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ORDINANCE NO. 1-3-92

AN ORDINANCE TO AMEND THE ZONING CODE OF NOBLESVILLE
1988, A PART OF THE MASTER PLAN OF THE CITY
OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

An Ordinance amending the Zoning Code of Noblesville-1988, of the City of Noblesville, Hamilton County, Indiana, as amended, under authority of Acts of the Indiana General Assembly 1981, as amended:

This instrument Recorded 2-21 1992
Sharon K. Chery, Recorder, Hamilton County, Indiana

BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, that the Zoning Ordinance, as amended, of said City is hereby amended as follows:

SECTION 1. That the zone maps which accompany and are a part of said Zoning Code of Noblesville-1988, as amended, are hereby amended as follows:

That the following described real estate located in Hamilton County, Indiana, to-wit:

See attached legal description (Exhibit "A") is hereby reclassified from PB and R2 to PD - Planned Development.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 11th day of February, 1992.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

<u><i>Terry L. Busby</i></u>	Terry L. Busby	_____
<u><i>James Swan</i></u>	James Swan	_____
<u><i>Douglass W. McDonald</i></u>	Douglass W. McDonald	_____
<u><i>Rick B. Moore</i></u>	Rick B. Moore	_____
<u><i>Dale Snelling</i></u>	Dale Snelling	_____
<u><i>Laurie E. Hurst</i></u>	Laurie Hurst	_____
<u><i>C. Murphy White</i></u>	C. Murphy White	_____

Approved and signed by me, Mary Sue Rowland, Mayor, Noblesville, Indiana, this 13 day of February, 1992.

Mary Sue Rowland
Mayor



Marilyn Conner
Marilyn Conner, Clerk-Treasurer

This instrument prepared by Doug Church, Attorney at Law.

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Begin 31.33 rods south of the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, run South 52.66 rods, thence East with center of Noblesville and Eagletown Gravel Road 120 rods, thence North 55.60 rods, thence West to the place of beginning, containing 41 acres, more or less, in Noblesville Township, Hamilton County, Indiana;

EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, described as follows: Begin at an iron stake 517.0 feet South and 1646.0 feet East of the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence east parallel with the North line of said Southwest Quarter 350.0 feet to an iron stake; thence South 878.2 feet to the intersection with the center line of State Road #32 (or the old Noblesville & Eagletown gravel road); thence Northwesterly on and along the center of said road 350.0 feet to a point 874.3 feet South of the place of beginning. (Also known as Carey Subdivision)

ALSO EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, described as follows: Begin at an iron stake 517.0 feet South and 1346.0 feet East of the Northwest Corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence East parallel with the North line of said Southwest Quarter 300.0 feet to an iron stake, being the Northwest Corner of Lot No. 9 of Carey's Original Sub-division; thence 123.6 feet on and along the West line of said Lot No. 9 to the Southwest corner thereof; thence East 150 feet on and along the North line of the North Drive and the South line of Lot No. 9 to a point on the West line of the North Drive; thence South 50.0 feet to a point 50.0 feet North of the Southeast Corner of Lot No. 10; thence West 150.0 feet on and along the South line of the North Drive to an iron stake, being 50.0 feet North of the Southwest Corner of Lot No. 10; thence South 150.0 feet on and along the West lines of Lots Nos. 10 and 11 of said original Sub-division to an iron stake, being the Southwest Corner of Lot No. 11; thence West 300.0 feet to an iron stake, being the Southwest corner of Lot No. 22 of Carey's 2nd Section; thence North 319.4 feet to the place of beginning. (Also known as Carey's 2nd)

ALSO EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, in Hamilton County, Indiana, described as follows: Begin at a point 31.33 rods (517.0 feet) south of the Northwest corner of the Southwest quarter of Section 36, Township 19 North, Range 4 East, thence east 535.8 feet to an iron stake and Fence Post, thence southerly 869.0 feet parallel with the west line of said Southwest Quarter to the intersection with the center line of the Westfield and Eagletown Gravel Road (now vacated), thence west on and along said center 535.8 feet to the intersection with the West line of said Southwest Quarter, thence North on and along the West line of said Southwest Quarter 869.0 feet to the place of beginning.

