



# Board of Public Works and Safety

## Agenda Item

## Cover Sheet

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**MEETING DATE:** March 12, 2024

- Consent Agenda Item
- New Item for Discussion
- Previously Discussed Item
- Miscellaneous

**ITEM #:** 2

**INITIATED BY:** Jonathan Hughes

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets

**RESOLUTION NO. RB-13-24**

**A RESOLUTION APPROVING THE DECLARATION OF RESTRICTIVE COVENANTS CONCERNING LIMITATION OF ACCESS TO WALNUT STREET FOR PLEASANT STREET PHASE I**

WHEREAS, the City of Noblesville, Indiana (the “City”) is completing an East-West Corridor Project known as the Pleasant Street Project (the “Project”);

WHEREAS, the Project includes both vehicular and pedestrian connectivity improvements along and near Pleasant Street;

WHEREAS, as part of the Project, the City has determined that certain portions of Walnut Street should be limited to pedestrian only traffic so as to provide safety for pedestrians and to increase the pedestrian connectivity;

WHEREAS, to accomplish said limitation, the City has agreed to certain terms and conditions contained in a Declaration of Restrictive Covenants Concerning Limitation of Access to Walnut Street, a copy of which is attached hereto as Exhibit 1 (“Declaration”).

WHEREAS, the Board, having reviewed the Declaration now finds that the terms of the Declaration should be (and hereby is) approved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA, AS FOLLOWS:

Section 1. The Declaration, in substantially final form attached hereto as Exhibit 1, is hereby approved and the Mayor is hereby authorized to execute said Declaration on behalf of the City.

Section 2. The Mayor, the Deputy Mayor, the Controller and the Clerk of the City, and such other staff members, service providers and firms as they may direct are hereby authorized and directed to take any and all other actions on behalf of the City as may be necessary or appropriate to carry out the purposes of this resolution and/or the Declaration.

Section 3. This resolution shall be in full force and effect after its passage and execution as provided by law.

All of which is approved by the Board of Public Works and Safety of the City of Noblesville this  
\_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
JACK MARTIN, PRESIDENT

\_\_\_\_\_  
JOHN DITSLEAR, MEMBER

\_\_\_\_\_  
LAURIE DYER, MEMBER

\_\_\_\_\_  
ROBERT J. ELMER, MEMBER

\_\_\_\_\_  
RICK L. TAYLOR, MEMBER

ATTEST:

\_\_\_\_\_  
EVELYN L. LEES, CLERK  
CITY OF NOBLESVILLE, INDIANA

EXHIBIT 1

Declaration

**DECLARATION OF RESTRICTIVE COVENANTS  
CONCERNING LIMITATION OF ACCESS TO WALNUT STREET**

Document Cross Reference Number: **2017028903**

**THIS DECLARATION OF RESTRICTIVE COVENANTS** is made as of the 12<sup>th</sup> day of January, 2024, by Teck Properties LLC (“Declarant”).

WHEREAS, Declarant is the sole (and all) owner(s) in fee simple of certain real property located in Hamilton County, Indiana, more particularly described in **Exhibit A** (the “Property”); and

WHEREAS, the Declarant desires to execute this Declaration to impose certain restrictions on the Property from directly accessing Walnut Street in Noblesville, Indiana.

NOW THEREFORE, in consideration of the benefits to be derived by the Declarant, and as required by the City of Noblesville, Indiana, Declarant hereby makes this Declaration on the terms and conditions stated below.

1. **Restriction.** The Declarant agrees to the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the road facility known as Walnut Street from and where they abut the Property.

2. **Mountable.** The City of Noblesville shall install and maintain a mountable curb in the location (and in the style) indicated on the attached **Exhibit B** (“Mountable Curb”). Declarant shall be entitled to enforce the installation of the Mountable Curb.

3. **City of Noblesville.** These covenants shall be enforceable by the City of Noblesville and its boards, departments, agencies, and commissions, including but not limited to the City of Noblesville Department of Planning and Development, which shall also be entitled to recover its costs and attorneys’ fees from the owner of the Property in any action brought to enforce these covenants. Any notice, request for approval, or other communication pursuant to this Declaration to be sent to the City of Noblesville may be sent to the following address:

City of Noblesville  
Department of Planning and Development  
16 S 10<sup>th</sup> Street, Suite 150  
Noblesville, IN 46060  
Attn: Planning Director

4. **Modification.** These covenants may only be modified or terminated by a decision of the Noblesville Plan Commission or Noblesville Board of Zoning Appeals, as applicable, made at a public hearing after proper notice has been given.

5. **Covenant Running with the Land.** Declarant hereby declares that the Property shall be bound by, held, transferred, sold, conveyed, leased, improved, hypothecated, occupied or otherwise disposed of and used subject to the foregoing restrictive covenants, which shall be perpetual and run with the land and be binding on all the Declarant's heirs, executors, administrators, successors, assigns, lessees, or other persons, firms, associations, corporations, or other entities having or hereafter acquiring any right or interest in the Property or any part thereof.

[Signature Page Follows]

IN WITNESS WHEREOF, Declarant has executed this instrument, on this 12<sup>th</sup> day of January, 2024.

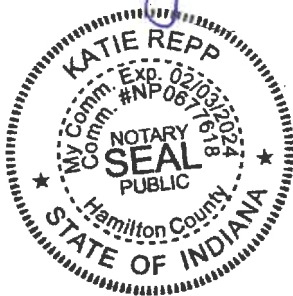
Teck Properties LLC

Signature: [Handwritten Signature]

Printed: Timothy A CHRISTIANSON

STATE OF INDIANA     )  
  )     SS:  
COUNTY OF HAMILTON )

SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this 12<sup>th</sup> day of January, 2024.



Katie Repp

Signature

Printed: Katie Repp

NOTARY PUBLIC, a resident of Hamilton County, Indiana

My Commission Expires: Feb. 3, 2024

IN WITNESS WHEREOF, Declarant has executed this instrument, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Noblesville, Indiana

By: \_\_\_\_\_  
Chris Jensen, Mayor

STATE OF INDIANA        )  
  )        SS:  
COUNTY OF HAMILTON    )

SUBSCRIBED AND SWORN to me, a Notary Public in and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

Printed: \_\_\_\_\_

NOTARY PUBLIC, a resident of \_\_\_\_\_  
County, Indiana

My Commission Expires: \_\_\_\_\_

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. Jonathan W. Hughes

This instrument prepared by Jonathan W. Hughes, Attorney at Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204.



## **EXHIBIT "A"**

Project: Pleasant St. Ph. 1  
Parcel: 91  
Tax ID: 29-11-06-113-004.000-013

Sheet 1 of 1

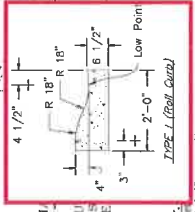
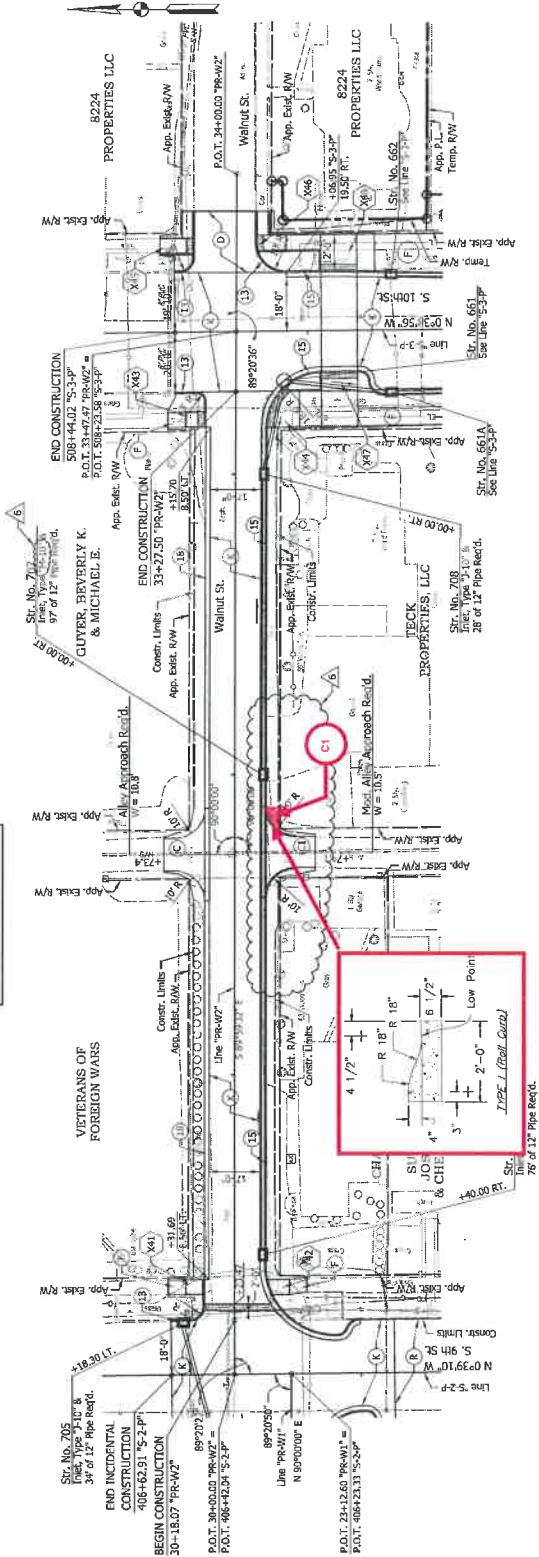
Part of Outlot Numbered 7 in J.D. Cottingham's Addition, an Addition to the Town, now City of Noblesville, in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record M, page 553, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Begin at the Northeast corner of said Lot and run South 56 feet, West 132 feet, North 56 feet, East 132 feet, to the place of beginning.

