

**PLAT OF HILLINDALE WEST
SUBDIVISION**

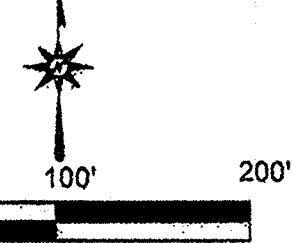
BEING PART OF THE SOUTH HALF OF SECTION 28,
TOWNSHIP 10 NORTH, RANGE 12 EAST, SECOND PRINCIPAL MERIDIAN,
ADAMS TOWNSHIP, CITY OF BATESVILLE, RIPLEY COUNTY, INDIANA
INSTRUMENT #201603176
"WM DEVELOPMENT LLC"

CURVE TABLE

| | | | |
|--|--|--|--|
| C-1 N45°30'57"E LC=21.78 R=15.00 A=24.34 | C-2 S8°42'47"W LC=88.82 R=200.00 A=88.88 | C-3 N42°28'38"E LC=112.71 R=200.00 A=185.02 | C-4 N72°08'55"E LC=112.71 R=200.00 A=112.82 |
| C-5 N83°45'50"E LC=99.83 R=200.00 A=99.83 | C-6 S88°21'22"E LC=89.77 R=200.00 A=89.77 | C-7 S77°34'42"E LC=40.82 R=120.00 A=40.82 | C-8 S88°39'19"W LC=88.81 R=120.00 A=88.81 |
| C-9 N66°42'59"E LC=64.47 R=175.00 A=64.47 | C-10 S77°22'48"E LC=11.84 R=175.00 A=11.84 | C-11 S79°33'51"E LC=88.02 R=175.00 A=88.02 | C-12 N80°18'18"E LC=120.00 R=175.00 A=120.00 |
| C-13 S74°38'59"W LC=110.00 R=475.00 A=110.37 | C-14 S87°14'01"W LC=112.32 R=475.00 A=112.32 | C-15 S82°30'12"W LC=112.32 R=475.00 A=112.32 | C-16 N43°03'56"W LC=121.41 R=180.00 A=123.59 |
| C-17 S83°21'00"E LC=78.70 R=400.00 A=78.82 | C-18 S77°01'03"E LC=112.32 R=400.00 A=112.32 | C-19 N81°49'19"E LC=112.32 R=180.00 A=80.85 | C-20 N62°27'40"E LC=84.88 R=180.00 A=88.08 |
| C-21 S49°41'12"E LC=53.03 R=84.44 A=53.43 | C-22 S2°40'54"W LC=58.55 R=84.44 A=58.55 | C-23 S45°05'44"W LC=38.52 R=84.44 A=37.58 | C-24 S83°41'51"W LC=43.08 R=84.44 A=43.88 |
| C-25 S78°29'12"E LC=28.56 R=350.00 A=28.57 | C-26 S84°23'17"E LC=43.89 R=350.00 A=43.92 | C-27 N45°30'57"E LC=21.78 R=15.00 A=24.34 | C-28 S44°28'10"E LC=20.87 R=15.00 A=22.07 |

SUBURBAN SURVEY
THE R.P.A. DOES NOT EXCEED 0.1'
PLUS 100 PPM AS DEFINED BY IAG-88 (RULE 12)
THE BEARING SYSTEM IS BASED ON
INDIANA STATE PLANE COORDINATE SYSTEM
ZONE EAST (1983 DATUM)

PREPARED BY:
JOE W. GILLESPIE JR.
GILLESPIE SURVEYING
7110 HOLLAND ROAD
BROOKVILLE, IN 47012
765-647-4725



SURVEY DESCRIPTION

BEING PART OF THE SOUTH HALF OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 12 EAST, SECOND PRINCIPAL MERIDIAN, ADAMS TOWNSHIP, CITY OF BATESVILLE, RIPLEY COUNTY, INDIANA.
BEGINNING AT AN IRON ROD STAKE MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 12 EAST; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, S88°09'13"W 1320.59' TO A STONE MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER; AND THE EAST RIGHT-OF-WAY OF STATE ROAD 125; THENCE ALONG SAID EAST RIGHT-OF-WAY N05°59'13"W 884.38' TO AN IRON ROD STAKE MARKING THE SOUTHWEST CORNER OF HILLINDALE COMMERCIAL PHASE I SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION AND THE SOUTH LINE OF HILLINDALE ESTATES SECTION V, N05°59'13"E 1168.88' TO AN IRON ROD STAKE; THENCE ALONG THE SOUTH LINE OF HILLINDALE ESTATES SECTION V AND HILLINDALE ESTATES SECTION III, N72°08'55"E 328.48' TO AN IRON ROD STAKE; THENCE ALONG THE NORTH AND WEST LINES OF THE CITY OF BATESVILLE PROPERTY AND BIRCHOFF RESERVOIR, N79°07'23"E 297.81' TO AN IRON ROD STAKE AND S22°27'59"E 602.48' TO AN IRON ROD STAKE ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 10 NORTH, RANGE 12 EAST; THENCE ALONG SAID SOUTH LINE, S81°09'11"E 48.24' TO THE PLACE OF BEGINNING, CONTAINING 39.92 ACRES, MORE OR LESS, BEING SUBJECT TO A TEXAS EASTERN PIPELINE EASEMENT RECORDED IN MISC. RECORD #3987 AND 27 AND ALL OTHER EASEMENTS, ROADWAYS, AND RESTRICTIONS OF RECORD.

NOTARY CERTIFICATE

STATE OF _____
COUNTY OF _____
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____
AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.
WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 20____.

DEED OF DEDICATION

WE, THE UNDERSIGNED
REPRESENTATIVE OF THE OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN DO HEREBY CERTIFY THAT I HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAID OFF, PLAT AND SUBDIVIDE REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.
THIS SUBDIVISION SHALL BE KNOWN AS _____
A SUBDIVISION OF OR AN ADDITION TO BATESVILLE, INDIANA.
ALL RIGHT-OF-WAYS, STREETS, SANITARY SEWER, STORM SEWER AND WATER MAINS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.
THERE ARE STRIPS OF GROUND AS SHOWN ON THIS PLAT AND MARKED "EASEMENT" AND "OUTLOT" RESERVED FOR DRAINAGE PURPOSES, ACCESS PURPOSES, AND THE USE OF PUBLIC UTILITIES FOR THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DUCTS, LINES, AND OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND HEREBY RESERVED. NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERECTED OR MAINTAINED UPON SAID STRIPS OF LAND, BUT OWNERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLES SUBJECT TO THE RIGHTS OF THE PUBLIC UTILITIES.
THE FOREGOING COVENANTS AND RESTRICTIONS (BOTH COMMERCIAL & RESIDENTIAL) ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2041, AT WHICH TIME THE COVENANTS OR RESTRICTIONS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 19 YEARS UNLESS CHANGED BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE BUILDING SITES COVERED BY THESE COVENANTS, OR RESTRICTIONS, IN WHOLE OR IN PART. VIOLATION OF ANY ONE OF THE FOREGOING COVENANTS, OR RESTRICTIONS, BY JUDGEMENT OR COURT ORDER, SHALL IN NO WAY AFFECT ANY OF THE OTHER COVENANTS, OR RESTRICTIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 20____.

(SIGNATURE) _____
(SIGNATURE) _____

PLAN COMMISSION CERTIFICATE

THE BATESVILLE PLAN COMMISSION HAS REVIEWED THE APPLICATION OF THIS PLAT FOR TECHNICAL CONFORMANCE WITH THE STANDARDS FOR THE SUBDIVISION CONTROL CODE IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA ADVISORY PLANNING LAW, I.C. 89-478 AND HEREBY CERTIFIES THAT THIS PLAT MEETS ALL OF THE MINIMUM REQUIREMENTS IN THE CODE OF ORDINANCES OF BATESVILLE, INDIANA.
DATE: _____
BATESVILLE ADVISORY PLAN COMMISSION STAFF

BOARD OF PUBLIC WORKS & SAFETY APPROVAL

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF BATESVILLE, INDIANA, AT A MEETING HELD ON _____ DAY OF _____, 20____.

