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04/18/2019 02:13:31PM 7 PGS  
Jennifer Hayden  
Hamilton County Recorder IN  
Recorded as Presented

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**ORDINANCE NO. 041519B**

**AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the text of zoning Ordinance No. 64-8-03 recorded as Instrument Number 200300096665 and Exhibits B and C in the Ordinance known as the Marina Village Planned Unit Development, and its amendment, previously enacted by the City of Noblesville and adopted by the City of Fishers pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

**WHEREAS**, the Plan Commission of the City of Fishers has conducted a public hearing on the text amendment to the zoning ordinance as required by law in regard to the application by The Marina Limited Partnership to request a text amendment to the existing Marina Village Planned Unit Development Ordinance: and,

**WHEREAS**, the Plan Commission at its March 6, 2019 meeting sent a favorable recommendation to the City of Fishers, Common Council;

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of Fishers, Hamilton County, Indiana, meeting at its regular session, that the Marina Village PUD is hereby amended as follows:

**SECTION 1.** The legislative body hereby amends the text and exhibits of previous Marina Village zoning ordinance by vacating Section 2 of the previously recorded ordinance and any referenced exhibits and they are hereby deleted in their entirety and amended to read as follows:

**Section 2.**

- A. The Preliminary Development Plan of Marina Village marked as Exhibit A has one (1) single-family home located on Lot R-8 (formerly recorded as Block I, which will now have only one (1) single-family home instead of two (2) single-family homes under the previous ordinance).**
- B. The Marina Limited Partnership and Wedgewood Building Company, LLC commit to construct a single-family home as reflected as follows: Lot R-8 marked on Exhibit 1. The Marina Limited Partnership and Wedgewood Building Company, LLC have agreed to attach zoning commitments which are marked as Exhibit 2.**

- C. The existing setback lines, front, side, rear, both interior and exterior, and all easement descriptions will remain the same from the original recorded plat (Instrument No. 200400019789); however, Lot R-8 will not be divided and will contain only one (1) residence instead of two (2).
- D. The Marina Limited Partnership and Wedgewood Building Company, LLC further reserve the right to add additional architectural features to the exterior elevations including, but not limited to, by way of example: gables, dormers, or windows instead of the architectural features depicted on the incorporated construction drawings.
- E. The Marina Limited Partnership and Wedgewood Building Company, LLC reserve the right to make alterations to the interior floor plans, but commit to maintain the footprint as depicted on the drawings. The footprint depicted on the drawings may be decreased as long as the minimum square footage is equal to 2,400 inhabitable square feet or greater.
- F. Any new architectural features or elevations on the proposed residences will be approved by the Planning staff prior to the issuance of a building permit. If the Planning Department does not agree to the proposed changes, the issue will be submitted to the Fishers PUD Committee.

**SECTION 2.** All other provisions of the Marina Village PUD shall remain in effect with the adoption of this ordinance. All provisions and representations of the Marina Village PUD that conflict with the provisions of this ordinance are hereby rescinded as applied to the real estate and shall be superseded by the terms of this ordinance.

**SECTION 3.** The development standards established by this ordinance and exhibits supersede any development standards of the Fishers UDO. It is the intent to apply all other provisions of the Fishers UDO to the development unless they conflict with the ability to construct the single-family home described on Exhibit 1 located on Lot R-8 (formerly Block I).

**SECTION 4.** The use and development of the Real Estate shall be governed by this Third Amended Marina Village PUD pursuant to Text Amendment to zoning Ordinance No. \_\_\_\_\_, attendant zoning Commitments, and plat restrictions contained in the Replat of Block I into R-8, and anything not addressed or not covered by this Third Amended Marina Village PUD shall be governed by the UDO, as amended. The UDO, as modified, revised, and/or made inapplicable by this Third Amended Marina Village PUD shall govern the use and development of the Real Estate.

**SECTION 5.** This ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 15<sup>th</sup> day of April, 2019.

841519B

COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

YAY	NAY	ABSTAIN
<i>Richard W. Block</i>	Richard W. Block, President	
<i>Eric Moeller</i>	Eric Moeller, Vice President	
<i>David George</i>	David George, Member	
<i>C. Pete Peterson</i>	C. Pete Peterson, Member	
	John Weingardt, Member	
<i>Cecilia C. Coble</i>	Cecilia C. Coble, Member	
<i>Brad DeReamer</i>	Brad DeReamer, Member	
<i>Selina M. Stoller</i>	Selina M. Stoller, Member	
<i>Todd Zimmerman</i>	Todd Zimmerman, Member	

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 15<sup>th</sup> day of April 2019, at 9:00 p.m.

ATTEST: *Jennifer L. Kehl*  
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

