



**BRIDGEWATER MARKETPLACE
PUD ORDINANCE AMENDMENT
WESTFIELD, INDIANA**

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PUD ORDINACE AMENDMENT TEXT – DRAFT

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF PLANNED UNIT DEVELOPMENT, BRIDGEWATER CLUB BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, 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 1001-PUD-02) filed with the Commission to grant various amendments to Ordinance 06-49, approved by the Town Council on October 9, 2006, and amended by Ordinance 08-05 by the City Council on February 11, 2008 and Ordinance 09-17 on September 14, 2009 that rezoned real estate, as described in Exhibit "A" attached hereto and incorporated herein, now commonly known as "The Bridgewater Club"; and

WHEREAS, the Commission did take action to forward the request to the Westfield City Council with a unanimous positive recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the City Council on January 20, 2010; 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 ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The document as referenced by Ordinance 06-49 described as "The Bridgewater Club Restated and Consolidated Planned Unit Development District", Ordinance 08-05 and Ordinance 09-17 (collectively, the "Bridgewater PUD Ordinance") are amended, as described in Exhibit "B" attached hereto and incorporated herein.

In all other respects, the Bridgewater PUD Ordinance shall remain unchanged.

SECTION 2. This Ordinance 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 herewith are hereby ordered. To the extent that this ordinance conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this ordinance shall prevail.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____, 2010,

**WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA**

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Steve Hoover	_____ Steve Hoover	_____ Steve Hoover
_____ Robert Horkay	_____ Robert Horkay	_____ Robert Horkay
_____ Kenneth Kingshill	_____ Kenneth Kingshill	_____ Kenneth Kingshill
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Tom Smith	_____ Tom Smith	_____ Tom Smith
_____ Rob Stokes	_____ Rob Stokes	_____ Rob 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: Kevin M. Todd

Prepared by: Kevin M. Todd, AICP, Senior Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify that ORDINANCE ____ was delivered to the Mayor of Westfield
on the ____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE ____
this ____ day of _____, 2010.

I hereby VETO ORDINANCE ____
this ____ day of _____, 2010.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

Ordinance ____

Exhibit A

Part of the Southwest Quarter and the Southeast Quarter of Section 17, Township 18 North, Range 4 East of the Second Principal Meridian, in Washington Township, Hamilton County, Indiana more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Section 17; thence along the North line of said Southwest Quarter, North 89 degrees 46 minutes 23 seconds East 2645.42 feet to the Northeast corner of said Southwest Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line of said Southeast Quarter 469.00 feet to the Northwest corner of land described in Instrument No. 200300063205, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 00 degrees 56 minutes 37 seconds East along the West line of said described land 256.00 feet to the Southwest corner thereof; thence North 89 degrees 52 minutes 47 seconds East along the South line of said described land and the Easterly extension thereof 332.36 feet to the West line of 16 acres off the East side of the Northwest Quarter of the Southeast Quarter of said Section 17 as described in Instrument No. 200500073814, recorded in said Recorder's Office; thence South 00 degrees 51 minutes 28 seconds East along said West line 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run - Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run • Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (Plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the Point of Beginning, containing 101.255 acres, more or less.

Subject to all easements, rights of way and restrictions of record.

thence South 20 degrees 18 minutes 14 seconds West along said Western boundary, said Northeasterly extension, and the Western boundary of said Instrument No. 200000012364 a distance of 70.33 feet (the following four courses are along the Western boundary of said Instrument No. 200000012364); 1) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 124.67 feet; 2) thence South 31 degrees 07 minutes 37 seconds West 45.53 feet; 3) thence South 83 degrees 58 minutes 19 seconds West 296.75 feet; 4) thence South 89 degrees 40 minutes 57 seconds West parallel with the South line of said Southeast Quarter 276.74 feet to the West line of the East Half of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 48 minutes 53 seconds West along said West line 1287.07 feet to the Northwest corner of the East Half of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 46 minutes 53 seconds West along the North line of the South Half of said Southeast Quarter 1189.07 feet; thence North 00 degrees 51 minutes 28 seconds West parallel with the West line of the East Half of said Southeast Quarter 662.13 feet; thence South 89 degrees 52 minutes 47 seconds West parallel with the North line of said Southeast Quarter 800.75 feet to the East line of the Southwest Quarter of said Section 17; thence along the East line of said Southwest Quarter, the Northerly extension of the Western line of Setters Run Section 2 as described in Instrument No. 9709744238 in the Office of the Recorder of Hamilton County, Indiana, and said Western line, South 00 degrees 56 minutes 37 seconds East 340.87 feet to the Easterly extension of the North line of the land described in Setters Run - Section 3 subdivision in Instrument No. 199909950775 in said Recorder's Office (the next three courses are along the North lines of said Setters Run - Section 3 subdivision); 1) thence South 89 degrees 35 minutes 48 seconds West 865.84 feet; 2) thence South 00 degrees 12 minutes 56 seconds East 1.90 feet; 3) thence South 89 degrees 40 minutes 15 seconds West 457.06 feet to the East line of the West Half of said Southwest Quarter; thence along said East line, South 00 degrees 55 minutes 47 seconds East 318.14 feet to the Northeast corner of the Southwest Quarter of said Southwest Quarter; thence along the North line of said Quarter Quarter, South 89 degrees 44 minutes 06 seconds West 660.12 feet to a point, which point is the Northerly extension of the West boundary of the land described in Brentwood Village subdivision in Instrument No. 9561116 (plat Cab. 1, Slide 633) in said Recorder's Office; thence along said Northerly extension of the West boundary and the West boundary of said Brentwood Village subdivision, South 00 degrees 40 minutes 08 seconds East 1327.87 feet to the South line of said Southwest Quarter; thence along said South line, South 89 degrees 41 minutes 46 seconds West 657.19 feet to the Southwest corner of said Southwest Quarter; thence along the West line of said Southwest Quarter, North 00 degrees 54 minutes 56 seconds West 2656.74 feet to the POINT OF BEGINNING, containing 788.349 acres, more or less.

