

ORDINANCE NO. 06-04-18

AN ORDINANCE AMENDING THE TEXT OF THE MERION PUD ORDINANCE AND APPROVING THE AMENDMENT TO THE ARCHITECTURAL STANDARDS

Document Cross Reference No. 2015020440

This is an ordinance approving a text amendment to PUD Ordinance 19-03-15 (the "Merion PUD Ordinance") amending the Architectural Standards. The legal description is attached hereto and incorporated herein as Exhibit "A" (the "Real Estate").

On May 1, 2015, Gradison Land Development, Inc., ("Gradison"), recorded the Merion PUD Ordinance, as Instrument No. 2015-020440 in the Office of the Recorder of Hamilton County, Indiana. Gradison-Merion Investment, LLC, the Developer of "Merion" (the "Developer"), would like to allow for a maximum number of 35 homes in Merion to be constructed on a slab or concrete (the "First Amendment").

Section 1. Amendment to the Architectural Standards

6.4 Homes in the District shall have the following:

- A. A minimum of 94 homes shall have basements in excess of 1000 square feet. The remaining 21 homes may be constructed on a slab or crawl space;
- B. The 22 homes adjacent to Sagamore (shown on Exhibit B attached hereto) shall have the following:
 - i. Must have basement totaling a minimum of 1,000 square feet.
 - ii. Single story homes must have a minimum 1,900 square feet finished living area above grade.
 - iii. Any 1 ½ story home must have a minimum of 2,000 square feet finished space, with a minimum of 1,700 on the first floor.
- C. Minimum size of a home on a slab or crawl space shall be 2,000 SF of finished living area. This is accomplished by utilizing bumps in the main level such as breakfast bays, breakfast nook, sunrooms, bay windows (conditioned space only) and/or bonus room options.
- D. All homes shall have dimensional shingles;
- E. All homes shall have decorative garage doors;
- F. All homes shall have minimum nine (9) foot ceilings throughout the main floor (except closet and mudrooms).

Section 2. Effective Date

2.1 This First Amendment shall be effective with respect to the Real Estate upon adoption by the City Council of this First Amendment.

Section 3. Recording

3.1 The undersigned hereby authorized the Secretary of the Plan Commission to record this Ordinance in the Office of the Recorder of Hamilton County, Indiana.

Section 4. Prior Commitments

4.1 All other items related to the Merion PUD remain in effect with respect to the Real Estate, except those modified by this First Amendment.

Section 5. Enforcement

5.1 This First Amendment may be enforced by the Plan Commission and/or the City Council.

Section 6. Binding Effect

6.1 This First Amendment is binding on the Developer and its successors and assigns unless modified or terminated by a decision of the Plan Commission or City Council after public hearing wherein notice is given as provided in the Plan Commission's rules. This First Amendment shall terminate with respect any part of the Real Estate hereafter rezoned to change the permitted use(s) of that part of the Real Estate.

All of which is resolved by the Common Council of the City of Noblesville this

24th day of April 2018.

AYE

NAY

[Signature] BRIAN AYER [Signature]

[Signature] MARK BOICE

[Signature] WIL HAMPTON

[Signature] CHRISTOPHER JENSEN [Signature]

[Signature] ROY JOHNSON

[Signature] GREGORY P. O'CONNOR

[Signature] MARY SUE ROWLAND

[Signature] RICK L. TAYLOR [Signature]

[Signature] MEGAN G. WILES [Signature]

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

24th day of April 2018.



[Signature]
 EVELYN L. LEES, CLERK
 CITY OF NOBLESVILLE, INDIANA

[Signature]
 JOHN DITSLEAR, MAYOR
 CITY OF NOBLESVILLE, INDIANA

EXHIBIT A

REAL ESTATE

A part of the East Half of Quarter of Section 9, Township 18 North, Range 5 East, City of Noblesville, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said East Half; thence South 00 degrees 18 minutes 15 seconds East along the East line of said Section a distance of 2,096.34 feet to the POINT OF BEGINNING of this description; thence continuing South 00 degrees 18 minutes 15 seconds East along said East line a distance of 623.39 feet to the northeast corner of a property identified as Parcel No. 10-11-09-00-00-010.001 in the Office of the Recorder of Hamilton County, Indiana, the following three (3) calls being along the north, west and south boundary of said parcel; 1) South 89 degrees 11 minutes 44 seconds West 221.36 feet; 2) South 00 degrees 10 minutes 43 seconds West 198.97 feet; 3) South 89 degrees 57 minutes 49 seconds East 223.04 feet to a point on the aforesaid East line; thence South 00 degrees 18 minutes 15 seconds East along said East line a distance of 357.05 feet; thence South 89 degrees 37 minutes 47 seconds West 2,672.37 feet; thence North 00 degrees 13 minutes 24 seconds West 615.53 feet; thence North 89 degrees 35 minutes 53 seconds East 1,335.14; thence North 00 degrees 52 minutes 32 seconds West 567.31 feet; thence North 89 degrees 40 minutes 04 seconds East 1,342.02 feet to the place of beginning, containing 54.19 acres, more or less, subject to all legal highways, rights-of-ways, easements, and restrictions of record.

This instrument prepared by: Mark D. Gradison

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law – *s. Mark D. Gradison*

EXHIBIT B

