ORDINANCE 14-34

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE SPRINGMILL TRAILS PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 11-19 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1409-PUD-14), filed with the Commission requesting an amendment to Ordinance 11-19, enacted by the Town Council on September 12, 2011 (the "Springmill Trails PUD Ordinance")

WHEREAS, on_____, 2014 the Commission took action to forward Docket Number 1408-PUD-12 to the Westfield City Council with a_____recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on_____, 2014 the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE SPRINGMILL TRAILS PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The Springmill Trails PUD Ordinance is hereby amended so that the standards established in what is attached hereto and incorporated herein by reference as Exhibit A are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit B (the "Real Estate"). In all other respects, the Springmill Trails PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance 14-34 was fully passed by members of the Council this___day of_____, 2014. Further, this Ordinance 14-34 shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance 14-34 are hereby amended. To the extent that this Ordinance 14-34 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 14-34 shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS_____DAY OF_____, 2014.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
Jim Ake	Jim Ake	Jim Ake
Chuck Lehman	Chuck Lehman	Chuck Lehman
Steven Hoover	Steven Hoover	Steven Hoover
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
Robert J. Smith	Robert J. Smith	Robert J. Smith
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

_____
Cindy Gossard, Clerk-Treasurer

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:

I hereby certify that ORDINANCE No. 14-34 was delivered to the Mayor of Westfield

on the_____day of_____, 2014, at_____m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 14-34

This_____day of_____, 2014.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 14-34

this_____day of_____, 2014.

_____
J. Andrew Cook, Mayor

ATTEST:

_____
Cindy J. Gossard, Clerk-Treasurer

Prepared by:

EXHIBIT A

I. Minimum Setback Lines. Section 2.3.D.2(d) of the Springmill Trails PUD shall be deleted and replaced with the following:

- 60' front load lots – 5'

Exhibit B

(Legal Description)

WATERS EDGE SECTION ONE

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (BEARINGS BASED ON INDIANA STATE PLANE COORDINATES, EAST ZONE) 266.72 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST, ALONG SAID EAST LINE, 653.65 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 367.06 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 2.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 248.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 159.60 FEET TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 19 MINUTES 04 SECONDS WEST, ALONG SAID SOUTH LINE, 579.01 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 480.82 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST, 181.88 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH LIES NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 20.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE 31.42 FEET TO THE POINT OF TANGENCY THEREOF; THENCE NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 326.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH LIES SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 20.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE 31.42 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 565.82 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH LIES SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 20.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 31.42 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 4.60 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 194.50 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 34 SECONDS EAST 249.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 347.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.114 ACRES, MORE OR LESS.

WATERS EDGE AT SPRINGMILL TRAILS, SECTION TWO

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THE INCLUDED PLAT CORRECTLY REPRESENTS A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST (BEARINGS BASED ON INDIANA STATE PLANE COORDINATES, EAST ZONE) 920.37 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 367.06 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 2.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 248.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 15.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 159.61 FEET TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 89 DEGREES 19 MINUTES 04 SECONDS WEST, ALONG SAID SOUTH LINE, 579.01 FEET TO THE SOUTHWEST CORNER OF WATERS EDGE AT SPRINGMILL TRAILS SECTION ONE, RECORDED AS INSTRUMENT NUMBER 2013001184 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 19 MINUTES 04 SECONDS WEST, ALONG SAID SOUTH LINE, 376.86 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE NORTH 00 DEGREES 10 MINUTES 40 SECONDS EAST 1326.22 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST 364.09 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 177.82 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 13.25 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 300.00 FEET TO THE NORTH LINE OF SAID WATERS EDGE AT SPRINGMILL TRAILS SECTION ONE (THE REMAINING CALLS BEING ALONG THE BOUNDARY OF SAID SECTION ONE); THENCE NORTH 89 DEGREES 48 MINUTES 26 SECONDS WEST 182.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH LIES SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 20.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 31.42 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 326.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 20.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 31.42 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 89 DEGREES 48 MINUTES 26 SECONDS EAST 181.88 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 34 SECONDS WEST 480.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.726 ACRES MORE OR LESS.

WATERS EDGE AT SPRINGMILL TRAILS, SECTION THREE

Part of the Southwest Quarter of the Northwest Quarter of Section 34, Township 19 North, Range 3 East of the second principal meridian in Hamilton County, Indiana being described as follows:

BEGINNING POINT at a mag nail at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said section 34, Township 19 North, Range 3 East; thence on the East line of said Southwest Quarter South 00 degrees 11 minutes 34 seconds West (bearing based on Indiana State Plane coordinates, East Zone) 266.72 feet to Northeast corner of Waters Edge at Springmill Trails, Section One a plat described in Instrument number 2013001184 in Plat Cabinet 5, Slide 35, in the Office of the Recorder of Hamilton County, Indiana; thence along the perimeter of said plat the following six (6) courses; thence North 89 degrees 48 minutes 26 seconds West a distance of 347.56 feet; (2) thence South 00 degrees 11 minutes 34 seconds West a distance of 249.00 feet; (3) thence North 89 degrees 48 minutes 26 seconds West a distance of 194.50 feet; (4) thence North 00 degrees 11 minutes 34 seconds East a distance of 4.60 feet to the point of curvature of a curve to the left, the radius point of which lies South 00 degrees 11 minutes 34 seconds West 20.00 feet; (5) thence Northwesterly along said curve 31.42 feet to the point of tangency thereof; (6) thence North 89 degrees 48 minutes 26 seconds West a distance of 383.82 feet to a point of the East perimeter of Waters Edge at Springmill Trails, Section Two a plat described in Instrument number 2013068442 in Plat Cabinet 5, Slide 156, in said Recorders Office; thence along the perimeter of said plat the following three (3) courses; thence North 00 degrees 11 minutes 34 seconds East a distance of 300.00 feet; (2) thence North 89 degrees 48 minutes 26 seconds West a distance of 13.25 feet; (3) thence North 00 degrees 11 minutes 34 seconds East a distance of 177.82 feet to the Northeast corner of said Waters Edge at Springmill Trails, Section Two also being a point of the North line of said Southwest Quarter of Northwest Quarter; thence North 89 degrees 23 minutes 53 seconds East along said North line a distance of 959.22 feet to the POINT OF BEGINNING, containing 8.90 acres more or less.