

See Volume 8 Case-Book No. 196 Page 334 thru 336

*DR 119
P530*

25018 Plat of College Hills

We the undersigned hereby certify that the within plat of "COLLEGE HILLS" is True and correct and represents a subdivision into streets and lots of part of the southwest quarter of Section 13, Township 17 North Range 3 East more particularly described as follows To-wit:

Beginning at a point in the south line of said quarter section 82.5 feet east of the southwest corner thereof, thence running east along and with said south line 118.45 feet to a point, thence north and parallel with the west line of said quarter section 2671.56 feet to a point in the north line of said quarter section, thence west along and with said north line 118.45 feet to a point, said point being where the east right of way line of the Union Traction Company interests said north line, distant 82.5 feet east of the northwest corner of said quarter section, thence south along and with said right of way line 2668.25 feet to the place of beginning containing 68.55 acres more or less.

This subdivision consists of 130 lots numbered from 1 to 130 both inclusive. The dimensions shown on within plat are in feet and decimal parts thereof Witness our signature this 26th day of June 1928.

George G. Schmidt & Co. Surveyors
By D. C. Walton

The undersigned, security trust company, trustee, By Irving W. Lemaux its president and William C. Kassebaum, its secretary, hereby certifies that it has a plat of and subdivided and do hereby lay off Plat and subdivide into lots and streets in accordance with the within plat (herein above certified by George G. Schmidt & Co., Surveyors) of real estate as mentioned in the foregoing certificate by said surveyors, said subdivision shall be known and designated as "College Hills" and addition to the City of Indianapolis.

The undersigned owners hereby establish front yard lines as shown on the within plat, the location of these lines on the several lots are shown in feet back from the property lines of the several streets, between which lines and the property lines of the streets there shall be erected or maintained no buildings or structures other than open one-story porches. The right to enforce these provisions by injunction together with the right to cause the removal by process of law is hereby dedicated to the public and is also reserved to the several owners of the several lots in this addition and their assigns.

There are strips of ground 4 feet in width as shown on the within plat reserved for the use of public utilities (not including street car-cable-tramway-telephone companies) for installation and maintenance of poles mains, wires, ducts and etc., for companies such as telephone telegraph, gas, water and electric light companies, subject at all times to the proper authorities and subject further to the easement herein granted. No permanent or other structures are to be erected or maintained upon said strips by the owners or owners of such lot or lots, but such owners shall take their title subject to the utility companies and to the right of the owners of the other lots in said addition on and to the easement herein granted for ingress and egress in along streets and through the several strips of ground herein described.

The streets heretofore not dedicated are hereby dedicated to the public. Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis, only single family dwellings may be built on an area of not less than 650 square feet of a lot, except that double houses may be built on any corner lot except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes.

For a period of 50 years, no lot or part of lot in this addition shall be used or occupied by any person or persons other than members of the pure caucasian race, domestic servants excepted.

In witness whereof this day of July 1928, the security trust company, trustee, has caused its name to be subscribed and its corporate seal to be hereto affixed and the same to be attested by the signatures of Irving W. Lemaux, its President and William C. Kassebaum, its secretary, herunto duly authorized.

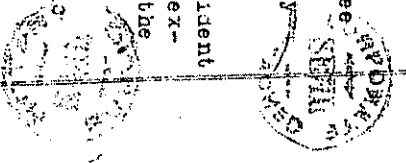
Security Trust Company, Trustee
Irving Wemaux President
William C. Kassebaum Secretary

State of Indiana County of Marion SS Personally appeared before me the undersigned, a notary public in and for said County and state, the security trust company, trustee by Irving W. Lemaux, its President and William C. Kassebaum, its secretary, separately and severally known and acknowledged the execution of the above and foregoing certificate as their voluntary act and deed for the uses and purposes therein expressed.

Witness my hand and notarial seal this 17th day of July 1928. MARY N. SMOCK Notary Public My Commission expires July 31 1929

Approved this 17th day of July, 1920 city plan commission
Geo. O.O'Connor President

This document referred to in Document No. 9547728 Rev. 9-16-95



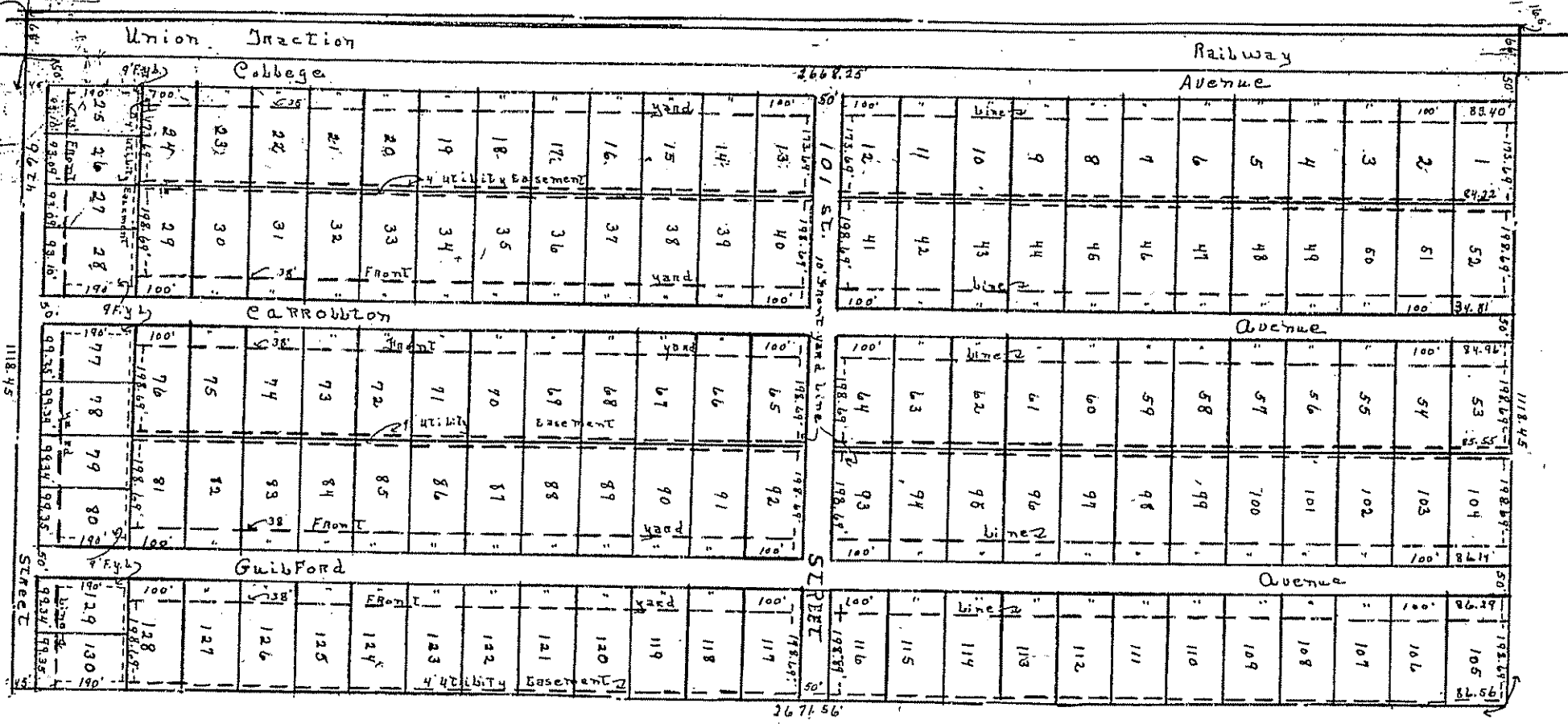
This document referred to in Document No. 9402180 recorded 7-12-94

