

# WELLINGTON

The undersigned, WEIHE DEVELOPMENT CORP., by Allan H. Weihe, President, and Joyce M. Weihe, Secretary, of Hamilton County, in the State of Indiana, being the owners of record of all of the within described real estate, do hereby lay off, plat and subdivide into lots and streets such tracts and do hereby dedicate for public use any of such streets not previously dedicated, in accordance with the within plat. The following restrictions, limitations, and covenants are hereby imposed and shall run with the land contained in such plat.

The within plat shall be known and designated as WELLINGTON ESTATES, a subdivision in Noblesville Township, Hamilton County, in the State of Indiana.

All lots in this subdivision are reserved for residential use, and no building other than a one-family residence or structure or facility accessory in use thereto shall be erected thereon.

Not more than one building shall be erected or used for residential purposes on any lot in this subdivision.

The ground floor area of the main structure, exclusive of one-story open porches and garages, shall be not less than one thousand five hundred (1500) square feet in the case of a one-story structure, nor less than nine hundred (900) square feet in the case of a multiple story structure, provided no structure of more than one story shall have less than an aggregate of one thousand eight hundred (1800) square feet of finished and liveable floor area. All garages shall be attached to the residence dwelling and be a minimum of two car size.

No trailer, tent, shack, attached shed, basement, garage, or temporary building shall be used for temporary or permanent residence on any lot in this subdivision. An attached garage, tool shed, or detached storage building erected or used as an accessory to a residence in this subdivision shall be of a permanent type of construction and conform to the general architecture and appearance of such residence.

No fences shall be erected in this subdivision between the building lines and the right-of-way lines of the streets as shown on the within plat, except with approval of the Architectural Control Committee, which fences shall not exceed 42 inches in height and shall be of a decorative nature.

No building, structure or accessory building shall be erected closer to the sideline of any lot than ten (10) feet. Where buildings are erected on more than one single lot, this restriction shall apply to the sidelines of the extreme boundaries of the multiple lots.

No structure in this subdivision shall exceed 2 and 1/2 stories or twenty-five (25) feet in height measured from finish grade to the under side of the eave line, and no structure other than an open porch shall be erected between the building lines and the right-of-way lines of the street as designated on the within plat.

No building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and the plot plan showing the location of such building has been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to topography and finished ground elevation, by the Architectural Control Committee composed of the undersigned owners of the within described real estate, or by their duly authorized representatives. In the event of the death or resignation of any member of said committee, the remaining member or members shall have full authority to approve or disapprove such design and location, or to designate a representative with like authority. If the committee fails to act upon any plans submitted to it for its approval within a period of fifteen (15) days from the submission date of the same, the owner may then proceed with the building according to the plans as if approved. Neither the committee members or the designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

The utility easements shown on the within plat are reserved as an easement for use by the 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 incidental to the common welfare and use and occupancy for residential purposes of the houses to be erected in this subdivision. No building or other structure, except walks or driveways, shall be erected or maintained upon, over, under, or across any such utility easement for any use except as set forth herein. The owners in this subdivision shall take their title to the land contained in such utility easement subject to the perpetual easement herein reserved.

The Cable Television Easements shown on the within plat reserve for the approved franchised "Company" and its successors and assigns, forever, the easement and right from time to time hereafter to erect, install, lay, use, maintain, replace, increase or decrease the size of and remove coaxial cable and other fixtures and appurtenances for the purpose of transmitting and distributing radio and television signals by way of said coaxial cable, on over, under, and across said easement. This also includes the right of ingress and egress for all purposes incident to such easement, and the "Company" is hereby granted the express right to make clearances of brush and debris from said easement in order to successfully install and maintain said coaxial cable. The owners in this subdivision shall take their title to the land contained in such cable television easement subject to the perpetual easement herein reserved.

The drainage easements shown on the within plat are reserved for the drainage of storm water, whether by swale, ditch, or storm sewer. No structure other than storm water drainage structures, retaining walls, or elevated walks and driveways shall be erected in, on, over, under, or across any such easement; except that a drainage easement may also be used as a utility easement, and structures permitted in a utility easement may be erected therein, provided that they do not interfere with the flow of water. The owners in this subdivision shall take their title to the land contained in such drainage easements subject to the perpetual easement herein reserved.

In the event storm water drainage from any lot or lots flows across another lot, provision shall be made to permit such drainage to continue without restriction or reduction, across the downstream lot and into the natural drainage channel or course, even though no specific drainage easement for such flow of water is provided on the the within plat.


Easement Maintenance: On drainage easements, the City of Noblesville shall be responsible for the care, maintenance, repair and/or replacement of actual structures in place, such as sewer pipes, manholes, castings, etc., and each property owner as it pertains to his lot or lots shall maintain surface drainage systems and open swales. The City shall have access rights over and across said easements.

No lot in this subdivision shall be used or maintained as a dumping ground for rubbish, trash, and such things shall not be kept except in sanitary containers.

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dedicated and reserved to the owners of lots in this subdivision, their heirs and assigns, who shall be entitled to such relief without being required to show any damage of 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 lots in this subdivision it is agreed to change to 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.

Witness our signature this 18th day of December, 1987.

Allan H. Weihe  
Allan H. Weihe, President  
10505 N. College Avenue  
Indianapolis, Indiana, 46280

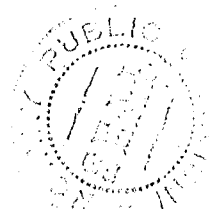
Joyce M. Weihe  
Joyce M. Weihe, Secretary

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF HAMILTON )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared WEIHE DEVELOPMENT CORP., by Allan H. Weihe, and Joyce M. Weihe, who acknowledged the execution to the foregoing instrument as their voluntary act and deed for the uses and purposes therein expressed.

Witness my Hand and Notarial Seal this 18th day of DECEMBER, 1987.

Larry K. Shimer  
Notary Public - Larry K. Shimer  
County of Residence: Hamilton  
My Commission expires March 12, 1989



PLAN COMMISSION CERTIFICATE:

Under the authority provided by INDIANA CODE 36-7-4, this plat was given approval by this Plan Commission of the City of Noblesville, Indiana at a meeting held on the 20th day of April, 1987.

ADOPTED BY THE TECHNICAL COMMITTEE AT A MEETING HELD 4/9/87

NOBLESVILLE CITY PLAN COMMISSION

Tim R. Stevens  
Tim R. Stevens, Secretary

Karen Goldstein  
Karen Goldstein, President

RECEIVED FOR RECORD  
AT 2:30 O'CLOCK a M  
DEC 22 1987  
BOOK 15 PAGE 33  
Sharon H. Cleary  
RECORDER HAMILTON COUNTY, INDIANA

BOARD OF PUBLIC WORKS AND SAFETY'S CERTIFICATE:

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF NOBLESVILLE, INDIANA, AT A MEETING HELD ON THE 28th DAY OF December, 1987.

Patricia A. Logan  
Patricia A. Logan, Mayor

Marilyn Conner  
Marilyn Conner, Clerk-Treasurer

I, Tim R. Stevens, DIRECTOR OF PLANNING AND ZONING FOR THE CITY OF NOBLESVILLE, INDIANA, HEREBY CERTIFY THAT THE APPLICATION FOR APPROVAL OF THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS SET FORTH IN THE MASTER PLAN OF NOBLESVILLE, INDIANA, AND SUCH OTHER APPLICABLE REQUIREMENTS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF NOBLESVILLE - DECEMBER 11, 1961, AS AMENDED:

Tim R. Stevens  
Tim R. Stevens, Director of Planning and Development

DATE: 22 December, 1987.

COUNTY COMMISSIONER'S CERTIFICATE

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-3, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD 21 December, 1987.

Gene Roudebush  
Gene Roudebush, President

Phil Henderson  
Phil Henderson, Member

Peg Goldberg  
Peg Goldberg, Member

Polly Pearce  
Polly Pearce, County Auditor

DULY ENTERED FOR TAXATION  
29 day December, 1987  
Polly Pearce Auditor

1000 BOOK 15  
RECORDED 54  
Helen Goldstein, President  
Tim R. Stevens, Secretary

BOARD OF PUBLIC WORKS AND SAFETY'S CERTIFICATE:

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF NOBLE INDIANA, AT A MEETING HELD ON THE 25th DAY OF DECEMBER, 1987.

*Patricia A. Logan*  
Patricia A. Logan, Mayor

*Marilyn Ganner*  
Marilyn Ganner, Clerk-Treasurer

I, Tim R. Stevens, DIRECTOR OF PLANNING AND ZONING FOR THE CITY OF NOBLESVILLE, INDIANA, CERTIFY THAT THE APPLICATION FOR APPROVAL OF THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS IN THE MASTER PLAN OF NOBLESVILLE, INDIANA, AND SUCH OTHER APPLICABLE REQUIREMENTS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF NOBLESVILLE - DECEMBER 11, 1981, AS AMENDED:

*Tim R. Stevens*  
Tim R. Stevens, Director of Planning and Development  
DATE: 22 December, 1987

COUNTY COMMISSIONER'S CERTIFICATE

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-3, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD ON DECEMBER 19, 1987.

