



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Plat Committee Meeting

DATE: 10/4/2023, at 4:00 PM

DIRECTIONS: Launch Fishers Theater , 12175 Visionary Way, Fishers, IN 46038

In accordance with the Americans with Disabilities Act (ADA), the City of Fishers will, upon request, provide appropriate aid (i.e. interpreters) and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should [email Kelly Lewark](#), Office Manager, no later than 48 hours before the scheduled event or call at (317) 595-3487.

Members of the public are encouraged to [submit comments to the board via form submittal](#) before 12 pm on the day of the meeting.

1. Call to order / Pledge of Allegiance

2. Roll Call

3. Approval of Previous Minutes

a. 9-6-23

4. Public Hearings

a. **Magnolia Grove Salon**

Parcel: 13-11-35-00-00-041.001

Case: PP-22-19Request: To approve a Primary Plat of 1 lot on 1.71 acres, known as the Magnolia Grove Salon. Subject site is located at the address 13484 E 116th.

Petitioner: Bill Butz (bill.butz@kimley-horn.com)

Planner: Bre King, Senior Planner (kingb@fishers.in.us)

b. Fishers Community Center

Case: PP-23-5 Address: 12102 Hoosier Road

Request: Request to approve a Primary Plat of one (1) lot known on 25 acres the Fishers Community Center

Petitioner: Aaron Hurt on behalf of the City of Fishers

Planner: Bre King, Senior Planner (kingb@fishers.in.us)

c. Circle Heights Subdivision Vacation (CityWalk)

Case: VAC-23-7

Address: Multiple parcels generally located east of Lantern Road and west of the Nickel Plate Trail with a common address near 12162 Lantern Road

Request: To vacate the Circle Height Subdivision

Petitioner: Wanas Group LLC

Planner: Bre King, Senior Planner (kingb@fishers.in.us)

5. Old Business

6. New Business

7. Staff Communication

8. Board Signatures – Findings of Fact

9. Adjournment

**CITY OF FISHERS
Plat Committee
MINUTES
September 6, 2023**

The Plat Committee was convened at 4:00 p.m. by Megan Vukusich at Launch Fishers.

A roll call was taken- members present: Megan Vukusich, Hatem Mekky, Selina Stoller

Members absent: None

Others present: Rodney Retzner, Kay Prange, Ross Hilleary, Linda Callahan, Jack and Sue Follmar, Mark Meyerholtz, Aaron Hurt.

Hatem Mekky, Director of Engineering, signed the Oath of Office. Hatem is replacing Jason Taylor as Director of Engineering.

Megan Vukusich asked for Nominations for a new President. Selina Stoller nominated Hatem Mekky as President, seconded by Megan Vukusich. The Nomination was approved, 2-0.

Previous Minutes of the 7-12-23 meeting were approved. Ms. Stoller made a Motion to approve, seconded by Ms. Vukusich. The Minutes were approved, 2-0.

PUBLIC HEARING

a. CityWalk

Case: PP-23-3 **CONTINUED FROM AUGUST MEETING**

Address: Multiple parcels generally located east of Lantern Road and west of the Nickel Plate Trail with a common address near 12162 Lantern Road

Request: Request to approve a Primary Pat of three Blocks and 41 Lots on 6.79 acres, known as the CityWalk property.

Petitioner: Wanas Group LLC

Planner: Ross Hilleary, hillearyr@fishers.in.us

Ross Hilleary presented the Staff Report. There are no waivers requested and Staff recommends approval with the conditions that all TAC comments be addressed and that the Circle Heights Plat be vacated. Staff has spoken to interested neighbors. Aaron Hurt presented for the Petitioner. The Townhomes have been pushed back 15 feet for additional ROW. The Petitioner is agreeable to the two conditions under Staff recommendations.

Ms. Vukusich opened the Public Hearing. She noted that the hearing is not related to use, which is already permitted. Public Comments should be related to space.

Linda Callahan (151 S. Sunblest)- Asked questions about open space.

Jack and Sue Follmar (13857 Canopy Ln.) – did not speak during Public Comment but did speak with Hatem after the meeting.

Ms. Vukusich closed the Public Hearing.

In Committee Discussion, Selina Stoller asked Hatem about traffic concerns that have been raised. Hatem referenced a traffic study which will be performed in the TAC process. Rodney Retzner explained that the purview of this Board is to make sure the Plat has no waivers. The Board has no choice to approve if there are no waivers.

Ms. Vukusich asked for a Motion. Mr. Mekky made a Motion to approve, with the previous conditions, seconded by Ms. Stoller. The Motion was approved, 3-0.

Indy Hoops

Parcel: 15-11-19-00-00-019.000

Case: PP-23-4

Request: To approve a Primary Plat of 1 lot on 5.6 acres, known as the Indy Hoops property. Subject site is located at 14001 Britton Park Rd.

Petitioner: Mark Meyerholtz (mmeyerholtz@af-eng.com)

Planner: Bre King, Senior Planner (kingb@fishers.in.us)

Bre King presented the Staff Report. Indy Hoops will have multiple basketball and volleyball courts and will be located in the Fishers Trade Center PUD. Zoning is PUD-C. Staff Recommends approval. Mark Meyerholtz of A & F was present to answer questions. Mr. Mekky shared that parking is an issue. Asking A & F to take another look so that parking can be increased so there is no on-street parking.

Ms. Vukusich opened the Public Hearing.

Seeing no one from the Public to speak, she closed the Public Hearing.

Ms. Vukusich asked for a Motion. Ms. Stoller made a Motion to approve, seconded by Ms. Vukusich. The Motion was approved, 3-0.

The Meeting was adjourned at 4:20 PM.



Plat Committee Staff Report

Meeting Date: October 4, 2023

DEPARTMENT CONTACT:

Bre King, Senior Planner (kingb@fishers.in.us)

CASE NUMBER:

PP-22-19

PETITIONER:

Bill Butz, (bill.butz@kimley-horn.com)

PROPERTY ADDRESS/LOCATION:

13484 E 116th St.

REQUEST:

To approve a Primary Plat of 1 lot on 1.71 acres, known as the Magnolia Grove Salon. Subject site is located at the address 13484 E 116th.

