Covenants

For

JOHNSON ACRES DB SP. 193-197
NO SEPARATE DECLARATION -
8 PAGES -

Hamilton County
The undersigned, Robert J. Johnson and Barbara W. Johnson, husband and wife of Hamilton County, Indiana, owners of the land described real estate, hereby certify that they do lay, plat and subordinate the same in accordance with this plat and certificate.

This subdivision shall be known and designated as JOHNSON ACRES, an addition in Hamilton County, Indiana.

The streets, if not heretofore dedicated, are hereby dedicated to the public.

There are gaps of ground as shown on this plat and marked "B & D Easement", which are hereby reserved for the use of public utilities, not including transportation companies, for the installation and maintenance of poles, mains, ducts, drain, lines and wires, subject at times to the proper authorities and to the easements herein granted and reserved. No permanent structures are to be erected or maintained upon said utility easements. Owners of lots the subdivision shall take title subject to the rights of the public utilities, said rights also including the right of ingress and egress, in, along, across and through said utility easements, and to the rights of owners of the other lots in this addition.

Building set-back lines are hereby established on this plat, between which lines and the property lines of the streets, shall be erected or maintained no building or structure.

No building structure or accessory building shall be erected closer to the side of any lot than 10 feet. However, any proposed construction closer than 15 feet to the side of any lot must be approved by the Building Committee. All buildings are erected on lots more than one single lot or ten feet to the right of the building restriction shall apply to the site size of the extreme boundaries of the multiple lots.

All lots in this subdivision shall be known and designated as residential lots. No structure shall be erected or permitted or even occupied on any residential lot herein, other than one detached single-family dwelling not to exceed two and one-half stories in height, and a private garage for not more than 3 cars and residential accessory buildings.

The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be less than 1000 square feet in the case of a one-story structure, or less than 900 square feet in the case of a multiple story structure, provided no structure of more than one story shall have less than an aggregate of 900 square feet of finished and liveable floor area.

No hotel building, boarding house, mercantile or factory building or buildings of any kind for commercial use shall be erected or maintained on any lot in this subdivision. No restaurant, house, canteen, club, or any structure shall be erected or situated in any building with a building permit issued by the city or county during the construction of a proper structure.

No farm animals, fowls, or domestic animals for commercial purposes shall be kept or permitted on any lot in this subdivision.

No dangerous, unlawful, or otherwise offensive activity shall be carried out in this subdivision, nor shall anything be done therein which may be or may become an annoyance or nuisance to the neighborhood.

No fence shall be erected on or along any lot line, nor on any lot, the purpose or result of which shall be to obstruct reasonable vision, light or air, and all fences shall be kept in good repair and erected reasonably so as to enclose the property and decorate the same without hinderance or obstruction to any other property. No fence shall be erected between the front property lines and the building setback line other than a fence of a decorative nature not exceeding three (3) feet six (6) inches in height.

No private or semi-private water supply and/or sewage disposal system may be located upon any lot in this subdivision, which is not in compliance with regulations or procedures as provided by the Indiana State Board of Health, or other civil authority having jurisdiction. No septic tank, absorption field, or any other method of sewage disposal shall be located or constructed on any lot or lots herein except as approved by said health authority.

No building shall be erected, placed or altered on any building lot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to topography and finished ground elevation, by a committee composed of the undersigned owners of the herein described real estate, or by their duly authorized representatives. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to approve or disapprove such design and location, and to designate a representative with like authority, if the committee fails to act upon any plans submitted to it for its approval within a period of fifteen (15) days from the submission date of the same, the owner may proceed with the building according to the plans as submitted. Neither the committee nor the designated representative shall be entitled to any compensation for services performed pursuant to this covenant.
ACRES

If the parties hereto, or any of the, or their heirs or assigns shall violate or attempt to violate any of these covenants, restrictions, provisions or conditions herein, it shall be lawful for any other person owning any real property situated in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, and either to prevent him or them from doing so, or to recover damage or other dues for such violation.

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street, shall be placed or permitted to remain any any corner lot within the triangular area formed by the street property lines and a line connecting points 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 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

No driveway serving any lot herein shall enter or exit directly onto Smoky Road.

These covenants are to run with the land, and shall be binding on all parties and all persons claiming under them until May, 1996, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by a vote of a majority of the then owners of the lots in this subdivision, it is agreed to change said covenant in whole or in part. Right of enforcement of these covenants is hereby granted to the Carmel Planning Department, its successors or assigns.

In violation of any of the foregoing covenants, provisions, restrictions, or conditions by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

No owner of any lot shown herein shall have the right to demonstrate against annexation of that lot to the Town of Carmel.

IN WITNESS WHEREOF, the owners of the attached described real estate have hereunto caused their names to be subscribed.

Owner and Subdivider

Robert A. Johnson
1846 East 110th Street
Indianapolis, Indiana 46280

Barbara W. Johnson
1846 East 110th Street
Indianapolis, Indiana 46280

COUNTY OF HAMILTON

STATE OF INDIANA

Before me, the undersigned, a Notary Public in and for said County and State personally appeared the above and acknowledged the execution of this instrument as their voluntary act and deed and affixed their signatures thereto.

Witness my signature and seal this 18th day of March, 1976

My Commission Expires March 18, 1977

COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE TOWN BOARD OF TRUSTEES OF CARMEL, INDIANA.

Adopted by the Town Plan Commission at a meeting held 7/14/1977

President - James Elloges

Secretary

July entered for taxation

7 day January, 1976

Signature: [Signature]

[Signature]

[Signature]