

2012 HENDRICKS COUNTY ORDINANCES

Adopting Body	Description	Number	Date
Commissioners	ZA 411/11 Gary M Maloney DVM	2012-01	1/10/2012
Commissioners	ZA 412/11 Rodney J Parks	2012-02	1/10/2012
Council	Temporary Loan from Rainy Day to Work Release GOB	2012-03	1/12/2012
Council	Operating & Capital funds for Parks & Recreation	2012-04	1/12/2012
Commissioners	ZA 405/12 P.R.I.M.E. Ministries Inc. (Indiana Trails PUD 35) Amendment to PUD Ordinance	2012-05	1/24/2012
Council	Authorizing Refunding of 2003 Transportation Bond	2012-06	2/9/2012
Commissioners	Stop Signs County Road 700 N & County Road 900 E	2012-07	2/14/2012
Commissioners	Speed Limit - Beckoning Way Subdivision	2012-08	2/14/2012
Commissioners	Sex Offender Registration & Address Change Fee Ordinance Amendment	2012-09	2/14/2012
Commissioners	ZA 413/12 R.C. Properties 1, LLC	2012-10	2/28/2012
Council	Appropriation Transportation Bonds	2012-11	2./28/12
	Skipped	2012-12	
Commissioners	Speed Limit - County Road 900 N-CR 500 E to 1325' W of State Road 267	2012-13	3/13/2012
Commissioners	Speed Limit - County Road 900 N - 1325' W of S.R 267 to S.R 267	2012-14	3/13/2012
Commissioners	ZA 414/12 J. Thomas & Doris Conley Vieira	2012-15	5/9/2012
Commissioners	Laskowski - Vacation of Right of Way	2012-16	5/22/2012
Commissioners	Reestablishing Cumulative Bridge Fund	2012-17	6/29/2012
Council	Amended Excise Surtax & Wheel Tax	2012-18	6/29/2012
Council	Reestablishing Cumulative Capital Development Fund	2012-19	7/12/2012
Commissioners	Animal Control Ordinance Amendment	2012-20	7/24/2012
Council	Investment of Public Funds	2012-21	8/16/2012
Commissioners	ZA 309/12 The Branches (Ryan Homes) Amendment to PUD	2012-22	9/25/2012
Commissioners	ZA 416/12 Renk Labeco Test Systems Corp. Zoning Amendment	2012-23	9/25/2012
Commissioners	Vacating Row S.R.75 N - Brad & Lorrie Wilson	2012-24	9/25/2012
Council	Hendricks County Solid Waste 2013 Budget	2012-25	10/11/2012
Council	Je-To Lake 2013 Budget	2012-26	10/11/2012
Council	Hendricks County 2013 Budget Appropriations & Tax Rate	2012-27	10/11/2012
Commissioners	ZA 417/12 Church at Main	2012-28	11/13/2012
		2012-29	
		2012-30	

ORDINANCE NO. 2012-01

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/SINGLE FAMILY RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 411/11: GARY M. MALONEY, DVM, S05-T15N-R2W, MARION TOWNSHIP, PARCEL TOTALING 4.53 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 36, WEST OF STATE ROAD 75.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, 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 411/11: Gary M. Maloney, DVM, S05-T15N-R2W, 4.53 acres, Marion Township, located on the north side of U.S. Highway 36, west of State Road 75.

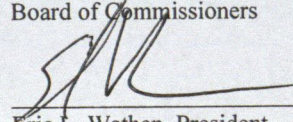
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 411/11: Gary M. Maloney, DVM, the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this Ordinance.

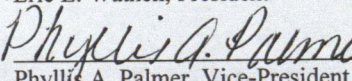
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

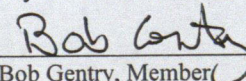
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
10 day of January, 2012.

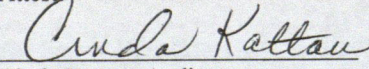
Board of Commissioners


Eric L. Wathen, President


Phyllis A. Palmer, Vice-President


Bob Gentry, Member

Attest:


Cinda Kattau, Auditor

COPY

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 411/11: Gary M. Maloney, DVM (New Winchester Veterinary Clinic)

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from AGR/Agricultural Residential to GB/General Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Agricultural uses on the land use plan. However, this property was zoned for commercial uses prior to the adoption of the 1992 zoning map and has a history of being used for commercial purposes. Furthermore, the New Winchester 4-corners area—being the intersection of two state roads—has had a mixed commercial/residential use land use pattern compared to the agricultural/residential

pattern of the region. The approved zoning is consistent and compatible with the historic land use pattern of the area.

- (2) **Current conditions and the character of current structures and uses in each district;**
The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The longstanding use of the site has been for commercial purposes. This approval will not change the character of the area nor influence a change in its historical land use pattern.
- (3) **The most desirable use for which the land in each district is adapted;**
The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The veterinary clinic has been in this location for many years and is a compatible, low intensity use given the historical development pattern of New Winchester.
- (4) **The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction. The continued use of this property as a veterinarian clinic will not negatively affect property values in this area.
- (5) **Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth. This approval recognizes the historical development pattern of the New Winchester 4-corners area as a mixture of residential and commercial uses. The approved zoning district is compatible with the long established land use pattern in the area.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 13th day of December, 2011.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ORDINANCE NO. 2012-02

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **RB/SINGLE FAMILY RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT**, COMMONLY KNOWN AS **ZA 412/11: RODNEY J. PARKS**, S13-T14N-R1E, **GUILFORD TOWNSHIP**, PARCEL TOTALING **0.89 ACRES**, LOCATED ON THE **NORTHWEST CORNER OF EAST STATE ROAD 267 AND EAST COUNTY ROAD 750 SOUTH**.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, 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 412/11: Rodney J. Parks, S13-T14N-R1E, 0.89 acres, Guilford Township, located on the northwest corner of East State Road 267 and East County Road 750 South.

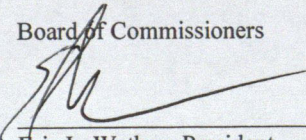
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 412/11: Rodney J. Parks, the "Findings of Fact/Law" and the "Development Commitment Recording Form" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as a part of this Ordinance.

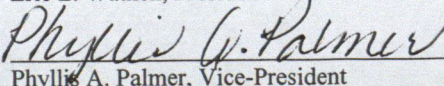
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

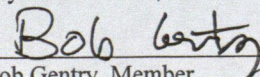
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
10 day of January, 2012.

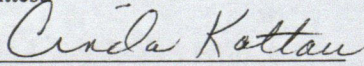
Board of Commissioners


Eric L. Wathen, President


Phyllis A. Palmer, Vice-President


Bob Gentry, Member

Attest:


Cinda Kattau, Auditor

COPY

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 412/11: Rodney Parks

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from RB/Single Family Residential to GB/General Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Suburban Residential use. However, the Town of Plainfield is annexing and rezoning property in the area for industrial and commercial uses. This, along with the current transition to nonresidential uses under way in the area indicates that the proposed zoning district is compatible with current and future land use trends.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The only physical changes to the property will be an addition to the existing pole building and the removal of the existing residence. The character and structures will not materially change as a result of this approval.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. Although this area is primarily residential, it is likely to transition into a mixed use area being located on a major corridor within close proximity to Interstate 70. This approval recognizes, and is compatible with, the changing character of the area.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. This approval is consistent with the area's long term transition of land uses from residential to a mix of commercial and industrial uses along a major arterial roadway.

(5) Responsible development and growth.

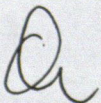
The Commission finds that the proposal does represent responsible development and growth. The character of the area is transitioning away from residential uses and toward commercial and industrial uses. The proximity of this area to the I-70 interchange, to the Town of Plainfield, to currently zoned industrial and commercial land, and to the established industrial warehouse district north of the I-70 interchange encourages this transition. This approval is consistent and compatible with the current and long term development trend in the area.

Also subject to restricting the permitted uses to the following:

Coffee Shop, Retail-Small-Scale (less than 15,000 sq. ft.), Administrative/Professional Office, Employment Service, Commercial Services, and Lawncare/Landscaping Business. Also permitted are Motor Vehicle Repair & Service (Minor), Motor Vehicle Parts Sales (without on-site Repair) and Motor Vehicles Sales (Small) but restricted to ATVs, UTVs, Dirt Bikes, and Mini Bikes only.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 13th day of December, 2011.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ORDINANCE 2012- 03
AUTHORIZING TEMPORARY LOAN FROM THE RAINY DAY FUND
TO WORK RELEASE FACILITY GOB FUND

Whereas, certain extraordinary emergencies have developed making it necessary to borrow funds from the Rainy Day Fund to provide temporary revenue for:

Fund 4607 Work Release Facility GOB \$275,000

Be it resolved by the County Council of Hendricks County, Indiana, that for the expense of said County that the sum of \$275,000 be loaned from the Rainy Day Fund to the make the debt service payments for the above projects and said loans to be repaid not later than June 30, 2012.

