

Plat Book
30 page 196
Inst. #5271
May 21, 1956
Recorded
Jan. 24, 1957

117.

DEVONSHIRE THIRD SECTION,
an Addition in Marion County,
Indiana.

Plat

I, the undersigned Hubert L. Longest, a registered engineer in the State of Indiana hereby certify that the within plat of "Devonshire, Third Section" is true and correct and represents a subdivision of a part of the Southeast Quarter of Section 33, Township 17 North, Range 4 East, in Washington Township and part of the Northeast Quarter of Section 3, Township 16 North, Range 4 East and the West one half of the Southwest Quarter of Section 34, Township 17 North, Range 4 East, in Lawrence Township, all being East of the Second Principal Meridian in Marion County, Indiana. More particularly described as follows; to wit:

Beginning at a point on the South line of the Southeast Quarter of Section 33, Township 17 North, Range 4 East, said point being 100 feet West of the Southwest corner of the East one half of said Quarter Section, thence in a northeasterly direction forming an interior angle of 80 degrees & 45 minutes for a distance of 1446.2 feet to a point, thence by deflection angle of 8 degrees, 15 minutes left, and running parallel to the West line of the Southeast Quarter of Section 33 for a distance of 1220.0 feet to a point on the North line of said Quarter Section, thence East upon and along the North line of said Quarter Section for a distance of 1232.6 feet to the Northeast corner of the Southeast Quarter of Section 33, Township 17 North, Range 4 East, said point being the Northwest corner of the West one half of the southwest Quarter of Section 34, Township 17 North, Range 4 East, thence continuing East upon and along the North line of the West one half of the Southwest Quarter of Section 34, Township 17 North, Range 4 East, for a distance of 1328.5 feet to a point, said point being the Northeast corner of the West one-half of the Southwest Quarter of Section 34, Township 17 North, Range 4 East. Thence South upon and along the East line of the West Half Southwest Quarter of Section 34, Township 17 North, Range 4 East, for a distance of 2650.5 feet to a point. said point being the Southeast corner of the West one half of the southwest quarter of Section 34, Township 17 North Range 4 East. Thence West upon and along the South line of the West one half of the Southwest quarter of Section 34, Township 17 North, Range 4 East for a distance of 108.55 feet to a point, said point being the Northeast corner of the Northeast Quarter of Section 3, Township 16 North, Range 4 East. Thence South upon and along the

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East line of the Northeast Quarter of Section 3 Township 16 North, Range 4 East for a distance of 902.7 feet to a point. Said point being in the center line of Millersville Road as now established this 21st day of July, 1955, thence in a Southwesterly direction on and along the center line of Millersville Road for a distance of 917.8 feet to a point. Thence by deflection angle of 1 degree 21 minutes left for a distance of 491.0 feet to the P.T. of a curve whose radius is 955 feet; thence left around said curve whose intersection angle is 29 degrees and 36 minutes left for a distance of 50.5 feet to a P.O.C.; thence in a Northerly direction forming an interior angle of 75 degrees 35 minutes tangent to curve at said P.O.C. for a distance of 292.45 feet to a point; thence in a Southwesterly direction forming an interior angle of 74 degrees 15 minutes for a distance of 360.0 feet to a point; thence in a Southeasterly direction forming an interior angle of 78 degrees 20 minutes for a distance of 304.9 feet to a point in the centerline of Millersville Road. Said point being the P.O.C. of a curve whose radius is 955 feet. Thence in a Southwesterly direction (on and along the centerline of Millersville Road) and left around said curve whose intersection angle is 29 degrees 36 minutes for a distance of 227.5 feet to the P.C.; thence in a Southwesterly direction (on and along the center line of Millersville Road) 140.0 feet to the P.T. of a curve whose radius is 934.7 feet; thence right around said curve whose intersection angle is 34 degrees 55 minutes for a distance of 473.6 feet to a P.O.C. (said P.O.C. being in a centerline of Millersville Road); thence in a Northwesterly direction forming an interior angle of 91 degrees 00 minutes tangent to curve at said P.O.C. for a distance of 219.3 feet to a point; thence in a Southwesterly direction, forming an interior angle of 97 degrees and 08 minutes for a distance of 235 feet to a point on the West line of the Northeast Quarter of Section 3, Township 16 North, Range 4 East, said point being 881.4 feet North of the Southwest corner of the North East quarter of Section 3, Township 16 North, Range 4 East, thence North forming an interior angle of 84 degrees 23 minutes, running on and along the West line of said Quarter Section for a distance of 1453.85 feet to the Northwest corner of said Quarter Section. Said Northwest corner of Section 3 Township 16 North, Range 4 East, being 42 feet West of the Southwest corner of the East one half of the South East Quarter of Section 33, Township 17 North, Range 4 East, thence West on and along the South line of the Southeast Quarter of Section 33, Township 17 North, Range 4 East, for a distance of 58 feet to the place of beginning, containing 229.97 acres, more or less.

This addition contains 326 lots numbered from 246 to 508, 514 to 576 all inclusive and Block "A"

The size of lots and width of streets are shown on this plat in figures denoting feet and decimal parts thereof.

Witness my signature this 21st day of May, 1956.

HUBERT L. LONGEST (Seal)
Registered Engineer No. 4327
Indiana.

The undersigned, INDIANA NATIONAL BANK of Indianapolis as Trustee under deeds recorded in Town Lot Record 1563 page 26 and Town Lot Record 1569 page 37 does hereby certify that they have laid-off, platted and subdivided and hereby lay-off plat and subdivide into lots and streets in the above certified plat the real estate described in the foregoing engineers certificate. This subdivision shall be known and designated as "DEVONSHIRE Third Section", an addition in Marion County, Indiana. The streets not heretofore dedicated are hereby dedicated to the public.

The undersigned owner hereby establishes front and side building lines as shown on the above plat, between which lines and the property lines of the several streets there shall be erected and maintained no permanent or other structures, or part thereof, except open porches, and except as to the side yard lines under the conditions hereinafter referred to.

There are strips of ground marked "Utility Easement" shown on the plat that are hereby reserved for public utilities not including, however transportation companies, for the installation and maintenance of poles, mains, sewers, drains, ducts, lines and wires, Purchasers of lots in this addition shall take title subject to the easement hereby created and subject at all times to the rights of proper authorities to service such utilities in the easements hereby created for said corporation strips, and no permanent structures of any kind, and no part thereof except fences, shall be built, erected or maintained on said corporation strips.

Until such time as a sanitary sewer system is installed in this subdivision, a sanitary septic tank with adequate absorption bed shall be installed for each dwelling erected. Such septic tank and absorption bed shall be of such type and construction and so located upon the individual lots as to be approved in writing by the "Devonshire Third Section Building Committee" hereinafter referred to. No other sanitary provisions or device for sewage disposal shall be permitted or used in this subdivision. No septic tank affluent or laundry tub or sink or basement drain water may be tiled into any open ditch; downspout water may be tiled to the street or any open, natural line of drainage; tiles around the exterior of basement walls and footings may likewise be tiled into any natural drainage available so long as there is no connection with the sewage system of the property involved.

All lots in this addition shall be designated as residence lots. Only one single-family dwelling with accessory buildings, and not exceeding two and one half

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stories in height, may be erected or maintained on any platted lot in this addition.

No residence shall be erected or maintained on any lot in this addition having a ground floor area of less than 1200 square feet in case of a one story residence or less than 800 square feet in the case of a one and one-half or two or two and one-half story residence, except residence constructed on lot 401 to Lot 416, Lot 442 to lot 473, lot 499 to Lot 508, Lot 514 to lot 522, lot 523 to lot 524 and lot 525. There shall be not less than 200 square feet of ground floor area including garage and said residence shall have a minimum of 60% Stone or Brick exterior balance may be frame subject to building committee approval. The side yard on each side of the residence must be equal in width to 15% of the width of the lot at the set-back line or 20 feet, whichever is the lesser, except that in the case where the same person or persons own two adjoining lots not separated by an easement for utilities as shown on said plat, such owner may build to coincide with or be nearer than 15 feet to such dividing line, but no residence or building of any character shall be built in such a manner as to be on any strip covered by such utility easement and provided further that in no case shall any residence or building be erected nearer to any other residence or building than thirty feet.

No trailer, tent, shack, basement, garage or temporary structure of any kind shall be used for temporary or permanent residential purposes on any lot. No Noxious or offensive trade shall be carried on upon any lot in this addition, nor shall any thing be done thereon which shall be or become a nuisance to the neighborhood.

No lot or lots in this subdivision shall be re-subdivided into a greater number of lots than presently platted.

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.

No building shall be erected, placed or altered on any of these lots in this addition until the building plans, plot plans and specifications showing the location thereof have been approved in writing by a majority of a committee to be known as "The Devonshire Third Section Building Committee" and composed of W. Linton Atkinson, Wilbur W. Atkinson, and Warren M. Atkinson, or approved in writing by Warren M. Atkinson as agent for said committee, for conformity and harmony of external design with existing structures in this area, and also as to location of building with respect to property and building setback lines. In the event of the death of any member or members of this committee the surviving member or members shall have the authority to approve or disapprove such design and location. If said committee shall fail to approve or disapprove such design or

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location within ten (10) days after said plans have been submitted or 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 shall not be required. Said committee shall act and serve without compensation. Said committee shall act and serve until May 21, 1981 at which time the then record owners of a majority of these lots in this addition subject to the covenants herein set forth, may designate in writing, duly recorded among the land records their authorized representatives, who thereafter shall have all the powers, subject to the above limitations, as were previously delegated herein to the said committee. The size and type of culvert pipes to be installed under private drives shall be approved by said committee, minimum size of said culvert pipes to be 12".

The right to enforce these restrictions shall vest in the owners of the lots in this addition, and the said right, together with the right to cause removal of any structure or part thereof erected or maintained in violation of these restrictions, may be exercised in conjunction or by appropriate action at law.

These restrictions constitute covenants running with the land and shall be in effect for periods of 25 years from this date, provided that at the expiration of said term owner or owners of a majority of lots in this addition shall execute and acknowledge a declaration in writing waiving renewals and said written declaration shall be recorded in the office of the Recorder of Marion County, Indiana in which event the provisions above set out for renewals shall be nullified. In witness whereof, The INDIANA NATIONAL BANK of Indianapolis, Trustee under deeds recorded in Town Lot Record 1563 page 26 and Town Lot Record 1569 page 37, has hereinto set its hand and corporate seal this 21st day of May 1956.

THE INDIANA NATIONAL BANK OF
INDIANAPOLIS, TRUSTEE, under
deed recorded in Town Lot Record
1563 page 26 (Corp.Seal)
By: Cecil A. Berry, Vice President

Attest:
L. J. Bowden,
Assistant Cashier

THE INDIANA NATIONAL BANK OF
INDIANAPOLIS, TRUSTEE, under deed
recorded in Town Lot Record 1569
page 37. (Corp.Seal)
By: Cecil A. Berry
Vice President

Attest:
L. J. Bowden,
Assistant Secretary.

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STATE OF INDIANA } SS:
County of Marion }

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, Cecil A. Berry, and L. J. Bowden, to me known and, known to me to be respectively, a Vice-President and an Assistant Cashier of THE INDIANA NATIONAL BANK of Indianapolis as Trustee under deed recorded in Town Lot Record 1563 page 26 and Town Lot Record 1569 page 37, and acknowledged the execution of the foregoing certificate as such trustee, and first being duly sworn upon their oath they did say that they are duly authorized to sign and deliver said instrument for and on behalf of said corporation as such trustee for the purposes therein set forth, and that the seal affixed to said instrument is the seal of said corporation and its affixing was duly authorized.

Witness my hand and notarial seal this 21st day of May, 1956.

Mary Frances Snell (LS)

My commission expires
July 31, 1959.

Approved this 7th day of June, 1956.

COUNTY PLAN COMMISSION
County of Marion (Seal)
John C. Hart, President
Fred H. Norris, Secretary

Approved this 24th day of January 1957.
Marion County Draftsman
James W. Calbert

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WE FIND NO FURTHER CONVEYANCES.

ENCUMBRANCES.

MORTGAGES.

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None found unsatisfied of record filed within
the period of this search.

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