

TOWN COUNCIL AGENDA REQUEST



61 North Green Street | Brownsburg, Indiana 46112
Tel 317.852.1128 | Fax 317.852.1134

DATE: Feb 17, 2011	REFERENCE NO. Ordinance 2011-04	SUBJECT: Heritage Hill PUD Phase II
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SUMMARY OF REQUEST:
 February 24, 2011: Introduce and proceed with 1st Reading for the Annexation and Rezoning of Heritage Hill PUD Phase II requested from petitioners Rolling Hills, LLC, and Heritage LLC.
 The annexation will fulfill the commitment as required by Ordinance 2010-27, The Village of Heritage Hill PUD Project. Resolution 2010-47, The Village of Heritage Hill Fiscal Plan which was approved on December 16,2010 is attached for your convenience.

March 10, 2011: Advertised public hearing and 2nd Reading of annexation and rezoning. The legal notice for this public hearing has been placed.

March 24, 2011: 3rd Reading and Final Adoption of annexation and rezoning.

FINANCIAL SUMMARY:		
Budget Funds Available: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES, Amount: \$		
Budget Fund Information:	Line Item Name	Line Item Number
Recommended Bid/Contract Amount:		\$
Estimated Project Costs: (whole numbers)	Architecture/Engineering	\$
	Construction/Procurement	\$
	Contingency	\$
	Miscellaneous Costs	\$
	TOTAL ESTIMATE	\$
	Future Expenses (if any)	\$
	Revenue Generated (if any)	\$
Department Head Approval:		
Assistant Town Manager Approval:		

SUPPORTING DOCUMENTATION:

Ordinance 2011-04, Resolution 2010-47, Petition to Annex, Area Map Location, Legal Description, Listing of all property owners, and Heritage Hill PUD Standards.

ACTION(S) REQUESTED:

Approval of Ordinance #2011-04 for Annexation and Rezoning through separate 1st, 2nd, and 3rd Reading

TOWN MANAGER'S OFFICE:

Approved for Town Council Meeting on:

27 Feb 11

D. Leathers

**STATE OF INDIANA
COUNTY OF HENDRICKS
BROWNSBURG, INDIANA**

ORDINANCE NO. 2011-04

**AN ORDINANCE TO ANNEXING AND ZONING REAL ESTATE TO THE
TOWN OF BROWNSBURG, HENDRICKS COUNTY, INDIANA**

BE IT ORDAINED by the Civil Town of Brownsburg, Hendricks, Indiana, that:

WHEREAS, ROLLING HILLS, LLC, and HERITAGE, LLC, Petitioners, has petitioned the Town Council to annex and rezone a part of Section 27, Township 16 North, Range 1 East, of the Second Principal Meridian, Lincoln and Washington Townships, Brownsburg, Indiana; said real estate being more particularly described on the attached Exhibit "A"; and

WHEREAS, the Town Council of the Town of Brownsburg, Indiana, has heretofore considered and adopted a Fiscal Plan, Resolution 2010-47, for such real estate as required by law; and,

WHEREAS, the Property sought to be annexed is currently situated outside the corporate boundaries of the municipal Town of Brownsburg, Hendricks County, Indiana; and

WHEREAS, this ordinance is the second phase of annexation that will complete the annexation of entire Village of Heritage Hill Property as required by Ordinance 2010-27, Phase I; and

WHEREAS, the Petitioners are the owners of more than fifty-one per cent (51%) of the land sought to be annexed; and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the real estate sought for annexation coincides with the present boundaries of the Town of Brownsburg, Indiana; and

WHEREAS, the Brownsburg Plan Commission has considered said rezoning at a public hearing held September 27, 2010, and by a vote of its members, has made a favorable recommendation to the Brownsburg Town Council to rezone said real estate, from Hendricks County PUD and RA Single Family Residential to Town of Brownsburg PUD, as set forth herein, subject to the following:

1. That the Commission's recommendation is subject to recommendations within the September 21, 2010 Plan Commission Project Report;
2. The annexation of the entire Heritage Hill property;
3. The approval and execution of the Annexation and Economic Development Agreement between the Petitioner, Town Council, and Economic Development Commission; and
4. The approval of the Report of Determination by the Plan Commission.

NOW, THEREFORE, by the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, it is hereby ordered and ordained that the real estate herein referenced, be, and the same is hereby:

1. Annexed to the municipal Town of Brownsburg, Hendricks County, Indiana; and
2. Zoned P.U.D.: Planned Unit Development.

subject to the following terms and conditions:

- a. of the attached Zoning Ordinance (*Titled The Village of Heritage Hill A Planned Unit Development Annexation and Zoning Map Amendment Ordinance Date 10/21/2010*) comprising pages 9 - 50.
- b. That the approval is subject to recommendations within the September 21, 2010 Plan Commission Project Report;

- c. The annexation of the entire Heritage Hill property;
- d. The approval and execution of the Annexation and Economic Development Agreement between the Petitioner, Town Council, and Economic Development Commission;
- e. The Clerk-Treasurer of Brownsburg, Indiana, shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana, and further shall cause a copy of this ordinance to be published in the Weekend Flyer for one (1) week with proof of publication being returned to the Clerk-Treasurer; all costs incurred in the publishing of said ordinance and recording same shall be paid by petitioner.

SAID ORDINANCE OF ANNEXATION AND REZONING is hereby PASSED and ADOPTED THIS

_____ DAY OF _____, 2011.

**TOWN OF BROWNSBURG
BROWNSBURG, INDIANA**

By: _____
Matthew S Bowles, President

ATTESTED BY:

Jeanette M. Brickler
Clerk-Treasurer of the Town of
Brownsburg, Indiana

ANNEXATION DESCRIPTION #2

That portion of Section 27, Township 16 North, Range 1 East of the Second Principal Meridian, Hendricks County, Indiana, described as follows:

Considering the east line of the Northeast Quarter of said Section 27 as bearing South 01 degree 17 minutes 13 seconds East based on NAD 83 (1997) Indiana State Plane Coordinates, West Zone, with all bearings contained herein being relative thereto.

Commencing at a brass plug found marking the Northeast Corner of said Northeast Quarter; thence South 01 degree 17 minutes 13 seconds East (assumed bearing) along the East line of said Quarter Section 1334.90 feet to a Mag nail found; thence South 87 degrees 59 minutes 17 seconds West 1332.01 feet to the **POINT OF BEGINNING** on the East line of the West Half of said Northwest Quarter; thence North 01 degree 19 minutes 54 seconds West along said East line 357.84 feet; thence South 88 degrees 32 minutes 40 seconds West parallel with the north line of said Northeast Quarter 660.00 feet; thence North 01 degree 19 minutes 54 seconds West parallel with said east line 990.00 feet to a rebar set on the north line of said Northwest Quarter; thence South 88 degrees 32 minutes 40 seconds West along said North line 672.96 feet to an 8" X 10" X 12" stone found marking the north quarter corner of said Section 27; thence South 87 degrees 41 minutes 41 seconds West along the north line of the East Half of the Northwest Quarter of said Section 1331.76 feet to a PK nail found marking the northwest corner of said Half Quarter Section; thence continue South 87 degrees 41 minutes 41 seconds West 15.00 feet to the west right of way line of CR 600 East; thence South 01 degree 17 minutes 49 seconds East along the west right of way line 917.66 feet; thence North 88 degrees 42 minutes 11 seconds East 15.00 feet to the west line of east half of said northwest quarter; thence South 01 degree 17 minutes 49 seconds East 1756.21 feet at the northwest corner of the East Half of the Southwest Quarter of said Section 27; thence South 01 degree 17 minutes 49 seconds East along the west line thereof 1105.54 feet; thence North 88 degrees 10 minutes 28 seconds East 940.50 feet; thence North 01 degree 34 minutes 19 seconds West 379.50 feet; thence North 88 degrees 10 minutes 28 seconds East parallel with said north line 1729.20 feet to the west line of New England Way South as per plat thereof recorded as Instrument Number 2007-19002 in the Office of the Recorder of Hendricks County, Indiana; thence South 01 degree 25 minutes 33 seconds East along the west line of said New England Way South 823.13 feet; thence North 88 degrees 19 minutes 15 seconds East along the south line of said New England Way South 1330.18 feet to the east line of the southeast quarter of said Section 27 and the centerline of SR 267; thence continue North 88 degrees 19 minutes 15 seconds East 20.00 feet to the east right of way line of SR 267; thence North 01 degrees 23 minutes 56 seconds East along the east right of way line of SR 267 a distance of 658.59 feet to extension of the north line of said New England Way South; thence South 88 degrees 43 minutes 04 seconds West 20.00 feet to the northeast corner of said New England Way South; thence continue South 88 degrees 43 minutes 04 seconds West along the north line of New England Way South 665.00 feet; thence North 01 degrees 17 minutes 13 seconds East along the east line of New England Way South 887.63 feet to the south line of the northeast quarter of said section 27; thence South 88 degrees 10 minutes 28 seconds West along the north line of New England Way South 663.91 feet to the northwest corner of said New England Way South; thence South 88 degrees 10 minutes 28 seconds West 1330.93 feet; thence North 01 degrees 22 minutes 34 seconds East 1324.48 feet; thence North 87 degrees 59 minutes 17 seconds East 1332.00 feet to the **POINT OF BEGINNING**, containing 195.04 acres, more or less.

This description is for annexation purpose only. No transfer of title is to occur with this description. Limited fieldwork was performed. This description was based on existing deeds, plats, surveys, and previous annexation descriptions to the Town of Brownsburg. No monuments were set and no deeds should be created from this description.

PETITION TO ANNEX

Comes now Rolling Hills, LLC, and Heritage, LLC, being the owners of more than fifty-one percent (51%) of the following described real estate, to-wit:

See Attached Legal Description;

and having received consents and authority from all other property owners within said real estate, do hereby petition the Town of Brownsburg, through its Town Council, to annex said real estate into the corporate limits of the Town of Brownsburg, Hendricks County, Indiana.

Said real estate is more commonly known as The Village of Heritage Hill and is located on the west side of SR 267 between CR 200 N and CR 300 N in Lincoln Township.

So petitioned this 10th day of February, 2011.

Rolling Hills, LLC

Heritage Hill, LLC

By: 

Robert R. Carr, Member

By: 

Robert R. Carr, Member

ANNEXATION #2
ROLLING HILLS, LLC
VILLAGE OF HERITAGE HILL

PARCEL NUMBERS:

Rolling Hills, LLC

008-327611-200012; 012-127611-300025, 426001-008, 427001-003,006,007,010,011;
428001,003,004, 007,009-011; 429004,006-014-017; 430001-004; 431-001,004-014

Heritage Hill, LLC

008-327611-100010; 200013; 012-127611-400030

Rolling Hills, LLC & Heritage Hill, LLC

008-327611-226001

Drees Premier Homes, Inc.

012-127611-427008;431002

The Estridge Group, Inc.

012-127611-431003

Paul R. & Joan M. Vondersaar

012-127611-427004,005

Daniel L. & Mary M. Brassard

012-127611-428005

William A. Kcomt

012-127611-428006

Chad & Jennifer Waits

012-127611-429002

Jason & Heather Roth

012-127611-428008

David & Karen Heaviland

012-127611-429005

Nuttco, LLC

012-127611-427009

Jeffrey & Laura H. Visscher

012-127611-428002

Kevin R & Amy L. Jones

012-127611-429003

Kurt & Joann Froeb

012-127611-429001