

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 23-01

**AN ORDINANCE AMENDING COMMON COUNCIL ORDINANCE NO. 22-18, THE
REZONING OF 16 ACRES LOCATED AT 374 N. EMERSON AVENUE, TO CORRECT
AN ERROR IN THE LEGAL DESCRIPTION AND TO AMEND COMMITMENTS AS
MODIFIED**

WHEREAS, an error has been discovered in the legal description of the property described in Common Council Ordinance No. 22-18, “An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 16 Acres located at 374 N. Emerson Avenue) (“Ord. 22-18”), adopted July 25, 2022;

WHEREAS, the Petitioner requests that the legal description be corrected because the legal description of the property in Ord. 22-18 erroneously includes Emerson Avenue right-of-way that is not intended to be included in the rezoning;

WHEREAS, it has been determined that the legal description contained in Ord. 22-18 should be corrected to correctly identify the property that is subject to the rezoning and remove property that is not;

WHEREAS, following adoption of Ord. 22-18, the Commitments regarding the use and development of the real estate required by the Greenwood Advisory Plan Commission and the Greenwood Common Council set forth in the ordinance were modified in accordance with law, and it is recommended that Ord. 22-18 be amended to change the language of those Commitments to the modified language,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Common Council Ordinance No. 22-18, “An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 16 Acres located at 374 N. Emerson Avenue)”, Section 1., is hereby amended to correct the legal description by deleting the legal description and replacing it with the following legal description:

The Land referred to herein below is situated in the County of Johnson, State of Indiana, and is described as follows:

A part of the Southeast quarter of the Southeast quarter of Section 28, Township 14 North, Range 4 East, Johnson County, Indiana, more particularly described by Marty J. James, LS29900010, on January 9th, 2023, as part of a Retracement Survey performed by Bledsoe Riggert Cooper & James, Inc., Job #10756, described as follows:

COMMENCING at the Northeast corner of the Southeast quarter of the Southeast quarter corner of said Section 28, Township 14 North, Range 4 East; thence SOUTH 02 degrees 02 minutes 19 seconds WEST along the East line of the said quarter quarter 169.59 feet; thence leaving said East line NORTH 89 degrees 48 minutes 53 seconds WEST, 50.03 feet to a Right-of-Way monument on the West Right-of-Way of Emerson Avenue and the **Point of Beginning**; thence NORTH 89 degrees 52 minutes 00 seconds WEST along the South line of V & P, LLC (2007-030660) a distance of 1113.48 feet to a 5/8 inch rebar found on the East line of the Greenwood Board of Aviation Commissioners (Book 251, page 288 and Book 256, page 86); thence along said East line SOUTH 01 degrees 47 minutes 36 seconds WEST a distance of 97.00 feet to a 5/8 inch rebar found at the Southeast corner of said Board of Aviation Commissioners; thence along the South line of said Board of Aviation Commissioners NORTH 89 degrees 49 minutes 20 seconds WEST, 164.46 feet to a 5/8 inch rebar found; thence along a line of the Board of Aviation Commissioners (Book 253 page 689) SOUTH 02 degrees 07 minutes 21 seconds WEST, 461.91 feet to a 5/8 inch rebar found at the Northwest Corner of Maple Grove Subdivision Section 4 (Plat Cabinet C, page 247); thence along the North line of said Maple Grove Subdivision Section 4 and Maple Grove Subdivision Section 3 (Plat Cabinet C page 199 and Section 2 (Plat Cabinet C page 185) and the extension thereof NORTH 89 degrees 16 minutes 54 seconds

EAST, 1278.98 feet to a 5/8 inch rebar with cap set at the West Right-of-Way of Emerson Avenue; thence along the West line of said Emerson Avenue NORTH 02 degrees 02 minutes 19 seconds EAST 539.74 feet to the Point of Beginning containing 15.74 acres more or less.

Section 2. Common Council Ordinance No. 22-18, "An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 16 Acres located at 374 N. Emerson Avenue)", Second "Whereas" Clause, is hereby amended to revise the following commitments that were required by the Greenwood Advisory Plan Commission ("Commission") to reflect modifications made to those Commitments by the Commission so that they read as follows:

3. All detention per FAA Advisory Circular 150/5200-33, current edition, Hazardous Wildlife Attractants on or near Airport.;
4. Place a Large bufferyard against the south property line.;
7. The structures will comply with the following Multi-Family Residential Building Standards unless a variance is granted by the City of Greenwood Board of Zoning Appeals.;
8. Buildings identified as RMC shall follow the following development standards unless a waiver is granted by the City of Greenwood Plan Commission or a variance is granted by the City of Greenwood Board of Zoning Appeals.

Section 3. Common Council Ordinance No. 22-18, "An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 16 Acres located at 374 N. Emerson Avenue)", Third "Whereas" Clause, is hereby amended to revise the following commitments that were required by the Greenwood Common Council ("Council") to reflect modifications made to those commitments by the Council so that they read as follows:

1. Include a six foot (6') fence around the north and east perimeter of the property, except where prohibited due to floodways and drainage easements, utilize the existing six foot (6') fence on the airport property to the west, build a six foot (6') wall and fence to the north of the property, and build a six foot (6') fence to the west of the property.;
2. Install an eight foot (8') composite sound wall system made to look like stone on the south side of the property.;
4. Add a replacement tree for every tree removed in development

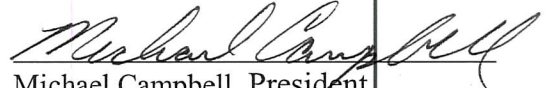
Section 4. The zoning of the real estate shall be shown on the official zoning map of the City of Greenwood as correctly described and the Greenwood Plan Commission is authorized and directed to make the necessary correction to the official zoning map.

Section 5. This Ordinance shall have no effect as to changing any other provisions of Ordinance No. 22-18.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law, and after the above-described commitments are made by the owner and recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.

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Passed by the Common Council of the City of Greenwood, Indiana, this 18th day
of January, 2023.


Michael Campbell, President
Greenwood Common Council

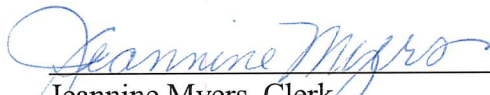
ATTEST:

I hereby certify that the foregoing within and attached ordinance was duly passed by the
Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the 18th
day of January, 2023, by the following vote:

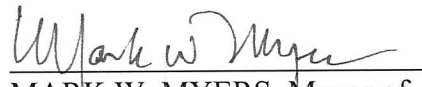
AYE: NAY:

Ronald Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra J. Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. David Hopper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bradley Pendleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

The foregoing within and attached ordinance passed by the Common Council of the City of
Greenwood, Indiana, on the 18th day of January, 2023, is presented by me this 23rd
day of January, 2023, at 12:30 o'clock P.m., to the Mayor of the
City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of
Greenwood, Indiana, on the 18th day of January, 2023, is approved by me this
23rd day of January, 2023, at 3:00 o'clock P.m.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana

