

**ORDINANCE NO. 2020-15_
OF THE
TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND THE
TOWN OF ZIONSVILLE
ZONING ORDINANCE
FOR THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**AND FIXING A TIME WHEN THE SAME SHALL
TAKE EFFECT**

**Plan Commission Petition No.
2020-29-Z**

WHEREAS, I.C. § 36-7-4, et seq., empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana: and;

WHEREAS, in accordance with I.C. 36-7-4-600 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on September 21, 2020 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance"); filed as petition 2020-29-Z; and,

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal with Commitments (Exhibit C) to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on September 22, 2020 (Exhibit 1); and,

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on
October 5, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4-600 et seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

1. Official Zone Map Amendment

The Official Zone Map of the Town of Zionsville Zoning Ordinance is hereby amended to rezone the Property located in the Town of Zionsville, illustrated and listed on Exhibit B to the attached Certification, from its Urban (R-SF-2) Residential Zoning District to a (SU-1) Special Use Zoning District .

Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.

(a) The Director of Finance and Records and Staff are directed to comply with Section 194.182 of the Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.

2. Construction of Clause Heading: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 2. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 6. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the _____ day of _____, 2020. A motion to consider on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this _____ day of _____ 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Josh Garrett, President		
Bryan Traylor, Vice-President		
Alexander Choi, Member		
Joe Culp, Member		
Brad Burk, Member		
Craig Melton, Member		
Jason Plunkett, Member		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2020, at _____ m.

ATTEST: _____
Amelia Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**

Emily Styron, Mayor

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE



**CERTIFICATION TO
THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

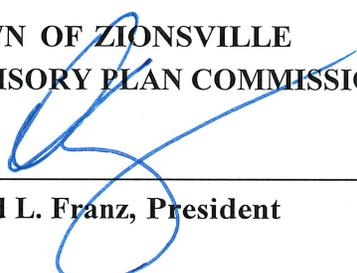
September 22, 2020

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on September 21, 2020 the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave a **Favorable Recommendation** to proposal 2020-29-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal 2020-29-Z recommends that 44.368 ± be rezoned from the Urban (R-SF-2) Residential Zoning District to a (SU-1) Special Use Zoning District.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2020-29-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, "(Exhibit B)", and its Commitments ("Exhibit C"), to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION**



David L. Franz, President

Attest: _____



**Wayne DeLong, AICP, CPM
Director of Planning and Economic Development
Secretary, Town of Zionsville Advisory Plan Commission**

ZIONSVILLE PLAN COMMISSION

DOCKET NO. 2020-29-Z

COMMITMENTS CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

In accordance with I.C. 36-7-4-1015, Zionsville Community Schools Building Corporation (the "Owner"), seeks to make certain commitments in connection with a Rezone petition for (the "Real Estate"), which real estate is legally described in Exhibit A, as attached hereto and incorporated herein by reference, which Real Estate is commonly known as parcels 0197178000, 0197179000, 0197182000 and 0197181001 and having a property address of 8602 East 500 South, Zionsville, IN 46077.

Owner represents and warrants that the Real Estate is now located within the Town of Zionsville, Indiana, (the "Town") and that as the owner of said Real Estate, the Owner has authority to and hereby does voluntarily make the following COMMITMENTS concerning the use and development of the Real Estate.

STATEMENT OF COMMITMENTS

Owner, upon approval of Docket No. 2020-29-Z by the Zionsville Plan Commission (the "Rezone petition"), voluntarily agrees and commits that said Development Plan Approval shall be conditioned upon the following Commitments:

1. Subject to existing easements and right of ways, Owner commits to dedicating a right-of-way adjacent to E 500 South and along the southern portion of the Real Estate to provide a 55 feet of right-of-way from centerline of E 500 South concurrent with any future plat approvals or development plan approvals.

These COMMITMENTS shall be executed and recorded by the Owner in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the land described herein as the Real Estate.

