

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 50-2005

AN ORDINANCE TO AMEND
THE PLAINFIELD ZONING ORDINANCE AND ZONE MAP
OF THE TOWN OF PLAINFIELD, INDIANA,
AND FIXING A TIME WHEN
THE SAME SHALL TAKE EFFECT

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Plainfield Plan Commission to hold public hearings and make recommendations to the Town Council of the Town of Plainfield concerning ordinances for the zoning or districting of all lands within the incorporated areas of the Town of Plainfield; and,

WHEREAS, the Town of Plainfield Plan Commission has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Plainfield Zoning Ordinance and Zone Map of the Town of Plainfield, Indiana, and has certified such proposal to the Town Council of the Town of Plainfield with a favorable recommendation:

**NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Section 1. Amendment

Pursuant to Docket No. RZ-05-011, the real estate described in Exhibit "A" attached hereto and incorporated herein by this reference is hereby zoned to the "PUD" classification of the Plainfield Zoning Ordinance and is hereby designated for Retail / Commercial / Institutional Uses pursuant to the "Proposed Preliminary Plan – Stanley/Reed Supplement to Saratoga PUD" attached hereto as Exhibit "B".

Section 2. Severability

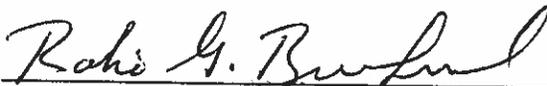
If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date

This Ordinance shall be effective within the incorporated areas of the Town of Plainfield, Hendricks County, Indiana upon its adoption by the Town Council of the Town of Plainfield, as provided in I.C. 36-7-4.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this 24th day of October, 2005.

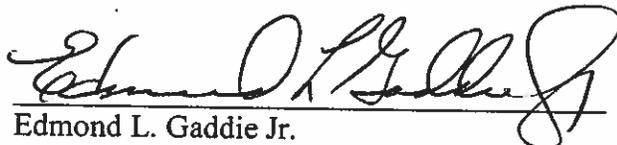
**TOWN COUNCIL,
THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA**


Robin G. Brandgard, President


Kent McPhail

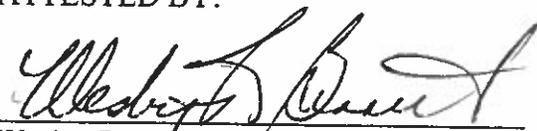

Bill Kirchoff


Daniel W. Fivecoat


Edmond L. Gaddie Jr.

Constituting a majority of all the members of the
Town Council.

ATTESTED BY:


Wesley R. Bennett, Clerk-Treasurer of
the Town of Plainfield, Indiana

PUBLISH: *The Hendricks County Flyer Weekend Edition* - October 27, 2005
The Hendricks County Flyer Weekend Edition - November 3, 2005

Exhibit "A"

Legal Description

REED

TRACT I:

Part of the Southeast quarter of the Northeast quarter of Section 33, Township 15 north, Range 1 East, Hendricks County, Indiana, described as follows:

Beginning at a point in the center line of the west bound lane of U.S. Highway No. 40 at a point which is 144.5 feet north and 506.5 feet west of the stone at the east half mile corner of said section 33; thence from the northeast bearing of said pavement of center line deflecting left 73 degrees 25 minutes and running north 6 degrees west 605 feet; thence deflecting right 73 degrees 25 minutes and running northeasterly parallel with said pavement center line, 239.74 to an iron pipe; thence deflecting right 106 degrees 35 minutes and running southwesterly 563.3 feet to the north right of way line of U.S. 40; thence deflecting right 73 degrees 25 minutes and running southwesterly along said right of way line 87.0 feet; thence deflecting left 73 degrees 25 minutes and running southeasterly 41.7 feet to the aforesaid pavement centerline; thence deflecting right 73 degrees 25 minutes and running southwesterly along said centerline 152.74 feet to the place of beginning, containing 3.11 acres, more or less. Subject to the right of way of U.S. Highway No. 40 and subject to any easements, restrictions and rights of way of record.