The North Half of Section 17, part of the South Half of Section 17, part of the South Half of Section 8, and part of the Northwest Quarter of Section 8, all in Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Southwest corner of the Northwest Quarter of said Section 17; thence North 00 degrees 58 minutes 50 seconds West (assumed bearing) along the West line of said Northwest Quarter 2655.78 feet to the Southwest corner of the Southwest Quarter of said Section 8; thence North 01 degrees 06 minutes 34 seconds West along the West line of said Southwest Quarter Section 2644.77 feet to the Southwest corner of the Northwest Quarter of said Section 8; thence North 00 degrees 59 minutes 45 seconds West along the West line of said Northwest Quarter 478.67 feet to the North line of land described in Instrument No. 87-26248, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 51 minutes 13 seconds East along said North line 1328.34 feet to the East line of the West Half of said Northwest Quarter; thence South 00 degrees 56 minutes 12 seconds East along said East line 475.30 feet to the North line of the Southwest Quarter of said Section 8; thence South 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter 1327.79 feet to the Northwest corner of the Southeast Quarter of said Section 8; thence North 89 degrees 54 minutes 45 seconds East along the North line of said Southeast Quarter 634.93 feet to the Northwest corner of land described in Instrument No. 89-17726, recorded in said Recorder's Office; thence South 01 degrees 43 minutes 25 seconds East along the East line of said described land 810.63 feet to the North line of land described as Parcel 2 in Instrument No. 99-42295, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along said North line and parallel with the North line of said Southeast Quarter 680.00 feet to the West line of the East Half of the Southeast Quarter of said Section 8; thence South 00 degrees 58 minutes 30 seconds East along said West line 369.44 feet to the Northwest corner of land described in Instrument No. 96-26426, recorded in said recorder's office; thence North 89 degrees 54 minutes 45 seconds East along the North line of said described land and parallel with the North line of the Southeast Quarter of said Section 8 a distance of 1325.26 feet to the East line of said Southeast Quarter; thence South 00 degrees 57 minutes 45 seconds East along said East line 1462.26 feet to the Northeast corner of the Northeast Quarter of said Section 17; thence South 01 degrees 00 minutes 50 seconds East along the East line of said Northeast Quarter Section 2646.29 feet to the Southeast corner thereof; thence South 00 degrees 46 minutes 18 seconds East along the East line of the Southeast Quarter of said Section 17 a distance of 2056.39 feet to the Northeast corner of land described in Instrument No. 200000012365, recorded in the Office of the Recorder of Hamilton County, Indiana (the following 5 courses are along the North and Western boundary of said described land); 1) thence South 89 degrees 13 minutes 42 seconds West 16.50 feet; 2) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 79.10 feet; 3) thence South 89 degrees 14 minutes 50 seconds West 9.71 feet; 4) thence South 00 degrees 46 minutes 18 seconds East parallel with the East line of said Southeast Quarter 114.83 feet; 5) thence South 07 degrees 24 minutes 15 seconds West 99.43 feet to the Northeasterly extension of the Western boundary of land described in Instrument No. 200000012364, recorded in said Recorder's Office;

Exhibit B
BRIDGEWATER PUD AMENDMENT

SECTION 14-C

Permitted business signs: Permitted business signs shall include the following; provided, however, with the exception of the portion of Tract M3 as described in Exhibit 20, no single business establishment or tenant shall be permitted to have more than three (3) of the signs identified in paragraphs number 1, 3, 5 and 6 immediately below, in any combination, in addition to other signs permitted below:

SECTION 14

I. MULTI-TENANT PANEL SIGNS LOCATED WITHIN A PORTION OF TRACT M3.

Permitted Multi-tenant panel signs located within the “Bridgewater Marketplace Shops at 146th Street” described in Exhibit 20 and located as shown on Exhibit 21 shall comply with the following requirements:

- A. Entrance Multi Tenant Panel Signs are hereby defined as a monument signs located at the entrance to the shopping center containing tenant signage including names, logos, trademarks, etc. associated with a permitted business and occupant in the retail center and the name of the shopping center, “Bridgewater Marketplace”.
1. Multi Tenant Panel Sign Design standards for sign panels
 - i. All tenant panels located on all identification signs shall have a limestone color backer board matching the existing Bridgewater identification signs and shall be affixed to the brick background. Panels shall be architectural compatible with the style, composition, materials, colors and details of the building.
 - ii. Letters and/or logos will be aluminum pin mounted letter of bronze color and shall not exceed sixteen (16) inches in height.
 2. Multi Tenant Panel Sign area requirements
 - i. The total sign area inclusive of all tenant sign panels and center identification signage at the entrances to the center shall not exceed sixty (60) square feet per side inclusive of all tenant sign panels and center identification signage.

3. Multi Tenant Panel Sign tenant signage area height shall not exceed seven (7) feet and the top of the tallest architectural feature shall not exceed ten (10) feet in height.
 4. All multi-tenant panel signs shall be located in the areas shown on Exhibit 21 and shall comply with WC 16.04.230, (2)(v).
 5. The design of the sign shall be consistent with the Design Vocabulary.
 6. Multi Tenant Panel Signs shall not be internally lit.
- B. Clock Tower Multi-Tenant sign is hereby defined as an identification sign located at the Northwest Corner of 146th Street and Gray Road as shown on Exhibit 21 containing tenant signage including names, logos, trademarks, etc. associated with a permitted business and occupant in the retail center and the name of the shopping center "Bridgewater Marketplace".
1. Clock Tower Multi Tenant Panel Sign Design standards for tenant sign panels
 - i. All tenant panels located on all identification signs shall have a limestone color backer board matching the existing Bridgewater identification signs and shall be affixed to the brick background. Panels shall be architectural compatible with the style, composition, materials, colors and details of the building.
 - ii. Letters and/or logos will be aluminum pin mounted letters of bronze color and shall not exceed sixteen (16) inches in height.
 2. Clock Tower Multi Tenant Panel Sign area requirements
 - i. The total sign area inclusive of all tenant sign panels and center identification signage for the identification sign located at the northwest corner of 146th & Gray Road shall not exceed eighty-five (85) square feet.
 3. Clock Tower Multi Tenant Panel Sign tenant signage area height shall not exceed seven (7) feet and the top of the tallest architectural feature shall not exceed sixteen feet six inches (16'-6") in height.
 4. The design of the sign shall be consistent with the Design Vocabulary.
 5. Clock Tower Multi Tenant Panel Signs shall not be internally lit.

EXHIBIT 20
Bridgewater Marketplace Shops at 146th Street

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 17; thence South 00 degrees 46 minutes 18 seconds East (assumed bearing) along the East line of said Southeast Quarter 1834.32 feet to the Northeast corner of land described in Instrument No. 200600005931, recorded in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 11 minutes 04 seconds West along the North line of said described land 45.00 feet to the West line of land dedicated to the Town of Westfield as described in Instrument No. 2007038726, recorded in said Recorder's Office and the POINT OF BEGINNING; thence South 00 degrees 46 minutes 18 seconds East along said West line and parallel with the East line of said Southeast Quarter 417.96 feet to the North line of land described in Instrument No. 2006000059203, recorded in said Recorder's Office; thence South 89 degrees 11 minutes 07 seconds West along said North line 294.73 feet to the Northwest corner thereof (the following two courses are along the Western boundary of said described land); 1) thence South 14 degrees 34 minutes 58 seconds West 172.26 feet; 2) thence South 00 degrees 48 minutes 53 seconds East 163.72 feet to the North line of land dedicated to the Town of Westfield as described in said Instrument No. 2007038726; thence South 89 degrees 40 minutes 57 seconds West along said North line 113.86 feet to the Southeast corner of land described in Instrument No. 2008043004, recorded in said Recorder's Office and a non-tangent curve to the left having a radius 91.50 feet, the radius point of which bears North 39 degrees 19 minutes 18 seconds West (the following three courses are along the Eastern boundary of said described land); 1) thence Northerly along said curve 57.64 feet to a point which bears South 75 degrees 24 minutes 52 seconds East from said radius point; 2) thence North 13 degrees 23 minutes 30 seconds East 96.21 feet; 3) thence North 14 degrees 34 minutes 58 seconds East 92.72 feet to the Northeast corner of said described land; thence South 89 degrees 11 minutes 07 seconds West along the North line of said described land 242.35 feet to the West line of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 17; thence North 00 degrees 48 minutes 53 seconds West 619.96 feet to the Northwest corner of land described in said Instrument No. 200600005931 (the following three courses are along the Northern boundary of said described land); 1) thence North 89 degrees 11 minutes 07 seconds East 403.51 feet; 2) thence South 00 degrees 48 minutes 53 seconds East 103.16 feet; 3) thence North 89 degrees 11 minutes 04 seconds East 214.00 feet to the POINT OF BEGINNING, containing 7.946 acres, more or less.

AND

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 17; thence South 00 degrees 46 minutes 18 seconds East (assumed bearing) along the East line of said Southeast Quarter 1249.14 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 46 minutes 18 seconds East along said East line 585.18 feet; thence South 89 degrees 11 minutes 04 seconds West 259.00 feet; thence North

00 degrees 48 minutes 53 seconds West 103.16 feet; thence South 89 degrees 11 minutes 07 seconds West 403.51 feet to the West line of the East Half of the Southeast Quarter of said Southeast Quarter; thence North 00 degrees 48 minutes 53 seconds West along said West line and the Northerly extension thereof 488.92 feet; thence North 89 degrees 46 minutes 53 seconds East parallel with the North line of said East Half 662.99 feet to the POINT OF BEGINNING, containing 8.000 acres, more or less.

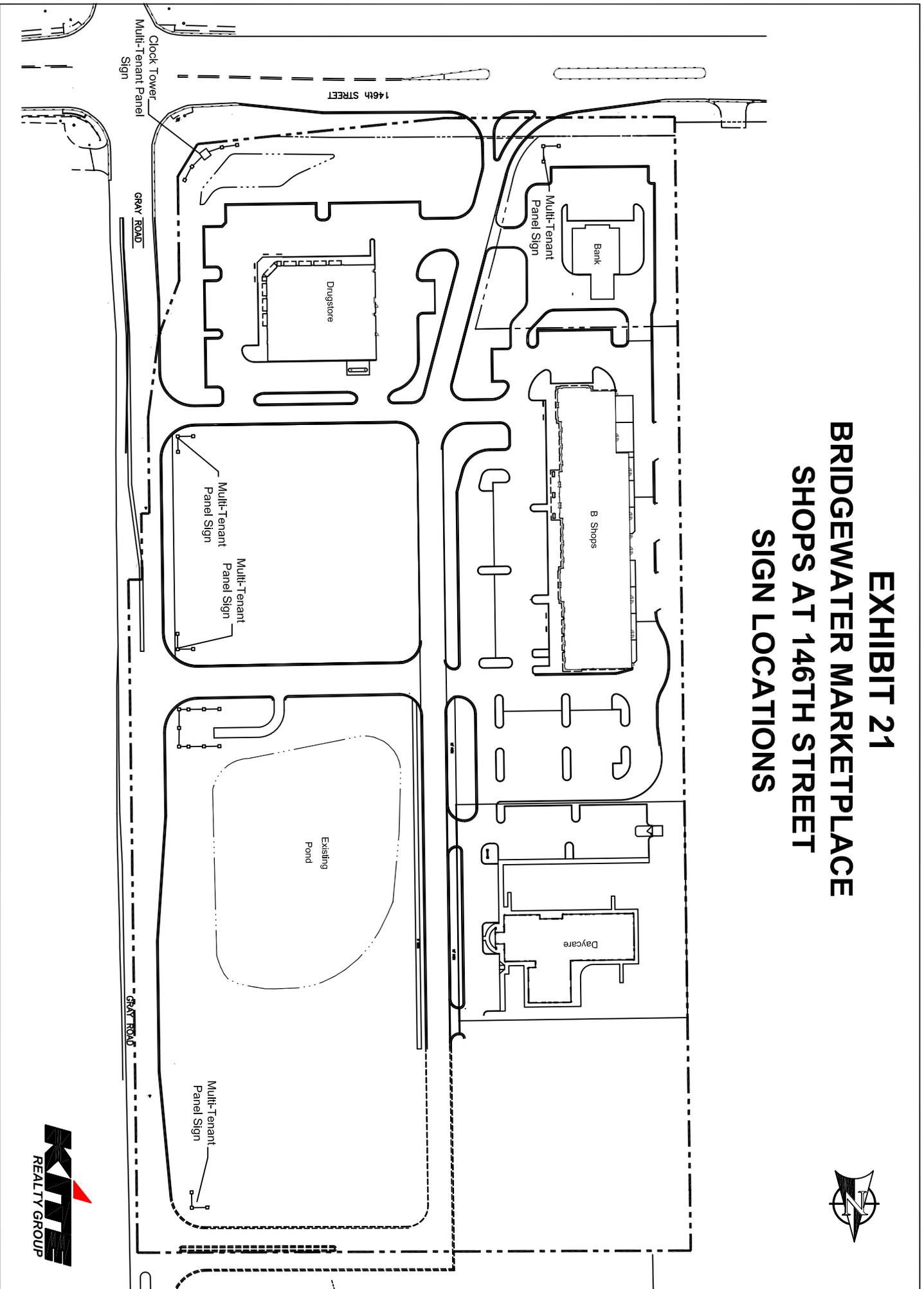
Subject to all legal easements and rights of way.

