

ORDINANCE NO. 2021-27

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

Zoning Map Amendments
PC21-022-ZA

WHEREAS, the Petitioner, Patch Whitestown, LLC. by Brian J. Tuohy, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 78.47 acres, more or less, in the Town of Whitestown, Indiana, **from the AG (General 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 favorable recommendation, by a 5-0 vote, on July 12, 2021; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on August 11, 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:

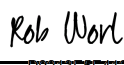
- Section 1.** That the Applicant is Patch Whitestown, LLC. by Brian J. Tuohy on behalf of Margaret F. Smith, Owner.
- Section 2.** That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the AG (General Agriculture) Zoning Classification, rezoned to the I-1 (Light Industry) Zoning Classification;
- 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 the Town Council hereby adopts the amendment to the zoning map with respect to the Property, such that the Property is rezoned to I-1 (Light Industry) Zoning Classification.
- Section 5.** This Ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS ADOPTED this 18th day of August 2021, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

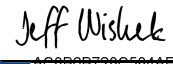
DocuSigned by:


Clinton Bohm, President

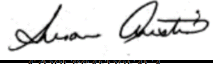
DocuSigned by:


Rob Worl

Eric Miller, Vice President

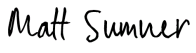
DocuSigned by:


Jeff Wishek

DocuSigned by:


Susan Austin

ATTEST:

DocuSigned by:


Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

Exhibit A

Legal Description

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

NOTE: THIS LEGAL DESCRIPTION IS INCOMPLETE AND IS FOR INFORMATIONAL PURPOSES ONLY. THIS LEGAL DESCRIPTION SHOULD NOT BE USED TO PREPARE LEGAL DOCUMENTS.

PARCEL #1

BEING THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST LOCATED IN WORTH TOWNSHIP, BOONE COUNTY, INDIANA AND CONTAINING 40 ACRES OF LAND, MORE OR LESS.

PARCEL #2

BEING THE EAST HALF OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 18, RANGE 1 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE ALONG THE NORTH DESCRIBED LINE OF THE KENNETH L. SMITH PROPERTY RECORDED IN DEED RECORD 247, PAGES 698-699 AND THE QUARTER SECTION LINE, SOUTH 89°00'04" WEST 1326.54 FEET; THENCE ALONG PART OF THE EAST DESCRIBED LINE OF THE PAUL J. GROOVER AND ROZELLA GROOVER PROPERTY RECORDED IN DEED RECORD 137, PAGE 568, BOONE COUNTY RECORDER'S OFFICE AND THE QUARTER QUARTER SECTION LINE, NORTH 00°16'35" WEST 5.83 FEET; THENCE NORTH 88°44'10" EAST 1326.65 FEET; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 450 EAST AND THE QUARTER SECTION LINE, SOUTH 00°11'56" EAST 11.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.2709 ACRE, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY FOR COUNTY ROAD 450 EAST ON AND ALONG THE EAST BOUNDARY. (SURVEY ATTACHED)

(A 0.2709 ACRE TRACT BEFORE DIVISION AND PART OF DEED RECORD 247, PAGES 700-701)

PARCEL #3

BEING THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST LOCATED IN WORTH TOWNSHIP, BOONE COUNTY, INDIANA AND CONTAINING 40 ACRES OF LAND, MORE OR LESS.

PARCEL #4

BEING THE WEST HALF OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 18, RANGE 1 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE ALONG THE NORTH DESCRIBED LINE OF THE KENNETH L. SMITH PROPERTY RECORDED IN DEED RECORD 247, PAGES 698-699 AND THE QUARTER SECTION LINE, SOUTH 89°00'04" WEST 1326.54 FEET; THENCE ALONG PART OF THE EAST DESCRIBED LINE OF THE PAUL J. GROOVER AND ROZELLA GROOVER PROPERTY RECORDED IN DEED RECORD 137,

PAGE 568, BOONE COUNTY RECORDER'S OFFICE AND THE QUARTER QUARTER SECTION LINE, NORTH 00°16'35" WEST

5.83 FEET; THENCE NORTH 88°44'10" EAST 1326.65 FEET; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 450 EAST AND THE QUARTER SECTION LINE, SOUTH 00°11'56" EAST 11.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.2709 ACRE, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY FOR COUNTY ROAD 450 EAST ON AND ALONG THE EAST BOUNDARY. (SURVEY ATTACHED)

(A 0.2709 ACRE TRACT BEFORE DIVISION AND PART OF DEED RECORD 247, PAGES 700-701)

EXCEPTING THEREFROM:

A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST LOCATED IN WORTH TOWNSHIP, BOONE COUNTY, INDIANA BEING BOUNDED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST; THENCE SOUTH 88 DEGREES 16 MINUTES 21 SECONDS WEST (THE BASIS OF BEARING IS THE INDIANA WEST ZONE NAD 83 STATE PLANE COORDINATE SYSTEM) 1,327.93 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE, NORTH 00 DEGREES 38 MINUTES 41 SECONDS WEST 114.52 FEET ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 16 MINUTES 21 SECONDS EAST 61.07 FEET PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 42 MINUTES 54 SECONDS EAST 203.42 FEET; THENCE SOUTH 85 DEGREES 47 MINUTES 25 SECONDS EAST 79.83 FEET; THENCE SOUTH 80 DEGREES 43 MINUTES 43 SECONDS EAST 79.52 FEET; THENCE SOUTH 76 DEGREES 06 MINUTES 11 SECONDS EAST 200.05 FEET; THENCE SOUTH 81 DEGREES 54 MINUTES 28 SECONDS EAST 173.99 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 06 SECONDS EAST 395.99 FEET; THENCE NORTH 88 DEGREES 21 MINUTES 34 SECONDS EAST 144.03 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 40 MINUTES 23 SECONDS EAST 4.28 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING CONTAINING 1.487 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

A PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B" DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH BOUNDARY OF C.R. 400, WHICH POINT IS THE SOUTHWEST CORNER OF THE GRANTOR'S LAND, NORTH 0 DEGREES 38 MINUTES 08 SECONDS WEST 114.50 FEET FROM THE SOUTHWEST CORNER OF SAID HALF SECTION; THENCE CONTINUING NORTH 0 DEGREES 38 MINUTES 08 SECONDS WEST 210.81 FEET ALONG THE WEST LINE OF THE GRANTOR'S LAND; THENCE SOUTHEASTERLY 126.50 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 295.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 18 DEGREES 20 MINUTES 03 SECONDS EAST AND A LENGTH OF 125.54 FEET TO POINT "1031" DESIGNATED ON SAID EXHIBIT "B"; THENCE SOUTH 34 DEGREES 36 MINUTES 08 SECONDS EAST 46.93 FEET TO POINT "1032" DESIGNATED ON SAID EXHIBIT "B"; THENCE SOUTH 78 DEGREES 12 MINUTES 20 SECONDS EAST 235.00 FEET TO POINT "1033" DESIGNATED ON SAID EXHIBIT "B" AND THE NORTHERN BOUNDARY OF SAID C.R. 400 SOUTH; THENCE ALONG THE NORTHERN BOUNDARY OF SAID C.R. 400 SOUTH NORTHWESTERLY 83.00 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 901.22 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 89 DEGREES 05 MINUTES 17 SECONDS WEST AND A LENGTH OF 82.87 FEET; THENCE SOUTH 88 DEGREES 17 MINUTES 17 SECONDS WEST 210.98 FEET ALONG SAID

NORTHERN BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 0.315 ACRES, MORE
OR LESS.
