



# Common Council

## Agenda Item

### Cover Sheet

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**MEETING DATE:** May 14, 2024

- Previously Discussed Ordinance
- Proposed Development Presentation
- New Ordinance for Discussion
- Miscellaneous
- Transfer

**ITEM or ORDINANCE:** #18-05-24

**PRESENTED BY:** Joyceann Yelton, Attorney Jim Shinaver

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

**ORDINANCE NO. 18-05-24**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP, ALL PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA**

*Document Cross Reference Nos. Deed Book 312, Page 92, Instrument # 8313223, Book 339, Page 552, and Instrument # 2007-61496*

This Ordinance amends 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 (the “Plan Commission”) conducted a public hearing on docket number LEGP-0040-2024 at its April 15, 2024 meeting as required by law concerning a change of zoning of certain property described in **Exhibit A** attached hereto (the “Real Estate”) containing approximately 19.92 acres, and depicted in **Exhibit B** attached hereto; and,

**WHEREAS**, the Plan Commission has sent a **Favorable Recommendation** for adoption of said amendment with a vote of nine (9) AYES and zero (0) NAYS to the Common Council;

**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 and Official Zoning Map, are hereby amended as follows:

**Section 1.** The Official Zone Map is hereby amended to change the zoning of the parcel legally described in **Exhibit A** and depicted in **Exhibit B** from the R1 Residential District with a portion within the State Road 32 Overlay to the R5 Residential District;

**Section 2.** That the Zoning map shall be updated concurrently to reflect the changes referred to in Section 1.

**Section 3.** This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with the law.

Approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by the Common Council of the City of Noblesville, Indiana:

AYE		NAY	ABSTAIN
	Darren Peterson		
	Meghan Wiles		
	Pete Schwartz		
	Evan Elliott		
	Michael J. Davis		
	Todd Thurston		
	Aaron Smith		
	Mark Boice		
	David Johnson		

ATTEST: \_\_\_\_\_  
Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ .M.

\_\_\_\_\_  
Evelyn L. Lees, City Clerk

MAYOR’S APPROVAL

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

MAYOR’S VETO

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Evelyn L. Lees, City Clerk

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:

Jon C. Dobosiewicz  
Printed Name of Declarant

Prepared by: James E. Shinaver, attorney at law, NELSON & FRANKENBERGER and Jon C. Dobosiewicz, land use professional, NELSON & FRANKENBERGER. 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106.

Village at Trailside Crossing - 2024 Rezone Ordinance 2 041624

**EXHIBIT A**

Legal Description  
(Page 1 of 2)

Parcel 1:

A part of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4, Township 18 North, Range 4 East, in Hamilton County, Indiana, described as follows: Begin at the Southeast corner of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4, Township 18 North, Range 4 East, run thence west on and along a fence line, said line being the south line of the said North Half, 1339.5 feet to an iron stake and corner post; thence north parallel with the East line of said Northeast Quarter, 436.3 feet to an iron stake; thence east parallel with the south line of said North Half, 1339.5 feet to intersection with the east line of said North Half; thence south on and along the said East line, 436.3 feet to the place of beginning.

EXCEPTING THEREFROM That part deeded to the City of Noblesville, Hamilton County, Indiana by deed recorded October 30, 2007 as Document No. 2007061494 described as follows:

A part of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4, Township 18 North, Range 4 East, in Hamilton County, Indiana, described as follows: Beginning of the southeast corner of said half-quarter-quarter section; thence North 89 degrees 44 minutes 05 seconds west 74.97 feet along the south line of said half-quarter-quarter section; thence North 0 degrees 02 minutes 18 seconds west 435.38 feet; thence Northerly 0.92 feet along an arc to the left having a radius of 9925.00 feet and subtended by a long chord having a bearing of North 0 degrees 02 minutes 26 seconds West and a length of 0.92 feet to the north line of the grantor's land; thence South 89 degrees 44 minutes 05 seconds East 74.96 feet along said north line to the east line of said Northeast Quarter; thence South 0 degrees 02 minutes 24 seconds East 436.30 feet along said east line to the point of beginning.

Parcel 2:

A part of the Northeast Quarter of Section 4, Township 18 North, Range 4 East, located in Noblesville Township, Hamilton County, Indiana, being bounded as follows: Commencing at the northeast corner of the Southeast Quarter of the Northeast Quarter of Section 4, Township 18 North, Range 4 East; thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 228.11 feet on and along the East line of said Northeast Quarter to the Northeast corner of the 13.42 acre exception described in Instrument Number 160 and recorded in Deed Record 180, Page 65 in the records of Hamilton County, Indiana; thence North 89 degrees 31 minutes 24 seconds West 334.93 feet on and along the North line of said 13.42 acre tract of land to the POINT OF BEGINNING of this description; thence North 00 degrees 00 minutes 00 seconds 227.85 feet parallel with the East line of said Northeast Quarter to the North line of the Southeast Quarter of said Northeast Quarter; thence North 89 degrees 33 minutes 55 seconds West 995.97 feet on and along the North line of the Southeast Quarter of said Northeast Quarter to the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence South 00 degrees 06 minutes 36 seconds west 227.11 feet on and along the West line of the Southeast Quarter of said Northeast Quarter to its point of intersection with the Westerly extension of the North line of said 13.42 acre tract of land; thence South 89 degrees 31 minutes 24 seconds East 1,006.41 feet on and along the north line of said 13.42 acre tract of land to the POINT OF BEGINNING.

## **EXHIBIT A**

### Legal Description (Page 2 of 2)

#### Parcel 3:

A part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 18 North, Range 04 East, Noblesville Township, Hamilton County, Indiana. This description prepared by: Bruce E. Strack, Indiana LS 20200057, working for Stoeppelwerth and Associates, Inc. as part of Project 97780OLF, being more particularly described as follows:

Commencing at the Northeast corner of said Quarter-Quarter Section; thence South 00 degrees 02 minutes 07 seconds East, along the East line of said Quarter-Quarter Section, a distance of 22.29 feet to a point 20.00 feet South of the centerline of the Midland Trace Trail; thence North 89 degrees 45 minutes 57 seconds West, along a line parallel with and 20.00 feet South of said centerline, a distance of 77.57 feet to the West Right-of-Way line of Hazel Dell Road, as described in Instrument Number 2007064496 in the Office of the Recorder of Hamilton County, Indiana, and the POINT OF BEGINNING of this description; said point also being a point on a non-tangent curve concave easterly, the radius point of which bears North 89 degrees 49 minutes 55 seconds East a distance of 9925.00 feet; thence southerly, along said curve, an arc length of 205.85 feet to the North line of the land described in Deed Book 312, Page 92 in said Recorder's Office; thence North 89 degrees 43 minutes 49 seconds West, along said line, a distance of 269.97 feet to the West line of the land described in Instrument Number 200000029961 in said Recorder's Office; thence North 00 degrees 02 minutes 07 seconds West, along said line, a distance of 205.65 feet to the South line of the land described in Instrument Number 2017042701 in said recorder's Office; thence South 89 degrees 45 minutes 57 seconds East, along said line, a distance of 267.35 feet to the Point of Beginning, Containing 1.267 acres, more or less.

**EXHIBIT B**

Depiction of Legal Description  
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