

AN ORDINANCE AMENDING THE ZONING ORDINANCES  
OF FISHERS, INDIANA - 1980

Ordinance No. 08-17-88

BE IT ORDAINED by the Town Board of Fishers, Indiana, that the zoning ordinance, a part of the comprehensive plan and ordinances - 1980, Ordinance Number 110380, as amended, is hereby amended as follows:

SECTION 1. DECLARATION

That the Zone Map, identified as OFFICIAL ZONING MAP, TOWN OF FISHERS, INDIANA, dated November 3, 1980, which accompanies and is a part of the Zoning Ordinances of the Town of Fishers, Indiana, as amended, is hereby changed as follows: As it relates to the following described real estate only:

SEE ATTACHED "EXHIBIT A"

SECTION 2. LAND USE

The above described real estate is hereby designated as a P.D. district, as further defined in this Ordinance.

A. All uses described in Article 1 through Article 22 of Chapter 2 of Ordinance No. 110380 shall be permitted in this PD district except that the following uses shall not be permitted:

- (1) Trailer courts;
- (2) Labor camps;
- (3) Junk yards;
- (4) Commercial storage of building or construction materials;
- (5) Distillation of bones;
- (6) Dumping, disposal, incineration or reduction of garbage, sewage, dead animals or refuse;
- (7) Fat rendering;
- (8) Stockyard or slaughter of animals;
- (9) Smelting of iron, tin, zinc or other ores;

- (10) Refining of petroleum or of its products;
- (11) Cemeteries or mausoleums;
- (12) Jail, penal, detention or correction farms.

**B. Accessory Structures and Uses**

Accessory structures and uses shall be allowed which are subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, provided no exterior signage announcing such services or advertising to the public shall be permitted. Such permitted supportive services shall include pharmacy accessory to building medical offices, cafeteria, tobacco/candy/newspaper counter and similar uses designed and operated principally for service to building occupants, provided the total area occupied by such accessory uses shall not exceed ten percent (10%) of the gross leasable area of the building; and

C. The Preliminary Development Plan is attached hereto, incorporated herein and marked "Exhibit D".

The land uses reflected on the Preliminary Development are for demonstrative purposes and if a question arises as to the uses allowed on the real estate, the written text of the ordinance controls.

However, the land uses and their location on the real estate are identified on the Preliminary Development Plan and are as follows:

1. In the retail-commercial (C-4 Development Standards) area, retail commercial land uses are allowed;
2. In the business park area on the Preliminary Development Plan (I-2 Developmental Standards), office, warehousing, assembly and enclosed manufacturing uses are allowed;

3. In the residential (R-4 Developmental Standards) area, single family land uses are allowed;

4. In the cluster-zero lot line area (R-7 Developmental Standards), single family cluster and zero lot line uses are allowed; and

5. In the office park (C-4 Developmental Standards):

Office or Office Complex

Professional Offices  
Bank, Savings and Loan, Financial Services  
Real Estate, Insurance  
Clinic (Medical, Dental)  
Nursing & Convalescent Homes  
Medical or Dental Laboratories  
Utility Business Office  
Business Offices Related to Local Services  
Mortuaries

Public and Semi-Public

Libraries  
Community Centers  
Governmental Offices and Buildings (limited to offices or clerical use only)  
Fire Station  
Civic Clubs or Recreational Facilities  
Parking Areas for Employees and Public Use

Schools, Private and Professional

Dance  
Music  
Business  
Clerical  
Kindergarten, Day Nursery  
Arts and Crafts

are allowed.

**SECTION 3. DEVELOPMENTAL STANDARDS**

The following definitions shall apply to this planned development ordinance:

GROSS AREA - the entire area of a project, sub-area, or platted area;

GROSS DENSITY - the total number of dwelling units divided by the gross area in acres;

(A) Developmental standards of the following zoning classifications shall apply to the sub-areas of the overall PD district zone map:

- 1) Single-family residential sub-area development shall be developed in conformity with the developmental standards of the R-4 zoning district of Article 11 of the zoning ordinance of Fishers, Indiana as it may from time to time be amended.
- 2) The cluster zero-lot line sub-area development shall be developed in conformity with the developmental standards of the R-7 zoning district of Article 14 of the zoning ordinance of Fishers, Indiana, as it may from time to time be amended, with the following exceptions:

The gross density of the development shall not exceed six (6) units per gross acre.

- 3) The retail commercial sub-area development shall be developed in conformity with the developmental standards of the C-4 commercial development standards contained in Article 19 of the zoning ordinance of Fishers, Indiana, as it may from time to time be amended.
- 4) The office showroom/business park office warehouse sub-area development shall be developed in conformity with the I-2 development standards of Article 21 of the zoning ordinance of Fishers, Indiana as it may from time to time be amended.
- 5) The office land use sub-area shall be developed in conformity with the C-4 Commercial Development Standards contained in Article 19, the Zoning Ordinance of Fishers, Indiana as it may, from time to time, be amended.