*Scott A. Fadness*  
Scott A. Fadness, Mayor

04-15-2019  
DATE



MAYOR'S VETO

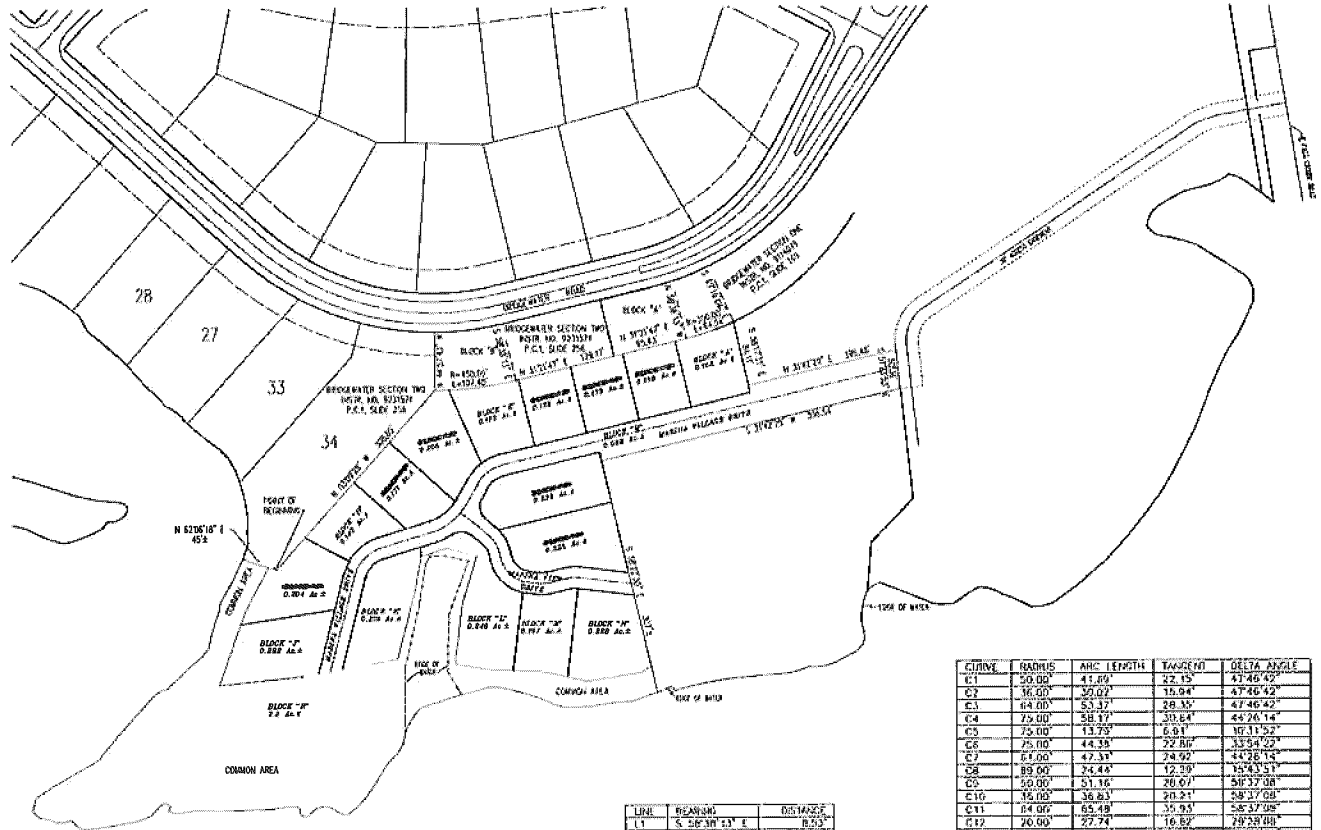
\_\_\_\_\_  
Scott A. Fadness, Mayor

\_\_\_\_\_  
DATE

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in the document, unless required by law *Gordon Byers*.

This instrument prepared by: Gordon D. Byers, Attorney at Law, P.O. Box 27, Noblesville, Indiana 46061

# REPLAT of BLOCK "I" in MARINA VILLAGE



LINE	BEARING	DISTANCE
L1	S 26°34'13" E	8.55'
L2	N 5°51'26" E	13.42'

CURVE	RADIUS	ARC LENGTH	TANGENT	DELTA ANGLE
C1	50.00'	41.69'	22.15'	41°46'42"
C2	36.00'	29.07'	15.94'	47°46'42"
C3	64.00'	53.31'	28.35'	47°46'42"
C4	75.00'	58.17'	33.84'	44°26'14"
C5	75.00'	13.75'	6.91'	16°11'52"
C6	75.00'	44.35'	22.86'	33°54'52"
C7	64.00'	42.33'	24.92'	44°26'14"
C8	89.00'	24.43'	12.25'	15°33'11"
C9	50.00'	51.15'	28.07'	58°37'08"
C10	16.00'	36.83'	20.21'	58°17'08"
C11	84.00'	65.49'	35.93'	58°37'08"
C12	20.00'	27.74'	16.82'	79°29'08"
C13	20.00'	25.67'	14.48'	73°40'29"
C14	40.00'	20.00'	13.40'	37°12'56"
C15	26.00'	16.90'	8.76'	37°14'55"
C16	24.00'	35.10'	18.20'	37°14'55"
C17	40.00'	48.52'	27.75'	69°30'22"
C18	26.00'	31.52'	18.04'	69°30'22"
C19	34.00'	65.71'	37.47'	69°30'22"
C20	40.00'	14.31'	7.23'	20°29'58"
C21	26.00'	8.30'	4.70'	20°29'58"
C22	54.00'	19.35'	9.70'	20°29'58"
C23	40.00'	14.31'	7.23'	20°29'58"
C24	34.00'	19.35'	9.70'	20°29'58"
C25	26.00'	8.30'	4.70'	20°29'58"

DEVELOPER:  
THE MARINA LIMITED PARTNERSHIP  
11691 FALL CREEK ROAD  
INDIANAPOLIS, IN 46256

SURVEYOR:  
**Cripe**  
3931 FARMWAY WAY, SUITE 100, 316 200  
BIRMINGHAM, AL 35243  
(313) 884-2727 FAX (313) 284-4354  
E-MAIL: CRIPES@CRIPE.COM

