Covenants

For

College Hills  Deed Record 114P 30-31
Waiver of CCR's  MS Rec 124P 334-336

5 pages

Hamilton County
The undersigned, Security Trust Company, Trustee, by Irving W. Lemax its President and William C. Kasheemb, its Secretary, hereby certifies that it has laid off Platted and subdivided and do hereby lay off Plat and Subdivide into lots and streets in accordance with the within Plat (herein above certified by George G. Schmidt & Co., Surveyors) of Real estate as mentioned in the foregoing certificate by said surveyors, said subdivision shall be known and designated as "College Hills" and addition to the City of Indianapolis.

The undersigned owners hereby establish front yard lines as shown on the within Plat, the location of these lines on the several lots are shown in feet back from the property lines of the several streets, between which lines and the property lines of the streets there shall be erected or maintained no buildings or structures other than open one-story porches. The right to enforce these provisions by injunction or with the right to cause the removal by process of law of any person dedicated to the public use is also reserved to the several owners of the several lots in this addition and their assigns.

There are strips of ground 4 feet in width as shown in the within plat reserved for the use of public utilities (not including street car or transportation companies) for installation and maintenance of poles, mains, wires, ducts, etc., for companies such as telephone, gas, water and electric light companies, subject at all times to the proper authorities and subject further to the easement herein granted. No permanent or other structures are to be erected or maintained upon said strips by the owner or owners of such lot or lots, but such owners shall take their title subject to the utility companies and by the right of the owners of the other lots in said addition and to the easement herein granted for ingress and egress in along streets and through the several strips of ground herein described.

The streets herebefore not dedicated are hereby dedicated to the public.

Prior to the time this addition is annexed to the city and zone by the city of Indianapolis, only single family dwellings may be built on an area of not less than 360 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 1, 12, 18, 14, 24, 26, 27 and 28 may be used for business purposes.

For a period of 50 years, no lot or part of lot in this addition shall be used or occupied by any person or persons other than members of the pure caucasian race, domestic servants excepted.

In witness whereof this day of July 1909, the security trust company, Trustee, has caused its name to be subscribed and its corporate seal to be hereon affixed and the same to be certified by the signatures of Irving W. Lemax, its President and William C. Kasheemb, its Secretary, which are duly authorized.

Security Trust Company, Trustee
Irving W. Lemax President
William C. Kasheemb Secretary

State of Indiana County of Marion
Personally appeared before me the undersigned, a notary public in and for said County and state, the security trust company, Trustee by Irving W. Lemax its President and William C. Kasheemb, its Secretary, separately and generally acknowledged the execution of the above and foregoing certificate as their voluntary act and deed for the uses and purposes therein expressed.

Witnes my hand and notarial seal this 19th day of July 1909

Mary T. Stockby
Notary Public

Approved this 19th day of July, 1909 city plan commission

Geo. N. C. Connor President
WAIVER OF COVENANTS CONTAINED IN
PLAT OF COLLEGE HILLS  

WHEREAS, the plat of College Hills, an addition to Hamilton County, Indiana, as recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, contains the following restrictive covenant, to-wit:

"Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis, only single family dwellings may be built on an area of not less than 8650 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes."

and

WHEREAS, the owner of Lots 18, 19, 20 and 21 in said College Hills Addition has requested the release and waiver of such restrictive covenant from all of the undersigned who own adjacent lots so as to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings, and

WHEREAS, the release and waiver of such restrictive covenant by the undersigned is subject to any approval required from the Town of Carmel in Hamilton County, Indiana, which now has the power and authority by law to grant re-zoning or variance in zoning for the use of land in the Carmel area including the lots in College Hills Addition.

NOW, THEREFORE, the undersigned, who are the owners of the lots in the said College Hills Addition as more particularly designated after their respective names do hereby release and waive the restrictive covenant contained in the plat of
STATE OF INDIANA       )
COUNTY OF HAMILTON     )

Before me, a Notary Public in and for said County and
State, personally appeared GERALD JENKINS and PATRICIA JENKINS,
Husband and Wife, DONALD L. DAY and GLETTIS J. DAY
Husband and Wife, RICHARD E. EPPLEY and JEAN EPPLEY, Husband and
Wife, and KENNETH D. THOMAS and ELEANORE G. THOMAS, Husband and
Wife, who signed and acknowledged the execution of the foregoing
instrument on the dates shown after their respective signatures.

WITNESS my hand and Notarial Seal this 18th
day of August 1971.

WALTER J. KEON
Notary Public

My Commission expires:
11-30-71

This instrument prepared by Herbert J. Backer, Attorney at Law,
1350 Consolidated Building, Indianapolis, Indiana 46204
College Hills as set forth above to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings upon Lots 18, 19, 20 and 21.

This release and waiver does not remove any existing obligation and responsibility on the part of the owner of said lots to obtain from the Town of Carmel any re-zoning or variance in zoning and approval of any proposed building plans for the use of such lots for offices rather than single family dwellings.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals to this instrument.

Gerald Jenkins
Owners of Lot 32

Patricia Jenkins, Husband and Wife
(Dated Aug. 14, 1971)

Donald L. Day
Owners of Lot 33

LETIS J. Day, Husband and Wife
(Dated Aug. 7, 1971)

Richard E. Eppley
Owners of Lot 34

Jean Eppley, Husband and Wife
(Dated Aug. 8, 1971)

Kenneth D. Thomas
Owners of Lot 35

Eleanore G. Thomas, Husband and Wife
(Dated Aug. 9, 1971)

This instrument prepared by Herbert J. Backer, Attorney at Law, 1350 Consolidated Building, Indianapolis, Indiana 46204