

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 24-22

AN ORDINANCE AMENDING COMMON COUNCIL ORDINANCE NO. 24-01, THE REZONING OF APPROXIMATELY 245.09 ACRES OF LAND LOCATED BETWEEN STATE ROAD 135 AND HONEY CREEK ROAD AND NORTH OF SMOKEY ROW ROAD, TO REMOVE A PARCEL OF LAND FROM THE PROPERTY SUBJECT TO REZONING

WHEREAS, it has been discovered that the owner of a parcel of land identified as Parcel No. 41-04-13-044-019.000-040 ("the parcel") that was included in Common Council Ordinance No. 24-01, "An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 245.09 Acres of Land Located Between State Road 135 and Honey Creek Road and North of Smokey Row Road) ("Ord. 24-01"), adopted January 18, 2024, as amended, did not petition, nor consent to the petition, to rezone its property;

WHEREAS, pursuant to Ind. Code § 3-7-4-602(c) the Common Council was without authority to change the zoning classification of the parcel and Ord. 24-01 and the commitments placed on the parcel by the Ordinance are null and void as to the parcel, and it has been determined Ord. 24-01 should be amended to remove the parcel from the territory that was subject to rezoning by Ordinance 24-01;

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

Section 1. Common Council Ordinance No. 24-01, "An Ordinance to Amend the Official Zoning Map Adopted by Reference in Unified Development Ordinance No. 20-29 (Proposed Rezoning of Approximately 245.09 Acres of Land Located Between State Road 135 and Honey Creek Road and North of Smokey Row Road), Section 1., RL-Residential- Large Lot Zone, is hereby amended to remove the parcel of land described and shown below from the land subject to rezoning:

Parcel No. 41-04-13-044-019.000-040
South Honey Creek Road, Greenwood, IN 46143

Part of the Southeast Quarter of Section Thirteen (13), Township Thirteen (13) North, Range Three (3) East, described as follows:

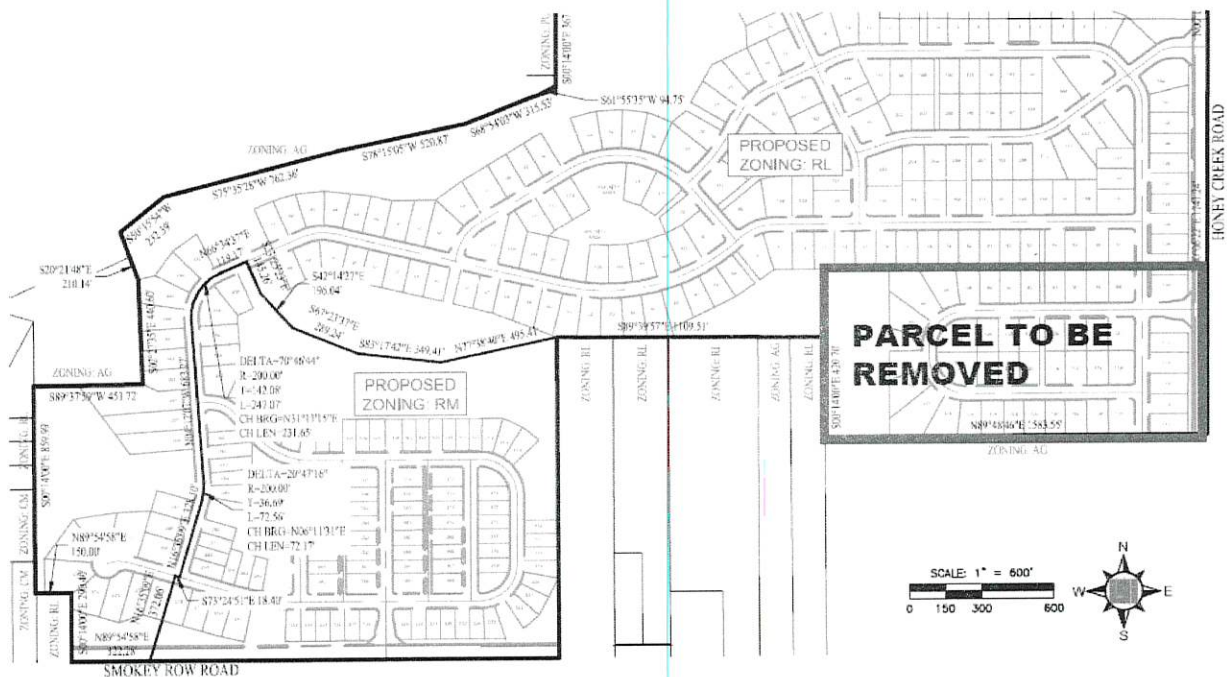
Beginning at a point on the East line thereof thirteen and seventy-four hundredths (13.74) chains North of the southeast corner; thence West parallel with the South line to a point sixteen and eighty-one hundredths (16.81) chains East of the West line of said Quarter Section; thence North ten and sixty-eight hundredths (10.68) chains; thence East parallel with the South line to the East line; thence South on said East line to the place of beginning.

