HORINGTO

From Swan

200600021117
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
04-20-2006 At 09:32 αm.
ORDINANCE 23.00

ORDINANCE #30-3-06

AN ORDINANCE TO AMEND THE ORDINANCE NO. 50-11-02

An ordinance to amend Ordinance No. 50-11-02 (original PD), enacted by the City of Noblesville under authority of Chapter 174 of the Acts of the General Assembly 1947, as amended.

WHEREAS, the Plan Commission of the City of Noblesville has conducted a public hearing on Application #06N-15-0153 as required by law concerning an application for amendment to the approved planned development for "Cumberland Pointe" specifically for the multi-family portion; and,

WHEREAS, the Plan Commission at their March 20, 2006 meeting has sent its recommendation to the Noblesville Common Council in the manner by a vote of eight (8) in favor of adoption and zero (0) opposed.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, that the Unified Development Ordinance for said City is hereby amended as follows:

Section 1. That the subject real estate located at the southeast corner of Greenfield Avenue and Cumberland Road in the City of Noblesville, and described as Exhibit A (see Deed/Instrument # 200400015406), all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana is hereby amended as per Preliminary Development Plan, Exhibit B; Landscaping Plan, Exhibit C; and Building Elevations as per

Exhibit D (seven (7) pages). Said Building Elevations were approved by the Architectural Review Board at their February 16, 2006 meeting.

Section 2. That the Amended Preliminary Development Plan marked Exhibit B, and the Landscaping Plan, Exhibit C, indicates: 1) maximum of 344 units with a density not to exceed 13.68 units per acre; 2) the perimeter buffer along the eastern property line would include a 5-6 FT mound at a 3:1 slope with deciduous and coniferous trees; 3) none of the buildings will exceed two stories in height; 4) the peripheral buffer yard shall be reduced to 25 FT along Cumberland Road and that portion along the western property line; 5) the open space requirement shall be reduced, but shall not be less than twenty-one per cent (21%); and, 6) the trails along both Greenfield Avenue and Cumberland Road would be constructed as per the Noblesville Alternative Transportation Plan or as directed by the planning department..

Section 3. PLANNED UNIT DEVELOPMENT STANDARDS. WHEREAS, the development standards established by this Ordinance and/or its attached exhibits supersede the development standards of the Unified Development Ordinance and modify the requirements for the Multi-Family portion of "Cumberland Pointe" for the City of Noblesville, Hamilton County, Indiana provided however that unless a development standard, guideline or requirement specified in the Unified Development Ordinance is varied, altered, or modified by this Ordinance and/or its Exhibits, then such development standard, guideline, or requirement as specified in the Unified Development Ordinance shall apply.

Section 4.	That the exhibits attached here	eby replace and	supersede the	original	or any
amended exhibits for	he multi-family portion of Cui	nberland Pointe	e Planned Dev	elopment	only.

Section 5. This ordinance shall be in full force and effect from and upon its adoption in accordance with the law.

Section 6. Upon motion duly made and seconded, this ordinance was fully passed by the members of the Common Council this flow day of Opril, 2006.

BY:	AYE	COMMON COUNCI CITY OF NOBLESVII	NAY	
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	my Busly	Terry Busby	 	
	Part Thirds	Alan Hinds		
	249	Brian Ayer	 	
Du	e Smel	Dale Snelling		
- Kat	hie State	Kathie Stretch		
maria	ue Nowlan	Mary Sue Rowland		
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APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County,

Indiana this <u>ltt</u> day of <u>April</u>, 2006.

John Ditslear, Mayor City of Noblesville

ATTEST:

Janet Jaros, Clerk-Treasurer

Prepared by: Herbert A. Jensen #4894-49 Attorney at Law 7440 N. Shadeland Ave., #202 Indianapolis, IN 46250 (317) 849-5834 – phone (317) 849-5974 - facsimile

EXHIBITS ARE ON FILE AND MAY BE VIEWED IN THE CITY OF NOBLESVILLE CLERK-TREASURER'S OFFFICE.