This document referred to in Document No. 9402181 recorded 7-12-94

This document referred to in Document No. 9603257 recorded 1-25-96

DR 119 ps 31

Approved this 18th day of July 1938 Board of Public Works G. Heck President John MacClossey
 Cleo L. Fiddle
 Approved this 18th day of July 1938 City Civil Engineer A.H. Moore



Recorded July 25, 1938

Sw. Cor. S.W. 1/4 Sec. 12-17-3

**Instrument
#0603357**

Cross Reference - Plat and Restrictions of College Hills, an addition in Hamilton County, Indiana, as per the plat thereof recorded in Deed Record 119, pages 30-31, in the Office of the Recorder of Hamilton County, Indiana.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
5th day of April 1996

9609603357
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 01-25-1996 At 09:14 a.m.
VAER 22.00

Am Jgd Auditor
Hamilton County **DECISION APPROVING PETITION FOR VACATION** 0

Parcel # _____

The Petitioner, William W. Pace, has filed, under docket number 93-95-PV, its petition requesting the vacation of the plat and restrictions of College Hills, an addition in Hamilton County, Indiana, as per the plat thereof recorded in Deed Record 119, pages 30-31 (hereafter

"Plat and Restrictions") as to the following described real estate:

Lot 17, 18 and 19 in College Hills, an addition in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, Indiana. And also a strip of ground lying west of and adjacent to said Lot 17, 18 and 19 said strip extending from the west line of said lots to the West line of the Southwest Quarter of Section 12, Township 17 North, Range 3 East, said strip of ground constituting a part of College Avenue as laid out and dedicated in said plat of College Hills and also constituting part of the former Indianapolis Northern Traction Company right-of-way.

Copies of the Plat and Restrictions are attached hereto and incorporated herein by reference as exhibit "A" and "B" respectively.

The City of Carmel/Clay Township Plan Commission, after being duly advised in the premises, now makes the findings set forth in what is attached hereto and incorporated herein by reference as exhibit "C" (hereafter "Findings") and, based upon said Findings, determines that (i) the conditions in and around the Real Estate have changed so as to defeat the original purpose of the Plat and Restrictions, (ii) it is in the public interest to vacate the Plat and Restrictions, as they pertain to the Real Estate, in the manner set forth below, and (iii) the value of the land in the Plat not owned by the Petitioner will not be diminished by this vacation.

INSTR. # 9603357

INSTR.

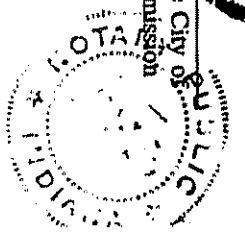
#

96/03357

By reason of the foregoing, the Plan Commission hereby approves the Petition for Vacation of the Plat and Restriction and, therefore, subject only to the exception specified below pertaining to a utility easement, the Plat and Restrictions are vacated with respect to the Real Estate, and, by reason of such vacation, the Real Estate shall no longer be subject to or restricted and encumbered by the Plat and Restrictions, and the legal description of the Real Estate shall be as set forth in what is attached hereto and incorporated herein by reference as exhibit "D"; provided, however, that this vacation of the Plat and Restriction notwithstanding, the Real Estate shall remain subject to the following which is specified in the Restrictions and shown on the Plat:

"There are strips of ground 4 feet in width as shown in the within Plat reserved for the use of public utilities (not including street car or transportation companies) for installation and maintenance of poles mains, wires, ducts and etc., for companies such as telephone, telegraph, gas, water and electric light companies, subject at all times to the proper authorities and subject further to the easement herein granted. No permanent or other structures are to be erected or maintained upon said strips by the owner or owners of such lot or lots, but such owners shall take their title subject to the utility companies and to the right of the owners of the other lots it said addition or and to the easement herein granted for ingress and egress in along, across and through the several strips of ground herein described."

H. K. Thompson, President of the City of Carmel/Clay Township Plan Commission



Dated: Jan 24 1996

Prepared by:

Ronald A. Wright
WRIGHT & ASSOCIATES, P.C.
9000 Keystone Building
Suite 730
Indianapolis, IN 46240
(317) 580-2580

INSTR. # 96|03357

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared, Barbara Myers, the President of the City of Carmel/Clay Township Plan Commission, and acknowledged the execution of the foregoing Order Approving Petition for Vacation.

Witness my hand and Notarial Seal this 24 day of January, 1996. DCP

My Commission Expires: May 23, 1998

Residing in Hamilton
County, Indiana

Devin E. Peltier
Notary Public

Printed Devin E. Peltier



9609603357
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
DN 01-25-1996 At 09:14 AM.
VACR 22.00
vsl. 0 Page 0

INSTR. # 96 03357

1st Document referred to in Document No. 9603123

2nd Document referred to in Document No. 9603181

EXHIBIT A

Class I. Fiddle
 Approved this 15th day of July 1898 Board of Public Works of the City of Chicago
 Approved this 15th day of July 1898 City Civil Engineer A.H. Moore

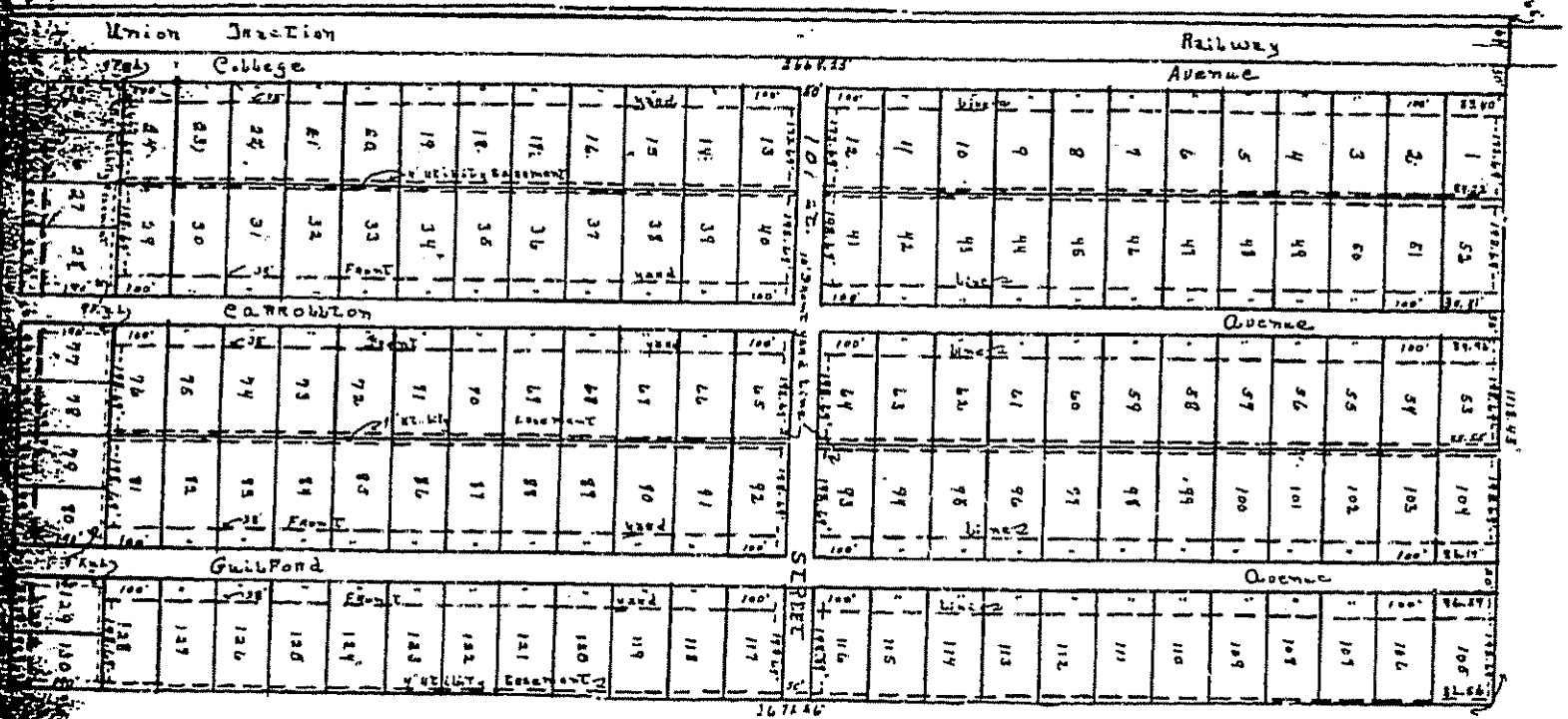


EXHIBIT A

We the undersigned hereby certify that the within plat of "College Hills" is true and correct and represents a subdivision into streets and lots of part of the southeast quarter of Section 12, Township 17 North, Range 2 East more particularly described as follows:

Beginning at a point in the north line of said quarter section 62.5 feet east of the southeast corner thereof, thence running east along and with said south line 110.45 feet to a point, thence north and parallel with the west line of said quarter section 62.5 feet to a point in the north line of said quarter section, thence west along and with said north line 118.45 feet to a point, said point being where the east right of way line of the Union Trust and Loan Company intersects said north line, distant 62.5 feet east of the northwest corner of said quarter section, thence south along and with said right of way line 286.525 feet to the place of beginning containing 68.55 acres more or less.

This subdivision consists of 120 lots numbered from 1 to 130 with subdivisions. The dimensions shown on within plat are in feet and decimal parts thereof. Witness our signatures this 28th day of June 1928.

George J. Schmitt & Co. Surveyors
By D. C. Walden

The undersigned, security trust company, trustee, by Irving W. Lemoux its president and William C. Kassebaum, its secretary, hereby certifies that it has and is holding and subdividing and do hereby lay off plat and subdivision into lots and blocks in accordance with the within plat (herein above certified by George J. Schmitt & Co., Surveyors) of real estate as mentioned in the foregoing certificate by said surveyors, said subdivision shall be known and designated as "College Hills" and addition to the City of Indianapolis.

The undersigned owns hereby establish front yard lines as shown on the within plat, the location of these lines on the several lots are shown in feet back from the property lines of the several streets, between which lines and the property lines of the streets there shall be erected or maintained no buildings or structures other than open one-story porches. The right to enforce these provisions by injunction together with the right to cause the removal by process of law is hereby dedicated to the public use and also reserved to the several owners of the several lots in this addition and their assigns.

There are strips of ground 4 feet in width as shown on the within plat reserved for the use of public utilities (not including street car or transportation companies) for installation and maintenance of poles, wires, signs, ducts and etc., for companies such as telephone, telegraph, gas, water and electric light companies, subject to all lines to the proper authorities and subject further to the easement herein granted. No payment or other obligations are to be created or maintained upon said strips by the owners of such lot or lots, but such owners shall take their title subject to the utility companies and to the rights of the owners of the other lots in said addition or and to the easement herein granted for ingress and egress in along streets and through the several strips of ground herein described.

The streets heretofore not dedicated are hereby dedicated to the public. Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis, only single family dwellings may be built, on an area of not less than 650 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes.

For a period of 50 years, no lot or part of lot in this addition shall be used or occupied by any person or persons other than members of the pure succession race, domestic servants excepted.

In witness whereof this day of July 1928, the security trust company, trustee, has caused its name to be subscribed and its corporate seal to be hereunto affixed and the same to be attested by the signatures of Irving W. Lemoux, its President and William C. Kassebaum, its secretary, hereunto duly authorized.

Security Trust Company, Trustee,
Irving Wemoux President,
William C. Kassebaum Secretary

State of Indiana County of Marion ss
Personally appeared before me the undersigned, a notary public in and for said county and state, the security trust company, trustee by Irving W. Lemoux, its President and William C. Kassebaum, its secretary, separately and severally acknowledged the execution of the above and foregoing certificate as their voluntary act and deed for the purposes and purposes therein expressed.

Witness my hand and official seal this 17th day of July 1928. Mary E. Block

EXHIBIT B

INSTR. # 9603357

EXHIBIT "C"
FINDINGS

The Plan Commission hereby finds that the character of the Real Estate and the surrounding real estate has significantly changed in the following ways:

1. The Real Estate, and the property to the south of the Real Estate along College Avenue, is zoned B-3, but is part of the College Hills.
2. The Real Estate is bordered on the north by I-465.
3. The Vacated Right-of-Way is inappropriate as a starting point for a building line set back.
4. The property which lies south of the Real Estate includes a Village Pantry, Clayworks Pottery, a barber shop, Walker Cleaners, Your Way Decorating Centre, and the Topics building.
5. Commercial use of the Real Estate and of the property which lies south of the Real Estate is consistent with the comprehensive plan but inconsistent with the Plat and Restrictions.
6. When the Plat was recorded, it was anticipated that College Avenue would occupy the Vacated Right-of-Way, thereby necessitating the Existing Setback, and that a railroad would pass through the sixty-six foot (66') strip of real estate between the Existing Right-of-Way and the Platted Right-of-Way.
7. Contrary to what is set forth in subparagraph (6) above, (i) the railway was never constructed, (ii) the sixty-six foot (66') strip of real estate set aside for the railway was conveyed back to the underlying owner, and (iii) College Avenue was constructed west of the Vacated Right-of-Way.

INSTR. # 96 03357

EXHIBIT "D"

LAND DESCRIPTION

Lots 17, 18 and 19 in College Hills, an addition in Hamilton County, Indiana, as per plat thereof, recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, Indiana. And also a strip of ground lying west of and adjacent to said Lots 17, 18 and 19 said strip extending from the west line of said lots to the West line of the Southwest Quarter of Section 12, Township 17 North, Range 3 East, said strip of ground constituting a part of College Avenue as laid out and dedicated in said plat of College Hills and also constituting part of the former Indianapolis Northern Traction Company right-of-way.

INSTR.

#

96|03357

INSTN. # 94 OP 120

9402120

ORDINANCE VACATING PUBLIC WAY

Ordinance No. 12-13-93-B

NOTY ENTERED FOR TAXATION
Subject to final acceptance for transfer
12 days of JAN 1994
Parcel # 1-11 82 Auditor
Hamilton County

WHEREAS, William W. Pace filed his petition for Vacation of Right-of-Way (hereafter "Petition");

WHEREAS, the Hamilton County Board of Commissioners

(hereafter "Commissioners") now finds as follows:

1. That the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would not make access to lands of any aggrieved person by means of public way difficult or inconvenient.
3. The vacation would not hinder the public's access to a church, school, or other public building or place.
4. The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners pursuant to Indiana Code 36-7-3-12, that the following described real estate located in Hamilton County, Indiana, is hereby vacated as a public right-of-way:

See exhibit "A"

This ordinance shall be in full force and effect from and

JAN 12 1994
This Instrument Recorded
S. S. Cherry, Recorder, Hamilton County, IN

after its passage, and is passed by the Commissioners this 12th day
of January, 1993.

"HAMILTON COUNTY BOARD OF
COMMISSIONERS"

BY: William R. Kains
William R. Kains, Commissioner

BY: Stephen A. Holt
Stephen A. Holt, Commissioner

BY: Stephen C. Dillinger
Stephen C. Dillinger
Commissioner

ATTEST:

BY: Tom M. Oyle
~~Paul M. Oyle~~ Auditor of
Hamilton County, Indiana
Tom Oyle

This instrument prepared by Charles D. Frankenberger, NELSON & FRANKENBERGER,
3021 E. 98th Street, Suite 220, Indianapolis, Indiana 46280 (317) 844-0106.

9402120

"A"

Part of the Southwest Quarter of Section 12, Township 17 North, Range 3 East, Clay Township, Hamilton County, Indiana, being a strip of ground 50 feet of even width, more particularly described as follows:

A strip of ground being that portion of the platted Right-of-Way for College Avenue adjoining the West lines of Lots 17, 18 and 19 in College Hills addition, an addition in Hamilton County, Indiana, as per plat thereof recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, Indiana, the East line of said 50 feet strip being coincident with the West line of said Lots 17, 18 and 19, said strip terminating at the South by the Westerly extension of the South line of Lot 19 in said addition and to the North at the Westerly extension of the South Right-of-Way line for Interstate 465 per Parcel 48 limited Access Right-of-Way for Project I-465-4(128)127 by condemnation dated 1966.

This Instrument Recorded **JAN 12 1994**
Sharon K. Cherry, Recorder, Hamilton County, IN

9402120

JAN 12 1994

This Instrument Recorded
Sharon K. Cherry, Recorder, Hamilton County, IN

9402121

DEDICATION OF RIGHT-OF-WAY,
AND AGREEMENT TO DEDICATE

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
12 day of Jan 1994
Auctioneer
Hamilton County

THIS INDENTURE WITNESSETH: that William W. Pace of Hamilton County, Indiana hereby gives and dedicates to the Board of Commissioners of Hamilton County, Indiana (hereafter "Commissioners") for purposes of public right-of-way only, the real estate which is attached hereto and incorporated herein by reference as exhibit "A" (hereafter "Real Estate One"). This dedication is subject to all easements, agreements, restrictions, right-of-ways, liens, and encumbrances of record. This dedication is not subject to Indiana Corporate Gross Income Tax.

THIS INDENTURE FURTHER WITNESSETH: that, should the Commissioners hereafter determine that additional real estate is needed and necessary in order to increase and enlarge the public right-of-way consisting of Real Estate One then, upon the written request of the Commissioners, the then owner or titleholder of the real estate described in what is attached hereto and incorporated herein by reference as exhibit "B" (hereafter "Real Estate Two") shall (i) dedicate said Real Estate Two, without compensation, to the Commissioners in the form set forth in the immediately preceding paragraph and (ii) shall remove, at said owner's sole expense, any improvements existing on Real Estate Two. In addition, William W. Pace, for himself and on behalf of all of his successors, assigns, and grantees, as owners of Real Estate Two, covenants and agrees not to grant any easement within right-of-way to any public utility, without the express written consent of the Commissioners, and waives the right to grant any such easement without said express, written consent. This

#9402121

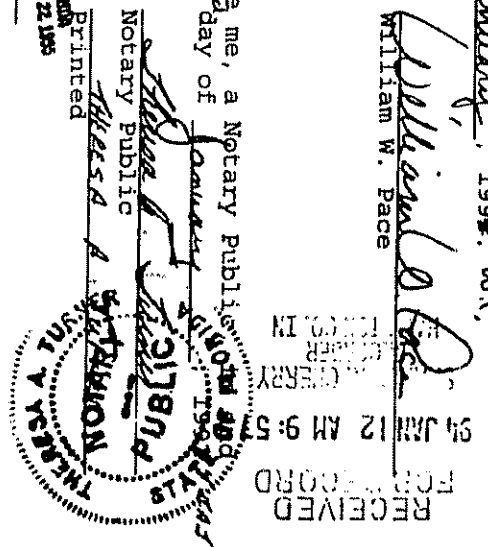
agreement to dedicate Real Estate Two shall run with Real Estate Two, and shall be binding upon William W. Pace, as well as his heirs, successors, assigns, and grantees.

IN WITNESS WHEREOF, William W. Pace has executed this dedication as of the 3rd day of January, 1997. W.P.

William W. Pace
William W. Pace

STATE OF ~~INDIANA~~ ^{Florida (CAF)}
COUNTY OF ~~OKALOOSA~~)
) SS:

Subscribed and sworn to before me, a Notary Public, on the 3rd day of January, 1997, at Lawrenceville, GA, for said County and State, this 3rd day of January, 1997.



My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA
Residing in OKALOOSA County, FL.

ACCEPTANCE

WHEREAS, William W. Pace has this day filed with the Board of Commissioners of Hamilton County, Indiana, his Dedication of Right-of-Way (hereafter "Dedication"), which Dedication is hereinabove set forth, and his Agreement to Dedicate (hereafter "Agreement to Dedicate"), which Agreement to Dedicate is hereinabove set forth; and,

WHEREAS, the Board of Commissioners of Hamilton County, Indiana is of the opinion that said Dedication and Agreement to Dedicate are desirable and necessary.

NOW, THEREFORE, the Hamilton County Board of Commissioners, under and by virtue of the power conferred upon it by the statutes of the State of Indiana, for and on behalf of the County

9402121

of Hamilton, Indiana, accepts said Dedication and Agreement to Dedicate, and orders that this Dedication and Agreement to Dedicate be recorded in the Office of the Recorder of Hamilton County, Indiana.

"HAMILTON COUNTY BOARD OF COMMISSIONERS"

BY: William R. Karns
William R. Karns

BY: Stephen A. Holt
Stephen A. Holt

BY: Charles D. Dillinger
Stephen C. Dillinger
(Stover)

DATED: 1-10-94

Attest: Jan M. Gole

9402121

This instrument prepared by Charles D. Frankenberger, NELSON & FRANKENBERGER, 3021 E. 98th Street, Suite 220, Indianapolis, Indiana 46280 (317) 844-0106.

EXHIBIT "A"

Proposed Right-of-Way for College Avenue

A part of the Southwest Quarter of Section 12, Township 17 North, Range 3 East, Clay Township, Hamilton County, Indiana, being a strip of ground 50 feet of even width, being more particularly described as follows:

A strip of ground 50 feet in even width off the east side of the West line of the Southwest Quarter of Section 12, Township 17 North, Range 3 East in Hamilton County, Indiana, the south line of said strip being the westerly extension of the south line of Lot 19 of College Hills, an addition in Hamilton County, Indiana recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, Indiana, with said strip terminating at the south line of the westerly extension of the South Right-of-Way line for Interstate 465 per Parcel 48 Limited Access Right-of-Way for Project I-465-4 (128) 127 by Condemnation dated 1966.

9402124

EXHIBIT "B"

Additional Proposed Right-of-Way for College Avenue

A part of the Southwest Quarter of Section 12, Township 17 North, Range 3 East, Clay Township, Hamilton County, Indiana, being a strip of ground 10 feet of even width, being more particularly described as follows:

A strip of ground 10 feet in even width off the east side of 60 feet off the east side of the West Line of the Southwest Quarter of Section 12, Township 17 North, Range 3 East in Hamilton County, Indiana, the south line of said strip being the westerly extension of the south line of Lot 19 of College Hills, an addition in Hamilton County, Indiana recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, Indiana, with said strip terminating at the south line of the westerly extension of the South Right-of-Way line for Interstate 465 per Parcel 48 Limited Access Right-of-Way for Project I-465-4 (128) 127 by Condemnation dated 1966.