LESS AND EXCEPT

A part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

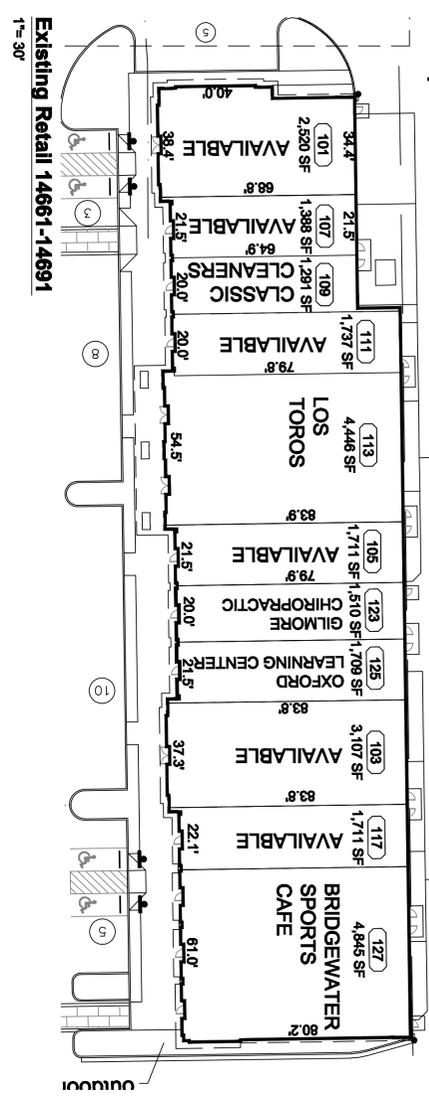
Commencing at the Northeast corner of the Southeast Quarter of said Section 17; thence South 00 degrees 46 minutes 18 seconds East (basis of bearing = record deed of the parent for the East line of said Southeast Quarter being South 00 degrees 46 minutes 18 seconds East) along the East line of said Quarter a distance of 1249.14 feet; thence South 89 degrees 46 minutes 53 seconds West a distance of 662.99 feet to a point on the northerly prolongation of the West line of the East Half of the Southeast Quarter of said Southeast Quarter Section; thence South 00 degrees 48 minutes 49 seconds East along said prolongation and the West line of said Half Quarter Quarter a distance of 279.26 feet to the POINT OF BEGINNING and to a 5/8 inch yellow capped rebar stamped "Schneider-Firm #0001" (hereafter referred to as "rebar"; thence continuing South 00 degrees 48 minutes 49 seconds East along said West line a distance of 259.39 feet to a "rebar"; thence North 89 degrees 11 minutes 11 seconds East a distance of 273.77 feet to a "rebar"; thence North 00 degrees 48 minutes 49 seconds West parallel with said West line a distance of 259.39 feet to a "rebar"; thence South 89 degrees 11 minutes 11 seconds West a distance of 273.77 feet to the Point of Beginning, containing 1.63 acres, more or less.

EXHIBIT 21 BRIDGEWATER MARKETPLACE SHOPS AT 146TH STREET SIGN LOCATIONS

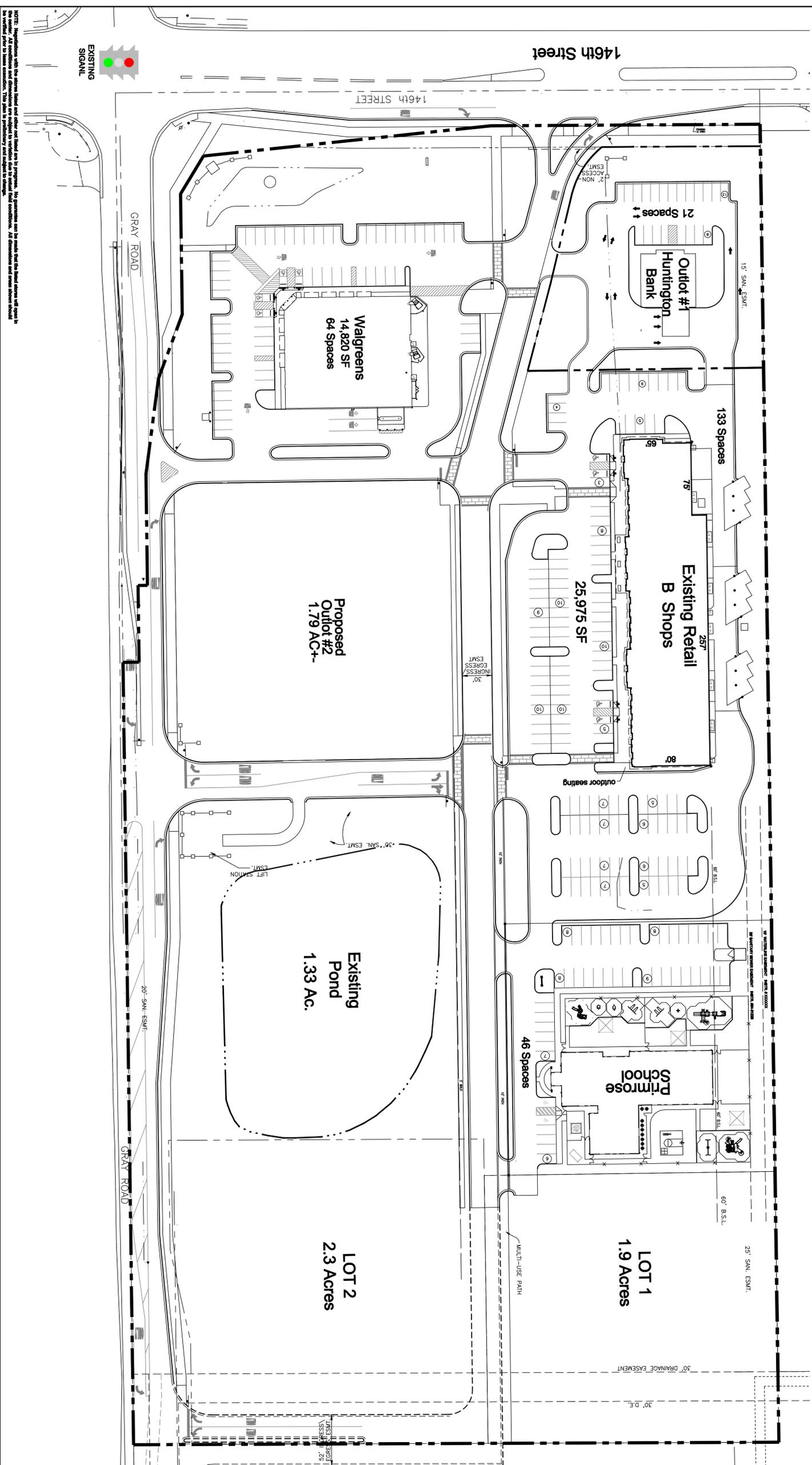
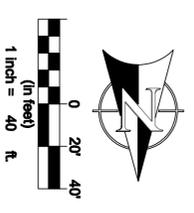


SITE PLAN

SITE MAP



Existing Retail 14661-14691
1" = 30'



NOTE: Specifications with this drawing shall not be used in any project. No guarantee can be made that the land shown will conform to the actual conditions. All dimensions and dimensions are subject to verification data to actual field conditions. All dimensions and areas shown should be verified prior to any construction. This plan is preliminary and subject to change.

VICINITY MAP

PROJECT DATA

Revisions

**BRIDGEWATER
MARKET PLACE
WESTFIELD
INDIANA**

Drawn By: MEB
Date: 1/18/2010

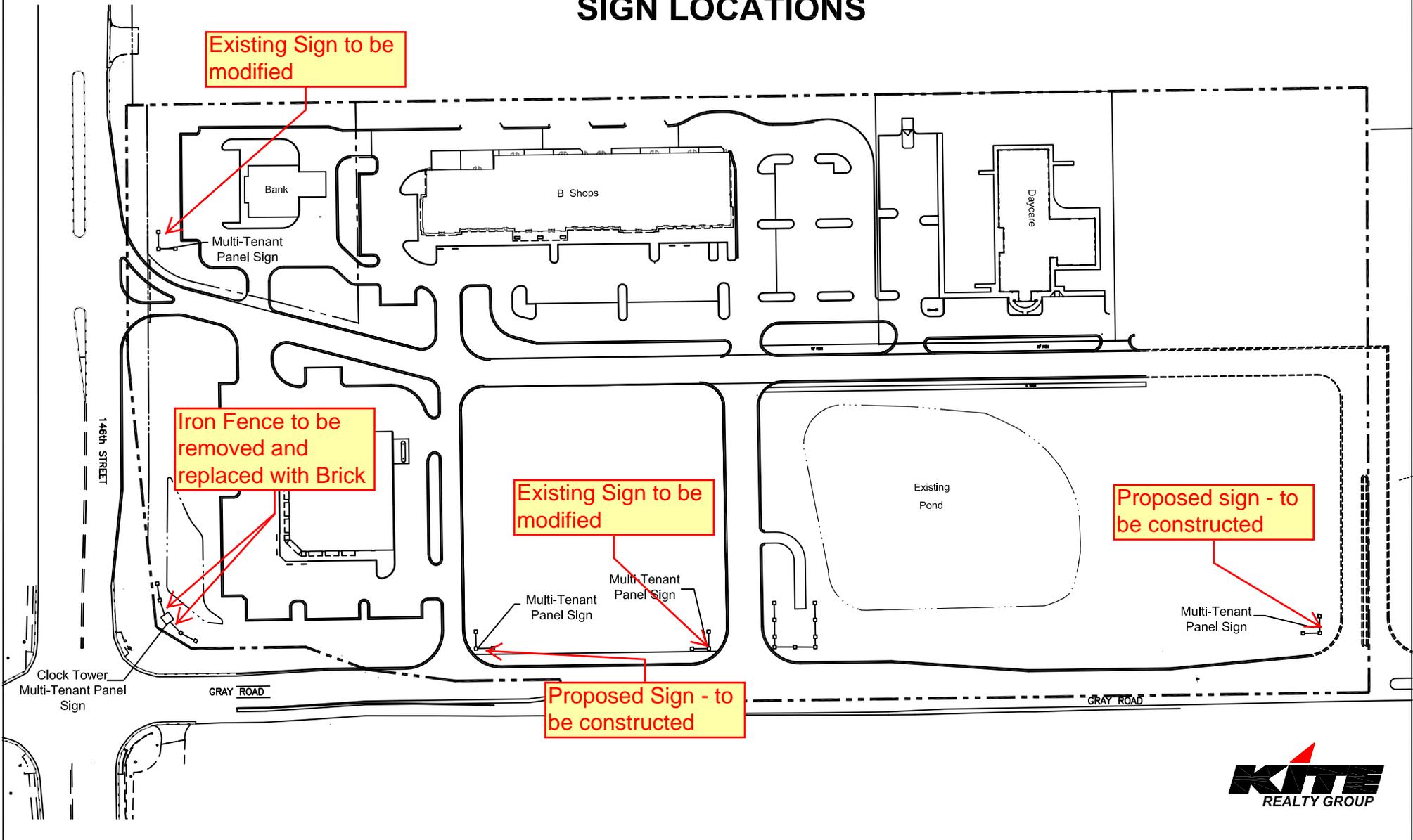
CHKD: ES
Scale: 1" = 40'