HERED FOR TAXATION J Subject to final acceptance for transfer 2004 3408 Filed or Record in HAMILTON COUNTY, INDIANA JENNIFER J HAYDEN 03-09-2004 Ht 01:00 PM, 03-09-1000 PM,

Trullian Auditor of Harnilton County Parcel # 10-11-17-00-00-00

10-11-05-00-05-001-000

10-11-02-00-04-003-000, -004-000, -005-000, -004-000, -007-000

WARRANTY DEED

Case No: 020711613

This Indenture Witnesseth, That W and C Development Company, LLC

("Grantor"), a Limited Liability Company organized and existing under the laws of the State of Conveys and Warrants to SRS, LLC

(Grantee) of Hamilton County, in the State of Indiana, for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of

A part of the Southwest Quarter of Section 8, Township 18 North, Range 5 East and a part of the Morthwest Quarter of Section 17, Township 18 North, Range 5 East located in Noblesville Township, Hamilton County, Indiana, being described

Subject To any and all easements, agreements, and restrictions of record. The address of such real estate is commonly known as:

Noblesville, IN 46060 The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Members of Grantor, to execute and deliver this deed, that Grantor has full capacity to convey the real estate described herein; and that all necessary company action for the making of such conveyance has been taken and done.

In Witness Whereof, Grantor has executed this deed this 5th day of March 2004.

(SEAL) ATTEST:	W and C Development Company, LLC			
Ву	By Charles R. Whit			
Signature	Signerare			
	<u> Christopher R. White Member</u>			
Printed Name, and Office	Printed Name, and Office			
STATE OF INDIANA, Marion	COUNTY ss: ACKNOWLEDGEMENT			
Before me, a Notary Public in and	for the said County and State, personally appeared			

Christopher R. White the Member of W and C Development Company, LLC

who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who having been duly sworn, stated that the representations therein contained are true.

Witness my hand and notatial scal this St.tr day of March 2004 . My commission expires: LOAL MATERIAL COAL LOAN MOTARY PUBLIC HARMAN MATERIAL MAT . Notary Public 01/07/07

THIS INSTRUMENT PREPARED BY: Wondy S. Cilibons, Augustiny at Law 16726-53

Send tax bills to: 3760 Sunsoit Las Dothbesot, Il 10012

EXHIBIT

CONTINUITION OF WARRANTY DEED

as follows:

Beginning at the railroad spike at the Southwest corner of the Southwest Quarter of Section 8, Township 18 North, Range 5 East; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 774.88 feet to a mag nail at the Point of Beginning of this description; thence North 00 degrees 00 minutes 00 seconds 956.34 feet on and along the West line of said Southwest Quarter to a mag nail at the point of intersection of the west line of said Southwest Quarter and the centerline of State Road 238; thence South 55 degrees 50 minutes 00 seconds East 87.10 feet on and along the centerline of said State Road 238 to a mag nail; thence South 65 degrees 23 minutes 00 seconds East 536.50 feet on and along the centerline of said State Road 238 to a mag nail; thence South 71 degrees 44 minutes 00 seconds East 696.97 feet on and along the centerline of said State Road 238 to a mag nail at the Northeast corner of Parcel "G" as described in deed record 354, page 470; thence South 00 degrees 03 minutes 52 seconds West 1247.56 feet on and along the East line of said Parcel "G" and the east line of Parcel "A" as described in deed record 354, page 470 to a 5/8" iron rod with yellow cap stamped Miller Surveying on the south line of said Southwest Quarter; thence South 00 degrees 16 minutes 10 seconds West 30.15 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying on a curve to the left, said 5/8" rod with yellow cap stamped Miller Surveying being North 10 degrees 33 minutes 27 seconds East 325.00 feet from the radius point of said curve to the left; thence Northwesterly 57.96 feet on and along said curve to the left to a 5/8" iron rod with yellow cap stamped Miller Surveying at the point of tangency of said curve to the left; thence North 89 degrees 39 minutes 45 seconds West 563.20 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 00 minutes 00 seconds 25.00 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying on the South line of said Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds 778.42 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 90 degrees 00 minutes 00 seconds West 599.30 feet to the Point of Beginning. Containing 30.669 acres, more or less.

The Company herein does not certify as to the number or quantity of acres contained in the legal description shown on Schedule A.

Takes for the year 2003 due and payable in 2004 are now a lien, but not currently due or payable.

Rights of the Public, State of Indiana, County and Municipality in and to that part of the premises taken or used for road purposes.

Rights of way for drainage tiles, disches, feeders, laterals, swales and underground drain tile or pipe, if any.

Statutory easement for the right of way for the Oliver-Armstrong Regulated Drain, per County Surveyor Mapping.

Rights of the public in and to that portion of the insured premises lying within the bounds of State Road 238 and Chumberland Road.

Easement for Utilities granted to Indiana Bell Telephone Company Incorporated by Instrument recorded February 5, 1981 in Deed Record 324, page 697.

