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## ORDINANCE NUMBER 18-04

### AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the **WHEELER LANDING PLANNED UNIT DEVELOPMENT DISTRICT**, the "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code§ 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1803-PUD-08**), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1803-PUD-08** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on July 2, 2018;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

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11/05/2018 09:52:11A 37 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented  


**Section 1. Applicability of Ordinance.**

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "**Wheeler Landing Planned Unit Development District**" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Multi-story Parking Garage: A structure consisting of multiple stories, either above ground or sub-surface, used for the temporary storage of motorized vehicles.

**Section 3. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The District is hereby divided into four (4) subareas, as depicted on the Concept Plan and labeled as Area I, Area II, Area III and Area IV (individually or collectively, the "Area"). Development of each Area shall be regulated as set forth in this Ordinance. The Real Estate Area's boundaries, as well as major thoroughfares, shall be developed in substantial compliance with the Concept Plan.

The Concept Plan provides a general vision for the development of the District that illustrates only one possible layout of other improvements, green space and buildings that are permitted by this Ordinance. The final layouts and site plans shall be subject to the terms of this Ordinance and may vary from this Concept Plan.

**Section 4. Underlying Zoning District(s).** The Underlying Zoning District of this District shall be the GB: General Business District (the "Underlying Zoning District").

**Section 5. Permitted Uses.** All uses permitted in the Underlying Zoning District shall be permitted, except as otherwise modified below:

5.1 Additional Uses: The following additional uses shall be permitted:

- A. Area I and III
  - a. Dwelling, Multi-family (rental or owned) as part of any mixed-use building or as standalone structures.
  - b. Assisted Living Facility.
  - c. Nursing Home.
  - d. Hospice.
  - e. Bed and Breakfast.
  - f. Educational Institution, with dormitory accommodations.
  - g. Multi-story Parking Garage.
  
- B. Area III
  - a. Gasoline Service Station; only as an incidental use to a larger retail use, such as a 30,000 square foot grocery store.
  
- C. Area IV
  - a. Engineering, research and testing laboratories.
  - b. Retail, Special Handling.
  - c. Industry, Light (inside storage).
  - d. Industry, Medium (inside storage).
  - e. Self Storage Facility.
  - f. Warehousing and distribution operations (inside storage).
  - g. Wholesalers (inside storage).
  - h. Educational Institution with dormitory accommodations.
  - i. Multi-story Parking Garage.
  - j. Airport.
  
- D. All Areas
  - a. Agricultural Use.
  - b. Park, public or private.

5.2 Prohibited Uses: The following uses shall be explicitly prohibited:

- A. Special Exception Uses, except as otherwise permitted herein.
- B. Auction Rooms
- C. Nursery (landscaping)

5.3 Existing Residential Uses in the District: The following site development standards shall apply to all Areas within the District.

- A. Authority to Continue. Where, at the time of adoption of an ordinance, lawful residential uses of land which exist and would not be permitted by the regulations imposed by the Ordinance, may be continued so long as they remain otherwise lawful, subject to the following provisions.
- B. Enlargement/Improvement of Existing Residential Structure. Such nonconforming uses may be enlarged or increased to occupy a greater area of land than was occupied at the effective date of the Ordinance so long as such improvements do not result in an increase of the value of the structure by more than 50% of the pre-improvement value.
- C. Moving a Residential Structure. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the rezone.
- D. Termination by Discontinuance or Abandonment of Use. If any such nonconforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- E. New Construction of Residential Buildings. The only new structures that shall be permitted shall be clearly accessory to the existing residential use of the property and shall adhere to the standards for Accessory Structures as outlined in the Unified Development Ordinance.
- F. Damage or Destruction. Should such nonconforming residential structures be destroyed or damaged by any means, then the home may be reconstructed in a manner equal to the fair market value of the building immediately prior to the damage.
- G. Underlying Standards. Any residential improvements inside the District shall adhere to the underlying developmental standards of the SF-1 (Single-Family Large Lot) district.

**Section 6.** **General Regulations.** The standards of Chapter 4 Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

6.1 Area I Development Standards:

- A. Minimum Front Yard Setback: 0 feet
- B. Minimum Side Yard Setback (internal to District): 0 feet
- C. Minimum Side Yard Setback (abutting District perimeter): 10 feet

- D. Maximum Building Height: 75 feet
- E. Minimum Distance Between Buildings: 0 feet
- F. Minimum Lot Frontage: 20 feet

6.2 Area II Development Standards:

- A. Minimum Front Yard Setback: 10 feet
- B. Minimum Side Yard Setback (internal to District): 0 feet
- C. Minimum Side Yard Setback (abutting District perimeter): 10 feet
- D. Maximum Building Height: 75 feet
- E. Minimum Distance Between Buildings: 15 feet

6.3 Area III and IV Development Standards:

- A. Minimum Front Yard Setback: 25 feet
- B. Minimum Side Yard Setback (internal to District): 0 feet
- C. Minimum Side Yard Setback (abutting District perimeter): 20 feet
- D. Maximum Building Height: 75 feet
- E. Minimum Distance Between Buildings: 15 feet

6.4 Multi-family Residential: Shall be limited to sixty (60) acres within the District.

- A. Maximum Density: Fifty (50) Dwelling Units per gross acre
- B. Minimum Density: Ten (10) Dwelling Units per gross acre
- C. Maximum Dwelling Units per Structure: One hundred (100)
- D. Maximum Number of Dwelling Units in the District: Seven hundred and fifty (750)
- E. Minimum Building Setback Lines:

Area I

- 1. Front Yard: zero (0) feet
- 2. Side Yard: zero (0) feet
- 3. Rear Yard: zero (0) feet

Area III

- 1. Front Yard: ten (10) feet
- 2. Side Yard: ten (10) feet
- 3. Rear Yard: then (10) feet

- F. Maximum Building Height: Seventy-five (75) feet
- G. Minimum Distance Between Buildings: zero (0) feet

**Section 7. Overlay Districts.**

- A. The standards of Article 5.3 State Highway 32 Overlay District (the "32 Overlay") shall not apply to the development of Areas I, III and IV. The standards of the 32 Overlay shall only apply to the development of Area II of the Real Estate with the following exceptions:

1. The Minimum Gross Floor Area shall be four thousand (4000) square feet. Provided however, that freestanding bank uses shall have no minimum Gross Floor Area requirement. There shall be no more than one (1) freestanding bank within Area II.
  2. The Minimum Gross Floor Area shall also include the square footage of all pergolas, hardscaped outdoor seating and amenities up to one thousand (1000) square feet.
- B. The standards of Article 5.4 Economic Development District Overlay shall apply to the District; however, subject to an executed developer agreement with the City specifically allowing tax exempt uses by either (i) one nonprofit health, fitness and exercise center and public school district use or (ii) one nonprofit health, fitness and exercise center individually, exempt uses shall be permitted within the District on approximately eleven (11) acres in Areas I and III.

**Section 8. Development Standards.** The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below. Areas I, II and III shall have a thematic consistency conveyed through the architecture, Signs, lighting and building materials.

- 8.1 Article 6.1 Accessory Buildings: Shall apply; however, Article 6.1(H)(2) Screening of Receptacles and Loading Areas shall be modified to permit enclosures within Area I and Area II to be located within the Established Front Yard along Tournament Trail or any parcel in any Area with three (3) or more Front Yards.
- 8.2 Article 6.3 Architectural Standards: Article 6.3 Architectural Standards of the Unified Development Ordinance shall apply to Multi-family Dwellings (in accordance with Article 6.3(E)) and Industrial uses (in accordance with Article 6.3(G)). The Architectural Design Requirements of the 32 Overlay shall apply to all other uses in the District. Architectural character examples are attached hereto as **Exhibit C** and are intended to generally and conceptually illustrate an application of the development requirements and elements of the anticipated character of the District. Architectural character examples are general and preliminary in nature and are not intended to delineate exactly what will be built and developed. The architectural character examples establish a benchmark for the architecture and design of the buildings.
- 8.3 Article 6.8 Landscaping Standards: Shall apply, except as modified below.
- A. Detention and Retention Areas (Article 6.8(I)(1)(c)). Shall apply to regional detention or retention basins unless otherwise approved by the Director of Public Works.

- B. External Street Frontage Landscaping Requirements (Article 6.8(M)). Shall not apply to the portion of the District abutting Wheeler Road/the Monon Trail. Hardscapes, planters, tree wells, and pedestrian furniture shall be utilized to integrate the development with the Monon Trail and Wheeler Road. If a Building is Setback fifty (50) feet or less from the Wheeler Road/Monon Trail Right-of-way, then this Section (Section 8.3.B) applies. If a Building is Setback greater than fifty (50) feet from the Wheeler Road/Monon Trail Right-of-way, then Article 6.8(M) External Street Frontage Landscaping Requirement shall apply.
- C. Parking Area Landscaping (Article 6.8(0)). If adjacent Lots have vehicular cross-access and/or shared parking, in accordance with Article 6.14(G)(1), then the shared Lot Line shall not require Perimeter Parking Area Landscaping (Article 6.8(0)(2)).
- D. Screening of Gas, Electric and Other Utility Services. Utility services on Buildings shall be screened by means of landscaping, fencing, or other architectural methods so as to obstruct the view of such services from public areas.

8.4 Article 6.17 Sign Standards: shall apply, except as modified below.

- A. Individual Nonresidential Signs (Article 6.17(H)(1)). Shall apply however, Projecting Signs shall be permitted in Areas I and III.
- B. Monument Sign(s) (Center Only) (Article 6.17(I)(2)). The Nonresidential Center proposed for Areas I, II, and III shall be permitted up to four (4) Monument Signs. The Monument Signs shall be located along the Nonresidential Center's frontage on State Highway 32, Oak Ridge Road, 181<sup>st</sup> Street and Wheeler Road. The Monument Signs may contain Signs for any users within Areas I, II and III. No additional Nonresidential Center Monument Signs shall be permitted with the area bound by State Highway 32, Oak Ridge Road, 181<sup>st</sup> Street and Wheeler Road, as depicted on **Exhibit B**.
- C. Center In-Line Tenant Signage (Article 6.17(I)(5)(a)). Shall apply except as modified by the following: tenants shall be allocated two (2) square feet of signage for each linear foot of the tenant's side Building Façade and tenants shall be allocated two (2) square feet of signage for each linear foot of the tenant's rear Building Façade in Areas I, II and III. In order to utilize the increase to the Sign Area Allocation for the rear Building Façade from one (1) square foot of signage for each linear foot of rear Building Façade to two (2) square feet of signage for each linear foot of rear Building Façade the tenant must install signage on both the front and rear Building Facades and the rear Building Façade must also be utilized as a customer entrance.

- D. Outlot Signage (Article 6.17(I)(8)(a)). Shall apply except as modified by the following: All Outlots of nonresidential centers shall be permitted one (1) Monument Sign per Outlot. These Monument Signs shall be regulated by the standards in Article 6.17(H)1 and (H)2. The square footage of the Sign Area of this Monument Sign shall count against the user's Sign Area Allocation.
- E. Individual Nonresidential Signs (Article 6.17(H)). Signs for uses within Area II shall be regulated by the standards in Article 6.17(H).
- F. Signs Facing the Monon Trail. Wall Signs are allowed provided that they fit within the horizontal and vertical elements of the Building and do not obscure details of the Building. No Sign shall be allowed to extend above the cornice line of a Building. Wall Signs facing the Monon Trail shall either be (i) reverse channel letter; or (ii) externally lit. Projecting signs no larger than ten (10) square feet are allowed.

8.5 Multi-story Parking Garage Standards.

- A. Multi-story Parking Garages shall be architecturally consistent with the primary structure to which they are associated, including roof lines, building elevation design, articulation, modulation and building materials.
- B. Security grilles shall be architecturally consistent with and integrated with the overall design of the building. Chain link fencing is not permitted for parking structure fencing.
- C. If a Multi-story Parking Garage is not associated with a specific primary structure, then the Multi-story Parking Garage shall be architecturally compatible with adjacent buildings.
- D. If any part of the Multi-story Parking Garage building abuts Wheeler Road / Monon Trail the Multi-story Parking Garage shall be designed for permitted business uses on the first floor.

**Section 9. Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7 Subdivision Regulations) unless otherwise approved by the Department of Public Works.

**Section 10. Design Standards.** The standards of Chapter 8 Design Standards shall apply to the development of the Real Estate.

**Section 11. Subdivision.** The standards of Chapter 10 Processes and Permits shall apply to the development of the Real Estate.

**Section 12.** **Public Art.** Public Art shall be permitted and may be included as part of a Development Plan. Public Art shall be displayed in a location that is visually accessible to the public and shall not be a sign as regulated under the Ordinance or the Unified Development Ordinance. Any Development Plan encompassing an area larger than ten (10) acres is required to have a public art component. Public Art components may be murals, mosaics, sculptures, fountains or water features, or any other variety.

ALL OF WHICH IS ORDAINED/RESOLVED THIS 24<sup>th</sup> DAY OF Sept, 2018.

**WESTFIELD CITY COUNCIL**

**Voting For**

**Voting Against**

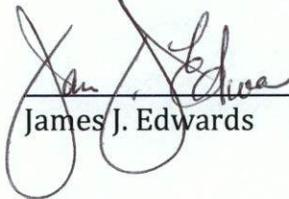
**Abstain**

  
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Jim Ake

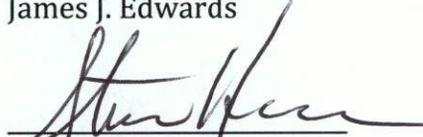
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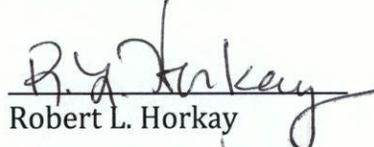
  
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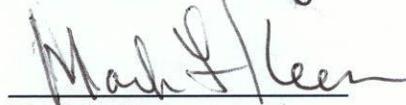
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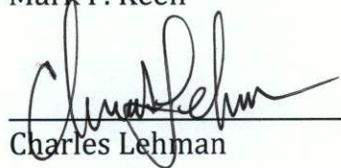
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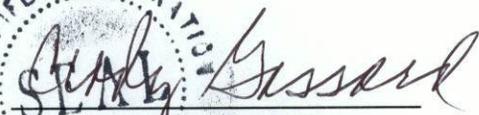
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Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 18-04** was delivered to the Mayor of Westfield on the 25<sup>th</sup> day of Sept, 2018, at 1:00p m.

Cindy Gossard  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 18-04**  
this 25<sup>th</sup> day of Sept., 2018.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 18-04**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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.

Andrew E. Wert  
Printed Name of Declarant

Prepared by Andrew E. Wert, Church Church Hittle & Antrim, 2 North 9<sup>th</sup> Street, Noblesville, IN 46060 317.773.2190

**SCHEDULE OF EXHIBITS**

- Exhibit A     Real Estate (Legal Description)
- Exhibit B     Concept Plan
- Exhibit C     Architectural Character Imagery

## EXHIBIT A

### Real Estate (Legal Description)

#### **Wheeler Farms LLC Parcels:**

Parcel #08-05-35-00-00-012.000: *Begin at the Northeast corner of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and run South 60 rods; thence West 32 rods; thence North 60 rods; thence East 32 rods; to the place of beginning, containing 12 acres, more or less.*

Parcel #08-05-36-00-00-045.000: *Beginning at a point 70 rods North of the Southwest corner of Section 36, Township 19 North, Range 3 East, and run East 80 rods; thence North 54 rods; thence West 80 rods; thence South 54 rods to the place of beginning, containing 27 acres, more or less.*

Parcel #08-05-36-00-00-042.000: *Begin 11 rods east of the Southwest corner of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana; run thence North 70 rods; thence East 34 rods; thence South 70 rods to the South line of Section 36, West 34 rods to the place of beginning, containing 15 acres, more or less.*

Parcel #08-05-36-00-00-041.000: *Begin 45 rods East of the Southwest corner of Section 36, Township 19 North, Range 3 East; run thence North 70 rods; East 35 rods, more or less, to the East line of the West Half of the Southwest Quarter of said Section; thence South 70 rods; thence West 35 rods, more or less, to the place of beginning, containing 15 acres, more or less.*

Parcel #08-05-35-00-00-010.000: *Begin at the Northwest corner of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and run East 80 rods; thence South 60 rods; thence West 80 rods; thence North 60 rods to the place of beginning. EXCEPT: 12 acres off the East end leaving 18 acres, more or less.*

*ALSO EXCEPT: A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, thence North 89 degrees 53 minutes 49 seconds West (assumed bearing) 1327.35 feet on and along the North line of said Southeast Quarter to its intersection with the center line of Dartown Road, thence South 00 degrees 39 minutes 07 seconds West 635.35 feet on and along the centerline of Dartown Road to the place of beginning of this description, thence North 89 degrees 11 minutes 15 seconds East 457.73 feet, thence South 00 degrees 39 minutes 07 seconds West 190.39 feet, thence South 89 degrees 11 minutes 15 seconds West 457.73 feet to the center line of said Dartown Road, thence North 00 degrees 39 minutes 07 seconds East 190.39 feet on and along the center line of Dartown Road to the place of beginning. Containing 2.00 acres more or less and being subject to all easements and rights-of-way of records.*

Parcel #08-05-36-00-00-048.000: *Part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, bounded as follows: Begin 40 rods East of the Northwest corner of said Southwest Quarter and run thence South 36 rods; thence East 40 rods; thence North 36 rods; thence West 40 rods to the place of beginning, containing 9 acres, more or less.*

Parcel #08-05-35-00-00-009.000: *The Southeast Quarter of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, containing 40 acres, more or less.*

Parcel #08-05-36-00-00-046.000: *Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, and run South 36 rods; thence East*

40 rods; thence North 36 rods; thence West 40 rods to the place of beginning, containing 9 acres, more or less, in Washington Township, Hamilton County, Indiana.

*EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana and being more specifically described as follows:*

*Beginning at a point on the North line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, said place of beginning being North 90 degrees 00 minutes 00 seconds East (assumed bearing) 532.44 feet from the Northwest corner of said Southwest Quarter, thence North 90 degrees 00 minutes 00 seconds East 145.58 feet on and along the North line of said Southwest Quarter, thence South 00 degrees 31 minutes 29 seconds West 598.46 feet, thence South 90 degrees 00 minutes 00 seconds West 145.58 feet, thence North 00 degrees 31 minutes 29 seconds East 598.46 feet to the place of beginning. Containing 2.00 acres, more or less, being subject to all easements and rights of way of record.*

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000:

Part of the West Half of the Southwest Quarter of Section Thirty-six (36), Township Nineteen (19) North, Range Three (3) East and part of the East Half of the Southeast Quarter of Section Thirty-five (35), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the West Half of the Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the South line of said West Half 181.5 feet; thence North 00 degrees 29 minutes East parallel with the West line of said West Half 1155.00 feet; thence North 90 degrees 00 minutes West parallel with the South line of the West Half 181.5 feet to the West line thereof; and the East line of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence North 00 degrees 29 minutes East on and along aforesaid East line 495.0 feet; thence South 89 degrees 50 minutes West parallel with the South line of said East Half 393.0 feet to the centerline of Evan Kendall Ditch; thence Southerly following the meanderings of said Evan Kendall Ditch to the South line of said East Half; thence North 89 degrees 50 minutes East on and along aforesaid South line 508.0 feet to the place of beginning, containing 22.29 acres, more or less.

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

**EXCEPT:** A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East and more specifically described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East said point being North 90 degrees 00 minutes East (assumed bearing) 100.64 feet from the Southwest corner of said Southwest Quarter, thence North 00 degrees 29 minutes East 306.5 feet parallel with the West line of said Southwest Quarter, thence North 90 degrees 00 minutes East 80.86 feet, thence South 00 degrees 29 minutes West 306.5 feet to a point on the South line of said Southwest Quarter, thence South 90 degrees 00 minutes West 80.86 feet to the place of beginning containing 0.569 acres, more or less and subject to all easements and right of ways.

**ALSO EXCEPT:** Beginning at the Southwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, thence North 00 degrees 29 minutes East (assumed bearing) 306.5 feet on and along the West line of said Southwest Quarter thence North 90 degrees 00 minutes East 100.64 feet, thence South 00 degrees 29 minutes West 306.5 feet to a point on the South line of said Southwest Quarter, thence South 90 degrees 00 minutes West 100.64 feet to the place of beginning containing 0.708 acres, more or less and subject to all easements and right of ways.

**ALSO EXCEPT:** A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East and located in Washington Township, Hamilton County, Indiana, and more specifically described as follows: Beginning at the Southeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, thence South 89 degrees 50 minutes West (assumed bearing) 102.00 feet on and along the South line of said Southeast Quarter; thence North 00 degrees 05 minutes East 306.5 feet, thence North 89 degrees 50 minutes 23 seconds East 104.14 feet to a point on the East line of said Southeast Quarter, thence South 00 degrees 29 minutes West 306.5 feet to the place of beginning containing .725 acres, more or less, and subject to all easements and right of ways.

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

**ALSO EXCEPT:** Part of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Half-Quarter Section; thence South 89 degrees 50 minutes 00 seconds West (assumed bearing) along the South line thereof 102.00 feet to the Southwest corner of a 2.841 acres tract of real estate described in a Warranty Deed recorded as Instrument Number 200300096364 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 05 minutes 00 seconds East along the West line of said 2.841 acre tract 50.00 feet to the North right of way line of State Road 32 per Dedication of Public Right-Of-Way recorded in Instrument Number 9809810527 in the Office of the Recorder of Hamilton County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 50 minutes 00 seconds West along said right of way line 50.00 feet to a 5/8 inch rebar with red cap; thence South 00 degrees 05 minutes 00 seconds West parallel with the West line of said 2.841 acre tract 50.00 feet to the South line of said Half-Quarter Section; thence South 89 degrees 50 minutes 00 seconds West along said South line 366.00 feet, more or less, to the centerline of the Evan Kendall Ditch; thence Northerly along the centerline of said ditch 400.00 feet, more or less; thence North 89 degrees 50 minutes 00 seconds East parallel to the South line of said Half-Quarter Section 405.31 feet, more or less, to the Norwest corner of aforesaid 2.841 acre tract; thence South 00 degrees 05 minutes 00 seconds West along the West line of said 2.841 acre tract 348.61 feet to the point of beginning and containing 3.745 acres, more or less.

**ALSO EXCEPT:** Part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, in Hamilton County, Indiana, and part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of Section 35; thence North 00 degrees 32 minutes 28 seconds East (assumed bearing), along the East line of the Southeast Quarter of said Section 35, 398.61 feet to a 5/8 inch rebar with red cap stamped FIRM 0066, (hereinafter referred to

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Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

as rebar) at the Point of Beginning; thence South 89 degrees 50 minutes 00 seconds West, parallel with the South line of said Southeast Quarter Section, 510.49 feet to the centerline of the Evan Kendall Ditch as now located; thence North 09 degrees 08 minutes 18 seconds East along said centerline, 32.63 feet; thence North 05 degrees 04 minutes 32 seconds East, along said centerline, 30.63 feet; thence North 10 degrees 44 minutes 11 seconds East, along said centerline, 29.11 feet; thence North 03 degrees 57 minutes 48 seconds East, along said centerline, 25.09 feet; thence North 89 degrees 50 minutes 00 seconds East, parallel with the South line of said Southeast Quarter Section, 496.54 feet to a point on the East line of said Southeast Quarter Section; thence South 89 degrees 58 minutes 00 seconds East, parallel with the South line of said Southwest Quarter Section, 181.50 feet to a rebar thence South 00 degrees 32 minutes 28 seconds West, parallel with the West line of said Southwest Quarter Section, 60.00 feet to a rebar; thence North 89 degrees 58 minutes 00 seconds West, parallel with the South line of said Southwest Quarter Section, 181.50 feet to a point on the West line of said Southwest Quarter Section; thence South 00 degrees 32 minutes 28 seconds West, along said West line of said Southwest Quarter Section, 56.34 feet to the Point of Beginning and containing 1.593 acres, more or less.

ALSO EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East and a part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being bounded as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence North 00 degrees 29 minutes 00 seconds East (assumed bearing) 306.50 feet along the West line of the Southwest Quarter of said section and along the West line of a 0.708 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316, in the records of Hamilton County, Indiana to the Northwest corner of said 0.708 acre tract and the POINT OF BEGINNING OF THIS DESCRIPTION; thence South 30 degrees 00 minutes 00 seconds East 131.50 feet along the North line of said 0.708 acre tract of land and long the North line of a 0.569 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316 in said records to the Northeast corner of said 0.569 acre tract; thence North 00 degrees 29 minutes 00 seconds East 148.45 feet along the Northerly extension of the East line of said 0.569 acre tract; thence North 90 degrees 00 minutes 00 seconds West 181.50 feet to a point on the West line of said Southwest Quarter, said point also being on the East line of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 29 minutes 00 seconds West 56.34 feet along the East line of said Southeast Quarter; thence South 89 degrees 50 minutes 23 seconds West 104.78 feet to a point on the Northerly extension of the West line of a 0.725 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316 in said records; thence South 00 degrees 05 minutes 00 seconds West 92.11 feet along the Northerly extension of said

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

0.725 acre tract of land to its Northwest corner; thence North 89 degrees 50 minutes 23 seconds East 104.14 feet along the North line of said 0.725 acre tract of land to the POINT OF BEGINNING. Containing 0.839 acre, more or less.

**Wheeler Airport LLC Parcels:**

Parcels #08-05-35-00-00-003.001 & 08-05-35-00-00-004.000: *A Survey of a part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: BEGINNING at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being collinear with and equidistant from the Northeast Corner and the Northwest Corner of said Northwest Quarter; said Point of Beginning also being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 1324.21 feet from the Northeast Corner of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 300.00 feet on and along the North line of said Northwest Quarter; thence South 00 degrees 14 minutes 52 seconds West 1324.35 feet to a point on the North line of the Southeast Quarter of said Northwest Quarter; thence North 89 degrees 50 minutes 46 seconds East 1021.88 feet on and along the North line of the Southeast Quarter of said Northeast Quarter to the Northeast Corner of the Southeast Quarter of said Northwest Quarter; thence South 00 degrees 20 minutes 53 seconds West 1325.40 feet on and along the East line of said Northwest Quarter to the Southeast Corner of said Northwest Quarter; thence South 89 degrees 54 minutes 16 seconds West 1319.55 feet on and along the South line of said Northwest Quarter to the Southwest Corner of the Southeast Quarter of said Northwest Quarter; thence North 00 degrees 14 minutes 52 seconds East 2648.08 feet on and along the West line of the East Half of said Northwest Quarter to the Point of Beginning. Containing 49.28 acres or less, being subject to all applicable easements and rights-of-way of record.*

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Parcel #08-05-35-00-00-006.000:

All that part of the West Half of the Northeast Quarter of Section 35, Township 19 North, Range 3 East that lies South of the center of the angling road running from the Southeast corner of the same in a Northwesterly direction across said real estate, containing 18 acres, more or less.

**EXCEPT:** A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the west line of said Northeast Quarter to the southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the south line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek, said point of intersection also being the POINT OF BEGINNING of this description; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue; thence South 44 degrees 15 minutes 45 seconds West 200.00 feet; thence South 89 degrees 26 minutes 40 seconds West 274.01 feet to a point on the centerline of Grassy Branch Creek (The following 6 courses are included for closure purposes, the actual boundary line follows the centerline of Grassy Branch Creek) (1) thence North 07 degrees 46 minutes 52 seconds West 223.08 feet; (2) thence North 09 degrees 55 minutes 50 seconds West 134.90 feet; (3) thence North 09 degrees 02 minutes 37 seconds West 89.88 feet; (4) thence North 05 degrees 17 minutes 44 seconds West 119.55 feet; (5) thence North 35 degrees 23 minutes 52 seconds West 25.47 feet; (6) thence North 17 degrees 09 minutes 27 seconds East 45.00 feet to the POINT OF BEGINNING. Containing 3.63 acres, more or less and being subject to all applicable easements and rights-of-way of record.

Parcel #08-05-35-00-00-006.000 (continued):

**EXCEPT: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:**

**Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue to the POINT OF BEGINNING of this description; thence South 45 degrees 44 minutes 15 seconds East 460.02 feet on and along the centerline of Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 718.18 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 183.84 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 274.01 feet; thence North 44 degrees 15 minutes 45 seconds East 200.00 feet to the POINT OF BEGINNING.  
Containing 3.13 acres, more or less.**

**EXCEPT: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:**

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Parcel #08-05-35-00-00-006.000 (continued):

Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet; on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 521.77 feet on and along the centerline of Kinsey Avenue to the POINT OF BEGINNING of this description; thence South 45 degrees 44 minutes 15 seconds East 189.62 feet on and along the centerline of Kinsey Avenue; thence South 43 degrees 04 minutes 30 seconds East 60.38 feet on and along the centerline of Kinsey Avenue to the Southeast corner of the West Half of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 89 degrees 26 minutes 40 seconds West 871.99 feet on and along the South line of said West half to the point of intersection of the South line of said West Half and the centerline of Grassy Branch Creek; thence North 07 degrees 18 minutes 42 seconds West 131.02 feet on and along the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 48.43 feet on and along the centerline of Grassy Branch Creek; thence north 89 degrees 26 minutes 40 seconds East 718.18 feet to the POINT OF BEGINNING. Containing 3.26 acres, more or less.

**EXCEPT:** A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, more particularly described as follows:

Beginning at an iron stake 1373.7 feet South of Northwest corner of said Northeast Quarter; thence South on and along the West line of said Northeast Quarter a distance of 100 feet to an iron stake; thence South 90 degrees East 103.4 feet to an iron stake on the westerly right-of-way line to a County Highway; thence North 46 degrees West 143.1 feet to the place of beginning. Containing .12 acre, more or less.

Parcels #08-05-35-00-00-022.000 & 08-05-35-00-00-023.000: *The Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, containing 80 acres.*

*EXCEPT: A part of the South Half of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:*

Parcels #08-05-35-00-00-022.000 & 08-05-35-00-00-023.000 (continued): *Commencing at the ½" iron rod at the Northeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 04 minutes 05 seconds East (assumed bearing) 149.37 feet on and along the East line of said Southwest Quarter to the Point of Beginning of this description; thence South 89 degrees 23 minutes 45 seconds West 1022.89 feet; thence South 00 degrees 06 minutes 00 seconds East 1165.03 feet, more or less, to a point on the South line of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 38 minutes 22 seconds East 1022.21 feet to the Southeast corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 26 minutes 51 seconds East 1060.09 feet, more or less, on and along the South line of the Northwest Quarter of the Southeast Quarter of said Section 35 to the Southwest corner of a one (1) acre tract of real estate described in Instrument No. 9245061; thence North 00 degrees 02 minutes 26 seconds East 165.00 feet to the Northwest corner of said one (1) acres tract; thence North 89 degrees 26 minutes 51 seconds East 264.00 feet to a mag nail at the Northeast corner of said one (1) acre tract; thence North 00 degrees 02 minutes 26 seconds East 605.49 feet on and along the East line of the Northwest Quarter of said Southeast Quarter to a mag nail; thence South 88 degrees 29 minutes 15 seconds West 469.15 feet; thence North 00 degrees 02 minutes 26 seconds East 114.50 feet; thence South 89 degrees 25 minutes 17 seconds West 856.75 feet, more or less, to a point on the West line of said Southeast Quarter; thence North 00 degrees 04 minutes 05 seconds West 292.66 feet, to the Point of Beginning.*

*EXCEPT: Part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East described as follows:*

*Begin at the Southeast corner of said Northwest Quarter of said Southeast Quarter and run thence North 165.00 feet; thence West 264.00 feet; thence South 165.00 feet; thence East 264.00 feet to the place of beginning.*

Parcels #08-05-35-00-00-028.000 & 08-05-35-00-00-028.002: *A survey of a part of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows:*

*BEGINNING at a point on the South line of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 39 minutes 49 seconds West (assumed bearing) 1021.48 feet from the Southeast corner of said Southwest Quarter; thence South 89 degrees 39 minutes 49 seconds West 296.71 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds East 1321.63 feet to the Northwest corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 46 minutes 55 seconds East 296.71 feet on and along the North line of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees 02 minutes 02 seconds West 1321.02 feet to the Point of Beginning. Containing 9.00 acres, more or less, being subject to all applicable easements and rights-of-way of record.*

**Leslie S Wheeler Revocable Trust Parcel:**

Parcel #08-05-35-00-00-022.001: A part of the South Half of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the ½" iron rod at the Northeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 04 minutes 05 seconds East (assumed bearing) 149.37 feet on and along the East line of said Southwest Quarter to the Point of Beginning of this description; thence South 89 degrees 23 minutes 45 seconds West 1022.89 feet; thence South 00 degrees 06 minutes 00 seconds East 1165.03 feet, more or less, to a point on the South line of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 38 minutes 22 seconds East 1022.21 feet to the Southeast corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 26 minutes 51 seconds East 1060.09 feet, more or less, on and along the South line of the Northwest Quarter of the Southeast Quarter of said Section 35 to the Southwest corner of a one (1) acre tract of real estate described in Instrument No. 9245061; thence North 00 degrees 02 minutes 26 seconds East 165.00 feet to the Northwest corner of said one (1) acre tract; thence North 89 degrees 26 minutes 51 seconds East 264.00 feet to a mag nail at the Northeast corner of said one (1) acre tract; thence North 00 degrees 02 minutes 26 seconds East 605.49 feet on and along the East line of the Northwest Quarter of said Southwest Quarter to a mag nail; thence South 88 degrees 29 minutes 15 seconds West 469.15 feet; thence North 00 degrees 02 minutes 26 seconds East 114.5 feet; thence South 89 degrees 25 minutes 17 seconds West 856.75 feet, more or less, to a point on the West line of said Southeast Quarter; thence North 00 degrees 04 minutes 05 seconds West 292.66 feet, to the Point of Beginning. Containing 51.882 acres, more or less.

**Andrew and Marcia Wheeler Parcel – 18206 Kinsey Ave:**

Parcel #08-05-35-00-00-006.001: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the west line of said Northeast Quarter to the southwest corner of a 0.12 of an acres tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the south line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of Kinsey Avenue and the centerline of Grassy Branch Creek said point of intersection also being the POINT OF BEGINNING of this description; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue; thence South 44 degrees 15 minutes 45 seconds West 200.00 feet; thence South 89 degrees 26 minutes 40 seconds West 274.01 feet to a point of the centerline of Grassy Branch Creek (The following 6 courses are included for closure purposes, the actual boundary line follows the centerline of Grassy Branch Creek) (1.) thence North 07 degrees 46 minutes 52 seconds West 223.08 feet; (2.) thence North 09 degrees 55 minutes 50 seconds West 134.90 feet; (3.) thence North 09 degrees 02 minutes 37 seconds West 89.88 feet; (4.) thence North 05 degrees 17 minutes 44 seconds West 119.55 feet; (5.) thence North 35 degrees 23 minutes 52

seconds West 25.47 feet; (6.) thence North 17 degrees 09 minutes 27 seconds East 45.00 feet to the POINT OF BEGINNING. Containing 3.63 acres, more or less and being subject to all applicable easements and rights-of-way of record.

**Charles Wheeler Parcels – 18110 Kinsey Ave:**

Parcel #08-05-35-00-00-006.003: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 35; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 acre tract described in Instrument #9310457, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 521.77 feet on and along the centerline of Kinsey Avenue to the Point of Beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 189.62 feet on and along the centerline of Kinsey Avenue; thence South 43 degrees 04 minutes 30 seconds East 69.38 feet on and along the centerline of Kinsey Avenue to the Southeast corner of the West Half of the Northeast Quarter of said Section 35; thence South 89 degrees 26 minutes 40 seconds West 871.99 feet on and along the South line of said West Half to the point of intersection of the South line of said West Half and the centerline of Grassy Branch Creek; thence North 07 degrees 18 minutes 42 seconds West 131.052 feet on and along the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 48.43 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 718.18 feet to the point of beginning, containing 3.26 acres, more or less.

EXCEPT: That part conveyed by Quitclaim Deed dated October 5, 2003, recorded July 9, 2004, as Instrument Number 200400047663, in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:

A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of said Section 35; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 acre tract described in Instrument #9310457, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point of the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence south 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue; thence South 68 degrees 30 minutes 09 seconds West 236.65 feet to the point of beginning of this description; thence South 68 degrees 30 minutes 09 seconds West 112.02 feet; thence South 89 degrees 26 minutes 40 seconds West 302.34 feet to

the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 40.36 feet along the centerline of said Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 412.04 feet to the Point of Beginning, containing 0.33 acres, more or less.

**Parcel #08-05-35-00-006.102:** A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Quarter of said Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of Real Estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue to the Point of Intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue to the point of beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 120.00 feet along the centerline of said Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 306.14 feet; thence North 68 degrees 30 minutes 09 seconds East 236.65 feet to the point of beginning. Containing 0.30 of an acre, more or less.

**Maddox Parcel – 801 E 181<sup>st</sup> St:**

**Parcel #08-05-36-00-00-047.000:** A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana and more specifically described as follows:

Beginning at a point on the North line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, said point being 532.44 feet East of the Northwest corner of said Southwest Quarter, thence East 127.56 feet, thence South parallel with the West line of said Southwest Quarter 598.46 feet, thence West 127.56 feet, thence north 598.46 feet to the place of beginning. Containing 1.75 acres more or less.

**Wood Family Farm Parcel:**

**Parcel #08-05-35-00-00-003.000:** The East Half of the Northwest Quarter of Section Thirty-five (35), Township Nineteen (19) North, Range Three (3) East, in Hamilton County, Indiana. EXCEPT: Beginning at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being collinear with and equidistant from the Northeast Corner and the Northwest Corner of said Northwest Quarter; said Point of Beginning also being South 89 Degrees 47 minutes 17 seconds West (assumed bearing) 1324.21 feet from the Northeast Corner of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 300.00 feet on and along the North line of said Northwest Quarter; thence South 00 degrees 14 minutes 52 seconds West 1324.35 feet to a point on the North line of the Southeast Quarter of said Northwest Quarter; thence North 89 degrees 50 minutes 46 seconds East 1021.88 feet on and along the North line of the Southeast Quarter of said Northwest Quarter to the Northeast Corner of the Southeast Quarter of said Northwest Quarter; thence South 00 degrees 20 minutes 53 seconds West

1325.40 feet on and along the East line of said Northwest Quarter to the Southeast Corner of said Northwest Quarter; thence South 89 degrees 54 minutes 16 seconds West 1319.55 feet on and along the South line of said Northwest Quarter to the Southwest Corner of the Southeast Quarter of said Northwest Quarter; thence North 00 degrees 14 minutes 52 seconds East 2648.08 feet on and along the West line of the East Half of said Northwest Quarter to the Point of Beginning. Containing 49.28 acres more or less, being subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: Beginning at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 440.96 feet from the Northeast Corner of said Northwest Quarter; thence South 00 degrees 26 minutes 28 seconds East 235.18 feet; thence South 89 degrees 47 minutes 17 seconds West 339.08 feet; thence North 00 degrees 26 minutes 28 seconds West 235.18 feet to a point on the North line of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 339.08 feet on and along the North line of said Northwest Quarter to the Point of Beginning. Containing 1.83 acres more or less, being subject to all applicable easements and rights-of-way record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North Range 3 East located in Washington Township, Hamilton County, Indiana being bounded as follows: BEGINNING at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said point of beginning being South 89 degrees 47 minutes 17 seconds West 385.41 feet from the Northeast corner of said Northwest Quarter; thence South 89 degrees 47 minutes 17 seconds West 55.55 feet along the North line of said Northwest Quarter to the Northeast corner of a 1.83 acre tract of land described in Deed Record 318, page 554 in the records of Hamilton County, Indiana; thence South 00 degrees 26 minutes 28 seconds East 235.18 feet to the Southeast corner of said 1.83 acre tract of land; thence South 89 degrees 47 minutes 17 seconds West 339.08 feet parallel to the North line of said Northwest Quarter to the Southwest corner of said 1.83 acres tract of land; thence South 00 degrees 26 minutes 28 seconds East 37.67 feet on the extension of the West line of said 1.83 tract of land; thence South 89 degrees 55 minutes 00 seconds East 387.03 feet; thence North 01 degree 08 minutes 45 seconds East 274.92 feet to the North line of said Northwest Quarter and the POINT OF BEGINNING. Containing 0.626 acres, more or less, subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows: BEGINNING at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 780.24 feet from the Northeast corner of said Northwest Quarter; thence South 00 degrees 26 minutes 28 seconds East 272.85 feet; thence North 89 degrees 55 minutes 00 seconds West 86.55 feet; thence North 00 degrees 26 minutes 28 seconds West 272.40 feet; thence North 89 degrees 47 minutes 17 seconds East 86.55 feet to the POINT OF BEGINNING. Containing 0.542 of an acre, more or less and being subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning at the Northeast corner of said quarter section; thence South 00 degrees 22 minutes 52 seconds West 496.94 feet along the East line of said quarter section; thence North

89 degrees 26 minutes 58 seconds West 48.66 feet; thence North 00 degrees 33 minutes 02 seconds East 100.00 feet; thence northerly 155.08 feet along an arc to the left having a radius of 512.00 feet and subtended by a long chord having a bearing of North 08 degrees 07 minutes 35 seconds West and a length of 154.49 feet; thence northerly 170.70 feet along an arc to the right having a radius of 588.00 feet and subtended by a long chord having a bearing of North 08 degree 29 minutes 13 seconds West and a length of 170.10 feet; thence North 00 degrees 10 minutes 13 seconds West 15.00 feet; thence South 89 degrees 49 minutes 47 seconds West 288.67 feet more or less to the East line of that parcel of land described in Instrument Number 2006-4685; thence North 01 degrees 11 minutes 15 seconds East 60.02 feet along said East line to the North line of said quarter section; thence North 89 degrees 49 minutes 47 seconds East 385.41 feet along said North line to the point of beginning and containing 1.184 acres, more or less.

**Sill Parcels - 18150 Kinsey Ave:**

Parcel #08-05-35-00-006.002: Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No. 9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the center line of Kinsey Avenue to the Point of Beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 460.02 feet on and along the centerline of Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 718.18 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 183.84 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 29 minutes 40 seconds East 274.01 feet; thence North 44 degrees 15 minutes 45 seconds East 200.00 feet to the point of beginning. Containing 3.13 acres more or less.

EXCEPT: Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degree 13 minutes 37 seconds West (assumed bearing) 1437.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No.9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue, to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said

*Kinsey Avenue to the point of beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 120.00 feet along the centerline of said Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 306.14 feet; thence North 68 degrees 30 minutes 09 seconds East 236.65 feet to the Point of Beginning, containing 0.30 of an acre more or less.*

**Parcel #08-05-35-00-00-006.103:** *Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:*

*Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No. 9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue, to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue; thence South 68 degrees 30 minutes 09 seconds West 236.65 feet to a point of beginning of this description; thence South 68 degrees 30 minutes 09 seconds West 112.02 feet; thence South 89 degrees 26 minutes 40 seconds West 302.34 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 40.36 feet along the centerline of said Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds West 412.04 feet to the Point of Beginning, containing 0.33 of an acre, more or less.*

**Wallace Parcel - 17939 Dartown Rd:**

**Parcel #08-05-35-00-00-011.000:** *A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, thence North 89 degrees 53 minutes 49 seconds West (assumed bearing) 1327.35 feet on and along the North line of said Southeast Quarter to its intersection with the center line of Dartown Road, thence South 00 degrees 39 minutes 07 seconds West 635.35 feet on and along the center line of said Dartown Road to the place of beginning of this description, thence North 89 degrees 11 minutes 15 seconds East 457.73 feet, thence South 00 degrees 39 minutes 07 seconds West 190.39 feet, thence South 89 degrees 11 minutes 15 seconds West 457.73 feet to the center line of said Dartown Road, thence North 00 degrees 39 minutes 07 seconds East 190.39 feet on and along the centerline of said Dartown Road to the place of beginning. Containing 2.00 acres more or less and being subject to all easements and rights-of-way of record.*

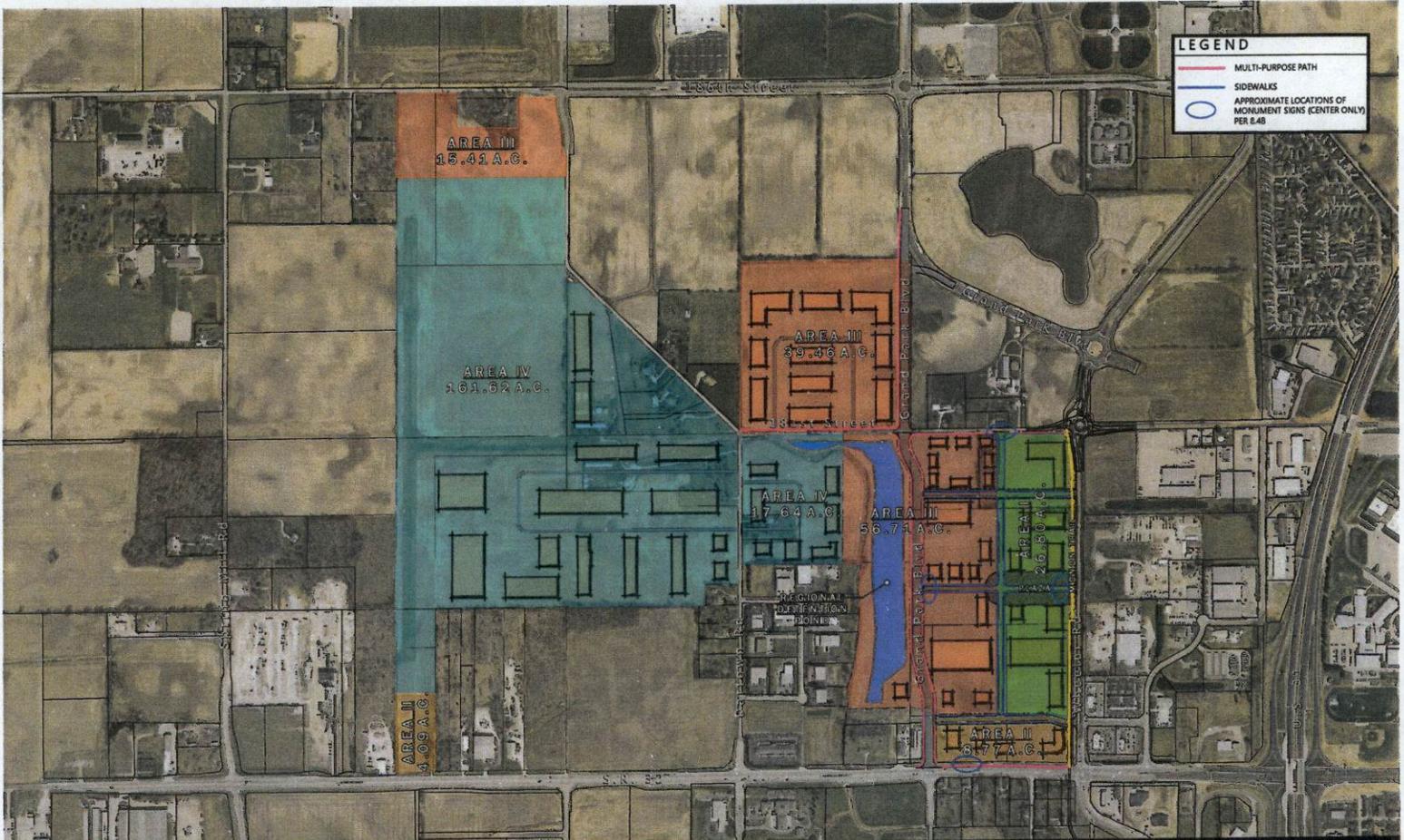


Exhibit C Architectural Character Imagery

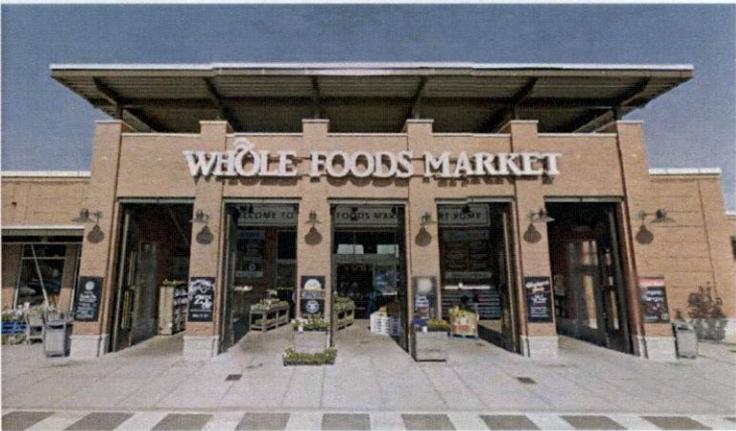
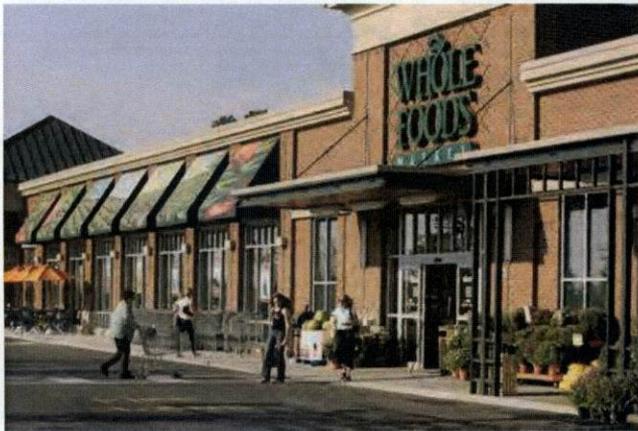
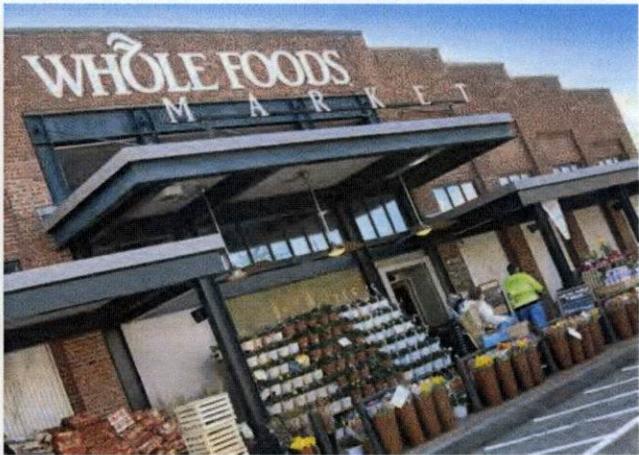


Exhibit C Architectural Character Imagery

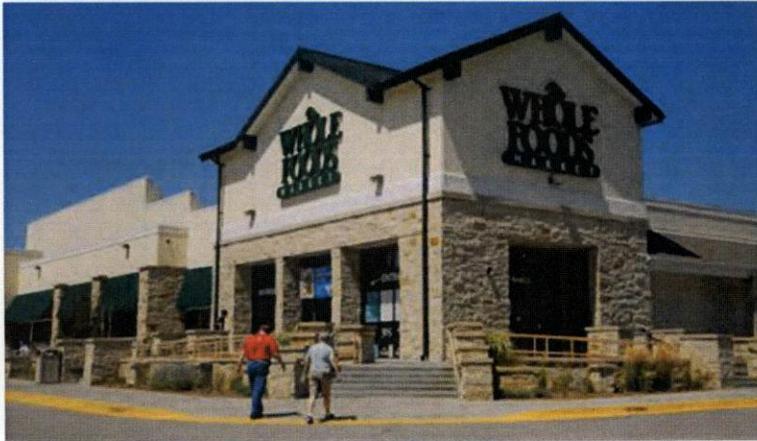
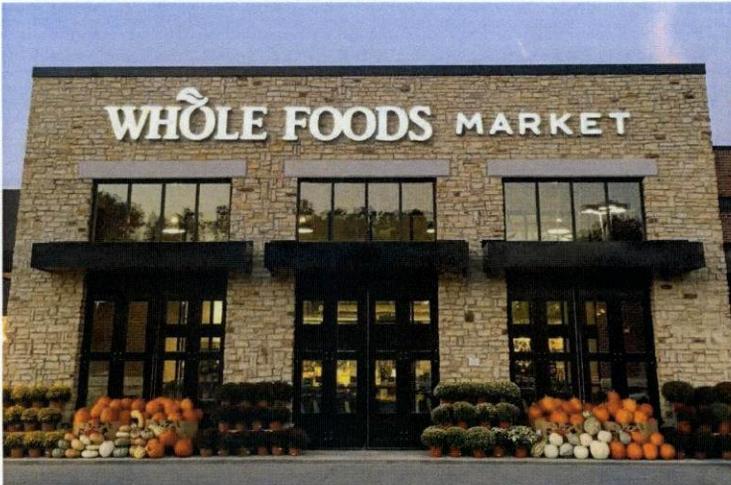


Exhibit C Architectural Character Imagery



Exhibit C Architectural Character Imagery



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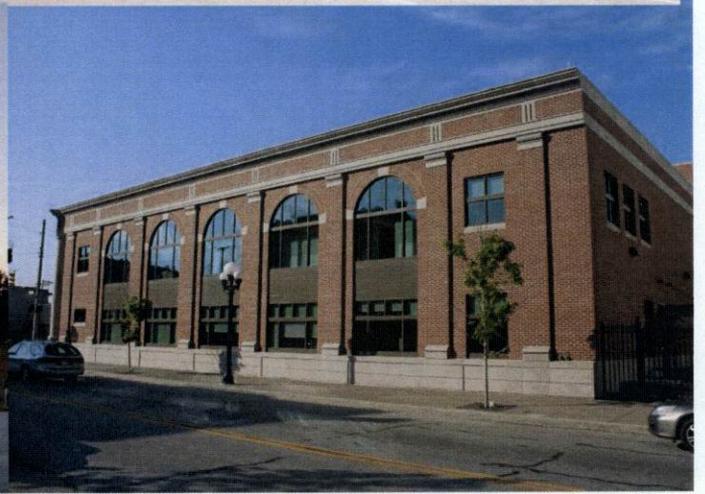


Exhibit C Architectural Character Imagery

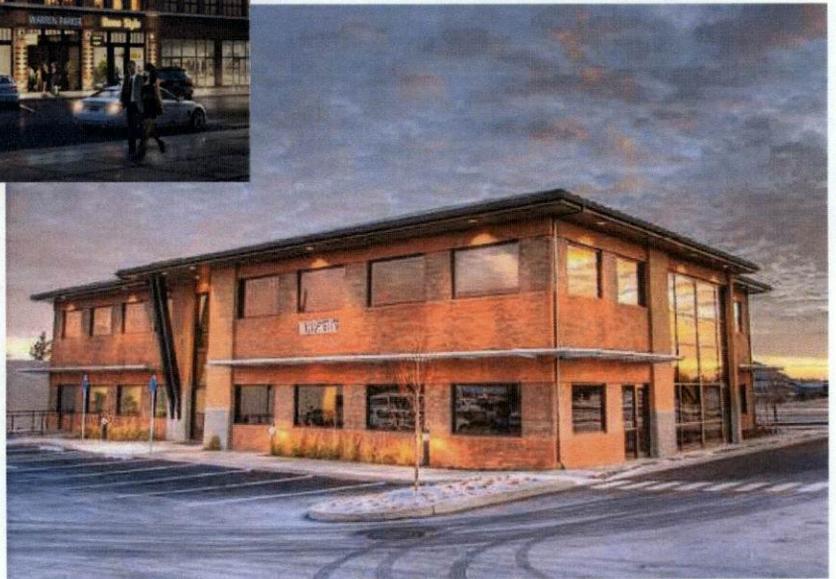


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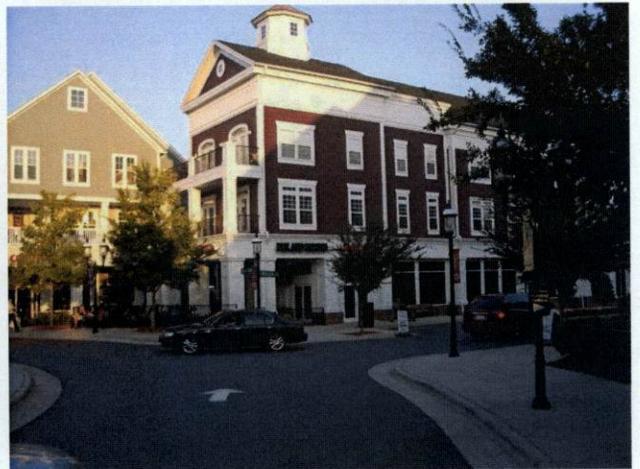


Exhibit C Architectural Character Imagery



**ORDINANCE NUMBER 19-37**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE WHEELER LANDING PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE**

This is an ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council enacted Ordinance No. 18-04, the Wheeler Landing Planned Unit Development District (the "Wheeler Landing PUD Ordinance") on September 24, 2018;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered Petition No. \_\_\_\_\_ (the "Petition"), requesting an amendment to the Unified Development Ordinance and the Zoning Map with regard to the subject real estate more particularly described in Exhibit A, attached hereto (the "Real Estate"); and

**WHEREAS**, the Commission forwarded the Petition No. \_\_\_\_\_ to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (x) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on September 4, 2019; and

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing PUD Ordinance ; and (iii) the

**COPY**

provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Wheeler Landing PUD Ordinance, as amended.