ALSO EXCEPT: Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence South on along the West line of the aforesaid Southwest Quarter 517.0 feet; thence East parallel with the North line of said Southwest Quarter 535.8 feet; thence South parallel with the West line of said Southwest Quarter 869.0 feet to the centerline of the Old Noblesville and Eagletown Gravel Road; thence East on and along aforesaid centerline 462.5 feet to the place of beginning of this tract; thence continuing East on and along said centerline 162.5 feet; thence North parallel with the West line of said Southwest Quarter 554.0 feet; thence Westerly 162.5 feet to a point which is 554.6 feet North of said centerline; thence South parallel with the West line of said Southwest Quarter 554.6 feet to the place of beginning.

ALSO EXCEPT: Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence South on and along the West line of aforesaid Southwest Quarter 517.0 feet; thence East parallel with the North line of said Southwest Quarter 535.8 feet; thence South parallel with the West line of said Southwest Quarter 869.0 feet to the center line of the Old Noblesville and Eagletown Gravel Road; thence East on and along aforesaid centerline 300.0 feet to the place of beginning on this tract; thence continuing East on and along said centerline 162.5 feet; thence North parallel with the West line of said Southwest Quarter 554.6 feet; thence Westerly 162.5 feet to a point which is 555.2 feet North of said centerline; thence South parallel to the West line of said Southwest Quarter 555.2 feet to the place of beginning.

ALSO EXCEPT: Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning 517.0 feet South and 535.8 feet East of the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence South parallel with the West line of said Quarter Section 313.8 feet; thence East parallel with the centerline of the Old Noblesville and Eagletown Gravel Road 300.0 feet; thence North parallel with the West line of said Quarter Section 315.4 feet; thence West parallel with the North line of said Quarter Section 300.0 feet to the place of beginning.

ALSO EXCEPT: Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows: Beginning 535.8 feet East and 830.8 feet South of the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, at an iron pipe; thence South parallel with the West line of said Southwest Quarter 555.2 feet to the center line of the old Noblesville and Eagletown gravel road; thence East on and along said center line 300 feet; thence North parallel with the West line of said Southwest Quarter 555.2 feet to an iron pipe; thence West 300 feet to the place of beginning.

Land Description continued on page 2

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ALSO EXCEPT: Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:
Beginning 517.0 feet South and 1329.5 feet East measured (1346.0 feet deed) of the Northwest corner (NOTE: Recorded deed from Morris E. Carey, an unmarried adult to Clifford Crook and Joyce Crook, husband and wife, recorded in Deed Record 250, page 239 reads "the Northeast corner") of the Southwest Quarter of Section 36, Township 19 North, Range 4 East, being the Northwest corner of Carey's Second Addition; thence South on and along the West line of said Carey's Second Addition 119.4 feet; thence West parallel with the north line of said Southwest Quarter 182.4 feet; thence North parallel with the east line of this tract 119.4 feet; thence East parallel with the north line of said Southwest Quarter 182.4 feet to the place of beginning.

ALSO EXCEPT: Part of the Southwest Quarter (1/4) of Section 36, Township 19 North, Range 4 East, described as follows:
Begin at the Southwest corner of Lot Number Twenty-two (22) of Carey's 2nd Addition, a subdivision in Hamilton County, Indiana; thence West nineteen point four (19.4) feet to the existing fence line; thence North one hundred fifty (150) feet on and along said existing fence line; thence East nineteen point four (19.4) feet to a point on the West line of said Lot Number Twenty-two (22); thence South one hundred fifty (150) feet to the place of beginning, all by lines parallel and perpendicular to the boundaries of said Lot Number twenty-two (22) and all in Hamilton County, Indiana.

