

Year

2015

v.05.27.15

**WASSON NURSERY PUD**

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City of Fishers  
Planned Development  
Ordinance  
No. 042015C

# WASSON NURSERY PUD

## 1.01 Declaration, Purpose and Intent, and Permitted Uses

| Declaration   | Purpose and Intent   | Permitted Uses  |
|---|--|---|
| <p><b>Ordinance No. 042015C</b> (this Ordinance")<br/> <b>Adopted:</b> _____</p> <p>The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 090605A, as amended, and the OFFICIAL ZONING MAP, CITY OF FISHERS, INDIANA, dated October 16, 2006, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:</p> <p>The zoning classification of the real estate legally described in Section 1.08 of this Ordinance (the "Real Estate"), is hereby designated as a <b>Commercial-Planned Unit Development District (PUD-C)</b>, and that said PUD-C zoning district shall hereafter be known as the "<b>Wasson Nursery PUD.</b>"</p> <p>Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.</p> | <p>The purpose of this PUD is to encourage improved design in the development of land by promoting the following objectives:</p> <ul style="list-style-type: none"> <li>• Greater flexibility in applying the ordinances to the development of the Real Estate;</li> <li>• Efficient use of land;</li> <li>• Coordination of architectural styles and building forms;</li> <li>• Provide a level of certainty in the development of a commercial property in close proximity to residential uses;</li> <li>• Permit low-intensity garden center, nursery, landscaping, outdoor living and related business uses; and</li> <li>• Exclude inappropriate uses.</li> </ul> | <p><b>Permitted Uses:</b></p> <ul style="list-style-type: none"> <li>• Landscaping business</li> <li>• Outdoor living business</li> <li>• Garden center</li> <li>• Greenhouse/nursery</li> <li>• Garden/plant/tree sales</li> <li>• Accessory and related uses</li> </ul> |

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## 1.02 Applicability

A. The standards of the UDO applicable to the **C2** *Neighborhood Business District* shall apply to the development of the Real Estate, except as modified, revised, or expressly made inapplicable by this PUD District Ordinance (this "Ordinance"). "Article" cross-references of this Ordinance shall hereafter refer to the *Article* section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein shall have the meaning ascribed to them in the UDO. Pursuant to *Article 4.02(F): Amendments to the Unified Development Ordinance*, an amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard and *Article 1.10: Basic Provisions: Transition Rules* also shall apply to amendments.

## 1.03 Concept Plan

A. The Concept Plan is hereby incorporated. The Real Estate's development plan may vary from the Concept Plan; however, per *Article 9.17(A)(2)(a): Planned Unit Development District; General; Purpose & Intent*, the Concept Plan provides the Plan Commission and City Council with a general vision for the development of the Real Estate for an office use.

Concept Plan Exhibit



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## 1.04 Development Standards

- A. Cross References: The regulations of *Article 5: Development Standards* shall apply except as modified by this Ordinance.
- B. General Regulations: *Article 2.26: C2 Neighborhood Business District Development Standards* shall apply, except as modified below:
  - (1) The Maximum Building Height for an Accessory Building shall be 28'.
- C. Accessory Structure Standards (AS): shall apply, except as modified below:
  - (1) The buildings, as generally shown and located on the Concept Plan, shall be permitted.
  - (2) *Article 5.09(A) AS-06 Accessory Structures; Commercial; Permitted Accessory Structures* shall apply. Additionally, Accessory Structures related to outdoor living displays shall be permitted.
  - (3) *Article 5.09(C) AS-06 Accessory Structures; Commercial; Enclosed Building Requirement* shall not apply.
- D. Architectural Design Standards (AD): shall apply.
  - (1) The Illustrative Character Exhibit, as shown below, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of all new buildings constructed on the Real Estate. The final building design may vary from the Illustrative Character Exhibit; however, buildings shall be substantially similar in quality and character to the buildings shown in the Illustrative Character Exhibit.
  - (2) *Article 5.15 (A)(2) AD-03 Architectural Design; Commercial; Exterior Materials* shall apply, except as modified below:
    - (i) Polycarbonate panels and metal siding shall be permitted.
    - (ii) Heavy-gauge vinyl and vinyl shall not be permitted as a siding material.