1.2 Chapter (" Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Wheeler Landing PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3. Overlay Districts.**

3.1 All provisions of this section of the approved Wheeler Landing PUD shall remain in full force and effect with the following addition. The standards of the 32 Overlay shall only apply to the development of Area II of the Real Estate with the following additional exception:

- A. Article 5.3(K) Trail Corridor Requirement: Shall apply; however, Article 5.3(K)(4)(a) Trail Corridor Design Standards; Trail Corridor Width shall be modified to a minimum width of ten (10) feet. The Existing Improvements in Area II as shown on the Concept Plan within the Trail Corridor are hereby deemed to satisfy the requirements of Article 5.3(K)(5) Trail Corridor Plantings.

**(SIGNATURE PAGE IMMEDIATELY FOLLOWS)**

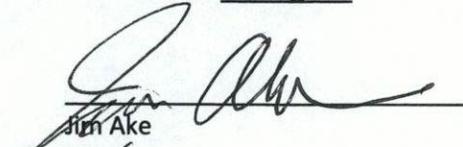
ALL OF WHICH IS ORDAINED/RESOLVED THIS 9<sup>th</sup> DAY OF Sept, 2019.

WESTFIELD CITY COUNCIL

Voting For

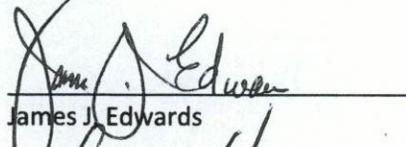
Voting Against

Abstain

  
Jim Ake

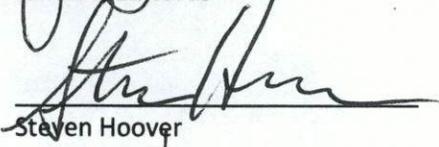
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James J. Edwards

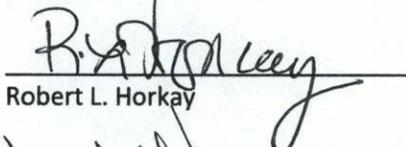
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James J. Edwards

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James J. Edwards

  
Steven Hoover

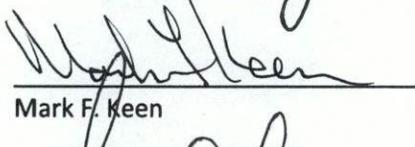
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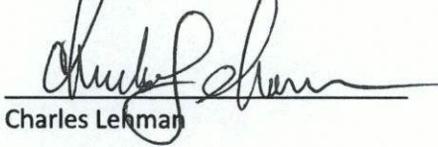
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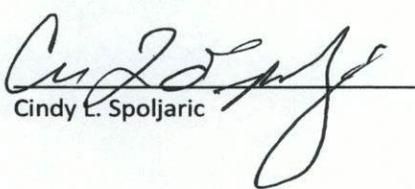
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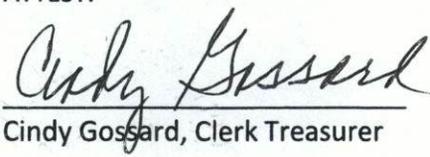
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Charles Lehman

  
Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

ATTEST:

  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 19-37** was delivered to the Mayor of Westfield on the 11<sup>th</sup> day of Sept, 2019, at 10:00 A m.

Cindy Gossard  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 19-37**  
this 11<sup>th</sup> day of September, 2019.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 19-37**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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.

Andy Wheeler  
Printed Name of Declarant

Prepared by Andy Wheeler, Wheeler Landing I, LLC, 18206 Kinsey Ave, Westfield, IN 46704

**SCHEDULE OF EXHIBITS**

Exhibit A      Real Estate (Legal Description)

Exhibit B      Concept Plan

## EXHIBIT A

### Real Estate (Legal Description)

#### **Wheeler Farms LLC Parcels:**

Parcel #08-05-35-00-00-012.000: *Begin at the Northeast corner of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and run South 60 rods; thence West 32 rods; thence North 60 rods; thence East 32 rods; to the place of beginning, containing 12 acres, more or less.*

Parcel #08-05-36-00-00-045.000: *Beginning at a point 70 rods North of the Southwest corner of Section 36, Township 19 North, Range 3 East, and run East 80 rods; thence North 54 rods; thence West 80 rods; thence South 54 rods to the place of beginning, containing 27 acres, more or less.*

Parcel #08-05-36-00-00-042.000: *Begin 11 rods east of the Southwest corner of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana; run thence North 70 rods; thence East 34 rods; thence South 70 rods to the South line of Section 36, West 34 rods to the place of beginning, containing 15 acres, more or less.*

Parcel #08-05-36-00-00-041.000: *Begin 45 rods East of the Southwest corner of Section 36, Township 19 North, Range 3 East; run thence North 70 rods; East 35 rods, more or less, to the East line of the West Half of the Southwest Quarter of said Section; thence South 70 rods; thence West 35 rods, more or less, to the place of beginning, containing 15 acres, more or less.*

Parcel #08-05-35-00-00-010.000: *Begin at the Northwest corner of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, and run East 80 rods; thence South 60 rods; thence West 80 rods; thence North 60 rods to the place of beginning. EXCEPT: 12 acres off the East end leaving 18 acres, more or less.*

*ALSO EXCEPT: A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, thence North 89 degrees 53 minutes 49 seconds West (assumed bearing) 1327.35 feet on and along the North line of said Southeast Quarter to its intersection with the center line of Dartown Road, thence South 00 degrees 39 minutes 07 seconds West 635.35 feet on and along the centerline of Dartown Road to the place of beginning of this description, thence North 89 degrees 11 minutes 15 seconds East 457.73 feet, thence South 00 degrees 39 minutes 07 seconds West 190.39 feet, thence South 89 degrees 11 minutes 15 seconds West 457.73 feet to the center line of said Dartown Road, thence North 00 degrees 39 minutes 07 seconds East 190.39 feet on and along the center line of Dartown Road to the place of beginning. Containing 2.00 acres more or less and being subject to all easements and rights-of-way of records.*

Parcel #08-05-36-00-00-048.000: *Part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, bounded as follows: Begin 40 rods East of the Northwest corner of said Southwest Quarter and run thence South 36 rods; thence East 40 rods; thence North 36 rods; thence West 40 rods to the place of beginning, containing 9 acres, more or less.*

Parcel #08-05-35-00-00-009.000: *The Southeast Quarter of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, containing 40 acres, more or less.*

Parcel #08-05-36-00-00-046.000: *Beginning at the Northwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, and run South 36 rods; thence East*

40 rods; thence North 36 rods; thence West 40 rods to the place of beginning, containing 9 acres, more or less, in Washington Township, Hamilton County, Indiana.

*EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana and being more specifically described as follows:*

*Beginning at a point on the North line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, said place of beginning being North 90 degrees 00 minutes 00 seconds East (assumed bearing) 532.44 feet from the Northwest corner of said Southwest Quarter, thence North 90 degrees 00 minutes 00 seconds East 145.58 feet on and along the North line of said Southwest Quarter, thence South 00 degrees 31 minutes 29 seconds West 598.46 feet, thence South 90 degrees 00 minutes 00 seconds West 145.58 feet, thence North 00 degrees 31 minutes 29 seconds East 598.46 feet to the place of beginning. Containing 2.00 acres, more or less, being subject to all easements and rights of way of record.*

**Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000:**

Part of the West Half of the Southwest Quarter of Section Thirty-six (36), Township Nineteen (19) North, Range Three (3) East and part of the East Half of the Southeast Quarter of Section Thirty-five (35), Township Nineteen (19) North, Range Three (3) East in Hamilton County, Indiana more particularly described as follows:

Beginning at the Southwest corner of the West Half of the Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence North 90 degrees 00 minutes East (assumed bearing) on and along the South line of said West Half 181.5 feet; thence North 00 degrees 29 minutes East parallel with the West line of said West Half 1155.00 feet; thence North 90 degrees 00 minutes West parallel with the South line of the West Half 181.5 feet to the West line thereof; and the East line of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence North 00 degrees 29 minutes East on and along aforesaid East line 495.0 feet; thence South 89 degrees 50 minutes West parallel with the South line of said East Half 393.0 feet to the centerline of Evan Kendall Ditch; thence Southerly following the meanderings of said Evan Kendall Ditch to the South line of said East Half; thence North 89 degrees 50 minutes East on and along aforesaid South line 508.0 feet to the place of beginning, containing 22.29 acres, more or less.

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

**EXCEPT:** A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East and more specifically described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East said point being North 90 degrees 00 minutes East (assumed bearing) 100.64 feet from the Southwest corner of said Southwest Quarter, thence North 00 degrees 29 minutes East 306.5 feet parallel with the West line of said Southwest Quarter, thence North 90 degrees 00 minutes East 80.86 feet, thence South 00 degrees 29 minutes West 306.5 feet to a point on the South line of said Southwest Quarter, thence South 90 degrees 00 minutes West 80.86 feet to the place of beginning containing 0.569 acres, more or less and subject to all easements and right of ways.

**ALSO EXCEPT:** Beginning at the Southwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, thence North 00 degrees 29 minutes East (assumed bearing) 306.5 feet on and along the West line of said Southwest Quarter thence North 90 degrees 00 minutes East 100.64 feet, thence South 00 degrees 29 minutes West 306.5 feet to a point on the South line of said Southwest Quarter, thence South 90 degrees 00 minutes West 100.64 feet to the place of beginning containing 0.708 acres, more or less and subject to all easements and right of ways.

**ALSO EXCEPT:** A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East and located in Washington Township, Hamilton County, Indiana, and more specifically described as follows: Beginning at the Southeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, thence South 89 degrees 50 minutes West (assumed bearing) 102.00 feet on and along the South line of said Southeast Quarter; thence North 00 degrees 05 minutes East 306.5 feet, thence North 89 degrees 50 minutes 23 seconds East 104.14 feet to a point on the East line of said Southeast Quarter, thence South 00 degrees 29 minutes West 306.5 feet to the place of beginning containing .725 acres, more or less, and subject to all easements and right of ways.

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

**ALSO EXCEPT:** Part of the East Half of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Half-Quarter Section; thence South 89 degrees 50 minutes 00 seconds West (assumed bearing) along the South line thereof 102.00 feet to the Southwest corner of a 2.841 acres tract of real estate described in a Warranty Deed recorded as Instrument Number 200300096364 in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 05 minutes 00 seconds East along the West line of said 2.841 acre tract 50.00 feet to the North right of way line of State Road 32 per Dedication of Public Right-Of-Way recorded in Instrument Number 9809810527 in the Office of the Recorder of Hamilton County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 50 minutes 00 seconds West along said right of way line 50.00 feet to a 5/8 inch rebar with red cap; thence South 00 degrees 05 minutes 00 seconds West parallel with the West line of said 2.841 acre tract 50.00 feet to the South line of said Half-Quarter Section; thence South 89 degrees 50 minutes 00 seconds West along said South line 366.00 feet, more or less, to the centerline of the Evan Kendall Ditch; thence Northerly along the centerline of said ditch 400.00 feet, more or less; thence North 89 degrees 50 minutes 00 seconds East parallel to the South line of said Half-Quarter Section 405.31 feet, more or less, to the Norwest corner of aforesaid 2.841 acre tract; thence South 00 degrees 05 minutes 00 seconds West along the West line of said 2.841 acre tract 348.61 feet to the point of beginning and containing 3.745 acres, more or less.

**ALSO EXCEPT:** Part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, in Hamilton County, Indiana, and part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of Section 35; thence North 00 degrees 32 minutes 28 seconds East (assumed bearing), along the East line of the Southeast Quarter of said Section 35, 398.61 feet to a 5/8 inch rebar with red cap stamped FIRM 0066, (hereinafter referred to

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Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

as rebar) at the Point of Beginning; thence South 89 degrees 50 minutes 00 seconds West, parallel with the South line of said Southeast Quarter Section, 510.49 feet to the centerline of the Evan Kendall Ditch as now located; thence North 09 degrees 08 minutes 18 seconds East along said centerline, 32.63 feet; thence North 05 degrees 04 minutes 32 seconds East, along said centerline, 30.63 feet; thence North 10 degrees 44 minutes 11 seconds East, along said centerline, 29.11 feet; thence North 03 degrees 57 minutes 48 seconds East, along said centerline, 25.09 feet; thence North 89 degrees 50 minutes 00 seconds East, parallel with the South line of said Southeast Quarter Section, 496.54 feet to a point on the East line of said Southeast Quarter Section; thence South 89 degrees 58 minutes 00 seconds East, parallel with the South line of said Southwest Quarter Section, 181.50 feet to a rebar thence South 00 degrees 32 minutes 28 seconds West, parallel with the West line of said Southwest Quarter Section, 60.00 feet to a rebar; thence North 89 degrees 58 minutes 00 seconds West, parallel with the South line of said Southwest Quarter Section, 181.50 feet to a point on the West line of said Southwest Quarter Section; thence South 00 degrees 32 minutes 28 seconds West, along said West line of said Southwest Quarter Section, 56.34 feet to the Point of Beginning and containing 1.593 acres, more or less.

ALSO EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East and a part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being bounded as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence North 00 degrees 29 minutes 00 seconds East (assumed bearing) 306.50 feet along the West line of the Southwest Quarter of said section and along the West line of a 0.708 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316, in the records of Hamilton County, Indiana to the Northwest corner of said 0.708 acre tract and the POINT OF BEGINNING OF THIS DESCRIPTION; thence South 30 degrees 00 minutes 00 seconds East 131.50 feet along the North line of said 0.708 acre tract of land and long the North line of a 0.569 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316 in said records to the Northeast corner of said 0.569 acre tract; thence North 00 degrees 29 minutes 00 seconds East 148.45 feet along the Northerly extension of the East line of said 0.569 acre tract; thence North 90 degrees 00 minutes 00 seconds West 181.50 feet to a point on the West line of said Southwest Quarter, said point also being on the East line of the Southeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 29 minutes 00 seconds West 56.34 feet along the East line of said Southeast Quarter; thence South 89 degrees 50 minutes 23 seconds West 104.78 feet to a point on the Northerly extension of the West line of a 0.725 acre tract of land described in Instrument #644 and recorded in Deed Record 264, page 316 in said records; thence South 00 degrees 05 minutes 00 seconds West 92.11 feet along the Northerly extension of said

Parcels #08-05-35-00-00-013.004 & 08-05-36-00-00-044.000 (continued):

0.725 acre tract of land to its Northwest corner; thence North 89 degrees 50 minutes 23 seconds East 104.14 feet along the North line of said 0.725 acre tract of land to the POINT OF BEGINNING. Containing 0.839 acre, more or less.

**Wheeler Airport LLC Parcels:**

Parcels #08-05-35-00-00-003.001 & 08-05-35-00-00-004.000: A Survey of a part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: BEGINNING at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being collinear with and equidistant from the Northeast Corner and the Northwest Corner of said Northwest Quarter; said Point of Beginning also being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 1324.21 feet from the Northeast Corner of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 300.00 feet on and along the North line of said Northwest Quarter; thence South 00 degrees 14 minutes 52 seconds West 1324.35 feet to a point on the North line of the Southeast Quarter of said Northwest Quarter; thence North 89 degrees 50 minutes 46 seconds East 1021.88 feet on and along the North line of the Southeast Quarter of said Northeast Quarter to the Northeast Corner of the Southeast Quarter of said Northwest Quarter; thence South 00 degrees 20 minutes 53 seconds West 1325.40 feet on and along the East line of said Northwest Quarter to the Southeast Corner of said Northwest Quarter; thence South 89 degrees 54 minutes 16 seconds West 1319.55 feet on and along the South line of said Northwest Quarter to the Southwest Corner of the Southeast Quarter of said Northwest Quarter; thence North 00 degrees 14 minutes 52 seconds East 2648.08 feet on and along the West line of the East Half of said Northwest Quarter to the Point of Beginning. Containing 49.28 acres or less, being subject to all applicable easements and rights-of-way of record.

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Parcel #08-05-35-00-00-006.000:

**All that part of the West Half of the Northeast Quarter of Section 35, Township 19 North, Range 3 East that lies South of the center of the angling road running from the Southeast corner of the same in a Northwesterly direction across said real estate, containing 18 acres, more or less.**

**EXCEPT: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:**

**Commencing at the northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the west line of said Northeast Quarter to the southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the south line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek, said point of intersection also being the POINT OF BEGINNING of this description; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue; thence South 44 degrees 15 minutes 45 seconds West 200.00 feet; thence South 89 degrees 26 minutes 40 seconds West 274.01 feet to a point on the centerline of Grassy Branch Creek (The following 6 courses are included for closure purposes, the actual boundary line follows the centerline of Grassy Branch Creek) (1) thence North 07 degrees 46 minutes 52 seconds West 223.08 feet; (2) thence North 09 degrees 55 minutes 50 seconds West 134.90 feet; (3) thence North 09 degrees 02 minutes 37 seconds West 89.88 feet; (4) thence North 05 degrees 17 minutes 44 seconds West 119.55 feet; (5) thence North 35 degrees 23 minutes 52 seconds West 25.47 feet; (6) thence North 17 degrees 09 minutes 27 seconds East 45.00 feet to the POINT OF BEGINNING. Containing 3.63 acres, more or less and being subject to all applicable easements and rights-of-way of record.**

Parcel #08-05-35-00-00-006.000 (continued):

**EXCEPT: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:**

**Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue to the POINT OF BEGINNING of this description; thence South 45 degrees 44 minutes 15 seconds East 460.02 feet on and along the centerline of Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 718.18 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 183.84 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 274.01 feet; thence North 44 degrees 15 minutes 45 seconds East 200.00 feet to the POINT OF BEGINNING. Containing 3.13 acres, more or less.**

**EXCEPT: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:**

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Parcel #08-05-35-00-00-006.000 (continued):

Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet; on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 521.77 feet on and along the centerline of Kinsey Avenue to the POINT OF BEGINNING of this description; thence South 45 degrees 44 minutes 15 seconds East 189.62 feet on and along the centerline of Kinsey Avenue; thence South 43 degrees 04 minutes 30 seconds East 60.38 feet on and along the centerline of Kinsey Avenue to the Southeast corner of the West Half of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 89 degrees 26 minutes 40 seconds West 871.99 feet on and along the South line of said West half to the point of intersection of the South line of said West Half and the centerline of Grassy Branch Creek; thence North 07 degrees 18 minutes 42 seconds West 131.02 feet on and along the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 48.43 feet on and along the centerline of Grassy Branch Creek; thence north 89 degrees 26 minutes 40 seconds East 718.18 feet to the POINT OF BEGINNING. Containing 3.26 acres, more or less.

**EXCEPT:** A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, more particularly described as follows:

Beginning at an iron stake 1373.7 feet South of Northwest corner of said Northeast Quarter; thence South on and along the West line of said Northeast Quarter a distance of 100 feet to an iron stake; thence South 90 degrees East 103.4 feet to an iron stake on the westerly right-of-way line to a County Highway; thence North 46 degrees West 143.1 feet to the place of beginning. Containing .12 acre, more or less.

Parcels #08-05-35-00-00-022.000 & 08-05-35-00-00-023.000: *The Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, containing 80 acres.*

*EXCEPT: A part of the South Half of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:*

Parcels #08-05-35-00-00-022.000 & 08-05-35-00-00-023.000 (continued): *Commencing at the ½" iron rod at the Northeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 04 minutes 05 seconds East (assumed bearing) 149.37 feet on and along the East line of said Southwest Quarter to the Point of Beginning of this description; thence South 89 degrees 23 minutes 45 seconds West 1022.89 feet; thence South 00 degrees 06 minutes 00 seconds East 1165.03 feet, more or less, to a point on the South line of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 38 minutes 22 seconds East 1022.21 feet to the Southeast corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 26 minutes 51 seconds East 1060.09 feet, more or less, on and along the South line of the Northwest Quarter of the Southeast Quarter of said Section 35 to the Southwest corner of a one (1) acre tract of real estate described in Instrument No. 9245061; thence North 00 degrees 02 minutes 26 seconds East 165.00 feet to the Northwest corner of said one (1) acres tract; thence North 89 degrees 26 minutes 51 seconds East 264.00 feet to a mag nail at the Northeast corner of said one (1) acre tract; thence North 00 degrees 02 minutes 26 seconds East 605.49 feet on and along the East line of the Northwest Quarter of said Southeast Quarter to a mag nail; thence South 88 degrees 29 minutes 15 seconds West 469.15 feet; thence North 00 degrees 02 minutes 26 seconds East 114.50 feet; thence South 89 degrees 25 minutes 17 seconds West 856.75 feet, more or less, to a point on the West line of said Southeast Quarter; thence North 00 degrees 04 minutes 05 seconds West 292.66 feet, to the Point of Beginning.*

*EXCEPT: Part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 19 North, Range 3 East described as follows:*

*Begin at the Southeast corner of said Northwest Quarter of said Southeast Quarter and run thence North 165.00 feet; thence West 264.00 feet; thence South 165.00 feet; thence East 264.00 feet to the place of beginning.*

Parcels #08-05-35-00-00-028.000 & 08-05-35-00-00-028.002: *A survey of a part of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: BEGINNING at a point on the South line of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 39 minutes 49 seconds West (assumed bearing) 1021.48 feet from the Southeast corner of said Southwest Quarter; thence South 89 degrees 39 minutes 49 seconds West 296.71 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds East 1321.63 feet to the Northwest corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 46 minutes 55 seconds East 296.71 feet on and along the North line of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees 02 minutes 02 seconds West 1321.02 feet to the Point of Beginning. Containing 9.00 acres, more or less, being subject to all applicable easements and rights-of-way of record.*

**Leslie S Wheeler Revocable Trust Parcel:**

**Parcel #08-05-35-00-00-022.001:** *A part of the South Half of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:*

*Commencing at the ½" iron rod at the Northeast corner of the Southwest Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 04 minutes 05 seconds East (assumed bearing) 149.37 feet on and along the East line of said Southwest Quarter to the Point of Beginning of this description; thence South 89 degrees 23 minutes 45 seconds West 1022.89 feet; thence South 00 degrees 06 minutes 00 seconds East 1165.03 feet, more or less, to a point on the South line of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 38 minutes 22 seconds East 1022.21 feet to the Southeast corner of the Northeast Quarter of said Southwest Quarter; thence North 89 degrees 26 minutes 51 seconds East 1060.09 feet, more or less, on and along the South line of the Northwest Quarter of the Southeast Quarter of said Section 35 to the Southwest corner of a one (1) acre tract of real estate described in Instrument No. 9245061; thence North 00 degrees 02 minutes 26 seconds East 165.00 feet to the Northwest corner of said one (1) acre tract; thence North 89 degrees 26 minutes 51 seconds East 264.00 feet to a mag nail at the Northeast corner of said one (1) acre tract; thence North 00 degrees 02 minutes 26 seconds East 605.49 feet on and along the East line of the Northwest Quarter of said Southwest Quarter to a mag nail; thence South 88 degrees 29 minutes 15 seconds West 469.15 feet; thence North 00 degrees 02 minutes 26 seconds East 114.5 feet; thence South 89 degrees 25 minutes 17 seconds West 856.75 feet, more or less, to a point on the West line of said Southeast Quarter; thence North 00 degrees 04 minutes 05 seconds West 292.66 feet, to the Point of Beginning. Containing 51.882 acres, more or less.*

**Andrew and Marcia Wheeler Parcel - 18206 Kinsey Ave:**

**Parcel #08-05-35-00-00-006.001:** *A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:*

*Commencing at the northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the west line of said Northeast Quarter to the southwest corner of a 0.12 of an acres tract of real estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the south line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of Kinsey Avenue and the centerline of Grassy Branch Creek said point of intersection also being the POINT OF BEGINNING of this description; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the centerline of Kinsey Avenue; thence South 44 degrees 15 minutes 45 seconds West 200.00 feet; thence South 89 degrees 26 minutes 40 seconds West 274.01 feet to a point of the centerline of Grassy Branch Creek (The following 6 courses are included for closure purposes, the actual boundary line follows the centerline of Grassy Branch Creek) (1.) thence North 07 degrees 46 minutes 52 seconds West 223.08 feet; (2.) thence North 09 degrees 55 minutes 50 seconds West 134.90 feet; (3.) thence North 09 degrees 02 minutes 37 seconds West 89.88 feet; (4.) thence North 05 degrees 17 minutes 44 seconds West 119.55 feet; (5.) thence North 35 degrees 23 minutes 52*

seconds West 25.47 feet; (6.) thence North 17 degrees 09 minutes 27 seconds East 45.00 feet to the POINT OF BEGINNING. Containing 3.63 acres, more or less and being subject to all applicable easements and rights-of-way of record.

**Charles Wheeler Parcels - 18110 Kinsey Ave:**

Parcel #08-05-35-00-00-006.003: A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 35; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 acre tract described in Instrument #9310457, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 521.77 feet on and along the centerline of Kinsey Avenue to the Point of Beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 189.62 feet on and along the centerline of Kinsey Avenue; thence South 43 degrees 04 minutes 30 seconds East 69.38 feet on and along the centerline of Kinsey Avenue to the Southeast corner of the West Half of the Northeast Quarter of said Section 35; thence South 89 degrees 26 minutes 40 seconds West 871.99 feet on and along the South line of said West Half to the point of intersection of the South line of said West Half and the centerline of Grassy Branch Creek; thence North 07 degrees 18 minutes 42 seconds West 131.052 feet on and along the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 48.43 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 718.18 feet to the point of beginning, containing 3.26 acres, more or less.

EXCEPT: That part conveyed by Quitclaim Deed dated October 5, 2003, recorded July 9, 2004, as Instrument Number 200400047663, in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:

A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of said Section 35; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 acre tract described in Instrument #9310457, in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point of the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence south 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue; thence South 68 degrees 30 minutes 09 seconds West 236.65 feet to the point of beginning of this description; thence South 68 degrees 30 minutes 09 seconds West 112.02 feet; thence South 89 degrees 26 minutes 40 seconds West 302.34 feet to

the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 40.36 feet along the centerline of said Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds East 412.04 feet to the Point of Beginning, containing 0.33 acres, more or less.

**Parcel #08-05-35-00-006.102:** A part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, in Washington Township, Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest Quarter of said Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.70 feet along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of Real Estate described in Instrument #9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue to the Point of Intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue to the point of beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 120.00 feet along the centerline of said Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 306.14 feet; thence North 68 degrees 30 minutes 09 seconds East 236.65 feet to the point of beginning. Containing 0.30 of an acre, more or less.

**Maddox Parcel - 801 E 181<sup>st</sup> St:**

**Parcel #08-05-36-00-00-047.000:** A part of the Southwest Quarter of Section 36, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana and more specifically described as follows:

Beginning at a point on the North line of the Southwest Quarter of Section 36, Township 19 North, Range 3 East, said point being 532.44 feet East of the Northwest corner of said Southwest Quarter, thence East 127.56 feet, thence South parallel with the West line of said Southwest Quarter 598.46 feet, thence West 127.56 feet, thence north 598.46 feet to the place of beginning. Containing 1.75 acres more or less.

**Wood Family Farm Parcel:**

**Parcel #08-05-35-00-00-003.000:** The East Half of the Northwest Quarter of Section Thirty-five (35), Township Nineteen (19) North, Range Three (3) East, in Hamilton County, Indiana. EXCEPT: Beginning at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being collinear with and equidistant from the Northeast Corner and the Northwest Corner of said Northwest Quarter; said Point of Beginning also being South 89 Degrees 47 minutes 17 seconds West (assumed bearing) 1324.21 feet from the Northeast Corner of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 300.00 feet on and along the North line of said Northwest Quarter; thence South 00 degrees 14 minutes 52 seconds West 1324.35 feet to a point on the North line of the Southeast Quarter of said Northwest Quarter; thence North 89 degrees 50 minutes 46 seconds East 1021.88 feet on and along the North line of the Southeast Quarter of said Northwest Quarter to the Northeast Corner of the Southeast Quarter of said Northwest Quarter; thence South 00 degrees 20 minutes 53 seconds West

1325.40 feet on and along the East line of said Northwest Quarter to the Southeast Corner of said Northwest Quarter; thence South 89 degrees 54 minutes 16 seconds West 1319.55 feet on and along the South line of said Northwest Quarter to the Southwest Corner of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 14 minutes 52 seconds East 2648.08 feet on and along the West line of the East Half of said Northwest Quarter to the Point of Beginning. Containing 49.28 acres more or less, being subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: Beginning at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 440.96 feet from the Northeast Corner of said Northwest Quarter; thence South 00 degrees 26 minutes 28 seconds East 235.18 feet; thence South 89 degrees 47 minutes 17 seconds West 339.08 feet; thence North 00 degrees 26 minutes 28 seconds West 235.18 feet to a point on the North line of said Northwest Quarter; thence North 89 degrees 47 minutes 17 seconds East 339.08 feet on and along the North line of said Northwest Quarter to the Point of Beginning. Containing 1.83 acres more or less, being subject to all applicable easements and rights-of-way record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North Range 3 East located in Washington Township, Hamilton County, Indiana being bounded as follows: BEGINNING at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said point of beginning being South 89 degrees 47 minutes 17 seconds West 385.41 feet from the Northeast corner of said Northwest Quarter; thence South 89 degrees 47 minutes 17 seconds West 55.55 feet along the North line of said Northwest Quarter to the Northeast corner of a 1.83 acre tract of land described in Deed Record 318, page 554 in the records of Hamilton County, Indiana; thence South 00 degrees 26 minutes 28 seconds East 235.18 feet to the Southeast corner of said 1.83 acre tract of land; thence South 89 degrees 47 minutes 17 seconds West 339.08 feet parallel to the North line of said Northwest Quarter to the Southwest corner of said 1.83 acres tract of land; thence South 00 degrees 26 minutes 28 seconds East 37.67 feet on the extension of the West line of said 1.83 tract of land; thence South 89 degrees 55 minutes 00 seconds East 387.03 feet; thence North 01 degree 08 minutes 45 seconds East 274.92 feet to the North line of said Northwest Quarter and the POINT OF BEGINNING. Containing 0.626 acres, more or less, subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows: BEGINNING at a point on the North line of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 47 minutes 17 seconds West (assumed bearing) 780.24 feet from the Northeast corner of said Northwest Quarter; thence South 00 degrees 26 minutes 28 seconds East 272.85 feet; thence North 89 degrees 55 minutes 00 seconds West 86.55 feet; thence North 00 degrees 26 minutes 28 seconds West 272.40 feet; thence North 89 degrees 47 minutes 17 seconds East 86.55 feet to the POINT OF BEGINNING. Containing 0.542 of an acre, more or less and being subject to all applicable easements and rights-of-way of record.

ALSO EXCEPT: A part of the Northwest Quarter of Section 35, Township 19 North, Range 3 East, Hamilton County, Indiana, described as follows: Beginning at the Northeast corner of said quarter section; thence South 00 degrees 22 minutes 52 seconds West 496.94 feet along the East line of said quarter section; thence North

89 degrees 26 minutes 58 seconds West 48.66 feet; thence North 00 degrees 33 minutes 02 seconds East 100.00 feet; thence northerly 155.08 feet along an arc to the left having a radius of 512.00 feet and subtended by a long chord having a bearing of North 08 degrees 07 minutes 35 seconds West and a length of 154.49 feet; thence northerly 170.70 feet along an arc to the right having a radius of 588.00 feet and subtended by a long chord having a bearing of North 08 degree 29 minutes 13 seconds West and a length of 170.10 feet; thence North 00 degrees 10 minutes 13 seconds West 15.00 feet; thence South 89 degrees 49 minutes 47 seconds West 288.67 feet more or less to the East line of that parcel of land described in Instrument Number 2006-4685; thence North 01 degrees 11 minutes 15 seconds East 60.02 feet along said East line to the North line of said quarter section; thence North 89 degrees 49 minutes 47 seconds East 385.41 feet along said North line to the point of beginning and containing 1.184 acres, more or less.

**Sill Parcels - 18150 Kinsey Ave:**

**Parcel #08-05-35-00-00-006.002:** Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No. 9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 50 minutes 25 seconds 626.53 feet on and along the centerline of Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 61.75 feet on and along the center line of Kinsey Avenue to the Point of Beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 460.02 feet on and along the centerline of Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 718.18 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 183.84 feet on and along the centerline of Grassy Branch Creek; thence North 89 degrees 29 minutes 40 seconds East 274.01 feet; thence North 44 degrees 15 minutes 45 seconds East 200.00 feet to the point of beginning. Containing 3.13 acres more or less.

EXCEPT: Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degree 13 minutes 37 seconds West (assumed bearing) 1437.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No.9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue, to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said

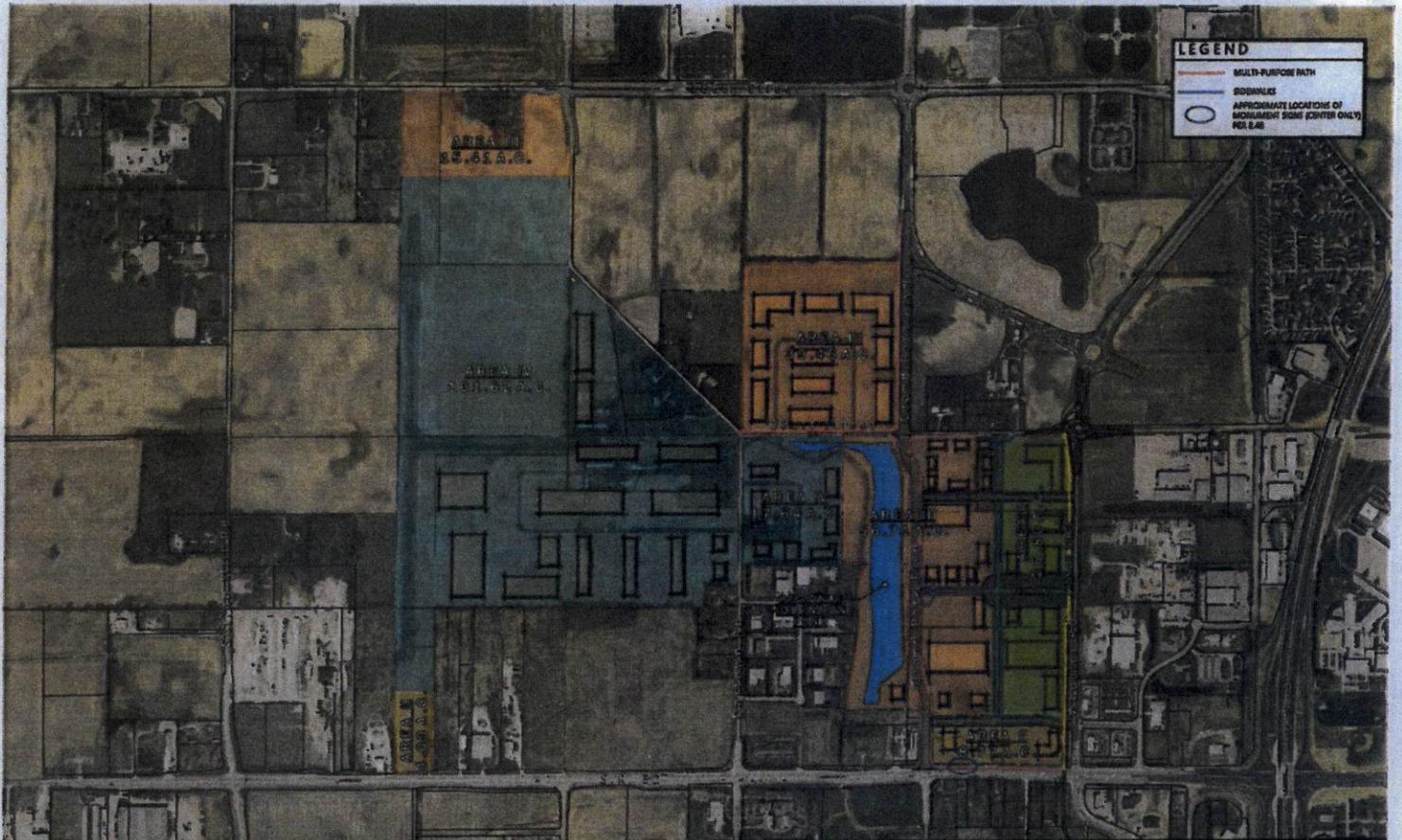
*Kinsey Avenue to the point of beginning of this description; thence South 45 degrees 44 minutes 15 seconds East 120.00 feet along the centerline of said Kinsey Avenue; thence South 89 degrees 26 minutes 40 seconds West 306.14 feet; thence North 68 degrees 30 minutes 09 seconds East 236.65 feet to the Point of Beginning, containing 0.30 of an acre more or less.*

**Parcel #08-05-35-00-00-006.103:** *Part of the Northeast Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being described as follows:*

*Commencing at the Northwest corner of the Northeast Quarter of Section 35, Township 19 North, Range 3 East; thence South 00 degrees 13 minutes 37 seconds West (assumed bearing) 1473.7 feet on and along the West line of said Northeast Quarter to the Southwest corner of a 0.12 of an acre tract of real estate described in Instrument No. 9310457; thence South 89 degrees 46 minutes 23 seconds East 106.52 feet on and along the South line of said 0.12 acre tract to a point on the centerline of Kinsey Avenue; thence South 49 degrees 03 minutes 36 seconds East 285.14 feet along the centerline of Kinsey Avenue, to the point of intersection of the centerline of Kinsey Avenue and the centerline of Grassy Branch Creek; thence South 45 degrees 50 minutes 25 seconds East 626.53 feet along the centerline of said Kinsey Avenue; thence South 45 degrees 44 minutes 15 seconds East 401.77 feet along the centerline of said Kinsey Avenue; thence South 68 degrees 30 minutes 09 seconds West 236.65 feet to a point of beginning of this description; thence South 68 degrees 30 minutes 09 seconds West 112.02 feet; thence South 89 degrees 26 minutes 40 seconds West 302.34 feet to the centerline of Grassy Branch Creek; thence North 07 degrees 46 minutes 52 seconds West 40.36 feet along the centerline of said Grassy Branch Creek; thence North 89 degrees 26 minutes 40 seconds West 412.04 feet to the Point of Beginning, containing 0.33 of an acre, more or less.*

**Wallace Parcel - 17939 Dartown Rd:**

**Parcel #08-05-35-00-00-011.000:** *A part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East, thence North 89 degrees 53 minutes 49 seconds West (assumed bearing) 1327.35 feet on and along the North line of said Southeast Quarter to its intersection with the center line of Dartown Road, thence South 00 degrees 39 minutes 07 seconds West 635.35 feet on and along the center line of said Dartown Road to the place of beginning of this description, thence North 89 degrees 11 minutes 15 seconds East 457.73 feet, thence South 00 degrees 39 minutes 07 seconds West 190.39 feet, thence South 89 degrees 11 minutes 15 seconds West 457.73 feet to the center line of said Dartown Road, thence North 00 degrees 39 minutes 07 seconds East 190.39 feet on and along the centerline of said Dartown Road to the place of beginning. Containing 2.00 acres more or less and being subject to all easements and rights-of-way of record.*



| LEGEND |  |
|--------|--|
|        | MULTI-PURPOSE PATH   |
|        | SIDEWALKS  |
|        | APPROXIMATE LOCATIONS OF MONUMENT SIGNS (CENTER ONLY) PER 8.4B |



**ORDINANCE NUMBER 19-62**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO  
THE WHEELER LANDING PLANNED UNIT DEVELOPMENT AND UNIFIED  
DEVELOPMENT ORDINANCE**

This is a n Ordinance Amendment (to be known as the "WHEELER LANDING PUD AMENDMENT II") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance 18-04 (the "Wheeler Landing PUD Ordinance"), on September 24<sup>th</sup>, 2018 as amended by Ordinance 19-37 (the "Wheeler Landing PUD Amendment I"), enacted by the Council on September 9<sup>th</sup>, 2019.

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1912-PUD-46**), requesting an amendment to Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 1912-PUD-46** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **unanimous favorable** recommendation (6-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on November 19, 2019;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance and Zoning Map are hereby amended as follows:

**COPY**

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD ordinance, as applicable to the Real Estate. Development of Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing PUD Ordinance; and (iii) the provision of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Wheeler Landing PUD Ordinance, as amended.
- 1.2 Chapter (“*Chapter*”) and Article (“*Article*”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Wheeler Landing PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3. Architectural Standards.** The standards of *Wheeler Landing PUD Ordinance* shall apply to the development of the District, except as otherwise modified below.

- 3.1 *Architectural Standards*: The building on Lot 1 of Exhibit A (Real Estate) shall be constructed in substantial compliance with Exhibit B (the Illustrative Character Exhibit).

ALL OF WHICH IS ORDAINED/RESOLVED THIS 25th DAY OF November, 2019.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James J. Egan

\_\_\_\_\_

\_\_\_\_\_

R. D. Korksey

\_\_\_\_\_

\_\_\_\_\_

Mark Heen

\_\_\_\_\_

\_\_\_\_\_

Jim Obo

\_\_\_\_\_

\_\_\_\_\_

Carl Lopez

\_\_\_\_\_

\_\_\_\_\_

Steve Perry

\_\_\_\_\_

\_\_\_\_\_

Charles Johnson

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

Cathy Gessard  
Cathy Gessard, Clerk Treasurer

I hereby certify that **ORDINANCE 19-62** was delivered to the Mayor of Westfield

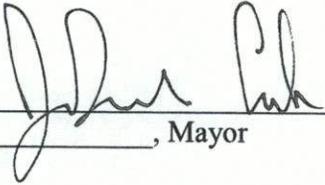
on the 27<sup>th</sup> day of Nov, 20YY, at 10:00A m.

Cathy Gessard

\_\_\_\_\_, Clerk-Treasurer

I hereby APPROVE ORDINANCE **19-62**

this 3rd day of December, 2019.

  
\_\_\_\_\_, Mayor

I hereby VETO ORDINANCE **19-62**

this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_, Mayor

This document prepared by:

Brad Nobbe, Project Architect, CSO, 8831 Keystone Crossing, Indianapolis, IN 46240

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 the law:



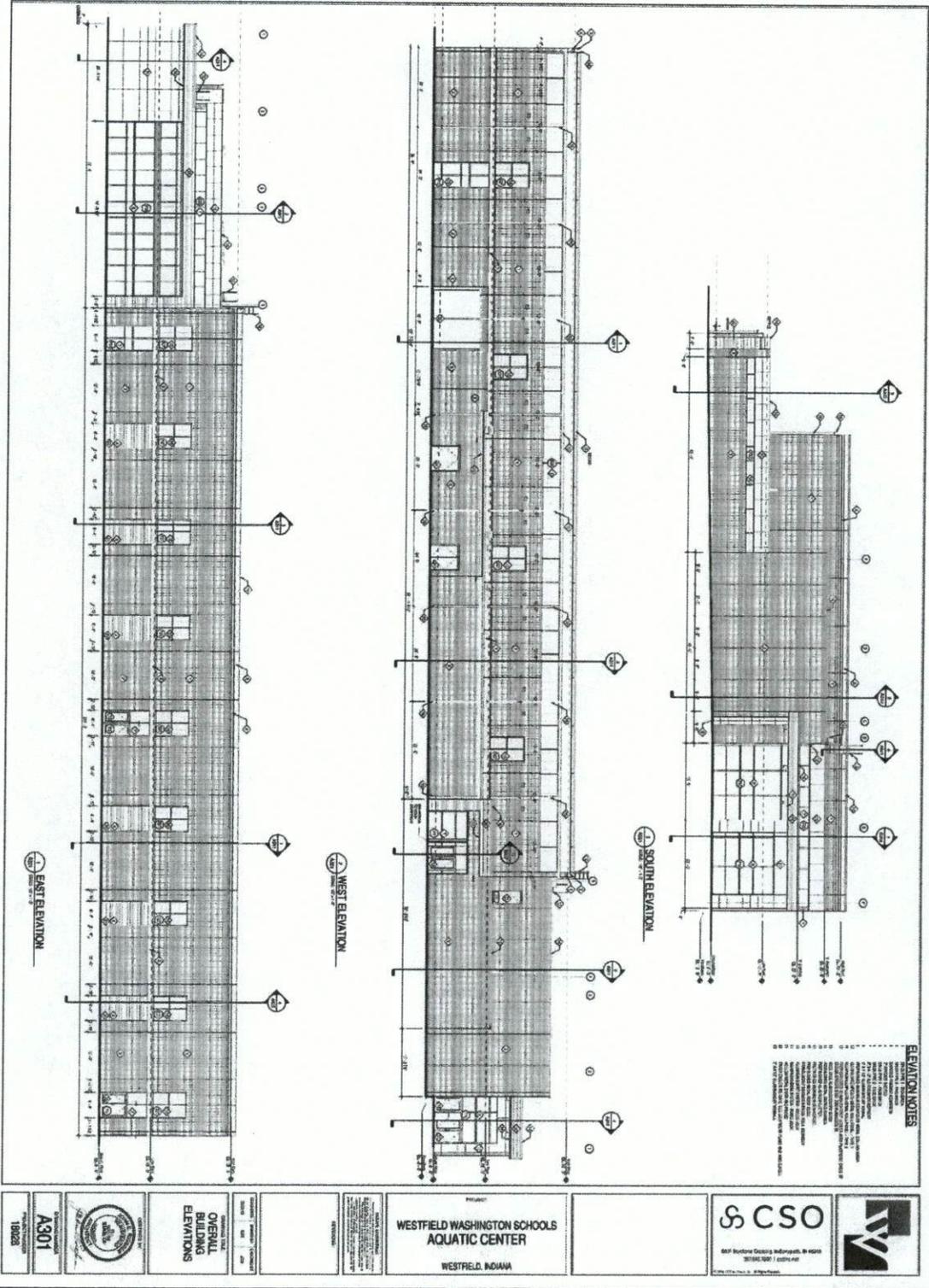
**SCHEDULE OF EXHIBITS**

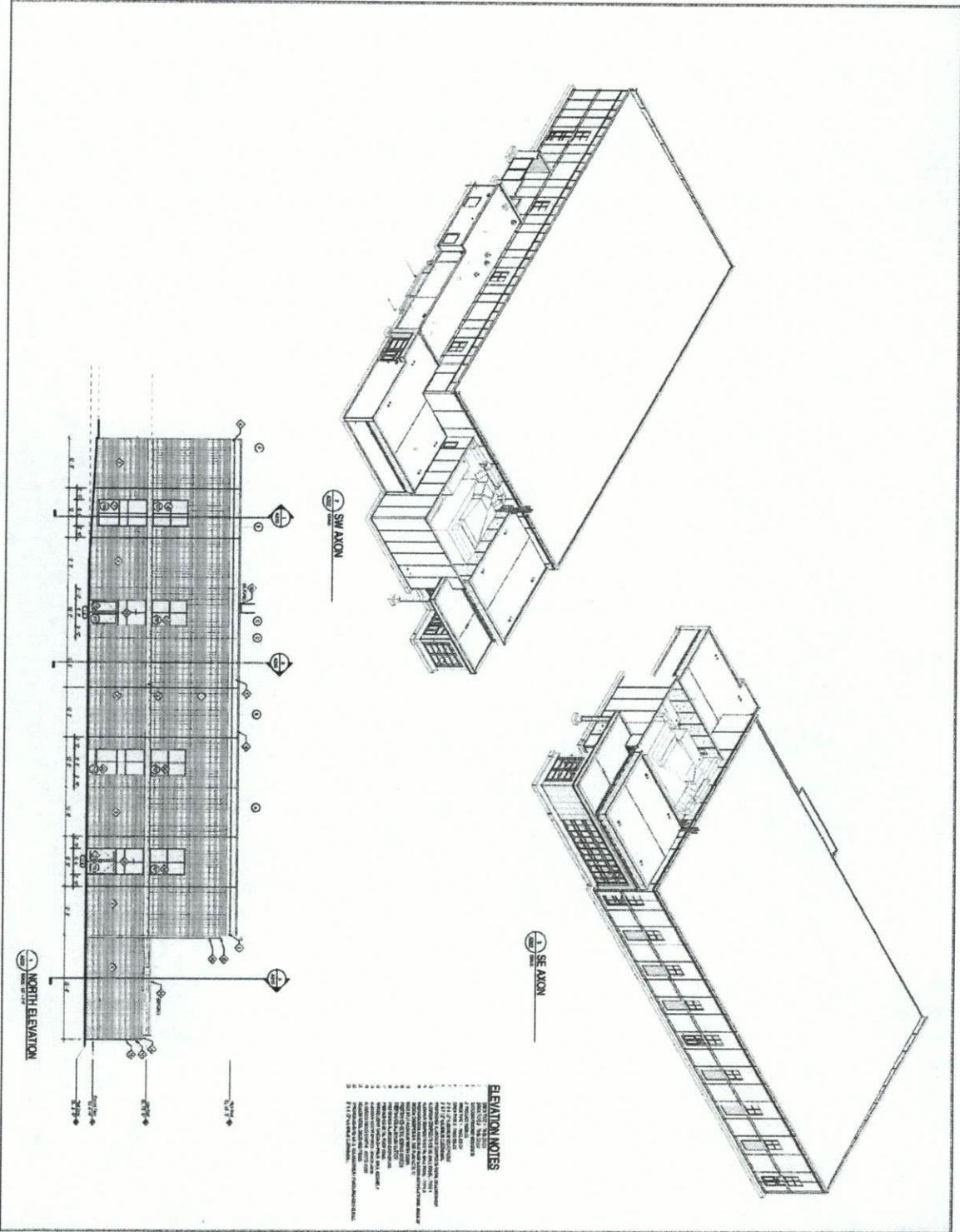
Exhibit A Real Estate (Legal Description)

Exhibit B Illustrative Character Exhibit



**EXHIBIT B**  
ILLUSTRATIVE CHARACTER EXHIBIT





NORTH ELEVATION

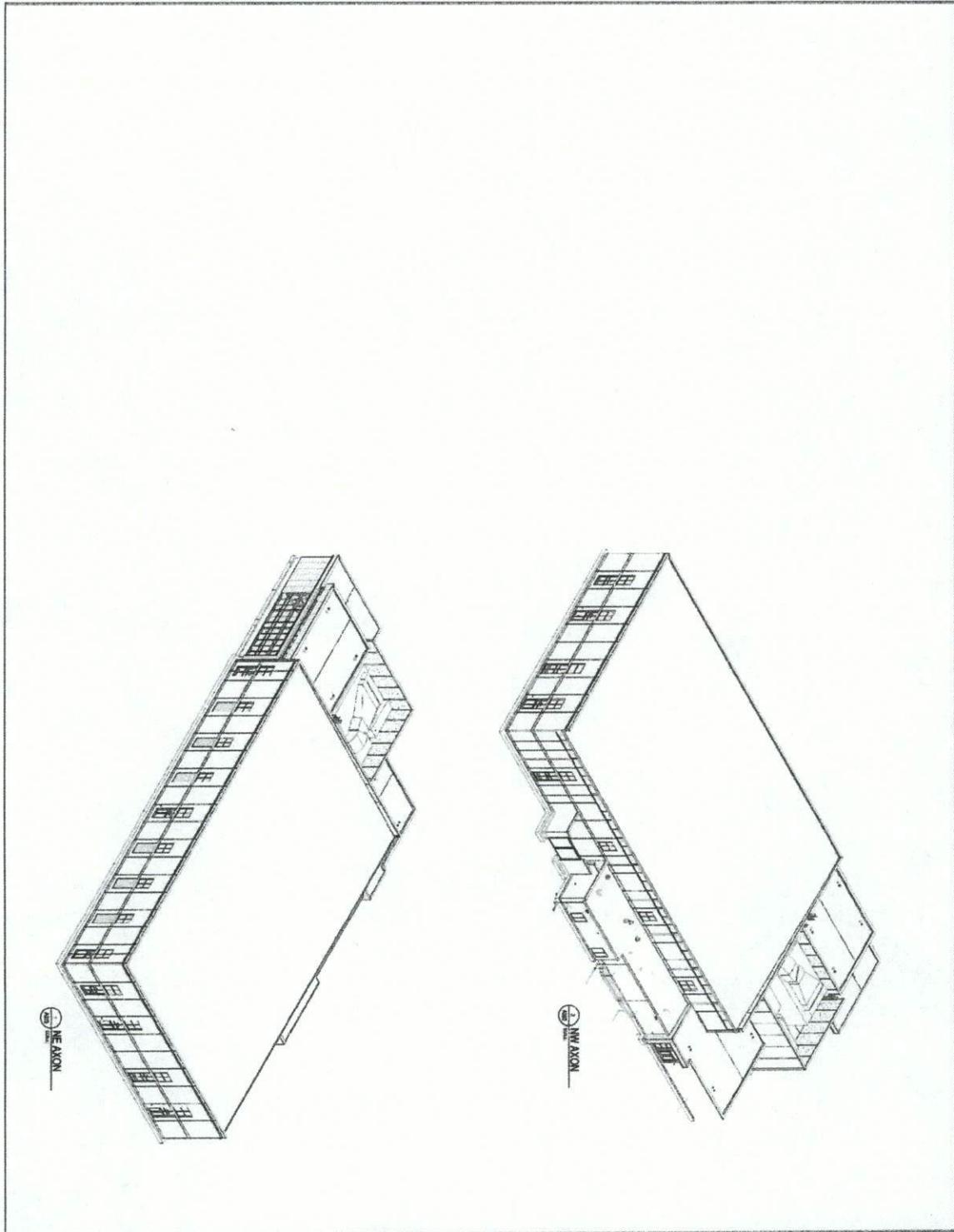
SW AXON

SE AXON

**ELEVATION NOTES**

1. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
2. REFER TO ARCHITECTURAL SPECIFICATIONS FOR WINDOW AND DOOR SCHEDULES.
3. REFER TO ARCHITECTURAL SPECIFICATIONS FOR ROOFING SYSTEMS.
4. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MECHANICAL SYSTEMS.
5. REFER TO ARCHITECTURAL SPECIFICATIONS FOR ELECTRICAL SYSTEMS.
6. REFER TO ARCHITECTURAL SPECIFICATIONS FOR PLUMBING SYSTEMS.
7. REFER TO ARCHITECTURAL SPECIFICATIONS FOR FIRE PROTECTION SYSTEMS.
8. REFER TO ARCHITECTURAL SPECIFICATIONS FOR INTERIORS.
9. REFER TO ARCHITECTURAL SPECIFICATIONS FOR EXTERIORS.
10. REFER TO ARCHITECTURAL SPECIFICATIONS FOR SIGNAGE.
11. REFER TO ARCHITECTURAL SPECIFICATIONS FOR FURNITURE.
12. REFER TO ARCHITECTURAL SPECIFICATIONS FOR EQUIPMENT.
13. REFER TO ARCHITECTURAL SPECIFICATIONS FOR ACCESSIBILITY.
14. REFER TO ARCHITECTURAL SPECIFICATIONS FOR SAFETY.
15. REFER TO ARCHITECTURAL SPECIFICATIONS FOR SECURITY.
16. REFER TO ARCHITECTURAL SPECIFICATIONS FOR ENERGY EFFICIENCY.
17. REFER TO ARCHITECTURAL SPECIFICATIONS FOR SUSTAINABILITY.
18. REFER TO ARCHITECTURAL SPECIFICATIONS FOR QUALITY CONTROL.
19. REFER TO ARCHITECTURAL SPECIFICATIONS FOR CONSTRUCTION METHODS.
20. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MAINTENANCE.

|  |  |   |  |                |  |                  |   |  |
|--|--|---|--|----------------|--|------------------|---|--|
| <p>PROJECT NO. <b>A302</b><br/>DATE: 18/08</p> |  | <p><b>OVERALL BUILDING ELEVATIONS AND AXONS</b></p> | <p>DATE: 18/08<br/>SCALE: AS SHOWN</p> | <p>PROJECT</p> | <p><b>WESTFIELD WASHINGTON SCHOOLS AQUATIC CENTER</b><br/>WESTFIELD, INDIANA</p> | <p>ARCHITECT</p> | <p><b>CSO</b><br/>1821 Kipton Drive, Westfield, IN 46084<br/>317.434.1000   www.cso.com</p> |  |
|--|--|---|--|----------------|--|------------------|---|--|



|                        |   |  |   |   |   |
|------------------------|---|--|---|---|---|
| <p>AS303<br/>18208</p> |  | <p>STEVEN A. O'BRIEN<br/>MECHANICAL<br/>THE STATE OF INDIANA<br/>LICENSE NO. 12543</p> | <p>PROJECT<br/>WESTFIELD WASHINGTON SCHOOLS<br/>AQUATIC CENTER<br/>WESTFIELD, INDIANA</p> | <p>CSO<br/>8225 Riverfront Crossing Indianapolis, IN 46240<br/>317.996.8000   csocorp.com</p> |  |
|------------------------|---|--|---|---|---|



**ORDINANCE NUMBER 20-08**



**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE WHEELER LANDING PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE**

This is an ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") previously adopted Ordinance No. 18-04, the Wheeler Landing Planned Unit Development District (the "Wheeler Landing PUD Ordinance") on September 24, 2018;

**WHEREAS**, the Common Council subsequently adopted Ordinance 19-37, the Wheeler Landing Planned Unit Development District on September 9, 2019 (the "First Amendment"), which amended the Wheeler Landing PUD Ordinance;

**WHEREAS**, the Common Council subsequently adopted Ordinance 19-62, the Wheeler Landing Planned Unit Development District on November 25, 2019 (the "Second Amendment"), which amended the First Amendment;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered Petition No. 2003-PUD-02 (the "Petition"), requesting an amendment to the Unified Development Ordinance, Zoning Map and Wheeler Landing PUD Ordinance (the "Third Amendment"), with regard to the subject real estate more particularly described in Exhibit A, attached hereto (the "Real Estate"); and

**WHEREAS**, the Commission forwarded the Petition No. 2003-PUD-02 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (7-2) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on July 7, 2020; and

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**COPY**

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing PUD Ordinance; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Wheeler Landing PUD Ordinance, as amended.

