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Instrument
200300008620

ORDINANCE NO. 56-12-02

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE,
A PART OF THE MASTER PLAN OF THE CITY OF
NOBLESVILLE, HAMILTON COUNTY, INDIANA**

An Ordinance to Amend the Unified Development Ordinance of 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 "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Brenwick Development Company, Inc. for the real estate containing approximately 527 acres, legally described on Exhibit "A" attached hereto, and located in Noblesville Township, Noblesville, Indiana (the "Real Estate").

WHEREAS, the Commission has sent to the Common Council its recommendation adopted on the 16th day of December, 2002.

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 of the City of Noblesville, Indiana ("Ordinance") and the Zone Map of the Ordinance are hereby amended as follows:

SECTION 1. The Real Estate is hereby zoned to the R-1 zoning district classification of said Ordinance.

SECTION 2. Upon motion duly made and seconded, this ordinance was fully passed by the members of the Common Council this 14th day of January, 2003.

200300008620
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
01-23-2003 02:48 pm.

COMMON COUNCIL, CITY OF NOBLESVILLE

BY:

AYE

NAY

James Snyder
Alan Hinds
Laurie Hurst
Jack Martin
Jay McCoskey
Dale Snelling
Rex Dillinger

James Snyder

Alan Hinds

Laurie Hurst

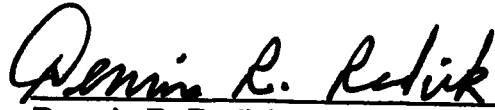
Jack Martin

Jay McCoskey

Dale Snelling

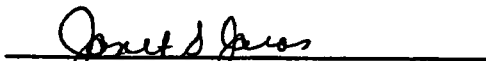
Rex Dillinger

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton
County, Indiana, this 14th day of January, 2008.



Dennis R. Redick, Mayor,
City of Noblesville, Indiana

ATTEST:



Janet S. Jaros, Clerk-Treasurer
City of Noblesville, Indiana

This Ordinance prepared by: Philip A. Nicely, Bose McKinney & Evans LLP, 600 East
96th Street, Suite 500, Indianapolis, Indiana, 46240.

Land Description (Subject To Survey):
R1 District

A part of Section 16, Township 18 North, Range 4 East, of the Second Principal Meridian, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the northwest corner of Northeast Quarter of said Section; thence South 89 degrees 48 minutes 20 seconds East along the north line of said Quarter a distance of 1339.65 feet to the northeast corner of the West Half of the said Quarter; thence South 00 degrees 00 minutes 19 seconds West along the east line of said Half a distance of 162.58 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 450.21 feet; thence South 00 degrees 00 minutes 21 seconds West a distance of 188.40 feet; thence South 28 degrees 22 minutes 27 seconds East a distance of 145.29 feet; thence South 89 degrees 48 minutes 18 seconds East a distance of 157.94 feet; thence North 00 degrees 00 minutes 21 seconds East a distance of 316.00 feet; thence South 89 degrees 48 minutes 20 seconds East parallel with said north line a distance of 77.29 feet; thence South 00 degrees 00 minutes 22 seconds West a distance of 216.83 feet; thence South 26 degrees 49 minutes 29 seconds East a distance of 111.17 feet; thence North 89 degrees 13 minutes 39 seconds East a distance of 135.51 feet; thence South 00 degrees 00 minutes 28 seconds East a distance of 15.74 feet to a point hereinafter referred to as Point "A"; thence South 79 degrees 38 minutes 43 seconds East a distance of 334.90 feet to a point which lies 70.00 feet westerly by perpendicular measure to the east line of said Quarter; thence South 00 degrees 00 minutes 21 seconds West parallel with said east line a distance of 2096.35 feet; thence South 00 degrees 10 minutes 25 seconds West parallel with and 70.00 feet westerly from the east line of the Southeast Quarter of said Section a distance of 27.78 feet; thence South 66 degrees 10 minutes 05 seconds West a distance of 1390.31 feet to the west line of the East Half of said Quarter; thence North 00 degrees 12 minutes 59 seconds East along said west line a distance of 593.71 feet to the Northwest corner of said Half; thence North 00 degrees 00 minutes 19 seconds East along the west line of the East Half of the said Northeast Quarter a distance of 826.55 feet; thence North 89 degrees 40 minutes 01 seconds West a distance of 655.10 feet; thence North 89 degrees 52 minutes 23 seconds West a distance of 684.53 feet to the west line of said Quarter; thence South 00 degrees 00 minutes 17 seconds West along said west line a distance of 827.60 feet to the Southwest corner of said Quarter; thence North 89 degrees 45 minutes 50 seconds West along the south line of Northwest Quarter of said Section a distance of 660.00 feet; thence North 00 degrees 13 minutes 05 seconds West a distance of 2267.19 feet; thence South 89 degrees 47 minutes 37 seconds East a distance of 240.17 feet; thence North 00 degrees 00 minutes 17 seconds East parallel with the east line of said Quarter a distance of 380.24 feet to the north line of said Quarter; thence South 89 degrees 47 minutes 59 seconds East along said north line a distance of 35.00 feet; thence South 00 degrees 00 minutes 17 seconds West parallel with said east line a distance of 332.00 feet; thence South 89 degrees 47 minutes 40 seconds East a distance of 393.64 feet to the east line of said Quarter; thence North 00 degrees 00 minutes 17 seconds East along said east line a distance of 332.00 feet to the Point of Beginning. Containing 167.2 acres, more or less.

