

2003 COMMISSIONERS' ORDINANCES	NUMBER	DATE
Precinct Changes	2003-01	1-7-03
TZA 02-26 Amendment to zoning Ordinance Chapter 4	2003-02	1-14-03
TZA 02-27 Amending Chapter (257) definitions	2003-03	1-14-03
TSA 02-03 Amending Section 2.02 (121) definitions	2003-04	1-14-03
ZA 294/LN 03-01 P.J. Donovan from WI to RSS Regional Support Service	2003-05	2-4-03
Planning Ordinance for Town of Clayton	2003-06	2-4-03
Amending the HC zoning ordinance by Amending Chap 14 & Creating Chap 15	2003-07	3-18-03
Ordinance to Prohibit Information obtained from the County for a Commercial Purpose	2003-08	4-1-03
ZA 293/WA 03-01 from RA to PUD. Cedar River Limited, Washington Township	2003-09	4-22-03
Ordinance Establishing Cumulative Bridge Fund	2003-10	6-3-03
ZA 299/WA 03-04 Bay Development	2003-11	6-3-03
ZA 297/WA 03-02 Evans/Dux UC	2003-12	6-17-03
Ordinance for Real Property Endowment \$5.00 per parcel	2003-13	7-1-03
ZA 301/WA 03-06 R. Lazare	2003-14	7-8-03
Ordinance Amending the HC Planning And Bldg Permit	2003-15	9-22-03
Ordinance Amending HC Subdivision Control Ordinance by Amending Section 5.09 Sidewalks	2003-16	7-22-03
ZA 302/BR 03-02 Estridge Develop. from RA to PUD	2003-17	8-5-03
TZA 03-07 Amendment to zoning Ord Chapter 64, Sec 64.01 Dev. Commitments	2003-18	10-21-03
ZA 304/WA 03-08 Harold Frye from Wholesale Industrial District to General Business	2003-19	10-28-03
Ordinance for Weight Limits Mackay Rd 20T Mackay Rd CR 15 from US 36 to CR 2005 CR 2005 from Mackay Rd CR 15W to SR 34	2003-20	11-5-03
Ordinance Amending from RA to RSS Ann Davis from Belleville	2003-21	2003-21
ZA 303/LB 03-01		
TZA 03-08 Amending Chapter <del>64</del> <del>65</del> Development Commitments	2003-22	12/9/03
TZA 03-06 Amending Chapter 2-2.02 Definitions (77.) (2.)	2003-23	12/9/03
TZA 03-04 Amending Chapter 60 Signs 60.04 H 4	VOID 2003-24	12/9/03
TZA 03-05 Amending Chapter 60 Signs 60.05 Prohibited Signs	VOID 2003-25	12/9/03
Well Ground Water Well Ordinance	2003-26	12/23/03
Pool & Spa Public Pool and Spa Ordinance	2003-27	12/23/03

Referred to PC  
Referred to PC

2003

1-7-03

*Ordinance 2003-01*

**HENDRICKS COUNTY VOTER REGISTRATION  
355 S WASHINGTON STREET PO BOX 599  
DANVILLE IN 46122  
PHONE: 317-745-9249 FAX: 317-745-9452**

December 16, 2002

Dear Hendricks County Commissioners,

Due to annexations it is necessary for minimal precinct boundary changes in Liberty and Washington townships. Town elections are scheduled for 2003 and it is important for us to be sure all voters that live within town boundaries are included in the correct town precincts.

Attached for each of you is a copy of the ordinance that we are requesting you sign today, and new precinct maps for the changes made.

Regards,

*Sharon Dugan*

Sharon Dugan, Hendricks County Clerk

*Laura Herzog*

Laura Herzog, Election Supervisor

### NOTICE OF APPROVAL

On January 7, 2003, the Indiana Election Division approved the boundaries of the following precincts for Hendricks County, Indiana:

**NEW:** There were no additional precincts added in the year 2002.

**CHANGED:** Liberty 1 and Liberty 4, Washington 5 and Washington 20. All changes were necessary due to town annexations.

All effective on January 7, 2003 and Ordered by the Hendricks County Commissioners, Ordinance Number 2003-01 issued on January 7, 2003.

### ORDINANCE SETTING VOTER PRECINCTS IN HENDRICKS COUNTY, INDIANA

WHEREAS, Indiana Code 3-11-1.5 requires each county of Indiana to establish voter precincts; and

WHEREAS, Hendricks County, Indiana, requires revised precincts in order to comply with the directives of said law; and

WHEREAS, Hendricks County, Indiana, by and through its Board of Commissioners has conducted a study to determine proper voting precincts for the said county:

Now, therefore, be it ordered by the Commissioners of Hendricks County as follows:

1. Hendricks County, Indiana, by and through its Board of Commissioners, hereby revise the precincts of Liberty 1, Liberty 4, Washington 5, and Washington 20 as voter precincts for Hendricks County, Indiana.
2. Each precinct revision is described in the maps attached hereto, made a part hereof which are on file for inspection in the office of the county engineer, county clerk and county auditor.
3. The estimated number of voters in each precinct revised by this Order is attached hereto and made a part hereof by this reference and which are on file for inspection in the office of the county engineer, the county clerk and the county auditor
4. That this Ordinance shall become effective on the date specified by the Indiana Election Division or on the first date permitted under Indiana Code 3-11-1.5-25 if no effective date is specified by the Indiana Election Division.

ORDERED this 7TH day of JANUARY, 2003.

BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA

BY: Linda L. Palmer

BY: Steve Ostum

BY: Sonya R. Cleavel

AUDITOR'S CERTIFICATE

I, Nancy Marsh, the duly elected Auditor of the County of Hendricks, Indiana, certify the contents of this order to be a true and accurate representation of the matters as described and depicted in the official records of the proceedings of the board of County Commissioners of this County.

Dated: 1-7-03

Nancy L. Marsh  
Nancy Marsh, Hendricks County Auditor

Approved as to form: Greg Steuerwald  
Gregory E Steuerwald



# PRECINCT SUMMARY STATEMENT

State Form 13332 (R4/8-01)

Indiana Election Commission (IC 3-11-1.5-15)

(IEC-8)

## HENDRICKS COUNTY

**INSTRUCTIONS:** See Indiana Code 3-11-1.5-25 for periods during which precinct boundary changes may NOT take effect.

Indiana Code 3-11-1.5-15 requires that a county include the following items in a proposed precinct establishment order submitted to the Indiana Election Commission:

1. A map of each precinct to be established by the proposed order. A county may submit these maps in electronic form.
2. A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
3. An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the circuit court clerk or board of registration.
4. A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted by the Indiana Election Commission.
5. Any additional information required by rules adopted by the Indiana Election Commission under IC 4-22-2.

Name of proposed precinct <b>WASHINGTON-20</b>	Is this a new precinct? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Election Division and STFID number (to be completed by Election Division)	
District information Congressional <u>4</u> Indiana Senate <u>24</u> Indiana House <u>40</u>			
Number of registered voters <b>849</b>	Total number of precincts in the county <u>87</u> voting precincts <u>0</u> non-voting precincts		
Date of county executive's action <b>11-27-02</b>	Date of first election year cycle <b>2003</b>		
Precincts affected by this proposed order (Complete precinct summary statement for each precinct) <b>WASHINGTON-5, WASHINGTON-20</b>			
Inventory of Supporting Documents (i.e. map 6 of 20 maps, etc.) <b>COPY OF TOWN BOUNDARY MAP SHOWING NO ANNEXATION, MAPS, CENSUS BLOCK NUMBERS</b>			

Does any portion of the newly established precinct split or divide any of the following?	Yes	No
Congressional District		X
Indiana Senate District		X
Indiana House District		X
Township Boundary		X
City Boundary		X
Do the proposed boundaries consist of the following?	Yes	No
State Legislative District Boundary Lines		X
Census Block Boundary Lines		
Township Boundary Lines	X	
City or Town Boundary Lines	X	
School Board Corporation Boundary Lines		X
Extensions or Projections		X
Method of Voting		
<input type="checkbox"/> Paper only <input type="checkbox"/> Machine <input type="checkbox"/> Ballot Card <input checked="" type="checkbox"/> Electronic <input type="checkbox"/> Combination (please specify): _____ DRE - MICROVOTE		

↓ Please complete reverse of form ↓

What is the designated polling place for this precinct?

PLAINFIELD CHRISTIAN CHURCH 800 DAN JONES RD PLAINFIELD 46168

(NOTE: This designation of a polling place remains in effect until later action by the county executive under state law.)

Does this polling place meet Indiana's polling place accessibility requirements?XX ☐ Yes ☐ No

**Briefly state the reason for the precinct change. (Attach additional sheet if necessary.)**

ANTICIPATED ANNEXATION DID NOT MATERIALIZE.

**Additional Information**

Name and contact information of county staff who prepared documents:

Laura L Herzog  
355 S. Washington Street PO Box 599  
Danville IN 46122  
Phone: 317-745-9249  
Fax: 317-745-9452  
E-Mail: [lherzog@co.hendricks.in.us](mailto:lherzog@co.hendricks.in.us)

Does the county have access to Geographic Information System (GIS)? XX ☐ Yes ☐ No

Does the county use Tiger files? ☐ Yes ☐ No

If no, what type of geographic files does the county use? \_\_\_\_\_

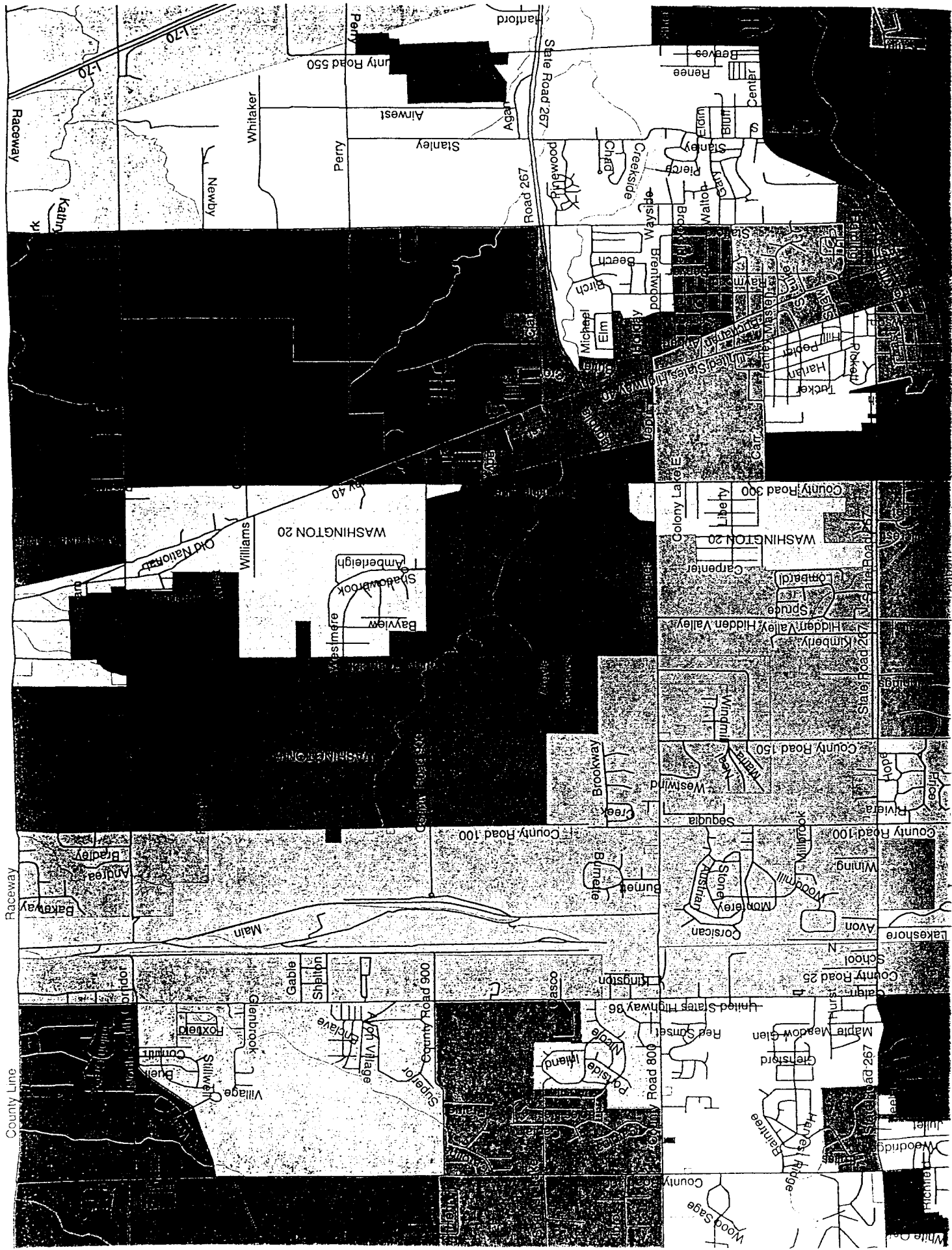
Date recommended for approval by the Indiana Election Division (mm/dd/yy):

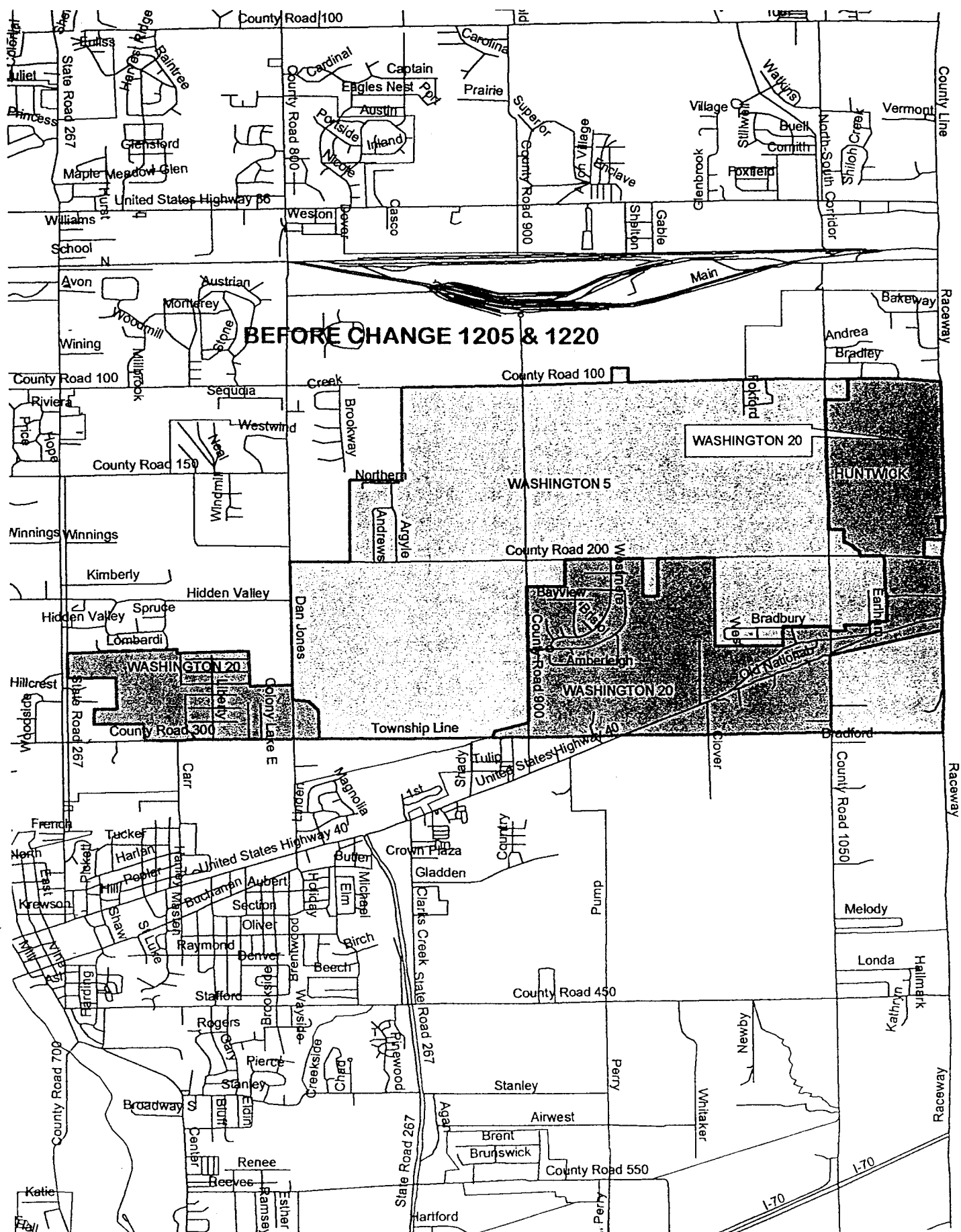
Date reviewed by the Office of Census Data (mm/dd/yy):

Date approved by the Indiana Election Commission (mm/dd/yy):

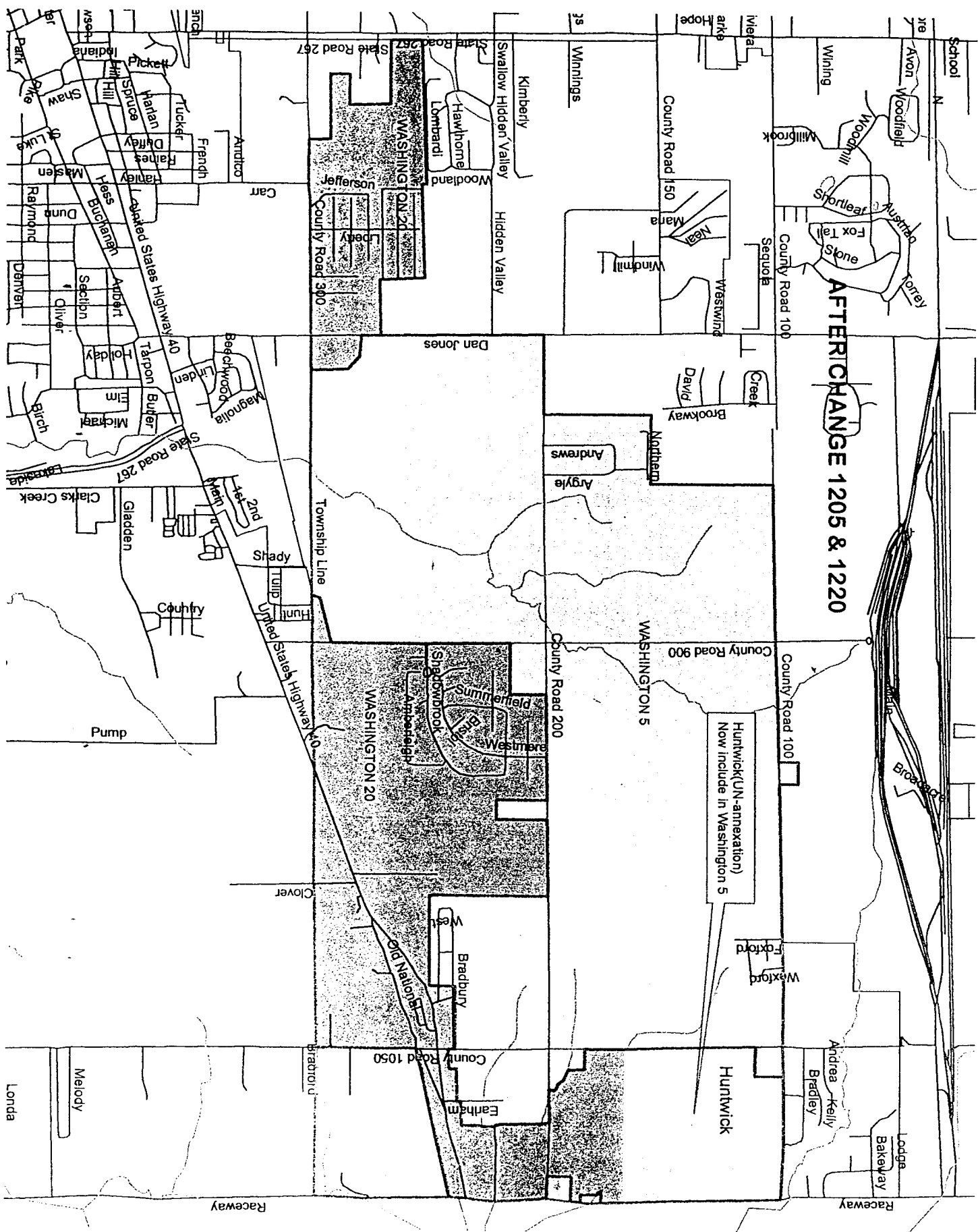
Date of notification to the county (mm/dd/yy):

**Notes**







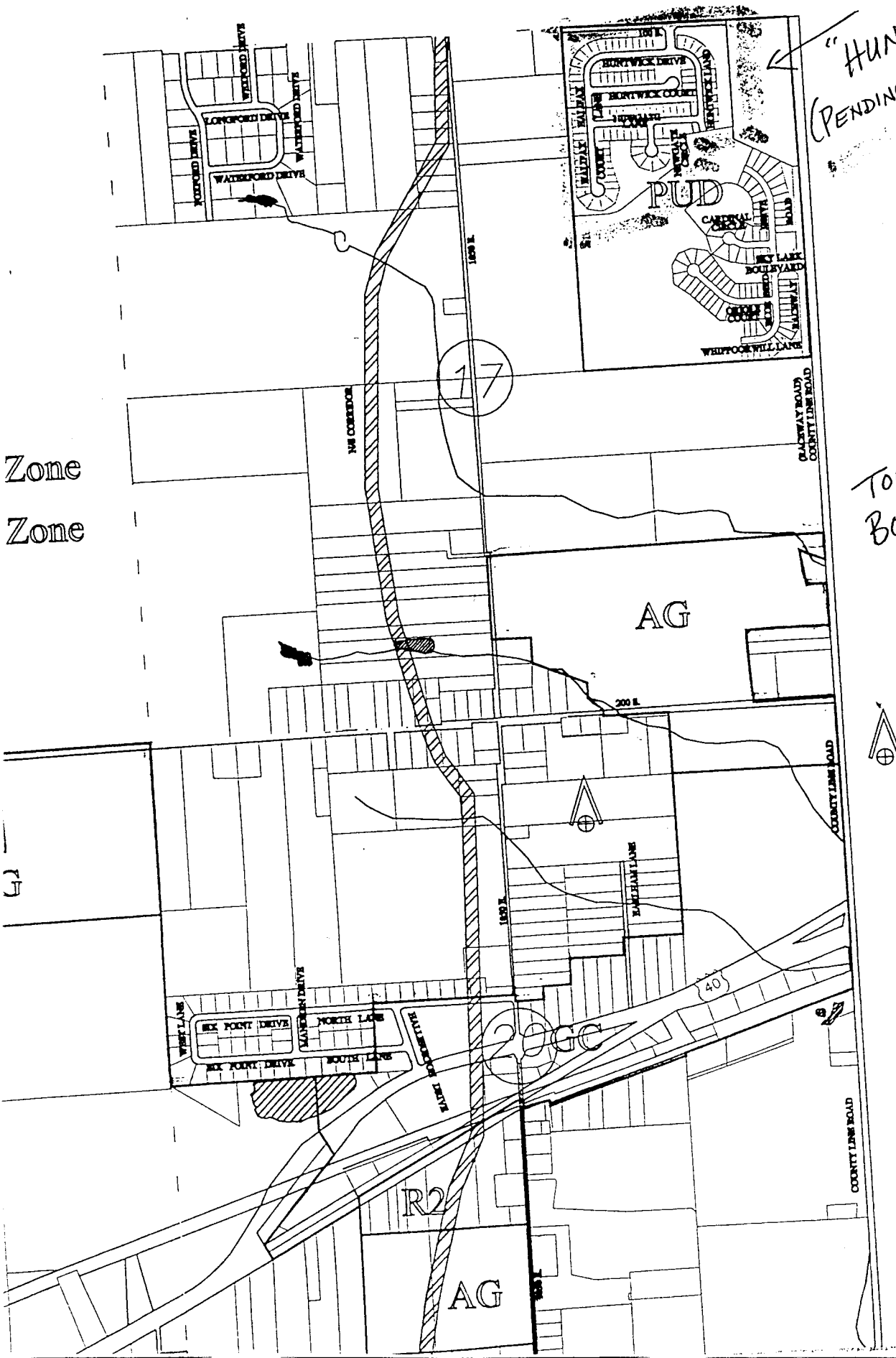


"HUNTWICK"  
(PENDING Annexation)

Zone  
Zone

TOWN / CORP  
BOUNDARY

This is to cer  
County of He



# 2003 block report

12/9/2002

P03

P02

STFID

## WASHINGTON 20

WASHINGTON 20	WASHINGTON 20	180632106023055
WASHINGTON 20	WASHINGTON 20	180632106025016
WASHINGTON 20	WASHINGTON 20	180632106023049
WASHINGTON 20	WASHINGTON 20	180632106023048
WASHINGTON 20	WASHINGTON 20	180632106023047
WASHINGTON 20	WASHINGTON 20	180632106023046
WASHINGTON 20	WASHINGTON 20	180632106025017
WASHINGTON 20	WASHINGTON 20	180632106023045
WASHINGTON 20	WASHINGTON 20	180632106023044
WASHINGTON 20	WASHINGTON 20	180632106025015
WASHINGTON 20	WASHINGTON 20	180632106025014
WASHINGTON 20	WASHINGTON 20	180632106025013
WASHINGTON 20	WASHINGTON 20	180632106025019
WASHINGTON 20	WASHINGTON 20	180632106025012
WASHINGTON 20	WASHINGTON 20	180632106025018
WASHINGTON 20	WASHINGTON 20	180632106025005
WASHINGTON 20	WASHINGTON 20	180632106025023
WASHINGTON 20	WASHINGTON 20	180632106025021
WASHINGTON 20	WASHINGTON 20	180632106025020
WASHINGTON 20	WASHINGTON 20	180632106025005
WASHINGTON 20	WASHINGTON 20	180632106025004
WASHINGTON 20	WASHINGTON 20	180632106025024
WASHINGTON 20	WASHINGTON 20	180632106025025
WASHINGTON 20	WASHINGTON 20	180632106025003
WASHINGTON 20	WASHINGTON 20	180632106025001
WASHINGTON 20	WASHINGTON 20	180632106025008
WASHINGTON 20	WASHINGTON 20	180632106025009
WASHINGTON 20	WASHINGTON 20	180632106025002
WASHINGTON 20	WASHINGTON 20	180632106025010
WASHINGTON 20	WASHINGTON 20	180632106025006
WASHINGTON 20	WASHINGTON 20	180632106025000
WASHINGTON 20	WASHINGTON 20	180632106022047
WASHINGTON 20	WASHINGTON 5	180632106022046
WASHINGTON 20	WASHINGTON 5	180632106022046
WASHINGTON 20	WASHINGTON 5	180632106022046
WASHINGTON 20	WASHINGTON 20	180632106022046

WASHINGTON 20

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**PRECINCT SUMMARY STATEMENT**

State Form 13332 (R4/8-01)

Indiana Election Commission (IC 3-11-1.5-15)

(IEC-8)

**HENDRICKS COUNTY**

**INSTRUCTIONS:** See Indiana Code 3-11-1.5-25 for periods during which precinct boundary changes may NOT take effect.

Indiana Code 3-11-1.5-15 requires that a county include the following items in a proposed precinct establishment order submitted to the Indiana Election Commission:

1. A map of each precinct to be established by the proposed order. A county may submit these maps in electronic form.
2. A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
3. An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the circuit court clerk or board of registration.
4. A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted by the Indiana Election Commission.
5. Any additional information required by rules adopted by the Indiana Election Commission under IC 4-22-2.

Name of proposed precinct <b>LIBERTY-1</b>	Is this a new precinct? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Election Division and STFID number (to be completed by Election Division)	
District information Congressional <u>4</u> Indiana Senate <u>24</u> Indiana House <u>28</u>			
Number of registered voters <b>1,045</b>	Total number of precincts in the county <u>87</u> voting precincts <u>0</u> non-voting precincts		
Date of county executive's action <b>11-27-02</b>	Date of first election year cycle <b>2003</b>		
Precincts affected by this proposed order (Complete precinct summary statement for each precinct) <b>LIBERTY-4, LIBERTY-1</b>			
Inventory of Supporting Documents (i.e. map 6 of 20 maps, etc.) <b>COPY OF ANNEXATION, MAPS, CENSUS BLOCK NUMBERS</b>			

Does any portion of the newly established precinct split or divide any of the following?	Yes	No
Congressional District		X
Indiana Senate District		X
Indiana House District		X
Township Boundary		X
City Boundary		X
Do the proposed boundaries consist of the following?	Yes	No
State Legislative District Boundary Lines	X	
Census Block Boundary Lines		
Township Boundary Lines	X	
City or Town Boundary Lines	X	
School Board Corporation Boundary Lines		X
Extensions or Projections		X
Method of Voting		
<input type="checkbox"/> Paper only <input type="checkbox"/> Machine <input type="checkbox"/> Ballot Card <input checked="" type="checkbox"/> Electronic <input type="checkbox"/> Combination (please specify): _____ DRE - MICROVOTE		

↓ Please complete reverse of form ↓

What is the designated polling place for this precinct?

CASCADE JR. HIGH SCHOOL 6423 S CR 200 W CLAYTON, IN 46118

(NOTE: This designation of a polling place remains in effect until later action by the county executive under state law.)

Does this polling place meet Indiana's polling place accessibility requirements? XX ☐ Yes ☐ No

**Briefly state the reason for the precinct change. (Attach additional sheet if necessary.)**

ANNEXATION OF "GILBERT WOODS" INTO THE TOWN OF CLAYTON.

**Additional Information**

Name and contact information of county staff who prepared documents:

Laura L. Herzog  
355 S. Washington Street PO Box 599  
Danville IN 46122  
Phone: 317-745-9249  
Fax: 317-745-9452  
E-Mail: [lherzog@co.hendricks.in.us](mailto:lherzog@co.hendricks.in.us)

Does the county have access to Geographic Information System (GIS)? XX ☐ Yes ☐ No

Does the county use Tiger files? ☐ Yes ☐ No

If no, what type of geographic files does the county use? \_\_\_\_\_

Date recommended for approval by the Indiana Election Division (mm/dd/yy):

Date reviewed by the Office of Census Data (mm/dd/yy):

Date approved by the Indiana Election Commission (mm/dd/yy):

Date of notification to the county (mm/dd/yy):

**Notes**

Contains that part of  
block 180632110002004  
outside the corporate  
boundary

Clayton, Indiana  
April 9, 1998

Republican, Inc.

AN ORDINANCE ANNEXING REAL  
ESTATE TO THE TOWN OF CLAYTON,  
INDIANA

in

BE IT ORDAINED by the Town of Clayton,  
Hendricks County, Indiana, that:

in St.