1.2 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Wheeler Landing PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3. Overlay Districts.**

3.1 All provisions of Section 7 of the approved Wheeler Landing PUD Ordinance as amended shall apply to the development of the Real Estate, except as otherwise modified below:

- A. Building Elevation (Article 5.3(K)(2): Shall apply; however,
  - a. Building Facades, which are one hundred forty (140) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Offsets shall extend the entire vertical plane of the Building Facade and shall be a minimum depth of two (2) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Facade. The requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C
  - b. Flat Roofs (Article 5.3(K)(2)(f)(ii)(c)(2); A roof line modulation shall include a vertical change in the visible roof line of at least two (2) feet, with a minimum aggregate modulation length of twenty percent (20%) of each Building Façade.

The requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C.

- c. Drive-thrus and Fueling Stations (Article 5.3(K)(2)(j)(i); Drive-thru lanes shall be permitted between the State Highway 32 right-of-way line or the Trail Corridor and the Building Facade nearest to said right-of-way line (e.g. Established Front Yard) or Trail Corridor for Lot 5 only as illustrated on Exhibit B.
- d. Building Materials (Article 5.3(K)(2)(k); the requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C.

**Section 4. Development Standards.**

4.1 The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below:

- A. Foundation Plantings (Article 6.8(L)(4); shall apply; however, the foundation plantings of the Building Façades may be located in excess of fifteen (15) feet from the Building Façade, patio fence or other barrier.
- B. Foundation Plantings (Article 6.8(L)(3); Planters shall be a permitted landscaping material meeting the requirements of Article 6.8(L).
- C. Signs Facing the Monon Trail (Section 8.4(F) of Ord. 18-04); Signs shall be allowed to extend above the cornice line of the Building on Lot 5, as illustrated on Exhibit C.

**(SIGNATURE PAGE IMMEDIATELY FOLLOWS)**

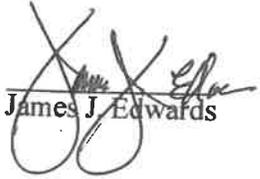
ALL OF WHICH IS ORDAINED THIS 13<sup>th</sup> DAY OF July 2020.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

  
James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 20-08** was delivered to the Mayor of Westfield on the 16<sup>th</sup> day of July, 2020, at 10:00 AM.

Cindy Gossard  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 20-08**  
this 16<sup>th</sup> day of July, 2020.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 20-08**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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.

Prepared by N Churchill

Nick Churchill  
Printed Name of Declarant

**SCHEDULE OF EXHIBITS**

- Exhibit A      Real Estate (Legal Description)
- Exhibit B      Site Development Plan – Lot 5
- Exhibit C      Elevations and Renderings – Lot 5

**EXHIBIT A**  
**Real Estate (Legal Description)**

Parcel #08-05-36-00-00-042.000: Begin 11 rods east of the Southwest corner of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana; run thence North 70 rods; thence East 34 rods; thence South 70 rods to the South line of Section 36, West 34 rods to the place of beginning, containing 15 acres, more or less.

Parcel #08-05-36-00-00-041.000: Begin 45 rods East of the Southwest corner of Section 36, Township 19 North, Range 3 East; run thence North 70 rods; East 35 rods, more or less, to the East line of the West Half of the Southwest Quarter of said Section: thence South 70 rods; thence West 35 rods, more or less, to the place of beginning, containing 15 acres, more or less.

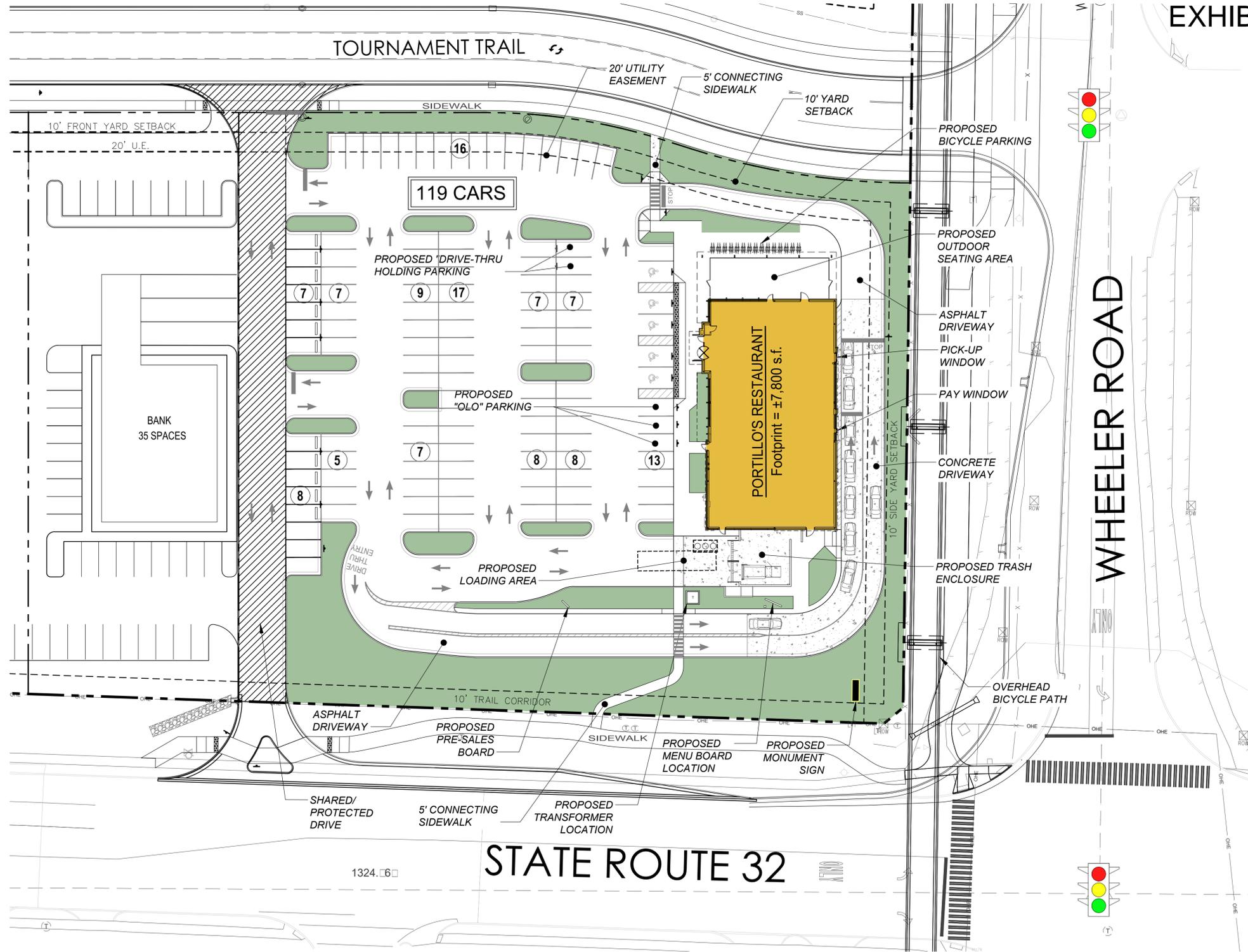
Parcels #08-05-35-00-00-028.000 & 08-05-35-00-00-028.002: A survey of a part of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: BEGINNING at a point on the South line of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 39 minutes 49 seconds West (assumed bearing) 1021.48 feet from the Southeast corner of said Southwest Quarter; thence South 89 degrees 39 minutes 49 seconds West 296.71 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds East 1321.63 feet to the Northwest corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 46 minutes 55 seconds East 296.71 feet on and along the North line of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees 02 minutes 02 seconds West 1321.02 feet to the Point of Beginning. Containing 9.00 acres, more or less, being subject to all applicable easements and rights-of-way of record.



PROJECT LOCATION  
**LOCATION PLAN**

BUILDING FOOTPRINT: ±7,800 S.F.  
STYLE: DINER 2, SIDE ENTRY  
ON SITE PARKING PROVIDED: 119 CARS  
H.C. SPACES REQUIRED: 5 CARS  
H.C. SPACES PROVIDED: 5 CARS

FLOOR PLAN: WESTFIELD FP1.1



**PROPOSED SITE PLAN**

CONCEPT BASED ON K-H DRAWING EX.1 DATED 01/09/20  
SCALE: N.T.S.

APPROXIMATE SITE AREA: 100,242 S.F. = 2.30 Ac  
STACKING: 38 CARS



PORTILLO'S HOT DOGS, LLC



**WESTFIELD, IN.**  
NWC OF SR 32 AND WHEELER ROAD  
GRAND PARK

CONCEPT #1D-R  
DATED: 03/9/20

Proj. #201917



WEST ELEVATION - Main Entrance & Outdoor Patio

Scale: N.T.S.



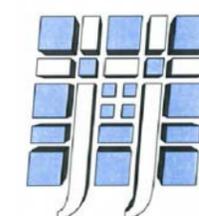
NORTH ELEVATION - Outdoor Patio & Bike Parking

Scale: N.T.S.

New Diner Concept V7.0 - June 25th, 2020



Portillo's - New Diner Restaurant  
NWC St. Route 32 & Wheeler Rd.  
Westfield, IN



**Jensen & Jensen**  
— architects • engineers • planners —

Since 1915



EAST ELEVATION: Drive-Thru and Patio View

Scale: N.T.S.



SOUTH ELEVATION: View Route 32 - Extended Site

Scale: N.T.S.

New Diner Concept V7.0 - June 25th, 2020



Portillo's - New Diner Restaurant  
 NWC St. Route 32 & Wheeler Rd.  
 Westfield, IN



**Jensen & Jensen**  
 — architects • engineers • planners —

Since 1915

2021019657 ORDINANCE \$25.00  
03/12/2021 03:00:34P 18 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

**ORDINANCE NUMBER 21-05**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND  
WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA  
CONCERNING THE AMENDMENT TO THE UNIFIED  
DEVELOPMENT ORDINANCE**

This is an Ordinance (the "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended,

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance No. 18-04 (the "Wheeler Landing PUD Ordinance") on September 24, 2018; and,

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 2102-PUD-05**), requesting an amendment to the Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A-1** attached hereto (the "Wheeler Landing PUD Real Estate") and in **Exhibit A-2** attached hereto (the "Wheeler Landing Apartments Real Estate"); and,

**WHEREAS**, the Commission forwarded Petition No. 2102-PUD-05 to the Common Council with a favorable recommendation (6-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code 36-7-4-1505; and

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on February 16, 2021; and,

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

**COPY**

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Wheeler Landing PUD Real Estate, except where otherwise specified.
- 1.2 All other provisions of the Wheeler Landing PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Wheeler Landing PUD Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 3. Landscape Plan.** The Landscape Plan, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Wheeler Landing Apartments Real Estate shall be developed in substantial compliance with the Landscape Plan.

**Section 4. Character Exhibit.** Building elevations are attached hereto as **Exhibit D**. Multi-family development projects with the Wheeler Landing PUD Real Estate will be developed in substantial compliance with this Character Exhibit.

**Section 5. Development Standards.**

Section 8.2 under Development Standards of the Wheeler Landing PUD Ordinance shall be amended, for the Wheeler Landing PUD Real Estate, to read as follows:

- 5.1 Article 6.3 Architectural Standards: Shall apply except as otherwise modified below:
  - A. Article 6.3.E.1.a. Building Façade shall not apply. Instead, substantial compliance with the Character Exhibit shall control.
  - B. Article 6.3.E.1.b. Four-Side Architecture shall not apply. Instead, substantial compliance with the Character Exhibit shall control.
  - C. Article 6.3.E.2.b. Masonry Materials shall not apply. Instead, substantial compliance with the Character Exhibit shall control.

- D. Article 6.3.E.4a. Roof Design Minimum Pitch shall not apply. Instead, substantial compliance with the Character Exhibit shall control.
  - E. Article 6.3.E.5. Streetscape Variety shall not apply. Instead, substantial compliance with the Character Exhibit shall control.
- 5.2 Article 6.8 Landscape Standards: Shall apply to the Wheeler Landing Apartments Real Estate, except as otherwise modified below:
- A. Article 6.8.K Minimum Lot Landscaping Requirements shall be reduced to 50% of the required plant materials and as consistent with the Landscape Plan (Exhibit C).
  - B. Article 6.8.M.1. External Street Frontage Landscaping Requirements shall apply. However, plantings along the perimeter streets shall be counted towards meeting this requirement.
- 5.3 Article 6.14 Parking and Loading Standards shall apply except as otherwise modified below:
- A. Article 6.14.G.11.c. Required Spaces shall be reduced to 1.8 spaces per Dwelling Unit.

*THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK*

ALL OF WHICH IS ORDAINED/RESOLVED THIS 22 DAY OF Feb, 2021.

WESTFIELD CITY COUNCIL

**Voting For**

**Voting Against**

**Abstain**

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

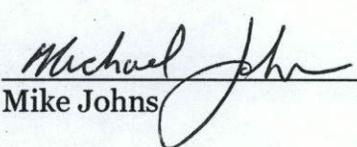
Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns



Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

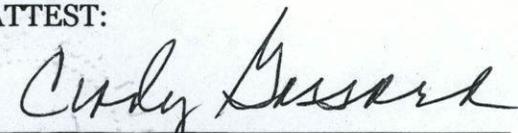
Cindy L. Spoljaric

Scott Willis

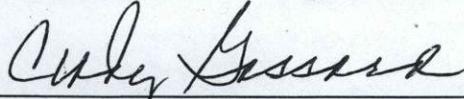
Scott Willis

Scott Willis

ATTEST:

  
Cindy Gossard, Clerk Treasurer

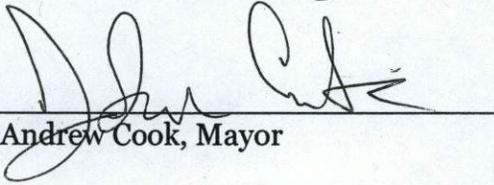
I hereby certify that ORDINANCE 21-05 was delivered to the Mayor of Westfield on the 23<sup>rd</sup> day of Feb, 2021, at 10:00am.



Cindy Gossard, Clerk Treasurer

I hereby APPROVE **ORDINANCE 21-05**

this 24 day of February, 2021.



J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 21-05**

this \_\_\_\_ day of \_\_\_\_\_, 2021.

J. Andrew Cook, Mayor

This document prepared by:

Eric Douthit, Attorney-At Law, 2 North 9<sup>th</sup> Street, Noblesville, IN 46060

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: Eric Douthit.

**SCHEDULE OF EXHIBITS**

|           |                                 |
|-----------|---------------------------------|
| Exhibit A | Real Estate (Legal Description) |
| Exhibit B | Concept Plan                    |
| Exhibit C | Landscape Plan                  |
| Exhibit D | Character Exhibit               |

**EXHIBIT A-1**  
**WHEELER LANDING PUD REAL ESTATE**

*Block A, Block B, Block D, and Block F in Wheeler Landing Section 2, as recorded in Plat Cabinet 6, Slide 74 as Instrument Number 2021018249 on March, 8, 2021 in the Office of the Recorder of Hamilton County, Indiana; containing 87.51 acres, more or less.*

**EXHIBIT A-2**  
**WHEELER LANDING APARTMENTS REAL ESTATE**

*A part of Block "B" of Wheeler Landing Section One as recorded as Instrument #2019054822 in the Office of the Recorder of Hamilton County Indiana and as shown on a survey completed by Terry D. Wright PS #9700013 for Hamilton Designs Project 2018-0358 dated 12/18/2020 and being more particularly described as follows:*

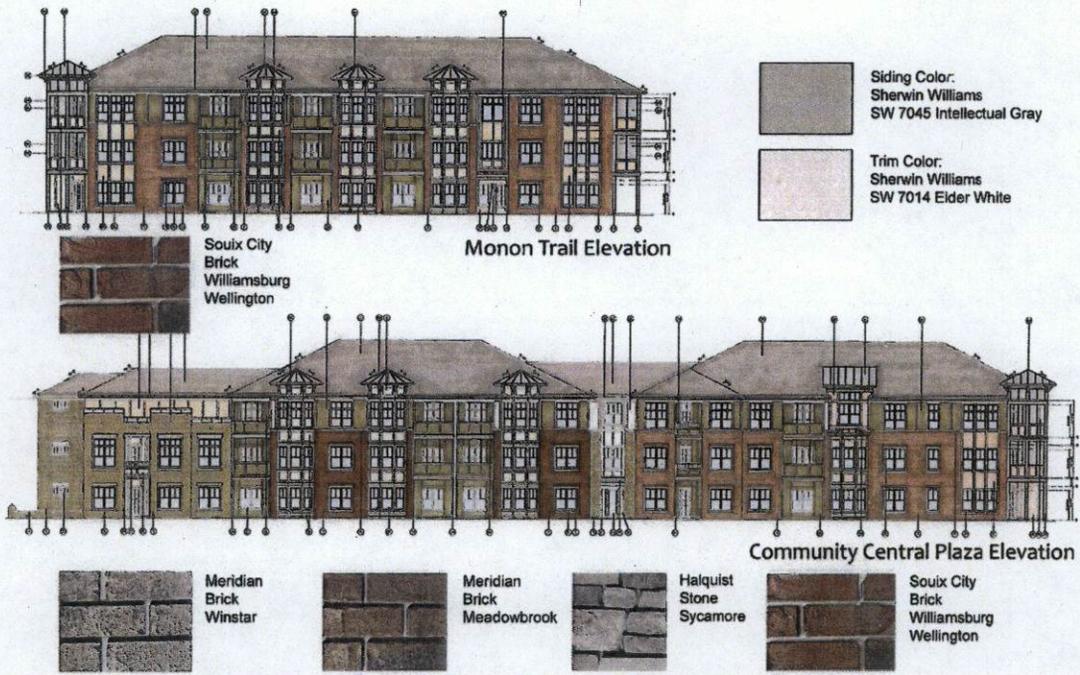
*Beginning at the Northeast corner of Block B on the West right-of-way line of Wheeler Road, thence South 00 degrees 19 minutes 12 seconds West (plat bearing) on and along the said West right-of-way line 449.57 feet; thence North 89 degrees 40 minutes 45 seconds West 715.50 feet; thence North 00 degrees 19 minutes 12 seconds East 243.38 feet to a point of curvature, said curve having a radius of 150.00 feet to the right being subtended by a chord bearing North 26 degrees 34 minutes 27 seconds East and a chord distance of 132.71 feet; thence along said curve an arc distance of 137.47 feet; thence North 52 degrees 49 minutes 43 seconds East 40.12 feet to a point of curvature, said curve having a radius of 100.00 feet to the left being subtended by a chord bearing of North 26 degrees 34 minutes 40 seconds East and a chord distance of 88.46 feet; thence along said curve an arc distance of 91.63 feet; thence North 00 degrees 19 minutes 38 seconds East for a distance of 23.42 feet to the South right-of-way line of Virginia Rose Avenue; thence South 89 degrees 40 minutes 48 seconds East along said right-of-way line 545.83 feet; thence South 44 degrees 40 minutes 48 seconds East along said line 56.57 feet to the Point of Beginning, containing 7.65 acres more or less.*





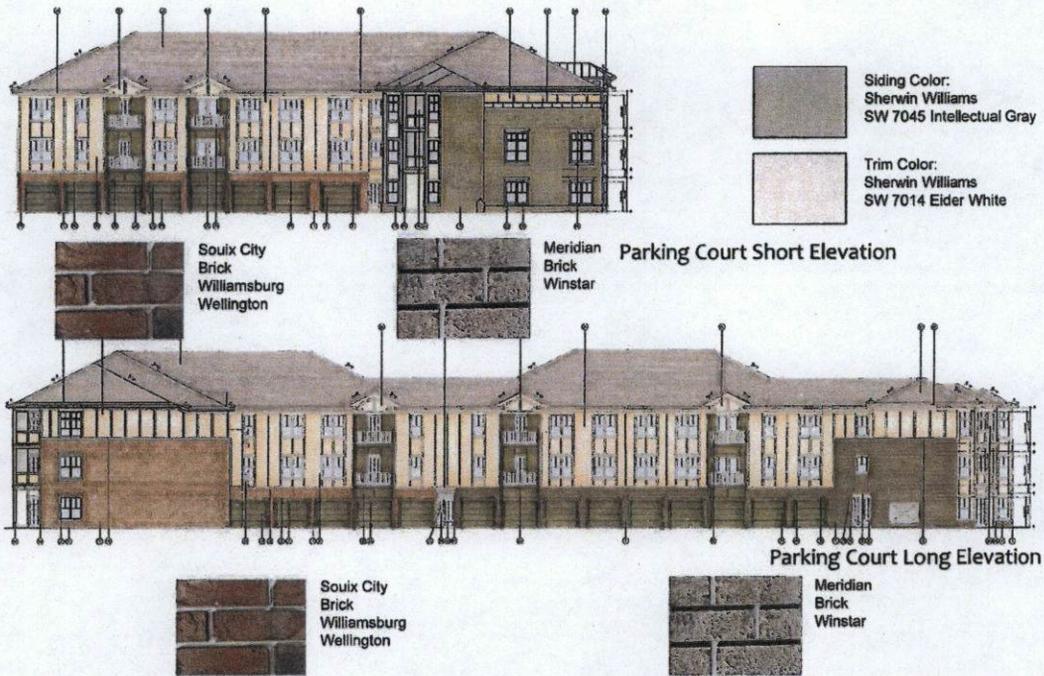


**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 1 of 7)



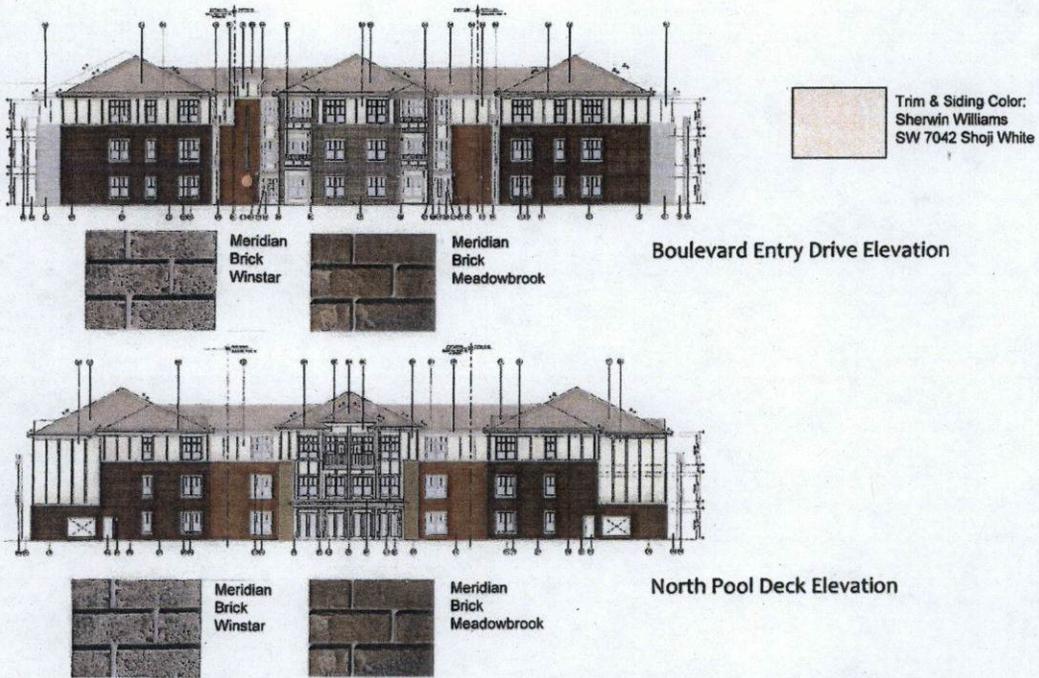
Wheeler Landing Flats – Building Type A Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 2 of 7)



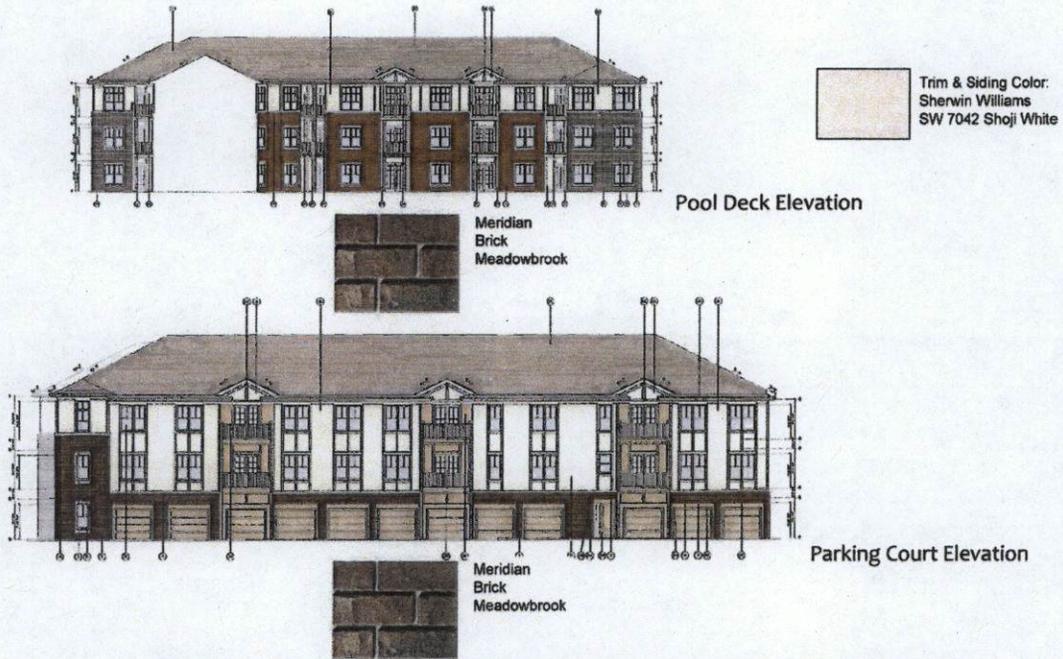
Wheeler Landing Flats – Building Type A Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 3 of 7)



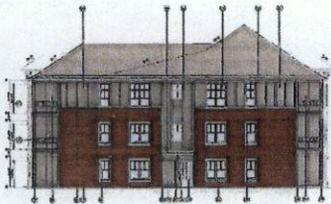
Wheeler Landing Flats – Building Type B and Clubhouse Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 4 of 7)

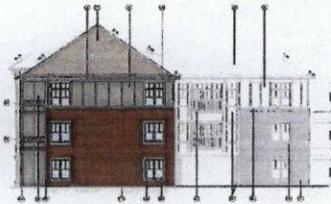


Wheeler Landing Flats – Building Type B and Clubhouse Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 5 of 7)



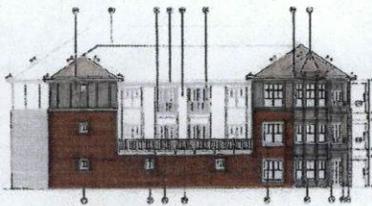
Virginia Rose Front Elevation



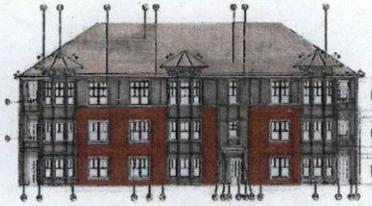
Parking Court Short Elevation

Trim & Siding Color:  
Sherwin Williams  
SW 7017 Dorian Gray

Souix City  
Brick  
Williamsburg  
Wellington



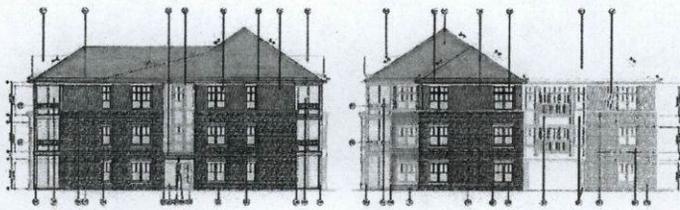
Parking Court Long Elevation



Monon Trail Front Elevation

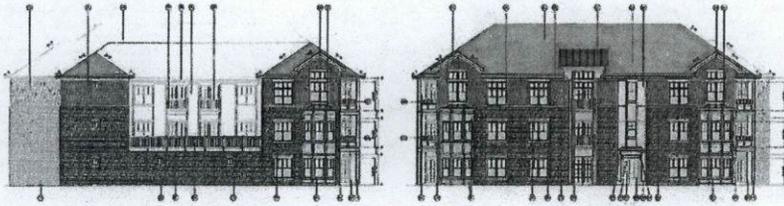
Wheeler Landing Flats – Building Type C Italianate Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 6 of 7)



Virginia Rose Front Elevation

Parking Court Short Elevation

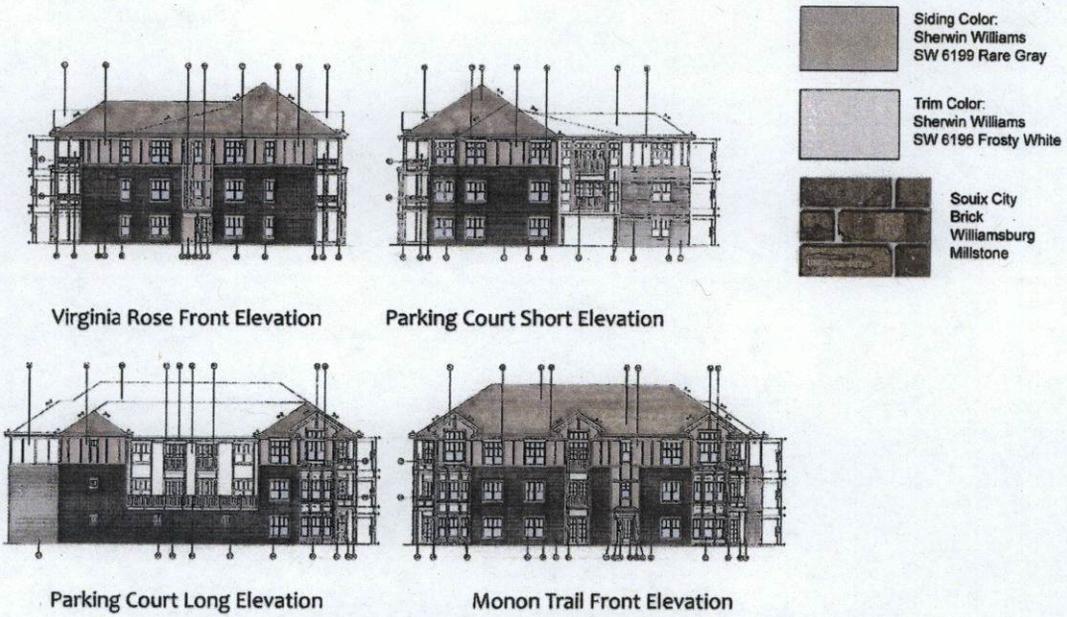


Parking Court Long Elevation

Monon Trail Front Elevation

Wheeler Landing Flats – Building Type C Cape Code Colors

**EXHIBIT D**  
**CHARACTER EXHIBIT**  
(page 7 of 7)



Wheeler Landing Flats – Building Type C Craftsman Colors

ORDINANCE NUMBER 22-40



**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE WHEELER LANDING PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE**

This is an ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council enacted Ordinance No. 18-04, the Wheeler Landing Planned Unit Development District (the "Wheeler Landing PUD Ordinance") on September 24, 2018;

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered Petition No. 2210-PUD-19 (the "Petition"), requesting an amendment to the Unified Development Ordinance and the Zoning Map with regard to the subject real estate more particularly described in Exhibit A, attached hereto (the "Real Estate"); and

**WHEREAS**, the Commission forwarded the Petition No. 2210-PUD-19 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on October 3, 2022; and

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36- 7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate.

