

RESOLUTION 150-ZC-0

A RESOLUTION OF THE CITY OF WESTFIELD- WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION MODIFYING WRITTEN COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

WHEREAS, the City of Westfield, Indiana (“City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Unified Development Ordinance (“Unified Development Ordinance”);

WHEREAS, on December 13, 2004, the Westfield Council (“Council”) enacted Ordinance 04-43, recorded as Instrument No. 200500009748 in the Office of the Recorder of Hamilton County, Indiana, which rezoned the subject real estate more particularly described in **Exhibit A** (“Real Estate”) from AG-SF1: Agriculture / Single Family Rural District to SF-2: Single-Family Low Density District;

WHEREAS, commitments concerning the use and development of the Real Estate, recorded as Instrument No. 200500009748 in the Office of the Recorder of Hamilton County, Indiana, were made to the Council effective upon the Council’s enactment of Ordinance 04-43 (“Previous Commitments”);

WHEREAS, Langston Residential Development, LLC (“Langston”) has filed a petition (Petition No. [REDACTED]), with the Westfield-Washington Advisory Plan Commission (“Plan Commission”) requesting modification of the Previous Commitments with regard to the Real Estate, attached hereto as **Exhibit B** (“Modified Commitments”);

WHEREAS, the Real Estate subject to the Modified Commitments is the real estate that was subject to Ordinance 04-43 and the Previous Commitments;

WHEREAS, in accordance with the Unified Development Ordinance (Article 10.6), an introductory presentation of the Modified Commitments was made to the Council on May 11, 2015;

WHEREAS, the Plan Commission held a public hearing regarding the Modified Commitments on February 15, 2016 (“Public Hearing”);

NOW THEREFORE BE IT RESOLVED BY THE WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION AS FOLLOWS:

SECTION I. The Modified Commitments pertaining to the Real Estate, which are attached hereto as **Exhibit B** and which modify the Previous Commitments, are hereby approved.

SECTION II. The Previous Commitments are hereby replaced and superseded in their entirety by the Modified Commitments with respect to the Real Estate.

SECTION III. In accordance with the Unified Development Ordinance (Article 10.6), the Modified Commitments are not effective until executed and notarized by the current property owner of the Real Estate and recorded in the Office of the Recorder of Hamilton County, Indiana.

PASSED THIS ____ DAY OF _____, 2016, BY THE WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION, HAMILTON COUNTY INDIANA.

Randall Graham, President
Westfield-Washington Township
Advisory Plan Commission

ATTEST:

Matthew S. Skelton, Secretary
Westfield-Washington Township
Advisory Plan Commission

Exhibit "A"

LEGAL DESCRIPTION

A part of the Northeast Quarter and the Southeast Quarter Section 8, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Southeast Quarter Section; thence South 00 degrees 17 minutes 04 seconds West along the East line of said Quarter Section a distance of 1,253.47 feet to the centerline of 159th Street; thence along the centerline of 159th Street by the next two (2) courses; 1) North 84 degrees 08 minutes 56 seconds West 1,409.41 feet; 2) North 89 degrees 46 minutes 19 seconds West 1,237.76 feet to the West line of said Southeast Quarter Section; thence North 00 degrees 07 minutes 02 seconds East along said West line 1,089.99 feet to the Southwest corner of said Northeast Quarter Section; thence North 00 degrees 02 minutes 15 seconds East along the West line of said Quarter Section a distance of 1,308.29 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 30 minutes 21 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.83 feet to the Northeast corner of said Quarter-Quarter Section; thence along the westerly and southerly boundary lines of the real estate described in Instrument Number 98-39293 in the Office of the Recorder of Hamilton County, Indiana by the next three (3) courses; 1) South 00 degrees 38 minutes 10 seconds West 292.77 feet; 2) South 00 degrees 03 minutes 47 seconds West 349.85 feet; 3) North 88 degrees 08 minutes 00 seconds East 1,325.98 feet to the East line of said Northeast Quarter Section; thence South 00 degrees 12 minutes 04 seconds West along said East line 705.44 feet to the place of beginning, **containing 129.742 acres, more or less.**