#### SECTION 4. CONFLICT OF COVENANTS AND ORDINANCES

Where the requirements or development standards contained in this planned development ordinance and accompanying developmental standards covenants differ from the standards or requirements found in other sections of the zoning ordinance of Fishers, Indiana, as they from time to time be amended, and sub-division ordinance, the ordinance and accompanying covenants shall control.

Where possible, it is the intent that the sub-division control ordinance shall serve as a compliment to the development standards as described in this PD ordinance and accompanying development standards covenants. However, strict adherence to the quantitative and qualitative requirements of the Fishers sub-division control ordinance is not required, where such requirements are not in keeping with the development standards of the above described real estate planned development ordinance and covenants.

## SECTION 5. PARKING

Parking, paving and associated curbing (except driveways, steps and walkways) shall be set back not less than fifteen (15) feet from any street right-of-way line and shall conform to the landscaping ratios and requirements set forth herein.

- (A) Compliance with Law. Each Property Owner, Lessee, Licensee or occupant shall comply with all governmental requirements.
- (B) Off-Street Parking. Each Property Owner, Lessee, Licensee or occupant shall provide adequate off-street parking to accommodate all parking needs for the Lot of Tract. Parking shall not be permitted within street rights-of-way or driveways. Off-street parking facilities shall be so designated and so located that maneuvering within public rights-of-way will be unnecessary.
- (C) Minimum Requirements: The minimum parking requirements for facilities within the above described real estate shall be as follows:
  - 1) Business/High Tech Park: One (1) parking space per 400 square feet of gross floor area.
  - 2) Commercial Use: One (1) parking space per 200 square feet of gross floor area.
  - 3) Hotel/Motel Use: One (1) parking space per each room, plus one (1) parking space per employee.
  - 4) Restaurant/Lounge: One (1) parking space per two (2) seats, plus one (1) parking space per employee.
  - 5) Office/Distribution Warehousing Use: One (1) space per 200 square feet of gross floor area for office portion of building plus one (1) space per 5000 square feet of gross floor area for warehousing use.
  - 6) Office Use: One (1) parking space per 200 square feet of floor area.
  - 7) Handicap space requirements: Shall comply with all state and/or local requirements.

## SECTION 6. BUILDING HEIGHT.

Maximum building height shall not exceed 150 vertical feet from finished site elevation, only in retail commercial and office sub-areas.

**SECTION 7. LOT COVERAGE.**

Maximum building and structure footprint of fifty percent (50%) of a Lot is allowed. Buildings, structures, service area for trucks, parking, outdoor storage, required landscaping and other relevant requirements must be contained within the boundaries of any Lot.

**SECTION 8. GREEN BELT BUFFER AND BUILDING SETBACK LINES.**

The building setback and buffer areas with respect to the area on the perimeter and between sub-areas on the PD real estate shall be controlled by a green belt buffer and building standard setback exhibit, said exhibit marked as "Exhibit C" and incorporated herein by reference.

**SECTION 9. OPTION OF SUNBEAM DEVELOPMENT CORPORATION TO ELECT TO BE GOVERNED BY SUBSEQUENTLY INACTED ZONING ORDINANCE CHANGES AFFECTING DEVELOPMENTAL STANDARDS.**

While it is initially recognized that the Town of Fishers Zoning Ordinance, as it may from time to time be amended, and the accompanying developmental standards contained in these covenants tendered by SUNBEAM, assign certain fixed and definite land uses and developmental standards to the affected real estate, it is also recognized by the parties that the Town of Fishers, Indiana, may amend or adopt new developmental standards. It is therefore recognized by the parties that SUNBEAM DEVELOPMENT CORPORATION, its authorized agents, assigns or successors in interest, may elect, subject to the written approval of the Town of Fishers, Indiana, to have the new developmental standards apply to the real estate which is the subject of the ordinance and the developmental standard covenants.

**SECTION 10. PURPOSE.**

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and the attributes of the real estate adjacent to the Interstate Highway 69, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of the entire Town.

**(A) Statement of Purpose**

- 1) To encourage a more creative approach in land and building site planning;
- 2) To encourage an efficient, aesthetic and desirable use of open space;
- 3) To promote variety in the physical development pattern of the community;

- 4) To achieve flexibility and incentives for residential, commercial and industrial development which will produce a wider range of choice in satisfying the changing needs of Fishers, Indiana;
- 5) To permit special consideration of property with unique features, such as unusual topography, landscape amenities, and size and shape;
- 6) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

#### SECTION 11. APPLICABILITY.

- (A) The provisions of this section shall apply only to a tract of land herein described, provided, however, said provisions may apply to a proposed development in which the primary use is residential, business or industrial use when such proposal is deemed to be in the best interests of the entire Town.
- (B) The basic land unit of this PD District is the block, parcel, tract, combination of lots, or acreage, not the lot; provided, however, divisible geographic sections of the entire Planned Development may be designated.
  - 1) A proposed Development Plan shall be designed to produce an environment of stable and desirable character in keeping with the principals of good design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed.

