## 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 Land Description Crosswinds & Windermere - Section III 1. PLAN REVIEW: Prior to application for Improvement Location Permit from the appropriate governmental agency for the construction of a residence or other structure, site plans, landscaping plans and building plans shall have been approved in writing by the NEW CONSTRUCTION COMMITTEE as defined in Article XII, 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 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 County, Indiana and more particularly described as follows: 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. Commencing at the Northwest corner of the Northwest quarter of said section 9; thence South 00 degrees 06 minutes 06 seconds West (an assumed bearing) 2273.72 feet along the West line of the of said quarter to the easterly boundry of GLENN ABBEY VILLAGE SECTION I, PHASE THREE a subdivision in Hamilton County recorded as per Instrument No. 9624520 in Plat Cabinet 1, Silde 679 of the Iffice of the Recorder in Hamilton County, Indiana; thence South 35 degrees 33 minutes 35 seconds East 165.44 feet along the easterly boundry of said GLENN ABBEY VILLAGE SECTION I, PHASE THREE to the northerly boundry of CROSSWIND @ WINDERMERE SECTION I a subdivision in Hamilton County, Indiana recorded as per Instrument No. 9441700 in Plat Cabinet 1, Silde 471 of the Office of the Recorder in Hamilton County, Indiana; thence North 62 degrees 20 minutes 46 seconds East 140.85 feet along said northerly boundary of said CROSSWIND @ WINDERMERE SECTION I to the easterly boundry of of CROSSWIND @ WINDERMERE SECTION II a subdivision in Hamilton County, Indiana recorded as per Instrument No. 9632767 in Plat Cabinet 1, Silde 699 of the Office of the Recorder in Hamilton County, Indiana; thence continuing North 62 degrees 20 minutes 46 seconds East (the next 2 calls being along the easterly boundry of said CROSSWIND @ Commencing at the Northwest corner of the Northwest quarter of said section 9; A. ARCHITECTURAL CONTROL: 1. The exterior chase of all fireplaces must be brick, drivett, stucco or other masonry material. 2. Residential roof pitches must be a minimum of 8/12 front to rear and a minimum of 10/12 on all front gables. The NCC will allow exceptions for porch roofs, deck enclosures and other intermittent 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 or masonry requirement. 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 or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting points 25 feet from the intersection of said street lines. No trees shall be permitted to remain within said distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of the sight lines referred to above. 8. USE RESTRICTIONS: B. USE RESTRICTIONS: Restrictions on use of lots in this subdivision exist and are described in detail in Article XIII of the DECLARATION. Uses restricted by the DECLARATION 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 of streets within the plat. Hamilton County, Indiana, thence continuing North 62 degrees 20 minutes 46 seconds East (the next 2 calls being along the easterly boundry of said CRISSWIND @ WINDERMERE SECTION II) 35.98 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 point from which the radius bears North 56 degrees 47 minutes 36 seconds East; thence North 60 degrees 02 minutes 53 seconds East 94.52 feet; thence North 10 degrees 34 minutes 05 seconds East 475.27 feet; thence South 68 degrees 49 minutes 52 seconds East 36.39 feet; thence North 32 degrees 44 minutes 16 seconds East 170.18 feet to a non-tangent curve having a radius of 775.00 feet the radius point of which bears North 32 degrees 44 minutes 16 seconds East; thence southeasterly along said curve 22.45 feet to a point from which the radius bears North 31 degrees 04 minutes 41 seconds East; thence North 31 degrees 04 minutes 41 seconds East; thence North 31 degrees 04 minutes 41 seconds East; thence North 31 degrees 04 minutes 41 seconds East 157.88 feet to the southerly boundry of of IRDNWDDD GDLF @ WINDERMERE a subdivision in Hamilton County, Indiana recorded as per Instrument No. 9863307 in Plat Cabinet 2, Side 185 of the Diffice of the Recorder in Hamilton County, Indiana; thence South 62 degrees 27 minutes 24 seconds East (the next 4 calls being along the or masonry requirement. 5. The casing for all windows must be made of wood material. 2. EASEMENTS FOR DRAINAGE, SEVERS, AND UTILITIES: Lots are subject to the following drainage easements, sewer easements, utility easements, landscape easements, and non-access easements, either separately or in combination, as shown on the plat, which easements are reserved for the use of the lot owners, the ASSOCIATION, public or private utility companies and government agencies, as follows: 9. 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 this plat is recorded, after which time they shall automatically be extended for successive periods of ten (10) years, unless such extension is disapproved pursuant to the procedure described in Article XV, Section 15.2 of the DECLARATION. 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 responsibility of the lot owner to maintain the drainage across his own lot. Under no circumstances shall said easement be blocked 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 at any time by any government authority having jurisdiction over drainage, by DECLARANT, its successors or assigns. 