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2010061961 ORDINANCE \$20.00 11/22/2010 11:18:15A 4 PGS Jennifer J Hayden HAMILTON County Recorder IN Recorded as Presented

## **ORDINANCE NO. 38-10-10**

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

Docket Cross-Reference No's: 2002-72821, 2002-72822, 11-10-04-00-00-004.005

An ordinance to amend the Unified Development Ordinance for the City of Noblesville, Hamilton County, Indiana, 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 #10N-15-1405 as required by law concerning an application for a change of zoning and adoption of a preliminary development plan for the Noblesville Schools; and

WHEREAS, the Plan Commission at their October 18, 2010 meeting has sent its favorable recommendation to the Noblesville Common Council in the manner by a vote of 11 ayes and 0 nays; and

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

Section 1. That the subject real estate located at 3025 Westfield Road, all of which is located within the zoning jurisdiction of the City of Noblesville, Hamilton County, Indiana, is

hereby rezoned from "R1" Low Density Single Family Residential to "R1/GUO"

Residential/Government Use Overlay including the adoption of the Preliminary Development

Plan and more specifically described as per attached "Exhibit A".

Section 2. That said Real Estate is developed as an elementary school and grounds activities as displayed on the Preliminary Development Plan as attached per "Exhibit B". That the following development standards are hereby varied as per the adoption of this ordinance:

- 1. Reduction of curbing along the drives and parking areas
- 2. Reduction of building base landscaping and perimeter landscaping.
- 3. Reduction of parking islands
- 4. Reduction of required parking spaces

This Planned Development Ordinance exhibits the permitted variations from the development standards, specifications, guidelines, and requirements contained in the Unified Development Ordinance and supercedes the development standards, specifications, guidelines, and/or requirements of the Unified Development Ordinance of the City of Noblesville, Indiana provided however, that unless a development standard, specification, guideline, and/or requirement contained in the Unified Development Ordinance is varied, altered, or modified by this ordinance and/or exhibits, then such development standard, specification, guideline, and/or requirement as specified in the Unified Development Ordinance shall apply.

Section 3. The adoption of all Exhibits are dated September 10, 2010.

<u>Section 4.</u> This Ordinance shall be in full force and effect from and upon its adoption in accordance with the law.

Section 5. Upon motion duly made and seconded; this Ordinance was fully passed by the members of the Common Council this 9th day of houghless, 2010.

# COMMON COUNCIL CITY OF NOBLESVILLE

BY:	NAY
Roy Johnson	
Stephen C. Wood	
Mark Boice	
Brian Ayer	
Dale Snelling	
Gregory P. O'Connor	
May Just har Sue Rowland	
APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County,	
Indiana this Gth day of holember 2010.  John Ditslear, Mayor	
City of Nobles vill ATTEST:	le
Janet Jaros, Clerk-Treasurer	
EXHIBITS ARE ON FILE AND MAY BE VIEWED IN THE CITY OF NOBLESVILLE CLERK-TREASURER*S OFFICE.	
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	
Prepared by: Voyceann Valton Senior Diamer City of Naklawilla 16 South 10th Street Nich	

## DESCRIPTION OF REAL ESTATE:

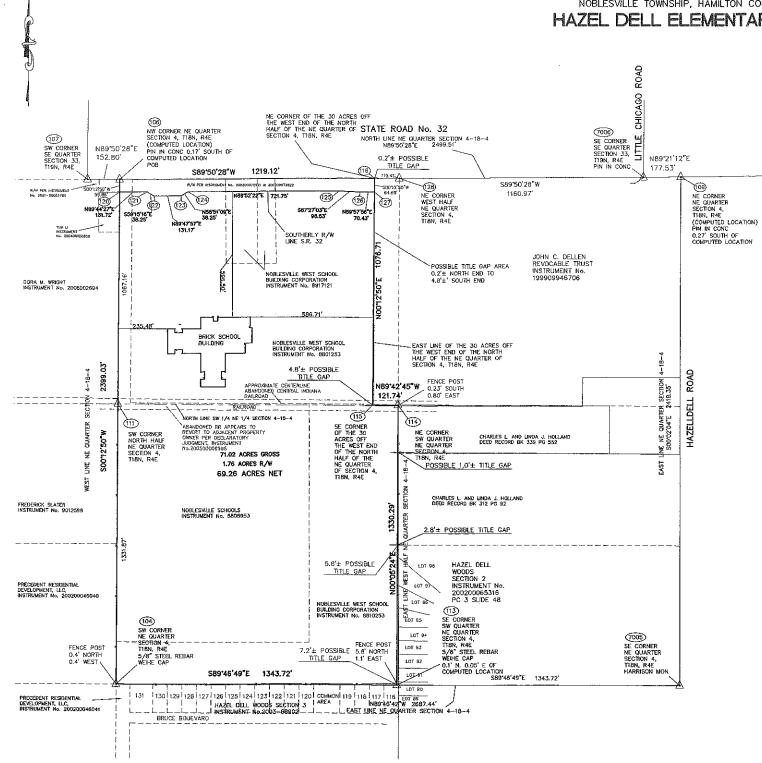
A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 4 EAST LOCATED IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 4 EAST SAID NORTHWEST CORNER BEING 0.18 FEET NORTH OF AN IRON PIN IN CONCRETE AT THE CLOSING CORNER FOR THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 12 MINUTES 50 SECONDS WEST (ASSUMED BEARING) 1067.16 FEET TO A FOUND 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHEAST **QUARTER; THENCE SOUTH 00 DEGREES 12 MINUTES 50 SECONDS WEST** 1331.87 FEET TO A 5/8 INCH IRON ROD WITH WEIHE CAP AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER (AS PER SURVEY RECORDED IN INSTRUMENT NUMBER 9839837); THENCE SOUTH 89 DEGREES 46 MINUTES 49 SECONDS EAST 1343.72 FEET TO A 5/8 INCH IRON ROD WITH WEIHE CAP AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREE 05 MINUTES 24 SECONDS EAST 1330.29 FEET TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE NORTHEAST CORNER OF THE SOUTHWEST OUARTER OF SAID NORTHEAST OUARTER: THENCE NORTH 89 DEGREES 42 MINUTES 45 SECONDS WEST 121.74 FEET TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHEAST CORNER OF 30 ACRES OFF WEST END OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREE 12 MINUTES 50 SECONDS EAST 1076.71 FEET TO THE NORTHEAST CORNER OF SAID 30 ACRE TRACT: THENCE SOUTH 89 DEGREES 50 MINUTES 28 SECONDS WEST 1219.13 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING CONTAINING 71.02 ACRES MORE OR LESS (BEING SUBJECT TO THE RIGHT-OF-WAY FOR STATE ROAD 32 SOUTH OF AND ADJACENT TO THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID RIGHT-OF-WAY CONTAINING APPROXIMATELY 1.76 ACRES MORE OR LESS).

