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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.

We, the undersigned George R. Reilly, William L. Garriott and Leon Wilson, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as SCHILDMEIER WOODS, SECTION TWO. All streets shown and not heretofore dedicated are hereby dedicated to the public.

Front building set-back 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 "D. & U.E." 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 at 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 their titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.

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

1. 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 grassway, or other non-eroding surfaces. Water from roof 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.
2. 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.
3. 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 20 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.
4. 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.
5. All numbered lots in this subdivision shall be designated as residential lots. Only one single family dwelling with an attached two or three car garage shall be permitted on one lot.
6. No residence shall be erected, placed or permitted to remain on any lot unless said residence shall have a ground floor area of not less than 1600 square feet, exclusive of porch or garage or 1000 square feet in the case of a two-story residence.

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7. No trailer, tent, shack, basement, garage, barn or other outbuildings or temporary structure shall be used for temporary or permanent residential purposes on any lot in the subdivision. No commercial dog kennel, hospital or junk yard will be permitted in the subdivision. Keeping livestock, except domestic pets is prohibited.
8. No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building set back lines shown on plat. No accessory building shall be located closer to any front or side lot line than the required minimum front and side yard distances for the primary dwelling. No accessory building shall be located closer to any rear lot than 15 feet, but in no case shall it encroach upon any easement.
9. All water systems and methods of sewage and disposal in this subdivision are to be in compliance with the regulations or procedure by the State Board of Health or other civil authority having jurisdiction.
10. Driveway pipes with a minimum of 12 inch diameter shall be placed at all lot entrances before construction begins.
11. No noxious or offensive trade shall be carried upon any lot in this subdivision nor shall anything be done thereon which may become a nuisance or annoyance to the neighborhood. All lots must be kept mowed.
12. All residential construction must be completed within one year after the starting date including the final grading.
13. No boat, camper, bus or trailer shall be parked closer to the street than the building setback line. No inoperative or unlicensed vehicle shall be parked on or repaired on any lot in this subdivision or on any street thereof.
14. All fuel storage tanks in this subdivision shall be buried below the ground.
15. No fence or wall shall be erected or placed on any lot nearer to any street than the minimum front building setback line as shown on plat.
16. All homes in this subdivision will be built by custom builders selected or approved by the developers.
17. All building plans must be approved by the developers or their assigns.
18. All outbuildings shall be constructed of new materials and be similar in appearance with the residence on the lot on which the outbuilding is being built.
19. The foregoing covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2000, at which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or part. Invalidation of any one of the foregoing covenants, or restrictions, by judgement or court order shall in no way affect any other covenants or restrictions, which shall return in full force and effect.

STATE OF INDIANA, COUNTY OF HANCOCK, SS:

We, George R. Reilly, William L. Garriott and Leon Wilson, do hereby certify -- that we are the owners of the property described in the above caption and that as such owners, we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed.

s/&t/ George R. Reilly s/&t/ William L. Garriott s/&t/ Leon Wilson
 I, Richard T. Frye, a notary in and for said County and State hereby certify that George R. Reilly, William L. Garriott and Leon Wilson, personally known to me to be the same persons whose names are subscribed to the above certificate, appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the purposes therein set forth.

Given under my hand and notarial seal this 20th day of August, 1979.

s&t/ Richard T. Frye, Notary

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 30 day of July, 1979.

s/Noble Snodgrass William I Silvey Dawson Fry
 BOARD OF COUNTY COMMISSIONERS