APPLICABLE REGULATIONS:

Fishers Unified Development Ordinance and Rezone Ord. No. 091922C When Applicable

EXISTING ZONING:

C1 with Conditions

FISHERS 2040:

Suburban Residential

PARENT PARCEL SIZE: 1.7 acres

LOCATION MAP**STAFF RECOMMENDATION**

☒ Approve

☐ Approve with Conditions

☐ Continue

☐ Deny

ZONING HISTORY:

This property was rezoned from R2 to C1 with Conditions on May 16, 2023. The conditions limit the hours of operation, lighting uses and limits the site design to the design associated with the rezone petition.

The property currently has a single-family residence that will be removed to allow for future redevelopment.

No zoning petitions have been applied for prior to the proposed development.

SUMMARY OF PUBLIC COMMENTS:

No public comments have been received at the time this staff report was written.

PETITION OVERVIEW:

Lot Standards

The proposed lot meets the requirements of the Fishers Unified Development Ordinance and the rezone petition. The proposed lot is currently in the process of annexation and will be annexed by the end of the year.

Vehicular Access & Street Design

The proposed subdivision features one entrance off 116th St.

Pedestrian Improvements

The development will maintain the existing sidewalks along 116th St and provide a sidewalk connection to the primary structure.

Open Space & Landscaping

The developer is providing open space and landscaping as required by the Fishers Unified Development Ordinance.

Utilities

The development will connect to water, and sanitary services as well as all other utilities during construction.

Waivers Requested

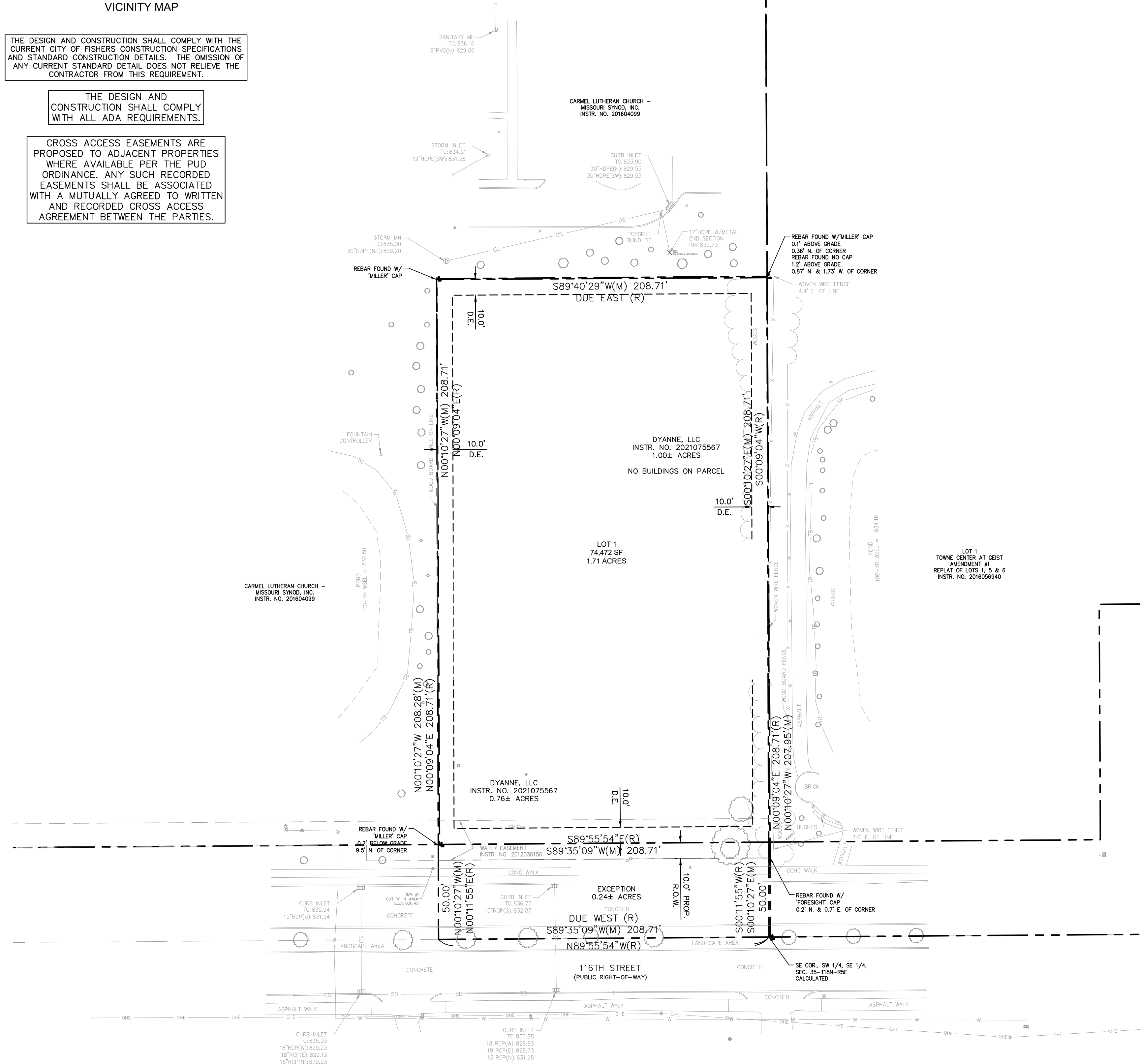
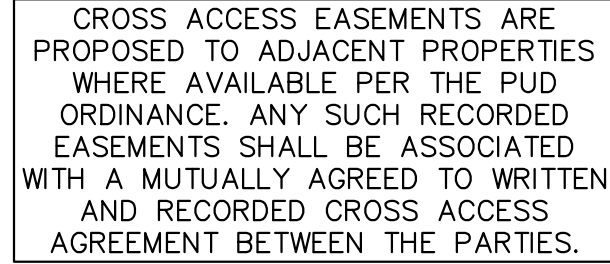
No waivers are requested.

STAFF RECOMMENDATION:

The Primary Plat was reviewed by the Technical Advisory Committee (TAC) on October 27, 2023 and all comments have been addressed. Staff recommends approval of this Primary Plat.

