

2007014521 ORDI \$37.00 03/14/2007 11:28:12A 14 PGS Jennifer J Hayden HAMILTON County Recorder IN Recorded as Presented

ORDINANCE NO. 16-2-07

AN ORDINANCE AMENDING ORDINANCE NO. 50-11-02 AND THE UNIFIED DEVELOPMENT ORDINANCE NO. 62-12-95 AND ALL AMENDMENTS THERETO INCLUDING THE ADOPTION OF AN AMENDED DEVELOPMENT PLAN OF THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA

DOCUMENT CROSS REFERENCE: Deed Instrument Numbers 2005-42520; 2006-40100; 2006-40101; 2005-42521; and 2005-71854

This Ordinance No. 16-2-07 is an amendment ("the Amendment") to Ordinance No. 50-11-02 ("the Original PD") amending the Unified Development Ordinance of the City of Noblesville, (the "City") Hamilton County, Indiana enacted by the City under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended.

Whereas, City's Plan Commission ("the Commission") has conducted a hearing as required by law in regard to the application for approval of a text and development plan amendment to the Original PD filed by C.P. Morgan Communities, L.P.; and,

Whereas the Commission has sent to the Common Council its favorable recommendation by a vote of 11 ayes and zero nays at their February 20, 2007.

Now, therefore, be it ordained by the Common Council, meeting in regular session that the Original PD is amended as follows:

SECTION 1. OVERALL CLASSIFICATION. Section 1 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

SECTION 2. MULTI-FAMILY. Section 2 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

SECTION 3. RESIDENTIAL PARCEL ONE. Section 3B of the Original PD is hereby deleted in its entirety and replaced and superseded by the following:

The maximum number of single family residences to be constructed upon Residential Parcel One shall not exceed one hundred fifty-six (156), one hundred twenty-one (121) of which are Village Lane Homes, and thirty-five (35) of which are Perimeter Homes.

SECTION 4. RESIDENTIAL PARCEL TWO. The revisions to Section 4 of the Original PD are as follows:

A. The first sentence of <u>Section 4</u> of the Original PD is hereby deleted and replaced and superseded by the following:

Residential Parcel Two, corresponding to (i) the area colored in darker yellow and designated on part one (1) of the Preliminary Plan as "E" Single Family, and also (ii) the area colored in green and designated on part 1 of the Preliminary Plan as "F" Single Family, shall be developed for detached Single Family residential use in the area so designated on the Preliminary Plan.

B. Section 4(B) of the Original PD is hereby deleted, in its entirety, and replaced and superseded by the following:

The maximum number of Single Family Residences to be constructed on Residential Parcel Two shall not exceed three hundred forty-eight (348).

SECTION 5. UNDESIGNATED PARCEL. Section 5 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

SECTION 6. INDUSTRIAL PARCEL. Section 6 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

Bryan Ayer

Mary Sue Rowland

Juny Lynky Terry Busby

Alan Hinds

Dale Snelling

Kathie Stretch

Laurie Jackson

Laurie Jackson

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 11 day of 2007.

John Ditslear, Mayor City of Noblesville, Indiana

ATTEST:

Jane Jaros, Clerk-Treasurer City of Noblesville, Indiana

Prepared by: Charles D. Frankenberger, Nelson and Frankenberger, Attorneys at Law, 3105 E. 98th Street, Suite 170, Indianapolis, IN 46280 (317) 844-0106

Pursuant to IC 36-2-11-15(b)(2), 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 -Charles D. Frankenberger.

SECTION 7. PUD DEVELOPMENT STANDARDS. Section 7 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

SECTION 8. PROCEDURES. Section 8 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

<u>SECTION 9</u>. <u>ENACTMENT</u>. Section 9 of the Original PD shall remain in full force and effect and unchanged by this Amendment.

SECTION 10. EXHIBITS. All Exhibits attached hereto are hereby adopted.

EXHIBIT A - Land Use District Plan

EXHIBIT B - Overall Amended Plan

EXHIBIT C – Enlarge Section F of Amended Plan

EXHIBIT D – Revised Legal Description for Rear-Load Single-Family Area "D"

EXHIBIT E - Legal Description for Single-Family (Hallmark Product) Area "F"

EXHIBIT F - Amended Matrix including Area "F"

EXHIBIT G – Amended Perimeter Lot Design Guidelines

EXHIBIT H – Amended Hallmark Lot Design Guidelines

EXHIBIT I – Amended Village Lane (rear-load) Lot Design Guidelines

EXHIBIT J – Revised Plan and Calculations for Gross Density and Net Density

SECTION 10. AMENDED PD. Any and all provisions of the Original PD not specifically revised and amended by this Amendment shall remain unchanged and in full force and effect, and the Original PD, as previously amended by other duly enacted amendments and as further amended by this Amendment, shall remain in full force and effect.

