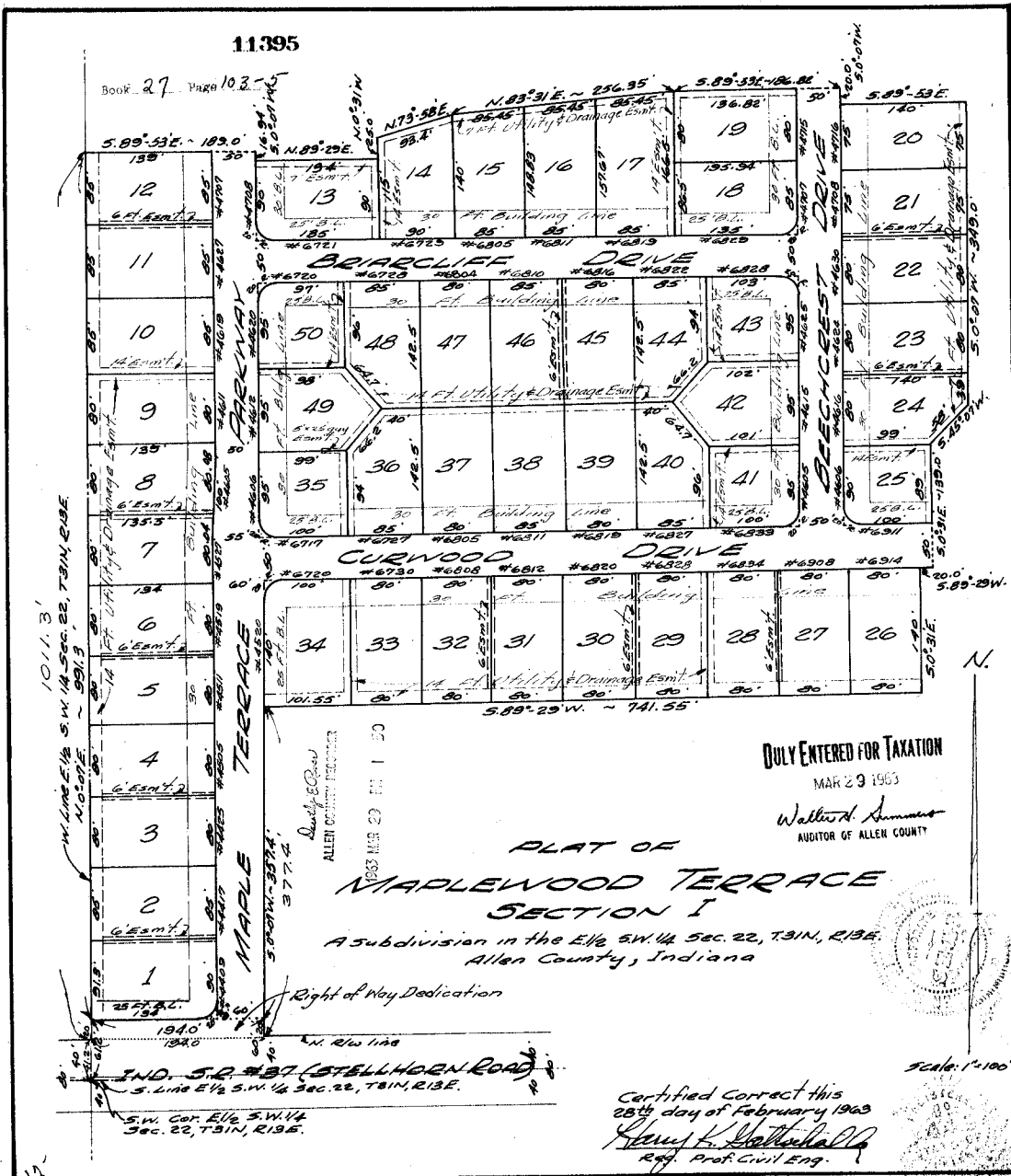


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For Easement info see
doc 755904 1-3-95

LEGAL DESCRIPTION OF MAPLEWOOD TERRACE, SECTION 1
A SUBDIVISION IN THE E 1/2 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 13 EAST
ALLEN COUNTY, INDIANA

Part of the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East in Allen County, State of Indiana, described as follows, to wit: Beginning at a point on the North right of way line of US-Indiana State Road Numbered 37, said point also being on the West line of the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East, said point also being 11.2 feet North 0 degrees 07 minutes East of the Southwest corner thereof; thence continuing North 0 degrees 07 minutes East along the aforementioned West line of the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East 1011.3 feet; thence South 89 degrees 53 minutes East 189.0 feet; thence South 0 degrees 07 minutes West 16.94 feet; thence North 89 degrees 29 minutes East 134.0 feet; thence North 0 degrees 31 minutes West 25.0 feet; thence North 73 degrees 58 minutes East 93.4 feet; thence North 83 degrees 31 minutes East 256.35 feet; thence South 89 degrees 53 minutes East 136.82 feet; thence South 0 degrees 07 minutes West 20.0 feet; thence South 89 degrees 53 minutes East 110.0 feet; thence South 0 degrees 07 minutes West 349.0 feet parallel to the aforementioned West line of the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East; thence South 45 degrees 07 minutes West 58.0 feet; thence South 0 degrees 31 minutes East 139.0 feet; thence South 89 degrees 29 minutes West 20.0 feet; thence South 0 degrees 31 minutes East 140.0 feet; thence South 89 degrees 29 minutes West 741.55 feet; thence South 0 degrees and 07 minutes West 377.4 feet parallel to the aforementioned West line of the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East to a point on the aforementioned North right of way line of US-Indiana State Road Numbered 37; thence West along said line 194.0 feet to the point of beginning, containing 16.44 acres of land, more or less.