NOT TO SCALE

# REPLAT of BLOCK "I" in MARINA VILLAGE

## LEGEND

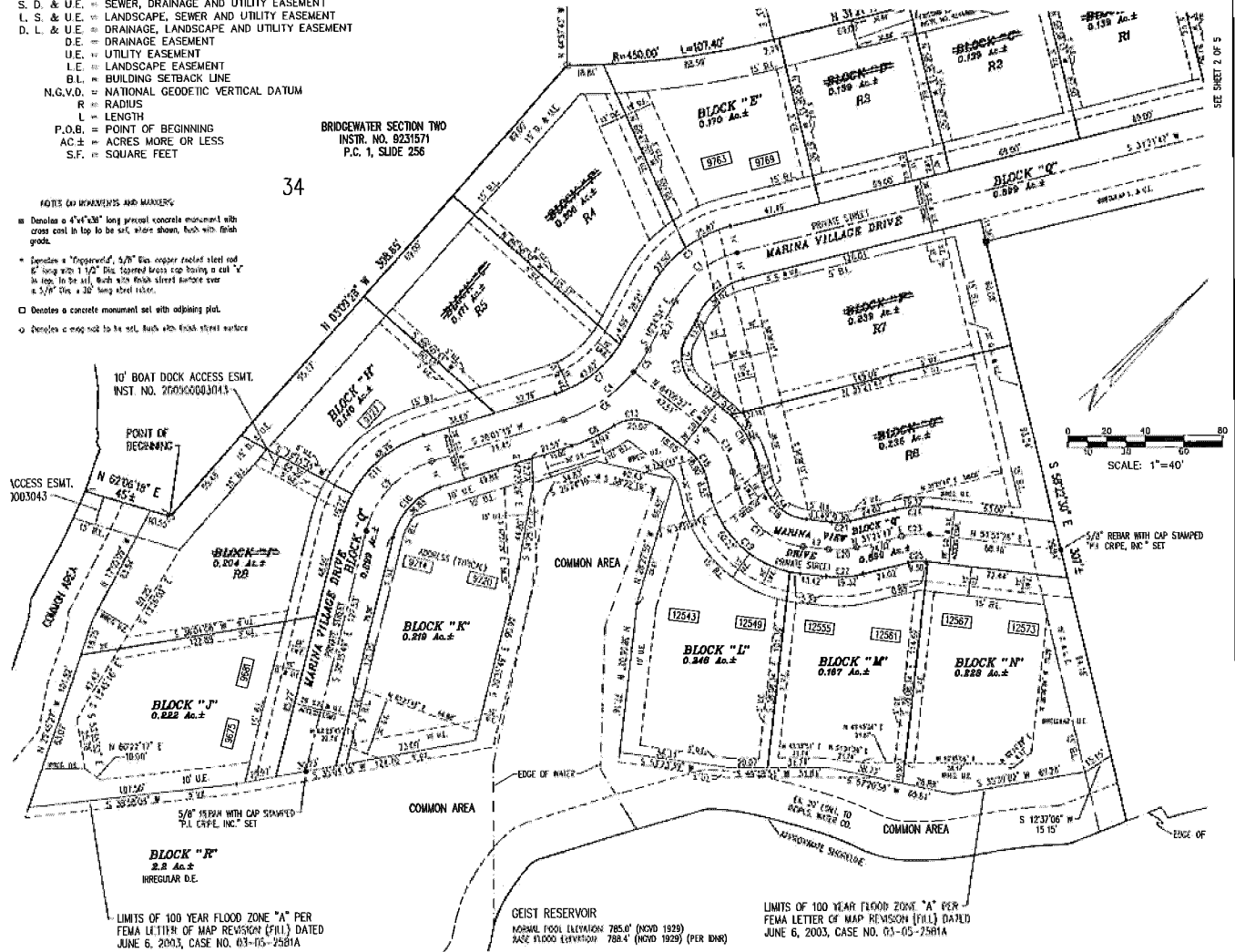
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- D. & U.E. = DRAINAGE AND UTILITY EASEMENT
- L. & U.E. = LANDSCAPE AND UTILITY EASEMENT
- S. & U.E. = SEWER AND UTILITY EASEMENT
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- R = RADIUS
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- P.O.B. = POINT OF BEGINNING
- AC ± = ACRES MORE OR LESS
- S.F. = SQUARE FEET

BRIDGEWATER SECTION TWO  
INSTR. NO. 8231571  
P.C. 1, SLIDE 256

34

### NOTES ON MONUMENTS AND MARKERS:

- Denotes a 4"x4"x24" long precast concrete monument with cross coat in top to be set, where shown, back with finish grade.
- \* Denotes a "Dipperhead", 3/8" Dia. copper coated steel rod 6" long with 1 1/2" Dia. square brass cap having a cut "X" in top. To be set, back with finish street surface over a 3/8" Dia. x 30" long steel riser.
- Denotes a concrete monument set with adjoining plot.
- ◇ Denotes a peg not to be set, back with finish street surface.



LIMITS OF 100 YEAR FLOOD ZONE "A" PER  
FEMA LETTER OF MAP REVISION (L) DATED  
JUNE 6, 2003, CASE NO. 03-05-2581A

GEIST RESERVOIR  
NORMAL FLOOD ELEVATION 785.0' (NOV 1929)  
BASE FLOOD ELEVATION 788.4' (NOV 1929) (PER DMR)

LIMITS OF 100 YEAR FLOOD ZONE "A" PER  
FEMA LETTER OF MAP REVISION (L) DATED  
JUNE 6, 2003, CASE NO. 03-05-2581A

SHEET 2 OF 4

I, the undersigned, hereby certify to the best of my professional knowledge, information and belief, the within replat accurately represents a survey performed under my supervision of the following described real estate:

Block "I" in Marina Village, as per plat thereof recorded as Instrument No. 200400019789 in Plat Cabinet 3, Slice 376 in the Office of the Recorder of Hamilton County, Indiana

This replat consists of one Lot numbered RB, easements and setback lines as shown herein. The size of the Lot, easements and setback lines are shown in figures denoting feet and decimal parts thereof. The purpose of this replat is to vacate the above described one (1) Block for its proposed division into two (2) single-family homes on each Block with a common wall and replat it as one (1) single-family lot to be developed with one (1) single-family home.

I, Eric C. White, hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana.

The original plat of Marina Village is based upon a survey which contains the within described real estate, performed by Paul I. Cripe, Inc., during July 2003, and recorded on February 12, 2004, as Instrument No. 200400003404 in the Office of the Recorder of Hamilton County, Indiana. There has been no change from the matters of survey revealed by said survey, or any prior subdivision plats contained therein, on any lines that are common with this subdivision.



3939 PRIORITY WAY SOUTH DR., SUITE 200  
INDIANAPOLIS, INDIANA 46240  
(317) 844-6777 FAX (317) 706-6464  
E-Mail [cripe@cripe.biz](mailto:cripe@cripe.biz)

Eric C. White, P.S. #29700012



DEED OF DEDICATION

The undersigned, The Merino United Partnership, an Indiana partnership, owner of the west corner shown and described herein, does hereby give, grant, and dedicate the real estate in accordance with the herein terms.

This dedication shall be known and designated as "REPLANT BLOCK '1' IN MARINA VILLAGE.

Front building setback lines are hereby established as shown on this plat between which lines and property lines of the streets thereon shall be located. The setback lines shall be subject to the utility for the installation of water and sewer mains, public utility lines, wires, and drainage facilities subject of all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of lots, but owners of lots in this subdivision shall take their lines subject to the rights of the street utilities, and to the rights of other lots in this subdivision.

The Merino United Partnership and any and all successors and assigns hereby waive all rights to partition the Merino United Partnership, the Hamilton County Board of Commissioners, or Hamilton County, or the necessary and appropriate to be responsible for the maintenance of the streets shown on this plat, and the necessary and appropriate to be responsible for the maintenance of the easements considered a public road necessitating maintenance by any unit of government.

