

STATE OF INDIANA  
BEFORE THE TOWN OF GEORGETOWN

ORDINANCE NO. 2005-OR- 21

AN ORDINANCE CHANGING THE ZONING MAP DESIGNATION OF A CERTAIN TRACT OF PROPERTY BEING A CERTAIN TRACT OF PROPERTY IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA FROM R2 TO R3.

Whereas, AUTUMN COVE, LLC and A.A. PROPERTIES, INC., (hereinafter collectively referred to as "Owner") filed a petition before the Georgetown Plan Commission to change the zoning map designation of the real property from R2 to R3 and the same is described as follows, to-wit:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 17TH DAY OF FEBRUARY, 2000, OF REAL PROPERTY BEING PART OF THE NORTHWEST QUARTER OF SECTION #33, TOWNSHIP 2 SOUTH, RANGE 5 EAST, IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION, THENCE WITH THE NORTH LINE OF SAID SECTION EAST 957.00 FEET TO A POINT MARKING THE NORTHEAST CORNER OF STARLIGHT ESTATES SUBDIVISION, PLAT #791, THIS BEING THE POINT OF BEGINNING, THENCE CONTINUING WITH SAID LINE EAST 986.38 FEET TO A POINT MARKING THE NORTHWEST CORNER OF BRIARWOOD SUBDIVISION, PLATS #801 AND #840, THENCE WITH THE EAST LINE OF SAID BRIARWOOD SUBDIVISION PLAT, SOUTH 00 DEGREES 16'-47" EAST 873.73 FEET, THENCE SOUTH 89 DEGREES 48'-57" WEST 985.10 FEET TO A POINT IN THE EAST LINE OF STARLIGHT ESTATES SUBDIVISION, PLAT #791, THENCE WITH THE EAST LINE NORTH 00 DEGREES 21'-46" WEST 876.90 FEET, TO THE POINT OF BEGINNING, CONTAINING 19.808 ACRES, MORE OR LESS.

WHEREAS, the Real Estate is subject to the zoning jurisdiction of the Town of Georgetown ("Georgetown") pursuant to the authority pursuant to the provisions of Indiana Code, and Georgetown has previously assigned a zoning designation of "R-2" to the Real Estate pursuant to the provisions of its Zoning Ordinance and Zone Map; and,

WHEREAS, on or about January, 2005 Owner filed an application with Georgetown to change the Zone Map whereby the zoning designation of the Real Estate would be changed to "R-3, Residential" under the provisions of the Georgetown Zoning Ordinance; and,

WHEREAS, following public hearing in accordance with Indiana law at the regular meeting of the Georgetown Plan Commission on March 1, 2005, Owner's application was forwarded to the Georgetown Town Council with an unfavorable recommendation by the Georgetown Plan Commission; and,

WHEREAS, at its regular meeting on April 21, 2005, the Georgetown Town Council passed an ordinance granting Owner's requested zoning map change, subject to Owner's offer to effect a written commitment with respect to the development of the Real Estate; and,

WHEREAS, this written Zoning Commitment is now tendered by Owner to Georgetown for its consideration prior to final adoption of an ordinance granting Owner's requested zone map change with respect to the Real Estate.

NOW, THEREFORE, BE IT ORDAINED by the Owner, in consideration of the grant of the requested Zone Map change regarding the Real Estate to "R3 Residential", expressly commits to the following:

1. The Real Estate shall be divided into not more than fifty-eight (58) total lots with a maximum of fifty-eight (58) single family residential units
2. The subdivision of the Real Estate shall be subject to Owner's compliance with the plat requirements of the Georgetown Subdivision Control Ordinance and the development standards for property designated as "R-3, Residential" under the terms of the Georgetown Zoning Ordinance.

IT IS FURTHER ORDAINED that the zoning map of the Georgetown, Indiana shall be amended to include such change.

This ordinance shall be in full force and effect upon its adoption.

SO ORDAINED this 21 day of April 2005.

TOWN COUNCIL OF  
GEORGETOWN, INDIANA

By: Gay L Smith  
Presiding Officer

ATTEST:

Douglas Cole  
Clerk

Presented by me as Clerk to the Town of Georgetown, Indiana this 21 day of

July 2005.

Douglas Cole  
Clerk