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2.00
④ NONE

200600021116
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
04-20-2006 At 09:32 am.
ORDINANCE 17.00

ORDINANCE NO. 29-3-06

Document Cross Reference Nos. 200300097100, 200500039688 and 200500080597

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. 50-11-02 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 06N-15-0158 as required by law in regard to the application filed by Cumberland Pointe, LLC (the "Developer") to amend Ordinance No. 50-11-02 and the previously approved Cumberland Pointe preliminary development plan; and,

WHEREAS, the Plan Commission at their March 20, 2006 meeting sent its recommendation to the Noblesville Common Council by a vote of 8 in favor and 0 opposed;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, meeting in regular session, that Ordinance No. 50-11-02 and the previously approved Cumberland Pointe preliminary development plan are hereby amended as follows:

SECTION 1. The subject real estate (the “Real Estate”), more particularly described in “Exhibit 1” attached hereto, is located generally along the east side of Cumberland Road, between Greenfield Avenue and 146th Street, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana. The Real Estate currently is located within the Corporate Campus Park District set forth in Article 8 of the City of Noblesville’s Unified Development Ordinance.

SECTION 2. The Cumberland Pointe PD Ordinance and the previously approved Cumberland Pointe preliminary development plan are hereby amended to permit the following:

1. The Real Estate previously identified as “UNDESIGNATED PARCEL” in Section 5 of Ordinance No. 50-11-02 is hereby incorporated into the area identified as “OFFICE/INDUSTRIAL PARCEL” in Ordinance No. 50-11-02.
2. The Cumberland Pointe preliminary development plan is hereby amended to include this change and is attached hereto as “Exhibit 2.”
3. All other provisions of the Cumberland Pointe PD Ordinance (Ordinance No. 50-11-02) 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 11th day of April, 2006.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

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

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 11th day of April, 2006.

John Ditslear
John Ditslear, Mayor
City of Noblesville, IN

ATTEST:
Janet Jaros
Janet Jaros, Clerk-Treasurer

Prepared by: Matthew S. Skelton, Esq., Attorney-At-Law, Bingham McHale, LLP
970 Logan Street, Noblesville, Indiana 46060, (317) 776-8668

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

LAND DESCRIPTION

DEED RECORD 343, PAGES 639 AND 640 (REFERRED TO AS TRACT A IN TITLE COMMITMENT)

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID QUARTER-QUARTER SECTION BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED BASIS OF HEARINGS) 15.15 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89 DEGREES 53 MINUTES 26 SECONDS EAST ALONG AN EXISTING FENCE LINE AND FENCE LINE PROLONGED 887.03 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 09 SECONDS WEST 391.79 FEET TO AN IRON PIN SET AT AN EXISTING FENCE CORNER POST; THENCE SOUTH 89 DEGREES 13 MINUTES 03 SECONDS WEST, FOLLOWING AN EXISTING FENCE LINE AND FENCE LINE PROLONGED, 886.07 FEET TO THE WEST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE, 191.74 FEET TO A POINT 229.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 89 DEGREES 23 MINUTES 40 SECONDS EAST 540.6 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID WEST LINE, 194.0 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 40 SECONDS WEST 540.6 FEET TO SAID WEST LINE; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE 19.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.70 ACRES, MORE OR LESS.

DEED RECORD 343, PAGE 637 AND 638 (REFERRED TO AS TRACT B IN TITLE COMMITMENT)

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 35.0 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 5 EAST AND ON THE WEST LINE THEREOF, THENCE DEFLECTING 90 DEGREES 36 MINUTES 20 SECONDS TO THE LEFT A DISTANCE OF 540.6; THENCE DEFLECTING TO THE RIGHT 90 DEGREES 36 MINUTES 20 SECONDS AND PARALLEL WITH THE WEST LINE OF SAID QUARTER-QUARTER SECTION A DISTANCE OF 194.0 FEET; THENCE DEFLECTING TO THE RIGHT 89 DEGREES 23 MINUTES 40 SECONDS A DISTANCE OF 540.6 FEET TO THE WEST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH ON AND ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION 194.0 FEET TO THE PLACE OF BEGINNING, CONTAINING IN ALL 2.41 ACRES, MORE OR LESS.

