

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

A part of the South Half of the Northwest Quarter of Section 9, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton

A. ARCHITECTURAL CONTROL:
1. The exterior chase of all fireplaces must be brick, drivett, stucco or other masonry material.

7. INTERSECTION VISIBILITY:
No fence, wall, hedge or shrub planting which obstructs sight lines at intersections between 2 and 6 feet above the street shall be placed

UNDERLAYER SECTION 11) 35.99 feet; thence North 27 degrees 04 minutes 35 seconds East 50.00 feet to the POINT OF BEGINNING, said point being on a non-tangent curve having a radius of 175.00 feet the radius point of which bears North 27 degrees 04 minutes 35 seconds East; thence northwesterly along said curve 90.77 feet to a

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

include by way of example but without limitation signs, parking, animals and pets, antennas, pools, fences, lighting, landscaping, leasing and businesses. The DECLARANT hereby reserves for itself and the ASSOCIATION the right to construct and maintain certain improvements within the right

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 at any time by any government authority having jurisdiction over the same.

C. Utility Easements (UE) 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 owners Association, Inc. (hereinafter referred to as 'Association') or New Construction Committee (hereinafter referred to as 'NCC'), as set forth in the Declaration, as amended from time to time.

of APRIL, 1999.

being on a tangent curve having a radius of 175.00 feet the radius point of which bears North 13 degrees 42 minutes East seconds East; thence northerly along said curve 48.65 feet to a point from which the radius bears North 27 degrees 40 minutes West seconds West; thence southeasterly along said curve 90.85 feet southward below the POINT OF BEGINNING containing 16.23 acres more or less.

STATE OF INDIANA)
COUNTY OF HAMILTON) SS:

INDIA
HAMILTON COUNTY
INDIANA

3. DWELLING SIZE AND USE _____

Centerline Monumentation shall be installed within 90 days after the final surface of the street has been placed.

THE UNDERSIGNED, TIMOTHY C. PETERSON, ON BEHALF OF THE PRECEDENT, THE

B. Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of any sanitary sewer mainline or clean-out casting.

THE DECLARATION CONTAINED IN THE CONFLICTING COVENANT OR RESTRICTION CONTAINED IN THIS PLAT SHALL GOVERN AND CONTROL TO THE EXTENT ONLY OF THE IRRECONCILABLE CONFLICT, IT BEING THE INTENT HEREOF THAT ALL SUCH COVENANTS AND RESTRICTIONS SHALL BE APPLICABLE TO SAID REAL ESTATE TO THE GREATEST EXTENT POSSIBLE, ALL OF

A. ARCHITECTURAL CONTROL:

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

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 at any time by any government authority having jurisdiction over the same.

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 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 have the right to fully use and enjoy the land granted as the easements, except for such use as may impede, invade or unreasonably interfere with the exercise

3. DWELLING SIZE AND USE:

feet for a one and one half story residence and 2,200 square feet for
story residence, exclusive of porches, terraces, garages, carports,
accessory buildings and basements.

D. Each lot shall provide two (2) three inch (3") caliper parkway trees except each street corner lot must provide four (4) three inch (3") caliper parkway trees. The number of trees to be determined by the applicant.

B. Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within a horizontal distance of any sanitary sewer manhole or clean-out casting.

E. All Homeowners not serviced by gravity sanitary sewer service are responsible for all maintenance and replacement of all grinder/ejector pumps, force mains and gravity laterals from the residence to the sanitary main.

7. INTERSECTION VISIBILITY:
No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the street, shall be placed on

include by way of example but without limitation: signs, parking, animals and pets, antennas, pools, fences, lighting, landscaping, leasing and businesses. The DECLARANT hereby reserves for itself and the ASSOCIATION the right to construct and maintain certain improvements within the right-of-way

10. ENFORCEMENT: The right of enforcement of each of the foregoing restrictions by all lawful means including but not limited to the right to cause the removal by due process of law of structures erected or maintained in violation thereof, is reserved to the ASSOCIATION, the owners of the lots in the subdivision, their

owners 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.

of APRIL, 1999.
WINDERMERE PARTNERS, an Indiana Partnership
5101-1

STATE OF INDIANA)
COUNTY OF HAMILTON)) SS:

Terrie L. Baumgartner
JANET M. SKEGG, NOTARY PUBLIC, TERRIE L. BAUMGARTNER

FISHERS TOWN PLAN COMMISSION

ENGINEERING, INC.

STATE, PERSONALLY APPEARED
MANAGING GENERAL PARTNER OF
REAL ESTATE AND ACKNOWLEDGE
ACT AND DEED.
_____April_____, 1999.

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 THEREOF, AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

PRESIDENT JOHN D. ZERR SECRETARY JONATHAN ISAACS

8906 E. 96th Street, Suite 281, Fishers, IN 46038
Phone: (317) 841-3141 Fax: (317) 841-9955