

CITY OF SHELBYVILLE

Adam M Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 4/24/2023

Case Number & Name:	PC 2023-08; Marketplace; Preliminary Plat			
Petitioner's Name:	GSSR Investments			
Owner's Name:	GSSR Investments			
Petitioner's Representative:	Himan Garg, GSSR Investments Eric Carter, Weihe Engineering			
Address of Property:	2235 Marketplace Boulevard, Shelbyville, IN			
Subject Property Zoning Classification:	BH – Business Highway			
Comprehensive Future Land use:	Gateway/Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	BH – Business Highway	RM – Multiple-family Residential	BH – Business Highway	BH – Business Highway
Surrounding Properties' Future Land Use	Gateway/Mixed Use	Gateway/Mixed Use	Gateway/ Mixed Use	Gateway/Mixed Use
History:	The parcel being platted is part of the Marketplace development. Five (5) lots along State Road 44 have already been developed. The petitioner is proposing an additional five (5) lots.			
Vicinity Map:				
Action Requested:	A request for Preliminary Plat approval to subdivide approximately 11.56 acres into five (5) lots.			

1. This petition is a preliminary plat to subdivide a 11.56 acre lot into five (5) lots including:
 - a. Block A – 2.49 acres
 - b. Block B – 2.13 acres
 - c. Block C – 2.60 acres
 - d. Block D – 1.85 acres
 - e. Block E – 1.42 acres

In accordance with Article 9 of the City of Shelbyville Unified Development Ordinance, the Plan Commission shall consider the following criteria when reviewing a preliminary plat approval:

- f. The proposed preliminary plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district:**

In the BH – Business Highway zoning district the minimum lot area is 15,000 square feet with a minimum lot width of eighty (80) feet. Each of the proposed lots meet this standard; per the description above. Additionally, the UDO prescribes street access requirements which require every lot to have access to a public street, either directly or through an access road. This site will have an access road along with access to Marketplace Boulevard and Progress Parkway.

- g. Satisfies any other applicable provisions of the Unified Development Ordinance.**

The project has been reviewed for compliance under all applicable standards of the UDO.

STAFF RECOMMENDATION: APPROVAL

Preliminary Plat: PC 2023-08; Marketplace; Preliminary Plat

Findings of Fact by the Shelbyville Plan Commission

Staff Prepared

Motion:

(I) would like to make a motion to approve the preliminary plat as presented to this body, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The proposed preliminary plat **is** consistent with the subdivision control regulations and the development standards for the applicable zoning district, as outlined in the planning staff's report.

☐ The proposed preliminary plat **is not** consistent with the subdivision control regulation and the development standards for the applicable zoning district, as outlined in the planning staff's report.
2. ☐ The proposed preliminary plat **is** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.

☐ The proposed preliminary plat **is not** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.

Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.
- 3.

Shelbyville Plan Commission

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary



PRELIMINARY PLAT - APPLICATION

SHELBYVILLE PLAN COMMISSION
44 WEST WASHINGTON STREET
SHELBYVILLE, IN 46176
P: 317-392-5102

For Office Use Only

Case #: PC 1023-08

Hearing Date: 02/27/23

Fees: \$1025.00

☐ Approved ☐ Denied

Applicants must also submit all required documents and supplemental documents, as outlined in UDO 9.11-C-2-b, 9.11-C-3-c(ii), and 9.11-C-4-c(ii), and summarized in the "Submission Materials" provided within this application package.

1. Applicant/Property Owner

Applicant:

Name: GSSR Investments, Himan Garg
Address: 580 E. Carmel Drive Suite 100, Carmel, IN 46032
Phone Number: [REDACTED]
Fax Number: [REDACTED]
Email Address: [REDACTED]

Owner:

Name: GSSR Investments, Himan Garg
Address: 580 E. Carmel Drive Suite 100, Carmel, IN 46032
Phone Number: [REDACTED]
Fax Number: [REDACTED]
Email Address: [REDACTED]

2. Applicant's Attorney/Contact Person and Project Designer (if any):

Attorney/Contact Person:

Name: Eric Carter
Address: [REDACTED]
Phone Number: [REDACTED]
Fax Number: [REDACTED]
Email Address: [REDACTED]

Project Designer:

Name: Weihe Engineers, Eric Carter
Address: 10505 N. College Ave Indianapolis, IN 46280
Phone Number: [REDACTED]
Fax Number: [REDACTED]
Email Address: [REDACTED]

3. Project Information:

Proposed Development Name: Shelbyville Marketplace
Area in Acres: 11.55
of Requested Subdivision Standards Waiver(s)* [REDACTED]

Zoning Classification: Business Highway
Number of Lots: 5 lots

*Attach one Subdivision Standards Waiver application for each requested waiver

4. Subdivision Classification:

☐ Administrative Subdivision

☐ Minor Subdivision

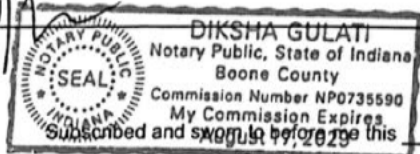
☒ Major Subdivision

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: [Signature]

Date: 02/27/23

State of INDIANA
County of BOONE) SS:



27th day of FEB., 2023

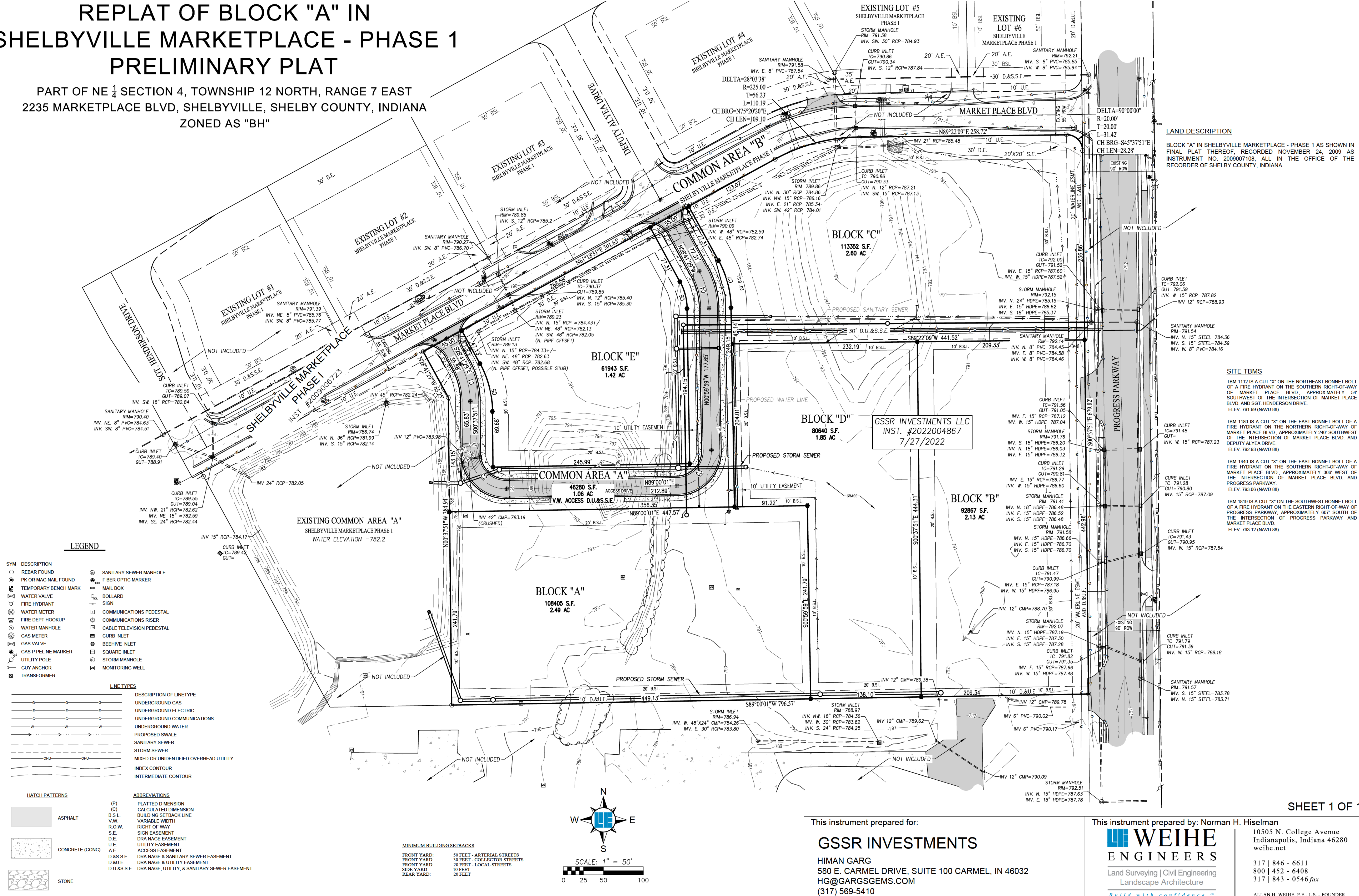
[Signature]