EXCEPT: Part of the Northeast Quarter of Section 33, Township 15 North, Range 1 East located in Hendricks County, Indiana, described as follows:

Commencing at the Southeast corner of said Northeast Quarter Section; thence North 00 degrees 17 minutes 42 seconds West along the East line thereof a distance of 357.47 feet to the center of the so-called National Road (Cumberland Road by statute); thence South 66 degrees 14 minutes 00 seconds West along the center line of said road a distance of 138.60 feet to the Southwest corner of the 72-acre parcel of land as described in that certain decree in partition dated march 27, 1879 recorded in Order Book 21, page 161 et seq., in the Office of the Clerk of Hendricks Circuit Court; thence North 07 degrees 04 minutes 08 seconds West along the West line of said 72-acre land parcel a distance of 41.76 feet to the Northwestern right of way line of said National Road; thence South 65 degrees 14 minutes 00 seconds West along said northwestern line a distance of 177.55 feet to a southeast corner of the tract of land described in Deed Record 346, pages 125-126 in the Office of the Recorder of Hendricks County; point also being the Point of Beginning; thence continuing along said right of way South 66 degrees 14 minutes 00 seconds West a distance of 90.00 feet; thence North 07 degrees 08 minutes 00 seconds West a distance of 90.00 feet; thence North 66 degrees 14 minute 00 seconds East parallel with said right of way line a distance of 90.00 feet to the east line of said 1-acre parcel; thence South 07 degrees 08 minutes 00 seconds East along said east line a distance of 90.00 feet to the Point of Beginning.

TRACT II:

Part of the Southeast quarter of the Northeast quarter of Section 33, Township 15 North, Range 1 East, Hendricks County, Indiana, described as follows, to-wit:

From a stone at the Southwest corner of said quarter quarter section, run thence Easterly on and along the South line thereof (and on a right line toward a stone at the Southeast corner of said quarter quarter section) a distance of 488.9 feet (incorrectly said to 7.31 chains in old deeds) to the center of the former National Plank Road and at the southwest corner of a tract of land conveyed by Shildes Moore and Louisa Moore, his wife, to Joshua Bailey by virtue of a Warranty Deed recorded in Deed Record 25, page 88 in the Office of the Recorder of Hendricks County, Indiana; thence deflect 95 degrees 56 minutes to the left and run in a Northerly direction on and along the West line of the last mentioned tract of land, a distance of 66.36 feet; thence deflect 95 degrees 56 minutes to the right and run in an Easterly direction parallel to the south line of said quarter quarter section, and on and along the north boundary of a triangular strip of land containing $112/100$ of an acre deeded to the Indianapolis and Western Railway Company as shown in Deed Record 101, page 323 of the Hendricks County Records, a distance of 165.68 feet to the center of aforesaid National Plank Road; thence deflect 22 degrees 34 minutes to the left and run in a Northeasterly direction on and along the center of said road a distance of 133.50 feet to the beginning point of this description; FROM SAID BEGINNING POINT continue in aforesaid Northeasterly direction on and along the center of said road 76.37 feet; thence deflect 73 degrees 22 minutes to the left and run in a Northerly direction 605 feet; thence deflect 106 degrees 38 minutes to the left and run in a Southwesterly direction parallel to aforesaid National Plank Road 76.37 feet; thence deflect 73 degrees 22 minutes to the left and run in a southerly direction 605 feet to the point of beginning.

LEGAL DESCRIPTION

STANLEY

Part of the Southeast quarter of the Northeast quarter of Section 33, Township 15 north, Range 1 East, Hendricks County, Indiana, described as follows, to-wit:

From a stone at the Southwest corner of said quarter quarter section, run thence Easterly on and long the south line thereof (and on a right line toward a stone at the southeast corner of said quarter quarter section) a distance of 488.9 feet (incorrectly said to 7.31 chains in old deeds) to the center of the former National Plank Road and at the southwest corner of a tract of land conveyed by Shildes Moore and Louisa Moore, his wife, to Joshua Bailey by virtue of a Warranty Deed recorded in Deed Record 25, page 88 in the Office of the Recorder of Hendricks County, Indiana; thence deflect 95 degrees 56 minutes to the left and run in a Northerly direction on and along the West line of the last mentioned tract of land, a distance of 66.36 feet; thence deflect 95 degrees 56 minutes to the right and run in an Easterly direction parallel to the south line of said quarter quarter section, and on and along the north boundary of a triangular strip of land containing $112/100$ of an acre deeded to the Indianapolis and Western Railway Company as shown in Deed Record 101, page 323 of the Hendricks County Records, a distance of 165.68 feet to the center of aforesaid National Plank Road; thence deflect 22 degrees 34 minutes to the left and run in a Northeasterly direction on and along the center of said road a distance of 57.13 feet to the beginning point of this description; FROM SAID BEGINNING POINT continue thence deflect 73 degrees 22 minutes to the left and run in a Southwesterly direction parallel to aforesaid National Plant road 76.37 feet; thence deflect 73 degrees 22 minutes to the left and run in southerly direction 605 feet to the point of beginning, containing 1.02 acres, more or less, subject to the right of way of U.S. Highway No. 40 off of and across the entire south end thereof.

SARATOGA

TRACT 1:

Part of the Southeast quarter of the Northeast quarter of Section 33, Township 15 north, Range 1 East, Hendricks County, Indiana, described as follows, to-wit:

From a stone at the Southwest corner of said quarter quarter section, run thence Easterly on and long the south line thereof (and on a right line toward a stone at the southeast corner of said quarter quarter section) a distance of 488.9 feet (incorrectly said to 7.31 chains in old deeds) to the center of the former National Plank Road and at the southwest corner of a tract of land conveyed by Shildes Moore and Louisa Moore, his wife, to Joshua Bailey by virtue of a Warranty Deed recorded in Deed Record 25, page 88 in the Office of the Recorder of Hendricks County, Indiana; thence deflect 95 degrees 56 minutes to the left and run in a Northerly direction on and along the West line of the last mentioned tract of land, a distance of 66.36 feet; thence deflect 95 degrees 56 minutes to the right and run in an Easterly direction parallel to the south line of said quarter quarter section, and on and along the north boundary of a triangular strip of land containing 112/100 of an acre deeded to the Indianapolis and Western Railway Company as shown in Deed Record 101, page 323 of the Hendricks County Records, a distance of 147.14 feet to the Point of Beginning of this description; FROM SAID BEGINNING POINT continue on said curve 18.54 feet to the center of aforesaid National Plank Road; thence deflect 22 degrees 34 minutes to the left and run in a northeasterly direction on and along the center of said road a distance of 57.13 feet to a point; thence deflect 73 degrees 22 minutes to the left and run in a northerly direction 605 feet; thence deflect 106 degrees 38 minutes to the left and run in a southwesterly direction parallel to aforesaid National Plank Road 76.37 feet; thence deflect 73 degrees 22 minutes to the left and run in a southerly direction 597.57 feet to the Point of Beginning.

TRACT II:

A part of the East Half of the Northeast Quarter of Section 33, Township 15 North, Range 1 East, Hendricks County, Indiana, described as follows:

Commencing at a cross on a stone at the southeast corner of said half-quarter section; thence North 0 degrees 17 minutes 42 seconds West (assumed bearing) along the east line of said section 357.47 feet (21 ½ rods by that certain decree in partition dated march 27, 1879, and spread upon Order Book 21, page 161 et seq., in the office of the Clerk of the Hendricks Circuit Court) to the center of the so-called National Road (Cumberland road by statute); thence South 66 degrees 14 minutes 00 seconds West along the center of said road (not coincident with center line of the westbound lane of U.S. 40) 138.60 feet to the southwest corner of the 72-acre parcel of land assigned and set apart to Esther Blair by virtue of said decree in partition; thence North 7 degrees 04 minutes 06 seconds West along the west line of said 72-acre parcel 41.76 feet to the point of beginning of the description, which point is on the northwestern boundary of said National Road: FROM SAID BEGINNING POINT South 66 degrees 14 minutes 00 seconds West along said northwestern boundary 177.55 feet (172.11 feet by Deed Record 197, page 418, in the office of the Recorder of the aforesaid county) to the southeast corner of that certain 1-acre parcel of land described in Deed Record 168, pages 98-99, in said Recorder's office, which southeast corner is North 66 degrees 14 minutes 00 seconds East 80.686 feet, measured along

said northwestern boundary, from the east line of that certain 6.99-acre parcel of land described in Deed Record 162, page 185, in said Recorder's office; thence North 7 degrees 08 minutes 00 seconds West parallel with the east line of said 6.99-acre parcel 563.25 feet (565 feet by said Deed Record 297, page 418) to the southeastern line of that certain 40.07-acre parcel of land described in Deed Record 159, page 5, in said Recorder's office; thence North 66 degrees 14 minutes 00 seconds East along said southeastern line 178.21 feet (172.11 feet by Deed Record 297, page 418) to the west line of the aforesaid 72-acre parcel; thence South 7 degrees 04 minutes 06 seconds East along said west line 563.44 feet (565 feet by said Deed Record 297, page 418) to the point of beginning; containing 2.204 acres, more or less, together with all rights in the National Road and U.S. 40 that are appurtenant and peculiar to the premises above described as well as those that are in common with the public. Subject to zoning, restriction, encumbrances and easements of record.

EXCEPT that part of the above-described 2.204 acre tract located within the bounds of the following described real estate: A part of the Northeast Quarter of Section 33, Township 15 North, Range 1 East, Guilford Township, Hendricks County, Indiana, described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence South 88 degrees 48 minutes 00 seconds West along the south line of said Northeast Quarter a distance of 854.43 feet; thence North 07 degrees 08 minutes 00 seconds West a distance of 605.00 feet; thence North 66 degrees 14 minutes 00 seconds East a distance of 615.28 feet to the Point of Beginning, point also being a southern corner of the Final Plat for St. Stephen's Lutheran Church as recorded in Plat Cabinet 3, Slide 52, Pages 1 & 2 in the Office of the Recorder of Hendricks County, Indiana; thence next 2 courses being along the western and southern line of said Plat; (1) thence North 07 degrees 08 minutes 00 seconds West a distance of 100.00 feet; (2) thence North 89 degrees 51 minutes 52 seconds East a distance of 308.67 feet to the western right-of-way line of Saratoga Parkway; thence next 2 courses being along said western right-of-way; point being on a curve to the right having a radius of 800.00 feet the radius point of which bears South 88 degrees 19 minutes 34 seconds West; (1) thence southerly along said curve an arc distance of 21.48 feet to a point which bears North 89 degrees 51 minutes 52 seconds East from said radius point; (2) thence South 00 degrees 08 minutes 08 seconds East a distance of 123.76 feet; thence South 89 degrees 51 minutes 52 seconds West a distance of 291.13 feet; thence North 07 degrees 08 minutes 00 seconds West a distance of 46.32 feet to the Point of Beginning, containing 1.000 acres, more or less.

ALSO EXCEPT that part of the above-described 2.204 acre tract located within the bounds of the following described real estate: A part of the Northeast Quarter of Section 33, Township 15 North, Range 1 East, Guilford Township, Hendricks County, Indiana, described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence South 88 degrees 48 minutes 00 seconds West along the south line of said Northeast Quarter a distance of 854.43 feet; thence North 07 degrees 08 minutes 00 seconds West a distance of 605.00 feet; thence North 66 degrees 14 minutes 00 seconds East a distance of 615.28 feet to a southern corner of the Final Plat for St. Stephen's Lutheran Church as recorded in Plat Cabinet 3, Slide 52, Pages 1 & 2 in the Office of the Recorder of Hendricks County, Indiana; thence South 07 degrees 08 minutes 00 seconds East a distance of 46.32 feet to a 5/8" yellow capped rebar stamped

“Schneider – Firm #0001” (hereinafter referred to as “rebar”) being the Point of Beginning; thence North 89 degrees 51 minutes 52 seconds East a distance of 291.13 feet to a “rebar” on the West right-of-way line of Saratoga Parkway as described in a deed recorded in Deed Book 342, Page 51-54 in the said Recorder’s Office; thence South 00 degrees 08 minutes 08 seconds East along said West right-of-way line a distance of 154.99 feet to a “rebar”; thence North 90 degrees 00 minutes 00 seconds West a distance of 272.19 feet to a “rebar”; thence North 07 degrees 08 minutes 00 seconds West a distance of 155.50 feet to the Point of Beginning, containing 1.00 acres, more or less. Subject to all highways, rights-of-way and easements.

TRACT III:

Part of the Northeast Quarter of Section 33, Township 15 North, Range 1 East located in Hendricks County, Indiana, described as follows:

Commencing at the Southeast corner of said Northeast Quarter Section; thence North 00 degrees 17 minutes 42 seconds West along the East line thereof a distance of 357.47 feet to the center of the so-called National Road (Cumberland Road by statute); thence South 66 degrees 14 minutes 00 seconds West along the center line of said road a distance of 138.60 feet to the Southwest corner of the 72-acre parcel of land as described in that certain decree in partition dated march 27, 1879 recorded in Order Book 21, page 161 et seq., in the Office of the Clerk of Hendricks Circuit Court; thence North 07 degrees 04 minutes 08 seconds West along the West line of said 72-acre land parcel a distance of 41.76 feet to the Northwestern right of way line of said National Road; thence South 65 degrees 14 minutes 00 seconds West along said northwestern line a distance of 177.55 feet to a southeast corner of the tract of land described in Deed Record 346, pages 125-126 in the Office of the Recorder of Hendricks County; point also being the Point of Beginning; thence continuing along said right of way South 66 degrees 14 minutes 00 seconds West a distance of 90.00 feet; thence North 07 degrees 08 minutes 00 seconds West a distance of 90.00 feet; thence North 66 degrees 14 minute 00 seconds East parallel with said right of way line a distance of 90.00 feet to the east line of said 1-acre parcel; thence South 07 degrees 08 minutes 00 seconds East along said east line a distance of 90.00 feet to the Point of Beginning.

Exhibit "B"

PROPOSED PRELIMINARY PLAN

STANLEY/REED SUPPLEMENT TO SARATOGA PUD Commercial/Retail/Institutional Area

INTENT:

Petitioners seek to annex certain property into the Town of Plainfield and include such property within the retail and commercial provisions of the existing Saratoga PUD.

The proposed additional tracts to the PUD are situated along the north side of U.S. Highway 40 and adjoin the existing PUD on three (3) sides as shown on the enclosed Preliminary Plan for Saratoga. The Preliminary Plan also reserves the adjoining uses within the existing Saratoga PUD for one of the following uses:

- Commercial
- Institutional
- Retail
- School
- Church
- Multi-Family Residential

Because the subject tracts are adjoined by Saratoga on three sides, it is reasonable to include the subject tracts within the Saratoga PUD. Because a significant portion of the subject tracts abut U.S. Highway 40, and because of the designation of uses for the part of Saratoga adjoining the subject tracts, the highest and best use of the proposed additional property is Commercial or Retail.

LAND USE AND DEVELOPMENT STANDARDS

Petitioners wish to include the subject real estate within the designated retail/commercial/institutional areas of the Saratoga PUD. As stated in the text provisions of the original PUD, these areas are to comply with the existing use requirements and development standards for the General Business District (now the GC: General Commercial District) under the Plainfield Zoning Ordinance. This supplemental area to the PUD shall be subject to the Gateway Corridor provisions of the Plainfield Zoning Ordinance as it is located on U.S. Highway 40.