FINAL UNIT DEVELOPMENT APPROVAL CERTIFICATE

UNDER AUTHORITY PROVIDED BY THE INDIANA ADVISORY PLANNING LAW, I.C. 89-478, THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL THE AGENCIES THEREOF, AND AN ORDINANCE ADOPTED BY THE CITY OF BATESVILLE, INDIANA, THIS PLAT WAS GIVEN FINAL APPROVAL AS A UNIT DEVELOPMENT PLAN BY THE BATESVILLE ADVISORY PLAN COMMISSION AS FOLLOWS:
APPROVED BY THE BATESVILLE PLAN COMMISSION AT A MEETING HELD _____, 20____.
BATESVILLE PLAN COMMISSION
PRESIDENT _____

COVENANTS & RESTRICTIONS (COMMERCIAL LOTS - LOT #1, #2, & #3)

- ALL OWNERS SHALL SUBMIT A DEVELOPMENT PLAN TO WM DEVELOPMENT OR ITS SUCCESSORS, BEFORE MAKING ANY IMPROVEMENTS TO A COMMERCIAL LOT. THE DEVELOPMENT PLAN SHALL INCLUDE THE FOLLOWING:
 - A SITE PLAN SHOWING THE LOT NUMBER AND LOCATION AND SIZE OF ALL BUILDINGS AND STRUCTURES. THE SITE PLAN SHALL FURTHER INDICATE THE INTENDED USE OF ALL BUILDINGS AND STRUCTURES.
 - THE WIDTH AND LENGTH OF ALL ENTRANCES AND EXITS TO AND FROM THE LOT SHOWING THE ADJACENT HIGHWAY. THE OBJECTIVE IS A SMOOTH CURVE OF TRAFFIC TO AND FROM THE LOT.
 - BUILDING FLOOR PLANS, EXTERIOR ELEVATIONS, WALL AND ROOF SECTIONS.
 - EXTERIOR BUILDING MATERIALS AND COLORS. ALL BUILDINGS AND STRUCTURES SHALL APPEAR HARMONIOUS AND COMPATIBLE WITH NATURAL SURROUNDINGS AND OTHER BUILDINGS AND STRUCTURES IN THE AREA.
 - PARKING AND LOADING PLANS WITH AN ESTIMATE OF THE NUMBER OF VEHICLES ENTERING THE LOT EACH DAY. NO PARKING SHALL BE ALLOWED ON THE HIGHWAY. LIMITED PARKING SHALL BE ALLOWED ALONG THE FRONT OF A BUILDING. LOADING FACILITIES SHALL BE PROVIDED AND LOADING DOCKS SHALL BE SET BACK A SUFFICIENT DISTANCE SO AS TO NOT INTERFERE WITH PARKING.
 - PLAN FOR LANDSCAPING AND EXTERIOR LIGHTING. NO DESIRABLE TREES OR NATURAL FEATURES SHALL BE REMOVED. NO EXCAVATED SOIL SHALL BE TAKEN OFF THE LOT. STORAGE AREAS SHALL BE CONCEALED OR ENCLOSED IN AN ATTRACTIVE MANNER. LANDSCAPING SHALL BE COMPLETED AS SOON AS THE WEATHER PERMITS AFTER COMPLETION OF CONSTRUCTION.
 - UTILITY PLAN, AIR CONDITIONING EQUIPMENT AND WASTE DISPOSAL CONTAINERS SHALL BE ATTRACTIVELY SCREENED. ELECTRIC TELEPHONE, GAS AND OTHER UTILITY SERVICE LINES SHALL BE UNDERGROUND.
 - STORM WATER MANAGEMENT AND EROSION CONTROL PLAN. FLOOR ELEVATIONS OF ALL BUILDINGS AND STRUCTURES SHALL BE AT LEAST AS HIGH AS THE ADJACENT HIGHWAY.
 - PROOF OF APPLICATION TO THE INDIANA STATE HIGHWAY COMMISSION AND ANY OTHER NECESSARY REGULATORY AGENCY FOR APPROVAL OF INGRESS AND EGRESS PERMITS FOR INDIANA STATE ROAD 125.

CONTINUED

Grant of Easement
For valuable consideration, We the undersigned ("Grantor") do hereby permanently grant to Duke Energy Indiana, Inc. and their parent entity (or entity controlling both entities), their respective subsidiaries or affiliate entities, and any other provider of utility services (Grantee) their successors and assigns, forever, non-exclusive easements, as shown on the within plat and designated as "Utility Easements" for the construction, operation, maintenance, repair, or replacement of any and all necessary fixtures for the overhead or underground distribution of gas, electric, telephone, telecommunications or other utilities ("Grantee Facilities" or "Facilities") right of ingress and egress and also the right to cut, trim or remove any trees, undergrowth or overhanging branches within the Utility Easements area, nor may the Utility Easements area be physically altered to (1) Reduce the clearances of either overhead or underground facilities; (2) Impair the land support of the Grantee Facilities; (3) Impair the ability to maintain the facilities; or (4) Create a hazard. To have and to hold the easement forever. We acknowledge having the full power to convey this Utility Easement and will defend the same against all claims.

SURVEYOR'S REPORT

THIS IS A SUBDIVISION OF THE LANDS OF CHAD MILES (INSTRUMENT #201601515) AS DIRECTED BY THE REPRESENTATIVES OF THE PROPERTY OWNER, THE OVERALL PARCELS OF THE LANDS OWNED BY MILES CONSISTS OF A 0.822 ACRE TRACT AND A 0.414 ACRE TRACT SURVEYED BY PACE ENGINEERING (JOHN L. BAAS) IN MARCH OF 1989 AND RECORDED IN PLAT CHAIN'S 3 & 5, BEING 078 ON AUGUST 20, 2001 IN THE RIPLEY COUNTY RECORDER'S OFFICE.
IN ACCORDANCE WITH TITLE 885 ARTICLE 1.1 CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE ESTABLISHING MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN INDIANA, THE FOLLOWING OPINIONS AND OBSERVATIONS ARE SUBMITTED REGARDING UNCERTAINTIES IN THE LOCATION OF THE LINES AND CORNERS ESTABLISHED BY THE SURVEY AS A RESULT OF:
1. RANDOM ERRORS IN MEASUREMENTS
2. UNAVAILABILITY, CONDITION AND INTENSITY OF REFERENCE MONUMENTS
3. DISCREPANCIES IN RECORD DESCRIPTIONS
4. INCONSISTENCIES IN THE LINES OF OCCUPATION AS RELATED TO SURVEY LINES
1. MEASUREMENTS
THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED 0.15" PLUS 100 PPM AS DEFINED BY IAG-88 (RULE 12).
2. REFERENCE MONUMENTS
CORNERS FROM THE PACE SURVEY AND ALSO CORNERS SET BY CHAFFEE & ASSOCIATES AND WOODPORT ENGINEERING WERE RECOVERED FROM PREVIOUS SECTIONS OF HILLINDALE COMMONS. UNLESS OTHERWISE SHOWN THESE MONUMENTS WERE HELD AT THEIR LOCATION AND THE UNCERTAINTY OF THESE MONUMENTS IS EQUAL TO THE RECORD AND MEASURED DIFFERENCES SHOWN ON THE ADJOINING PLAT.
3. RECORD DOCUMENTS
THERE IS MINIMAL UNCERTAINTY DUE TO RECORD DOCUMENTS OF ADJOINING PROPERTIES.
4. OCCUPATION LINES
THIS TRACT IS PRESENTLY UNDEVELOPED. THERE ARE VARIOUS ENCROACHMENTS OF LANDSCAPING AND OCCUPATION BY THE ADJOINING DEVELOPED SUBDIVISIONS BUT IT IS MY OPINION THAT THIS OCCUPATION IS MINIMAL.
THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF EVIDENCE OF SOURCE OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY SAME. THE ATTACHED PLAT AND DESCRIPTION WAS PREPARED BY EMPLOYEES OF GILLESPIE SURVEYING UNDER MY SUPERVISION
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.
JOE W. GILLESPIE JR. L.S. #900024
DATE _____

COVENANTS & RESTRICTIONS CONTINUED (COMMERCIAL LOTS - LOT #1, #2, & #3)