Continued on next page

Came No. 020/ 13

CONTINUATION OF WARRANTY DEED

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Drainage easement granted to the City of Noblesville by instrument dated September 16, 2003 and recorded September 18, 2003 as Instrument No. 200300097098.

Possible municipal assessments levied by the City of Noblesville, Indiana.

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Subject Dies

DULY ENTERED FOR TAXATION J Subject to final acceptance for transfer A day of March 20 00

Ecter In Truller Auditor of Hamilton County

Parcei # 10-11-17-00-00-001.

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WARRANTY DEED

Case No: 020711613

200400015408 Filed for Recard in HAMILION COUNTY, INDIANA JENVIFER J HAYDEN 03-09-2004 Ht 01100 PM 03-09-2004 Ht 0110 PM

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("Grantor"), a Limited Liability Company organized and existing under the laws of the State of Indiana
Conveys and Warrants to SRS, LLC

(Grantee) of Hamilton. County, in the State of Indiana, for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Hamilton County, in the State of Indiana:

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Continued on next page
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In Witness Whereof, Grantor has executed this deed this 5th day of March 2004.

(SEAL) ATTEST:	W and_C De	velopment Company, LLC	
Ву	By	a Laker	
Signature	Sig ner	I'E	
	Curistophe	r R. White Member	
Printed Name, and Chine	Printed Neme, and Office		
STATE OF INDIANA. Marion	COUNTY 56:	ACKNOWLEDGEMENT	
Before me, a Notary Public in and for Christopher R. White the Member of W and C Develop			

who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

TERS INSTRUMENT PREPARED BY: Westly S. Gilibons, Automory at Law 16726-53

Send was hills to: 3760 Sunsuit Las Workbrook, Il 10062

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Qase No. 020711613

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CONTINUATION OF WARRANTY DEED

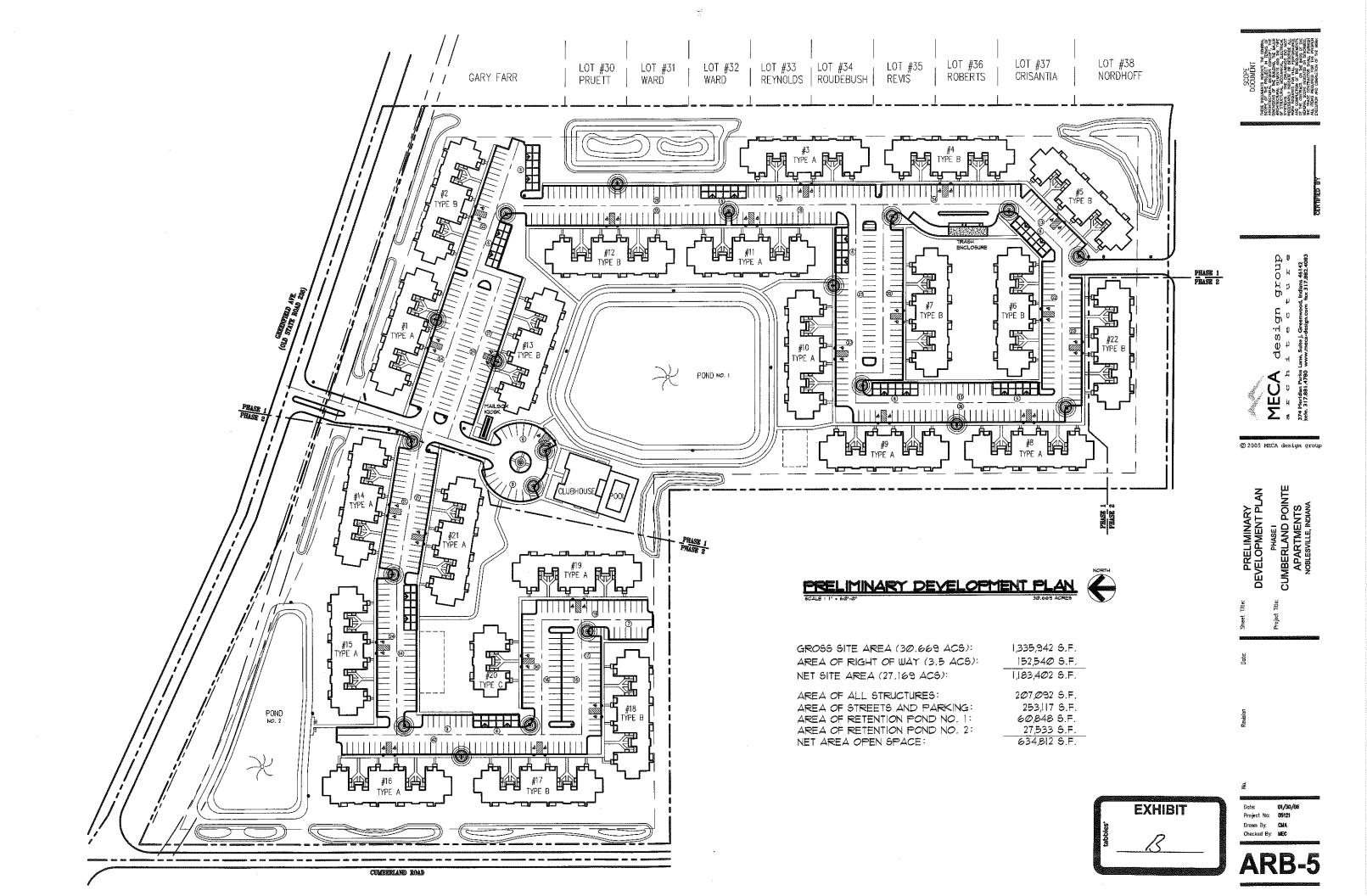
Ameritech Non-Exclusive easement to Indiana Bell Telephone Company a.k.a. Ameritech Indiana recorded February 18, 1938 as Instrument No. 98-7615.

