This Subdivision shall be known and designated as "Brookfield Estates - Section I", a residential subdivision in Marion County, Indiana.

The Streets and Right-Of-Way as shown on the Plat shall be dedicated to the public and maintained by the Indianapolis Department of Transportation.

There are Strips of land shown on the Plat marked as follows:

"Drainage Easements" which are hereby reserved for the installation and maintenance of drainage improvements (swales, trenches, pipes, manholes, inlets, etc.,)

"Sanitary sewer easements" which are hereby reserved for the installation and maintenance of sanitary sewer facilities (pipes, manholes, clearouts, etc., on the main.

"Landscape easement" which is hereby established to prohibit direct access from any lot fronting on Emerson Avenue.

"Utility easements" which are hereby reserved for public utilities, electricity, gas, telephone, cable television, etc., not including transportation companies, for the installation and maintenance of poles, mains, etc., lines and wires.

Purchasers of lots in this subdivision shall take subject to the easements hereby created and subject at all time to the rights of proper authorities to serve the utilities and the easements hereby created, and no permanent structure of any kind shall be erected or maintained without written consent of the owners of the several lots in this subdivision. The owners shall have the right to the use of any or all of the above easements.

The lots in this subdivision and the use of the lots in the subdivisions by present and future owners or occupants shall be subject to the following conditions and restrictions, which shall run with the land:

1. All areas enclosed within drainage easements on the plat are hereby designated as stormwater movement/detention or retention areas, and it shall be the responsibility of the owner of those areas to maintain such areas in such condition that the flow of storm drainage waters on, across, and from such areas shall not be impeded, diverted or accelerated. Such use for stormwater movement or retention or detention is hereby declared to be an easement and servitude upon such land for the benefit of the owners of other land included with the plat, upstream or downstream, affected by such use, and for any proper agency or department of the City of Indianapolis. The City of Indianapolis is hereby given the right to obtain access to such areas to perform maintenance, and to perform such maintenance as may be necessary to protect such easement and servitude rights. No permanent structure of any kind and no part thereof, except fences shall be built, erected or maintained within said drainage easements. When fences are built, erected or maintained within such drainage easements, it shall be the lot owners responsibility to pay for the removal, relocation, or repair or repair of said fences. The City of Indianapolis and their departments shall have the right to restrict the placement of fences within said drainage easements.

The right to enforce each and all of the limitations, conditions and restrictions set forth hereinafter, together with the right to cause the removal of any building erected or altered in violation thereof or the injunction or other legal process is hereby devoted to each and every owner of the several lots in this subdivision. Their rights and all rights of the city may be enforced without requiring any action of the individual owners together with reasonable attorney's fees. The Metropolitan Development Commission, its successors and assigns, shall have no right, power or authority, to enforce any covenants, agreements, 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 of the provisions of the covenants contained in the plat, as amended, or any conditions attached to approval of this plat by the plat committee.

These restrictions constitute covenants running with the land and shall be in effect for a period of 50 years from date approved by the Metropolitan Plan Commission. Each term these restrictions shall be automatically renewed thereafter for periods of 50 years each, unless at least one year prior to the expiration of each 50-year term, the owner or owners of a majority of the lots in this addition shall execute and acknowledge a declaration in writing waiving renewals and said written declaration shall be recorded in the deed records of Marion County, Indiana, in which event the provisions set forth for renewal shall be null and void.
1. No trailer, tent, shack, basement, garage or temporary structure of any kind shall be used for temporary or permanent residential purposes. Only any structure of any temporary nature except mini-barns and manufactured outbuildings shall be constructed moved into or used on any lot in the development. No boat, trailer, or camper of any kind shall be kept or parked upon said lot except within a garage or other approved structure. No obnoxious or offensive trades shall be carried on upon any lot or lots in this addition nor shall anything be done therein which shall be or become a nuisance to the neighbors.

2. The repair or sale of inoperative motor vehicles or material alteration of motor vehicles shall not be permitted on any lots within a maximum area permitted to be constructed by these covenants.

3. No vehicles, livestock, or poultry of any kind shall be kept, bred or housed on any lot of the development except those kept, bred, or housed as pets, provided that they are not kept, bred, or maintained for any commercial use.

4. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 3 and 6 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street and property lines and a line connecting points 3 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 all lots within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line. No trees shall be permitted to remain within such maintained at sufficient heights to prevent obstruction of such sight lines. No fences shall be permitted to be constructed between the front setback line and the street curb.

5. No building shall be erected, placed, or altered on any building lot in this subdivision until the building plans, specifications, and plot plans showing the location of such building have been approved in writing as to the conformity and harmony of external design with existing structures in this subdivision, and as to the location of the building with respect to the topography and finished ground elevation by Robert J. Cock and Robert J. Wilcox or by a representative of a representative designated by them. If said committee shall fail to act upon any plans submitted for its approval within 30 days, then the owner may proceed with the building plans submitted, provided such plans are not contrary to these covenants. Neither the members of such committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

6. No well shall be permitted within 100 feet of any lot in this subdivision.

7. Any field tile or underground drain which is encountered in the construction of any improvements within this subdivision shall be purged, and all owners of lots in this subdivision and their successors shall comply with the Indiana Drainage Code of 1961, and all amendments thereto.

8. The repair or sale of inoperative motor vehicles or material alteration of motor vehicles shall not be permitted on any lots.

9. No vehicles, livestock, or poultry of any kind shall be kept, bred or housed on any lot.

10. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 3 and 6 feet above the street shall be placed or permitted to remain.

11. No well shall be permitted within 100 feet of any lot.

12. Any field tile or underground drain which is encountered in the construction of any improvements within this subdivision shall be purged.

13. All owners of lots in this subdivision and their successors shall comply with the Indiana Drainage Code of 1961, and all amendments thereto.

14. The repair or sale of inoperative motor vehicles or material alteration of motor vehicles shall not be permitted on any lots.

15. No vehicles, livestock, or poultry of any kind shall be kept, bred or housed on any lot.

16. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 3 and 6 feet above the street shall be placed or permitted to remain.