This instrument Recorded **JAN 12 1994**
Sharon K. Cherry, Recorder, Hamilton County, IN

9402121

1734

WAIVER OF COVENANTS CONTAINED IN
PLAT OF COLLEGE HILLS ~~Page~~ 126 Page 334

WHEREAS, the plat of College Hills, an Addition to Hamilton County, Indiana, as recorded in Deed Record 119, pages 30 and 31 in the Office of the Recorder of Hamilton County, contains the following restrictive covenant, to-wit:

"Prior to the time this addition is annexed to the city and zoned by the city of Indianapolis; only single family dwellings may be built on an area of not less than 8650 square feet of a lot, except that double houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes."

and

WHEREAS, the owner of Lots 18, 19, 20 and 21 in said College Hills Addition has requested the release and waiver of such restrictive covenant from all of the undersigned who own adjacent lots so as to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings, and

WHEREAS, the release and waiver of such restrictive covenant by the undersigned is subject to any approval required from the Town of Carmel in Hamilton County, Indiana, which now has the power and authority by law to grant re-zoning or variances in zoning for the use of land in the Carmel area including the lots in College Hills Addition.

NOW, THEREFORE, the undersigned, who are the owners of the lots in the said College Hills Addition as more particularly designated after their respective names do hereby release and waive the restrictive covenant contained in the plat of

College Hills as set forth above to permit the construction of improvements not to exceed one story in height which can be used for offices rather than single family dwellings upon Lots 18, 19, 20 and 21.

This release and waiver does not remove any existing obligation and responsibility on the part of the owner of said lots to obtain from the Town of Carmel any re-zoning or variance in zoning and approval of any proposed building plans for the use of such lots for offices rather than single family dwellings.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their hands and seals to this instrument.

Gerald Jenkins
Owners of Lot 32
Patricia Jenkins
Patricia Jenkins, Husband and Wife
(Dated 11/24/1971)

Donald L. Day
Owners of Lot 33
Alfred J. Day
Alfred J. Day, Husband and Wife
(Dated 11/24/1971)

Richard E. Eppley
Owners of Lot 34
Jean Eppley
Jean Eppley, Husband and Wife
(Dated 11/24/1971)

Kenneth D. Thomas
Owners of Lot 35
Eleanore G. Thomas
Eleanore G. Thomas, Husband and Wife
(Dated 11/24/1971)

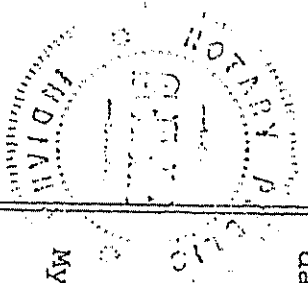
This instrument prepared by Herbert J. Backer, Attorney at Law, 1350 Consolidated Building, Indianapolis, Indiana 46204

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

BOOK 126 PAGE 336

Before me, a Notary Public in and for said County and State, personally appeared GERALD JENKINS and PATRICIA JENKINS, Husband and wife, DONALD L. DAY and GLYNNIS J. DAY Husband and wife, RICHARD E. EPPLEY and JEANKEPPLEY, Husband and wife, and KENNETH D. THOMAS and ELEANORE G. THOMAS, Husband and wife, who signed and acknowledged the execution of the foregoing instrument on the dates shown after their respective signatures.

WITNESS my hand and Notarial Seal this Eight
day of August 1971.



Walter S. Veon
Notary Public
WALTER S. VEON

My Commission expires:
12-30-71

THIS INSTRUMENT RECORDED
JULIE M. HEDGES, RECORDER HAMILTON COUNTY, IND.
Aug 13 1971

This instrument prepared by Herbert J. Backer, Attorney at Law,
1350 Consolidated Building, Indianapolis, Indiana 46204

9547728

1995

Cross Reference - Plat and Restrictions of College Hills, an addition in Hamilton County, Indiana, as per the plat thereof recorded in Deed Record 119, pages 30-31, in the Office of the Recorder of Hamilton County, Indiana.

DECISION APPROVING PETITION FOR VACATION

The Petitioner, Topics Newspapers, Inc. has filed, under docket number 65-95PV, its petition requesting the vacation of the plat and restrictions of College Hills, an addition in Hamilton County, Indiana, as per the plat thereof recorded in Deed Record 119, pages 30-31 (hereafter "Plat and Restrictions") as to the following described real estate:

Lots 20 and 21 in College Hills, an addition in Hamilton County, Indiana, as per plat thereof recorded in Deed Record 119, pages 30-31, in the Office of the Recorder of Hamilton County, Indiana; together with a strip of ground lying immediately west of and adjacent to said lots, said strip of ground extending from the west line of said lots to the west line of the Southwest quarter of Section 12, Township 17 North, Range 3 East, said strip of ground constituting a part of College Avenue as laid out and dedicated in said Plat of College Hills, and said strip of ground also constituting a part of the former traction right of way. (hereafter "Real Estate")

Copies of the Plat and Restrictions are attached hereto and incorporated herein by reference as exhibit "A" and "B" respectively.

The City of Carmel/Clay Township Plan Commission, after being duly advised in the premises, now makes the findings set forth in what is attached hereto and incorporated herein by reference as exhibit "C" (hereafter "Findings") and, based upon said Findings, determines that (i) the conditions in and around the Real Estate have changed so as to defeat the original purpose of the Plat and Restrictions, (ii) it is in the public interest to vacate the Plat and Restrictions, as they pertain to the Real Estate, in the manner set forth below, and (iii) the value of the land in the Plat not owned by the Petitioner will not be diminished by this vacation.

By reason of the foregoing, the Plan Commission hereby approves the Petition for Vacation of the Plat and Restriction and, therefore, subject only to the exception specified below

REVIEWED BY HAMILTON
COUNTY AUDITOR'S OFFICE

16 day of Aug 1995



INSTR. # 9547728

INSTR. # 9547728

STATE OF INDIANA)
COUNTY OF HAMILTON)

BARBARA LYERS

Before me, a Notary Public in and for said County and State, personally appeared, **Barbara** Khar, the President of the City of Carmel/Clay Township Plan Commission, and acknowledged the execution of the foregoing Order Approving Partition for Vacation.

Witness my hand and Notarial Seal this 1st day of August 1995.



