

**ORDINANCE 17-03  
CHATHAM COMMONS PUD DISTRICT**

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

This is a Planned Unit Development District Ordinance (to be known as Chatham Commons PUD District) to amend the Westfield-Washington Township Unified Development Ordinance for the City of Westfield and Washington Township, Hamilton County, Indiana (the “Zoning 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 (Petition xxxx-PUD-xx), filed with the Commission requesting an amendment to the Zoning Ordinance and to the Zoning Map;

**WHEREAS**, the Commission forwarded Petition xx to the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) with a \_\_\_\_\_ recommendation (X-X) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 367-4-1505;

**WHEREAS**, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2017; and,

**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 Zoning Ordinance and Zoning Map are hereby amended as follows:

**Section 1. Applicability of Ordinance.**

- 1.1 This PUD District Ordinance (this "Ordinance") applies to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”) and shall hereafter be referred to as the "**CHATHAM COMMONS PUD DISTRICT**" (the “District” or the “Commons”).
- 1.2 The provisions of the Zoning Ordinance as amended shall govern development of the Real Estate unless specifically modified by the terms of this Ordinance. All provisions and representations of the Zoning Ordinance that conflict with the provisions of this Ordinance shall be superseded by the terms of this Ordinance.
- 1.3 The underlying zoning district shall be the **GB**– **General Business District**. Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance which shall supersede the Unified Development Ordinance, the standards of Unified Development Ordinance (“UDO”) at

the time of the approval of this Ordinance, applicable to the Underlying Zoning District shall apply. Future changes to the UDO shall not apply unless agreed upon by Developer.

1.4 Chapter (“Chapter”) and Article (“Article”) cross-reference of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

**Section 2.** **Definitions.** Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- A. Architectural Insulated Panels: An insulated metal panel with a foamed core and an exterior finish that simulates the look of stucco.
- B. Underlying Zoning District. The Zoning District of the Unified Development Ordinance that shall govern the development of this District shall be GB – General Business.
- C. Chatham Hills: A high quality residential and golf course community located in Westfield.

2.1 Site Concept Design Plan: The Commons at Chatham Hills will be a diverse commercial center designed for every day needs of nearby residents and focused on hospitality for visitors and residents in their daily lives, including hotel, possible grocery, retail, restaurant and services, as well as hospitality needs for nearby events, Grand Park, business travelers, golf and more due to the close proximity of nearby features and location along US-31. The plan is attached hereto and incorporated herein by reference as **Exhibit A** and depicts a general plan for the development of the Real Estate. The site will be developed in sustainable progression and has been laid out accordingly to incorporate the future City of Westfield’s round-a-bout planned just west of US-31 and street expansion on 191<sup>st</sup>. Layout of business sites have been carefully set up to take advantage of and help preserve, where possible, the natural surroundings of trees, creeks and lower ground for amenities, ponds and trail ways.

2.2 Illustrative Character Exhibit: The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to provide users with conceptual ideas of concepts, elements, architecture or intended quality of structures to be constructed in the District. Office and other multi-story buildings (i.e. hotels) shall be encouraged to reflect various characters as depicted in the *State Road 32 Overlay*, when applicable. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality of structures that are permitted to be constructed and that contribute to the District’s intent and vision. It is understood that many high quality businesses have strict architectural and branding plans for their respective buildings and flexibility shall be encouraged in order to preserve Westfield’s marketability. The Department’s decision may be appealed to the Plan Commission.

- A. Development Creative Intent: An emphasis on creating a cohesive and architecturally interesting site that cultivates new business in Westfield, hospitality areas for residents, the community, business travelers and Grand Park Sports tourism guests. It will be a high quality development and due to the proximity to US-31, numerous other users will visit the District while traveling so access and visibility is extremely important. The natural features of the property will provide a nice benefit for all users and will be a great amenity for the District.
- B. Architectural Review: All architectural, landscaping, lighting and signage plans in the District shall be submitted to Developer for Architectural Review Board for approval. Approval by Developer or designated member of Architectural Review Board shall be required prior to

any final municipal approvals or permits issued. Upon completion of the building (s), inspection and occupancy approval may be withheld by City if approved elements have not been installed or used, as determined by Developer.

C. *Article 5.2 US 31 Overlay District* standards do not apply to the Real Estate or future additional Real Estate amended to this Ordinance; all standards herein shall apply and supersede any standards in the UDO.