#### SECTION 12. PROCEDURE.

The authorization of a Development Plan shall be subject to the procedures expressed herein.

- (A) Copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:
  - 1) Proposed dimensioned layout (to scale not to exceed 200'=1') of any streets, geographic areas and other elements basic to the proposed use in relationship to site conditions;
  - 2) Proposed locations, amounts and types of uses within the area proposed to be developed;
  - 3) Proposed plan for handling vehicular traffic, sewage disposal, drainage, water supply site perimeter treatment and other pertinent development features;

- 4) The preliminary plan may be an approximate drawing but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility;
  - 5) The plan shall show the boundary lines of the subject area and land uses proposed and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.
  - 6) An enumeration of covenants, in general terms, proposed to be made a part of the Planned Development.
- (B) Application for approval of the Preliminary Development Plan shall be submitted to the Commission with sufficient copies of the preliminary plan and any other desired supporting documents at a regular meeting of the Commission as a petition for Amendment to the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants.
- (C) The Town Board shall then adopt and approve the Preliminary Development Plan as a "P.D." Planned Development District pursuant to the laws governing amendment of the zoning codes.
- (D) Upon adoption by the Town Board, the approved Preliminary Development Plan shall be forwarded to a committee consisting of: (1) a representative of the Town Board; (2) Plan Commission Chairman; and (3) Building Commissioner or Plan Director, which shall thereafter exercise continuing jurisdiction. The committee shall conduct its business under the title of Fishers Planned Development Committee. Approval by a majority of the committee is sufficient for the conduct of any committee business. Before any development takes place, the committee shall approve a final detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon a finding by the committee that the detailed site plan is consistent with the approved Preliminary Development Plan. The approved final detailed site plan shall be stamped "Approved Final Detailed Development Plan" and be signed by any two (2) members of the committee, and one (1) copy shall be permanently retained in the office of the Commission.



- 1) Approval of a detailed site plan for all of the real estate shall be obtained within twelve (12) years after adoption by the Town Board of the Preliminary Development Plan, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest. All or an appropriate part of the Development Plan may be undertaken in sections of phases.
  - 2) An "Approved Final Detailed Development Plan" may mean and be designated the same as a Secondary Plat.
  - 3) A refusal by the Commission to approve a detailed final site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.
  - 4) In the event that approval of a final detailed site plan is not obtained within the twelve (12) year period or an approved extension of time, the Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned to a category adopted by the Town Board as an amendment to the Zoning Ordinance.
- (E) The petitioner may develop the property involved in phases. The Petitioner may submit to the committee partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved final detailed site plans for an entire Planned Development Plan.
- (F) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the committee shall handle such matters in accordance with its regular procedures and in accordance with law.
- (G) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the committee.
- (H) In the exercise of its continuing jurisdiction, the committee may from time to time, modify the approved Final Detailed Development Plan in a manner consistent with the approved Preliminary Development Plan to allow for changed circumstances and conditions unforeseen at the time of original approval.
- (I) All development shall be in conformity with the approved detailed Development Plan. In the exercise of its

continuing jurisdiction, the Commission shall take cognizance of any material deviations from the approved Detailed Development Plan and take appropriate enforcement action.

- (J) Approval by the committee shall expire after a period of twelve (12) years from the approval of a Final Detailed Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements including streets, walkways and utility installations in which instance an extension of time may be granted by the committee.
- (K) All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of a Final Detailed Development Plan.

#### **SECTION 13. ABANDONMENT OR EXPIRATION.**

Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approval final detailed Development Plan for twenty-four (24) consecutive months, or upon the expiration of twelve (12) years from the approval by the Commission of a Preliminary Detailed Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned into a category or categories which most nearly approximates its then existing use or such other zoning category or categories which it deems appropriate.

#### **SECTION 14. RECORDING.**

An approved Final Detailed Development Plan and modifications thereof shall be recorded in the appropriate plat books in the offices of the Hamilton County Recorder within two (2) years after approval by the Committee.

#### **SECTION 15. COVENANTS AND MAINTENANCE.**

- (A) Covenants shall be required by the Commission as an ingredient for salability and longevity of the Planned Development and shall set forth in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservations. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interest of the Town, and in such event, the Town shall take those remedial steps provided for in such provisions.

- (B) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the Petitioner for public thoroughfares, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive Plan. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specific period of time, the covenants shall automatically terminate. If such termination occurs, the Petitioner shall then submit for approval by the Commission a modified final, detailed site plan for such land consistent with the approved Preliminary Development Plan. Such modified final detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Development Plan.
- (C) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in the Planned Development. Such development standards may include, but are not limited to, requirements as to the following:
- 1) Lot area;
  - 2) Floor area;
  - 3) Ratios of floor space to land area;
  - 4) Area in which structures may be built ("Buildable area"), including areas for cluster type development without lot lines;
  - 5) Setback lines and minimum yards;
  - 6) Building separations;
  - 7) Height of structures;
  - 8) Signs;
  - 9) Off-street parking and loading space;
  - 10) Design standards;
  - 11) Phasing of development.
- (D) The Petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance.
- (E) Adequate provision shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and

maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Development Plan, and, in such instance, legal assurance shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

- (F) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiary thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- (G) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

**SECTION 16. LIMITATION ON REZONING.**

The Plan Commission shall not initiate any amendments to the Zoning Code concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Development Plan, and proceeding in accordance with the time requirements imposed herein.

This Ordinance shall be in full force and effect from and after its passage.

PASSED by the Town Board of the Town of Fishers, Indiana, on the 17 day of August, 1988.

THE TOWN BOARD OF THE TOWN OF  
FISHERS, HAMILTON COUNTY, INDIANA

BY:

Walter F. Kelly  
WALTER F. KELLY, President  
Roy Holland  
Dana Phelps

ATTEST:

Linda Gay Cordell  
LINDA GAY CORDELL,  
Clerk-Treasurer  
TOWN OF FISHERS, INDIANA

**LEGAL DESCRIPTION****COPY****Tract One:**

Part of the North Half of Section 6, Township 17 North, Range 5 East in  
 Dalavare Township, Hamilton County, Indiana, described as follows:

Beginning at the Northeast corner of the Northeast Quarter of Section 6,  
 Township 17 North, Range 5 East; thence South 01 degrees 39 minutes 15  
 seconds West (assumed bearing) on the East line of said Northeast Quarter  
 1681.68 feet to the South line of the North Half of said Northeast Quarter;  
 thence North 87 degrees 40 minutes 57 seconds West on said South line  
 1321.92 feet to the East line of the West Half of said Northeast Quarter;  
 thence South 01 degrees 31 minutes 24 seconds West on said East line 1323.54  
 feet to the South line of said Northeast Quarter; thence North 87 degrees 52  
 minutes 44 seconds West on said South line 1318.84 feet to the Southeast  
 corner of the Northwest Quarter of said Section Six thence North 86 degrees  
 58 minutes 28 seconds West on the South line of said Northwest Quarter  
 1334.11 feet to the East line of the West Half of said Northwest Quarter;  
 thence North 01 degrees 29 minutes 02 seconds East on said East line 1422.00  
 feet to the Northeast corner of real estate described in a Warranty Deed  
 recorded in Deed Record 161, page 283 in the Office of the Recorder of  
 Hamilton County; thence North 88 degrees 30 minutes 58 seconds West on the  
 North line of said real estate 266.57 feet to the Easterly right-of-way line  
 of Interstate Highway No. 69 per I.S.H.C. Plans for Project I-69-1(33)0;  
 thence North 30 degrees 12 minutes 03 seconds East on said right-of-way line  
 424.50 feet to a point on a non-tangent curve to the right having a radius  
 of 904.93 feet, the radius point of which bears South 56 degrees 44 minutes  
 46 seconds East from said point; thence Northeasterly on said curve to the  
 right and said right-of-way line an arc distance of 568.60 feet; thence  
 North 78 degrees 44 minutes 16 seconds East on said right-of-way line 378.57  
 feet to a point on a non-tangent curve to the left having a radius of 379.35  
 feet the, radius point of which bears North 31 degrees 21 minutes 14 second  
 West from said point; thence Northeasterly on said curve to the left and  
 said right-of-way line of an arc distance of 380.14 feet; thence North 04  
 degrees 06 minutes 49 seconds East on said right-of-way line 200.40 feet;  
 thence North 84 degrees 33 minutes 21 seconds East on said right-of-way line  
 473.21 feet to a point on the Southerly right-of-way line of 116th Street a  
 set out on the aforesaid Highway Plans; thence South 88 degrees 46 minutes  
 10 seconds East on said right-of-way line 72.24 feet to the West line of  
 real estate described in a Warranty Deed recorded in Deed Record 173, page  
 219 in the Office of the Recorder of Hamilton County, Indiana, said point  
 being 350.00 feet North 89 degrees 38 minutes 30 seconds West of the West  
 right-of-way line of Oak Drive in the plat of "Spring Dale Estates, First  
 Section", a subdivision in Hamilton County, Indiana, said plat being  
 recorded in Plat Book 2, page 166 in the Office of the Recorder of Hamilton  
 County, Indiana; thence South 01 degrees 50 minutes 00 seconds West on said  
 line and the prolongation thereof parallel with the right-of-way of said Oak  
 Drive 718.74 feet to the Southwest corner of real estate described in a Quit  
 Claim Deed recorded in Deed Record 283, page 298 in the Office of the  
 Recorder of Hamilton County, Indiana; thence South 89 degrees 38 minutes 30  
 seconds East on the South line of said real estate 350.00 feet to a point on  
 the West right-of-way line of Oak Drive in the plat of "Spring Dale Estates  
 Section Two", a subdivision in Hamilton County, Indiana, said plat being  
 recorded in Plat Book 9, pages 40 and 41 in the Office of the Recorder of  
 Hamilton County, Indiana, said point being 774.00 feet South 01 degrees 50  
 minutes 00 seconds West of the North line of the aforesaid Northeast  
 Quarter; thence South 01 degrees 50 minutes 00 seconds West on the West  
 right-of-way line of said Oak Drive 50.00 feet; thence South 88 degrees 10  
 minutes 00 seconds East 50.00 feet to the West line of Lot #25 in said  
 Spring Dale Estates, Section Two; thence South 01 degrees 50 minutes 00  
 seconds West on the West line of said Lot #25, a distance of 217.75 feet to  
 the South line of said Spring Dale Estates; thence North 90 degrees 00  
 minutes 00 seconds East on said South line 812.12 feet to the East line of  
 said Spring Dale Estates; thence North 07 degrees 54 minutes 00 seconds East  
 on said East line 12.81 feet to the point of curvature of a curve to the  
 left having a radius of 695.00 feet; thence Northwesterly on said curve to  
 the left and said East line; an arc distance of 220.01 feet to the point of  
 tangency of said curve; thence North 79 degrees 45 minutes 45 seconds East  
 50.00 feet to the East right-of-way line of Lynn Drive in said Spring Dale  
 Estates, Section Two; thence North 10 degrees 14 minutes 15 seconds West on  
 said East right-of-way line 70.00 feet to the point of curvature of a curve  
 to the right having a radius of 375.00 feet; thence Northerly on said curve  
 to the right and said East right-of-way line an arc distance of 79.00 feet  
 to the point of tangency of said curve; thence North 01 degrees 50 minutes  
 00 seconds East on said right-of-way line tangent with said curve 335.00  
 feet to a point 320.00 feet South 01 degrees 50 minutes 00 seconds West of  
 the Northeast corner of the aforesaid First Section of Spring Dale Estates;  
 thence North 76 degrees 48 minutes 43 seconds East 228.84 feet; thence North  
 64 degrees 03 minutes 46 seconds East 97.73 feet; thence North 09 degrees 00  
 minutes 22 seconds East 227.69 feet to a point on the North line of said  
 Section 6, that is 958.00 feet West of the Northeast corner thereof; thence  
 North 90 degrees 00 minutes 00 seconds East on said North line 958.00 feet  
 to the place of beginning.

COPY

**TRACT 2:**

Part of the West Half of the Southwest Quarter of Section 32, Township 18 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 32, Township 18 North, Range 5 East; thence North 01 degrees 15 minutes 39 seconds East (assumed bearing) on the West line of said Southwest Quarter 245.00 feet; thence South 89 degrees 07 minutes 11 seconds East parallel with the South line of said Southwest Quarter 307.85 feet; thence North 01 degree 15 minutes 39 seconds East parallel with said West line 283.00 feet; thence North 89 degrees 07 minutes 11 seconds West parallel with said South line 307.85 feet to the West line of said Southwest Quarter; thence North 01 degrees 15 minutes 39 seconds East on said West line 2138.59 feet to the Northwest corner of said Southwest Quarter; thence South 89 degrees 09 minutes 19 seconds East on the North line of said Southwest Quarter 1321.63 feet to the Northeast corner of the West Half of said Southwest Quarter; thence South 01 degrees 14 minutes 55 seconds West on the East line of said West Half 2667.41 feet to the South line of said Southwest Quarter; thence North 89 degrees 07 minutes 11 seconds West on said South line 1322.19 feet to the place of beginning.

