

KEEP IN KEY FOLDER # 3689

#34662 (SEE A)

PLAT OF SPRING MILL HEIGHTS ADDITION TO THE CITY OF INDIANAPOLIS, IND.

PLAT BOOK
27 page
Inst. #
March 16, 1946
Recorded
June 12, 1946

I, the undersigned Registered Engineer hereby certify that this plat is true and correct, representing a subdivision of the following described real estate, to-wit:-A part of the South Half of the South East Quarter of Section 34, Township 17 North, Range 3 East, in Marion County, Indiana, described as follows:-

Beginning at the south east corner of said section and running north on the east line of said section, same being the center line of Spring Mill Road, 1336.0 feet to an iron pin at the intersection with the center line of 64th Street; thence west on the center line of 64th Street 635 feet to an iron; thence south and parallel with the east line of said Section 1336.0 feet to the south line of said Section; thence east on said south line 635.0 feet to the place of beginning, and containing 19.47 acres more or less.
The size of lots and width of streets are shown in figures on the plat.
This sub-division consist-of 34 lots.

Witness my hand and seal this 15th day of March, 1946.

Keller Paul Thiery (L.S.)
Registered Engineer No. 3209
State of Indiana.

RESTRICTIONS

SPRING MILL HEIGHTS
The undersigned owner hereby establishes front and side building lines, as shown on the within plat, between which lines and the property lines of the several streets there shall be erected and maintained no permanent or other structure or part thereof except open porches and except as to the side yard line ~~be~~ under the conditions hereinafter referred to.

J (over)

ac

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

This subdivision shall be known and designated as Spring Mill Heights. The following restrictions are to be a part of said addition, to the end that each of said lots shall be subject to the following:

BUILDINGS: All of the lots shall be used as single family residential lots, and all of said lots shall be subject to the following restrictions: On lots 1 to 9 both inclusive and lot 35, no one-story house shall be constructed upon any of said lots 1 to 9, 35 covering less than 1500 square feet, exclusive of open porches, garages and appurtenances, whether connected to said house or not, and that no two-story house shall be constructed on any one of said lots 1 to 9 & 35 covering less than 1300 square feet on foundation, exclusive of open porches, garages, and appurtenances whether connected to said house or not. On lots 10 to 34, both inclusive, no one-story house shall be constructed on any of said lots 10 to 34 covering less than 1350 square feet, exclusive of open porches, garages and appurtenances, whether connected to said house or not, and no two-story house shall be constructed on any of said lots 10 to 34 of less than 1000 square feet, on foundation exclusive of open porches, garages and appurtenances, whether connected to said house or not. No dwelling shall be erected or maintained which shall exceed 2-1/2 stories in height.

(See A)

No lot in said addition shall be used or permitted by the owner or occupant thereof to be used by any person for other than private single detached residence purposes. No hotel building, boarding-house, rooming-house, double-house, apartment house, flat, mercantile building, factory or out-building shall be erected or maintained on any of the lots in this addition.

No buildings or any part thereof shall be built within 10 feet of any line of any lot, except that in the case where the same person or persons own two adjoining lots, not separated by an easement for utilities as shown on said plat, such owner may build a residence or dwelling house or appurtenant garage across the dividing line, or may build to coincide with or be nearer than 10 feet to such dividing line, but no residence or building of any other character shall be built so as to be upon any part of any strip covered by such utility easement, and provided further that in no case shall any residence or building be erected nearer to any other residence or building than 20 feet.

No trailer, basement, tent, shack, garage, barn or other buildings other than the residence proper erected in this addition shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No building shall be erected, altered, placed or permitted to remain on any building plot in this sub-division until a majority in number of lots in this sub-division of have been approved in writing by a majority of the owners of lots in this sub-division. The original committee shall be appointed by the undersigned owners, the members of such committee shall serve for a period of three years, from this date, or until their successors are named. At the end of the three year period any member of the committee may call an election and each lot owner in the addition shall be entitled to one vote and the three persons receiving the largest number of votes shall be declared the committee, who shall again serve for a period of three years and until their successors have been elected, and the elections shall

take place at the end of each three-year period as herein indicated until January 1st, 1966. If the committee should fail to act upon any plans submitted to it for its approval within a period of ten days from the submission of the same, then the owner may proceed with the building according to the plans submitted, which plans shall not be contrary to any of the other provisions named in this plat; and the failure of such committee to act within ten days shall be deemed an approval of the plans so submitted.

No detached garage shall be built on any of the lots in said addition where said lots abut two or more streets, and on such corner lots so abutting two or more streets, any garage built upon said lot shall be attached to and be a part of the residence constructed thereon.

RACIAL RESTRICTIONS: The ownership and occupancy of lots and buildings in this addition are restricted to the members of the pure caucasian race, except this covenant shall not prevent occupancy by domestic servants of owners or tenants employing persons of other than the pure Caucasian Race who may stay upon the premises during the period of such domestic service.

INTOXICATING LIQUORS: No spiritous, vinous, malt, alcoholic or other intoxicating liquors to be used as a beverage shall be manufactured, sold or bartered upon any lot or building erected thereon or any part thereof.

DURATION. The covenants and restrictions contained herein are to run with the land and shall be binding on all parties and all persons owning lots in said Addition and all persons claiming by, through or under them, until January 1st, 1966, at which time said covenants and restrictions shall terminate.

ENFORCEMENT: The right to enforce the restrictions and covenants together with the right to cause the removal by process of law of any structure erected in violation thereof is hereby reserved to the several owners of the several lots in this addition and their assigns, and should any person violate or attempt to violate any of the covenants or restrictions, it shall be lawful for any other person or persons owning any other lot or lots in said addition to prosecute any proceedings at law or in equity against any person violating or at-

(See B)

tempting to violate any such covenant or restriction, and either to prevent him or them by injunction from doing so or to recover damages for such violations. The invalidation of any one of said covenants by judgment or court order shall in no wise affect any of the other conditions or restrictions, which shall remain in force and effect.

The undersigned owners, Arthur Baynham and Ilene Baynham, husband and wife, do hereby certify that they have laid off, platted, subdivided and do hereby lay off, plat and sub-divide into 34 lots, the certified plat herewith, the real estate described in the foregoing engineers certificate.

This sub-division shall be known as Spring Mill Heights, an Addition to the city of Indianapolis, Indiana. The streets shown and not heretofore dedicated are hereby dedicated to the public.

Witness our signatures this 16 day of March, 1946.

Arthur Baynham
Ilene Baynham

STATE OF INDIANA, COUNTY OF MARION, SS:

Before me the undersigned, a Notary Public in and for said County and State, this 16th day of March, 1946, personally appeared, Arthur Baynham and Ilene Baynham, husband and wife, and acknowledged the execution of the foregoing instrument to be their voluntary act and deed.

Joan Hill (L.S.)

My commission expires March 30, 1950.

Approved this 15th day of April, 1946
City Plan Commission
City of Indianapolis

Otto H. Worley, Vice-President
Noble P. Hollister, Secretary

Approved this 24th day of April, 1946
Board of Public Works & Sanitation
James S. Watson, President
Sherlie A. Deming
Gideon W. Blain

Approved May 16, 1946
Paul E. Rathert
J. M. Bloch
Grace M. Showalter
Board of Park Commissioners,
City of Indianapolis, Indiana.

----- (~~Seal~~. Seal of Marion County Planning Commission)

Frank E. Livengood, Exec. Secretary
June 11, 1946

Approved this 12 day of June, 1946
D. Y. Byrkit,
Marion County Draftsman.