



# **DAVID BRENTON'S TEAM**

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## **RE/MAX Select, REALTORS**

**48 N Emerson Ave Suite 600 Greenwood, IN 46143-8895**

**(317) 882-7210 Office • (317) 888-7201 Fax**

**[www.move2indy.com](http://www.move2indy.com)**

The covenants provided may or may not include any amendments made due to governing agencies (ie: national, state, city, local and neighborhood agencies). Please contact the Recorder's office for the county where the property is located to receive updated information.

**The information is deemed reliable, but not guaranteed.**

RECORDS SECTION  
SEP 29 9 32 AM '75

DOCKET NO. 75-2-90

BEFORE THE METROPOLITAN DEVELOPMENT COMMISSION

Petition of Fortress Service Corporation

STIPULATION AND AGREEMENT

It is hereby agreed by and between GEORGE OTIS LEWIS, FRANCES JEAN LEWIS, MARJORIE JOHNSTON, MARJORIE TARKINGTON, JEANETTE STOKELY, FORTRESS SERVICE CORPORATION, owners and petitioners herein, FRANKLIN TOWNSHIP CIVIC ASSOCIATION, and BUNKER HILL NEIGHBORHOOD ASSOCIATION, civic associations, representing the community interests as follows:

1. Petitioner above has filed a petition to rezone certain parcels described by metes and bounds located in the vicinity of the intersections of Arlington, Combs and 5-Points Roads with Southport and Stop 11 Roads, the legal description of which appears in Exhibit "A" of this Stipulation and Agreement (hereinafter referred to as the "Subject Premises"). A plat of the Subject Premises is shown on the site plan filed in the above referenced case, and in said petition, petitioner seeks rezoning of the Subject Premises from an A-2 Agricultural District to a D-3 Single Family Residential District. The Franklin Township Civic Association and the Bunker Hill Neighborhood Association are agreeable to the proposed single family development of the agricultural property, provided it can be developed in such a way to remain compatible with the surrounding high quality single family residential property, and contribute to the continued development of a family residential neighborhood at this location.

2. In the development of the Subject Premises for single family residential purposes, Petitioner agrees to build residential homes which will:

- (a) Contain at least 1200 square feet of living space as required under the D-2 Residential District Ordinance.

75-53240

THIS DOCUMENT IS THE POINT OF BEGINNING, CONTAINING 121.74 ACRES, MORE OR LESS.

75 53240

(b) That all utilities serving this proposed development will be underground.

(c) That the exterior of said dwelling houses will contain no more than 75% aluminum siding, that no more than 25% of said residential homes will have all wood exteriors and the balance of all such homes will have at least 25% masonry exteriors.

(d) That no mobile homes will be placed in said addition or allowed to remain in said addition.

(e) That each residential home will have at least a single car attached garage and no carports.

(f) That driveways will be constructed to said residences and will be paved with a hard surface, such construction to be completed no later than one (1) year after the conveyance of any lot or parcel in this proposed addition.

(g) This addition will also be served by properly constructed sanitary sewers and city water.

(h) The parties recognize that working out a satisfactory drainage plan will be a problem, but agree to attempt to work out these problems in connection with the Petitioner's Application for Plot Approval.

(i) That the ecology of this area will not be disturbed prior to the plat approval by the removal of any trees or changes in the landscape customary in the preliminary site development.

(j) That said residences will not be constructed so as to use exterior concrete block as that building material is now known, except for building foundation.

(k) No fences will be erected in front of the setback lines unless that policy is changed by proper amendment of the applicable zoning ordinance.

75 33240

-2-

TO BE TO THE POINT OF BEGINNING, CONTAINING 751.74 ACRES  
MORE OR LESS.

75 53240

(l) All residences will be single family use, no doubles even on corner lots as otherwise permitted by the D-3 Ordinance.

(m) That in order to provide buffer areas in the proximity of present and future homes along Arlington and Combs Roads, Petitioner will provide lots adjoining these two (2) corridors with a lot area of 15,000 square feet as provided in D-2 Residential District, and will also provide such a D-2 lot in the northeast corner of the Subject Premises adjoining the property of N. N. and M. F. Wooden and will construct all masonry homes in the lots adjoining 5-Points Road, and opposite the McMillan farm.

3. The above covenants shall bind not only the parties to this Stipulation and Agreement, but also shall bind the Subject Premises and run with the land and Items 2(a) (d) (e) (f) (k) (l) and (m) shall be included in the plat of this proposed addition. It is further agreed by and between the parties that the Agreement and covenants herein and the right to enforce the same shall extend to the parties to this Stipulation and Agreement, their assignors, heirs and assigns, and the Department of Metropolitan Development, and that any changes, modifications or termination of this Agreement may be executed by the then owners of the real estate and the parties hereto or their successors and assigns.

NOW, THEREFORE, in consideration of Franklin Township Civic Association and Bunker Hill Neighborhood Association's Agreement not to remonstrate against said petition, Petitioner and owners herein agree that if the Metropolitan Development Commission and the City-Council shall approve said petition, any development of the Subject Premises and the construction and improvements thereon shall conform materially with the provisions of this Agreement.