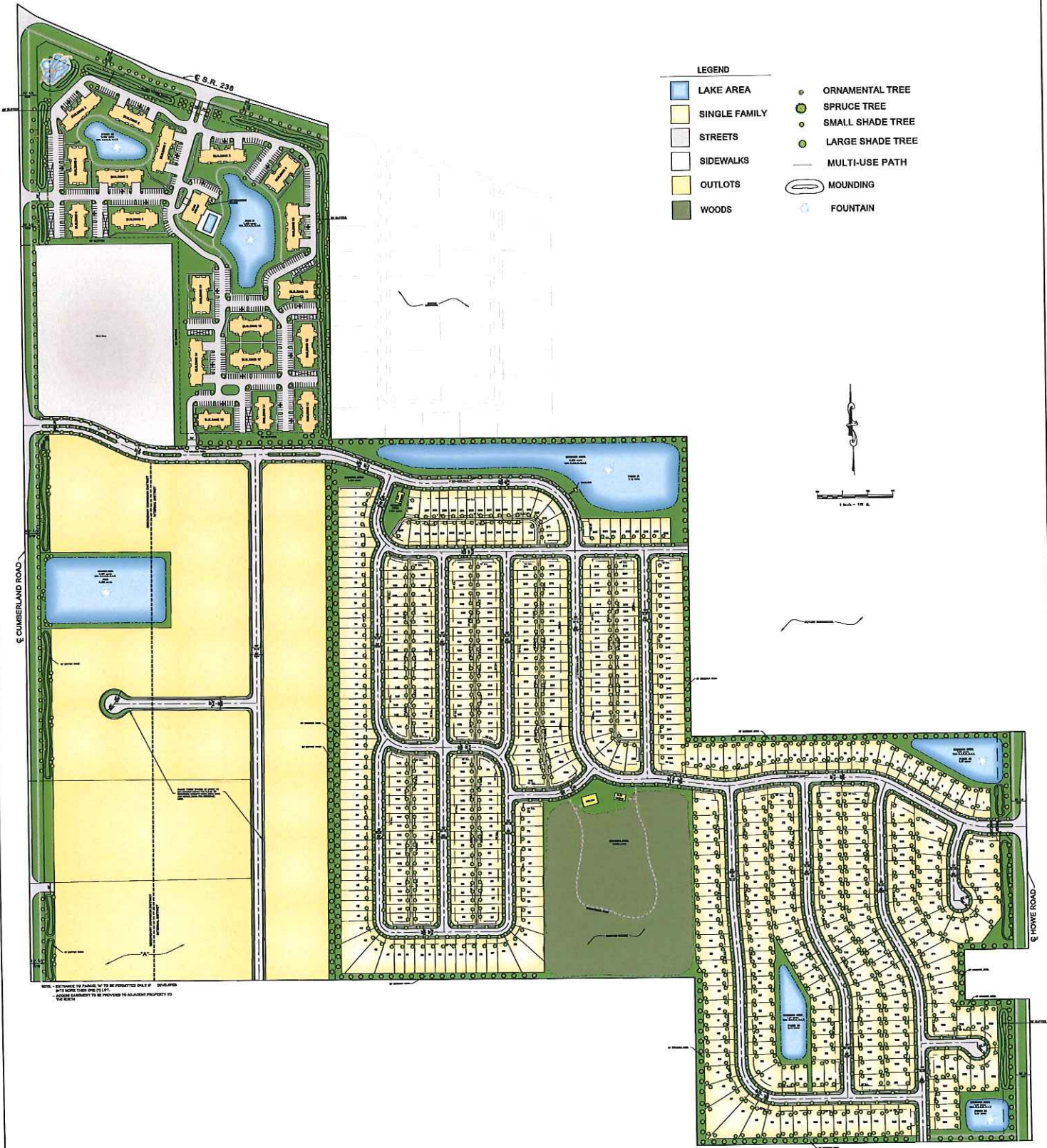
PERIMETER DESCRIPTION OF TRACT A AND TRACT B TO REFLECT BEARING SYSTEM OF THE PLAT OF CUMBERLAND POINTE

A PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 5 EAST LOCATED IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 18 NORTH, RANGE 5 EAST; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECOND EAST (ASSUMED BEARING) 1755.08 FEET ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO A MAG NAIL AT THE SOUTHWEST CORNER OF A 5.70 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 343, PAGE 639 AND 640 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88 DEGREES 58 MINUTES 03 SECONDS EAST 886.07 FEET TO A 5/8" IRON ROD WITH "S & A" CAP AT THE SOUTHEAST CORNER OF SAID 5.70 ACRE TRACT OF REAL ESTATE; THENCE NORTH 00 DEGREES 05 MINUTES 51 SECONDS WEST 391.79 FEET TO A 5/8" IRON ROD WITH "S & A" CAP AT THE NORTHEAST CORNER OF SAID 5.70 ACRE TRACT OF REAL ESTATE; THENCE SOUTH 89 DEGREES 51 MINUTES 34 SECONDS WEST 887.03 FEET ALONG THE NORTH LINE OF SAID 5.70 ACRE TRACT OF REAL ESTATE TO A MAG NAIL ON THE WEST LINE OF SAID NORTHWEST QUARTER (SAID MAG NAIL BEING SOUTH 00 DEGREES 15 MINUTES 00 SECOND EAST 15.15 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER); THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECOND EAST 405.59 FEET TO THE POINT OF BEGINNING. CONTAINING 8.11 ACRES, MORE OR LESS.