WHEREAS Martha McHaffie Traylor is the owner of certain real estate in Hendricks County, Indiana, and has requested the Town of Clayton, Indiana, to Annex said real estate to the Town of Clayton, Indiana, which real estate is described as follows: Part of the West half of the Southeast quarter of Section 33, Township 15 North, Range 1 West of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows:

Commencing at a railroad spike monumenting the Southwest corner of said Southeast quarter section; thence on and along the West line of said quarter North 00 degrees 12 minutes 25 seconds East, 1326.35 feet to a 5/8" rebar w/cap on the North line of the South half of said quarter, said point being the Point of Beginning of this description; thence on and along said North line South 89 degrees 30 minutes 54 seconds East, 439.92 feet (439 feet deed) to a 5/8" rebar w/cap; thence South 00 degrees 32 minutes 50 seconds East, 406.47 feet to a 1/2" rebar at the Northwest corner of Minor Plat No. 133 recorded in Plat Book 13 on Page 24 in the records of said county; thence on and along the Northerly line of said Minor Plat South 89 degrees 24 minutes 59 seconds East, 152.15 feet to a 1/2" rebar; thence South 00 degrees 35 minutes 01 seconds West, 110.00 feet to a 1/2" rebar on the North right-of-way of Michigan Street; thence on and along said North right-of-way South 89 degrees 24 minutes 59 seconds East, 50.00 feet to a 5/8" rebar w/cap; thence North 00 degrees 35 minutes 01 seconds East, 150.00 feet to a 5/8" rebar w/cap; thence South 89 degrees 24 minutes 59 seconds East, 300.00 feet to a 1/2" rebar; thence North 00 degrees 35 minutes 01 seconds East, 95.00 feet to a 1/2" rebar; thence South 77 degrees 33 minutes 25 seconds East, 102.18 feet to the Northeast corner of Lot 5 in said Minor Plat and a 5/8" rebar w/cap, said point also being on the Northwesterly line of Gilbert Woods Section One recorded in Plat Cabinet 1 on Page 2, Slide 137 and Page 1, Slide 138 in the records of said county; thence on and along said Northwesterly line North 23 degrees 30 minutes 00 seconds East, 191.98 feet to a 5/8" rebar w/cap; thence South 66 degrees 30 minutes 00 seconds East, 73.87 feet to a 3/4" rebar; thence North 23 degrees 30 minutes 00 seconds East, 158.21 feet to a 5/8" rebar w/cap on the North line of the South half of said Southeast quarter; thence on and along said North line South 89 degrees 30 minutes 54 seconds East, 68.58 feet to a 5/8" rebar w/cap monumenting the Center of said Southeast quarter; thence on and along the East line of the West half of said quarter section North 00 degrees 06 minutes 34 seconds East, 1325.81 feet (1320 feet deed); to a railroad spike on the North line of said quarter section, thence on and along said North line North 89 degrees 28 minutes 26 seconds West, 20.00 feet to 1/2" iron spike, said point being the Northeast corner of a certain parcel of land described in deed recorded in Book 307 on Page 232 in the records of said county; thence on and along the East line of said certain parcel parallel with the East line of said West half South 00 degrees 06 minutes 34 seconds West, 396.00 feet to a 5/8" rebar w/cap; thence on and along the South line of said certain parcel parallel with the North line said quarter section North 89 degrees 29 minutes 28 seconds West, 1301.49 feet (1300 feet deed) to a 5/8" rebar w/cap on the West line of said quarter section, thence on and along said West line South 00

n of Clayton

Amo

Charges and Credits

enc #98-4  
refing Traylor

Thank You !

YOUR CHECK IS YOUR R

WHEREAS, the property sought to be annexed by Martha McHaffie Traylor is in part situated within the corporate limits of the Town of Clayton, and

WHEREAS, is in part situated outside the corporate limits of the Town of Clayton, Hendricks County, Indiana, and

WHEREAS, the property to be annexed which is situated outside of the corporate boundaries of the Municipal Town of Clayton, Hendricks County, Indiana is more than one quarter contiguous to the corporate boundaries; Sections 2 and 3, and

WHEREAS, the annexation of this property is of benefit to the Town of Clayton, Hendricks County, Indiana;

NOW, THEREFORE by the powers vested in the Town Council of the Town of Clayton, Hendricks County, Indiana, it is hereby ORDERED AND ORDAINED, that the real estate hereinabove described be and the same is hereby Annexed to the Municipal Town of Clayton.

That the Clerk-Treasurer of Clayton, Indiana shall cause a copy of the Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana and further shall cause a copy of the Ordinance to be published in the Hendricks County newspapers for two (2) weeks with proof of publication being returned to said Clerk-Treasurer.

SAID ORDINANCE OF ANNEXATION, is hereby passed and adopted this 9th day of April, 1998.

BOARD OF TRUSTEES  
TOWN OF CLAYTON, HENDRICKS  
COUNTY, INDIANA

Bill Short

Joel D. Watson

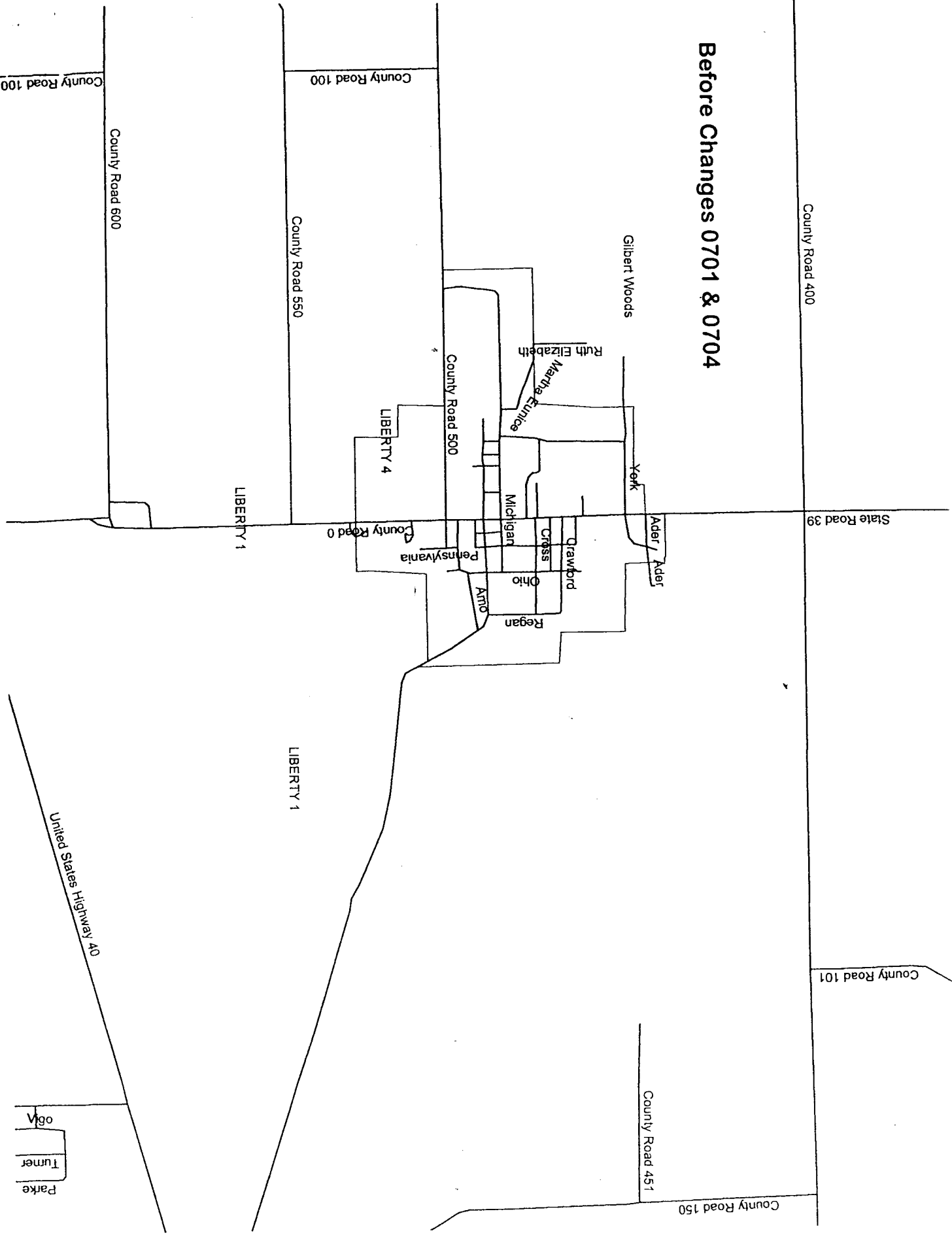
Jack Alexander

Attested to: Virginia McKamey, Clerk-Treasurer.

This instrument prepared by Martha McHaffie Traylor, Attorney at Law, 204 Nassau Street, Princeton, N.J. 08940. Tel: (609) 924-4536; Fax: (609) 924-3556; E-Mail: Mtraylor@igc.apc.org.

5-7-21

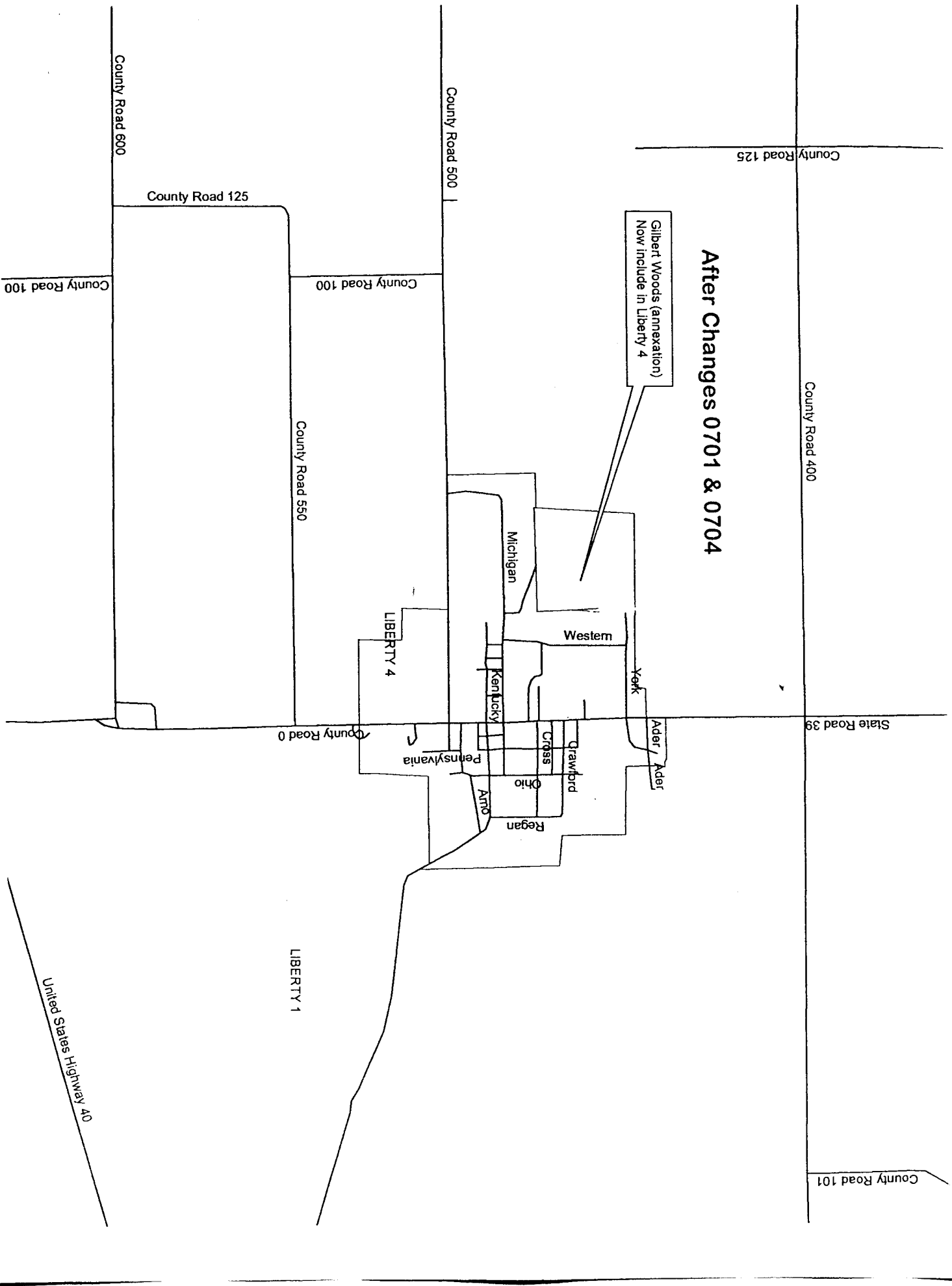
Before Changes 0701 & 0704





After Changes 0701 & 0704

Gilbert Woods (annexation)  
Now include in Liberty 4



# 2003 block report

12/9/2002

P03

P02

STFID

## LIBERTY 1

LIBERTY 1	LIBERTY 1	180632110004019
LIBERTY 1	LIBERTY 1	180632110004017
LIBERTY 1	LIBERTY 1	180632110004018
LIBERTY 1	LIBERTY 1	180632110004013
LIBERTY 1	LIBERTY 1	180632110003007
LIBERTY 1	LIBERTY 1	180632110003006
LIBERTY 1	LIBERTY 1	180632110003005
LIBERTY 1	LIBERTY 1	180632110003003
LIBERTY 1	LIBERTY 1	180632110003004
LIBERTY 1	LIBERTY 1	180632110002043
LIBERTY 1	LIBERTY 1	180632110004008
LIBERTY 1	LIBERTY 1	180632110002042
LIBERTY 1	LIBERTY 1	180632110002041
LIBERTY 1	LIBERTY 1	180632110002040
LIBERTY 1	LIBERTY 1	180632110004009
LIBERTY 1	LIBERTY 1	180632110004010
LIBERTY 1	LIBERTY 1	180632110003002
LIBERTY 1	LIBERTY 1	180632110003001
LIBERTY 1	LIBERTY 1	180632110003000
LIBERTY 1	LIBERTY 1	180632110004011
LIBERTY 1	LIBERTY 1	180632110001040
LIBERTY 1	LIBERTY 1	180632110004012
LIBERTY 1	LIBERTY 1	180632110001041
LIBERTY 1	LIBERTY 1	180632110001043
LIBERTY 1	LIBERTY 1	180632110001044
LIBERTY 1	LIBERTY 1	180632110001042
LIBERTY 1	LIBERTY 1	180632110002036
LIBERTY 1	LIBERTY 1	180632110004006
LIBERTY 1	LIBERTY 1	180632110004005
LIBERTY 1	LIBERTY 1	180632110001039
LIBERTY 1	LIBERTY 1	180632110004004
LIBERTY 1	LIBERTY 1	180632110004003
LIBERTY 1	LIBERTY 1	180632110002038
LIBERTY 1	LIBERTY 1	180632110002039
LIBERTY 1	LIBERTY 1	180632110002037
LIBERTY 1	LIBERTY 1	180632110002035
LIBERTY 1	LIBERTY 1	180632110002034
LIBERTY 1	LIBERTY 1	180632110002000
LIBERTY 1	LIBERTY 1	180632110002005
LIBERTY 1	LIBERTY 1	180632110001038
LIBERTY 1	LIBERTY 1	180632110001037
LIBERTY 1	LIBERTY 1	180632110001047
LIBERTY 1	LIBERTY 1	180632110001045
LIBERTY 1	LIBERTY 1	180632110001009
LIBERTY 1	LIBERTY 1	180632110001008
LIBERTY 1	LIBERTY 1	180632110001046
LIBERTY 1	LIBERTY 1	180632110002004

LIBERTY 1

47



PRECINCT SUMMARY STATEMENT

State Form 13332 (R4/8-01)

Indiana Election Commission (IC 3-11-1.5-15)

(IEC-8)

HENDRICKS COUNTY

**INSTRUCTIONS:** See Indiana Code 3-11-1.5-25 for periods during which precinct boundary changes may NOT take effect.

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4. A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted by the Indiana Election Commission.
5. Any additional information required by rules adopted by the Indiana Election Commission under IC 4-22-2.

Name of proposed precinct <b>LIBERTY-4</b>	Is this a new precinct? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Election Division and STFID number (to be completed by Election Division)	
District information Congressional <u>4</u> Indiana Senate <u>24</u> Indiana House <u>28</u>			
Number of registered voters <b>479</b>	Total number of precincts in the county <u>87</u> voting precincts <u>0</u> non-voting precincts		
Date of county executive's action <b>11-27-02</b>	Date of first election year cycle <b>2003</b>		
Precincts affected by this proposed order (Complete precinct summary statement for each precinct) <b>LIBERTY-4, LIBERTY-1</b>			
Inventory of Supporting Documents (i.e. map 6 of 20 maps, etc.) <b>COPY OF ANNEXATION, MAPS, CENSUS BLOCK NUMBERS</b>			

Does any portion of the newly established precinct split or divide any of the following?	Yes	No
Congressional District		X
Indiana Senate District		X
Indiana House District		X
Township Boundary		X
City Boundary		X
Do the proposed boundaries consist of the following?	Yes	No
State Legislative District Boundary Lines	X	
Census Block Boundary Lines		
Township Boundary Lines		X
City or Town Boundary Lines	X	
School Board Corporation Boundary Lines		X
Extensions or Projections		X
Method of Voting		
<input type="checkbox"/> Paper only <input type="checkbox"/> Machine <input type="checkbox"/> Ballot Card <input checked="" type="checkbox"/> Electronic <input type="checkbox"/> Combination (please specify): DRE - MICROVOTE		

↓ Please complete reverse of form ↓

What is the designated polling place for this precinct?

CLAYTON TOWN HALL

(NOTE: This designation of a polling place remains in effect until later action by the county executive under state law.)

Does this polling place meet Indiana's polling place accessibility requirements? XX ☐ Yes ☐ No

**Briefly state the reason for the precinct change. (Attach additional sheet if necessary.)**

ANNEXATION OF "GILBERT WOODS" INTO THE TOWN OF CLAYTON.

**Additional Information**

Name and contact information of county staff who prepared documents:

Laura L Herzog  
355 S. Washington Street PO Box 599  
Danville IN 46122  
Phone: 317-745-9249  
Fax: 317-745-9452  
E-Mail: [lherzog@co.hendricks.in.us](mailto:lherzog@co.hendricks.in.us)

Does the county have access to Geographic Information System (GIS)? XX ☐ Yes ☐ No

Does the county use Tiger files? ☐ Yes ☐ No

If no, what type of geographic files does the county use? \_\_\_\_\_

Date recommended for approval by the Indiana Election Division (mm/dd/yy):

Date reviewed by the Office of Census Data (mm/dd/yy):

Date approved by the Indiana Election Commission (mm/dd/yy):

Date of notification to the county (mm/dd/yy):

**Notes**

contains that part  
of block 180632110002004  
inside the corporate  
boundary.

Clayton, Indiana  
April 9, 1998

Republican, Inc.

AN ORDINANCE ANNEXING REAL  
ESTATE TO THE TOWN OF CLAYTON,  
INDIANABE IT ORDAINED by the Town of Clayton,  
Hendricks County, Indiana, that:

WHEREAS Martha McHaffie Traylor is the owner of certain real estate in Hendricks County, Indiana, and has requested the Town of Clayton, Indiana, to Annex said real estate to the Town of Clayton, Indiana, which real estate is described as follows: Part of the West half of the Southeast quarter of Section 33, Township 15 North, Range 1 West of the Second Principal Meridian in Hendricks County, Indiana, more particularly described as follows:

Commencing at a railroad spike monumenting the Southwest corner of said Southeast quarter section; thence on and along the West line of said quarter North 00 degrees 12 minutes 25 seconds East, 1326.35 feet to a 5/8" rebar w/cap on the North line of the South half of said quarter, said point being the Point of Beginning of this description: thence on and along said North line South 89 degrees 30 minutes 54 seconds East, 439.92 feet (439 feet deed) to a 5/8" rebar w/cap; thence South 00 degrees 32 minutes 50 seconds East, 406.47 feet to a 1/2" rebar at the Northwest corner of Minor Plat No. 133 recorded in Plat Book 13 on Page 24 in the records of said county; thence on and along the Northerly line of said Minor Plat South 89 degrees 24 minutes 59 seconds East, 152.15 feet to a 1/2" rebar; thence South 00 degrees 35 minutes 01 seconds West, 110.00 feet to a 1/2" rebar on the North right-of-way of Michigan Street; thence on and along said North right-of-way South 89 degrees 24 minutes 59 seconds East, 50.00 feet to a 5/8" rebar w/cap; thence North 00 degrees 35 minutes 01 seconds East, 150.00 feet to a 5/8" rebar w/cap; thence South 89 degrees 24 minutes 59 seconds East, 300.00 feet to a 1/2" rebar; thence North 00 degrees 35 minutes 01 seconds East, 95.00 feet to a 1/2" rebar; thence South 77 degrees 33 minutes 25 seconds East, 102.18 feet to the Northeast corner of Lot 5 in said Minor Plat and a 5/8" rebar w/cap, said point also being on the Northwesterly line of Gilbert Woods Section One recorded in Plat Cabinet 1 on Page 2, Slide 137 and Page 1, Slide 138 in the records of said county; thence on and along said Northwesterly line North 23 degrees 30 minutes 00 seconds East, 191.98 feet to a 5/8" rebar w/cap; thence South 66 degrees 30 minutes 00 seconds East, 73.87 feet to a 3/4" rebar; thence North 23 degrees 30 minutes 00 seconds East, 158.21 feet to a 5/8" rebar w/cap on the North line of the South half of said Southeast quarter; thence on and along said North line South 89 degrees 30 minutes 54 seconds East, 68.58 feet to a 5/8" rebar w/cap monumenting the Center of said Southeast quarter; thence on and along the East line of the West half of said quarter section North 00 degrees 06 minutes 34 seconds East, 1325.81 feet (1320 feet deed); to a railroad spike on the North line of said quarter section, thence on and along said North line North 89 degrees 28 minutes 26 seconds West, 20.00 feet to 1/2" iron spike, said point being the Northeast corner of a certain parcel of land described in deed recorded in Book 307 on Page 232 in the records of said county; thence on and along the East line of said certain parcel parallel with the East line of said West half South 00 degrees 06 minutes 34 seconds West, 396.00 feet to a 5/8" rebar w/cap; thence on and along the South line of said certain parcel parallel with the North line said quarter section North 89 degrees 29 minutes 28 seconds West, 1301.49 feet (1300 feet deed) to a 5/8" rebar w/cap on the West line of said quarter section; thence on and along said West line South 00

in

in St.

n of Clayton

Amo

Charges and Credits

encl #98-4  
refining Indigo

Thank You !

YOUR CHECK IS YOUR RE

WHEREAS, the property sought to be annexed by Martha McHaffie Traylor is in part situated within the corporate limits of the Town of Clayton, and

WHEREAS, is in part situated outside the corporate limits of the Town of Clayton, Hendricks County, Indiana, and

WHEREAS, the property to be annexed which is situated outside of the corporate boundaries of the Municipal Town of Clayton, Hendricks County, Indiana is more than one quarter contiguous to the corporate boundaries; Sections 2 and 3 and

WHEREAS, the annexation of this property is of benefit to the Town of Clayton, Hendricks County, Indiana

NOW, THEREFORE by the powers vested in the Town Council of the Town of Clayton, Hendricks County, Indiana, it is hereby ORDERED AND ORDAINED, that the real estate hereinabove described be and the same is hereby Annexed to the Municipal Town of Clayton.

That the Clerk-Treasurer of Clayton, Indiana shall cause a copy of the Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana and further shall cause a copy of the Ordinance to be published in the Hendricks County newspapers for two (2) weeks with proof of publication being returned to said Clerk-Treasurer.

SAID ORDINANCE OF ANNEXATION, is hereby passed and adopted this 9th day of April, 1998.

BOARD OF TRUSTEES  
TOWN OF CLAYTON, HENDRICKS  
COUNTY, INDIANA

Bill Short

Joel D. Watson

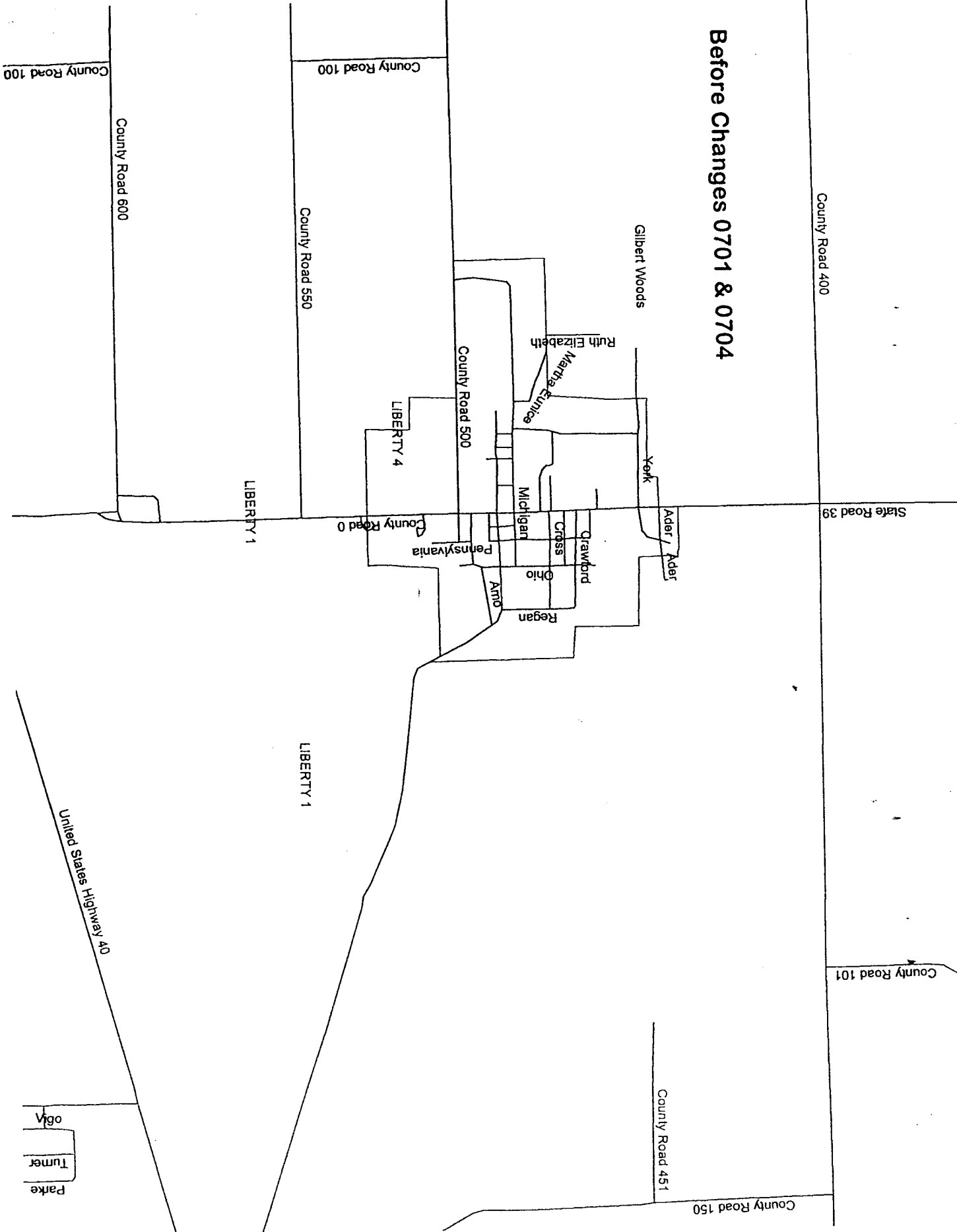
Jack Alexander

Attested to: Virginia McKamey, Clerk-Treasurer.

This instrument prepared by Martha McHaffie Traylor, Attorney at Law, 204 Nassau Street, Princeton, N.J. 08940. Tel: (609) 924-4536; Fax: (609) 924-3556; E-Mail: Mtraylor@tgc.apc.org.

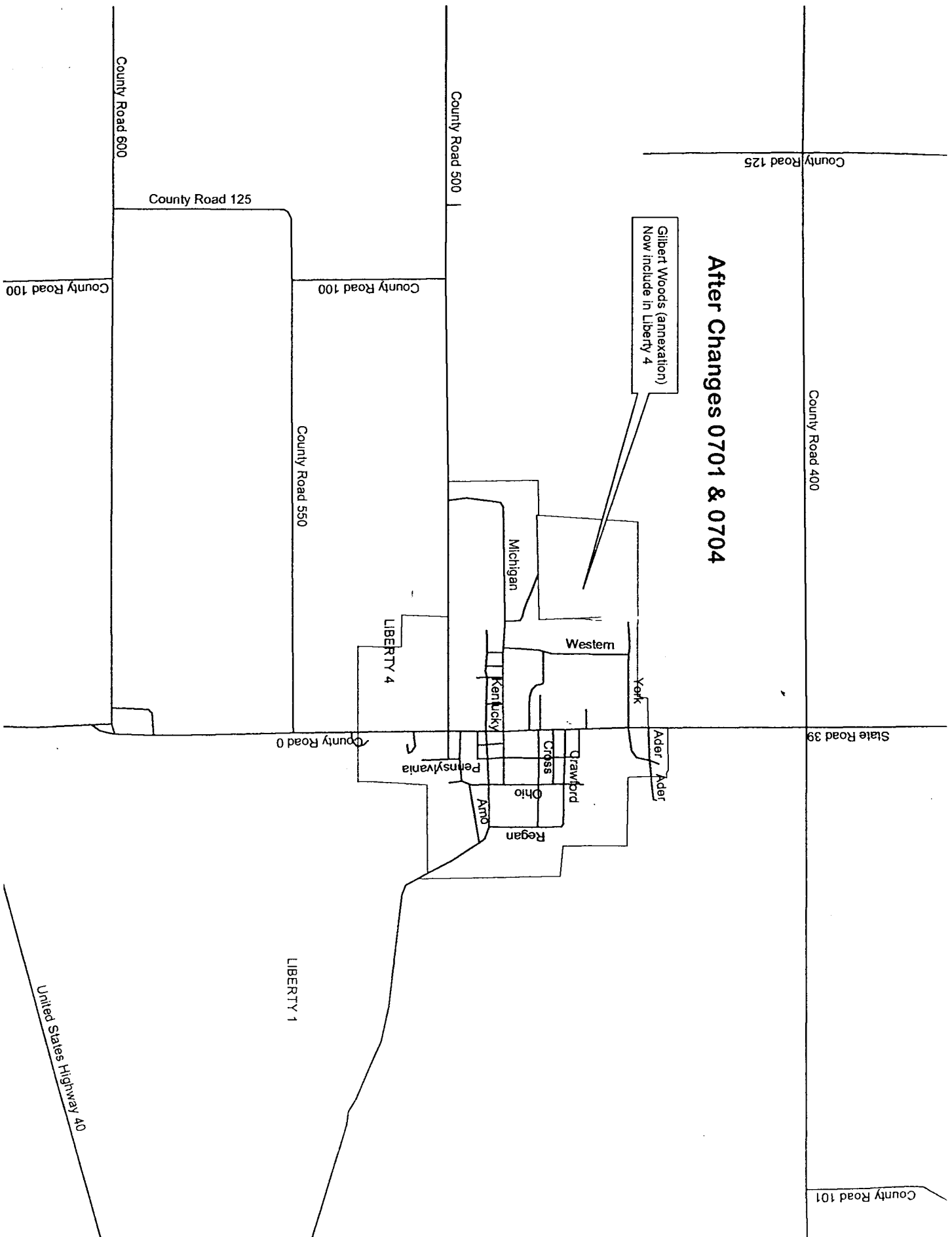
5-7-21

Before Changes 0701 & 0704



After Changes 0701 & 0704

Gilbert Woods (annexation)  
Now include in Liberty 4





2003 block report  
12/9/2002

<u>P03</u>	<u>P02</u>	<u>STFID</u>
<b>LIBERTY 4</b>		
LIBERTY 4	LIBERTY 4	180632110002033
LIBERTY 4	LIBERTY 4	180632110002032
LIBERTY 4	LIBERTY 4	180632110002031
LIBERTY 4	LIBERTY 4	180632110002027
LIBERTY 4	LIBERTY 4	180632110002028
LIBERTY 4	LIBERTY 4	180632110002029
LIBERTY 4	LIBERTY 4	180632110002030
LIBERTY 4	LIBERTY 4	180632110002011
LIBERTY 4	LIBERTY 4	180632110002026
LIBERTY 4	LIBERTY 4	180632110002025
LIBERTY 4	LIBERTY 4	180632110002024
LIBERTY 4	LIBERTY 4	180632110002023
LIBERTY 4	LIBERTY 4	180632110002022
LIBERTY 4	LIBERTY 4	180632110002021
LIBERTY 4	LIBERTY 4	180632110002010
LIBERTY 4	LIBERTY 4	180632110002020
LIBERTY 4	LIBERTY 4	180632110002013
LIBERTY 4	LIBERTY 4	180632110002019
LIBERTY 4	LIBERTY 4	180632110002009
LIBERTY 4	LIBERTY 4	180632110002012
LIBERTY 4	LIBERTY 4	180632110002014
LIBERTY 4	LIBERTY 4	180632110002018
LIBERTY 4	LIBERTY 4	180632110002017
LIBERTY 4	LIBERTY 4	180632110002016
LIBERTY 4	LIBERTY 4	180632110002015
LIBERTY 4	LIBERTY 4	180632110002006
LIBERTY 4	LIBERTY 4	180632110002007
LIBERTY 4	LIBERTY 4	180632110002008
LIBERTY 4	LIBERTY 4	180632110002003
LIBERTY 4	LIBERTY 4	180632110002002
LIBERTY 4	LIBERTY 4	180632110002001
LIBERTY 4	LIBERTY 1	180632110002004
<b>LIBERTY 4</b>		<div>32</div>



# PRECINCT SUMMARY STATEMENT

State Form 13332 (R4/8-01)

Indiana Election Commission (IC 3-11-1.5-15)

(IEC-8)

## HENDRICKS COUNTY

**INSTRUCTIONS:** See Indiana Code 3-11-1.5-25 for periods during which precinct boundary changes may **NOT** take effect.