DIKSHA GULATI
Notary Public - Signed Printed

Residing in BOONE County My Commission expires AUG. 17, 2029

REPLAT OF BLOCK "A" IN
SHELBYVILLE MARKETPLACE - PHASE 1
PRELIMINARY PLAT

PART OF NE 1/4 SECTION 4, TOWNSHIP 12 NORTH, RANGE 7 EAST
2235 MARKETPLACE BLVD, SHELBYVILLE, SHELBY COUNTY, INDIANA
ZONED AS "BH"



LAND DESCRIPTION
BLOCK "A" IN SHELBYVILLE MARKETPLACE - PHASE 1 AS SHOWN IN FINAL PLAT THEREOF, RECORDED NOVEMBER 24, 2009 AS INSTRUMENT NO. 2009007108, ALL IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA.

SITE TBMS
TBM 1112 IS A CUT "X" ON THE NORTHEAST BONNET BOLT OF A FIRE HYDRANT ON THE SOUTHERN RIGHT-OF-WAY OF MARKET PLACE BLVD, APPROXIMATELY 54' SOUTHWEST OF THE INTERSECTION OF MARKET PLACE BLVD AND SGT. HENDERSON DRIVE. ELEV. 791.99 (NAVD 88)
TBM 1180 IS A CUT "X" ON THE EAST BONNET BOLT OF A FIRE HYDRANT ON THE SOUTHERN RIGHT-OF-WAY OF MARKET PLACE BLVD, APPROXIMATELY 240' SOUTHWEST OF THE INTERSECTION OF MARKET PLACE BLVD AND DEPUTY ALYEA DRIVE. ELEV. 792.93 (NAVD 88)
TBM 1440 IS A CUT "X" ON THE EAST BONNET BOLT OF A FIRE HYDRANT ON THE SOUTHERN RIGHT-OF-WAY OF MARKET PLACE BLVD, APPROXIMATELY 300' WEST OF THE INTERSECTION OF MARKET PLACE BLVD AND PROGRESS PARKWAY. ELEV. 793.06 (NAVD 88)
TBM 1819 IS A CUT "X" ON THE SOUTHWEST BONNET BOLT OF A FIRE HYDRANT ON THE EASTERN RIGHT-OF-WAY OF PROGRESS PARKWAY, APPROXIMATELY 607' SOUTH OF THE INTERSECTION OF PROGRESS PARKWAY AND MARKET PLACE BLVD. ELEV. 793.12 (NAVD 88)

This instrument prepared for:
GSSR INVESTMENTS
HIMAN GARG
580 E. CARMEL DRIVE, SUITE 100 CARMEL, IN 46032
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ALLAN H. WEIHE, P.E., L.S. - FOUNDER

REPLAT OF BLOCK "A" IN SHELBYVILLE MARKETPLACE - PHASE 1 VICINITY MAP

PART OF NE 1/4 SECTION 4, TOWNSHIP 12 NORTH, RANGE 7 EAST
2235 MARKETPLACE BLVD, SHELBYVILLE, SHELBY COUNTY, INDIANA
ZONED AS "BH"

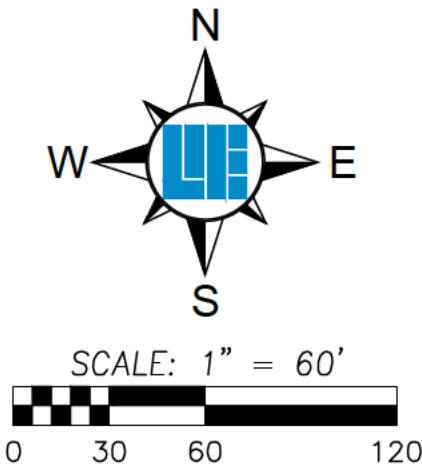
LEGEND

SYM	DESCRIPTION	SYM	DESCRIPTION
	WATER VALVE		FIBER OPTIC MARKER
	FIRE HYDRANT		MAIL BOX
	WATER METER		BOLLARD
	FIRE DEPT HOOKUP		SIGN
	WATER MANHOLE		COMMUNICATIONS PEDESTAL
	GAS METER		COMMUNICATIONS RISER
	GAS VALVE		CABLE TELEVISION PEDESTAL
	GAS PIPELINE MARKER		CURB INLET
	UTILITY POLE		BEEHIVE INLET
	GUY ANCHOR		SQUARE INLET
	TRANSFORMER		STORM MANHOLE
	SANITARY SEWER MANHOLE		MONITORING WELL

LINE TYPES	DESCRIPTION OF LINETYPE
	UNDERGROUND GAS
	UNDERGROUND WATER
	SANITARY SEWER
	STORM SEWER
	MIXED OR UNIDENTIFIED OVERHEAD UTILITY

