



ORDINANCE NO. 2018-23

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

Zoning Map Amendments
PC18-016-ZA

WHEREAS, the Petitioner, Strategic Capital Partners, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately ~~104~~¹⁰⁴ acres, more or less, in the Town of Whitestown, Indiana, **from the AG (Agriculture) Zoning Classification to the I-1 (Light Industry) 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 with conditions, by a 5-0 vote, on July 16th, 2018; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation with conditions 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 Strategic Capital Partners.

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 AG (Agriculture) Zoning Classification, rezoned to the I-1 (Light Industry) Zoning Classification.

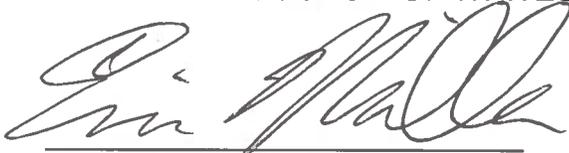
Section 3. The Town Council of Whitestown has paid reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the 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 I-1 (Light Industry) 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.

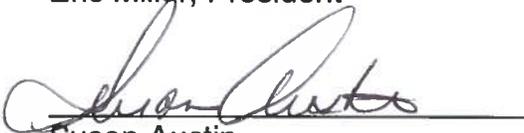
TOWN COUNCIL OF WHITESTOWN, INDIANA.



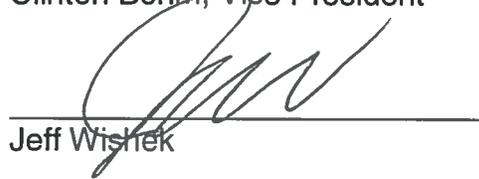
Eric Miller, President



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

PARCEL #018-14960-00 (27.495 acres +/-)

38.34 acres, more or less, in Worth Township, Boone County, Indiana, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 2 East, containing 40 acres, more or less.

EXCEPT: A part of the Southeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 2 East being a portion of the State Highway as per Condemnation Suit filed July 8, 1968 in Cause No. 21092 containing 1.644 acres, more or less.

EXCEPT: A part of the southeast quarter of Section 26, Township 18 North, Range 1 East, Worth Township, Boone County, Indiana, more fully described by: Commencing at the Southeast Corner of the Southeast Quarter of said Section 26; thence South 88 degrees 57 minutes 53 seconds West, along the Section line, a distance of 1296.76 feet to the Point of Beginning; thence continuing South 88 degrees 57 minutes 53 seconds West, along the Section line, a distance of 39.41 feet; thence North 00 degrees 16 minutes 42 seconds West, along an East described line of the Bradley Property, as recorded in Dead Record 227, Page 757-759, a distance of 42.52 feet; thence South 43 degrees 27 minutes 00 seconds East, along the Limited Access Right of Way of Interstate 65, a distance of 57.59 feet to the point of beginning. This tract contains approximately 0.0192 of an acre, being subject to an apparent right of way for a County Road (not maintained) on and along the entire southernmost boundary.

Excepting therefrom the following 10.845 acres

Part of the Southeast Quarter of Section 26, Township 18 North, Range 1 East of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument at the Northeast corner of said Southeast Quarter; thence South 13 degrees 33 minutes 30 seconds East 2.65 feet to the Northeast corner of said Southeast Quarter as shown on the Plat of AllPoints at Anson - Phase 2 North - Revision 2 Right-of-Way Dedication and Easement Location document recorded as Instrument Number 201100007663 in the Office of the Recorder of Boone County, Indiana (hereafter referred to as "Plat"); thence South 88 degrees 02 minutes 10 seconds West 685.74 feet (basis of bearings per said Plat) along the north line of said Southeast Quarter according to said Plat to the northeast corner of Parcel I as described in Instrument Number 200600009833, on file in the Office of said Recorder; thence South 00 degrees 48 minutes 48 seconds East 618.01 feet along the east line of said Parcel I to the northeast corner of Parcel II as described in said Instrument Number 200600009833; thence South 00 degrees 35 minutes 22 seconds East 708.91 feet along the east line of said Parcel II to the north line of the Southeast Quarter of said Southeast Quarter; thence South 88 degrees 16 minutes 16 seconds West 264.34 feet along said north line to a 5/8" diameter rebar with a cap stamped "Structurepoint - 0094" set flush (hereafter referred to as "set rebar") on the west right-of-way line of Anson Boulevard as shown on said Plat, being the POINT OF BEGINNING; thence South 44 degrees 24 minutes 10 seconds East 525.15 feet along the southeasterly extension of said right-of-way line to a set rebar; thence South 45 degrees 35 minutes 49 seconds West 914.88 feet to a set rebar on the northeast right-of-way line of I-65; thence North 43 degrees 54 minutes 30 seconds West 123.32 feet along said right-of-way line to a set rebar on the west line of the Southeast Quarter of said Southeast Quarter of Section 26, the following two (2) courses are along the west and north lines of said Quarter-Quarter Section; 1)thence North 00 degrees 48 minutes 40 seconds West 914.97 feet (a rebar was found 0.4 of a foot south and 1.4 feet west of the corner); 2)thence North 88 degrees 16 minutes 16 seconds East 384.83 feet to the POINT OF BEGINNING. Containing 10.845 acres, more or less.

ALSO:

PARCEL #018-04970-00 (40 acres +/-)

The Southwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East, containing 40 acres, more or less.

ALSO:

PARCEL #020-05540-03 (10.06 acres +/-)

30.4 acres, more or less, excepting 20.3387 acres sold to Valenti-Held, leaving 10.06 acres, more or less, in Perry Township, Boone County, Indiana, more particularly described as follows:

The North Half of the Northeast Quarter of Section 35, Township 18 North, Range 1 East.

EXCEPT: A part of the West Half of the Northeast quarter of Section 35, Township 18 North, Range 1 East, described as follows: Commencing at the northwest corner of said tract, running thence south along the west line of said tract 1.80 chains, thence east 3.18 chains to the west line of State Road No. 52, thence north 40 degrees and 54 minutes west along the west line of said road 2.39 chains to the north line of said tract, thence west 1.60 chains to the place of beginning, containing 43/100 of an acre, more or less.

EXCEPT: A part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East, situated in Perry Township, Boone County, Indiana, particularly described as follows: From the northwest corner of the aforesaid northeast quarter, proceed thence North 88 degrees 54 minutes 17 seconds East (the bearing determined from the plan centerline of Old U.S. Highway #52 plans), 168.95 feet along the section line to a point 2,504.35 feet west of a railroad rail monument at the northeast corner of the aforesaid northeast quarter; thence South 41 degrees 30 minutes 00 seconds East, 318.90 feet along the plan centerline of Old U.S. Highway #52; thence curve left with a 171,887.34 foot radius curve, 44.92 feet along the aforesaid centerline (the chord bearing South 41 degrees 39 minutes 27 seconds East, 44.92 feet) to the point of beginning. From said point of beginning, thence continue curving left with a 171,887.34 foot radius curve, 292.77 feet along the aforesaid centerline (the chord bearing South 41 degrees 42 minutes 50 seconds East, 292.77 feet); thence South 55 degrees 13 minutes 08 seconds West, 184.15 feet; thence South 61 degrees 32 minutes 59 seconds West, 125.09 feet; thence North 62 degrees 40 minutes 14 seconds West, 20.40 feet; thence North 59 degrees 07 minutes 04 seconds West, 61.29 feet; thence North 37 degrees 56 minutes 15 seconds West, 37.34 feet; thence North 00 degrees 47 minutes 47 seconds West, 134.78 feet; thence North 08 degrees 49 minutes 26 seconds East, 69.51 feet; thence North 54 degrees 07 minutes 06 seconds East, 186.74 feet to the point of beginning. (FOR REF. ONLY: Contains 1.8922 acres, more or less.)

EXCEPT: A part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East, situated in Perry Township, Boone County, Indiana, particularly described as follows: From the northwest corner of the aforesaid northeast quarter, proceed thence North 88 degrees 54 minutes 17 seconds East (the bearing determined from the plan centerline of the Old State Highway #52 plans), 168.95 feet along the section line to the point of beginning. From said point of beginning continue thence North 88 degrees 54 minutes 17 seconds East, along the section line to a point 2,176.27 feet west of a rail monument at the northeast corner of the aforesaid northeast quarter; thence South 02 degrees 45 minutes 15 seconds West, 105.98 feet; thence South 62 degrees 12 minutes 31 seconds West, 96.03 feet; thence South 24 degrees 31 minutes 02 seconds East, 108.23 feet; thence South 48 degrees 19 minutes 59 seconds West, 50.00 feet; thence curve Right, with a 171,887.34 foot radius curve, 50.57 feet along the centerline of Lake View Avenue (formerly U.S Highway #52) to the former Station 396+13.6 on said state road; thence North 41 degrees 39 minutes 00 seconds West, 318.90 feet along the aforesaid centerline to a point shown as Station 392+94.7 on the aforesaid plans said point being the point of beginning. (FOR REF. ONLY: Contains 1.0679 acres, more or less.)

EXCEPT: A part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described by: Commencing at the northwest corner of the Northeast Quarter of said Section 35; thence North 88 degrees 57 minutes 53 seconds East, along the section line, a distance of 496.07 feet to the point of beginning; thence North 88 degrees 57 minutes 53 seconds East along the Section line and the south described line of the Bradley Property, as recorded in Deed Record 227, Pages 757-759, a distance of 879.51 feet; thence South 43 degrees 27 minutes 00 seconds East, along the westerly limited access right of Interstate 65, a distance of 1254.02 feet; thence South 42 degrees 01 minutes 06 seconds East, along said westerly limited access right of way, a distance of 200.10 feet; thence south 44 degrees 17 minutes 12 seconds East, along said westerly limited access right of way, a distance of 342.40 feet; thence south 88 degrees 56 minutes 33 seconds west, along the quarter-quarter section line, the north described line of the Bennington Property, as recorded in Miscellaneous Record 95, page 225 and Deed Record 227, Page 580 and that part of the north described line of the Graham property, as recorded in Deed Record 252, Page 783-784, a distance of 1273.70 feet; thence along the approximate centerline of the right of way of Old U.S. 52 (now Indianapolis Road) on a curve to the left, with a radius of 171,887.34 feet, a central angle of 00 degrees 27 minutes 39 seconds and having an arc length of 1382.78 feet; thence north 48 degrees 53 minutes 53 seconds east, along a southeasterly described line of the Guest Property, as recorded in Deed record 227, Page 966, a distance of 50.00 feet; thence north 25 degrees 11 minutes 45 seconds west, along an easterly described line of said Guest Property, a distance of 108.23 feet; thence north 62 degrees 02 minutes 19 seconds east, along an easterly described line of said Guest Property, a distance of 96.03 feet; thence north 02 degrees 35 minutes 03 seconds east, along the easterly described line

of the Guest Property, a distance of 105.98 feet to the point of beginning. Subject to the right of way of Old U.S. 52 (now Indianapolis Road), on and along the entire westernmost boundary, also being subject to the maintenance easement for the Etter Legal Open Drain, being measured 75 feet perpendicular to both tops of bank. (FOR REF. ONLY: Contains 36.7211 acres, more or less.)

EXCEPT: A part of the North Half of the Northeast Quarter of Section 35, Township 18 North, Range 1 East, being a portion of the State Highway as per Condemnation Suit filed July 8, 1968 in Cause No. 21092 containing 9.514 acres, more or less

EXCEPTING THEREFROM: (20.3387 ACRES SOLD TO VALENTI-HELD)

Part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East, Perry Township, Boone County, Indiana, more fully described by:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 35; thence along the Section line, North 88 degrees 57 minutes 53 seconds East 103.21 feet to the Point of Beginning; thence continue along the Section line, North 88 degrees 57 minutes 53 seconds East 65.74 feet to a point in the center of the Right of Way line of Indianapolis Road, formerly known as U.S. 52; thence along the center of the Right of way of said Indianapolis Road, South 41 degrees 37 minutes 51 seconds East 318.90 feet to a curve having a radius of 171,887.34 feet the radius point of which bears North 48 degrees 22 minutes 09 seconds East, thence Southeasterly along said curve 44.92 feet to a point which bears South 48 degrees 21 minutes 15 seconds West from said radius point; thence along the described lines of the Sickbert Property recorded in Deed Record 226, Page 802, Boone County Recorder's Office, South 54 degrees 08 minutes 27 seconds West 186.74 feet, thence along said Sickbert Property, South 08 degrees 50 minutes 43 seconds West 69.51 feet; thence along said Sickbert Property, South 00 degrees 46 minutes 30 seconds East 134.78 feet; thence along said Sickbert Property, South 37 degrees 54 minutes 58 seconds East 37.34 feet; thence along said Sickbert Property, South 59 degrees 05 minutes 47 seconds East 61.29 feet; thence along said Sickbert Property South 62 degrees 38 minutes 57 seconds East 20.40 feet; thence along said Sickbert Property, North 61 degrees 34 minutes 16 seconds East 125.09 feet; thence along said Sickbert Property, North 55 degrees 14 minutes 25 seconds East 184.15 feet to a point in the center of the Right of Way line of Indianapolis Road which said point lies on a curve having a radius of 171,887.34 feet, the radius point of which bears North 48 degrees 15 minutes 24 seconds East; thence Southeasterly along said curve and the center of said right of way, 1,095.71 feet to a point which bears South 47 degrees 53 minutes 29 seconds West from said radius point; thence along the North described line of the Valenti-Held Real Estate Group, LLP Property, recorded in Instrument #9914590 and along the Quarter-Quarter Section line, South 88 degrees 56 minutes 35 seconds West 1321.84 feet; thence along an East described line of said Valenti-Held Real Estate Group, LLP Property, and along the Quarter Section line, North 00 degrees 41 minutes 06 seconds West 1208.38 feet; thence along a South described line of said Valenti-Held Real Estate Group, LLP Property, North 89 degrees 17 minutes 25 seconds East 206.35 feet to a point on the Westerly Right of Way line of said Indianapolis Road; thence along said Right of Way line, North 41 degrees 31 minutes 20 seconds West 157.74 feet to the Point of Beginning, containing 20.3387 acres, more or less.

Parcel: 018-03570-00 (40 acres +/-)

The Southeast Quarter of the Southwest of Section 25, Township 18 North, Range 1 East of the Second Principal Meridian, in Boone County, Indiana, containing 40 acres, more or less.

Parcel: 018-11820-00 (24.566 acres +/-)

Northeast Quarter of the southwest quarter of Section 25, Township 18 North, Range 1 East, containing 40 acres, more or less.

EXCEPT: Part of the northeast quarter of the southwest quarter of Section 25, Township 18 North, Range 1 East, described as follows: Beginning at a point on the north line of said northeast quarter of the southwest quarter of Section 25, Township 18 North, Range 1 East that is 535.0 feet east of the northwest corner thereof; running thence east in and along said north line and the center line of Boone County Road 450 South as now located 120.66 feet to a point; thence south parallel to the west line of said quarter quarter section 361.0 feet; thence west parallel to said north line 120.66 feet; thence north parallel to said west line 361.0 feet to the place of beginning.

Containing 1.00 acres more or less. Located in Worth Township, Boone County, Indiana.

ALSO EXCEPT: A part of the Southwest Quarter of Section 25, Township 18 North, Range 1 East located in Worth Township, Boone, County, Indiana, being bounded as follows: Commencing at the Northwest corner of the Southwest Quarter of Section 25, Township 18 North, Range 1 East (iron pin found); thence South 89 degrees 47 minutes 00 seconds East (assumed bearing) 1,336.20 feet along the north line of said Southwest Quarter to the northwest corner of the East Half of said Southwest Quarter and the POINT OF BEGINNING of this description, said corner being collinear with the equidistant from the northwest corner and the northeast corner (occupied center of Section) of said Southwest Quarter thence South 89 degrees 47 minutes 00 seconds East 535.00 feet along the north line of said Southwest Quarter; thence South 00 degrees 17 minutes 55 seconds West 361.00 feet parallel with the

west line of the East Half of said Southwest Quarter; thence North 89 degrees 47 minutes 00 seconds West 535.00 feet parallel with the north line of said Southwest Quarter to the west line of the East Half of said Southwest Quarter; thence North 00 degrees 17 minutes 55 seconds East 361.00 feet along the West line of the East Half of said Southwest Quarter to the POINT OF BEGINNING. Containing **4.434 acres**, more or less, being subject to all applicable easements and rights-of-way of record. (No Improvements). Subject to liens, restrictions and easements of record.

ALSO EXCEPT: A part of the Southwest Quarter of Section 25, Township 18 North, Range 1 East, in Boone County, Indiana more particularly described as follows:

Beginning at the Northeast corner of said Southwest Quarter; thence South 01 degree 02 minutes 50 seconds East (assumed basis of bearings) along the east line of said Southwest Quarter, a distance of 639.20 feet; thence South 88 degrees 59 minutes 44 seconds West parallel with the north line of said Southwest Quarter, a distance of 682.18 feet to a point on the southerly extension of the east line of the tract of land described in Instrument Number 0300659, on file in the Office of the Recorder of Boone County, Indiana; thence North 00 degrees 55 minutes 12 seconds West along said west line and its southerly extension, a distance of 639.20 feet to the north line of said Northwest Quarter; thence North 88 degrees 59 minutes 44 seconds East along said north line, a distance of 680.76 feet to the POINT OF BEGINNING. Containing **10.00 acres**, more or less.