- WM DEVELOPMENT AND ITS SUCCESSORS IN INTEREST, WHICH SUCCESSORS MAY BE DESIGNATED FROM TIME TO TIME BY WM DEVELOPMENT SHALL HAVE COMPLETE AND UNLIMITED DISCRETION IN THE APPROVAL OF THE DEVELOPMENT PLAN. NO OWNER MAY PROCEED TO IMPROVE A LOT WITHOUT THE PRIOR APPROVAL OF WM DEVELOPMENT.
(2) EACH OWNER AND/OR OCCUPANT SHALL KEEP ITS LOT (WHETHER OR NOT IMPROVED, BUILT, AND OTHER IMPROVEMENTS IN A SAFE, SOUND, AND ORDERLY CONDITION SO AS TO MAINTAIN AN ATTRACTIVE APPEARANCE. THIS COVENANT SHALL BE CAREFULLY OBSERVED THROUGHOUT THE PERIOD OF CONSTRUCTION.
(3) ANY CONSTRUCTION AND ANY USE NOT IN CONFORMITY WITH APPROVED PLANS SHALL BE IMMEDIATELY TERMINATED AND REMOVED BY THE OWNER.
(4) ALL RENOVATIONS AND ALL EXPANSIONS OR CHANGE OF USE OF EXISTING BUILDINGS AND STRUCTURES INCLUDING CHANGE IN THE DEVELOPMENT PLAN SHALL BE APPROVED BY WM DEVELOPMENT OR ITS SUCCESSORS BEFORE ANY ON SITE WORK IS PERMITTED.
(5) AN OWNER SHALL BE RESPONSIBLE FOR APPLICATION AND RECEIPT OF ZONING, CONSTRUCTION, OCCUPANCY, BUSINESS OPERATION OR OTHER STATUTORY OR REGULATORY PERMITS NECESSARY TO CONDUCT BUSINESS ON ANY HILLINDALE WEST COMMERCIAL LOT.
(6) ALL COMMERCIAL LOTS WILL BE REQUIRED TO INSTALL PROPER SCREENING ALONG PROPERTY LINES THAT ADJOIN RESIDENTIAL USES.
(7) LOT #3 WILL BE REQUIRED TO MAINTAIN OUTLOT "C" AS SHOWN

COVENANTS & RESTRICTIONS (RESIDENTIAL LOTS)

- ALL PROPOSED LOTS ARE SUBJECT TO THE RESTRICTIVE COVENANTS RECORDED WITHIN THE VARIOUS PLATS OF HILLINDALE COMMONS, RECORDED WITHIN MISC. REC. 43 PAGE 198 & MISC. REC. 43 PAGE 193 AND OUTLINED WITHIN THE ARCHITECTURAL REVIEW BOARD GUIDELINES OF HILLINDALE ESTATES AMENDED IN JUNE 2016, POSTED ON THE HILLINDALE WEBSITE
- ALL LOTS EXCLUDING LOTS #1, #2, & #3 WILL HAVE THE OPTION TO CONTAIN TOWN HOMES IF WM DEVELOPMENT SO DESIRES. THESE TOWN HOMES ARE REQUIRED TO HAVE A MINIMUM OF 1,500 SQ.FT. OF LIVING SPACE AND TO BE SIMILAR TO EXISTING MULTI-FAMILY STRUCTURES WITHIN HILLINDALE COMMONS
- ALL SINGLE FAMILY RESIDENCES ARE REQUIRED TO CONTAIN AT MINIMUM 1,800 SQ. FT. OF LIVING SPACE. IN THE CASE OF A MULTI-STORY RESIDENCE, AT LEAST 1,000 SQ. FT. OF THIS LIVING SPACE IS REQUIRED TO BE WITHIN THE FIRST FLOOR
- THE PROPOSED BASEMENT ELEVATION OF ANY RESIDENCE MUST BE HIGHER THAN ELEVATION 954.0 (NAD 83 DATUM)
- CONTRIBUTION UPON THE APPROVAL OF HILLINDALE HOMEOWNERS ASSN., INC. TO ACCEPT THIS DEVELOPMENT, ALL RESIDENTIAL LOT OWNERS WILL BE BOUND BY THE BYLAWS, COVENANTS AND RESTRICTIONS, AND RULES OF THE ARCHITECTURAL REVIEW BOARD AS ESTABLISHED AND MODIFIED BY HILLINDALE HOMEOWNERS ASSN., INC.
- WM DEVELOPMENT WILL APPROVE ALL BUILDING & SITE DEVELOPMENT PROPOSALS PRIOR TO THE HILLINDALE HOMEOWNERS ASSN., INC.'S ARCHITECTURAL REVIEW BOARD'S APPROVAL
- ALL CONTRACTOR & SUBCONTRACTORS TO WORK ON RESIDENTIAL LOTS WILL BE APPROVED BY WM DEVELOPMENT
- THE PORTION OF BUR OAK DRIVE WHICH LIES SOUTH OF ASPEN DRIVE IS RESERVED FOR FUTURE DEVELOPMENT OF THE PROPERTY TO THE SOUTH. IT WILL BE THE RESPONSIBILITY OF THE OWNER OF LOT #40 TO MAINTAIN THIS PORTION OF BUR OAK DRIVE UNTIL DEVELOPMENT OF THIS ROAD IS NECESSARY