COPY

- 1.2 All other provisions of the Wheeler Landing PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3. Outdoor Merchandising.**

3.1 The standards of Article 6.12(C)(2) shall be modified to allow Outdoor Sales Displays generally in the areas indicated on Exhibit B. The fixtures and displays shown in Exhibit B are conceptual and may be adjusted.

3.2 Outdoor Sales Displays may include the following: fresh produce and floral items, that will be rotated seasonally, including hanging floral baskets, flowers and plants in the warmer months of spring and summer, corn stalks, pumpkins and gourds in fall, cold tolerant plants, holiday favorites in winter such as wreaths, pinecones, Christmas trees and firewood, and other secondary merchandise. Outdoor Sales Displays may include propane tanks, provided the tanks are stored in a screened enclosure with a cage door comparable to the example provided in Exhibit C.

3.3 The Outdoor Sales Displays may utilize refurbished antique pick-up trucks, tractors, and other such appropriate merchandising props as conceptually depicted in Exhibit C. In addition, weather permitting, outdoor prepared food sales, such as grilled meats and side dishes, specialty events such as live hatch chili pepper roasting and occasional produce vendor sales may take place.

- 3.4 Prohibited Outdoor Sales Displays include:
- A. Mulch, salt, windshield washer fluid and other similar bulk merchandise,
  - B. Patio furniture, gas grills and other similar merchandise, and
  - C. Storage of shipping boxes (including cardboard boxes) with product inventory outside of merchandisers. The sale and merchandising of these products would take place inside the building. The prohibition of palletized merchandise does

not preclude the use of portable merchandiser stands designed to hold and display the allowed outdoor sales products noted above in Article 3.2.

**Section 4. Development Standards.**

4.1 The following modifications to the requirements of Chapter 6 Development Standards shall apply to the development of the Real Estate:

- A. Foundation Plantings (Article 6.8(L)(4)); shall apply; however, the foundation plantings of the Building Façades may be located in excess of fifteen (15) feet from the Building Façade, patio fence or other barrier.
- B. Foundation Plantings (Article 6.8(L)(3)); Planters shall be a permitted landscaping material meeting the requirements of Article 6.8(L).
- C. Placement, Minimum Distance from Sidewalk and Curb (Article 6.8(G)(4)(d)): shall not apply to the shade trees planted along the eastern private drive connecting the Real Estate to Tournament Trail in order to permit street trees in the tree lawn between the sidewalk and the perimeter private drive.

**(SIGNATURE PAGE IMMEDIATELY FOLLOWS)**

ALL OF WHICH IS ORDAINED/RESOLVED THIS 10<sup>th</sup> DAY OF October, 2022.

**WESTFIELD CITY COUNCIL**

Voting For

Voting Against

Abstain

  
James J. Edwards

James J. Edwards

James J. Edwards

  
Scott Frei

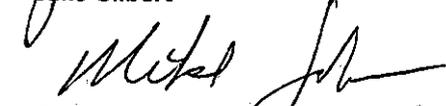
Scott Frei

Scott Frei

  
Jake Gilbert

Jake Gilbert

Jake Gilbert

  
Mike Johns

Mike Johns

Mike Johns

  
Troy Patton

Troy Patton

Troy Patton

  
Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

  
Scott Willis

Scott Willis

Scott Willis

ATTEST:

  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-40** was delivered to the Mayor of Westfield on the 11<sup>th</sup> day of Oct, 2022, at 10:00 m.

Cindy Gossard  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-40**

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 22-40**

this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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.

Prepared by: Adam McGurk

ADAM MCGURK  
Printed Name of Declarant

**SCHEDULE OF EXHIBITS**

- Exhibit A      Real Estate (Legal Description)
- Exhibit B      Outdoor Sales and Display Area
- Exhibit C      Outdoor Sales and Display Conceptual Character Imagery

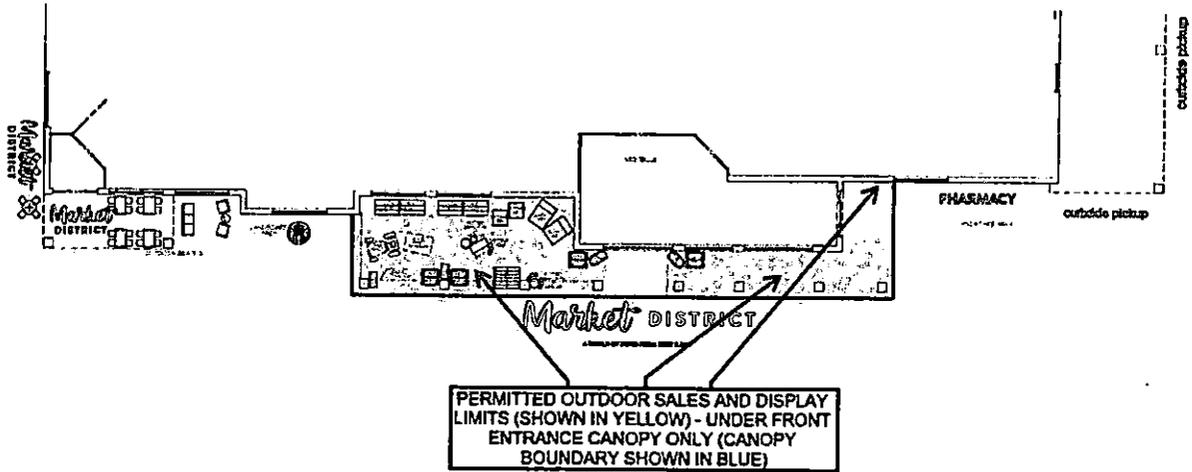
# **EXHIBIT A**

## **REAL ESTATE**

Wheeler Landing Section Two, Block B, Lot 2 (6.22 Acres)

# EXHIBIT B

## OUTDOOR SALES AND DISPLAY AREA

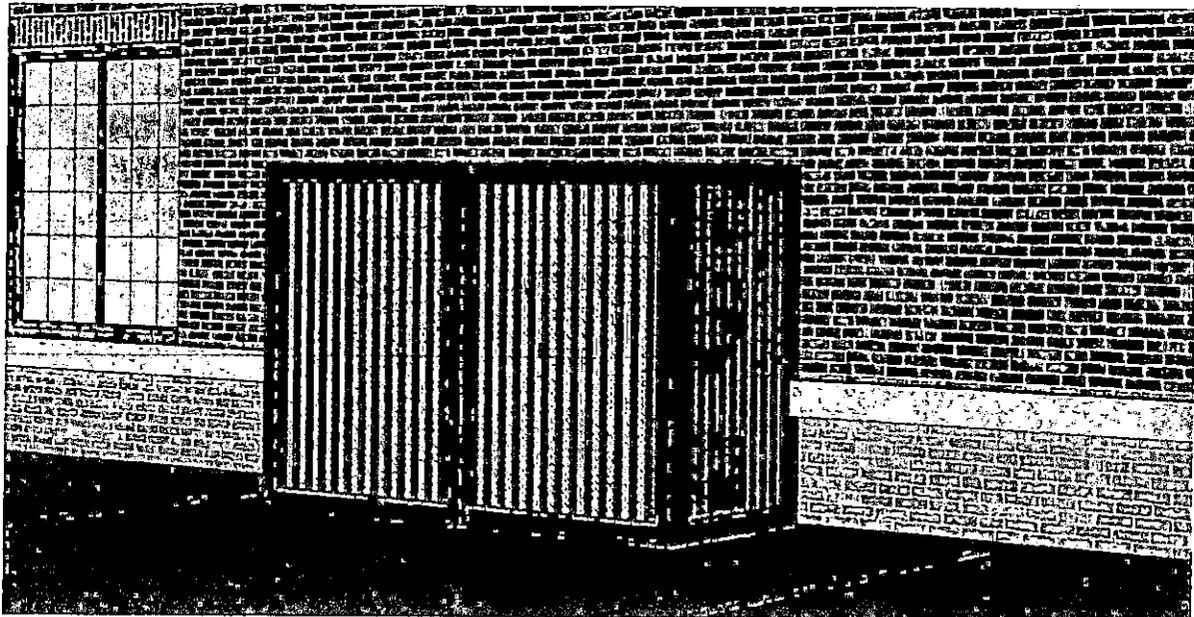


## EXHIBIT C

### OUTDOOR SALES AND DISPLAY CONCEPTUAL CHARACTER IMAGERY

*Example Photos*





## EXHIBIT C (continued)

### *Example Elevations*





**ORDINANCE NUMBER 22-52**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING  
AN AMENDMENT TO WHEELER LANDING PLANNED UNIT DEVELOPMENT and  
THE UNIFIED DEVELOPMENT ORDINANCE**

This is an Ordinance (this "Ordinance") to amend the Wheeler Landing Planned Unit Development District that of Ordinance 18-04 (as amended) ("Wheeler Landing Ordinance") and the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO");

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted the Wheeler Landing Ordinance as Ordinance 18-04, which has been amended on four occasions through Ordinances 19-37, 19-6, 20-08 and 21-05;

**WHEREAS**, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (**Petition No. 2212 - PUD - 20**) filed with the Commission requesting an amendment to the Unified Development Ordinance, and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** ("Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 2212 - PUD - 20** to the Common Council with a favorable recommendation (6 in favor 1 against) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing Ordinance, the Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing Ordinance except as revised, modified supplemented or expressly mad inapplicable hereby; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development

COPY

District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2.** **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance. The following words and terms, not defined elsewhere in this Ordinance or its Exhibits, shall have the following meanings:

- 2.1 **Added Real Estate.** The portion of the Real Estate identified on **Exhibit B** hereto, is hereby added to the Wheeler Landing Ordinance (Ord. 18-04).

**Section 3.** **Concept Plan.** The Added Real Estate is added to Area III as provided in the Wheeler Landing Ordinance (Ord. 18-04).

The Concept Plan, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

**Section 4.** **Additional uses.** The Additional Uses for Area III as provided in the Wheeler Landing Ordinance shall apply to the Added Real Estate except that Dwelling, Multi-Family (rental or owned) is only allowed if Multi-Family uses are located in a multi-story building where nonresidential commercial uses occupy the first occupied floor of any multi-story building. No Multi-Family uses shall be permitted in a single-story building on the Added Real Estate.

**Section 5.** **Annexation.** The Added Real Estate, or parts thereof that may be the subject of a secondary plat approval, shall be annexed into the corporate limits of the City of Westfield prior to the approval and recording of a secondary plat for that part of the Real Estate.

**Section 6.** **Duration.** Failure to obtain Secondary Plat/Construction Plan approval for the District by July 1, 2033 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Added Real Estate to revert to AG-SF1 District and the modifications to the Wheeler Landing Ordinance made hereby to be void.

**Section 7** **Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this

ordinance will not be affected.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.]**

**[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]**

ALL OF WHICH IS ORDAINED/RESOLVED THIS 11<sup>th</sup> DAY OF Sept, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James J. Edwards

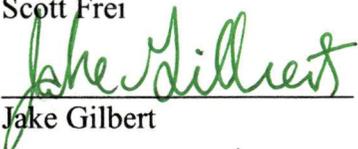
James J. Edwards

James J. Edwards

  
Scott Frei

Scott Frei

Scott Frei

  
Jake Gilbert

Jake Gilbert

Jake Gilbert

  
Mike Johns

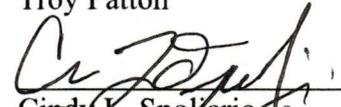
Mike Johns

Mike Johns

  
Troy Patton

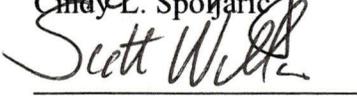
Troy Patton

Troy Patton

  
Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

  
Scott Willis

Scott Willis

Scott Willis

ATTEST:

*Cindy Gossard*

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-52** was delivered to the Mayor of Westfield

on the 12<sup>th</sup> day of Sept, 2023, at 10:30am.

*Cindy Gossard*

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-52**

this 13<sup>th</sup> day of September, 2023.

*J. Andrew Cook*

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 22-52**

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

J. Andrew Cook, Mayor

This document prepared by:

Russell L. Brown, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, Indiana 46204

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. Russell L. Brown

**SCHEDULE OF EXHIBITS**

- Exhibit A Real Estate (Legal Description)
- Exhibit B Added Real Estate (Legal Description)
- Exhibit C Concept Plan

EXHIBIT A  
REAL ESTATE

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT OF BEGINNING BEING SOUTH 89 DEGREES 47 MINUTES 17 SECONDS WEST 385.41 FEET (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 47 MINUTES 17 SECONDS WEST 481.38 FEET ON AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE NORTHWEST CORNER OF A 0.542 TRACT OF REAL ESTATE DESCRIBED AS TRACT #3 IN INSTRUMENT #9500589; THENCE SOUTH 00 DEGREES 26 MINUTES 28 SECONDS EAST 272.40 FEET TO THE SOUTHWEST CORNER OF SAID 0.542 ACRE TRACT OF REAL ESTATE; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 473.78 FEET TO A POINT THAT BEARS SOUTH 01 DEGREE 08 MINUTES 45 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 01 DEGREE 08 MINUTES 45 SECONDS EAST 274.92 FEET TO THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXCEPTING THEREFROM:

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTERS' LAND DESCRIBED IN INSTRUMENT NUMBER 200600004685, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID SECTION SOUTH 89 DEGREES 49 MINUTES 44 SECONDS WEST (ASSUMED BEARING) 385.41 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, SAID NORTHEAST CORNER DESIGNATED AS POINT "1" ON SAID PLAT, WHICH POINT OF BEGINNING IS THE NORTHEAST CORNER OF THE GRANTERS' LAND; THENCE SOUTH 1 DEGREE 11 MINUTES 12 SECONDS WEST 60.02 FEET ALONG THE EAST LINE OF THE GRANTERS' LAND TO THE POINT DESIGNATED AS "6267" ON SAID PLAT; THENCE SOUTH 89 DEGREES 49 MINUTES 44 SECONDS WEST 479.52 FEET TO THE WEST LINE OF THE GRANTERS' LAND; THENCE NORTH 0 DEGREES 24 MINUTES 01 SECOND WEST 60.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SECTION; THENCE NORTH 89 DEGREES 49 MINUTES 44 SECONDS EAST 481.18 FEET (481.38 FEET PER DEED) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.662 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.099 ACRES, MORE OR LESS.

**EXHIBIT B**

**ADDED REAL ESTATE**

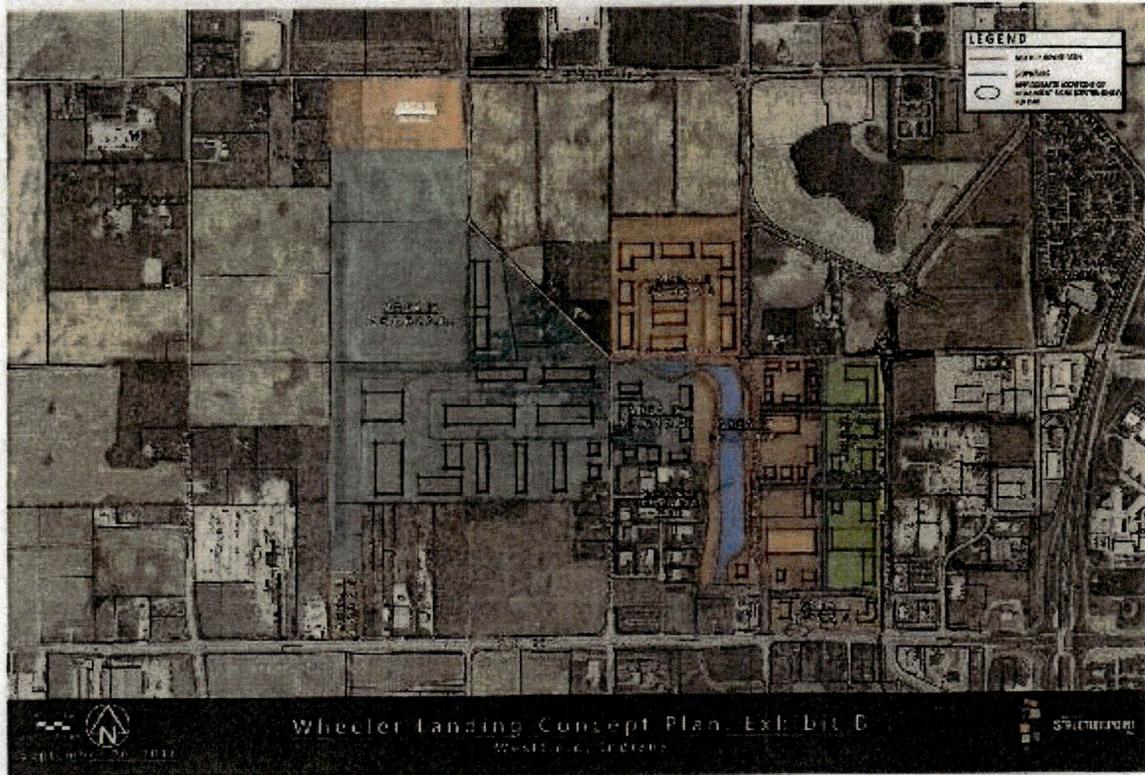
A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT OF BEGINNING BEING SOUTH 89 DEGREES 47 MINUTES 17 SECONDS WEST 385.41 FEET (ASSUMED BEARING) FROM THE NORTHEAST COMER OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 47 MINUTES 17 SECONDS WEST 481.38 FEET ON AND ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE NORTHWEST CORNER OF A 0.542 TRACT OF REAL ESTATE DESCRIBED AS TRACT #3 IN INSTRUMENT #9500589; THENCE SOUTH 00 DEGREES 26 MINUTES 28 SECONDS EAST 272.40 FEET TO THE SOUTHWEST COMER OF SAID 0.542 ACRE TRACT OF REAL ESTATE; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 473.78 FEET TO A POINT THAT BEARS SOUTH 01 DEGREE 08 MINUTES 45 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 01 DEGREE 08 MINUTES 45 SECONDS EAST 274.92 FEET TO THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS AND BEING SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EXCEPTING THEREFROM:

A PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST, HAMILTON COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTERS' LAND DESCRIBED IN INSTRUMENT NUMBER 200600004685, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID SECTION SOUTH 89 DEGREES 49 MINUTES 44 SECONDS WEST (ASSUMED BEARING) 385.41 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, SAID NORTHEAST CORNER DESIGNATED AS POINT "1" ON SAID PLAT, WHICH POINT OF BEGINNING IS THE NORTHEAST CORNER OF THE GRANTERS' LAND; THENCE SOUTH 1 DEGREE 11 MINUTES 12 SECONDS WEST 60.02 FEET ALONG THE EAST LINE OF THE GRANTERS' LAND TO THE POINT DESIGNATED AS "6267" ON SAID PLAT; THENCE SOUTH 89 DEGREES 49 MINUTES 44 SECONDS WEST 479.52 FEET TO THE WEST LINE OF THE GRANTERS' LAND; THENCE NORTH 0 DEGREES 24 MINUTES 01 SECOND WEST 60.00 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SECTION; THENCE NORTH 89 DEGREES 49 MINUTES 44 SECONDS EAST 481.18 FEET (481.38 FEET PER DEED) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.662 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.099 ACRES, MORE OR LESS.

**EXHIBIT C  
CONCEPT PLAN**



⑧ \$25.00

2023016955 ORDINANCE \$25.00  
05/11/2023 11:08:25A 8 PGS  
Trini Beaver  
HAMILTON County Recorder IN  
Recorded as Presented



**ORDINANCE NUMBER 23-03**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING THE AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE**

This is an Ordinance (the "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended,

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance No. 18-04 (the "Wheeler Landing PUD Ordinance") on September 24, 2018; and,

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Petition No. 2305-PUD-05), requesting an amendment to the Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate"); and,

WHEREAS, the Commission forwarded Petition No. 2305-PUD-05 to the Common Council with a favorable recommendation (8-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2023; and,  
WHEREAS, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request;

COPY

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance and Unified Development Ordinance are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate.
- 1.2 All other provisions of the Wheeler Landing PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Concept Plan.

**Section 3. Landscape Plan.** The Landscape Plan, attached hereto as **Exhibit C**, is hereby incorporated in accordance with Article 10.9.F.2 of the Unified Development Ordinance. The Real Estate shall be developed in substantial compliance with the Landscape Plan.

**Section 4. Development Standards.**

Section 8.3 under Development Standards of the Wheeler Landing PUS Ordinance shall be amended, for the Real Estate, to read as follows:

- 4.1 Article 6.8 Landscape Standards: Shall apply, except as otherwise modified below:
  - A. Article 6.8.K Minimum Lot Landscaping Requirements shall be reduced to 77% of the required shade trees and 50% of the required ornamental or evergreen trees.
  - B. Article 6.8.M.1 External Street Frontage Landscaping Requirements shall apply. However, plantings along the perimeter streets shall be counted towards meeting this requirement, and the required berm along Grand Park Boulevard is waived.
  - C. Article 6.8.O.1.b.ii shall apply except that the minimum area of a parking island may be reduced from 120 square feet to 55 square feet.

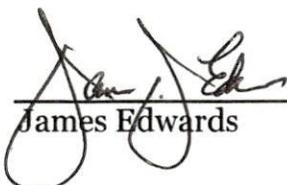
ALL OF WHICH IS ORDAINED/RESOLVED THIS 8<sup>th</sup> DAY OF May, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

  
James Edwards

James Edwards

James Edwards

Scott Frei

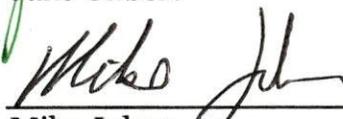
Scott Frei

Scott Frei

  
Jake Gilbert

Jake Gilbert

Jake Gilbert

  
Mike Johns

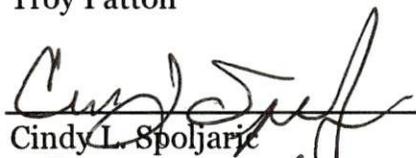
Mike Johns

Mike Johns

  
Troy Patton

Troy Patton

Troy Patton

  
Cindy L. Spoljaric

Cindy L. Spoljaric

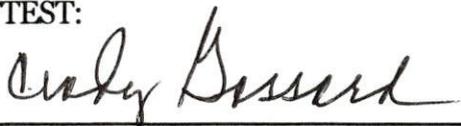
Cindy L. Spoljaric

  
Scott Willis

Scott Willis

Scott Willis

ATTEST:



Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 23-03 was delivered to the Mayor of Westfield on the 9<sup>th</sup> day of May, 2023, at 10:00AM

Cindy Gossard  
Cindy Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 23-03  
this 9<sup>th</sup> day of May, 2023.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 23-03  
this \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
J. Andrew Cook, Mayor

*This document prepared by:  
Eric Douthit, Attorney-At Law, 2 North 9<sup>th</sup> Street, Noblesville, IN 46060*

*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: Eric Douthit.*

**SCHEDULE OF EXHIBITS**

|           |                                 |
|-----------|---------------------------------|
| Exhibit A | Real Estate (Legal Description) |
| Exhibit B | Concept Plan                    |
| Exhibit C | Landscape Plan                  |

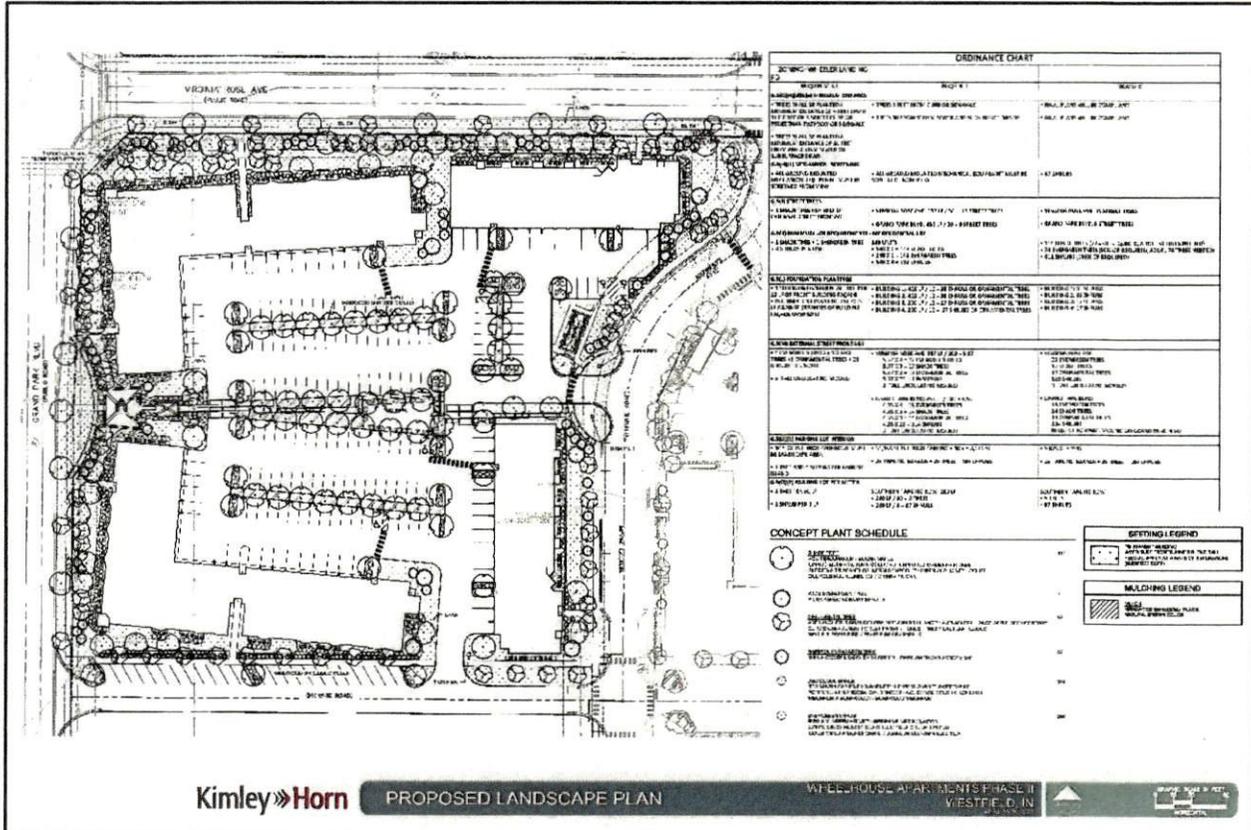
**EXHIBIT A**  
**REAL ESTATE**

*Part of Block B per the Wheeler Landing, Section Two, Secondary plat which is recorded as Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana, being more particularly described as follows:*

*BEGINNING at a point at the Northwest corner of said plat, said point is on the South right of way line of Virginia Rose Avenue, thence along the North line of said Block B, South 89 degrees 40 minutes 48 seconds East (basis of bearing is said plat) a distance of 535.31 feet; thence South 00 degrees 19 minutes 38 seconds West a distance of 23.42 feet; thence along a curve to the right for 91.63 feet with a radius of 100.00 feet whose chord bears South 26 degrees 34 minutes 40 seconds West a distance of 88.46 feet; thence South 52 degrees 49 minutes 43 seconds West a distance of 40.12 feet; thence along a curve to the left for 137.47 feet with a radius of 150.00 feet whose chord bears South 26 degrees 34 minutes 27 seconds West for a distance of 132.71 feet; thence South 00 degrees 19 minutes 12 seconds West a distance of 243.38 feet; thence North 89 degrees 40 minutes 45 seconds West a distance of 477.79 feet to the East right of way line of Grand Park Boulevard; thence the following four courses along said right of way: (1.) thence North 00 degrees 20 minutes 16 seconds East a distance of 254.06 feet; (2.) thence North 02 degrees 14 minutes 47 seconds East a distance of 150.10 feet; (3.) thence North 00 degrees 20 minutes 15 seconds East a distance of 45.51 feet; (4.) thence North 45 degrees 19 minutes 43 seconds East a distance of 56.58 feet to the POINT OF BEGINNING of this description, containing 5.71 acres, more or less.*



# EXHIBIT C LANDSCAPE PLAN



A larger and clearer landscape plan can be obtained upon request from the City of Westfield's Community Development Department.