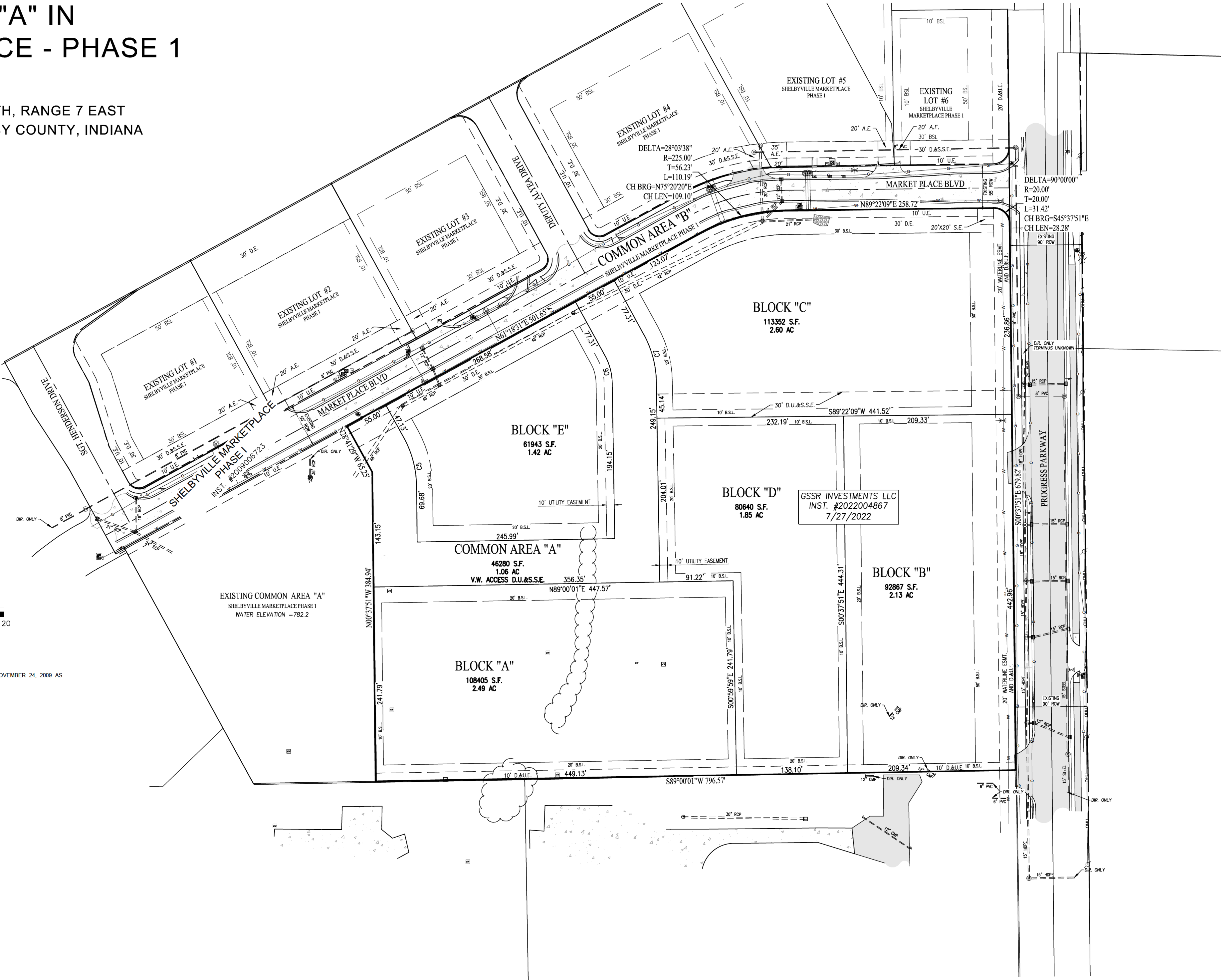
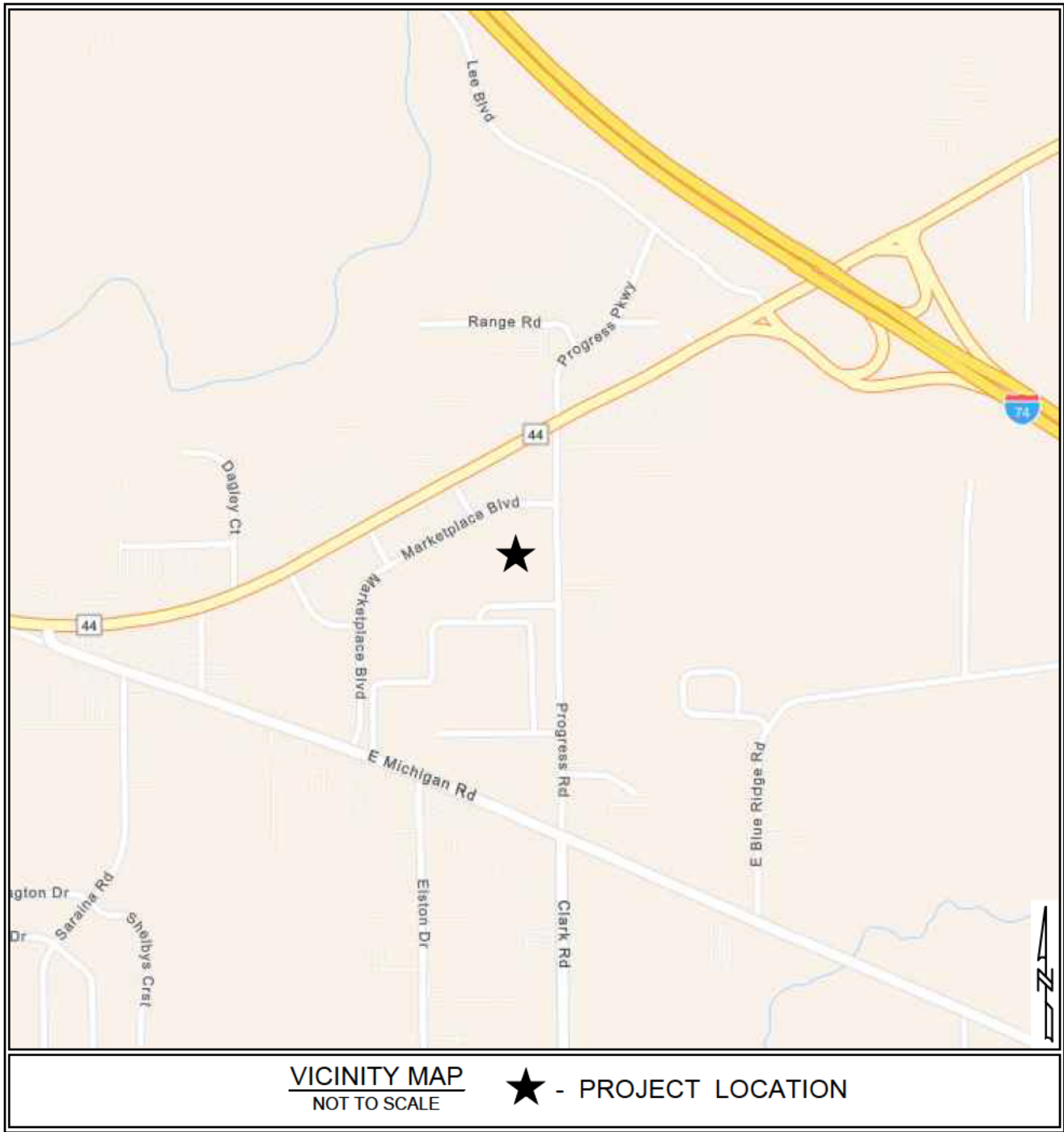
HATCH PATTERNS	DESCRIPTION
	ASPHALT
	STONE
	CONCRETE (CONC)

ABBREVIATIONS	DESCRIPTION
(P)	PLATTED DIMENSION
(C)	CALCULATED DIMENSION
B.S.L.	BUILDING SETBACK LINE
V.W.	VARIABLE WIDTH
R.O.W.	RIGHT OF WAY
S.E.	SIGN EASEMENT
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
A.E.	ACCESS EASEMENT
D.&S.S.E.	DRAINAGE & SANITARY SEWER EASEMENT
D.&U.E.	DRAINAGE & UTILITY EASEMENT
D.U.&S.S.E.	DRAINAGE, UTILITY, & SANITARY SEWER EASEMENT



LAND DESCRIPTION

BLOCK "A" IN SHELBYVILLE MARKETPLACE - PHASE 1 AS SHOWN IN FINAL PLAT THEREOF, RECORDED NOVEMBER 24, 2009 AS INSTRUMENT NO. 2009007108, ALL IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA.