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Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence South, deed (South 00 degrees 52 minutes 41 seconds West (assumed bearing), measured) on and along the West line of aforesaid Southwest Quarter 517.0 feet, deed (516.945 feet - 31.33 rods, historic deeds and measured); thence East parallel with the North line of aforesaid Southwest Quarter 535.8 feet, deed (South 89 degrees 38 minutes 58 seconds East 546.13 feet measured along a fence line accepted as the North line of real estate described in a Warranty Deed recorded on page 48 of Deed Record 344 in the Office of the Recorder of Hamilton County, Indiana to an iron pin accepted as the Northeast corner of said real estate); thence South parallel with the West line of said Southwest Quarter 869.0 feet to the center line of the Old Noblesville and Eagletown Gravel Road, deed (South 00 degrees 52 minutes 41 seconds West 859.56 feet measured parallel with the West line of said Southwest Quarter to a point on the Easterly tangent of the centerline of State Road #32 as now located and improved as line "F" of I.S.H.C. plans for "S" Project 166 (1) as approved October 22, 1947 and revised May 26, 1948); thence East on and along aforesaid centerline, deed (South 88 degrees 55 minutes 31 seconds East, measured on said centerline tangent) 300.00 feet to the place of beginning of this tract; thence continuing East on and along said centerline, deed (South 88 degrees 55 minutes 31 seconds East, measured on said centerline tangent) 162.50 feet; thence North, deed (North 00 degrees 52 minutes 41 seconds East, measured) parallel with the West line of said Southwest Quarter 554.6 feet, deed (550.98 feet, measured); thence Westerly 162.5 feet to a point which is 555.2 feet North of said centerline, deed (North 89 degrees 59 minutes 33 seconds West, measured, 162.50 feet to a line which bears North 00 degrees 52 minutes 41 seconds East from the place of beginning of this tract); thence South parallel to the West line of said Southwest Quarter 555.2 feet, deed (South 00 degrees 52 minutes 41 seconds West parallel with the West line of said Southwest Quarter 547.95 feet, measured) to the place of beginning, containing 2.07 acres, deed (2.05 acres, measured), more or less.

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Part of the Southwest Quarter of Section 36, Township 19 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 4 East; thence South, deed (South 00 degrees 52 minutes 41 seconds West (assumed bearing), measured) on and along the West line of aforesaid Southwest Quarter 517.0 feet, deed (516.945 feet - 31.33 rods, historic deeds and measured); thence East parallel with the North line of aforesaid Southwest Quarter 535.8 feet, deed (South 89 degrees 38 minutes 58 seconds East 546.13 feet measured along a fence line accepted as the North line of real estate described in a Warranty Deed recorded on page 48 of Deed Record 344 in the Office of the Recorder of Hamilton County, Indiana to an iron pin accepted as the Northeast corner of said real estate); thence South parallel with the West line of said Southwest Quarter 869.0 feet to the center line of the Old Noblesville and Eagletown Gravel Road, deed (South 00 degrees 52 minutes 41 seconds West 859.56 feet measured parallel with the West line of said Southwest Quarter to a point on the Easterly tangent of the centerline of State Road #32 as now located and improved as line "F" of I.S.H.C. plans for "S" Project 166 (1) as approved October 22, 1947 and revised May 26, 1948); thence East on and along aforesaid centerline, deed (South 88 degrees 55 minutes 31 seconds East, measured on said centerline tangent) 462.50 feet to the place of beginning of this tract; thence continuing East on and along said centerline, deed (South 88 degrees 55 minutes 31 seconds East, measured on said centerline tangent) 162.50 feet; thence North, deed (North 00 degrees 52 minutes 41 seconds East, measured) parallel with the West line of said Southwest Quarter 554.00 feet; thence Westerly 162.5 feet to a point which is 554.6 feet North of said centerline, deed (North 89 degrees 59 minutes 33 seconds West, measured, 162.50 feet to a line which bears North 00 degrees 52 minutes 41 seconds East from the place of beginning of this tract); thence South parallel to the West line of said Southwest Quarter 554.6 feet, deed (South 00 degrees 52 minutes 41 seconds West parallel with the West line of said Southwest Quarter 550.98 feet, measured) to the place of beginning, containing 2.07 acres, deed (2.06 acres, measured), more or less.

