10' from the intersection of the street line with the edge of a driveway. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of site lines.
- 10. No animals, livestock or poultry shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. A maximum number of dogs per household allowed is one.
- 11. All driveways in the subdivision shall be paved with either asphalt or concrete.
- 12. All sidewalks in the subdivision will be installed by the purchaser within one year of purchase or as required by Marion County Ordinance.
- 13. A. There are strips of ground as shown on the plat marked drainage and/or utility easements which are reserved as easements for the use of the municipality in which they addition is located and public utility companies for the installation, maintenance, use, repair and removal of sewers, water mains, gas mains, utility poles, wires and other facilities and utilities necessary or incident to the common welfare and the use and occupancy of residential purposes of the houses to be erected in this addition. No buildings or other structure except walks or driveways shall be erected or maintained upon, over, under or across any such utility strips for any use except as set forth herein and owners in this addition shall take title to the land contained in such utility strips subject to the perpetual easements hereby reserved.
- B. There are strips of ground as shown on the plat marked "Lake Maintenance Easements" which are reserved as easements for use by the Moss Creek Homeowner's Association, Inc., its assigns and successors to maintain the Limited Lake defined by Declaration of Covenants and Restrictions of Moss Creek Property Ownership.

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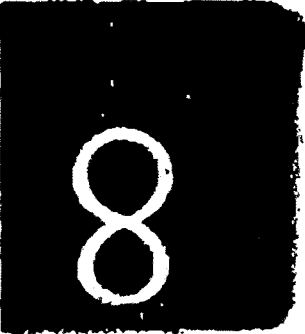
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14. Architectural Review Board: No building, fence, wall or other structure shall be erected, placed and altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such structures have 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 elevations by an Architectural Review Board. The destruction of trees and vegetation and any other such matter as may affect the environment and ecology of "Mass Creek, Section One" shall be the proper concern of the Board. This Board shall be composed of the Robert K. Yeager or Virginia W. Yeager or their duly authorized representatives. In the event of the death or resignation of any member of said Board the remaining member or members shall have full authority to approve or disapprove such design and locations or to designate a representative with like authority. The Board's approval, or disapproval, as required in this covenant shall be in writing. In the event that said written approval is not received from the Board within 14 days from the date of submission, it shall be deemed that the Board has disapproved the presented plan. Neither the board members nor the designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

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15. Unless approved by the Architectural Review Board:

- A. All dwelling exterior shall have One Hundred (100) percent masonry construction. Except gables and upper walls in two story homes can have wood siding.
- B. There shall be no vinyl or aluminum siding on any dwelling.
- C. No satellite dishes shall be permitted on any lot in this subdivision.
- D. No outside storage building will be permitted.
- E. No wood fences will be permitted.

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16. All dwellings constructed upon any lot in this development shall conform to the following minimum living area requirements unless waived by the Architectural Review Board, to wit:

- A. The ground floor living area of all single story dwellings shall contain not less than 1700 square feet, and no two (2) story dwelling shall contain less than 1100 feet of living area on the ground floor, provided the total living area shall not be less than 2000 square feet total on all two stories (exclusive of open porches, garages and other areas not considered living area).
- B. All dwellings shall have at least a two (2) car attached garage.
- C. All dwellings shall have a roof with a minimum of 8/12 pitch.

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17. The Metropolitan Development Commission, its successors and assigns, shall have no right, power or authority to enforce any covenants, commitments, restrictions or other limitations contained in this plat other than those covenants, commitments, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission; provided further, that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provisions of the subdivision control ordinance, 58-40-3, as amended, or any conditions attached to approval of this plat by the Plat Committee.

18. The within covenants, limitations and restrictions shall run with the land and shall be binding on all parties and persons claiming under

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- D. No outside storage building will be permitted.
- E. No wood fences will be permitted.
- 16. All dwellings constructed upon any lot in this development shall conform to the following minimum living area requirements unless waived by the Architectural Review Board, to wit:
 - H. The ground floor living area of all single story dwellings shall contain not less than 1700 square feet, and no two (2) story dwelling shall contain less than 1100 feet of living area on the ground floor, provided the total living area shall not be less than 2000 square feet total on all two stories (exclusive of open porches, garages and other areas not considered living area).
 - I. All dwellings shall have at least a two (2) car attached garage.
 - J. All dwellings shall have a roof with a minimum of 8/12 pitch.
- 17. The Metropolitan Development Commission, its successors and assigns, shall have no right, power or authority to enforce any covenants, commitments, restrictions or other limitations contained in this plat other than those covenants, commitments, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission; provided further, that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provisions of the subdivision control ordinance, 50-10-3, as amended, or any conditions attached to approval of this plat by the Plat Committee.
- 18. The within covenants, limitations and restrictions shall run with the land and shall be binding on all parties and persons claiming under them. Such provisions shall be in full force and effect until January 1, 2010, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the majority of the then owners of the lots it is agreed to change the covenants in whole or in part. Invalidity of any of the covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.
- 19. Recreational Vehicles, Boats and non-used Vehicles: All boats, non-motorized recreational vehicles and non-used or non-operational vehicles shall be kept in either the dwelling, garage or basement.
- 20. All lands in the subdivision and the use of the lands in this subdivision by present and future owners or occupants shall be subject to the Declaration of Covenants and Restrictions of Moss Creek Property Ownership as recorded in Instrument No. 98-17160 in the office of the Marion County Recorder and shall run with the land.
- 21. The Common Areas as shown on this plat are to be owned and maintained by the Moss Creek Homeowners Association, Inc.

IN WITNESS WHEREOF, Robert K. Yeager, President and Virginia M. Yeager, Secretary, Newtowne Developments, Inc, here by dedicate this Plat and here by execute these Plat Restrictions this 15 day of Feb., 1998.

Robert K. Yeager
Robert K. Yeager, President

Virginia M. Yeager
Virginia M. Yeager, Secretary

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155: AUG 09 2001 16:11 FR STEWART TITLE NOBLE507 724 2327 TO STS GREENWOOD P.05