**ORDINANCE NUMBER 23-21**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING  
AN AMENDMENT TO WHEELER LANDING PLANNED UNIT DEVELOPMENT and  
THE UNIFIED DEVELOPMENT ORDINANCE**

This is an Ordinance (this "Ordinance") to amend the Wheeler Landing Planned Unit Development District that of Ordinance 18-04 (as amended) ("Wheeler Landing Ordinance") and the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "UDO");

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted the Wheeler Landing Ordinance as Ordinance 18-04, which has been amended on seven occasions through Ordinances 19-37, 19-62, 20-08,21-05, 22-40, 22-52 and 23-03;

**WHEREAS**, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (**Petition No. 2310 - PUD - 13**) filed with the Commission requesting an amendment to the Unified Development Ordinance, and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** ("Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 2310 - PUD - 13** to the Common Council with a favorable recommendation (seven (7) in favor, zero (0) against) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing Ordinance, the Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing Ordinance except as revised, modified supplemented or expressly mad inapplicable hereby; and (iii) the provisions of the Unified Development Ordinance, as amended and

COPY

applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

- 1.2 Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2.** **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance. The following words and terms, not defined elsewhere in this Ordinance or its Exhibits, shall have the following meanings:

- 2.1 **Real Estate.** The real estate, as described in **Exhibit A** to the Ordinance.
- 2.2 **Garden Home.** A single story, multifamily building, with at least five units each with an attached garage.
- 2.3 **Multiple Unit Type Building.** A structure containing a mix of assisted living, memory care and independent living units as well as common facilities for dining and recreation. A majority of the units must be a combination of assisted living and/or memory care units.
- 2.4 **Dartown Road Façade.** The Front Building Façade of the Multiple Unit Type Building adjacent to the Dartown Road Right of Way.
- 2.5 **South Façade.** The facade of the Multiple Unit Type building facing south.
- 2.6 **Remaining Façades.** Any façade on the Multiple Unit Type Building other than the Dartown Road Façade or South Façade.
- 2.7 **Multiple Unit Type Building (MUTB) Unit.** A unit available for occupancy in the Multiple Unit Type Building, whether that unit is an assisted living unit, a memory care unit or an independent living unit. Unless otherwise specified herein, an MUTB Unit may be interchangeable with the term “Unit” as provided in Section 6.3(E) of the UDO.

**Section 3.** **Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial conformance with the Concept Plan.

**Section 4.** Uses. Section 5 of the Wheeler Landing Ordinance shall apply to the Real Estate, except as otherwise modified below:

- A. Additional uses in Area IV: The following uses shall be added to Section 5.1(C) of the Wheeler Landing Ordinance (Area IV) and permitted on the Real Estate:
1. Multi-family Dwelling; and
  2. Assisted Living Facility.

**Section 5.** **Development Standards.** Section 8 of the Wheeler Landing Ordinance (Ord. 18-04) shall apply to the development of the Real Estate, except as otherwise modified below.

- A. Section 8.2 of the Wheeler Landing Ordinance (Ord. 18-04) as applicable to the Real Estate shall be replaced entirely as follows:

1. Section 6.3(E) of the UDO shall apply to the Multiple Unit Type Building, except as specifically modified here.

(a) The required projection/recessions of Section 6.3(E)(1)(a) of the UDO may be met on the Dartown Road Façade and the South Façade by the use of covered porches and/or patios.

(b) The depth of the required projection/recessions shall be not less than four (4) feet.

(c) Section 6.3(E)(1)(a) of the UDO shall not apply to the Remaining Facades.

(d) 6.3(E)(2)(b) of the UDO shall be modified as follows:

a. The Dartown Road Façade shall require a minimum sixty percent (60%) Masonry Materials.

b. The South Façade, Remaining Facades and any accessory buildings on the Real Estate (including but not limited to a detached garage) shall require a minimum twenty-five percent (25%) Masonry Materials.

(d) 6.3(E)(1)(b) shall not apply so long as the requirements of Section 5(A)(1)(a)-(d) are met.

(e) The use of dormers and gables on the roof of the Dartown Road Façade shall be in substantial conformance with the Character Exhibit attached hereto as **Exhibit C.**

2. Section 6.3(E) of the UDO shall apply to the Garden Homes, except as specifically modified here:

- (a) All end units shall have a chimney which shall be covered with Masonry Material.
- (b) 6.3(E)(2)(b) of the UDO shall require Masonry Material each facade as shown on **Exhibit D** hereto.
- (c) A façade which is part of a covered and recessed porch of at least one hundred (100) square feet in size with a depth of at least eight (8') feet shall be not included in Masonry Material coverage calculation.
- (d) Representative facades for the Garden Homes showing various percentages of coverage are included as **Exhibit E** hereto. Substantial conformance with these representative facades shall be required.
- (e) 6.3(E)(1)(b) shall not apply for Garden Homes.
- (f) Each unit of in the Garden Homes shall have a dormers facing the internal street.

B. **Parking.** 6.14 of the UDO shall apply, except as modified herein.

- a. All driveways for Garden Homes shall have at least twenty feet (20') in depth from garage doors to internal sidewalks. Driveways and attached garages shall count toward the required parking spaces for the Garden Homes.
- b. The detached parking garages shall be limited to not more than twenty-five (25) single car garages.
- c. No bicycle parking shall be required for the Garden Homes.

C. **Character Exhibit.** The Character Exhibit, attached hereto as **Exhibit C** is hereby incorporated as perspectives to capture the intended quality of structures to be constructed on the Real Estate. Buildings shall be constructed substantially similar to those in the Character Exhibit.

**Section 6. Severability.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

**Section 7. Duration.** Failure to obtain Secondary Plat / Construction Plan approval for the Real Estate by January 1, 2029 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the prior versions of the Wheeler Landing Ordinance.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK.]

[SIGNATURE PAGE IMMEDIATELY FOLLOWS.]

ALL OF WHICH IS ORDAINED/RESOLVED THIS 13<sup>th</sup> DAY OF Nov, 2023.

WESTFIELD CITY COUNCIL

Voting For

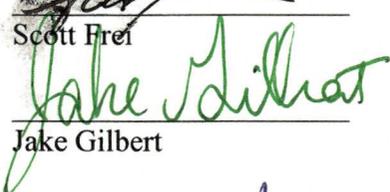
Voting Against

Abstain

  
\_\_\_\_\_  
Scott Frei

\_\_\_\_\_  
Scott Frei

\_\_\_\_\_  
Scott Frei

  
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Jake Gilbert

\_\_\_\_\_  
Jake Gilbert

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Jake Gilbert

  
\_\_\_\_\_  
Mike Johns

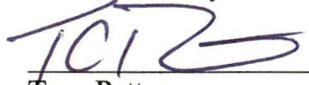
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Mike Johns

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Mike Johns

  
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Victor McCarty

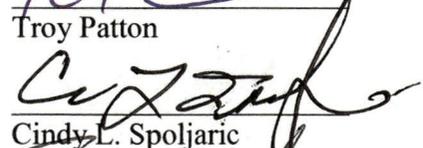
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Victor McCarty

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Victor McCarty

  
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Troy Patton

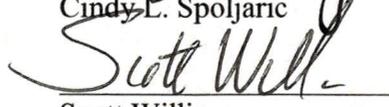
\_\_\_\_\_  
Troy Patton

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Troy Patton

  
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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

  
\_\_\_\_\_  
Scott Willis

\_\_\_\_\_  
Scott Willis

\_\_\_\_\_  
Scott Willis

ATTEST:

*Cindy Gossard*

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 23-21** was delivered to the Mayor of Westfield

on the 21<sup>st</sup> day of November, 2023, at 9:30 a m.

*Cindy Gossard*

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 23-21**

this 21<sup>st</sup> day of November, 2023.

*J. Andrew Cook*

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 23-21**

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by:

Russell L. Brown, Clark, Quinn, Moses, Scott & Grahn, LLP, 320 N. Meridian Street, Suite 1100, Indianapolis, Indiana 46204

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. Russell L. Brown

**SCHEDULE OF EXHIBITS**

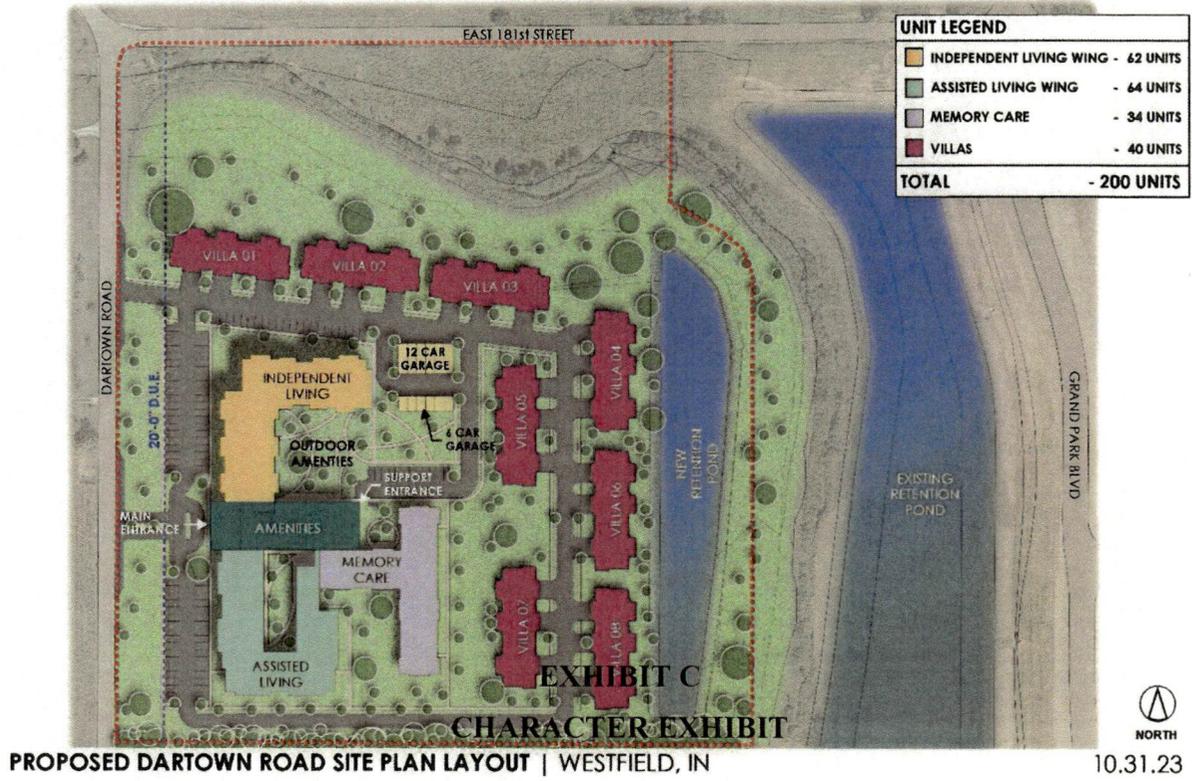
- Exhibit A Real Estate (Legal Description)
- Exhibit B Concept Plan
- Exhibit C Character Exhibit
- Exhibit D Garden Home Façade Exhibit
- Exhibit E Representative Garden Home Facades

EXHIBIT A  
REAL ESTATE

A Part of the Southeast Quarter of Section 35, Township 19 North, Range 3 East of the Second Principal Meridian, Washington Township, Hamilton County, Indiana, ALSO including Block E of the plat of Wheeler Landing Section Two, Secondary plat and Replat of Block "B" and Block "A" Wheeler Landing Section One recorded as Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana. being more particularly described as follows:

COMMENCING at a Harrison monument found 4 inches below the surface at the Southeast corner of the East half of the Northeast quarter of said Section 35: thence South 00 degrees 11 minutes 06 seconds West (basis of bearing is Indiana State Plane Coordinate System - East Zone) a distance of 28.66 feet; thence North 89 degrees 37 minutes 43 seconds East a distance of 16.50 feet to the East right of way of Dartown Road and to a 5/8 inch rebar with yellow cap stamped "Schneider - Firm #0001 (hereinafter referred to as "rebar") at the POINT OF BEGINNING of this description; thence along the right of way of East 181st/ Street the following 4 courses: 1) North 89 degrees 37 minutes 43 seconds East a distance of 213.79 feet; thence 2) North 00 degrees 22 minutes 17 seconds West a distance of 28.66 feet to a mag nail stamped "Firm 0001"; thence 3) North 89 degrees 37 minutes 43 seconds East a distance of 570.83 feet to a mag nail stamped "Firm 0001"; thence 4) South 00 degrees 19 minutes 37 seconds West a distance of 50.00 feet to the Northwest corner of Block G of Wheeler Landing Section 2 per Instrument Number 2021018249 in the Office of the Recorder of Hamilton County, Indiana; thence along the West line of said Instrument Number, South 00 degrees 19 minutes 37 seconds West a distance of 94.53 feet to the Northernmost point of said Block E; thence along the East line of said Block E the following three courses: 1) South 48 degrees 26 minutes 28 seconds East a distance of 220.88 feet; thence 2) South 10 degrees 18 minutes 42 seconds East a distance of 171.11 feet; thence 3) South 07 degrees 12 minutes 40 seconds West a distance of 534.00 feet to the South line of said Block E; thence along said South line, South 89 degrees 36 minutes 40 seconds West a distance of 133.89 feet to a rebar on the North line of the Secondary Plat of JCF Commerce Subdivision recorded as Instrument Number 2020072949 in said Recorder's Office; thence along the North line of said plat and Instrument Numbers 2012079879 and 2022033496, South 89 degrees 36 minutes 40 seconds West a distance of 781.89 feet to the East right of way of Dartown Road; thence along said East right of way, North 00 degrees 11 minutes 06 seconds East a distance of 961.66 feet to the POINT OF BEGINNING of this description, containing a total of 20.66 acres.

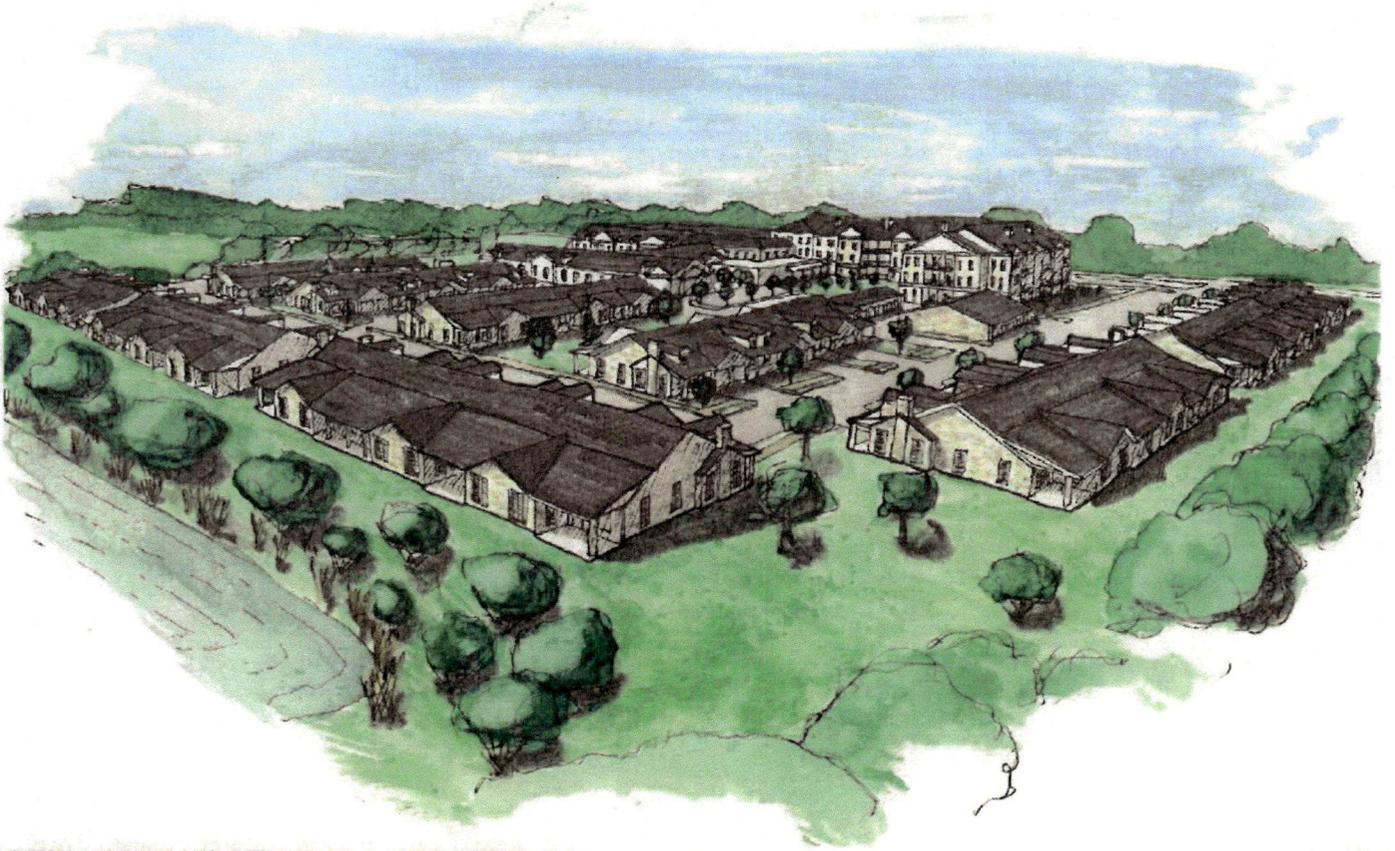
### EXHIBIT B CONCEPT PLAN





SOUTHWESTERN PERSPECTIVE | WESTFIELD, IN

09.01.23



NORTHEASTERN PERSPECTIVE | WESTFIELD, IN

09.01.23

### EXHIBIT D GARDEN HOME FACADE EXHIBIT

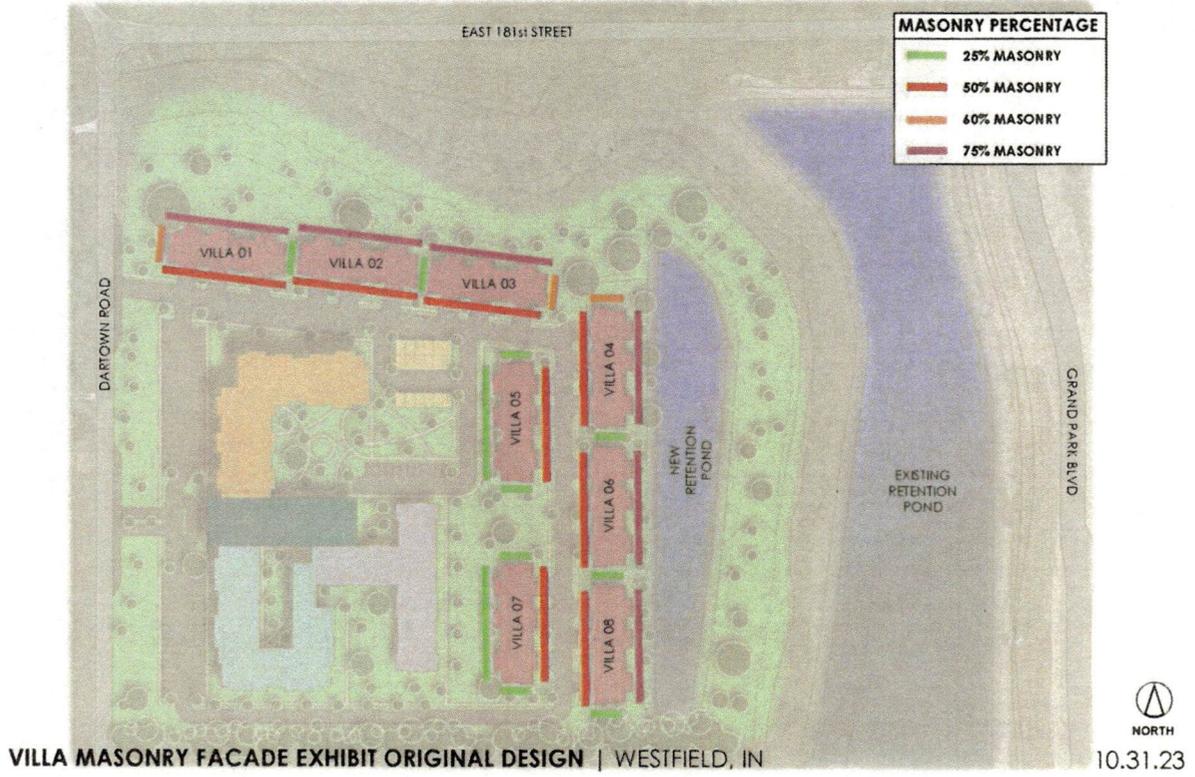
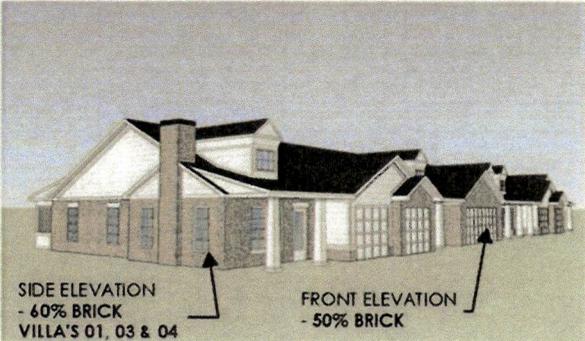
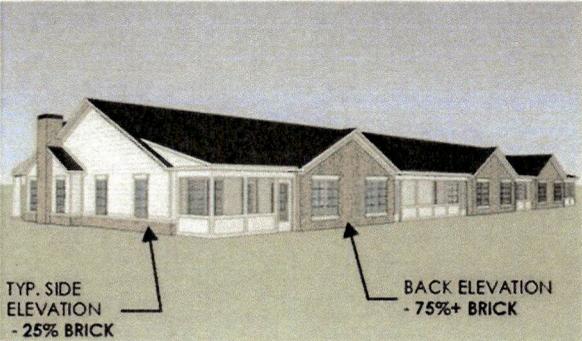
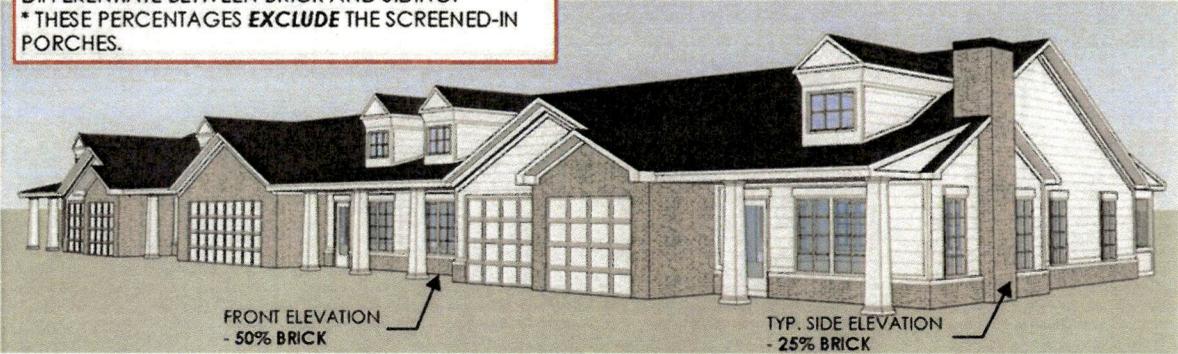


EXHIBIT E

REPRESENTATIVE GARDEN HOME FACADES

\* COLORS ARE ONLY FOR GRAPHICAL PURPOSES TO DIFFERENTIATE BETWEEN BRICK AND SIDING.  
\* THESE PERCENTAGES **EXCLUDE** THE SCREENED-IN PORCHES.



PROPOSED DARTOWN ROAD VILLA ELEVS | ORIGINAL DESIGN  
WESTFIELD, IN

10.31.23



**ORDINANCE NUMBER 23-25**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO  
THE WHEELER LANDING PLANNED UNIT DEVELOPMENT AND UNIFIED  
DEVELOPMENT ORDINANCE**

This is a n Ordinance Amendment (to be known as the "WHEELER LANDING PUD AMENDMENT VIII") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

**WHEREAS**, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

**WHEREAS**, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") enacted Ordinance 18-04 (the "Wheeler Landing PUD Ordinance"), on September 24<sup>th</sup>, 2018 as amended by Ordinance 19-37 (the "Wheeler Landing PUD Amendment I"), enacted by the Council on September 9<sup>th</sup>, 2019; Ordinance 19-62 (the "Wheeler Landing PUD Amendment II") enacted by the Council on November 25, 2019; Ord. 20-08 (July 13, 2020), Ord. 21-05 (February 22, 2021), Ord. 22-40 (October 10, 2022), Ord. 22-52 (September 11, 2023) and Ord. 23-03 (May 8, 2023);

**WHEREAS**, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 2310-PUD-12**), requesting an amendment to Wheeler Landing PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

**WHEREAS**, the Commission forwarded **Petition No. 2310-PUD-12** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (6-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on October 2, 2023;

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance and Zoning Map are hereby amended as follows:

COPY

**Section 1. Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Wheeler Landing PUD ordinance, as applicable to the Real Estate. Development of Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing PUD Ordinance; and (iii) the provision of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Wheeler Landing PUD Ordinance, as amended.
- 1.2 Chapter ("*Chapter*") and Article ("*Article*") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Wheeler Landing PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

**Section 2. Definitions.** Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3. Architectural Standards.** The standards of *Wheeler Landing PUD Ordinance* shall apply to the development of the District, except as otherwise modified below.

- 3.1 *Architectural Standards*: The building on Lot 2 of Exhibit A (Real Estate) shall be constructed in substantial compliance with Exhibit B (the Illustrative Character Exhibit).

ALL OF WHICH IS ORDAINED/RESOLVED THIS 9<sup>th</sup> DAY OF Oct, 2023.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

[Signature]  
Victor McCarty

Victor McCarty

Victor McCarty

[Signature]  
Scott Frei

Scott Frei

Scott Frei

[Signature]  
Jake Gilbert

Jake Gilbert

Jake Gilbert

[Signature]  
Mike Johns

Mike Johns

Mike Johns

[Signature]  
Troy Patton

Troy Patton

Troy Patton

[Signature]  
Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

[Signature]  
Scott Willis

Scott Willis

Scott Willis

ATTEST:

[Signature]  
Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 23-25** was delivered to the Mayor of Westfield on the 9<sup>th</sup> day of Oct, 2023, at 10:00 A m.

Cindy Gossard  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 23-25

this 10<sup>th</sup> day of October, 2023.

J. Andrew Cook  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 23-25

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
J. Andrew Cook, Mayor

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. (Peter D. Cleveland)

This instrument was prepared by:

Peter D. Cleveland  
*Attorney at Law*  
PETER D. CLEVELAND, P.C.  
*a professional corporation*  
9785 Crosspoint Blvd., Suite 118  
Indianapolis, IN 46256

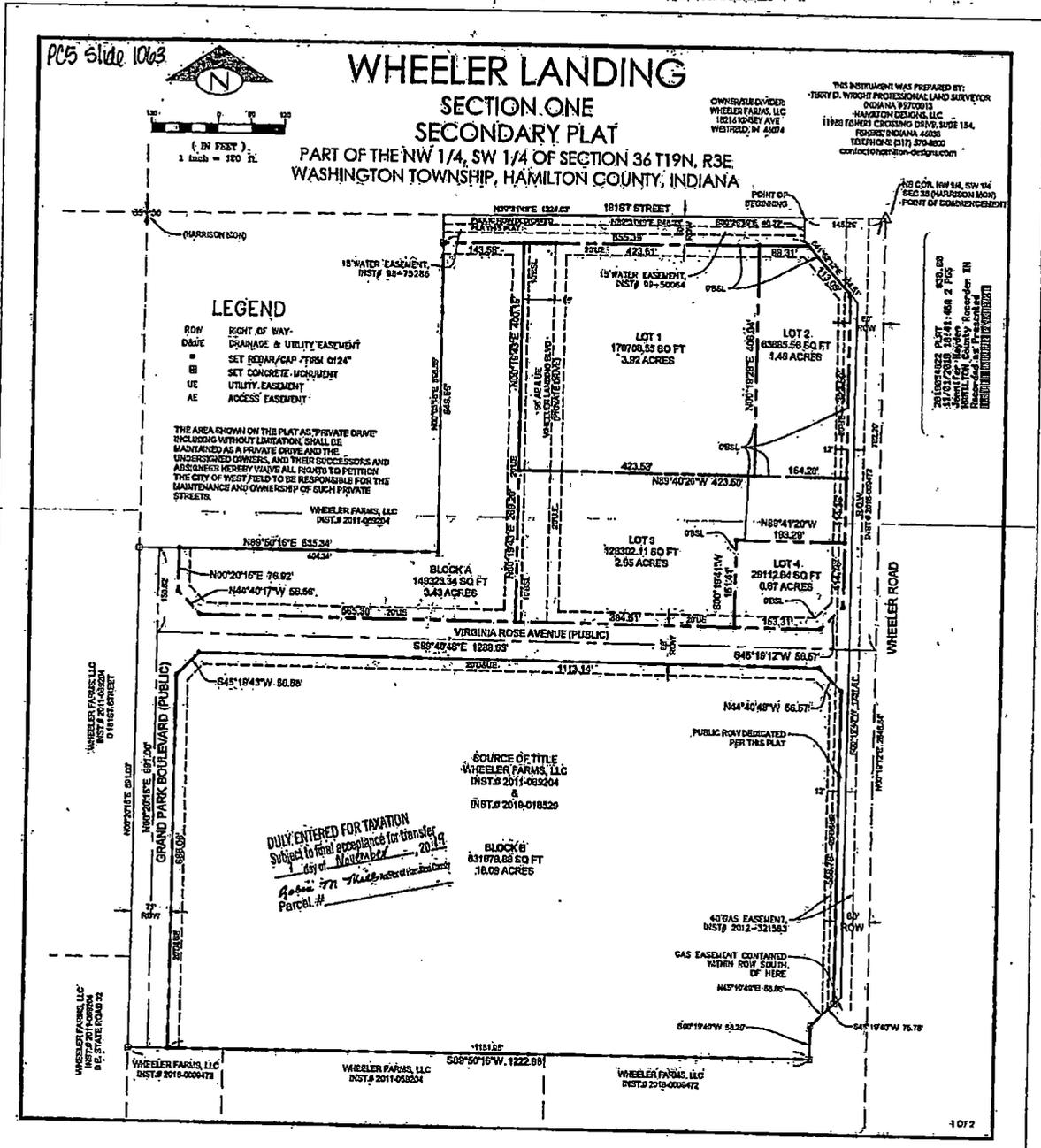
**SCHEDULE OF EXHIBITS**

Exhibit A Real Estate (Legal Description)

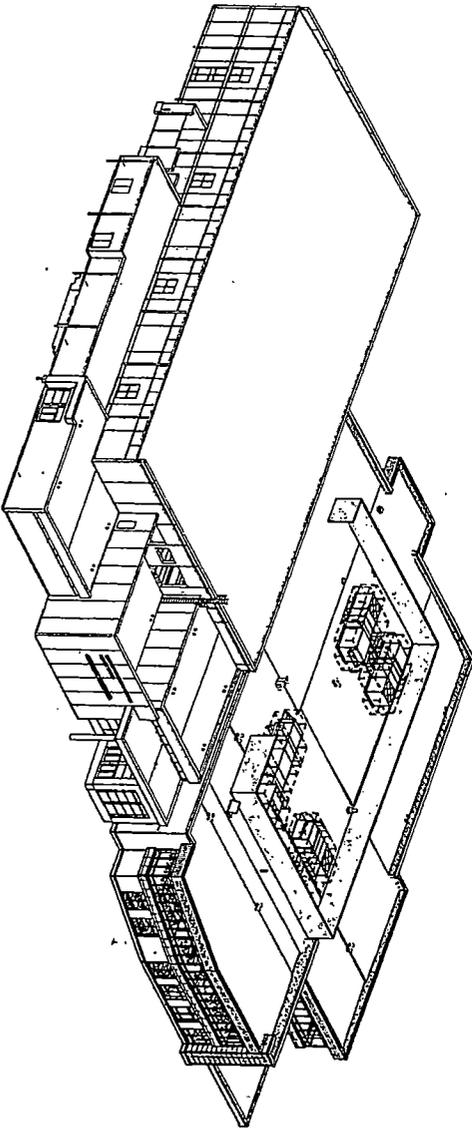
Exhibit B Illustrative Character Exhibit

**EXHIBIT A**  
**REAL ESTATE (Legal Description)**

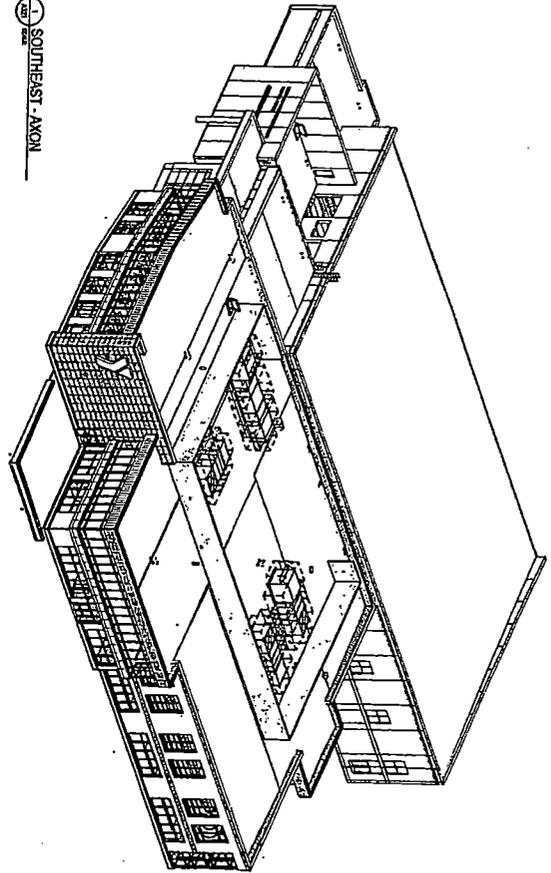
LOT 2 OF WHEELER LANDING SECTION ONE SECONDARY PLAT, PART OF THE NW 1/4 SW 1/4 OF SECTION 36 T19N, R3E, WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED NOVEMBER 1, 2019 AS INSTRUMENT NO. 2019054822, IN THE OFFICE RECORDER OF HAMILTY COUNTY INDIANA



SOUTHWEST - AXON



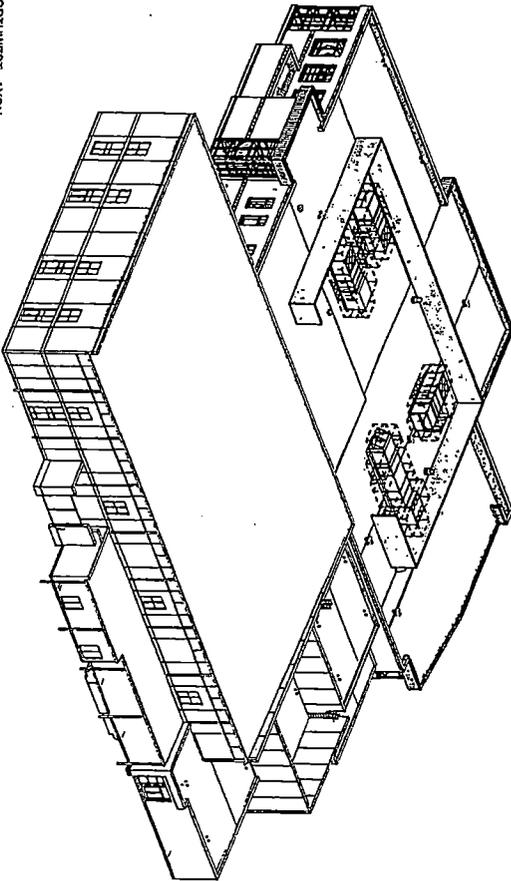
SOUTHEAST - AXON



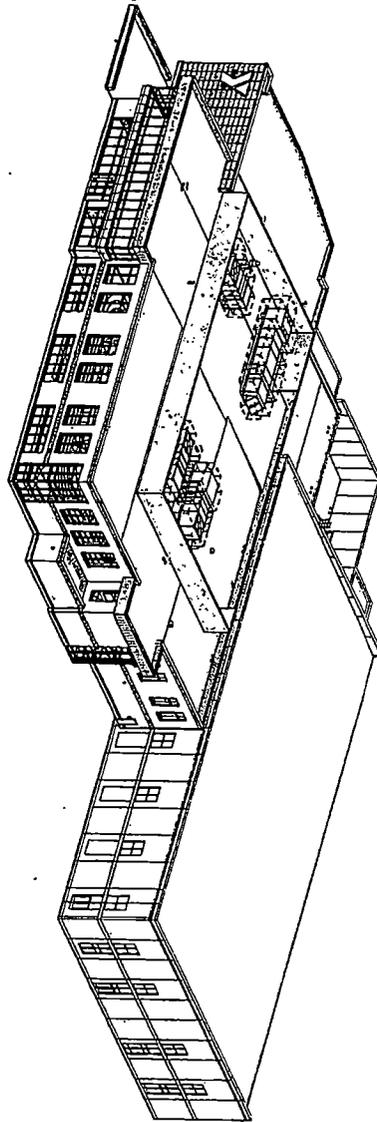
NOTE: FOR REFERENCE ONLY

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| <p>DATE: 190158</p> <p>AS21</p> |  | <p>OVERALL<br/>AXONOMETRIC<br/>VIEWS</p> | <p>PROJECT:<br/>ASCENSION ST. VINCENT YMCA -<br/>WESTFIELD, INDIANA<br/>CONSTRUCTION DOCUMENTS</p> <p>651 E 181st St, Westfield, IN 46074</p> | <p>CSO</p> <p>6311 Keystone Crossing Indianapolis, IN 46240<br/>317.564.7900   csosm.com</p> | <p>the<br/>Y</p> |
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 NORTHWEST - AXON

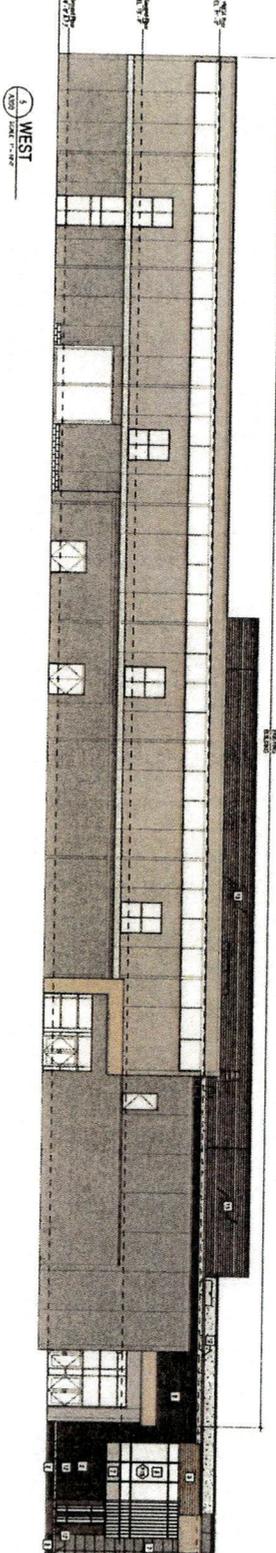
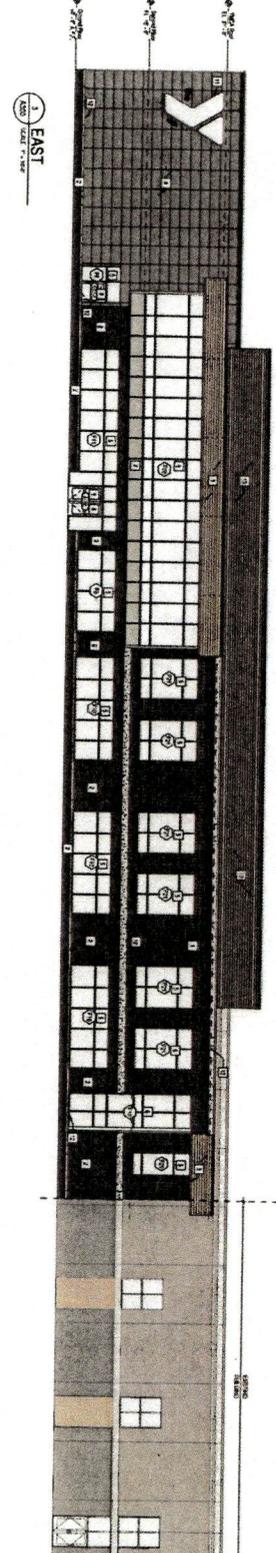
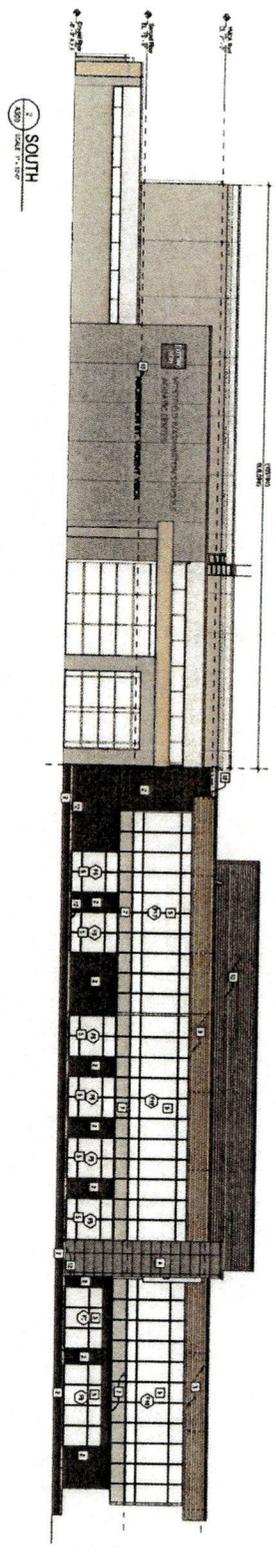
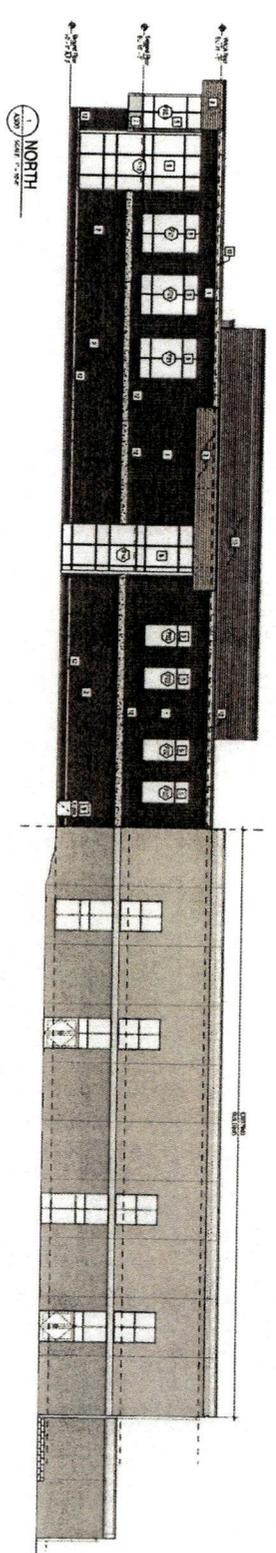



 NORTHEAST - AXON



NOTE: FOR REFERENCE ONLY

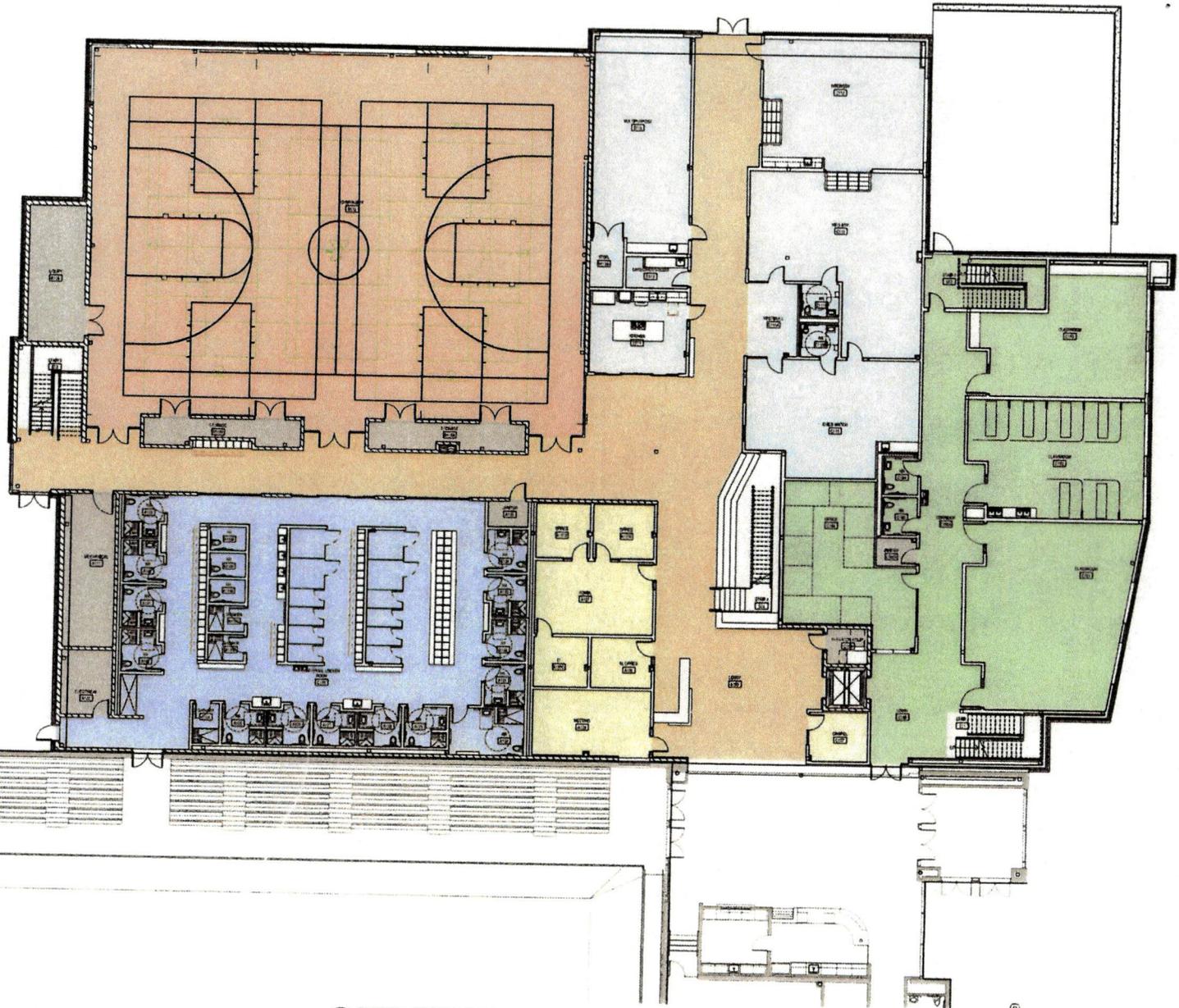
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| <p>  <br/>           15058         </p> | <p>  <br/>           A320         </p> | <p>  </p> | <p>           OVERALL<br/>           AXONOMETRIC<br/>           VIEWS         </p> | <p>           DRAWING TITLE         </p> | <p>           PROJECT NUMBER/TITLE         </p> | <p>           SCALE         </p> | <p>           PROJECT BY:<br/> <b>ASCENSION ST. VINCENT YMCA -<br/>           WESTFIELD, INDIANA</b><br/> <b>CONSTRUCTION DOCUMENTS</b><br/>           851 E 161st St, Westfield, IN 46074         </p> | <p>  </p> | <p>  <br/> <small>8201 Brydson Crossing, Indianapolis, IN 46240<br/>           317.846.2900   contact@csos.com</small> </p> | <p>  </p> |
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**EXTERIOR FINISH LEGEND**

- UNIT MATERIALS**
  - 1. EXTERIOR BRICK
  - 2. EXTERIOR DARK BRICK
  - 3. EXTERIOR LIGHT BRICK
  - 4. EXTERIOR CONCRETE
  - 5. EXTERIOR STONE
  - 6. EXTERIOR METAL PANELS
  - 7. EXTERIOR GLASS
  - 8. EXTERIOR WOOD
  - 9. EXTERIOR TERRAZZO
  - 10. EXTERIOR GRANITE
  - 11. EXTERIOR MARBLE
  - 12. EXTERIOR CERAMIC TILE
  - 13. EXTERIOR POLYMER CONCRETE
  - 14. EXTERIOR GROUT
  - 15. EXTERIOR PAINT
  - 16. EXTERIOR STAIN
  - 17. EXTERIOR FINISH
- INTERIOR MATERIALS**
  - 1. INTERIOR BRICK
  - 2. INTERIOR DARK BRICK
  - 3. INTERIOR LIGHT BRICK
  - 4. INTERIOR CONCRETE
  - 5. INTERIOR STONE
  - 6. INTERIOR METAL PANELS
  - 7. INTERIOR GLASS
  - 8. INTERIOR WOOD
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  - 10. INTERIOR GRANITE
  - 11. INTERIOR MARBLE
  - 12. INTERIOR CERAMIC TILE
  - 13. INTERIOR POLYMER CONCRETE
  - 14. INTERIOR GROUT
  - 15. INTERIOR PAINT
  - 16. INTERIOR STAIN
  - 17. INTERIOR FINISH
- FINISHES**
  - 1. BRICK
  - 2. DARK BRICK
  - 3. LIGHT BRICK
  - 4. CONCRETE
  - 5. STONE
  - 6. METAL PANELS
  - 7. GLASS
  - 8. WOOD
  - 9. TERRAZZO
  - 10. GRANITE
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  - 12. CERAMIC TILE
  - 13. POLYMER CONCRETE
  - 14. GROUT
  - 15. PAINT
  - 16. STAIN
  - 17. FINISH

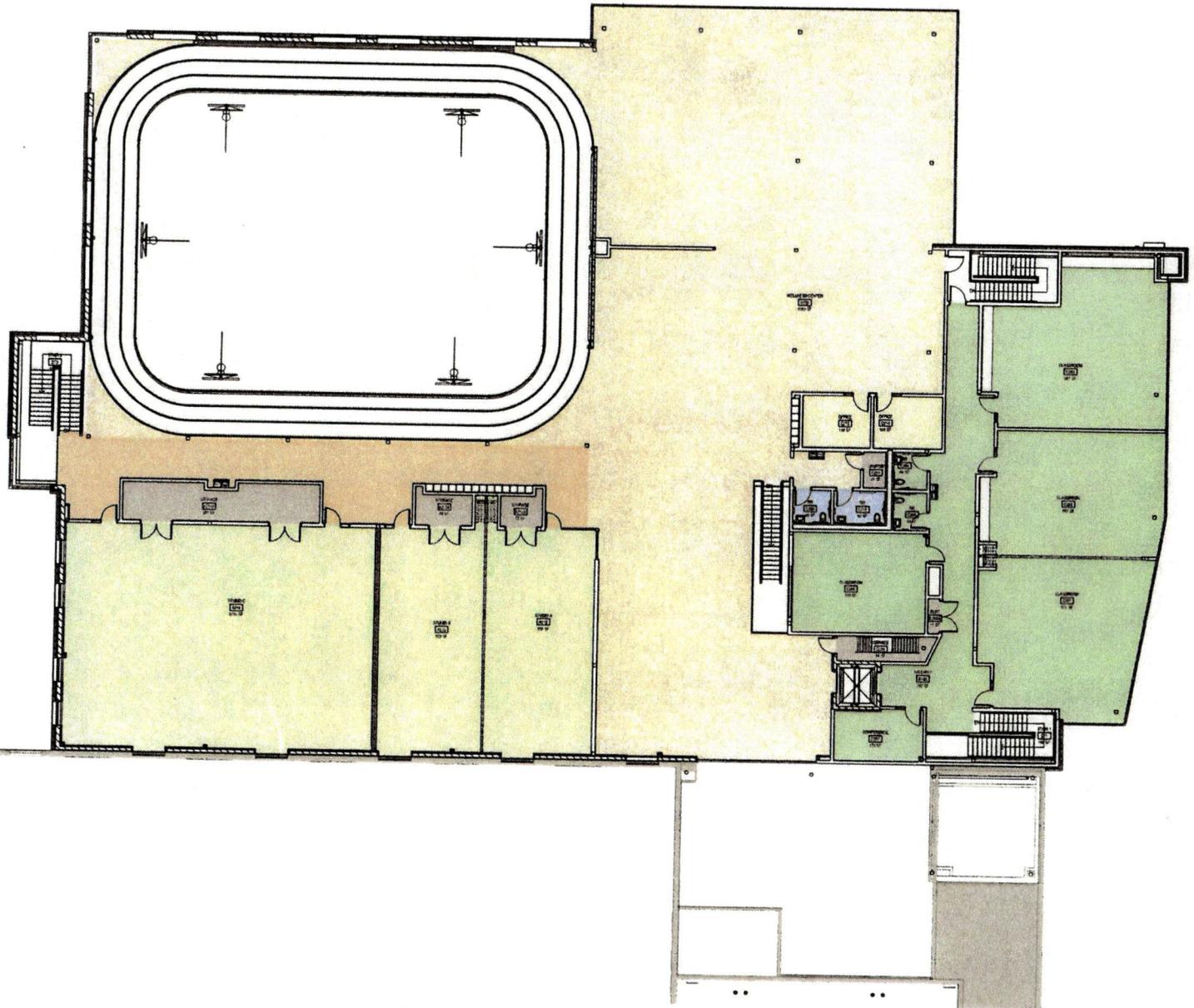
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| <p><b>NOT FOR CONSTRUCTION</b></p> | <p><b>OVERALL BUILDING ELEVATIONS AND EXTERIOR FINISH LEGEND</b></p> | <p>PROJECT<br/><b>ASCENSION ST. VINCENT YMCA - WESTFIELD INDIANA</b><br/>CONSTRUCTION PROGRESS SET<br/>851 E 181st St, Westfield, IN 46074</p> | <p><b>CSO</b><br/>3021 Keystone Crossing, Indianapolis, IN 46240<br/>317.648.2000   csoinc.net</p> |  | <p>CONTRACT NO. <b>A300</b><br/>DATE: 12/15/2017<br/>19058</p> |
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Department Legend

- Childcare/Multipurpose
- Gym
- Lobby/Corridor
- Locker Rooms
- Mech/Support
- Office/Admin
- Westfield Washington Schools

1 OVERALL GROUND FLOOR PLAN  
Scale: 1/8" = 1'-0"



Department Legend

- Lobby/Corridor
- Locker Rooms
- Mech/Support
- Office/Admin
- Studios
- Wellness
- Westfield Washington Schools

1 OVERALL SECOND FLOOR PLAN