The above-described tract being that tract described in Instrument Number 2017028903, recorded June 22, 2017, in the Office of the Recorder, Hamilton County, Indiana.

# EXHIBIT B

SEC. 6, T 18 N, R 5 E  
NOBLESVILLE TOWNSHIP  
HAMILTON COUNTY



**LEGEND**

- 1 See Landscaping Details
- 2 HMA For Approaches, 6 in., on Subgrade Treatment Type I
- 3 HMA For Approaches, 9 in., on Compacted Aggregate, No. 53
- 4 Full Depth HMA Pavement
- 5 HMA For Sloewalk
- 6 HMA For Approaches, Type C
- 7 HMA For Approaches, Type B
- 8 HMA For Approaches, Type A
- 9 HMA For Sloewalk
- 10 HMA For Sloewalk
- 11 HMA For Sloewalk
- 12 HMA For Sloewalk
- 13 HMA For Sloewalk
- 14 HMA For Sloewalk
- 15 HMA For Sloewalk
- 16 HMA For Sloewalk
- 17 Concrete Ball Curb and Gutter, Type I
- 18 Concrete Ball Curb and Gutter, Type II
- 19 Concrete Ball Curb and Gutter, Type III
- 20 Concrete Ball Curb and Gutter, Type IV
- 21 Concrete Ball Curb and Gutter, Type V
- 22 Concrete Ball Curb and Gutter, Type VI
- 23 Concrete Ball Curb and Gutter, Type VII
- 24 Concrete Ball Curb and Gutter, Type VIII
- 25 Concrete Ball Curb and Gutter, Type IX
- 26 Concrete Ball Curb and Gutter, Type X
- 27 Concrete Ball Curb and Gutter, Type XI
- 28 Concrete Ball Curb and Gutter, Type XII
- 29 Concrete Ball Curb and Gutter, Type XIII
- 30 Concrete Ball Curb and Gutter, Type XIV
- 31 Concrete Ball Curb and Gutter, Type XV
- 32 Concrete Ball Curb and Gutter, Type XVI
- 33 Concrete Ball Curb and Gutter, Type XVII
- 34 Concrete Ball Curb and Gutter, Type XVIII
- 35 Concrete Ball Curb and Gutter, Type XIX
- 36 Concrete Ball Curb and Gutter, Type XX
- 37 Concrete Ball Curb and Gutter, Type XXI
- 38 Concrete Ball Curb and Gutter, Type XXII
- 39 Concrete Ball Curb and Gutter, Type XXIII
- 40 Concrete Ball Curb and Gutter, Type XXIV
- 41 Concrete Ball Curb and Gutter, Type XXV
- 42 Concrete Ball Curb and Gutter, Type XXVI
- 43 Concrete Ball Curb and Gutter, Type XXVII
- 44 Concrete Ball Curb and Gutter, Type XXVIII
- 45 Concrete Ball Curb and Gutter, Type XXIX
- 46 Concrete Ball Curb and Gutter, Type XXX
- 47 Concrete Ball Curb and Gutter, Type XXXI
- 48 Concrete Ball Curb and Gutter, Type XXXII
- 49 Concrete Ball Curb and Gutter, Type XXXIII
- 50 Concrete Ball Curb and Gutter, Type XXXIV
- 51 Concrete Ball Curb and Gutter, Type XXXV
- 52 Concrete Ball Curb and Gutter, Type XXXVI
- 53 Concrete Ball Curb and Gutter, Type XXXVII
- 54 Concrete Ball Curb and Gutter, Type XXXVIII
- 55 Concrete Ball Curb and Gutter, Type XXXIX
- 56 Concrete Ball Curb and Gutter, Type XL
- 57 Concrete Ball Curb and Gutter, Type XLI
- 58 Concrete Ball Curb and Gutter, Type XLII
- 59 Concrete Ball Curb and Gutter, Type XLIII
- 60 Concrete Ball Curb and Gutter, Type XLIV
- 61 Concrete Ball Curb and Gutter, Type XLV
- 62 Concrete Ball Curb and Gutter, Type XLVI
- 63 Concrete Ball Curb and Gutter, Type XLVII
- 64 Concrete Ball Curb and Gutter, Type XLVIII
- 65 Concrete Ball Curb and Gutter, Type XLIX
- 66 Concrete Ball Curb and Gutter, Type L
- 67 Concrete Ball Curb and Gutter, Type LI
- 68 Concrete Ball Curb and Gutter, Type LII
- 69 Concrete Ball Curb and Gutter, Type LIII
- 70 Concrete Ball Curb and Gutter, Type LIV
- 71 Concrete Ball Curb and Gutter, Type LV
- 72 Concrete Ball Curb and Gutter, Type LVI
- 73 Concrete Ball Curb and Gutter, Type LVII
- 74 Concrete Ball Curb and Gutter, Type LVIII
- 75 Concrete Ball Curb and Gutter, Type LIX
- 76 Concrete Ball Curb and Gutter, Type LX
- 77 Concrete Ball Curb and Gutter, Type LXI
- 78 Concrete Ball Curb and Gutter, Type LXII
- 79 Concrete Ball Curb and Gutter, Type LXIII
- 80 Concrete Ball Curb and Gutter, Type LXIV
- 81 Concrete Ball Curb and Gutter, Type LXV
- 82 Concrete Ball Curb and Gutter, Type LXVI
- 83 Concrete Ball Curb and Gutter, Type LXVII
- 84 Concrete Ball Curb and Gutter, Type LXVIII
- 85 Concrete Ball Curb and Gutter, Type LXIX
- 86 Concrete Ball Curb and Gutter, Type LXX
- 87 Concrete Ball Curb and Gutter, Type LXXI
- 88 Concrete Ball Curb and Gutter, Type LXXII
- 89 Concrete Ball Curb and Gutter, Type LXXIII
- 90 Concrete Ball Curb and Gutter, Type LXXIV
- 91 Concrete Ball Curb and Gutter, Type LXXV
- 92 Concrete Ball Curb and Gutter, Type LXXVI
- 93 Concrete Ball Curb and Gutter, Type LXXVII
- 94 Concrete Ball Curb and Gutter, Type LXXVIII
- 95 Concrete Ball Curb and Gutter, Type LXXIX
- 96 Concrete Ball Curb and Gutter, Type LXXX
- 97 Concrete Ball Curb and Gutter, Type LXXXI
- 98 Concrete Ball Curb and Gutter, Type LXXXII
- 99 Concrete Ball Curb and Gutter, Type LXXXIII
- 100 Concrete Ball Curb and Gutter, Type LXXXIV
- 101 Concrete Ball Curb and Gutter, Type LXXXV
- 102 Concrete Ball Curb and Gutter, Type LXXXVI
- 103 Concrete Ball Curb and Gutter, Type LXXXVII
- 104 Concrete Ball Curb and Gutter, Type LXXXVIII
- 105 Concrete Ball Curb and Gutter, Type LXXXIX
- 106 Concrete Ball Curb and Gutter, Type LXXXX
- 107 Concrete Ball Curb and Gutter, Type LXXXXI
- 108 Concrete Ball Curb and Gutter, Type LXXXXII
- 109 Concrete Ball Curb and Gutter, Type LXXXXIII
- 110 Concrete Ball Curb and Gutter, Type LXXXXIV
- 111 Concrete Ball Curb and Gutter, Type LXXXXV
- 112 Concrete Ball Curb and Gutter, Type LXXXXVI
- 113 Concrete Ball Curb and Gutter, Type LXXXXVII
- 114 Concrete Ball Curb and Gutter, Type LXXXXVIII
- 115 Concrete Ball Curb and Gutter, Type LXXXXIX
- 116 Concrete Ball Curb and Gutter, Type LXXXXX
- 117 Concrete Ball Curb and Gutter, Type LXXXXXI
- 118 Concrete Ball Curb and Gutter, Type LXXXXXII
- 119 Concrete Ball Curb and Gutter, Type LXXXXXIII
- 120 Concrete Ball Curb and Gutter, Type LXXXXXIV
- 121 Concrete Ball Curb and Gutter, Type LXXXXXV
- 122 Concrete Ball Curb and Gutter, Type LXXXXXVI
- 123 Concrete Ball Curb and Gutter, Type LXXXXXVII
- 124 Concrete Ball Curb and Gutter, Type LXXXXXVIII
- 125 Concrete Ball Curb and Gutter, Type LXXXXXIX
- 126 Concrete Ball Curb and Gutter, Type LXXXXXX
- 127 Concrete Ball Curb and Gutter, Type LXXXXXXI
- 128 Concrete Ball Curb and Gutter, Type LXXXXXXII
- 129 Concrete Ball Curb and Gutter, Type LXXXXXXIII
- 130 Concrete Ball Curb and Gutter, Type LXXXXXXIV
- 131 Concrete Ball Curb and Gutter, Type LXXXXXXV
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- 140 Concrete Ball Curb and Gutter, Type LXXXXXXXIV
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- 143 Concrete Ball Curb and Gutter, Type LXXXXXXXVII
- 144 Concrete Ball Curb and Gutter, Type LXXXXXXXVIII
- 145 Concrete Ball Curb and Gutter, Type LXXXXXXXIX
- 146 Concrete Ball Curb and Gutter, Type LXXXXXXXX
- 147 Concrete Ball Curb and Gutter, Type LXXXXXXXXI
- 148 Concrete Ball Curb and Gutter, Type LXXXXXXXII
- 149 Concrete Ball Curb and Gutter, Type LXXXXXXXIII
- 150 Concrete Ball Curb and Gutter, Type LXXXXXXXIV