75 53240



EXHIBIT "A"

PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 4 EAST, MARION COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

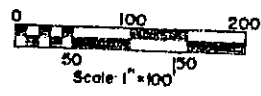
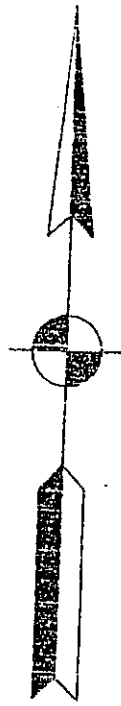
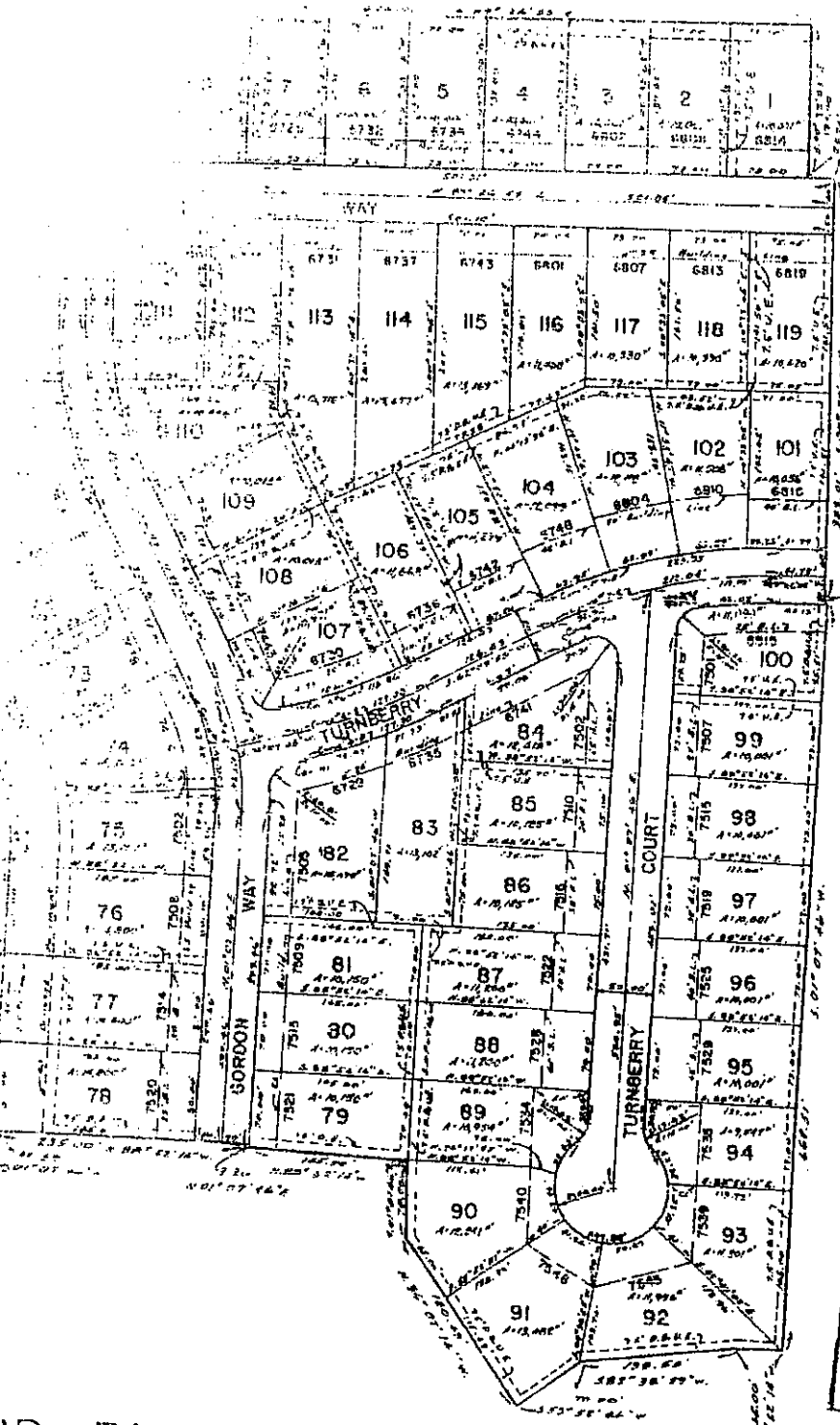
BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; RUNNING THENCE NORTH 1°08'10" EAST AND ALONG THE WEST LINE THEREOF 1901.60 FEET TO A POINT 780.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°28'30" EAST 235 FEET; THENCE NORTH 1°08'10" EAST 60 FEET; THENCE NORTH 89°28'30" EAST 85 FEET; THENCE NORTH 1°08'10" EAST 718.58 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE EAST ALONG SAID NORTH LINE 2124.93 FEET TO A POINT 251.95 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 1°01'15" WEST 300.60 FEET; THENCE NORTH 89°51'20" EAST 252 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER SECTION, SAID POINT BEING 299 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH 1°01'15" WEST AND ALONG THE EAST LINE OF SAID QUARTER SECTION 1059.50 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 89°51'05" WEST AND ALONG THE SOUTH LINE OF SAID  $\frac{1}{2}$  -  $\frac{1}{4}$  SECTION 1350.44 FEET TO THE SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 1°07'24" WEST 1344.29 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER SECTION; THENCE DUE WEST AND ALONG THE SOUTH LINE THEREOF 1348.88 FEET TO THE POINT OF BEGINNING, CONTAINING 117.61 ACRES MORE OR LESS.

