

ORDINANCE NO. 02-18 (Amended)

TO AMEND CERTAIN PORTIONS OF THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Ordinance No. 32-97 of the City of West Lafayette, Indiana, is hereby amended to rezone the following described real estate, to wit:

SEE ATTACHED LEGAL DESCRIPTION

Section 2: Said real estate is hereby rezoned as follows:

FROM: **OR** District
TO: **GB** District

Section 3: This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED ON FIRST READING ON THE 7 DAY OF May, 2018.

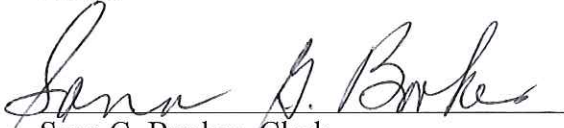
MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Jones.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF May, 2018, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:


	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich	✓			
Jones	✓			
Keen			✓	
Leverenz	✓			
Sanders			✓	
Thomas	✓			
Wang			✓	


Peter Bunder, Presiding Officer


Attest:


Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON
THE 9 DAY OF May, 2018.


Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 9 DAY OF
May, 2018.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

Ordinance No. 02-18
Sagamore Commons
Zoning Description

Part of the Southwest and Southeast Quarters of the Southwest Quarter and part of the Southeast Quarter of Section 1, Township 23 North, Range 5 West of the Second Principal Meridian, Wabash Township, Tippecanoe County, Indiana, described as follows:

Commencing at the Southwest Comer of said Southwest Quarter; thence along the south line of the Southwest Quarter of said Southwest Quarter North 89 degrees 30 minutes 35 seconds East (bearing based upon the Final Plat of Lot #1 of The Ivy Towns and Flats, Planned Unit Development as recorded as Record #201313022714 in the office of the Recorder of Tippecanoe County, Indiana) 868.07 feet to the easterly limits of Flood Hazard Area "A" per Letter of Map Amendment Case #13-05-3434A dated April 23, 2013, and the **Point of Beginning**; thence continuing along said south line North 89 degrees 30 minutes 35 seconds East 426.78 feet to the Southwest Comer of the Southeast Quarter of said Southwest Quarter; thence along the south line of said Quarter Quarter Section North 89 degrees 11 minutes 22 seconds East 1131.22 feet to a rebar with yellow plastic cap stamped "Schneider Firm #001; thence North 58 degrees 52 minutes 54 seconds East 98.42 feet to a "Schneider" capped rebar; thence North 89 degrees 02 minutes 40 seconds East 117.81 feet to a rebar with a cap marked " Vester" on the westerly right of way of U.S. Highway #52 (Proj. No. 75 (6) Part "A" 1948); thence along said westerly line North 31 degrees 06 minutes 06 seconds West 1148.62 feet to a "Vester" capped rebar; thence South 58 degrees 42 minutes 59 seconds West 871.13 feet; thence South 89 degrees 29 minutes 57 seconds West 549.57 feet to the easterly line of aforesaid Flood Hazard Area "A", the remaining courses are along said east line; thence South 06 degrees 06 minutes 38 seconds East 332.86 feet; thence South 09 degrees 29 minutes 15 seconds East 64.60 feet; thence South 22 degrees 22 minutes 52 seconds East 168.45 feet; thence South 19 degrees 34 minutes 12 seconds East 51.36 feet to the place of beginning, containing 28.25 acres, more or less.

STATE OF INDIANA)
)SS:
COUNTY OF TIPPECANOE)

COMMITMENT

Pursuant to IC §36-7-4-1015, Sagamore Commons, LLC (“Owner”) makes the following Commitments to the Tippecanoe County Area Plan Commission and the City of West Lafayette Common Council regarding the hereinafter described real estate.

Description of Real Estate:

See Exhibit “A” attached hereto and incorporated herein.

Statement of Commitments:

1. The Zoning Restriction is incorporated into this Commitment by reference and is attached hereto as Exhibit “B”.

2. The below enumerated excluded primary uses may not be constructed, operated or maintained on the real estate of this subdivision, or shall be restricted to Area 2 described and depicted in the Zoning Restrictions Exhibit included with this subdivision. Land uses allowed only in Area 2 are denoted by the note “Area 2 only” beside the description of the use. This covenant may be enforced by the developer, other subdivision land owners and the City of West Lafayette.

SIC GROUP EXCLUDED PRIMARY USES

0741	Retail Commercial Greenhouses – Area 2 only; Veterinary services for livestock – Area 2 only, and restricted to the provision of off-site service only. No livestock may be permitted on site;
078	Landscape and horticultural services (spraying services) – Area 2 only, and restricted to the provision of off-site service only. No spraying services may be performed on site;
085	Forestry services (sawmill);
2084	Bottling for wholesale distribution at a Winery – Area 2 only;
27	Wholesale printing – Area 2 only;
39	Miscellaneous manufacturing industries – allowed only with a Special Exception – Area 2 only;
41	Local and suburban transit and interurban highway passenger transportation;
4121	Taxicabs – Area 2 only;
42	Motor freight transportation and warehousing – Area 2 only;
4225	Miniwarehouse and self-storage warehousing – up to 10,000 square feet permitted – Area 2 only;
_____	Recycling processing facilities;

50	Wholesale trade – durable goods – Area 2 only;
5047	Wholesale Medical, Dental and Hospital Equipment and Supplies – Area 2 only;
5083	Farm machinery and equipment (sales and service) – Area 2 only;
51	Wholesale trade – nondurable goods – Area 2 only;
512	Wholesale Drugs, Drug Proprietaries, and Druggists' Sundries – Area 2 only;
521	Lumber and other building materials dealers – Area 2 only, with the additional provision that no there be no outside storage of any materials with the exception of seasonal plant sales;
527	Mobile home dealers;
55	Automotive dealers (554 Gasoline Service Stations are allowed);
554	Card lock systems for commercial fleets (554 Gasoline Service Stations are allowed);
5942	Adult bookstores;
701	Motels (701 Hotels are allowed);
704	Organizational hotels and lodging houses, on membership basis;
721	Laundry, cleaning and garment services – Area 2 only;
751	Automotive rental and leasing, without drivers – Area 2 only, restricted to automobiles and light trucks;
753	Automotive repair shops – Area 2 only;
7699	Farm machinery and – equipment service and repair – Area 2 only;
	Adult motion picture theaters and adult mini motion picture theaters, except drive-ins;
7833	Drive-in motion picture theaters and adult drive-in motion picture theaters;
7941	Professional sports clubs and promoters – Area 2 only;
_____	Agricultural Rental Hall – Area 2 only;
7993	Adult motion picture arcade;
_____	Adult live entertainment arcade;
_____	Adult cabaret;

3. **Second means of Ingress-Egress.**

- a. The City of West Lafayette (the “City”) has required an off-site street connecting the Real Estate to Cumberland Avenue to serve as a second means of public ingress-egress. The street right-of-way (the “Western Street”) will be obtained by the Owner along the west end of the Four Winds/Sheraton hotel property owned by Pandey Hotel West Lafayette LLC. The Western Street will be constructed in accordance with the City’s public street requirements by Owner and dedicated to the City at the earlier of:
 - i. Three years after the completion of the project’s frontage lots along Sagamore Parkway; or
 - ii. The construction of any business on the proposed Lot 6, west of the proposed frontage road, Sachem Court.
- b. All internal street circulation and lots on the Real Estate shall have access to both the Western Street (after its construction) and to Sagamore Parkway.
- c. The Owner will enter into an agreement with the City of West Lafayette Redevelopment Commission for reimbursement for the cost of acquisition and construction of the

Western Street. Such reimbursement will come from the incremental assessed value created by this development. No more than 50 percent of the incremental assessed value added by development of the Owner's Real Estate will be utilized to reimburse Owner subject to a final agreement to be entered into with the Redevelopment Commission.

4. The Area Plan Commission staff may review the site if there are concerns regarding adjacent or adjoining properties regarding lighting, noise, or any other performance standards specified in the Tippecanoe County Zoning Ordinance. If the Department determines that changes need to be made, the Real Estate shall be altered to conform to such changes.

Binding Effect:

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Tippecanoe County Area Plan Commission or its successor, or the City of West Lafayette Common Council.

Recording:

The undersigned authorizes the Director of the Tippecanoe County Area Plan Commission to record these Commitments in the Office of the Recorder of Tippecanoe County, Indiana, upon granting of the approval of Owner's proposed Development Plan by the Area Plan Commission.

Enforcement:

These Commitments may be enforced by the Tippecanoe County Area Plan Commission.

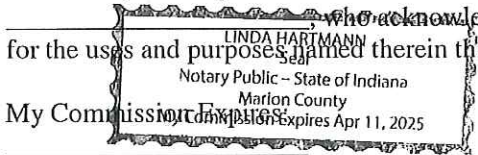
IN WITNESS WHEREOF, Owner executed these Commitments this 19th day of January, 2018.

Sagamore Commons, LLC

By: [Signature]
Title: Manager
Name Printed: J. Brian Mann

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, who acknowledged the execution of the above and foregoing Commitment, for the uses and purposes named therein this 19 day of January, 2018.



[Signature]
_____, Notary Public,
residing in _____ County, IN

This instrument prepared by: Joseph T. Bumbleburg, of the firm of BALL EGGLESTON PC, 201 Main Street, Suite 810, P.O. Box 1535, Lafayette, Indiana 47902, Telephone: (765) 742-9046 and 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.

EXHIBIT "A"
SAGAMORE COMMONS
ZONING DESCRIPTION

Part of the Southwest and Southeast Quarters of the Southwest Quarter and part of the Southeast Quarter of Section 1, Township 23 North, Range 5 West of the Second Principal Meridian, Wabash Township, Tippecanoe County, Indiana, described as follows:

Commencing at the Southwest Corner of said Southwest Quarter; thence along the south line of the Southwest Quarter of said Southwest Quarter North 89 degrees 30 minutes 35 seconds East (bearing based upon the Final Plat of Lot #1 of The Ivy Towns and Flats, Planned Unit Development as recorded as Record #201313022714 in the office of the Recorder of Tippecanoe County, Indiana) 868.07 feet to the easterly limits of Flood Hazard Area "A" per Letter of Map Amendment Case #13-05-3434A dated April 23, 2013, and the **Point of Beginning**; thence continuing along said south line North 89 degrees 30 minutes 35 seconds East 426.78 feet to the Southwest Corner of the Southeast Quarter of said Southwest Quarter; thence along the south line of said Quarter Quarter Section North 89 degrees 11 minutes 22 seconds East 1131.22 feet to a rebar with yellow plastic cap stamped "Schneider Firm #001; thence North 58 degrees 52 minutes 54 seconds East 98.42 feet to a "Schneider" capped rebar; thence North 89 degrees 02 minutes 40 seconds East 117.81 feet to a rebar with a cap marked "Vester" on the westerly right of way of U.S. Highway #52 (Proj. No. 75 (6) Part "A" 1948); thence along said westerly line North 31 degrees 06 minutes 06 seconds West 1148.62 feet to a "Vester" capped rebar; thence South 58 degrees 42 minutes 59 seconds West 871.13 feet; thence South 89 degrees 29 minutes 57 seconds West 549.57 feet to the easterly line of aforesaid Flood Hazard Area "A", the remaining courses are along said east line; thence South 06 degrees 06 minutes 38 seconds East 332.86 feet; thence South 09 degrees 29 minutes 15 seconds East 64.60 feet; thence South 22 degrees 22 minutes 52 seconds East 168.45 feet; thence South 19 degrees 34 minutes 12 seconds East 51.36 feet to the place of beginning, containing 28.25 acres, more or less.

Draft condition language

Re West Lafayette New Road – Sagamore Commons, LLC

As a condition of Ordinance No. 02-18, Sagamore Commons, LLC (“Owner”) agrees to replace, at Owner’s expense, White Horse Christian Center, Inc.’s (White Horse) existing eastern Cumberland Avenue (“Street”) entrance, exit, curb cut and impacted pavement (collectively, referred to as “Access”) with a new Access to the Street. Such new Access shall be built to the same or greater width and specifications of the existing eastern Access, subject to the City’s requirements, White Horse’s location choice, and the current ADA or other governmental minimum standards. The Owner, at its expense, agrees to keep and connect White Horse’s existing north-eastern entrance to the future Western Street (“New Street”). The Owner agrees to build the new Access before closure of the existing Access and the opening of the New Street. The Owner is not required to build a second Access from the New Street to White Horse’s property.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

February 21, 2018
Ref. No.: 18-057

West Lafayette Common Council
222 North Chauncey, Room 101
West Lafayette, IN 47906

CERTIFICATION

RE: **Z-2716-SAGAMORE COMMONS, LLC (OR to GB):**

Petitioner is requesting rezoning of 28.25 acres located on the west side of Sagamore Parkway, north of Cumberland Avenue, in West Lafayette, Wabash 1 (SE) 23-5. WITH COMMITMENT.

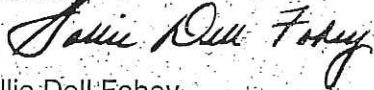
Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 21, 2018 the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no to accept the proposed commitment and 13 yes - 0 no on the motion to rezone the subject real estate from OR to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the West Lafayette Common Council at its March 5, 2018 regular meeting. Petitioners or their representatives must appear to present their case.

If the Council approves the rezoning with commitment, APC staff will ensure that the approved commitment is recorded and an original recorded commitment sent to West Lafayette Clerk.

Sincerely,



Sallie Dell Fahey
Executive Director

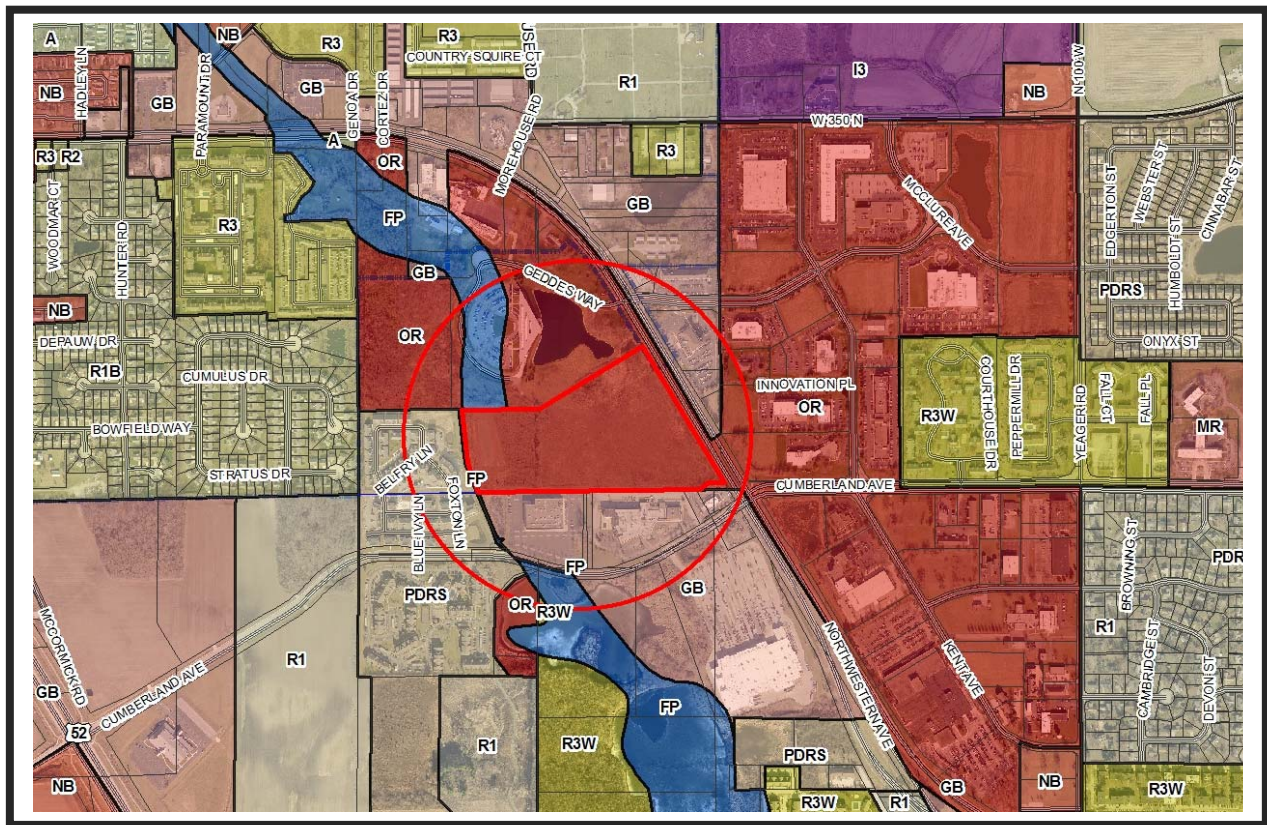
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Ed Garrison, West Lafayette City Engineer
Joseph Bumbleburg
The Schneider Corporation
Tim Stevens, Sagamore Commons