**Section 3. Permitted Uses.**

- 3.1 All uses permitted in the Underlying Zoning District for GB except for the following modifications:
  - A. Utilities – Regulated by IURC
  - B. Adult Entertainment
- 3.2 In addition, the following are also permitted:
  - A. Outdoor dining, entertainment and event areas
  - B. Gasoline Service Station and car washing facility
  - C. Bed & Breakfast
  - D. Nursing Home/Assisted Care Facility
  - E. Day care or private children’s school center
  - F. Pet Kennel (small animals) and Veterinary Office/Hospital
  - G. Golf course, golf practice or miniature golf facility
  - H. Public or private park, including for animal recreation
  - I. Drive-Thrus and Stand-alone drive thru businesses
  - J. Day Care or School center
  - K. Office, construction trade
  - L. Agritourism Use shall be permitted and includes beer, wine or spirits tasting room and distillery, Farm Stand or temporary farmers market
  - M. Family Entertainment Center
  - N. Multi-level parking structures
  - O. Amenity areas or green space using artificial turf
  - P. Sports equipment rental and repair

- Q. Mixed-Use Commercial, including office and/or retail space

**Section 4. General Regulations.** The regulations of *Chapter 4: Zoning Districts*, as applicable to the Underlying Zoning District, shall apply except as otherwise modified below and shall supersede the UDO. The following shall apply:

- 4.1 *Article 4.16: General Business District* regulations shall apply except as modified herein in order to encourage a communal, cohesive aesthetic:

A. Minimum Setback Lines

- a. Front Yard: Thirty (30) feet along 191<sup>st</sup> Street and Fifteen (15) Feet along Internal Streets, which shall comprise a required Buffer Yard (if applicable). The Front Yard shall not be considered the yard adjacent to the US-31 Right-of-way.
- b. Setback from US-31: The Side or Rear Yard (depending on the user's layout) that is adjacent to US-31 shall be Thirty (30) feet from the US-31 Right-of-way.
- c. Side Yard (only if abutting an Internal Street): Fifteen (15) Feet and may include Buffer Yard, if applicable
- d. Side Yard (all others internal to development): No Minimum
- e. Setback for Side or Rear Yard abutting the residential adjacent to the north side of 191<sup>st</sup> Street: Fifteen (15) Feet and shall be inclusive of any required Buffer Yard. Existing trees and natural setting shall be preserved where healthy and possible.
- f. Rear Yard: No minimum
- g. For Corner Lots: One (1) Front Yard shall be designated and other yard shall adhere to Side Yard standards.
- h. Side or Rear Yard Setbacks and Buffer Yards shall not apply to adjacent property owned or under land contract by Chatham Hills, LLP or one of its entities/partners or agricultural property.

- B. Required gross acreage attributed to outlots: No minimum or maximum.

- C. No Minimum Tract Requirements.

D. Building Height

- a. Minimum Building Height: Fourteen (14) feet
- b. Maximum Building Height (adjacent to US-31, no frontage on 191<sup>st</sup>): None
- c. Maximum Building Height (not adjacent to US-31): 60 feet
- d. Architectural Height Standard: Buildings with five (5) or more stories are encouraged to vary the façade by a minimum of ten (ten) feet every four stories.
- e. Site amenities, including but not limited to entryway guard houses, gazebos or other

aesthetically-enhancing elements shall not be subject to Height Standard minimums.

E. Building Size Requirements

- a. Minimum Gross Floor Area: 3000 square feet
- b. Maximum Gross Floor Area: No maximum

F. Minimum Lot Frontage: 80 feet

**Section 5.0**

**Development Standards.** Primary focus is to retain a high quality level of architecture and provides for a beautiful gateway off US-31. The standards of *Chapter 6: Development Standards* shall apply to the development of the District, except as otherwise modified or enhanced by this Ordinance, which shall supersede the UDO.

A. Accessory Use and Building Standards *Article 6.1 (B) and Article 6.1 (D)* shall apply, except as modified below: If the Accessory Building(s) entails a gate or guard house, gazebo or related structure for aesthetic or public recreation purposes, then it may be owned by the Developer or Common Area Association and constructed anywhere in the District.

1. Setbacks for Accessory Buildings shall adhere to Setbacks specified herein this Ordinance.
2. Outdoor equipment for agriculture-related uses, including metal distillery tanks, shall be permitted to be visible without screening, when aesthetically enhancing the building and business use, as approved by Developer.
3. Swimming Pool shall be encouraged to be located inside but may be permitted to be in the yard adjacent to US-31 and screened and landscaped so as to minimize visibility.
4. Enclosures of Receptacles and Loading Areas shall be constructed of material that matches or complements the Principal Building in the same balance of masonry and non-masonry materials.

5.1 Architectural and Design Standards Article 5.3 (K) State Road 32 Overlay Architectural Design Requirements shall apply with the following modifications. *Article 6.3 Architectural Standards* shall apply, except as otherwise modified below. **Exhibit C** may be used as an example of types of business uses, design aesthetics, level of quality or for other character references.

- A. Exterior Façade Building Materials shall be comprised of three (3) or more building materials.
- B. An emphasis on inclusion of Masonry and stone (or comparable materials) shall be encouraged; thirty percent (30%) of the External Façade shall be Masonry or Stone, excluding window, door, roofing, fascia and soffit materials.
- C. Faux windows are permitted.
- D. If Architectural Insulated Panels are used as an exterior building material, then the following applies:

1. A minimum of thirty-three percent (33%) of each Building Façade, exclusive of

windows (including faux windows and glazing), doors and loading berths, shall be covered with Masonry Materials.

2. No more than sixty-seven percent (67%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with Architectural Insulated Panels.
3. No more than twenty-five percent (25%) of each Building Façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal (that is not Architectural Insulated Panels), Fiber Cement Siding, Polymeric Cladding, E.I.F.S., stucco, or vinyl exterior building materials.

5.2 Landscaping and Screening *Article 6.06 Parking and Loading Standards* shall apply to the Real Estate, except as otherwise modified below.

- A. Landscape plans shall be permitted to reflect and be amenable to the acquisition of property currently under contract by Developer and therefore would be incorporated into the overall Landscape Plan when coordinated.
- B. Overall Landscape Plan shall not be required upon filing and for initial permits as the remainder of site and user specifics are not known.
- C. Buffer yards shall not be required except when adjacent to an existing Single Family home on the northside of 191<sup>st</sup> and west of the District and shall be fifteen (15) feet. Buffer yard shall be contained in Side or Rear Yard if applicable. Landscaping requirements for parking may be contained in buffer yard, if required.
- D. Buffer yards shall not be required elsewhere along 191<sup>st</sup> Street.
- E. Landscaping and Parking may be located in buffer yards.
- F. Perimeter parking lot landscaping may occupy the same space as required buffer yard areas and perimeter parking lot planting requirements shall supersede buffer yard planting requirements in those areas.
- G. The buffer yard requirements for undulating mounds shall not apply to prevent the removal or damage to existing trees and vegetation. Tree inventory shall not be required.
- H. If a masonry wall is constructed in a buffer yard without existing trees or landscaping, then one (1) shrub every three (3) feet shall be installed on one side. A minimum of two (2) shrub varieties shall be used.
- I. Landscaping areas may be located within established Right-of-ways.
- J. Existing landscaping shall be incorporated and credited towards required landscaping.
- K. To ensure safety and security, for a Day Care facility and businesses requiring a similar secured activity area, fencing of a high quality material (as defined in *Article 5.3 M.3.a*) that is not the same as the building material shall be permitted on all sides and yards of a building and may be flush with the Front Building Façade of the Principal Building so long as fencing and is consistent in character on every side (i.e. Bridgewater Primrose School located at

14711 Gray Road, Westfield, IN 46062 and its playground space outside). Minimal chain link fencing is permitted in these businesses if located inside decorative fencing and same finishing color.

5.3 Lighting Standards Article 6.9 Lighting Standards shall apply to the Real Estate. The following additional restrictions shall apply:

- A. Decorative Fixtures Decorative light fixtures shall be provided along the Real Estate's entrance drives, public right-of-ways, building and pedestrian walkways as part of the sites overall architectural design.
- B. Uniformity All Light Fixtures (including base and pole) in Common Areas, Entryways to the Center, Parking Areas and other decorative areas are encouraged to reflect street lights or their elements used in **Exhibit B**. Light pole bases shall be installed at or near ground when possible.
- C. Lighting shall be dimmed to 65% after 11pm.
- D. Lighting used for landscaping or to highlight a building feature shall be permitted to be upward facing towards the element or building.

5.4 Parking Article 6.14 Parking and Loading Standards shall apply to the Real Estate, except as otherwise modified below.

- A. Parking requirements and service lanes may be waived or amended if parking lots are adjoining (i.e. brand partner hotels). Access easements shall be permitted to utilize singular service lanes.
- B. Golf cart parking shall be permitted and each space shall be credited 1:1 toward overall parking requirements, not to exceed 5 spaces per primary structure.
- C. Bicycle Parking and storage areas provided inside the building or Accessory Structure are permitted and shall replace exterior Rack Requirements.
  - 1. Bicycle parking areas shall accommodate a minimum of ten (10) bicycle parking spaces for each primary structure and shall be waived if provided for in a Common Area or Public Space within five hundred (500) feet of the Principal Building.

5.5 Sign Standards Article 6.17 Sign Standards shall apply to the Real Estate, except as otherwise modified below.

- A. Privately-owned signs may be placed in any Right-of-Way traffic control and transit signs, information, identification, directional signs and temporary signs if Developer or Real Estate owners association is purchasing all street signage. Signs may be mounted to light poles.
- B. Overall Sign Plan is not required as remaining users and site layout is not known.
- C. Off-Premise Signs are permitted if subject matter is for directional or informational purposes related to Chatham Hills or its related entity as approved by Developer.
- D. Regulated governmental street signage (i.e. stop signs, street name signage, yield, etc.) in

all common areas shall be encouraged to be aesthetically similar to street signage as indicated in **Exhibit B** and may include few or all features (i.e. mounted poles, bases, signage and frames, font, spacing, scale and finials.) If Developer determines that Chatham Commons will have an alternative high end look, then it shall be at the discretion of the Developer to alter and shall be applicable to the Real Estate. All other signage in common areas and for a particular building/business shall be reviewed separately by Architectural Review Board and is not subject to Chatham Hills design aesthetic.

- E. Individual Use and Outlot of Nonresidential Center Monument Signs: Shall be permitted in the Real Estate and Center. A maximum of one (1) Monument Sign shall be permitted for each Lot or point of entry from road (i.e. grocery with multiple entry points) as approved by Developer, and in accordance with *Article 6.17.H Individual Nonresidential Signs*, including the following modifications.
1. Maximum Sign Area: Sixty (60) square feet per sign face.
  2. Maximum Sign Height: Six (6) feet; however, may be nine (9) feet only when incorporating a sign base and sign cap features. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches; due to grade changes, maximum bases and cap standards shall not apply but shall be encouraged to not exceed six (6) feet. Sign caps and bases shall not be used for sign display or advertising purposes. Developer shall approve. Signs may include tenant information if tenant is an additional service to the Principal Building (i.e. a Starbucks located inside a Grocery).
  3. Setback: Monument signage may be located along a Lot Line or Right-of-way with five (5) feet setback. Monumental signage located in Common Areas or for the Center (and not a specific building or user) shall be encouraged to include an element(s) that reflects the signage used in Chatham Hills, including but not limited to Masonry Materials, stone color, limestone color, font, font color, spacing and include similar accessories (caps, ledges, finials, lighting) as shown in **Exhibit B**.
  4. One (1) Monument Sign per building shall be permitted if a tenant is occupying the majority of the building's square footage. (i.e. corporate offices)
- F. Center Monument Sign (Applicable to Center Only): Monument Sign height shall be twenty-five (25) feet and two hundred and fifty (250) square feet in Sign Area, per face, along US-31 with no minimum total building square footage threshold and may contain tenant information.
- G. Entrance Signs: Sign Height maximum shall be eight (8) feet in height, maximum of ten (10) feet wide and sixty (60) square feet of sign area per face and shall be encouraged to incorporate a sign base and/or sign cap features with Masonry Materials in part of the sign, unless specific branding or business signage is required by user. Outlots and Center in-line tenants shall be permitted to have Monument Signs and shall not count against total Sign Area Allocation.
- H. Subject to Plan Commission approval, any sign within the Real Estate may be increased by up to twenty percent (20%) and permitted to have additional signs on a building façade for various attributes of the business (i.e. Market District, Carmel, IN which includes a restaurant located within grocery).



- I. The identification of the City of Westfield, specifically using “of Westfield” or only “Westfield” shall be permitted and shall be a minimum of twenty-five percent (25%) of total height of Center name and may be used in a separate font that is complementary to the overall design and logo.
- J. Interior Circulation Signs pertaining to nearby features (i.e. Grand Park, Chatham Hills) or amenities (i.e. trail network, Monon Trail) shall not be deducted from Sign Area Allocation and shall be included at the Developer’s discretion.
- K. Real Estate Signs, Developer or related Acreage for Sale Sign Height may be twelve (12) feet due to location along US-31 and Sign Area shall be adjusted accordingly; pole signs permitted.
- L. Tourism and hospitality focus: Ornamental signage may be permitted along Internal Streets and shall be encouraged to use similar aesthetic as governmental street signage base or poles in the District for any Grand Park or overall tourism/community efforts, as approved by Developer and City of Westfield.

**Section 6. Additional Design Standards.** The regulations of *Chapter 8: Design Standards* shall apply to the Real Estate, except as otherwise modified below.

- A. Pedestrian Network & Connectivity Standards *Article 8.7 Pedestrian Network Standards* shall apply with the following exceptions:
  - 1. Trails, sidewalks and paths shall not be located adjacent to US-31 due to safety, aesthetics and complementary layout for the entire Center, as well as the desire to utilize natural surroundings on the western and northern portion of the Real Estate and encourage trails to utilize some of the natural elements, if possible. Due to the latter, in or near natural settings, trails shall be permitted have a natural (i.e. mulch, dirt, stone, etc.) surface when located along Cool Creek, ponds or in trees in order to preserve the natural surrounding and avoid destroying adjacent trees and wildlife. In these areas, trail width shall not apply.
- B. Street and Right-of-Way Standards *Article 8.9 Street and Right-of-Way Standards* shall apply, with the exception that multiple access points shall be permitted, in addition to The City of Westfield’s planned round-a-bout on 191<sup>st</sup> Street.
- C. Street Sign Standards shall apply with modifications as indicated in Section 5.5 herein. Once signage is approved, additional review is not required for future sections or phases if using identical signage as previous phases in the Real Estate.
- D. Declaration of Covenants Property owners shall adhere to the Real Estate’s Declaration of Covenants and Restrictions for the Common Area Association, which may apply greater restrictions than found herein.

Exhibit A – Conceptual Site & Thoroughfare Plan



### Exhibit B – Common Area Signage, Lighting Concepts

Note: Images in Exhibit B are to serve ONLY as inspiration for an element or elements, quality or site components (i.e. stone color, limestone use, font, poles, lighting, street sign blades, finial details, color etc.) that could be incorporated into landscaping, common area signage, monument signs for the center or other elements (and not for Individual Outlots or Tenants). Final elements in the Center are not required to use the design ideas below; however, all will be reviewed and approved by Developer prior to installation.



**Exhibit C – Hospitality & Commercial Conceptual**



ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,  
HAMILTON COUNTY, INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

WESTFIELD COMMON COUNCIL HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Chuck Lehman

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Chuck Lehman

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Chuck Lehman

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Mark Keen

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Mark Keen

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Mark Keen

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Joe Edwards

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Joe Edwards

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Joe Edwards

**ATTEST:**

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

I hereby certify **ORDINANCE 17-XX** was delivered to the **Mayor of Westfield** on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**ATTEST:**

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

**I hereby APPROVE ORDINANCE 17-XX**

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

**I hereby VETO ORDINANCE 17-XX**

this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

**ATTEST:**

\_\_\_\_\_  
Cindy J. Gossard, Clerk Treasurer

**RECORD LEGAL DESCRIPTION**

(Recited from Instrument No. 2014050554)

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the Harrison marker at the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 88 degrees 51 minutes 33 seconds West (assumed bearing) 262.85 feet on and along the South line of said Northeast Quarter to a P.K. nail at the Southwest corner of a 0.62 acres tract of real estate described in Deed Record 353, page 973 and the **POINT OF BEGINNING** of this description; thence South 88 degrees 51 minutes 33 seconds West 25.00 feet on and along the South line of said Northeast Quarter to a P.K. nail marking the Southeast corner of a 0.50 acre tract of real estate described in Instrument No. 9401818; thence North 00 degrees 09 minutes 26 seconds East 200.00 feet to a 2" iron pipe at the Northeast corner of said 0.50 acre tract; thence South 88 degrees 51 minutes 33 seconds West 329.09 feet parallel with the South line of said Northeast Quarter to the Northwest corner of a 0.50 acre tract of real estate described in Deed Record 310, page 533; thence South 00 degrees 09 minutes 26 seconds West 200.00 feet to a P.K. nail on the South line of said Northeast Quarter at the Southwest corner of said 0.50 acre tract; thence South 88 degrees 51 minutes 33 seconds West 50.00 feet on and along the South line of said Northeast Quarter to a P.K. nail at the Southeast corner of a 0.50 acre tract of real estate described in Instrument No. 9445727; thence North 00 degrees 09 minutes 26 seconds East 200.00 feet to the Northeast corner of said 0.50 acre tract; thence South 88 degrees 51 minutes 33 seconds West 659.75 feet parallel with the South line of said Northeast Quarter to a 5/8" iron rod with yellow cap stamped S0083 at the intersection of the North line of a 0.51 acre tract of real estate described in Deed Record 330, page 521 and the West line of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 04 minutes 25 seconds East 1,129.54 feet to the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 04 minutes 25 seconds East 123.02 feet on and along the West line of the Northeast Quarter of said Northeast Quarter to a 5/8" iron rod with yellow cap stamped S0083 at the Northwest corner of a 3 3/4 acres off the South side of the Northeast Quarter of said Northeast Quarter; thence North 88 degrees 48 minutes 10 seconds East 1,191.85 feet to a 5/8" iron rod with yellow cap stamped S0083 at the point of intersection of the North line of said 3 3/4 acre tract and Westerly right-of-way line of U.S. Highway #31 (as per Indiana Dept. of Highway Plan for F. project 24(3) 1954; the following 3 courses are on and along said Westerly right-of-way line (1), thence South 00 degrees 59 minutes 19 seconds East 308.85 feet to a 5/8" iron rod with yellow cap stamped S0083; (2), thence South 01 degree 01 minute 42 seconds East 483.40 feet to a 5/8" iron rod with yellow cap stamped S0083; (3), thence South 00 degrees 09 minutes 26 seconds West 283.81 feet to a 5/8" iron rod with yellow cap stamped S0083 at the point of intersection of said Westerly right-of-way line and the North line of a 0.64 acres tract of real estate described in Deed Record 329, page 637; thence South 88 degrees 51 minutes 33 seconds West 142.35 feet to a 5/8" iron rod at the Northeast corner of a one-tenth acre tract of real estate described in Deed record 333, page 130; thence South 00 degrees 09 minutes 26 seconds West 377.50 feet to the POINT OF BEGINNING. Containing 34.33 acres, more or less.

EXCEPT THAT PART TAKEN FOR RIGHT OF WAY SET OUT IN THE HAMILTON CIRCUIT COURT CAUSE NO. 29C01-1404-PL-3283.

ALSO:

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, described as follows:

Begin at a point 1326.0 feet West of the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, run thence West along the South line of this Quarter 307.0 feet to a

point, thence North parallel to the East line of said Quarter Section 484.7 feet to the South bank of the Wheeler and Beals Drain; thence following a Northeasterly course along the South bank of this drain to a point 850.5 feet directly North of the place of beginning; thence South 850.5 feet to the place of beginning.

***EXCEPTING THEREFROM:***

105 feet by parallel lines off the entire West side of the following described Real Estate:

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, described as follows:

Begin at a point 1326.0 feet West of the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, run thence West along the South line of this Quarter 307.0 feet to a point, thence North parallel to the East line of said Quarter Section 484.7 feet to the South bank of the Wheeler and Beals Drain; thence following a Northeasterly course along the South bank of this drain to a point 850.5 feet directly North of the place of beginning; thence South 850.5 feet to the place of beginning.

Excepting and reserving all that certain property acquired by Susan D. Klapper from Ila Grinstead by Deed dated 11/21/1995 recorded 12/27/1995 in Deed Volume 9566421.

***ALSO:*** (recited from Instrument No. 2015052972)

105 feet by parallel lines off the entire West side of the following described Real Estate:

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, described as follows:

Begin at a point 1326.0 feet West of the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, run thence West along the South line of this Quarter 307.0 feet to a point, thence North parallel to the East line of said Quarter Section 484.7 feet to the South bank of the Wheeler and Beals Drain; thence following a Northeasterly course along the South bank of this drain to a point 850.5 feet directly North of the place of beginning; thence South 850.5 feet to the place of beginning.

***ALSO:*** (recited from Instrument No. 2015033518)

A part of the Southwest Quarter of the Northeast Quarter of Section 25, Township 19 North, Range 3 East, described as follows:

Begin at a point 1633.1 feet West of the Southeast corner of the Northeast Quarter of said Section, Township and Range; thence West on and along the South line of said Northeast Quarter 307.4 feet to a point; thence Northeasterly on and along a fence line 477.10 feet to a point on the South bank of the Wheeler-Beals Open Drain, said point being 609.8 feet West of the East line of the West Half of said Northeast Quarter; thence Northeasterly on and along the South bank of said open drain to a point 484.7 feet North and 307.1 feet West of said East line; thence South 484.7 feet to intersection with the South line of said Quarter Section and place of beginning.

***MODERNIZED CONSOLIDATED LAND DESCRIPTION*** (The following land description has been prepared in an effort to update, consolidate, and modernize the above record descriptions, being more particularly described as follows:

A part of the Northeast Quarter of Section 25, Township 19 North, Range 3 East of the Second Principal Meridian located in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 25, Township 19 North, Range 3 East; thence South 88 degrees 51 minutes 33 seconds West (assumed bearing) on and along the South line of said Northeast Quarter 996.01 feet to the Southwest corner of the real estate described in a Warranty Deed to The State of Indiana recorded as Instrument No. 2012072243 in the Office of the Recorder of Hamilton County, Indiana and the **POINT OF BEGINNING** of this description; thence continuing South 88 degrees 51 minutes 33 seconds West on and along the South line of said Northeast Quarter 944.49 feet to the Southwest corner of the land of Chatham Hills, LLP as described in Instrument No. 2015033518 in said Recorder's Office; thence North 00 degrees 34 minutes 48 seconds East along the West line of said land and approximately along a fence line 477.10 feet to the Northwest corner of said land at the approximate South bank of the Wheeler-Beals open drain, said point being 609.8 feet West of the East line of the West Half of said Northeast Quarter; thence North 87 degrees 24 minutes 00 seconds East along the North line of said land and along the approximate South bank of said open drain to a point on the Northwesterly line of the land of Chatham Hills, LLP as described in Instrument No. 2015052972 in said Recorder's Office; thence North 39 degrees 29 minutes 32 seconds East along the Northwesterly line of said land and along the Northwesterly line of the land of Chatham Hills, LLP as described in Instrument No. 2014050554 in said Recorder's Office, and approximately along the South bank of said open drain 481.86 feet to the West line of the Southeast Quarter of said Northeast Quarter; thence North 00 degrees 04 minutes 40 seconds East along the West line of the Southeast Quarter of said Northeast Quarter and along the West line of said land 479.06 feet to the Northwest corner of said Quarter Quarter; thence continuing North 00 degrees 04 minutes 40 seconds East along the West line of the Northeast Quarter of said Northeast Quarter 123.02 feet to the Northwest corner of said land; thence North 88 degrees 48 minutes 10 seconds East along the North line of said land 1110.68 feet to the West right of way line of U.S. Highway No. 31 as set out in Hamilton Circuit Court Cause No. 29C01-1404-PL-3283 agreed findings and judgement of the lands appropriated by the State of Indiana recorded as Instrument No. 2015006703 in said Recorder's Office (the following four (4) courses are described along said Westerly right of way line); 1.) thence South 00 degrees 36 minutes 54 seconds West 352.74 feet; 2.) thence South 11 degrees 37 minutes 04 seconds West 366.74 feet; 3.) thence South 13 degrees 56 minutes 23 seconds West 390.51 feet; 4.) thence South 00 degrees 36 minutes 54 seconds West 205.00 feet to the Northerly right of way line of 191<sup>st</sup> Street as per Indiana Department of Transportation right of way plans for U.S. 31 Project No. 0600431 (the following four (4) courses are described along said Northerly right of way line); 1.) thence South 56 degrees 07 minutes 32 seconds West 57.53 feet; 2.) thence South 84 degrees 17 minutes 24 seconds West 125.40 feet; 3.) thence South 75 degrees 33 minutes 26 seconds West 282.59 feet; 4.) thence South 79 degrees 09 minutes 56 seconds West 164.86 feet to the West line of said real estate described in a Warranty Deed to The State of Indiana recorded as Instrument No. 2012072243 in said Recorder's Office; thence South 00 degrees 09 minutes 26 seconds West along said West line 27.75 feet to the Point of Beginning, containing 41.04 acres, more or less.

Subject to the right of way for 191<sup>st</sup> Street.  
Subject to all legal easements and rights of way.



# Chatham Commons - Westfield, Indiana 191st & US-31 Conceptual Plan

