

ORDINANCE NO. 2003-08

**AN ORDINANCE TO AMEND THE
TOWN OF PENDLETON, INDIANA, UNIFIED DEVELOPMENT CODE**

WHEREAS, the Town of Pendleton Plan Commission has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by The Bradford Group, Inc., for the real estate more particularly described in the attached Exhibit A (the "Real Estate"), and it has done so with the consent of the owner of the Real Estate, Ron & Rita Huntzinger Farms, Inc., whose consent is attached hereto as Exhibit B; and

WHEREAS, the Plan Commission has sent its favorable recommendation to the Pendleton Town Council;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pendleton, Madison County, Indiana, meeting in regular session, that the text of the Town of Pendleton Unified Development Code and the Official Zoning Map are hereby amended as follows:

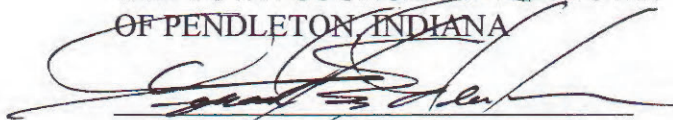
SECTION 1. The zoning classification for the Real Estate, which is located within the jurisdiction of the Town of Pendleton, is hereby zoned as Planned Unit Development ("PUD") District. The Town of Pendleton Unified Development Code shall govern the development within the PUD District except to the extent that this PUD Ordinance contains a provision contrary to the Unified Development Code, in which event this PUD Ordinance shall control.

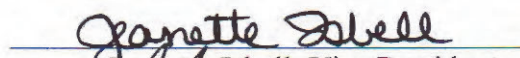
SECTION 2. The permitted land uses of the Real Estate and the facilities plan and the development plan drawings and standards for the Real Estate are set out in the Huntzinger Farm Concept Plan Submittal attached hereto as Exhibit C, which Exhibit is adopted as part of this Ordinance.

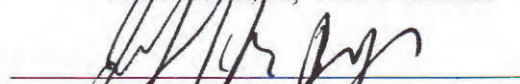
SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Town Council and upon the occurrence of all other events as required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

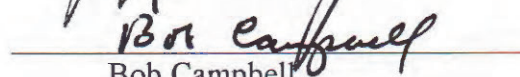
Passed and adopted by the Town Council of the Town of Pendleton, Indiana, this 5th day of June, 2003. This ordinance becomes effective on the date that annexation ordinance 2002-14 becomes effective.

THE TOWN COUNCIL OF THE TOWN
OF PENDLETON, INDIANA


Donald E. Henderson, President

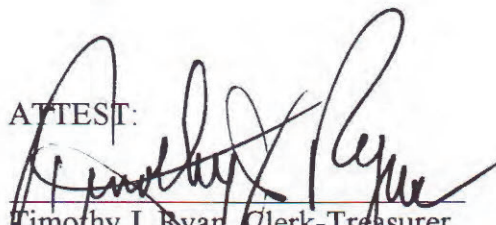

Jeanette Isbell, Vice President


Jeffrey M. Barger


Bob Campbell


Marc C. Farrer

ATTEST:


Timothy J. Ryan, Clerk-Treasurer
of the Town of Pendleton, Indiana

Approved by: Ty Conner, Esq.
Bose McKinney & Evans
Town Attorney

Prepared by: Steven D. Hardin, Esq.
Bingham McHale LLP
970 Logan Street
Noblesville, IN 46060

EXHIBIT A

Land Description Huntzinger Farm Madison County Concept Plan Area

A part of the Northwest and the Southeast quarter of Section 28, and the Southwest and the Southeast of Section 29, both in Township 18 North, Range 7 East, Fall Creek Township, Madison County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the East-half of the Northwest quarter of Section 28. Township 18 North, Range 7 East, said point being 1071 feet East of the Northwest corner of said East-half of the Northwest quarter, and running thence East 258 feet to the Northeast corner of said Northwest quarter of Section 28, thence South 2683 feet to the Southeast corner of said Northwest quarter, thence continuing Southerly 1003.5 feet along the East line of the Southwest quarter of said Section 28 to a property corner, thence Westerly 1,328 feet to a property corner on the west line of the East-half of said Southwest quarter of Section 28, thence South 251.5 feet to the Northeast corner of Lantern Meadows Third Continuation, thence West 1701.7 feet to the Northwest corner of said Lantern Meadows Third Continuation, thence continuing West 470 feet along the extended North line of said Third Continuation to the East line of the Richard Godbey property, thence Northerly 69.79 feet to the Northeast corner of said Godbey property, thence West 621.25 feet to a point in the centerline of State Road No. 9. said point being the Northwest corner of said Godbey property, thence Northeasterly 993 feet along said centerline to the Southwest corner of the Induction Heating and Welding Property, thence East 639.85 feet to the Southeast corner of said property, thence North 250 feet to the Southeast corner of the State of Indiana property being on the North line of the Southeast quarter of Section 29, Township 18 North, Range 7 East, said corner being 532 feet West of the Northeast corner of said Southeast quarter, thence Northwesterly 690.5 feet along the Easterly line of said State of Indiana property to the Southeasterly right-of-way line of State Road No. 67, thence Northeasterly 333.9 feet along said right-of-way line to the Northwest corner of the Roethke Family. LLC property, thence South 32 degrees, 30 minutes, 30 seconds East, 325 feet, thence North 57 degrees, 29 minutes, 30 seconds East, 275 feet parallel with said State Road No. 67, thence North 32 degrees, 30 minutes, 30 seconds west 325 feet to said right-of-way line, thence Northeasterly 1124.5 feet along said right-of-way line to the west line of the East-half of the Northwest quarter of Section 28, thence South 600 feet along said West line, thence East 306 feet, thence Northerly 876.95 feet to a point on said Southeasterly right-of-way line of State Road No. 67, said point being 394.5 feet northeasterly measured along said right-of-way line from said West line of the East-half of the Northwest quarter, thence Northeasterly 100.4 feet along said right-of-way line to a point being 326.7 feet Southwesterly measured along said right-of-way line from the North line of said East-half of the Northwest quarter, thence Southeasterly 400 feet measured radially with State Road No. 67, thence Northeasterly 669.5 feet parallel with said State Road to the point of beginning, containing 225.1 acres more or less, subject to all easements, highways, rights-of-way and restrictions of record.

This description was prepared by Stephen E. Bourquein, Indiana Professional Land Surveyor #S0441, for the purpose of land zoning petitions. It was prepared from existing deeds, surveys and plats, and is subject to a detailed survey.



P.O. Box 67 Pendleton, Indiana 46064-0067

Phone (763) 778-4540 Fax (765) 778-3571 Email pendcnslt@netdirect.net

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TOWN OF PENDLETON
CONSENT FORM

The Undersigned, Ron & Rita Huntzinger Farms Inc.

being the owner(s) of the property described in the attached legal description, hereby authorizes

Stephen D. Hardin to file land development petitions necessary
for the aforementioned property.

[Signature]
SIGNATURE OF OWNER(S)

V. RONALD HUNTZINGER
PRINTED

²⁰⁰⁴4-23-03
DATE

[Signature]
SIGNATURE OF OWNER(S)

RITA F. HUNTZINGER
PRINTED

^{R3H}4/23/03
DATE

STATE OF INDIANA
COUNTY OF MADISON, SS

Subscribed and Sworn to, before
me on this 23 day of April, 2003.

[Signature]
NOTARY

Joan Fitzwater
PRINTED

My Commission Expires:

10-29-2006

Marion
County of Residence

STATE OF INDIANA
COUNTY OF MADISON, SS

Subscribed and Sworn to, before
me on this 23 day of April, 2003.

[Signature]
NOTARY

Joan Fitzwater
PRINTED

My Commission Expires:

10-29-2006

Marion
County of Residence

**PENDLETON PLAN COMMISSION
CERTIFICATION**

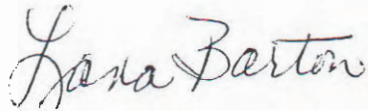
The Pendleton Plan Commission at a public hearing at 7:15 p.m. on March 12, 2003 made a motion by Norma Gasparovic and a second by Bob Jones to recommend to the Pendleton Town Council approval of Petition No. PC-02-02-2003, to amend the Zoning Ordinance of the Town of Pendleton, Indiana to add Section 159 entitled "Planned Unit Development Districts". Motion carried by a voice vote as follows:

Bob Jones – yea
Norma Gasparovic – yea
Gene Crye – yea
Marc Farrer – yea
Jeff Barger – yea

Motion carried 5 to 0.

Petitioner: Town of Pendleton

I, Lana Barton, being the Secretary of the Pendleton Plan Commission, do hereby certify that the above portion is a true and accurate record of the minutes of the meeting of the Pendleton Plan Commission held on March 12, 2003.



Lana Barton
Secretary
Pendleton Plan Commission