

DATE:

PETITION TO CHANGE ZONING

Plan Commission Docket No.: _____

Name of Applicant: Pulte Homes of Indiana, LLC by Faegre Baker Daniels LLP
Address: 600 E. 96th Street, Suite 600, Indianapolis, IN 46240
Phone No.: 317-569-9600 Fax No.: 317-569-4800

Name of Representative: Steve Hardin, Esq., Faegre Baker Daniels LLP
Address: 600 E. 96th Street, Suite 600, Indianapolis, IN 46240
Phone No.: 317-569-9600 Fax No.: 317-569-4800

Name of Property Owner*: Pulte Homes of Indiana, LLC

Premises Affected: Parcels "E" & "F" of Viking Meadows PUD

Metes and Bounds Description: Please see attached.

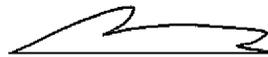
Plot Size: n/a Fronting On: 161st Street

Nature and Size of Improvement Now Existing on Plot: Vacant

Present Zoning: Viking Meadows PUD District Ordinance No. 04-22, as amended

Requested Zoning: PUD District Amendment

The above information, to my knowledge and belief, is true and correct:



Steven D. Hardin, Esq.
Faegre Baker Daniels LLP

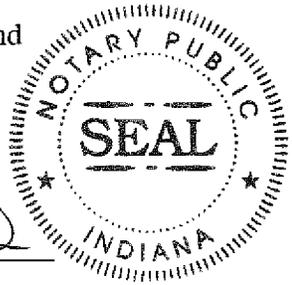
State of Indiana)
) SS:
County of Hamilton)

Subscribed and Sworn to before me, a Notary Public in and for said County and State, this 23rd day of JULY, 2013.

My Commission Expires:
3/11/19



Notary Public



*If the petitioner is not the property owner, a letter of consent from the property owner must accompany this document

DESCRIPTION OF AMENDMENT TO
ORDINANCE NO. 04-22, AS AMENDED
(The Parcels E and F at Viking Meadows PUD Ordinance Amendment)

The request, submitted by Pulte Homes of Indiana, LLC, represented by Steven D. Hardin, Attorney, is to amend the Viking Meadows PUD Ordinance No. 04-22, as amended, to: (1) remove Parcels E and F from among the listed Parcels entitled to use the Viking Meadows amenities; and (2) provide for separate amenities for Parcels E and F. Both of these steps result from discussions between Pulte and the existing residents of Viking Meadows. The specific amendments are as follows:

1. The last sentence of Section 16.6 of the Original PUD Ordinance shall be deleted and replaced with the following sentence: “The Improvements shall be available for use by all residents in Parcels A, B, C and D.”
2. Table 16.04.040-1 of Exhibit 12, as referenced in Section 5.5(B) of Ordinance 04-22, shall be deleted and replaced with the following: “A minimum of three (3) amenities shall be provided to the combined Parcels E and F. Accessibility to the Monon Trail shall be counted as one (1) of the required three (3) amenities.”

ORDINANCE NUMBER 13-XX

Document Cross Reference No. 200500022608 and 2011010175

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO
TITLE 16 – LAND USE CONTROLS**

This is an Ordinance to amend the Westfield- Washington Zoning Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning Ordinance”) and Ordinance No. 04-22, as amended by Ordinance No. 10-30 (Ordinance Nos. 04-22 and 10-30, together, are referred to herein as the “Viking Meadows PUD 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 Zoning Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “Commission”) considered a petition (Docket 1308-PUD-09), filed with the Commission requesting an amendment to the Viking Meadows PUD Ordinance;

WHEREAS, the Commission forwarded Docket 1308-PUD-09 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ recommendation 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 _____, 2013;

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 Viking Meadows PUD Ordinance, the Zoning Ordinance and Zoning Map are hereby amended to read as follows:

Section 1. Applicability of Ordinance.

1.1 This ordinance shall hereafter be referred to as the “Parcels E & F at Viking Meadows PUD Amendment Ordinance” (this "Ordinance").

- 1.2 This Ordinance applies to the subject real estate, generally described as Parcels E and F of the Viking Meadows PUD Ordinance, and more particularly described in Exhibit A attached hereto (the “Real Estate”).
- 1.3 Any provisions of the Viking Meadows PUD Ordinance or Zoning Ordinance that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance. All other provisions of the PUD Ordinance not affected by this Ordinance shall remain in effect with the adoption of this Ordinance.

Section 2. **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Viking Meadows PUD Ordinance or as otherwise ascribed to them in the Zoning Ordinance.

- 2.1 Original PUD Ordinance. Shall mean and refer to The Viking Meadows Planned Unit Development District Ordinance recorded as Instrument No. 200500022608 in the Office of the Recorder of Hamilton County, Indiana and adopted by the Westfield Town Council on June 14, 2004 as Ordinance No. 04-22.
- 2.2 Viking Meadows PUD Ordinance. Shall mean and collectively refer to the Original PUD Ordinance and the Viking Meadows Planned Unit Development Amendment Ordinance recorded as Instrument No. 2011010175 in the Office of the Recorder of Hamilton County, Indiana and adopted by the Westfield City Council on December 13, 2010 as Ordinance No. 10-30.

Section 3. **Sections to Amend.**

- 3.1 Table 16.04.040-1 of Exhibit 12, as referenced in Section 5.5(B) of the Original PUD Ordinance, shall be deleted and replaced with the following: “A minimum of three (3) amenities shall be provided to the combined Parcels E and F. Accessibility to the Monon Trail shall be counted as one (1) of the required three (3) amenities.”
- 3.2 The last sentence of Section 16.6 of the Original PUD Ordinance shall be deleted and replaced with the following sentence: “The Improvements shall be available for use by all residents in Parcels A, B, C and D.”

Section 4. **Effectiveness.**

- 4.1 This Ordinance is effective upon the approval of Docket No. 1308-PUD-09 and the occurrence of all other actions required by law.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGES FOLLOW.]**

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

WESTFIELD COMMON 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 Spoljaric

Cindy Spoljaric

Cindy 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: Steven D. Hardin, Esq.

This Instrument prepared by: Steven D. Hardin, Esq., Faegre Baker Daniels, LLP, 600 East 96th Street, Suite 600, Indianapolis, Indiana 46240. (317) 569-9600.

I hereby certify **ORDINANCE** 13-XX was delivered to the Mayor of Westfield on the _____ day of _____, 2013.

Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE ORDINANCE 13-XX
this ____ day of _____, 2013.

I hereby VETO ORDINANCE 13-XX
this ____ day of _____, 2013.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

ATTEST:

Cindy J. Gossard, Clerk Treasurer

EXHIBIT A

PARCEL "E":

A part of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet to the Point of Beginning of the herein described real estate; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 27 minutes 45 seconds West on said east line 822.59 feet to a point on the north line of said Southeast Quarter; thence South 87 degrees 26 minutes 20 seconds West on said north line 448.24 feet to a point on said east right-of-way line of said Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said east right-of-way line 803.81 feet to the Point of Beginning, containing 8.40 acres, more or less.

PARCEL "F":

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet to the Point of Beginning of the herein described real estate; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said west right-of-way line 801.15 feet to a point on said north line of said Southwest Quarter; thence South 87 degrees 45 minutes 58 seconds West on said north line 279.41 feet to the Point of Beginning, containing 5.12 acres, more or less.