The restrictions contained in the report are on the incorporation of the Third Amendment to the Declaration of Restrictions of Marina Village, recorded as Instrument No. \_\_\_\_\_ in the Office of the Recorder of Hamilton County, Indiana.

In addition, the real estate is subject to zoning requirements imposed by the City of Fishers, Indiana, entitled Amended Commitments Concerning the Development and Use of Real Estate recorded as Instrument No. \_\_\_\_\_ in the Office of the Recorder of Hamilton County, Indiana and any amendments thereto.

The right does not affect or void any public street books, easements, or the existing ingress/egress easement granted in the Conditional Secretary's Plat of Marina Village recorded on March 30, 2014 as Instrument Number 200400018189 in plat cabinet 1, sheet 376, in the Office of the Recorder of Hamilton County, Indiana.

OWNER'S CERTIFICATION

The Merino United Partnership, an Indiana partnership, whose general partner is The Merino II Corporation, an Indiana corporation, does hereby certify that it is the owner of the property described herein and that the property is being dedicated to the public use and enjoyment of the property to be surveyed and subdivided as shown on the herein shown plat, as its own free and voluntary act and deed.

The Merino United Partnership  
11301 Marina Village  
Fishers, Indiana 46038

By: Alan E. Rosenburg  
President of Merino II Corporation General Partner  
of The Merino United Partnership

State of Indiana )  
County of Madison ) SS

I, Alan E. Rosenburg, a Notary Public in and for said County and State, do hereby certify that Alan E. Rosenburg, president of The Merino II Corporation, an Indiana corporation, the general partner of The Merino United Partnership, an Indiana partnership, is the owner of the property described herein and that the property is being dedicated to the public use and enjoyment of the property to be surveyed and subdivided as shown on the herein shown plat, as its own free and voluntary act and deed on behalf of said corporation and said partnership for the uses and purposes therein set forth.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

( \_\_\_\_\_ )  
Notary Public  
My Commission Expires: \_\_\_\_\_ County of Fishers



Private streets are created for use of the Defendant, the Merino United Partnership, its assignee, its heirs, assigns, and its personal representatives and the purpose of the foregoing and agrees to record in the Declaration. The private streets shall also be for the benefit of and to provide ingress and egress to all lots, streets, and other abutting lots and streets. These private streets are shown on this plat, these are owner building lots shown on the plat and adjacent streets in said streets or streets in common and shall be the obligation of each owner of lots in this subdivision to maintain and repair the same and to pay the cost of maintenance of such streets. Where a majority of lot owners owned by a private street deed to exist, the private street and any or more lot owners wish to pay their respective share of such expenses, then the owner paying such cost may file a lien for the percentage value of such expenses against the property of the lot owner of the State of Indiana, subject to the provisions of the Indiana Code, which shall be the responsibility of the lot owner to satisfy. The private street may contain utility lines and this in which event the street abutting owners shall maintain the utility lines otherwise indicated by the respective utility in the same manner as set out for streets. All private streets shall also be a utility easement. The private streets in Marina Village, named Marina Village Drive and Marina View Drive, are designated in the Plat and described as Block '1'.

COMMISSION CERTIFICATE (FISHERS)

Under authority provided by Public Law 118, dated at 1973, enacted by the General Assembly of the State of Indiana, out of date immediately or subsequent to the date of this certificate, I, the undersigned, Secretary of the State of Indiana, do hereby certify that the foregoing is a true and correct copy of the original as recorded in the Office of the City of Fishers, Indiana, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FISHERS ADVISORY PLAIN COMMISSION  
OF THE CITY OF FISHERS, INDIANA

Wayne Hoefig, President

\_\_\_\_\_, Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to record each social security number in this document, unless required by law.

Worn: Eric C. White

ORDINANCE NO. 0415198

AN ORDINANCE TO AMEND THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
CITY OF FISHERS, HAMILTON COUNTY, INDIANA

This is an ordinance to amend the text of zoning Ordinance No. 64-8-03 recorded as Instrument Number 200300096665 and Exhibits B and C in the Ordinance known as the Marina Village Planned Unit Development, and its amendment, previously enacted by the City of Noblesville and adopted by the City of Fishers pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

**WHEREAS**, the Plan Commission of the City of Fishers has conducted a public hearing on the text amendment to the zoning ordinance as required by law in regard to the application by The Marina Limited Partnership to request a text amendment to the existing Marina Village Planned Unit Development Ordinance: and,

**WHEREAS**, the Plan Commission at its March 6, 2019 meeting sent a favorable recommendation to the City of Fishers, Common Council;

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of Fishers, Hamilton County, Indiana, meeting at its regular session, that the Marina Village PUD is hereby amended as follows:

**SECTION 1.** The legislative body hereby amends the text and exhibits of previous Marina Village zoning ordinance by vacating Section 2 of the previously recorded ordinance and any referenced exhibits and they are hereby deleted in their entirety and amended to read as follows:

**Section 2.**

- A. **The Preliminary Development Plan of Marina Village marked as Exhibit A has one (1) single-family home located on Lot R-8 (formerly recorded as Block I, which will now have only one (1) single-family home instead of two (2) single-family homes under the previous ordinance).**
- B. **The Marina Limited Partnership and Wedgewood Building Company, LLC commit to construct a single-family home as reflected as follows: Lot R-8 marked on Exhibit 1. The Marina Limited Partnership and Wedgewood Building Company, LLC have agreed to attach zoning commitments which are marked as Exhibit 2.**



- C. The existing setback lines, front, side, rear, both interior and exterior, and all easement descriptions will remain the same from the original recorded plat (Instrument No. 200400019789); however, Lot R-8 will not be divided and will contain only one (1) residence instead of two (2).
- D. The Marina Limited Partnership and Wedgewood Building Company, LLC further reserve the right to add additional architectural features to the exterior elevations including, but not limited to, by way of example: gables, dormers, or windows instead of the architectural features depicted on the incorporated construction drawings.
- E. The Marina Limited Partnership and Wedgewood Building Company, LLC reserve the right to make alterations to the interior floor plans, but commit to maintain the footprint as depicted on the drawings. The footprint depicted on the drawings may be decreased as long as the minimum square footage is equal to 2,400 inhabitable square feet or greater.
- F. Any new architectural features or elevations on the proposed residences will be approved by the Planning staff prior to the issuance of a building permit. If the Planning Department does not agree to the proposed changes, the issue will be submitted to the Fishers PUD Committee.

**SECTION 2.** All other provisions of the Marina Village PUD shall remain in effect with the adoption of this ordinance. All provisions and representations of the Marina Village PUD that conflict with the provisions of this ordinance are hereby rescinded as applied to the real estate and shall be superseded by the terms of this ordinance.

**SECTION 3.** The development standards established by this ordinance and exhibits supersede any development standards of the Fishers UDO. It is the intent to apply all other provisions of the Fishers UDO to the development unless they conflict with the ability to construct the single-family home described on Exhibit 1 located on Lot R-8 (formerly Block I).

**SECTION 4.** The use and development of the Real Estate shall be governed by this Third Amended Marina Village PUD pursuant to Text Amendment to zoning Ordinance No. \_\_\_\_\_, attendant zoning Commitments, and plat restrictions contained in the Replat of Block I into R-8, and anything not addressed or not covered by this Third Amended Marina Village PUD shall be governed by the UDO, as amended. The UDO, as modified, revised, and/or made inapplicable by this Third Amended Marina Village PUD shall govern the use and development of the Real Estate.

**SECTION 5.** This ordinance shall be in full force and effect from and after its passage by the Common Council and after the occurrence of all other actions required by law. All provisions or parts thereof in conflict herewith are hereby repealed.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 15<sup>th</sup> day of April, 2019.

841519 B

COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

YAY		NAY	ABSTAIN
<i>R.W. Block</i>	Richard W. Block, President		
<i>E. Moeller</i>	Eric Moeller, Vice President		
<i>David C. George</i>	David George, Member		
<i>C. Pete Peterson</i>	C. Pete Peterson, Member		
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<i>Cecilia Coble</i>	Cecilia C. Coble, Member		
<i>Brad DeReamer</i>	Brad DeReamer, Member		
<i>Selina M. Stoller</i>	Selina M. Stoller, Member		
<i>Todd Zimmerman</i>	Todd Zimmerman, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 15th day of April 2019, at 9:00 P m.

ATTEST: *Jennifer L. Kehl*  
Jennifer L. Kehl, City Clerk

*Scott A. Fadness*  
Scott A. Fadness, Mayor

MAYOR'S APPROVAL

04-15-2019  
DATE



MAYOR'S VETO

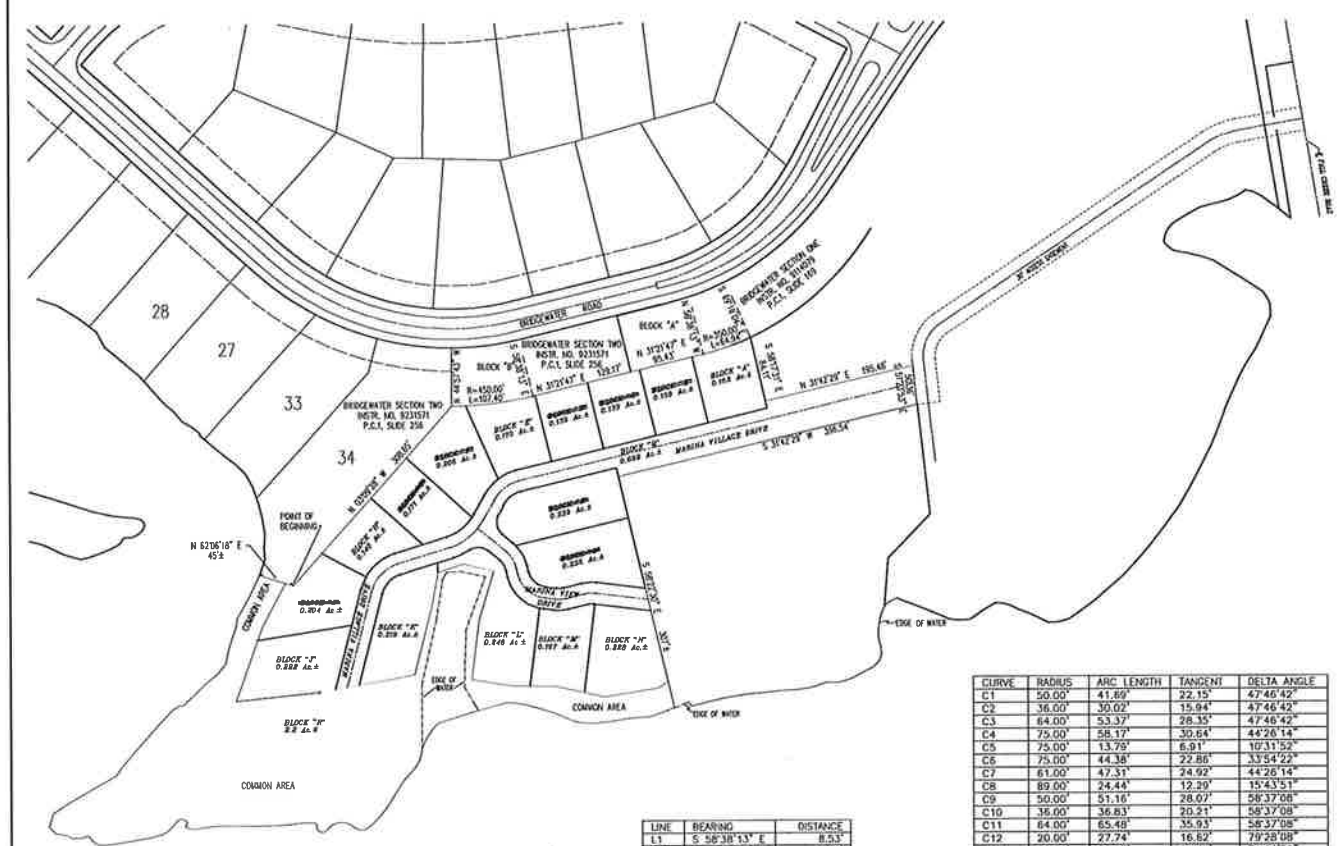
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Scott A. Fadness, Mayor

\_\_\_\_\_  
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I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in the document, unless required by law *Gordon Byers*.

This instrument prepared by: Gordon D. Byers, Attorney at Law, P.O. Box 27, Noblesville, Indiana 46061

# REPLAT of BLOCK "I" in MARINA VILLAGE



LINE	BEARING	DISTANCE
L1	S 56°38'13" E	8.53'
L2	N 51°51'26" E	13.42'

CURVE	RADIUS	ARC LENGTH	TANGENT	DELTA ANGLE
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DEVELOPER:  
THE MARINA LIMITED PARTNERSHIP  
11691 FALL CREEK ROAD  
INDIANAPOLIS, IN 46256

SURVEYOR:  
**Cripe**  
3377 PROSPERITY WAY SOUTH DR., SUITE 200  
INDIANAPOLIS, INDIANA 46240  
(317) 844-8777 FAX (317) 708-4484  
E:ERIC@CRIPESURV.COM



# REPLAT of BLOCK "I" in MARINA VILLAGE

## LEGEND

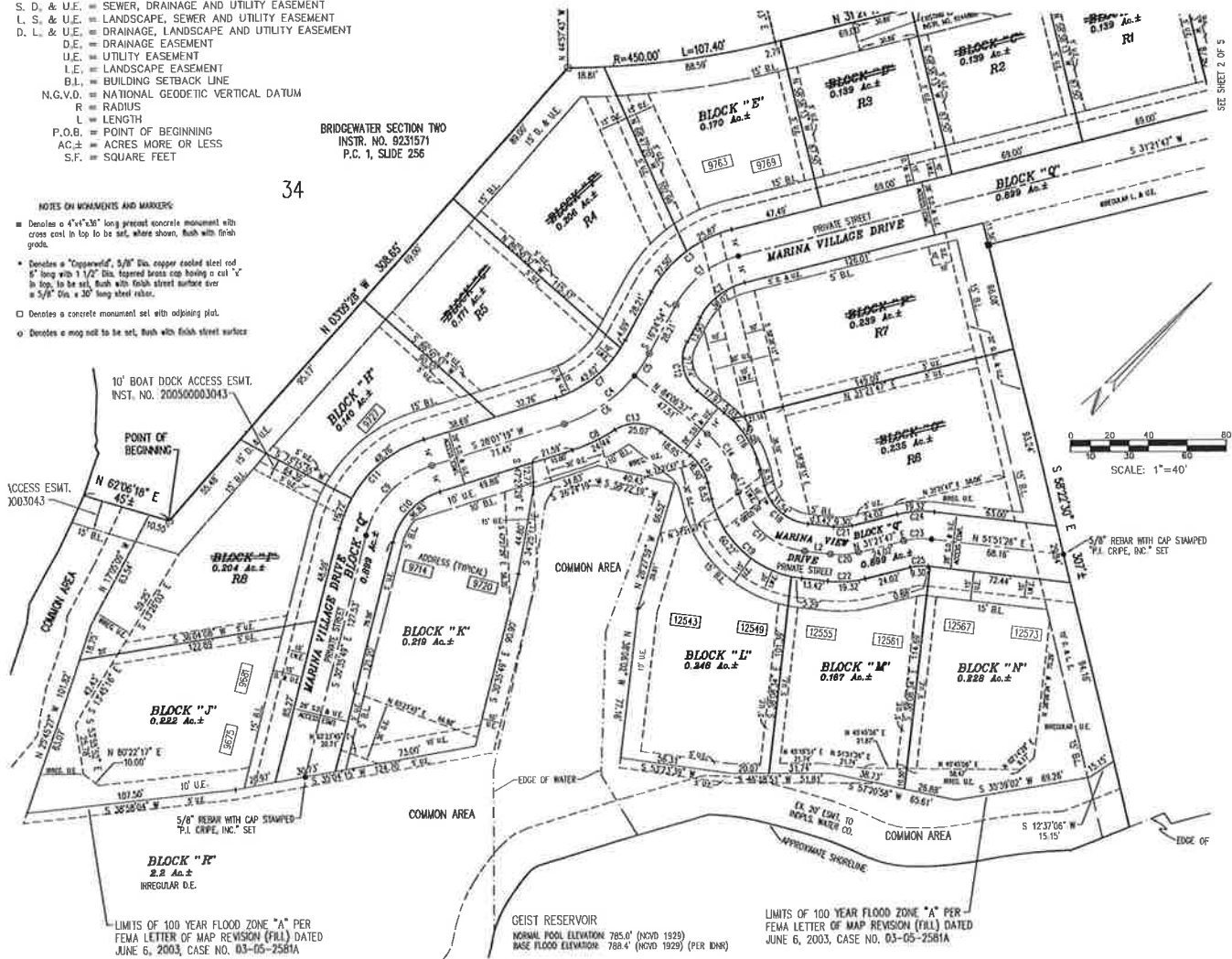
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34

BRIDGEWATER SECTION TWO  
INSTR. NO. 9231571  
P.C. 1, SLIDE 256

### NOTES ON MONUMENTS AND MARKERS

- Denotes a 4"x4"x36" long precast concrete monument with cross cast in top to be set, where shown, flush with finish grade.
- Denotes a "Copperweld", 3/8" Dia. copper coated steel rod 4' long with 1 1/2" Dia. tapered brass cap holding a cut "C" in top, to be set, flush with finish street surface over a 5/8" Dia. x 30" long steel rebar.
- Denotes a concrete monument set with adjoining plot.
- Denotes a moq not to be set, flush with finish street surface.



I, the undersigned, hereby certify to the best of my professional knowledge, information and belief, the within replat accurately represents a survey performed under my supervision of the following described real estate:

Block "I" in Marina Village, as per plat thereof recorded as Instrument No. 200400019789 in Plat Cabinet 3, Slice 376 in the Office of the Recorder of Hamilton County, Indiana.

This replat consists of one Lot numbered R8, easements and setback lines as shown herein. The size of the Lot, easements and setback lines are shown in figures denoting feet and decimal parts thereof. The purpose of this replat is to vacate the above described one (1) Block for its proposed division into two (2) single-family homes on each Block with a common wall and replat it as one (1) single-family lot to be developed with one (1) single-family home.

I, Eric C. White, hereby certify that I am a registered land surveyor, licensed in compliance with the laws of the State of Indiana.

The original plat of Marina Village is based upon a survey which contains the within described real estate, performed by Paul I. Cripe, Inc., during July 2003, and recorded on February 12, 2004, as Instrument No. 200400009404 in the Office of the Recorder of Hamilton County, Indiana. There has been no change from the matters of survey revealed by said survey, or any prior subdivision plats contained therein, on any lines that are common with this subdivision.



3939 PRIORITY WAY SOUTH DR., SUITE 200  
INDIANAPOLIS, INDIANA 46240  
(317) 844-6777 FAX (317) 706-6464  
E-Mail cripe@cripe.biz

Eric C. White, P.S. #29700012



DEED OF DONATION

The undersigned, The Marina United Partnership, an Indiana partnership, owner of the real estate shown and described herein, does hereby by, of, plat, and substitute said real estate in accordance with the within report.

This subdivision shall be known and designated as REPLAT OF BLOCK "1" IN MARINA VILLAGE.

Front building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected or maintained no building or structure. The utility lines for the installation of water and sewer mains, gas, electric, heat, gas, and drainage lines shall be installed in the easements shown on this plat. No easements shall be shown on this plat. No easements of lots in this subdivision shall take their lines subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

The Marina United Partnership and any and all successors and assigns hereby waive all rights to petition the Hamilton County Highway Department, the Hamilton County Board of Commissioners, or the Hamilton County, or the successor unit of government to be responsible for the maintenance of the easement, or the access, drainage and utility easement or to have title of all the easements contained a public road necessitating maintenance by any unit of government.

The restrictions contained in the report are an implementation of the Third Amendment to the Declaration of Restrictions of Marina Village, recorded as Instrument No. \_\_\_\_\_ in the Office of the Recorder of Hamilton County, Indiana.

In addition, the real estate is subject to zoning requirements imposed by the City of Fishers, Indiana, entitled Amended Commitments Concerning the Development and Use of Real Estate recorded as Instrument No. \_\_\_\_\_ in the Office of the Recorder of Hamilton County, Indiana and any amendments thereto.

The report does not alter or vacate any public street blocks, easements, or the existing ingress/egress easements granted in the Certificate of Plat of Marina Village, recorded as Instrument No. 20040010759 in plat cabinet 11, slide 376, in the Office of the Recorder of Hamilton County, Indiana.

OWNER'S CERTIFICATION

The Marina United Partnership, an Indiana partnership, whose general partner is The Marina II Corporation, an Indiana corporation, does hereby certify that it is the owner of the property described in the above captioned report and that the same is being conveyed as its own free and voluntary act and deed.

The Marina United Partnership  
11691 Fall Creek Road  
Indianapolis, IN 46256

By: Allen E. Rosenbergs  
President of Marina II Corporation, General Partner  
of The Marina United Partnership

State of Indiana )  
County of Marion ) SS:

I, Notary Public, a Notary Public in and for said County and State, do hereby certify that Allen E. Rosenbergs, president of The Marina II Corporation, an Indiana corporation, is the owner of the property described in the above captioned report and that the same is being conveyed as his own free and voluntary act and deed on behalf of said corporation and said partnership for the uses and purposes therein set forth.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

( \_\_\_\_\_ ) Notary Public  
My Commission Expires: \_\_\_\_\_  
County of Residence: \_\_\_\_\_



Private streets are created for use of the Decedent, the Marina United Partnership, its assigns, its owners and their heirs for the purposes of providing ingress and egress to lots located in the Development. The Private streets shall also be for the benefit of and to provide ingress and egress to all public, fire protection, ambulance and delivery vehicles. Where private streets are shown on this plat, those lot owners abutting such streets shall own equal and undivided interest in such streets as tenants in common, and it shall be the obligation of each owner in common to maintain such streets in accordance with the provisions of this instrument. The owners shall be jointly and severally liable for the cost of such streets. Where a majority of lot owners served by a private street, elect to repair the private street and one or more lot owners fails to pay their allocable share of such repair, then the private street shall not be a lien for the reasonable value of labor performed and materials furnished or prescribed by the laws of the State of Indiana against any such lot and the owner thereof and recover the full assessment shared together with interest from the lot and the responsible utility's fees. The private street may contain utilities to serve said lots in which event the several property owners shall maintain the utilities not otherwise maintained by the respective utility in the same manner as set out for streets. All private streets shall also be a utility easement. The private streets in Marina Village, named Marina Stage Drive and Marina View Drive, are designated on the plat and described as Block "1".

COMMISSION CERTIFICATE (FISHERS)

Under authority provided by Public Law 178, Acts of 1978, enacted by the General Assembly of the State of Indiana, and all acts amendatory or supplementary thereto, and an ordinance adopted by the City of Fishers, Indiana, this plat has been approved and adopted by the Fishers Advisory Plan Commission of the City of Fishers, Indiana, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FISHERS ADVISORY PLAN COMMISSION OF THE CITY OF FISHERS, INDIANA

Walter Herling, President

Secretary

I affirm, under the penalties for perjury, that I have taken reasonable care to review each copy of this instrument, and its contents, unless required by law.  
Name: Terry P. Miller



## CITY COUNCIL STAFF REPORT

**DEPARTMENT CONTACT:**

Jessie Boshell, Planner II, Department of Planning & Zoning, One Municipal Drive, Fishers, IN. 46038 T: (317) 595-3116  
 Email: [boshellj@fishers.in.us](mailto:boshellj@fishers.in.us)

**DOCKET NUMBER:**

Ord. No. 041519B (Case# TA-19-1)

**PETITIONER/PROPERTY OWNER:**

Gordon Byers on behalf of Wedgewood Building company, LLC. Owner is Marina Limited Partnership

**PUBLIC HEARING DATE:**

Wednesday, March 6<sup>th</sup>, 2019

**PROPERTY ADDRESS/LOCATION:**

9693 Marina Village Drive

**SPECIFIC REQUEST:** Consideration of a text amendment to change Block I of the Marina Village PUD from two-single family homes, to a re-platted Lot R-8 with one single-family home. Consideration to amend the commitments concerning the use and development of real estate that is restricted by the plat and zoning.