# RETRACEMENT SURVEY

PART OF THE N.E. 1/4, SEC. 4-18-4 NOBLESVILLE TOWNSHIP, HAMILTON COUNTY INDIANA

## HAZEL DELL ELEMENTARY SCHOOL



## LAND DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 4 EAST LOCATED IN NOBLESVILLE TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTH, RANGE 4 EAST SAID NORTHWEST CORNER BEING 0,18 FEET NORTH OF AN IRON PIN IN CONCRETE AT THE CLOSING CORNER FOR THE WEST LIME OF SAID NORTHEAST QUARTER; THENCE SOUTH OO DEGREES 12 MINUTES 50 SECONDS WEST (ASSUMED BEARING) 1057.16 FEET TO A FOUND 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH OO DEGREES 12 MINUTES 50 SECONDS WEST 1331.87 FEET TO A 5/8 INCH IRON ROD WITH WEIHE CAP AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER (AS PER SURVEY RECORDED IN INSTRUMENT NUMBER 9639837); THENCE SOUTH 80 DEGREES 48 MINUTES 49 SECONDS EAST 1343.72 FEET TO A 5/8 INCH IRON ROD WITH WEIHE CAP AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH OO DEGREE 05 MINUTES 49 SECONDS EAST 1330.29 FEET TO A 5/8 INCH MON ROD WITH WEIHE CAP AT THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH OO DEGREE 05 MINUTES 24 SECONDS EAST 1330.29 FEET TO A 5/8 INCH MON ROD WITH WEIHE CAP STAMPED MILLER SURVEYING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER; THENCE NORTH 80 DEGREES 05 MINUTES 24 SECONDS EAST 1330.29 FEET TO A 5/8 INCH MON ROD WITH WEIHE CAP STAMPED MILLER SURVEYING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER; THENCE NORTH 80 DEGREES 05 SAID NORTHEAST QUARTER; THENCE NORTH 80 DEGREES 05 SAID NORTHEAST QUARTER; THENCE NORTH 80 DEGREES 05 SAID NORTHEAST QUARTER; THENCE NORTH 80 DEGREE 05 SAID SAID NORTHEAST QUARTER; THENCE NORTH 80 DEGREE 05 S THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE NOW IT BE BEGREES 42 MINUTES 45 SECONDS WEST 121.74 FEET TO A 5/6 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHEAST CORNER OF 30 ACRES OFF THE WEST END OF THE NORTH HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREE 12 MINUTES 50 SECONDS EAST 1076.66 FEET TO THE NORTHEAST CORNER OF SAID 30 ACRE TRACT; THENCE SOUTH 89 DEGREES 50 MINUTES 28 SECONDS WEST 1219.12 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF SAID NORTHEAST QUARTER TO THE POINT OF SAID NORTHEAST QUARTER TO THE POINT OF SECONDS WEST 1219.12 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING CONTAINING 71.02 ACRES MORE OR LESS (BEING SUBJECT TO THE RIGHT-OF-WAY FOR STATE ROAD 32 SOUTH OF AND ADJACENT TO THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID RIGHT-OF-WAY CONTAINING APPROXIMATELY 1.76 ACRES MORE OR LESS).

#### REMARKS POINT #

(124)(127)(126)

(120)(121)(115)(114)

5/8" IRON ROD WITH YELLOW CAP STAMPED "MILLER SOD83" SET CONCRETE R/W MARKER

(122)(123)(125) (113)(104)

5/8" IRON ROD WITH YELLOW CAP STAMPED "WEIHE" FOUND

(11)

5/8" IRON ROD FOUND

## FLOOD ZONE DEFINITION

AREAS DETERMINED TO BE OUTSIDE 500—YEAR FLOODPLAIN.

THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM AS PER SCALED INTERPRETATION OF FLOOD RATE MAP #18057C140 F. AREA IN ZONE "X" MAP DATED 2-19-2003

### LEGEND

EXISTING FENCE R/W RIGHT OF WAY

## SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE (RULES FOR LAND SURVEYS IN INDIANA), THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED RECARDING THE VARIOUS UNDERTAINTES IN THE LOCATIONS OF THE LUNES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTES IN REFERENCE MONUMENTATION: IN RECORD DESCRIPTIONS AND PLATS, IN LINES OF COCUPATION; AND AS INTRODUCED BY RANDOW ERRORS IN MEASUREMENT ("RELATIVE POSITION ALACURACY"). THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD ASSUME THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MACRITUDE TO THE DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES.