<p>CITY OF NOBLESVILLE</p> <p>DESIGNED BY: <i>[Signature]</i></p> <p>CHECKED: TWP</p> <p>DRAWN: DM</p> <p>DATE: 9/2/2022</p>	<p>CITY OF NOBLESVILLE</p> <p>DESIGNER: TWP</p> <p>CHECKED: DM</p> <p>DATE: 9/2/2022</p>
<p>1/4" = 20'</p> <p>1/4" = 20'</p> <p>1/4" = 20'</p>	
<p>CITY OF NOBLESVILLE</p> <p>CONSTRUCTION DETAILS</p> <p>LINE "PR-W2"</p>	
<p>DATE: 8/17/2022</p> <p>REVISION:</p> <p>1/6 Drive Approach Located and Structure 707 modified</p>	
<p>TITLE: 6/17/2023</p> <p>DATE: 11/28/17</p> <p>PROJECT: 109</p> <p>SHEETS: 354</p> <p>DWG: 109</p> <p>PROJ: 354</p>	
<p>109 PROJECT</p> <p>354 PROJECT</p>	

NOTES:  
All Elevation are measured from Front Face of Curb, except as shown.  
All Station and Offsets taken from Line "PR-W2", except as shown.  
For additional details, see Construction Details Lines "S-2-P", "S-3-P", & "S-4-P".  
For additional information, see Secondary Allocation Plans.