

CHAPEL GLEN - SECTION FIVE
INSTRUMENT #68-53548
RECORDED OCTOBER 17, 1968
RESTRICTIONS

- A. Street Dedication: All Streets shown and not heretofore dedicated are hereby dedicated to the public for its use.
- B. Use: All numbered lots in this Addition shall be designated as residential lots. Only one single family dwelling with accessory buildings and not exceeding 2-1/2 stories in height may be erected or maintained on said lots.
- C. Building Lines: Front and side building lines are established as shown on this plat between which lines and the property lines of the street, 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 on 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 sightline limitation 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 trees shall be permitted to remain within such distances of such intersection unless foliage line is maintained at sufficient height to prevent obstruction of sight line. No wooden or wire fence shall be permitted to extend forward of the established building lines.
- D. Prohibited Use: No trailer, tent, shack, basement, garage, barn or other outbuilding or temporary structure shall be used for temporary or permanent residential purposes on any lot in this Addition and no boat, trailer, or camper of any kind (including but not in limitation thereof house trailers, camping trailers or boat trailers), shall be kept or parked upon said lot except within a garage or other approved structure.
- E. Nuisance: No noxious or offensive trade shall be carried on upon any lot in this addition, nor shall anything be done thereon which shall be or become a nuisance to the neighborhood.
- F. Animals: No poultry or farm animals shall be raised or maintained on any lot. This restriction shall not prohibit a resident from keeping a usual pet animal or bird.
- G. Easements: There are strips of ground as shown on the within plat marked "Drainage Easements" (D.E.); "Sewer Easements" (S.E.) and "Utility Easements" (U.E.) either separately or in any combination of the three, which are reserved for the use of the public utility companies and governmental agencies, as follows: "Drainage Easements" (D.E.) are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of this and adjoining ground and/or the public drainage system. No structure, including fences, shall be built upon said easement, which will obstruct flow from the area being served. "Sewer Easements" (S.E.) are created for the use of the local governmental agency bearing jurisdiction over the storm and sanitary waste disposal system of said city and/or county for the purpose of installation, and maintenance of sewers that are part of said system. "Utility Easements" (U.E.) are created for the use of all public utility companies, not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines, wires, and also all rights and uses specified for sewer easements above designated. The owners of all lots in this addition shall take title subject to the rights of the public utilities, governmental agencies, and the rights of the other lot owners in this addition, to said easement herein granted for ingress and egress in, along and through the strips of ground for the purposes herein stated. "Common Properties" and "Common Properties-Pedestrian Easement" are also reserved for easements as herein above defined except as expressly designated otherwise.
- H. Design Restriction: No residence or outbuildings may be erected from the date hereof until the plan, elevation, location and grade thereof have been submitted to Chapel Glen Corporation, or its designee, for approval; nor shall any change or alteration be made in the exterior design of any such residence or outbuilding after the original construction thereof, and during said period of time, until approval thereof has been given by Chapel Glen Corporation, or its designee, and during said period of time, no fence or walls may be erected on the above described property without such approval; provided, however, such approval shall be presumed unless notification in writing to the contrary has been provided by Chapel Glen Corporation, or its designee, within fifteen (15) days following submission of plans.
- I. Enforcement: The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of structures erected or maintained in violation therein is hereby dedicated and reserved to the owners of the several lots in this subdivision, their heirs, or assigns, and the Metropolitan Plan Commission, their successors or assigns, who shall be entitled to such relief without being required to show any damage of any kind to any such owner or owners, by or through any such violation or attempted violation. Said provision shall be in full force and effect until August 15, 1989, at which time said covenants shall be automatically extended for successive periods of ten (10) years, unless by a vote of the majority of the then owners of the lots it is agreed to change the covenants in whole or in part. Invalidation of any one of the covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.
- J. Common Properties: The areas designated "Common Properties" and/or "Common Properties-Pedestrian Easement" in this Addition shall be devoted to the common use and enjoyment of owners of lots of land in this Addition and other Additions of Chapel Glen and various sections thereof presently platted or to be platted at a later date. Ownership, management and control of "Common Properties" and/or "Common Properties-Pedestrian Easement" shall be exclusively exercised by Chapel Glen Club, Inc. and Indiana non-profit corporation, in accordance with its Charter, by-laws and a certain "Amended Declaration of Covenants and Restrictions" recorded as Instrument #67-43875 in the Office of the Recorder of Marion County, Indiana, and all Addendums thereto. Each owner of every lot in this addition shall, as a condition precedent to ownership, covenant and agree to pay monthly charges to Chapel Glen Club, Inc. in accordance with the Articles of Incorporation, By-laws, and the Amended Declaration of Covenants and Restrictions and all Addendums thereto.
- K. Covenants Run With Land: The foregoing covenants, limitations, and restrictions are to run with the land and are binding on all parties and persons claiming under them.