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ORDINANCE NO. 57-12-02

Instrument  
200300008621

**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 61 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-5 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.

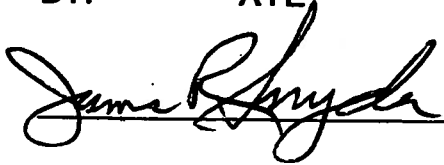
200300008621  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
01-23-2003 02:48 PM

**COMMON COUNCIL, CITY OF NOBLESVILLE**


BY:

AYE

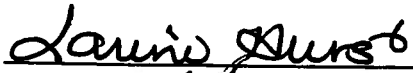
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James Snyder

  
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Alan Hinds

  
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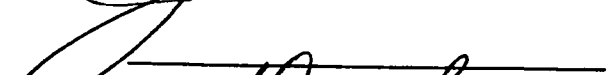
Laurie Hurst

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Jack Martin

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Jay McCoskey

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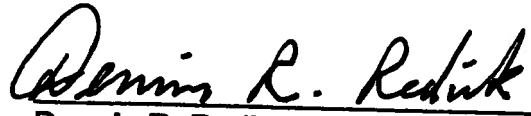
Dale Snelling

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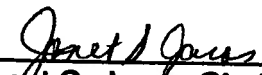
  
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Rex Dillinger

**APPROVED** and signed by the Mayor of the City of Noblesville, Hamilton  
County, Indiana, this 14<sup>th</sup> day of January, 2003.

  
\_\_\_\_\_  
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  
96<sup>th</sup> Street, Suite 500, Indianapolis, Indiana, 46240.

**Land Description (Subject To Survey):**  
R5 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:

Commencing 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 to the Point of Beginning; thence continuing South 00 degrees 10 minutes 25 seconds West parallel with said east line a distance of 852.54 feet; thence North 89 degrees 41 minutes 58 seconds West parallel with the south line of said Quarter a distance of 1270.27 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 284.12 feet; thence North 66 degrees 10 minutes 05 seconds East a distance of 1390.31 feet to the Point of Beginning. Containing 16.6 acres, more or less.

**ALSO:**

A part of Section 15, 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 a point which lies 70.00 feet easterly by perpendicular measure to the west line of the Northwest Quarter of said Section; thence South 00 degrees 00 minutes 21 seconds West parallel with said west line a distance of 2070.43 feet to the Point of Beginning; thence North 66 degrees 29 minutes 09 seconds East a distance of 372.63 feet; thence South 69 degrees 53 minutes 01 seconds East a distance of 124.82 feet; thence North 86 degrees 04 minutes 05 seconds East a distance of 338.81 feet; thence South 64 degrees 27 minutes 36 seconds East a distance of 173.70 feet; thence South 38 degrees 59 minutes 57 seconds East a distance of 194.75 feet; thence South 14 degrees 23 minutes 54 seconds East a distance of 639.26 feet; thence South 20 degrees 59 minutes 43 seconds East a distance of 899.54 feet; thence South 37 degrees 45 minutes 20 seconds East a distance of 154.65 feet; thence South 22 degrees 28 minutes 33 seconds West a distance of 146.48 feet; thence South 34 degrees 39 minutes 56 seconds West a distance of 135.23 feet; thence South 59 degrees 21 minutes 49 seconds West a distance of 171.85 feet; thence South 00 degrees 00 minutes 58 seconds East a distance of 175.64 feet; thence North 39 degrees 40 minutes 38 seconds West a distance of 40.74 feet to curve having a radius of 150.00 feet, the radius point of which bears South 50 degrees 19 minutes 22 seconds West; thence northwesterly along said curve an arc distance of 131.74 feet to a point which bears North 00 degrees 00 minutes 00 seconds West from said radius point; thence North 00 degrees 00 minutes 04 seconds West a distance of 268.61 feet; thence North 25 degrees 31 minutes 32 seconds West a distance of 874.75 feet; thence South 64 degrees 51 minutes 49 seconds West a distance of 368.38 feet to a curve having a radius of 1227.00 feet, the radius point of which bears North 25 degrees 08 minutes 11 seconds West; thence southwesterly along said curve an arc distance of 538.30 feet to a point which bears South 00 degrees 00 minutes 00 seconds West from said radius point; thence North 90 degrees 00 minutes 00 seconds West a distance of 2.30 feet to a point which lies 70.00 feet