CERTIFICATE OF PROFESSIONAL CIVIL ENGINEER

I, Harry K. Gottschalk, hereby certify that I am a Professional Civil Engineer, licensed in compliance with the laws of the State of Indiana, and that this Plat correctly represents a survey completed by me the 28th day of February, 1963, that all the markers shown thereon actually exist and that their location, size, type and material are accurately shown. Said lots are numbered from 1 to 50, both inclusive.

Harry K. Gottschalk SEAL
Harry K. Gottschalk
Registered Professional Civil Eng.
Indiana Reg. No. 11415

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- A-8. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
- A-9. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet, advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
- A-10. OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot. No derrick or other structure designed for the use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
- A-11. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- A-12. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
- A-13. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall hedge or shrub planting, which obstructs sight line at elevations between 2 and 6 feet above roadways, 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 them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. 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.
- A-14. All buildings shall be constructed in a substantial and good workmanlike manner and of new materials. No roll siding, asbestos shingle siding, or siding containing asphalt or tar as one of the principal ingredients shall be used in the exterior construction of any building on any lots of said subdivision, and no roll roofing of any description or character shall be used on the roof of any dwelling house or attached garage on any of said lots.
- A-15. DRIVES. All driveways from the street to the garage shall be poured concrete and not less than 10 feet in width.
- A-16. All oil or fuel storage tanks shall be installed under ground or concealed within the main structure of the dwelling house, its basement or attached garage.
- A-17. No individual water supply system, or individual sewage disposal system shall be installed, maintained or used on any lots in this subdivision.
- A-18. In addition to the utility easements herein designated, easements in the streets, as shown on this plat, are hereby reserved and granted to all Public Utility Companies, the proprietors of the land herein platted, and their respective successors and assigns, to install, lay, erect, construct, renew, operate, repair, replace, maintain and remove all and every type of gas main, water main and sewer main (Sanitary and/or Storm) with all necessary appliances, subject, nevertheless, to all reasonable requirements of any governmental body having jurisdiction thereof as to maintenance and repair of said streets.

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DEED, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS
APPROVED TO AS A PART OF THE DEDICATION AND PLAT OF MAPLEWOOD TERRACE, SECTION 1,
A SUBDIVISION IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 31
NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA

NORTH EASTERN DEVELOPMENT CORP., an Indiana Corporation, by Chris Stauffer, its President, and Joseph L. Zehr, its Vice President, hereby declares that it is the Owner of the real estate shown and described in this Plat and does hereby lay off, plat and subdivide said real estate in accordance with the information shown on the final plat, being the certified plat appended hereto and incorporated herein. This subdivision shall be known and designated as MAPLEWOOD TERRACE, SECTION 1, a subdivision in the East half of the Southwest quarter of Section 22, Township 31 North, Range 13 East, Allen County, Indiana.

The lots are numbered from 1 to 50, both inclusive, and all dimensions are shown in feet and decimals of a foot on the Plat. All streets and easements specifically shown or described are hereby expressly dedicated to public use for their usual and intended purpose.

PART "A" - RESIDENTIAL AREA COVENANTS

- A-1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height. Each house shall include a garage, which shall be built as part of said structure and attached thereto.
- A-2. ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finished grade elevations. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line.
- A-3. DWELLING SIZE. No building shall be built on any lot having a ground floor area upon the foundation, exclusive of one-story open porches, breezeway or garage, of less than 1120 square feet for a one-story building, nor less than 800 square feet for a dwelling of more than one-story.
- A-4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located on any lot nearer than 30 feet to the front lot line, or nearer than 20 feet to any side street line. No building shall be located nearer than 7 feet to an interior lot line. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line.
- A-5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the minimum building setback line, nor shall any dwelling be erected or placed on any lot having an area of less than 9,000 square feet.
- A-6. BASEMENTS. Basements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear seven (7) feet of each lot, or as shown on the plat.
- A-7. NUISANCE. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

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- A-19. The Utility operating the sewer lines and sewage disposal plant for said Subdivision, or assigns, shall have jurisdiction over the installation of all sewer connections and the same shall be installed to the front property line of each lot by the developer. All materials to be used in continuing sewer lines from front property line to the house shall be of materials used in the initial installation. (Specifications - Six (6) inch, C-13 vitrified tile using Wedglock Sells or better). The said installation shall be left for inspection by the developer or agent.