Barbara Lyons
Notary Public
Carmel 13 years
Printed

My Commission Expires: Sept 28, 1996
Residing in Carmel Hamilton County

INSTR. # 9547728

pertaining to a utility easement, the Plat and Restrictions are vacated with respect to the Real Estate, and, by reason of such vacation, the Real Estate shall no longer be subject to or restricted and encumbered by the Plat and Restrictions, and the legal description of the Real Estate shall be as set forth in what is attached hereto and incorporated herein by reference as exhibit "D"; provided, however, that this vacation of the Plat and Restriction notwithstanding, the Real Estate shall remain subject to the following which is specified in the Restrictions and shown on the Plat:

"There are strips of ground 4 feet in width as shown in the within Plat reserved for the use of public utilities (not including street car or transportation companies) lot installation and maintenance of poles mains, wires, ducts and etc., for companies such as telephone, telegraph, gas, water and electric light companies, subject at all times to the proper authorities and subject further to the easement herein granted. No permanent or other structures are to be erected or maintained upon said strips by the owner or owners of such lot or lots, but such owners shall take their title subject to the utility companies and to the right of the owners of the other lots it said addition or and to the easement herein granted for ingress and egress in along, across and through the several strips of ground herein described."

Barbara Myrns
Richard Kifer, President of the City of Carmel/
Clay Township Plan Commission

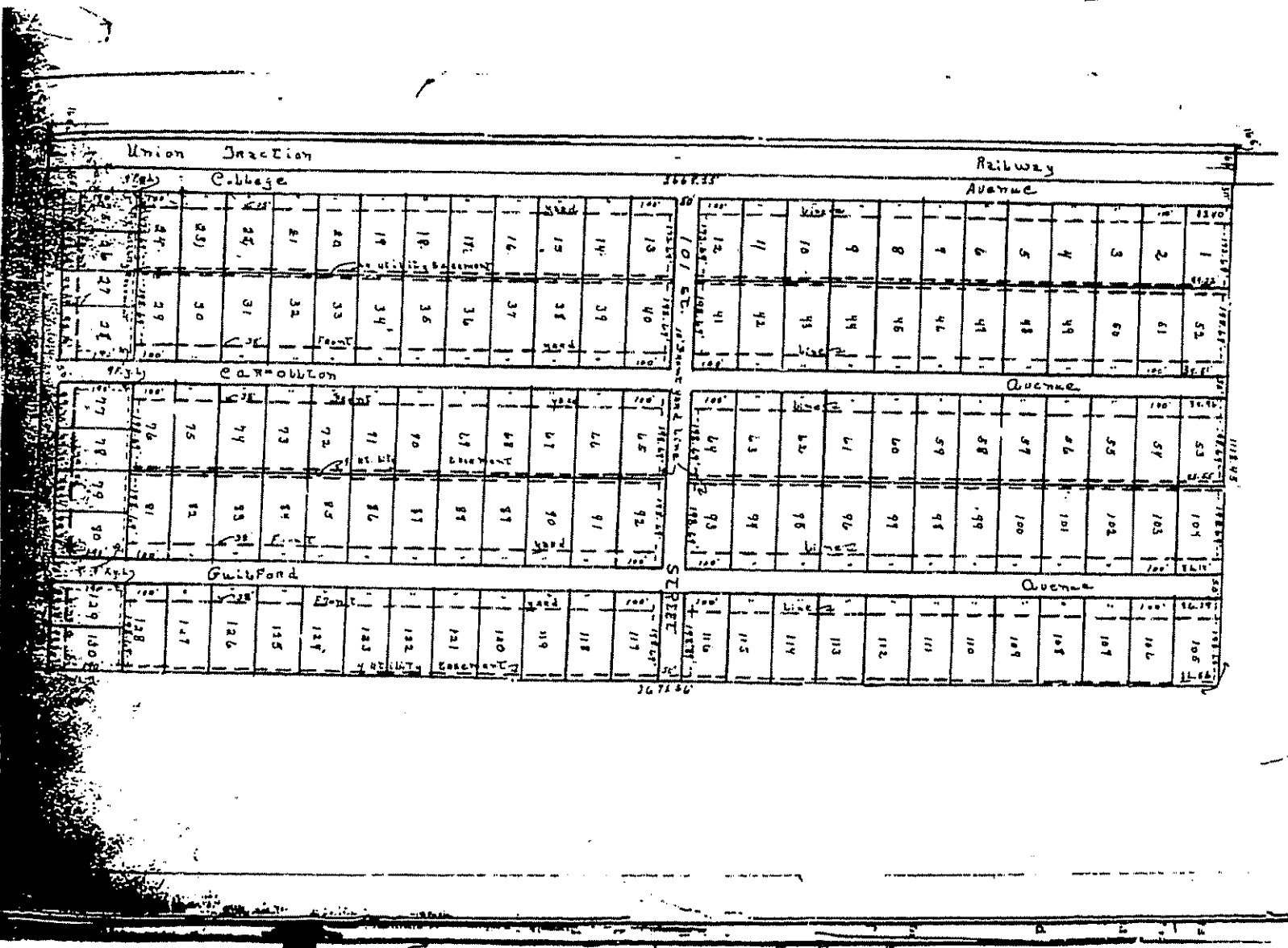
Date: 8-15-95

Prepared by:

Charles D. Frankenberger
NELSON & FRANKENBERGER
3021 East 98th Street, Suite 220
Indianapolis, Indiana 46280
(317) 844-0106

95 AUG 16 PM 1:32
RECORDED
Franklin D. Clark
HAMILTON CO. IN

INSTR. # 954728



This document referred to in Document No. 954728
 Approved this 15th day of July 1928 in honor of Subj: Works O-Pack President John H. H. Moore
 Class 1: Fadd 1e
 Approved this 15th day of July 1928 City Civil Engineer A. H. Moore

This document referred to in Document No. 954728
 Approved this 15th day of July 1928 in honor of Subj: Works O-Pack President John H. H. Moore



INSTR. # 9547728

The security bond is in the name of the State of Indiana
FILED OF COLLIER HILLS

Under signed words certify that the entire plat of "College Hill" is true and correct and represents a subdivision into streets and lots of 740' of the streets and quarter of Section 12, Township 17 North, Range 3 East, Main Meridian, Madison Co. Indiana.