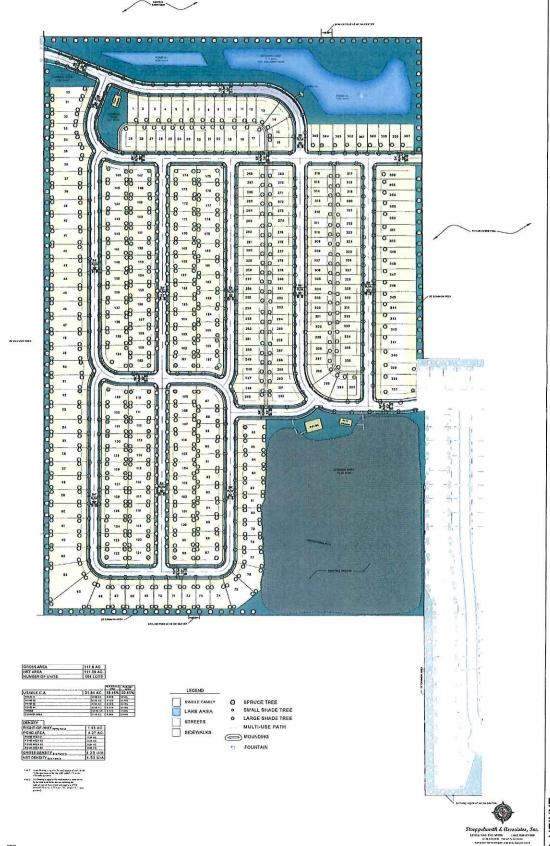
CUMBERLAND POINTE LAND USE/DISTRICT PLAN LEGEND "A" MULTI FAMILY ROAD "B" SCHOOL "C" OUTLOTS CUMBERLAND "D" SINGLE FAMILY "E" SINGLE FAMILY "F" SINGLE FAMILY Storppelwerth & Associates, Inc. REVISED 12/8/06 KRG

CUMBERLAND POINTE



REVISED 12/8/06 KRG

CUMBERLAND POINTE SINGLE FAMILY



EXHIBIT

REVISED 12/8/06 KRG

REAR LOAD SINGLE FAMILY AREA "D"

Horizons at Cumberland Pointe, Sections One & Two

A part of the Northeast Quarter of Section 17, Township 18 North, Range 5 East, Noblesville Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Quarter Section; thence South 00 degrees 29 minutes 16 seconds East along the East line of Horizons at Cumberland Pointe a subdivision in Hamilton County, Indiana, the Secondary plat of which is recorded as Instrument number 200500005565, Plat Cabinet 3, Slide 571 in the Office of the Recorder of Hamilton County, Indiana, 1,190.63 feet to a point on the North line of Reflections at Cumberland Pointe Section One, a subdivision in Hamilton County, Indiana the Secondary Plat of which is recorded as Instrument number 200400049554 Plat Cabinet 3, Slide 444 in the Office of the Recorder of Hamilton County, Indiana; thence North 89 degrees 55 minutes 14 seconds East along the North line of said Reflections, Section One, 23.57 feet; thence South 00 degrees 29 minutes 01 seconds East along the Western line of said Reflections Section One, 136.76 feet; thence South 81 degrees 40 minutes 54 seconds West along the Southern line of said Reflections. Section One 19.10 feet; thence South 00 degrees 32 minutes 58 seconds East along the Western line of said Reflections, Section One 142.01 feet; thence South 90 degrees 00 minutes 00 seconds West along the South line of said Horizons, Section One 495.34 feet; thence North 00 degrees 00 minutes 00 seconds East along the West line of said Horizons, Section One 53.47 feet to a point on the Southern boundary of Horizons at Cumberland Pointe, Section Two a subdivision in Hamilton County. Indiana, the Secondary plat of which is recorded as Instrument number 200500071854, Plat Cabinet 3, Slide 761, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 53 minutes 54 seconds West along the South line of said Horizons, Section Two 190.63 feet to the point of curvature of a curve concave southeasterly, the radius point of said curve being South 00 degrees 06 minutes 06 seconds East 10.00 feet from said point; thence southwesterly along said curve 15.71 feet along the South line of said Horizons Section Two, to the point of tangency of said curve, said point being South 89 degrees 53 minutes 54 seconds West 10.00 feet from the radius point of said curve; thence South 89 degrees 53 minutes 54 seconds West along the South line of said Horizons, Section Two, 54.00 feet; thence North 00 degrees 06 minutes 06 seconds West along the Western line of said Horizons, Section Two, 63.00 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 89 degrees 53 minutes 54 seconds West 73.00 feet from said point; thence northwesterly along said curve 81.51 feet along the Westerly line of said Horizons, Section Two, to the point of tangency of said curve, said point being North 25 degrees 55 minutes 10 seconds East 73.00 feet from the radius point of said curve; thence North 25 degrees 55 minutes 10 seconds East along the Westerly line of said Horizons, Section Two, 54.00 feet to a point on a curve concave northwesterly, the radius point of said curve being North 25 degrees 55 minutes 10 seconds East 10.00 feet from said point; thence northeasterly along said curve 17.20 feet along the Northwesterly line of said Horizons. Section Two, to the point of tangency of said curve, said point being South 72 degrees 39 minutes 22 seconds East 10.00 feet from the radius point of said curve, said point also being the point of curvature of a curve concave westerly, the radius point of said curve being

