

# CROSSWINDS at WINDERMERE SECTION II

Part of the West Half of Section 9, Township 17 North, Range 5 East of the Second Principal Meridian, Town of Fishers, Fall Creek Township, Hamilton County, Indiana

LAND DESCRIPTION  
CROSSWINDS at WINDERMERE SECTION II  
Part of the West Half of Section 9, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 9, thence North 89 degrees 25 minutes 03 seconds East (on assumed bearing) along the North Line of said Northeast Quarter 75.00 feet; thence South 00 degrees 34 minutes 57 seconds East 40.00 feet; thence South 44 degrees 25 minutes 03 seconds West 45.50 feet to the Eastern Right-of-Way of Windermere Boulevard as defined on the Plat for Windermere Villas Section I - Phase One per instrument number 95-27574, Plat Cablot No. 1, Slide No. 580 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 34 minutes 57 seconds East (on assumed bearing) along said Right-of-Way for Windermere Boulevard 24.45 feet to a curve from which the radius point bears South 89 degrees 25 minutes 03 seconds West; thence Southwesterly along said curve on an arc distance of 341.84 feet to a point from which the radius point bears North 53 degrees 16 minutes 40 seconds West; said curve having a radius of 520.00 feet; thence South 48 degrees 19 minutes 43 seconds West 95.90 feet to a curve from which the radius point bears North 41 degrees 29 minutes 03 seconds West; thence Southwesterly along said curve on an arc distance of 200.89 feet to a point from which the radius point bears North 19 degrees 14 minutes 57 seconds West; said curve having a radius of 310.00 feet; thence South 70 degrees 25 minutes 03 seconds West 173.44 feet to a point from which the radius point bears South 19 degrees 04 minutes 57 seconds East; thence Southwesterly along said curve on an arc distance of 427.82 feet to a point from which the radius point bears South 63 degrees 19 minutes 57 seconds East; said curve having a radius of 370.00 feet; thence South 04 degrees 44 minutes 03 seconds West 93.85 feet to the Northern Boundary of WINDERMERE POINTE SECTION I - PHASE TWO per instrument number 95-27574, Plat Cablot No. 1, Slide No. 610 in the Office of the Recorder of Hamilton County, Indiana; thence North 79 degrees 28 minutes 46 seconds West (the next 15 calls being along the boundary of said WINDERMERE POINTE SECTION I - PHASE TWO) 60.31 feet; thence South 04 degrees 40 minutes 03 seconds West 303.25 feet; thence North 65 degrees 19 minutes 57 seconds West 130.00 feet; thence South 20 degrees 23 minutes 49 seconds West 164.28 feet; thence South 51 degrees 21 minutes 25 seconds East 140.00 feet to a non-tangent curve from which the radius point bears North 51 degrees 21 minutes 27 seconds West; thence Southwesterly along said curve on an arc distance of 36.30 feet to a point from which the radius point bears North 46 degrees 05 minutes 32 seconds West; thence South 00 degrees 34 minutes 57 seconds West 139.45 feet; thence South 47 degrees 40 minutes 03 seconds West 106.76 feet; thence South 44 degrees 25 minutes 03 seconds East 54.40 feet; thence South 44 degrees 25 minutes 03 seconds East 83.32 feet; thence South 50 degrees 24 minutes 00 seconds West 21.70 feet to the POINT OF BEGINNING; thence South 48 degrees 16 minutes 16 seconds East 70.00 feet; thence North 38 degrees 57 minutes 47 seconds East 57.57 feet; thence South 42 degrees 19 minutes 57 seconds East 132.15 feet; thence South 61 degrees 18 minutes 16 seconds East 204.57 feet to the Northeast Corner of CARTEE ESTATES SECTION 2 per Plat Book 7, Page 12 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 34 minutes 57 seconds West (the next 8 calls being along the boundary of said CARTEE ESTATES SECTION 2) 79.94 feet; thence North 00 degrees 34 minutes 57 seconds West 200.00 feet; thence South 00 degrees 34 minutes 57 seconds West 280.89 feet; thence South 54 degrees 05 minutes 42 seconds West 429.33 feet; thence South 45 degrees 00 minutes 00 seconds West 81.51 feet; thence North 90 degrees 00 minutes 00 seconds West 770.00 feet; thence North 00 degrees 34 minutes 57 seconds West 330.00 feet; thence North 80 degrees 00 minutes 00 seconds West 330.00 feet to the Northwest Corner of CARTEE ESTATES SECTION 1 per Plat Book 12, Page 314 in the Office of the Recorder of Hamilton County, Indiana; thence North 16 degrees 11 minutes 11 seconds West (the next 15 calls being along the boundary of said CARTEE ESTATES SECTION 1) 314.01 feet; thence South 89 degrees 57 minutes 13 seconds West 150.00 feet to the Eastern Boundary of CROSSWINDS at WINDERMERE SECTION I per instrument number 94-17700, Plat Cablot No. 1, Slide No. 471 in the Office of the Recorder of Hamilton County, Indiana; thence North 51 degrees 31 minutes 02 seconds West (the next 9 calls being along the boundary of said CROSSWINDS at WINDERMERE SECTION I) 316.51 feet; thence North 30 degrees 28 minutes 58 seconds East 81.66 feet; thence North 22 degrees 40 minutes 44 seconds East 338.22 feet; thence North 00 degrees 34 minutes 57 seconds East 275.43 feet; thence North 17 degrees 48 minutes 57 seconds East 53.78 feet; thence North 71 degrees 50 minutes 20 seconds East 51.75 feet; thence North 17 degrees 30 minutes 12 seconds West 147.34 feet to a non-tangent curve from which the radius point bears South 17 degrees 30 minutes 12 seconds West; thence Northwesterly along said curve on an arc distance of 33.85 feet to a point from which the radius point bears South 17 degrees 30 minutes 12 seconds West; thence Northwesterly along said curve on an arc distance of 245.00 feet; thence North 09 degrees 35 minutes 10 seconds West 215.43 feet; thence North 02 degrees 20 minutes 46 seconds East 35.58 feet; thence North 27 degrees 04 minutes 35 seconds East 50.00 feet to a non-tangent curve from which the radius point bears North 27 degrees 04 minutes 35 seconds East; thence Southwesterly along said curve on an arc distance of 40.85 feet to a point from which the radius point bears North 13 degrees 46 minutes 01 seconds East; said curve having a radius of 175.00 feet; thence South 76 degrees 17 minutes 59 seconds East 30.70 feet to a tangent curve from which the radius point bears North 13 degrees 42 minutes 01 seconds East; thence Northwesterly along said curve on an arc distance of 37.61 feet to a point from which the radius point bears North 72 degrees 30 minutes 00 seconds West; said curve having a radius of 25.00 feet; thence South 72 degrees 30 minutes 00 seconds East 50.00 feet; thence South 17 degrees 30 minutes 00 seconds West 202.22 feet to a tangent curve from which the radius point bears South 72 degrees 30 minutes 00 seconds East; thence Southwesterly along said curve on an arc distance of 11.69 feet to a point from which the radius point bears South 74 degrees 17 minutes 00 seconds East; said curve having a radius of 370.00 feet; thence South 00 degrees 34 minutes 57 seconds East 543.25 feet; thence North 70 degrees 43 minutes 44 seconds East 140.73 feet; thence North 30 degrees 43 minutes 44 seconds East 140.73 feet; thence North 12 degrees 01 minutes 17 seconds East 160.89 feet; thence North 28 degrees 05 minutes 50 seconds East 203.60 feet; thence South 61 degrees 54 minutes 10 seconds East 112.24 feet to a tangent curve from which the radius point bears North 28 degrees 05 minutes 50 seconds East; thence Northwesterly along said curve on an arc distance of 36.82 feet to a point from which the radius point bears North 28 degrees 05 minutes 50 seconds East; thence Northwesterly along said curve on an arc distance of 16.16 feet; thence South 30 degrees West; said curve having a radius of 25.00 feet; said point also being on a curve from which the radius point bears South 56 degrees 16 minutes 30 seconds West; thence Northwesterly along said curve on an arc distance of 67.77 feet to a point from which the radius point bears South 56 degrees 16 minutes 30 seconds West; said curve having a radius of 405.00 feet; said point also being the POINT OF BEGINNING and containing 21.761 acres more or less.

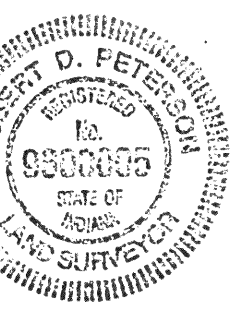
This subdivision consists of 37 lots numbered 51 through 68 inclusive, 70 through 97 inclusive, 167, and Block "A" with streets shown hereon. The dimensions of the Lots, Block, right-of-way, and easements are shown in figures enclosing feet and decimal parts thereof.

Subject to all legal easements and rights-of-way of record.

I, the undersigned, hereby certify that the above description is true and correct to the best of my knowledge, information and belief.

WITNESS my hand and Registered Land Surveyor's Seal this 1<sup>st</sup> day of August 1996.

Robert D. Peterson  
Registered Land Surveyor  
Indiana No. 9600005



I, THE UNDERSIGNED, THOMAS C. PETERSON, ON BEHALF OF THE PRECEDENT, THE MANAGING GENERAL PARTNER OF WINDERMERE PARTNERS, AN INDIAN PARTNERSHIP (HEREINAFTER REFERRED TO AS "DECLARANT") BEING THE OWNER OF RECORD OF THE ABOVE DESCRIBED REAL ESTATE HEREBY CERTIFIES THAT IT DOES LAY OUT, PLAT AND SUBDIVIDE THE SAME INTO LOTS, BLOCKS AND STREETS IN ACCORDANCE WITH THIS PLAT AND CERTIFICATE.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "CROSSWINDS at WINDERMERE SECTION II".

ALL RIGHTS-OF-WAY SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC FOR ITS USE AS PUBLIC WAYS.

IN ADDITION TO THE COVENANTS AND RESTRICTIONS HEREINAFTER SET FORTH AND CONTAINED IN THIS PLAT, THE REAL ESTATE DESCRIBED IN THIS PLAT IS ALSO SUBJECT TO CERTAIN ADDITIONAL COVENANTS AND RESTRICTIONS CONTAINED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WINDERMERE, RECORDED ON THE 8th DAY OF DECEMBER, 1992, AS INSTRUMENT No. 92-48616 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA (HEREINAFTER REFERRED TO AS "DECLARATION"), AND TO THE RIGHTS, POWERS, DUTIES AND OBLIGATIONS OF THE WINDERMERE HOMEOWNERS ASSOCIATION, INC. (HEREINAFTER REFERRED TO AS "ASSOCIATION") AND THE NEW CONSTRUCTION COMMITTEE (HEREINAFTER REFERRED TO AS "NCC") AS SET FORTH IN THE DECLARATION AND TO DESIGN GUIDELINES PROMULGATED BY THE NCC. IF THERE IS ANY IRRECONCILABLE CONFLICT BETWEEN ANY OF THE COVENANTS AND RESTRICTIONS CONTAINED IN THIS PLAT AND ANY OF THE COVENANTS AND RESTRICTIONS CONTAINED IN THE DECLARATION, THE COVENANTS AND RESTRICTIONS CONTAINED IN THIS PLAT SHALL GOVERN AND CONTROL TO THE EXTENT ONLY OF THE IRRECONCILABLE CONFLICT. THE WINDERMERE HOMEOWNERS ASSOCIATION, INC. SHALL BE APPLICABLE TO SAID REAL ESTATE TO THE GREATEST EXTENT POSSIBLE, ALL OF THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION ARE HEREBY INCORPORATED HERIN BY REFERENCE, IN ORDER TO PROVIDE CLARITY AND TO PROVIDE THAT THE COVENANTS AND RESTRICTIONS CONTAINED IN THE DECLARATION ARE HEREBY INCORPORATED UPON AND SHALL RUN WITH THE LAND INCLUDED IN THE SUBDIVISION AND SHALL BE BINDING UPON THE DECLARANT AND ANYONE AT ANY TIME OWNING ANY PART OR PORTION OF SUCH LAND.