**TRACT 3:**

Part of the East Half of Section 31, Township 18 North, Range 5 East in Delaware Township, Hamilton County, Indiana, described as follows:

Beginning at the Southeast corner of the Southeast Quarter of Section 31, Township 18 North, Range 5 East, thence North 90 degrees 00 minutes 00 seconds West (assumed bearing) on the South line of said Southeast Quarter 2569.31 feet to a point 76.68 feet East of the Southwest corner of said Southeast Quarter; thence North 01 degrees 13 minutes 50 seconds East 16.12 feet to the Northerly right-of-way line of 116th Street per I.S.H.C. plans for Project I-69-1(33)0; thence North 62 degrees 30 minutes 39 seconds West on said right-of-way line 83.63 feet; thence North 88 degrees 46 minutes 10 seconds West on said right-of-way line 1.95 feet to the West line of said Southeast Quarter; thence North 00 degrees 55 minutes 49 seconds East on the West line of said Southeast Quarter 1439.55 feet to the Southerly right-of-way line of Interstate Highway No. 69 per I.S.H.C. plans for Project I-69-1(33)0, said right-of-way being on a curve having a radius of 1210.92 feet, the radius point of which bears North 43 degrees 39 minutes 57 seconds West from said point; thence Northeasterly on said right-of-way line curving to the left on said curve an arc distance of 215.93 feet to a point which is South 53 degrees 52 minutes 58 seconds East from said radius point; thence North 35 degrees 33 minutes 56 seconds East on said right-of-way line 363.41 feet; thence North 10 degrees 51 minutes 22 seconds East on said right-of-way line 695.34 feet to a point on a curve having a radius of 2161.83 feet, the radius point of which bears South 54 degrees 10 minutes 31 seconds East from said point; thence Northeasterly on said right-of-way line curving to the right on said curve an arc distance of 1491.81 feet to a point on a line which bears North 89 degrees 16 minutes 53 seconds West from a point on the East line of the Northeast Quarter of said Section 31, which is 1881.57 feet South 01 degrees 18 minutes 50 seconds West from the Northeast corner of said Northeast Quarter; thence South 89 degrees 16 minutes 53 seconds East on said line 923.69 feet to a point on the Westerly right-of-way line of Cumberland Road, per the aforesaid Highway Plans, said point being 83.76 feet North 89 degrees 16 minutes 53 seconds West from said point on the East line of said Northeast Quarter; thence South 02 degrees 58 minutes 31 seconds East on said right-of-way line 518.16 feet; thence South 04 degrees 53 minutes 58 seconds East on said right-of-way line 249.47 feet; thence South 88 degrees 41 minutes 10 seconds East 18.00 feet to the East line of said Northeast Quarter; thence South 01 degrees 18 minutes 50 seconds West on said East line 17.19 feet to the Northeast corner of the aforesaid Southeast Quarter; thence South 01 degrees 15 minutes 39 seconds West on the East line of said Southeast Quarter 2666.59 feet to the place of beginning.

**COPY**

**Tract Four:**

Part of the West Half of Section 6, Township 17 North, Range 5 East in Hamilton County, Indiana, described as follows:

Begin at a point on the West line of Section 6, Township 17 North, Range 5 East, said point being 1592.84 feet North of the Southwest corner thereof and run East (South 88 degrees 27 minutes 37 seconds East measured), parallel with the North line of the Southwest Quarter thereof, 1649.65 feet; thence North (North 00 degrees 00 minutes 00 seconds 1074.10 feet measured) to the North line of said Quarter Section; thence West (North 88 degrees 27 minutes 37 seconds West measured) 1649.65 feet to the Northwest corner of said Quarter Section; thence South 1058.8 feet (South 00 degrees 00 minutes 00 seconds 1074.10 feet measured) to the place of beginning.

ALSO: Part of the Northwest Quarter of Section 6, Township 17 North, Range 5 East described as follows:

Begin at a point 41.0 feet East (South 88 degrees 27 minutes 37 seconds East 51.41 feet measured) of the Southwest corner of the Northwest Quarter of said Section 6, said point being on the centerline of the new State Highway #37 By-Pass right-of-way; run thence East (South 88 degrees 27 minutes 37 seconds East measured) along the South line of said Quarter Section 1268.8 feet (1266.02 feet measured) to a point; thence North (North 00 degrees 00 minutes 07 seconds West measured) 1422.0 feet to a point; thence West 487.7 feet South 89 degrees 59 minutes 53 seconds West 480.95 feet measured) to the intersection with the centerline of said Highway; thence South 29 degrees 13 minutes West (South 29 degrees 28 minutes 41 seconds West measured) on and along said centerline 1609.0 feet (1594.37 feet measured) to the place of beginning.

