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12/08/2017 8:11 AM  
KATHERINE SWEENEY BELL  
MARION COUNTY IN RECORDER  
FEE: \$ 35.00  
PAGES: 4  
By: TK

## Amendment and Additions to the Cedar Park Subdivision, Sections 2 and 3 Restrictive Covenants

THIS AMENDMENT AND ADDITIONS TO THE CEDAR PARK RESTRICTIVE COVENANTS for Sections 2 and 3 ("Covenant") is made this 20<sup>th</sup> day of November, 2017, by Patricia A. Kopetsky, surviving owner of the Real Estate (together with all successors and assignees, collectively "Owner").

WHEREAS: Owner is the fee owner of two-thirds (2/3) of the lots in Sections 2 and 3 in the County of Marion, Indiana, identified as Cedar Park Subdivision, an addition to the City of Indianapolis, Marion County, State of Indiana, and more particularly described as part of the subdivision described on the attached Exhibit "A" ("Real Estate"), which is hereby incorporated and made a part hereof; and

WHEREAS: The final plat for Section 1 was recorded on March 18, 1999 as instrument number 990055854 in the Office of the Recorder of Marion County, Indiana. The Real Estate to which the restrictions in this Covenant apply, is depicted on a map attached hereto as Exhibit "B"; and

WHEREAS: Some trichloroethene (TCE) migrated several years ago from the former Rockville TBD/L & E Engineering facility located on property adjacent to Cedar Park Subdivision Section 3 at 6450 South Belmont Avenue. The migration no longer continues, is only present in the groundwater at least fifteen feet under some areas of Cedar Park subdivision, it is not in the topsoil and does not present a threat to human health or the environment if the restrictions below are followed. Further information is available on the Indiana Department of Environmental Management Virtual File Cabinet at: <http://vfc.idem.in.gov/>.

THEREFORE, Owner adds the following Restrictive Covenants:

1. The Restrictive Covenants for Cedar Park, Section 1 previously recorded on March 18, 1999 as Instrument number 1999-0055855 in the office of the Marion County Recorder shall apply to Sections 2 and 3 of the subdivision.

2. Owner hereby subjects Sections 2 and 3 of Cedar Park Subdivision to the following additional covenants, restrictions and provisions, which shall be binding on the current Owner and all future Owners:

- A. No private or semi-private water supply, sewage disposal system, basement, well, or underground shelter of any type or nature shall be installed on any lot within the subdivision Real Estate.
- B. There shall be no use or extraction of groundwater at the Real Estate for any purpose, including but not limited to: human or animal consumption, gardening, industrial processes, or agriculture, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.

3. Restrictions to Run with the Real Estate. The restrictions and other requirements described in this Amendment and Additions to Restrictive Covenants shall run with the land and be binding upon, and inure to the benefit of the Owner of the Real Estate and the Owner's successors, assignees, heirs and lessees and their authorized agents, employees, contractors, representatives, agents, lessees, licensees, invitees, guests, or persons acting under their direction or control (hereinafter "Related Parties") and shall continue as a servitude running in perpetuity with the Real Estate. No transfer, mortgage, lease, license, easement, or other conveyance of any interest in or right to occupancy in all or any part of the Real Estate by any person shall affect the restrictions set forth herein. This Covenant is imposed upon the entire Real Estate unless expressly stated as applicable only to a specific portion thereof.

4. Binding upon Future Owners. By taking title to an interest in or occupancy of the Real Estate, any subsequent Owner or Related Party agrees to comply with all of the restrictions set forth hereinabove and with all other terms of this Covenant.

5. Modification and Termination. The restrictions contained herein shall not be amended, modified, or terminated without prior written approval of the Indiana Department of Environmental Management

6. Authority to Execute and Record. The undersigned person executing this Covenant represents that she is the current fee Owner of the Real Estate and further represents and

certifies that she is duly authorized and fully empowered to execute and record, or have recorded, this Covenant.

7. Owner hereby attests to the accuracy of the statements in this document and all attachments.

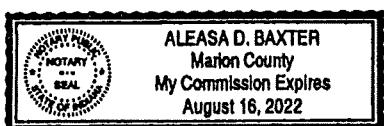
IN WITNESS WHEREOF, Patricia A. Kopetsky, the said Owner of over 2/3 of lots remaining on the Real Estate described above has caused this Amendment and Additions to the Cedar Park Subdivision, Sections 2 and 3 Restrictive Covenants to be executed on this 20<sup>th</sup> day of November, 2017.

STATE OF INDIANA )  
COUNTY OF MARION ) SS:

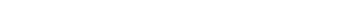
2017.  
  
Patricia A. Kopetsky, Owner

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Patricia A. Kopetsky, the Owner, who acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 20<sup>th</sup> day of November, 2017



Aleasa D. Baxter, Notary Public  
*Aleasa D. Baxter*  
Residing in Marion County, Indiana  
My Commission Expires 8/16/22

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. 

reasonable care to redact each social  
  
G. Thomas Blankenship

This instrument prepared by:  
G. Thomas Blankenship, Attorney #2773-49  
7050 Madison Avenue  
Indianapolis, IN 46227

Exhibit "A"

LOTS 77, 81, 82, 83, 84, 85, 86, 135, 139, 141, 142, 147, 151, 152, 169, 170, 172, 178, 179, 198, 199, 200, 201, 204, 205 and 206 IN CEDAR PARK, SECTION 2, A SUBDIVISION IN MARION COUNTY, INDIANA AS PER PLAT THEREOF RECORDED APRIL 16, 2001 AS INSTRUMENT NUMBER 2001-58424 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

AND

LOTS 1 THROUGH 26; 88 THROUGH 129; 143, 144, 145 AND 207 IN CEDAR PARK, SECTION 3, A SUBDIVISION IN MARION COUNTY, INDIANA AS PER PLAT THEREOF RECORDED FEBRUARY 28, 2017 AS INSTRUMENT NUMBER 2017-24205 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.