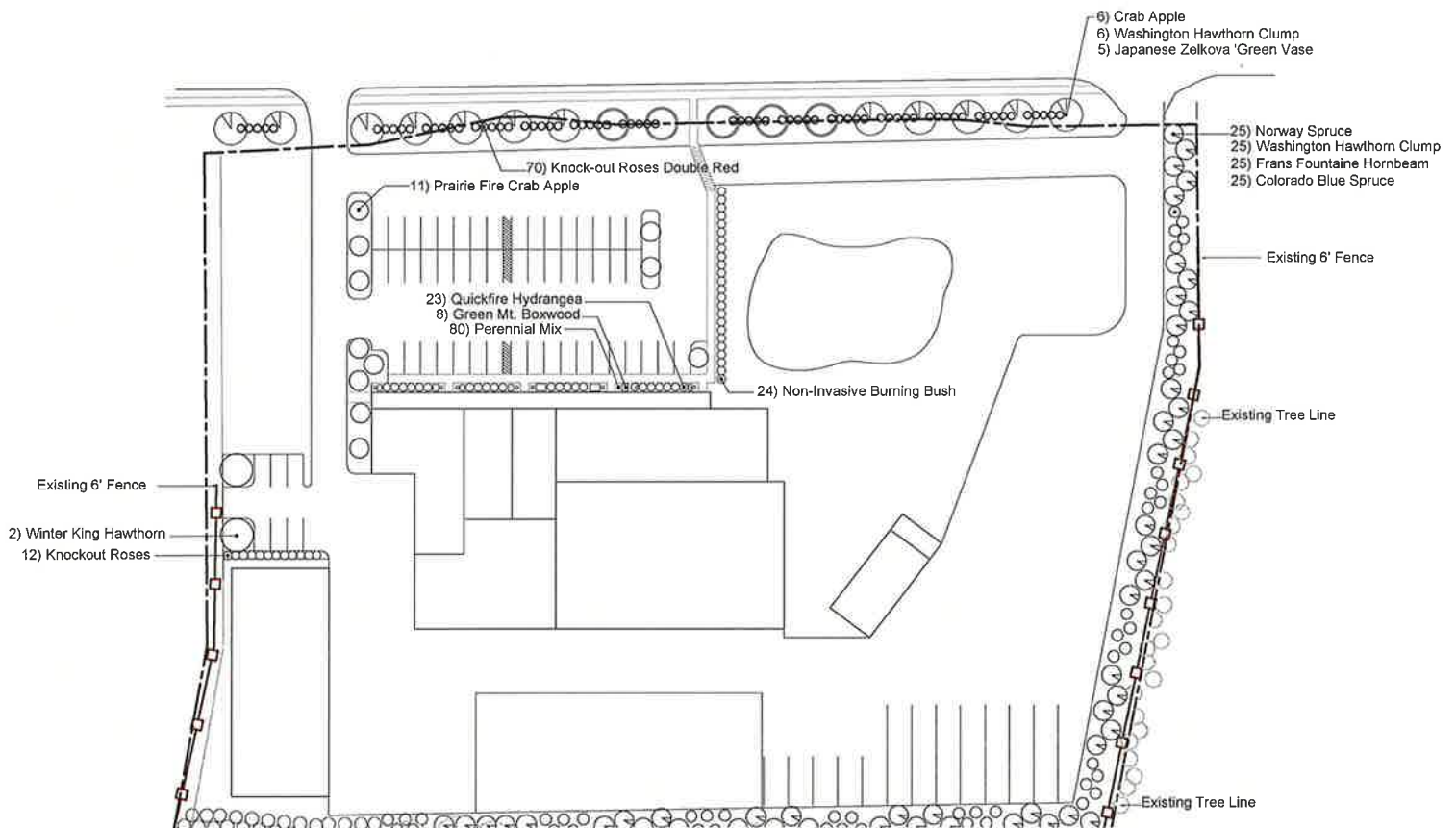
*Illustrative Character Exhibit*



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- E. Density & Intensity Standards (DI): shall apply.
- F. Entrance & Driveway Standards (ED): shall apply.
- G. Environmental Standards (EN): shall apply, except as modified below:
  - (1) *Article 5.29 EN-01 (G): Environmental Standards; General; Fuel Storage* shall apply. Additionally, fuel for heavy equipment related to the operation of a landscaping business may be stored in an above-ground fuel tank. The above-ground fuel tank shall be enclosed behind an opaque fence. The fence shall be a minimum of six (6) feet tall or one (1) foot taller than the fuel tank.
- H. Fence & Wall Standards (FW): shall apply.
- I. Floodplain Standards (FP): shall apply.
- J. Floor Area Standards (FA): shall apply.
- K. Height Standards (HT): shall apply.
- L. Landscaping Standards (LA): shall not apply. Instead, the following shall apply:
  - (1) A 20' Buffer Yard shall be provided along the south and east property lines.
  - (2) Landscaping shall be provided as shown on the Landscape Exhibit.