These COMMITMENTS shall be binding on the Owner, subsequent owners of the Real Estate, and other persons or entities acquiring an interest therein (hereinafter collectively the "Owners"). The Owner shall have an affirmative duty to inform any third parties with whom the Owner negotiates for a possible sale, lease, assignment, mortgage, or transfer of the Real Estate of the existence of these COMMITMENTS. In the event any sale, lease, assignment, mortgage, or transfer occurs, the Owner shall ensure that a copy of these COMMITMENTS is incorporated into any such written agreement with the third party. If the Owner fails to comply with the terms of this paragraph and the third party fails to perform and/or comply with these COMMITMENTS, the Town of Zionsville shall be entitled to receive from the Owner and from each entity and/or third party identified above as Owners, jointly and/or severally, any and all

damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliances herewith.

These COMMITMENTS may be modified or terminated by a decision of the Town of Zionsville Plan Commission made after a public hearing for which proper notice is given, including hearings for other land use or zoning approvals involving the Real Estate or any portion thereof.

These COMMITMENTS shall be effective upon approval of the relief requested in Plan Commission Docket Number 2020-32-DP by the Zionsville Plan Commission and shall continue in effect until modified or terminated as specified above and/or as prescribed by statute.

These COMMITMENTS may be enforced jointly and/or severally by the Town of Zionsville Plan Commission, the Director of Planning and Economic Development for the Town of Zionsville, the Town and/or owners of any parcel of ground adjoining the Real Estate. Owner and all future owners shall be obligated hereunder to indemnify the Town of Zionsville Plan Commission, the Town (including a successor city or municipality), and hold said entities and their respective authorized representatives, including the Director of Planning and Economic Development for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform Owner's and/or future owner's obligations under the terms and conditions of these COMMITMENTS. Throughout these COMMITMENTS and reference to "Town" or "Town of Zionsville" shall also include any successor city, municipality, or other governmental body having land use, planning, and zoning jurisdiction over the Real Estate.

In the event it becomes necessary to enforce these COMMITMENTS in a court of competent jurisdiction and the Owner and/or any of the Owners, jointly and/or severally, are found to be in violation of these COMMITMENTS, such violators shall pay all reasonable costs and expenses the Town and the Town's Plan Commission and other authorized representative(s) incur in the enforcement of these COMMITMENTS, including reasonable attorney fees, expert witness fees, and court costs.

Owner and all subsequent owners of all or a portion of the Real Estate shall be obligated hereunder, jointly and/or severally, to indemnify the Town of Zionsville Plan Commission and/or the Town and hold said entities and their respective authorized representative(s), including the Director of Planning and Economic Development for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs or damages which result from failure to perform Owner's and/or Owners' obligations hereunder and/or to comply with the terms and conditions of these COMMITMENTS.

Owner shall be responsible, at its expense, for recording this Statement of Commitments in the Office of the Recorder of Boone County, Indiana, and shall promptly provide the Planning and Economic Development Department of the Town of Zionsville with a copy of such recording as a condition precedent to commencing any work with the Development Plan. These

COMMITMENTS shall be considered a covenant running with the Real Estate, including any portion thereof.

By executing these COMMITMENTS, the Owner represents and warrants that at the time of such execution, owner is the sole owner of all the Real Estate, that execution of these COMMITMENTS shall be binding upon the Owner as to all the particulars herein, and shall be considered a COVENANT running with the land described herein as the Real Estate, including any portion thereof. By the signature affixed below to these COMMITMENTS, Zionsville Community Schools Building Corporation further represents and warrants that the undersigned has full corporate authority to execute these COMMITMENTS on behalf of said corporation and bind owner hereto.

IN WITNESS WHEREOF, Owner has executed this instrument this 17th day of September, 2020.

“OWNER”

Zionsville Community Schools Building Corporation

By: TE Lingafelter
Tom E. Lingafelter, President

STATE OF INDIANA)
) SS:
COUNTY OF Boone)

Before me, a Notary Public in and for said County and State, personally appeared Tom E. Lingafelter, President of Zionsville Community Schools Building Corporation, who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any and all representations therein contained are true.

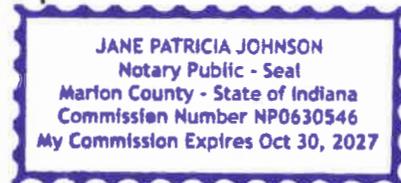
Witness my hand and Notarial Seal this 17th day of September, 2020.

Signature: Jane Patricia Johnson

Printed: Jane Patricia Johnson

County of Residence: Marion

My Commission expires: 10/30/2027



EXECUTED AND DELIVERED in my presence:

Courtney M Elefante
Witness Signature

Courtney M Elefante
Witness Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Before me, a Notary Public in and for said County and State, personally appeared Courtney Elefante, being known to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Tom E. Lingafelter, President of Zionsville Community Schools Building Corporation in the above-named subscribing witness's presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this 17th day of September, 2020.

Jane Patricia Johnson
Notary Public's Signature

Commission Expires: 10/30/2027

County of Residence: Marion

Jane Patricia Johnson
Notary Public Printed Name

Prepared by Jon Becker, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46060.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law, /s/ Jon Becker.

Return Deed: Zionsville Community Schools Building Corporation, 900 Mulberry Street, Zionsville, IN 46077



EXHIBIT A

Parcels 0197178000 & 0197178002: PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH 00 DEGREES 24 MINUTES 27 SECONDS EAST 161.02 FEET (ASSUMED BEARING) TO THE CENTERLINE OF ZIONSVILLE ROAD; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 721.24 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 29 SECONDS WEST 2039.04 FEET TO THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 200800001926; THENCE ON SAID SOUTH LINE THE FOLLOWING 11 COURSES:

- 1) THENCE SOUTH 36 DEGREES 19 MINUTES 06 SECONDS EAST 153.02 FEET;
- 2) THENCE SOUTH 35 DEGREES 47 MINUTES 38 SECONDS EAST 103.01 FEET;
- 3) THENCE SOUTH 36 DEGREES 27 MINUTES 40 SECONDS EAST 98.26 FEET;
- 4) THENCE SOUTH 36 DEGREES 45 MINUTES 34 SECONDS EAST 106.73 FEET;
- 5) THENCE SOUTH 35 DEGREES 27 MINUTES 49 SECONDS EAST 111.51 FEET;
- 6) THENCE SOUTH 36 DEGREES 27 MINUTES 43 SECONDS EAST 103.56 FEET;
- 7) THENCE SOUTH 36 DEGREES 26 MINUTES 53 SECONDS EAST 110.28 FEET;
- 8) THENCE SOUTH 36 DEGREES 14 MINUTES 27 SECONDS EAST 87.38 FEET;
- 9) THENCE SOUTH 35 DEGREES 51 MINUTES 20 SECONDS EAST 100.96 FEET;
- 10) THENCE SOUTH 35 DEGREES 49 MINUTES 50 SECONDS EAST 96.64 FEET;
- 11) THENCE SOUTH 36 DEGREES 45 MINUTES 13 SECONDS EAST 73.33 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 1210.57 FEET TO THE POINT OF BEGINNING, CONTAINING 26.35 ACRES MORE OR LESS.

ALSO:

PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 56 MINUTES 56 SECONDS WEST (ASSUMED BEARING) 403.30 FEET TO THE CENTERLINE OF ZIONSVILLE ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 288.67 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 10 MINUTES 29 SECONDS EAST 107.46 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST 269.57 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED MARCH 6, 2020 AS INSTRUMENT NO. 2020002511, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 40 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH 00 DEGREES 24 MINUTES 27 SECONDS EAST 161.02 FEET (ASSUMED BEARING) TO THE CENTERLINE OF ZIONSVILLE ROAD; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 721.24 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 29 SECONDS WEST 2039.04 FEET TO THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 200800001926; THENCE ON SAID SOUTH LINE THE FOLLOWING 11 COURSES:

- 1) THENCE SOUTH 36 DEGREES 19 MINUTES 06 SECONDS EAST 153.02 FEET;
- 2) THENCE SOUTH 35 DEGREES 47 MINUTES 38 SECONDS EAST 103.01 FEET;
- 3) THENCE SOUTH 36 DEGREES 27 MINUTES 40 SECONDS EAST 98.26 FEET;
- 4) THENCE SOUTH 36 DEGREES 45 MINUTES 34 SECONDS EAST 106.73 FEET;
- 5) THENCE SOUTH 35 DEGREES 27 MINUTES 49 SECONDS EAST 111.51 FEET;
- 6) THENCE SOUTH 36 DEGREES 27 MINUTES 43 SECONDS EAST 103.56 FEET;
- 7) THENCE SOUTH 36 DEGREES 26 MINUTES 53 SECONDS EAST 110.28 FEET;
- 8) THENCE SOUTH 36 DEGREES 14 MINUTES 27 SECONDS EAST 87.38 FEET;
- 9) THENCE SOUTH 35 DEGREES 51 MINUTES 20 SECONDS EAST 100.96 FEET;
- 10) THENCE SOUTH 35 DEGREES 49 MINUTES 50 SECONDS EAST 96.64 FEET;
- 11) THENCE SOUTH 36 DEGREES 45 MINUTES 13 SECONDS EAST 73.33 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 1210.57 FEET TO THE POINT OF BEGINNING. SAID SOUTHWESTERLY 40 FEET CONTAINS 0.662 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.132 ACRES, MORE OR LESS.

Containing after said exception, 26.018 acres, more or less.

Parcel 0197179000: COMMENCING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, AND RUN THENCE EAST 42 RODS; THENCE NORTH 23 13/14 RODS; THENCE WEST 42 RODS; THENCE SOUTH 23 13/14 RODS TO THE PLACE OF BEGINNING.

Containing 6.28 acres, more or less.

Parcel 0197182000: A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, LOCATED IN BOONE COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE SOUTH 88 DEGREES 44 MINUTES 43 SECONDS WEST (ASSUMED BEARING) 652.59 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING, SAID 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING BEING NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 693.00 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 345.20 FEET PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 652.91 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS EAST 345.20 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING, CONTAINING 5.17 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED OCTOBER 23, 2019 AS INSTRUMENT NO. 2019010776, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 88 DEGREES 17 MINUTES 08 SECONDS WEST 55.00 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE NORTH 0 DEGREES 59 MINUTES 06 SECONDS WEST 0.88 FEET TO POINT "561" DESIGNATED ON SAID PLAT; THENCE NORTH 0 DEGREES 36 MINUTES 54 SECONDS WEST 344.32 FEET TO POINT "565" DESIGNATED ON SAID PLAT, WHICH POINT IS ON THE NORTH LINE OF THE 5/17-ACRE TRACT DESCRIBED IN INSTRUMENT #201400000511; THENCE NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 55.01 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0 DEGREES 36 MINUTES 54 SECONDS EAST 345.20 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.436 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.087 ACRES, MORE OR LESS.

Containing after said exception, 4.734 acres, more or less.

Parcel 0197181001: A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST (ASSUMED BEARING) 693.00 FEET ALONG THE NORTH LINE OF SAID NORTHEAST

QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 652.59 FEET TO A MAG NAIL AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 31 MINUTES 36 SECONDS EAST 703.56 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER TO A MAG NAIL ON THE CENTERLINE OF ZIONSVILLE ROAD; THENCE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 701.49 FEET ALONG THE CENTERLINE OF ZIONSVILLE ROAD TO A MAG NAIL; THENCE NORTH 00 DEGREES 24 MINUTES 27 SECONDS WEST 440.14 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER TO THE BEGINNING, CONTAINING 8.57 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED OCTOBER 23, 2019 AS INSTRUMENT NO. 2019010776, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 1,290.59 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID NORTHWEST CORNER BEING DESIGNATED AS POINT "201" ON SAID PLAT; THENCE NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 55.00 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID HALF QUARTER SECTION; THENCE SOUTH 0 DEGREES 59 MINUTES 06 SECONDS EAST 703.55 FEET ALONG THE EAST LINE OF SAID HALF QUARTER SECTION TO THE CENTERLINE OF WHITESTOWN ROAD (ZIONSVILLE ROAD); THENCE NORTH 69 DEGREES 39 MINUTES 33 SECONDS WEST 600.15 FEET ALONG SAID CENTERLINE; THENCE NORTH 20 DEGREES 25 MINUTES 43 SECONDS EAST 35.31 FEET TO POINT "429" DESIGNATED ON SAID PLAT; THENCE SOUTH 69 DEGREES 34 MINUTES 17 SECONDS EAST 150.25 FEET TO POINT "428" DESIGNATED ON SAID PLAT; THENCE SOUTHEASTERLY 144.65 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 805.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 64 DEGREES 25 MINUTES 26 SECONDS EAST AND A LENGTH OF 144.45 FEET TO POINT "427" DESIGNATED ON SAID PLAT; THENCE SOUTH 59 DEGREES 16 MINUTES 34 SECONDS EAST 3.55 FEET TO POINT "426" DESIGNATED ON SAID PLAT; THENCE SOUTHEASTERLY 103.06 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 725.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 63 DEGREES 20 MINUTES 54 SECONDS EAST AND A LENGTH OF 102.97 FEET TO POINT "425" DESIGNATED ON SAID PLAT; THENCE SOUTH 86 DEGREES 07 MINUTES 57 SECONDS EAST 96.64 FEET TO POINT "424" DESIGNATED ON SAID PLAT; THENCE NORTH 44 DEGREES 07 MINUTES 53 SECONDS EAST 44.53 FEET TO POINT "423" DESIGNATED ON SAID PLAT; THENCE NORTH 0 DEGREES 59 MINUTES 06 SECONDS WEST 597.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.234 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.245 ACRES, MORE OR LESS.

