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Jennifer J Hayden  
HAMILTON County Recorder IN  
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12/13/2006 12:00:30 8 PGS  
Filing Fee: \$28.00

**ORDINANCE NO. 96-11-06**

*Document Cross-Reference No. 2006-58409*

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AND  
THE NOBLE WEST PLANNED DEVELOPMENT ORDINANCE NO. 59-12-02,  
ORDINANCE NO. 35-3-06 REGARDING DILLON PARK AND ALL AMENDMENTS  
THERETO LOCATED IN THE CITY OF NOBLESVILLE, HAMILTON COUNTY,  
INDIANA**

An ordinance to amend Ordinance No. 35-3-06 regarding Dillon Park and Ordinance No. 59-12-02 the Noble West Planned Development and the Unified Development Ordinance for the City of Noblesville, as enacted by the City of Noblesville under the 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 as required by law in regard to Application No. 06N-15-1805 submitted by T-Mobile Central and the Noblesville Parks Department, and

WHEREAS, the Plan Commission has sent to the Common Council its decision of the November 20, 2006 meeting, reflecting a vote of 10 ayes and 0 nays with a favorable recommendation for the adoption of a wireless communication facility, and

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session as follows:

**SECTION 1.** That the subject real estate as attached legal description (Exhibit A), all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County,

Indiana be amended to permit a Wireless Communication Facility within Dillon Park as per the following stipulations:

- A. Stealth Flag Pole Communication Facility is required (Exhibit B)
- B. All antennas are hidden from view
- C. The maximum height of the Stealth Flag Pole is 150-FT
- D. A total of three (3) wireless carriers are to collocate within the flag pole, and

**SECTION 2.** That the applicant is granted a variation allowing such wireless communication facility to be located within 100-FT of a residential use or zoning district, and

**SECTION 3.** All other standards, guidelines or other requirements adopted by the Council amending Ordinance No. 59-12-02 and Ordinance No. 35-3-06, and the Unified Development Ordinance shall remain unchanged and in full force and effect unless previously amended by the Council.

**SECTION 4.** Upon motion duly made and seconded; this Ordinance was fully passed by the members of the Common Council this 28th day of Nov, 2006.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

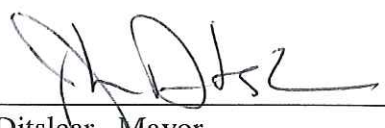
AYE

NAY

<u>Terry L. Busby</u>	Terry L. 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	_____

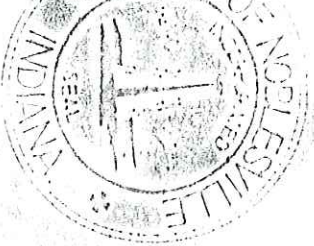
Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana,

this 28th day of Nov, 2006.

  
\_\_\_\_\_  
John Ditslear, Mayor  
City of Noblesville, Indiana

ATTEST:

  
\_\_\_\_\_  
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.

Joyceann Yelton  
Printed Name of Declarant

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

Prepared by: Joyceann Yelton, Senior Planner, City of Noblesville, 16 South 10<sup>th</sup> Street, Noblesville, IN 46060 317-776-6325



## EXHIBIT A

### LEGAL DESCRIPTION

A part of the Southwest Quarter of Section 15, Township 18 North, Range 4 East located in Noblesville Township, Hamilton County, Indiana being bounded as follows:

Commencing at the Southwest Corner of the Southwest Quarter of Section 15, Township 18 North, Range 4 East; thence North 00 degrees 00 minutes 00 seconds (assumed bearing) 1,362.44 feet along the West Line of said Southwest Quarter; thence North 89 degrees 49 minutes 35 seconds East 16.50 feet to the eastern boundary of Hazel Dell Road called Parcel No. 33B in the WARRANTY DEED, GRANT OF TEMPORARY RIGHT OF WAY, AND GRANT OF INTEREST IN RIGHT OF WAY recorded as instrument #9809861343 by the Recorder of Hamilton County, Indiana; thence South 00 degrees 00 minutes 00 seconds 27.00 feet along the eastern boundary of Hazel Dell Road to the proposed southern right-of-way line of 148<sup>th</sup> Street, the following four (4) courses are along the proposed southern right-of-way line of 148<sup>th</sup> Street; 1) thence North 89 degrees 49 minutes 35 seconds East 55.79 feet to the point of curvature of a curve to the left, said point of curvature being South 00 degrees 10 minutes 25 seconds East 1,227.00 feet from the radius point of said curve; 2) thence easterly and northeasterly 538.30 feet along said curve to its point of tangency, said point of tangency being South 25 degrees 18 minutes 36 seconds East 1,227.00 feet from the radius point of said curve; 3) thence North 64 degrees 41 minutes 24 seconds East 37.27 feet; 4) thence North 64 degrees 53 minutes 39 seconds East 0.83 feet to the **POINT OF BEGINNING** of this description, said point of beginning being on a point of cusp with a curve concave to the east (said curve hereinafter referred to as "Curve #1"), said point of cusp being North 78 degrees 05 minutes 55 seconds West 24.00 feet from the radius point of Curve #1; thence southerly and southeasterly 15.79 feet along Curve #1 to a point of compound curvature, said point of compound curvature being South 64 degrees 12 minutes 20 seconds West 24.00 feet from the radius point of Curve #1 and being South 64 degrees 12 minutes 20 West 184.50 feet from the radius point of the compound curve (hereinafter referred to as "Curve #2"); thence southeasterly 44.03 feet along Curve #2 to a point being South 50 degrees 32 minutes 01 second West 184.50 feet from the radius point of Curve #2; thence South 45 degrees 10 minutes 29 seconds East 448.91 feet; thence South 22 degrees 40 minutes 29 seconds East 85.23 feet; thence South 45 degrees 10 minutes 29 seconds East 328.43 feet to the point of curvature of curve to the right (said curve hereinafter referred to as "Curve #3"), said point of curvature being North 44 degrees 49 minutes 31 seconds East 200.50 feet from the radius point of Curve #3; thence southeasterly and southerly 165.64 feet along Curve #3 to a point of reverse curvature, said point of reverse curvature being South 87 degrees 50 minutes 30 seconds East 200.50 feet from the radius point of Curve #3 and being North 87 degrees 50 minutes 30 seconds West 14.50 feet from the radius point of said reverse curve (hereinafter referred to as "Curve #4"); thence southerly and southeasterly 11.98 feet along Curve #4 to its point of tangency, said point of tangency being South 44 degrees 49 minutes 31 seconds West 14.50 feet from the radius point of Curve #4; thence South 45 degrees 10 minutes 29 seconds East 237.59 feet to the point of curvature of a curve to the right (said curve hereinafter referred to as "Curve #5"), said point of curvature being North 44 degrees 49 minutes 31 seconds East 115.50 feet from the radius point of Curve #5; thence southeasterly and southerly 121.52 feet along Curve #5 to a point of reverse curvature, said point of reverse curvature being South 74 degrees 53 minutes 42 seconds East 115.50 feet from the radius point of Curve #5 and being North 74 degrees 53 minutes 42 seconds West 39.50 feet from the radius point of said reverse curve (hereinafter referred to as "Curve #6"); thence southerly 13.71 feet along Curve #6 to a point being South 85 degrees 13 minutes 01 second West 39.50 feet from the radius point of Curve #6; thence North 89 degrees 43 minutes 53 seconds East 349.99 feet to a point on the eastern boundary of the tract of land described in Exhibit A of the GENERAL



WARRANTY DEED recorded as instrument #9909918999 by said recorder; thence North 00 degrees 00 minutes 00 seconds 629.99 feet along the eastern boundary of the tract of land described in Exhibit A of said GENERAL WARRANTY DEED to the northern boundary of Scarborough Farms, Phase I as per plat thereof recorded in Plat Book 11, page 149 by said Recorder; thence North 89 degrees 43 minutes 49 seconds East 509.70 feet along the northern boundary of said Scarborough Farms, Phase I to the southwestern corner of the 1.00 acre exception described in Exhibit A of the WARRANTY DEED recorded as instrument #200200014588 by said Recorder; thence North 00 degrees 16 minutes 11 seconds West 158.37 feet along the western boundary of said 1.00 acre exception to its northwestern corner; thence North 89 degrees 43 minutes 53 seconds East 276.29 feet (computed, 276.25 feet by deed) along the northern boundary of said 1.00 acre exception to its northeastern corner on the East Line of said Southwest Quarter; thence North 00 degrees 11 minutes 51 seconds East 431.27 feet along the East Line of said Southwest Quarter to the southeastern corner of the 17.82 acre tract of land described in Exhibit A of the WARRANTY DEED recorded as instrument #200400012796 by said Recorder, the following eight (8) courses are along the boundary of said 17.82 acre tract of land; 1) thence South 79 degrees 37 minutes 46 seconds West 496.15 feet to the point of curvature of curve to the right (said curve hereinafter referred to as "Curve #8"), said point being South 10 degrees 22 minutes 14 seconds East 56.00 feet from the radius point of Curve #8; 2) thence westerly, northwesterly and northerly 87.96 feet along Curve #8 to its point of tangency, said point of tangency being South 79 degrees 37 minutes 50 seconds West 56.00 feet from the radius point of Curve #8; 3) thence North 10 degrees 22 minutes 10 seconds West 39.93 feet; 4) thence South 89 degrees 42 minutes 57 seconds West 542.93 feet; 5) thence North 18 degrees 07 minutes 28 seconds West 108.43 feet; 6) thence North 28 degrees 41 minutes 04 seconds West 60.20 feet; 7) thence North 19 degrees 44 minutes 57 seconds West 144.76 feet; 8) thence North 33 degrees 17 minutes 58 seconds West 108.51 feet to the northwestern corner of said 17.82 acre tract of land which is also the southwestern corner of the 14.80 acre tract of land described in Exhibit A of the WARRANTY DEED recorded as instrument #200300110451 by said recorder; thence North 33 degrees 17 minutes 35 seconds West 14.22 feet along the western boundary of said 14.80 acre tract of land; thence North 25 degrees 03 minutes 05 seconds West 12.48 feet along the western boundary of said 14.80 acre tract of land to said proposed southern right-of-way line of 148<sup>th</sup> Street, the following eight (8) courses are along the proposed southern right-of-way line of 148<sup>th</sup> Street; 1) thence South 52 degrees 13 minutes 32 seconds West 11.23 feet; 2) thence South 44 degrees 59 minutes 13 seconds West 18.56 feet; 3) thence South 52 degrees 47 minutes 46 seconds West 16.46 feet; 4) thence South 53 degrees 04 minutes 49 seconds West 87.45 feet to a point on a non-tangent curve concave to the northwest (said curve hereinafter referred to as "Curve #9"), said point being South 31 degrees 51 minutes 29 seconds East 1,027.00 from the radius point of Curve #9; 5) thence southwesterly 117.37 feet along Curve #9 to its point of tangency, said point of tangency being South 25 degrees 18 minutes 36 seconds East 1,027.00 feet from the radius point of Curve #9; 6) thence South 64 degrees 41 minutes 24 seconds West 564.39 feet; 7) thence South 64 degrees 53 minutes 39 seconds West 1.50 feet to the **POINT OF BEGINNING** containing 31.835 acres, more or less.

**Also,** A part of the West Half of the Southeast Quarter Section 15, Township 18 North, Range 4 East, Hamilton County, Indiana, being described as follows:

Commencing at the Southwest corner of said Southeast Quarter; thence North 00 degrees 22 minutes 16 seconds East along the west line of said Southeast Quarter a distance of 100.01 to the **Point of Beginning**; thence continuing North 00 degrees 22 minutes 16 seconds East along the west line of said Southeast Quarter a distance of 1446.73 feet to a northern line of Block "E" as shown in Lochaven, Section 7 at Noble West as recorded in Instrument #200400046385, Plat Cabinet 3, Slide 439 in the Office of the Recorder of Hamilton County, Indiana, the next 8 courses being along said northern lines of said Block "E", being a point on a non tangent curve to the left having a radius of 227.00 feet, the radius point of which bears North 36 degrees 33 minutes 29 seconds East; (1) southeasterly along said curve an



arc distance of 111.87 feet to a point which bears South 08 degrees 19 minutes 19 seconds West from said radius point; (2) South 82 degrees 02 minutes 34 seconds East a distance of 76.07 feet to a point on a tangent curve to the right having a radius of 38.50 feet, the radius point of which bears South 07 degrees 57 minutes 26 seconds West; (3) southeasterly along said curve an arc distance of 40.29 feet to a point which bears North 67 degrees 54 minutes 38 seconds East from said radius point to a point on a reverse curve to the left having a radius of 129.50 feet, the radius point of which bears North 67 degrees 54 minutes 38 seconds East; (4) southeasterly, easterly and northeasterly along said curve an arc distance of 293.53 feet to a point which bears South 61 degrees 57 minutes 29 seconds East from said radius point to a point on a reverse curve to the right having a radius of 38.50 feet, the radius point of which bears South 61 degrees 57 minutes 29 seconds East; (5) northeasterly along said curve an arc distance of 40.54 feet to a point which bears North 01 degrees 37 minutes 24 seconds West from said radius point; (6) North 88 degrees 22 minutes 36 seconds East a distance of 75.08 feet; (7) South 87 degrees 04 minutes 51 seconds East a distance of 230.64 feet; (8) South 42 degrees 04 minutes 51 seconds East a distance of 28.28 feet to the southeast corner of said Block "E"; thence South 87 degrees 04 minutes 51 seconds East a distance of 41.48 feet more or less to the centerline of the Emily Vestal Drain (meandering said centerline the following 8 courses); (1) South 03 degrees 02 minutes 17 seconds West a distance of 15.14 feet; (2) South 12 degrees 43 minutes 36 seconds West a distance of 100.76 feet; (3) South 09 degrees 38 minutes 11 seconds West a distance of 180.88 feet; (4) South 10 degrees 04 minutes 46 seconds West a distance of 203.77 feet; (5) South 18 degrees 16 minutes 53 seconds West a distance of 170.88 feet; (6) South 24 degrees 46 minutes 07 seconds West a distance of 234.93 feet; (7) South 25 degrees 01 minutes 41 seconds West a distance of 350.35 feet; (8) South 24 degrees 46 minutes 06 seconds West a distance of 140.04 feet; thence South 82 degrees 28 minutes 43 seconds West a distance of 251.82 feet; thence South 89 degrees 55 minutes 07 seconds West a distance of 152.86 feet to the **Point of Beginning**, containing 20.65 acres, more or less.

**Also**, A part of the Northwest Quarter of the Southeast Quarter and a part of the Northeast Quarter of the Southwest Quarter of Section 15, Township 18 North, Range 4 East, Hamilton County, Indiana, being described as follows:

Commencing at the center of said section; thence North 89 degrees 45 minutes 33 seconds East along the north line of the Southeast Quarter of said Section a distance of 288.73 feet to the **Point of Beginning**; thence continuing North 89 degrees 45 minutes 33 seconds East along said north line a distance of 640.08 feet; more or less to the centerline of the Emily Vestal Drain (meandering said centerline the following 11 courses); (1) South 03 degrees 24 minutes 36 seconds West a distance of 100.43 feet; (2) South 02 degrees 07 minutes 36 seconds West a distance of 95.88 feet; (3) South 06 degrees 35 minutes 11 seconds West a distance of 111.75 feet; (4) South 01 degrees 09 minutes 41 seconds West a distance of 146.32 feet; (5) South 03 degrees 54 minutes 40 seconds West a distance of 166.74 feet; (6) South 04 degrees 48 minutes 24 seconds West a distance of 137.60 feet; (7) South 04 degrees 58 minutes 14 seconds West a distance of 148.72 feet; (8) South 03 degrees 19 minutes 31 seconds West a distance of 70.53 feet; (9) South 09 degrees 43 minutes 58 seconds West a distance of 62.32 feet; (10) South 01 degrees 37 minutes 51 seconds West a distance of 67.25 feet; (11) South 13 degrees 30 minutes 23 seconds West a distance of 27.68 feet to a northern line of Lochaven, Section 7 at Noble West as recorded in Instrument #200400046385, Plat Cabinet 3, Slide 439 in the Office of the Recorder of Hamilton County, Indiana, thence North 87 degrees 04 minutes 51 seconds West along said northern line a distance of 45.70 feet to the northeast corner of Block "D" as shown in said Lochaven, Section 7 at Noble West the next 9 courses being along the southern and western lines of said Block "D"; (1) South 47 degrees 55 minutes 09 seconds West a distance of 28.28 feet; (2) North 87 degrees 04 minutes 51 seconds West a distance of 232.61 feet; (3) North 82 degrees 32 minutes 18 seconds West a distance of 75.08 feet to a point on a tangent curve to the right having a radius of 38.50 feet, the radius point of which bears North 07 degrees 27 minutes 42 seconds East; (4) northwesterly along said curve an arc distance of 40.54



feet to a point which bears South 67 degrees 47 minutes 48 seconds West from said radius point to a point on a reverse curve to the left having a radius of 129.50 feet, the radius point of which bears South 67 degrees 47 minutes 48 seconds West; (5) northwesterly, westerly and southwesterly along said curve an arc distance of 293.51 feet to a point which bears North 62 degrees 03 minutes 44 seconds West from said radius point; to a point on a reverse curve to the right having a radius of 38.50 feet, the radius point of which bears North 62 degrees 03 minutes 44 seconds West; (6) southwesterly along said curve an arc distance of 41.07 feet to a point which bears South 00 degrees 56 minutes 15 seconds East from said radius point; (7) South 89 degrees 03 minutes 45 seconds West a distance of 71.01 feet; to a point on a non tangent curve to the right having a radius of 173.00 feet, the radius point of which bears North 08 degrees 38 minutes 07 seconds East; (8) northwesterly and northerly along said curve an arc distance of 245.67 feet to a point which bears North 90 degrees 00 minutes 00 seconds West from said radius point; (9) North 00 degrees 00 minutes 00 seconds East a distance of 259.67 feet to the southwest corner of Lot 538 in said Lochaven, Section 7; thence the next 5 courses being along the south line of said Lot 538 and the south line and east lines of said Lochaven, Section 7 (1) North 90 degrees 00 minutes 00 seconds East a distance of 114.00 feet; (2) North 00 degrees 00 minutes 00 seconds East a distance of 49.00 feet; (3) North 90 degrees 00 minutes 00 seconds East a distance of 80.00 feet to a point on a tangent curve to the left having a radius of 41.00 feet, the radius point of which bears North 00 degrees 00 minutes 00 seconds West; (4) northeasterly and northerly along said curve an arc distance of 64.40 feet to a point which bears North 90 degrees 00 minutes 00 seconds East from said radius point; (5) North 00 degrees 00 minutes 00 seconds East a distance of 94.03 feet to the northwest corner of Block "C" in said Lochaven, Section 7; thence the next 4 courses being along the western line of said Block "C" said point being on a non tangent curve to the left having a radius of 77.00 feet, the radius point of which bears North 01 degrees 29 minutes 18 seconds West; (1) northeasterly and northerly along said curve an arc distance of 118.95 feet to a point which bears North 90 degrees 00 minutes 00 seconds East from said radius point; (2) North 00 degrees 00 minutes 00 seconds West a distance of 120.97 feet to a point on a tangent curve to the right having a radius of 973.00 feet, the radius point of which bears South 90 degrees 00 minutes 00 seconds East; (3) northeasterly along said curve an arc distance of 91.94 feet to a point which bears North 84 degrees 35 minutes 11 seconds West from said radius point; (5) North 05 degrees 24 minutes 49 seconds East a distance of 206.02 feet to the **Point of Beginning**, containing 19.20 acres, more or less.