Payment of a point in the south line of said quarter section 21.5 feet east of the southeast corner thereof, thence running east along and with said south line 110.45 feet to a point, thence north and parallel with the east line of said quarter section 271.50 feet to a point in the north line of said quarter section, thence east along and with said north line 110.45 feet to a point, said point being where the east right of way line of the Uojoan Pression Company intersects said north line, distance 82.5 feet east of the northeast corner of said quarter section, thence south along and with said right of way line 200.00 feet to the place of beginning containing 69.55 acres more or less.

This subdivision consists of 110 lots numbered from 1 to 110 with subdivisions. The dimensions shown on within plat are in feet and decimal parts thereof. Witness our signature this 28th day of June 1926.
George J. Schmidt & Co. Surveyors

By R. C. Kallen
The undersigned, security Trust Company, Trustee, by Irving W. Lamont, its President and William C. Kassabum, its Secretary, hereby certified that it has approved and authorized and do hereby lay off plat and subdivisions hereinafter described in accordance with the within plat (herein above certified by George J. Schmidt & Co., Surveyors) of real estate as mentioned in the foregoing specifications by said surveyors, said subdivision shall be known and recognized as "College Hill" and subdivision in the City of Indianapolis.

The foregoing plat hereby established from said lines as given on the within plat, the location of these lines on the several lots are shown in fact back from the property lines of the several streets, wherever such lines and the property lines of the streets shall be contrary or inconsistent, no boundary or subdivision other than the street shall be enforced. The right to enforce these provisions by injunction to give effect to the right to cause the removal by means of law as hereby authorized to the public is also reserved to the several owners of the several lots in this subdivision and their heirs.

There are strips of ground 4 feet in width as shown on the within plat reserved for the use of public utilities (including street car transportation companies) for installation and maintenance of poles, cables, wires, ducts and etc., for companies such as telephone telegraph, gas, water and electric light companies, subject to all laws and the proper authorities and subject further to the several herein directed. No payment or other advantages are to be granted or maintained upon said strips by the owners of other lots or lots, but such owners shall take their title subject to the utility companies and to the right of the owners of the other lots in said subdivision to use the same as shown herein directed for ingress and egress in along streets and through the several strips of ground herein described.

The streets heretofore not dedicated are hereby dedicated to the public. Prior to the date this addition is annexed to the city and shown by the city of Indianapolis, only single family dwellings may be built on an area of not less than 4350 square feet of a lot, except that certain houses may be built on any corner lot, except also that lots 11, 12, 13, 14, 23, 24, 25, 26, 27 and 28 may be used for business purposes.

For a period of 90 days, no lot or part of lot in this addition shall be used or occupied by any person or persons other than members of the pure association race, domestic servants excepted.
In witness whereof this day of July 1926, the security Trust Company, Trustee, has caused its name to be subscribed and its corporate seal to be hereunto affixed and the same to be attested by the signatures of Irving W. Lamont, its President and William C. Kassabum, its secretary, hereunto duly authorized.

Security Trust Company, Trustee
Irving W. Lamont, President
William C. Kassabum, Secretary

State of Indiana County of Marion ss
Personally appeared before us the undersigned, a notary public in and for said county and state, the security Trust Company, Trustee by Irving W. Lamont, its President and William C. Kassabum, its secretary, separately and severally acknowledged the execution of the above and foregoing certificate as their voluntary act and deed for the purposes therein expressed.

Witness my hand and the seal of this 17th day of July 1926. Mary M. Brock
Notary Public

EXHIBIT
B

EXHIBIT "C"
FINDINGS

A. The Plan Commission hereby finds that the character of the Real Estate and the surrounding real estate has significantly changed in the following ways:

- i. The Real Estate, and the property to the north and south of the Real Estate along College Avenue, are zoned B-3, but are part of the College Hills.
- ii. The property which abuts the Real Estate on the north is bordered on the north by I-465.
- iii. The platted fifty (50') foot College Avenue right-of-way has been abandoned with respect to the property which abuts the Real Estate on the north.
- iv. The property which lies south of the Real Estate includes a Village Pantry, Clayworks Pottery, a barber shop, Walker Cleaners, and Your Way Decorating Centre.
- v. The existing use of the Real Estate and of the property which lies south of the Real Estate is consistent with the comprehensive plan and zoning ordinance, but inconsistent with the Plat and Restrictions.
- vi. When the Plat was recorded, it was anticipated that College Avenue would occupy the platted right-of-way, thereby necessitating the existing thirty five (35') foot building line set back, and that a railroad would pass through the sixty-six (66) foot strip of real estate between the existing right-of-way and the platted fifty (50') foot College Avenue right-of-way.
- vii. Contrary to what is set forth in subparagraph (vi) above, (i) the railway does not exist (ii) the sixty-six (66) foot strip of real estate set aside for the railway was reverted back to the underlying owner, and (iii) College Avenue was constructed north of the platted fifty (50') foot College Avenue right-of-way.

INSTR. # 9547728

EXHIBIT "D"

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 12, Township 17 North, Range 3 East in Hamilton County, Indiana, described as follows:

Commencing at the southwest corner of said southwest quarter section; thence North 00 degrees 00 minutes 00 seconds East along the west line of said southwest quarter a distance of 535.01 feet to the POINT OF BEGINNING, being on the westerly extension of the south line of Lot 21 per the plat of College Hills, an Addition in Hamilton County, Indiana recorded in Deed Record 119, Page 30 and 31 in the Office of the Recorder of Hamilton County; thence continuing North 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet to the westerly extension of the north line of Lot 20 in said addition of College Hills; thence South 89 degrees 00 minutes 44 seconds East along said extension line and the north line of said Lot 20 a distance of 306.21 feet to the northeast corner of said Lot 20; thence South 00 degrees 00 minutes 00 seconds West parallel with said west quarter line a distance of 200.00 feet to the southeast corner of Lot 21 of said addition; thence North 89 degrees 00 minutes 44 seconds West along the south line of said Lot 21 and its westerly extension a distance of 306.21 feet to the POINT OF BEGINNING. Containing 1.406 acres, more or less.

INSTR. # 9547728