Indiana Code 3-11-1.5-15 requires that a county include the following items in a proposed precinct establishment order submitted to the Indiana Election Commission:

1. A map of each precinct to be established by the proposed order. A county may submit these maps in electronic form.
2. A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
3. An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the circuit court clerk or board of registration.
4. A statement designating a polling place for the precinct that complies with the polling place accessibility requirements adopted by the Indiana Election Commission.
5. Any additional information required by rules adopted by the Indiana Election Commission under IC 4-22-2.

Name of proposed precinct <b>WASHINGTON-5</b>	Is this a new precinct? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Election Division and STFD number (to be completed by Election Division)	
District information Congressional <u>4</u> Indiana Senate <u>24</u> Indiana House <u>40</u>			
Number of registered voters <b>566</b>	Total number of precincts in the county <u>87</u> voting precincts <u>0</u> non-voting precincts		
Date of county executive's action <b>11-27-02</b>	Date of first election year cycle <b>2003</b>		
Precincts affected by this proposed order (Complete precinct summary statement for each precinct) <b>WASHINGTON-5, WASHINGTON-20</b>			
Inventory of Supporting Documents (i.e. map 6 of 20 maps, etc.) <b>COPY OF TOWN BOUNDARY MAP SHOWING NO ANNEXATION, MAPS, CENSUS BLOCK NUMBERS</b>			

Does any portion of the newly established precinct split or divide any of the following?	Yes	No
Congressional District		X
Indiana Senate District		X
Indiana House District		X
Township Boundary		X
City Boundary		X
Do the proposed boundaries consist of the following?	Yes	No
State Legislative District Boundary Lines		X
Census Block Boundary Lines		
Township Boundary Lines	X	
City or Town Boundary Lines	X	
School Board Corporation Boundary Lines		X
Extensions or Projections		X
Method of Voting		
<input type="checkbox"/> Paper only <input type="checkbox"/> Machine <input type="checkbox"/> Ballot Card <input checked="" type="checkbox"/> Electronic <input type="checkbox"/> Combination (please specify): _____ DRE - MICROVOTE		

↓ Please complete reverse of form ↓

What is the designated polling place for this precinct?

PLAINFIELD CHRISTIAN CHURCH 800 DAN JONES RD PLAINFIELD 46168

(NOTE: This designation of a polling place remains in effect until later action by the county executive under state law.)

Does this polling place meet Indiana's polling place accessibility requirements?XX ☐ Yes ☐ No

**Briefly state the reason for the precinct change. (Attach additional sheet if necessary.)**

ANTICIPATED ANNEXATION DID NOT MATERIALIZE.

**Additional Information**

Name and contact information of county staff who prepared documents:

Laura L Herzog  
355 S. Washington Street PO Box 599  
Danville IN 46122  
Phone: 317-745-9249  
Fax: 317-745-9452  
E-Mail: [lherzog@co.hendricks.in.us](mailto:lherzog@co.hendricks.in.us)

Does the county have access to Geographic Information System (GIS)? XX ☐ Yes ☐ No

Does the county use Tiger files? ☐ Yes ☐ No

If no, what type of geographic files does the county use? \_\_\_\_\_

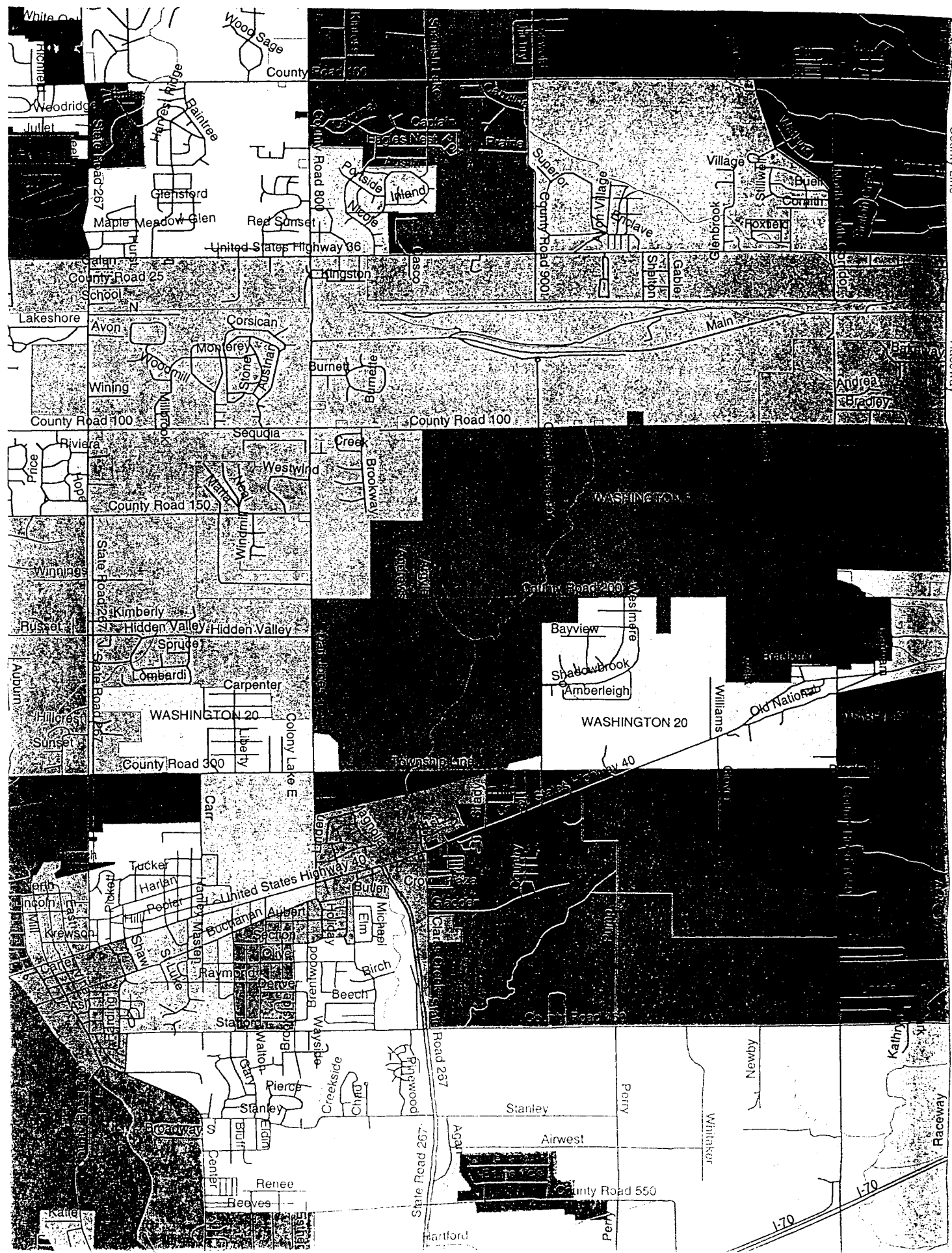
Date recommended for approval by the Indiana Election Division (mm/dd/yy):

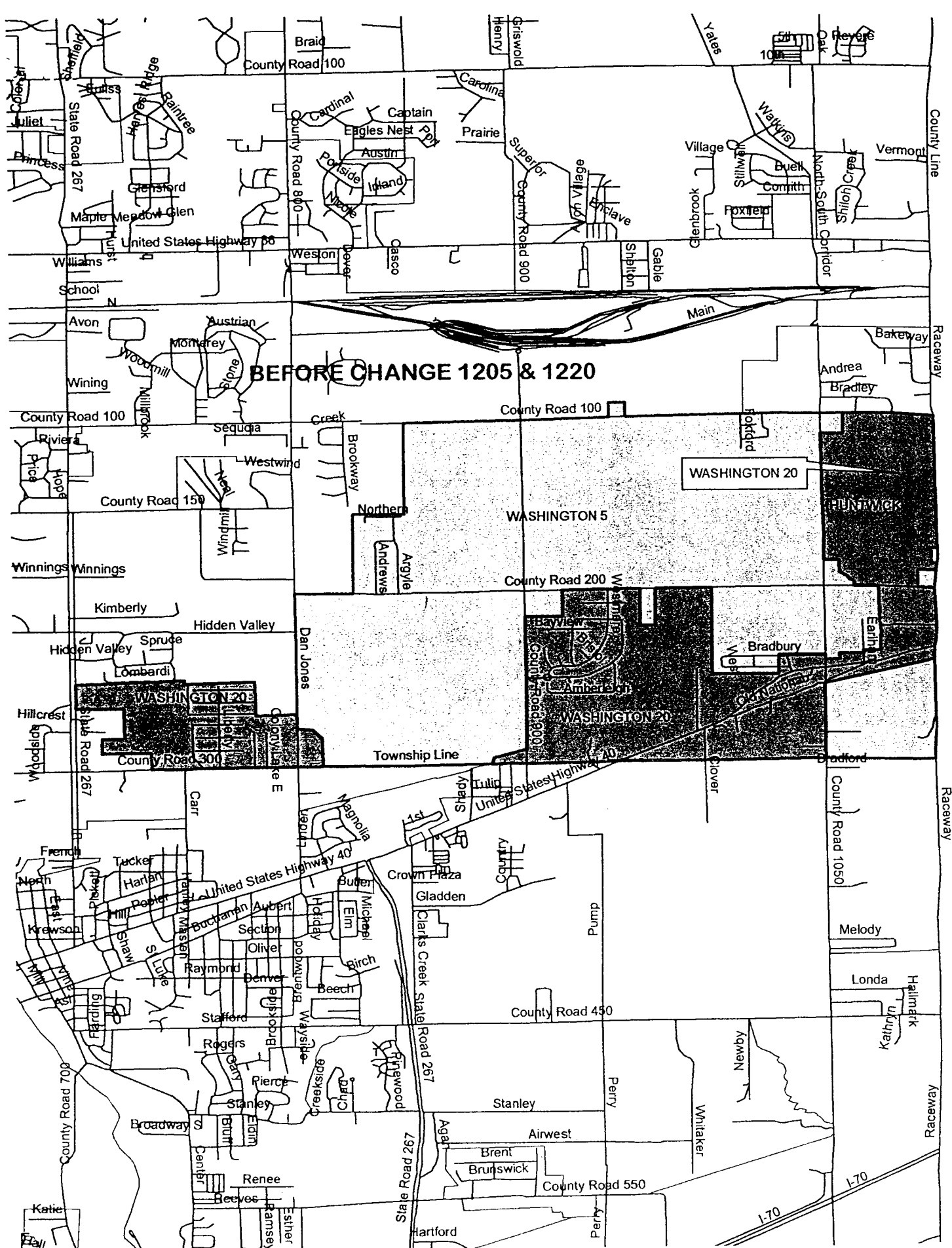
Date reviewed by the Office of Census Data (mm/dd/yy):

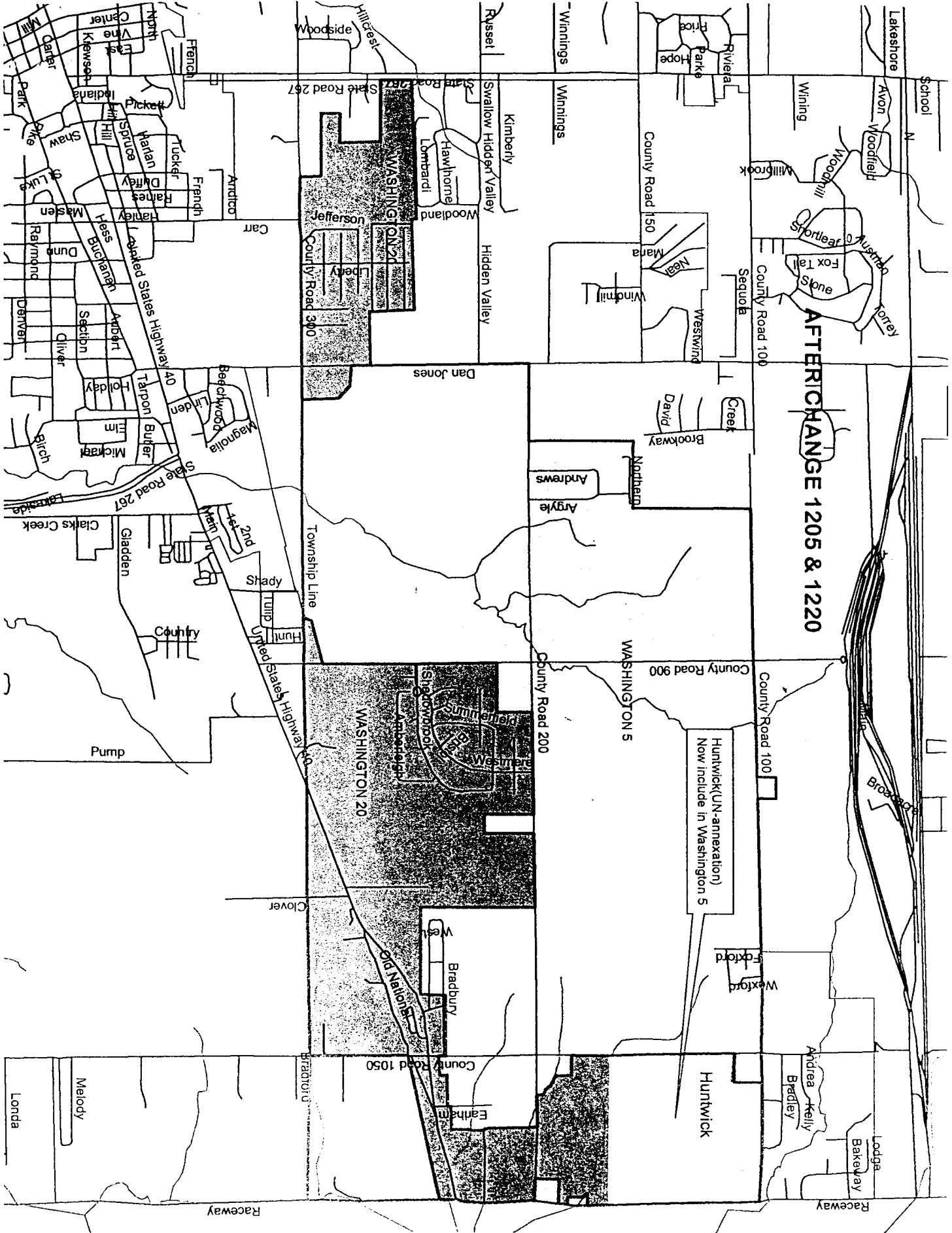
Date approved by the Indiana Election Commission (mm/dd/yy):

Date of notification to the county (mm/dd/yy):

**Notes**









# 2003 block report

12/9/2002

<u>P03</u>	<u>P02</u>	<u>STFID</u>
WASHINGTON 5		
WASHINGTON 5	WASHINGTON 5	180632106025028
WASHINGTON 5	WASHINGTON 5	180632106025027
WASHINGTON 5	WASHINGTON 5	180632106025026
WASHINGTON 5	WASHINGTON 5	180632106025022
WASHINGTON 5	WASHINGTON 5	180632106025021
WASHINGTON 5	WASHINGTON 5	180632106025003
WASHINGTON 5	WASHINGTON 5	180632106025004
WASHINGTON 5	WASHINGTON 5	180632106023026
WASHINGTON 5	WASHINGTON 5	180632106023053
WASHINGTON 5	WASHINGTON 5	180632106023052
WASHINGTON 5	WASHINGTON 5	180632106023050
WASHINGTON 5	WASHINGTON 5	180632106025011
WASHINGTON 5	WASHINGTON 5	180632106025007
WASHINGTON 5	WASHINGTON 5	180632106025005
WASHINGTON 5	WASHINGTON 5	180632106025001
WASHINGTON 5	WASHINGTON 5	180632106023051
WASHINGTON 5	WASHINGTON 5	180632106022047
WASHINGTON 5	WASHINGTON 5	180632106022045
WASHINGTON 5	WASHINGTON 5	180632106023054
WASHINGTON 5	WASHINGTON 5	180632106023027
WASHINGTON 5	WASHINGTON 5	180632106022025
WASHINGTON 5	WASHINGTON 5	180632106022043
WASHINGTON 5	WASHINGTON 5	180632106022026
WASHINGTON 5	WASHINGTON 5	180632106022045
WASHINGTON 5	WASHINGTON 20	180632106022045
WASHINGTON 5	WASHINGTON 5	180632106022027
WASHINGTON 5	WASHINGTON 5	180632106022046
WASHINGTON 5	WASHINGTON 20	180632106022046
WASHINGTON 5		
		<hr/>
		28
		<hr/>



ORDINANCE NO. 2003-02

AN ORDINANCE TO AMEND THE HENDRICKS COUNTY INDIANA ZONING  
ORDINANCE BY AMENDING CHAPTER 4: NONCONFORMING USES

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Zoning Ordinance on November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended by amending Chapter 4: NONCONFORMING USES;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA02-26) and voted to forward a favorable recommendation to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners have received and reviewed the Plan Commission recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Section 1. Amendment of Chapter 4: Nonconforming Uses as follows:

**4.01 INTENT**

- A. Within the districts established by this Ordinance or amendments that may later be adopted there exists lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed and amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments; and
- B. It is the intent of this Ordinance to permit legally established nonconforming uses, buildings, and structures to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that legal nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district without approval from the Board of Zoning Appeals in accordance with Section 5.08 of this Ordinance.

#### **4.02 INCOMPATIBILITY OF A NONCONFORMING USE**

Legally established nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which the use is located. A legally established nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended, expanded or enlarged after passage of this Ordinance unless approved in accordance with Section 5.08 of this Ordinance.

#### **4.03 AVOIDANCE OF UNDUE HARDSHIP**

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

#### **4.04 ILLEGAL USES**

Nonconforming uses existing prior to the adoption of this Ordinance shall not be validated by virtue of its adoption.

#### **4.05 NONCONFORMING LOT OF RECORD**

- A. Any legally established lot as, defined in Section 2.02 – 257, having less than the required minimum lot area or minimum lot width required by the applicable zoning district regulations of this Ordinance, shall be deemed a permitted exception to such minimum lot area or minimum lot width and may be used for any use permitted within the applicable zoning district in which such lot is located (with the exception of Section 4.06 E of this Chapter). This provision shall apply even though such lots fail to meet the requirements for area or width, or both which are required by the applicable zoning district regulations of this Ordinance;

- B. The average of the established front yard setbacks within the block shall determine the required front yard setback. (For the purpose of this chapter a Block shall be defined as an area within 600 feet on both sides of the lot parallel to it's frontage); and
- C. All other development standards for the applicable zoning district must be met.

#### **4.06 NONCONFORMING USE OF LAND**

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, provided

- A. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. A nonconforming use shall not be moved in whole or in part to any portion of the lot other than that occupied by the uses at the effective date of adoption or amendment of this Ordinance;
- C. If a nonconforming use of land is discontinued or abandoned for more than one (1) year, the subsequent use of the land shall conform to the regulations specified by this Ordinance for the zoning district in which the land is located;
- D. No additional building or structure not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land; and
- E. Any legally established lot as, defined in Section 2.02 – 257, in any district in which single family or two family dwellings are not permitted by this Ordinance, but which exist in a residential neighborhood, a single family or two family dwelling or permitted accessory buildings may be erected in compliance with the development standards of this Ordinance.

#### **EXCEPTION:**

ONE (1) NONCONFORMING USE WHICH IS LESS INTENSIVE OR LESS OBJECTIONABLE MAY BE SUBSTITUTED FOR AN EXISTING LEGAL NONCONFORMING USE WITH APPROVAL FROM THE BOARD OF ZONING APPEALS IN ACCORDANCE WITH SECTION 5.04 OF THIS ORDINANCE.

#### **4.07 NONCONFORMING BUILDING OR STRUCTURE**

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, bulk, or other requirements concerning the building or structure, the building or structure may remain so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming building or structure may not be enlarged or altered in a way which increases its nonconformity, but any building or structure may be altered to decrease its nonconformity;
2. A legally established nonconforming building or structure may be restored to its original dimensions if damaged or partially destroyed by fire or other disaster provided that the damage or destruction does not exceed two thirds (2/3) of the gross floor area of said building or structure. All reconstruction must comply with all current state and local building code and all other applicable county codes and county ordinances; and
3. If a nonconforming building or structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

#### **4.08 NONCONFORMING USE OF A BUILDING OR STRUCTURE OR OF A BUILDING OR STRUCTURE AND LAND IN COMBINATION**

If a lawful use involving individual buildings or structures, or of a building or structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building or structure to a use permitted in the zoning district in which it is located;
2. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for

such use at the time of adoption or amendment of this Ordinance, but no use shall be extended to occupy any land outside of such building;

3. Any building or structure, or a building or structure and land in combination in which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the zoning district in which it is located, and the nonconforming use may not be resumed; and
4. When a nonconforming use of a building or structure or of a building or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impeded access to the premises), the building or structure or the building or structure and land in combination, shall not be used except in conformity with the regulations of the zoning district in which it is located.

#### **4.09 REPAIR AND MAINTENANCE**

- A. On any legally established building or structure or portion of a building or structure or a building or structure containing a legally established nonconforming use, work may be done on ordinary repairs, or on repair or replacement of bearing and nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or portion of any building or structure declared to be unsafe by any official charged with protecting the public safety, upon order of such official; and
- B. If a legally established building or structure or portion of a building or structure or a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure shall not thereafter be rebuilt or used except in conformity with the regulations of the zoning district in which it is located.

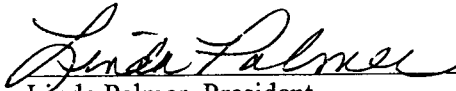
#### **4.10 USE UNDER SPECIAL EXCEPTION USE PROVISION NOT CONSIDERED NONCONFORMING USE**


Any use which is permitted as a Special Exception use in a zoning district under terms of this Ordinance shall not be deemed a nonconforming use in that district, but shall without further action be considered a conforming use.

In circumstances where there is question whether or not a nonconforming use exists, it shall be decided by the Board in accordance with Section 5.08.

Approved by the Board of County Commissioners of Hendricks County, Indiana,  
this 14<sup>th</sup> day of January, 2002.

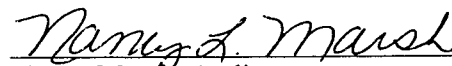
BOARD OF COMMISSIONERS

  
Linda Palmer, President

  
Steven Ostermeier, Vice President

  
Sonya R. Cleveland, Member

ATTEST:

  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-03

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA ZONING ORDINANCE BY AMENDING CHAPTER 2 (257) DEFINITIONS – SUBDIVISION.

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended by changing Chapter 2 (257) DEFINITIONS – SUBDIVISION;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA02-27) and voted to forward a favorable recommendation to the County Commissioners; and

**WHEREAS**, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

**CHAPTER 2 - DEFINITIONS**

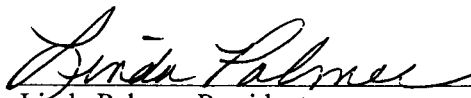
257. **SUBDIVISION:** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division and development of land opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from the Hendricks County Subdivision Ordinance:


- a. A tract, which is at least twenty (20) acres in size;
- b. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings and/or structures are created by the division;
- c. A division of land for the acquisition of street right-of-way or easement;


- d. A division of land for the sale or exchange of tracts between adjoining land owners, provided no additional building sites other than for accessory buildings and/or structures are created by the division;
- e. A division of land into cemetery plots for the purpose of burial of corpses;
- f. A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division; and
- g. A division of land prior to April 21, 1997 containing a minimum of one (1) acre of lot area and having located on such lot the principal residence.

Approved by the Board of County Commissioners of Hendricks County, Indiana,  
this 14th day of January, 2002. 3

BOARD OF COMMISSIONERS

  
Linda Palmer, President

  
Steven Ostermeier, Vice President

  
Sonya R. Cleveland, Member

ATTEST:

  
Nancy Marsh, Auditor



ORDINANCE NO. 2003-04

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA  
SUBDIVISION CONTROL ORDINANCE BY AMENDING SECTION 2.02 (121)  
DEFINITIONS – SUBDIVISION.

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on May 27, 1997;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by changing Section 2.02 (121) DEFINITIONS – SUBDIVISION;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA02-03) and voted to forward a favorable recommendation to the County Commissioners; and

**WHEREAS**, the County Commissioners have received and reviewed the Area Plan Commission's report, have considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

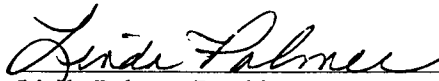
**2.02 DEFINITIONS**

121. **SUBDIVISION:** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division and development of land opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from this ordinance:
- a. A tract, which is at least twenty (20) acres in size;
  - b. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings and/or structures are created by the division;
  - c. A division of land for the acquisition of street right-of-way or easement;

- d. A division of land for the sale or exchange of tracts between adjoining land owners, provided no additional building sites other than for accessory buildings and/or structures are created by the division;
- e. A division of land into cemetery plots for the purpose of burial of corpses;
- f. A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division; and
- g. A division of land prior to April 21, 1997 containing a minimum of one (1) acre of lot area and having located on such lot the principal residence.

Approved by the Board of County Commissioners of Hendricks County, Indiana,  
this 14th day of January, 20023

BOARD OF COMMISSIONERS

  
Linda Palmer, President

  
Steven Ostermeier, Vice President

  
Sonya R. Cleveland, Member

ATTEST:

  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-05

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM W-I: WHOLESALE INDUSTRIAL DISTRICT, TO RSS: REGIONAL SUPPORT SERVICES DISTRICT. COMMONLY KNOWN AS ZA-294/LN03-01: P.J. DONOVAN, LINCOLN TOWNSHIP, PARCEL TOTALING 2.36 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 900 EAST, APPROXIMATELY 0.05 MILE NORTH OF U.S. HIGHWAY 136.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RSS: Regional Support District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-294/LN03-01: P.J. Donovan, S13-T16N-R1E, 2.36 acres, Lincoln Township, located on the west side of County Road 900 East, approximately 0.05 mile north of U.S. Highway 136.

**SECTION 2.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.


**SECTION 3.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA-294/LN03-01: P.J. Donovan set out in Hendricks County Area Plan Commission's Findings of Fact attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said documents as a part of this Ordinance.

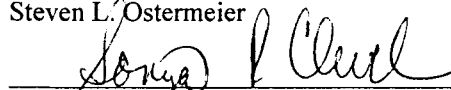
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 4<sup>th</sup> day of February, 2003.

Board of Commissioners

  
Linda Palmer

  
Steven L. Ostermeier

  
Sonya Cleveland

Attest:

  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-06  
HENDRICKS COUNTY PLANNING AND BUILDING DEPARTMENT  
AUTHORITY TO ISSUE IMPROVEMENT LOCATION PERMITS AND PROVIDE  
BUILDING INSPECTIONS IN THE CIVIL TOWN OF CLAYTON, INDIANA

WHEREAS, The Civil Town of Clayton needs assistance in the issuing of building permits and in providing building inspections for new construction, remodeling and additions to existing structures; and

WHEREAS, Section 36-7-4-802(a) of the Indiana Code allows a municipality to designate, by ordinance, the official or employee of the municipality or county who may issue improvement locations permits within the jurisdictions of the advisory plan commission; and

WHEREAS, The Town Board of Trustees of Clayton has by ordinance designated the Hendricks County Planning and Building Department as the agency to issue improvement location permits within the jurisdiction of Clayton.

NOW THEREFORE, BE IT ORDAINED THAT:

Section 1: The Board of Hendricks County Commissioners do hereby empower and authorize the Hendricks County Planning and Building Department to exercise and enforce within the boundaries of the Civil Town of Clayton the same powers as may be exercised by them in the unincorporated area of the County pursuant to issuing improvement location permits (IC 36-7-4-800). These powers include:

1. The issuing and inspections of improvement location permits pursuant to Hendricks County Ordinance No. 1987-13.
2. The enforcement of provisions of the Unsafe Building Ordinance, Hendricks County Ordinance No. 1987-2.

Section 2: All improvement location permits issued by the County within the Civil Town of Clayton will be subject to and required to pay the prescribed fees equal to those levied by the Hendricks County Plan Commission for the unincorporated area of the County.

Section 3: Applications for an improvement location permits will be made to the Hendricks County Planning Commission. However, before the Improvement Location Permit is issued, the Board of Trustees of the Civil Town of Clayton must approve the Improvement Location Permit application.

Section 4: The provisions of the ordinance are effective until such time as they are amended or repealed by the Hendricks County Board of Commissioners or until such time as the Board of Trustees of the Civil Town of Clayton serves written notice to the Hendricks County Board of Commissioners that they no longer want the County to issue improvement location permits within the Civil Town of Clayton.