EXCEPT: Part of the Southwest Quarter of Section 6, Township 17 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the Southwest Quarter of Section 6, Township 17 North, Range 5 East which is 1589.18 feet Northerly of the Southwest corner thereof thence North 00 degrees 00 minutes 00 seconds (assumed bearing) on and along the West line of said Southwest Quarter 115.00 feet; thence South 89 degrees 00 minutes East 378.78 feet; thence South 00 degrees 00 minutes 115.00 feet to an existing fence line; thence North 89 degrees 00 minutes West on and along said existing fence line 378.78 feet to the place of beginning,

EXCEPT: Part of the Southwest Quarter of Section 6, Township 17 North, Range 5 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the Southwest Quarter of Section 6, Township 17 North, Range 5 East which is 1704.18 feet Northerly of the Southwest corner thereof; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) on and along the West line of said Southwest Quarter 115.00 feet; thence South 89 degrees 00 minutes East 378.78 feet; thence South 00 degrees 00 minutes 115.00 feet; thence North 89 degrees 00 minutes West 378.78 feet to the place of beginning,

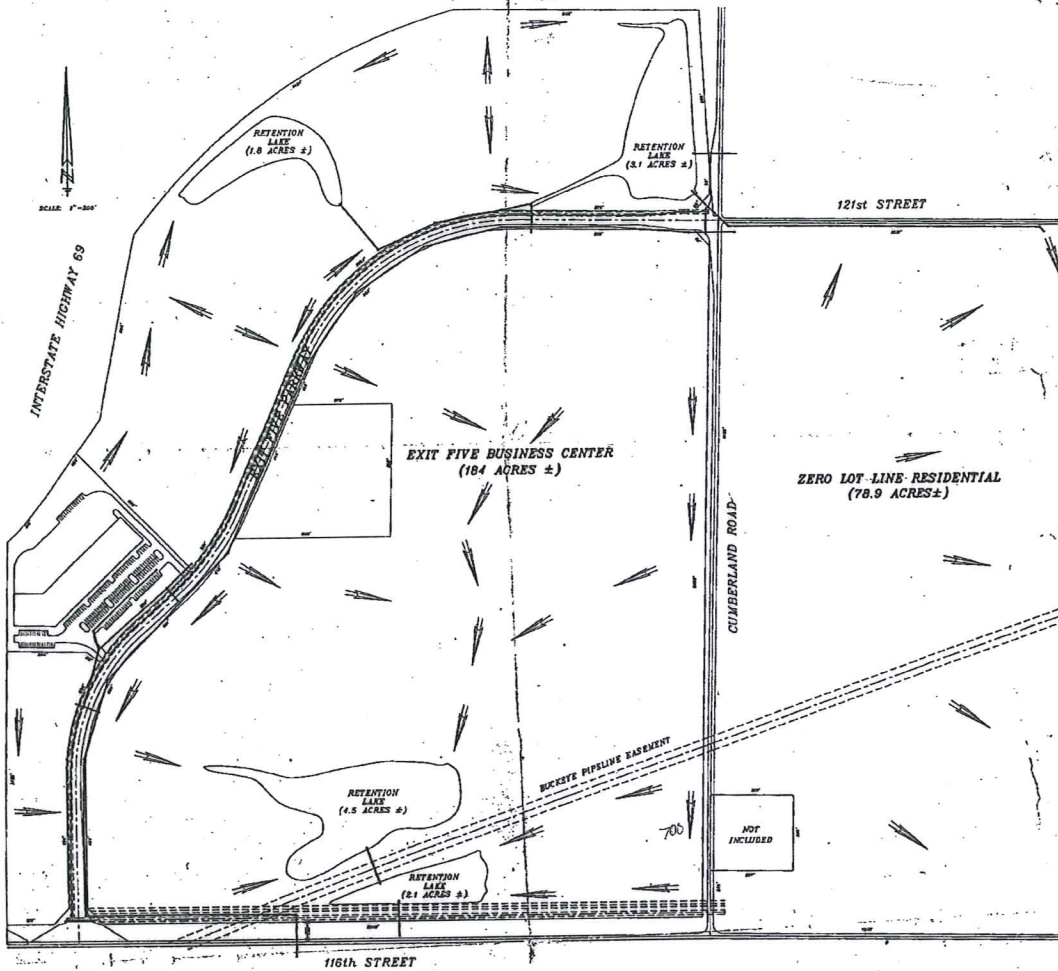
Containing, after said exceptions, 66.998 acres, more or less.

Subject to the Right-of-Way for State Road 37 in favor of State of Indiana, by right-of-way grant executed by Glenn A. Beaver and Lena Beaver, dated November 22, 1955, recorded May 22, 1956 in Deed Record 149, page 185.

Subject to the Right-of-Way for State Road 37 in favor of State of Indiana by right-of-way grant executed by Alice N. Kincaid and Loma Kincaid, dated January 18, 1956, recorded May 22, 1956 in Deed Record 149, pages 183-4.

Subject to a permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility (known as I-69) to and from the land.

Subject to statutory right-of-way for R. J. Craig legal drain across the southerly portion of caption real estate as disclosed by the maps of the Hamilton County Survey's Office.



Approved Preliminary Development Plan

APPROVED BY:  
TOWN BOARD OF FISHERS, INDIANA

*[Signature]*  
Dated: 9-9-88

EXHIBIT "D"  
SHEET 1 of 2



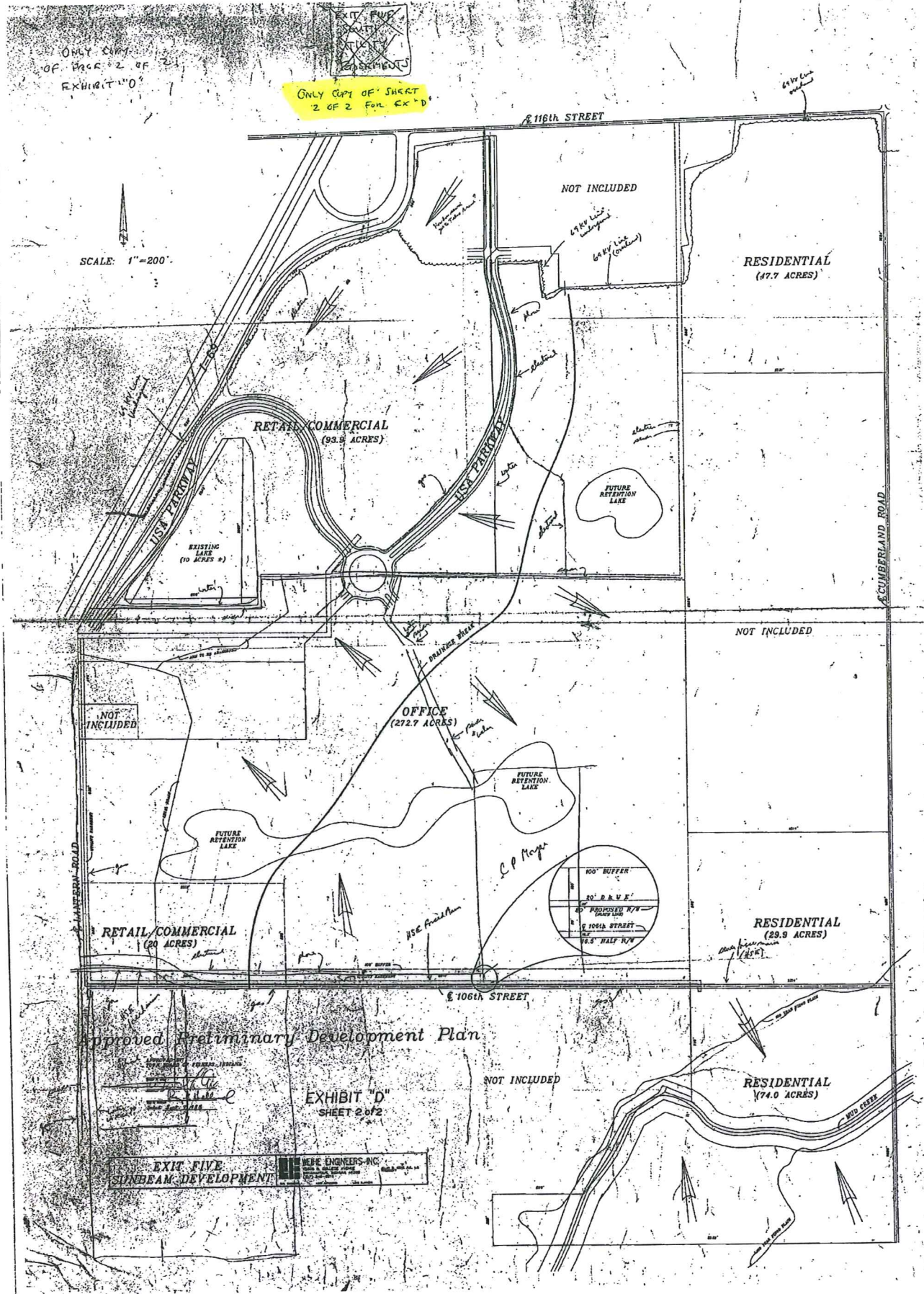
*Can you park on the pipeline?*



ONLY COPY  
OF PAGE 2 OF 2  
EXHIBIT "D"

ONLY COPY OF SHEET  
2 OF 2 FOR EX "D"

SCALE: 1"=200'



Approved Preliminary Development Plan

DEVELOPER: SUNBEAM DEVELOPMENT, INC.  
 ENGINEER: [Signature]  
 DATE: [Date]

EXHIBIT "D"  
SHEET 2 OF 2

EXIT FIVE  
 SUNBEAM DEVELOPMENT  
 WBE ENGINEERS, INC.  
 1000 N. 10th Street, Suite 100  
 Lincoln, NE 68502  
 (402) 441-1111