THERE MAY BE DIFFERENCES OF DEED DIMENSIONS VERSUS MEASURED DIMENSIONS ALONG THE BOUNDARY UNES SHOWN HEREON AND LIKEWISE, THERE MAY BE FOUND SURVEY MARKERS NEAR, BUT NOT PRECISELY AT, SOME BOUNDARY CORNERS, IN CASES WHERE THE MACHITUDE OF THESE DIFFERENCES ARE LESS THAN THE RELATIVE POSITIONAL ACCURACY AND LESS THAN THE UNCERTAINTY IDENTIFIED FOR THE REFERENCE MONUMENTAND (DISCUSSED BELOW). THE DIFFERENCES MAY BE CONSIDERED INSIGNIFICANT AND AS SHOWN ONLY FOR PURPOSES OF MATHEMATICAL CLOSURE. SUCH DIFFERENCES THAT ARE GREATER THAN THE RELATIVE, POSITIONAL ACCURACY AND THE UNCERTAINTY IN REFERENCE MONUMENTATION SHOULD BE CONSIDERED WORTHY OF NOTICE AND ARE THEREFORE DISCUSSED FURTHER BELOW.

THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN INDIANA THIS SURVEY AND REPORT ARE BASED IN PART UPON OPINIONS FORMED IN ACCORDANCE WITH AN BIDDIAN LAND SURVEYOR'S RESPONDIBILITY TO COMDUCT A SURVEY IN ACCORDANCE WITH LAW OR A PRECEDENT (685 IAC 1-12-11(5), RULES OF THE INDIANA STATE BOARD OF REGISTRATION FOR LAND SURVEYORS). SINCE BIDIANA HAS NO STATUTES ADDRESSING HOW TO RESOLVE BIDIANDAY LINES, A SOLUTION BASED ON PRINCIPLES DERIVED FROM COMMON LAW PRECEDENT MUST BE RELIED UPON AS THE BASIS FOR A BOUNDARY RESOLUTION, UNDESS OTHERWISE NOTED OF DEPICTED HEROON, THERE IS NO EVIDENCE OF OCCUPATION ALONG THE PERMITTER LINES OF THE SUBJECT TRACT, ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH EXISTING GRADE UNLESS OTHERWISE NOTED.

THE RELATIVE POSITIONAL ACCURACY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY DOES NOT EXCEED THAT ALLOWABLE FOR A RURAL CLASS SURVEY (0.26 FEET PLUS 200 PPM) AS DEFINED IN IAC 865.

THE WITHIN SURVEY IS A RETRACEMENT SURVEY OF THE TRACTS OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 8917121, INSTRUMENT NO. 890253 AND INSTRUMENT NO. 890253 AND EXCEPTING THE RIGHT OF WAY FOR STATE ROAD NO. 32 PER INSTRUMENT NO. 200200072821 & 200200072821. THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTHEAST QUARTER NO. 200200017814, TOWNSHIP 18 NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 18 NORTHEAST QUARTER OF SECTION 4.

#### BASIS OF BEARING: ASSUMED BEARING

CONTROLLING MONUMENTS:

(107) SW CORNER SE QUARTER SECTION 33, T19N, R4E COMPUTED LOCATION

(104) SW CORNER NE QUARTER SECTION 4, T18N, R4E 5/8" STEEL REBAR WITH WEIHE CAP FOUND AS PER SURVEY RECORDED IN INSTRUMENT No.9839837

NE CORNER NE QUARTER SECTION 4, T18N, R4E (COMPUTED LOCATION) PIN IN CONC 0.27' SOUTH OF COMPUTED LOCATION

NW CORNER NE QUARTER (06) SECTION 4, TI8N, R4E (COMPUTED LOCATION) PIN IN CONC 0.17' SOUTH OF COMPUTED LOCATION

(113) SE CORNER WEST HALF NE QUARTER SECTION 4, T18N, R4E 5/8" STEEL REBAR WITH WEIHE CAP 0,1' N, 0.05' E OF COMPUTED LOCATION

7005) SE CORNER NE QUARTER SECTION 4, T18N, R4E HARRISON MONUMENT

(7006) SE CORNER SE QUARTER SECTION 33, TIGN, R4E PIN IN CONCRETE PER HAMILTON COUNTY SURVEYOR

IN MY OPINION, THERE IS 0.5 FEET OF UNCERTAINTY IN THE LOCATION OF THESE MONUMENTS.

