

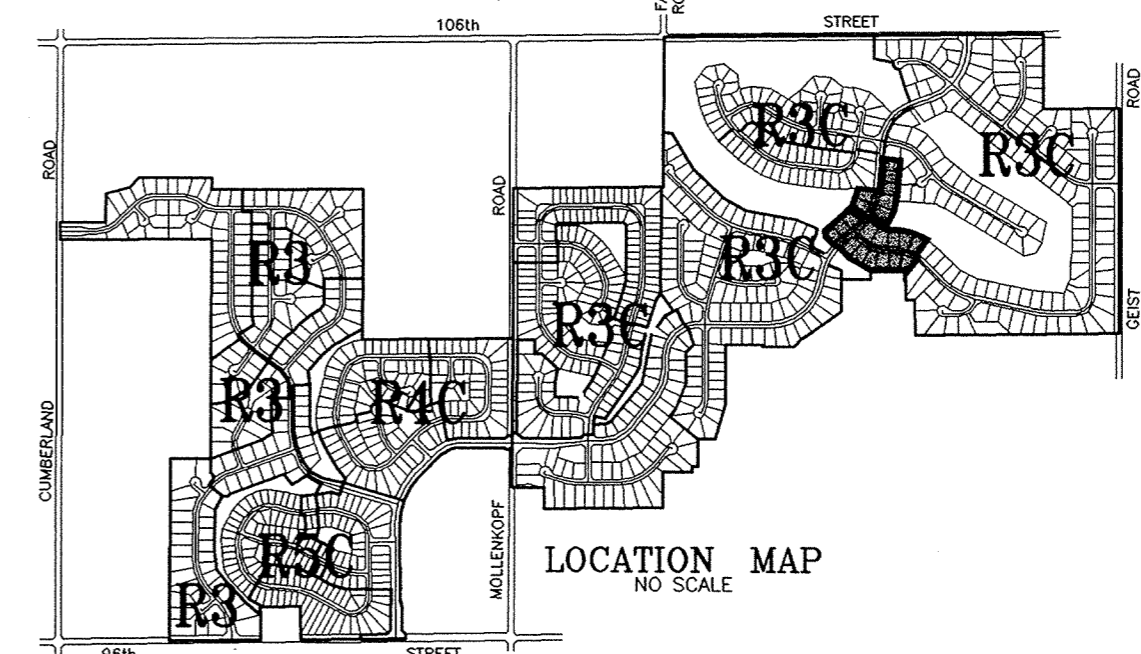
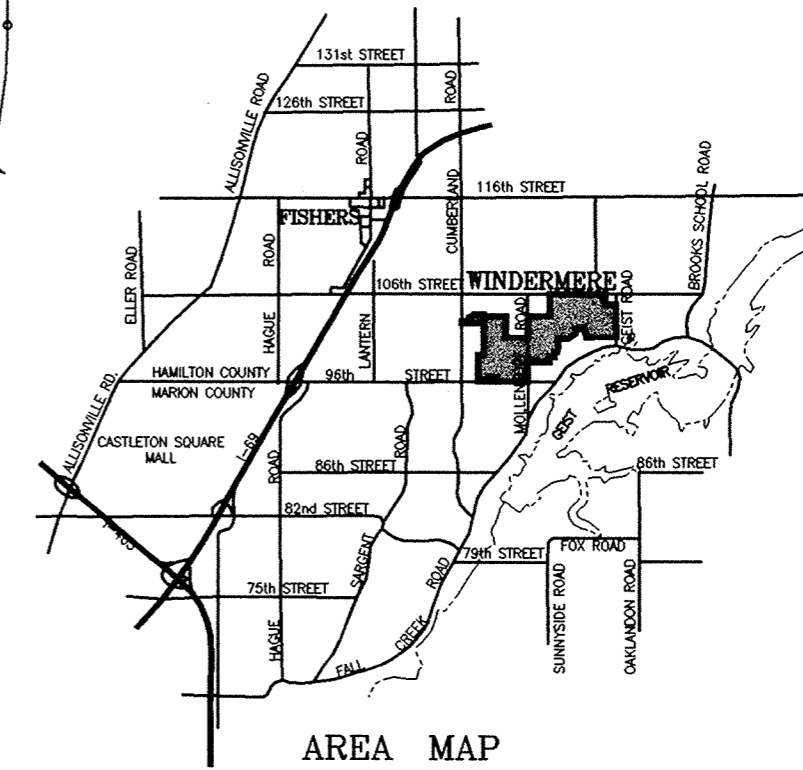
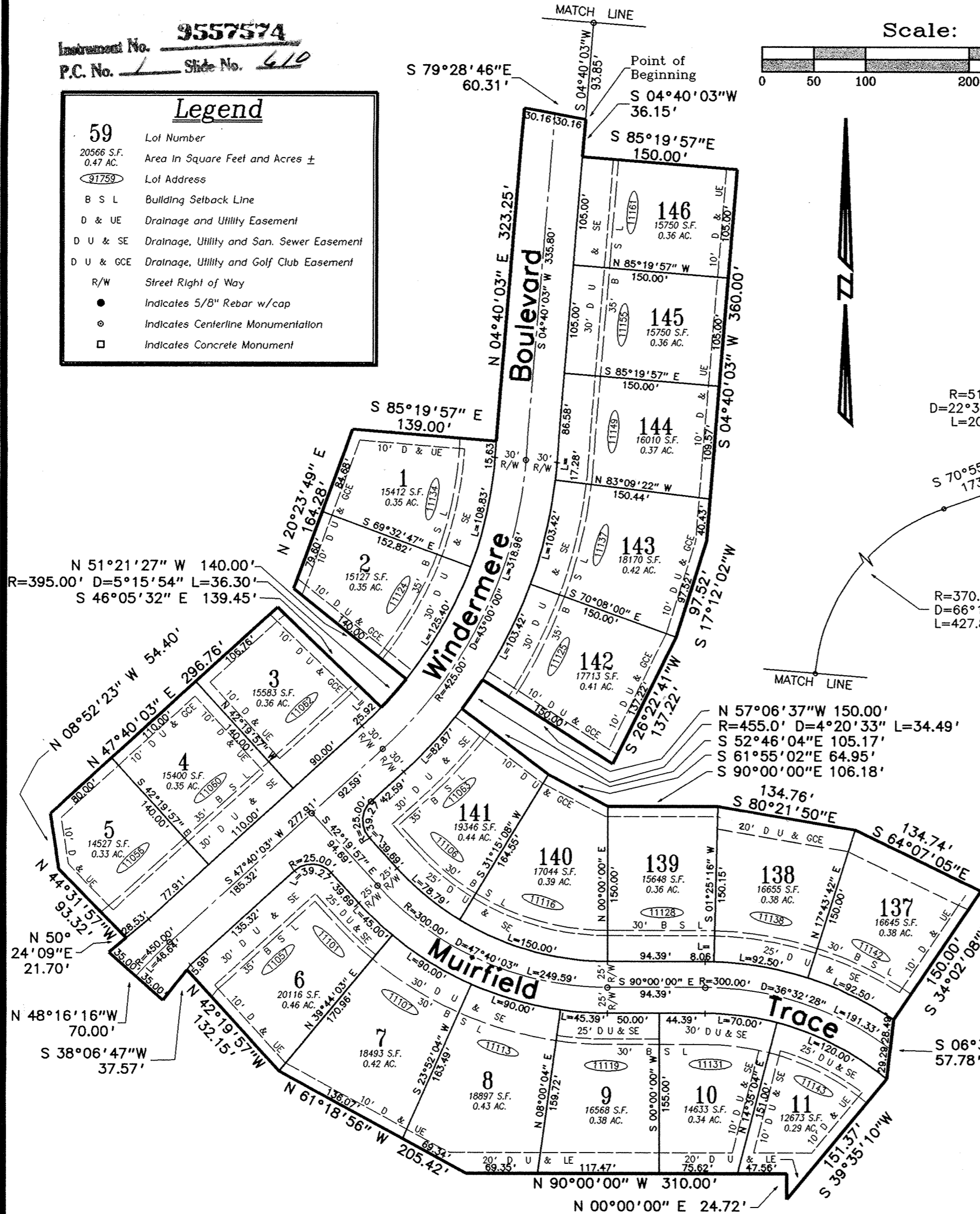
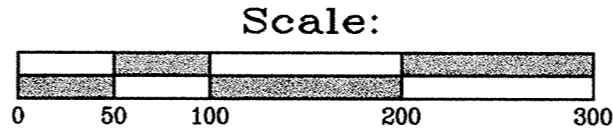
Mary P. Clark  
RECORDER HAMILTON CO., IN  
95 OCT 24 PM 1:59

# SECONDARY PLAT FOR WINDERMERE POINTE SECTION I - PHASE TWO

Part of the of the East 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

Instrument No. **9557574**  
P.C. No.        Slide No. 610

Legend	
59	Lot Number
20566 S.F. 0.47 AC.	Area In Square Feet and Acres ±
31759	Lot Address
B S L	Building Setback Line
D & UE	Drainage and Utility Easement
D U & SE	Drainage, Utility and San. Sewer Easement
D U & GCE	Drainage, Utility and Golf Club Easement
R/W	Street Right of Way
●	Indicates 5/8" Rebar w/cap
○	Indicates Centerline Monumentation
□	Indicates Concrete Monument



DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer  
24 day of October 19 95  
Joe M. Ogle Auditor Hamilton County  
Parcel # \_\_\_\_\_

**Falcon**  
ENGINEERING INC.  
8352 EAST 96TH STREET SUITE 307  
FISHERS, INDIANA 46038  
(317) 841-3141

\\wind\east\WP\plats\WP1\phase2\PLA1

This document referred to in Document No. 9557574 Rec 9-14-98  
 Cut 9 Creation

# SECONDARY PLAT FOR WINDERMERE POINTE SECTION I - PHASE TWO

Part of the of the East 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

LEGAL DESCRIPTION  
WINDERMERE POINTE SECTION I - PHASE TWO

Part of the East 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:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 9; thence North 89 degrees 25 minutes 03 seconds East (an 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 49.50 feet to the Easterly Right-of-Way of Windermere Boulevard as defined on the Plat for Windermere Villas Section I - Phase One per instrument number 9545383, Plat Cabinet No. 1, Slide No. 580 in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 34 minutes 57 seconds East (the next 7 calls being on 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 an arc distance of 347.64 feet to a point from which the radius point bears North 52 degrees 16 minutes 40 seconds West, said curve having a radius of 520.00 feet; thence South 48 degrees 59 minutes 43 seconds West 95.90 feet to a curve from which the radius point bears North 41 degrees 39 minutes 05 seconds West; thence Southwesterly along said curve an arc distance of 200.89 feet to a point from which the radius point bears North 19 degrees 04 minutes 57 seconds West, said curve having a radius of 510.00 feet; thence South 70 degrees 55 minutes 03 seconds West 173.44 feet to a curve from which the radius point bears South 19 degrees 04 minutes 57 seconds East; thence Southwesterly along said curve an arc distance of 427.82 feet to a point from which the radius point bears South 85 degrees 19 minutes 57 seconds East, said curve having a radius of 370.00 feet; thence South 04 degrees 40 minutes 03 seconds West 93.85 feet to the POINT OF BEGINNING; thence continue South 04 degrees 40 minutes 03 seconds West 36.15 feet; thence South 85 degrees 19 minutes 57 seconds East 150.00 feet; thence South 04 degrees 40 minutes 03 seconds West 360.00 feet; thence South 17 degrees 12 minutes 02 seconds West 97.52 feet; thence South 26 degrees 22 minutes 41 seconds West 137.22 feet; thence North 57 degrees 06 minutes 37 seconds West 139.45 feet to a curve from which the radius point bears North 57 degrees 06 minutes 37 seconds West; thence Southwesterly along said curve an arc distance of 34.49 feet to a point from which the radius point bears North 52 degrees 46 minutes 04 seconds West, said curve having a radius of 455.00 feet; thence South 52 degrees 46 minutes 04 seconds East 105.17 feet; thence South 61 degrees 55 minutes 02 seconds East 64.95 feet; thence South 90 degrees 00 minutes 00 seconds East 106.18 feet; thence South 80 degrees 21 minutes 50 seconds East 134.76 feet; thence South 64 degrees 07 minutes 05 seconds East 134.74 feet; thence South 34 degrees 02 minutes 08 seconds West 150.00 feet; thence South 06 degrees 37 minutes 26 seconds West 57.78 feet; thence South 39 degrees 35 minutes 10 seconds West 151.37 feet; thence North 00 degrees 00 minutes 00 seconds East 24.72 feet; thence North 90 degrees 00 minutes 00 seconds West 310.00 feet; thence North 61 degrees 18 minutes 56 seconds West 205.42 feet; thence North 42 degrees 19 minutes 57 seconds West 132.15 feet; thence South 38 degrees 06 minutes 47 seconds West 37.57 feet; thence North 48 degrees 16 minutes 16 seconds West 70.00 feet; thence North 50 degrees 24 minutes 09 seconds East 21.70 feet; thence North 44 degrees 31 minutes 57 seconds West 93.32 feet; thence North 08 degrees 52 minutes 23 seconds West 54.40 feet; thence North 47 degrees 40 minutes 03 seconds East 296.76 feet; thence South 46 degrees 05 minutes 32 seconds East 139.45 feet to a curve from which the radius point bears North 46 degrees 05 minutes 32 seconds West; thence Northeastly along said curve an arc distance of 36.30 feet to a point from which the radius point bears North 51 degrees 21 minutes 27 seconds West, said curve having a radius of 395.00 feet; thence North 51 degrees 21 minutes 27 seconds West 140.00 feet; thence North 20 degrees 23 minutes 49 seconds East 164.28 feet; thence South 85 degrees 19 minutes 57 seconds East 139.00 feet; thence North 04 degrees 40 minutes 03 seconds East 323.25 feet to the Southerly Boundary of said Windermere Villas Section I - Phase One; thence South 79 degrees 28 minutes 46 seconds East along said Southerly Boundary 60.31 feet to the POINT OF BEGINNING and containing 9.996 acres more or less.