STAFF RECOMMENDATION☒ Approve☐ Approve with Conditions☐ Continue☐ Deny

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION;
THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST (ASSUMED
BEARING) 1,320.97 FEET ALONG THE SOUTH LINE OF SAID SECTION TO
THE POINT OF BEGINNING OF THIS DESCRIPTION BEING THE SOUTHEAST
CORNER OF SAID SOUTHWEST QUARTER-QUARTER SECTION; THENCE
NORTH 89 DEGREES 55 MINUTES 54 SECONDS WEST 208.71 FEET ALONG THE SOUTH LINE
OF SAID SECTION TO THE SOUTHWEST CORNER OF THE
GRANTOR'S LAND; THENCE NORTH 00 DEGREES 01 MINUTES 55 SECONDS
EAST 50.00 FEET ALONG THE WEST LINE OF THE GRANTOR'S LAND;
THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST 208.71 FEET TO THE EAST
LINE OF SAID QUARTER-QUARTER SECTION; THENCE
SOUTH 00 DEGREES 11 MINUTES 55 SECONDS WEST 50.00 FEET ALONG THE EAST LINE OF
THE SAID QUARTER-QUARTER TO THE POINT OF BEGINNING AND CONTAINING 0.240 ACRE
MORE OR LESS.



THE ACCURACY OF THE FLOOD HAZARD DATA IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 18057C0258C DATED NOVEMBER 19, 2014, THE SITE FALLS WITHIN ZONE X (UNSHADED), WHICH INDICATES THAT IT HAS BEEN DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

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Plat Committee Staff Report

Meeting Date: October 4, 2023

DEPARTMENT CONTACT:

Bre King, Senior Planner (kingb@fishers.in.us)

CASE NUMBER:

PP-23-5

PETITIONER:

Civil & Environmental Consultants, Inc. on
behalf of the City of Fishers

PROPERTY ADDRESS/LOCATION:

12102 Hoosier Road

REQUEST: Request to approve a Primary Plat of one (1) lot known on 25 acres the Fishers Community Center

APPLICABLE REGULATIONS:

Unified Development
Ordinance

EXISTING ZONING:

R2 – Residential

FISHERS 2040:

Suburban Residential
Core Residential

PARENT PARCEL SIZE: 25 acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Approve ☐ Approve with Conditions ☐ Continue ☐ Deny

ZONING HISTORY:

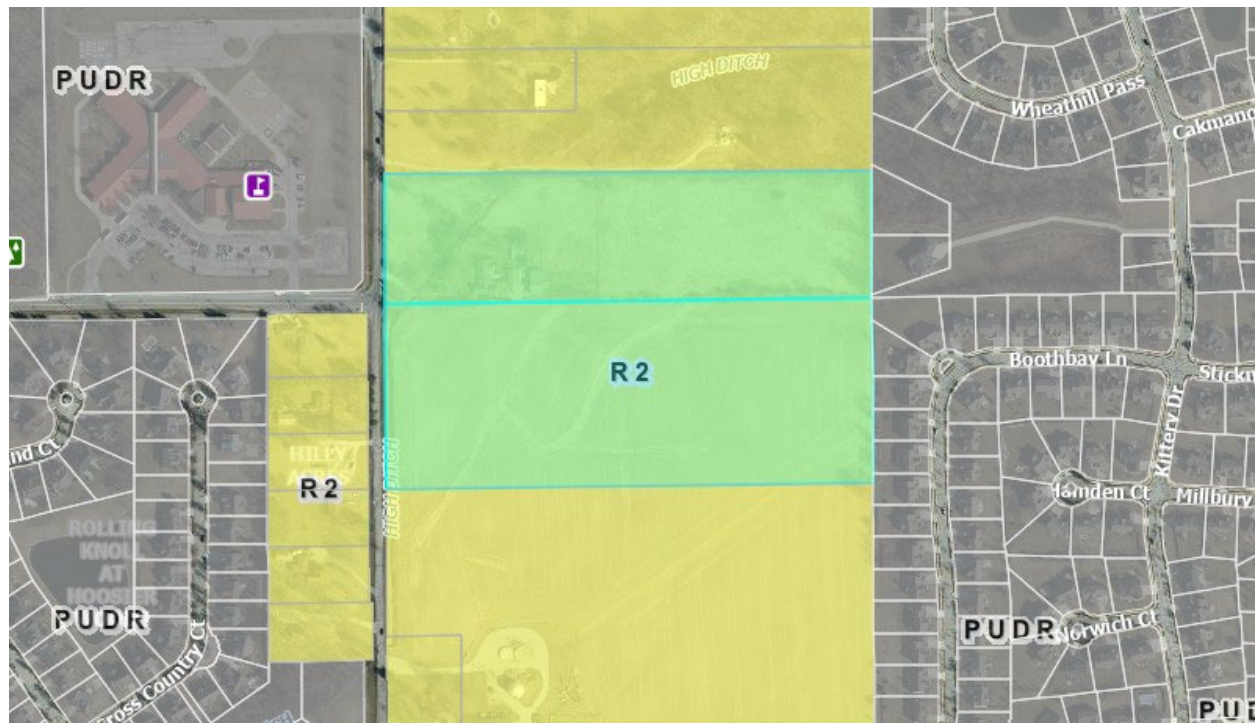
This property is zone R2 – Residential under the City of Fishers Unified Development Ordinance.

North: R2 – Residential (single-family residential)

East: PUD-R (single-family residential)

South: R2 – Residential (single-family residential and agriculture)

West: R2 – Residential / PUD-R (single-family residential / institutional)



PETITION OVERVIEW:

Civil & Environmental Consultants, Inc. on behalf of the City of Fishers wish to primary plat two existing lots into one lot for the use of a Community Center. The 105,000 square foot building will offer both memberships, day passes, and amenities open to the public at no cost. The project will break ground in Fall 2023 and plans to open in Spring 2025.

Zoning

Staff will seek a rezone of the property in Fall 2023 to OS – Open Space to better align the project with the Unified Development Ordinance.

Lot Standards

The proposed lot meets the requirements of the Unified Development Ordinance. The existing lots will be annexed into the City of Fishers, with 1st Reading before Council on October 9, 2023.

Vehicular Access & Street Design

The proposed single lot will be two entrances.

Pedestrian Improvements

The development will include pedestrian pathways as required by the Fishers Unified Development Ordinance and throughfare plan.

Open Space & Landscaping

The city is proposing a dog park and is provided additional landscape buffering to the south and eastern properties.

Utilities

The development will connect to water, and sanitary services as well as all other utilities during construction.

Waivers Requested

No waivers are requested.

PUBLIC COMMENT:

This is a Minor Subdivision and is not required to be noticed. A public notice will be issued after approval with subject to appeal to the Advisory Plan Commission.

STAFF RECOMMENDATION:

The Primary Plat was reviewed by the Technical Advisory Committee (TAC) in August 2023. Staff recommend approval of this Primary Plat.

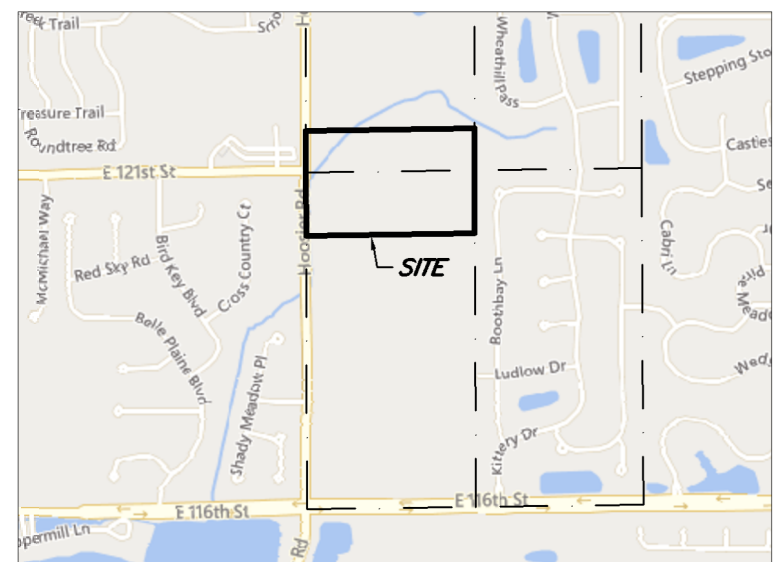
STAFF RECOMMENDATION

☒ Approve ☐ Approve with Conditions ☐ Continue ☐ Deny

PRIMARY PLAT OF FISHERS COMMUNITY CENTER

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF
SECTION 33, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN,
CITY OF FISHERS, FALL CREEK TOWNSHIP OF HAMILTON COUNTY, INDIANA.

CASE NUMBER
PP-23-5



VICINITY MAP
NOT TO SCALE

OWNER:
HAGERMAN GM REC CENTER LLC

DEVELOPER:
THE HAGERMAN GROUP
10315 ALLISONVILLE RD, FISHERS, IN 46038

GENERAL NOTES:
SUBDIVISION CONSISTS OF 1 LOT
ZONED R2
FLOOD NOTE:

THE DESCRIBED SUBJECT PARCEL SHOWN HEREIN LIES WITHIN ZONE "X" (UNSHADED). SAID PARCEL PLOTS ON MAP NUMBER 18057C0250G (DATED 11/19/2014) OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY UNINCORPORATED AREAS 180000. THE ACCURACY OF THIS FLOOD HAZARD STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.

SUBDIVISION PERIMETER DESCRIPTION

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

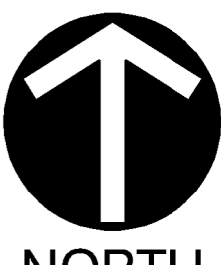
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION, AS MARKED BY A HARRISON MONUMENT FOUND; THENCE ALONG THE WEST LINE OF SAID QUARTER SECTION NORTH 00 DEGREES 05 MINUTES 41 SECONDS WEST (STATE PLANE BEARING, INDIANA EAST) 330.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF THE WEST HALF OF SAID QUARTER SECTION NORTH 89 DEGREES 13 MINUTES 32 SECONDS EAST 1320.11 FEET TO THE EAST LINE OF SAID WEST HALF; THENCE ALONG SAID EAST LINE SOUTH 00 DEGREES 03 MINUTES 15 SECONDS EAST 330.00 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION SOUTH 00 DEGREES 16 MINUTES 33 SECONDS EAST 494.90 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID WEST HALF SOUTH 89 DEGREES 13 MINUTES 32 SECONDS WEST 1320.75 FEET TO THE WEST LINE OF SAID WEST HALF; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 44 SECONDS WEST 494.91 FEET, TO THE POINT OF BEGINNING, CONTAINING 24.999 ACRES, MORE OR LESS.

TERRY D. WRIGHT
REGISTERED LAND SURVEYOR NO. LS9700013
TWRIGHT@CECINC.COM

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.

EXISTING LEGEND:

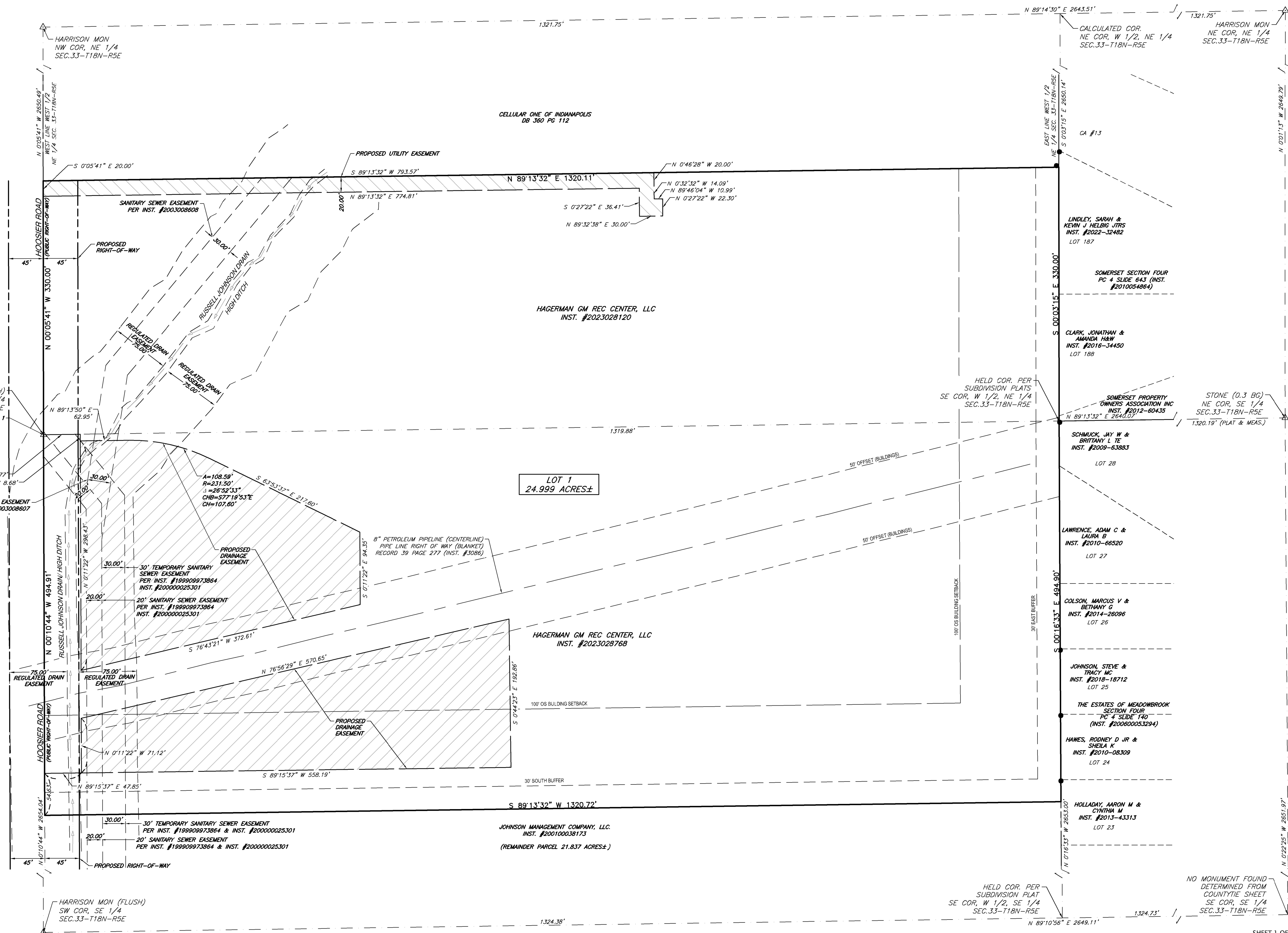
- PROPOSED PROPERTY LINE
- EXISTING LOT LINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING EASEMENT
- EXISTING INDEX CONTOUR
- EXISTING INTERMEDIATE CONTOUR
- IRON PIPE/REBAR FOUND
- SECTION CORNER MON.



NORTH

SCALE IN FEET

0 60 120





Plat Committee Staff Report

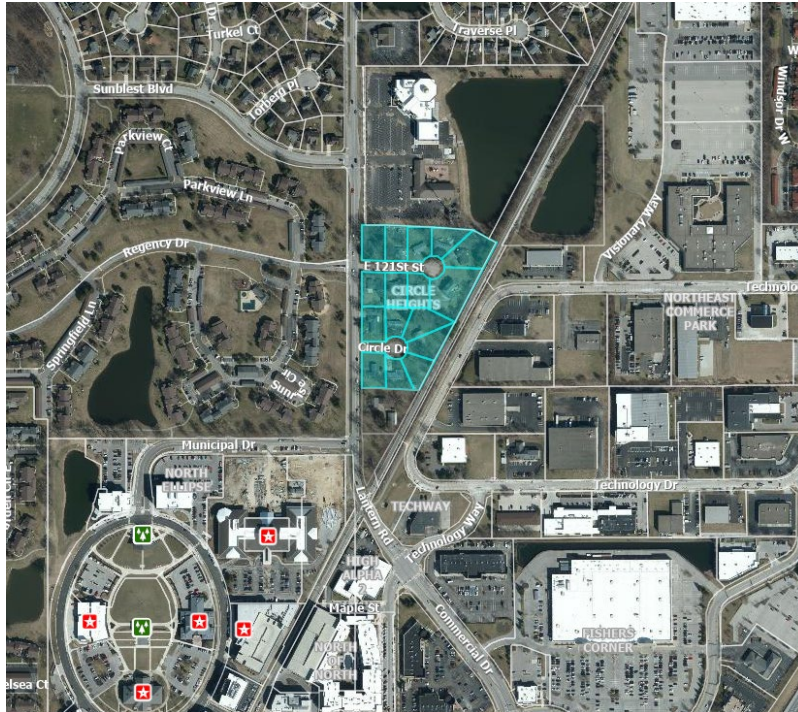
Meeting Date: October 4, 2023

DEPARTMENT CONTACT: Bre King, Senior Planner (kingb@fishers.in.us)	CASE NUMBER: VAC-23-7
PETITIONER: Wanas Group LLC	PROPERTY ADDRESS/LOCATION: 12162 Lantern Road area
REQUEST: Request to Vacate the Circle Heights, Section 1 Subdivision	

APPLICABLE REGULATIONS: Nickel Plate Code	EXISTING ZONING: Downtown Core (DC)	FISHERS 2040: Neighborhood Mixed Use
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PARENT PARCEL SIZE: 16 acres

LOCATION MAP



STAFF RECOMMENDATION

☒ Approve
 ☐ Approve with Conditions
 ☐ Continue
 ☐ Deny

ZONING HISTORY:

This property was rezoned to VC – Village Center in April 2016 with Ord. No. 041816f, an amendment to the Nickel Plate District Code. In June 2023, the property was rezoned to DC – Downtown Core with Ord. No. 041723D, aligning itself with other downtown Nickel Plate Trail adjacent parcels with a renewed focus on walkability and trail connectivity.

City Walk on Nickel Plate Trail (City Walk) is a residential development that plans to offer three distinct types of residential options listed below along the Nickel Plate Trail and within the Nickel Plate District.

- (a) four-story, multifamily building comprised of eighty-seven (87) for-lease multifamily units;
- (b) six-story, residential building comprised of forty (40) for-sale condominiums;
- (c) six-story, residential building comprised of sixty-one (61) for-sale condominiums; and
- (d) forty-one (41), four-story townhomes.

