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Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
08-14-2006 At 02:43 pm.  
ORDINANCE 43.00

**ORDINANCE NO. 24-3-06**

Document Cross Reference Numbers 996900 and 9440221

**AN ORDINANCE TO AMEND THE NOBLESVILLE UNIFIED DEVELOPMENT  
ORDINANCE, A PART OF THE COMPREHENSIVE PLAN OF THE CITY OF  
NOBLESVILLE, HAMILTON COUNTY, INDIANA**

An ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing as required by law in regard to the application for a change of zone district designation; and,

WHEREAS, the Noblesville Plan Commission has forwarded to the Common Council with a favorable recommendation by a vote of 7 - 0 - 1;

WHEREAS, prior to the public hearing, the City has held numerous public sessions regarding land uses and standards in the Corporate Campus area;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance for said City and the Official Zone Map of said Ordinance are hereby amended as follows:

**Section 1.** That the subject real estate along and adjacent to the south side of State Road 32, east of Hazel Dell Road, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana, is hereby rezoned from the Planned Business (PB) classification to the Planned Business/Planned Development (PB/PD) classification, as designated in said Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, and said real estate is more particularly described in "Exhibit A - Legal Description" (the "Real Estate") and depicted on "Exhibit B - Peacock Hazel Dell, LLC, Rezoning Location Map."

Section 2. The Real Estate shall be developed in compliance with the Commitments attached to this Ordinance as "Exhibit C – Commitments Concerning the Use or Development of Real Estate Made in Connection with a Development Plan Approval, Zone Map Change or Planned Development Required by the City of Noblesville Unified Development Ordinance."




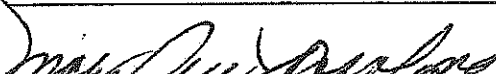

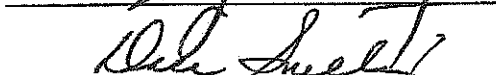

Section 3. This Ordinance shall be in full force and effect from and upon its adoption in accordance with the law. All ordinances or parts thereof in conflict herewith are deemed to conform to the provisions of the amended Section.

SO ORDAINED this 9<sup>th</sup> day of May, 2006.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

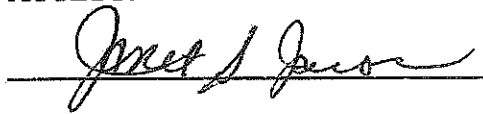
NAY

	Brian Ayer	_____
	Alan Hinds	_____
	Laurie Jackson	_____
	Mary Sue Rowland	_____
	Terry Busby	_____
	Dale Snelling	_____
	Kathie Stretch	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 9<sup>th</sup> day of May, 2006.

  
\_\_\_\_\_  
John Ditslear, Mayor of the  
City of Noblesville, IN.

ATTEST:

  
\_\_\_\_\_  
\_\_\_\_\_, Clerk-Treasurer  
City of Noblesville, IN.

Prepared by: Joseph M. Scimia, Attorney-At-Law  
Baker & Daniels  
600 E. 96th Street, Suite 600  
Indianapolis, IN 46240

EXHIBIT A

LEGAL DESCRIPTION - PARCEL A

That portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, described as follows:

BEGINNING at a PK nail found marking the northwest corner of said Northwest Quarter; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the west line thereof 433.80 feet; thence North 89 degrees 27 minutes 27 seconds East (North 89 degrees 27 minutes 17 seconds East by deed) parallel with the north line of said Northwest Quarter 192.00 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set in an existing fence line; thence North 00 degrees 00 minutes 00 seconds East parallel with said west line 433.80 feet to said north line; thence South 89 degrees 27 minutes 27 seconds West (South 89 degrees 27 minutes 17 seconds West by deed) along said north line 192.00 feet to the POINT OF BEGINNING, containing 1.912 acres, more or less, subject to any legal highways, rights of way, and easements of record.

EXCEPT, that portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, being the land of the State of Indiana as described in Instrument Number 2003-90653 in the Office of the Recorder of said county, said land being described as follows:

Commencing at a PK nail found marking the northwest corner of said Northwest Quarter; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) (South 00 degrees 02 minutes 24 seconds East by deed) along the west line thereof 101.43 feet to the POINT OF BEGINNING; thence North 89 degrees 36 minutes 10 seconds East (North 89 degrees 33 minutes 46 seconds East by deed) 16.50 feet; thence North 46 degrees 03 minutes 10 seconds East (North 46 degrees 00 minutes 46 seconds East by deed) 72.60 feet to the beginning of a curve to the left having a radius of 122,826.67 feet, a central angle of 00 degrees 03 minutes 27 seconds, and a radial line passing through said point which bears South 00 degrees 25 minutes 47 seconds East; thence easterly along the arc of said curve 123.23 feet (123.13 feet by deed) to the east line of the land of Golf Lane Investors, Inc. as described in Instrument Number 1999-9969000 in said county records; thence South 00 degrees 00 minutes 00 seconds East (South 00 degrees 02 minutes 24 seconds East by deed) along said east line 9.04 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap (herein referred to as "rebar") set; thence South 89 degrees 33 minutes 30 seconds West 97.25 feet (South 89 degrees 31 minutes 06 seconds West 97.15 feet by deed) to a rebar set; thence South 33 degrees 04 minutes 44 seconds West (South 33 degrees 02 minutes 20 seconds West by deed) 72.39 feet to a rebar set; thence South 01 degree 46 minutes 23 seconds West 313.13 feet (South 01 degree 43 minutes 59 seconds West 310.05 feet by deed) to a rebar set on the south line of said land of Golf Lane Investors, Inc.; thence South 89 degrees 27 minutes 27 seconds West along said south line 45.55 feet (North 89 degrees 20 minutes 58 seconds West 45.65 feet by deed) to the west line of said Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds East along said west line 332.37 feet (North 00 degrees 02 minutes 24 seconds West 328.31 feet by deed) to the POINT OF BEGINNING, containing 0.457 acres (0.453 acres by deed), more or less.

EXHIBIT A

LEGAL DESCRIPTION – PARCELS B & C

That portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, described as follows:

Commencing at a PK nail found marking the northwest corner of said Northwest Quarter; thence North 89 degrees 27 minutes 27 seconds East along the north line thereof 211.20 feet to the POINT OF BEGINNING, said point being the northwest corner of the land of Evelyn E. Kennedy as described in Instrument Number 9023863 in the Office of the Recorder of said county; thence continue North 89 degrees 27 minutes 27 seconds East along said north line 844.79 feet to the northeast corner of the land of Evelyn E. Kennedy, Trustee, as described in Instrument Number 9208494 in said county records; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) parallel with the west line of said Northwest Quarter 1107.88 feet to the southeast corner of said land and the centerline of the former Central Indiana Railroad; thence North 89 degrees 36 minutes 44 seconds West along said centerline 527.12 feet to the southerly extension of an existing fence line as located with this survey and described in a quit claim deed from Evelyn E. Kennedy Living Trust to Stanley H. Robinson and Jessie R. Robinson and recorded in Instrument Number 9400221 in said county records; thence North 00 degrees 28 minutes 55 seconds East along said fence line and its southerly and northerly extensions 658.63 feet (701.25 feet per said quit claim deed) to a rebar set on the easterly extension of an existing fence line as located with this survey and described in a quit claim deed from Stanley H. Robinson and Jessie R. Robinson to the Evelyn E. Kennedy Living Trust and recorded in Instrument Number 9400222 in said county records; thence North 89 degrees 27 minutes 45 seconds West along said fence line 323.21 feet to a rebar set on the southerly extension of the west line of said land of Kennedy (Instrument Number 9023863); thence North 00 degrees 00 minutes 00 seconds East along said west line and its southerly extension 434.68 feet to the POINT OF BEGINNING, containing 16.504 acres, more or less, subject to any legal highways, rights of way, and easements of record.

EXCEPT, that portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, being a portion of the land of the State of Indiana as described in Instrument Number 2001-2817 in the Office of the Recorder of said county, said land being described as follows:

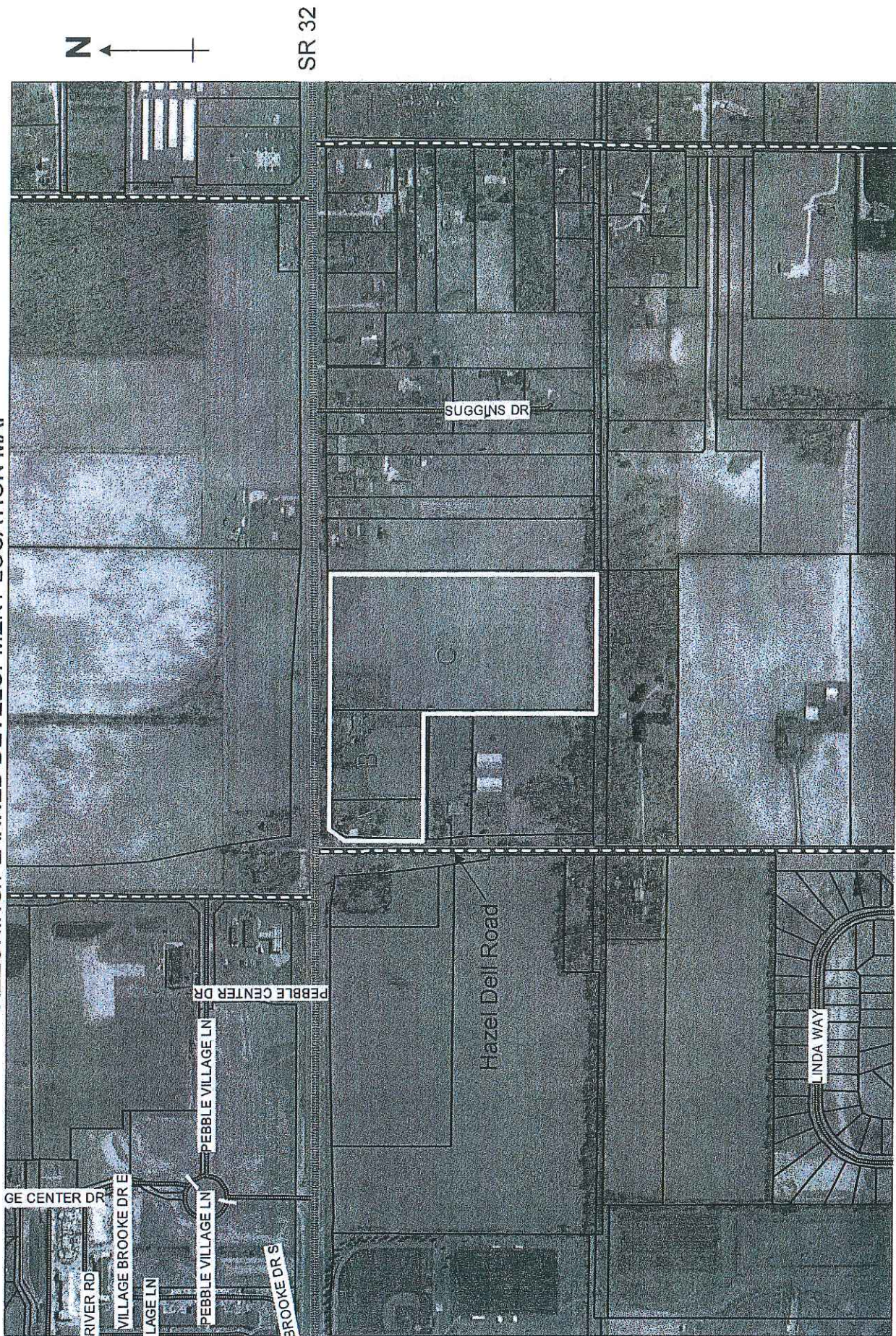
Commencing at a PK nail found marking the northwest corner of said Northwest Quarter; thence North 89 degrees 27 minutes 27 seconds East (North 89 degrees 09 minutes 52 seconds East by deed) along the north line thereof 211.20 feet to the northwest corner of the land of Evelyn E. Kennedy as described in Instrument Number 9023863 in said county records; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the west line of said land and being parallel with the west line of said Northwest Quarter 51.78 feet (South 00 degrees 17 minutes 05 seconds East 51.81 feet by deed) to the POINT OF BEGINNING, said point being the beginning

of a curve to the left having a radius of 122,826.67 feet, a central angle of 00 degrees 03 minutes 08 seconds, and a radial line passing through said point which bears South 00 degrees 29 minutes 46 seconds East; thence easterly along north line of said land of the State of Indiana and the arc of said curve 111.99 feet; thence North 89 degrees 27 minutes 06 seconds East (North 89 degrees 10 minutes 01 second by deed) along said north line 95.48 feet; thence South 01 degree 05 minutes 28 seconds East 9.07 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set on the south line of said land; thence South 89 degrees 29 minutes 48 seconds West (South 89 degrees 12 minutes 14 seconds West by deed) along said south line 207.64 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set on the west line of said land of Kennedy; thence North 00 degrees 00 minutes 00 seconds East (North 00 degrees 17 minutes 05 seconds West by deed) along said west line 8.95 feet to the POINT OF BEGINNING, containing 0.043 acres, more or less.



**EXHIBIT B**

**PEACOCK HAZEL DELL, LLC  
REZONING/PLANNED DEVELOPMENT LOCATION MAP**





**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP  
CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE CITY OF  
NOBLESVILLE UNIFIED DEVELOPMENT ORDINANCE**

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Noblesville, Hamilton County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate (the "Real Estate"):

**LEGAL DESCRIPTION:**

See Legal Description attached as Exhibit A. Area subject to Commitments depicted on Exhibit B ("Peacock Hazel Dell, LLC, Rezoning/Planned Development Location Map").

**STATEMENT OF COMMITMENTS:**

1. The following permitted uses in the Planned Business classification shall be prohibited on the Real Estate:
  - A. Adult Cabaret
  - B. Adult Media Store
  - C. Adult Motion Picture Theater
  - D. Sex Shop
  - E. Cemeteries
  - F. Garages, Public or Commercial
  - G. Parking as a Primary Use
  - H. Bus Passenger Terminals
  - I. Supply Yard

J. Agricultural Processing, Accessory

2. The following permitted uses in the Planned Business classification shall be prohibited on Area B of the Real Estate as noted as approximately 8.50~~00~~ acres on the Preliminary Development Plan identified as Exhibit C, dated March 3, 2006, and filed with the Noblesville Planning Department on March 6, 2006 ("Exhibit C"):
  - A. Automobile Fuel Station
  - B. Amphitheater
3. Use of the 50' required Peripheral Yard shall be limited to access drives and landscaping as generally depicted on Exhibit C. Landscaping requirements within the Peripheral Yard shall be in compliance with Article 12, Section 6., C., 3. of the Noblesville Unified Development Ordinance. The proposed screen wall in the Peripheral Yard shall be constructed of materials consistent with the primary buildings on the Real Estate.
4. Vehicular drive-thrus, including order and pick-up windows, shall be limited to no more than three lots with frontage on State Road 32. The location of the drive-thru service shall not be on a façade facing State Road 32 or Hazel Dell Road.
5. To ensure that development of the Real Estate is compatible with surrounding development and of a consistent or compatible nature, the following architectural standards shall apply:
  - A. Compatibility – All structures shall be constructed with similar or compatible design, materials and architecture. The elevations of all retail and office buildings constructed on the Real Estate shall substantially comply with the Proposed Building Elevations for the Shops at the Dell prepared by Lamson and Condon dated March 3, 2006, and filed with the Noblesville Planning Department (the "Proposed Building Elevations"). Any future building elevations that do not substantially comply with the Proposed Building Elevations must be submitted to and approved by the City of Noblesville Architectural Review Board ("ARB").
  - B. Finished Façade - All building elevations shall have a finished façade (that is, 360 degree architectural treatment).
  - C. Exterior Materials on Finished Façades – The finished façade exterior of all buildings (excluding architectural elements and window, door, roofing and soffit materials) shall be constructed of brick.
  - D. Façade Length on Finished Façades – Finished facades that have greater than one-hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses with a minimum projection or recess of five (5) percent of the overall length and extending along at least twenty (20) percent of the length of the façade. No uninterrupted length of any finished façade shall exceed one-hundred (100) horizontal feet.



- E. Architectural Details on Finished Façades – Finished facades that have greater than 100 feet in length, measured horizontally, shall include a repeating pattern that includes not less than three (3) of the following elements:
- (1) Color change;
  - (2) Texture change;
  - (3) Material module change; or,
  - (4) An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.
- F. Entryways – Each ground floor, retail tenant space designed to contain greater than 5,000 square feet in area and located in a multi-tenant building shall have clearly defined, highly visible customer entrances featuring no less than two of the following:
- (1) Canopies or porticoes;
  - (2) Overhangs;
  - (3) Recesses / Projections;
  - (4) Arcades;
  - (5) Raised corniced parapets over the door;
  - (6) Peaked roof forms;
  - (7) Arches;
  - (8) Architectural details such as tile work and moldings which are integrated into the building structure and design; or,
  - (9) Integral planters or wing walls that incorporate landscaped areas or places for sitting.
- G. Colors – The primary color shall be of low reflectance, subtle, neutral hues or colors. Building trim or accent areas may feature brighter colors, including primary colors.
- H. Flat Roofs – roofs shall have a parapet on the front elevation not exceeding 1/3 of the height of the supporting wall to conceal the flat roof.
- I. Mechanical Equipment – All mechanical equipment, including: HVAC systems; pedestals for telephone, electric or cable service; television antenna; or, satellite dish antenna, whether ground or roof mounted, shall be screened by buildings,

ornamental fences / walls, parapet walls or landscaping to provide screening in the elevation view from all sides of the building served.

- J. Trash Enclosures – All dumpsters and trash compactors shall be enclosed by an enclosure that complies with the Noblesville Unified Development Ordinance.
  - K. Location of Accessory Structures – The location of all accessory structures, including trash enclosures, shall comply with the Noblesville Unified Development Ordinance.
  - L. Signage – Signage within the Real Estate will comply with the signage requirements and standards for the Planned Business District of the Noblesville Unified Development Ordinance; provided that no ground signs shall be permitted within the Real Estate other than a single designation sign located at each entrance from each roadway with a maximum of 160 square feet of sign area (SR 32) and 80 square feet of sign area (Hazel Dell Road), respectively. The two designation signs shall be constructed of similar materials as the primary buildings on the Real Estate and be subject to Staff approval.
- 6. The Real Estate shall be developed in substantial compliance with the Preliminary Development Plan identified as Exhibit C, dated March 3, 2006, and filed with the Noblesville Planning Department on March 6, 2006.
  - 7. Notwithstanding anything contained herein to the contrary, without the approval of the Noblesville City Council, no commercial service/retail use permitted on the Real Estate shall be open for business prior to February 14, 2008, other than commercial service/retail uses permitted in the PB District (except those uses prohibited by these Commitments) and located in a single-user building which may be constructed on any of the out lots fronting along State Road 32.
  - 8. Owner agrees to grant a vehicular access easement to the owner and for the benefit of the adjacent real estate located to the east of the Real Estate, but only in the event and upon the condition that the owner of the real estate located to the east of the Real Estate grants a similar and reciprocal vehicular access easement to the Owner and for the benefit of the Real Estate.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Noblesville Common Council made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the adoption of Ordinance Nos. 23-3-06 and 24-3-06 pursuant to the City of Noblesville Unified Development Ordinance, and shall continue in effect until modified or terminated by the City of Noblesville Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Noblesville Common Council; and,
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the Secretary of the Noblesville Common Council to record these Commitments in the Office of the Recorder of Hamilton County, Indiana, upon adoption of Ordinance Nos. 23-3-06 and 24-3-06.

IN WITNESS WHEREOF, Owner has executed this instrument this 30<sup>th</sup> day of June, 2006.

Evelyn E. Kennedy Trust

By: Judith Ann Johnson  
 Printed: Judith Ann Johnson  
 Title: Co-TRUSTEE

By: Lillian Foland  
 Printed: Lillian Foland  
 Title: Co-Trustee

STATE OF INDIANA           )  
   ) SS:  
 COUNTY OF HAMILTON    )

Before me, a Notary Public in and for said County and State, personally appeared Judith Ann Johnson and Lillian Foland, the trustees of Evelyn E. Kennedy Trust, Owner of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30 day of June, 2006.

Signature: Kelly M. Bear  
 Printed: Kelly M. Bear

County of Residence: Tippecanoe My Commission expires: May 15, 2013



Peacock Hazel Dell, LLC

By: House Development, LLC, its sole member

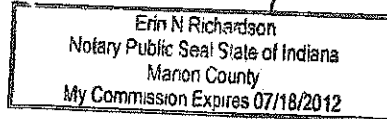
By: \_\_\_\_\_

Michael P House, Member,

STATE OF INDIANA )

COUNTY OF Marion )

SS:



Before me, a Notary Public in and for said County and State, personally appeared Michael P. House, the sole member of House development, LLC, the sole member of Peacock Hazel Dell, LLC, Owner the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 7<sup>th</sup> day of July, 2006.

Signature: \_\_\_\_\_

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

County of Residence: Marion

My Commission expires: 7/18/2012

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 (Mark Sausser).

EXHIBIT A

LEGAL DESCRIPTION - PARCEL A

That portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, described as follows:

BEGINNING at a PK nail found marking the northwest corner of said Northwest Quarter; thence South 00 degrees 00 minutes 00 seconds East (assumed bearing) along the west line thereof 433.80 feet; thence North 89 degrees 27 minutes 27 seconds East (North 89 degrees 27 minutes 17 seconds East by deed) parallel with the north line of said Northwest Quarter 192.00 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set in an existing fence line; thence North 00 degrees 00 minutes 00 seconds East parallel with said west line 433.80 feet to said north line; thence South 89 degrees 27 minutes 27 seconds West (South 89 degrees 27 minutes 17 seconds West by deed) along said north line 192.00 feet to the POINT OF BEGINNING, containing 1.912 acres, more or less, subject to any legal highways, rights of way, and easements of record.

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EXHIBIT A

LEGAL DESCRIPTION - PARCELS B & C

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EXCEPT, that portion of the Northwest Quarter of Section 3, Township 18 North, Range 4 East of the Second Principal Meridian, Noblesville Township, Hamilton County, Indiana, being a portion of the land of the State of Indiana as described in Instrument Number 2001-2817 in the Office of the Recorder of said county, said land being described as follows:

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of a curve to the left having a radius of 122,826.67 feet, a central angle of 00 degrees 03 minutes 08 seconds, and a radial line passing through said point which bears South 00 degrees 29 minutes 46 seconds East; thence easterly along north line of said land of the State of Indiana and the arc of said curve 111.99 feet; thence North 89 degrees 27 minutes 06 seconds East (North 89 degrees 10 minutes 01 second by deed) along said north line 95.48 feet; thence South 01 degree 05 minutes 28 seconds East 9.07 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set on the south line of said land; thence South 89 degrees 29 minutes 48 seconds West (South 89 degrees 12 minutes 14 seconds West by deed) along said south line 207.64 feet to a 5/8 inch rebar with "BANNING ENG LS29800001" cap set on the west line of said land of Kennedy; thence North 00 degrees 00 minutes 00 seconds East (North 00 degrees 17 minutes 05 seconds West by deed) along said west line 8.95 feet to the POINT OF BEGINNING, containing 0.043 acres, more or less.

## LIMITED/SPECIAL CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that Golf Lane Investors, Inc. ("Grantor"), a company organized and existing under the laws of the State of Indiana, CONVEYS AND SPECIALLY WARRANTS to Peacock Hazel Dell, LLC ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Hamilton County, in the State of Indiana (hereinafter called the "Real Estate"):

[See attached Exhibit A for legal description]

Subject to the lien of real estate taxes payable in November, 2006, and thereafter, and to all general and special assessments and all other governmental, municipal, and public dues, charges, and impositions not delinquent and to the following: (i) all easements, restrictions, agreements, covenants, and other matters of record; (ii) all applicable zoning, building, land use and other governmental restrictions, laws, ordinances, rules and regulations; (iii) rights of the public, the State of Indiana, and the municipality in and to that part of the Real Estate in question taken or used for highway and related purposes; and (iv) all matters that would be discovered or disclosed by an accurate inspection and Indiana Land Title Association minimum standard detail survey of the Real Estate. The warranties of Grantor hereunder are limited to its own acts and deeds, and not otherwise.

The individuals executing this instrument on behalf of Grantor represent and warrant their full corporate authority to do so.

Grantor represents under oath that there is no Indiana Gross Income Tax due as a result of this conveyance.

TO HAVE AND TO HOLD the Real Estate to Grantee and Grantee's successors and assigns forever. Grantor covenants and warrants that said Real Estate is free of any encumbrance made or suffered by said Grantor [except any set forth above], and that Grantor and Grantor's successors shall warrant and defend the same to said Grantee and said Grantee's successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under the said Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has executed this Limited/Special Corporate Warranty Deed this 6<sup>th</sup> day of July, 2006.

Golf Lane Investors, Inc.

By Bd H  
Bernard S. Hasten, President

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MARION     )

Before me, a Notary Public in and for said County and State, personally appeared Bernard S. Hasten, President of Golf Lane Investors, Inc., who acknowledged the execution of the foregoing Limited/Special Corporate Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of July, 2006.



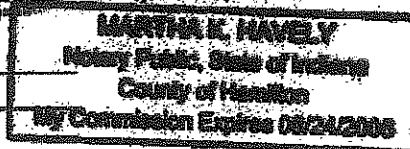
Martha K. Havely  
(signature)

(printed)

Notary Public

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

County of Residence: \_\_\_\_\_



Send tax statements to and  
Grantee's mailing address is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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. Michael T. McNelis

This instrument was prepared by Michael T. McNelis, Mitchell Hurst Jacobs & Dick, LLP,  
152 East Washington Street, P.O. Box 44911, Indianapolis, Indiana 46244-0911.



Legal Description  
File No:100953

**EXHIBIT A - LEGAL DESCRIPTION**

Part of the Northwest Quarter of Section 3, Township 18 North, Range 4 East, Hamilton County, Indiana, and more particularly described as follows:

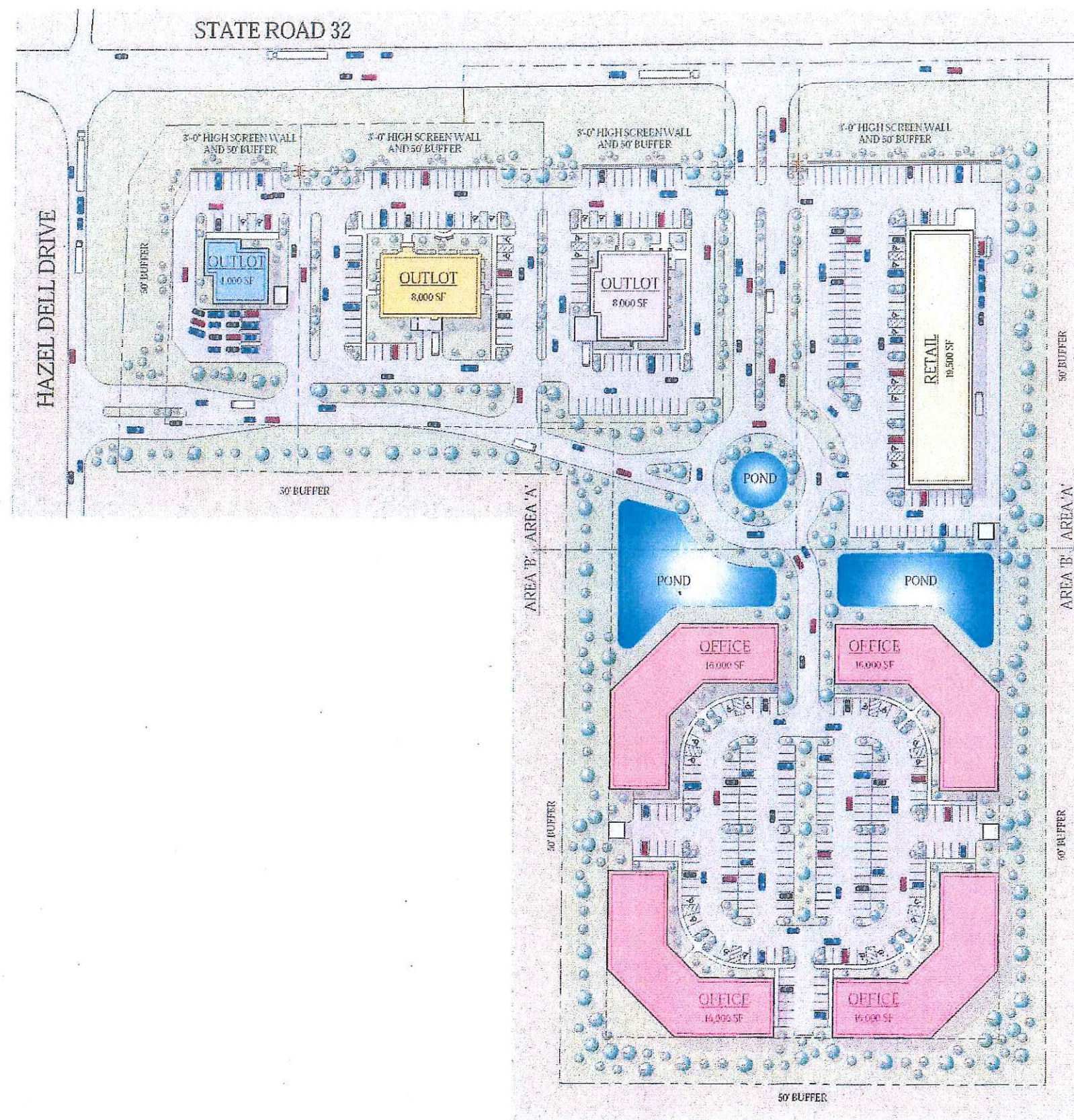
Begin at the Northwest corner of the Northwest Quarter of Section 3, Township 18 North, Range 4 East; and run thence South 433.8 feet; thence North 89 degrees 27 minutes 17 seconds East 192 feet; thence North 00 degrees 00 minutes 00 seconds East parallel to the West boundary line 433.8 feet; thence South 89 degrees 27 minutes 17 seconds West 192 feet to the place of beginning.

