

ORDINANCE NO. 2009-04-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA,
TO REZONE CERTAIN REAL ESTATE FROM A and R1 TO RE .

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF TIPPECANOE, INDIANA:

SECTION I:

The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana, to wit:

SEE ATTACHED LEGAL DESCRIPTION

SECTION II:

The real estate described above should be and the same is hereby rezoned from A and R1 to RE.

SECTION III:

This ordinance shall be in full force and effect from and after its passage.

(Adopted and passed) ~~(Denied)~~ by the Board of Commissioners of Tippecanoe County, Indiana, this 6th
day of April, 2009. 4th

VOTE:

no

no

yes

[Signature]

Tom Murtaugh

[Signature]

David Byers

[Signature]

John Knochel

Attest:

[Signature]
Jennifer Weston - Auditor

LEGAL DESCRIPTION (Out of Floodplain)

A part of the southeast quarter of Section Nineteen (19), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being part of the Cherry Creek Ventures, LLC property as described in Document Number 08022828, recorded on the 4th of December, 2008 in the Office of the Tippecanoe County Recorder, being more completely described as follows to-wit:

Commencing at the northwest corner of the southeast quarter of Section 19-24-4, thence along the north line of said southeast quarter, North 89°09'16" East, 1313.15 feet to the point of beginning of the herein described tract; thence continuing along said north line, North 89°09'16" East, 183.67 feet; thence South 00°23'57" East, 65.00 feet; thence South 89°09'16" West, 50.00 feet; thence South 00°23'57" East, 35.00 feet; thence along a tangent curve to the left (said curve having a radius of 200.00 feet and a chord bearing South 16°57'28" East, 114.00 feet) an arc distance of 115.60 feet; thence South 33°31'00" East, 200.00 feet; thence along a tangent curve to the right (said curve having a radius of 1050.00 feet and a chord bearing South 31°37'24" East, 69.38 feet) an arc distance of 69.39 feet; thence North 89°09'16" East, 222.27 feet; thence South 85°50'13" East, 75.20 feet; thence South 28°35'51" East, 119.70 feet to the south line of the Koning property as described in Document Number 89-03072, recorded on the 17th of March, 1989 in said Recorder's office; thence along said south line, North 89°09'16" East, 668.47 feet to the east line of said southeast quarter; thence along said east line, South 00°23'57" East, 513.78 feet; thence South 70°50'57" West, 10.72 feet; thence North 78°41'42" West, 12.97 feet; thence North 57°32'26" West, 6.03 feet; thence North 80°32'31" West, 7.03 feet; thence South 80°47'44" West, 103.27 feet; thence South 57°26'50" West, 24.33 feet; thence South 86°36'55" West, 29.17 feet; thence North 87°45'44" West, 37.77 feet; thence South 75°54'07" West, 13.88 feet; thence South 46°30'26" West, 23.50 feet; thence South 64°39'50" West, 12.15 feet; thence South 77°17'54" West, 30.22 feet; thence North 88°00'00" West, 66.22 feet; thence South 60°05'31" West, 35.34 feet; thence South 43°22'35" West, 28.62 feet; thence South 65°33'57" West, 3.49 feet; thence South 82°12'12" West, 21.29 feet; thence North 75°44'49" West, 30.02 feet; thence North 87°44'10" West, 143.09 feet; thence North 64°39'41" West, 145.07 feet; thence North 56°34'48" West, 139.04 feet; thence North 71°40'13" West, 106.51 feet; thence North 84°49'06" West, 32.54 feet; thence North 38°01'53" West, 22.92 feet; thence North 20°51'47" West, 7.38 feet; thence North 30°20'44" West, 69.39 feet; thence North 11°18'54" West, 30.60 feet; thence North 07°35'53" East, 18.16 feet; thence North 19°46'31" East, 27.21 feet; thence North 45°00'47" East, 9.06 feet; thence North 05°26'24" East, 99.07 feet; thence North 16°22'39" West, 127.28 feet; thence North 23°10'12" West, 146.48 feet; thence North 40°02'26" West, 107.11 feet; thence North 71°42'01" West, 23.47 feet; thence North 40°08'23" West, 148.34 feet; thence North 14°22'15" West, 41.58 feet; thence North 35°33'00" West, 12.68 feet; thence North 51°33'32" West, 21.33 feet; thence North 20°14'02" West, 1.56 feet; thence North 08°03'29" East, 25.25 feet; thence North 02°38'05" West, 114.95 feet; thence North 21°15'33" East, 6.73 feet; thence North 26°34'32" West, 1.56 feet; thence North 52°26'38" West, 5.72 feet; thence North 34°31'14" West, 3.38 feet; thence North 00°50'44" West, 12.11 feet to the point of beginning, containing 14.79 acres, more or less.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

MEMORANDUM

To: Board of Commissioners
Area Plan Commission of Tippecanoe County
✓ Tippecanoe County Auditor

From: David W. Luhman

Re: Rezone Z-2393 - Cherry Creek Ventures, LLC (A&R1 to RE) Ordinance 2009-04-CM

Date: May 11, 2009

The purpose of this Memorandum is to document the circumstances and procedures pursuant to which Ordinance 2009-04-CM was enacted by the Board of Commissioners on May 4, 2009.

On March 18, 2009, the Secretary of the Area Plan Commission of Tippecanoe County certified to the Board of Commissioners of Tippecanoe County, Indiana, that on March 18, 2009, the Area Plan Commission voted 10 yes - 1 no on the motion to rezone the subject real estate from A & R1 to RE, and recommended that the Board of Commissioners approve the proposed rezoning.

The proposed rezoning was placed on the agenda of the April 6, 2009 meeting of the Board of Commissioners.

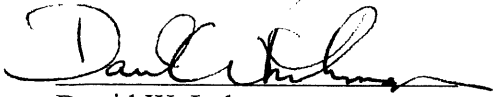
On April 6, 2009, the Board of Commissioners conducted a public hearing and voted to deny Ordinance 2009-04-CM by a vote of 2 no - 1 yes. Rather than adjourn the meeting, however, the Commissioners recessed the meeting until Monday, April 13, 2009 at 10:00 a.m.

Although a copy of Ordinance 2009-04-CM recording the original vote appears to have been signed by the County Commissioners prior to adjournment of the April 6, 2009 meeting, the original vote was not final until the meeting was finally adjourned on April 13, 2009. Until the meeting was so adjourned, the original motion could be the subject of a motion to reconsider in accordance with Robert's Rules of Order.

On Monday, April 13, 2009, at 10:00 a.m., the meeting was reconvened, and the Board of Commissioners unanimously adopted a motion to reconsider its prior action on Ordinance 2009-04-CM and to table consideration of the Ordinance until Monday May 4, 2009 at 10:00 a.m. The Motion to Reconsider was deemed to be in order and in accordance with Robert's Rules of Order, because it was made by one of the persons who voted with the majority on the prior main motion, and because it was made prior to adjournment of the meeting at which the vote had previously been taken on the main motion.

On Monday, May 4, 2009, the Board of Commissioners unanimously voted to take Ordinance 2009-04-CM from the table. After conducting a further public hearing thereon, the Board unanimously adopted Ordinance 2009-04-CM. After adjournment of the meeting the County Commissioners each signed the final approved draft of Ordinance 2009-04-CM, thereby documenting its final adoption by a vote of 3-yes, 0-no.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Luhman", with a long horizontal flourish extending to the right.

David W. Luhman
Tippecanoe County Attorney