*Landscape Exhibit*



- M. Lighting Standards (LT): shall apply.
- N. Loading Standards (LD): shall apply.
- O. Lot Standards (LO): shall apply.
- P. Outdoor Storage Standards (OS): shall apply, except as modified below:
  - (1) *Article 5.61(D) OS-04 Outdoor Storage; Commercial* shall not apply.
- Q. Parking Standards (PK): shall apply, except as modified below:
  - (1) Parking lots and drive aisles shall not be required to be curbed.
- R. Pedestrian Accessibility Standards (PA): shall apply.
- S. Performance Standards (PF): shall apply.

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- T. Permanent Outdoor Display Area Standards (PD): shall apply, except as modified below:
  - (1) *Article 5.78(F) PD-01 Permanent Outdoor Display Areas; Commercial; Maximum Area Standards* shall not apply.
  - (2) *Article 5.78(G) PD-01 Permanent Outdoor Display Areas; Commercial; Location Standards* shall not apply.
  - (3) *Article 5.78(H) PD-01 Permanent Outdoor Display Areas; Commercial; Screening Standards* shall not apply.
- U. Property Identification Standards (PI): shall apply.
- V. Public Art Standards (PT): shall apply.
- W. Public Improvement Standards (PV): shall apply.
- X. Setback Standards (SB): shall apply.
- Y. Sewer & Water Standards (SW): shall apply, except as modified below:
  - (1) *Article 5.88 SW-01 (A)(2): Sewer and Water Standards; General; Connection Requirement for New Construction; Water* shall not apply. Water shall be provided by an on-site well.
- Z. Sign Standards (SG): shall apply, except as modified below:
  - (1) *Article 5.94 SG-04 (A)(1)(e): Commercial and Industrial Districts; Permanent Signs; Ground Signs; General* shall not apply. Instead, the changeable copy area on a ground sign shall be permitted as shown in the Existing Ground Sign Exhibit.
- AA. Structure Quantity Standards (SQ): shall not apply.
- BB. Temporary Use/Structure Standards (TU): shall apply.
- CC. Use-specific Standards (US): shall apply.
- DD. Vision Clearance Standards (VC): shall apply.

Existing Ground Sign Exhibit



## 1.05 Design Standards

- A. Cross References: The regulations of *Article 7: Design Standards* applicable to a *Planned Unit Development (PUD)* shall apply except as modified by this Ordinance:
- B. Access Road Standards (AC): shall apply.
- C. Alley Standards (AL): shall apply.
- D. Anti-monotony Standards (AM): shall not apply.
- E. Common Area Standards (CA): shall apply.
- F. Covenant Standards (CE): shall not apply.
- G. Dedication of Public Improvement Standards (DD): shall apply.
- H. Development Name Standards (DN): shall apply.
- I. Easement Standards (EA): shall apply.
- J. Erosion Control Standards (EC): shall apply.
- K. Floodplain Standards (FL): shall apply.
- L. Lot Establishment Standards (LT): shall apply.
- M. Mixed Use Development Standards (MU): shall apply.
- N. Monument & Marker Standards (MM): shall apply.
- O. On-street Parking Standards (OG): shall apply.
- P. Open Space Standards (OP): shall apply. The areas depicted in green on the Concept Plan shall count as Open Space.
- Q. Pedestrian Network Standards (PN): shall apply.
- R. Perimeter Landscaping Standards: shall not apply. Instead, the landscaping shall be as shown on the Landscape Plan.
- S. Prerequisite Standards (PQ): shall apply.
- T. Storm Water Standards (SM): shall apply.

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- U. Street & Right-of-way Standards (SR): shall apply.
- V. Street Lighting Standards (SL): shall apply.
- W. Street Name Standards (SN): shall apply.
- X. Street Sign Standards (SS): shall apply.
- Y. Surety Standards (SY): shall apply.
- Z. Utility Standards (UT): shall apply.