North 72 degrees 39 minutes 22 seconds West 73.00 feet from said point; thence northerly along said curve 22.23 feet along the Westerly line of said Horizons. Section Two, to the point of tangency of said curve, said point being North 89 degrees 53 minutes 54 seconds East 73.00 feet from the radius point of said curve; thence North 00 degrees 06 minutes 06 seconds West along the Western line of said Horizons. Section Two, 740.00 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 89 degrees 53 minutes 54 seconds West 10.00 feet from said point; thence northwesterly along said curve 15.71 feet along the Southerly line of said Horizons, Section Two, to the point of tangency of said curve, said point being North 00 degrees 06 minutes 06 seconds West 10.00 feet from the radius point of said curve; thence South 89 degrees 53 minutes 54 seconds West along the Southern line of said Horizons, Section Two, 180.00 feet to the point of curvature of a curve concave southeasterly, the radius point of said curve being South 00 degrees 06 minutes 06 seconds East 10.00 feet from said point; thence southwesterly along said curve 15.71 feet along the Southerly line of said Horizons, Section Two, to the point of tangency of said curve, said point being South 89 degrees 53 minutes 54 seconds West 10.00 feet from the radius point of said curve; thence South 89 degrees 53 minutes 54 seconds West along the Southerly line of said Horizons, Section Two, 54.00 feet to a point on a curve concave southwesterly, the radius point of said curve being South 89 degrees 53 minutes 54 seconds West 10.00 feet from said point; thence northwesterly along said curve 15.71 feet along the Southerly line of said Horizons, Section Two, to the point of tangency of said curve. said point being North 00 degrees 06 minutes 06 seconds West 10.00 feet from the radius point of said curve; thence South 89 degrees 53 minutes 54 seconds West along the Southerly line of said Horizons, Section Two 108.17 feet to the point of curvature of a curve concave northerly, the radius point of said curve being North 00 degrees 06 minutes 06 seconds West 152.00 feet from said point; thence westerly along said curve 66.36 feet along said Southerly line of Horizons, Section Two, to the point of tangency of said curve, said point being South 24 degrees 54 minutes 50 seconds West 152.00 feet from the radius point of said curve, said point also being the point of curvature of a curve concave southeasterly, the radius point of said curve being South 24 degrees 54 minutes 50 seconds West 10.00 feet from said point; thence southwesterly along said curve 16.81 feet along the Southerly line of said Horizons, Section Two, to the point of tangency of said curve, said point being North 71 degrees 24 minutes 12 seconds West 10.00 feet from the radius point of said curve; thence North 71 degrees 24 minutes 12 seconds West along the Southerly line of said Horizons, Section Two, 54.00 feet to a point on a curve concave easterly, the radius point of said curve being South 71 degrees 24 minutes 12 seconds East 127.00 feet from said point; thence northerly along said curve 4.12 feet along the Southerly line of said Horizons, Section Two, to the point of tangency of said curve, said point being North 69 degrees 32 minutes 47 seconds West 127.00 feet from the radius point of said curve; thence South 89 degrees 53 minutes 54 seconds West along the Southerly line of said Horizons, Section Two, 172.57 feet; thence North 00 degrees 15 minutes 00 seconds West along the West line of said Horizons, Section Two, 444.76 feet; thence North 89 degrees 57 minutes 47 seconds East along the North line of said Horizons, Section Two 985.49 feet to the Northwest corner of said Horizons, Section One; thence continuing North 89 degrees 57 minutes 47 seconds East along the North line of said Horizons, Section One, a distance of 423.31 feet to the place of beginning, containing 32.040 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

SINGLE FAMILY AREA "F"

Horizons at Cumberland Pointe, Sections 3 & 4

A part of the Northeast Quarter of Section 17, Township 18 North, Range 5 East, Noblesville Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter to the northeast corner of the Horizons at Cumberland Pointe, Section One, a subdivision in Hamilton County, Indiana, the Secondary Plat of which is recorded as Instrument No. 200500005565, Plat Cabinet 6, page 571, in the Office of the Recorder of Hamilton County, Indiana, the following one (1) course being on and along the northern and western boundary of said Horizons at Cumberland Pointe, Section One; 1) South 89 degrees 57 minutes 47 seconds West 423.31 feet to the northeast corner of the Horizons at Cumberland Pointe, Section Two, a subdivision in Hamilton County, Indiana, the Secondary Plat of which is recorded as Instrument No. 200500071854, in the Office of the Recorder of Hamilton County, Indiana, the following two (2) courses being on and along the northern boundary of said Horizons at Cumberland Pointe, Section Two; 1) South 89 degrees 57 minutes 47 seconds West 985.49 feet; 2) South 00 degrees 15 minutes 00 seconds East 444.76 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 53 minutes 54 seconds East 172.57 feet to a point on a curve concave easterly, the radius point of said curve being South 69 degrees 32 minutes 47 seconds East 127.00 feet from said point; thence southerly along said curve 4.12 feet to the point of tangency of said curve, said point being North 71 degrees 24 minutes 12 seconds West 127.00 feet from the radius point of said curve; thence South 71 degrees 24 minutes 12 seconds East 54.00 feet to a point on a curve concave southeasterly, the radius point of said curve being South 71 degrees 24 minutes 12 seconds East 10.00 feet from said point; thence northeasterly along said curve 16.81 feet to the point of tangency of said curve, said point being North 24 degrees 54 minutes 50 seconds East 10.00 feet from the radius point of said curve, said point also being the point of curvature of a curve concave northerly, the radius point of said curve being North 24 degrees 54 minutes 50 seconds East 152.00 feet from said point: thence easterly along said curve 66.36 feet to the point of tangency of said curve, said point being South 00 degrees 06 minutes 06 seconds East 152.00 feet from the radius point of said curve; thence North 89 degrees 53 minutes 54 seconds East 108.17 feet to the point of curvature of a curve concave southwesterly, the radius point of said curve being South 00 degrees 06 minutes 06 seconds East 10.00 feet from said point; thence southeasterly along said curve 15.71 feet to the point of tangency of said curve, said point being North 89 degrees 53 minutes 54 seconds East 10.00 feet from the radius point of said curve: thence North 89 degrees 53 minutes 54 seconds East 54.00 feet a point on a curve concave southeasterly, the radius point of said curve being North 89 degrees 44 minutes 03 seconds East 9.93 feet from said point; thence northeasterly along said curve 14.59 feet to the point of tangency of said curve, said point being North 06 degrees 04 minutes 31 seconds West 9.93 feet from the radius point of said curve; thence North 89 degrees 52 minutes 07 seconds East 181.10 feet to a point on a curve concave southwesterly, the radius point of said curve being South 00 degrees 06 minutes 06 seconds East 10.00 feet from said point; thence southeasterly along said curve 15.71 feet to the point of tangency of said curve, said