- A-20. No rain and storm water run off or such things as roof water, street pavement and surface water caused by natural precipitation shall at any time be discharged into or permitted to flow into the Sanitary Sewage System, which shall be a separate sewer system from the Storm Water and Surface Water Run Off Sewer System. No sanitary sewage shall at any time be discharged or permitted to flow into the above mentioned Storm Water and Surface Run Off Sewer System.

- A-21. North Eastern Development Corp., its assigns or successors, shall install all water connections to main lines and shall extend the same to curb boxes on either side of the street. All water connections from curb boxes to house shall be of 3/4 inch type "K" copper, installed by owner, having a 3/4 inch by 1-1/2 inch galvanized pipe nipple with proper tail pieces for the future installation of a water meter, suitably located and installed. No water will be furnished until such installation.

PART "B" - ARCHITECTURAL CONTROL COMMITTEE

- B-1. MEMBERSHIP. The Architectural Control Committee is composed of three members, the first Committee Members to be: Chris Stauffer, Trennis Toder and Joseph L. Zehr. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant.

- B-2. PROCEDURE. The Committee's approval, or disapproval, as required by these covenants, shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

PART "C" - GENERAL PROVISIONS

- C-1. TERM. The restrictions and covenants herein contained shall run with the land and be effective for a period of fifty (50) years, unless, prior to the expiration of fifty (50) years, said restrictions and covenants are altered or amended by the owners of 65% of the lots in said Addition at the time the alterations or amendment of restrictions and covenants are made provided, however, North Eastern Development Corp., its successors or assigns shall have the exclusive right for two (2) years from the date of recording of this plat to amend any of the Covenants or Restrictions except A-3 above. The term "Owners" shall be the person, firm, or corporation in whose name the fee simple title appears of record in the Office of the Recorder of Allen County, Indiana.

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- C-2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person, or persons, violating, or attempting to violate, any covenant either to restrain violation or to recover damages.
- C-3. SEVERABILITY. 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.
- C-4. PROHIBITION. Before any house or building on any lot or tract in this subdivision shall be used and occupied as a dwelling or as otherwise provided in the subdivision restrictions above, the developer or any subsequent owner of said lot or tract shall install all improvements serving said lot or tract as provided in said plans and specifications for this Addition filed with the Board of Commissioners. This Covenant shall run with the land and be enforceable by the County of Allen, Indiana, or by any aggrieved lot owner in the Subdivision.
- C-5. DEFINITIONS. For the purpose of this Plat and the Covenants appended thereto, the word "LOT" may mean either any of said lots as platted or any tract or tracts of land as conveyed originally or by subsequent owners, which may consist of one or more lots or parts of one or more lots as platted upon which a residence may be erected in accordance with the restrictions hereinabove set out or such further restrictions as may be imposed by any applicable zoning ordinance, PROVIDED, HOWEVER, no tract of land consisting of part of any one lot or parts of more than one lot shall be considered a "LOT" unless said tract of land has a frontage of 70 feet in width at the established building line as shown on this Plat.

IN WITNESS WHEREOF, North Eastern Development Corp., an Indiana Corporation, by Chris Stauffer, its President, and Joseph L. Zehr, its Vice President, Owner of the real estate described in said Plat, has hereto set its hand and seal by its duly authorized officers this 28th day of February, 1963.

NORTH EASTERN DEVELOPMENT CORP.

By: Chris Stauffer
Chris Stauffer, its President

By: Joseph L. Zehr
Joseph L. Zehr, its Vice President

DULY ENTERED FOR TAXATION

MAR 29 1963

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, a Notary Public, in and for said County and State, personally appeared North Eastern Development Corp., an Indiana Corporation, by Chris Stauffer, its President, and Joseph L. Zehr, its Vice President, and acknowledged the voluntary execution of the Plat herewith for the purposes and uses therein set forth this 28th day of February, 1963.

BY: Elizabeth Zehr
Elizabeth Zehr, Notary Public

My Commission Expires: October 20, 1963

APPROVALS:

BOARD OF COMMISSIONERS
Allen County, Indiana

Harry A. Amodeo
Harry Amodeo, President

John R. Hartman
John R. Hartman, Vice President

Glenn H. Lake
Glenn H. Lake, Secretary

BOARD OF PUBLIC WORKS
Fort Wayne, Indiana

Paul F. Roemke
Paul F. Roemke, Chairman

C. L. Sidle
C. L. Sidle, Member

Berkley Ward
Berkley Ward, Member

COUNTY PLAN COMMISSION
Allen County, Indiana

Otis A. McFadden
Otis A. McFadden, President

Walter V. Kell
Walter V. Kell, President

Robert A. Hattersley
Robert A. Hattersley, Secretary

Paul E. Jackson

The foregoing Plat, Dedication, Protective Restrictions, Covenants, Easements and Approvals prepared by Harry K. Gottschalk, Registered Professional Civil Engineer, and Mickey M. Miller, Attorney at Law.