ALSO:

A part of Section 15 and Section 10, all in Township 18 North, Range 4 East, of the second Principal Meridian, Hamilton County, Indiana, being more particularly described as follows:

Commencing at a point previously described as Point "A"; thence South 79 degrees 38 minutes 43 seconds East a distance of 477.22 feet to the Point of Beginning which lies 70.00 feet easterly by perpendicular measure to the west line of the Northwest Quarter of said Section; thence North 00 degrees 00 minutes 21 seconds East parallel with said west line a distance of 182.53 feet; thence North 89 degrees 36 minutes 35 seconds East a distance of 382.02 feet; thence North 00 degrees 10 minutes 32 seconds West a distance of 392.45 feet to the north line of said Quarter; thence North 89 degrees 50 minutes 27 seconds East along said north line a distance of 2185.01 feet to the Northeast corner of said Quarter; thence North 89 degrees 20 minutes 26 seconds East along the north line of the Northeast Quarter of said Section a distance of 914.76 feet; thence North 00 degrees 18 minutes 03 seconds East a distance of 1786.87 feet; thence North 89 degrees 27 minutes 59 seconds East parallel with the north line of the Southeast Quarter of said Section a distance of 252.14 feet; thence North 00 degrees 18 minutes 03 seconds East a distance of 864.00 feet

to said north line; thence North 89 degrees 27 minutes 59 seconds East along said north line a distance of 656.76 feet; thence South 00 degrees 09 minutes 11 seconds West a distance of 1303.48 feet to the approximate centerline of the Emily Vestal Drain; (the following 21 courses being along said approximate centerline; 1) thence South 04 degrees 01 minutes 07 seconds West a distance of 160.26 feet; 2) thence South 18 degrees 37 minutes 20 seconds West a distance of 110.53 feet; 3) thence South 21 degrees 51 minutes 03 seconds West a distance of 141.04 feet; 4) thence South 25 degrees 20 minutes 36 seconds West a distance of 890.93 feet; 5) thence South 21 degrees 46 minutes 33 seconds West a distance of 162.35 feet to a point on the south line of said Quarter; 6) thence South 23 degrees 59 minutes 14 seconds West a distance of 96.04 feet; 7) thence South 06 degrees 46 minutes 49 seconds West a distance of 241.99 feet; 8) thence South 07 degrees 40 minutes 38 seconds West a distance of 103.28 feet; 9) thence South 11 degrees 43 minutes 16 seconds West a distance of 101.63 feet; 10) thence South 07 degrees 28 minutes 21 seconds West a distance of 447.76 feet; 11) thence South 07 degrees 34 minutes 40 seconds West a distance of 77.31 feet; 12) thence South 08 degrees 03 minutes 59 seconds West a distance of 276.95 feet; 13) thence South 06 degrees 26 minutes 04 seconds West a distance of 333.02 feet; 14) thence South 06 degrees 31 minutes 29 seconds West a distance of 998.52 feet to the south line of the Northeast Quarter of said Section 15; 15) thence South 02 degrees 53 minutes 55 seconds West a distance of 290.21 feet; 16) thence South 04 degrees 43 minutes 01 seconds West a distance of 773.19 feet; 17) thence South 08 degrees 11 minutes 50 seconds West a distance of 418.92 feet; 18) thence South 09 degrees 53 minutes 38 seconds West a distance of 274.73 feet; 19) thence South 21 degrees 04 minutes 38 seconds West a distance of 179.48 feet; 20) thence South 29 degrees 09 minutes 47 seconds West a distance of 124.55 feet; 21) thence South 24 degrees 28 minutes 22 seconds West a distance of 565.96 feet to a point on the northerly right-of-way of 146th Street as described in a Warranty Deed to Hamilton County per Instrument Number 9973292 in the Office of the Recorder in Hamilton County, Indiana; thence South 82 degrees 28 minutes 43 seconds West along said right-of-way a distance of 251.34 feet; thence South 89 degrees 55 minutes 07 seconds West along said right-of-way a distance of 152.86 feet to the west line of the Southeast Quarter of said Section; thence North 00 degrees 22 minutes 16 seconds East along said west line a distance of 908.82 feet; thence South 89 degrees 54 minutes 18 seconds West parallel with the south line of the Southwest Quarter of said Section a distance of 276.29 feet; thence South 00 degrees 05 minutes 46 seconds East a distance of 158.37 feet; thence South 89 degrees 54 minutes 09 seconds West a distance of 509.71 feet; thence South 00 degrees 10 minutes 25 seconds West parallel with the west line of said Quarter a distance of 629.99 feet; thence South 89 degrees 54 minutes 18 seconds West parallel with said south line a distance of 217.80 feet; thence South 00 degrees 10 minutes 33 seconds West a distance of 150.01 feet; thence South 89 degrees 54 minutes 18 seconds West parallel with said south line a distance of 44.96 feet; thence North 00 degrees 10 minutes 33 seconds East a distance of 172.75 feet to a curve having a radius of 150.00 feet, the radius point of which bears North 89 degrees 49 minutes 27 seconds West; thence northwesterly along said curve an arc distance of 104.34 feet to a point which bears North 50 degrees 19 minutes 22 seconds East from said radius point; thence North 39 degrees 40 minutes 38 seconds West a distance of 159.72 feet; thence North 00 degrees 00 minutes 58 seconds West a distance of 175.64 feet; thence North 59 degrees 21 minutes 49 seconds East a distance of 171.85 feet; thence North 34 degrees 39 minutes 56 seconds East a distance of 135.23 feet; thence North 22 degrees 28 minutes 33 seconds East a distance of 146.48 feet; thence North 37 degrees 45 minutes 20 seconds West a distance of 154.65 feet; thence North 20 degrees 59 minutes 43 seconds West a distance of 899.54 feet; thence North 14 degrees 23 minutes 54 seconds West a distance of 639.26 feet; thence North 38 degrees 59 minutes 57 seconds West a distance of 194.75 feet; thence North 64 degrees 27 minutes 36 seconds West a distance of 173.70 feet; thence South 86 degrees 04 minutes 05 seconds West a distance of 338.81 feet; thence North 69 degrees 53 minutes 01 seconds West a distance of 124.82 feet; thence South 66 degrees 29 minutes 09 seconds West a distance of 372.63 feet to a point which lies 70.00 feet easterly by perpendicular measure from the west line of said Northwest Quarter; thence North 00 degrees 00 minutes 21 seconds East parallel with said west line a distance of 2070.43 feet to the Point of Beginning. Containing 360.2 acres, more or less. In all containing 527.4 acres, more or less.