This ordinance shall be in full effect from and after its passage and approved according to law.

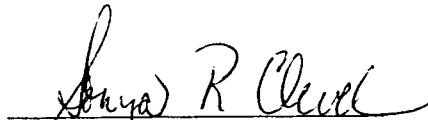
If any section, clause, paragraph, provision, or portion of this amendment shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, paragraph, provision, or portion of the amendment.

Passed and approved by the Board of Commissioners of Hendricks county, Indiana, this 4th day of February, 2003.

BOARD OF COMMISSIONERS


  
Steve Ostermeier

  
Linda Palmer

  
Sonya R. Cleveland

ATTEST:

\_\_\_\_\_  
Terry J. Jones  
Secretary

  
Auditor

Nancy

ORDINANCE NO. 2003-07

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING  
CHAPTER 14 and CREATING CHAPTER 15

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 14 and Chapter 15;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA-03-03 and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
HENDRICKS COUNTY, INDIANA AS FOLLOWS:

14.02 PRINCIPLE USES PERMITTED

C. ~~Educational Institutions, K-12 only;~~

RENUMBER THE PRINCIPLE USES PERMITTED

14.04 SPECIAL EXCEPTION USES PERMITTED

A. ~~Active Recreation~~

F. ~~Educational Institutions, K-12 only~~

N. ~~Active Recreation~~

RENUMBER THE SPECIAL EXCEPTION USES PERMITTED

14.05 DEVELOPMENT STANDARDS

A. Property Development Standards

Minimum Lot Area	<ul style="list-style-type: none"><li>65,340 square feet without public sewer and public water for detached single family and <del>two-family</del> dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement.</li><li><del>3,300 square feet for legally placed mobile homes</del></li><li><del>10,000 square feet per unit with sewer and water for detached single family and two-family dwellings with a lot width of 120 feet</del></li><li><del>15,000 square feet per unit with sewer and water for detached single family dwellings.</del></li><li><del>15,000 square feet per duplex with sewer and water for two family dwellings.</del></li><li>50,000 square feet with public water and without public sewer for detached single family <del>and two-family</del> dwellings. Lots shall have two approved locations for septic sites. The second site shall require an easement.</li><li>65,340 square feet for all other uses.</li></ul>
Minimum Lot Width	<ul style="list-style-type: none"><li>120 feet for single family <del>and two-family</del> lots with public sewer and public water.</li></ul>

	<ul style="list-style-type: none"><li>• 135 feet for single family lots without public sewer.</li><li>• 150 feet for single family lots without public sewer or public water.</li><li>• 150 feet for all other uses.</li></ul>
Minimum Ground Floor Living Area	<ul style="list-style-type: none"><li>• 2,000 square feet single story for all Major Plans</li><li>• 1,500 square feet multi-story first story, 2,000 square feet total for all Major Plans</li><li>• 1,500 square feet single story.</li><li>• 900 square feet multi-story first story, 1,500 square feet total.</li><li>• The minimum footprint for a two family dwelling, 1,900 square feet.</li><li>• The minimum unit size for a two family dwelling, 900 square feet.</li><li>• The minimum footprint for a multi-story two family dwelling is 1,500 square feet.</li></ul>

CHAPTER 15 – “R-AA” Single Family (15,000) Residential District

CHAPTER 15  
“R-AA” SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT

15.01 PURPOSE

The purpose of the “R-AA” District is to permit the construction of single family dwellings with public water and public sewer.

15.02 PERMITTED USES PERMITTED

Permitted uses shall be similar to those listed with the purposes of the Chapter shall be as follows:

- A. Single-Family Dwelling
- B. Single-Family Dwelling with Attached Garage
- C. Single-Family Dwelling with Detached Garage
- D. Single-Family Dwelling with Attached Garage and Detached Garage
- E. Single-Family Dwelling with Detached Garage and Detached Garage
- F. Single-Family Dwelling with Attached Garage and Detached Garage
- G. Single-Family Dwelling with Detached Garage and Detached Garage
- H. Single-Family Dwelling with Detached Garage and Detached Garage
- I. Single-Family Dwelling with Detached Garage and Detached Garage
- J. Single-Family Dwelling with Detached Garage and Detached Garage
- K. Single-Family Dwelling with Detached Garage and Detached Garage
- L. Single-Family Dwelling with Detached Garage and Detached Garage
- M. Single-Family Dwelling with Detached Garage and Detached Garage
- N. Single-Family Dwelling with Detached Garage and Detached Garage
- O. Single-Family Dwelling with Detached Garage and Detached Garage
- P. Single-Family Dwelling with Detached Garage and Detached Garage
- Q. Single-Family Dwelling with Detached Garage and Detached Garage
- R. Single-Family Dwelling with Detached Garage and Detached Garage
- S. Single-Family Dwelling with Detached Garage and Detached Garage
- T. Single-Family Dwelling with Detached Garage and Detached Garage
- U. Single-Family Dwelling with Detached Garage and Detached Garage
- V. Single-Family Dwelling with Detached Garage and Detached Garage
- W. Single-Family Dwelling with Detached Garage and Detached Garage
- X. Single-Family Dwelling with Detached Garage and Detached Garage
- Y. Single-Family Dwelling with Detached Garage and Detached Garage
- Z. Single-Family Dwelling with Detached Garage and Detached Garage

15.03 ACCESSORY USES PERMITTED

Accessory uses shall be permitted as follows:

- A. Home Occupation
- B. Home Occupation as regulated by Chapter 15.04
- C. Home Occupation as regulated by Chapter 15.04
- D. Home Occupation as regulated by Chapter 15.04
- E. Home Occupation as regulated by Chapter 15.04
- F. Home Occupation as regulated by Chapter 15.04
- G. Home Occupation as regulated by Chapter 15.04
- H. Home Occupation as regulated by Chapter 15.04
- I. Home Occupation as regulated by Chapter 15.04
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- U. Home Occupation as regulated by Chapter 15.04
- V. Home Occupation as regulated by Chapter 15.04
- W. Home Occupation as regulated by Chapter 15.04
- X. Home Occupation as regulated by Chapter 15.04
- Y. Home Occupation as regulated by Chapter 15.04
- Z. Home Occupation as regulated by Chapter 15.04

Accessory uses and buildings shall be incidental and subordinate in height, area, bulk, extent and purpose to the principal use. Accessory buildings shall not be erected prior to the principal building.

15.04 SPECIAL EXCEPTION USES PERMITTED

Special exception uses shall be permitted as follows:

- Active Recreation;
- Assisted Living Facility;
- Bed and Breakfast Establishments;
- Club;
- Dwelling, Mobile Home, or Dwelling, Manufactured Housing, single-unit;
- Educational Institutions, K-12 only;
- Educational Institutions, including K-12;
- Golf Course;
- Home Occupation II and III as regulated by Chapter 58;
- Non Commercial Recreation;
- Nursing Home;
- Private Kennel;
- Publicly Owned Buildings and Facilities;
- Religious Places of Worship;
- Secondary Dwelling; and
- Two Family Dwelling.

15.05 DEVELOPMENT STANDARDS

Property Development Standards

The minimum dimension of lots and yards and the heights of buildings shall be as shown in the following accompanying table.

"R-AA" Single Family (15,000) Residential District	
Minimum Lot Area	<ul style="list-style-type: none"><li>• 5,000 square feet for lots with a maximum of one building.</li><li>• 5,000 square feet for lots with two or more buildings.</li></ul>
Minimum Lot Width	<ul style="list-style-type: none"><li>• 100 feet for single-family lots with one building.</li><li>• 50 feet for all other lots.</li></ul>
Minimum Lot Frontage	<ul style="list-style-type: none"><li>• 50 feet.</li></ul>
Maximum Lot Coverage	<ul style="list-style-type: none"><li>• 35 percent of the total lot area for principal structures.</li><li>• 5 percent of 5,000 square feet for accessory structures.</li><li>• Greater for accessory structures.</li></ul>
Minimum Ground Floor Living Area	<ul style="list-style-type: none"><li>• 1,500 square feet single-unit.</li><li>• 2,000 square feet multi-unit.</li><li>• The minimum footprint for a single-unit shall be 1,500 square feet.</li><li>• The minimum unit size for a two-unit shall be 2,000 square feet.</li><li>• The minimum footprint for a multi-unit shall be 2,000 square feet.</li></ul>
Maximum Height	<ul style="list-style-type: none"><li>• 40 feet principal structure.</li><li>• 18 feet accessory structure.</li></ul>
Minimum Front Yard Setback	<ul style="list-style-type: none"><li>• 50 feet from the R.O.W. when fronting onto a principal arterial.</li><li>• 50 feet from the R.O.W. when fronting onto a principal arterial.</li><li>• 45 feet from the R.O.W. when fronting onto a minor arterial.</li><li>• 35 feet from the R.O.W. when fronting onto a local street.</li></ul>



[illegible]

## Minimum safe stowage and loading requirements shall be governed by Chapter 9.

Maximum size requirements shall be as regulated by Chapter 60

## Common bulk storage standards shall be as regulated by Chapter 501

BOARD OF COMMISSIONERS

  
Steven Ostermeier, Vice President

Nancy R. Marsh  
Nancy Marsh, Auditor

**ORDINANCE No.: 2003-08**

WHEREAS, pursuant to Indiana Code 5-14-3.3, a county may enact an ordinance pursuant to Indiana Code 4-22-2; and

WHEREAS, I.C. 4-22-2 permits the County to enact an ordinance to prohibit information obtained from the County for a commercial purpose; and

WHEREAS, the definition of commercial purpose is to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person (as defined in I.C. 5-14-3-2) for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of new, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d);

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDRICKS COUNTY that the County hereby prohibits information obtained from the County Treasurer to be used for a commercial purpose.

BE IT FURTHER ORDAINED that violation of this Ordinance shall result in a fine in the amount of One Thousand Dollars (\$1,000).

BE IT FURTHER ORDAINED that a violation of this Ordinance will cause the person, entity, corporation, company, or proprietorship to be prohibited from obtaining any further information from the County.

SO PASSED this 1<sup>st</sup> day of APRIL, 2003.

HENDRICKS COUNTY BOARD OF  
COMMISSIONERS

Linda Palmer  
Linda Palmer, President

Steven Ostermeier  
Steven Ostermeier

Sonya Cleveland  
Sonya Cleveland

Attest:  
Nancy L. Marsh  
Auditor

ORDINANCE NO. 2003-09

358 AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY,  
FROM R-A: SINGLE FAMILY (15,000) DISTRICT, TO PUD: PLANNED UNIT  
DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-293/WA03-01  
CEDAR RUN LIMITED INC., WASHINGTON TOWNSHIP, PARCEL  
TOTALING 362.02 ACRES, BOUNDED BY COUNTY ROAD 200 SOUTH,  
COUNTY ROAD 800 EAST, 300 SOUTH, AND CLARK'S CREEK.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: **ZA-293/WA03-01 CEDAR RUN LIMITED INC.**, S24-T15N-R1E, 362.02 acres, Washington Township, located South of County Road 200 South, East of County Road 800 East, North of 300 South, and East & West of Clark's Creek.

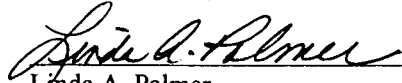
**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

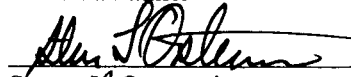
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

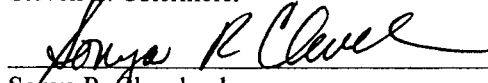
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 27<sup>th</sup> day of April, 2003.

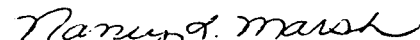
Board of Commissioners

  
Linda A. Palmer

  
Steven V. Ostermeier

  
Sonya R. Cleveland

Attest:

  
Nancy Marsh, Auditor

2003-10  
**ORDINANCE ESTABLISHING  
CUMULATIVE BRIDGE FUND**

BE IT RESOLVED by the Board of County Commissioners of Hendricks County, Indiana that a need now exists for the establishment of a Cumulative Bridge Fund for the following purposes:

*For all uses as set out in IC 8-16-3.*


BE IT FURTHER RESOLVED THAT THIS board will adhere to the provisions of Indiana Code IC 8-16-3. The proposed fund will not exceed \$.05 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2003 payable 2004.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 3<sup>rd</sup> day of June, 2003, and a certified copy of this ordinance be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance.


Duly adopted by the following vote of the members of said Board of County Commissioners this 3<sup>rd</sup> day of June 2003.

AYE

NAY

  
Linda A. Palmer, President

\_\_\_\_\_  
Linda A. Palmer, President

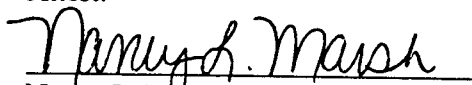
  
Steven L. Ostermeier, Vice President

\_\_\_\_\_  
Steven L. Ostermeier, Vice President

  
Sonya R. Cleveland, Member

\_\_\_\_\_  
Sonya R. Cleveland, Member

Attest:

  
Nancy L. Marsh, Auditor

Nancy

ORDINANCE NO. 2003-11

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT AND R-B: SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT TO R-B: SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-299/WA03-04: BAY DEVELOPMENT CORPORATION; WASHINGTON TOWNSHIP, PARCEL TOTALING 124.00 ACRES, LOCATED ON THE WEST SIDE OF COUNTY ROAD 625 EAST, APPROXIMATELY 0.25 MILE SOUTH OF COUNTY ROAD 100 SOUTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RB: Single Family (12,500) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-299/WA03-04: Bay Development Corporation., S15-T15N-R1E, 124.00 acres, Washington Township, located on the west side of County Road 625 East, approximately 0.25 mile south of County Road 100 South.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

3rd Approved by the Board of County Commissioners of Hendricks County, Indiana, the \_\_\_\_ day of June, 2003.

Board of Commissioners

Linda A. Palmer  
Linda A. Palmer

Steven L. Ostermeier  
Steven L. Ostermeier

Sonya R. Cleveland  
Sonya R. Cleveland

Attest:

Nancy A. Marsh  
Nancy Marsh, Auditor

ZONING AND DEVELOPMENT STIPULATIONS  
BAY DEVELOPMENT - ZA-299

SOUTH 40 ACRES

1. All Lots abutting the south line (nearest Timber Bend Subdivision) shall be a minimum of 18,000 square feet in size and 120 feet in width at the building setback line.
2. All other Lots in this section shall be 15,000 square feet in size and 100 feet in width at the building set back line.
3. There shall be no more than 64 building lots.
4. All two-story homes shall be a minimum of 2,200 square feet and all one-story ranches shall be a minimum of 1,900 square feet.
5. No exterior vinyl siding shall be allowed.
6. Home architecture and construction shall be typical to the "Lenox", "Laurel", "Whittier", "Townsend", and "Leighton" home elevations attached hereto and made a part hereof.
7. Any home abutting the East and South property lines shall have a first floor brick wrap (all four sides) minimum.
8. This section shall be developed and built according to those proposed R-AA standards as of May 16, 2003 (a copy being attached hereto and made a part hereof), with one exception. There may be instances along curves or cul-de-sacs when lots are angled that we cannot meet the 35 feet required distance between principal buildings. However, the 15-foot minimum set back will always be met.

NORTH 80 ACRES

1. All Lots shall be a minimum of 12,500 square feet and 85 feet in width at the building set back line.
2. There shall be no more than 135 Lots.
3. All two-story homes shall be a minimum of 2,000 square feet and all one-story ranches shall be a minimum of 1,600 square feet.
4. Any home along the East line and abutting County Road 625 East shall have a first floor brick wrap (all four sides) minimum.
5. Home architecture and construction shall be typical of the "Longmeade II" and "Eastham" home elevations attached hereto and made a part hereof.

OVERALL PROJECT

1. There shall be no more than 199 Lots (Gross density of 1.7 homes per acre).
2. All efforts shall be made by developer to maintain any existing trees along the property lines, including designing the project to retain the trees, and installing a chair-back curb along County Road 625 East for the sole purpose of retaining the trees. In the event the trees along the County Road cannot be retained due to the County right-of-way development requirements, a chair-back curb will not be used.
3. A sidewalk or trail shall be installed along County Road 625 East for the length of the development.

**RECEIVED**

MAY 30 2003

HENDRICKS COUNTY  
PLANNING & BUILDING DEPARTMENT

4. There shall be at least thirty (30) acres of open space. The vast majority shall be maintained as natural, passive space but for the central common area, which shall contain a shelter house in substantial conformity to the picture attached hereto and made a part hereof. The central common area shall have a path leading to the passive open space.
5. This development shall require Restrictive Covenants with a Homeowners Association that will include an architectural control committee and be in substantial conformity as the example submitted herewith.
6. High quality standard mailboxes with an ornamental post will be required for every home.
7. No outbuildings will be allowed.
8. All model homes shall have the maximum brick offered for the series/type of home offered by the builder.
9. At least one-half of the homes shall have a minimum 480 square foot garage.
10. Sod shall be installed in all front yards after construction of the home.
11. Chain-link fences shall be prohibited.
12. Developer shall fill in any gaps in tree lines along the East and South property lines.
13. Homes built along County Road 625 East shall have varying set backs as reasonably necessary to avoid the appearance of a straight row.
14. Developer shall contribute up to three hundred (300) feet of off-site sidewalk.
15. Developer shall contribute its pro-rata share of off-site road intersection improvement costs as negotiated with the County Engineer and approved by the Hendricks County Commissioners.
16. All homes shall, at a minimum shall contain certain architectural features as listed in the Addendum to Zoning Conditions attached hereto and made a part hereof.
17. The following language shall appear on the final recorded plat regarding homes built on a ravine: "Any property owner(s) of a lot contained within this Plat hereby releases and holds harmless The County Of Hendricks, State of Indiana, for any potential erosion to any lot herein which may be caused by the construction of a home thereon or for any other causation, foreseeable or unforeseeable."
18. The developer is willing to dedicate all its ground west of White Lick Creek to a proper government or not-for-profit agency to use as a linear park/trail system. Developer will retain the ground east of the creek. Our preliminary plan shows what will be Common Area. That Common Area will be passive recreation, maintained in its natural condition. Access points to the passive Common Area are also depicted on the preliminary plan and developer will install a 12-foot asphalt path to a lift station located in the Common Area.
19. The following home builders and home building companies shall be restricted from constructing homes in the development as requested by the Timber Bend Homeowners Association: Arbor Homes, Beezer Homes, Crossman Communities, Biltmore Homes, Centex Homes, CP Morgan Co., Dura Builders, Davis/Best Homes, Bruce Gunstra Builders, Portrait Homes, Ryan Homes, Ryland Homes, Sentry Homes, TK Constructors, and Trinity Homes.

Respectfully submitted,

Bay Development Corporation

ADDENDUM TO ZONING CONDITIONS  
REQUIRED ARCHITECTURAL FEATURES  
ONE-STORY HOMES

REQUIREMENTS:

- Front elevations shall be 100% brick, stone, or cultured stone, excluding windows and doors, up to 8' in height or equivalent square footage coverage if design dictates. This requirement may also be met by utilizing a masonite or masonry/wood based siding product in lieu of vinyl on 100% of all elevations of the home or building.
- Dimensional "shadow style" shingle.
- Window grids on all "bung-style" (operable non-casement) windows on all elevations.
- Chimney chases extending above gutter line must be enclosed.
- Garage Door Linear Footage Ratios are as follows:
  - Two-car garage door (16') must not exceed 40% of the front elevation linear footage of the home. If a third car garage door is added, overall garage door length (24') must not exceed 45% of the front elevation linear footage of the home. Side load garages are encouraged and are not subject to this ratio.
- Dusk to dawn lighting required on both sides of garage door.
- All roof pitches should be 6/12 minimum, exclusive of porches, bump-outs, or dormers.
- All vinyl siding shall be a minimum (0.042) ASTM D3679 Class I Wood, masonite, and cement based siding products are encouraged.
- No homes shall have the same front elevation or exact color scheme within a 3-lot "snapshot" on the same side of the street, or of the home immediately across the street from the center home of the 3-lot "snapshot".
- Minimum two- (2) car garage.
- All garage doors shall include window lights or must be heavily embossed with a decorative design/panels with a side window on all front-loading garages.
- All roof overhangs must extend 12" beyond wall structure on all elevations.

In addition, all homes shall have at least four (4) of the items below:

- Dormers.
- Reverse gable or hip roof.
- Covered front porch (minimum 16 sq. ft.).
- Decorative door surround, trim molding or header.
- Decorative front door, sidelights or transom.
- Side garage bump-out (minimum 2 feet).
- Dimensional "shaped" shingle.
- Accent siding, decorative vents, or phypon accents in gable peak or face.
- Shutters on windows.



- Keystone or decorative brick, wood, or phypon surround on one or more windows or doors.
- Bay or "boxed-out" window.
- Decorative porch railing.
- Decorative columns.
- Decorative trim molding at gutter height.
- Brick full height of front façade including gables.
- Brick wainscot around sides and rear elevations.
- Additional wall mounted exterior lights.
- Post mounted decorative yard light as approved by covenants.

ADDENDUM TO ZONING CONDITIONS  
REQUIRED ARCHITECTURAL FEATURES  
TWO-STORY HOMES

REQUIREMENTS:

- Front elevations shall be 100% brick, stone, or cultured stone, excluding windows and doors, up to 8' in height or equivalent square footage coverage if design dictates. This requirement may also be met by utilizing a masonite or masonry/wood based siding product in lieu of vinyl on 100% of all elevations of the home or building.\*
- Dimensional "shadow style" shingle.
- Window grids on all "bung-style" (operable non-casement) windows on all elevations.
- Chimney chases extending above gutter line must be enclosed.
- Garage Door Linear Footage Ratios are as follows:
  - Two-car garage door (16') must not exceed 40% of the front elevation linear footage of the home. If a third car garage door is added, overall garage door length (24') must not exceed 45% of the front elevation linear footage of the home. Side load garages are encouraged and are not subject to this ratio.
- Dusk to dawn lighting required on both sides of garage door.
- All roof pitches should be 6/12' minimum, exclusive of porches, bump-outs, or dormers.
- Any side elevation windows shall be treated by shutters, decorative header or surround.
- All vinyl siding shall be a minimum (0.042) ASTM D3679 Class I Wood, masonite, and cement based siding products are encouraged.
- No homes shall have the same front elevation or exact color scheme within a 3-lot "snapshot" on the same side of the street, or of the home immediately across the street from the center home of the 3-lot "snapshot".
- Minimum two- (2) car garage.
- All garage doors shall include window lights or must be heavily embossed with a decorative design/panels with a side window on all front-loading garages.
- All roof overhangs must extend 12" beyond wall structure on all elevations.

\*Brick requirement is waived if front elevation has a covered front porch of at least 60 sq. ft.

In addition, pick at least four (4) of the items below:

- Dormers.
- Reverse gable, or hip roof.
- Covered front porch (minimum 16 sq. ft.)
- Decorative door surround, trim molding or header.
- Decorative front door, sidelights or transom.
- Side garage bump-out (minimum 2 feet).
- Dimensional "shaped" shingle.

- Accent siding, decorative vents, or phypon accents in gable peak or face.
- Shutters on windows.
- Keystone or decorative brick, wood, or phypon surround on one or more windows or doors.
- Bay or "boxed-out" window.
- Decorative porch railing.
- Decorative columns.
- Decorative trim molding at gutter height.
- Increased use of brick over minimum, or additional use of brick on porch exemptions.
- Brick foundation of at least 18" above grade level on porch exemption.
- Additional wall mounted exterior lights.
- Post mounted decorative yard light as approved by covenants.

Nancy

ORDINANCE NO. 2003-12

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, TO GB: GENERAL BUSINESS DISTRICT. COMMONLY KNOWN AS ZA-297/WA03-02: EVANS/LUX RACEWAY LLC; WASHINGTON TOWNSHIP, PARCEL TOTALING 10.68 ACRES, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 100 NORTH, APPROXIMATELY 0.05 MILE WEST OF RACEWAY ROAD.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB: General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-297/WA03-02: Evans/Lux Raceway LLC, S5-T15N-R2E, 10.68 acres, Washington Township, located on the south side of County Road 100 North, approximately 0.05 mile west of Raceway Road.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

17<sup>th</sup> day of June, 2003. Approved by the Board of County Commissioners of Hendricks County, Indiana, the \_\_\_\_

Board of Commissioners

Linda A. Palmer  
Linda A. Palmer

Steven L. Ostermeier  
Steven L. Ostermeier

Sonya R. Cleveland  
Sonya R. Cleveland

Attest:

Nancy A. Marsh  
Nancy Marsh, Auditor

## DEVELOPMENT COMMITMENTS

The following development commitments are made in connection with zoning petition number ZA-297/WA03-02 and are in addition to all other obligations under the Hendricks County Zoning Ordinance.

### A. Building size restrictions –

For any proposed development on the subject property gross building square footage shall be limited as follows:

1. For retail uses – not more than 9,500 square feet of building per acre of land (net of right-of-way) developed
2. For office uses – not more than 19,000 square feet of building per acre of land developed

### B. Traffic/right-of-way issues

#### 1. Right-of-way/road improvements

- a. At the time the property is developed, all owners shall grant additional right-of-way reasonably necessary for the completion of road improvements consistent with the recommendations of the traffic study or the Hendricks County thoroughfare plan, whichever is greater.
- b. All road improvements necessitated by the development of the property in accordance with the traffic study shall be made by the property owner at the owner's expense at the time of development.

#### 2. Single access point

The subject property shall have one point of access on CR 100 North which shall be no closer than 300' (measured centerline to centerline) from an approved entry on the adjacent parcel at the corner of CR 100 N and Raceway Road and, in no event, no closer than 500' from the intersection of CR 100 N and Raceway Road.

#### 3. Reciprocal access easements

All owners agree to grant such reciprocal ingress and egress easements as may be reasonably necessary to give effect the single point of access commitment B.2 above.

### C. Bufferyards/Landscaping

1. A 30' bufferyard shall be provided on the south and west property lines of parcel A & B and per ordinance for all other parcels.
2. Landscaping in the bufferyard of Parcel A & B shall be a level 4 landscape as described in section 50.05.F.2 of the Hendricks County zoning ordinance and shall include an earthen mound not less than 3' in height and 6'-high shadow-box fence in 24' sections (3 sections per 100 lineal feet along the property line) interrupted by tree plantings. Bufferyard landscaping for all other parcels shall be according to ordinance.

3. Owners will endeavor to retain existing trees of 6" trunk size or greater within the bufferyard area.

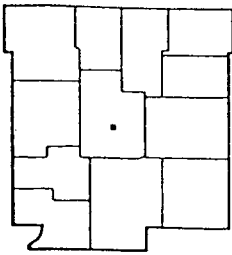
D. Architectural Standards

1. Street-facing façades of all buildings on the subject property and all facades of buildings on outlots of the subject property (defined as buildings located within 300 feet of the right-of-way for CR 100 N) shall be constructed of or faced with Approved Exterior Materials as defined below.
2. Approved Exterior Materials shall be limited to the following:
  - a. brick,
  - b. natural or cultured stone,
  - c. wood
  - d. pre-cast or architectural concrete products designed to simulate the foregoing
  - e. Exterior Insulated Finishing System (EIFS)
  - f. Glass
  - g. Other materials which may be approved by the Planning Director (without Plan Commission approval)
3. Smooth-face concrete block, metal and vinyl shall not be permitted as a siding material, excepting metal used as an architectural accent feature to a façade which is otherwise primarily constructed of Approved Exterior Materials.

The foregoing commitments shall be applicable only to new development on the property and shall not affect existing structures or uses.

Evans/Lux Raceway, LLC

By:   
R. Stanton Evans. member



# Hendricks County Area Plan Commission Staff

HENDRICKS COUNTY GOVERNMENT CENTER  
355 South Washington, #212 • Danville, Indiana 46122-1759  
Phone (317) 745-9254 • Fax 745-9347 • TDD (317) 745-9391


## ZONING AMENDMENT PROJECT DATA

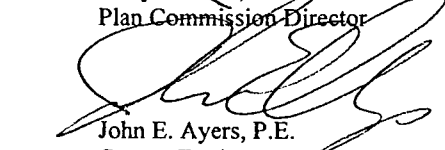
DATE	April 8, 2003			
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission			
PROJECT	ZA-297	WA03-02	EVANS/LUX RACEWAY, LLC	
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION	
	R-A	GB	Favorable subject to staff comments	
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST
	Vacant/Commercial	Residential	Commercial	Residential
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST
	PUD	R-A	GB	R-A
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER
	10.68 acres	Washington	S5-T15N-R2E	N/A
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK
	C.R. 100 North	Urban Minor Art.	50 feet (1/2)	75 feet
SEWER AND WATER	SEWER		WATER	
	Hendricks County Regional Sewer District		Indianapolis Water Company	
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME	FROM	TO
	ZA-161	WA97-07	Don Murray	R-1 C-2
	ZA222	WA99-05	Evans/Lux Raceway, LLC	R-1 C-2
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.			
	This project complies with the Hendricks County Comprehensive Plan.			


**STAFF COMMENTS:**

1. The 1998 Comprehensive Plan designates this area as Major Corridors on the Policy Areas Map and Medium Density Residential w/Urban Services 1-4 units per acre. The Planned Unit Development to the north has commercial proposed and the property is east is zoned GB General Business District.
2. As part of the Development Commitments provided by the applicant, the staff recommends that the following commitment be amended:
  - a. B. (1.)(a.) Include "or thoroughfare plan which ever is greater"
3. The applicant's layout shows access points to this property from a previously approved development plan to the east. The development plan review approval for that property has expired and the access points for this project may be affected.
4. The applicant has provided a list of proposed exterior materials for the buildings. With a limited use of the split face block, staff believes that the materials proposed would be acceptable in this area. Staff recommends language be included that requires architectural elements be used to break up long facades and that entryways be covered.
5. Staff believes the north drive onto Raceway Road should be eliminated. This project must provide access easements for the previously approved plat located at the northeast corner of this development.
6. The traffic study indicates that left turn lanes are required at both drives onto CR 100 North, and at both drives onto Raceway Road. This should be accomplished by widening Raceway Road the full length of the project, and by widening CR 100 North from the intersection back to the widening done for the Linden Square entrance. In addition, deceleration tapers are also needed.
7. The traffic study also indicates that a right turn lane is required at Raceway Road and CR 200 North for northbound traffic. This should also be constructed.
8. The applicant had requested staff comments regarding architectural standards for the commercial buildings. Staff provided the following elements to be considered, however other elements could be included by the applicant or the Plan Commission:
  - a. Maximum lengths of walls with out breaks;
  - b. Covered entrances with architectural elements;
  - c. Language that requires a similar design character for outlots so that outbuildings don't become a franchises "sign";
  - d. Language that states all four sides of an outlot building will appear as a front or side façade; and
  - e. Screening of service doors/entrances must be addressed.