This instrument prepared for:

GSSR INVESTMENTS

HIMAN GARG
580 E. CARMEL DRIVE, SUITE 100 CARMEL, IN 46032
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This instrument prepared by: Norman H. Hiselman

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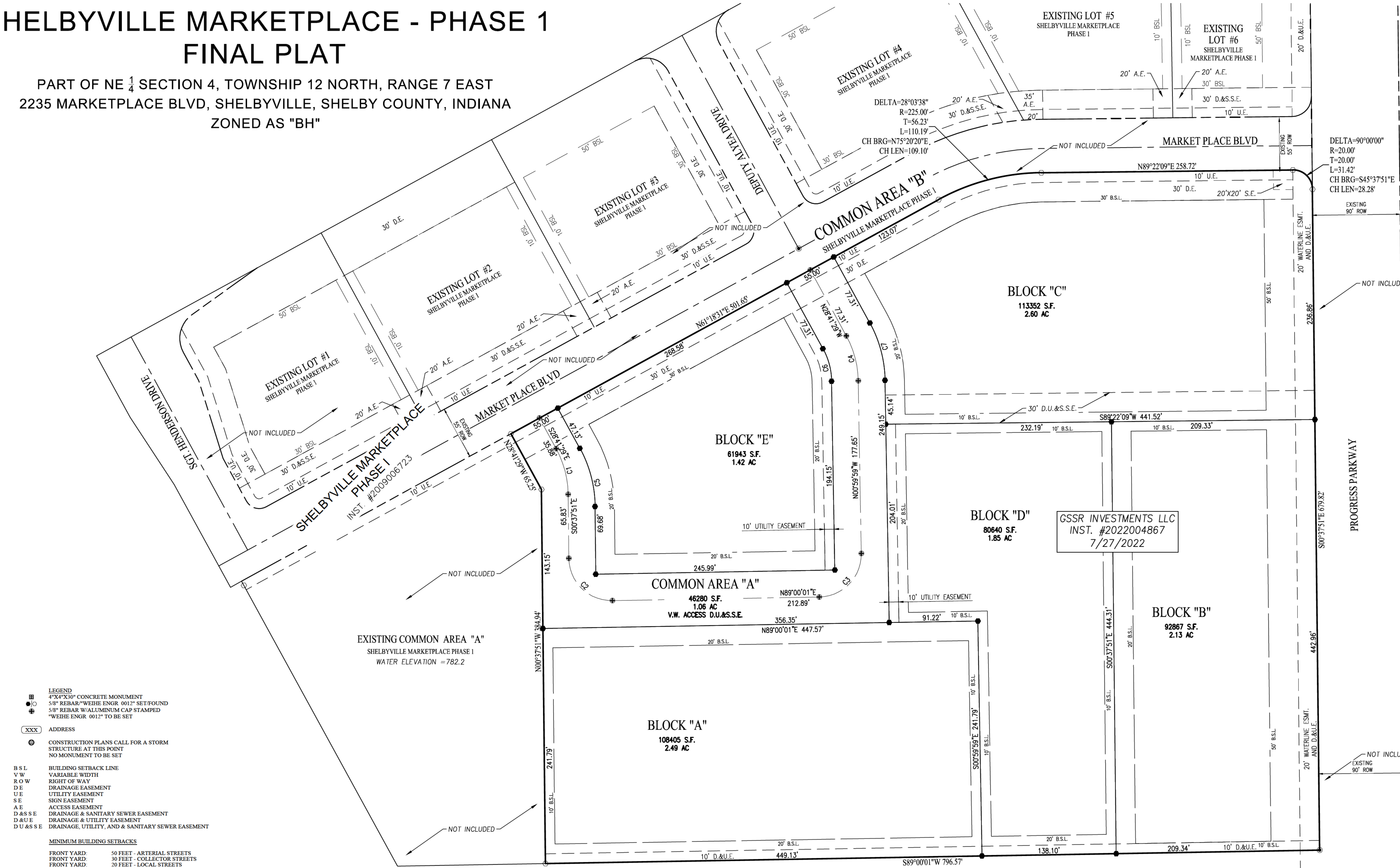
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FINAL PLAT

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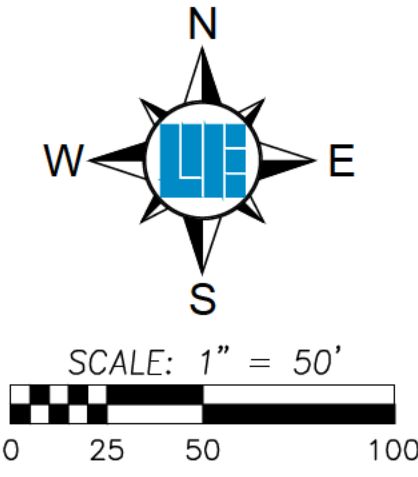
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THE INTERSECTION OF PROGRESS PARKWAY AND
MARKET PLACE BLVD.
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- LEGEND
4"x4"x30" CONCRETE MONUMENT
5/8" REBAR/WEIHE ENGR. 0012" SET/FOUND
5/8" REBAR W/ALUMINUM CAP STAMPED
"WEIHE ENGR. 0012" TO BE SET
ADDRESS
CONSTRUCTION PLANS CALL FOR A STORM
STRUCTURE AT THIS POINT
NO MONUMENT TO BE SET
B.S.L. BUILDING SETBACK LINE
V.W. VARIABLE WIDTH
R.O.W. RIGHT OF WAY
D.E. DRAINAGE EASEMENT
U.E. UTILITY EASEMENT
S.E. SIGN EASEMENT
A.E. ACCESS EASEMENT
D.&S.E. DRAINAGE & SANITARY SEWER EASEMENT
D.&U.E. DRAINAGE & UTILITY EASEMENT
D.U.&S.E. DRAINAGE, UTILITY, AND & SANITARY SEWER EASEMENT

MINIMUM BUILDING SETBACKS

FRONT YARD:	50 FEET - ARTERIAL STREETS
FRONT YARD:	30 FEET - COLLECTOR STREETS
FRONT YARD:	20 FEET - LOCAL STREETS
SIDE YARD:	10 FEET
REAR YARD:	20 FEET

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	48.97'	100.00'	28°03'38"	S14°39'40"E	48.49'
C2	69.40'	44.00'	90°22'08"	S45°48'55"E	62.43'
C3	69.12'	44.00'	90°00'00"	N44°00'01"E	62.23'
C4	48.33'	100.00'	27°41'30"	N14°50'44"W	47.86'
C5	62.44'	127.50'	28°03'38"	N14°39'40"W	61.82'
C6	35.04'	72.50'	27°41'30"	S14°50'44"E	34.70'
C7	61.62'	127.50'	27°41'30"	N14°50'44"W	61.02'



This instrument prepared for:
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REPLAT OF BLOCK "A" IN SHELBYVILLE MARKETPLACE - PHASE 1 FINAL PLAT

PART OF NE $\frac{1}{4}$ SECTION 4, TOWNSHIP 12 NORTH, RANGE 7 EAST
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REGISTERED LAND SURVEYOR'S CERTIFICATE

THIS PLAT IS BASED ON A SURVEY PREPARED BY MAURER SURVEYING, INC. COMPLETED UNDER JOB NO. 2575-ALTA-01 ON JUNE 6, 2022.