Adopted the 12th day of January, 2012 by the following vote:

AYE

NAY

Myron C. Anderson

Larry R. Hesson

Nancy G. Johnson

Jay R. Puckett

Richard A. Thompson

Brad Whicker

Nathaniel Woods

Myron C. Anderson

Larry R. Hesson

Nancy G. Johnson

Jay R. Puckett

Richard A. Thompson

Brad Whicker

Nathaniel Woods

Attest:

Cinda Kattau
Cinda Kattau, Auditor

2012-04

ORDINANCE ESTABLISHING A NONREVERTING OPERATING FUND AND A
NONREVERTING CAPITAL FUND FOR THE HENDRICKS COUNTY PARKS
AND RECREATION BOARD

WHEREAS, the revenue received by the Hendricks County Park Board is used for ongoing purposes beyond the calendar year; and

WHEREAS, there is a need to establish non-reverting accounts to preserve those monies for the furtherance or program and resource development;

NOW, THEREFORE, BE IT ORDAINED by the Hendricks County Council of Hendricks County, Indiana:

SECTION I

The Hendricks County Council hereby approves the establishment of two (2) separate non-reverting funds; namely: a special nonreverting capital fund and a special nonreverting operating fund within the budget of the Hendricks County Parks and Recreation Department pursuant to provisions on Indiana Code 36-10-3-22.

SECTION II

The nonreverting operating fund shall be created from monies and fees procured from park and recreational activities if so directed by the county park and recreation board, which shall be deposited with the county treasurer and maintained in accordance with the statutes and regulations governing public funds.

SECTION III

The nonreverting capital fund shall be created from monies and fees procured from the collection of facility rental fees and lease payments, which shall be deposited with the county treasurer and maintained in accordance with the statutes and regulations governing public funds.

SECTION IV

Expenditures may be made from the funds created by this ordinance upon approved claims allowed by the Hendricks County Park and Recreation Board without appropriation.

Adopted and approved by the Hendricks County Council this 12 day of January 2012.

	Yea	Nay
<u>Larry R. Hesson</u> Larry Hesson	<u>✓</u>	<u> </u>
<u>Brad Whicker</u> Brad Whicker	<u> </u>	<u>✓</u>
<u>(not present)</u> Myron Anderson	<u> </u>	<u> </u>
<u>Nancy Johnson</u> Nancy Johnson	<u>✓</u>	<u> </u>
<u>Jay Puckett / NAY</u> Jay Puckett	<u> </u>	<u>✓</u>
<u>Richard A. Thompson</u> Richard Thompson	<u>✓</u>	<u> </u>
<u>Nathaniel Woods</u> Nathaniel Woods	<u>✓</u>	<u> </u>

Attest:

Cecilia Kattan
Hendricks Co. Auditor

ORDINANCE NO. 2012-05

AN ORDINANCE TO AMEND THE PUD ORDINANCE, COMMONLY KNOWN AS ZA 405/12: P.R.I.M.E. MINISTRIES, INC. (INDIANA TRAILS PUD 35) (AMENDMENT TO PUD ORDINANCE), S1,6-T15N-R2E, WASHINGTON TOWNSHIP, PARCEL TOTALING 17.6 ACRES, LOCATED ON THE EAST SIDE OF COUNTY ROAD 900 EAST, APPROXIMATELY 0.25 MILE SOUTH OF COUNTY ROAD 100 NORTH.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the PUD Ordinance be amended for the following described real estate located in the County of Hendricks, Indiana, namely: ZA 405/12: P.R.I.M.E. MINISTRIES, INC. (INDIANA TRAILS PUD 35) (Amendment to PUD Ordinance), S1,6-T15N-R2E, 17.6 acres, Washington Township, located on the east side of County Road 900 East, approximately 0.25 mile south of County Road 100 North.

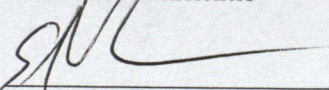
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 405/12 (*Amendment to PUD Ordinance*): *P.R.I.M.E. Ministries, Inc. (Indiana Trails PUD 35)*, the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" 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.

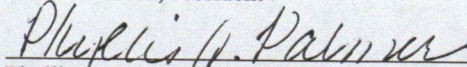
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 24TH day of JANUARY, 2012.

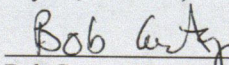
Board of Commissioners



Eric L. Wathen, President

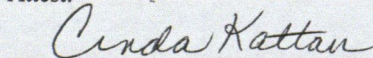


Phyllis A. Palmer, Vice-President



Bob Gentry, Member

Attest:



Cinda Kattau, Auditor

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 405/12: (AMENDMENT TO PUD ORDINANCE): P.R.I.M.E. MINISTRIES, INC. (INDIANA TRAILS PUD 35) and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "*Growing Smarter, The Hendricks County Quality Growth Strategy*," adopted December 19, 2006 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 August 12, 2008, effective October 1, 2008, 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 December 21, 2004 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. STAFF RECOMMENDATIONS AND CONDITIONS OF APPROVAL IN MEMO DATED

JANUARY 4, 2012

WHEREAS, the proposed zoning amendment: ZA 405/12 (AMENDMENT TO PUD ORDINANCE): P.R.I.M.E. MINISTRIES, INC. (INDIANA TRAILS PUD 35).

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 ZA 405/12 (AMENDMENT TO PUD ORDINANCE): P.R.I.M.E. MINISTRIES, INC. (INDIANA TRAILS PUD 35)

on this date JANUARY 10, 2012.

FOREGOING RESOLUTION, submitted by MR. BRAD WHICKER

and seconded by MR. CAIN.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
C. Richard Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Dr. Russell Hodgkin	<u>X</u>	<u>0</u>	<u>0</u>
Jon Cain	<u>X</u>	<u>0</u>	<u>0</u>
Brad Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Eric Wathen	<u> </u>	<u> </u>	<u> </u>
Sonnie Johnston	<u>X</u>	<u>0</u>	<u>0</u>
Total	<u>5</u>	<u>0</u>	<u>0</u>

C. Richard Whicker

C. Richard Whicker, President

Don F. Reitz

Don F. Reitz, AICP, Secretary

COUNTY COUNCIL ORDINANCE NO. 2012-06

AN ORDINANCE OF HENDRICKS COUNTY, INDIANA, AUTHORIZING THE ISSUANCE AND SALE OF TRANSPORTATION REFUNDING REVENUE BONDS OF THE COUNTY, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000) FOR THE PURPOSE OF REFUNDING PRIOR BONDS OF THE COUNTY, 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 previously has issued its Transportation Revenue Bonds, Series 2003, in the aggregate principal amount of Five Million Dollars (\$5,000,000) (the "2003 Bonds"), which are payable from the Motor Vehicle Taxes; and

WHEREAS, the 2003 Bonds are currently outstanding in the aggregate principal amount of Three Million Four Hundred ten Thousand Dollars (\$3,410,000) and

WHEREAS, the 2003 Bonds maturing on or after August 1, 2012, are subject to redemption prior to maturity, at the option of the County, in whole or in part, on any date on or after February 1, 2012, at a redemption price equal to the face value thereof, plus a premium of one percent (1.0%) of the face value of the 2003 Bonds to be redeemed (if redeemed prior to August 1, 2012), together with accrued interest to the date fixed for redemption; and

WHEREAS, due to favorable market conditions, the County now desires to refund all of the outstanding 2003 Bonds (the "Refunded Bonds") in order to effect a savings in the interest costs on the Refunded Bonds; and

WHEREAS, the Refunding and the financing thereof by the County, together with costs and expenses incidental thereto, are necessary and are authorized by Indiana Code 36-2-6-18, 6-3.5-4, 6-3.5-5 and 5-1-5, each as amended, and will be of general benefit to the County and its citizens; and

WHEREAS, the City does not have sufficient funds available or provided for in the existing budgets or tax levies that may be applied to the cost of the Refunding, together with costs and expenses incidental thereto, making it necessary to authorize the issuance of the refunding bonds; and

WHEREAS, the County previously issued its Transportation Revenue Bonds, Series 2009, in the aggregate principal amount of Seven Million Dollars (\$7,000,000), dated as of April 8, 2009 (the "2009 Bonds"), pursuant to Ordinance No. 2009-03 adopted on February 12, 2009 (the "2009 Ordinance"), payable from the Motor Vehicle Taxes on a parity with the 2003 Bonds; and

WHEREAS, Section 20 of the 2009 Ordinance provides that the County may authorize and issue additional bonds payable on a parity with the 2009 Bonds; and

WHEREAS, the County now desires to duly authorize the issuance of refunding bonds (as more particularly described herein), in the aggregate principal amount not to exceed Four Million Dollars (\$4,000,000) for the purpose of providing funds (together with other funds of the County) to pay: (i) the redemption price of the Refunded Bonds maturing on August 1, 2012 and thereafter, at the earliest optional redemption date, together with accrued interest to the date fixed for redemption; and (ii) the costs of refunding the Refunded Bonds, including the costs of issuance for the refunding bonds (clauses (i) through and including (ii), collectively, the "Refunding"); and

WHEREAS, the conditions precedent to the issuance of additional bonds set forth in the 2009 Ordinance, as described above, will be satisfied under this Ordinance for the issuance of such additional bonds (the hereafter defined Bonds) on a parity with the 2009 Bonds; and

WHEREAS, the Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of transportation revenue bonds have been complied with in accordance with the applicable provisions of Indiana Code 36-2-6-18, 6-3.5-4, 6-3.5-5 and 5-1-5, (collectively, the "Act").