1. PLANNING REVIEW:  
Prior to application for Improvement Location Permit from the appropriate governmental agency for the construction of a residence or other structure, the plans, landscaping plans and building plans shall have been approved in writing by the NEW CONSTRUCTION COMMITTEE as defined in Article III, Section 12.2 of the Declaration. Such approval shall include but not be limited to building design, color and location, private drives, tree preservation, and proposed landscaping and fencing, all in accordance with the requirements of the Windermere design guidelines.

A. ARCHITECTURAL CONTROL:  
1. The exterior shade of all fireplaces must be brick, shingle, stone or other masonry material.  
2. Residential roof pitches must be a minimum of 8/12 foot to run and a minimum of 10/12 on all front gables. The NCC will allow exceptions for porch roofs, deck enclosures and other incidental places.  
3. All exterior colors and brick choices must be approved in writing by the NCC prior to commencement of residential construction.  
4. The exterior of all residential dwellings must consist of a minimum of twenty percent (20%) brick or masonry material and the balance must be wood material. The NCC shall reserve the right to modify the brick and masonry requirements.  
5. The casing for all windows must be made of wood material.

2. EASEMENTS FOR DRAINAGE, SEWERS, AND UTILITIES:  
Lots are subject to the following drainage easements, sewer easements, utility easements, landscape easements, and non-access easements, either separately or in the whole, as shown on the plat, and shall be reserved for the use of the lot owners, the ASSOCIATION, public or private utility companies and governmental agencies, as follows:

A. Drainage Easements (D.E.) are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of the subdivision and adjoining ground and/or public or private drainage systems. It shall be the individual in any manner by the construction or reconstruction of any improvement, nor shall any grading restrict the water flow in any manner. Said areas are subject to construction or reconstruction to any extent necessary to obtain adequate drainage of any time by any governmental authority having jurisdiction over drainage, by DECLARANT, its successors or assigns.

B. Sewer Easements (S.E.) are created for the use of the utility, public or private, having jurisdiction over the sanitary waste disposal system designed to serve CROSSWINDS at WINDERMERE SECTION II. Sewer easements shall be used to construct, operate, inspect, maintain, reconstruct and remove mains, ducts, or other related utility structures of sanitary sewers that are part of said system.

C. Utility Easements (U.E.) are created for the use of public or private utility companies and cable television companies, not including transportation companies, for the installation of poles, pipes, mains, ducts and cables or other related utility structures, as well as for the uses specified in the case of sewer easements.

D. Landscape Easement (L.E.) are created over and across lots as areas within which landscaping, earth mounds, screening material, fencing, walls, neighborhood and community identification signs, direction, lighting, irrigation systems and other improvements may be constructed and maintained by the DECLARANT or the ASSOCIATION to provide landscape design continuity and ensure attractive and aesthetically pleasing areas throughout the properties. With Landscape Easements, the DECLARANT and the ASSOCIATION shall have the right to install, inspect, maintain, reconstruct and remove such landscape improvements as described herein. Owners of lots restricted by Landscape Easements shall not be permitted to fully use and enjoy the land granted as the easements, except for such use as may improve, inspect, or unreasonably interfere with the exercise by the DECLARANT or ASSOCIATION of the rights granted herein. Owners of lots restricted by Landscape Easements shall not construct, nor permit to be constructed any structure or obstruction on or over any part of a Landscape Easement or the interfering with the DECLARANT or ASSOCIATION's ability to use or gain access to the Landscape Easement.

E. The owners of all lots in this subdivision shall take title subject to the rights of the public or private utilities, governmental agencies, the DECLARANT and the ASSOCIATION and rights of the other lot owners in this subdivision to the easement hereby reserved for ingress and egress, along and through the strips of ground for the purposes herein stated.

3. DWELLING SIZE AND USE:  
All lots in this subdivision shall be known and designated as residential lots and no business may be conducted on any part thereof, except as allowed by Article III, Section 12.2B of the DECLARATION. No structure shall be erected, altered, placed or permitted to remain on any residential lot herein other than one detached single-family dwelling not to exceed 35 feet in height and residential accessory buildings. Any garage, or accessory building erected shall be of a residential type of construction and shall conform to the general architecture and appearance of the subdivision. The minimum square footage of living space of the dwelling constructed on all residential lots shall be 1,600 square feet for a single floor residence and 2,000 square feet for a one and one half story residence and 2,300 square feet for a two story residence, exclusive of porches, terraces, garages, carports, accessory buildings and basements.

9609632767  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MAY 1 CLARK  
On 08-07-1996 At 10:26 a.m.  
PLAT 29.00  
Plat Cabl Slide 699

4. LANDSCAPE REQUIREMENTS:  
Lots are subject to the following minimum landscape specifications which must be completed prior to obtaining an occupancy permit. The NCC may grant extensions due to inclement weather.  
A. Public streets shall be constructed per standards established by the NCC or the appropriate governmental agency.  
B. A part shall be down right foot and mulch must be installed within the street right-of-way with uniform make, type, size and location determined by the NCC.  
C. The front and side yard areas of all lots shall be sodded and the remaining yard areas shall be sodded with a grass mixture. Hydro seeding may be applied if approved by the NCC.  
D. Each lot shall provide five (5) trees each (2") caliper per tree except each street corner lot must provide four (4) three inch (3") caliper per tree. The species and location to be determined by the NCC.

5. SANITARY SEWER CONSTRAINTS:  
Placement of conduits, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of any sanitary sewer manhole or elevated crossing.

6. RESIDENTIAL SETBACK REQUIREMENTS:  
The front yard building setback lines shall comply with applicable zoning laws. The side yard setback lines shall not be less than five (5) feet from side lot line with a minimum aggregate of twenty (20) feet between residential structures. The rear yard setback lines shall be thirty (30) feet from rear lot lines.

7. INTERSECTION VISIBILITY:  
No fence, wall, hedge or shrub planting which obstructs sight lines of elevations between 2 and 6 feet above the street, shall be placed or permitted to remain on any corner lot without limitation. Signs, parking, animals and pets, enclosures, fences, lighting, landscaping, mowing and businesses. The DECLARANT hereby reserves for itself and the ASSOCIATION the right to construct and maintain certain improvements within the right-of-way of streets within the plat.

8. DURATION:  
These covenants are to run with the land, and shall be binding upon the land and remain in effect for a period of thirty (30) years after the date that the plat is recorded in the Office of the Recorder of Hamilton County, Indiana for successive periods of ten (10) years, unless such extension is approved by the NCC to the procedure described in Article XI, Section 15.2 of the DECLARATION.

10. ENFORCEMENT:  
The real estate described in this plat is also subject to those certain additional covenants and restrictions contained in that Certain Declaration of Covenants, Conditions and Restrictions for Windermere, recorded on the 8th day of December, 1992, as Instrument No. 92-48616 in the Office of the Recorder of Hamilton County, Indiana (hereinafter referred to as "Declaration"), and to the rights, powers, duties and obligations of the Windermere Homeowners Association, Inc. (hereinafter referred to as "Association") and the New Construction Committee (hereinafter referred to as "NCC"), as set forth in the Declaration, as amended from time to time.

OWNERS OF LOTS WITHIN CROSSWINDS at WINDERMERE SECTION II SHALL BE SUBJECT TO AN ADDITIONAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WINDERMERE, AS RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AS INSTRUMENT No. 92-48616.

I, THOMAS C. PETERSON, witness the signature of the DECLARANT this 1<sup>st</sup> day of August 1996.

THOMAS C. PETERSON  
Managing General Partner of Windermere Partners

On Behalf of the PRECEDENT

STATE OF INDIANA )  
COUNTY OF HAMILTON ) SS:

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THOMAS C. PETERSON, ON BEHALF OF THE PRECEDENT THE MANAGING GENERAL PARTNER OF WINDERMERE PARTNERS AS OWNER OF THE ABOVE DESCRIBED REAL ESTATE AND ACKNOWLEDGED EXECUTION OF THE FOREGOING INSTRUMENT AS HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARY SEAL THIS 1<sup>st</sup> DAY OF August 1996.

COMMISSION EXPIRES: May 17, 1997

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD ON THE 24<sup>th</sup> DAY OF February 1994.

FISHERS TOWN PLAN COMMISSION

John Zullo, President  
Wesley C. Bucher, Secretary



This instrument prepared by Robert D. Peterson L.S., State of Indiana # 9600005