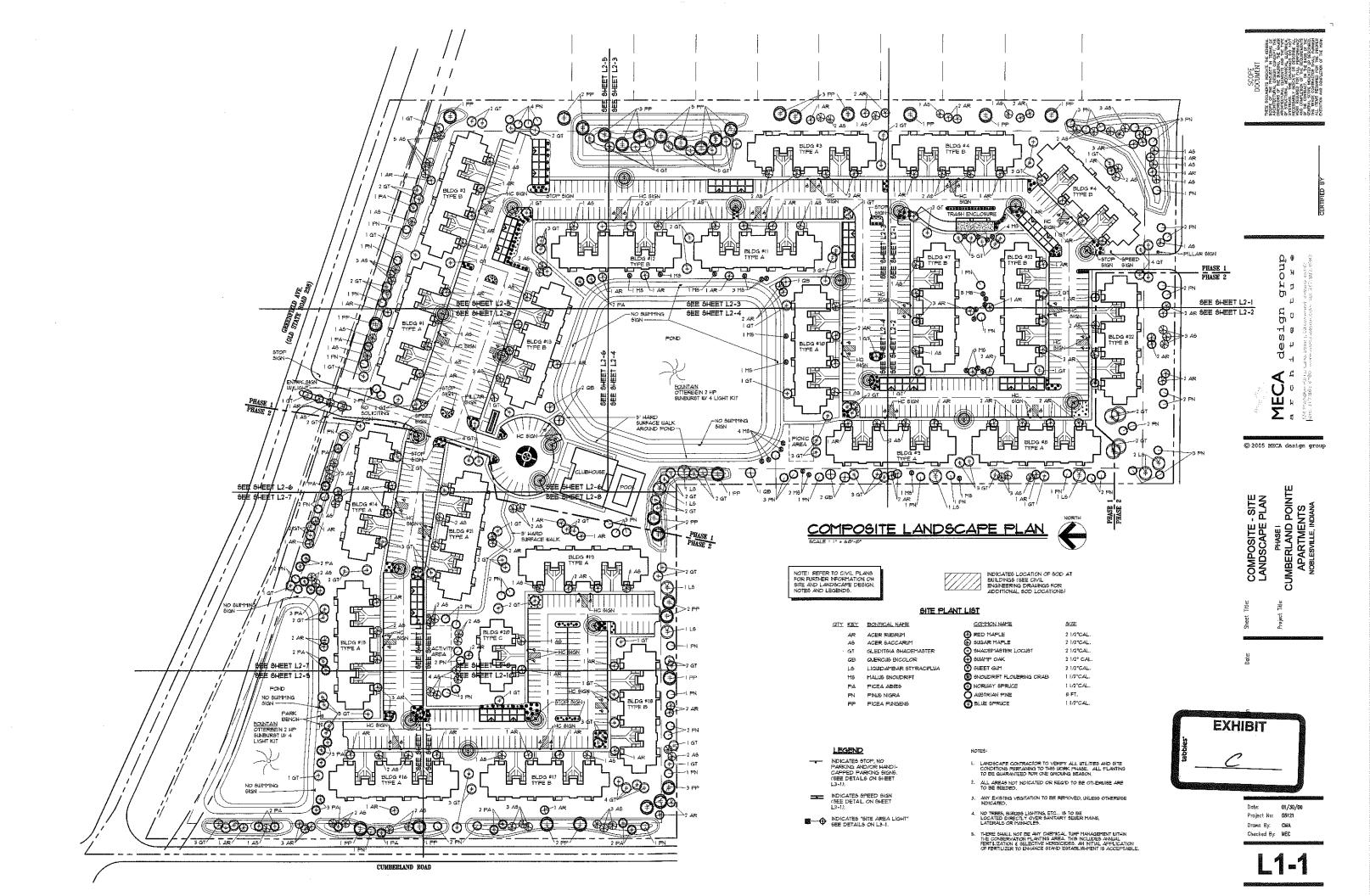
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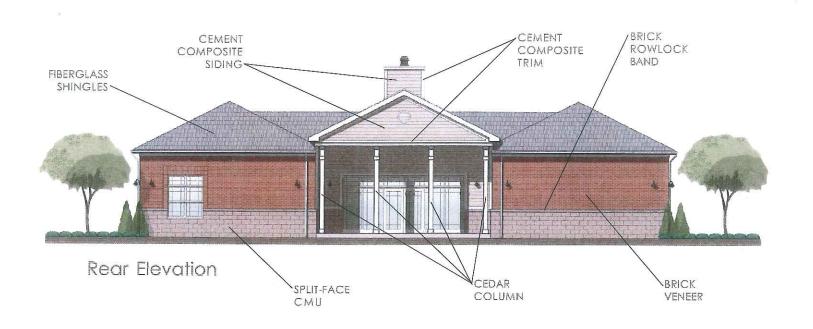
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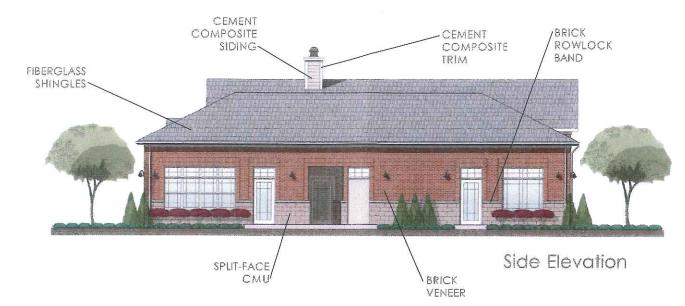
Possible municipal assessments levied by the City of Noblesville, Indiana.

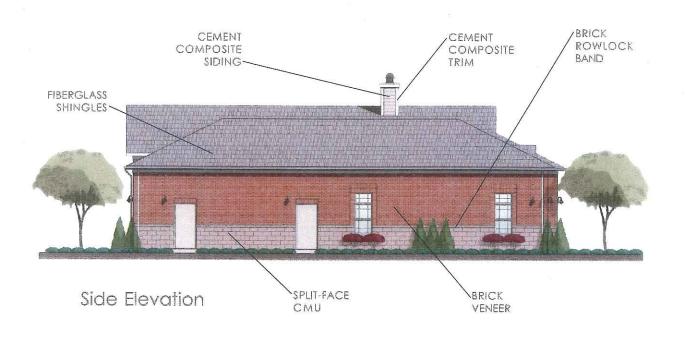
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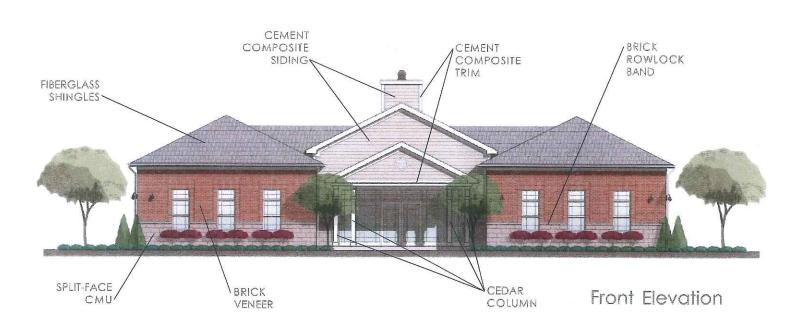












Clubhouse - Elevation Studies

March 6, 2006 Project No: 05121

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MECA design group architecture



Front Elevation

Building Type 'A' - Elevation Study

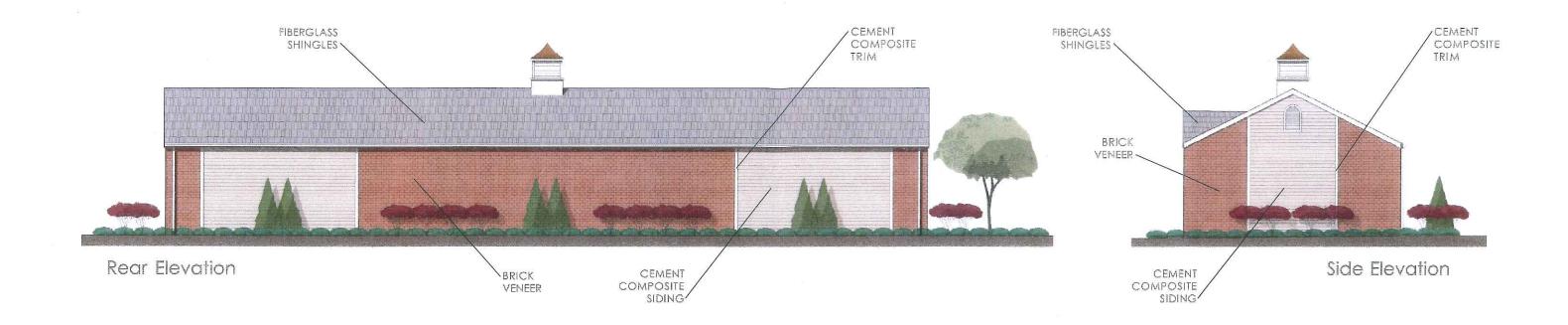
March 6, 2006 Project No: 05121

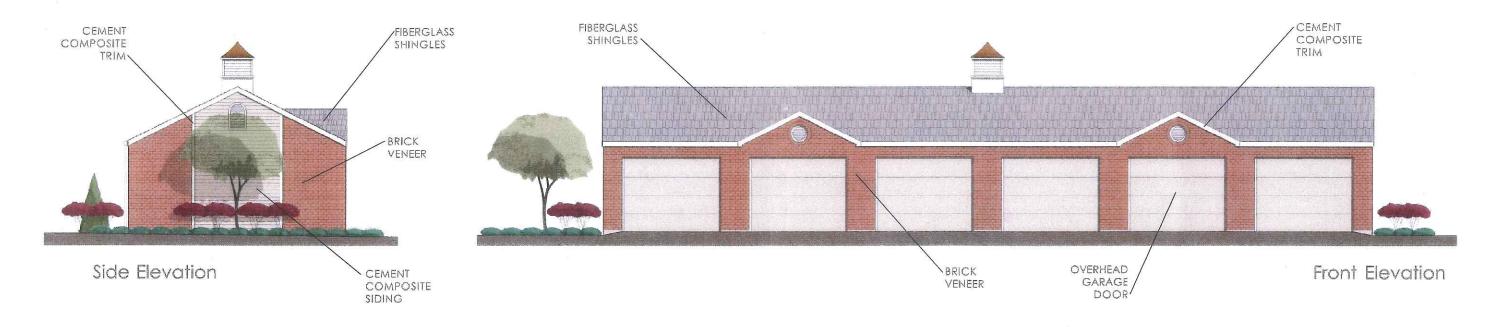
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Cumberland Pointe Apartments Noblesville, Indiana







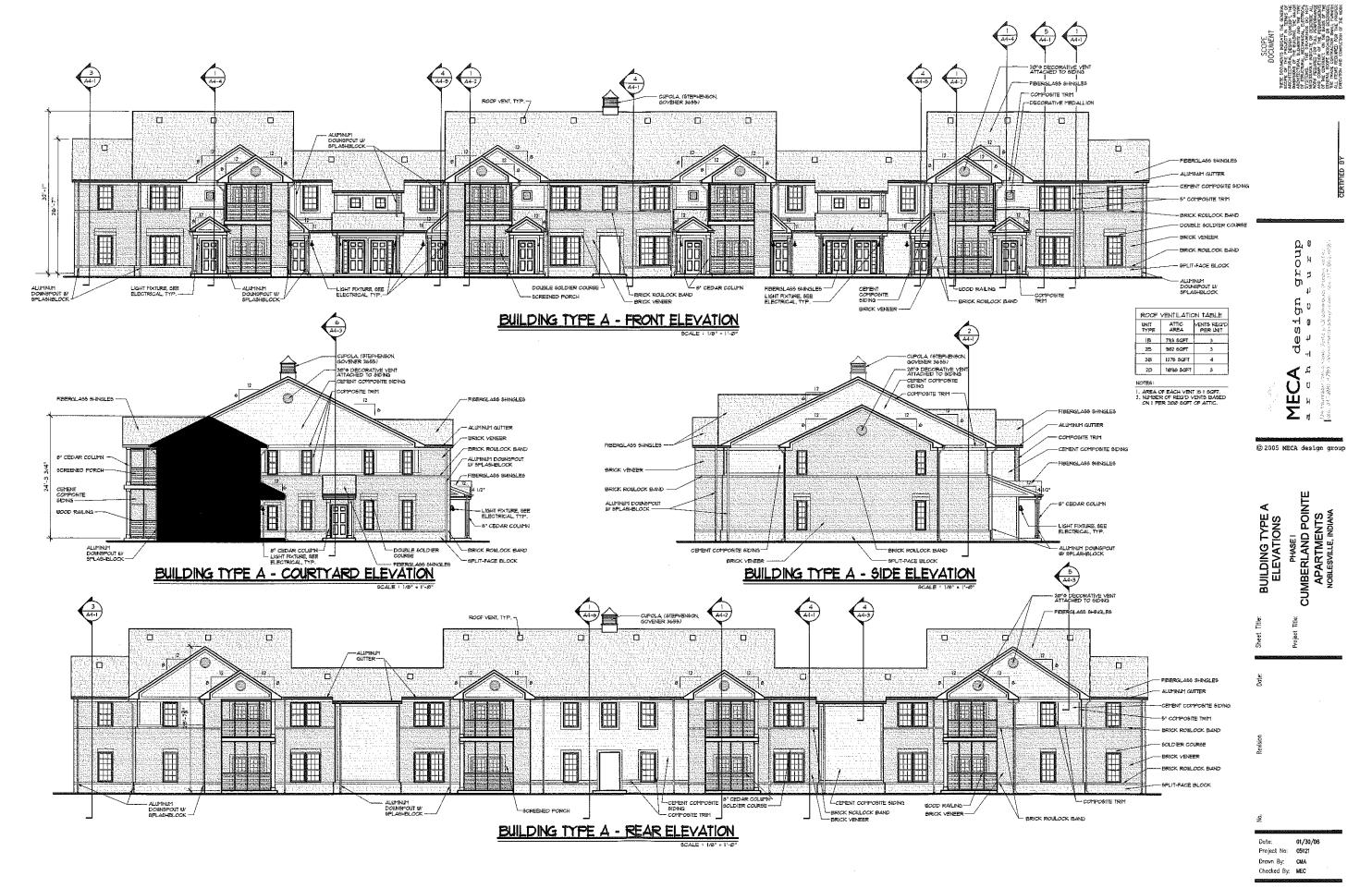
Garage - Elevation Studies

January 30, 2006 Project No: 05121

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Cumberland Pointe Apartments Noblesville, Indiana





A2-2



BUILDING TYPE B - REAR ELEVATION

Checked By: MEC



group

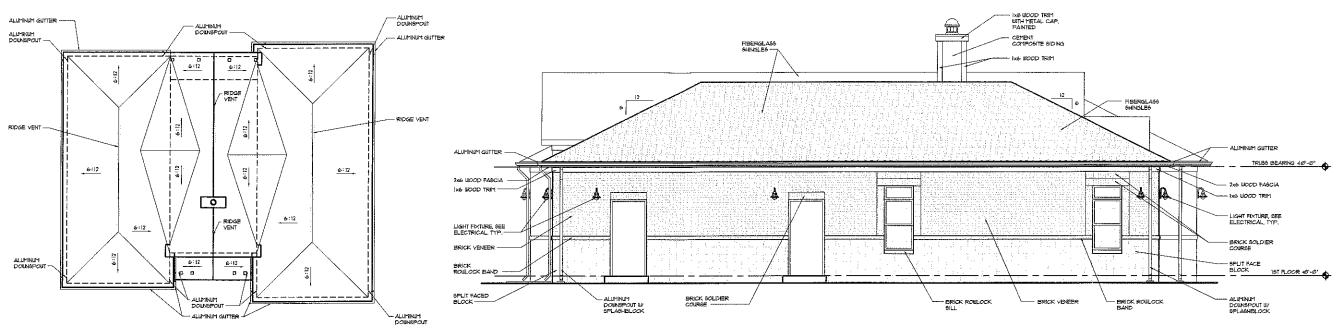
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© 2005 MECA design group

