

# ORDINANCE 08 - 18

## AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA

**WHEREAS**, the Westfield City Council has the authority to annex lands into the municipality as defined by IC 36-4-3; and,

**WHEREAS**, the City has an interest in providing an annexation ordinance that will provide for the Westfield residents' public welfare and security, and also an economic development opportunity; and,

**WHEREAS**, the City is able to provide non-capital public services within one year and capital services within three years as required by statute to the proposed area to be annexed; and,

**WHEREAS**, the proposed land to be annexed described in Exhibit "A" meets the contiguity requirements of IC 36-4-3-1.5 and also the annexation requirements further defined in IC 36-4-3-13 (c)(1) and (2) and (d).

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-471 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:**

**Section 1.** That the real estate legally described in Exhibit "A" hereto, and generally to be known as the "SE Area #1", between State Route 32 and South Street/171<sup>st</sup> contiguous with the city limits of the City of Westfield, Indiana and the same is hereby annexed to and declared to be a part of the City of Westfield, Indiana.

*See attached legal description and attached map Exhibit "A"*

**Section 2.** That the real estate legally described in Exhibit "A" is to further include the contiguous public highways and rights-of-way of the public highways (per IC 36-4-3-2.5) which is adjacent to the above annexed land.

**Section 3.** This ordinance shall not be imposed as to restrict current land uses in any way nor change the activities currently allowed under the zoning ordinance. These uses include but not limited to:

(A) the production of grain row crops; vegetable or truck farms; fruit orchards; the growing and harvesting of timber or wood products; etc. This includes the operation of farm equipment twenty-four (24) hours a day if necessary in the fields and on the City roads; application or spraying of typical fertilizers, including manure; application or spraying of typical agricultural herbicides and pesticides; and the on-farm storage of these crops, including the operation of silos, grain augers, and grain dryers; and facilities for the sorting or distribution associated with said agricultural crops;

(B) raising of livestock, including but not limited to sheep, cattle, chickens and turkeys and the breeding, stabling and boarding of horses, breeding and kenneling of dogs;

(C) any other activity or use, permitted under Indiana law or under the AG-SF1 zoning classification under Westfield-Washington Township Zoning Ordinance WC Section 16.04.030 attached herein as Exhibit “C” and incorporated by reference herein, prior to the annexation, which would not require a change in zoning, including, but not limited to peripheral non-commercial recreational uses and open burning of wood and vegetative material.

**Section 4.** After the effective date of the annexation, the City of Westfield shall pass no new ordinance, and shall enforce no existing ordinance, with regard to property in the annexation territory which would restrict the usage of the real estate from any activity associated with the uses and activities listed in Section 3, (A), (B), and (C) of this Ordinance.

**Section 5.** The City will not force the proposed annexed parcels to hook up to city water or sewer as a result of annexation. Forced connections, if any, will be the result of public health and safety concerns and will be instigated and enforced by the County or State Health Departments.

**Section 6.** That the above described real estate is hereby assigned to City Council District “1” and shall become a part thereof immediately upon the effective date of this Ordinance.

**Section 7.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinance or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

[ REMAINDER OF PAGE LEFT BLANK INTENTIONALLY ]

ALL OF WHICH IS ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

**WESTFIELD CITY COUNCIL**

VOTING FOR

VOTING AGAINST

ABSTAIN

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

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Bob Horkay

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Bob Horkay

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Bob Horkay

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Ken Kingshill

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Ken Kingshill

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Ken Kingshill

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Bob Smith

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Bob Smith

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Tom Smith

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Rob Stokes

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Rob Stokes

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Rob Stokes

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Melody Sweat

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Melody Sweat

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Melody Sweat

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk/Treasurer

I hereby certify that ORDINANCE 08-18 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-18  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

I hereby VETO ORDINANCE 08-18  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

This document was prepared by:  
Gregory J Anderson, AICP  
Director, Community Development  
City of Westfield

## Exhibit "A" Legal Description

A part of the North Half of Section 6, Township 18 North, Range 4 East, Washington Township, Hamilton County, State of Indiana and being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence Westerly, along the North line thereof, approximately 801.50 feet to the Northwest corner of a previous annexation to the City of Westfield, designated 04-03, and being the POINT OF BEGINNING of this description, thence Southerly, along the West line of said annexation 04-03, approximately 180.00 feet; thence Easterly, along the South line of said annexation 04-03, approximately 223.75 feet to a point on the West line of another previous annexation, designated 06-13; thence Southerly, along said West line, approximately 679.00 feet to the Southwest corner thereof, being a point on the North right of way line of a former Railroad; thence Easterly, along said North right of way line, 577.50 feet to a point on the East line of said Section 6; thence Southerly, along said East line, approximately 60.00 feet to a point on the South right of way line of said former Railroad; thence Westerly, along said South right of way line, approximately 35.00 feet to a point on the East line of another previous annexation, designated 05-18, the following three calls being along the Eastern, Northern, and Western lines thereof; 1) thence Northerly approximately 30.00 feet; 2) thence Westerly approximately 720.00 feet; 3) thence Southerly approximately 35.00 feet to the Northeast corner of another previous annexation, designated 02-06; thence Westerly, along the North line thereof, approximately 1289.00 feet to the Northwest corner thereof, thence Southerly, along the West lines of said annexation 02-06, approximately 1262.00 feet to a point on the South line of the North Half of said Section 6; thence Westerly along said South line, 2013.00 feet to a point on the East line another previous annexation, designated 89-10, the following five (5) courses being along some Eastern and Southern lines thereof; 1) thence Northerly approximately 235.50 feet; 2) thence Easterly approximately 150.00 feet; 3) thence Northerly approximately 181.12 feet; 4) thence Easterly approximately 860.40 feet; 5) thence Northerly approximately 887.14 feet to a point on the South line of another previous annexation, designated 168; thence Easterly along said South line approximately 353.80 feet to the Southeast corner thereof; thence Northerly, along the East line thereof, approximately 30.00 feet to a point on the South line of another previous annexation, designated 01-08, the following four (4) courses being along the Southern and Eastern lines thereof; 1) thence Easterly approximately 333.78 feet; 2) thence Northerly approximately 389.47 feet; 3) thence Northeasterly approximately 517.83 feet; 4) thence Northwesterly approximately 69.52 feet to the aforementioned North line of said Section 6; thence Easterly, along said North line, approximately 1266.70 feet to the POINT OF BEGINNING, containing approximately 73.0 acres, more or less.

Including also the below described parcel of real estate

A part of the Northeast Quarter of Section 6, Township 18 North, Range 4 East, Washington Township, Hamilton County, State of Indiana and being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 6; thence Southerly, along the East line thereof, approximately 388.00 feet to a Southeast corner of a Previous Annexation, to the City of Westfield, designated 06-13, and the POINT OF BEGINNING of this description; thence continuing Southerly, along said East line, approximately 199.56 feet to a Northeast corner of said Previous Annexation, designated 06-13, the following three calls being along some Northern, Eastern, and Southern lines thereof; 1) thence Westerly approximately 297.00 feet; 2) thence Northerly approximately 199.56 feet; 3) thence Easterly approximately 297.00 feet to the POINT OF BEGINNING, containing approximately 1.46 Acres, more or less.

The combined descriptions containing approximately 74.46 acres, more or less.

**Generally Described as follows:**

<b>PIN:</b> 08-10-06-00-00-013.002 <b>Address:</b> 17365 Carey Road <b>Owner:</b> Peacock Carey LLC <b>Acres:</b> 1.360 <b>Value:</b> 197100	<b>PIN:</b> 08-10-06-00-00-056.000 <b>Address:</b> Off SR 32 <b>Owner:</b> City of Noblesville <b>Acres:</b> 2.100 <b>Value:</b> 23100
<b>PIN:</b> 08-10-06-00-00-008.000 <b>Address:</b> SR 32 <b>Owner:</b> Clark, Eleanor <b>Acres:</b> 11.300 <b>Value:</b> 15000	<b>PIN:</b> 08-10-06-00-00-007.00 <b>Address:</b> 2919 SR 32 East <b>Owner:</b> WSC LLC <b>Acres:</b> 2.6 <b>Value:</b> 1092500
<b>PIN:</b> 08-10-06-00-00-006.000 <b>Address:</b> 2911 SR 32 East <b>Owner:</b> Roudebush, C. Stephen & Joan O. <b>Acres:</b> 3.93 <b>Value:</b> 533200	<b>PIN:</b> 08-10-06-00-00-056.001 <b>Address:</b> 18705 Shady Nook Road <b>Owner:</b> Roudebush, Charles S. & Jeffory L. <b>Acres:</b> 0.43 <b>Value:</b> 1300
<b>PIN:</b> 08-10-06-00-00-005.001 <b>Address:</b> SR 32 East <b>Owner:</b> Roudebush, Charles S & Jeffory L. <b>Acres:</b> 10.05 <b>Value:</b> 6100	<b>PIN:</b> 08-10-06-00-00-005.001 <b>Address:</b> SR 32 East <b>Owner:</b> Roudebush, Charles S. & Jeffory L. <b>Acres:</b> 1.93 <b>Value:</b> 342600
<b>PIN:</b> 08-10-06-00-00-005.000 <b>Address:</b> 2517 SR 32 East <b>Owner:</b> Newby, Richard E & Edna D. <b>Acres:</b> 5.22 <b>Value:</b> 4600	<b>PIN:</b> 08-10-06-00-00-055.000 <b>Address:</b> Off SR 32 East <b>Owner:</b> City of Noblesville <b>Acres:</b> 0.12 <b>Value:</b> 1300
<b>PIN:</b> 08-10-06-00-00-018.000 <b>Address:</b> 2510 171st Street East <b>Owner:</b> Newby, Richard E. & Edna D. <b>Acres:</b> 18 <b>Value:</b> 166700	<b>PIN:</b> 08-10-06-00-00-052.000 <b>Address:</b> 2432 171st Street East <b>Owner:</b> Barrick, Thomas G <b>Acres:</b> 6.92 <b>Value:</b> 267700
<b>PIN:</b> 09-10-06-01-11-021.000 <b>Address:</b> 2312 Pheasant Run <b>Owner:</b> Conaway, brian N. & Nancy L. <b>Acres:</b> 0 <b>Value:</b> 0	<b>PIN:</b> 09-10-06-01-011-020.000 <b>Address:</b> 2320 Pheasant Run <b>Owner:</b> Hahn, Chad D. <b>Acres:</b> 0 <b>Value:</b> 0

<b>PIN:</b>	09-10-06-01-11-019.000	<b>PIN:</b>	09-10006-01-011-016.000
<b>Address:</b>	2315 Pheasant Run	<b>Address:</b>	17203 Buffalo Circle
<b>Owner:</b>	Merkel, Anthony J.	<b>Owner:</b>	Gallagher, Kevin M. & Sara Ellen
<b>Acres:</b>	0	<b>Acres:</b>	0
<b>Value:</b>	0	<b>Value:</b>	0

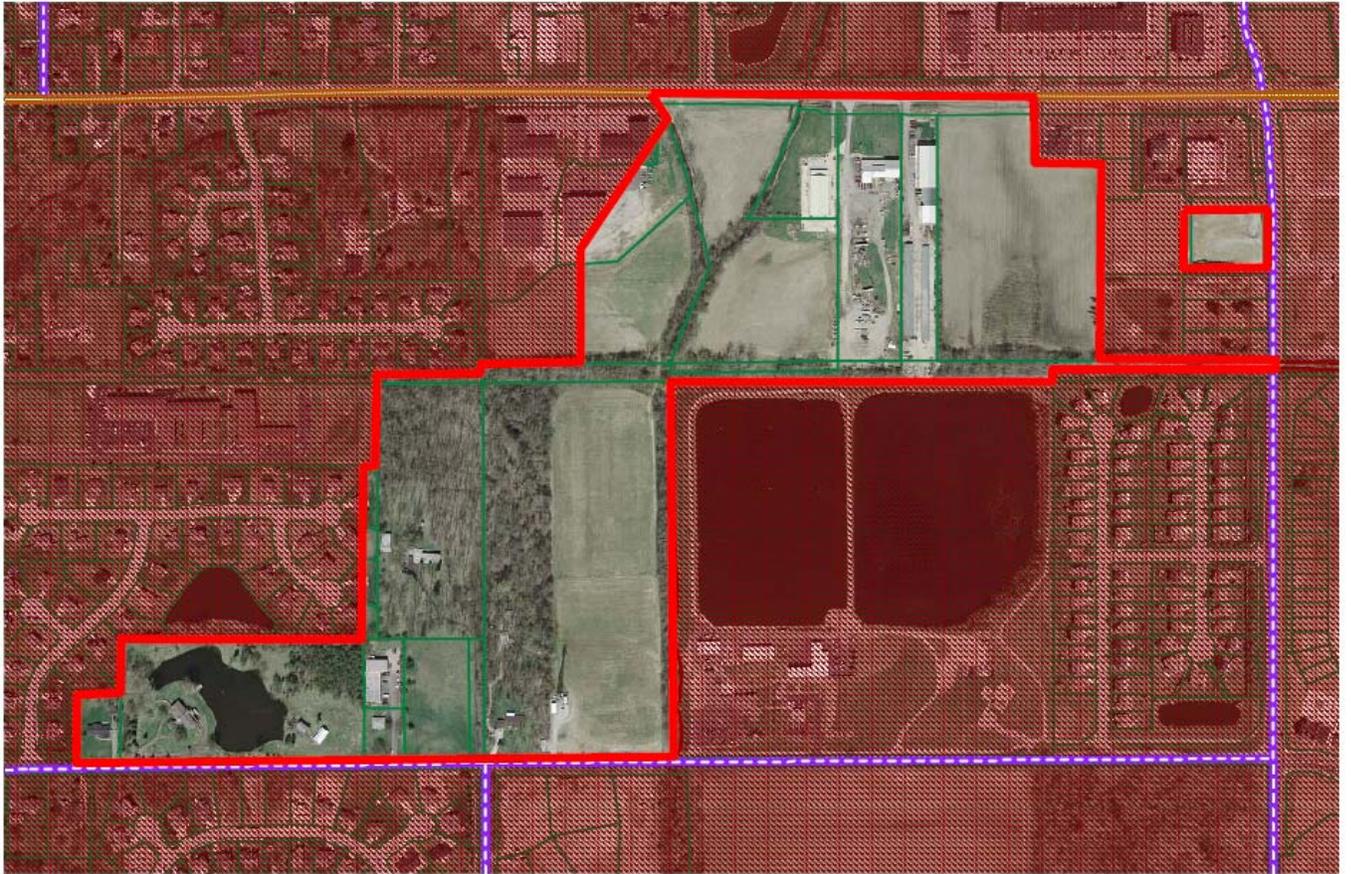
<b>PIN:</b>	09-10-06-01-11-015.000	<b>PIN:</b>	08-10-06-00-00-051.000
<b>Address:</b>	17202 Buffalo Circle	<b>Address:</b>	South Street East
<b>Owner:</b>	Derybowski, Jason A. & Julie G. S	<b>Owner:</b>	Barrick, Thomas G.
<b>Acres:</b>	0	<b>Acres:</b>	0
<b>Value:</b>	0	<b>Value:</b>	17600

<b>PIN:</b>	08-10-06-00-00-050.001	<b>PIN:</b>	08-10-06-00-00-050.000
<b>Address:</b>	South Street East	<b>Address:</b>	2404 1/2 South Street East
<b>Owner:</b>	Barrick, Thomas G.	<b>Owner:</b>	Witt, Jeffrey A.
<b>Acres:</b>	2.15	<b>Acres:</b>	0.79
<b>Value:</b>	23100	<b>Value:</b>	85400

<b>PIN:</b>	08-10-06-00-00-050.002	<b>PIN:</b>	08-10-06-00-00-049.000
<b>Address:</b>	2404 South Street East	<b>Address:</b>	423 South Street East
<b>Owner:</b>	Witt, Jeffrey A.	<b>Owner:</b>	Witt, Jeff A. & Linda L.
<b>Acres:</b>	0.46	<b>Acres:</b>	8
<b>Value:</b>	105900	<b>Value:</b>	537100