1. POSSESSION TO THE NORTH IS THE IMPROVEMENTS OF STATE ROAD No. 32. POSSESSION TO THE EAST, SOUTH AND WEST IS EXISTING FENCING,

A POSSIBLE 0.2"± TO 4.8'± TITLE "GAP" EXISTS TO ADJACENT TO PROPERTY LINE 116-115. NO ADDITIONAL TITLE "GAPS" AND/OR "OVERLAPS" WERE FOUND WITH REMAINDER OF THE ADJOINING TRACTS OF RECORD.

THE TITLE STATUS OF THE ABANDONED CENTRAL INDIANA RAILROAD IS SOMEWHAT CONFUSING. THE PARENT DESCRIPTIONS INCLUDES THE RAILROAD RIGHT OF WAY AND DOES NOT EXCEPT THE RAILROAD RIGHT OF WAY. INSTRUMENT NO. 916724 (A CORPORATE OUT CLAIM DEED) CONVEYS APPROXIMANTE 8 MILES OF RAILROAD RIGHT OF WAY TO THE CITY OF NOBLESVILLE THAT INCLUDES THE ABBOUNDED RAILROAD RIGHT OF WAY SHOWLO IN THE PLAT OF SURVEY.

A DECLAMATORY JUDGMENT RECORDED IN INSTRUMENT NO. 2005-00009995 INDICATES THE ABANDONED RAILROAD RIGHT OF WAY REVENTS TO THE ABJORNING LAND OWNERS.

2. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE MITHIN DESCRIBED TRACT OF LAND LIES WITHIN FLOOD HAZARD ZONE "X" AS SAID TRACT FLOTS BY SCALE ON COMMUNITY PAVEL NUMBER 18057C140 F OF THE FLOOD INSURANCE RATE MAPS FOR HAMILTON COUNTY, INDIANA (MAPS DATED 2-19-2003)

3. OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

4. THE SURVEY HEREIN DOES NOT PURPORT TO SHOW THE WATERSHED AREAS AFFECTING THE SUBJECT PARCELS NOR DOES IT PURPORT TO SHOW THE PRESENCE OR ABSENCE OF ALL REGULATED OR NON-REGULATED DITCHES OR DRAINS.

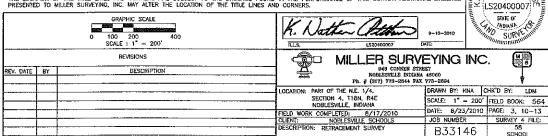
5. THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF A CURRENT TITLE POLICY FOR THE SUBJECT TRACT OR ADJOINING TRACTS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

MAN ALX PEGISTERED TO

THE WITHIN PLAT AND SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE POLICY AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SCHEDULE "A" AND SCHEDULE "B" OF A TITLE POLICY.

THIS SURVEY PLAT HAS BEEN PREPARED FOR USE ON THIS PARTICULAR PROJECT AND FOR THE EXCLUSIVE USE OF THE PERSON(S) OR ENTITY HEREON NAMED AND IS NOT CERTIFIED TO OR TO BE USED BY ANY OTHER PARTY. THE ENDENCE, POSSESSION, OWNERSHIP, CONDITIONS ETC. COULD CHANGE CONSTANTLY AND THE USE OF THIS SURVEY IS LIMITED ONLY TO THE DATE INDICATED HEREIN.

THE LOCATION OF THE TITLE LINES AND CORNERS ARE SUBJECT TO THE EVIDENCE FOUND IN THE PERFORMANCE OF THIS SURVEY, ADDITIONAL EVIDENCE PRESENTED TO MILLER SURVEYING, INC. MAY ALTER THE LOCATION OF THE TITLE LINES AND CORNERS.



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PAGE 1 RETRACEMENT SURVEY

