ORDINANCE 12-04

Document Cross Reference No._____

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO 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, enacted by the City of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1203-REZ-01), filed with the Commission requesting to rezone certain lands;

WHEREAS, on March 5, 2012, the Commission took action to forward Docket 1203-REZ-01 to the Westfield City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on March 6, 2012, 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 TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. WC 16-04 Zoning Map amended as follows:

The Zoning Map accompanying and made a part of the Westfield-Washington Township Zoning Ordinance is amended to reclassify the Real Estate described in

what is attached hereto and incorporated herein by reference as Exhibit "A" from Enclosed Industrial - (EI) District to General Business – (GB) District.

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.

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ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS _____ DAY OF _____, 2012.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Jim Ake	Jim Ake	Jim Ake
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
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 J. 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: Andrew P. Murray

Prepared by: Andrew P. Murray, Associate Planner, City of Westfield
2728 East 171st Street, Westfield, IN 46074, (317) 804-3170.

I hereby certify ORDINANCE 12-04 was delivered to the Mayor of Westfield on the _____ day of _____ , 2012, at _____ _____ m.

_____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 12-04 this_____ day of _____, 2012.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 12-04 this_____day of_____, 2012.

_____
J. Andrew Cook, Mayor

EXHIBIT A

Schedule 1.01

Legal Description of Real Property

A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS PIN MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER NORTH 89 DEGREES 42 MINUTES 22 SECONDS WEST (ASSUMED BEARING) 1324.73 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHWEST QUARTER, SAID POINT BEING EQUIDISTANT FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE ON THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER NORTH 00 DEGREES 47 MINUTES 11 SECONDS EAST 492.50 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 22 SECONDS EAST 17.50 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE RIGHT OF WAY LINE PER INSTRUMENT No. 200704170 AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE ON THE SOUTH LINE OF A TRACT OF REAL ESTATE AS DESCRIBED IN INSTRUMENT #87-11535 SOUTH 89 DEGREES 42 MINUTES 22 SECONDS EAST 246.50 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHEAST CORNER OF A TRACT OF REAL ESTATE AS DESCRIBED IN INSTRUMENT #87-11535; THENCE ON THE EAST LINE OF SAID TRACT OF REAL ESTATE NORTH 00 DEGREES 47 MINUTES 11 SECONDS EAST 250.00 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE SOUTHWEST CORNER OF A TRACT OF REAL ESTATE AS DESCRIBED IN INSTRUMENT #200500045217; THENCE ON THE SOUTH LINE OF SAID TRACT OF REAL ESTATE SOUTH 89 DEGREES 42 MINUTES 22 SECONDS EAST 258.10 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE CONTINUING ON SAID SOUTH LINE SOUTH 62 DEGREES 20 MINUTES 43 SECONDS EAST 10.00 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WESTERLY RIGHT OF WAY LINE OF SUN PARK DRIVE, SAID POINT BEING ON A CURVE TO THE LEFT AND HAVING A RADIUS OF 300.09 FEET AND HAVING A CHORD BEARING OF SOUTH 14 DEGREES 12 MINUTES 53 SECONDS WEST AND A DISTANCE OF 139.44 FEET; THENCE ON THE ARC OF SAID CURVE 140.73 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE CONTINUING ON SAID WEST RIGHT OF WAY LINE SOUTH 00 DEGREES 46 MINUTES 41 SECONDS WEST 302.35 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING TO THE RIGHT OF WAY OF STATE ROAD 32 PER INSTRUMENT No. 2007040170; THENCE ON SAID RIGHT OF WAY LINE THE

FOLLOWING 10 COURSES 1) SOUTH 05 DEGREES 30 MINUTES 24 SECONDS WEST 130.44 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 2) THENCE SOUTH 41 DEGREES 58 MINUTES 22 SECONDS WEST 60.73 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 3) THENCE SOUTH 00 DEGREES 51 MINUTES 30 SECONDS WEST 49.16 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 4) THENCE NORTH 89 DEGREES 51 MINUTES 39 SECONDS WEST 23.73 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 5) THENCE NORTH 88 DEGREES 57 MINUTES 19 SECONDS WEST 313.71 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING: 6) THENCE NORTH 88 DEGREES 02 MINUTES 59 SECONDS WEST 38.38 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 7) THENCE NORTH 13 DEGREES 01 MINUTE 46 SECONDS WEST 120.57 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 8) THENCE NORTH 00 DEGREES 47 MINUTES 04 SECONDS EAST 79.30 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 9) THENCE NORTH 89 DEGREES 12 MINUTES 56 SECONDS WEST 25.77 FEET TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; 10) THENCE NORTH 00 DEGREES 47 MINUTES 11 SECONDS EAST 214.72 FEET TO THE POINT OF BEGINNING, CONTAINING 5.70 ACRES, MORE OR LESS.

DESCRIPTION OF REAL ESTATE PER INSTRUMENT No. 87-11535

A PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST LOCATED IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA BEING BOUNDED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE NORTH 89 DEGREES 42 MINUTES 22 SECONDS WEST (ASSUMED BEARING) 1324.73 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, SAID CORNER BEING COLLINEAR WITH AND EQUIDISTANT FROM THE SOUTHEAST CORNER AND THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 47 MINUTES 11 SECONDS EAST 492.50 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00 DEGREES 47 MINUTES 11 SECONDS EAST 250.00 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF A 3.5 ACRE TRACT OF LAND DESCRIBED IN INSTRUMENT #609 AND RECORDED IN DEED RECORD 219, PAGE 289 IN THE RECORDS OF HAMILTON COUNTY, INDIANA; THENCE SOUTH 89 DEGREES 42 MINUTES 22 SECONDS EAST 264.00 FEET PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00

DEGREES 47 MINUTES 11 SECONDS WEST 250.00 FEET PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 42 MINUTES 22 SECONDS WEST 264.00 FEET PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING.