

# ***MILL CREEK PARK IV COVENANTS***

## **RESTRICTIVE COVENANTS**

*THE DESCRIBED ADDITION SHALL BE SUBJECT TO AND MUST MEET THE FOLLOWING RESTRICTIONS, CONDITIONS AND PROTECTIVE COVENANTS WHICH SHALL RUN WITH THE LAND AND REMAIN BINDING ON ALL PARTIES AND PERSONS CLAIMING UNDER THEM UNTIL THE OWNERS OF A MAJORITY OF LOTS OF THIS SUBDIVISION REQUEST A CHANGE. ALL CHANGES, ADDITIONS TO, OR DELETIONS FROM THE COVENANTS SHALL BE SUBMITTED TO THE JASPER PLAN COMMISSION FOR APPROVAL OR DISAPPROVAL AND WHO SHALL HAVE FINAL AUTHORITY AS TO WHETHER SAID CHANGE SHALL BE MADE.*

*SHOULD ANY PARTY HERETO, THEIR HEIRS OR ASSIGNS VIOLATE OR ATTEMPT TO VIOLATE ANY RESTRICTION, CONDITION OR PROTECTIVE COVENANT HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS HOLDING ANY INTEREST IN ANY LOT THEREOF TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST SAID PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE SAID RESTRICTION, CONDITION OR PROTECTIVE COVENANT, EITHER TO PREVENT SAID PERSON OR PERSONS FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATIONS.*

*INVALIDATION OF ANY OF THE RESTRICTIONS, CONDITIONS OR PROTECTIVE COVENANTS BY JUDGMENT ORDER OF COURT SHALL IN NO WAY AFFECT ANY OTHER PROVISION THEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.*

*SAID RESTRICTIONS, CONDITIONS AND PROTECTIVE COVENANTS, BEING A PART OF SAID PLAT, ARE AS FOLLOWS:*

- 1. LOT NUMBERS 137 THROUGH 157 SHALL BE ZONED R-3 AND BE USED FOR SINGLE FAMILY OR TWO FAMILY RESIDENTIAL RESIDENTIAL PURPOSES. LOT NUMBERS 158 THROUGH 197 SHALL BE ZONED R-3 AND BE USED FOR SINGLE FAMILY RESIDENTIAL PURPOSES.*
- 2. NO SINGLE FAMILY ONE STORY DWELLINGS WILL BE PERMITTED ON ALL LOTS IN MILL CREEK IV WITH A GROUND FLOOR OF LESS THAN ONE THOUSAND ONE HUNDRED (1100) SQUARE FEET EXCLUSIVE OF OPEN PORCHES, PATIOS, BALCONIES, CARPORTS, GARAGES AND BASEMENTS. NO SINGLE FAMILY TWO STORY DWELLINGS SHALL BE PERMITTED ON ALL LOTS IN MILL CREEK IV WITH A TOTAL FLOOR SPACE OF LESS THAN ONE THOUSAND TWO HUNDRED (1200) SQUARE FEET AND A GROUND FLOOR OF LESS THAN SIX HUNDRED (600) SQUARE FEET EXCLUSIVE OF OPEN PORCHES, PATIOS, BALCONIES, CARPORTS, GARAGES AND BASEMENTS.*
- 3. NO TWO FAMILY DWELLING SHALL BE PERMITTED (ON LOTS FOR TWO FAMILY RESIDENTIAL) WITH A MINIMUM FLOOR SPACE PER UNIT OF LESS THAN NINE HUNDRED (900) SQUARE FEET FOR UNITS WITH TWO (2) OR MORE BEDROOMS*

*EXCLUSIVE OF OPEN PORCHES, PATIOS, BALCONIES, CARPORTS, GARAGES AND BASEMENTS.*

- 4. NO RESIDENTIAL LOT SHALL BE SUBDIVIDED BY THE OWNER OR OWNERS FOR THE PURPOSE OF CREATING TWO (2) OR MORE RESIDENTIAL LOTS.*
- 5. OUTLOT "178-A" SHALL BE RESERVED AS A PERMANENT RETENTION AREA.*
- 6. NO NATURAL WATER OR DRAINAGE COURSE OR SURFACE DRAINAGE COURSE SHALL BE ALTERED SO AS TO ADVERSELY AFFECT ANY ADJOINING LAND OR LOT. ALL LOT OWNERS SHALL TAKE STEPS TO PREVENT EROSION OF THE SOIL ON HIS LOT OR LOTS. ALL SWALES FOR SURFACE WATER DRAINAGE AND RETENTION AREAS ALONG SIDE AND REAR PROPERTY LINES SHALL BE PRESERVED AND NOT OBSTRUCTED. THE MAINTENANCE OF SURFACE DRAINAGEWAYS, WATERWAYS, RETENTION AREAS, AND/OR SWALES ACROSS LOTS SHALL BE AT OWNERS EXPENSE.*
- 7. LOT OWNERS SHALL BE RESPONSIBLE FOR MOWING, TRIMMING, AND CLEANING OF ALL PUBLIC UTILITY AND DRAINAGE EASEMENTS, SWALES OR DITCHES RESERVED FOR STORM WATER DRAINAGE WHICH ARE LOCATED ON THEIR PROPERTY. OWNERS OF OUTLOT "A" SHALL BE RESPONSIBLE FOR MOWING, TRIMMING, AND CLEANING OF THE PERMANENT RETENTION AREA ON THEIR LOT. THE RETENTION AREA SHALL BE MAINTAINED AS DESIGNED IN THE DRAINAGE PLAN RECORDED AS A PART OF THIS PLAT.*
- 8. NO BUILDING OR ACCESSORY BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE LOT LINE THAN THE MINIMUM BUILDING SETBACK LINE SHOWN ON THE PLAT. A BUILDING MAY BE PLACED ACROSS THE COMMON INTERIOR LOT LINE SO LONG AS TWO (2) OR MORE ADJOINING LOTS ARE OWNED BY THE SAME INDIVIDUAL OR INDIVIDUALS AND SO LONG AS SUCH BUILDING DOES NOT CROSS OR INTERFERE WITH AN EXISTING OR PLATTED EASEMENT.*
- 9. NO FENCE, WALL, HEDGE, TREE, SHRUB OR OTHER PLANTING WHICH CREATES A SAFETY HAZARD BY OBSTRUCTING THE VIEW OF TRAFFIC SHALL BE PERMITTED BETWEEN THE BUILDING SETBACK LINES AND STREET PROPERTY LINES.*
- 10. NO DWELLINGS OR ACCESSORY BUILDING SHALL HAVE EXPOSED ON ITS EXTERIOR ANY ASBESTOS, TILE, PAPER OR ASPHALT SIDING.*
- 11. WITHIN SIX (6) MONTHS FROM THE BEGINNING OF CONSTRUCTION, THE OUTSIDE SHELL MUST BE COMPLETED AND THE EXTERIOR FINISHED; WITHIN TWELVE (12) MONTHS FROM THE BEGINNING OF CONSTRUCTION, SAID RESIDENCE MUST BE COMPLETED AND THE SITE FINISH GRADE AND REASONABLY LANDSCAPED. NO RESIDENCE SHALL BE CONSTRUCTED WHICH HAS A PRINCIPAL LIVING AREA MORE THAN FOUR (4) FEET BELOW GROUND LEVEL OR COMMONLY CALLED A BASEMENT HOME.*
- 12. ALL RESIDENTIAL DWELLINGS SHALL HAVE A GARBAGE DISPOSAL INSTALLED WHICH SHALL BE IN OPERATING CONDITION AT ALL TIMES. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND OR COLLECTING AREA FOR RUBBISH, NOR MAY GARBAGE OR RUBBISH BE BURIED ON SUCH LOTS. RUBBISH, GARBAGE AND OTHER WASTE SHALL BE KEPT IN SANITARY*

*CONTAINERS CONCEALED FROM STREETS AND PARKS AND REMOVED FROM THE PREMISES WITHIN A REASONABLE TIME.*

- 13. OWNERS OF VACANT LOTS SHALL BE REQUIRED TO MAINTAIN, AT THEIR EXPENSE, THEIR LOTS IN A CLEAN AND UNCLUTTERED MANNER. WEEDS AND GRASS SHALL BE CUT AS NECESSARY OR AS REQUIRED BY JASPER CITY ORDINANCE.*
- 14. NO VEHICLES SHALL BE PARKED REGULARLY OR HABITUALLY ON ANY STREET AND THE OWNER OF EVERY LOT SHALL PROVIDE ADEQUATE OFF-STREET PARKING FACILITIES FOR THE VEHICLES OF ALL OCCUPANCY IN ACCORDANCE WITH CITY OF JASPER, IN. ORDINANCES.*
- 15. 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 A NUISANCE OR ANNOYANCE TO THE NEIGHBORHOOD. THE KEEPING OF POULTRY, COWS, GOATS, HOGS, HORSES OR LIVESTOCK OF ANY NATURE IS STRICTLY PROHIBITED. NO MORE THAN TWO (2) DOGS AND/ OR TWO (2) CATS SHALL BE PERMITTED AT EACH RESIDENCE.*
- 16. ALL LOT OWNERS WILL BE REQUIRED TO SUPPLY A SUITABLE CONSTRUCTION ENTRANCE AND STORAGE AREA A MINIMUM OF 10 FEET IN WIDTH AND 30 FEET IN DEPTH WITH A MINIMUM OF 6" OF CRUSHED STONE BASE AS A MEANS OF INGRESS AND EGRESS TO THEIR HOME CONSTRUCTION SITE. THIS ENTRANCE WILL BE MAINTAINED AND KEPT CLEAN AT SAID OWNERS EXPENSE TO REDUCE THE MUD AND SEDIMENT TRACKED ONTO STREETS IN AND AROUND THIS SUBDIVISION. ALL LOT OWNERS MUST TAKE STEPS TO PREVENT EROSION OF SOIL FROM HIS LOT OR LOTS IN COMPLIANCE WITH "RULE 5" (327 IAC 15-5).*

*THESE RESTRICTIONS AND PROTECTIVE COVENANTS SHALL RUN WITH THE LAND AND REMAIN BINDING ON ALL PARTIES AND PERSONS CLAIMING UNDER THEM UNTIL A MAJORITY OF THE OWNERS OF THIS ADDITION REQUEST A CHANGE (ONE VOTE PER LOT). SHOULD ANY PARTY HERETO, THEIR HEIRS OR ASSIGNS, VIOLATE OR ATTEMPT TO VIOLATE ANY RESTRICTION OR PROTECTIVE COVENANT HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS HOLDING ANY INTEREST IN ANY LOT THEREOF TO PROSECUTE FOR ATTEMPTING TO VIOLATE OR VIOLATING SAID RESTRICTION OR PROTECTIVE COVENANT AND EITHER TO PREVENT SAID PERSON OR PERSONS FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATIONS. INVALIDATION OF ANY OF THE RESTRICTIONS OR COVENANTS BY JUDGMENT OR ORDER OF THE COURT SHALL IN NO WAY AFFECT ANY OTHER PROVISION THEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.*