Sincerely,

  
Terry J. Jones, AICP  
Plan Commission Director

  
John E. Ayers, P.E.  
County Engineer

  
Cathy Grindstaff, R.E.H.S.  
Environmental Health Director

cc: Evans/Lux Raceway, LLC  
Comer Law Office  
David L. Gaston, P.L.S., County Surveyor

OFF  
6-17-03



REVISED ORDINANCE NO. 2003-12

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, TO GB: GENERAL BUSINESS DISTRICT. COMMONLY KNOWN AS ZA-297/WA03- 02: EVANS/LUX RACEWAY LLC; WASHINGTON TOWNSHIP, PARCEL TOTALING 10.68 ACRES, LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 100 NORTH, APPROXIMATELY 0.05 MILE WEST OF RACEWAY ROAD.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 17th day of June on the year 2003, be amended so as to include in the GB: General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-297/WAO3-02: Evans/Lux Raceway LLC, S5-T15N-R2E, 10.68 acres, Washington Township, located on the south side of County Road 100 North, approximately 0.05 mile west of Raceway Road.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

**SECTION 3.** The Hendricks County Board of Commissioners hereby stipulate that item 8 (c) of the Hendricks County Plan Commission Staff Report dated April 8, 2003 (a copy of which is attached hereto and made a part hereof) has been satisfied by the Development Commitments included as part of "Exhibit A", and therefore said item 8 (c) shall not apply to this Ordinance.

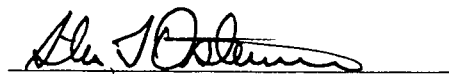
**SECTION 4.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.


**SECTION 5.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners, and shall replace the original Ordinance No. 2003-12 approved on June 17<sup>th</sup>, 2003.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 5<sup>th</sup> day of August, 2003.

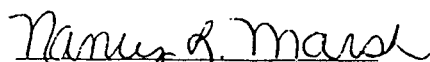
Board of Commissioners

  
Linda A. Palmer

  
Steven L. Ostermeier

  
Sonya R. Cleveland

Attest:

  
Nancy Marsh, Auditor

## DEVELOPMENT COMMITMENTS

The following development commitments are made in connection with zoning petition number ZA-297/WA03-02 and are in addition to all other obligations under the Hendricks County Zoning Ordinance.

### A. Building size restrictions –

For any proposed development on the subject property gross building square footage shall be limited as follows:

1. For retail uses – not more than 9,500 square feet of building per acre of land (net of right-of-way) developed
2. For office uses – not more than 19,000 square feet of building per acre of land developed

### B. Traffic/right-of-way issues

#### 1. Right-of-way/road improvements

- a. At the time the property is developed, all owners shall grant additional right-of-way reasonably necessary for the completion of road improvements consistent with the recommendations of the traffic study or the Hendricks County thoroughfare plan, whichever is greater.
- b. All road improvements necessitated by the development of the property in accordance with the traffic study shall be made by the property owner at the owner's expense at the time of development.

#### 2. Single access point

The subject property shall have one point of access on CR 100 North which shall be no closer than 300' (measured centerline to centerline) from an approved entry on the adjacent parcel at the corner of CR 100 N and Raceway Road and, in no event, no closer than 500' from the intersection of CR 100 N and Raceway Road.

#### 3. Reciprocal access easements

All owners agree to grant such reciprocal ingress and egress easements as may be reasonably necessary to give effect the single point of access commitment B.2 above.

### C. Bufferyards/Landscaping

1. A 30' bufferyard shall be provided on the south and west property lines of parcel A & B and per ordinance for all other parcels.
2. Landscaping in the bufferyard of Parcel A & B shall be a level 4 landscape as described in section 50.05.F.2 of the Hendricks County zoning ordinance and shall include an earthen mound not less than 3' in height and 6'-high shadow-box fence in 24' sections (3 sections per 100 lineal feet along the property line) interrupted by tree plantings. Bufferyard landscaping for all other parcels shall be according to ordinance.
3. Owners will endeavor to retain existing trees of 6" trunk size or greater within the bufferyard area.

D. Architectural Standards

1. Street-facing façades of all buildings on the subject property and all façades of buildings on outlots of the subject property (defined as buildings located within 300 feet of the right-of-way for CR 100 N) shall be constructed of or faced with Approved Exterior Materials as defined below.
2. All street-facing façades and the east and west sides of buildings on outlots of the subject property shall be broken by architectural elements of appropriate scale and dimension according to the following schedule:
  - a. For façades longer than 100 feet – not less than three (3) architectural breaks with a maximum separation of breaks of 100 feet
  - b. For façades between 50 and 100 feet – not less than two (2) architectural breaks
  - c. For façades less than 50 feet – not less than one (1) architectural break.
3. Primary building entrances (excluding delivery, service and employee-only entrances) shall be covered and shall be defined by architectural elements appropriate to the architectural style of the building as a whole.
4. Approved Exterior Materials shall be limited to the following:
  - a. brick,
  - b. natural or cultured stone,
  - c. wood
  - d. pre-cast or architectural concrete products designed to simulate the foregoing
  - e. Exterior Insulated Finishing System (EIFS)
  - f. Glass
  - g. Other materials which may be approved by the Planning Director (without Plan Commission approval)
5. Smooth-face concrete block, metal and vinyl shall not be permitted as a siding material, excepting metal used as an architectural accent feature to a façade which is otherwise primarily constructed of Approved Exterior Materials.
6. All service doors/entrances and loading docks shall be screened from view by walls constructed of materials consistent with the adjacent exterior wall of the building or hedge planting of evergreen trees or shrubs of a height equal to or greater than the door/entrance/dock being screened.

The foregoing commitments shall be applicable only to new development on the property and shall not affect existing structures or uses.

Evans/Lux Raceway, LLC

By:   
R. Stanton Evans, Member

**FINDING OF FACT  
HENDRICKS COUNTY AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA**

WHEREAS, Hendricks County Area Plan Commission shall in all cases heard by it make written findings of fact which support their determinations in accordance with Indiana Code 36-7-4-306; and

WHEREAS, the Hendricks County Area Plan Commission has held a public hearing and has given consideration to application  
ZA-297/WA03-02: EVANS/LUX RACEWAY LLC

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "Hendricks County Comprehensive Plan 1998", adopted July 13, 1998 established under Indiana Code 36-7-4-500 and that such a plan provides development policy within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County zoning Ordinance, adopted November 5, 2001 effective November 6, 2001 established under Indiana Code 36-7-4-600 and that such an ordinance for development, through zoning, of the County of Hendricks, Indiana, provides for enforcement and penalties for the violation thereof; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County Subdivision Control Ordinance, adopted May 27, 1997 established under Indiana Code 36-7-4-700 and that such an Ordinance provides for the subdivision of land within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the recommendations, stipulations or any necessary conditions, listed below, requested by the public, planning staff or any Area Plan Commission member(s);

SUBJECT TO THE FOLLOWING:

1. ADDING "RECIPROCAL" ACCESS EASEMENTS TO STAFF COMMENT #5;

AND

2. ADDING THE WORD "DOCKS" TO STAFF COMMENT #8 (E).

\_\_\_\_\_

\_\_\_\_\_

WHEREAS, the proposed zoning amendment: ZA-297/WA03-02:  
EVANS/LUX RACEWAY LLC

~~Will~~ Will not adversely effect the elements of the Hendricks County  
Comprehensive Development Plan;

THEREFORE BE IT RESOLVED, the Hendricks County Area Plan  
Commission submits A FAVORABLE


recommendation to the Board of County Commissioners for ZA-297/WA03-02:  
EVANS/LUX RACEWAY LLC

on this date APRIL 15, 2003.

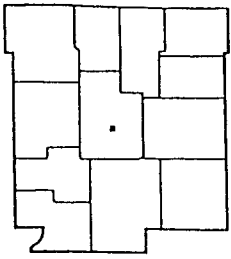
FOREGOING RESOLUTION, submitted by MR. CAIN  
and seconded by MRS. GROVES.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
C. Richard Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Jo Ann Groves	<u>X</u>	<u>0</u>	<u>0</u>
Dr. Tim Jackson	<u>X</u>	<u>0</u>	<u>0</u>
Jon Cain	<u>X</u>	<u>0</u>	<u>0</u>
Wayne Johnson	<u>X</u>	<u>0</u>	<u>0</u>
Steven L. Ostermeier	<u>0</u>	<u>X</u>	<u>0</u>
Sonnie Johnston	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>5</u>	<u>1</u>	<u>0</u>

  
C. Richard Whicker, President

  
Todd A. Barker, Acting Secretary

REVISED: JANUARY 2003



# ***Hendricks County Area Plan Commission Staff***

HENDRICKS COUNTY GOVERNMENT CENTER  
355 South Washington, #212 • Danville, Indiana 46122-1759  
Phone (317) 745-9254 • Fax 745-9347 • TDD (317) 745-9391

## **MEMORANDUM**

**TO:** Hendricks County Board of Commissioners  
**FROM:** Hendricks County Plan Commission  
**DATE:** April 15, 2003  
**RE:** Zoning Map Amendment  
ZA-297/WA03-02: EVANS/LUX RACEWAY LLC

The Hendricks County Plan Commission offers you the following report on the Zoning Map Amendment application of ZA-297/WA03-02: Evans/Lux Raceway LLC.

The applicants petitioned the Plan Commission to amend the zoning district classification map for the following described real estate: 10.68 acres, Washington Township, S5-T15N-R2E, located on the south side of County Road 100 North, approximately 0.08 mile west of Raceway Road.

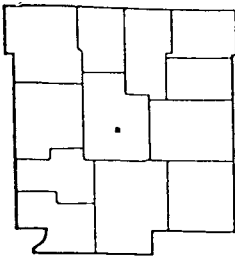
The requested zoning amendment is to change the zoning district classification from R-A: Single Family (15,000) Residential District to GB: General Business District.

The Plan Commission's recommendation on the petition of the applicant is favorable.

Hendricks County Plan Commission  
Hendricks County, Indiana

By:   
C. Richard Whicker, President

  
Todd A. Barker, Acting Secretary



# Hendricks County Area Plan Commission Staff

HENDRICKS COUNTY GOVERNMENT CENTER  
355 South Washington, #212 • Danville, Indiana 46122-1759  
Phone (317) 745-9254 • Fax 745-9347 • TDD (317) 745-9391


## ZONING AMENDMENT PROJECT DATA

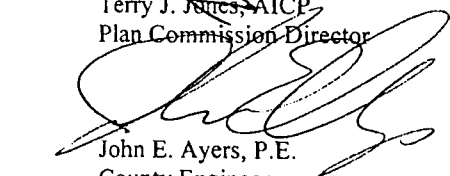
DATE	April 8, 2003					
AGENCY REVIEWS	Hendricks County Board of Commissioners Hendricks County Area Plan Commission					
PROJECT	ZA-297	WA03-02	EVANS/LUX RACEWAY, LLC			
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION			
	R-A	GB	Favorable subject to staff comments			
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST		
	Vacant/Commercial	Residential	Commercial	Residential		
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST		
	PUD	R-A	GB	R-A		
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER		
	10.68 acres	Washington	S5-T15N-R2E	N/A		
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK		
	C.R. 100 North	Urban Minor Art.	50 feet (1/2)	75 feet		
SEWER AND WATER	SEWER		WATER			
	Hendricks County Regional Sewer District		Indianapolis Water Company			
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT		NAME		FROM	TO
	ZA-161	WA97-07	Don Murray		R-1	C-2
	ZA222	WA99-05	Evans/Lux Raceway, LLC		R-1	C-2
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.					
	This project complies with the Hendricks County Comprehensive Plan.					


**STAFF COMMENTS:**

1. The 1998 Comprehensive Plan designates this area as Major Corridors on the Policy Areas Map and Medium Density Residential w/Urban Services 1-4 units per acre. The Planned Unit Development to the north has commercial proposed and the property is east is zoned GB General Business District.
2. As part of the Development Commitments provided by the applicant, the staff recommends that the following commitment be amended:
  - a. B. (1.)(a.) Include "or thoroughfare plan which ever is greater"
3. The applicant's layout shows access points to this property from a previously approved development plan to the east. The development plan review approval for that property has expired and the access points for this project may be affected.
4. The applicant has provided a list of proposed exterior materials for the buildings. With a limited use of the split face block, staff believes that the materials proposed would be acceptable in this area. Staff recommends language be included that requires architectural elements be used to break up long facades and that entryways be covered.
5. Staff believes the north drive onto Raceway Road should be eliminated. This project must provide access easements for the previously approved plat located at the northeast corner of this development.
6. The traffic study indicates that left turn lanes are required at both drives onto CR 100 North, and at both drives onto Raceway Road. This should be accomplished by widening Raceway Road the full length of the project, and by widening CR 100 North from the intersection back to the widening done for the Linden Square entrance. In addition, deceleration tapers are also needed.
7. The traffic study also indicates that a right turn lane is required at Raceway Road and CR 200 North for northbound traffic. This should also be constructed.
8. The applicant had requested staff comments regarding architectural standards for the commercial buildings. Staff provided the following elements to be considered, however other elements could be included by the applicant or the Plan Commission:
  - a. Maximum lengths of walls with out breaks;
  - b. Covered entrances with architectural elements;
  - c. Language that requires a similar design character for outlots so that outbuildings don't become a franchises "sign";
  - d. Language that states all four sides of an outlot building will appear as a front or side façade; and
  - e. Screening of service doors/entrances must be addressed.

Sincerely,

  
Terry J. Jones, AICP  
Plan Commission Director

  
John E. Ayers, P.E.  
County Engineer

  
Cathy Grindstaff, R.E.H.S.  
Environmental Health Director

cc: Evans/Lux Raceway, LLC  
Comer Law Office  
David L. Gaston, P.L.S., County Surveyor



ORDINANCE NUMBER 2003- 13

**ORDINANCE FOR REAL PROPERTY ENDORSEMENT FEE**

WHEREAS, in accordance with Indiana Code 36-2-9-18(d), the Auditor of Hendricks County may collect a fee of Five Dollars (\$5.00) for each legal description of each parcel contained in the deed for which the auditor makes a real property endorsement; and

WHEREAS, said sum collected shall be placed in a dedicated fund for the use of maintaining plat books; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing body for said Auditor and County; and

BE IT THEREFORE ORDAINED that in accordance with Indiana Code 36-2-9-18(d), the Auditor of Hendricks County, Indiana may collect a fee of Five Dollars (\$5.00) for each legal description of each parcel contained in the deed for which the auditor makes a real property endorsement;

BE IT FURTHER ORDAINED that such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books.

BE IT FURTHER ORDAINED that the Auditor of Hendricks County, Indiana, shall have the authority to collect a fee of Five Dollars (\$5.00) for each legal description of each parcel contained in the deed for which the auditor makes a real property endorsement. Such fee shall be in addition to any other fee provided by law and shall be placed in a dedicated fund for the use of maintaining plat books. All previous ordinances regarding endorsement fees are null and void.

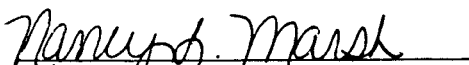
DULY EXECUTED this 1st day of July 2003.

  
Linda Palmer-Ryser, President

  
Steven L. Ostermeier

  
Sonya Cleveland

ATTEST:

  
Nancy L. Marsh, Auditor

ORDINANCE NO. 2003-14

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT TO R-B: SINGLE FAMILY (12,500) RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA-301/WA03-06: J.R. LAZARO BUILDERS, INC.; WASHINGTON TOWNSHIP, PARCEL TOTALING 58.67 ACRES, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD 100 NORTH AND COUNTY ROAD 1050 EAST.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RB: Single Family (12,500) Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-301/WA03-06: J.R. Lazaro Builders, Inc., S5-T15N-R2E, 58.67 acres, Washington Township, located on the southeast corner of the intersection of County Road 100 North and County Road 1050 East.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in "Exhibit A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 8th day of July, 2003.

Board of Commissioners

Linda A. Palmer-Ryser  
Linda A. Palmer-Ryser

Steven L. Ostermeier  
Steven L. Ostermeier

Sonya R. Cleveland  
Sonya R. Cleveland

Attest:

Nancy Marsh  
Nancy Marsh, Auditor

**AN ORDINANCE AMENDING THE HENDRICKS COUNTY PLANNING AND  
BUILDING DEPARTMENT'S UNIFORM FEE SCHEDULE**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana established a Planning and Building Department Uniform Fee Schedule separate from the Hendricks County Zoning Ordinance and the Hendricks County Subdivision Control Ordinance on the 22nd day of July, 2002 which included the setting and collecting of all planning, zoning and building permit fees; and

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Hendricks County Planning and Building Department's Uniform Fee Schedule be amended; and

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment and voted to forward a favorable recommendation to the County Commissioners; and

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana has received and reviewed the Area Plan Commission's report, has considered the Area Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA** by authority of Section 36-7-4-411 of the Indiana Code that there is hereby established an amendment to the Planning and Building Department's Uniform Fee Schedule as follows:

**HENDRICKS COUNTY UNIFORM FEE SCHEDULE**

Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees hereinafter specified, and shall be paid to Hendricks County and collected by the Department of Planning and Building.

**SECTION I**  
**PLANNING ADMINISTRATION FEES**

**I. SUBDIVISION**

A. Minor Subdivision	\$400.00
B. Major Subdivision	
1. Primary (Preliminary) Plat	\$600.00 + \$15.00/Lot
2. Secondary (Final) Plat	\$600.00 + \$10.00/Lot
C. Revision - Change to an Approved Plat, Not Recorded	\$400.00
D. Amendment (5 or more lots) – Change to a Recorded Plat	\$500.00
E. Extension of Time for Plat Recording	\$200.00
F. <b>Replat (4 lots or less) or</b> Vacation of a Recorded Plat	\$300.00 + \$10.00/Lot

**II. ZONING AMENDMENT**

A. Change in Zoning Map Classification	\$500.00 + \$25.00/acre
--	-------------------------

**III. SHOPPING CENTER**

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to the Approved Final Development Plan	\$300.00 + \$10.00/acre

**IV. PLANNED UNIT DEVELOPMENT**

A. Preliminary Development Plan	\$600.00 + \$15.00/acre
B. Final Development Plan	\$600.00 + \$10.00/acre
C. Amendment to an Approved Planned Unit Development	\$400.00 + \$10.00/acre

V. DEVELOPMENT PLAN REVIEW

- A. Preliminary Development Plan \$600.00 + \$15.00/acre
- B. Final Development Plan \$400.00 + \$10.00/acre
- C. Amendment to a Development Plan \$500.00

VI. PLAN COMMISSION AND ADMINISTRATIVE COMMITTEE WAIVERS AND EXCEPTIONS

- A. Waiver
  - 1. Major Subdivision \$500.00/per waiver request
  - 2. Minor Subdivision \$200.00/per waiver request
- B. Exception  
(This is not a public hearing)
  - 1. Major Subdivision \$200.00/per exception request
  - 2. Minor Subdivision \$100.00/per exception request

VII. NOTIFICATION FOR PUBLIC HEARING

- A. Newspaper Legal Ads \$ 50.00  
(This fee will be in addition to any public hearing fee)

**SECTION 2  
ZONING ADMINISTRATION FEES**

**I. APPEALS**

A. Administrative Appeal \$300.00  
**(THIS FEE WILL BE REFUNDED WITH A SUCCESSFUL APPEAL. THE REFUND DOES NOT INCLUDE THE LEGAL ADVERTISING FEE OF \$50.00)**

**II. VARIANCE**

A. Development Standard Variance

- |                            |  |
|----------------------------|--|
| 1. Residential:            | \$200.00/per variance request  |
| 2. Commercial/ Industrial: | \$350.00/per variance request for each legally addressed structure and/or tenant |

**III. SPECIAL EXCEPTIONS**

- |                          |                         |
|--------------------------|-------------------------|
| A. Residential           | \$200.00                |
| B. Commercial/Industrial | \$500.00 + \$25.00/acre |

**IV. NOTIFICATION FOR PUBLIC HEARING**

- A. Newspaper Legal Ads \$ 50.00  
**(This fee will be in addition to any public hearing fee)**

**SECTION 3**  
**BUILDING ADMINISTRATION FEES**

**I. RESIDENTIAL**

**A. Principal**

1. Single Family Dwelling \$250.00 Application fee

<b>Footing/Foundation</b>	<b>Rough In</b>	<b>Permanent Power</b>	<b>Occupancy</b>
\$50.00 + .01/sq ft >2,000 sq ft usable space	\$75.00 + .03/sq ft >2,000 sq ft usable space	\$25.00 + .01/sq ft >2,000 sq ft usable space	\$60.00 + .02/sq ft >2,000 sq ft usable space

2. Two Family Dwelling \$375.00 Application fee

<b>Footing/Foundation</b>	<b>Rough In</b>	<b>Permanent Power</b>	<b>Occupancy</b>
\$75.00 + .01/sq ft >2,500 sq ft usable space	\$100.00 + .03/sq ft >2,500 sq ft usable space	\$25.00 + .01/sq ft >2,500 sq ft usable space	\$80.00 + .02/sq ft >2,500 sq ft usable space

**B. Accessory Structures**

1. Garage, Storage, or other Structure on a Permanent Foundation.  
**Excluding wood or concrete patios and decks**

<u>Square Feet</u>	<u>Application Fee</u>
Less than 120 Square Feet	No Charge (NO PERMIT REQUIRED)
120 to 240 Square Feet	\$100.00
241 Square Feet and over	\$150.00

2. Swimming Pool (Inground) \$150.00
3. Swimming Pool (Above Ground), Hot Tubs, and Spas \$ 75.00

**C. Additions**

1. Principal
- a. One(1) to Three (3) Additional Rooms \$100.00 Application fee  
+ \*\*\*Required inspections

b. More Than Three (3) Rooms	Fee Same as Single Family Dwelling
2. Accessory	\$100.00 Application fee + ***Required inspections
D. Remodeling	
1. Principal (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
2. Accessory (No Additional Rooms)	\$100.00 Application fee + ***Required inspections
E. Relocation	
1. Principal	Fee Same as Single Family Principal (Square Footage Fee Excluded)
2. Accessory	Fee Same as Single Family Accessory (Square Footage Fee Excluded)
F. Demolition	
1. Principal	\$100.00 per structure
2. Accessory	\$ 50.00 per structure
G. Temporary Mobile Home/Manufactured Home (Single Unit)	\$50.00 + ***Required inspections
*** See Inspection Fees for Residential Uses	
H. Electrical	
1. Principal and Accessory	
a. Single Family Dwelling	\$25.00 application fee
b. Two Family Dwelling	\$25.00 application fee



## II. COMMERCIAL/INDUSTRIAL/MULTIFAMILY

A. Principal		\$1000.00 Application fee.	
<b>Footing/Foundation</b>	<b>Rough In</b>	<b>Permanent Power</b>	<b>Occupancy</b>
\$100+ .02/sq ft	\$200 + .04/sq ft	\$50 + .01/sq ft	\$150 + .03/sq ft
B. Accessory (Storage or other structure on a permanent foundation)		\$300.00 Application fee + ***Required inspections	
C. Additions			
1. Principal		Fee Same As Principal Commercial/Industrial/Multifamily	
2. Accessory		Fee Same As Accessory Commercial/Industrial/Multifamily	
D. Remodeling			
1. Principal (No Additional Sq. Ft.)		\$500.00 Application fee + ***Required inspections	
2. Accessory (No Additional Sq. Ft.)		\$300.00 Application fee + ***Required inspections	
E. Swimming Pool		\$500.00 Application fee + 0.15/ Cubic Volume +***Required inspections	
F. Roofing		\$750.00 + .05/sq ft >50,000 sq ft	
G. Demolition			
1. Principal		\$200.00 per structure	
2. Accessory		\$100.00 per structure	
H. Relocation			
1. Principal		Fee Same as Principal Commercial/Industrial/Multifamily (Square Footage Fee Excluded)	
2. Accessory		Fee Same as Accessory Commercial/Industrial/Multifamily (Square Footage Fee Excluded)	

**\*\*\* See Inspection Fees for Commercial/Industrial/Multifamily Uses**

I. Electrical

- |                            |                         |
|----------------------------|-------------------------|
| 1. Principal and Accessory | \$50.00 application fee |
|                            | <b>Permanent Power</b>  |
|                            | \$50.00 + .01/sq ft     |

III. AGRICULTURAL

- A. All accessory structures located on 20+ acres that are used for agricultural purposes are exempt from permits and fees, with the exception of electrical services, which would require a building permit as per the residential accessory permit fees;
- B. All accessory structures greater than 120 square feet located on less than 20 acres require a building permit as per the residential accessory permit fees; and
- C. All accessory structures located on 20+ acres that are used for personal/residential storage require a building permit as per the residential accessory permit fees; and

IV. OTHER BUILDING ADMINISTRATION FEES

A. Wireless Telecommunication Structure

- |                  |                          |
|------------------|--------------------------|
| 1. New Structure | \$1,000.00 per structure |
| 2. Co-Location   | \$300.00 per structure   |

- B. Amusement Rides \*
- |  |                           |
|--|---------------------------|
|  | \$500.00 Application fee  |
|  | + ***Required inspections |

**\*\*\* See Inspection Fees for Commercial/Industrial/Multifamily Uses**

C. Signs

- |                               |          |
|-------------------------------|----------|
| 1. Temporary or Portable Sign | \$ 50.00 |
| 2. All Other Signs            |          |

Square Feet

- |               |           |
|---------------|-----------|
| 0 to 100      | \$ 200.00 |
| 101 to 300    | \$ 350.00 |
| 301 to 1000   | \$ 750.00 |
| 1001 and over | \$ 950.00 |

**D. Contractor Listing Fee**

1. **Less than five (5) permits annually or less than 2,000 sq ft per job** **\$ 75.00**
  - a. **If listing is renewed within thirty (30) days of the expiration of the listing** **\$ 50.00**
2. **Greater than five (5) permits annually or greater than 2,000 sq. ft. per job** **\$ 250.00**
  - a. **If listing is renewed within thirty (30) days of the expiration of the listing** **\$ 200.00**

**E. Re-Inspection Fee \*\***

**(Payable prior to the inspection being done)**

1. **First Re-Inspect** **\$ 50.00**
2. **Second Re-Inspect** **\$ 100.00**
3. **Third Re-Inspect** **\$ 200.00**

**F. Late Inspection Fee \*\*\***

**\$ 350.00**

**(Payable prior to the inspection being done)**

**G Stop Work Orders**

1. **Permit Re-Instatement Fee** **Minimum \$500.00 or Two (2) Times The Filing Fee Whichever is Greater**
2. **Continued Construction After Stop Work Order** **\$1000.00 1<sup>st</sup> Day And Up To \$500.00 For Each Additional Day.**

**H. Illegal Structures (Structures not being used for the use it was built for)** **\$1000.00 1<sup>st</sup> Day And Up To \$500.00 For Each Additional Day.**

**I. Duplicate Permit/Certificate of Occupancy** **\$ 20.00**

**J. Addendum to Building Plans** **\$50.00 per addendum**

**K. Subsurface Drain Inspection** **\$25.00**

**\* These inspections are for verification of compliance of design plans only and the County does not take any responsibility for the adequacy, safety, operation and maintenance of the ride.**

**\*\* Re-inspection fees are assessed when an additional inspection is required, which deviates from the normal sequence of inspections.**

**\*\*\* Late inspection fees are assessed when there is no notification of inspection prior**

**continuing with construction.**

V. MISCELLANEOUS PROVISIONS

- A. Any fee that is imposed by this ordinance that is not a fee required by a Federal or State statute or rule, may be waived or reduced by the Hendricks County Commissioners upon a finding that a waiver or reduction request would promote the public interest;
1. All fee waiver or reduction requests shall be made in writing and submitted to the Hendricks County Planning and Building Department; and
  2. Each request shall be approved, approved with amendment or denied by the Hendricks County Commissioners during a public meeting of the Commissioners.
- B. **Board of Zoning Appeals and Plan Commission** applications and petitions shall be accompanied with the proper fee payment. Checks or money orders must be made payable to the Hendricks County Planning and Building Department;
- C. Until the applicable fees have been paid in full, no **permit** shall be **issued** by the Building Department; and
- D. All permit fees are tripled if construction is started before securing a building permit.

**SECTION 4  
MISCELLANEOUS FEES**

**A. Engineering Fees**

1. Erosion Control Fees/ Swale Damage	\$1000.00 + \$18.00 Per Lineal Foot
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B. Subdivision Control Ordinance	\$ 30.00
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C. Zoning Ordinance	\$ 40.00
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D. 1998 Comprehensive Development Plan	\$ 40.00
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E. Plan Commission/ BZA Rules of Procedure	\$ 10.00
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F. Contractor Listing Ordinance	\$ 7.00
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G. Annual Report	\$ 15.00
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H. Returned Check Fee	\$ 25.00
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I. Subdivision Inspection Fee	\$ 65.00 Per Hour
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J. Commitment Amendment	\$800.00 per commitment
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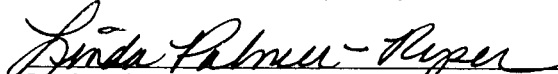
**\*ALL PERMIT FEES ARE DUE AT TIME OF PERMIT ISSUANCE\***

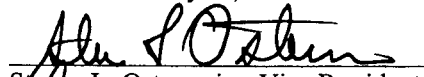
**\*ALL PERMITS ARE NONTRANSFERABLE\***

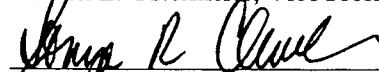
This Ordinance shall be in full force and effect from and after its passage and approval and publication according to law.

APPROVED, by the Board of Commissioners of Hendricks County, Indiana, this 22 day of July, 2003.


BOARD OF COMMISSIONERS

  
Linda Palmer-Ryser, President

  
Steven L. Ostermeier, Vice President

  
Sonya Cleveland, Member

ATTEST:

  
Nancy L. Marsh  
Auditor

ORDINANCE NO. 2003-16

AN ORDINANCE AMENDING THE HENDRICKS COUNTY INDIANA SUBDIVISION  
CONTROL ORDINANCE BY AMENDING SECTION 5.09 SIDEWALKS.

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana, adopted the Hendricks County Subdivision Control Ordinance on May 27, 1997;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Subdivision Control Ordinance be amended by changing Section 5.09 SIDEWALKS;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TSA03-01) and voted to forward a favorable recommendation to the County Commissioners; and

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

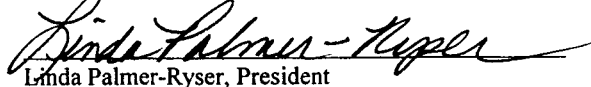
**5.09 SIDEWALKS**

**1. Location;**

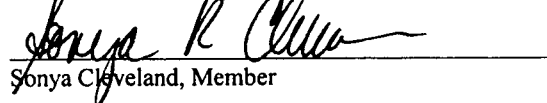
- a. Major Plats: Sidewalks are required along both sides of all proposed and existing streets and along the development side of all existing county roads in all proposed major subdivisions.
- b. Minor Plats: Sidewalks are required along all existing streets and along the development side of all existing county roads in all proposed minor subdivisions located within one (1) mile from an existing school, commercial area or trailhead, or in all subdivisions located in Brown, Lincoln, Washington, or Guilford Townships. For all other minor subdivisions, sidewalks must be installed when they become contiguous or adjacent on surrounding property.

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 22nd day of July, 2003.