AND ALSO

PART OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 4 EAST, MARION COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER SECTION, DISTANT 685.30 FEET WEST OF THE SOUTHEAST CORNER THEREOF; RUNNING THENCE SOUTH 89°35'40" WEST AND ALONG SAID SOUTH LINE 662.39 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 1°12'10" EAST 1341.30 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE SOUTH 89°52'20" WEST 1147.90 FEET TO A POINT 200 FEET EAST OF THE SOUTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 1°01'15" EAST 180 FEET; THENCE SOUTH 89°52'20" WEST 200 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 1°01'15" EAST ALONG SAID WEST LINE 50 FEET; THENCE NORTH 89°52'20" EAST 200 FEET; THENCE NORTH 1°01'15" EAST 447 FEET; THENCE NORTH 89°52'20" EAST 87 FEET; THENCE NORTH 1°01'15" EAST 334.25 FEET; THENCE SOUTH 89°52'20" WEST 87 FEET; THENCE NORTH 1°01'15" EAST 290 FEET; THENCE SOUTH 89°52'20" WEST 200 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 1°01'15" EAST AND ALONG SAID WEST LINE 50 FEET; THENCE NORTH 89°39'50" EAST 200 FEET; THENCE NORTH 1°01'15" EAST 7.25 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER SECTION; THENCE NORTH 0°50'50" EAST 393 FEET; THENCE SOUTH 89°39'50" WEST 200 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID NORTH-EAST QUARTER SECTION; THENCE NORTH 0°50'50" EAST AND ALONG SAID WEST LINE 50 FEET; THENCE NORTH 89°39'50" EAST 200 FEET; THENCE NORTH 0°50'50" EAST 208 FEET; THENCE NORTH 89°39'50" EAST 1146.25 FEET; THENCE NORTH 89°26'55" EAST 1353.70 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER SECTION; THENCE SOUTH 1°04'30" WEST AND ALONG SAID EAST LINE 659.82 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 1°03'40" WEST AND ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SECTION 2379.23 FEET TO A POINT 320.20 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°01'25" WEST 685.04 FEET; THENCE SOUTH 1°03'40" WEST 336.70 FEET TO THE POINT OF BEGINNING, CONTAINING 151.74 ACRES MORE OR LESS.

RECORDED & INDEXED  
COUNTY CLERK  
HARRISBURG, INDIANA  
NOV 1 3 20 PM '76



FINAL APPROVAL  
PLAT COMMITTEE  
METROPOLITAN DEVELOPMENT COMMISSION  
DIVISION OF PLANNING & ZONING  
MARIETTA COUNTY, INDIANA

*Oct 12* 1976

PROPER PUBLIC NOTICE OF THE  
HEARING HAS BEEN PUBLISHED

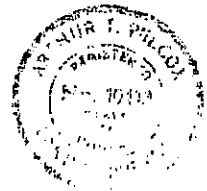
*Donald H. Johnson*  
SECRETARY, PLAT COMMITTEE

