

ORDINANCE NO. 2018-22

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

Zoning Map Amendments
PC18-015-ZA

WHEREAS, the Petitioner, Emmis Indiana Broadcasting LP, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 70 acres, more or less, in the Town of Whitestown, Indiana, **from the I-1 (Light Industry) Zoning Classification to the UB (Urban Business) Zoning Classification;** 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 6-0 vote, on July 16th, 2018; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on July 16th, 2018; 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.

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

Section 1. The Applicant is Emmis Indiana Broadcasting LP.

Section 2. The Applicant seeks to have the property described in Exhibit A, attached hereto and incorporated herein ("Property"), which is currently located in the I-1 (Light Industrial) Zoning Classification, rezoned to the UB (Urban Business) Zoning Classification.

Section 3. 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. The Town Council hereby adopts the amendment to the zoning map with respect to the Property, as certified by the Whitestown Plan Commission, such that the Property is rezoned to the UB (Urban Business) Zoning Classification.

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 any applicable Commitments have been recorded.

ALL OF WHICH IS ADOPTED this 26 day of July, 2018, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.



Eric Miller, President



Clinton Bohm, Vice President



Susan Austin



Jeff Wishek



Kevin Russell

ATTEST:



Matt Sumner, Town Clerk-Treasurer

/Ordinance prepared by Brittany Garriott, Town Planner/

Exhibit A

Legal Description

Part of the Southeast Quarter of Section 36, Township 18 North, Range 1 East of the Second Principal Meridian, Perry Township, Boone County, Indiana, more particularly described as follows:

COMMENCING at the northeast corner of said Southeast Quarter, said corner being marked by a Harrison monument in concrete per the Boone County Surveyor reference ties; thence North 89 degrees 20 minutes 22 seconds West (basis of bearings referenced to grid North per Indiana State Plane Coordinate System, West Zone, NAD83(2011) EPOCH 2010.0000) a distance of 2.95 feet to the historical northeast corner of said Southeast Quarter, said corner having been previously marked by a railroad rail set vertically; thence South 01 degree 03 minutes 10 seconds East along the historical east line of said Southeast Quarter a distance of 930.59 feet to the POINT OF BEGINNING; thence continuing South 01 degree 03 minutes 10 seconds East along said historical east line a distance of 1404.50 feet to a point which bears North 01 degree 03 minutes 10 seconds West a distance of 300.00 feet from the southeast corner of said Southeast Quarter; thence South 73 degrees 03 minutes 03 seconds West a distance of 1133.29 feet to the historical south line of said Southeast Quarter, at a point which bears South 88 degrees 24 minutes 01 second West a distance of 1090.00 feet from said southeast corner of said Southeast Quarter; thence South 88 degrees 24 minutes 01 second West along said historical south line a distance of 340.47 feet to the easterly right-of-way line of Interstate 65 per Indiana State Highway Commission Plans dated 1957, Project Number I-03-4(11), the next three (3) courses being along said easterly right-of-way lines; (1) thence North 43 degrees 54 minutes 30 seconds West a distance of 1314.86 feet; (2) thence North 41 degrees 37 minutes 04 seconds West a distance of 250.20 feet; (3) thence North 43 degrees 54 minutes 30 seconds West a distance of 212.61 feet to the south line of the Northwest Quarter of said Southeast Quarter; thence North 88 degrees 28 minutes 54 seconds East along said south quarter-quarter section line a distance of 1292.37 feet to a 5/8-inch rebar with cap stamped "WEIHE" marking the southeast corner of said Northwest Quarter of said Southeast Quarter; thence North 01 degree 03 minutes 00 seconds West along the east line of said Northwest Quarter of said Southeast Quarter a distance of 388.47 feet; thence North 88 degrees 32 minutes 47 seconds East a distance of 1339.71 feet to the POINT OF BEGINNING, containing 69.796 acres, more or less.