point being North 89 degrees 53 minutes 54 seconds East 10.00 feet from the radius point of said curve; thence South 00 degrees 06 minutes 06 seconds East 740.00 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 89 degrees 53 minutes 54 seconds West 73.00 feet from said point; thence southerly along said curve 22.23 feet to the point of tangency of said curve, said point being South 72 degrees 39 minutes 22 seconds East 73.00 feet from the radius point of said curve, said point also being the point of curvature of a curve concave northwesterly, the radius point of said curve being North 72 degrees 39 minutes 22 seconds West 10.00 feet from said point; thence southwesterly along said curve 17.20 feet to the point of tangency of said curve, said point being South 25 degrees 55 minutes 10 seconds West 10.00 feet from the radius point of said curve; thence South 25 degrees 55 minutes 10 seconds West 54.00 feet, to a point on a curve concave southwesterly, the radius point of said curve being South 25 degrees 55 minutes 10 seconds West 73.00 feet from said point; thence southeasterly along said curve 81.51 feet to the point of tangency of said curve, said point being North 89 degrees 53 minutes 54 seconds East 73.00 feet from the radius point of said curve; thence South 00 degrees 06 minutes 06 seconds East 63.00 feet; thence North 89 degrees 53 minutes 54 seconds East 54.00 feet to a point on a curve concave southeasterly, the radius point of said curve being North 89 degrees 53 minutes 54 seconds East 10.00 feet from said point; thence northeasterly along said curve 15.71 feet to the point of tangency of said curve, said point being North 00 degrees 06 minutes 06 seconds West 10.00 feet from the radius point of said curve; thence North 89 degrees 53 minutes 54 seconds East 190.63 feet; thence South 00 degrees 00 minutes 00 seconds East 53.47 feet; thence North 90 degrees 00 minutes 00 seconds East 495.34 feet; thence South 00 degrees 04 minutes 48 seconds East 672.84 feet; thence South 89 degrees 57 minutes 40 seconds West 1,417.71 feet; thence North 00 degrees 15 minutes 00 seconds West 1700.24 feet; to the place of beginning, containing 37.677 acres, more or less.

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Development Standards Matrix, Cumberland Pointe Planned Development	andards Mat	rix, Cumbe	rland Poin	te Planned De	velopment						
Revised 12/13/06	3										
	Maximum						Minimum	Maximum	Maximum	Maximum	Maximum Lot
	Number of Minimum Minimum	Minimum	Minimum				House	Home	Building	Floor Area	Coverage
	Units	Lot Width	Lot Width Lot Area	Mir	Minimum Setbacks	Ş	Size	Size	Height	Ratio	Ratio
				Front	Side	Rear					
				10 ft to	0 ft per side,	24 ft from					
-				porch, 15 ft	10 ft between	centerline					
Lane Product	121	35 ft	3500 sf	to building	buildings	of lane	1000 sf	3200 sf	35 ft	0.92	0.51
Dorimotor					Off per side,						
Product	35	40#	4000 sf	20 ft*	buildings	20 ft	1000 sf	3200 sf	35#	œ	0.48
											3
Hallmark					5 ft per side,						Tark Associate
Product					10 ft between						
(Area E)	196	50 ft	5000 sf	20*	buildings	20 ft	1200 sf	4000 sf	35 ft	0.8	0.44
Hallmark					5 ft per side.						
Product					10 ft between						
(Area F)	152	52 ft	5200 sf	20*	buildings	20 ft	1200 sf	4300 sf	35 ft	0.83	0.48
Industrial and											
Multifamily											•
Housing Uses	Development Standards shall be	int Standar	ds shall be		pursuant to the Corporate Campus District, and the Secondary Corridor and Internal Subdistricts.	ampus Distr	ict, and the	Secondary	Corridor and	Internal Sub	districts

*Staggered Setbacks will be achieved by ranging the minimum setbacks fro specific lots from a minimum of 20' - 25' (See Additional Streetscape Standards

Cumberland Pointe

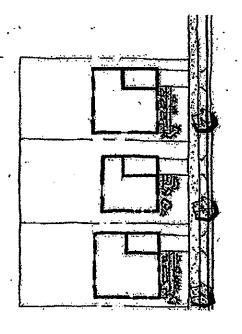
Development Standards

Perimeter Lots Lot Standards

Residential Lot Design Guidelines (cont'd.)

- 1. Minimum Lot Width 40 feet

- 2. Minimum Setbacks
 a. Front 20 feet
 b. Side ~ 0 feet per side, 10 feet separation between buildings
 c. Rear 20 feet
- Maximum Building Height 35 feet "
- Minimum Home Size 1000 square feet 4
- Maximum Home Size 3200 square feet .vi
- Maximum Floor Area Ratio 0.8 Ġ
- Maximum Lot Coverage Ratio 0.48 7:
- car garages shall be permitted in this development. The maximum width of driveways for Garage Standards - Garage doors shall not exceed 33% of the façade of the home. Onethe perimeter product with one car garages shall be 10 feet. The maximum width of driveways for the perimeter product with two car garages shall be 16 feet. œ.
- Architectural Standards The homes shall be characterized by architectural features such as but not limited to reverse gables, shutters, porches, decorative trim mouldings, and partial brick, in keeping with the Corporate Campus Quidelines. o;



Updated 2/20/07

Cumberland Pointe

Hallmark Lots

Residential Lot Design Guidelines (cont'd.)