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 Four Million Dollars (\$4,000,000) for and on behalf of the County, for the purpose of providing funds to be applied to the costs of the Refunding, including 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, to be designated as "Hendricks County, Indiana, Transportation Refunding Revenue Bonds, Series 2012" (the "2012 Bonds"), or such other designation as the Board of Commissioners may determine, in the aggregate principal amount not to exceed Four Million Dollars (\$4,000,000). The Bonds shall be payable solely from the Sinking Fund referred to below on a parity with the 2009 Bonds.

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 2012R-1 upwards and shall bear interest payable semiannually on February 1 and August 1 at a rate or rates not to exceed five percent (5.00%) per annum (the exact rate or rates to be determined by negotiation) commencing for each series on the date determined by the Board of Commissioners based upon the advice of the County's financial advisor. 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 serially (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, 2023].

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, the 2009 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.

The Bonds shall bear an Original Date which shall be the first day of the month in which such series of Bonds are delivered or the date of delivery thereof, and each Bond shall also bear the date of its authentication. The Bonds authenticated on or before the fifteenth day of the month preceding the first interest payment date 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)

2012R-____

UNITED STATES OF AMERICA

State of Indiana

County of Hendricks

HENDRICKS COUNTY, INDIANA,
TRANSPORTATION REFUNDING REVENUE BOND,
SERIES 2012

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>DATE</u>	<u>AUTHENTICATION</u> <u>DATE</u>	<u>CUSIP</u>
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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 _____, in Indianapolis, Indiana, 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, of like date, tenor and effect (except as to numbering, denomination, interest rates, terms of redemption and date of maturity), aggregating no more than Four Million Dollars (\$4,000,000) numbered consecutively from 2012R-1 upwards, issued pursuant to an ordinance adopted by the County Council of said County on _____, 2012, entitled "An Ordinance of Hendricks County, Indiana, authorizing the issuance and sale of transportation refunding revenue bonds of the County in the principal amount not to exceed Four Million Dollars (\$4,000,000) for the purpose of refunding prior bonds of the County, and taking other actions related thereto" (the "Ordinance"), and Indiana Code Sections 36-2-6-18, 6-3.5-4, 6-3.5-5 and 5-1-5. 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, on a parity with the County's outstanding Transportation Revenue Bonds, Series 2009 (the "2009 Bonds"). 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, the 2009 Bonds, 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 with the bonds of this issue and the 2009 Bonds, 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 principal amount of the bonds outstanding to be

redeemed plus accrued interest to the redemption date on the principal amount to be redeemed, and without premium.]

[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

(final maturity)]

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)

By: _____
Auditor, County of Hendricks, Indiana

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

By: _____
Authorized Representative

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)

18

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. The Board of Commissioners shall negotiate the sale of said Bonds at an interest rate or rates not exceeding five percent (5.00%) per annum, upon such terms as are acceptable to the Board of Commissioners. 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.

The Board of Commissioners is hereby authorized to appoint a financial institution to serve as escrow agent (the "Escrow Agent") for the 2003 Bonds in accordance with the terms of an escrow agreement to be executed by and among the County, the Escrow Agent and the paying

agent for the 2003 Bonds (the "Escrow Agreement"). The final form of the Escrow Agreement shall be determined by the Board of Commissioners, upon advice of the County's bond counsel and Financial Advisor, and the Board of Commissioners are hereby authorized and directed to complete and execute and the Auditor is hereby authorized to attest the same on behalf of the County so long as its provisions are consistent with this Ordinance and the Purchase Agreement.

The execution, by either the Board of Commissioners or the purchaser of the Bonds, of a subscription for investments of proceeds of the Bonds to be held under the Escrow Agreement in a manner consistent with this Ordinance is hereby approved.

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 on a parity with the 2009 Bonds, 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 Refunding, including the 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 continued pursuant to the Act funds known as the "Hendricks County Surtax Fund" and the "County Wheel Tax Fund," and there are hereby continued or created by this Ordinance accounts of such funds to be known as a Bond Principal and Interest Account, a 2012 Reserve Account and an Excess Account. The Bond Principal and Interest Account and the 2012 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) 2012 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 and

the 2009 Bonds (on a pro rata basis); 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 and the 2009 Bonds. 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.

(b) 2012 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 2012 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 2012 Reserve Account (on a pro rata basis with any required deposits to the reserve account for the 2009 Bonds) 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 2012 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 2012 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 2012 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. 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 Project Fund" (the "Project Fund"), consisting of a "Bond Issuance Expense Account" and a "Refunding Account." Such funds shall be deposited with a legally qualified depository or depositories for funds of the County as provided by law and shall be segregated and kept separate at apart from all other funds of the County and may be invested as permitted by law. The money in the Project Fund shall be expended only for the purpose of paying the costs of the Refunding, together with costs and expenses in connection with the issuance of the Bonds, as described herein.

Concurrently with the delivery of the Bonds and receipt of payment therefor, the County Treasurer shall immediately transfer all of the proceeds of the Bonds deposited into the

Refunding Fund, together with other funds of the County available for such purpose (if necessary), to the Escrow Agent, pursuant to the terms of the Escrow Agreement, for the purpose of refunding and defeasing the 2003 Bonds. Pursuant to the terms of the Escrow Agreement, the Escrow Trustee shall be required to: (i) hold such funds in cash, (ii) acquire 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, without reinvestment, will provide sufficient money (the securities described in clause (ii) hereof, "Governmental Obligations"); or (iii) hold a combination of cash and Governmental Obligations, all for the purpose of paying the principal of and interest on the 2003 Bonds when due and paying the redemption price, together with any redemption premium, and any accrued and unpaid interest on the earliest date upon which the 2003 Bonds may be duly called for redemption.

The remaining proceeds of the Bonds deposited into the Bond Issuance Expense Account shall be used from time to time to pay the costs of issuance of the Bonds not otherwise paid by the County. On the date that is ninety (90) days after the date of issuance of the Bonds, any balances remaining in the Project Fund from proceeds of the 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 and the 2009 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, the reserve account for the 2009 Bonds and the 2012 Reserve Account shall have been made in accordance with the provisions of this Ordinance.

(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 and the 2009 Bonds shall be not less than one hundred fifty percent (150%) of the maximum annual interest and principal requirements of the then outstanding 2012 Bonds, 2009 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 2012 Bonds, 2009 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 or 2009 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 and the 2009 Bonds, unless all of the Bonds and 2009 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. 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.

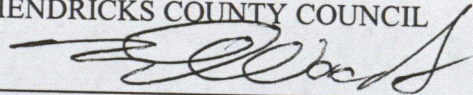
SECTION 23. In order to assist the Purchaser of the Bonds in complying with paragraph (b)(5) of the SEC Rule by undertaking to make available appropriate disclosure about the County and the Bonds to participants in the municipal securities market, the County hereby covenants, agrees and undertakes, in 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 24. 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.

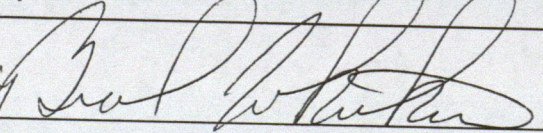
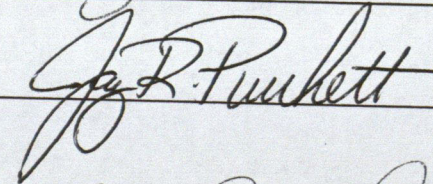
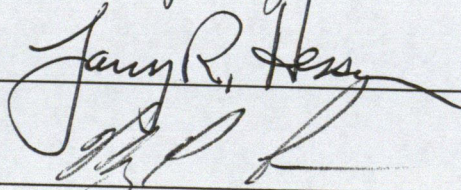
SECTION 25. This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

The foregoing was passed by the Hendricks County Council this 9 day of February 2012.