### 1.06 Procedures

- A. The procedures set forth in *Article 9: Processes, Permits & Fees; Planned Unit Development* shall apply. Development plans shall be reviewed and approved based upon compliance with the development and design standards set forth herein.

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Income

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Ord 042015C

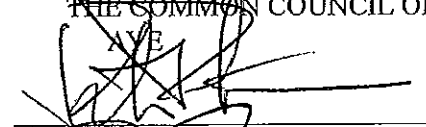
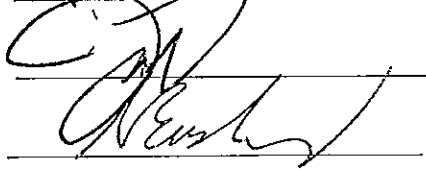

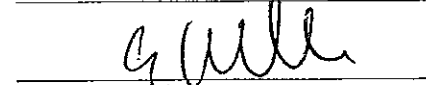
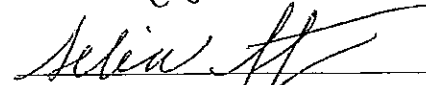
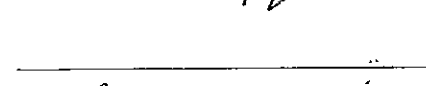

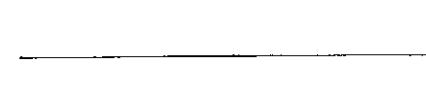
Year  
**2015**

## 1.07 Adoption

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.

APPROVED by the Common Council of the City of Fishers this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

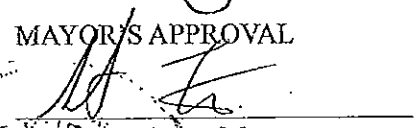
  
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C. Pete Peterson,  
President  
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John W. Weingardt,  
Vice-President  
 \_\_\_\_\_  
Stuart F. Easley,  
Member  
 \_\_\_\_\_  
David C. George,  
Member  
 \_\_\_\_\_  
Eric Moeller,  
Member  
 \_\_\_\_\_  
Selina M. Stoller,  
Member  
 \_\_\_\_\_  
Richard W. Block,  
Member  
 \_\_\_\_\_  
Cecilia C. Coble,  
Member  
 \_\_\_\_\_  
Todd P. Zimmerman  
Member

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the 15 day of June 2015, at 8:00 m.

ATTEST:   
Jennifer Kehl, City Clerk

2015030755 MISC \$20.00  
06/23/2015 10:04:30A 5 PGS  
Jennifer Hayden  
HAMILTON County Recorder IN  
Recorded as Presented

MAYOR'S APPROVAL  
  
\_\_\_\_\_  
Scott A. Fadness, Mayor

DATE 6-17-15

Approved by: Rodney S. Retzner, Krieg DeVault LLP, Plan Commission Legal Counsel  
Prepared by: Steven D. Hardin, Esq.,  
Faegre Baker Daniels LLP, 600 East 96th Street, Suite 600,  
Indianapolis, Indiana 46240. (317) 569-9600.

In accordance with Indiana Code, I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Steven D. Hardin, Esq.



# WASSON NURSERY PUD

## 1.08 Real Estate

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

BEGINNING AT, THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST (BEARINGS ARE BASED ON A SURVEY BY EVERGREEN PLANNERS, DATED JULY 6, 1995 AND RECORDED IN THE OFFICE OF THE HAMILTON COUNTY RECORDER AS INST. NO. 9165579) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 25.00 FEET TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO MACLEAN LANDSCAPE BY WARRANTY DEED RECORDED AS INST. NO. 9535755 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER; THENCE SOUTH 00 DEGREES 14 MINUTES 43 SECONDS WEST ALONG THE WESTERLY LINE OF MACLEAN 484.25 FEET TO THE SOUTHWEST CORNER OF MACLEAN; THENCE SOUTH 89 DEGREES 18 MINUTES 24 SECONDS WEST 125.20 FEET; THENCE NORTH 10 DEGREES 21 MINUTES 44 SECONDS EAST 136.90 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 43 SECONDS EAST 350.00 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE NORTH 89 DEGREES 23 MINUTES 30 SECONDS EAST ALONG SAID NORTH LINE 75.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.151 ACRES MORE OR LESS.

ALSO: PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST QUARTER OF, SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST (BEARINGS ARE BASED ON A SURVEY BY EVERGREEN PLANNERS, DATED JULY 6, 1995 AND RECORDED IN THE OFFICE OF THE HAMILTON COUNTY RECORDER AS INST. NO. 9165579) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 468.01 FEET TO THE EASTERLY LINE OF A TRACT OF LAND CONVEYED TO MACLEAN LANDSCAPE BY WARRANTY DEED, RECORDED AS INST. NO. 9535755 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER AND BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST ALONG SAID NORTH LINE 60.00 FEET TO THE NORTHWESTERLY CORNER OF A TRACT OF LAND CONVEYED TO MILE H ROUSE AND MARTHA JO ROUSE BY WARRANTY DEED RECORDED AS INST. NO. 199909972982 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER; THENCE SOUTH 00 DEGREES 28 MINUTES 06 SECONDS EAST ALONG THE WESTERLY SIDE OF SAID ROUSE 190.00 FEET TO THE SOUTHWESTERLY CORNER THEREOF; THENCE SOUTH 89 DEGREES 18 MINUTES 24 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 60.00 FEET TO THE EASTERLY SIDE OF ABOVE SAID MACLEAN LANDSCAPE; THENCE NORTH 00 DEGREES 28 MINUTES 06 SECONDS WEST ALONG SAID EASTERLY SIDE OF MACLEAN LANDSCAPE 190.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.262 ACRES, MORE OR LESS.

ALSO: A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, LOCATED IN FALL CREEK TOWNSHIP HAMILTON COUNTY, INDIANA, BEING BOUNDED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, SAID POINT BEING NORTH 89 DEGREES 41 MINUTES 50 SECONDS EAST A DISTANCE OF 25.00 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS EAST OVER AND ALONG THE NORTH LINE OF SAID QUARTER A DISTANCE OF 443.01 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 40 SECONDS EAST A DISTANCE OF 190.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER A DISTANCE OF 443.63 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 35 SECONDS EAST AND PARALLEL TO THE WEST LINE OF SAID QUARTER A DISTANCE OF 190.00 FEET TO THE PLACE OF BEGINNING.

ALSO: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS EAST (ASSUMED BEARING) 25.00 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 06 MINUTES 35 SECONDS WEST 190.00 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED 1.933 ACRE PARCEL; THENCE NORTH 89 DEGREES 41 MINUTES 50 SECONDS EAST 443.63 FEET ALONG THE SOUTH LINE OF THE ABOVE DESCRIBED 1.933 ACRE PARCEL (SAID SOUTH LINE BEING PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER) TO THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED 1.933 ACRE PARCEL; THENCE SOUTH 00 DEGREES 04 MINUTES 40 SECONDS EAST 294.24 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 50 SECONDS WEST 444.59 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 06 MINUTES 35 SECONDS EAST 294.25 FEET PARALLEL WITH AND 25.00 FEET FROM THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING.

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ALSO: PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST (BEARINGS ARE BASED ON A SURVEY BY EVERGREEN PLANNERS, DATED JULY 6, 1995 AND RECORDED IN THE OFFICE OF THE HAMILTON COUNTY RECORDER AS INST. NO. 9615579) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 468.01 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MACLEAN LANDSCAPE, INC. AND DESCRIBED IN INST. NO. 9535755 AS RECORDED IN THE OFFICE OF THE HAMILTON COUNTY RECORDER; THENCE SOUTH 00 DEGREES 28 MINUTES 06 SECONDS EAST ALONG THE EAST SIDE OF MACLEAN 190.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 18 MINUTES 24 SECONDS EAST 60.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MILO H. ROUSE AND MARTHA JO ROUSE BY WARRANTY DEED RECORDED AS INST. NO. 199909972982 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER AND ALSO BEING A CORNER OF THE HIGHLANDS AT GRAY EAGLE, SECTION 3, SLIDE NO. 658 IN THE OFFICE OF THE HAMILTON COUNTY RECORDER; THENCE SOUTH 11 DEGREES 02 MINUTES 53 SECONDS WEST ALONG SAID PLAT 300.52 FEET TO A CORNER THEREOF AND ALSO BEING THE SOUTHEAST CORNER OF ABOVE SAID MACLEAN; THENCE NORTH 00 DEGREES 28 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF MACLEAN 294.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.203 ACRES MORE OR LESS.

EXCEPTING THEREFROM A PART OF THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER SECTION DESIGNATED AS POINT "28" ON SAID PLAT; THENCE NORTH 89 DEGREES 18 MINUTES 26 SECONDS EAST 25.00 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO POINT "653" ON SAID PLAT; THENCE SOUTH 0 DEGREES 14 MINUTES 45 SECONDS EAST 46.21 FEET TO POINT "1891" ON SAID PLAT; THENCE SOUTH 87 DEGREES 11 MINUTES 55 SECONDS WEST 100.10 FEET TO THE WEST LINE OF SAID GRANTOR'S LAND DESIGNATED AS POINT "1889" ON SAID PLAT; THENCE NORTH 0 DEGREES 14 MINUTES 45 SECONDS WEST 50.00 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER SECTION DESIGNATED AS POINT "704" ON SAID PLAT; THENCE NORTH 89 DEGREES 23 MINUTES 26 SECONDS EAST 75.00 FEET ALONG SAID LINE TO THE POINT OF BEGINNING. CONTAINING 0.110 ACRE, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY FOR 126TH STREET WHICH INCLUDES 0.038 ACRE, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.072 ACRE, MORE OR LESS.

ALSO EXCEPT:

A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, IN HAMILTON COUNTY, INDIANA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "654" ON THE NORTH LINE OF SAID QUARTER SECTION NORTH 89 DEGREES 18 MINUTES 26 SECONDS EAST 468.01 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION DESIGNATED AS POINT "28" ON SAID PLAT; THENCE CONTINUING NORTH 89 DEGREES 18 MINUTES 26 SECONDS EAST 60.00 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF SAID GRANTOR'S LAND DESIGNATED AS POINT "705" ON SAID PLAT; THENCE SOUTH 0 DEGREES 28 MINUTES 04 SECONDS EAST 42.07 FEET TO POINT "1897" ON SAID PLAT; THENCE SOUTH 89 DEGREES 24 MINUTES 18 SECONDS WEST 60.00 FEET TO POINT "1894" ON SAID PLAT; THENCE NORTH 0 DEGREES 28 MINUTES 04 SECONDS WEST 41.96 FEET TO THE POINT OF BEGINNING CONTAINING 0.058 ACRE, MORE OR LESS, INCLUSIVE OF THE PRESENT RIGHT OF WAY FOR 126TH STREET WHICH INCLUDES 0.023 ACRE MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.035 ACRE, MORE OR LESS.

ALSO EXCEPT:

A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID QUARTER SECTION NORTH 89 DEGREES 18 MINUTES 26 SECONDS EAST 25.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION, WHICH POINT OF BEGINNING IS DESIGNATED AS POINT "653" ON SAID PLAT; THENCE NORTH 89 DEGREES 18 MINUTES 26 SECONDS EAST 443.01 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE NORTHEAST CORNER OF THE GRANTOR'S LAND DESIGNATED AS POINT "654" ON SAID PLAT; THENCE SOUTH 0 DEGREES 28 MINUTES 04 SECONDS EAST 41.96 FEET ALONG THE EAST LINE OF THE GRANTOR'S LAND TO POINT "1894" ON SAID PLAT; THENCE SOUTH 89 DEGREES 24 MINUTES 18 SECONDS WEST 42.92 FEET TO POINT "1882" ON SAID PLAT; THENCE NORTH 84 DEGREES 53 MINUTES 06 SECONDS WEST 50.25 FEET TO POINT "1883" ON SAID PLAT; THENCE SOUTH 89 DEGREES 24 MINUTES 18 SECONDS WEST 200.00 FEET TO POINT "2431" ON SAID PLAT; THENCE NORTH 84 DEGREES 53 MINUTES 06 SECONDS WEST 50.25 FEET TO POINT "2430" ON SAID PLAT; THENCE SOUTH 89 DEGREES 24 MINUTES 18 SECONDS WEST 20.00 FEET TO POINT "1888" ON SAID PLAT; THENCE SOUTH 78 DEGREES 49 MINUTES 14 SECONDS WEST 81.66 FEET TO A POINT ON THE WEST LINE OF THE GRANTOR'S LAND DESIGNATED AS POINT "1891" ON SAID PLAT; THENCE NORTH 0 DEGREES 14 MINUTES 45 SECONDS WEST 46.21 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINING 0.379 ACRE, MORE OR LESS, INCLUSIVE OF THE PRESENT EXISTING RIGHT OF WAY OF 126TH STREET WHICH CONTAINS 0.168 ACRE, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 0.211 ACRE, MORE OR LESS.