Z-2716
SAGAMORE COMMONS, LLC
(OR to GB)

STAFF REPORT
February 15, 2018



Z-2716
SAGAMORE COMMONS, LLC
OR to GB

Staff Report
February 15, 2018

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, Sagamore Commons LLC by Tim Stevens, represented by attorney Joseph Bumbleburg and Jim Pence of Schneider Engineering, is requesting rezoning from OR, Office Research to GB, General Business for 28.25 acres located on the west side of Sagamore Parkway, north of Cumberland Avenue, West Lafayette, Wabash 1 (SE) 23-5.

This request also includes a commitment, enforceable by the “developer, other subdivision land owners and the City of West Lafayette.” The commitment filed has two parts: a list of primary uses allowed by right in the GB zone that are excluded from locating within this development and an agreement regarding the “second means of ingress/egress” also known as “the western street” from the development to Cumberland Avenue. This includes who would build it, pay for it, and have the right to use it. (The commitment is attached to this report.)

ZONING HISTORY AND AREA ZONING PATTERNS:

This case represents the fifth attempt to rezone this property by petitioner in the last few years. In 2008, a GB rezone request for this property was withdrawn due to the need to determine the Flood Plain zone boundary (Z-2368). After this FP boundary was established by certification, five rezone attempts have been filed:

- Z-2610 (OR to GB, 28.25 acres): This case was denied by West Lafayette Common Council in September 2015 after receiving two recommendations from staff that the case be continued until a traffic impact study could be done.
- Z-2636 (OR to GB, 7.697 acres) and Z-2637 (OR to NB, 9.8 acres): These two cases were continued two times and withdrawn by petitioner in March 2016 having never gone to public hearing.
- Z-2643 (OR to GB, 24.725 acres): This case was continued two times and withdrawn by petitioner in June 2016 having never gone to public hearing.
- Z-2673 (OR to GB, 28.25 acres): This request was filed for the November 2016 APC meeting. It was continued two times and withdrawn by petitioner in January 2017.

- Z-2716 (OR to GB, 28.25 acres): This is the current request and is the first time a rezone commitment has been filed with the rezone paperwork.

AREA LAND USE PATTERNS:

This acreage is relatively flat, undeveloped and open. An on-site detention pond is located just outside of the rezone boundary. To the north is the iconic MED Institute (former Great Lakes Chemical) building, its parking lot and a large pond. The Purdue Federal Credit Union building and other businesses in the Purdue Research Park are located to the northeast across Sagamore Parkway. Along the south boundary are Applebee's restaurant, the Four Points (Sheraton) hotel and convention center, and the White Horse Christian Center.

A revised plat for Sagamore Commons Subdivision received preliminary approval from the APC in December but no construction plans or final plat have been submitted to date. The preliminary plat created five lots with frontage (but no direct access) on Sagamore Parkway and one larger 9.8-acre lot farther to the west. A new public street (Sachem Court) that was going to connect to the Applebee's property now ends in a cul-de-sac before reaching the neighboring property to the south.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies Sagamore Parkway as an urban divided primary arterial. Although no longer designated a state route, the Indiana Department of Transportation (INDOT) still has authority over the right-of-way and road improvements. There are three existing openings through the limited access right-of-way to this property that are specified in documents recorded in 1985 and 1986. However, the approved preliminary plat shows that the developer intends to only use the middle 65-ft wide access. There is an existing break in the median of this four-lane street that lines up with the proposed entrance, but it appears to be undersized for the heavy traffic along this road. The recorded documents establishing these access openings are by court order, and staff believes that the dimensions of these openings and the median break may not be changed.

No Vehicular Access is proposed along the rest of the Sagamore Parkway right-of-way. The proposed public entrance street will extend into the site, connecting to 2 new cul-de-sacs (parallel to Sagamore Parkway), labeled Sachem Court North and Sachem Court South. These courts will provide access to the five lots proposed along Sagamore Parkway, as well as the large nearly 20-acre Lot 6. Near the middle of Lot 6, running north and south, is a proposed 50-ft wide right-of-way labeled "Potential Future West Lafayette Right-of-Way". This is intended to line up with a proposed entrance road from Cumberland Avenue that will be located on a strip of ground between the White Horse Christian Center and the Four Points hotel and convention center. The details of how this land will be acquired and the road built is one of the two subjects of the commitment filed with this case.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

Indiana American Water mains and West Lafayette sanitary sewer mains are available to serve this site. Erosion control and stormwater plans would be approved by the West

Lafayette City Engineer. Drainage into the Cuppy McClure regulated drain would also require approval by the Tippecanoe County Drainage Board. These approvals would be obtained as part of the construction plan phase of the subdivision process.

STAFF COMMENTS:

Staff has long stated that the most likely future for this site is commercial. With office research uses solidly to the north and to the east in the Purdue Research Park and with commercial lots to the south fully developed, it appears to staff that GB zoning for this site makes the most sense. But, as also stated in previous staff reports, the generation of a large volume of traffic near an already incredibly busy signalized intersection, without addressing the size and location of proper ingress and egress from the site is a major safety concern. Without the traffic concerns being addressed, a GB rezone at this site is premature.

Now a traffic study has been done and reviewed by INDOT; the design of a new driveway with a traffic light on Sagamore Parkway has INDOT's approval (The permit itself has not been issued yet due to bonding requirements and the one-year time limit on the permit.) and plans have been hammered out by the developer and the City of West Lafayette regarding a new public street accessing Cumberland between the church and the convention center properties. It would appear that staff's original concern over traffic safety has been addressed and the GB rezone can now move forward.

STAFF RECOMMENDATION:

Approval

STATE OF INDIANA)
)SS:
COUNTY OF TIPPECANOE)

COMMITMENT

Pursuant to IC §36-7-4-1015, Sagamore Commons, LLC (“Owner”) makes the following Commitments to the Tippecanoe County Area Plan Commission and the City of West Lafayette Common Council regarding the hereinafter described real estate.

Description of Real Estate:

See Exhibit “A” attached hereto and incorporated herein.

Statement of Commitments:

1. The Zoning Restriction is incorporated into this Commitment by reference and is attached hereto as Exhibit “B”.

2. The below enumerated excluded primary uses may not be constructed, operated or maintained on the real estate of this subdivision, or shall be restricted to Area 2 described and depicted in the Zoning Restrictions Exhibit included with this subdivision. Land uses allowed only in Area 2 are denoted by the note “Area 2 only” beside the description of the use. This covenant may be enforced by the developer, other subdivision land owners and the City of West Lafayette.

SIC GROUP EXCLUDED PRIMARY USES

_____	Retail Commercial Greenhouses – Area 2 only;
0741	Veterinary services for livestock – Area 2 only, and restricted to the provision of off-site service only. No livestock may be permitted on site;
078	Landscape and horticultural services (spraying services) – Area 2 only, and restricted to the provision of off-site service only. No spraying services may be performed on site;
085	Forestry services (sawmill);
2084	Bottling for wholesale distribution at a Winery – Area 2 only;
27	Wholesale printing – Area 2 only;
39	Miscellaneous manufacturing industries – allowed only with a Special Exception – Area 2 only;
41	Local and suburban transit and interurban highway passenger transportation;
4121	Taxicabs – Area 2 only;
42	Motor freight transportation and warehousing – Area 2 only;
4225	Miniwarehouse and self-storage warehousing – up to 10,000 square feet permitted – Area 2 only;
_____	Recycling processing facilities;

50	Wholesale trade – durable goods – Area 2 only;
5047	Wholesale Medical, Dental and Hospital Equipment and Supplies – Area 2 only;
5083	Farm machinery and equipment (sales and service) – Area 2 only;
51	Wholesale trade – nondurable goods – Area 2 only;
512	Wholesale Drugs, Drug Proprietaries, and Druggists’ Sundries – Area 2 only;
521	Lumber and other building materials dealers – Area 2 only, with the additional provision that no there be no outside storage of any materials with the exception of seasonal plant sales;
527	Mobile home dealers;
55	Automotive dealers (554 Gasoline Service Stations are allowed);
554	Card lock systems for commercial fleets (554 Gasoline Service Stations are allowed);
5942	Adult bookstores;
701	Motels (701 Hotels are allowed);
704	Organizational hotels and lodging houses, on membership basis;
721	Laundry, cleaning and garment services – Area 2 only;
751	Automotive rental and leasing, without drivers – Area 2 only, restricted to automobiles and light trucks;
753	Automotive repair shops – Area 2 only;
7699	Farm machinery and – equipment service and repair – Area 2 only;
	Adult motion picture theaters and adult mini motion picture theaters, except drive-ins;
7833	Drive-in motion picture theaters and adult drive-in motion picture theaters;
7941	Professional sports clubs and promoters – Area 2 only;
_____	Agricultural Rental Hall – Area 2 only;
7993	Adult motion picture arcade;
_____	Adult live entertainment arcade;
_____	Adult cabaret;

3. **Second means of Ingress-Egress.**

- a. The City of West Lafayette (the “City”) has required an off-site street connecting the Real Estate to Cumberland Avenue to serve as a second means of public ingress-egress. The street right-of-way (the “Western Street”) will be obtained by the Owner along the west end of the Four Winds/Sheraton hotel property owned by Pandey Hotel West Lafayette LLC. The Western Street will be constructed in accordance with the City’s public street requirements by Owner and dedicated to the City at the earlier of:
 - i. Three years after the completion of the project’s frontage lots along Sagamore Parkway; or
 - ii. The construction of any business on the proposed Lot 6, west of the proposed frontage road, Sachem Court.
- b. All internal street circulation and lots on the Real Estate shall have access to both the Western Street (after its construction) and to Sagamore Parkway.
- c. The Owner will enter into an agreement with the City of West Lafayette Redevelopment Commission for reimbursement for the cost of acquisition and construction of the

Western Street. Such reimbursement will come from the incremental assessed value created by this development. No more than 50 percent of the incremental assessed value added by development of the Owner's Real Estate will be utilized to reimburse Owner subject to a final agreement to be entered into with the Redevelopment Commission.

4. The Area Plan Commission staff may review the site if there are concerns regarding adjacent or adjoining properties regarding lighting, noise, or any other performance standards specified in the Tippecanoe County Zoning Ordinance. If the Department determines that changes need to be made, the Real Estate shall be altered to conform to such changes.

Binding Effect:

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Tippecanoe County Area Plan Commission or its successor, or the City of West Lafayette Common Council.

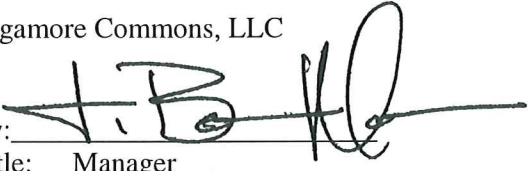
Recording:

The undersigned authorizes the Director of the Tippecanoe County Area Plan Commission to record these Commitments in the Office of the Recorder of Tippecanoe County, Indiana, upon granting of the approval of Owner's proposed Development Plan by the Area Plan Commission.

Enforcement:

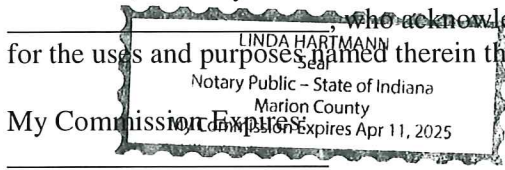
These Commitments may be enforced by the Tippecanoe County Area Plan Commission.

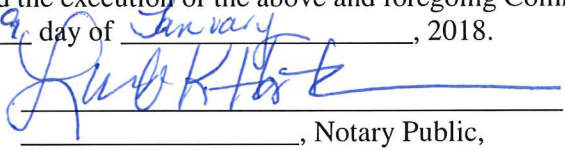
IN WITNESS WHEREOF, Owner executed these Commitments this 19th day of January, 2018.

Sagamore Commons, LLC

 By: _____
 Title: Manager
 Name Printed: J. Brian Mann

STATE OF INDIANA)
) SS:
 COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared _____, who acknowledged the execution of the above and foregoing Commitment, for the uses and purposes named therein this 19 day of January, 2018.




 _____, Notary Public,
 residing in _____ County, IN

This instrument prepared by: Joseph T. Bumbleburg, of the firm of BALL EGGLESTON PC, 201 Main Street, Suite 810, P.O. Box 1535, Lafayette, Indiana 47902, Telephone: (765) 742-9046 and 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.

EXHIBIT "A"
SAGAMORE COMMONS
ZONING DESCRIPTION

Part of the Southwest and Southeast Quarters of the Southwest Quarter and part of the Southeast Quarter of Section 1, Township 23 North, Range 5 West of the Second Principal Meridian, Wabash Township, Tippecanoe County, Indiana, described as follows:

Commencing at the Southwest Corner of said Southwest Quarter; thence along the south line of the Southwest Quarter of said Southwest Quarter North 89 degrees 30 minutes 35 seconds East (bearing based upon the Final Plat of Lot #1 of The Ivy Towns and Flats, Planned Unit Development as recorded as Record #201313022714 in the office of the Recorder of Tippecanoe County, Indiana) 868.07 feet to the easterly limits of Flood Hazard Area "A" per Letter of Map Amendment Case #13-05-3434A dated April 23, 2013, and the **Point of Beginning**; thence continuing along said south line North 89 degrees 30 minutes 35 seconds East 426.78 feet to the Southwest Corner of the Southeast Quarter of said Southwest Quarter; thence along the south line of said Quarter Quarter Section North 89 degrees 11 minutes 22 seconds East 1131.22 feet to a rebar with yellow plastic cap stamped "Schneider Firm #001; thence North 58 degrees 52 minutes 54 seconds East 98.42 feet to a "Schneider" capped rebar; thence North 89 degrees 02 minutes 40 seconds East 117.81 feet to a rebar with a cap marked "Vester" on the westerly right of way of U.S. Highway #52 (Proj. No. 75 (6) Part "A" 1948); thence along said westerly line North 31 degrees 06 minutes 06 seconds West 1148.62 feet to a "Vester" capped rebar; thence South 58 degrees 42 minutes 59 seconds West 871.13 feet; thence South 89 degrees 29 minutes 57 seconds West 549.57 feet to the easterly line of aforesaid Flood Hazard Area "A", the remaining courses are along said east line; thence South 06 degrees 06 minutes 38 seconds East 332.86 feet; thence South 09 degrees 29 minutes 15 seconds East 64.60 feet; thence South 22 degrees 22 minutes 52 seconds East 168.45 feet; thence South 19 degrees 34 minutes 12 seconds East 51.36 feet to the place of beginning, containing 28.25 acres, more or less.