**EXCEPT FOR THE FOLLOWING** tract having been conveyed to the State of Indiana by Warranty Deed recorded September 5, 2003 as Instruction No. 20030090653 and more particularly described as follows:

A part of the Northwest Quarter of Section 3, Township 18 North, Range 4 East, Hamilton County, Indiana, described as follows:

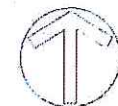
Beginning on the West line of said section South 0 degrees 02 minutes 24 seconds East 101.43 feet from the Northwest corner of said section; thence North 89 degrees 33 minutes 46 seconds East 16.50 feet to a point where the East boundary of Hazeldell Road meets the Southeastern boundary of the intersection of said Hazeldell Road and S.R. 32; thence North 46 degrees 00 minutes 46 seconds East 72.60 feet along the boundary of the intersection of said Hazeldell Road and said S.R. 32 to the South boundary of said S.R. 32; thence along the boundary of said S.R. 32 Easterly 123.13 feet along an arc to the left having a radius of 122,826.67 feet and subtended by a long chord having a bearing of North 89 degrees 30 minute 06 seconds East and a length of 123.13 feet to the East line of the grantor's land; thence South 0 degrees 02 minutes 24 seconds East 9.04 feet along said East line; thence South 89 degrees 31 minutes 06 seconds West 97.15 feet to a point; thence South 33 degrees 02 minutes 20 seconds West 72.39 feet to a point; thence South 1 degree 43 minutes 59 seconds West 310.05 feet to the South line of the grantor's land; thence North 89 degrees 20 minutes 58 seconds West 45.65 feet along said South line to the West line of said section and the Southwest corner of the grantor's land; thence North 0 degrees 02 minutes 24 seconds West 328.31 feet along the West line of said section to the point of beginning and containing 0.453 acres, more or less.





# EXHIBIT 'C' PRELIMINARY DEVELOPMENT PLAN

0' 30' 60' 120'  
SCALE = 1"=60'



## SHOPS AT THE DELL

STATE ROAD 32 & HAZEL DELL DRIVE  
NOBLESVILLE, INDIANA

MARCH 3, 2006



COMMERCIAL REAL ESTATE SERVICES

836 E. 64th Street  
Indianapolis, Indiana 46220  
Ph. (317) 253-3447 Fx. (317) 205-9597

Lamson & Condon  
ARCHITECTURE  
INTERIOR DESIGN  
OPTION 2





FRONT ELEVATION  
RETAIL DEVELOPMENT  
SCALE = 3/32"=1'-0"

PROPOSED  
BUILDING ELEVATIONS



FRONT ELEVATION  
OFFICE DEVELOPMENT  
SCALE = 3/32"=1'-0"

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