

ORDINANCE NO. 2021-16

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

Zoning Map Amendments
PC21-007-ZA

WHEREAS, the Petitioner, Park 130 Partners II, LLC filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone five (5) parcels of a combined approximately 133.1 acres, more or less, in the Town of Whitestown, Indiana, **from the AG (Agriculture) and R-3 (Medium Density Single-Family and Two-Family Residential) Zoning Classifications 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 favorable recommendation, by a 6-0 vote, on March 8, 2021; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on April 8, 2021; 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 amendment.

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

Section 1. That the Applicant is Park 130 Partners II, LLC.

Section 2. That the Applicant seeks to have the property described in Exhibit A, attached hereto and incorporated herein by reference ("Property"), which is currently located in the AG (Agriculture) and R-3 (Medium Density Single-Family and Two-Family Residential) Zoning Classifications, rezoned to the I-1 (Light Industry) Zoning Classification.

Section 3. The Applicant shall record this Ordinance in the chain of title for the Property.

Section 4. 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 5. That the Town Council hereby adopts the amendment to the zoning map with respect to the Property, such that the Property is rezoned to the I-1 (Light Industry) Zoning Classification subject to the Commitments.

Section 6. 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 _____, 2021, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA

Clinton Bohm, President

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

4086653



First American

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: NCS-1032067-INDY

File No.: NCS-1032067-INDY

The Land referred to herein below is situated in the County of Boone, State of Indiana, and is described as follows:

TRACT I:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 EAST AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST ALL OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER-QUARTER SECTION; THENCE NORTH ALONG THE EAST LINE THEREOF A DISTANCE OF 783.50 FEET TO A FENCE ON THE SOUTH BANK OF THE ETTER COUNTY DRAIN AND THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 30 MINUTES WEST (BEARING FROM DEED [RECORD 209, PAGE 434](#), OFFICE OF THE BOONE COUNTY RECORDER) ALONG SAID FENCE A DISTANCE OF 665.00 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER-QUARTER A DISTANCE OF 681 FEET 5 1/2 INCHES TO THE WEST LINE THEREOF; THENCE NORTH ALONG SAID WEST LINE A DISTANCE OF 401.32 FEET TO THE NORTHWEST CORNER OF SAID QUARTER-QUARTER; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE AFORESAID SOUTHEAST QUARTER OF SECTION 35 A DISTANCE OF 33.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID QUARTER-QUARTER A DISTANCE OF 360.00 FEET TO THE SOUTHWEST CORNER OF THE 2.71 ACRE TRACT OF LAND DESCRIBED IN DEED [RECORD 222, PAGE 668](#); THENCE EAST ALONG THE SOUTH LINE OF SAID 2.71 ACRE TRACT A DISTANCE OF 433.50 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EAST LINE OF SAID 2.71 ACRE TRACT A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF THE 2.07 ACRE TRACT OF LAND DESCRIBED IN DEED [RECORD 251, PAGE 345](#); THENCE EAST ALONG THE SOUTH LINE OF SAID 2.07 ACRE TRACT A DISTANCE OF 317.30 FEET TO THE SOUTHEAST CORNER THEREOF DISTANT 75 FEET WEST OF THE CENTERLINE OF THE ETTER COUNTY DRAIN; THENCE CONTINUING EAST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID 2.07 ACRE TRACT A DISTANCE OF 79 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID DRAIN; THENCE NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 1597 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID CENTERLINE WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 1894 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE EAST ALONG THE NORTH LINE OF THE AFORESAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2 A DISTANCE OF 26.4 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER-QUARTER A DISTANCE OF 594 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 34.7 ACRES, MORE OR LESS.

TRACT II

PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER-QUARTER SECTION; THENCE NORTH ALONG THE WEST LINE THEREOF A DISTANCE OF 635.00 FEET TO THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF A 2.71 ACRE TRACT OF LAND DESCRIBED IN DEED [RECORD 222, PAGE 668](#) (OFFICE OF THE BOONE COUNTY RECORDER) A DISTANCE OF 425.5 FEET TO THE NORTHEAST CORNER THEREOF; THENCE CONTINUING EAST ALONG THE NORTH LINE OF A 2.07 ACRE TRACT OF LAND DESCRIBED IN DEED [RECORD 251, PAGE 345](#) A DISTANCE OF 402.40 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT BEING DISTANT 75 FEET WEST OF THE CENTERLINE OF THE ETTER COUNTY DRAIN; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID 2.07

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ACRE TRACT OF LAND A DISTANCE OF 258 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER THEREOF; THENCE EAST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID 2.07 ACRE TRACT A DISTANCE OF 79 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID ETTER DRAIN; THENCE NORTHEASTERLY ALONG SAID CENTERLINE A DISTANCE OF 1000 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID CENTERLINE WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER-QUARTER SECTION; THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 1150 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID QUARTER-QUARTER; THENCE SOUTH ALONG SAID WEST LINE A DISTANCE OF 695.06 FEET TO THE POINT OF BEGINNING.

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First American

Exhibit A

ISSUED BY

First American Title Insurance Company

File No: NCS-1032081-INDY

File No.: NCS-1032081-INDY

The Land referred to herein below is situated in the County of Boone, State of Indiana, and is described as follows:

PARCEL 1:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE AT THE NORTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 52 MINUTES 08 SECONDS EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 637.00 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 52 SECONDS WEST PERPENDICULAR TO SAID EAST LINE A DISTANCE OF 420.00 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 08 SECONDS EAST PARALLEL WITH THE SAID EAST LINE A DISTANCE OF 360.00 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST PERPENDICULAR TO SAID EAST LINE A DISTANCE OF 420.00 FEET TO SAID EAST LINE; THENCE SOUTH 00 DEGREES 52 MINUTES 08 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 398.14 FEET TO A POINT DISTANCE 1266.55 FEET NORTH FROM THE SOUTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 88 DEGREES 32 MINUTES 42 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID HALF-QUARTER A DISTANCE OF 1337.83 FEET TO THE WEST LINE THEREOF; THENCE NORTH 00 DEGREES 32 MINUTES 16 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 1393.48 FEET TO THE NORTHWEST CORNER OF SAID HALF-QUARTER; THENCE NORTH 88 DEGREES 28 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID HALF-QUARTER A DISTANCE OF 1329.69 FEET TO THE POINT OF BEGINNING. CONTAINING 39.215 ACRES, MORE OR LESS.

PARCEL 2:

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA;

EXCEPT; HOWEVER, ALL THAT PART OF SAID QUARTER-QUARTER SECTION LYING SOUTH AND EAST OF THE CENTERLINE OF THE ETTER COUNTY DRAIN. CONTAINING 1.8 ACRES, MORE OR LESS;

ALSO, EXCEPT, BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE WEST ALONG THE NORTH LINE THEREOF A DISTANCE 2.63 1/3 CHAINS TO THE CENTERLINE OF THE INDIANAPOLIS AND LEBANON ROAD (U.S. 52); THENCE SOUTH 40 1/2 DEGREES EAST ALONG SAID CENTERLINE A DISTANCE OF 4.05 CHAINS TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 3.08 CHAINS TO THE POINT OF BEGINNING. CONTAINING 0.41 ACRES, MORE OR LESS. CONTAINING AFTER SAID EXCEPTIONS, 37.8 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM THAT PORTION OF PROPERTY CONVEYED TO SATE OF INDIANA BY WARRANTY DEED RECORDED APRIL 24, 2020 AS DOCUMENT [2020004477](#), AS DESCRIBED AS FOLLOWS TO WIT:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B" DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER-QUARTER SECTION, DESIGNATED AS POINT "504" ON SAID EXHIBIT "B"; THENCE NORTH 88 DEGREES 29 MINUTES 12 SECONDS EAST 582.39 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION: THENCE CONTINUING NORTH 88 DEGREES 29 MINUTES 12 SECONDS EAST 565.96 FEET ALONG SAID NORTH LINE TO THE

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CENTERLINE OF INDIANAPOLIS ROAD; THENCE SOUTH 42 DEGREES 41 MINUTES 09 SECONDS EAST 270.04 FEET ALONG THE CENTERLINE OF SAID INDIANAPOLIS ROAD TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 1 DEGREE 01 MINUTE 03 SECONDS EAST 114.38 FEET ALONG SAID EAST LINE; THENCE NORTH 61 DEGREES 07 MINUTES 15 SECONDS WEST 44.14 FEET TO POINT "1176" DESIGNATED ON SAID EXHIBIT "B"; THENCE NORTH 5 DEGREES 48 MINUTES 58 SECONDS WEST 50.00 FEET TO POINT "1175" DESIGNATED ON SAID EXHIBIT "B"; THENCE NORTH 46 DEGREES 13 MINUTES 35 SECONDS WEST 236.20 FEET TO POINT "1174" DESIGNATED ON SAID EXHIBIT "B"; THENCE NORTH 83 DEGREES 53 MINUTES 05 SECONDS WEST 115.97 FEET TO POINT "1173" DESIGNATED ON SAID EXHIBIT "B"; THENCE SOUTH 88 DEGREES 41 MINUTES 02 SECONDS WEST 300.00 FEET TO POINT "1172" DESIGNATED ON SAID EXHIBIT "B"; THENCE NORTH 84 DEGREES 11 MINUTES 28 SECONDS WEST 120.93 FEET TO POINT "1171" DESIGNATED ON SAID EXHIBIT "B"; THENCE NORTH 1 DEGREE 18 MINUTES 58 SECONDS WEST 45.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.255 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY WHICH CONTAINS 0.246 ACRES, MORE OR LESS FOR A NET ADDITIONAL TAKING OF 1.009 ACRES MORE OR LESS.

PARCEL 3:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN IN BOONE COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 00 DEGREES 52 MINUTES 08 SECONDS EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 637.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 07 MINUTES 52 SECONDS WEST PERPENDICULAR TO SAID EAST LINE A DISTANCE OF 420.00 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 08 SECONDS EAST PARALLEL WITH THE SAID EAST LINE A DISTANCE OF 360.00 FEET; THENCE NORTH 89 DEGREES 07 MINUTES 52 SECONDS EAST PERPENDICULAR TO SAID EAST LINE A DISTANCE OF 420.00 FEET TO SAID EAST LINE; THENCE NORTH 00 DEGREES 52 MINUTES 08 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 360.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.47 ACRES, MORE OR LESS.

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