THIS SUBDIVISION CONSISTS OF 5 BLOCKS, LABELED "A" THROUGH "E", AND COMMON AREA "A", AS SHOWN ON THE WITHIN PLAT. THE SIZES OF THE LOTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

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.

WITNESS MY SIGNATURE THIS ____ DAY OF _____, 20____.

NORMAN H. HISELMAN
PROFESSIONAL LAND SURVEYOR #50461
STATE OF INDIANA

THIS INSTRUMENT WAS PREPARED BY: NORMAN H. HISELMAN, WEIHE ENGINEERS, INC.

PLAT COVENANTS, RESTRICTIONS AND EASEMENTS FOR "SHELBYVILLE MARKETPLACE"

THE UNDERSIGNED, GSSR INVESTMENTS, AN INDIANA LIMITED LIABILITY CORPORATION (THE "DEVELOPER"), OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, HEREBY CERTIFYING THAT IT HAS LAID OFF, PLATTED AND SUBDIVIDED, AND DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND CERTIFICATE, THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE REPLAT OF SHELBYVILLE MARKETPLACE BLOCK "A", AN ADDITION TO THE CITY OF SHELBYVILLE, INDIANA, IN ADDITION TO THE COVENANTS AND RESTRICTIONS HEREINAFTER SET FORTH CONTAINED IN THIS PLAT, THE REAL ESTATE DESCRIBED IN THIS PLAT IS SUBJECT TO CERTAIN ADDITIONAL COVENANTS AND RESTRICTIONS CONTAINED IN THAT CERTAIN "DECLARATION OF COVENANTS AND RESTRICTIONS OF SHELBYVILLE MARKETPLACE COMMUNITY", RECORDED ON THE 18TH DAY OF NOVEMBER, 2009 AS INSTRUMENT NO. 2009007177, IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA, AS AMENDED BY THAT CERTAIN "FIRST AMENDMENT TO DECLARATION OF DEVELOPMENT NO. 2010006309 IN SAID RECORDER'S OFFICE, ANY CONFLICTING COVENANT OR RESTRICTION CONTAINED IN THIS PLAT SHALL GOVERN AND CONTROL TO THE EXTENT ONLY OF AN IRRECONCILABLE CONFLICT WITH ANY OF THE COVENANTS AND RESTRICTIONS CONTAINED IN THE DECLARATION, IT BEING THE INTENT HEREOF THAT ALL SUCH COVENANTS AND RESTRICTIONS SHALL BE APPLICABLE TO SAID REAL ESTATE TO THE GREATEST EXTENT POSSIBLE. ALL OF THE TERMS, PROVISIONS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION ARE HEREBY INCORPORATED HEREIN BY REFERENCE. IN ORDER TO PROVIDE ADEQUATE PROTECTION TO ALL PRESENT AND FUTURE OWNERS OF BLOCKS THIS SUBDIVISION, THE FOLLOWING COVENANTS, RESTRICTIONS, AND LIMITATIONS, IN ADDITION TO THOSE SET FORTH IN THE DECLARATION, ARE HEREBY IMPOSED UPON AND SHALL RUN WITH THE LAND INCLUDED IN THIS SUBDIVISION AND SHALL BE BINDING UPON THE DEVELOPER AND ANYONE AT ANYTIME OWNING ANY PART OR PORTION OF SUCH LAND.

1. EASEMENTS:
"DRAINAGE AND UTILITY EASEMENT": THE STRIPS OF GROUND OR AREAS INDICATED AS "DRAINAGE & UTILITY EASEMENT" (D.&U.E.) ARE RESERVED FOR THE USE OF THE CITY OF SHELBYVILLE BOARD OF PUBLIC WORKS AND SAFETY, ITS SUCCESSORS AND ASSIGNS, TO INSTALL, INSPECT, REPAIR, REPLACE, AND MAINTAIN WATER AND SEWER MAINS, POLES, DUCTS, LINES, WIRES AND DRAINAGE FACILITIES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED.

"UTILITY EASEMENT": THE STRIPS OF GROUND OR AREAS INDICATED AS "UTILITY EASEMENT" (U.E.) ARE RESERVED FOR THE USE OF THE PUBLIC UTILITY COMPANIES AND THE CITY OF SHELBYVILLE BOARD OF PUBLIC WORKS AND SAFETY, ITS SUCCESSORS AND ASSIGNS, TO INSTALL, INSPECT, REPAIR, REPLACE, AND MAINTAIN WATER AND SEWER MAINS, POLES, DUCTS, LINES, WIRES, AND DRAINAGE FACILITIES, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED.

"SIGN EASEMENT": THE STRIPS OF GROUND OR AREAS INDICATED AS "SIGN EASEMENT" (S.E.) ARE RESERVED FOR THE USE OF THE DEVELOPER AND OWNER'S ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO INSTALL, INSPECT, REPAIR, REPLACE, AND MAINTAIN SIGNS, AND ASSOCIATED IMPROVEMENTS AND LANDSCAPING, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED.

"ACCESS EASEMENT": THE STRIPS OF GROUND OR AREAS INDICATED AS "ACCESS EASEMENT" (A.E.) ARE RESERVED FOR THE USE OF THE LOT OR BLOCK OWNERS OF THE COMMON LOTS WHERE THE EASEMENTS ARE LOCATED, TO INSTALL, INSPECT, REPAIR, REPLACE, AND MAINTAIN "COMMON DRIVEWAYS" AND ASSOCIATED IMPROVEMENTS, FOR INGRESS—EGRESS INTO SAID COMMON LOTS, SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENT HEREIN RESERVED.

ON ALL OF THE ABOVE DESCRIBED EASEMENTS: NO PERMANENT OR OTHER STRUCTURES ARE TO BE ERRECTED OR MAINTAINED UPON SAID STRIPS OR AREAS OF LAND; OWNERS OF BLOCKS/LOTS IN THIS SUBDIVISION SHALL TAKE TITLE TO THEIR BLOCKS/LOTS SUBJECT TO SAID EASEMENT RIGHTS.

2. COMMON AREAS:
COMMON AREA "A" — THAT PORTION OF GROUND WHICH, UPON FINAL CONSTRUCTIONS OR PROVISION THEREOF, SHALL BE CONVEYED BY THE DEVELOPER OF SHELBYVILLE MARKETPLACE THE AREA IS DESIGNATED AS AN "ACCESS AND DRAINAGE AND SANITARY SEWER EASEMENT". (ACCESS D.U.I.&S.S.E.). IT IS RESERVED FOR THE USE OF THE SHELBYVILLE MARKETPLACE OWNERS/TENANTS AND THE GENERAL PUBLIC EGRESS (ACCESS) TO AND FROM SHELBYVILLE MARKETPLACE; IT IS ALSO RESERVED FOR INGRESS — EGRESS AS A "ACCESS AND DRAINAGE AND SANITARY SEWER EASEMENT" (ACCESS D.U.&S.S.E.) WITH OF THE RIGHTS AND USES AS DEFINED ABOVE THE EASEMENT SECTION: NO PERMANENT OR OTHER STRUCTURES, EXCEPT STRUCTURES APPROVED IN ACCORDANCE AND CONSISTENT WITH THE PROVISIONS OF THE ABOVE REFERENCED COVENANTS, ARE TO BE ERRECTED OR MAINTAINED WITHIN SAID AREAS. ALL COMMON AREAS, INCLUDING ADDITIONAL COMMON AREAS THE DEVELOPER'S OPTION, SHALL BE SUBJECT TO THE APPLICABLE COVENANTS AND RESTRICTIONS CONTAINED IN THE DECLARATION.