Containing after said exception, 7.336 acres, more or less.

TOWN OF ZIONSVILLE

ZONING MAP

JANUARY 1, 2015

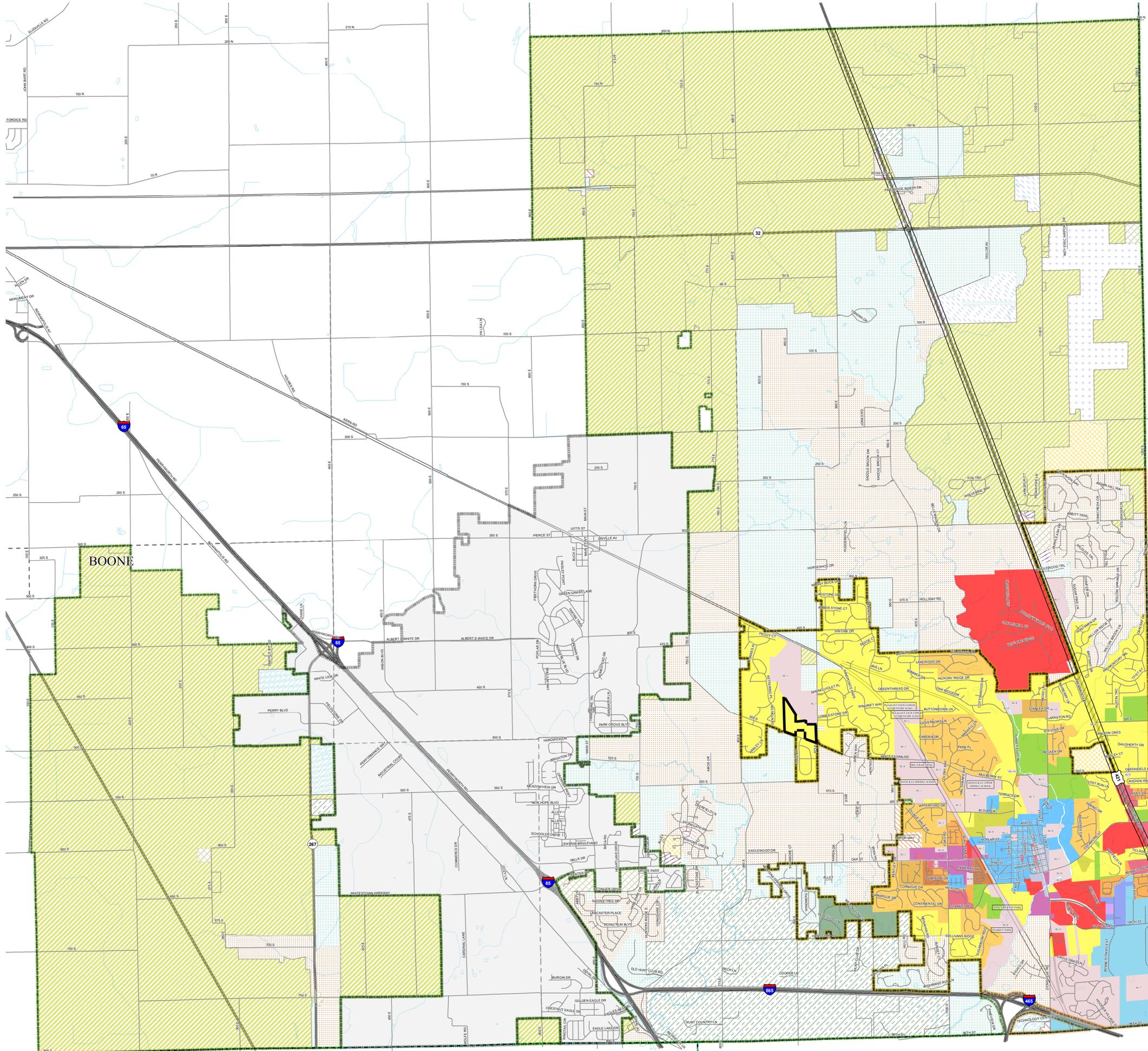


ZIONSVILLE
FOR ALL THE RIGHT REASONS



Not to Scale

LEGEND	
Urban Zoning Districts	Rural Zoning Districts
RE	AG
R-SF-1	RE
R-SF-2	R1
R-SF-3	R2
R-SF-4	R3
R-MF-1	R4
R-MF-2	LB
B-0	PB
B-1	UB
B-2	GB
B-3	I-1
VBD	I-2
I-ORT	AZ
I-1	Zionsville Town Service District
I-2	Zionsville Rural Service District
I-3	Lebanon
SPECIAL USE ZONING	Michigan Road Overlay
OPEN LAND	Whitestown
R-V	Parcels
PUD	County Line
	Township Line
	Water Features
	Highways
	Streets



HAMILTON

HENDRICKS

MARION

RECOMMENDED BY THE PLAN COMMISSION, AND APPROVED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, AND AS AMENDED BY ZONING ORDINANCES.

- JEFF PAPA, PRESIDENT
- TIM HAAK
- ELIZABETH HOPPER
- STEVE MUNDY
- TOM SCHULER
- SUSANA SUAREZ
- CANDACE ULMER

All real property located within the corporate boundaries of the Town of Zionsville and under the jurisdiction of the Plan Commission as set forth in this Ordinance is hereby divided into Districts as shown on the Official Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

Allen Rochles *Allen Rochles* Wayne DeLong *Wayne DeLong*
Plan Commission President Plan Commission Secretary

"This is to certify that this is the Official Zone Map of the Town of Zionsville, County of Boone, State of Indiana"

01/01/2015
Date of Adoption



Exhibit B



LEGAL DESCRIPTION – ZIONSVILLE COMMUNITY SCHOOLS