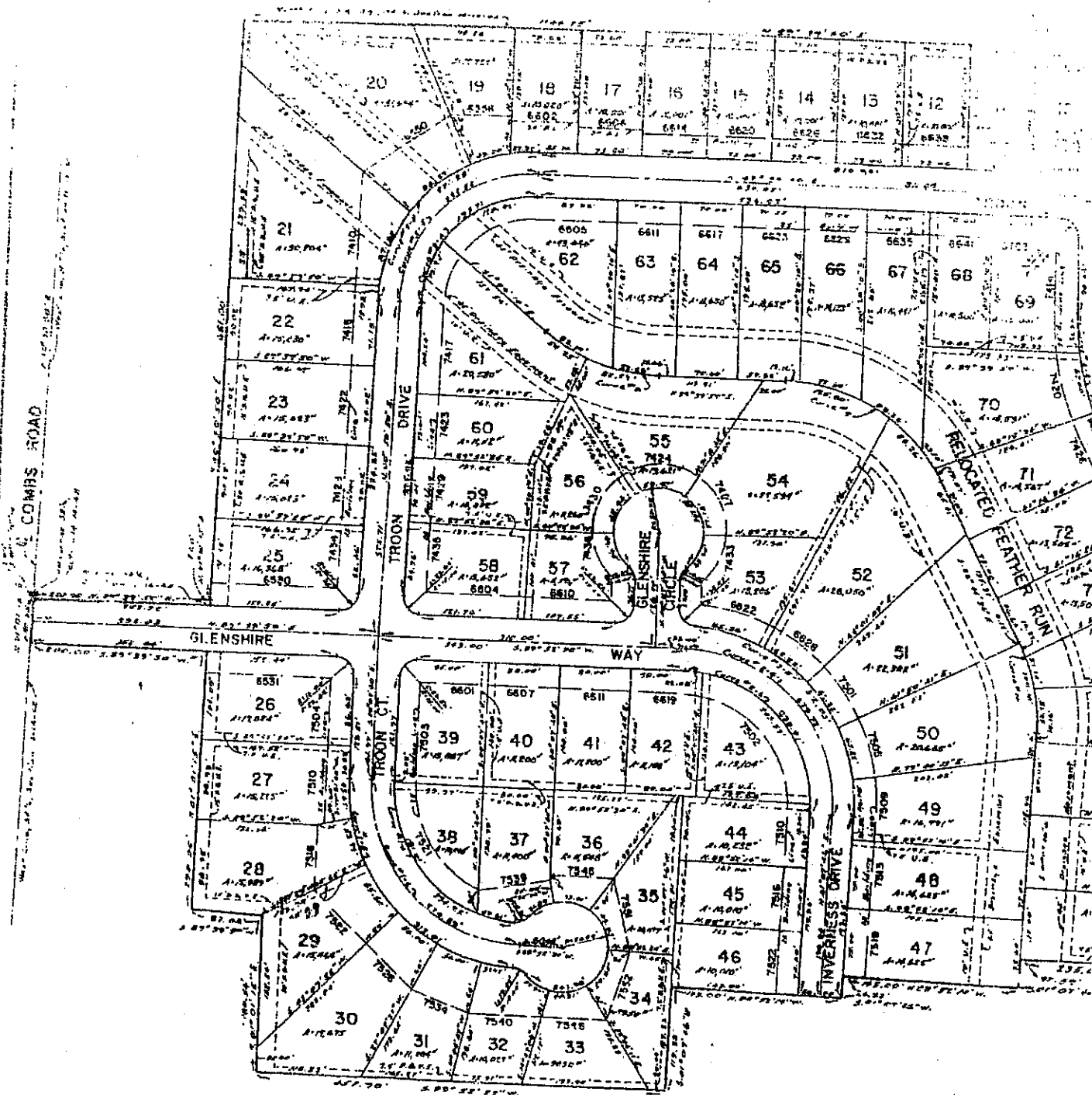
VOID UNLESS RECORDED  
BEFORE 4-14-1976

RD PLAT  
SUBDIVISION

ON ONE

CERTIFIED BY *Arthur T. Wilson*  
COUNTY CLERK  
HARRISBURG, INDIANA  
NOV 1 3 20 PM '76

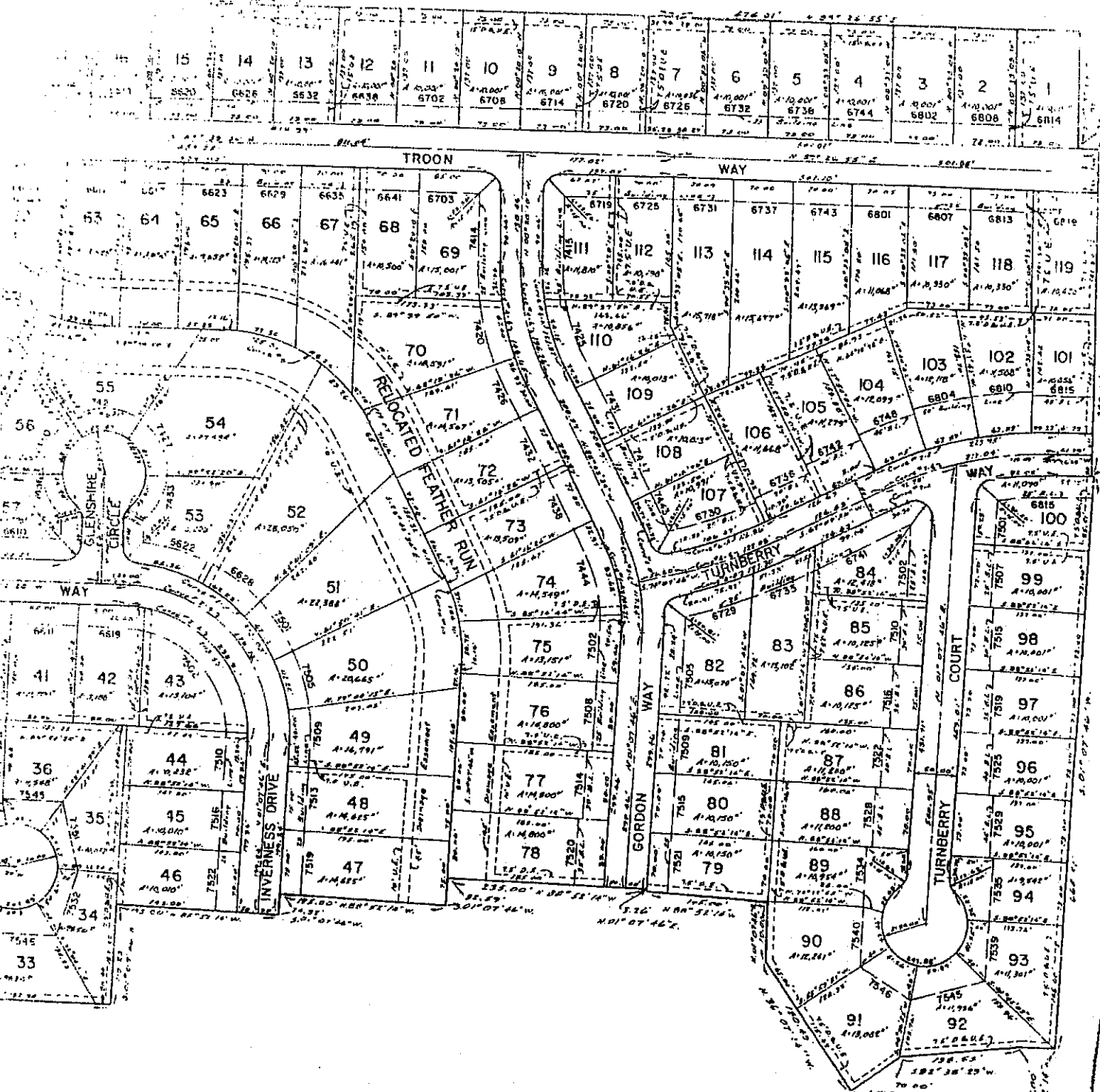




CURVE DATA						
No.	A	R	L	C	T	D
1	90° 00' 00"	175.00	175.00	187.50	187.50	33.750000
2	120° 00'	133.00	133.00	159.00	159.00	38.125000
3	150° 00'	110.00	110.00	137.50	137.50	33.750000
4	180° 00'	100.00	100.00	125.00	125.00	31.250000
5	210° 00'	100.00	100.00	125.00	125.00	31.250000
6	240° 00'	110.00	110.00	137.50	137.50	33.750000
7	270° 00'	133.00	133.00	159.00	159.00	38.125000
8	300° 00'	175.00	175.00	187.50	187.50	33.750000
9	330° 00'	175.00	175.00	187.50	187.50	33.750000
10	360° 00'	175.00	175.00	187.50	187.50	33.750000

APPROVED THIS 1st DAY OF February 19 76  
 ADDRESS OF RECORDING COUNTY  
*Butte*

RECORD  
 MUIRFIELD SU  
 SECTION



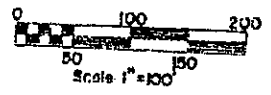
# RECORD PLAT MUIRFIELD SUBDIVISION SECTION ONE

000 LOT NUMBER  
ADDRESS

CERTIFIED BY *Arthur J. Wilson*  
ARTHUR J. WILSON  
REGISTERED SURVEYOR  
STATE OF MICHIGAN

MICHIGAN  
PLAT  
PRIME  
MURKIN  
SECT.





FINAL APPROVAL  
 PLAT COMMITTEE  
 METROPOLITAN DEVELOPMENT COMMISSION  
 DIVISION OF PLANNING & ZONING  
 MARION COUNTY, INDIANA

*Oct 12 1976*

PROPER PUBLIC NOTICE OF THE  
 HEARING HAS BEEN PUBLISHED

*Douglas J. Simon*  
 SECRETARY, PLAT COMMITTEE

VOID UNLESS RECORDED  
 BEFORE 4-19-1976

# PLAT SUBDIVISION

## SECTION ONE

CERTIFIED BY: *Arthur T. Wilson*  
 REGISTERED SURVEYOR  
 STATE OF INDIANA



NO. \_\_\_\_\_  
 ADDRESS \_\_\_\_\_





Arthur T. Wilcox 1041

ARTHUR T. WILCOX, 1041-  
REGISTERED LAND SURVEYOR  
STATE OF INDIANA



THE UNDERSIGNED, PORTRESS SERVICE CORPORATION, AN INDIANA CORPORATION, BEING OWNERS OF RECORD OF ALL THE INCLUDED LOTS

TO BUILD RESIDENTIAL HOMES WHICH SHALL CONTAIN AT LEAST 1200 SQUARE FEET OF LIVING SPACE AS REQUIRED UNDER THE PRESENT ZONING ORDINANCES

PLACED ON SAID ADDITION OR ALLOWED TO REMAIN IN SAID ADDITION

CONSTRUCTED TO SAID RESIDENCES AND WILL BE PAVED WITH A HARD SURFACE, SUCH CONSTRUCTION SHALL BE COMPLETED WITHIN ONE YEAR AFTER THE CONVEYANCE OF ANY LOT OR LOTS IN THE PROPOSED ADDITION

AND NO DRIVEWAY SHALL BE CONSTRUCTED OVER A STORM WATER DRAIN UNLESS THE DRIVEWAY IS PROTECTED BY PROPER AMENDMENT OF THE CITY ZONING ORDINANCES

AND NO DRIVEWAY SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET LINES AND A LINE CONNECTING POINTS TWENTY-FIVE (25) FEET FROM THE INTERSECTION OF SAID STREET LINES

IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET LINES THE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN TEN (10) FEET FROM THE INTERSECTION OF SAID STREET LINES

NO TREES SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCE UNLESS FOLIAGE LINES IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION

TO DOUBLE OR TRIPLE USE, NO DOUBLE OR TRIPLE USE ON CORNER LOTS AS OTHERWISE PERMITTED BY THE CITY ZONING ORDINANCES

AND NO DRIVEWAY SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET LINES AND A LINE CONNECTING POINTS TWENTY-FIVE (25) FEET FROM THE INTERSECTION OF SAID STREET LINES

IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET LINES THE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN TEN (10) FEET FROM THE INTERSECTION OF SAID STREET LINES

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TOWNSHIP CIVIC ASSOCIATION, AND BUNKER HILL NEIGHBORHOOD ASSOCIATION) EXECUTED SEPTEMBER 5, 1975, BUT ARE INCLUDED

HEREIN AS PARTS OF THIS INSTRUMENT AND THE AGREEMENT AND COVENANTS THEREIN AND THE OBLIGATION TO ENFORCE THE SAME SHALL EXTEND TO THE

OR SUCCESSORS OF SAID OWNERS THROUGH ANY SUCH VIOLATION OR ATTEMPTED VIOLATION, AND THAT ANY CHANGES, MODIFICATIONS, OR

REVISIONS TO SAID AGREEMENT SHALL BE EXECUTED BY THE THEN OWNERS OF THE REAL ESTATE AND THE PARTY HERETO, THEIR

HEIRS, SUCCESSORS AND CORPORATE SEAL THIS 26th DAY OF March 1976

PORTRESS SERVICE CORPORATION

HAROLD L. BARTHOLOMEW, SECRETARY

LEWIS WATKINS, VICE PRESIDENT

STATE OF INDIANA

COUNTY OF MADISON

NOTARY PUBLIC, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED FOR PORTRESS SERVICE CORPORATION,

BY ITS DULY AUTHORIZED OFFICERS LEWIS WATKINS, VICE PRESIDENT, AND HAROLD L. BARTHOLOMEW, SECRETARY, WHO ACKNOWLEDGED

THE EXECUTION OF THE FOREGOING STATEMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSE THEREIN EXPRESSED AND

AFFIXED THEIR SIGNATURES THEREON

AND SEAL THIS 26th DAY OF March 1976

NOTARY PUBLIC

STATE OF INDIANA

COUNTY OF MADISON

THIS INSTRUMENT PREPARED BY RONALD S. JANSSELL



# MUIRFIELD SUBDIVISION- SECTION ONE

## LEGAL DESCRIPTION

I, THE UNDERSIGNED, HEREBY CERTIFY THE WITHIN PLAT TO BE TRUE AND CORRECT, REPRESENTING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 4 EAST, MARION COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF THE SAID SOUTHEAST QUARTER, SOUTH 01 DEGREES 01 MINUTES 15 SECONDS WEST 7.00 FEET, PARALLEL TO THE NORTH LINE OF THE SOUTH HALF OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 39 MINUTES 50 SECONDS EAST 200.00 FEET MINUTES 15 SECONDS EAST 7.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREE 01 MINUTES 15 SECONDS EAST 7.00 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREE 01 MINUTES 15 SECONDS EAST 7.00 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER, TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER, TO THE NORTH LINE OF SAID SOUTHEAST QUARTER, TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 50 SECONDS EAST 651.00 FEET, PARALLEL TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 50 SECONDS EAST 1146.25 FEET ALONG SAID NORTH LINE; THENCE NORTH 89 DEGREES 26 MINUTES 55 SECONDS EAST 476.01 FEET CONTINUING ALONG SAID NORTH LINE; THENCE SOUTH 00 DEGREES 33 MINUTES 05 SECONDS EAST 137.00 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 55 SECONDS EAST 24.74 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 05 SECONDS EAST 383.01 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 55 SECONDS EAST 2.33 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 46 SECONDS WEST 668.51 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 14 SECONDS WEST 45.00 FEET; THENCE SOUTH 07 DEGREES 38 MINUTES 29 SECONDS WEST 138.55 FEET; THENCE SOUTH 53 DEGREES 52 MINUTES 46 SECONDS WEST 70.00 FEET; THENCE NORTH 36 DEGREES 07 MINUTES 14 SECONDS WEST 180.49 FEET; THENCE NORTH 01 DEGREES 07 MINUTES 46 SECONDS EAST 70.00 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 14 SECONDS WEST 145.00 FEET; THENCE NORTH 01 DEGREES 07 MINUTES 46 SECONDS EAST 3.26 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 14 SECONDS WEST 235.00 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 46 SECONDS WEST 32.59 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 14 SECONDS WEST 195.00 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 46 SECONDS WEST 24.32 FEET; THENCE NORTH 88 DEGREES 52 MINUTES 14 SECONDS WEST 193.00 FEET; THENCE SOUTH 01 DEGREES 07 MINUTES 46 SECONDS WEST 119.23 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST 457.90 FEET PARALLEL TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREE 01 MINUTES 15 SECONDS EAST 180.54 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREE 01 MINUTES 15 SECONDS EAST 180.54 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST 87.02 FEET PARALLEL TO THE NORTH LINE OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST 290.00 FEET PARALLEL TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS WEST 200.00 FEET PARALLEL TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREE 01 MINUTES 15 SECONDS EAST 50.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 42.246 ACRES, MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, RIGHTS OF WAY AND EASEMENTS OF RECORD.

THIS SUBDIVISION CONSISTS OF 119 LOTS NUMBERED FROM 1 TO 119 INCLUSIVE, WITH STREETS AS SHOWN HEREON. THE SIZE OF THE LOTS AND WIDTHS OF THE STREETS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

WITNESS MY SEAL AND SIGNATURE THIS DAY OF MARCH 25, 1976

*Arthur T. Wilcox*

ARTHUR T. WILCOX #10413  
REGISTERED LAND SURVEYOR  
STATE OF INDIANA



THE UNDERSIGNED, FORTRESS SERVICE CORPORATION, AN INDIANA CORPORATION, BEING OWNERS OF RECORD OF ALL THE INCLUDED TRACTS AGREE:

- A. TO BUILD RESIDENTIAL HOMES WHICH WILL CONTAIN AT LEAST 1200 SQUARE FEET OF LIVING SPACE AS REQUIRED UNDER THE PRESENT D-2 RESIDENTIAL DISTRICT ORDINANCE.
- B. THAT NO MOBILE HOMES WILL BE PLACED IN SAID ADDITION OR ALLOWED TO REMAIN IN SAID ADDITION.
- C. THAT EACH RESIDENTIAL HOME WILL HAVE AT LEAST A SINGLE CAR ATTACHED GARAGE AND NO CARPORTS.
- D. THAT DRIVEWAYS WILL BE CONSTRUCTED TO SAID RESIDENCES AND WILL BE PAVED WITH A HARD SURFACE, SUCH CONSTRUCTION TO BE COMPLETED NO LATER THAN ONE (1) YEAR AFTER THE CONVEYANCE OF ANY LOT OR PARCEL IN THIS PROPOSED ADDITION, AND NO DRIVEWAY WILL BE CONSTRUCTED OVER A STORM WATER DRAIN INLET.
- E. THAT NO FENCES WILL BE ERECTED IN FRONT OF THE SETBACK LINES UNLESS THAT POLICY IS CHANGED BY PROPER AMENDMENT OF THE APPLICABLE ZONING ORDINANCE.
- F. THAT NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO (2) AND SIX (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 TWENTY-FIVE (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 TEN (10) FEET FROM THE INTERSECTION OF A STREET LINE WITH THE EDGE OF A DRIVEWAY PAVEMENT. 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.
- G. ALL RESIDENCES WILL BE SINGLE FAMILY USE, NO DOUBLES EVEN ON CORNER LOTS AS OTHERWISE PERMITTED BY THE D-2 ORDINANCE.
- H. THAT LOTS NUMBERED 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 207, 203, 204, 205, 206, AND 120 IN SECTIONS ONE AND TWO, MUST BE AT LEAST 15,000 SQUARE FEET IN SIZE.
- I. THAT THE DRAINAGE EASEMENT INURES TO THE BENEFIT OF EVERYONE WITHIN THE FEATHER RUN WATERSHED, NOT MERELY TO INDIVIDUAL PROPERTY OWNERS, AND THAT NO FENCE, SHRUBBERY, PLANTING, OR STRUCTURE WILL BE PLACED OR PERMITTED TO REMAIN WITHIN THE EASEMENT WHICH WILL IMPEDE THE FLOW OF WATER.

THE ABOVE COVENANTS SHALL BIND NOT ONLY THE PARTIES TO THE AGREEMENT, (BETWEEN FORTRESS SERVICE CORPORATION, MARION COUNTY TOWNSHIP CLIC ASSOCIATION, AND BUNKER HILL NEIGHBORHOOD ASSOCIATION) EXECUTED SEPTEMBER 5, 1975, BUT ARE IMPOSED IN THE PLAT OF THIS ADDITION AND SHALL BIND THE SUBJECT PREMISES AND RUN WITH THE LAND. IT IS FURTHER AGREED BY AND BETWEEN THE PARTIES, THAT THE AGREEMENT AND COVENANTS THEREIN AND THE RIGHT TO ENFORCE THE SAME SHALL EXTEND TO THE PARTIES TO SAID AGREEMENT, THEIR HEIRS, ASSIGNS AND SUCCESSORS.