MICHAEL A. HOWARD
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Noblesville, Indiana 46060
(317) 773-4212 Fax (317) 776-2369

MEMORANDUM

TO: Noblesville City Council

FROM: Michael A. Howard

DATE: January 14, 2003

SUBJECT: Noble West Development

During the last several weeks, I have been in contact with Kevin Jump, and representatives of the Noble West Development concerning the construction of Hazel Dell Road through the project. As you know, the Developer is entitled by statute to obtain impact fee credits for construction of infrastructure that is part of the Capital Improvement Plan. We believe that a substantial portion of the costs of this road will be eligible for credits.

We have seen the Developer's draft of a Memorandum of Understanding. Unfortunately, our consultant, A & F Engineering, has not completed the updated Capital Improvement Plan for the impact fees. That Capital Improvement Plan, including the defined infrastructure and the new fees, is essential to entering into a final Memorandum of Understanding. We anticipate that it will take several months to finally complete the Memorandum of Understanding.

Secondly, it is my understanding that the Council is requesting a commitment that all commercial property in this development will be taxable. Therefore, in the event the Council is inclined to make a motion to approve this Agreement, I suggest that the motion contain the following terms:

1. Subject to completion of a final Memorandum of Understanding concerning the construction of Hazel Dell Road through the project, wherein the Developer would be reimbursed the value of the legally permitted credits under the road impact fee statutes of the State of Indiana and ordinances of the City of Noblesville in an amount not to exceed \$2.8 Million Dollars. This Memorandum of Understanding must be approved and signed in final form prior to the approval of the Final Development Plan for any, or all, portions of the project.

2. **Subject to the Developer entering into an agreement that all commercial and multifamily development in the project will be either subject to real estate taxes or will be subject to payments in lieu of taxes. This provision shall not apply to churches or schools. Should the City, in its sole discretion, believe that any part of the commercial or multifamily development might be exempt from taxation pursuant to Indiana law, the City may require the owner of the applicable parcel of property to execute, in recordable form, a covenant to make payments in lieu of taxes in a amount equal to the taxes which would be payable if the real estate was taxable. Said payments shall be distributed to the applicable taxing units.**