Lot Standards

- 1. Minimum Lot Width
- Hallmark Area E 50 feet Hallmark Area F 52 feet

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- Minimum Setbacks તં
- Front 20 feet
- Side -- 5 feet per side, 10 feet separation between buildings Rear -- 20 feet
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- Maximum Building Height 35 feet m
- Minimum Home Size 1200 square feet 4.
- Maximum Home Size 'n
- Hallmark Area E 4000 square feet Hallmark Area F 4300 square feet ص ہ
- Maximum Floor Area Ratio

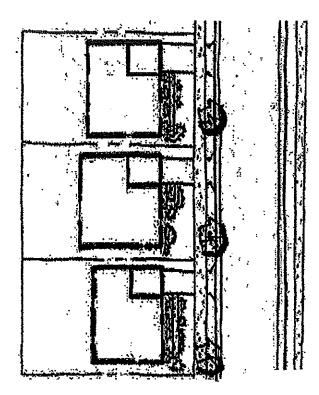
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- Hallmark Area E 0.80 Hallmark Area F 0.83 4 2
- Maximum Lot Coverage Ratio a. Hallmark Area E − 0.44 b. Hallmark Area F − 0.48

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- Garage Standards Garage doors shall not exceed 33% of the façade of he home. Two-car garages shall be standard for Hallmark homes. 00
- Architectural Standards The homes shall be characterized by architectural features such as but not limited to reverse gables, shutters, porches, decorative trim mouldings, and partial brick, in keeping with the Corporate Campus Guidelines. o,

Updated 2/20/07



Residential Lot Design Guidelines

Village Lane Lots Lot Standards

- 1. Minimum Lot Width-35 feet
- 2. Minimum Setbacks
- Front 10 feet
- Side 0 feet per side, 10 feet separation between buildings ಷ ಎರ್ ಭ
 - Rear 24 feet from centerline of lane

Minimum Home Size - 1000 square feet

4.

Maximum Building Height - 35 feet

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5. Maximum Home Size - 3200 square feet

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- - accessed by privately owned and maintained lanes with 12' width of Garage Standards - Garages shall face the rear of the home pavement for one-way traffic.

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Maximum Lot Coverage Ratio - 0.51

6. Maximum Floor Area Ratio - 0.92

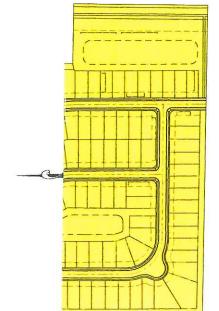
Architectural Standards – The homes shall be characterized by architectural decorative trim mouldings, and partial brick, in keeping with the Corporate features such as but not limited to reverse gables, shufters, porches, Campus Guidelines. œ,

Typical lots with minimum standards.

Updated 2/20/07

EXHIBIT J

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111,38 Ac. +/-		
504		
	Per Gross	Per Gross
	Acres	Acres
21.84 Ac.	18.57%	19.61%
2.38 Ac.	2.02%	2.14%
0.85 Ac.	0.72%	0.76%
0.54 Ac.	0.46%	0.48%
0.50 Ac.	0.43%	0.45%
10.28 Ac.	8.74%	9.23%
7,29 Ac.	6.20%	6.55%
1.95 Ac.		
4.27 Ac.		
2.38 Ac.		
0.85 Ac.		-
0.54 Ac.		
0.50 Ac.		
4.29		
4.53		
	21.84 Ac. 2.38 Ac. 0.85 Ac. 0.50 Ac. 10.28 Ac. 7.29 Ac. 1.95 Ac. 4.27 Ac. 2.38 Ac. 0.85 Ac. 0.54 Ac. 4.29	111.38 Ac. +/- 504 Per Gross Acres 21.84 Ac. 18.57% 2.38 Ac. 2.02% 0.85 Ac. 0.72% 0.50 Ac. 0.43% 10.28 Ac. 8.74% 7.29 Ac. 6.20% 1.95 Ac. 4.27 Ac. 2.38 Ac. 0.85 Ac. 0.50 Ac. 4.29





REVISED 12/8/06