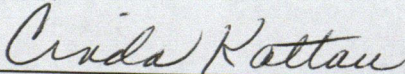
HENDRICKS COUNTY COUNCIL



Nancy G. Johnson



ATTEST:



Auditor of Hendricks County, Indiana

ORDINANCE FOR STOP SIGNS 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, for purposes of enhancing safety on the roadways and in the public interest,


NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that traffic approaching the following intersection from all four directions shall stop, in accordance with the findings of a traffic investigation by the County Engineer:

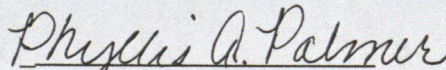
County Road 700 North and County Road 900 East

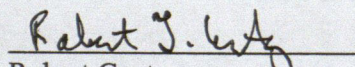
BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

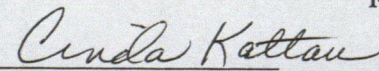
DULY EXECUTED this 14th day of February, 2012

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS


Eric Wathen- President


Phyllis A. Palmer-Vice-President


Robert Gentry

Attest: 
Cinda Kattau, Auditor

ORDINANCE NUMBER 2012-08

ORDINANCE FOR MAXIMUM SPEED LIMITS 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, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street(s)</u>	<u>Location</u>	<u>Limit</u>
Beckoning Dr., Country View Dr., Country View Ct., Tara Way	Beckoning Way Subdivision	25mph

BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, super cedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 14th day of Feb, 2012

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: [Signature]
Eric Wathen- President

By: [Signature]
Phyllis A. Palmer-Vice President

By: [Signature]
Robert Gentry-Member

Attest: [Signature]

ORDINANCE NO. 2012 - 09

**AN ORDINANCE ESTABLISHING AN ANNUAL SEX OR VIOLENT
OFFENDER REGISTRATION FEE, A SEX OR VIOLENT OFFENDER
ADDRESS CHANGE FEE AND ESTABLISHING THE HENDRICKS COUNTY
SEX OR VIOLENT OFFENDER ADMINISTRATION FUND**

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, ("Commissioners") is the executive and legislative body for Hendricks County;

WHEREAS, subject to the provisions of I.C. 36-2-13-5.6, the Commissioners may require the Hendricks County Sheriff (as defined in I.C. 11-8-8-2) to collect an annual sex or violent offender registration fee and a sex or violent offender address change fee; and,

WHEREAS, the Commissioners desire to establish the Hendricks County Sex or Violent Offender Administration Fund to fund the administration of the sex or violent offender registration system.

NOW THEREFORE, be it ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the sex or violent offender registration fee, the sex or violent offender address change fee and the Hendricks County Sex or Violent Offender Administration Fund are hereby established as follows:

Section 1. Establishment of Sex and Violent Offender Administration Fund.

The Hendricks Sex and Violent Offender Administration Fund is hereby established. The purpose of the fund is to defray the expense of administering or ensuring compliance with the laws concerning the Indiana sex and violent offender registry. The Hendricks County council may appropriate money from the fund for this purpose.

Section 2. Fees

a. Registration Fee. The annual fee for sex or violent offenders registering in Hendricks County shall be Fifty Dollars (\$50.00). Payment of the fee shall be made upon the offender's initial registration in Hendricks County and subsequently on or before each annual registration date.

b. Change of Address Fee. A fee of Five Dollars (\$5.00) shall be charged and collected each time a sex or violent offender registers an address change with the Hendricks County Sheriff's Department.

Section 3. Payment of Fees.

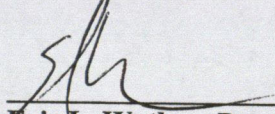
All fees collected under this Ordinance shall be collected by the Hendricks County Sheriff's Department when a sex or violent offender registers with the Hendricks County Sheriff's Department.

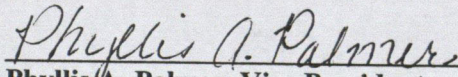
Section 4. Procedures.

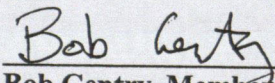
All fees collected under this Ordinance by the Hendricks County Sheriff's Department shall be transferred to the Hendricks County Auditor. On a monthly basis, the Hendricks County Auditor shall (a) deposit ninety percent (90%) of any fees collected under this Ordinance in the Hendricks County Sex and Violent Offender Administration Fund under I.C. 36-2-13-5.6; and (b) transfer ten percent (10%) of any fees collected under this Ordinance to the State of Indiana for deposit in the state sex and violent offender administration fund under I.C. 11-8-8-21.

All of which is PASSED and ORDAINED this 14th day of Feb., 2012

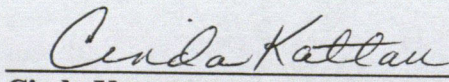
**BOARD OF COMMISSIONERS
OF HENDRICKS COUNTY**


Eric L. Wathen, President


Phyllis A. Palmer, Vice President


Bob Gentry, Member

ATTEST:


Cinda Kattau
Hendricks County Auditor

COUNTY COUNCIL ORDINANCE NO. 2012-11

APPROPRIATION ORDINANCE OF THE HENDRICKS COUNTY COUNCIL

WHEREAS, the Hendricks County Council (the "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 Council, on February 9, 2012, introduced an ordinance approving the issuance of bonds of the County, in one or more series, in an original aggregate principal amount not to exceed Four Million Dollars (\$4,000,000) (the "Bonds"), payable from the Motor Vehicle Taxes, on a parity with the County's Transportation Revenue Bonds, Series 2009, for the purpose of procuring funds to provide for the current refunding of the County's Transportation Revenue Bonds, Series 2003, and all related and incidental expenses incurred in connection therewith (the "Refunding"), and the costs of selling and issuing the Bonds; 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 February 28, 2012 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 proceeds derived from the sale of the Bonds in a sum not to exceed Four Million Dollars (\$4,000,000), together with all investment earnings thereon, shall be and the same hereby are appropriated to pay for costs of the Refunding and costs of issuance of the Bonds.

SECTION 2. 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 Refunding. Any surplus of such proceeds shall be credited to the proper fund as required by law.

SECTION 3. 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.

ORDINANCE NO. 2012-10

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM **GB/GENERAL BUSINESS DISTRICT TO LI/LIGHT INDUSTRIAL DISTRICT**, COMMONLY KNOWN AS **ZA 413/12: R.C. PROPERTIES 1, LLC**, S20-T14N-R2E, **GUILFORD TOWNSHIP**, PARCEL TOTALING **3.44 ACRES**, LOCATED AT THE **SOUTHEAST CORNER OF LEASES CORNER COURT AND COUNTY ROAD 1025 EAST, AKA HEARTLAND CROSSING BUSINESS PARK, LOT 76.**

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the LI/Light Industrial District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 413/12: R.C. Properties 1, LLC, S20-T14N-R2E, 3.44 acres, Guilford Township, located at the southeast corner of Leases Corner Court and County Road 1025 East, a/k/a Heartland Crossing Business Park, Lot 76.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 413/12: R.C. Properties 1, LLC, and the "Findings of Fact/Law" 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 "Findings of Fact/Law" as a part of this Ordinance.

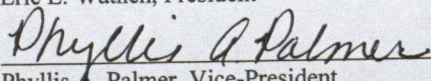
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

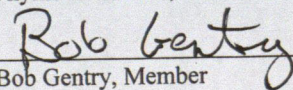
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

28th Approved by the Board of County Commissioners of Hendricks County, Indiana, the
day of February, 2012.

