

Muirfield 2nd Sec.

THE UNDERSIGNED, FORTRESS SERVICE CORPORATION, AN INDIANA CORPORATION, BEING OWNERS OF RECORD OF ALL INCLUDED TRACT, AGREE:

A. TO BUILD RESIDENTIAL HOMES WHICH WILL CONTAIN AT LEAST 1200 SQUARE FEET OF LIVING SPACE AS REQUIRED UNDER THE PRESENT D-2 RESIDENTIAL DISTRICT ORDINANCE.

B. THAT NO MOBILE HOMES WILL BE PLACED IN SAID ADDITION OR ALLOWED TO REMAIN IN SAID ADDITION.

C. THAT EACH RESIDENTIAL HOME WILL HAVE AT LEAST A SINGLE CAR ATTACHED GARAGE AND NO CARPORTS.

D. THAT DRIVEWAYS WILL BE CONSTRUCTED TO SAID RESIDENCES AND WILL BE PAVED WITH A HARD SURFACE, SUCH CONSTRUCTION TO BE COMPLETED NO LATER THAN ONE (1) YEAR AFTER THE COMPLETION OF ANY LOT OR PARCEL IN THIS PROPOSED ADDITION, AND NO DRIVEWAY WILL BE CONSTRUCTED OVER A STORM WATER DRAIN INLET.

E. THAT NO FENCES WILL BE ERRECTED IN FRONT OF THE SETBACK LINES UNLESS THAT POLICY IS CHANGED BY PROPER AMENDMENT OF THE APPLICABLE ZONING ORDINANCE.

F. THAT NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO (2) AND SIX (6) FEET ABOVE THE STREET, SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES AND A LINE CONNECTING POINTS TWENTY-FIVE (25) FEET FROM THE INTERSECTION OF SAID STREET LINES, OR IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN TEN (10) FEET FROM THE INTERSECTION OF A STREET LINE WITH THE EDGE OF A DRIVEWAY PAVEMENT. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTION UNLESS FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SIGHT LINE.

G. ALL RESIDENCES WILL BE SINGLE FAMILY USE, NO DOUBLES EVEN ON CORNER LOTS AS OTHERWISE PERMITTED BY THE D-3 ORDINANCE.

H. THAT LOTS NUMBERED 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 202, 203, 204, 205, 206, AND 120 IN SECTIONS ONE AND TWO, MUST BE AT LEAST 15,000 SQUARE FEET IN SIZE.

I. THAT THE DRAINAGE EASEMENT INURES TO THE BENEFIT OF EVERYONE WITHIN THE FEATHER RUN WATERSHED, NOT MERELY TO INDIVIDUAL PROPERTY OWNERS, AND THAT NO FENCE, SHRUBBERY, PLANTING, OR STRUCTURE WILL BE PLACED OR PERMITTED TO REMAIN WITHIN THE EASEMENT WHICH WILL IMPEDE THE FLOW OF WATER.

THE ABOVE COVENANTS SHALL BIND NOT ONLY THE PARTIES TO THE AGREEMENT, (BETWEEN FORTRESS SERVICE CORPORATION, FRANKLIN TOWNSHIP CIVIC ASSOCIATION, AND BUNKER HILL NEIGHBORHOOD ASSOCIATION) EXECUTED SEPTEMBER 5, 1975, BUT ARE INCLUDED IN THE PLAT OF THIS ADDITION AND SHALL BIND THE SUBJECT PREMISES AND RUN WITH THE LAND. IT IS FURTHER AGREED BY AND BETWEEN THE PARTIES, THAT THE AGREEMENT AND COVENANTS THEREIN AND THE RIGHT TO ENFORCE THE SAME SHALL EXTEND TO THE PARTIES TO SAID AGREEMENT, THEIR HEIRS AND ASSIGNS, AND THE METROPOLITAN DEVELOPMENT COMMISSION, THEIR SUCCESSORS OR ASSIGNS, WHO SHALL BE ENTITLED TO SUCH RELIEF WITHOUT BEING REQUIRED TO SHOW ANY DAMAGE OF ANY KIND TO ANY SUCH OWNER OR OWNERS BY OR THROUGH ANY SUCH VIOLATION OR ATTEMPTED VIOLATION, AND THAT ANY CHANGES, MODIFICATIONS OR TERMINATION OF SAID AGREEMENT MAY BE EXECUTED BY THE THEN OWNERS OF THE REAL ESTATE AND THE PARTIES HERETO, THEIR HEIRS OR ASSIGNS.

WITNESS OUR SIGNATURES AND CORPORATE SEAL THIS 24th DAY OF March, 1976.

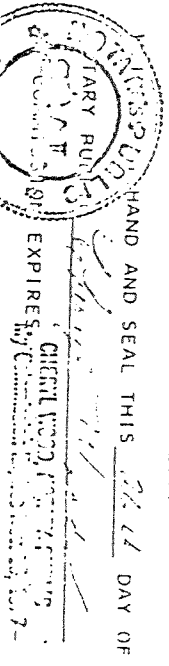
FORTRESS SERVICE CORPORATION

BY: Harold L. Bartholomew  
HAROLD L. BARTHLOMEW, SECRETARY

BY: Harold L. Bartholomew  
LEWIS WATKINS, VICE PRESIDENT

STATE OF INDIANA :  
COUNTY OF MARION : SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED FORTRESS SERVICE CORPORATION, BY ITS DULY AUTHORIZED OFFICERS LEWIS WATKINS, VICE PRESIDENT, AND HAROLD L. BARTHLOMEW, SECRETARY, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSE THEREIN EXPRESSED, AND AFFIXED THEIR SIGNATURES THERETO.



HAND AND SEAL THIS 24th DAY OF March, 1976.