Modernized Legal Description:

Part of the Southeast Quarter of Section 13, Township 13 North, Range 3 East located in White River Township, Johnson County, Indiana being that 25.657-acre tract of land shown on the plat of a retracement survey of said tract certified by Donna Jo Smithers, PS #LS20100076 on September 28, 2023, as Northpointe Engineering and Surveying, Inc project number 23-0140. All references to monuments and courses herein are as shown on said plat survey described as follows:

Commencing at the Southeast Corner of said Quarter Section, identified by a mag nail with washer stamped Johnson County Surveyor; thence North 00 degrees 06 minutes 24 seconds East (bearings based on State Plane Coordinates) along the east line of said Quarter Section 906.84 feet (13.74 chains deed) to a mag nail with washer stamped NPES FIRM #0127 being the Point of Beginning of the herein described parcel; thence South 89 degrees 49 minutes 10 seconds West parallel with the south line of said Quarter Section 1583.46 feet to a point North 89 degrees 45 minutes 58 seconds East 1109.46 feet (16.81 chains deed) of the west line of said Quarter Section identified by a 5/8" rebar with a cap stamped NPES Firm #0127; thence North 00 degrees 14 minutes 02 seconds West 704.88 feet to a point

North 89 degrees 45 minutes 58 seconds East 1109.46 feet of the west line of said Quarter Section identified by a 5/8" rebar with a cap stamped NPES FIRM #0127; thence North 89 degrees 49 minutes 10 seconds East parallel with the south line of said Quarter section 1587.65 feet to the east line of said Quarter Section identified by a mag nail with washer stamped NPES FIRM #0127; thence South 00 degrees 06 minutes 24 seconds West along said east line 704.89 feet to the Point of Beginning containing 25.657 acres more or less.



Section 2. The commitments set forth in the second “Whereas clause” of Ord. 24-01 are void and inapplicable to the parcel of land.

Section 3. The Greenwood Plan Commission is hereby directed to make the above described change to correct the official zoning map of the City of Greenwood.

Section 4. This Ordinance shall have no effect as to changing any other provisions of Ordinance No. 24-01.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

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Passed by the Common Council of the City of Greenwood, Indiana, this 19th day of August, 2024.

Michael Campbell
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 19th day of August, 2024, by the following vote:

	AYE:	NAY:
Erin Betron	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra Hill <u>Absent</u>	<input type="checkbox"/>	<input type="checkbox"/>
J. David Hopper <u>Virtual</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Teri Manship	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Moan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams <u>Absent</u>	<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 19th day of August, 2024, is presented by me this 20th day of August, 2024, at 8:00 o'clock A.m., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 19th day of August, 2024, is approved by me this 27th day of August, 2024, at 8:00 o'clock A.m.

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