<b>PIN:</b>	08-10-06-00-00-048.000	<b>PIN:</b>	
<b>Address:</b>	401 South Street East	<b>Address:</b>	
<b>Owner:</b>	Spriggs, Charles A. & Retha L.	<b>Owner:</b>	
<b>Acres:</b>	0.86	<b>Acres:</b>	
<b>Value:</b>	157100	<b>Value:</b>	

**Exhibit "B"**  
Aerial / Location Map



— Subject Property

**Exhibit “C”**  
Zoning Ordinance

## WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

B. AG-SF1 – Agriculture/Single-Family 1 - The purposes of this district are to accommodate agricultural land uses and large-lot single-family residential land uses.

1. Permitted Uses -

- Accessory buildings as related to agriculture or large lot single family residential use
- Cemeteries
- Churches
- Child care home - in accordance with IC 36-7-4-1108
- Farms and farm buildings for livestock and crops
- Fire stations
- Golf courses
- Nurseries, greenhouses, truck gardens, farms, or related products produced and sold on site
- Public Parks
- Public and private camps
- Residential facility for mentally ill - in accordance with IC 12-28-4-7
- Schools - public or private - without dormitory accommodations
- Signs as permitted by sign ordinance
- Single family dwellings on large lots
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Temporary buildings for construction purposes for a period not to exceed such construction
- Utilities - all utilities regulated by the Indiana Utility Regulatory Commission or a Municipal governing body

2. Special Exceptions -

- Airports and landing fields
- Cemeteries - pet
- Convents, monasteries, theological schools rectories and parish houses
- Fraternities and lodges
- Heliports
- Lake developments - recreational
- Large animal hospitals
- Private clubs and lodges
- Public or private schools with dormitories
- Radio, facsimile, TV, micro-wave towers
- Raising animals for biological purposes
- Raising animals for furs or pets
- Riding stables
- Zoos

Miscellaneous Businesses

Type of Business	AG – SF1
Airports & Landing Fields	SP.EX
Amusement Parks	SP.EX
Boarding & Lodging Houses	
Book Stores, Adult	
Cemeteries	X
Cemeteries - Pet	X
Christmas Tree Sales	SP.EX.
Convents, Monasteries, Theological Schools, Rectories, Parishes	SP.EX.
Fraternities, Lodges	
Day Care Centers	
Golf Courses - Country Clubs	SP.EX. SF 1-2
Heliports	SP.EX. SF 1
Hospitals, Major	
Kennels - Including Outdoor Runs	SF 1 SP.EX.
Livestock Auction Sale Barns	SP.EX. SF 1
Large Animal Hospital	SP.EX. SF 1
Mobile Home Parks	
Multi-Family Housing	
Nursing Homes	
Office Buildings - General Purpose	
Private and Public Schools with Dorms	SP.EX. SF 1
Private Clubs, Lodges	SP.EX. SF 1
Public & Private Camps	SF 1
Raising Small Animals for	SP.EX. SF 1

WESTFIELD-WASHINGTON TOWNSHIP ZONING ORDINANCE

Type of Business	AG – SF1
Biological Purposes	
Raising Animals for Furs or Pets	SP.EX. SF 1
Riding Academies	SP.EX. SF 1
Riding Stables	SP.EX. SF 1
Sanitariums	
Schools and Kindergartens	X
Stockyards - Shipping, Holding & Sale of Animals	SP.EX.
Tennis & Swim Clubs	SP.EX. SF 1-2
Utilities-Regulated by Indiana Utility Regulatory Commission	
Utilities - Not Regulated by Indiana Utility Regulatory Commission	
Wireless Communication Service Facilities (including Cell Towers)	

P = Eligible in Planned Business Development

NOTE: General Purpose Office Buildings are also Eligible to be Located in LB-H, SB-PD

NOTE: Where this table conflicts with other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts, then this table shall supercede those other sections.

NOTE: Land uses not listed on Figure 2 or in other sections of the zoning ordinance that address “permitted uses” or “special exception uses” in the various zoning districts shall be prohibited. (As amended by Ordinance 01-05 on July 9, 2001)