*Gene Roudebush*  
Gene Roudebush, President

*Phil Henderson*  
Phil Henderson, Member

*Peg Goldberg*  
Peg Goldberg, Member

*Polly Peepke*  
Polly Peepke, County Auditor

DULY ENTERED FOR TAXATION  
20 December 1987

*Betty Pearce*  
Betty Pearce, Auditor  
Hamilton County

Filed #

This instrument prepared by Allag H. Weihe

Sheet 1

The Cable Television Easements shown on the within plat reserve for the approved franchised "Company" and its successors and assigns, forever, the easement and right from time to time hereafter to erect, install, lay, use, maintain, replace, increase or decrease the size of and remove coaxial cable and other fixtures and appurtenances for the purpose of transmitting and distributing radio and television signals by way of said coaxial cable, on over, under, and across said easement. This also includes the right of ingress and egress for all purposes incident to such easement, and the "Company" is hereby granted the express right to make clearances of brush and debris from said easement in order to successfully install and maintain said coaxial cable. The owners in this subdivision shall take their title to the land contained in such cable television easement subject to the perpetual easement herein reserved.

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No lot in this subdivision shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste, and such items shall not be kept, except in sanitary containers.

No campers, trailers, boats, or similar vehicles shall be parked on any lot in this subdivision unless the same shall be parked in such a manner that it is not visible to the occupants of other lots in this subdivision or the users of any streets in this subdivision.

All lot owners will be required to install, or have installed, at least one gas or electric "dusk to dawn" yard light in the front yard.

No animals, livestock or poultry of any description shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred or maintained for commercial purposes.

It shall be the duty of the owner of each lot in this subdivision to keep the grass on the lot properly cut and to keep the lot free from weeds and trash and otherwise neat and attractive in appearance. Should any owner fail to do so then the Developer may take such action as it deems appropriate in order to make the lot neat and attractive, and the owner shall upon demand reimburse the Developer for the expense incurred in so doing.

DEC 2 1987

BOOK 15 PAGE 32-33

Sharon H. Clary

RECORDER HAMILTON COUNTY, INDIANA

I, the undersigned, a Registered Land Surveyor in the State of Indiana, hereby certify that this represents a survey and subdivision of Part of the Northeast Quarter of Section 13, Township 18 North and Noblesville Township, Hamilton County, Indiana, described as follows:

Beginning at the Southeast corner of the Northeast Quarter of Section 13, Township 18 North and Noblesville Township, Hamilton County, Indiana, described as follows: thence North 01 degrees 19 minutes 23 seconds West (assumed bearing) on the East line of said Avenue (former State Road #37A); thence South 25 degrees 52 minutes 39 seconds West on said Section 13 (said South line being a straight line between the West Quarter corner and the East Quarter corner of said Section 13); thence North 89 degrees 13 minutes 49 seconds East 1129.62 feet to the containing 15.33 acres, more or less.

Subject to the right-of-way of Allisonville Avenue (being also the right-of-way for former Subject also, to an easement granted to the Northern Indiana Power Company as recorded in 201 in the Office of the Recorder of Hamilton County, Indiana.

Subject further to all other legal easements and rights-of-way.

This subdivision consists of 30 lots, numbered 1 through 30 both inclusive, and BLOCK "A", on the within plat. The size of the lots and the width of the street right-of-way is shown feet and decimal parts thereof.

Witness my signature this 17<sup>th</sup> day of September, 1987

*Allan H. Weibe*  
Allan H. Weibe, Reg. L.S.-Indiana #10398



This instrument prepared by Allan H. Weibe

Sheet 1 of

PARCEL	ARC	DELTA	RADIUS	CHORD LENGTH	TAN LENGTH
C1	88.95	16° 40' 31"	305.64	266.84	44.79
C2	81.68	16° 40' 31"	280.84	81.39	41.13
C3	96.23	16° 40' 31"	330.84	95.89	48.46
C4	71.57	10° 13' 16"	401.21	71.48	35.86
C5	67.11	10° 13' 16"	376.21	67.02	33.63
C6	76.03	10° 13' 16"	426.21	75.93	38.12
C7	25.09	3° 54' 55"	367.18	25.09	12.35
C8	23.38	3° 54' 55"	342.18	23.38	11.70
C9	26.80	3° 54' 55"	382.18	26.79	13.40
C10	95.08	3° 36' 41"	1308.50	95.06	47.56
C11	96.66	3° 36' 41"	1533.50	96.64	48.34
C12	67.05	2° 35' 23"	1483.50	67.04	33.53
C13	266.69	101° 52' 06"	150.00	232.93	184.60
C14	222.24	101° 52' 06"	125.00	194.11	154.00
C15	311.14	101° 52' 06"	175.00	271.75	215.60
C16	240.12	91° 43' 05"	150.00	215.29	154.57
C17	200.10	91° 43' 05"	125.00	179.41	128.81
C18	280.14	91° 43' 05"	175.00	251.17	180.33

DULY ENTERED FOR TAXATION

29 day December 1987

*Betty Pearce*  
Auditor  
Hamilton County

Parcel #

For certificate of correction

Section 13-2-89  
Rec. 10-2-89

This document referred to in Document No. 9449857

This document referred to in Document No. 9449858

92-8674