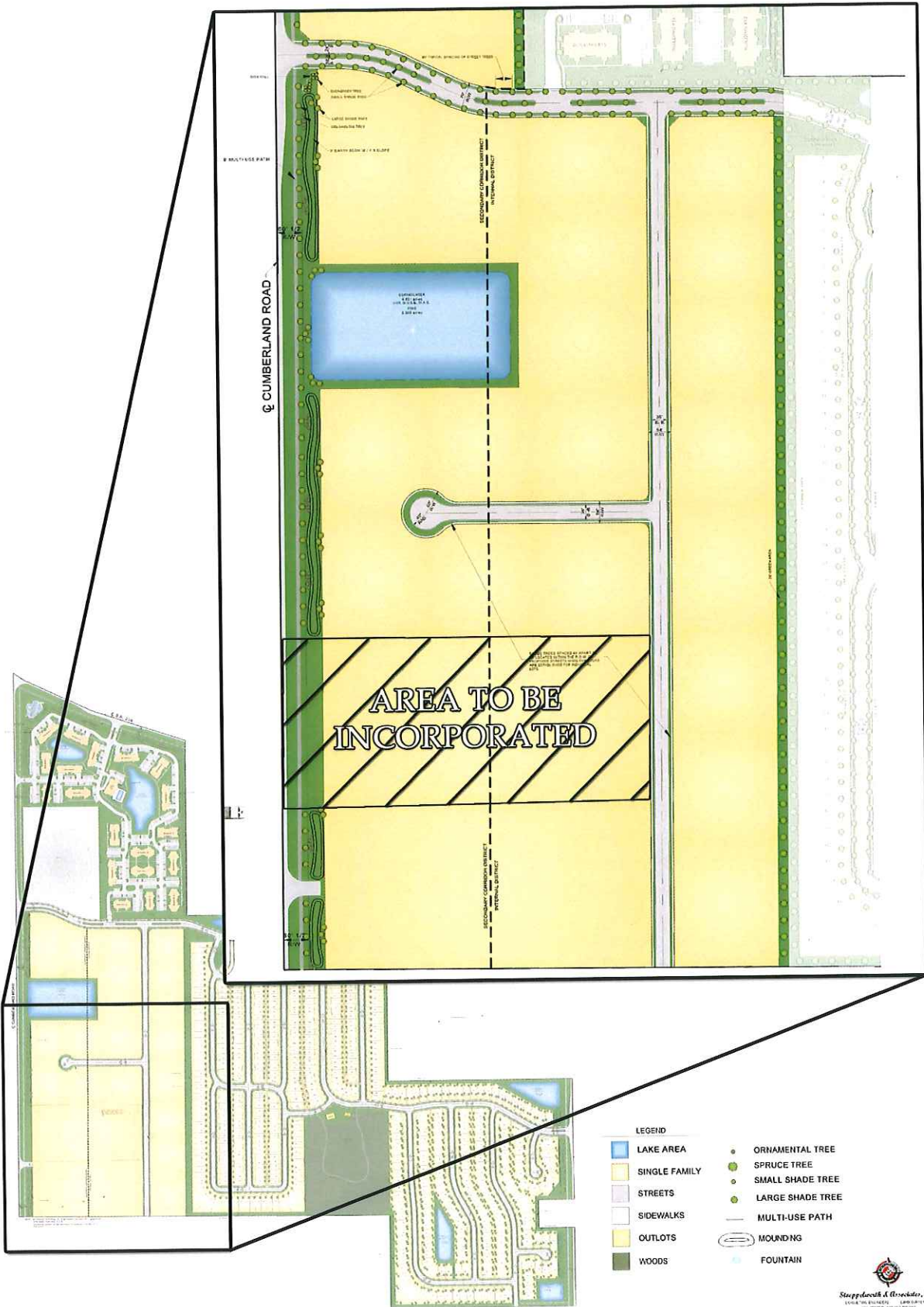
CUMBERLAND POINTE

"EXHIBIT 2"



NOTE - DISTANCE TO PARCELS TO BE PROVIDED ONLY IF DEVELOPER HAS BEEN TAKEN INTO ACCOUNT. ACCESS EQUIPMENT TO BE PROVIDED TO ADJACENT PROPERTY TO THE NORTH.

CUMBERLAND POINTE SITE PLAN



- LEGEND
- LAKE AREA
 - SINGLE FAMILY
 - STREETS
 - SIDEWALKS
 - OUTLOTS
 - WOODS
 - ORNAMENTAL TREE
 - SPRUCE TREE
 - SMALL SHADE TREE
 - LARGE SHADE TREE
 - MULTI-USE PATH
 - MOUNDING
 - FOUNTAIN