The Primary Plat (PP) went before the Technical Review Committee (TAC) in June 2023 and was approved by Plat Committee in September 2023 with the condition that the Plat be vacated.

The right-of-way of E 121st Drive and Circle Drive was vacated by the petitioner at City Council in August 2023.

PETITION OVERVIEW:

Petition Description

The complete plat vacation of the Circle Heights Addition, Section 1 and easements created by the recorded subdivision on these areas form the recorded subdivision plat.

Specific Request

Full plat vacation of the Circle Heights Addition, Section 1 vacated all of Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, & 17 (Tax Parcel. No.14-11-31-03-01-016.000 ; 14-11-31-03-01-015.000 ; 14-11-31-03-01-014.000 ; 14-11-31-03-01-013.000 ; 14-11-31-03-01-012.000 ; 14-11-31-03-01-011.000 ; 14-11-31-03-01-010.000 ; 14-11-31-03-01-009.000 ; 14-11-31-03-01-008.000 ; 14-11-31-03-01-007.000 ; 14-11-31-03-01-006.000 ; 14-11-31-03-01-001.000), located east of Lantern Road and west of the Nickel Plate Trail, along E 121st Street and W Circle Drive.

Findings of Fact

Conditions in the platted area have changed so as to defeat the original purpose of the Secondary Plat, because:

the real estate to be vacated will be combined for the purposes of development, known as City Walk.

It is in the public interest to vacate all or part of the Secondary Plat, because:

vacating that portion of the subdivision plat including the subject real estate will provide an opportunity to development of the real estate. Development of the site will have a positive impact on the City's property tax base, by adding additional housing units.

The value of that part of the land in the Secondary Plat not owned by the petitioner will not be diminished by vacation, because:

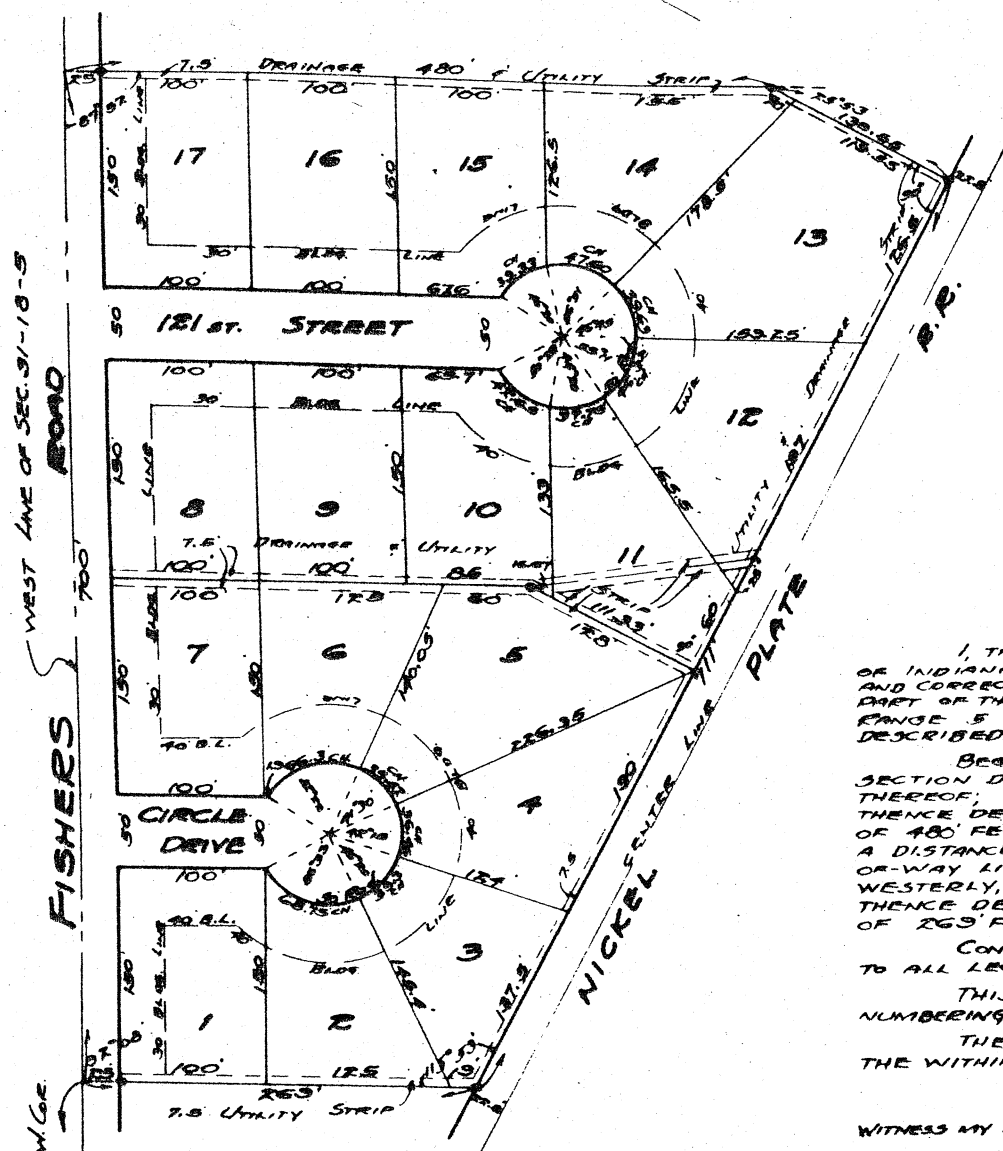
all properties are under common owners and the Right-of-Way of E 121st Stret and W Circle Drive have been vacated by the Fishers City Council.

STAFF RECOMMENDATION:

Staff recommends the Plat Committee vacates the Circle Heights subdivision so the Secondary Plat for City Walk can be recorded.

