



Common Council Agenda Item Cover Sheet

MEETING DATE: March 13, 2018

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

ITEM or ORDINANCE #: 54-11-17

INITIATED BY: Joyceann Yelton

- ☒ Information Attached
- ☐ Bring Paperwork from Previous Meeting
- ☐ Verbal
- ☐ No paperwork at time of meeting

ORDINANCE NO. 54-11-17

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. _____

This Ordinance amends the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, enacted by the City of Noblesville, Indiana (the "City") 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 0121-2017 at its October 16, 2017 meeting as required by law in regard to the application (the "Petition") filed by Sagewood Inc. (the "Developer") concerning a change of zoning of certain property; and

WHEREAS, the Plan Commission has sent an Unfavorable recommendation for adoption to the Common Council of said amendment with a vote of Seven (7) in favor and One (1) opposed;

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 Zoning Map, are hereby amended as follows:

Section 1. The Official Zone Map of the City of Noblesville, a part of the Unified Development Ordinance, is hereby amended to change the zoning of the Real Estate legally described in Exhibit A ("Parcel A") from "R1" Residential to "R3" Residential as designated in said Unified Development Ordinance of the City of Noblesville, Hamilton County, Indiana.

Section 2.

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

[The remainder of this page intentionally left blank; signature page follows.]

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council
this ____ day of _____, 2017.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

Aye		Nay
_____	Brian Ayer	_____
_____	Mark Boice	_____
_____	Wil Hampton	_____
_____	Christopher Jensen	_____
_____	Roy Johnson	_____
_____	Gregory P. O'Connor	_____
_____	Mary Sue Rowland	_____
_____	Rick L. Taylor	_____
_____	Megan Wiles	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,
this ____ day of _____, 2017.

John Ditslear, Mayor
City of Noblesville, IN

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. Roger L. Kessler

Prepared by: Roger L. Kessler, Attorney-at-Law, 10200 Lantern Rd., Fishers, IN 46037
(317) 570-7250.

EXHIBIT A

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Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 4 EAST, LOCATED IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 4 EAST, AS SAID SOUTHWEST CORNER HAS BEEN MONUMENTED AND ESTABLISHED BY THE PLAT OF SETTLERS MILL, SECTION 1 (SAID PLAT OF SETTLERS MILL, SECTION 1 BEING RECORDED AS INSTRUMENT NUMBER 9634469 IN PLAT CABINET 1, SLIDE 706 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA); THENCE SOUTH 80 DEGREES 15 MINUTES 56 SECONDS WEST (PLAT BEARING) 288.20 FEET ON AND ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHWEST CORNER OF LOT NUMBER 23 IN SETTLERS MILL, SECTION 1 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 15 MINUTES 56 SECONDS WEST 327.80 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE NORTHEASTERLY BOUNDARY LINE OF MILL CREEK SUBDIVISION, SECTION 7, PART A, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 4, PAGES 33-24 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA (THE FOLLOWING 4 COURSES ARE ON AND ALONG SAID NORTHEASTERLY BOUNDARY LINE); (1) THENCE NORTH 50 DEGREES 09 MINUTES 53 SECONDS WEST 89.86 FEET TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; (2) THENCE NORTH 86 DEGREES 08 MINUTES 37 SECONDS WEST 135.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; (3) THENCE NORTH 12 DEGREES 28 MINUTES 37 SECONDS WEST 280.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; (4) THENCE NORTH 42 DEGREES 15 MINUTES 38 SECONDS WEST 277.91 FEET TO THE POINT OF INTERSECTION OF SAID NORTHEASTERLY BOUNDARY LINE AND THE EASTERLY BOUNDARY LINE OF MILL CREEK, SECTION 4 AS RECORDED IN MISCELLANEOUS RECORD 81, PAGES 306-307; THENCE NORTH 23 DEGREES 29 MINUTES 23 SECONDS EAST 1013.26 FEET ON AND ALONG SAID EASTERLY LINE TO AN IRON PIPE; THENCE NORTH 01 DEGREES 09 MINUTES 28 SECONDS EAST 276.26 FEET ON AND ALONG SAID EASTERLY LINE TO A MAG NAIL ON THE CENTERLINE OF STATE ROAD 38; THENCE SOUTH 61 DEGREES 09 MINUTES 58 SECONDS EAST 393.98 FEET ON AND ALONG THE CENTERLINE OF STATE ROAD 38 TO A MAG NAIL; THENCE SOUTH 00 DEGREES 53 MINUTES 35 SECONDS EAST 1557.19 FEET ON AND ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SETTLERS MILL AND THE WEST LINE OF SAID SETTLERS MILL TO THE POINT OF BEGINNING, CONTAINING 20.70 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 4 EAST, HAMILTON COUNTY, INDIANA CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED RECORDED OCTOBER 7, 2005 AS INSTRUMENT NO. 200500066153, IN THE OFFICE

OF THE RECORDER OF HAMILTON COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 00 DEGREES 06 MINUTES 28 SECONDS EAST 230.71 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE CENTERLINE OF STATE ROAD 38; THENCE SOUTH 61 DEGREES 03 MINUTES 07 SECONDS EAST 2261.02 FEET (BEARINGS AND DISTANCE QUOTED FROM INSTRUMENT NUMBER 9809834110) ALONG SAID CENTERLINE TO THE NORTHWEST CORNER OF THE GRANTOR'S LAND; THENCE SOUTH 01 DEGREES 03 MINUTES 27 SECONDS WEST 45.18 FEET ALONG THE WEST LINE OF THE GRANTOR'S LAND TO THE SOUTHWESTERN BOUNDARY OF SAID STATE ROAD 38 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 61 DEGREES 14 MINUTES 58 SECONDS EAST 400.09 FEET ALONG THE BOUNDARY LINE OF SAID STATE ROAD 38 TO THE EAST LINE OF THE GRANTOR'S LAND; THENCE SOUTH 00 DEGREES 43 MINUTES 34 SECONDS EAST 11.27 FEET ALONG SAID EAST LINE; THENCE NORTH 61 DEGREES 17 MINUTES 44 SECONDS WEST 370.76 FEET; THENCE NORTH 61 DEGREES 17 MINUTES 44 SECONDS WEST 360.76 FEET; THENCE NORTH 61 DEGREES 13 MINUTES 06 SECONDS WEST 29.58 FEET TO A POINT ON THE WEST LINE OF GRANTOR'S LAND; THENCE NORTH 01 DEGREES 03 MINUTES 27 SECONDS EAST 11.40 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, CONTAINING 0.092 ACRES, MORE OR LESS.