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LOTS #17 through #22 in Carey's Second Addition, a subdivision in Hamilton County, Indiana, as per plat thereof recorded in Plat P 2, page 118 in the Office of the Recorder of Hamilton County, Indiana.

EXCEPT: A PART of Lot Number twenty-two (22) of Carey's Second Addition, as subdivision in Hamilton County, Indiana, as per thereof recorded in Plat Book 2, page 118 in the Office of the Recorder of Hamilton County, Indiana, said part being more particularly described as follows:

Begin at the Northwest corner of said Lot Number twenty-two (22) thence South on and along the West line of said Lot Number twenty-two (22) twenty-five (25) feet; thence East one hundred (100) feet to a point on the East line of said Lot Number twenty-two (22); thence North twenty-five (25) feet to the Northeast corner of said Lot Number twenty-two (22), the same being on the centerline of North Drive; thence West on and along the center line of North Drive and the North line of said Lot twenty-two (22) one hundred (100) feet to the place of beginning, all by parallel lines and perpendicular lines.

ALSO: Part of the Southwest Quarter (1/4) of Section 36, Township 19 North, Range 4 East, described as follows:

Begin at the Southwest corner of Lot Number twenty-two (22) of Carey's 2nd Addition, a subdivision in Hamilton County, Indiana; thence West nineteen point four (19.4) feet to the existing fence line; thence North one hundred fifty (150) feet on and along said existing fence line; thence east nineteen point four (19.4) feet to a point on the West line of said Lot Number twenty-two (22); thence South one hundred fifty (150) feet to the place of beginning, all by parallel and perpendicular lines to the boundaries of said Lot Number twenty-two (22) and all in Hamilton County, Indiana.

ALSO: Part of the Southwest Quarter of Section Thirty-six (36), Township Nineteen (19) North, Range Four (4) East in Hamilton County, Indiana, more particularly described as follows:

Beginning 517.0 feet South, deed (South 00 degrees 52 minutes 41 seconds West (assumed bearing) on the West line of the Southwest Quarter of Section 36, Township 19 North, Range 4 East a distance of 516.945 feet, measured) and 1329.5 feet, deed (South 89 degrees 38 minutes 58 seconds East 1338.97 feet, measured) of the Northeast corner, deed (Northwest corner, measured) of the Southwest Quarter of Section 36, Township 19 North Range 4 East, being the Northwest corner of CAREY'S SECOND ADDITION; thence South, deed (South 01 degree 33 minutes 00 seconds West, measured) on and along the West line of said CAREY'S SECOND ADDITION 119.4 feet; thence West parallel with the North line of said Southwest Quarter, deed (North 89 degrees 38 minutes 58 seconds West, measured) 182.4 feet; thence North parallel with the East line of this tract 119.4 feet; thence East parallel with the North line of Southwest Quarter, deed (South 89 degrees 38 minutes 58 seconds East, measured) 182.4 feet to the place of beginning, containing 0.50 acres, more or less.

ALSO: Part of the West Half of Section 36, Township 19 North, Range 4 East in Noblesville Township, Hamilton County, Indiana, described as follows:

Beginning on the North line of the Southwest Quarter of Section 36, Township 19 North, Range 4 East at a point 726.35 feet South 89 degrees 30 minutes 00 seconds East (assumed bearing) from the Northwest corner of said Southwest Quarter; thence South 89 degrees 30 minutes 00 seconds East on said North line 286.52 feet to a Northwest corner of real estate; described in a Warranty Deed recorded as Instrument #88-13878 in the Office of the Recorder of Hamilton County, Indiana, said corner being located 314.29 feet North 89 degrees 30 minutes 00 seconds West of the Southwest corner of the East Half of the Northwest Quarter of said Section 36; thence South 01 degree 27 minutes 27 seconds West parallel with the West line of said East Half and on the Westerly line of said real estate 50.00 feet to the Southwest corner of said real estate; thence South 89 degrees 30 minutes 00 seconds East on the Southerly line of said real estate and measured parallel with the South line of said Northwest Quarter 491.44 feet to the Southeast corner of said real estate; thence North 01 degree 27 minutes 27 seconds East parallel with the West line of said East Half and on the Easterly line of said real estate 309.51 feet to a point on the centerline of Indiana State Road No. 38 as now located and improved per I.S.H.C. plans for Project 251, Section B1, approved March 28, 1933, said centerline being on a curve the radius point of which lies 1432.39 feet South 28 degrees 09 minutes 