3. STORM DRAINAGE MAINTENANCE. THE MAINTENANCE OF THE STORM DRAINAGE SYSTEM FOR THIS SUBDIVISION BY THE ASSOCIATION SHALL INCLUDE BUT SHALL NOT BE LIMITED TO THE MAINTENANCE OF DETENTION AREAS, INLET STRUCTURES, OPEN DITCHES, PIPES, SWALES, AND PAVED SWALES. THE COSTS AND EXPENSES OF SUCH MAINTENANCE OF THE STORM DRAINAGE SYSTEM SHALL BE ASSESSED AS PART OF THE GENERAL ASSESSMENT AGAINST THE OWNERS/ TENANTS OF ALL BLOCKS/LOTS THIS SUBDIVISION AS PROVIDED IN THE DECLARATION AND SHALL BE SECURED BY A LIEN AGAINST ALL BLOCKS/LOTS IN THIS SUBDIVISION. SUMP PUMPS, GRAVITY DRAINS AND OTHER DRAINS SERVING INDIVIDUAL RESIDENCES ON LOTS SHALL DISCHARGE ONTO GRASS SURFACE NO CLOSER TO THE ROADS THAN THE BUILDING SETBACK LINE AND A MINIMUM OF 10 FEET FROM THE DRAINAGE SWALES.

4. DRAINAGE SWALES. DRAINAGE SWALES (DITCHES OR DRAINAGE DETENTION AREAS) ON DEDICATED EASEMENTS ARE NOT TO BE ALTERED, DUG OUT, FILLED IN, TILED, OR OTHERWISE CHANGED WITHOUT THE WRITTEN PERMISSION OF THE ASSOCIATION. BLOCKLOT OWNERS MUST MAINTAIN THESE SWALES AS SOODED GRASS ACROSS OR OTHER NON-ERODING SURFACES. WATER FROM ROOFS OR PARKING AREAS MUST BE CONTAINED ON THE PROPERTY LONG ENOUGH SO THAT THESE DRAINAGE SWALES OR DITCHES WILL NOT BE DAMAGED BY SUCH WATER. ANY PROPERTY OWNER ALTERING, CHANGING, OR DAMAGING THESE DRAINAGE SWALES OF DITCHES WILL BE HELD RESPONSIBLE FOR SUCH ACTION AND WILL BE GIVEN 10 DAYS NOTICE BY CERTIFIED MAIL TO REPAIR SAID DAMAGE AFTER WHICH TIME, IF NO ACTION IS TAKEN, THE ASSOCIATION WILL CAUSE SAID REPAIRS TO BE ACCOMPLISHED AND THE STATEMENT FOR COSTS OF THE SAID REPAIRS WILL BE SENT TO THE AFFECTED PROPERTY OWNER FOR IMMEDIATE PAYMENT AND SUCH COSTS WILL CONSTITUTE A LIEN ON THE PROPERTY OWNER'S LOT UNTIL PAID. UPON THE COMPLETION OF THE INITIAL CONSTRUCTION OF A RESIDENCE UPON ANY LOT WITHIN THIS DEVELOPMENT, THE BUILDING CONTRACTOR RESPONSIBLE FOR SUCH CONSTRUCTION SHALL BE

REQUIRED TO PROVIDE AN AFFIDAVIT OF COMPLIANCE WITH THE REQUIREMENTS OF THIS PLAT, THE INDIANA DRAINAGE CODE OF 1965 AND THE APPLICABLE SHELBY COUNTY ORDINANCES, WHICH AFFIDAVIT SHALL BE SUBMITTED TO THE COMMITTEE.

5. SETBACKS BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREETS NO BUILDING OR STRUCTURE (EXCEPT WALKS AND FENCES TO THE EXTENT PERMITTED HEREBY OR BY DECLARATION), SHALL BE ERRECTED OR MAINTAINED. NO BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SHALL BE ERRECTED CLOSER TO ANY FRONT BLOCKLOT LINE THAN 50 FEET WHEN ADJACENT TO AN ARTERIAL STREET, 30 FEET WHEN ADJACENT TO A COLLECTOR STREET, OR 20 FEET WHEN ADJACENT TO A LOCAL STREET, OR ANY SIDE LOT LINE OF ANY BLOCKLOT THAN 10 FEET, OR CLOSER TO ANY REAR BLOCKLOT LINE OF ANY BLOCK/ LOT THAN 20 FEET, UNLESS PROPOSED OTHERWISE. PERMITTED HEREBY OR BY THE DECLARATION.

6. TEMPORARY CONSTRUCTION. NO CONSTRUCTION SHACKS OR OUTHOUSES SHALL BE ERRECTED OR SITUATED ON ANY BLOCKLOT HEREIN. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT-BUILDING SHALL BE PERMITTED TO REMAIN ON ANY BLOCK/LOT OR USED ON ANY BLOCK/ LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY. ALL JOB SITES MUST REMAIN NEAT AND CLEAN DURING CONSTRUCTION. IF THE DEVELOPER IS NOT SATISFIED WITH THE APPEARANCE OF A CONSTRUCTION SITE, AFTER 10 DAYS NOTICE THEREOF TO THE OWNER OF THE RESPECTIVE BLOCKLOT, THE DEVELOPER MAY CAUSE THE SITE TO BE CLEANED AND MAY ASSESS SUCH CHARGES SPECIFICALLY AGAINST THE OWNER THEREOF.

7. PERPETUATION OF DRAINAGE. ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF ANY IMPROVEMENTS WITHIN THIS SUBDIVISION SHALL BE PERPETUATED AND ALL OWNERS OF BLOCKSLOTS IN THIS SUBDIVISION AND THEIR SUCCESSORS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965, AND ALL AMENDMENTS THERETO.

8. OBSTRUCTIONS. ALL INTERSECTIONS MUST MAINTAIN AN AREA (SIGHT VISIBILITY TRIANGLE) WHERE PR MARY OR ACCESSORY STRUCTURES, TREES, VEGETATION (OTHER THAN AGRICULTURAL CROPS), OR SIGNS (OTHER THAN ROAD SIGNS) ARE NOT ALLOWED TO BE PLACED OVER A PROJECT OVER A HEIGHT OF 2.5 FEET MEASURED FROM THE NEAREST TOP-OF-CURB (OR EDGE OF PAVEMENT WHERE CURBS ORE NOT PRESENT). SIGHT VISIBILITY TRIANGLE SHALL BE ESTABLISHED BY CONNECTING POINTS LOCATED ALONG THE INTERSECTING RIGHTS-OF-WAY AT THE FOLLOWING INTERVALS: 1) WHERE AN ARTERIAL STREET INTERSECTS ANY OTHER TYPE OF STREET A 35 FEET SIGHT VISIBILITY TRIANGLE SHALL BE OBSERVED; 2) WHERE A COLLECTOR STREET INTERSECTS ANY OTHER TYPE OF STREET A 30 FEET SIGHT TRIANGLE SHALL BE OBSERVED; 3) WHERE A LOCAL STREET INTERSECTS ANY OTHER TYPE OF STREET A 15 FEET SIGHT VISIBILITY TRIANGLE SHALL BE OBSERVED; 4) A PRIVATE ENTRANCE INTERSECTS ANY OTHER TYPE OF STREET A 10 FEET SIGHT VISIBILITY TRIANGLE SHALL BE OBSERVED.