ZONING RESTRICTIONS - EXHIBIT "B"

SAGAMORE COMMONS WEST LAFAYETTE, INDIANA

PART OF THE SOUTHWEST AND SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 NORTH, RANGE 5 WEST, WABASH TOWNSHIP, TIPPECANOE COUNTY, INDIANA

UTILITY INFORMATION

SANITARY SERVICE: SANITARY SERVICE WILL BE PROVIDED FROM AN EXISTING MAIN ALONG US 52.
WATER: A 12" WATER MAIN WILL BE EXTENDED THROUGH AND ACROSS THE PROJECT FRONTAGE FROM THE SOUTHEAST TO THE NORTHEAST.
ELECTRIC: ELECTRIC SERVICE IS AVAILABLE ALONG THE SOUTH LINE OF THE SUBJECT TRACT.
GAS: GAS SERVICE IS AVAILABLE ALONG THE SOUTH LINE OF THE SUBJECT TRACT.
CABLE: CABLE SERVICE IS AVAILABLE ALONG THE NORTH SIDE OF CUMBERLAND AVENUE.
TELEPHONE: TELEPHONE SERVICE IS AVAILABLE ALONG THE EAST SIDE OF US #52. DUCT BANK WITH FIBER AND COPPER FACILITIES.

LEGEND

FL BUILDING SETBACK LINE
FL EASEMENT LINE
FL DRAINAGE AND UTILITY EASEMENT
FL RIGHT OF WAY
FL BACK OF CURB TO BACK OF CURB
FL 6" REAR WITH YELLOW PLASTIC CAP STAMPED "SCHNEIDER FIRM #001" TO BE SET UNLESS OTHERWISE NOTED.

LAND DESCRIPTION:

Part of the Southwest and Southeast Quarters of the Southwest Quarter and part of the Southwest Quarter of Section 1, Township 23 North, Range 5 West of the Second Principal Meridian, Wabash Township, Tippecanoe County, Indiana, described as follows:
Commencing at the Southwest Corner of said Southwest Quarter; thence along the south line of the Southwest Quarter of said Southwest Quarter North 89 degrees 30 minutes 25 seconds East (bearing based upon the Final Plat of Lot #1 of the Ivy Trees and Flats, Pleasant Hill Development as recorded as Record #20130202714 in the office of the Recorder of Tippecanoe County, Indiana) 853.34 feet to the east line of said Lot #1 and the Point of Beginning; thence continuing along said south line North 89 degrees 30 minutes 25 seconds East 439.54 feet to the Southwest Corner of the Southwest Quarter of said Southwest Quarter; thence along the south line of said Quarter Section North 89 degrees 11 minutes 22 seconds East 1131.22 feet to a robor with yellow plastic cap stamped "Schneider Firm #001"; thence North 88 degrees 52 minutes 54 seconds East 58.42 feet to a "Schneider" capped robor; thence North 89 degrees 00 minutes 40 seconds East 117.81 feet to a robor with a cap marked "Metler" on the westerly right of way of U.S. Highway #52 (Proj. No. 75 (3) Part "A" 1948); thence along said westerly line North 31 degrees 10 minutes 16 seconds East 1148.02 feet to a "Metler" capped robor; thence South 58 degrees 42 minutes 50 seconds West 871.13 feet; thence South 89 degrees 29 minutes 57 seconds West 542.70 feet to the east line of lots owned by Jones and Feltz; the remaining courses are along said east line; thence South 07 degrees 23 minutes 51 seconds East 40.79 feet; thence South 03 degrees 10 minutes 04 seconds East 133.81 feet; thence South 00 degrees 56 minutes 46 seconds East 214.45 feet; thence South 21 degrees 44 minutes 58 seconds East 223.20 feet to the piece of beginning, containing 28.42 acres, more or less, and subject to easements and rights of way of record.

DEWIS L. GRUBB
PROFESSIONAL LAND SURVEYOR #50303
JUNE 16, 2017



CURRENT OWNER/SUBDIVIDER:

SAGAMORE COMMONS LLC
6925 E. 96TH STREET
INDIANAPOLIS, IN 46250
(317) 849-0452
TAX KEY #79-06-01-053-004-003-034
DEED OF RECORD: #200808023914

SURVEYOR/ENGINEER:

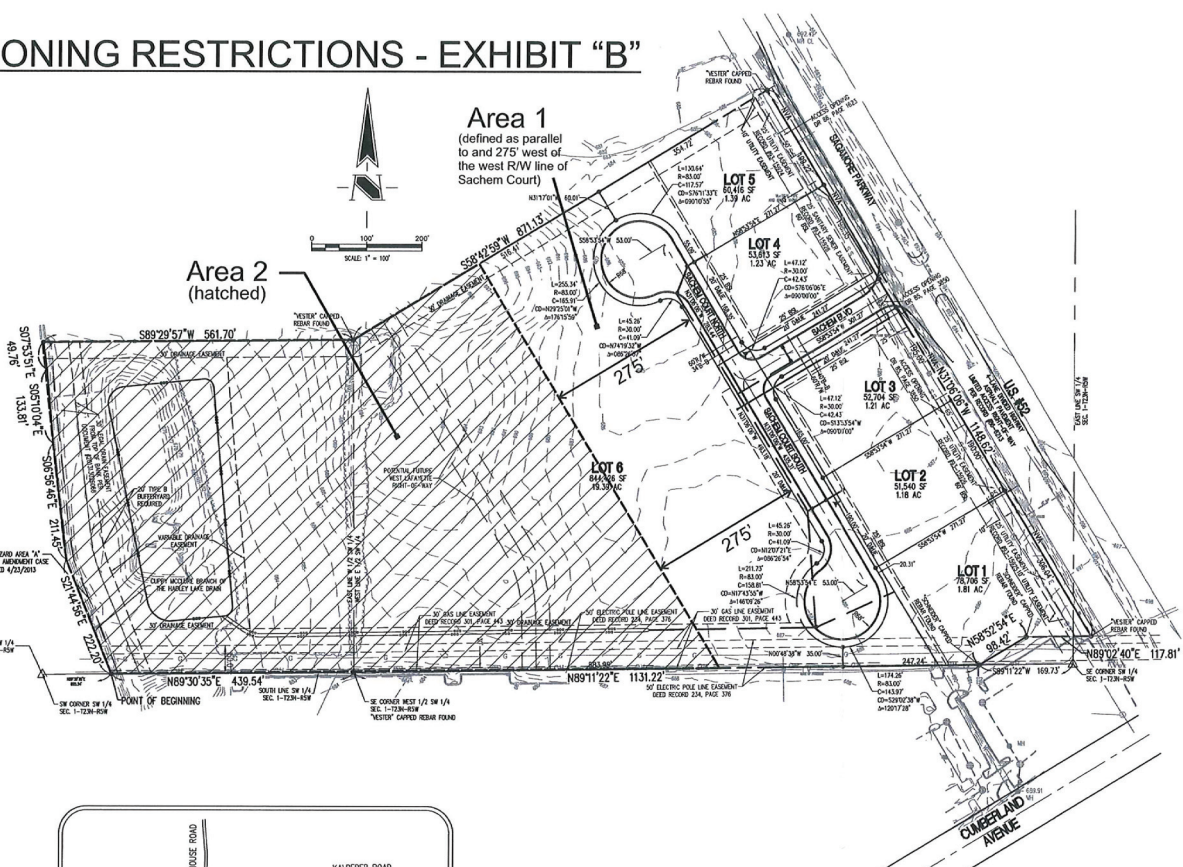
THE SCHNEIDER CORPORATION
1330 WIN HENTSCHEL BLVD
SUITE 260
WEST LAFAYETTE, IN 47906
(765) 448-6661

COUNSEL:

JOE BUMBLEBURG
BALL EGGLESTON
201 MAIN ST, SUITE 810
LAFAYETTE, IN 47902
(765) 742-9042

Area 1
(defined as parallel to and 275' west of the west R/W line of Sachem Court)

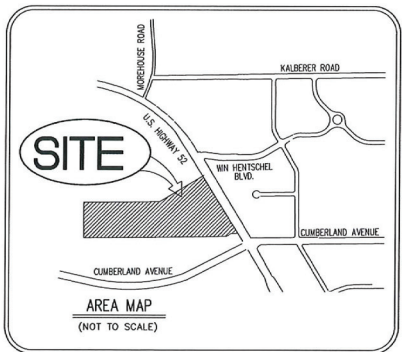
Area 2
(hatched)



ZONING RESTRICTION NOTE:

Zoning restrictions are hereby created by the division of the site into two (2) separate areas. **Area 1** is comprised of the frontage lots (Lots 1-5) along Sagamore Parkway and also that part of Lot 6 which lies within 275' of the westerly R/W line of Sachem Court North and Sachem Court South, as depicted in the drawing above. **Area 2** is comprised of the remaining real estate located west of **Area 1**, that is, that portion of the site that lies at least 275' west of the westerly R/W line of Sachem Court North and Sachem Court South.

The intent of this division of the land included within this plat is to restrict certain land uses from occurring within the first two rows of lots lying west of Sagamore Parkway. Any subdivision of Lot 6 into smaller lots shall follow this general guideline.



REVISIONS

DATE

THE SCHNEIDER CORPORATION (2013)

THE SCHNEIDER CORPORATION
West Lafayette Office
1330 Win Hentschel Blvd.
Suite 260
West Lafayette, IN 47906-4156
Telephone: 765.448.6661
Fax: 765.448.6665
www.schneidercorp.com

Civil Engineering
GIS • LIS
Land Surveying
Landscape Architecture

SAGAMORE COMMONS
SUBDIVISION
WEST LAFAYETTE, INDIANA

SAGAMORE COMMONS LLC
8825 E. 96TH STREET, INDIANAPOLIS, IN 46250

DATE: 06/16/2017 PROJECT NO.: 6709.002
DRAWN BY: RAL DESIGNER BY: DLG
CHECKED BY: PRELIMINARY PLAT
DRAWING FILE: \\P:\PROJECTS\0709002-PRBLM.dwg
L:\P\0709002\0709002-1

SHEET NO.: 1