

ORDINANCE NO. 13-21
**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: **R1** district
TO: **R1B** 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 6 DAY OF July, 2021.

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

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 6 DAY OF July, 2021, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Kang			✓	
Leverenz	✓			
Parker	✓			
Sanders			✓	
Thomas	✓			


Peter Bunder, Presiding Officer

Attest:

Sana G. Booker
Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 7 DAY OF July, 2021.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 7 DAY OF July, 2021.

[Signature]
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



Ordinance No. 13-21 EXHIBIT A

A part of the West Half of the Northeast Quarter of Section 6 Township 23 North Range 4 West, Wabash Township, West Lafayette, Indiana, being a part of the Wilma Irene Wiggins, TTEE property as described in Document Number 201818009648, recorded May 31, 2018 in the Tippecanoe County Recorder's Office, and being more completely described as follows:

BEGINNING at the northwest corner of said northeast quarter; thence along the north line of the west half of said northeast quarter, South 89°22'55" East, 1324.34 feet to the northeast corner of the west half of said northeast quarter; thence along the east line of said west half, South 00°30'53" East, 1018.83 feet to the north line of the Calvary Baptist Church of West Lafayette, Inc. property as described in Document Number 04033921 in said Recorder's Office; thence along the north line of said Calvary Baptist Church of West Lafayette, Inc. property, South 89°35'25" West, 885.40 feet; thence along the bounds of the Fry property as described in Document Number 201818012953 in said Recorder's Office for the following two (2) courses: (1) North 00°24'35" West, 174.56 feet; (2) South 89°35'25" West, 441.64 feet to the west line of said northeast quarter; thence along said west line, North 00°20'24" West, 868.02 feet to the point of beginning, containing 29.60 acres, more or less.

EXCEPT

AREA BELOW 100-YEAR FLOODPLAIN OF COLE DITCH UNT 1

A part of the West Half of the Northeast Quarter of Section 6 Township 23 North Range 4 West, Wabash Township, West Lafayette, Indiana, being a part of the Wilma Irene Wiggins, TTEE property as described in Document Number 201818009648, recorded May 31, 2018 in the Tippecanoe County Recorder's Office, and being more completely described as follows:

COMMENCING at the northwest corner of said northeast quarter; thence along the north line of the west half of said northeast quarter, South 89°22'55" East, 27.49 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said north line, South 89°22'55" East, 82.86 feet; thence South 18°12'39" West, 82.94 feet; thence South 31°34'35" East, 53.84 feet; thence South 08°52'56" East, 72.06 feet; thence South 10°29'51" West, 61.07 feet; thence South 29°12'12" West, 111.77 feet; thence South 00°22'23" East, 208.84 feet; thence South 36°28'31" East, 31.86 feet; thence South 01°22'01" East, 49.34 feet; thence South 36°20'19" West, 30.78 feet; thence South 03°02'44" West, 204.75 feet to the north line of the Fry property as described in Document Number 201818012953 in said Recorder's Office; thence along the north line of said Fry property, South 89°35'25" West, 16.98 feet; thence North 02°19'49" West, 390.50 feet; thence North 18°19'37" West, 47.78 feet to the west line of the east half of said northeast quarter; thence North 00°20'24" West, 306.19 feet; thence North 24°59'27" East, 54.07 feet; thence North 02°54'30" East, 76.89 feet to the point of beginning, containing 1.23 acres, more or less.

Containing in all after exceptions, 28.37 acres, more or less.

SUBJECT TO ALL EASEMENT, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD

COMMITMENT

Commitment made on Jan 12, 2021, by Heron Bay Development, LLC (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of The Wilma Irene Wiggins Revocable Living Trust, who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 28 acres +/- on N 50 W in West Lafayette and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.
2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R1 to R1A which request is pending before the APC as case no. 2 2828.
3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. 2 2828:

The minimum lot width for all lots in this R1A single-family residential zone shall be 67 feet.

4. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette, Indiana (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. 2 2828. Petitioner further understands and agrees that the approval of the rezoning request in case no. 2 2828 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.
5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any

change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. the City of West Lafayette, Indiana

HERON BAY DEVELOPMENT, LLC

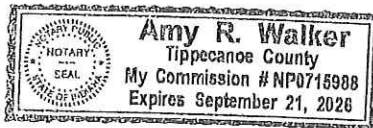
Greg Milakis
Greg Milakis, Member

STATE OF INDIANA)
)
COUNTY OF Tippecanoe) SS:

Before me, the undersigned, a notary public, personally appeared Greg Milakis and acknowledged the execution of the foregoing commitment on January 12, 2021.

Amy R Walker
, notary public
Resident of Tippecanoe County

My commission expires:
10-21-2026



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. Daniel A. Teder

This instrument prepared by: Daniel A. Teder of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, P.O. Box 280, Lafayette, Indiana 47902. Telephone: (765) 423-5333. E-mail: dat@rtslawfirm.com

EXHIBIT A

A part of the West Half of the Northeast Quarter of Section 6 Township 23 North Range 4 West, Wabash Township, West Lafayette, Indiana, being a part of the Wilma Irene Wiggins, TTEE property as described in Document Number 201818009648, recorded May 31, 2018 in the Tippecanoe County Recorder's Office, and being more completely described as follows:

BEGINNING at the northwest corner of said northeast quarter; thence along the north line of the west half of said northeast quarter, South 89°22'55" East, 1324.34 feet to the northeast corner of the west half of said northeast quarter; thence along the east line of said west half, South 00°30'53" East, 1018.83 feet to the north line of the Calvary Baptist Church of West Lafayette, Inc. property as described in Document Number 04033921 in said Recorder's Office; thence along the north line of said Calvary Baptist Church of West Lafayette, Inc. property, South 89°35'25" West, 885.40 feet; thence along the bounds of the Fry property as described in Document Number 201818012953 in said Recorder's Office for the following two (2) courses: (1) North 00°24'35" West, 174.56 feet; (2) South 89°35'25" West, 441.64 feet to the west line of said northeast quarter; thence along said west line, North 00°20'24" West, 868.02 feet to the point of beginning, containing 29.60 acres, more or less.

EXCEPT

AREA BELOW 100-YEAR FLOODPLAIN OF COLE DITCH UNT 1

A part of the West Half of the Northeast Quarter of Section 6 Township 23 North Range 4 West, Wabash Township, West Lafayette, Indiana, being a part of the Wilma Irene Wiggins, TTEE property as described in Document Number 201818009648, recorded May 31, 2018 in the Tippecanoe County Recorder's Office, and being more completely described as follows:

COMMENCING at the northwest corner of said northeast quarter; thence along the north line of the west half of said northeast quarter, South 89°22'55" East, 27.49 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along said north line, South 89°22'55" East, 82.86 feet; thence South 18°12'39" West, 82.94 feet; thence South 31°34'35" East, 53.84 feet; thence South 08°52'56" East, 72.06 feet; thence South 10°29'51" West, 61.07 feet; thence South 29°12'12" West, 111.77 feet; thence South 00°22'23" East, 208.84 feet; thence South 36°28'31" East, 31.86 feet; thence South 01°22'01" East, 49.34 feet; thence South 36°20'19" West, 30.78 feet; thence South 03°02'44" West, 204.75 feet to the north line of the Fry property as described in Document Number 201818012953 in said Recorder's Office; thence along the north line of said Fry property, South 89°35'25" West, 16.98 feet; thence North 02°19'49" West, 390.50 feet; thence North 18°19'37" West, 47.78 feet to the west line of the east half of said northeast quarter; thence North 00°20'24" West, 306.19 feet; thence North 24°59'27" East, 54.07 feet; thence North 02°54'30" East, 76.89 feet to the point of beginning, containing 1.23 acres, more or less.

Containing in all after exceptions, 28.37 acres, more or less.

SUBJECT TO ALL EASEMENT, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD