PROTECTIVE COVENANTS AND RESTRICTIONS FOR
ARCADIAN ACRES NO. 2

JUNE 26, 1946

A. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURES SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING PLOT 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 THREE CARS.

B. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY BUILDING PLOT IN THIS SUBDIVISION UNTIL THE BUILDING PLANS, SPECIFICATIONS, AND PLOT PLAN SHOWING THE LOCATION OF SUCH BUILDING SHALL HAVE BEEN APPROVED IN WRITING AS TO CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES IN THE SUBDIVISION, AND AS TO LOCATION OF THE BUILDING WITH RESPECT TO PROPERTY AND SETBACK LINES BYA COMMITTEE COMPOSED OF H. M. LUKENS, LILLIAN C. STUMPF AND SAMUEL E. SULLIVAN, OR BY A REPRESENTATIVE DESIGNATED BY A MAJORITY OF THE MEMBERS OF SAID COMMITTEE. IN THE EVENT OF 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, OR TO DESIGNATE A REPRESENTATIVE WITH LIKE AUTHORITY. IN THE EVENT SAID COMMITTEE, OR ITS DESIGNATED REPRESENTATIVE, FAILS TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATION WITHIN THIRTY DAYS AFTER SAID PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT, OR IN ANY EVENT, IF NO SUIT TO ENJOIN THE ERECTION OF SUCH BUILDING OR THE MAKING OF SUCH ALTERATIONS HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, SUCH APPROVAL WILL NOT BE REQUIRED AND THIS COVENANT WILL BE DEED TO HAVE BEEN FULLY COMPLIED WITH. NEITHER THE MEMBERS OF SUCH COMMITTEE, NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. THE POWERS AND DUTIES OF SUCH COMMITTEE, AND OF ITS DESIGNATED REPRESENTATIVE, SHALL CEASE ON AND AFTER JANUARY 1, 1970. THEREAFTER APPROVAL DESCRIBED IN THIS COVENANT SHALL NOT BE REQUIRED UNLESS, PRIOR TO SAID DATE AND EFFECTIVE THEREON, A WRITTEN INSTRUMENT SHALL BE EXECUTED BY THE THEN RECORD OWNERS OF A MAJORITY OF THE LOTS IN THIS SUBDIVISION AND DULY RECORDED APPOINTING A REPRESENTATIVE, OR REPRESENTATIVES, WHO SHALL THEREAFTER EXERCISE THE SAME POWERS PREVIOUSLY EXERCISED BY SAID COMMITTEE.

C. NO BUILDING SHALL BE LOCATED NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LINE THAN THE BUILDING SETBACK LINE SHOWN ON THE RECORDED PLAT. NO BUILDING SHALL BE LOCATED NEARER THAN TEN (10) FEET TO ANY SIDE LOT LINE EXCEPT THAT THE SIDE LINE RESTRICTIONS SHALL NOT APPLY TO A DETACHED GARAGE OR OTHER OUT-BUILDING LOCATED EIGHTY (80) FEET OR MORE FROM THE FRONT LOT LINE. NO RESIDENCE OR ATTACHED APPURTEANCE SHALL BE ERECTED ON ANY LOT FARTHER THAN SIXTY (60) FEET FROM THE FRONT LOT LINE.

D. NO RESIDENTIAL STRUCTURE SHALL BE ERECTED OR PLACED ON ANY BUILDING PLOT, WHICH PLOT HAS AN AREAR OF LESS THAN 10,000 SQUARE FEET NOR A WIDTH OF LESS THAN 95 FEET AT THE FRONT BUILDING SETBACK LINE.

E. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. KEEPING OF COWS AND HOGS ON ANY LOT IS STRICTLY FORBIDDEN.

F. NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE SUED AS A RESIDENCE TEMPORARITY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.

G. NO DWELLING COSTING LESS THAN $9500.00 SHALL BE PERMITTED ON LOTS #1-2-3-22-23-24-25-26-27-28-29-30-31-32-45-46-47-48-49-50-51-52-53-66-67-68 AND 69 IN THE TRACT. ON ALL OTHER LOTS IN THE TRACT NO DWELLING COSTING LESS THAN $7500.00 SHALL BE PERMITTED. THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF A ONE STORY OPEN PORCHES AND GARAGES, SHALL BE NOT LESS THAN 864 SQUARE FEET IN THE CASE OF A ONE-STORY STRUCTURE, NOR LESS THAN 650 SQUARE FEET IN THE CASE OF A ONE AND ONE-HALF, TWO, OR TWO AND ONE-HALF STORY STRUCTURE.

H. AN EASEMENT IS RESERVED OVER THE REAR OF EACH LOT FOR UTILITY INSTALLATION AND MAINTENANCE AS INDICATED ON THE PLAT OF ARCADIAN ACRES NO. 2.

I. UNTIL SUCH TIME AS A SANITARY SEWER SYSTEM SHALL HAVE BEEN CONSTRUCTED IN THE TRACT, A SANITARY SEPTIC TANK SHALL BE INSTALLED FOR EACH DWELLING ERECTED IN THE TRACT, SUCH SEPTIC TANK SHALL BE OF TYPE AND CONSTRUCTION AND SO LOCATED ON THE INDIVIDUAL LOT AS TO BE APPROVED IN WRITING BY THE INDIANA STATE BOARD OF HEALTH. NO OTHER SANITARY PROVISION OR DEVICE FOR SEWAGE DISPOSAL SHALL BE INSTALLED OR PERMITTED TO REMAIN IN THE TRACT.

J. NO PROPERTY IN THIS PLAT SHALL BE RENTED, LEASED, CONTRACTED TO OR CONVEYED TO ANY OTHER THAN THOSE OF THE CAUCASIAN RACE.

K. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL THE PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 1970, 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 SAID COVENANTS IN WHOLE OR IN PART.

L. IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY SITUATED IN SAID DEVELOPMENT OF 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 SO DOING OR TO RECOVER DAMAGES FOR SUCH VIOLATION.

M. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

•RECORDED.....JULY.....30,1946
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