

AN ORDINANCE AMENDING THE TEXT OF THE MERION PUD ORDINANCE AND
APPROVING THE AMENDMENT TO THE ARCHITECTURAL STANDARDS

This is an ordinance approving a text amendment to PUD Ordinance 19-03-15 (the "Merion PUD Ordinance") amending the Architectural Standards. The legal description is attached hereto and incorporated herein as Exhibit "A" (the "Real Estate").

On May 1, 2015, Gradison Land Development, Inc., ("Gradison"), recorded the Merion PUD Ordinance, as Instrument No. 2015-020440 in the Office of the Recorder of Hamilton County, Indiana. Gradison-Merion Investment, LLC, the Developer of "Merion" (the "Developer"), would like to allow for a maximum number of 35 homes in Merion to be constructed on a slab or concrete (the "First Amendment").

Section 1. **Amendment to the Architectural Standards**

6.4 Homes in the District shall have the following:

- A. A minimum of 80 homes shall have basements in excess of 1,275 square feet. The remaining 35 homes may be constructed on a slab or crawl space;
- B. All homes shall have dimensional shingles;
- C. All homes shall have decorative garage doors;
- D. All homes shall have minimum nine (9) foot ceilings throughout the main floor (except closet and mudrooms).

Section 2. **Effective Date**

2.1 This First Amendment shall be effective with respect to the Real Estate upon adoption by the City Council of this First Amendment.

Section 3. **Recording**

3.1 The undersigned hereby authorized the Secretary of the Plan Commission to record this Ordinance in the Office of the Recorder of Hamilton County, Indiana.

Section 4. **Prior Commitments**

4.1 All other items related to the Merion PUD remain in effect with respect to the Real Estate, except those modified by this First Amendment.

Section 5. **Enforcement**

6.1 This First Amendment may be enforced by the Plan Commission and/or the City Council.

Section 6. Binding Effect

7.1 This First Amendment is binding on the Developer and its successors and assigns unless modified or terminated by a decision of the Plan Commission or City Council after public hearing wherein notice is given as provided in the Plan Commission's rules. This First Amendment shall terminate with respect any part of the Real Estate hereafter rezoned to change the permitted use(s) of that part of the Real Estate.

IN WITNESS WHEREOF, Developer has executed this instrument this ____ day of _____, 2017.

GRADISON-MERION INVESTMENT, LLC
An Indiana limited liability company

By: _____
Mark D. Gradison, Member

STATE OF _____)
) SS: ACKNOWLEDGMENT
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally Mark D. Gradison, the Manager of Gradison-Merion Investment, LLC, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 201__.

County of Residence: _____ Signature: _____

My Commission Expires: _____ Printed: _____

Date: _____ 201

Approved by the City Council of Noblesville, Indiana, _____, 201_:

Printed: _____
President, City Council of Noblesville, Indiana

COMMON COUNCIL OF THE CITY OF NOBLESVILLE
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

I hereby certify that the foregoing Ordinance/Resolution was delivered to the City of Noblesville Mayor, John Ditslear, on the __ day of _____ 201_, at _____ m.

ATTEST: _____

City Clerk: _____

MAYOR'S APPROVAL

John Ditslear, Mayor

Date

MAYOR'S VETO

John Ditslear, Mayor

Date

This instrument prepared by: Mark D. Gradison

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law – *s. Mark D. Gradison*

EXHIBIT A
REAL ESTATE

A part of the East Half of Quarter of Section 9, Township 18 North, Range 5 East, City of Noblesville, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said East Half; thence South 00 degrees 18 minutes 15 seconds East along the East line of said Section a distance of 2,096.34 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 18 minutes 15 seconds East along said East line a distance of 623.39 feet to the northeast corner of a property identified as Parcel No. 10-11-09-00-00-010.001 in the Office of the Recorder of Hamilton County, Indiana, the following three (3) calls being along the north, west and south boundary of said parcel; 1) South 89 degrees 11 minutes 44 seconds West 221.36 feet; 2) South 00 degrees 10 minutes 43 seconds West 198.97 feet; 3) South 89 degrees 57 minutes 49 seconds East 223.04 feet to a point on the aforesaid East line; thence South 00 degrees 18 minutes 15 seconds East along said East line a distance of 357.05 feet; thence South 89 degrees 37 minutes 47 seconds West 2,672.37 feet; thence North 00 degrees 13 minutes 24 seconds West 615.53 feet; thence North 89 degrees 35 minutes 53 seconds East 1,335.14; thence North 00 degrees 52 minutes 32 seconds West 567.31 feet; thence North 89 degrees 40 minutes 04 seconds East 1,342.02 feet to the place of beginning, containing 54.19 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.