Proposed SU-1 zoning petition, northwest corner

Zionsville Road and County Road 875 East

Parcels 0197178000 & 0197178002: PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH 00 DEGREES 24 MINUTES 27 SECONDS EAST 161.02 FEET (ASSUMED BEARING) TO THE CENTERLINE OF ZIONSVILLE ROAD; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 721.24 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 29 SECONDS WEST 2039.04 FEET TO THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 200800001926; THENCE ON SAID SOUTH LINE THE FOLLOWING 11 COURSES:

- 1) THENCE SOUTH 36 DEGREES 19 MINUTES 06 SECONDS EAST 153.02 FEET;
- 2) THENCE SOUTH 35 DEGREES 47 MINUTES 38 SECONDS EAST 103.01 FEET;
- 3) THENCE SOUTH 36 DEGREES 27 MINUTES 40 SECONDS EAST 98.26 FEET;
- 4) THENCE SOUTH 36 DEGREES 45 MINUTES 34 SECONDS EAST 106.73 FEET;
- 5) THENCE SOUTH 35 DEGREES 27 MINUTES 49 SECONDS EAST 111.51 FEET;
- 6) THENCE SOUTH 36 DEGREES 27 MINUTES 43 SECONDS EAST 103.56 FEET;
- 7) THENCE SOUTH 36 DEGREES 26 MINUTES 53 SECONDS EAST 110.28 FEET;
- 8) THENCE SOUTH 36 DEGREES 14 MINUTES 27 SECONDS EAST 87.38 FEET;
- 9) THENCE SOUTH 35 DEGREES 51 MINUTES 20 SECONDS EAST 100.96 FEET;
- 10) THENCE SOUTH 35 DEGREES 49 MINUTES 50 SECONDS EAST 96.64 FEET;
- 11) THENCE SOUTH 36 DEGREES 45 MINUTES 13 SECONDS EAST 73.33 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 1210.57 FEET TO THE POINT OF BEGINNING, CONTAINING 26.35 ACRES MORE OR LESS.

ALSO:

PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 56 MINUTES 56 SECONDS WEST (ASSUMED BEARING) 403.30 FEET TO THE CENTERLINE OF ZIONSVILLE ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 288.67 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 10 MINUTES 29 SECONDS EAST 107.46 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 88 DEGREES 56 MINUTES 56 SECONDS EAST 269.57 FEET TO THE POINT OF BEGINNING, CONTAINING 0.33 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED MARCH 6, 2020 AS INSTRUMENT NO. 2020002511, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHWESTERLY 40 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: PART OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH 00 DEGREES 24 MINUTES 27 SECONDS EAST 161.02 FEET (ASSUMED BEARING) TO THE CENTERLINE OF ZIONSVILLE ROAD; THENCE ON SAID CENTERLINE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 721.24 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE ON SAID WEST LINE NORTH 00 DEGREES 10 MINUTES 29 SECONDS WEST 2039.04 FEET TO THE SOUTH LINE OF THE TRACT OF REAL ESTATE DESCRIBED IN INSTRUMENT NO. 200800001926; THENCE ON SAID SOUTH LINE THE FOLLOWING 11 COURSES:

- 1) THENCE SOUTH 36 DEGREES 19 MINUTES 06 SECONDS EAST 153.02 FEET;
- 2) THENCE SOUTH 35 DEGREES 47 MINUTES 38 SECONDS EAST 103.01 FEET;
- 3) THENCE SOUTH 36 DEGREES 27 MINUTES 40 SECONDS EAST 98.26 FEET;
- 4) THENCE SOUTH 36 DEGREES 45 MINUTES 34 SECONDS EAST 106.73 FEET;
- 5) THENCE SOUTH 35 DEGREES 27 MINUTES 49 SECONDS EAST 111.51 FEET;
- 6) THENCE SOUTH 36 DEGREES 27 MINUTES 43 SECONDS EAST 103.56 FEET;
- 7) THENCE SOUTH 36 DEGREES 26 MINUTES 53 SECONDS EAST 110.28 FEET;
- 8) THENCE SOUTH 36 DEGREES 14 MINUTES 27 SECONDS EAST 87.38 FEET;
- 9) THENCE SOUTH 35 DEGREES 51 MINUTES 20 SECONDS EAST 100.96 FEET;
- 10) THENCE SOUTH 35 DEGREES 49 MINUTES 50 SECONDS EAST 96.64 FEET;
- 11) THENCE SOUTH 36 DEGREES 45 MINUTES 13 SECONDS EAST 73.33 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE ON SAID EAST LINE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 1210.57 FEET TO THE POINT OF BEGINNING. SAID SOUTHWESTERLY 40 FEET CONTAINS 0.662 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.132 ACRES, MORE OR LESS.

Containing after said exception, 26.018 acres, more or less.

Parcel 0197179000: COMMENCING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, AND RUN THENCE EAST 42 RODS; THENCE NORTH 23 13/14 RODS; THENCE WEST 42 RODS; THENCE SOUTH 23 13/14 RODS TO THE PLACE OF BEGINNING.

Containing 6.28 acres, more or less.

Parcel 0197182000: A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, LOCATED IN BOONE COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE SOUTH 88 DEGREES 44 MINUTES 43 SECONDS WEST (ASSUMED BEARING) 652.59 FEET ALONG THE SOUTH LINE OF

SAID SOUTHEAST QUARTER TO A 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING, SAID 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING BEING NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 693.00 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 345.20 FEET PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 652.91 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS EAST 345.20 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING, CONTAINING 5.17 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED OCTOBER 23, 2019 AS INSTRUMENT NO. 2019010776, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 88 DEGREES 17 MINUTES 08 SECONDS WEST 55.00 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE NORTH 0 DEGREES 59 MINUTES 06 SECONDS WEST 0.88 FEET TO POINT "561" DESIGNATED ON SAID PLAT; THENCE NORTH 0 DEGREES 36 MINUTES 54 SECONDS WEST 344.32 FEET TO POINT "565" DESIGNATED ON SAID PLAT, WHICH POINT IS ON THE NORTH LINE OF THE 5/17-ACRE TRACT DESCRIBED IN INSTRUMENT #201400000511; THENCE NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 55.01 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0 DEGREES 36 MINUTES 54 SECONDS EAST 345.20 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING AND CONTAINING 0.436 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.087 ACRES, MORE OR LESS.

Containing after said exception, 4.734 acres, more or less.

Parcel 0197181001: A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST IN BOONE COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST (ASSUMED BEARING) 693.00 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO A 5/8 INCH IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88 DEGREES 44 MINUTES 43 SECONDS EAST 652.59 FEET TO A MAG NAIL AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 31 MINUTES 36 SECONDS EAST 703.56 FEET ALONG THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER TO A MAG NAIL ON THE CENTERLINE OF ZIONSVILLE ROAD; THENCE NORTH 69 DEGREES 11 MINUTES 58 SECONDS WEST 701.49 FEET ALONG THE CENTERLINE OF ZIONSVILLE ROAD TO A MAG NAIL; THENCE NORTH 00 DEGREES 24 MINUTES 27 SECONDS WEST 440.14 FEET PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER TO THE BEGINNING, CONTAINING 8.57 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PART CONVEYED TO THE TOWN OF ZIONSVILLE, INDIANA BY WARRANTY DEED RECORDED OCTOBER 23, 2019 AS INSTRUMENT NO. 2019010776, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT OF WAY LINES DEPICTED ON THE ATTACHED RIGHT OF WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 1,290.59 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION, SAID NORTHWEST CORNER BEING DESIGNATED AS POINT "201" ON SAID PLAT; THENCE NORTH 88 DEGREES 17 MINUTES 08 SECONDS EAST 55.00 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID HALF QUARTER SECTION; THENCE SOUTH 0 DEGREES 59 MINUTES 06 SECONDS EAST 703.55 FEET ALONG THE EAST LINE OF SAID HALF QUARTER SECTION TO THE CENTERLINE OF WHITESTOWN ROAD (ZIONSVILLE ROAD); THENCE NORTH 69 DEGREES 39 MINUTES 33 SECONDS WEST 600.15 FEET ALONG SAID CENTERLINE; THENCE NORTH 20 DEGREES 25 MINUTES 43 SECONDS EAST 35.31 FEET TO POINT "429" DESIGNATED ON SAID PLAT; THENCE SOUTH 69 DEGREES 34 MINUTES 17 SECONDS EAST 150.25 FEET TO POINT "428" DESIGNATED ON SAID PLAT; THENCE SOUTHEASTERLY 144.65 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 805.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 64 DEGREES 25 MINUTES 26 SECONDS EAST AND A LENGTH OF 144.45 FEET TO POINT "427" DESIGNATED ON SAID PLAT; THENCE SOUTH 59 DEGREES 16 MINUTES 34 SECONDS EAST 3.55 FEET TO POINT "426" DESIGNATED ON SAID PLAT; THENCE SOUTHEASTERLY 103.06 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 725.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 63 DEGREES 20 MINUTES 54 SECONDS EAST AND A LENGTH OF 102.97 FEET TO POINT "425" DESIGNATED ON SAID PLAT; THENCE SOUTH 86 DEGREES 07 MINUTES 57 SECONDS EAST 96.64 FEET TO POINT "424" DESIGNATED ON SAID PLAT; THENCE NORTH 44 DEGREES 07 MINUTES 53 SECONDS EAST 44.53 FEET TO POINT "423" DESIGNATED ON SAID PLAT; THENCE NORTH 0 DEGREES 59 MINUTES 06 SECONDS WEST 597.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.234 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, WHICH CONTAINS 0.245 ACRES, MORE OR LESS.

Containing after said exception, 7.336 acres, more or less.