This subdivision consists of 21 lots numbered 1 through 11 inclusive and 137 through 146 inclusive with streets shown hereon. The dimensions of the lots, rights-of-way, and easements are shown in figures denoting 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 to be true and correct to the best of my knowledge, information and belief.

WITNESS my hand and Registered Land Surveyor's Seal this 15th day of

Oct, 1995.

Richard A. Lewis

Richard A. Lewis  
Registered Land Surveyor  
Indiana No. S0001

I, THE UNDERSIGNED, TIMOTHY C. PETERSON, ON BEHALF OF THE PRECEDENT, THE MANAGING GENERAL PARTNER OF WINDERMERE PARTNERS, AN INDIANA PARTNERSHIP (HEREINAFTER REFERRED TO AS "DECLARANT") BEING THE DEVELOPER OF RECORD OF THE ABOVE DESCRIBED REAL ESTATE HEREBY CERTIFIES THAT IT DOES LAY OFF, 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 "WINDERMERE POINTE SECTION I - PHASE TWO"

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 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 THE TERM, PROVISIONS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION ARE HEREBY INCORPORATED HEREIN BY REFERENCE. IN ORDER TO PROVIDE ADEQUATE PROTECTION TO ALL PRESENT AND FUTURE OWNERS OF LOTS IN THIS SUBDIVISION THE FOLLOWING COVENANTS, RESTRICTIONS AND LIMITATIONS, IN ADDITION TO THOSE SET FORTH IN THE DECLARATION, ARE HEREBY IMPOSED UPON AND SHALL RUN WITH THE LAND INCLUDED IN THIS SUBDIVISION AND SHALL BE BINDING UPON THE DECLARANT AND ANYONE AT ANY TIME OWNING ANY PART OR PORTION OF SUCH LAND.

## 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. ARCHITECTURAL CONTROL:

- The exterior chase of all fireplaces must be brick or other masonry material.
- Residential roof pitches must be a minimum of 8/12 front to rear and a minimum of 10/12 on all front gables.
- All exterior colors and brick choices must be approved in writing by the NCC prior to commencement of residential construction.
- The exterior of all residential dwellings must consist of a minimum of forty percent (40%) brick or masonry material and the balance must be wood material. Wood sheathing may be used for screened porches, gable treatments and other intermittent places if approved by the NCC. The NCC shall reserve the right to modify the brick and or masonry requirement.
- 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 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:

- 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.
- 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 WINDERMERE POINTE SECTION I - PHASE TWO. 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.
- 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.
- Landscape Easements (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 ASSOCIATION to provide landscape design continuity and ensure attractive and aesthetically pleasing areas throughout the properties. Within 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 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 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.
- Golf Club Easements (G.C.E.)** are created over and across areas of lots and common areas for the construction and maintenance of golf club property and to enter upon said easement with respect to certain limitations on landscaping and use of the easement area as more particularly described in Section 3.13 of the Declaration.
- 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 ASSOCIATION 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.

## 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 2,000 square feet for a single floor residence and 2,600 square feet for a two story residence, exclusive of porches, terraces, garages, carports, accessory buildings and basements.

## 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.

- Public sidewalks shall be constructed per standards established by the NCC or the appropriate governmental agency.
- A yard dusk to dawn light post and mailbox must be installed within the street right-of-way with uniform make, type, size and location determined by the NCC.
- 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 with an irrigation system may be applied if approved by the NCC.
- 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 CONSTRAINTS:

Pavement and concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of sanitary sewer manholes castings.

## 6. RESIDENTIAL SETBACK REQUIREMENTS:

The front yard building setback lines are as shown on the plat and/or shall comply with applicable zoning laws. The side yard setback shall not be less than ten (10) 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 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. 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.

## 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.

## 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 heirs, successors or assigns, who are entitled to such relief without being required to show any damage of any kind.

## 11. DECLARE:

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 WINDERMERE POINTE SECTION I - PHASE TWO 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

IN TESTIMONY WHEREOF, witness the signature of the DECLARANT this 15th day of October, 1995.

WINDERMERE PARTNERS, an Indiana Partnership

Timothy C. Peterson

On Behalf of THE PRECEDENT  
Managing General Partner of Windermere Partners

STATE OF INDIANA )  
COUNTY OF HAMILTON ) SS:

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 15th DAY OF October, 1995.

Lynn R. Ogney  
LYNN R. OGNEY  
NOTARY PUBLIC STATE OF INDIANA  
COUNTY OF HAMILTON  
COMMISSION EXPIRES: MAY 17, 1997



COMMISSION CERTIFICATE:

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 9th DAY OF February, 1995. 94

FISHERS TOWN PLAN COMMISSION

John D. Zerbo

PRESIDENT JOHN D. ZERBO

Lynette Williams  
SECRETARY LYNNETTE WILLIAMS

**Falcon**  
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