PHASE I
CUMBERLAND POINTE
APARTMENTS
NOBLESVILLE, INDIANA

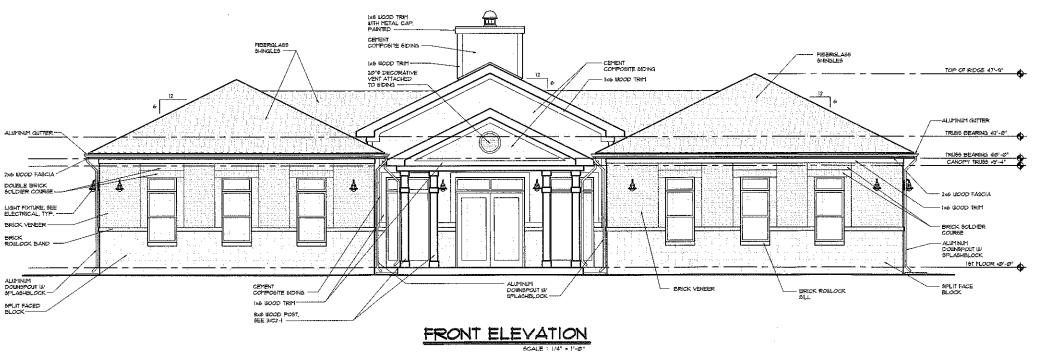
CLUBHOUSE EXTERIOR ELEVATIONS



ROOF PLANSCALE: 3/32' + |'-0'

LEFT ELEVATION

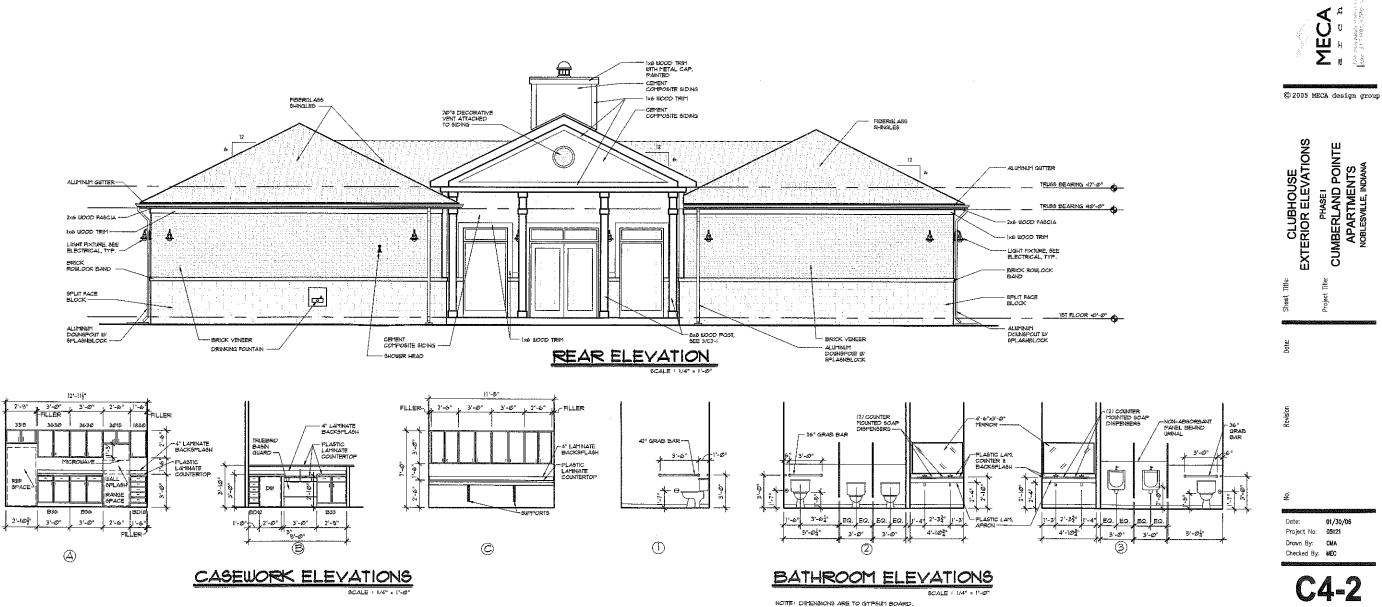
SCALE: 1/4" • 1'-0"



Date: 01/30/06 Project No: 05121 Drawn By: CMA Checked By: MEC

C4-1





01/30/06

design group itecture