32 seconds West from said point; thence Southeasterly, curving to the right on said curve and centerline, an arc distance of 198.28 feet; thence South 01 degree 49 minutes 00 seconds West 146.27 feet; thence South 43 degrees 37 minutes 38 seconds West 163.85 feet to the point of curvature of a curve to the left having a radius of 250.00 feet; thence Southwesterly, curving to the left on said curve, an arc distance of 190.36 feet to the point of tangency of said curve; thence South 00 degrees 00 minutes 00 seconds tangent with said curve 58.37 feet; thence North 90 degrees 00 minutes 00 seconds East 68.67 feet; thence South 00 degrees 00 minutes 00 seconds 171.77 feet to a point on a line which bears South 89 degrees 38 minutes 58 seconds East from a point on the West line of the Southwest Quarter of said Section 36, that is 31.33 rods (516.945 feet) South 00 degrees 52 minutes 41 seconds West of the Northwest corner of said Southwest Quarter; thence North 89 degrees 38 minutes 58 seconds West on said line 842.18 feet to a point 726.36 feet South 89 degrees 38 minutes 58 seconds East of said point on the West line of said Southwest Quarter; thence North 00 degrees 52 minutes 41 seconds East parallel with the West line of said Southwest Quarter 515.05 feet to the place of beginning, containing 10.000 acres, more or less.

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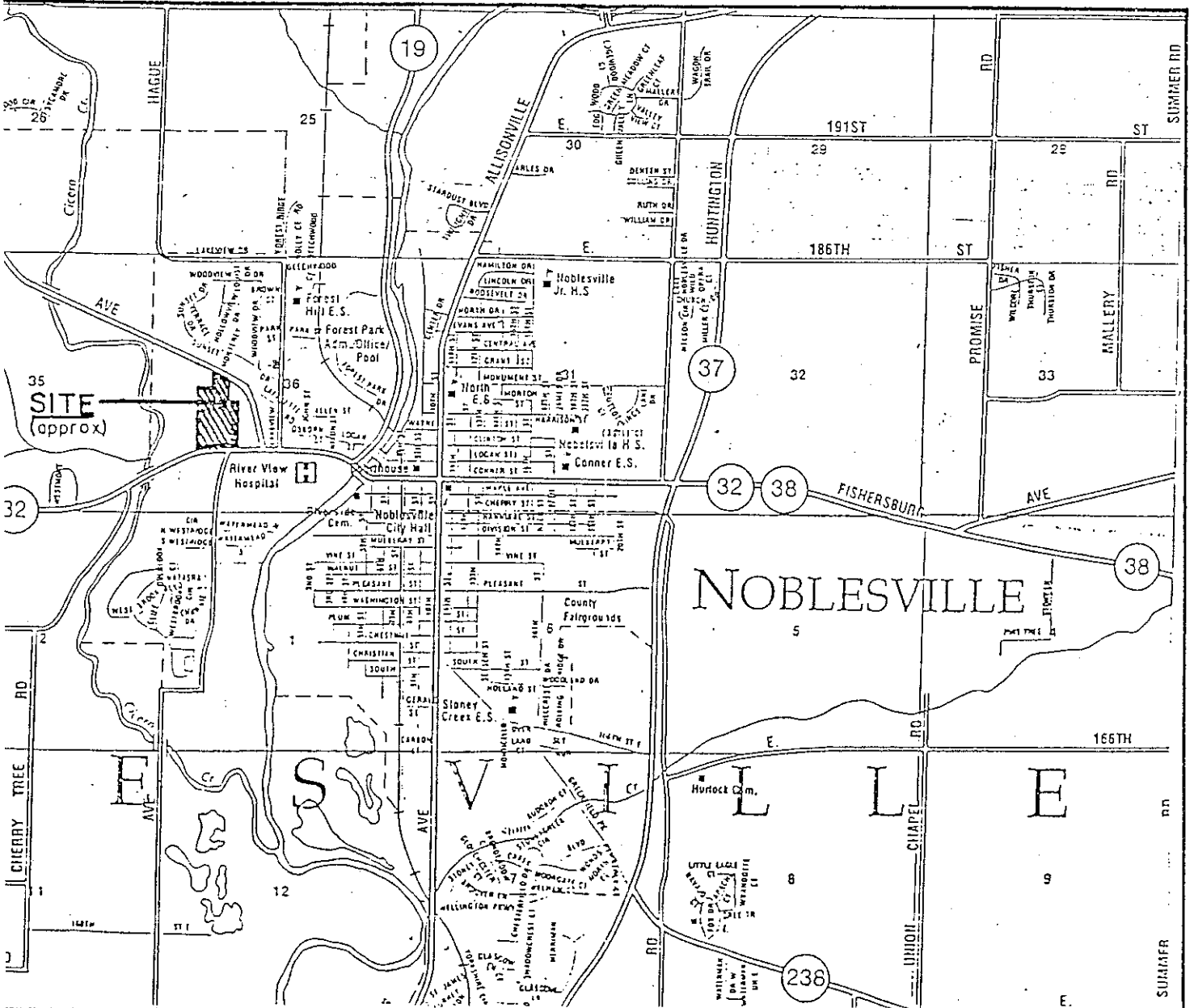
Land Description continued on page 6.

ALSO - Part of Carey's Second Addition, a subdivision in Hamilton County, Indiana, as per the plat thereof recorded in Plat Book 2, Page 188 in the Office of the Hamilton County, Indiana, more particularly described as follows:

All that portion of the dedicated right-of-way known as North Drive located Southerly of Lots # 17, 18, and 19 and Northerly of Lots # 20, 21, and 22 in Carey's Second Addition, a subdivision in Hamilton County, Indiana, as per the plat thereof recorded in Plat Book 2, Page 188 in the Office of the Hamilton County, Indiana.

This Instrument Recorded 2-21 1992
Sharon K. Chery, Recorder, Hamilton County, Indiana

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VICINITY MAP

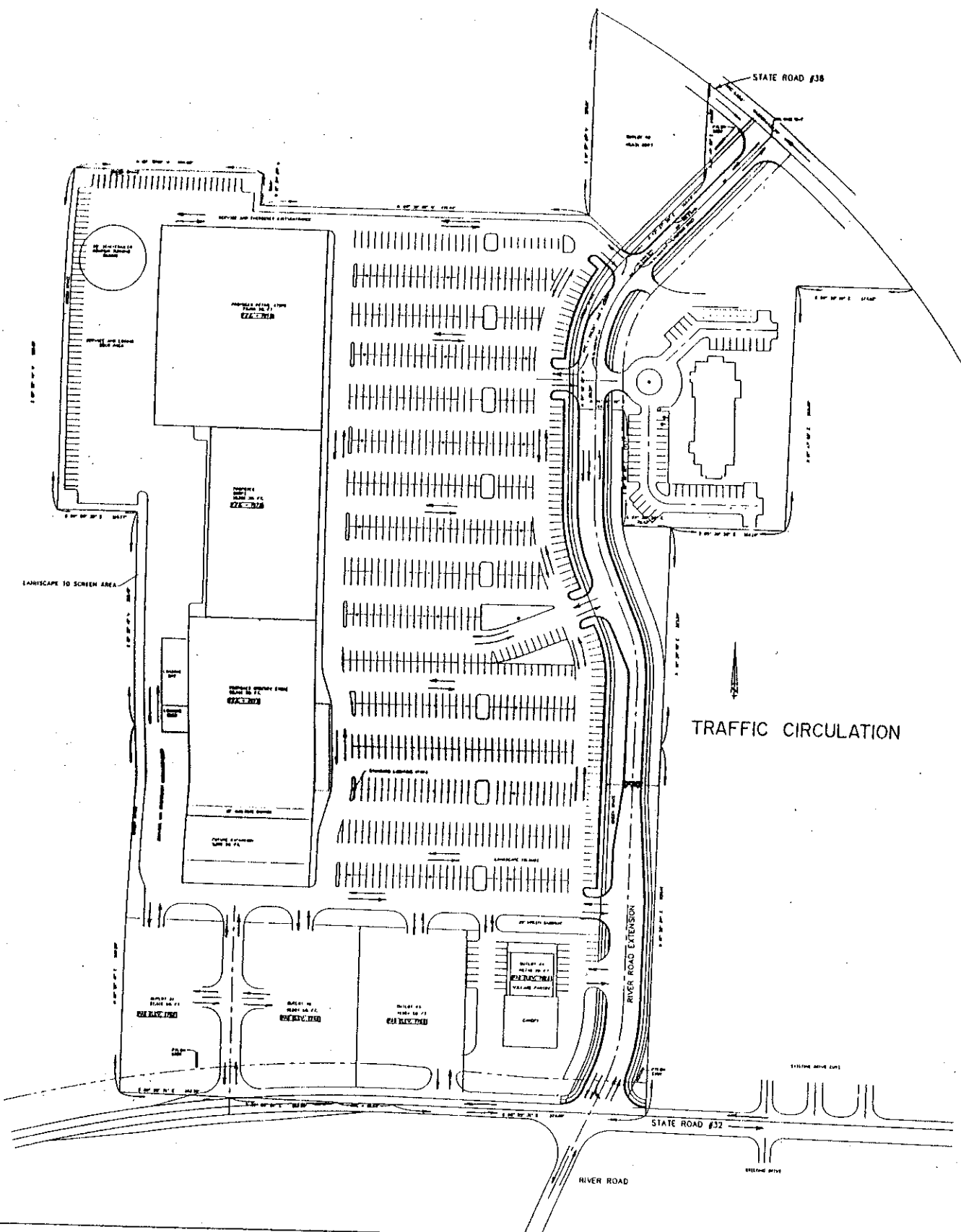
PROJECT SUMMARY

Mundy Realty is seeking the re-zone of approximately 24 acres between S.R. 32 and S.R. 38 at the terminus of River Road in order to build a retail shopping center that will include a new 55,000 square foot Marsh supermarket. In addition to the supermarket, the main complex of the center is planned to include another retail anchor (between 75,000 and 80,000 sq. ft.) and a number of smaller tenant spaces for business use (approximately 20,000 square feet). There are also five outlots, four on the south end along S.R. 32, and one at the north end on S.R. 38.

A significant feature of the proposed preliminary development Plan is the extension of River Road from S.R. 32 to S.R. 38, which will complete an arterial connector proposed by the component of the Noblesville Comprehensive Plan. Completion of this component of the Thoroughfare Plan should help relieve congestion at the intersection of State Road 38 and State Road 32. Additionally, much more convenient and efficient access will be available to River Road for traffic originating in the "Harbours" developments.

The supermarket will bring Noblesville to the "Next Generation" of grocery retailing. The size of the store (20,000 sq. ft. larger than the existing Marsh store) will allow a product mix with up to one third fresh goods including poultry, meat, seafood, produce, bakery and Deli products and prepared foods.

The total project (exclusive of inventory) represents an investment of almost \$6,000,000 and is reflective of a Marsh/Mundy view that the City of Noblesville is ready for a substantial forward.



JOB NO.
 DRAWN BY
 CHECKED BY
 DATE



WEIHE ENGINEERS INC.
 10505 N. COLLEGE AVENUE
 INDIANAPOLIS, INDIANA 46280
 317-846-6611

ALLAN H. WEIHE, P.E., L.S.
 PRESIDENT

CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS