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Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

ORDINANCE NO. 101-12-06

Document Cross Reference No. 200100004501

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE, A
PART OF THE COMPREHENSIVE PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA**

This is an ordinance to amend Ordinance No. 25-5-00, Hamilton County Instrument No. 200100004501, (the "Highlands at Stoney Creek PD Ordinance") previously approved pursuant to the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana (the "City's Development Ordinance"), 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 has conducted a public hearing on Application No. 06N-15-1978 as required by law in regard to the application filed by Centex Homes, (the "Developer") to amend the Highlands at Stoney Creek PD Ordinance and the previously approved Highlands at Stoney Creek preliminary development plan; and,

WHEREAS, the Plan Commission at its December 18, 2006 meeting sent a unanimous favorable recommendation to the Noblesville Common Council by a vote of eleven (11) in favor and zero (0) opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that the Highlands at Stoney Creek PD Ordinance and the previously approved Highlands at Stoney Creek preliminary development plan are hereby amended as follows:

SECTION 1. The subject real estate, more particularly described in Exhibit A attached hereto ("Real Estate"), is located generally within Area C of the originally approved Highlands at Stoney Creek Planned Development, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate currently is zoned Highlands at Stoney Creek Planned Development District.

SECTION 2. The Development Guidelines and Preliminary Development Plan adopted in the Highlands at Stoney Creek PD Ordinance are hereby amended as follows:

- A. Single family homes shall be permitted on the Real Estate.
- B. The minimum lot area for lots on the Real Estate shall be 5,900 square feet.
- C. The minimum lot width for lots on the Real Estate shall be fifty feet (50').
- D. The Highlands at Stoney Creek PD preliminary development plan is hereby amended and approved as shown at Exhibit B.
- E. Driveways on the Real Estate shall be installed in substantial compliance with the driveway locations shown in Exhibit B.
- F. All provisions and representations of the Highlands at Stoney Creek PD that conflict with the provisions of this ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this ordinance.
- G. All other provisions of the Highlands at Stoney Creek PD shall remain in effect with the adoption of this ordinance.

SECTION 3. Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of January, 2007.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

AYE

NAY

<u>Terry Busby</u>	Terry Busby	_____
<u>Brian Ayer</u>	Brian Ayer	_____
<u>Alan Hinds</u>	Alan Hinds	_____
<u>Laurie Jackson</u>	Laurie Jackson	_____
<u>Mary Sue Rowland</u>	Mary Sue Rowland	_____
<u>Dale Snelling</u>	Dale Snelling	_____
<u>Kathie Stretch</u>	Kathie Stretch	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 9th day of January, 2007.

John Ditslear
John Ditslear, Mayor
City of Noblesville, IN

ATTEST:

Janet Jaros
Janet Jaros, Clerk-Treasurer

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: Matthew S. Skelton.

Prepared by: Matthew S. Skelton, AICP, Attorney-At-Law, Baker & Daniels, LLP
970 Logan Street, Noblesville, IN 46060, (317) 569-9600

Exhibits are on file and may be viewed in the City of Noblesville Clerk-Treasurer's Office.

EXHIBIT A
Land Description

THE HIGHLANDS AT STONY CREEK SECTION 4

A part of the Southwest Quarter of Section 3, Township 18 North, Range 5 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence South 00 degrees 02 minutes 43 seconds East (Assumed Bearing) along the West line of said Quarter Section, 944.02 feet; thence North 89 degrees 57 minutes 17 seconds East 30.00 feet to the Northwest corner of The Highlands at Stony Creek Section 4A recorded as Instrument No.200400057197 in Plat Cabinet 3 on Slide 465 in the Office of the Recorder of Hamilton County, Indiana, the following Two (2) courses being on and along the western and southern boundary of said The Highlands at Stony Creek Section 4A; (1) South 00 degrees 02 minutes 43 seconds East Parallel West line of said Quarter Section, 485.00 feet; (2) North 73 degrees 00 minutes 00 seconds East 688.41 feet to the Southwest corner of The Highlands at Stony Creek Section 2A recorded as Instrument No.200400052776 in Plat Cabinet 3 on Slide 457 in the Office of the Recorder of Hamilton County, Indiana, the following Eight (8) courses being on and along the southern boundary of said The Highlands at Stony Creek Section 2A; (1) continuing North 73 degrees 00 minutes 00 seconds East 132.66 feet; (2) South 68 degrees 00 minutes 00 seconds East 77.94 feet to the POINT OF BEGINNING of this description; (3) North 22 degrees 00 minutes 00 seconds East 180.00 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (4) South 68 degrees 00 minutes 00 seconds East 5.04 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (5) North 22 degrees 43 minutes 10 seconds East 170.95 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (6) North 31 degrees 24 minutes 09 seconds East 85.95 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (7) North 47 degrees 31 minutes 44 seconds East 118.09 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (8) North 65 degrees 24 minutes 29 seconds East 132.30 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being the Southwest corner of The Highlands at Stony Creek Section 1 recorded as Instrument No.20010037899 in Plat Cabinet 2 on Slide 607 in the Office of the Recorder of Hamilton County, Indiana, the following Three (3) courses being on and along the Southern boundary of said The Highlands at Stony Creek Section 1; (1) continuing North 65 degrees 24 minutes 29 seconds East along said line, 133.88 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (2) North 89 degrees 56 minutes 28 seconds East 142.38 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (3) South 71 degrees 33 minutes 16 seconds East 150.13 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being a point on the Northern boundary of The Highlands at Stony Creek Section 1C recorded as Instrument No.200100037900 in Plat Cabinet 2 on Slide 608 in the Office of the Recorder of Hamilton County, Indiana, the following Ten (10) courses being on and along the Western boundary of said The Highlands at Stony Creek Section 1C; (1) South 29 degrees 49 minutes 58 seconds West 126.23 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being a point on a curve concave southwesterly, the radius point of said curve being South 29 degrees 49 minutes 58 seconds West 275.00 feet from said point; (2) northwesterly along said curve 60.05 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being the point of tangency of said curve, said point being North 17 degrees 19 minutes 16 seconds East 275.00

feet from the radius point of said curve; (3) South 00 degrees 13 minutes 28 seconds West 159.55 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (4) South 66 degrees 18 minutes 52 seconds West 10.45 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (5) South 87 degrees 41 minutes 55 seconds West 97.05 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (6) South 75 degrees 24 minutes 33 seconds West 47.21 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (7) South 65 degrees 24 minutes 29 seconds West 75.08 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (8) South 42 degrees 09 minutes 36 seconds West 65.93 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (9) South 02 degrees 38 minutes 30 seconds East 102.73 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (10) South 38 degrees 00 minutes 46 seconds East 85.00 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being a point on the Northern boundary of The Highlands at Stony Creek Section 2C recorded as Instrument No.200300060830 in Plat Cabinet 3 on Slide 197 in the Office of the Recorder of Hamilton County, Indiana, the following Three (3) courses being on and along the Northern boundary of said The Highlands at Stony Creek Section 2C; (1) South 52 degrees 00 minutes 00 seconds West 170.03 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (2) South 38 degrees 00 minutes 00 seconds East 14.79 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; (3) South 52 degrees 00 minutes 00 seconds West 130.00 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; thence North 38 degrees 00 minutes 00 seconds West 136.41 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008"; thence North 68 degrees 00 minutes 00 seconds West 172.06 feet to a 5/8" rebar with cap stamped "S&A Firm No. 0008" said point also being the place of beginning, containing 6.388 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

THE HIGHLANDS AT STONY CREEK SECTION 4

EXHIBIT B



Swope & Associates, Inc.
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