

ORDINANCE NO. 2016-_____

**AN ORDINANCE AMENDING ZONING MAPS WITHIN THE ZONING ORDINANCE OF THE TOWN
OF WHITESTOWN, INDIANA**

Zoning Map Amendments
PC16-006-ZA

WHEREAS, the Petitioner, I65 Gateway 1, LLC filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 23.1 Acres, more or less, in the Town of Whitestown, Indiana, from AG to I1- Light Industry and GB- General Business; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 5-0 vote, on March 14, 2016; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on April 13, 2016; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Town Council of the Town of Whitestown, having considered the application and the recommendation of the Whitestown Plan Commission, now adopts the proposal and approves the requested rezoning with the stated conditions of commitment (Covenant/Commitments), all as hereinafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

Section 1. That the Applicant is I65 Gateway 1, LLC

Section 2. That the Applicant seeks to have the following described property, which is currently located in the AG- Agricultural zoning rezoned to I1- Light Industry and GB- General Business:

See legal description attached hereto as Exhibit A and incorporated herein by reference.

Section 3. That the Town Council of Whitestown has paid reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

Section 4. That Exhibit B – Deed Restrictions and Written Commitments Concerning the Use or Development of Real Estate Made in Connection with a Zone Map Change – is made part of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage and upon presentation of proof by Petitioner to the Town that this Ordinance and the Commitments have been recorded.

ALL OF WHICH IS ADOPTED this ____ day of _____, 2016, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Eric Miller, President

Clinton Bohm

Susan Austin

Jeff Wishek

Kevin Russell

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Prepared by: Lauren Bailey

Exhibit A

Legal Description

(Zoning Description for Northmost 300' to be zoned I-1)

A part of the Northwest Quarter of Section 1 and Northeast Quarter of Section 2, both in Township 17 North, Range 1 East in Boone County, Indiana, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of said Section 2; thence North 89 degrees 58 minutes 30 seconds West (basis of bearing per an ALTA/ACSM land title survey prepared by The Schneider Corporation as Job No. 4861.006 dated February 9, 2016) along the South line of said Quarter a distance of 184.68 feet to the center line of the Etter Legal Drain and the southwest corner of the tract of land recorded as Instrument No. 200800000757 in said Recorder's Office, the following seven (7) courses are along the westerly lines of said land; (1) North 21 degrees 13 minutes 30 seconds East 54.01 feet; (2) North 30 degrees 03 minutes 23 seconds East 105.05 feet; (3) North 36 degrees 27 minutes 07 seconds East 197.61 feet to the POINT OF BEGINNING; (4) continuing North 36 degrees 27 minutes 07 seconds East 87.05 feet; (5) North 13 degrees 16 minutes 40 seconds East 138.32 feet; (6) North 00 degrees 06 minutes 20 seconds West 117.12 feet; (7) North 06 degrees 03 minutes 56 seconds East 16.78 feet to a point that is North 89 degrees 32 minutes 44 seconds East 97.42 feet (95.00 feet as described in Ordinance No. 2007-10 adopted by the Town Council of Whitestown, Indiana on October 8, 2007) of the West line of said Northwest Quarter and 638.02 feet north of the Southwest corner thereof; thence North 89 degrees 32 minutes 23 seconds East of a distance of 1524.57 feet to the west line of a tract of land described in a deed recorded as Instrument No. 9804802 in said Recorder's Office as a point 745.40 feet south of the northwest corner thereof; thence South 00 degrees 27 minutes 22 seconds East along said west line a distance of 300.08 feet; thence South 88 degrees 12 minutes 04 seconds East parallel with the South line of said Northwest Quarter a distance of 1612.75 feet to the Point of beginning, containing 11.287 acres, more or less.

This description prepared by Steven W. Reeves
Indiana Registered Land Surveyor #20400005

(Zoning Description for Southmost 300' to be zoned GB)

A part of the Northwest Quarter of Section 1 and Northeast Quarter of Section 2, both in Township 17 North, Range 1 East in Boone County, Indiana, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northeast Quarter of said Section 2; thence North 89 degrees 58 minutes 30 seconds West (basis of bearing per an ALTA/ACSM land title survey prepared by The Schneider Corporation as Job No. 4861.006 dated February 9, 2016) along the South line of said Quarter a distance of 184.68 feet to the center line of the Etter Legal Drain and Recorder's Office, the following three (3) courses are along the westerly lines of said land; (1) North 21 degrees 13 minutes 30 seconds East 54.01 feet; (2) North 30 degrees 03 minutes 23 seconds East 105.05 feet; (3) North 36 degrees 27 minutes 07 seconds East 197.61 feet to a point 300.00 feet at right angle to the South line of said Northwest Quarter; thence North 88 degrees 12 minutes 04 seconds East parallel with said South line a distance of 1612.75 feet to the west line of a tract of land described in a deed recorded as Instrument No. 9804802 in said Recorder's Office; thence South 00 degrees 27 minutes 22 seconds East along said west line a distance of 300.08 feet to the South line of said

Quarter; thence South 88 degrees 12 minutes 04 seconds West along said South line a distance of 1620.04 feet to the Point of Beginning, containing 11.838 acres, more or less.

This description prepared by Steven W. Reeves
Indiana Registered Land Surveyor #20400005

Exhibit B

Commitments

**Commitments Concerning the Use and
Development of Real Estate**

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Pursuant to IC §36-7-4-1015, I65 Gateway 1, LLC (hereinafter, “Owner”) makes the following Commitments to the Whitestown Plan Commission regarding the hereinafter described Real Estate.

Description of Real Estate:

See Exhibit “A” attached hereto and incorporated herein.

Statement of Commitments:

1. That adequate landscape buffer “A” alternative “4” shall be installed at the time of Development Plan Approval to preserve the AG zoning that surrounds the East and West boundaries of this rezoned property.

Binding Effect:

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Whitestown Plan Commission or its successor.

Recording:

The undersigned authorizes the Director of the Whitestown Planning Department to record these Commitments in the Office of the Recorder of Boone County, Indiana, upon granting of the approval of Owner’s proposed Development Plan for Docket PC16-006-ZA.

Enforcement:

These Commitments may be enforced by the Whitestown Plan Commission.

IN WITNESS WHEREOF, Owner executed these Commitments this _____ day of
_____, 2016.

By _____

Title _____

Printed _____

STATE OF INDIANA)
)
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared [OWNER], who acknowledged the execution of the foregoing Commitments.

WITNESS my hand and Notarial Seal this _____ day of _____, 2016.

Signed: _____

Printed: _____
 Notary Public

My Commission Expires:

My County of Residence is:

This instrument was prepared by John R. Molitor, Attorney at Law.

“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.”

Name: John R. Molitor