LEASE

Project No. K-03007 LP 21 1

SIGNAGE EXHIBITS

EXHIBIT 21 BRIDGEWATER MARKETPLACE SHOPS AT 146TH STREET SIGN LOCATIONS



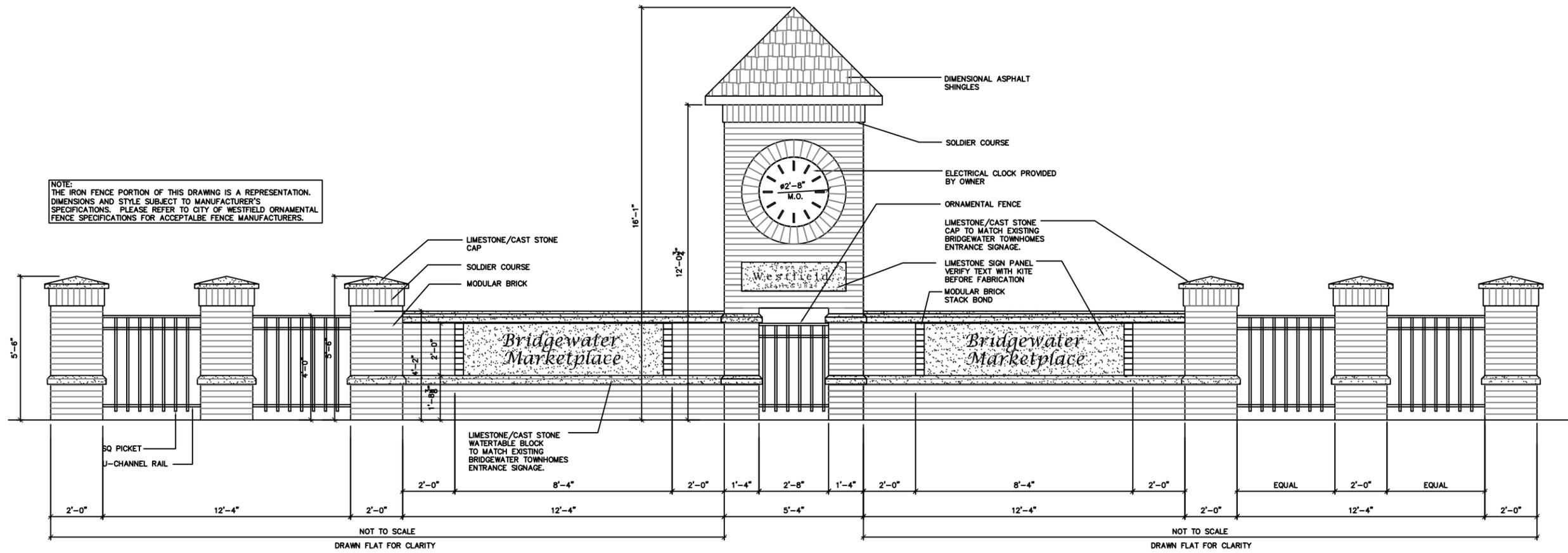


EXISTING CLOCK TOWER
IDENTIFICATION SIGN



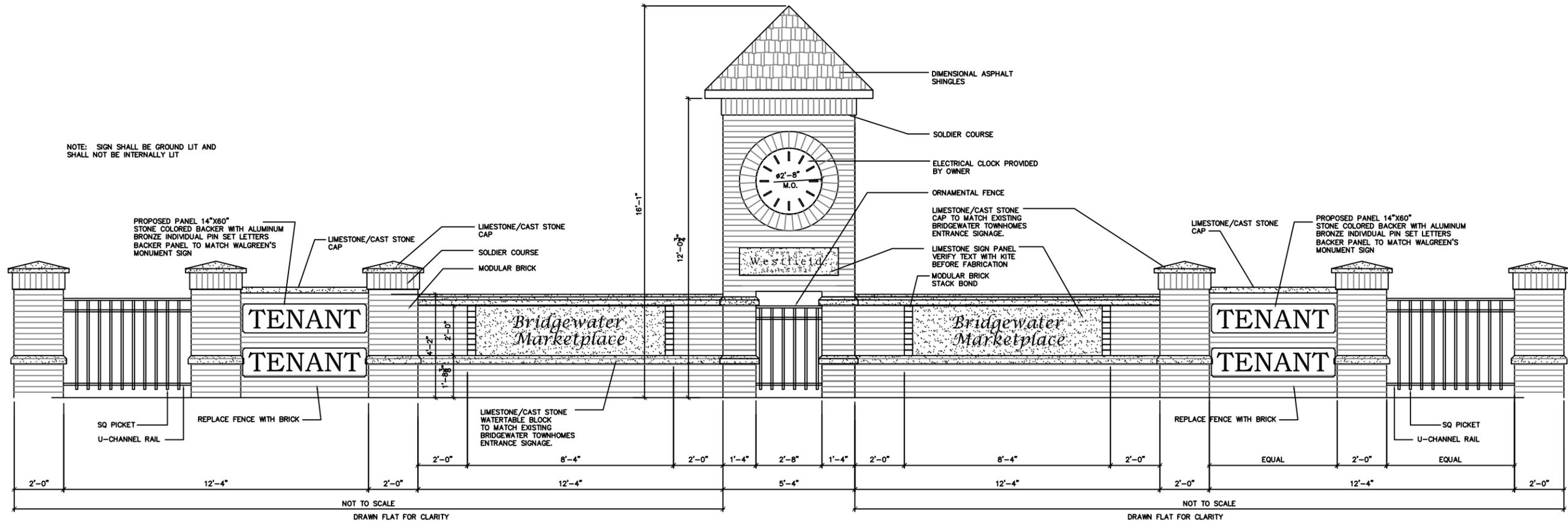
PROPOSED CLOCK TOWER MULTI-TENANT PANEL SIGN

NOTE: THE IRON FENCE PORTION OF THIS DRAWING IS A REPRESENTATION. DIMENSIONS AND STYLE SUBJECT TO MANUFACTURER'S SPECIFICATIONS. PLEASE REFER TO CITY OF WESTFIELD ORNAMENTAL FENCE SPECIFICATIONS FOR ACCEPTABLE FENCE MANUFACTURERS.



Existing Clock Tower Monument Sign

NOTE: SIGN SHALL BE GROUND LIT AND SHALL NOT BE INTERNALLY LIT



Proposed Clock Tower Monument Sign



EXISTING IDENTIFICATION SIGN



STONE COLOR TO MATCH EXISTING WALGREEN'S MONUMENT SIGN

HEIGHT SHALL NOT EXCEED 7'

HEIGHT SHALL NOT EXCEED 10'

NOTE: SIGN AREA WILL NOT EXCEED 60SF PER SIDE

BRONZE COLOR PIN MOUNTED LETTERS MATCHING EXISTING WALGREEN'S MONUMENT SIGN. LETTERS SHALL NOT EXCEED 16"



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