<b>SIZE OF PROPERTY:</b> .20 acres	<b>EXISTING ZONING:</b> PUD-C	<b>EXISTING LAND USE:</b> Residential/ Vacant Land
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**PROJECT SUMMARY:** Consideration of a text amendment to change Block I of the Marina Village PUD from two-single family homes, to a re-platted Lot R-8 with one single-family home. Consideration to amend the commitments concerning the use and development of real estate that is restricted by the plat and zoning.

**LOCATION MAP:**



### STAFF RECOMMENDATION

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> APPROVE WITH CONDITIONS	<input type="checkbox"/> DENY	<input type="checkbox"/> CONTINUE
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**ATTACHMENTS**

- SUBMITTED PLANS
- PUBLIC COMMENTS
- OTHER

- LEGAL NOTICE
- AGENCY COMMENTS
- LEGAL DESCRIPTION

**ADVISORY PLAN COMMISSION RECOMMENDATION:**

Case number TA-19-1 went before the Plan Commission on March 6<sup>th</sup>, 2019 and received unanimous approval from the commission.

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**PETITION HISTORY:**

The subject site is located within the Marina Village PUD. The Marina Village PUD was approved in 2003, under the City of Noblesville jurisdiction. In 2016, the petitioner went before the Plan Commission and City Council with a text amendment that would allow one (1) single-family home per block (lot) instead of the required two (2) single-family homes per block. The remaining blocks would be developed as outlined in the existing Marina Village PUD.

In the 2016 text amendment, the petitioner incorporated language and building elevations to establish development and architectural standards that would apply to seven (7) blocks. Those seven (7) blocks would allow seven (7) single-family homes to be developed on Blocks (lots) B, C, D, F, G, O, and P. Text Amendment was passed in 2016.

The petitioner is now requesting a text amendment to change Block I of the Marina Village PUD from two (2) single-family homes, to a re-platted Lot R-8 with one (1) single-family home. They are also seeking to amend the commitments concerning the use and development of real estate that is restricted by the plat and zoning.

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**PETITION OVERVIEW:**

Petitioner requests a text amendment to the existing Marina Village Planned Unit Development (PUD) ordinance to change the existing Block- I into a re-platted Lot R-8; amending the development requirements to allow only one (1) single-family home to be built on the lot instead of two (2) single-family homes.

Petitioner has also incorporated additional language that will amend the commitments concerning the use and development of real estate that are restricted by the plat and zoning. The amended commitments can be found in attachment one (1) on pages two (2) and three (3).

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**PUBLIC COMMENTS:**

No comments have been received from the public at this time.

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**STAFF COMMENTS:**

Staff is supportive of the text amendment as it is consistent with the text amendment approved in 2016.

Petitioner has worked with staff on the proposed elevations for the single-family home for Lot R-8 and is supportive of what has been proposed for the site as the proposed home is consistent with the rest of the one (1) single-family home lots.

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- ATTACHMENTS:**
- 1) Marina Village PUD Text Amendment
  - 2) Replat of Block-I
  - 3) Council Action Form



# Council Action Form

<b>MEETING DATE</b>	April 15 <sup>th</sup> , 2019			
<b>TITLE</b>	Request to approve a Text Amendment to the Marina Village PUD concerning the use and development of real estate.			
<b>SUBMITTED BY</b>	Name & Title: Jessie Boshell, Planner II			
	Department: Planning and Zoning			
<b>MEETING TYPE</b>	<input type="checkbox"/> Work Session <input type="checkbox"/> Executive	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
<b>AGENDA CLASSIFICATION</b>	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
<b>ORDINANCE/RESOLUTION</b> (New ordinances or resolutions are assigned a new number)	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> 3 <sup>rd</sup> Reading <input checked="" type="checkbox"/> Final Reading
	Ordinance #: 041519B		Resolution #:	
<b>CONTRACTS</b> (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> )	<input type="checkbox"/> Contract <b>required</b> for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date		<input checked="" type="checkbox"/> <b>No contract</b> for this item	
	<input type="checkbox"/> Contract <b>over</b> \$50,000  Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
<b>HAMILTON COUNTY</b> (Some documents need recorded by the City Clerk)	<input checked="" type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office		<input type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office			

<b>APPROVALS/REVIEWS</b>	<input checked="" type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input type="checkbox"/> Mayor	<input type="checkbox"/> Other:
	<input type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i>	
<b>BACKGROUND</b> (Includes description, background, and justification)	<p>The subject site is located within the Marina Village PUD. The Marina Village PUD was approved in 2003, under the City of Noblesville jurisdiction. In 2016, the petitioner went before the Plan Commission and City Council with a text amendment that would allow one (1) single-family home per block (lot) instead of the required two (2) single-family homes per block. The remaining blocks would be developed as outlined in the existing Marina Village PUD.</p> <p>In the 2016 text amendment, the petitioner incorporated language and building elevations to establish development and architectural standards that would apply to seven (7) blocks. Those seven (7) blocks would allow seven (7) single-family homes to be developed on Blocks (lots) B, C, D, F, G, O, and P.</p> <p>Petitioner is requesting approval of a text amendment to the existing Marina Village Planned Unit Development (PUD) ordinance to change the existing Block- I into a re-platted Lot R-8; amending the development requirements to allow only one (1) single-family home to be built on the lot instead of two (2) single-family homes. Petitioner has also incorporated additional language that will amend the commitments concerning the use and development of real estate that are restricted by the plat and zoning.</p>	
<b>BUDGETING AND FINANCIAL IMPACT</b> (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	<b>Narrative:</b>	
<b>OPTIONS</b> (Include <i>Deny Approval Option</i> )	1.	Hold Final Reading
	2.	Continue
	3.	Propose an Amendment
	4.	Take no Action
<b>PROJECT TIMELINE</b>	<p>March 6<sup>th</sup>, 2019: Plan Commission Review and Recommendation (Public Hearing)</p> <p>April 15<sup>th</sup>, 2019: Final Reading</p>	
<b>STAFF RECOMMENDATION</b> (Board reserves the right to accept or deny recommendations)	Staff recommends approval on Final Reading of Ord. No. 041519C	
<b>SUPPLEMENTAL INFORMATION</b> (List all attached documents)	<p>-Staff Report</p> <p>-Petitioner Packet (included ordinance)</p>	