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 renoval 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 heirs, successors or assigns, who are entitled to such relief without being required to show any damage of any kind. Cabinet 2, Silde 185 of the Diffice of the Recorder in Hamilton County, Indiana; thence South 62 degrees 27 minutes 24 seconds East (the next 4 calls being along the southerly boundry of said IRDNVIIII GOILF & VINDERMERE) 163.72 feet; thence South 80 degrees 09 minutes 10 seconds East 430.73 feet; thence South 66 degrees 36 minutes 00 seconds East 212.77 feet; thence South 79 degrees 51 minutes 27 seconds East 53.56 feet to the westerly boundry of of VINDERMERE PIINTE SCCTION I, PHASE TVD a subdivision in Hamilton County, Indiana recorded as per Instrument No. 9557574 in Plat Cabinet 1, Silde 610 of the Diffice of the Recorder in Hamilton County, Indiana and amended as recorded per Instrument No. 9605022 of the Diffice of the Recorder in Hamilton County, Indiana; thence South 08 degrees 52 minutes 23 seconds East (the next 3 calls being along the westerly boundry of sald VINDERMERE PIINTE SECTION I, PHASE TVD) 56.83 feet; thence South 42 degrees 19 minutes 57 seconds East 90.99 feet; thence South 50 degrees 24 minutes 09 seconds West 16.77 feet to the northerly boundry of sald CRDSSWINDS & VINDERMERE SECTION II, said point being on a tangent curve having a radius of 485.00 feet the radius point of which bears South 48 degrees 16 minutes 16 seconds East; thence southwesterly along sald curve (the next 14 calls being along the northerly boundry of sald CRDSSWINDS & WINDERMERE SECTION II) 67.77 feet to a point from which the radius bears South 56 degrees 16 minutes 36 seconds East sald point also being a point of reverse curvature; the B. Sewer Easements (S.E.) are created for the use of the utility, public or private, having jurisdiction over the sanitary waste disposal system designated to serve CROSSWINDS at WINDERMERE SECTION III. 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. These easements also include the right to Ingress/Egress for HAMILTON SOUTHEASTERN UTILITIES. INC. 11.DECLARATE: 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 Windernere, 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 Windernere Honeowners Association, Inc. (hereinafter referred to as "Association") and the New Construction Committee (hereinafter referred to as "NCC"), as set forth in the Declaration, as anended from time to time. 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. DYNERS OF LOTS WITHIN CROSSWINDS at WINDERMERE SECTION II SHALL BE SUBJECT TO AN ADDITIONAL DECLARATION OF COMMENTS, CONDITIONS AND RESTRICTIONS FOR D. Landscape Easement (L.E.) are created over and across lots as areas within SECTION II) 67.77 feet to a point from which the radius bears South 56 degrees 16 minutes 36 seconds East said point also being a point of reverse curvature; the reverse curve having a radius of 25.00 feet the radius point which bears North 56 degrees 16 minutes 36 seconds West; thence westerly along said curve 36.82 feet to a point from which the radius bears North 28 degrees 05 minutes 50 seconds East; thence North 61 degrees 54 minutes 10 seconds Vest 112.24 feet; thence South 28 degrees 05 minutes 50 seconds West 203.60 feet; thence South 12 degrees 01 minutes 17 seconds West 160.89 feet; thence South 39 degrees 43 minutes 44 seconds West 140.75 feet; thence South 70 degrees 43 minutes 14 seconds West 140.73 feet; thence South 90 degrees 01 minutes 14 seconds West 140.73 feet; thence Delandscape 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, directories, lighting, irrigation systems and other improvements may be constructed and maintained by the DECLARANT or the ASSDCIATION to provide landscape design continuity and ensure attractive and aesthetically pleasing areas throughout the properties. Within Landscape Easements, the DECLARANT and the ASSDCIATION shall have the right to install, inspect, maintain, reconstruct and remove such landscape improvements as described herein. Impress 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 impair, impede, or unreasonably interfere with the exercise by WINDERMERE AS RECORDED IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AS INSTRUMENT No.92-48616 IN TESTIMONY WHEREOF, witness the signature of the DECLARANT this \_\_\_\_\_ day of APRIL , 1999. VINDERMERE PARTNERS, an Indiana Partnership South 90 degrees 00 minutes 00 seconds West 542.22 feet to a point being on a non-tangent curve having a radius of 375.00 feet the radius point of which bears South 74 degrees 17 minutes 08 seconds East, thence northerly along said curve 11.69 feet to a point from which the radius bears South 72 degrees 30 minutes 00 seconds West, thence North 17 degrees 30 minutes 00 seconds East 20.22 feet, thence North 72 degrees 30 minutes 00 seconds West 50.00 feet to a point being on a non-tangent curve having a radius of 25.00 feet the radius point of which bears North 72 degrees 30 minutes 00 seconds West, thence southwesterly along said curve 37.61 feet to a point from which the radius bears North 13 degrees 42 minutes 01 seconds East, thence North 76 degrees 17 minutes 59 seconds West 30.70 feet to a point being on a tangent curve having a radius of 175.00 feet the radius point of which bears North 13 degrees 42 minutes 01 seconds East, thence northerly along said curve 40.85 feet to a point from which the radius bears North 27 degrees 04 minutes econds West 542.22 feet to a point being on a use as may impair, impede, 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's or ASSOCIATION's ability to use or gain access to the Landscape Easement. of c Timothy C. Peterson SEAL On Behalf of THE PRECEDENT Managing General Partner of Windermere Partners E. The owners of all lots in this addition shall take title subject to the rights of the public or private utilities, governmental agencies, the DECLARANT and the ASSDCIATION and rights of the other lot owners in this addition to the easement hereby reserved for ingress and egress in, along and through the strips of ground for the purposes herein stated. STATE OF INDIANA ) SSI 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 XIII, Section 13:28 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 dwellings constructed on all residential lots shall be 1,600 square feet for a single floor residence and 2,000 square feet for a two story residence, exclusive of porches, terraces, garages, carports, accessory buildings and basements. curve 40.85 feet to a point from which the radius bears North 27 degrees 04 minutes

This subdivision consists of 38 lots numbered 98 through 128 inclusive and 144 through 150 inclusive and Blocks "A & B", with streets shown hereon. The dimensions of the Lots, rights—of-way, and easements are shown in figures denoting feet and decimal parts thereof. A DA A Centerline Monumentation shall be installed within 90 days after the final surface of the street has been placed. VITNESS my hand and Registered Land Surveyor's Seal this \_\_\_\_ day of

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

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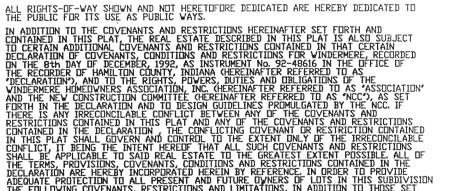
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STATE OF

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april 1999. Richal a Senis Registered Land Surveyor, State of Indiana No. S0001

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



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 sidewalks shall be constructed per standards established by the NCC or the appropriate governmental agency.

B. A yard dusk to dawn light post and mallbox 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 area of all lots shall be sodded and the remaining yard area must be seeded with a grass mixture. Hydro seeding may be applied if approved by the NCC.

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 species and location to be determined by the NCC.

5. SANITARY SEWER REQUIREMENTS: A. The ASSUCIATION and/or individual Owner is responsible for all repairs and replacement to retaining/landscaping/entrance walls and landscaping which are located within a sanitary sewer or utility easement due to construction or maintenance of the sanitary B. Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1)

foot horizontal distance of any sanitary sewer manhole or clean—out casting. C. The drip line of all trees must be located a minimum of ten (10) feet from the center of sanitary sewers and manholes and no trees shall be planted directly over building sewers (laterals). Any landscaping placed within essements or right—of—ways is at risk of being removed by utilities without the obligation

D. No mounding, lighting, fencing, signs, retaining/landscaping/entrance walls, irrigation lines, etc. shall be placed within ten (10) feet of the center of the sanitary sewer infrastructure. Any of the above listed items placed within within easements or right—of—ways is at risk of being removed by utilities without the obligation of replacement. E. All Homeowners not serviced by gravity sanitary sewer service are responsible for all maintenance, repair and replacement of all grinder/ejector pumps, force mains and gravity laterals from the residence to its connection to the sanitary main.

F. The discharge of a clear water source (foundation drains, sump pumps, roof drains, etc.) are prohibited to discharge to the sanitary sewers. G. Grade changes across sanitary sewer facilities must be approved in writing by Hamilton Southeastern Utilities, Inc.

COUNTY OF HAMILTON > BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY 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 FORGOING INSTRUMENT AS HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARY SEAL THIS 6th DAY OF April , 1999. JANET H. SKEBG, NOTARY PUBLIC, TERRIE L. BAUMGARTHER COUNTY OF RESIDENCE Handton, COMMISSION EXPIRES Betobox 25, 2006
JOHNSON SEPT. 9, 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 THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADDPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD ON THE 9th DAY OF