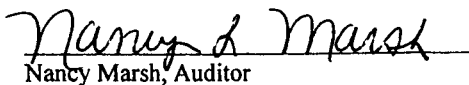
BOARD OF COMMISSIONERS

  
Linda Palmer-Ryser, President

  
Steven L. Ostermeier, Vice-President

  
Sonya Cleveland, Member

ATTEST:

  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-17

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, TO PUD: PLANNED UNIT DEVELOPMENT DISTRICT. COMMONLY KNOWN AS ZA-302/BR03-02: ESTRIDGE DEVELOPMENT COMPANY, INC., BROWN TOWNSHIP, PARCEL TOTALING 72.5 ACRES, LOCATED ON THE EAST SIDE OF STATE ROAD 267, BETWEEN COUNTY ROAD 800 NORTH AND COUNTY ROAD 900 NORTH (OLD BROWNSBURG GOLF COURSE.).

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the PUD: Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-302/BR03-02: Estridge Development Company, Inc., S26-T17N-R1E, 72.5 acres, Brown Township, located on the east side of State Road 267, between County Road 800 North and County Road 900 North (Old Brownsburg Golf Course).

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in Exhibit "A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

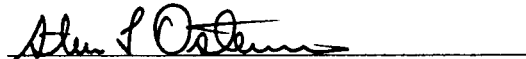
**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

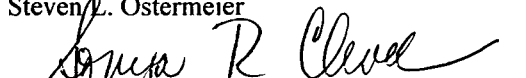
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 5<sup>th</sup> day of August, 2003.

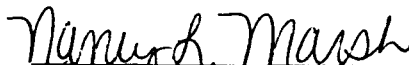
Board of Commissioners

  
Linda A. Palmer-Ryser

  
Steven L. Ostermeier

  
Sonya R. Cleveland

Attest:

  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-18

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY CREATING  
CHAPTER 64 – Development Commitments**

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to include Chapter 64 – Development Commitments;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA-03-07 and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

**CHAPTER 64.**

**DEVELOPMENT COMMITMENTS**

**64.01. Rules Governing Commitments**

During the time when a proposal is being considered by the Area Plan Commission, or the Board of Zoning Appeals the owner of a parcel of land may make a new Commitment or modify the terms of a Commitment made when the proposal was before the Area Plan Commission or Board of Zoning Appeals. No further action of the Area Plan Commission or Board of Zoning Appeals is required for a new Commitment to be effective. If a Commitment made when the proposal was before the Area Plan Commission or Board of Zoning Appeals is modified and the effect of the modification is to make the Commitment more stringent, no further action of the Area Plan Commission or Board of Zoning Appeals is required for the modified Commitment to be effective; however, if the effect of such a modification is to make the Commitment less stringent, then the modified Commitment must be ratified by the Area Plan Commission or Board of Zoning Appeals to be effective. A Commitment made or modified under this provision is subject to the following rules:

- 64.01.A. Form: A Commitment must be in substantially the form set forth in the Area Plan Commission's or Board of Zoning Appeal's Rules of Procedure.
- 64.01.B. Recording Copies: A Commitment shall be recorded in the office of the Hendricks County Recorder and takes effect upon the adoption of the proposal to which it relates. Following the recording of a Commitment, the Director shall return the original recorded Commitment to the owner and shall retain a copy of the recorded Commitment in the Commission's file.
- 64.01.C. Persons Bound: Unless it is modified or terminated by the Area Plan Commission or Board of Zoning Appeals in accordance with



(64.01.E.) below, a recorded Commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires an interest in the parcel. An unrecorded Commitment is binding on the owner of the parcel who makes the Commitment. An unrecorded Commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the Commitment.

64.01.D. Enforcement: These Commitment may be enforced jointly or severally by:

- 1.) The Hendricks County Area Plan Commission or Board of Zoning Appeals;
- 2.) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and,
- 3.) Any party the owner designates on the Development Commitment Recording Form at the time of recording.

64.01.E. Modification or Termination by Commission: A Commitment may be modified or terminated only by a decision of the Area Plan Commission or Board of Zoning Appeals made at a public hearing after notice of the hearing has been given under the Area Plan Commission's or Board of Zoning Appeals' Rules of Procedure.

**APPROVED** by the Board of Commissioners of Hendricks County, Indiana this 21<sup>st</sup> day of October, 2003.

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Linda Palmer-Ryser, President

\_\_\_\_\_  
Steven Ostermeier, Vice President

\_\_\_\_\_  
Sonya R. Cleveland, Member

ATTEST:

\_\_\_\_\_  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-19

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **WI: WHOLESALE INDUSTRIAL DISTRICT**, TO **GB: GENERAL BUSINESS DISTRICT**. COMMONLY KNOWN AS **ZA-304/WA03-08: HAROLD L. FRYE, WASHINGTON TOWNSHIP, PARCEL TOTALING 0.35 ACRES, LOCATED AT THE INTERSECTION OF GABLE DRIVE AND U.S. HIGHWAY 36, APPROXIMATELY 0.76 MILE WEST OF COUNTY ROAD 1050 EAST (84 GABLE DRIVE, AVON, INDIANA).**

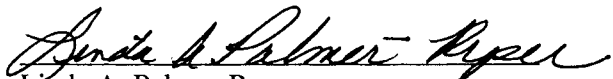
**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the GB: General Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-304/WA03-08: Harold L. Frye, S7-T15N-R2E, 0.35 acres, Washington Township, located at the intersection of Gable Drive and U.S. Highway 36, approximately 0.76 mile west of County Road 1050 East (84 Gable Drive, Avon, Indiana).

**SECTION 2.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.


**SECTION 3.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 28<sup>th</sup> day of October, 2003.

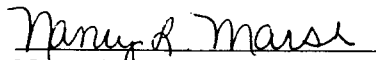
Board of Commissioners

  
Linda A. Palmer-Ryser

  
Steven L. Ostermeier

  
Sonya R. Cleveland

Attest:

  
Nancy Marsh, Auditor

ORDINANCE NUMBER 2003-20

ORDINANCE FOR WEIGHT RESTRICTIONS ON CERTAIN COUNTY ROADS

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is the governing body for said County; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana is responsible for the maintenance and upkeep of all county roads; and

WHEREAS, there is currently no posted weight restrictions on certain roads in the County; and

WHEREAS, to insure the safety of all persons traveling said roads and to properly maintain and upkeep said roads;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that there will be a gross vehicle weight restriction of no more than twenty (20) tons on the following roads:

Mackey Road (CR 75 W)	from US 36	to	CR 200 S
County Road 200 South	from Mackey Rd.(CR 75 W)	to	SR 39

BE IT FURTHER ORDAINED that upon a finding of a violation of this ordinance a penalty shall be imposed in the penal sum up to Five Hundred Dollars (\$500.00).

DULY EXECUTED this 5<sup>th</sup> <sup>NOVEMBER</sup> day of ~~October~~, 2003

HENDRICKS COUNTY, INDIANA  
BOARD OF COMMISSIONERS

By: Linda Palmer-Ryser  
Linda Palmer-Ryser

By: Steven L. Ostermeier  
Steven L. Ostermeier

By: Sonya R. Cleveland  
Sonya Cleveland

Attest: Nancy L. Marsh

ORDINANCE NO. 2003-21

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM R-A: SINGLE FAMILY (15,000) RESIDENTIAL DISTRICT, TO RSS: REGIONAL SUPPORT SERVICES DISTRICT. COMMONLY KNOWN AS ZA-303/LB03-01: JIM W. DAVIS, LIBERTY TOWNSHIP, PARCEL TOTALING 4.04 ACRES, LOCATED ON THE NORTH SIDE OF STATE ROAD 39, APPROXIMATELY 0.38 MILE NORTH OF THE TOWN OF BELLEVILLE.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2001-24) adopted on the 5th day of November on the year 2001, be amended so as to include in the RSS: Regional Support Services District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA-303/LB03-01: Jim W. Davis, S2-T14N-R1W, 4.04 acres, Liberty Township, located on the north side of State Road 39, approximately 0.38 mile north of the Town of Belleville.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms and conditions found in Exhibit "A," attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt Exhibit "A" as a part of this Ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 1st day of December, 2003.

Board of Commissioners

Linda A. Palmer-Ryser  
Linda A. Palmer-Ryser

Steven L. Ostermeier

Sonya R. Cleveland  
Sonya R. Cleveland

Attest:

Nancy A. Marsh  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-22

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING  
CHAPTER 64 – DEVELOPMENT COMMITMENTS – 64.01 RULES GOVERNING  
COMMITMENTS

**WHEREAS**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

**WHEREAS**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 64, Development Commitments – 64.01 Rules Governing Commitments;

**WHEREAS**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA03-07) and voted to forward a favorable recommendation to the County Commissioners;

**WHEREAS**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

CHAPTER 64.  
DEVELOPMENT COMMITMENTS

64.01. Rules Governing Commitments

During the time when a proposal is being considered by the Area Plan Commission, or the Board of Zoning Appeals the owner of a parcel of land may make a new Commitment or modify the terms of a Commitment made when the proposal was before the Area Plan Commission or Board of Zoning Appeals. No further action of the Area Plan Commission or Board of Zoning Appeals is required for a new Commitment to be effective. If a Commitment made when the proposal was before the Area Plan Commission or Board of Zoning Appeals is modified and the effect of the modification is to make the Commitment more stringent, no further action of the Area Plan Commission or Board of Zoning Appeals is required for the modified Commitment to be effective; however, if the effect of such a modification is to make the Commitment less stringent, then the modified Commitment must be ratified by the Area Plan Commission or Board of Zoning Appeals to be effective. A Commitment made or modified under this provision is subject to the following rules:

- 64.01.A. Form: A Commitment must be in substantially the form set forth in the Area Plan Commission's or Board of Zoning Appeal's Rules of Procedure.
- 64.01.B. Recording; Copies: A Commitment shall be recorded in the office of the Hendricks County Recorder and takes effect upon the adoption of the proposal to which it relates. Following the recording of a Commitment, the Director shall return the original recorded Commitment to the owner and shall retain a copy of the recorded Commitment in the Commission's file.
- 64.01.C. Persons Bound: Unless it is modified or terminated by the Area Plan Commission or Board of Zoning Appeals in accordance with (64.01.E.)

below, a recorded Commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires an interest in the parcel. An unrecorded Commitment is binding on the owner of the parcel who makes the Commitment. An unrecorded Commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the Commitment.

64.01.D. Enforcement: These Commitments may be enforced jointly or severally by:

- 1.) The Hendricks County Area Plan Commission or Board of Zoning Appeals;
- 2.) Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and,
- 3.) Any party the owner designates on the Development Commitment Recording Form at the time of recording.

Modification or Termination by Commission: A Commitment may be modified or terminated only by a decision of the Area Plan Commission or Board of Zoning Appeals made at a public hearing after notice of the hearing has been given under the Area Plan Commission's or Board of Zoning Appeal's Rules of Procedure.

**APPROVED** by the Board of Commissioners of Hendricks County, Indiana this 9th day of December, 2003.

BOARD OF COMMISSIONERS

Linda Palmer-Ryser  
Linda Palmer-Ryser, President

Steven L. Ostermeier  
Steven L. Ostermeier, Vice President

Sonya R. Cleveland  
Sonya Cleveland

ATTEST:

Nancy d. Marsh  
Nancy Marsh, Auditor

ORDINANCE NO. 2003-23

AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING  
CHAPTER 2 – 2.02 DEFINITIONS (77.) (2.)

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on November 5, 2001 and which became effective November 5, 2001;

WHEREAS, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapter 2 – 2.02 Definitions (154.) KENNEL, PRIVATE;

WHEREAS, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA03-06) and voted to forward a favorable recommendation to the County Commissioners;

WHEREAS, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety and convenience of the people of Hendricks County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:

Chapter 2 – Definitions

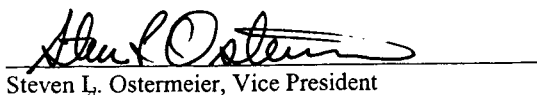
Amend:

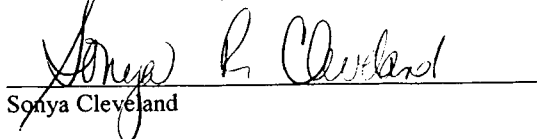
2.02 (154.) KENNEL, PRIVATE: Any building or land designated or arranged for the care of no more than four (4) dogs and/or four (4) cats, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of personal enjoyment as pets, all of which have been sterilized (spade or neutered) or no more than a combined total of three (3) dogs and/or cats, six (6) months of age or older, that have not been sterilized, kept for the purpose of showing, hunting, breeding or personal enjoyment as pets.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this 9<sup>th</sup> day  
of December, 2003.

BOARD OF COMMISSIONERS

  
Linda Palmer-Ryser, President

  
Steven L. Ostermeier, Vice President

  
Sonya Cleveland

ATTEST:

  
Nancy Marsh, Auditor

**HENDRICKS COUNTY**  
**GROUND WATER WELL ORDINANCE**  
**ORDINANCE NO. 2003 - 26**

An Ordinance pertaining to private groundwater well drilling, maintenance, abandonment and other items requiring permits and permit fees for drilling wells, regulating the inspection of such wells, providing for enforcement of this Ordinance, providing for the fixing of penalties for violations of said Ordinance, and providing for incorporation by reference selected portions of the following Indiana State Department of Health Rules: IC 14-25, IC 25-39, 312 IAC 12, and 312 IAC 13, or as amended;

Be it ordained by the Board of Commissioners of Hendricks County, State of Indiana, that the provisions of this Ordinance are effective within Hendricks County and that the Hendricks County Board of Health is hereby empowered to enforce the provisions of this Ordinance.

**SECTION I DEFINITIONS**

The definitions in this Ordinance are in addition to those contained in IC 25-39-2, 312 IAC 12-1, and 312 IAC 13-1 and apply throughout this Ordinance.

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

**Ground Water:** is any water in natural state below the surface of the ground.

**Health Officer** -- means the Health Officer of Hendricks County in Indiana, or the authorized representative thereof, and shall have the same meaning as local health officer in Indiana Code IC 16-18-2-212 and IC 16-20.

**Non-Residential Well:** shall mean any well drilled for the use of other than one or two dwelling units.

**Person:** shall mean any individual, firm, corporation or partnership.

**Potable Water:** is water suitable for drinking or culinary purposes.

**Casing:** is steel or wrought iron pipe, approved plastic, or other material approved by the Health Officer, to exclude unwanted solids or liquids from the interior of the well.

**Private Water Supply:** means one or more sources of ground water, including facilities for conveyance thereof, such as wells springs, and pumps, other than those serving a municipality or those operating as a public utility under the rules of the Indiana Public Service Commission.

**Pump Installer:** is any individual, partnership, firm or corporation that installs a pump in a well or opens the well to service a pump.

**Residential Well:** shall mean any well drilled for the use of one or two dwelling units.



**Well:** is any excavation, whether drilled, bored, driven, jetted, or dug for the purpose of obtaining water from the ground or returning water to the ground or for the purpose of testing the quantity or quality of such water.

**Well Drilling:** is any operation that produces a well greater than 24 feet deep for drinking water purposes.

**Well Driller:** is any individual, partnership, firm or corporation that produces, or contracts to construct a well.

**Well Owner:** is the legal owner of the real estate containing the well site.

**Well Repair:** any work on a well, well pump, or accessory lines thereto when it is necessary to uncover the buried upper terminal of the well.

## SECTION II PERMITS

Before commencement of construction of a well or geothermal heat pump system utilizing a well, a well repair or a pump installation, the owner or agent shall obtain a written permit signed by the Health Officer. No person shall perform any work on such project until such permit is obtained. The application for such permit shall be made on a form provided by the Health Officer of Hendricks County, Indiana, which applicant shall supplement by any plans, specifications and other information as deemed necessary by the Health Officer. Such permit shall be void if the installation is not completed in one year.

In emergency situations, the applicant for the well permit shall notify the health officer by telephone of the pending well installation prior to such installation. The well permit application shall be submitted with signatures within 24 hours of the first regular scheduled workday after the start of the emergency installation, and the application shall provide details regarding the specific situation that mandated the emergency well installation.

It shall be unlawful for any person to install a well or well pump, or to perform a well repair in Hendricks County, who does not possess a valid permit from the Health Officer. If the well installation or well location is regulated by another State or Federal government agency, then applicable State or Federal approval documentation must be provided at the time of County well permit application. Valid Hendricks County Well permits shall be made available on site by the driller or property owner at all times while a well is being drilled.

Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a permit.

Any permits issued by the Health Officer shall contain the name of the property owner, the mailing address of the owner, site address, the parcel ID for the property on which the well will be drilled, and other pertinent information required by the Health Officer.

### **SECTION III PERMIT FEES**

The permit fees are specified in the Hendricks County Ordinance for the Collection of Fees.

A permit inspection fee of the amount specified in Section 3.C. of the Hendricks County Board of Health Ordinance for Collection of Fees, Ordinance No. 2001-15, shall be paid to the Hendricks County Health Department at such time as an owner or their agent makes application for a well permit.

### **SECTION IV MINIMUM REQUIREMENTS**

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing the standards set forth, amended to, and incorporated by reference from Indiana Code and Indiana Administrative Code in this Ordinance.

#### **Article 1; Incorporated by Reference**

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Code:

IC 4-21.5-3	Administrative Adjudication
IC 25-39-4-1	Records; copy of records to department
IC 25-39-4-2	Standards for well siting, construction, and operation

Hendricks County will regulate groundwater wells by establishing a permitting system for enforcing these standards set forth on, amended to, and incorporated by reference from the following sections of Indiana Administrative Code:

#### **312 IAC 12**

Rule 1.	Definitions,Rule
Rule 2.	Administration, Rule
Rule 3	Construction Standards

#### **312 IAC 13**

Rule 1,	Definitions,
Rule 2-6,	Well Records,
Rule 3,	Well Drilling Procedures and Well Locations,
Rule 4,	Well Equipment and Installation Specifications,
Rule 5	Grouting of Wells
Rule 6,	Minimum Well Constructions Standards
Rule 7	Well Yield
Rule 8,	Other Wells and Structures

Rule 9,                      Well Disinfection, and  
Rule 10,                    Landowner Responsibility for abandonment and plugging of wells

- (a) The incorporated materials are available for public review at the office of the Hendricks County Health Department.
- (b) Where exceptions (exclusions) to incorporated state rules are necessary, these exceptions will be noted in this Ordinance.
- (c) The incorporation of state regulations as a county ordinance does not negate the requirement to comply with state regulations that may be effective in Hendricks County which are not incorporated in this Ordinance or are retained as state authority.
- (d) EXCEPTIONS (exclusions):
  - 312 IAC 13-1-8,*
  - 312 IAC 13-1-13,*
  - 312 IAC 13-2-1 (to) -5*

## **Article 2. General Requirements**

### Water Well Drillers

All water well drillers operating in Hendricks County shall comply with the terms and provisions of this chapter and the incorporated articles. In the event of any conflict between the provisions of the incorporated article and this chapter, the provisions of this chapter shall govern. All water well drillers operating in Hendricks County shall comply with the licensing requirements of Indiana Code 25-39-3

Except as otherwise provided in this Ordinance, any new groundwater well located in Hendricks County shall be operated in compliance with technical criteria and regulatory compliance set out in 312 IAC 12 and 13, and IC 14-25 and IC 25-39. Two copies of each are kept on file in the Hendricks County Clerk's Office, Danville, Indiana, for public inspection.

It shall be the responsibility of the property owner and the well driller to submit to the Hendricks County Health Department the following reports, within thirty (30) days of well drilling:

1. well drilling logs,
2. bacteriological water sample results,
3. water pump technical specifications; and
4. any other reports requested by the H.C.H.D or any other county, state, or federal department or agency.

Article 3 Additional Well Location And Separation Distances

Location

Private water supply wells and open loop, shall be located in keeping with the following principles:

- (a) At the highest point on the premises consistent with the general layout and surroundings, but in any case protected against surface drainage and flooding.
- (b) As far removed from any known or probable source of contamination as the general layout of the premises and surroundings permit.
- (c) Private water supply wells, open loop and closed loop geothermal heat pump system serving a residence consisting of one or two dwelling units shall maintain the following minimum separation distances from sources of contamination:

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21, or 26 with gasket compression-type joints.....	10 feet
Sewer Pipes.....	30 feet
Sewers and drains.....	50 feet
Privies.....	50 feet
Septic tanks and Absorption fields.....	50 feet
Sewage pits and Dry wells.....	100 feet
Stables, livestock runs, manure piles, etc.....	50 feet
Streams, lakes, ponds, ditches.....	25 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

The health officer may waive, by written documentation, the requirements set forth above when he considers that it will not endanger public health.

Private water supply wells, open loop, and closed loop geothermal heat pump systems serving other than a residence consisting of not more than two dwelling units shall maintain the following minimum separation distances from sources of contamination.

Gravity sewers outside of building foundations but within 18 inches vertical distance or within 10 feet horizontal distance of potable water lines.

Sewer Pipe PVC ASTM-D 3034 SDR 26 or ASTM-D 2241 SDR 13.5, 17,21 or 26 with gasket compression type joints.....	30 feet
Sewer Pipe .....	30 feet
Sewers and Drains.....	100 feet
Septic tanks, absorption fields, filters.....	100 feet
Privies.....	100 feet
Streams, lakes, ponds, ditches.....	50 feet
Property lines.....	5 feet
Building overhangs.....	5 feet

(d) The Hendricks County Health Board may waive by written documentation the requirements set forth above when it is not considered to endanger public health and if it is not in conflict with any other state requirements.

Relationship to buildings. The location of wells with respect to buildings shall be as follows:

(a) Every well and open loop return well located so that it will be reasonably accessible with proper equipment for cleaning, treatment, testing, inspection, and for such other attention as may be necessary. It should be at least five (5) feet outside of any existing building overhang.

(b) No well or open loop return well shall be located so that the top of the well will be within the basement of any building nor under a building having no basement.

Well heads and well casing openings shall not be located in any pit, room or space extending below the established ground surface, except when permitted by the Health Officer and under such conditions and construction requirements as is prescribed by the Hendricks County Board of Health.

#### **Article 4 Well Abandonment**

- I. Groundwater wells must be properly abandoned in accordance with 312 IAC 13
- II. Any groundwater well connected to an existing structure that is scheduled for demolition must be either:
  - a. Properly abandoned in accordance with 312 IAC 13 or other applicable regulations, with written verification submitted to the Local Health Officer prior to initiating demolition of the structure, or
  - b. Located by global positioning system for later abandonment, with written notification and well location submitted to the Local Health Officer prior to initiating demolition of the structure.

### **SECTION V COMPLIANCE AND INSPECTION**

#### **A. Schedule of Inspection**

It shall be the duty of the well driller and the owner of the property on which the well is drilled to notify the Hendricks County Health Department when the well and appurtenances are available for inspection. The Health Officer must be permitted to inspect the well and appurtenances at any reasonable time.

## **B. Procedure to Follow When Any Violation is Noted**

It shall be the duty of the Hendricks County Health Officer to enforce this Ordinance. The Health Officer is authorized by the permittee to perform any activities that, in the Health Officer's opinion, are required to enforce this Ordinance. These activities may include, but are not limited to: inspections, copying and reviewing documentation, obtaining samples, obtaining ground water samples, obtaining surface water samples, monitoring activities, and other duties.

If during an inspection of any water well located in Hendricks County, the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, he shall issue a written order listing such violation to the property owner, and setting a date by which the violation shall be abated. A copy of the written order shall be filed in the Hendricks County Health Department.

Violators of the Ordinance shall be served a written initial notice of violation, whether in person or by any other manner reasonably decided to result in actual notice, including certified mail. Such order shall state the violation, order the abatement of the violation, and provide a reasonable time for abatement.

If the violation is not satisfactorily abated within the specified time, a second notice of violation shall be served, in the same manner as specified for initial notices and containing the same information as specified for initial notice of violation. If the conditions continue following the specified period of time, the matter shall be referred to the attorney for the Hendricks County Health Department or the county prosecutor for appropriate legal action and possible revocation or modification of permit, as specified in *Section 8* of this Ordinance.

Any permit granted by the H.C.H.D. may be revoked or modified by the Health Department for any of the following causes:

- A. Violation of any condition of the permit;
- B. Failure to disclose all of the relevant facts, or
- C. Any misrepresentation made in obtaining the permit;
- D. Any change, situation, or activity relating to the use of the permit, which in the opinion of the Health Officer is not consistent with the purpose of this Ordinance.

## **C. Revocation of Permit**

The Health Officer may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

Any person aggrieved by the revocation or modification of a permit may appeal the revocation or modification to the Hendricks County Board of Health as the appropriate board for an administrative review under IC 4-21.5-3, which Administrative Adjudication Act is hereby adopted by reference.

Pending the decision resulting from the hearing under I.C. 4-21.5-3 concerning the permit revocation or modification, the permit shall remain in force. However the H.C.H.D. may seek such injunctive relief in regard to the activity described in the permit while the decision resulting from the hearing is pending.

#### **SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS**

The property owner shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

#### **SECTION VII APPROVAL OF PLANS**

All non-residential Private Groundwater Wells that are hereafter constructed or repaired shall conform with the applicable requirements of the Indiana State Department of Health and the Indiana Department of Natural Resources. Properly prepared plans and specifications shall be submitted to and approved by the Hendricks County Health Department, in writing, before starting any drilling, repair, or installation work. Any new or repaired well must submit an application on forms provided by the Hendricks County Health Department at least thirty (30) working days prior to scheduling the work.

#### **SECTION VIII PENALTIES**

Any person or persons who shall continue to violate any section of this Ordinance, IC 14-25, IC 25-39, 312 IAC 12, or 312 IAC 13 beyond the time limit provided in the order, shall be cited for said violation in a court having jurisdiction. Upon conviction, by a court of competent jurisdiction, the violator or violators shall be punished by a fine of no more than two thousand five hundred dollars (\$2,500.00), plus court costs imposed. Each individual day that a violation is in existence may be deemed a separate offense. In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

#### **SECTION IX UNCONSTITUTIONALITY CLAUSE**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any section, subsection, sentence, clause, and phrase to be unconstitutional, invalid, void, or ineffective for any cause shall not affect another section, subsection, sentence, clause, and phrase or part thereof. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional, or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

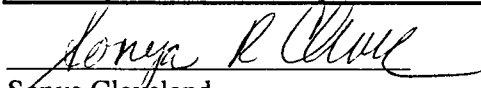
**SECTION X REPEAL AND DATE OF EFFECT**

This Ordinance shall apply to the entirety of Hendricks County. All Ordinances and all portions of ordinances, including but not limited to the Hendricks County Ordinance No. 1989-4122, and any other ordinances or parts of ordinances in conflict herewith are repealed or superseded. This Ordinance shall be in full force and effective immediately upon and after its adoption and publication as required by law.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of December, 2003.

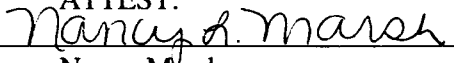
**BOARD OF COMMISSIONERS**

  
Sonya Cleveland

\_\_\_\_\_  
Steve Ostermeier

  
Linda Palmer-Ryser

ATTEST:

  
Nancy Marsh  
Hendricks County Auditor



**HENDRICKS COUNTY**  
**PUBLIC POOL AND SPA ORDINANCE**  
**ORDINANCE NO. 2003 - 27**

**PURPOSE:** This ordinance is to regulate public and semi-public swimming pools, wading pools and spas with regard to the health and welfare of people in public and semi-public water settings. It is also to provide for the orderly, consistent, and effective implementation of the Indiana State Board of Health Rule 410 IAC 6-2.1, as amended.

**SECTION I DEFINITIONS**

**Full Time Pool** – means any public or semi-public pool that operates for more than six (6) months per calendar year.

**Habitual Non-compliance** - means any repeat violation shown on three (3) consecutive Hendricks County inspection report forms.

**Health Officer** - means the Executive Officer of the Hendricks County Health Department in Danville, Indiana or the Health Officer's Authorized Representative.

**Not-for-Profit Organization** - means an organization exempt from the Indiana Gross Income Tax under IC 6-2.1-3-20 through IC 6-2.1-3-22.

**Public Pool** –means “any pool, other than those pools defined as semi-public pool which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless ow whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a on (1) or two (2) family dwelling , and maintained by an individual for the sole ues of the household and house guests.

**Seasonal Pool** – means any public or semi-public pool that is operated outdoors for less than six (6) months each year.

**Semi-public pool** - means any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) schools, universities, and colleges;
- (2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) camps or mobile home parks; or
- (4) membership clubs or associations.

Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests.

**Spa** – “Spa” means a pool designed for recreational and/ or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

- (1) hydrojet circulation; (2) hot water; (3) cold water; (4) mineral baths; (5) air induction systems; or (6) any combination thereof.

**Swimming Pool** – means any structure, basin, chamber or tank containing water for swimming, diving or recreational bathing. This term includes diving pools, therapeutic pools and wave pools.

**Wading Pool** – “Wading pool” means a pool used for bathing that has a maximum depth of (2) feet.

However, nothing in these rules shall be construed as applying to any swimming pool, wading pool or spa constructed at and maintained by an individual for the sole use of the household and house guests.

## **SECTION II PERMITS**

It shall be unlawful for any person to operate a public or semi-public swimming pool, public or semi-public wading pool or public or semi-public spa in Hendricks County, who does not possess a valid permit from the Health Officer; except when the entire operation is receiving inspections by an appropriate State or Federal governmental agency. Valid Hendricks County Pool/Spa permits shall be posted in a conspicuous place at all times.

- A. Only persons who comply with the applicable requirements of this ordinance will be entitled to receive and retain such a permit.
- B. A permit for a swimming pool, wading pool or spa shall be for a term of one year and shall be renewed annually.
- C. Any permit issued by the Health Officer shall contain the name of the facility, the address of the facility and other pertinent information required by the Health Officer.
- D. Required permits shall be provided by the Hendricks County Health Officer if a completed application and appropriate fee are presented and the swimming pool, wading pool or spa complies with all applicable requirements.

- E. A separate permit shall be required for each swimming pool, wading pool or spa operated or to be operated by any person. Any permit issued under this ordinance is not transferable from one person to another person, from one facility to another, or from one type of operation to another.

### **SECTION III PERMIT FEES**

#### **A. Permit Fees**

All permitted swimming pool, wading pool or spa operators must pay permit fees as specified in the Hendricks County Board of Health Ordinance for Collection of Fees.

#### **B. Permit Fee Exception**

No permit fee shall be required for swimming pools, wading pools or spas operated by not-for-profit organizations. Such establishments shall comply with all other provisions of this ordinance.

### **SECTION IV MINIMUM REQUIREMENTS FOR SWIMMING POOLS, WADING POOLS AND SPAS**

#### **A. General Requirements**

Each public swimming pool, public wading pool or public spa shall comply with the minimum requirements specified in Indiana Administrative Code, 410 IAC 6-2.1. Two copies of which are kept on file in the Hendricks County Clerk's Office Danville, Indiana, for public inspection.

#### **B. Facilities to be kept clean; summary closure**

- (a) All shower rooms, dressing rooms, equipment rooms, and appurtenant facilities shall be kept clean at all times. Daily disinfection of the areas may be required.
- (b) When a bathing area is in such condition as to pose an imminent threat to the health of the public, the department may order the bathing area to be closed temporarily until such time as conditions are brought into compliance with minimum requirements. This action may be taken by issuing an order in writing.

### **SECTION V COMPLIANCE AND INSPECTIONS**

#### **A. Schedule of Inspection**

The Health Officer shall establish an inspection schedule to insure that all permitted swimming pools, wading pools and spas are inspected at least one time per month. More frequent inspection may be assigned at the discretion of the Health Officer.

#### **B. Procedure When Violations Are Noted**

If during the inspection of any swimming pool, wading pool or spa, the Health Officer or the Health Officer's representative discovers a violation of any of the requirements in Section IV of this ordinance, he shall issue a written order listing such violation to the proprietor or, in the proprietor's absence, to the person in charge, and setting a date by which the violation shall be abated. A copy of the written order shall be filed with the records of the health department.

### **C. Follow-up Inspection - Prosecution or Hearing for Violators**

If upon a follow-up inspection, the Health Officer finds that a swimming pool, wading pool, spa, person, or employee is violating any provisions of this ordinance which were in violation on the previous inspection, and concerning which a written order was issued, the Health Officer may do either or both of the following:

1. Promptly issue a written order to the permittee of the swimming pool, wading pool or spa; to appear at a certain time and place in the County, in order to show cause why the permit issued under the provisions of Section II should not be revoked.
2. Furnish evidence of the violation to Hendricks County legal representatives for enforcement.

### **D. Revocation of Permit**

The Health Officer upon a hearing with the permittee, if the permittee should fail to show cause why their permit should not be revoked, may revoke the permit and promptly give written notice of the action to the permittee. The Health Officer shall maintain a permanent record of proceedings, filed in the office of the Hendricks County Health Department.

### **E. Suspension of Permit**

Any permit issued under this ordinance may be temporarily suspended by the Health officer, without notice or hearing, for a period not to exceed thirty (30) days for any of the following reasons:

1. Unsanitary or other conditions which the Health Officer determines may endanger the public health.
2. Interference with the Health Officer in the performance of their duties.
3. Habitual non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

### **F. Permit Reinstatement**

Any person whose permit has been suspended may, at any time, make application to the Health Officer for reinstatement of his/her permit.

## **SECTION VI AUTHORITY TO INSPECT AND TO COPY RECORDS**

All swimming pool, wading pool or spa operators shall, upon the request of the Health Officer, permit the Health Officer access to all parts of the establishment, and shall permit the Health Officer to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

### SECTION VII PENALTIES

In addition to the foregoing, civil penalties, which may include injunctive relief, may be imposed under Indiana law on any person who violates any provision of this Ordinance.

### SECTION VIII UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

### SECTION IX REPEAL AND DATE OF EFFECT

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Passed and adopted by the Board of Commissioners of Hendricks County, State of Indiana, on this 23rd day of December, 2003.

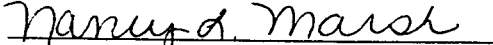
#### BOARD OF COMMISSIONERS

  
Sonya Cleveland

\_\_\_\_\_  
Steve Ostermeier

  
Linda Palmer-Ryser

ATTEST:

  
Nancy Marsh  
Hendricks County Auditor

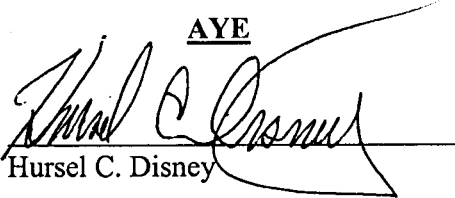
**ORDINANCE 2003-01**  
**AUTHORIZING A TEMPORARY LOAN FROM THE GENERAL FUND**  
**TO THE HENDRICKS COUNTY FLEXIBLE SPENDING ACCOUNT**

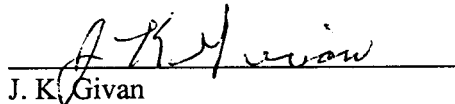
Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the General Fund to provide temporary revenue for the Hendricks County Flexible Spending Account.

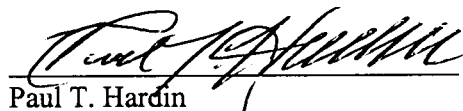
Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of fifty-thousand dollars (\$50,000.00) be loaned from the General Fund to the Hendricks County Flexible Spending Account and said loan to be repaid not later than December 31, 2003.

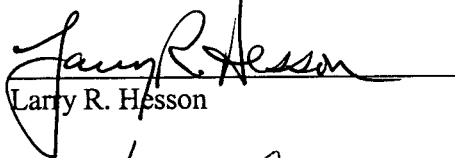
Adopted the 13<sup>th</sup> day of February, 2003 by the following vote:

**AYE**

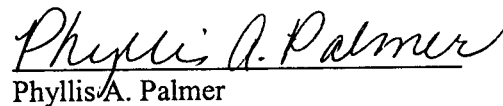
  
Hursel C. Disney

  
J. K. Givan

  
Paul T. Hardin

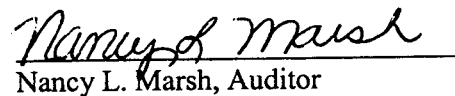
  
Larry R. Hesson

  
Wayne G. Johnson

  
Phyllis A. Palmer

\_\_\_\_\_  
Jay R. Puckett

Attest:

  
Nancy L. Marsh, Auditor

**NAY**

\_\_\_\_\_  
Hursel C. Disney

\_\_\_\_\_  
J. K. Givan

\_\_\_\_\_  
Paul T. Hardin

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Larry R. Hesson

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Wayne G. Johnson

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Phyllis A. Palmer

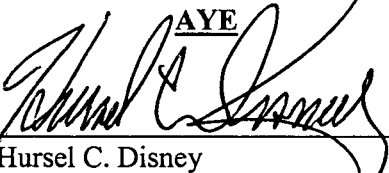
  
Jay R. Puckett

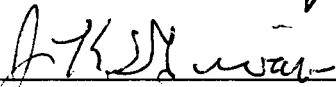
ORDINANCE 2003-02  
AUTHORIZING A TEMPORARY LOAN FROM THE GENERAL FUND  
TO THE HENDRICKS COUNTY PARK & RECREATION BOARD


Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the ~~General~~ Fund to provide temporary revenue for the Hendricks County Park & Recreation Board.

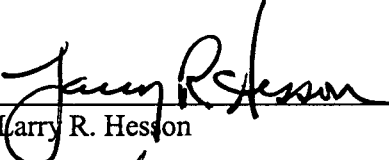
Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of \$ 30,167.59 be loaned from the ~~General~~ Fund to the Hendricks County ~~General Fund~~ and said loan to be repaid not later than December 31, 2003.  
Park & Recreation Board


Adopted the 12<sup>th</sup> day of June, 2003 by the following vote:

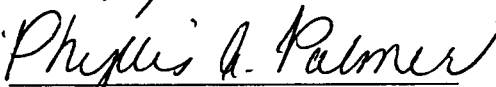
AYE  
  
Hursel C. Disney


  
J. K. Givan

  
Paul T. Hardin

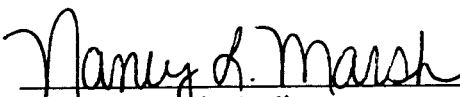
  
Larry R. Hesson

  
Wayne G. Johnson

  
Phyllis A. Palmer

  
Jay R. Puckett

Attest:

  
Nancy L. Marsh, Auditor

NAY

\_\_\_\_\_  
Hursel C. Disney

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J. K. Givan

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Paul T. Hardin

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Larry R. Hesson

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Wayne G. Johnson

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Phyllis A. Palmer

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Jay R. Puckett

COUNTY COUNCIL ORDINANCE NO. 2003-03

AN ORDINANCE OF HENDRICKS COUNTY, INDIANA, AUTHORIZING THE ISSUANCE AND SALE OF TRANSPORTATION REVENUE BONDS OF THE COUNTY, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000), FOR THE PURPOSE OF FINANCING COSTS OF CERTAIN ROAD PROJECTS OF THE COUNTY, APPROPRIATING THE PROCEEDS THEREFROM, AND TAKING OTHER ACTIONS RELATED THERETO.

WHEREAS, the Hendricks County Council has imposed the county motor vehicle excise surtax and the county wheel tax on the county taxpayers of Hendricks County, Indiana (the "County"), pursuant to IC 6-3.5-4 and IC 6-3.5-5, respectively (such taxes are hereinafter collectively referred to as the "Motor Vehicle Taxes"); and

WHEREAS, the County intends to use a portion of the revenues to be received from the Motor Vehicle Taxes for the projects described in Exhibit A hereto (the "Projects"), and to issue bonds of the County payable from such revenues to finance the Projects; and

WHEREAS, the proceeds of the Bonds (as hereinafter defined), including investment earnings thereon, have not been included in any regular budget; and

WHEREAS, an extraordinary emergency and necessity exist for the making of the additional appropriation set out herein; and

WHEREAS, notice of a hearing on said appropriation has been published as required by law and such public hearing was held on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation;

NOW, THEREFORE, BE IT ORDAINED BY THE HENDRICKS COUNTY COUNCIL AS FOLLOWS:

SECTION 1. The Board of Commissioners of the County is hereby authorized to make a loan in the principal amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000), for and on behalf of the County, for the purpose of providing funds to be applied



to the costs of the Projects and the payment of any and all expenses in connection with the issuance of bonds to provide therefor.

SECTION 2. In order to procure funds for said loan, the Board of Commissioners of the County is hereby authorized and directed to have prepared and to issue and sell negotiable revenue bonds of the County, in one or more series, each series to be designated as "Hendricks County, Indiana, Transportation Revenue Bonds, Series [appropriate year and letter]" (the "Bonds"), or such other designation as the Board of Commissioners may determine, in the aggregate principal amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000). The Bonds shall be payable solely from the Sinking Fund referred to below. The initial series of Bonds shall be designated as "Hendricks County, Indiana, Transportation Revenue Bonds, Series 2003" (the "2003 Bonds"). Each additional series of Bonds shall be approved by the Hendricks County Council prior to issuance.

The Bonds shall be issued in fully registered form in denominations of Five Thousand Dollars (\$5,000) or an integral multiple thereof ("Authorized Denominations") not exceeding the aggregate principal amount of Bonds maturing in any year. The Bonds shall be numbered consecutively from [year]R-1 upwards and shall bear interest payable semiannually on February 1 and August 1 at a rate or rates not to exceed six percent (6%) per annum (the exact rate or rates to be determined by bidding for each series of Bonds) commencing for each series on the date determined by the Board of Commissioners. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The Bonds shall mature (or, with respect to any term Bonds, be subject to mandatory sinking fund redemption) on February 1 and August 1 in each year, on the dates and in the amounts as shall be determined by the Board of Commissioners of the County at the time of the sale of each series of Bonds; provided, however, that the last maturity of the Bonds shall be no later than August 1, 2025.

The Board of Commissioners of the County shall appoint a banking institution to serve as Registrar (such bank, and any subsequent registrar appointed pursuant to this Ordinance shall hereinafter be referred to as the "Registrar") for the Bonds, and such bank is hereby charged with the responsibility of authenticating the Bonds. The Registrar shall keep and maintain at its principal office books for the registration and for the transfer of the Bonds (the "Bond Register"). The County Auditor and the Board of Commissioners of the County are hereby authorized and directed, on behalf of the County, to enter into such agreements or understandings with the Registrar as will enable the Registrar to perform the services required of a registrar, and are authorized and directed to pay the Registrar for its services out of available funds.

The principal of and premium, if any, on the Bonds shall be payable at the principal office of the Registrar, which is hereby appointed as the Paying Agent (such bank, and any subsequent paying agent appointed pursuant to this Ordinance shall hereinafter be referred to as the "Paying Agent") for the Bonds. Interest on the Bonds shall be paid by check or draft mailed or delivered to the registered owners thereof at the address as it appears on the Bond Register as of the fifteenth (15th) day of the month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by such registered owners; provided, however, that holders of at least One Million Dollars (\$1,000,000) in aggregate principal amount of Bonds may receive payment of interest by wire transfer to a financial institution in the United States of America, if requested in writing on or prior to the fifteenth (15th) day of the month immediately preceding the interest payment date. All payments on the Bonds shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public and private debts. The County Auditor and the Board of Commissioners of the County are hereby authorized and directed, on behalf of the County, to enter into such agreements or understandings with the Paying Agent as will enable it to perform the services required of a Paying Agent, and are authorized and directed to pay said Paying Agent for its services out of available funds.

Each Bond shall be transferable or exchangeable only upon the Bond Register, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Bonds may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be obligated to make any exchange or transfer of Bonds during the period from the fifteenth (15th) day of any calendar month immediately preceding an interest payment date on the Bonds until such interest payment date. The Registrar also shall not be obligated to (i) register, transfer or exchange any Bonds during the fifteen (15) day period immediately preceding the mailing of a notice of redemption of any Bonds, or (ii) register, transfer or exchange any Bonds that have been duly called for redemption on or after the date of mailing notice of such call. The County, the Registrar and the Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the County may execute and the Registrar may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued, provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the County and the Registrar and, in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the County and the Registrar evidence of such loss, theft or destruction satisfactory to the County and the Registrar, together with indemnity satisfactory

to them. In the event any such lost, stolen or destroyed Bond shall have matured, instead of issuing a duplicate Bond, the County and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The County and the Registrar may charge the owner of such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the County, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

The Bonds and any bonds hereafter issued on a parity therewith, as to principal, premium, if any, and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a charge upon all the county motor vehicle excise surtax and county wheel tax revenues of the County deposited into the Sinking Fund as defined below. The County shall not be obligated to pay the Bonds or the premium, if any, or the interest thereon except from the county motor vehicle excise surtax and county wheel tax revenues of the County deposited into the Sinking Fund as defined below.

Each series of Bonds shall bear an Original Date which shall be the first day of the month in which such series of Bonds are delivered, and each Bond shall also bear the date of its authentication. 2003 Bonds authenticated on or before January 15, 2004, shall be paid interest from the Original Date. Bonds authenticated thereafter shall be paid interest from the interest payment date next preceding the date of authentication of such Bonds unless the Bonds are authenticated between the fifteenth (15th) day of the month preceding an interest payment date and the interest payment date, in which case interest thereon shall be paid from such interest payment date.

The Bonds shall be executed in the name of Hendricks County by the manual or facsimile signature of the Board of Commissioners of the County, and attested by the manual or facsimile signature of the Auditor, who shall cause the official seal of the Board of Commissioners of the

County to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of the Bonds. Subject to the provisions for registration, the Bonds shall be negotiable under the laws of the State of Indiana.

The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or obligatory for any purpose until the certificate of authentication on such Bond shall have been so executed.

The Registrar or the Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the County and by first-class mail to each registered owner of Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the County. Such notice to the County may be served personally or be sent by registered mail. The Registrar or Paying Agent may be removed at any time as Registrar or Paying Agent by the County (unless the County is in default on the payment of principal or interest on the Bonds), in which event the County may appoint a successor Registrar or Paying Agent, as the case may be. The County shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar or Paying Agent. Notices to registered owners of Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond Register. Any predecessor Registrar shall deliver all the Bonds in its possession and the Bond Register to the successor Registrar and any predecessor Paying Agent shall deliver all the cash in its possession to the successor Paying Agent.

The Bonds may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the County from time to time (the "Clearing Agency"). The County and Registrar may, in connection herewith, do or perform or cause to be done

or performed any acts or things not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency (1) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including CEDE & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond is so registered shall be, and the County and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of, premium, if any, on and interest on such Bond, the receiving of notice and giving of consent; (3) neither the County nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal, premium, if any, or interest on any Bonds, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either (i) the County receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or (ii) the County elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the County and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or

things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holder of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the County.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar and Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owners of the Bonds as of a record date selected by the Registrar and Paying Agent. For purposes of determining whether the consent, advice, direction or demand of a Registered Owner of the Bond has been obtained, the Registrar or Paying Agent shall be entitled to treat the beneficial owners of the Bonds as the Bondholders.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Auditor and/or the Registrar are authorized to enter into a Letter of Representations agreement with the Clearing Agency, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth herein.

SECTION 3. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the printing of the Bonds):

(Face of Bond)

UNITED STATES OF AMERICA

State of Indiana

County of Hendricks

No. \_\_\_\_ R- \_\_\_\_

\$ \_\_\_\_\_

HENDRICKS COUNTY, INDIANA,  
TRANSPORTATION REVENUE BOND,  
SERIES \_\_\_\_\_

INTEREST RATE	MATURITY DATE	ORIGINAL DATE	AUTHENTICATION DATE	CUSIP
------------------	------------------	------------------	------------------------	-------

REGISTERED OWNER:

PRINCIPAL SUM:

The County of Hendricks, in the State of Indiana (the "County"), for value received, hereby promises to pay to the Registered Owner (named above) or registered assigns, but solely from the special revenue fund hereinafter referred to, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest on said Principal Sum to the Registered Owner of this bond until the County's obligation with respect to the payment of said Principal Sum shall be discharged, at the rate per annum specified above from the interest payment date immediately preceding the date of authentication of this bond, unless this bond is authenticated on or before \_\_\_\_\_ 15, 20\_\_\_\_, in which case interest shall be paid from the Original Date specified above, or unless this bond is authenticated between the fifteenth (15th) day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest is payable \_\_\_\_\_ 1, 20\_\_\_\_, and semiannually thereafter on February 1 and August 1 of each year by check or draft. Interest shall be calculated on the basis of twelve (12) thirty day months for a three hundred sixty (360) day year.

The principal of and premium, if any, on this bond are payable in lawful money of the United States of America at the principal office of \_\_\_\_\_, as Paying Agent (which term shall include any successor paying agent) (the "Paying Agent"). Interest on this bond shall be paid by check or draft mailed or delivered to the registered owner hereof at the address as it appears on the



books kept by \_\_\_\_\_, as Registrar (which term shall include any successor registrar) for the registration and for the transfer of the bonds (the "Bond Register") as of the fifteenth (15th) day of the month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by the registered owner; provided, however, that if the Registered Owner of this bond is the holder of at least One Million Dollars (\$1,000,000) in aggregate principal amount of bonds of this issue, such Registered Owner may receive payment of interest by wire transfer to a financial institution in the United States of America, if requested in writing on or prior to the fifteenth (15th) day of the month immediately preceding the interest payment date.

This bond is one of an authorized issue of bonds of the County, aggregating no more than \_\_\_\_\_ Million Dollars (\$\_\_\_\_\_) numbered consecutively from \_\_\_\_R-1 upwards, issued pursuant to an ordinance adopted by the County Council of said County on August 14, 2003, entitled "An Ordinance of Hendricks County, Indiana, authorizing the issuance and sale of transportation revenue bonds of the County in the principal amount not to exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000) for the purpose of financing costs of certain road projects of the County, appropriating the proceeds therefrom, and taking other actions related thereto" (the "Ordinance"), and the Indiana Code. Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds and the County and the terms on which this bond is issued, and to all the provisions of the Ordinance to which the registered owner hereof by the acceptance of this bond assents.

Pursuant to provisions of the Ordinance, the principal of and interest on this bond and all other bonds of said issue, and any bonds hereafter issued ranking on a parity therewith, are payable solely from the Sinking Fund referred to in the Ordinance to be provided from the county motor vehicle excise surtax and county wheel tax revenues of the County. The County shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said

revenues. Subject to the provisions for registration, this bond is negotiable under the laws of the State of Indiana.

Hendricks County irrevocably pledges the entire county motor vehicle excise surtax and county wheel tax revenues of the County deposited into the Sinking Fund referred to in the Ordinance, to the extent necessary for that purpose, to the prompt payment of principal of and interest on the bonds authorized by the Ordinance, of which this bond is one, and any bonds hereafter issued on a parity therewith.

The County reserves the right pursuant to the terms and conditions of the Ordinance to authorize and issue additional bonds or other obligations hereafter payable out of the county motor vehicle excise surtax and county wheel tax revenues of the County, ranking on a parity herewith or junior hereto, for the purpose of financing future projects of the County.

[Bonds of this issue maturing on or after \_\_\_\_\_ 1, 20\_\_ are redeemable on \_\_\_\_\_ 1, 20 \_\_, or any date thereafter, at the option of the County in whole or in part (only in authorized denominations) in any order of maturity selected by the County and by lot (in such manner as the Registrar shall determine) within a maturity. Bonds so redeemed shall be redeemed on such redemption date at a price equal to the applicable percentage set out below of the principal amount of the bonds outstanding to be redeemed plus accrued interest to the redemption date on the principal amount to be redeemed:

\_\_\_\_\_ % if redeemed on \_\_\_\_\_ 1, 20 \_\_, or thereafter  
on or before \_\_\_\_\_ 31, 20 \_\_;  
100% if redeemed on \_\_\_\_\_ 1, 20 \_\_, or thereafter  
prior to maturity.]

[Bonds of this issue maturing on \_\_\_\_\_ 1, \_\_\_\_\_, are subject to mandatory sinking fund redemption by lot prior to maturity on the dates and in the amounts set forth below at a price equal to the principal amount thereof, plus accrued interest to the date of redemption without premium:

Term Bonds Due \_\_\_\_\_ 1, \_\_\_\_\_

Date

Principal Amount

]

Unless waived by any registered owner of bonds to be redeemed, official notice of any such redemption shall be given by the Registrar on behalf of the County identifying the bonds, by mailing a copy of an official redemption notice by registered or certified mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the bond or bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of other bonds.

Prior to any redemption date, the County shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all of the Bonds or portions of the Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the bond or portions of bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such bonds or portions of bonds shall cease to bear interest. Upon surrender of such bonds for redemption in accordance with said notice, such bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a bond or bonds of the same maturity in authorized denominations equal to the remaining principal amount.

The principal of and premium, if any, and interest on this bond and all other bonds of said issue, and any bonds or other obligations hereafter issued ranking on a parity herewith, are, to the extent and as provided in the Ordinance, payable solely out of the Sinking Fund created pursuant to the Ordinance, to be provided from the county motor vehicle excise surtax and county wheel tax revenues to be received by the County.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the County and of the owners of the bonds may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the County. Additional bonds ranking on a parity with the bonds authorized by the Ordinance and other bonds, junior to the bonds authorized by the Ordinance, may be issued in accordance with the terms of the Ordinance.

This bond is transferable or exchangeable only upon the Bond Register, by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be obligated to make any exchange or transfer of this bond during the period from the fifteenth (15th) day of any calendar month immediately preceding an interest payment date on this bond until such interest payment date. The Registrar also shall not be obligated to (i) register, transfer or exchange this bond during the fifteen (15) day period immediately preceding the mailing of a notice of redemption of any bonds of this issue, or (ii) register, transfer or exchange this bond, if it has been duly called for redemption, on or after the date of mailing notice of

such call. The County, the Registrar and the Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the County may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided that, in the case of this bond being mutilated, this bond shall first be surrendered to the County and the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the County and the Registrar evidence of such loss, theft or destruction satisfactory to the County and the Registrar, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond the County and the Registrar may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. In such event, the County and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the County, whether or not this bond, being lost, stolen or destroyed, shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

The Registrar or Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the County and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the County. Such notice to the County may be served personally or be sent by registered mail. The Registrar or Paying Agent may be removed at any time as Registrar or Paying Agent by the County (unless the

County is in default on the payment of principal or interest on the Bonds), in which event the County may appoint a successor Registrar or Paying Agent, as the case may be. The County shall notify the registered owner of this bond, if then outstanding, by first-class mail of the removal of the Registrar or Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

The bonds maturing in any one year are issuable only in fully registered form in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

If this bond shall have become due and payable in accordance with its terms or this bond or a portion hereof shall have been duly called for redemption, or irrevocable instructions to call this bond or a portion hereof for redemption have been given, and the whole amount of the principal of, the premium, if any, and interest, so due and payable upon all of this bond or a portion hereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion hereof shall no longer be deemed outstanding or an indebtedness of the County.

A Continuing Disclosure Agreement from the County to each registered owner or holder of any Bond, dated as of the date of initial issuance of the Bonds (the "Agreement"), has been executed by the County, a copy of which is available from the County and the terms of which are incorporated herein by this reference. The Agreement contains certain promises of the County to each registered owner or holder of any Bond, including a promise to provide certain continuing disclosure. By its

payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Agreement and to the exchange of such payment and acceptance for such promises.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as provided by law; and that this bond and said total issue of bonds is within every limit of indebtedness provided by the Constitution and laws of the State of Indiana.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance authorizing this bond until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, Hendricks County, in the State of Indiana, by ordinance of its County Council, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its Board of Commissioners and attested by the manual or facsimile signature of its Auditor, who has caused the official corporate seal of its Board of Commissioners to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

HENDRICKS COUNTY, INDIANA

By: The Board of Commissioners of  
Hendricks County, Indiana

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Auditor, County of Hendricks, Indiana

## REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Ordinance.

as Registrar

By: \_\_\_\_\_  
Authorized Representative

The following abbreviations, when used in the inscription of the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.                      as tenants in common

TEN. ENT.                    as tenants by the entireties

JT. TEN. as joint tenants with right of survivorship and not as tenants in common

UNIF. TRANS.  
MIN. ACT

\_\_\_\_\_  
(Cust.) Custodian \_\_\_\_\_  
(Minor)

under Uniform Transfers to Minors Act of

(State)

Additional abbreviations may also be used although not in the above list.



## ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(please print or typewrite name and address of transferee)

the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature of this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SECTION 4. Each series of the Bonds shall be sold by competitive bid pursuant to IC 36-2-6-19, IC 5-3-1 and IC 5-1-11-2, or by negotiated sale to the Indiana Bond Bank, at a price of not less than ninety-eight percent (98%) of par plus accrued interest to the date of delivery of such series of Bonds. The Board of Commissioners is hereby authorized to execute and deliver a purchase agreement with the purchaser of each series of the Bonds (the "Purchase Agreement"). The Board of Commissioners is further authorized to carry out, on behalf of the County, the terms and conditions set forth in the Purchase Agreement, consistent with the provisions of this Ordinance.

SECTION 5. The Auditor is hereby authorized and directed to have such Bonds prepared. In case any officer whose signature appears on the Bonds shall cease to hold that office before

the delivery of the Bonds, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds. After the Bonds have been properly executed, the Auditor shall deliver the Bonds to the Treasurer of Hendricks County who shall, upon receipt of the purchase price therefor, deliver the Bonds to the Purchaser in the manner provided by law.

SECTION 6. The Bonds, when fully paid for and delivered to the Purchaser, shall be valid and binding special revenue obligations of the County, payable solely out of the county motor vehicle excise surtax and county wheel tax revenues of the County to be fixed and set aside into the Sinking Fund, as herein provided, and the proceeds derived from the sale of the Bonds shall be and are hereby set aside for application by the County solely to the payment of the cost of the Projects and costs of issuance of the Bonds, as provided herein.

SECTION 7. The revenues received by the County from distributions of the Motor Vehicle Taxes shall be used and applied by the County only as provided in this Ordinance in strict accordance with the provisions of IC 6-3.5-4 and IC 6-3.5-5, as amended (sometimes collectively herein referred to as the "Act"). All of such revenues shall be segregated and kept in special accounts separate and apart from all other funds of the County and shall be used and applied in payment of bonds and interest thereon which by their terms are payable from such revenues and to maintain a reasonable reserve, in accordance with this Ordinance and the Act. There are hereby created and established pursuant to the Act funds known as the "Hendricks County Surtax Fund" and the "County Wheel Tax Fund," and there are hereby created by this Ordinance accounts of such funds to be known as a Bond Principal and Interest Account, a Reserve Account and an Excess Account. The Bond Principal and Interest Account and the Reserve Account together shall be referred to as the "Sinking Fund". The County hereby

covenants and agrees to cause to be kept and maintained both of such accounts so long as needed for the purposes set forth herein. All of the county motor vehicle excise surtax and county wheel tax revenues of the County shall be set aside in the following accounts in the following order of priority and to the extent indicated below:

- (1) Bond Principal and Interest Account;
- (2) Reserve Account; and
- (3) Excess Account.

(a) Bond Principal and Interest Account. As soon as possible upon receipt by the County of county motor vehicle excise surtax and county wheel tax distributions due in each month of each year, the County shall set apart and pay all of such revenues into the Bond Principal and Interest Account to be used to pay the interest on and principal of the Bonds; provided, however, that no deposit shall be made into such account whenever the balance therein is sufficient to pay the next following semi-annual interest and principal (if any) payments on the Bonds.

(b) Reserve Account. If at the time of sale of the Bonds the Board of Commissioners, with the advice of the financial advisor of the County, determines such Reserve Account is reasonably required to sell the Bonds, the county motor vehicle excise surtax and county wheel tax revenues of the County shall next be set apart and paid into the Reserve Account and used to make deposits into the Bond Principal and Interest Account in the event of any deficiency at any time in such account, or for the purpose of paying the interest on or principal of or redemption premiums, if any, on the Bonds in the event no other money is lawfully available therefor, or to make the final payment of interest on or principal of the Bonds; provided, however, that no deposit shall be made into the Reserve Account so long as there shall be on deposit therein an

amount equal to the least of (i) the maximum annual debt service on the Bonds, or (ii) one and one-fourth (1-1/4) times the average annual debt service on the Bonds, or (iii) 10% of the proceeds of the Bonds, within the meaning of Section 148(d) of the Internal Revenue Code of 1986, as amended (the "Code") (the "Debt Service Reserve Requirement"). Any portion of the Debt Service Reserve Requirement will be deemed to be satisfied if there is on deposit in the Reserve Account any surety bond, insurance policy, guaranty, letter of credit or other credit facility in any amount equal to such portion.

(c) Excess Account. Any remaining county motor vehicle excise surtax and county wheel tax revenues of the County shall be deemed excess funds and shall be deposited in the Excess Account for appropriation and use as permitted by law. In the event of any deficiency at any time in the Bond Principal and Interest Account for the purposes of paying the interest on or principal of the Bonds or such additional bonds or other obligations secured by county motor vehicle excise surtax and county wheel tax revenues as authorized herein, funds may be withdrawn from the Excess Account for deposit into said Bond Principal and Interest Account in the amount of such deficiency.

All funds in said accounts shall be segregated and kept separate and apart from all other funds of the County and shall be deposited in lawful depositories of the County and continuously held and secured or invested as provided by law. Interest earned in each such account shall be credited to such account, except that the amount of funds in the Reserve Account shall not exceed the Debt Service Reserve Requirement, and any such excess shall be deposited into the Bond Principal and Interest Account.

SECTION 8. Any accrued interest, unused discount and premium received at the time of the delivery of each series of the Bonds shall be deposited into the Bond Principal and Interest Account. The remaining proceeds from the sale of each series of the Bonds shall be deposited

into a special fund to be designated as the "Hendricks County Transportation Projects Fund" (the "Project Fund"). Such fund shall be deposited with a legally qualified depository or depositories for the funds of the County as provided by law and shall be segregated and kept separate and apart from all other funds of the County and may be invested as permitted by law. The money in the Project Fund may be expended only for the purpose of paying the costs of the Projects and costs of issuance of the Bonds. On the date that is three years after the date of issuance of each series of Bonds, any balances remaining in the Project Fund from proceeds of such series of Bonds and any interest earnings thereon shall be transferred to the Bond Principal and Interest Account and used solely for the purposes of that account as provided for herein.

SECTION 9. At the time of sale of each series of Bonds, with the advice of the County's financial advisor, the Board of Commissioners may designate maturities of such series of Bonds (or a portion thereof in Authorized Denominations), that may be subject to optional and/or mandatory sinking fund redemption, and corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Board of Commissioners is hereby authorized and directed to determine the terms governing any such redemption.

Unless waived by any registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Registrar on behalf of the County identifying the Bonds, by mailing a copy of an official redemption notice by registered or certified mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of any proceedings for the redemption of other Bonds.

All official notices of redemption shall be dated and shall state:

- (1) The redemption date,
- (2) The redemption price,
- (3) If less than all outstanding Bonds of that series are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (4) That on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
- (5) The place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the place provided for the payment of the principal of and premium, if any, on the Bonds.

Prior to any redemption date, the County shall cause to be deposited with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of the Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of the Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Bonds or portions of the Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Bonds redeemed in part may be exchanged for a Bond or Bonds of the same maturity in Authorized Denominations equal to the remaining principal amount. In addition to the foregoing notice, further notice may be given by the Registrar as it deems appropriate by mail, publication or otherwise to registered securities depositories, national

information services or others containing the above information and such further information as the Registrar may deem appropriate, but no defect in said further notice, nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above described.

SECTION 10. The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds for the uses and purposes herein set forth, and the registered owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance. The provisions of this Ordinance shall also be construed to create a trust in the county motor vehicle excise surtax and county wheel tax revenues of the County herein directed to be set apart and paid into the Sinking Fund for purposes of said fund as in this Ordinance set forth.

The provisions of this Ordinance shall constitute a contract by and between the County and the owners of the Bonds. After the issuance of the Bonds, the County shall not, except as specifically provided herein, repeal, amend, or impair in any respect which would materially adversely affect the rights of the owners of the Bonds, (i) this Ordinance, (ii) the definition of, the manner of collecting and distributing, or the pledge of the County's motor vehicle excise surtax or county wheel tax revenues, or (iii) the lien created by this Ordinance. The County shall not adopt any law, resolution, order or ordinance which in any way materially adversely affects the rights of such owners so long as the principal of or interest on any Bonds remains unpaid.

SECTION 11. To the extent necessary to preserve the exclusion from gross income under federal law of interest on the Bonds, and as an inducement to the purchasers of the Bonds, the County represents, covenants and agrees that:

- (a) No Bond proceeds will be loaned to any entity or person. No Bond proceeds will be transferred directly, or indirectly transferred or deemed

transferred to a person other than a governmental unit in a fashion that would in substance constitute a loan of said Bond proceeds;

(b) The County will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, nor will the County act in any manner that would adversely affect such exclusion. The County further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder that would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds. The County shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable; and

(c) All officials, officers, members, employees and agents of the County are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the County as of the date the Bonds are issued, to enter into covenants on behalf of the County evidencing the commitments made herein and to do all such other acts necessary or appropriate to carry out this Ordinance, including preparation of and execution of preliminary and final official statements describing the Bonds and matters related thereto. In particular, all or any officials, officers, members, employees and agents of the County are authorized to certify and/or enter into covenants for the County regarding the facts and circumstances and reasonable expectations of the County



on the date the Bonds are issued and the commitments made by the County herein regarding the amount and use of the proceeds of the Bonds.

SECTION 12. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 13. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption, or irrevocable instructions to call the Bonds or a portion thereof shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient money or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the County.

SECTION 14. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 15. All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

SECTION 16. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the city in which the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 17. The County may, from time to time and at any time, without the consent of, or notice to, any of the owners of the Bonds, adopt a supplemental ordinance for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance;

(b) To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the County, is not to the prejudice of the owners of the Bonds;

(c) To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America;

(d) To provide for the refunding or advance refunding of the Bonds;

(e) To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds;

(f) To make changes to reflect the issuance of Parity Obligations in accordance with Section 20; or

(g) Any other purpose which in the judgment of the County does not adversely impact the interests of the owners of the Bonds.

SECTION 18. This Ordinance, and the rights and obligations of the County and the owners of the Bonds may be modified or amended at any time by supplemental ordinances adopted by the County with the consent of the owners of the Bonds holding at least sixty percent (60%) in aggregate principal amount of the Outstanding Bonds (exclusive of Bonds, if any, owned by the County); provided, however, that no such modification or amendment shall, without the express consent of all of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest is payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety

thereof or to enjoin or restrain the County or any officer thereof from taking any action pursuant thereto.

If the County shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the Bond Register. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 18, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 18.

Whenever, at any time within one year after the date of the mailing of such notice, the County shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty percent (60%) in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the County), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the Council may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 18, this Ordinance shall be, and is deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

SECTION 19. All of the county motor vehicle excise surtax and county wheel tax revenues of the County paid into the Sinking Fund shall be and are hereby irrevocably pledged to the payment of the principal of and premium, if any, and interest on the Bonds.

SECTION 20. The County reserves the right to authorize and issue additional bonds, payable out of its county motor vehicle excise surtax and county wheel tax revenues or otherwise pledge its county motor vehicle excise surtax and county wheel tax revenues to secure lease rental payments or other obligations, ranking on a parity with the Bonds (such bonds, lease rental payments or other obligations, "Parity Obligations"). In the event any Parity Obligations are issued pursuant to this Section 20, the term "Bonds" in this Ordinance shall, unless the context otherwise requires, be deemed to refer to the Bonds and such Parity Obligations and other changes may be made herein as required to reflect the issuance of such Parity Obligations. Subject to the prior satisfaction of all of the terms of this Section 20, applicable to Parity Obligations generally, the future issuance of additional Parity Obligations is hereby authorized upon the adoption by the Council of an ordinance or ordinances supplemental hereto, which Parity Obligations shall have the same terms and be subject to the same provisions as set forth herein, except as otherwise provided by such supplemental ordinance. The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) Any such Parity Obligations shall not cause the County to exceed its debt limitation under Article 13, Section 1, of the Indiana Constitution or any statutory debt limitation as of the date of issuance.

(b) All interest and principal payments with respect to all Parity Obligations payable from amounts that the County receives from county motor

vehicle excise surtax and county wheel tax revenues shall have been paid in accordance with their terms.

(c) All required deposits into the Bond Principal and Interest Account and the Reserve Account shall have been made in accordance with the provisions of this Ordinance.

(d) Either: (1) the county motor vehicle excise surtax and county wheel tax revenues of the County in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Bonds shall be not less than one hundred thirty-five percent (135%) of the maximum annual interest and principal requirements of the then outstanding Bonds and the additional Parity Obligations proposed to be issued; or (2) the county motor vehicle excise surtax and county wheel tax revenues of the County for the first full fiscal year immediately succeeding the issuance of any such Parity Obligations ranking on a parity with the Bonds shall be projected by a certified public accountant or independent financial advisor to be at least equal to one hundred thirty-five percent (135%) of the maximum annual interest and principal requirements of the then outstanding Bonds and the additional Parity Obligations proposed to be issued.

For purposes of this subsection, the records of the County shall be analyzed and all showings prepared by a certified public accountant or independent financial advisor employed by the County for that purpose.

(e) The interest on the additional Parity Obligations shall be payable semiannually on the first days of February and August in the years in which

interest is payable and the principal of the additional Parity Obligations shall be payable semiannually on the first days of February and August in the years in which principal is payable.

Except as otherwise provided in this Section, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the county motor vehicle excise surtax and county wheel tax revenues of the County shall be authorized, executed or issued by the County except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations, or as provided in Section 13 hereof, funds sufficient to effect such redemption are available and set aside for that purpose at the time of issuance of such additional bonds or other obligations.

SECTION 21. The appropriate officers of the County are hereby authorized to take all actions required to obtain a rating and/or municipal bond insurance for the Bonds, if economically feasible and desirable.

SECTION 22. The proceeds derived from the sale of the Bonds and all investment earnings thereon shall be and the same hereby are appropriated to pay for costs of the Projects and costs of issuance of the Bonds. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until the expenditure of all such appropriated funds on costs of the Projects. Any surplus of such proceeds shall be credited to the proper fund as required by law. A certified copy of this Ordinance, together with such other pleadings and actions as may be necessary, shall be filed by the Hendricks County Auditor with the Indiana Department of Local Government Finance.

SECTION 23. Each officer of the County is hereby authorized and directed, for and on behalf of the County, to prepare a Preliminary Official Statement for the Bonds (the "Preliminary

Official Statement”) and, in accordance with Rule 15c2-12 of the United Securities and Exchange Commission, as amended (the “SEC Rule”), to deem the Preliminary Official Statement final as of its date, except for the omission of the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters, and the identity of the underwriter(s). Each officer of the County is hereby authorized and directed, for and on behalf of the County, to execute and deliver an Official Statement for the Bonds (the “Official Statement”). The distribution of the Preliminary Official Statement and the Official Statement to prospective purchasers of the Bonds is hereby authorized and approved.

SECTION 24. In order to assist the Purchaser of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the County and the Bonds to participants in the municipal securities market, the County hereby covenants, agrees and undertakes, in accordance with the SEC Rule, unless excluded from the applicability of the SEC Rule or otherwise exempted from the provisions of paragraph (b)(5) of the SEC Rule, that it will comply with and carry out all of the provisions of the continuing disclosure contract. “Continuing disclosure contract” shall mean that certain continuing disclosure contract executed by the County and dated the date of issuance of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. The execution and delivery by the County of the continuing disclosure contract, and the performance by the County of its obligations thereunder by or through any employee or agent of the County, are hereby approved, and the County shall comply with and carry out the terms thereof.

SECTION 25. Each officer of the County is hereby authorized and directed, for and on behalf of the County, to execute and deliver any agreement, contract or other instrument or take



any other action that such officer determines to be necessary or advisable to consummate the transactions anticipated by this Ordinance, such determination to be conclusively evidenced by such officer's having executed and delivered such agreement, contract or other instrument or having taken such other action.

SECTION 26. This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

2003.

James R. Benson  
 Paul A. Jones  
 Alfred R. Lee  
 Phyllis A. Palmer  
 Fred T. Williams

Nancy A. Marsh  
Auditor of Hendricks County, Indiana

## EXHIBIT A

### DESCRIPTION OF THE PROJECTS

The Projects consist of land acquisition, design and/or construction of road improvements for the following areas located in the County:

- (1) Intersection improvements at C.R. 100 South at Raceway Road;
- (2) Intersection improvements at C.R. 100 South at C.R. 625 East;
- (3) Intersection improvements at C.R. 200 North at C.R. 900 East;
- (4) Intersection improvements at C.R. 200 North at Raceway Road;
- (5) Widening and reconstruction of C.R. 100 North from C.R. 900 East to Raceway Road;
- (6) Widening and reconstruction of C.R. 750 South from C.R. 975 East to C.R. 800 south;
- (7) Widening and reconstruction of C.R. 1000 North from Raceway Road to S.R. 267;
- (8) Widening and reconstruction of C.R. 625 East from C.R. 100 South to C.R. 300 South;
- (9) Widening and reconstruction of C.R. 800 East from S.R. 267 to County Line Road;
- (10) Widening and reconstruction of C.R. 100 South from S.R. 267 to C.R. 525 East;
- (11) Various other road improvements located within the County.

The Projects also consist of the following road construction and/or improvement projects within the Town of Avon, to be funded by the County through the loan of a portion of the proceeds of the Bonds to the Town pursuant to IC 5-1-14-14:

- (1) Intersection improvements at Dan Jones Road at C.R. 100 North; and
- (2) Intersection improvements at Dan Jones Road at C.R. 100 South.

The County hereby establishes a revolving loan fund pursuant to IC 5-1-14-14(b) for such purpose, into which a portion of the proceeds of the Bonds, in such amounts as shall be determined by the Board of Commissioners, may be deposited. The Board of Commissioners are authorized to make a loan from the revolving fund to the Town, in an amount not to exceed \$2,000,000, substantially on the terms and conditions set forth in the form of Town Council resolution attached hereto as Exhibit A-1, for purposes of funding such road projects in the Town.

TOWN COUNCIL OF THE TOWN OF AVON

RESOLUTION NO. 2003-23

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF AVON, INDIANA  
AUTHORIZING A LOAN FROM THE HENDRICKS COUNTY REVOLVING FUND  
AND THE ISSUANCE OF NOTES EVIDENCING THE LOAN

WHEREAS, the Town Council of the Town of Avon ("Town") is in need of certain repairs and improvements to the streets and roads within its corporate boundaries; and

WHEREAS, the Town is desirous of funding such repairs and improvements by the use of its distributive share of the county motor vehicle excise surtax and the county wheel tax on the county taxpayers of Hendricks County, Indiana, pursuant to IC 6-3.5-4 and IC 6-3.5-5, respectively (such taxes are hereinafter collectively referred to as the "Wheel Tax"); and,

WHEREAS, pursuant to Indiana Code 5-1-14-14 ("Act") a county may establish a revolving fund and loan the money to any borrower if the county fiscal body finds that the loan will be used by the borrower for a statutorily prescribed economic development purpose; and,

WHEREAS, local governmental entities may borrow from the revolving fund of the local governmental entity's jurisdiction includes the geographic area within the boundaries of the county that established the revolving fund; and,

WHEREAS, Hendricks County ("County") intends to establish a revolving fund pursuant to the Act.

WHEREAS, the Town's jurisdiction includes the geographic area within the boundaries of the County, and therefore, is a qualified borrower from the revolving fund; and

WHEREAS, the County intends to issue its Transportation Revenue Bonds, Series 2003 A ("Bonds"), and to use a portion of the proceeds of the Bonds in an amount not to exceed \$2,000,000 to initially fund the revolving fund; and

WHEREAS, the Town is desirous of borrowing from the revolving fund to pay for the necessary street and road repairs and improvements rather than issue its own bonds to pay for such improvements; and

WHEREAS, pursuant to the Act, the county that established the revolving fund and the local government entity borrower may each authorize the loan from the revolving fund and the issuance of notes evidencing the loan by resolutions adopted by each of the fiscal bodies; and

WHEREAS, the County Council as the fiscal body of the County, intends to adopt a resolution authorizing a loan from the revolving fund to the Town and the purchase of notes issued by the Town evidencing the loan; and

WHEREAS, the Town Council is the fiscal body of the Town;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AVON THAT:

Section 1. A loan from the Hendricks County Revolving Fund in the maximum amount not to exceed \$2,000,000 is hereby authorized.

Section 2. The issuance of notes, in substantially the form attached hereto as Exhibit A, and incorporated herein is hereby authorized and approved ("Note").

Section 3. The term of the loan shall not exceed twenty-two (22) years and the interest rate shall not exceed eight percent (8%) per annum.

Section 4. All payments of principal and interest to be made by the Town to the County shall be made by paying the amount due in Wheel Tax funds, or any other sources of funds legally available to the Town for such purpose, that are available for immediate transfer or investment on or before 12:00 noon (Indianapolis time) on the Due Date (as set forth on the note) to the Trustee at its corporate trust office or to such other place of payment as may be specified in a notice given by the Trustee or the County to the Town. The Town hereby irrevocably pledges its distributive share of Wheel Tax revenues to the payment of principal and interest on the Note, pursuant to IC 5-1-14-4(b). The Town reserves the right to issue or incur additional obligations payable from its share of Wheel Tax revenues ranking on a parity with the Note ("Parity Obligations"), subject to the following conditions precedent:

(a) Any such Parity Obligations shall not cause the Town to exceed any constitutional or statutory debt limit;

(b) All principal and interest payments with respect to the Note and any other Parity Obligations shall have been paid in accordance with their terms; and

(c) Either: (1) the Wheel Tax revenues of the Town in the fiscal year immediately preceding the issuance of the Parity Obligations shall be not less than 135% of the maximum annual principal and interest requirements of the then outstanding Note and Parity Obligations and the Parity Obligations proposed to be issued, or (2) the Wheel Tax revenues of the Town for the first full fiscal year immediately succeeding the issuance of the proposed Parity Obligations shall be projected by an independent certified public accountant or financial advisor to be at least equal to 135% of the maximum annual principal and interest requirements of the then outstanding Note and Parity Obligations and the Parity Obligations proposed to be issued.

Section 5. The Note may be redeemed beginning in its 9th year at a price of 101% of its par value and at par value beginning in its 10th year.

Section 6. The President of the Town Council and the Clerk-Treasurer are hereby authorized to finalize all terms of the Note, including principal amount, interest rate and redemption, within the limits of this Resolution, and to execute the Note, the Note Purchase Agreement in substantially the form attached hereto as Exhibit B with such changes thereto as such officers shall approve, and all documents necessary to secure the loan and accomplish the intent of this Resolution.

Section 7. This Resolution shall be in effect from and after its passage.

Adopted by the Town Council of the Town of Avon, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Eva Yackey, President

\_\_\_\_\_  
Karl Buetow

\_\_\_\_\_  
David Cox

\_\_\_\_\_  
Dave Jackson

\_\_\_\_\_  
Mike Rogers

ATTEST:

\_\_\_\_\_  
Sharon K. Howell, Clerk-Treasurer

EXHIBIT A TO EXHIBIT A-1

UNITED STATES OF AMERICA  
STATE OF INDIANA  
TOWN OF AVON, INDIANA  
HENDRICKS COUNTY REVOLVING FUND NOTE

The Town of Avon, Hendricks County, Indiana (the "Town"), a municipal corporation organized under the laws of the State of Indiana, acknowledges itself indebted and for value received hereby promises to pay, from the source and as hereinafter provided, Hendricks County, Indiana, in Danville, Indiana, or registered assigns, the principal sum of \$\_\_\_\_\_, and to pay interest on such principal sum from \_\_\_\_\_, on the dates, in the amounts and at the rates set forth in Exhibit A hereto, payable upon redemption or at maturity and thereafter until the Town's obligation with respect to the payment of such principal sum shall be discharged. The principal of and the interest on this Note shall be payable in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts. Principal and interest on this Note shall be paid by check, mailed to the registered owner hereof or by wire transfer to the registered owner hereof.

This Note is authorized and issued under and pursuant to the provisions of IC 5-1-14-14 (the "Act"), and under and in accordance with a resolution of the Town adopted \_\_\_\_\_ (the "Resolution") for the purpose of providing financing to finance costs incurred in connection with the construction of improvements and additions to the Town's streets and roads, and to pay certain issuance expenses.

The principal of this Note may be prepaid upon sixty (60) days notice to the registered owner, in whole or in part, on or after \_\_\_\_\_ at a price of 101% of the outstanding principal amount thereof, until \_\_\_\_\_, and thereafter without any premium or penalty.

This Note is a limited obligation of the Town. The principal of and interest on this Note are payable from the Town's Wheel Tax (as defined in the Resolution), which Wheel Tax is hereby pledged to the payment of the principal of and the interest on this Note. This Note is also payable from the proceeds of the sale of any bonds, note or other evidences of indebtedness that may be issued by the Town for the purpose of retiring this Note. This Note is not a general obligation of the Town and neither the full faith and credit nor the taxing power of the Town is pledged to the payment of the principal of or interest on this Note.

Reference to the Resolution and any and all modifications and amendments thereto and to the Act is hereby made for a description of the nature and extent of the security for this Note, the nature, extent and manner of enforcement of the pledge, the rights and remedies of the owner of this Note, the terms and conditions upon which this Note is issued and secured, and the Town's right to issue additional obligations payable from Wheel Tax revenues on a parity with this Note.

It is hereby certified and recited that all conditions, acts and things required by the constitution or statutes of the State of Indiana or the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this Note exist, have happened and have

been performed and that the issuance of this Note, together with all other indebtedness of the Town, is within every debt limit and other limit prescribed by said constitution or statutes.

IN WITNESS WHEREOF, the Town of Avon, Hendricks County, Indiana, has caused this Note to be executed by the signature of the President of the Town Council and attested by the signature of its Clerk-Treasurer, its corporate seal to be affixed, imprinted or reproduced hereon, and this Note to be dated and delivered the \_\_\_\_ day of \_\_\_\_\_, 2003.

TOWN OF AVON, INDIANA

By: \_\_\_\_\_  
Eva Yackey, President  
Avon Town Council

(SEAL)

Attest:

\_\_\_\_\_  
Sharon K. Howell, Clerk Treasurer

CERTIFICATE OF AUTHENTICATION

I hereby certify that this Note is one of the Notes described in the within mentioned Resolution.

\_\_\_\_\_  
Sharon K. Howell, Clerk-Treasurer and  
Registrar



## ASSIGNMENT

For value received the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Note of the Town of Avon, Indiana and does hereby constitute and appoint \_\_\_\_\_, attorney, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

NOTICE: The signature to this must correspond with the name as it appears upon the face of the w within Note in every particular without alteration or enlargement or any change whatsoever.

Signature guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

EXHIBIT B TO EXHIBIT A-1

NOTE PURCHASE AGREEMENT

This NOTE PURCHASE AGREEMENT (the "Purchase Agreement"), dated the \_\_\_\_ day of \_\_\_\_\_, 2003, is being entered into by and between Hendricks County, Indiana (the "County"), and the Town of Avon, Indiana, a municipality located in Hendricks County, Indiana (the "Town").

WITNESSETH:

WHEREAS, the County has adopted an ordinance (the "Bond Ordinance") authorizing the issuance of its bonds designated "Transportation Revenue Bonds, Series 2003 A" (the "Bonds"); and

WHEREAS, pursuant to Indiana Code 5-1-14-14 (the "Act") the County has established a revolving fund from a portion of the proceeds of the Bonds; and

WHEREAS, pursuant to the Act, the County is authorized to loan money in the revolving fund to the Town and the Town is authorized to borrow from the revolving fund; and

WHEREAS, pursuant to the Act, the County and the Town may each authorize the loan from the revolving fund and the issuance of notes evidencing the loan by resolution adopted by the respective fiscal bodies; and

WHEREAS, the Town has adopted a resolution (the "Resolution") authorizing the loan from the revolving fund; and

WHEREAS, the County Council has adopted the Bond Ordinance authorizing the loan from the revolving fund; and

WHEREAS, the Town has duly authorized the issuance of its note in the original aggregate principal amount not to exceed \$2,000,000 (the "Note"), which is payable from the Wheel Tax (as defined in the Resolution) revenues to be distributed to the Town; and

WHEREAS, the Note will be issued by the Town in the name of the Town and executed by the executive and the fiscal officer of the Town.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the County and the Town agree as follows:

1. The County hereby agrees to purchase the Note and the Town hereby agrees to sell to the County the Note concurrently with the issuance by the County of its Bonds at the price set forth in Exhibit A attached hereto, which represents the par amount of the Note without any accrued interest. The Note shall mature and bear interest and be subject to the terms as set forth in Exhibit A. The other terms of the Note are set forth in the Resolution.

2. The Town will take all proceedings required by law to enable it to issue its Note to be purchased by the County and to execute and deliver all other documents which are necessary for the County to issue its Bonds. The parties to this Purchase Agreement acknowledge that the Town's obligation to issue and sell and the County's obligation to purchase are expressly contingent upon the Town taking all steps and receiving all approvals required by the laws of the State of Indiana to issue the Note and to execute and deliver all other documents which are necessary for the County to acquire the Note.

3. The Town agrees to furnish to the County as long as the Note remains outstanding annual financial reports, audit reports and such other financial information as is reasonably requested by the County.

4. If any provision of this Purchase Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Purchase Agreement, and this Purchase Agreement shall be construed and be in force as if such invalid or unenforceable provision had not been contained herein.

5. The County is obligated to purchase the Note solely from the proceeds of the Bonds.

6. If the County does not deliver the Bonds and receive payment therefor on or before \_\_\_\_\_, 2003, the Town may rescind this Purchase Agreement by giving written notice of such rescission to the Board of Commissioners of the County.

7. In the event the Town fails to sell the Note to the County in accordance with Section 1 herein for any reason within the control of the Town, the Town shall, on demand, pay to the County an amount equal to all costs, expenses (including attorney's fees) and consequential damages occasioned by the failure of the Town to sell its Note in accordance with Section 1 herein.

8. This Purchase Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. The County and the Town each agree that they will execute any and all documents or other instruments, and take such other actions as may be necessary to give effect to the terms of this Purchase Agreement.

9. No waiver by the County or the Town of any term or condition of this Purchase Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different section, subsection, paragraph, clause, phrase or other provision of this Purchase Agreement.

10. This Purchase Agreement merges and supersedes all prior negotiations, representations, and agreements among the County and the Town relating to the subject matter hereof and constitutes the entire agreement between the County and the Town in respect hereof.

IN WITNESS WHEREOF, we have hereunto set our hands as of the day and year first above written.

HENDRICKS COUNTY, INDIANA

By: \_\_\_\_\_

Attest:

\_\_\_\_\_

TOWN OF AVON, INDIANA

By: \_\_\_\_\_  
Eva Yackey, President, Town Council

Attest:

\_\_\_\_\_  
Sharon K. Howell, Clerk-Treasurer

EXHIBIT A

Hendricks County, Indiana

Purchase Price Par Amount: \$ \_\_\_\_\_  
Original Date: \_\_\_\_\_, 2003  
Interest Payable: \_\_\_\_\_  
2004

Maturity and Interest Rates: On the dates and amounts and at the interest rates as follows:

<u>Date</u>	<u>Amount</u>	<u>Interest Rate</u>
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AMENDMENT TO COUNTY COUNCIL ORDINANCE NO. 2003-03

2003-04

WHEREAS, on August 14, 2003, the Hendricks County Council adopted its Ordinance No. 2003-03 (the "Ordinance") authorizing the issuance of Hendricks County, Indiana, Transportation Revenue Bonds in one or more series (the "Bonds") to finance certain road improvements in Hendricks County, Indiana; and

WHEREAS, in order to facilitate the rating and marketing of the first series of the Bonds, the County Council now desires to amend the Ordinance to modify the requirements for issuing parity bonds thereunder;

NOW, THEREFORE, BE IT ORDAINED BY THE HENDRICKS COUNTY COUNCIL AS FOLLOWS:

1. Section 20(d) of the Ordinance is hereby amended to read in its entirety as follows:

"(d) The county motor vehicle excise surtax and county wheel tax revenues of the County in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Bonds shall be not less than one hundred fifty percent (150%) of the maximum annual interest and principal requirements of the then outstanding Bonds and the additional Parity Obligations proposed to be issued; or, prior to the issuance of such Parity Obligations, the county motor vehicle excise surtax and county wheel tax rates of the County shall be increased sufficiently so that such increased rates applied to the previous fiscal year's operations would have produced county motor vehicle excise surtax and county wheel tax revenues for such fiscal year at least equal to one hundred fifty percent (150%) of the maximum annual interest and principal requirements of the then outstanding Bonds and the additional Parity Obligations proposed to be issued. For purposes of this subsection, the records of the County shall be analyzed and all showings prepared by a certified public accountant or independent financial advisor employed by the County for that purpose."

2. The amendment set forth herein shall be in full force and effect upon compliance with the procedures required by law, and as amended herein, the Ordinance shall remain in full force and effect.

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The foregoing was passed by the Hendricks County Council this 16 day of Oct.,  
2003.

HENDRICKS COUNTY COUNCIL

Jay R. Hester  
David C. Brown  
Wayne S. Brown  
J. K. M. Brown  
J. R. Fulk  
Paul T. Fulk

(Seal)

ATTEST:

Nancy L. Marsh  
Hendricks County Auditor

**ORDINANCE 2003-05**  
**AN ORDINANCE OF THE COUNTY COUNCIL OF**  
**HENDRICKS COUNTY, INDIANA, TO ELIMINATE THE**  
**INVENTORY TAX IN HENDRICKS COUNTY, INDIANA**

WHEREAS, I.C. 6-1.1-12-41(f) (the "Act") authorizes the County Council (the "Council") of Hendricks County, Indiana (the "County") to adopt an ordinance to provide that a deduction, equal to one hundred percent (100%) of the assessed value of inventory located in the County, be applied to the assessed value of inventory located in the County;

WHEREAS, an ordinance adopted pursuant to the Act must be adopted prior to January 1, 2004 in order for the deduction to apply to the assessment of property in year 2004.

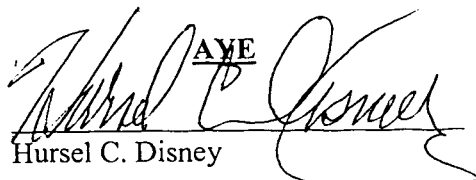
WHEREAS, it is the desire of the Council to provide for a one hundred percent (100%) deduction against the assessed value of inventory located in Hendricks County and thereby effectively repeal the inventory tax imposed against inventory located in Hendricks County; and

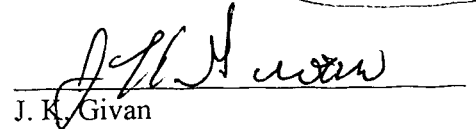
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF HENDRICKS COUNTY, INDIANA as follows:

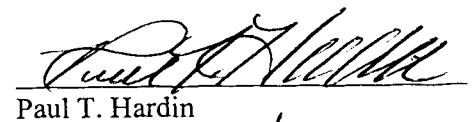
1. Pursuant to I.C. 6-1.1-12-41(f), a deduction is hereby authorized and created to apply to the assessed value of inventory located in Hendricks County, Indiana. The deduction shall be equal to one hundred percent (100%) of the assessed value of inventory located in Hendricks County, Indiana, for the appropriate year of assessment.
2. The deduction set forth above shall apply to inventory assessed beginning in year 2004 and each year thereafter.
3. The following definitions shall apply to this Ordinance
  - a. "Inventory" shall have the meaning set forth in I.C. 6-1.1-3-11;
  - b. "Assessed value of inventory" means the assessed value determined after the application of any deductions or adjustments that apply by statute or rule to the assessment of inventory, other than the deduction created above, as per I.C. 6-1.1-12-41(b).
4. A certified copy of this Ordinance shall be provided to the department of local government finance prior to February 1, 2004.
5. This Ordinance shall be effective upon passage.

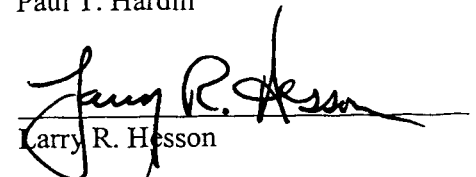


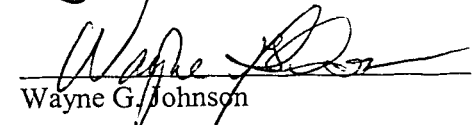
Adopted by the County Council of Hendricks County this 30<sup>th</sup> day of December, 2003 by the following vote:

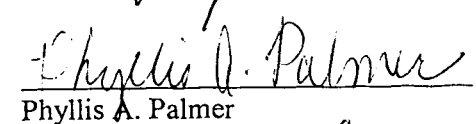
  
Hursel C. Disney

  
J. K. Givan

  
Paul T. Hardin

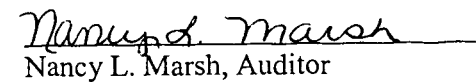
  
Larry R. Hesson

  
Wayne G. Johnson

  
Phyllis A. Palmer

  
Jay R. Puckett

Attest:

  
Nancy L. Marsh, Auditor

NAY

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Hursel C. Disney

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J. K. Givan

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Paul T. Hardin

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Larry R. Hesson

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Wayne G. Johnson

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Phyllis A. Palmer

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Jay R. Puckett