STAFF RECOMMENDATION

☒ Approve ☐ Approve with Conditions ☐ Continue ☐ Deny



"CIRCLE HEIGHTS"

ADDITION, 1st. SECTION

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, A REGISTERED SURVEYOR IN THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE WITHIN PLAT IS TRUE AND CORRECT, OF A SUBDIVISION INTO STREETS AND LOTS OF A PART OF THE WEST HALF OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 5 EAST IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE WEST LINE OF SAID SECTION DISTANT NORTH 1878.4 FEET OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH, IN AND ALONG SAID WEST LINE 700 FEET; THENCE DEFLECTING RIGHT 88 DEGREES 08 MINUTES A DISTANCE OF 480 FEET; THENCE DEFLECTING RIGHT 15 DEGREES 53 MINUTES A DISTANCE OF 139.88 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF THE NICKEL PLATE RAILROAD; THENCE SOUTHWESTERLY, IN AND ALONG SAID RIGHT-OF-WAY LINE 711 FEET; THENCE DEFLECTING RIGHT 64 DEGREES 07 MINUTES A DISTANCE OF 269 FEET TO THE PLACE OF BEGINNING.

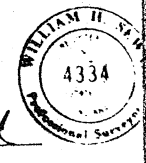
CONTAINING IN ALL 7.16 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL RIGHTS-OF-WAY.

THIS SUBDIVISION CONSISTS OF SEVENTEEN (17) LOTS, NUMBERING FROM ONE (1) TO SEVENTEEN (17) BOTH INCLUSIVE.

THE SIZE OF LOTS AND WIDTH OF STREETS ARE SHOWN ON THE WITHIN PLAT IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

WITNESS MY HAND AND SEAL THIS 3rd DAY OF MAY, 1960. AAA SURVEYING SERVICE Co., INDIANAPOLIS.

William H. Seward
REGISTERED SURVEYOR NO. 4334
STATE OF INDIANA



THE UNDERSIGNED OWNER, IRVINE REYNOLDS, DOES HEREBY CERTIFY THAT SHE DOES LAY OFF, PLAT, AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THIS PLAT AND CERTIFICATE. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "CIRCLE HEIGHTS ADDITION, 1ST. SECTION". THE FOLLOWING RESTRICTIONS, LIMITATIONS AND COVENANTS ARE HEREBY IMPOSED UPON AND SHALL RUN WITH THE LAND CONTAINED IN SUCH PLATTING.

1. ALL STREETS SHALL BE GRADED AND CONSTRUCTED TO SPECIFICATIONS SET UP BY THE HAMILTON COUNTY COMMISSIONERS BY AND AT THE EXPENSE OF THE DEVELOPER OF THIS SUBDIVISION.
2. ALL STREETS SHOWN HEREIN ARE HEREBY DEDICATED TO THE PUBLIC.
3. ALL OF THE LOTS IN THIS SUBDIVISION ARE RESERVED FOR RESIDENTIAL USE, AND NO BUILDING OTHER THAN A ONE FAMILY DWELLING SHALL BE ERRECTED THEREON.
4. NOT MORE THAN ONE BUILDING SHALL BE ERRECTED OR USED FOR RESIDENTIAL PURPOSES ON ANY LOT IN THIS SUBDIVISION.
5. NO RESIDENCE SHALL BE ERRECTED ON ANY LOT IN THIS SUBDIVISION WHICH HAS A NET LIVABLE FLOOR AREA OF 3000 SQUARE FEET, EXCLUSIVE OF OPEN PORCHES, BREEDWAY AND GARAGE.
6. TYPE OF RESIDENTIAL DWELLINGS IN THIS SUBDIVISION SHALL BE RESTRICTED TO BRICK, STONE OR FRAME CONSTRUCTION.
7. NO TRAILOR, TENT, SHACK, ATTACHED SHED OR TEMPORARY BUILDING SHALL BE USED FOR TEMPORARY OR PERMANENT RESIDENCE ON ANY LOT IN THIS SUBDIVISION.
8. NO STRUCTURE SHALL BE ERRECTED IN THIS SUBDIVISION IN EXCESS OF ONE AND ONE-HALF STORY IN HEIGHT, AND NO STRUCTURE OTHER THAN AN OPEN PORCH SHALL BE ERRECTED BETWEEN THE BUILDING LINE AS DESIGNATED ON THE WITHIN PLAT AND THE PROPERTY LINE OF THE STREET.
9. NO BUILDING SHALL BE ERRECTED, OR MOVED UPON ANY LOT IN THIS SUBDIVISION UNTIL BUILDING PLANS, LOT PLANS AND SPECIFICATIONS OF SUCH STRUCTURE PROPOSED HAVE BEEN APPROVED IN WRITING BY THE ARCHITECTURAL CONTROL COMMITTEE.
10. THE ARCHITECTURAL COMMITTEE IS COMPOSED OF A.W. REYNOLDS, JR., A.W. REYNOLDS SR., AND HOWARD BARNHILL. THE MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF RESIGNATION OR DEATH OF ANY MEMBER OF THE COMMITTEE, THE REMAINING MEMBER, OR MEMBERS MAY DESIGNATE A SUCCESSOR. THE MEMBER, OR MEMBERS SHALL NOT BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. AT ANY TIME, THE OWNERS OF TWO THIRDS OF THE LOTS IN THIS SUBDIVISION SHALL HAVE POWER THROUGH A DULY RECORDED INSTRUMENT TO CHANGE THE MEMBERSHIP OF THE COMMITTEE, OR TO WITHDRAW FROM THE COMMITTEE OR RESIGNE TO IT ANY OF ITS POWERS AND DUTIES. IN THE EVENT THE COMMITTEE OR ITS DESIGNATED REPRESENTATIVE FAILS TO APPROVE OR DISAPPROVE ANY PLANS OR SPECIFICATIONS, WITHIN THIRTY (30) DAYS AFTER HAVING BEEN SUBMITTED, OR IN ANY EVENT, IF NO SUIT TO ENJOIN THE CONSTRUCTION HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, APPROVAL WILL NOT BE REQUIRED AND RELATED COVENANTS SHALL BE DEEMED FULLY REQUIRED WITH

11. THE UTILITY STRIPS SHOWN ON THE WITHIN PLAT ARE RESERVED AS EASEMENTS FOR THE USE OF CITY OR COUNTY IN WHICH THIS SUBDIVISION IS LOCATED, OWNERS IN THIS SUBDIVISION AND PUBLIC UTILITY COMPANIES FOR THE INSTALLATION, USE, MAINTENANCE, REPAIR, AND REMOVAL OF SEWERS, WATER MAINS, UTILITY POLES, WIRES AND OTHER FACILITIES AND UTILITIES NECESSARY OR INCIDENT TO THE COMMON WELFARE AND USE AND OCCUPANCY FOR RESIDENTIAL PURPOSES OF THE HOUSES TO BE ERRECTED IN THIS SUBDIVISION. NO BUILDING OR OTHER STRUCTURE EXCEPT WALKS OR DRIVEWAYS SHALL BE ERRECTED OR MAINTAINED UPON, OVER, UNDER, OR ACROSS ANY SUCH UTILITY STRIP FOR ANY USE EXCEPT AS SET FORTH HEREIN. OWNERS IN THIS SUBDIVISION SHALL TAKE THEIR TITLE TO THE LAND CONTAINED IN SUCH UTILITY STRIP SUBJECT TO THE PERPETUAL EASEMENT HEREIN RESERVED.

12. DRAINAGE EASEMENTS, AS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE DRAINAGE OF STORM WATER, WHETHER BY SWAIL, DITCH OR STORM SEWER. NO STRUCTURE OTHER THAN STORM DRAINAGE STRUCTURES SHALL BE ERRECTED IN, ON, OVER, UNDER OR ACROSS ANY SUCH EASEMENT, EXCEPT THAT A DRAINAGE EASEMENT MAY ALSO BE USED AS A UTILITY STRIP. AND STRUCTURES PERMITTED IN A UTILITY STRIP MAY BE ERRECTED THEREIN PROVIDED THAT THEY DO NOT INTERFERE WITH THE FLOW OF WATER. OWNERS IN THIS SUBDIVISION SHALL TAKE THEIR TITLE TO THE LAND CONTAINED IN SUCH DRAINAGE EASEMENT SUBJECT TO THE PERPETUAL EASEMENT HEREIN GRANTED AND RESERVED AND BY THE ACCEPTANCE OF THE TITLE AGREES TO KEEP AND MAINTAIN SUCH EASEMENT IN A CONDITION WHICH SHALL INSURE ITS PRIMARY FUNCTION AS A MEANS OF DISPOSING OF STORM WATER.

13. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY DESCRIPTION SHALL BE RAISED, BREED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THEY ARE NOT KEPT, BREED OR MAINTAINED FOR COMMERCIAL PURPOSES.

14. A PRIVATE SEWAGE DISPOSAL SYSTEM WHICH COMPLIES WITH THE RECOMMENDATIONS AND SPECIFICATIONS OF THE DIVISION OF SANITARY ENGINEERING OF THE INDIANA STATE BOARD OF HEALTH SHALL BE INSTALLED IN CONNECTION WITH EACH DWELLING ERRECTED IN THIS SUBDIVISION.

15. NO LOT IN THIS SUBDIVISION SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTE AND SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS.

16. THE RIGHT TO ENFORCE THE WITHIN RESTRICTIONS, PROVISIONS AND COVENANTS BY INJUNCTION IS HEREBY DEDICATED AND RESERVED TO OWNERS OF LOTS IN THIS SUBDIVISION, THEIR HEIRS AND ASSIGNS WHO SHALL BE ENTITLED TO SUCH RELIEF WITHOUT BEING REQUIRED TO SHOW ANY DAMAGE OR ANY KIND TO ANY SUCH OWNER OR OWNERS BY OR THROUGH ANY SUCH VIOLATION OR ATTEMPTED VIOLATION. SAID PROVISIONS SHALL BE AND CONTINUE IN FULL FORCE AND EFFECT FOR A PERIOD OF TWENTY (20) YEARS FROM THE DATE OF THIS PLAT AND THEREAFTER UNLESS AND UNTIL BY A VOTE OF THE THEN OWNERS OF A TWO THIRDS MAJORITY OF THE TOTAL AREA OF THIS SUBDIVISION IT IS AGREED TO CHANGE THE COVENANTS IN WHOLE OR IN PART. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

Irene Reynolds
IRENE REYNOLDS, OWNER.

COUNTY OF HAMILTON S.S.
STATE OF INDIANA.

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, IRENE REYNOLDS WHO ACKNOWLEDGED THE EXECUTION OF THE ABOVE AND FOREGOING CERTIFICATE AS HER VOLUNTARY ACT AND DEED FOR THE USE AND PURPOSE THEREIN EXPRESSED.

Irene Reynolds
Notary Public

CERTIFICATE

(UNDER AUTHORITY PROVIDED BY CHAPTER 97, ACTS OF THE GENERAL ASSEMBLY OF INDIANA, 1951, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD

6-6-1960

Board of County Commissioners:

Thomas R. Kahan
Ray D. Kahan
Joseph A. Kahan

Attest: *Robert A. Kahan*
NOTARY OF HAMILTON COUNTY.

My Commission Expires May 7, 1963

This instrument prepared by William H. Seward

Vacation Request
Circle Heights Addition, Section 1
VAC-23-7

Petition Description

The complete plat vacation of the Circle Heights Addition, Section 1 and easements created by the recorded subdivision on these areas form the recorded subdivision plat.

Specific Request

Full plat vacation of the Circle Heights Addition, Section 1 vacated all of Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, & 17 (Tax Parcel. No.14-11-31-03-01-016.000 ; 14-11-31-03-01-015.000 ; 14-11-31-03-01-014.000 ; 14-11-31-03-01-013.000 ; 14-11-31-03-01-012.000 ; 14-11-31-03-01-011.000 ; 14-11-31-03-01-010.000 ; 14-11-31-03-01-009.000 ; 14-11-31-03-01-008.000 ; 14-11-31-03-01-007.000 ; 14-11-31-03-01-006.000 ; 14-11-31-03-01-001.000), located east of Lantern Road and west of the Nickel Plate Trail, along E 121st Street and W Circle Drive.

Findings of Fact

Conditions in the platted area have changed so as to defeat the original purpose of the Secondary Plat, because:

the real estate to be vacated will be combined for the purposes of development, known as City Walk.

It is in the public interest to vacate all or part of the Secondary Plat, because:

vacating that portion of the subdivision plat including the subject real estate will provide an opportunity to development of the real estate. Development of the site will have a positive impact on the City's property tax base, by adding additional housing units.

The value of that part of the land in the Secondary Plat not owned by the petitioner will not be diminished by vacation, because:

all properties are under common owners and the Right-of-Way of E 121st Stret and W Circle Drive have been vacated by the Fishers City Council.