9. SIDEWALKS. SIX (6) FOOT WIDE SIDEWALKS SHALL BE CONSTRUCTED AS REQUIRED BY THE SIDEWALK PLAN APPROVED BY THE SHELBYVILLE PLAN COMMISSION, WHICH CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE BLOCK/LOT OWNER UPON WHOSE BLOCKLOT THE SIDEWALK IS TO BE CONSTRUCTED; PROVIDED, HOWEVER, THAT ANY COMMON AREA SIDEWALKS SHALL BE CONSTRUCTED BY THE DEVELOPER AS DESIGNATED ON THE FINAL DEVELOPMENT-SIDEWALK PLAN. ALL SIDEWALKS SHALL BE COMPLETED AT THE SAME TIME AS THE DRIVEWAY IS CONSTRUCTED ON THE BLOCKLOT BY THE BLOCKLOT OWNER. ALL SIDEWALKS SHALL BE POURED CONCRETE, WITH EXPANSION JOINTS, SUCH CONSTRUCTION TO BE PERPETUAL AND CONTINUOUS ALONG THE STREET FRONTS/AGES AND ACROSS THE DRIVEWAY/OF EACH BLOCKLOT.

10. SALES OFFICE. AS PERMITTED BY THE CITY OF SHELBYVILLE ZONING ORDINANCE, AND TO THE EXTENT DEEMED NECESSARY OR DESIRABLE BY DEVELOPER, DEVELOPER SHALL BE PERMITTED TO PLACE SALES OFFICES AND CONSTRUCTION, DEVELOPMENT, MARKETING AND MAINTENANCE OF THE SUBDIVISION ON ANY UNSOLD BLOCKLOT OR ON ANY COMMON AREA IN THE SUBDIVISION UNTIL 180 DAYS FOLLOWING THE SALE, CLOSING AND DEED TRANSFER TO A BLOCKLOT OWNER OTHER THAN DEVELOPER OF THE LAST BLOCKLOT IN THE SUBDIVISION. ALL SALES OFFICES OR OTHER CONSTRUCTION SHALL BE REMOVED IF THE DEVELOPER/OWNER SEIZES BUSINESS.

11. NON-LIABILITY OF DEVELOPER AND COMMITTEE. NOTWITHSTANDING ANY REVIEW OR APPROVAL OF PLANS AND SPECIFICATIONS SUBMITTED BY A BLOCKLOT OWNER, THE DEVELOPER AND COMMITTEE SHALL HAVE NO LIABILITY FOR COMPLIANCE OF SUCH PLANS WITH THESE PLAT RESTRICTIONS OR THE DECLARATION OF ANY APPLICABLE CODE, REGULATION OR LOW.

12. COVENANTS APPURTENANT TO LAND. THESE COVENANTS ARE TO RUN WITH THE LAND, AND SHALL BE BINDING ON PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AT WHICH T ME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS EACH, UNLESS AT ANY TIME AFTER FIFTEEN (15) YEARS A MAJORITY OF THE THEN OWNERS OF THE BLOCKS/LOTS IN THIS SUBDIVISION AGREE TO CHANGE (OR TERMINATE) SAID COVENANTS IN WHOLE OR IN PART AND ON THE CONDITION THAT ON INSTRUMENT TO THAT EFFECT SIGNED BY THE OWNERS VOTING IN FAVOR OF CHANGE HAS BEEN RECORDED; PROVIDED, HOWEVER, THAT NO CHANGE OR TERMINATION OF SAID COVENANT SHALL AFFECT ANY EASEMENT HEREBY CREATED OR GRANTED UNLESS PERSONS ENTITLED TO THE BENEFICIAL USE OF SUCH EASEMENT SHALL CONSENT THERETO. NOTWITHSTANDING THE FOREGOING, NO COVENANT ESTABLISHED FOR THE BENEFIT OF THE CITY OF SHELBYVILLE MAY BE DISCONTINUED BY A VOTE OF THE OWNERS OF THE LOTS IN THIS SUBDIVISION.

13. ENFORCEMENT. WAIVER. ENFORCEMENT SHALL BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. FAILURE TO ENFORCE ANY SPECIFIC REQUIREMENT OF THE COVENANT SHALL NOT BE CONSIDERED AS A WAIVER TO ENFORCE ANY COVENANT HEREIN, THEREAFTER. NOTWITHSTANDING THE FOREGOING, ANY VIOLATION OF THESE COVENANTS OR THE DECLARATION MAY BE WAIVED BY A MAJORITY OF THE THEN OWNERS OF THE BLOCKS/LOTS IN THIS SUBDIVISION.

14. ANNEXATION. DEVELOPER HEREBY RESERVES THE RIGHT, FROM T ME TO TIME AND AT ANY TIME, TO ANNEX ANY PORTION OF ADJACENT REAL ESTATE INTO SHELBYVILLE MARKETPLACE SUBDIVISION, AS OF THE DATE ON WHICH DEVELOPER ANNEXES ANY PORTION OF ADJACENT REAL ESTATE INTO THE SUBDIVISION (THE "ANNEXED REAL ESTATE"), THE ANNEXED REAL ESTATE SHALL BE DEEMED TO BE (FOR ALL PURPOSES) INCLUDED WITHIN SHELBYVILLE MARKETPLACE SUBDIVISION; ALL REFERENCES IN THESE COVENANTS AND RESTRICTIONS OR IN THE DECLARATION OF THE "SUBDIVISION" OR THE "SHELBYVILLE MARKETPLACE SUBDIVISION" SHALL BE DEEMED TO INCLUDE THE RESTRICTIONS OR IN THE DECLARATION TO "REAL ESTATE" SHALL BE DEEMED TO INCLUDE ALL PARCELS OF LAND WITHIN THE ANNEXED REAL ESTATE. ALL REFERENCES IN THESE COVENANTS AND RESTRICTIONS OR IN THE DECLARATION TO "BLOCKS/LOTS" SHALL BE DEEMED TO INCLUDE ALL BLOCKS/LOTS WITHIN THE ANNEXED REAL ESTATE; AND ALL EASEMENTS CREATED BY THESE COVENANTS AND RESTRICTIONS OR IN THE DECLARATION SHALL BIND, BENEFIT, BURDEN AND RUN WITH THE ANNEXED REAL ESTATE. AS OF THE DATE ON WHICH DEVELOPER ANNEXES ANY PORTION OF THE ADJACENT REAL ESTATE INTO THE SUBDIVISION, THE OWNERS OF THE ANNEXED REAL ESTATE SHALL BE DEEMED TO BE THE OWNERS OF BLOCKS/LOTS WITHIN THE SHELBYVILLE MARKETPLACE SUBDIVISION; REFERENCES IN THESE COVENANTS AND RESTRICTIONS OR THE DECLARATION TO "OWNER(S)" SHALL BE DEEMED TO INCLUDE ALL OWNERS OF BLOCKS/LOTS WITHIN THE ANNEXED REAL ESTATE; AND ALL EASEMENTS CREATED HEREIN SHALL BIND, BENEFIT AND BURDEN THE OWNERS OF BLOCKS/LOTS WITHIN THE ANNEXED REAL ESTATE AND THE MORTGAGES, GRANTEES, HEIRS, ASSIGNS AND SUCCESSORS OF SUCH OWNERS, AS PROVIDED HEREIN.