ARTHUR T. WILCOX #10413  
REGISTERED LAND SURVEYOR  
STATE OF INDIANA



THE UNDERSIGNED, FORTRESS SERVICE CORPORATION, AN INDIANA CORPORATION, BEING OWNERS OF RECORD OF ALL THE INCLUDED TRACTS TO BUILD RESIDENTIAL HOMES WHICH WILL CONTAIN AT LEAST 1200 SQUARE FEET OF LIVING SPACE AS REQUIRED UNDER THE PRESENT D-2 RESIDENTIAL DISTRICT ORDINANCE;

THAT NO MOBILE HOMES WILL BE PLACED IN SAID ADDITION OR ALLOWED TO REMAIN IN SAID ADDITION;

THAT EACH RESIDENTIAL HOME WILL HAVE AT LEAST A SINGLE CAR ATTACHED GARAGE AND NO CARPORTS;

THAT DRIVEWAYS WILL BE CONSTRUCTED TO SAID RESIDENCES AND WILL BE PAVED WITH A HARD SURFACE, SUCH CONSTRUCTION TO BE COMPLETED NO LATER THAN ONE (1) YEAR AFTER THE CONVEYANCE OF ANY LOT OR PARCEL IN THIS PROPOSED ADDITION AND NO DRIVEWAY WILL BE CONSTRUCTED OVER A STORM WATER DRAIN INLET;

THAT NO FENCES WILL BE ERECTED IN FRONT OF THE SETBACK LINES UNLESS THAT POLICY IS CHANGED BY PROPER AMENDMENT OF THE APPLICABLE ZONING ORDINANCE;

THAT NO FENCE WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO (2) AND SIX (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 TWENTY-FIVE (25) FEET FROM THE INTERSECTION OF SAID STREET LINES OR IN THE CASE OF A ROUNDED PROPERTY CORNER FROM THE INTERSECTION OF THE INTERSECTION OF SAID STREET LINES EXTENDED; THE SAME SIGHT LINE LIMITATIONS SHALL APPLY TO ANY LOT WITHIN TEN (10) FEET FROM THE INTERSECTION OF SAID STREET LINES WITH THE EDGE OF A DRIVEWAY PAVEMENT; 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;

ALL RESIDENCES WILL BE SINGLE FAMILY USE, NO DOUBLES, EVEN ON CORNER LOTS AS OTHERWISE PERMITTED BY THE D-3 ORDINANCE;

THAT LOTS NUMBERED 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 202, 203, 204, 205, 206 AND 207 IN SECTIONS ONE AND TWO MUST BE AT LEAST 15,000 SQUARE FEET IN SIZE;

THAT THE DRAINAGE EASEMENT INURES TO THE BENEFIT OF EVERYONE WITHIN THE FEATHER RUN WATERSHED, NOT MERELY TO INDIVIDUAL PROPERTY OWNERS, AND THAT NO FENCE, SHRUBBERY, PLANTING OR STRUCTURE WILL BE PLACED OR PERMITTED TO REMAIN WITHIN THE EASEMENT WHICH WOULD IMPEDE THE FLOW OF WATER;

THE ABOVE COVENANT SHALL BIND NOT ONLY THE PARTIES TO THE AGREEMENT, (BETWEEN FORTRESS SERVICE CORPORATION, FRANKLIN TOWNSHIP CIVIC ASSOCIATION) AND BUNKER HILL NEIGHBORHOOD ASSOCIATION) EXECUTED SEPTEMBER 5, 1975, BUT ARE INCLUDED IN DEED OF THIS ADDITION AND SHALL BIND THE SUBJECT PREMISES AND RUN WITH THE LAND. IT IS FURTHER AGREED BY AND BETWEEN THE PARTIES THAT THE AGREEMENT AND COVENANTS THEREIN AND THE RIGHT TO ENFORCE THE SAME SHALL EXTEND TO THE PARTIES TO SAID AGREEMENT, THEIR HEIRS AND ASSIGNS, AND THE METROPOLITAN DEVELOPMENT 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, AND THAT ANY CHANGES, MODIFICATIONS OR TERMINATION OF SAID AGREEMENT MAY BE EXECUTED BY THE THEN OWNERS OF THE REAL ESTATE AND THE PARTIES HERETO, THEIR HEIRS OR ASSIGNS.

WITNESS OUR SIGNATURES AND CORPORATE SEAL THIS 26th DAY OF March 1976

FORTRESS SERVICE CORPORATION  
BY Harold L. Bartholomew  
HAROLD L. BARTHOLOMEW, SECRETARY

BY Lewis Watkins  
LEWIS WATKINS, VICE PRESIDENT

STATE OF INDIANA  
COUNTY OF HARTCOCK

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED FORTRESS SERVICE CORPORATION BY ITS DULY AUTHORIZED OFFICERS LEWIS WATKINS, VICE PRESIDENT, AND HAROLD L. BARTHOLOMEW, SECRETARY, WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING STATEMENT AS THEIR VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSE THEREIN EXPRESSED, AND AFFIXED THEIR SIGNATURES THEREON.



AND SEAL THIS 26th DAY OF March 1976  
Cheryl Wood  
CHERYL WOOD, NOTARY PUBLIC  
My Commission Expires March 15, 1977

THIS INSTRUMENT PREPARED BY RONALD S. HANSELL

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