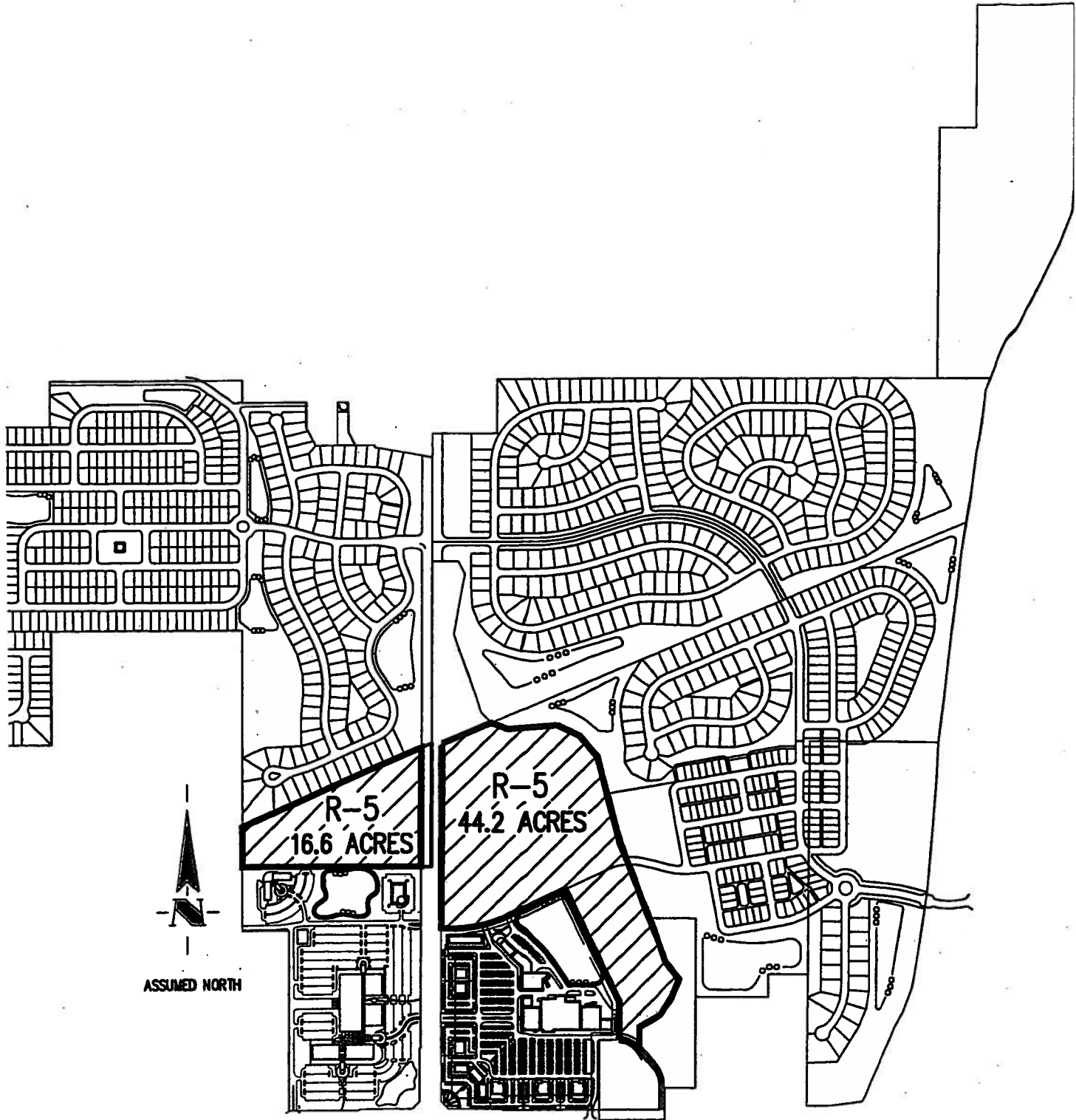
easterly by perpendicular measure to the west line of said Quarter; thence North 00 degrees 10 minutes 25 seconds East parallel with said west line a distance of 1317.44 feet to the Point of Beginning. Containing 44.2 acres, more or less. In all containing 60.8 acres, more or less.

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Kdk 05/22/02

Rev: DCC 07/10/02

# NOBLE WEST R5 DESCRIPTION EXHIBIT



**MICHAEL A. HOWARD**  
**Attorney at Law**  
**694 Logan Street**  
**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.**