

MAY 23 2022

STATE OF INDIANA )

) SS:

COUNTY OF SHELBY )

CAUSE NO. PC.2022.10

IN THE MATTER OF )  
THE REQUEST BY ARBOR HOMES )  
ALLEN & ALLEN LLC )  
FOR PRELIMINARY PLAT APPROVAL )  
IN PC.2022.10 FOR ISABELLE FARMS. )

BEFORE THE SHELBYVILLE  
PLAN COMMISSION

**COMMENT ON COVENANTS FOR ARBOR HOMES SUBDIVISION  
ON NORTH STATE ROAD 9 AND MICHIGAN ROAD IN SHELBYVILLE**

The covenants tendered to the Planning Commission are taken from a blank generic form from other projects by Arbor Homes, and not adapted to the Shelbyville project. This large subdivision has substantial wooded areas and fencing required in order to adapt it to the area, including adjacent lake, residential areas, and commercial properties.

I recommend the following improvements be adopted for this project:

1. The requirement for a fence adjacent to the real estate should include the maintenance of the fence under Article X. Such fencing shall be preserved as an expense of maintenance in good condition and state of repair. In addition, the owners of the land outside the subdivision immediately adjacent to such fencing a boundary line with the subdivision shall be entitled to enforce such obligation to fence and maintain the fencing in the same manner as Lot owners in the subdivision.

2. Article X in the first paragraph should be amended to provide that the City of Shelbyville through its Board of Public Works or designated agency, shall have the right to enforce any covenant, condition or restriction provided for the subdivision. Such cost of enforcement shall be added as a special assessment against the Lot owners to whom such failure to comply is attributable in the reasonable discretion of the Board of the City.

3. The sections under Article X on maintenance are weak and do not provide for prevention and eradication of invasive plants, such as Bush Honeysuckle (*Lonicera maackii*), which are present now on the Real Estate. The current obligation of the covenants only provides to "cut down and remove dead trees". Invasive species is a major problem in Shelbyville and the surrounding area, which will infiltrate the subdivision unless there is a duty to carry on a program to deal with the invasive plants. Such provision can read as part of Article X as follows:

“The Lots, Common Areas, Landscape Easements and Tree Preservation Areas shall be kept free of invasive terrestrial plants as listed by the (a) Indiana Invasive Species Council, under I. C. 15-16-10, as amended or other statute with the same subject matter or (b) the Indiana Department of Natural Resources as terrestrial invasive species, in effect from time to time”.

4. Until the Applicable Date when the subdivision is transferred to the Homeowner’s Association, an individual person shall be designated with the Plan Commission to act for the Declarant, as project manager for matters relating to construction and the covenants. Such individual person shall be available during business hours, Monday through Friday, with a telephone number, email address and postal address, to respond to inquiries from the City of Shelbyville, adjacent property owners to the Real Estate, and Lot owners.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Adams', is written over a horizontal line.

Robert Adams