15. AMENDMENTS AND SUPPLEMENTS. DEVELOPER HEREBY RESERVES THE RIGHT, FROM TIME TO TIME AND AT ANY T ME, TO MODIFY, SUPPLEMENT OR AMEND THESE EASEMENTS, COVENANTS AND RESTRICTIONS, WITHOUT THE CONSENT OF ANY OWNER OF PARTY IN INTEREST, IF DEVELOPER RECORDS THE MODIFICATION IN THE OFFICE OF THE RECORDER OF SHELBY COUNTY, INDIANA, AND THE MODIFICATION IS FOR ANY ONE OR MORE OF THE FOLLOWING PURPOSES: (I) TO EXTEND THE PROVISIONS OF THESE EASEMENTS, COVENANTS AND RESTRICTIONS TO BIND AND BENEFIT THE ANNEXED REAL ESTATE AND THE OWNERS(S) OF A BLOCKLOT WITHIN THE ANNEXED REAL ESTATE; (II) TO CLARIFY, FURTHER DEFINE OR LIMIT ANY EASEMENT, OR OTHERWISE EXERCISE ANY RIGHTS RESERVED HEREIN; OR (III) TO CHANGE THE SUBSTANCE OF ONE OR MORE COVENANTS, CONDITIONS, TERMS OR PROVISIONS HEREOF PROVIDED THAT SUCH CHANGE (A) DOES NOT MATERIALLY INCREASE THE OBLIGATION(S) OF ANY OWNER UNDER ANY COVENANT, CONDITION, TERM OR PROVISION WITHOUT SUCH OWNER'S CONSENT OR (B) IS NECESSARY TO COMPLY WITH A BOARD OF ENVIRONMENTAL REQUIREMENT, INCLUDING ANY APPLICABLE LAWS, ORDINANCES, REGULATIONS OR ORDERS OF ANY MUNICIPALITY OR COURT HAVING JURISDICTION.

16. DRAINAGE. SUBDIVISION IS SUBJECT TO DRAINAGE SYSTEM DESIGN AND CONSTRUCTION STANDARDS OF THE SHELBYVILLE SUBDIVISION CONTROL ORDINANCE. ALL OTHER APPLICABLE ADOPTED STANDARDS OF THE CITY OF SHELBYVILLE, AND THE REQUIREMENTS OF THE CITY ENGINEER THAT PROVIDE FOR THE REPAIR AND MAINTENANCE OF THE SYSTEM. "ALL DRAINAGE EASEMENTS SHALL RUN TO THE "CITY OF SHELBYVILLE"

17. CORRIDOR OVERLAY DISTRICT. ALL DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO ALL SHELBYVILLE DEVELOPMENT ORDINANCES, INCLUDING THE "CORRIDOR OVERLAY ORDINANCES".

CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR SHELBYVILLE, INDIANA, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE PLAN COMMISSION, AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE CITY AND COUNTY CLERKS.

DATED THIS ____ DAY OF _____, 20____.

MICHAEL EVANS
PRESIDENT, PLAN COMMISSION

SECRETARY, PLAN COMMISSION

PRINTED NAME

DRAINAGE COVENANT

THIS SUBDIVISION IS SUBJECT TO ALL DRAINAGE SYSTEMS AND CONSTRUCTION STANDARDS OF THE SHELBYVILLE UNIFIED DEVELOPMENT ORDINANCE. ALL OTHER APPLICABLE ADOPTED STANDARDS FOR THE CITY OF SHELBYVILLE, AND THE REQUIREMENTS OF THE CITY ENGINEER THAT PROVIDE FOR THE REPAIR AND MAINTENANCE OF THESE SYSTEMS.

CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, GSSR INVESTMENTS, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "THE REPLAT OF SHELBYVILLE MARKETPLACE BLOCK "A", AN ADDITION TO THE CITY OF SHELBYVILLE, SHELBY COUNTY, INDIANA".

FRONT AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES THERE SHALL BE NO BUILDING OR STRUCTURE ERRECTED OR MAINTAINED.

EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE PLAT HEREIN RECORDED. WITHIN THESE EASEMENTS, NO STRUCTURE, PLANTING OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION OR MAINTENANCE OF UTILITIES OR WHICH MAY CHANGE THE DIRECTION OF FLOW OF DRAINAGE CHANNELS IN THE EASEMENTS OR WHICH MAY OBSTRUCT OR RETARD THE FLOW OF WATER THROUGH DRAINAGE CHANNELS IN THE EASEMENTS. THE EASEMENT AREA FOR EACH LOT AND ALL IMPROVEMENTS IN IT SHALL BE MAINTAINED CONTINUOUSLY BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS FOR WHICH A PUBLIC AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE.

CERTIFICATE OF APPROVAL FOR DEDICATION OF UTILITIES

I HEREBY CERTIFY THAT THE UTILITIES AND OTHER IMPROVEMENTS SHOWN ON THIS PLAT, ENTITLED THE REPLAT OF SHELBYVILLE MARKETPLACE BLOCK "A", MAY BE PRESENTED TO THE CITY FOR DEDICATION UPON THE COMPLETION OF CONSTRUCTION IN ACCORDANCE WITH THE CITY SPECIFICATIONS AND STANDARDS. A PERFORMANCE BOND, OR IRREVOCABLE LETTER OF CREDIT, IN ACCORDANCE WITH CITY OF SHELBYVILLE ORDINANCE 161-025 AS AMENDED IN ORDINANCE _____ IN THE AMOUNT OF \$ _____ HAS BEEN POSTED WITH THE CLERK-TREASURER TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS.

SECURITY PRESENTED AND APPROVAL GRANTED THIS ____ DAY OF _____, 20____.

PRESIDENT, BOARD OF PUBLIC WORKS AND SAFETY
THE HONORABLE, MAYOR THOMAS D. DEBAUN

ACCEPTANCE OF DEDICATION

I HEREBY CERTIFY THAT THE STREETS, UTILITIES, AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO SHELBYVILLE CONSTRUCTION STANDARDS IN THE SUBDIVISION ENTITLED THE REPLAT OF SHELBYVILLE MARKETPLACE BLOCK "A". A MAINTENANCE BOND IN ACCORDANCE WITH THE CITY OF SHELBYVILLE UNIFIED DEVELOPMENT ORDINANCE 7 01 & 7.02 HAS BEEN PRESENTED TO THE CLERK - TREASURER AND IS EFFECTIVE THIS ____ DAY OF _____, 20____.

BOARD OF PUBLIC WORKS AND SAFETY
SHELBYVILLE INDIANA

PRESIDENT, BOARD OF PUBLIC WORKS AND SAFETY
THE HONORABLE, MAYOR THOMAS D. DEBAUN

MEMBER, BOARD OF PUBLIC WORKS AND SAFETY
ROBERT WILLIAMS

MEMBER, BOARD OF PUBLIC WORKS AND SAFETY
DAVID FINKEL