**Also,** A part of the Southwest Quarter of Section 15, Township 18 North, Range 4 East, Hamilton County, Indiana, being described as follows:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 22 minutes 16 seconds West along the east line thereof a distance of 1226.33 feet; thence South 79 degrees 48 minutes 15 seconds West a distance of 496.15 feet; to a point on a tangent curve to the right having a radius of 56.00 feet, the radius point of which bears North 10 degrees 11 minutes 45 seconds West; thence westerly, northwesterly and northerly along said curve an arc distance of 87.96 feet to a point which bears South 79 degrees 48 minutes 15 seconds West from said radius point; thence North 10 degrees 11 minutes 45 seconds West a distance of 39.93 feet to the **Point of Beginning**; thence South 89 degrees 53 minutes 22 seconds West a distance of 230.29 feet; thence continuing South 89 degrees 53 minutes 22 seconds West a distance of 312.64 feet more or less to the centerline of Kirkendall Drain (meandering said centerline the following 5 courses); 1) North 17 degrees 57 minutes 03 seconds West a distance of 108.43 feet; 2) North 28 degrees 30 minutes 39 seconds West a distance of 60.20 feet; 3) North 19 degrees 34 minutes 32 seconds West a distance of 144.76 feet; 4) North 33 degrees 07 minutes 10 seconds West a distance of 122.72 feet; 5) North 24 degrees 52 minutes 40 seconds West a distance of 5.97 feet; thence North 52 degrees 23 minutes 57 seconds East a distance of 118.36 feet to a point on a tangent curve to the right having a radius of 573.00 feet, the radius point of which bears South 37 degrees 36 minutes 03 seconds East; thence northeasterly along said curve an arc distance of 274.07 to a point which bears North 10 degrees 11 minutes 45 seconds West from said radius point; thence North 79 degrees 48 minutes 15

seconds East a distance of 44.93 feet to a point on a tangent curve to right having a radius of 20.00 feet, the radius point of which bears South 10 degrees 11 minutes 45 seconds East; thence easterly and southeasterly along said curve an arc distance of 31.42 feet to a point which bears North 79 degrees 48 minutes 15 seconds East from said radius point; thence South 10 degrees 11 minutes 45 seconds East a distance of 201.00 feet to a point on a tangent curve to the left having a radius of 77.00 feet, the radius point of which bears North 79 degrees 48 minutes 15 seconds East; thence southeasterly and easterly along said curve an arc distance of 120.95 feet to a point which bears South 10 degrees 11 minutes 45 seconds East from said radius point; thence North 79 degrees 48 minutes 15 seconds East a distance of 40.97 feet to a point on a tangent curve to the right having a radius of 20.00 feet, the radius point of which bears South 10 degrees 11 minutes 45 seconds East; thence easterly and southeasterly along said curve an arc distance of 31.42 feet to a point which bears North 79 degrees 48 minutes 15 seconds East from said radius point; thence South 10 degrees 11 minutes 45 seconds East a distance of 201.00 feet to a point on a tangent curve to the left having a radius of 77.00 feet, the radius point of which bears North 79 degrees 48 minutes 15 seconds East; thence southeasterly and easterly along said curve an arc distance of 113.22 feet to a point which bears South 04 degrees 26 minutes 37 seconds East from said radius point; thence South 10 degrees 11 minutes 45 seconds East a distance of 44.46 feet to the **Point of Beginning**, containing 5.80 acres, more or less.