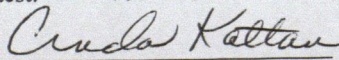
Board of Commissioners


Eric L. Wathen, President

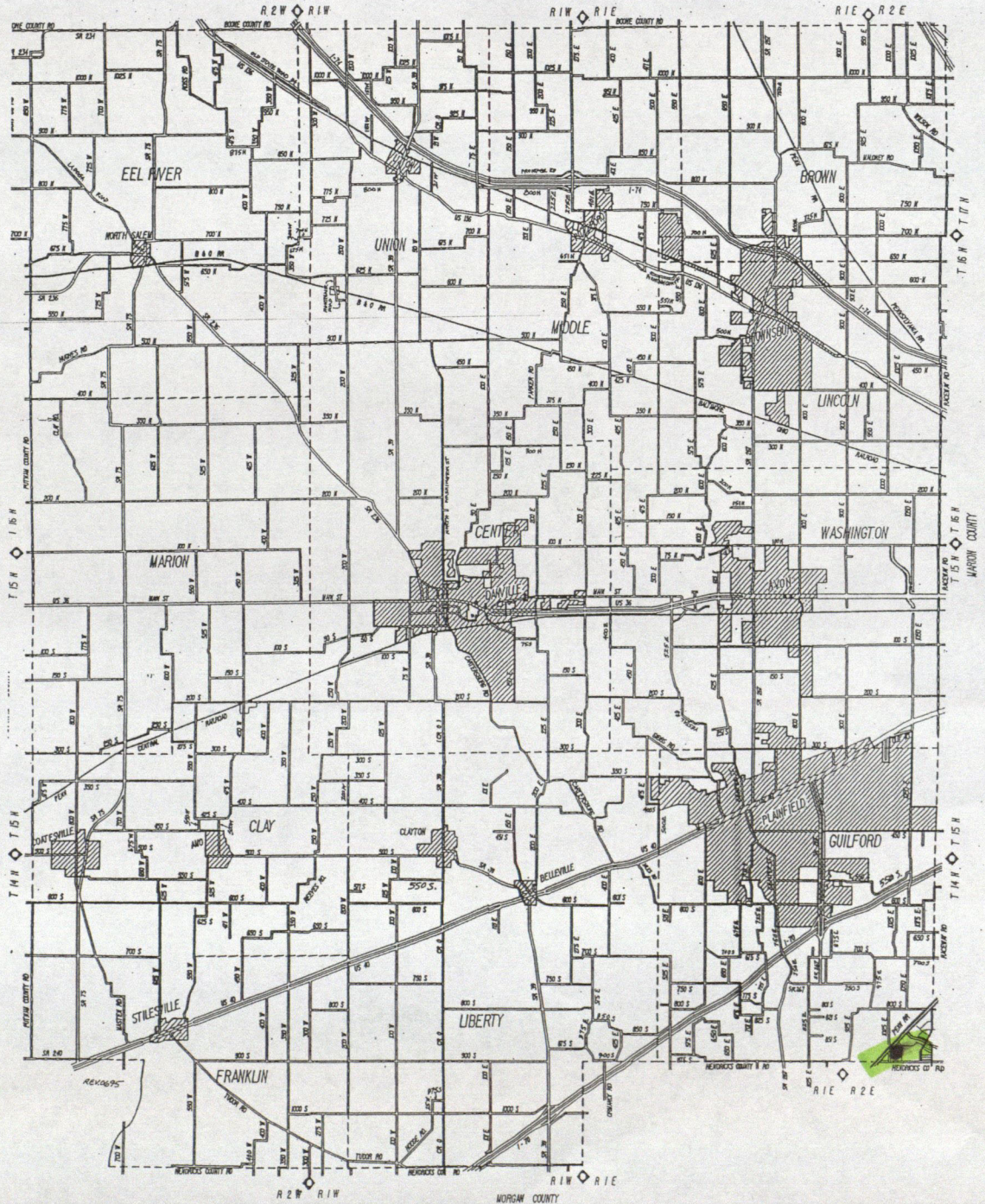

Phyllis A. Palmer, Vice-President


Bob Gentry, Member

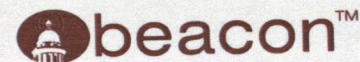
Attest:


Cinda Kattau, Auditor

ZA 413/12
R.C. Properties 1, LLC



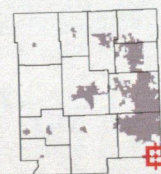
Hendricks County, IN



Date Created: 2/22/2012



Overview



Legend

— Right of Way
 □ Townships
 Road Centerlines

Corporate Limits

AVON
 BROWNSBURG; DANVILLE
 PITTSBORO
 PLAINFIELD
 AMO; CLAYTON; LIZTON; NORTH SALEM; STILESVILLE; COATESVILLE; JAMESTOWN

Zoning

AD
 AGB
 GB
 HB
 LI
 MI
 NB
 PB
 PUD
 RA
 RB
 RC
 RE

Parcel ID 32-16-20-379-001.000-011
Sec/Twp/Rng 20-14-2
Property Address 10277 Leases Corner Ct
 Camby

Alternate ID 06-3-20-42E 379-001
Class INDUSTRIAL WAREHOUSE
Acreage 3.44

Owner Address R C Properties I, LLC
 760 WHALERS WAY B-102
 Fort Collins, CO 80525

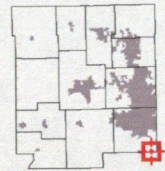
District Guilford Township
Brief Tax Description Lot 76 Heartland Crossing Business Park Sec 1 Parts Three And Four 3.44 Ac
 (Note: Not to be used on legal documents)

Last Data Upload: 2/22/2012 6:11:37 AM

Date Created: 2/22/2012



Overview



Legend

- Right of Way
- ▭ Townships
- Road Centerlines
- Corporate Limits
 - AVON
 - BROWNSBURG; DANVILLE
 - PITTSBORO
 - PLAINFIELD
 - AMO; CLAYTON; LIZTON; NORTH SALEM; STILESVILLE; COATESVILLE; JAMESTOWN
- Zoning
 - AD
 - AGB
 - GB
 - HB
 - LI
 - MI
 - NB
 - PB
 - PUD
 - RA
 - RB
 - RC
 - RE

Parcel ID 32-16-20-379-001.000-011
Sec/Twp/Rng 20-14-2
Property Address 10277 Leases Corner Ct
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Class INDUSTRIAL WAREHOUSE
Acres 3.44

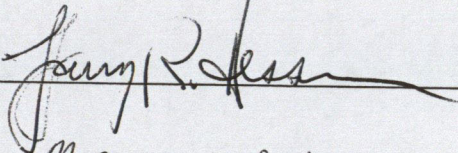
Owner Address R C Properties I, LLC
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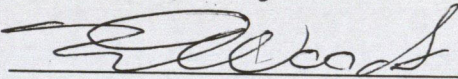
Last Data Upload: 2/22/2012 6:11:37 AM

The foregoing was passed by the Hendricks County Council this 28th day of February, 2012.

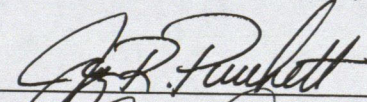
HENDRICKS COUNTY COUNCIL

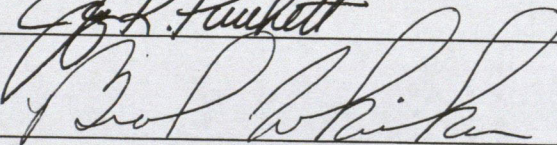


Marcy S. Johnson



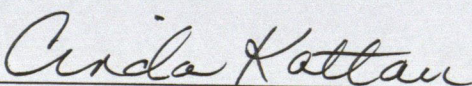
Richard A. Thompson





(Seal)

ATTEST:



Auditor of Hendricks County, Indiana

ORDINANCE NUMBER 2012-13

ORDINANCE FOR MAXIMUM SPEED LIMITS 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, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street</u>	<u>Location</u>	<u>Limit</u>
CR 900N	CR 500E to 1325 feet +/- West of S.R.267	45mph

BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, supersedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 13 day of MARCH, 2012

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: [Signature]
Eric Wathen, President

By: [Signature]
Phyllis A. Palmer, Vice-President

By: [Signature]
Bob Gentry, Member

Attest:

[Signature]

ORDINANCE NUMBER 2012-14

ORDINANCE FOR MAXIMUM SPEED LIMITS 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, for purposes of enhancing safety on the roadways and in the public interest,

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana that the County Highway Supervisor and/or the County Engineer shall be authorized to install and maintain speed limit signs prohibiting the operation of any motor vehicle along certain public roadways described herein in excess of the maximum speed limit set forth below:

<u>Street</u>	<u>Location</u>	<u>Limit</u>
CR 900N	1325 feet +/- West of S.R.267 to S.R.267	35mph

BE IT FURTHER ORDAINED that upon finding of a violation of this ordinance a Penalty shall be assessed in accordance with Indiana Code.

This Ordinance amends, supersedes, repeals, and replaces any and all existing ordinances which imposed speed limits on the subject roadways.

DULY EXECUTED this 13 day of MARCH, 2012

HENDRICKS COUNTY, INDIANA
BOARD OF COMMISSIONERS

By: 

Eric Wathen, President

By: 

Phyllis A. Palmer, Vice-President

By: 

Bob Gentry, Member

Attest: 

ORDINANCE NO. 2012-15

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURAL RESIDENTIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 414/12: J. THOMAS VIEIRA & DORIS CONLEY VIEIRA, S06-T14N-R2W, CLAY TOWNSHIP, PARCEL TOTALING 1.52 ACRES, LOCATED ON THE WEST SIDE OF MILTON STREET JUST SOUTH OF RAILROAD STREET IN THE TOWN OF COATESVILLE – PART LOTS 30, 31 & 32 PHILLIPS ADDITION.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, 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 414/12: J. Thomas Vieira & Doris Conley Vieira, S06-T14N-R2W, 1.52 acres, Clay Township, located on the west side of Milton Street just south of Railroad Street in the Town of Coatesville – Part Lots 30, 31 & 32 Phillips Addition.

SECTION 2. **SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 414/12: J. Thomas Vieira & Doris Conley Vieira, the “Findings of Fact/Law” 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 “Findings of Fact/Law” as a part of this Ordinance.

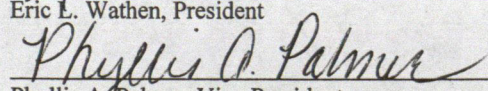
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

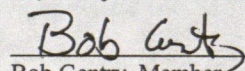
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the
9 day of May, 2012.

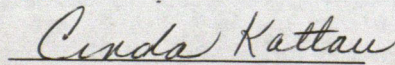
Board of Commissioners


Eric L. Wathen, President


Phyllis A. Palmer, Vice-President


Bob Gentry, Member

Attest:


Cinda Kattau, Auditor

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA /414/12:

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from NB/Neighborhood Business to PB/Planned Business. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Small Town Mixed Use on the Land Use Plan.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The site has historically been used for commercial or light industrial uses. The only physical change to the property will be the removal of all outside storage and a general cleaning up of the area. The character and structures will not materially change as a result of this approval.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The site under consideration is within the Town of Coatesville. The Comprehensive Plan recommends a variety of uses in the downtown area. Various uses do, in fact, exist as the Plan recommends. The land use situation will not change with this approval.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. This approval is consistent with area's established commercial/light industrial type uses and will have no effect on property values. In fact, this approval will result in a net benefit to the neighborhood as the property will be cleaned up.

(5) Responsible development and growth.

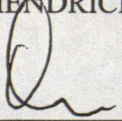
The Commission finds that the proposal does represent responsible development and growth. The area has historically been used for commercial/light industrial type uses. This approval is consistent and compatible with the current and well established land uses in this area.

Also subject to the following conditions of approval:

1. Applicant shall have the property cleaned up and removal of all outside storage.
2. A favorable recommendation by the Town of Coatesville.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 10th day of April, 2012.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ORDINANCE NO. 2012-16

ORDINANCE VACATING PUBLIC RIGHT-OF-WAY

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

WHEREAS, Jeffrey J. Laskowski, Trustee of the Jeffrey J. Laskowski Trust, dated January 8, 2008, has filed a Petition to Vacate certain right-of-way with the Clerk of the Board of Commissioners of Hendricks County, Indiana, pursuant to statute; and

WHEREAS, notice has been given by first class mail, with certificate of mailing, to each owner of the land that abuts the property proposed to be vacated; and

WHEREAS, notice of publication has been given as prescribed by I.C. 5-3-1, and the proof of publication having been filed with the Clerk of the Board of Commissioners of Hendricks County, Indiana; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, having held a public hearing on such "Petition to Vacate Right-of-Way" on Tuesday, MAY 22, 2012 at 9:00 a.m.; and

WHEREAS, after reviewing all of the pertinent facts relative to the request of the "Petition to Vacate Right-of-Way" and all interested persons having had an opportunity to be heard at the public hearing;

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. 36-7-3-12, is hereby ordered and ordained that the relief requested in said "Petition to Vacate Right-of-Way" is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the following right-of-way heretofore platted be, and the same are hereby vacated which right-of-way is more particularly described as follows, to-wit:

LEGAL DESCRIPTION ON ATTACHED EXHIBIT A.

IT IS FURTHER ORDAINED AND ORDERED that the Clerk of the Board of Commissioners of Hendricks County, Indiana, shall furnish a copy of this Ordinance to the County Recorder for recording, and to the County Auditor, all pursuant to the provisions of I.C. 36-7-3-12.

THIS ORDINANCE ADOPTED THIS 22 DAY OF May, 2012.

BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA

Phyllis A. Palmer
PHYLLIS A. PALMER

Bob Gentry
BOB GENTRY

Eric L. Wathen
ERIC L. WATHEN

ATTESTED BY:

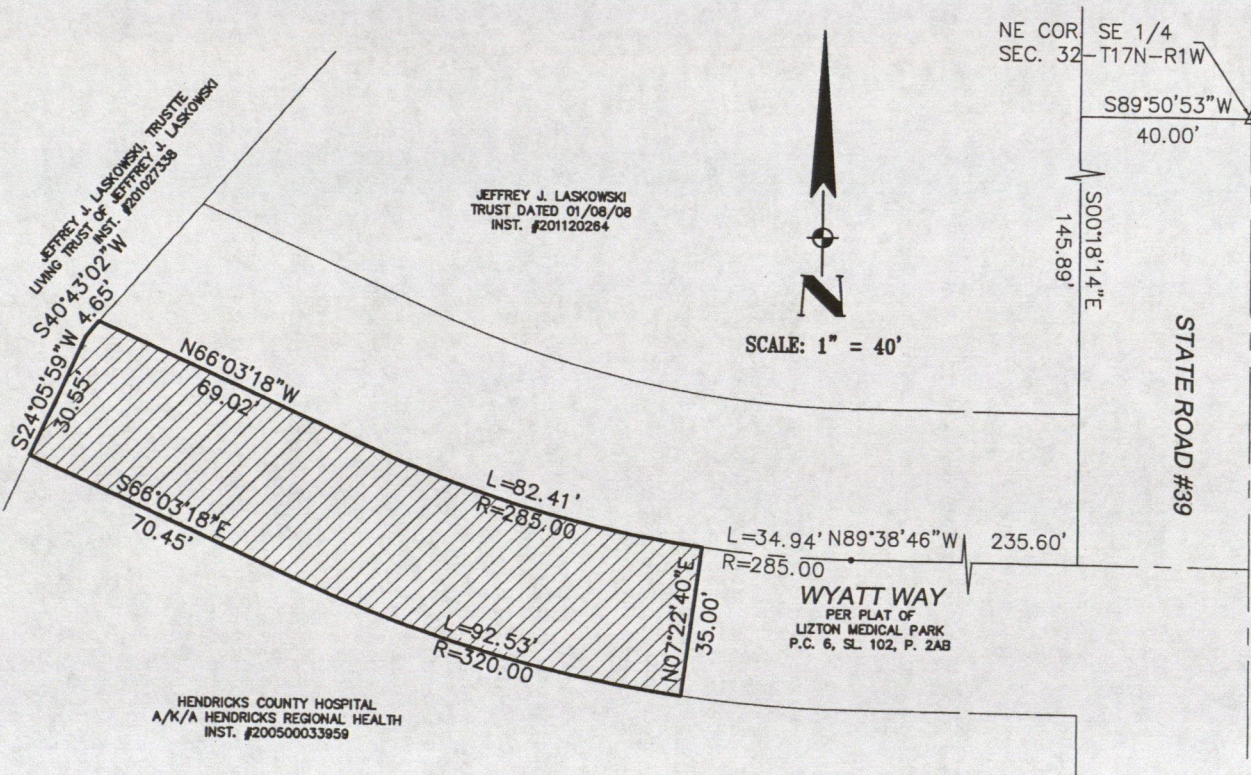
Cinda Kattau
CINDA KATTAU, CLERK OF THE BOARD OF
COMMISSIONERS OF HENDRICKS COUNTY

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument prepared by Ben Comer, Attorney-at-law, P.O. Box 207, Danville, IN 46122; 317-745-4300.

Exhibit "A"

p. 1 of 2



STREET VACATION

The south half of Wyatt Way as shown on the Final Plat for Lizton Medical Park as recorded December 20, 2005 in Plat Cabinet 6, Slide 102, pages 2A and 2B as Instrument No. 200200038600 in the office of the Recorder of Hendricks County, Indiana, lying west of the west end of the public street pavement as it existed on February 24, 2012 and the west line of said Lizton Medical Park, more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of Section 32, Township 17 North, Range 1 West of the Second Principal Meridian, Hendricks County, Indiana; thence South 89 degrees 50 minutes 53 seconds West (bearing from plat of Lizton Medical Park) 40.00 feet to the west line of State Road #39; thence along said west line South 00 degrees 18 minutes 14 seconds East 145.89 feet to the center line of said Wyatt Way; thence along said centerline North 89 degrees 38 minutes 46 seconds West 235.60 feet to the point of curvature of a curve concave northerly having a radius of 285.00 feet, the radius point of said curve bears North 00 degrees 21 minutes 14 seconds East from said point; thence Westerly along said curve 34.94 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from said radius point and the Point of Beginning of the parcel to be vacated; thence continuing Northwesterly along said curve 82.41 feet to the point of tangency, which bears South 23 degrees 56 minutes 42 seconds West from the radius point; thence North 66 degrees 03 minutes 18 seconds West 69.02 feet to the west line of Lizton Medical Park; thence along said west line the next two courses South 40 degrees 43 minutes 02 seconds West 4.65 feet; thence South 24 degrees 05 minutes 59 seconds West 30.55 feet to the south line of Wyatt Way; thence along said south line South 66 degrees 03 minutes 18 seconds East 70.45 feet to the point of curvature of a curve concave northerly having a radius of 320.00 feet, the radius point of said curve bears North 23 degrees 56 minutes 42 seconds East from said point; thence Easterly along said curve and south line 92.53 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from the radius point; thence North 07 degrees 22 minutes 40 seconds East 35.00 feet to the place of beginning, containing 5522.53 square feet or 0.13 acre, subject to the rights of any public utilities laying within the right of way of Wyatt Way.

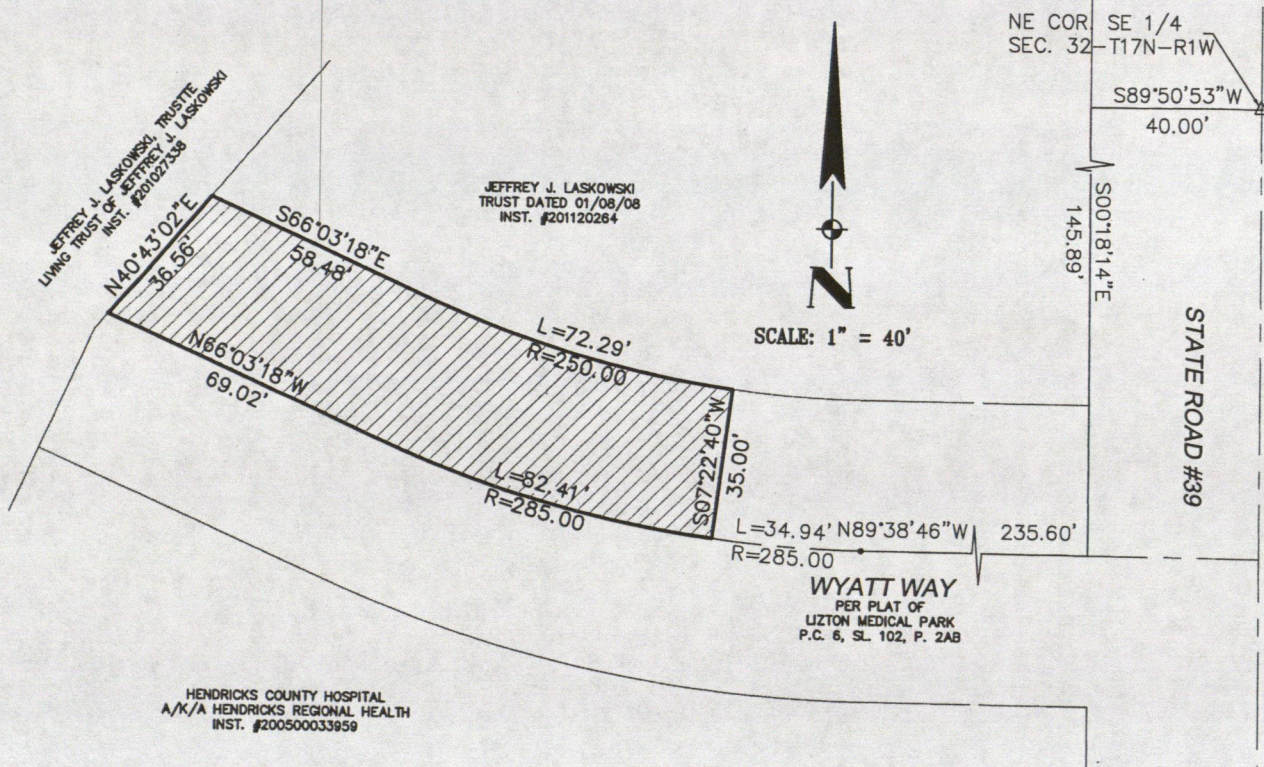


BENCHMARK CONSULTING, INC.

BENCHMARK BUILDING at SUGAR BUSH
20 East Airport Road, Suite 100 - Brownsburg, Indiana 46112
(317) 852-5695 • FAX 852-5517

JOB #1202019
PAGE 1 OF 1

Exhibit "A"
p. 2 of 2



STREET VACATION

The north half of Wyatt Way as shown on the Final Plat for Lizton Medical Park as recorded December 20, 2005 in Plat Cabinet 6, Slide 102, pages 2A and 2B as Instrument No. 200200038600 in the office of the Recorder of Hendricks County, Indiana, lying west of the west end of the public street pavement as it existed on February 24, 2012 and the west line of said Lizton Medical Park, more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of Section 32, Township 17 North, Range 1 West of the Second Principal Meridian, Hendricks County, Indiana; thence South 89 degrees 50 minutes 53 seconds West (bearing from plat of Lizton Medical Park) 40.00 feet to the west line of State Road #39; thence along said west line South 00 degrees 18 minutes 14 seconds East 145.89 feet to the center line of said Wyatt Way; thence along said centerline North 89 degrees 38 minutes 46 seconds West 235.60 feet to the point of curvature of a curve concave northerly having a radius of 285.00 feet, the radius point of said curve bears North 00 degrees 21 minutes 14 seconds East from said point; thence Westerly along said curve 34.94 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from said radius point and the Point of Beginning of the parcel to be vacated; thence continuing Northwesterly along said curve 82.41 feet to the point of tangency, which bears South 23 degrees 56 minutes 42 seconds West from the radius point; thence North 66 degrees 03 minutes 18 seconds West 69.02 feet to the west line of Lizton Medical Park; thence along said west line North 40 degrees 43 minutes 02 seconds East 36.56 feet to the north line of Wyatt Way; thence along said north line South 66 degrees 03 minutes 18 seconds East 58.47 feet to the point of curvature of a curve concave northerly having a radius of 250.00 feet, the radius point of said curve bears North 23 degrees 56 minutes 42 seconds East from said point; thence Easterly along said curve and north line 72.29 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from the radius point; thence South 07 degrees 22 minutes 40 seconds West 35.00 feet to the place of beginning, containing 4938.47 square feet or 0.11 acre, subject to the rights of any public utilities laying within the right of way of Wyatt Way.



BENCHMARK CONSULTING, INC.

BENCHMARK BUILDING at SUGAR BUSH
20 East Airport Road, Suite 100 - Brownsburg, Indiana 46112
(317) 852-5695 • FAX 852-5517

JOB #1202019
PAGE 1 OF 1

EXHIBIT A

The south half of Wyatt Way as shown on the Final Plat for Lizton Medical Park as recorded December 20, 2005 in Plat Cabinet 6, Slide 102, pages 2A and 2B as Instrument No. 200200038600 in the office of the Recorder of Hendricks County, Indiana, lying west of the west end of the public street pavement as it existed on February 24, 2012 and the west line of said Lizton Medical Park, more particularly described as follows:

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The north half of Wyatt Way as shown on the Final Plat for Lizton Medical Park as recorded December 20, 2005 in Plat Cabinet 6, Slide 102, pages 2A and 2B as Instrument No. 200200038600 in the office of the Recorder of Hendricks County, Indiana, lying west of the west end of the public street pavement as it existed on February 24, 2012 and the west line of said Lizton Medical Park, more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of Section 32, Township 17 North, Range 1 West of the Second Principal Meridian, Hendricks County, Indiana; thence South 89 degrees 50 minutes 53 seconds West (bearing from plat of Lizton Medical Park) 40.00 feet to the west line of State Road #39; thence along said west line South 00 degrees 18 minutes 14 seconds East 145.89 feet to the center line of said Wyatt Way; thence along said centerline North 89 degrees 38 minutes 46 seconds West 235.60 feet to the point of curvature of a curve concave northerly having a radius of 285.00 feet, the radius point of said curve bears North 00 degrees 21 minutes 14 seconds East from said point; thence Westerly along said curve 34.94 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from said radius point and the Point of Beginning of the parcel to be vacated; thence continuing Northwesterly along said curve 82.41 feet to the point of tangency, which bears South 23 degrees 56 minutes 42 seconds West from the radius point; thence North 66 degrees 03 minutes 18 seconds West 69.02 feet to the west line of Lizton Medical Park; thence along said west line North 40 degrees 43 minutes 02 seconds East 36.55 feet to the north line of Wyatt Way; thence along said north line South 66 degrees 03 minutes 18 seconds East 58.47 feet to the point of curvature of a curve concave northerly having a radius of 250.00 feet, the radius point of said curve bears North 23 degrees 56 minutes 42 seconds East from said point; thence Easterly along said curve and north line 72.29 feet to a point that bears South 07 degrees 22 minutes 40 seconds West from the radius point; thence South 07 degrees 22 minutes 40 seconds West 35.00 feet to the place of beginning, containing 4938.47 square feet or 0.11 acre, subject to the rights of any public utilities laying within the right of way of Wyatt Way.

LETTER OF INTENT

This petition is to vacate part of Wyatt Way, a public right-of-way in Lizton. The Petitioner is Jeffrey J. Laskowski, as Trustee.

Petitioner owns Lot 2 in Lizton Medical Park, as well as 106 acres of adjoining real estate west of the Tharp Legal Drain. The combined tracts have four (4) access points onto State Road 39, one of which is via Wyatt Way. Wyatt Way was platted as public right-of-way when Hendricks County Hospital d/b/a Hendricks Regional Health built its Lizton facility on Lot 1 in Lizton Medical Park in 2005. The subdivision plat is recorded in Plat Cabinet 6, Slide 102, page 2, and contains two lots – the hospital owns Lot 1, and Petitioner owns Lot 2. Although Wyatt Way, as platted, extends from State Road 39 west and dead-ends into the Tharp Legal Drain, the public roadway improvements stop at a point just beyond the medical center entryway. The road as installed does not extend the length of the right-of-way shown on the subdivision plat. The remainder of the platted right-of-way was unimproved and in unkempt condition until recently, when Mr. Laskowski made driveway improvements. The subject of this petition relates to the unimproved portion of Wyatt Way that is now used as Petitioner's private driveway.

Mr. Laskowski owns the land west of the Legal Drain, and his residence is located in the back corner of that land. This past fall, Petitioner built a driveway to his home, which runs through the unimproved portion of Wyatt Way, over the Legal Drain, and then continues through his property to his home. Prior to constructing the driveway, Mr. Laskowski contacted the county for approval to cross the Legal Drain. He submitted an application, met with county officials on site, had plans drawn and approved, and then built the driveway. Mr. Laskowski did receive permission from Hendricks County to cross the Legal Drain with his driveway. The driveway is not an issue in this petition. However, in addition to the driveway, Petitioner also made other related improvements to the driveway, such as a decorative block wall and a gated entry. At the time of construction, Mr. Laskowski was not aware that Wyatt Way extended west of the hospital entry, all the way to the legal drain. He was not aware these private improvements were located in public right-of-way. His sole goal in making these improvements was to create a tasteful, aesthetic entryway to his property, one that would add value and safety to the area.

The aesthetics of the improvements speak for themselves. And, as it stands today, there is a clear barrier between the Wyatt Way roadway and the potentially dangerous regulated Legal Drain. Wyatt Way dead-ends into the Legal Drain. Other than temporary barriers at the end of the pavement placed by the County, there was no other precaution to keep unsuspecting drivers out of the legal drain. The temporary barriers have routinely blown over in strong wind, and have deteriorated significantly over the years, leaving less than adequate warning and use restriction. That problem is now resolved at no cost to the County, by virtue of the walls and gated erected by the Petitioner.

The County Engineer has notified Petitioner to remove the decorative concrete walls and gated entry, because such improvements are not allowed in public right-of-way. Instead of removing these improvements that add value and safety to the area, we respectfully request the County Commissioners vacate that part of the right-of-way in question, so that it will be under private ownership, and not a liability to the County. This petition will not

affect the hospital's access to its facility. Hendricks Regional Health has given their written consent and support to this request for vacating. They are the only other adjoining landowner.

This petition will not affect future development in Lizton, because Petitioner owns the land to the West. It should be noted that at the time Lizton Medical Park came to be, which is the same time Wyatt Way was created, the Northwest School Corporation and immediate neighbors were very concerned about potential residential development in the field west of the project. The platting of Wyatt Way added to their concern, as it created a viable public access way to the potential development land. Fortunately, Mr. Laskowski now owns the 106 acres west of the Legal Drain, and can unilaterally control residential development in the near future. The driveway improvements he is evidence of his intentions to use the land as his personal residence only for the foreseeable future. It makes sense to place the balance of Wyatt Way in his ownership since he owns the acreage west of Wyatt Way. In the end, there is no negative affect to the County by accommodating this request, since the vacated right-of-way will be under common ownership with the potential development land to the west. The Northwest Hendricks School Corporation is comfortable with this scenario, and has given their written consent and support to our request.

To ease any County concerns about negative impacts to future development, Petitioner voluntarily makes the following commitment: That in the event a petition is filed through Hendricks County concerning a proposed project needing Wyatt Way extended for public access purposes, then Hendricks County may request the land described in Exhibit A be reinstated as public right-of-way, and the then landowner shall grant such right-of-way at no cost to the County, and will remove the decorative wall and gate improvements, if required by Hendricks County.

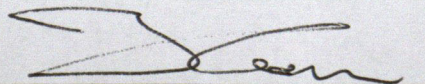
Petitioner respectfully requests that the Board of Commissioners of Hendricks County, Indiana vacate that portion of Wyatt Way located west of the public road, and being more particularly described and depicted in attached Exhibit A.

The names and addresses of all owners that abut the right-of-way proposed for vacation are as follows:

Jeffrey J. Laskowski Trust dated January 8, 2008
7258 N SR 39
Lizton

Hendricks County Hospital a/k/a Hendricks Regional Health
1000 E Main St.
Danville, IN 46122

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ben Comer', is written over a horizontal line.

Ben Comer, Attorney for Petitioner

PROPERTY INSPECTION RELEASE

REAL ESTATE AFFECTED: Section 32 Township 17 North Range 1 West

Township Union

Location of Subject Property to Nearest County Road Intersection:

Northwest quadrant of the intersection of SR 39 and Wyatt Way, Lizton, Indiana

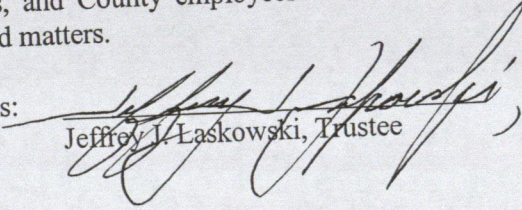
Address of Subject Property: 7520 N SR 39, Lizton, IN 46149

Subdivision Lizton Medical Park Lot 2

I hereby authorize and grant to the employees of the Hendricks County Planning and Building Department, other Hendricks County Officials, members of the Board of Zoning Appeals and members of the Plan Commission the right to come on to the above-described property for the purpose of inspecting and evaluating the premises regarding this application. I further release said Board members, Commission members, and County employees and officials from any and all liability during said inspection and related matters.

Date: April 16, 2012

Applicants:


Jeffrey J. Laskowski, Trustee

Trustee

2012- 17
**ORDINANCE REESTABLISHING
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:

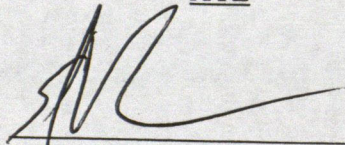
For all uses as set out in IC 8-16-3.

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 \$.10 on each \$100 of assessed valuation. Said tax rate may be levied beginning with taxes for 2012 payable 2013.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 26th day of June, 2012, 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 26th day of June, 2012.

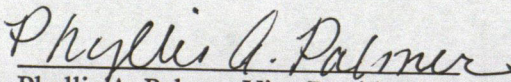
AYE



Eric L. Wathen, President

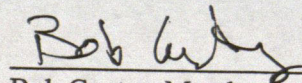
NAY

Eric L. Wathen, President



Phyllis A. Palmer, Vice-President

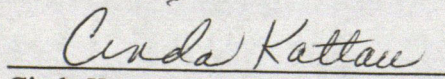
Phyllis A. Palmer, Vice-President



Bob Gentry, Member

Bob Gentry, Member

Attest:



Cinda Kattau, Auditor

ORDINANCE NO. 2012-18

HENDRICKS COUNTY COUNCIL

AMENDED EXCISE SURTAX & WHEEL TAX

WHEREAS, PL 10 – Acts 1980 Section (IC 6-3.5-4) authorizes the County Council to impose, by ordinance, a local annual Excise Surtax of (not less than 2% or more than 10% or a flat fee of not less than \$7.50 or more than \$25.00) on each motor vehicle subject to the annual excise tax registered in the county and,

WHEREAS, PL 10 – Acts 1980, Section 5 (IC 6-3.5-5) authorizes the County Council to impose by ordinance, a local option annual Wheel Tax of (not less than \$5.00 or not more than \$40.00) on each of 6 (six) classifications of motor vehicles not subject to the excise tax, registered in the County, and

WHEREAS, PL 10 – Acts 1980, Section 4 and 5 (IC 6-3.5-4&5) requires that the local option Excise Surtax and local option Wheel Tax be imposed concurrently, and

WHEREAS, Hendricks County and the Cities and Towns in Hendricks County have experienced a severe shortfall in Gasoline Tax Funds needed to support the safe, all-weather operation of the road and street system in Hendricks County,

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COUNCIL OF HENDRICKS COUNTY, INDIANA THAT.

1. Beginning January 1, 2013, and until further amended by ordinance, all passenger cars, trucks of less than 11,000 pounds G.W., and motorcycles registered in Hendricks County, that are now subject to an excise tax shall also be subject to an annual excise surtax of \$25.00 to be paid with the registration of said motor vehicle.
2. Beginning January 1, 2013 and until further amended by ordinance, all of the following six classes of motor vehicles, registered in Hendricks County shall be subject to an annual Wheel Tax as set out in the following schedule, to be paid with the registration of said vehicles.

MOTOR VEHICLE CLASSIFICATION

ANNUAL WHEEL TAX

(A)	Buses	\$25.00
(B)	Recreation Vehicles	\$25.00
(C)	Semi-Trailers	\$25.00
(D)	Tractors	\$25.00
(E)	Trailers	\$25.00
(F)	Trucks	\$25.00
(G)	Recovery Vehicles (16,000)	\$25.00
(H)	Recovery Vehicles (16,000 +)	\$25.00

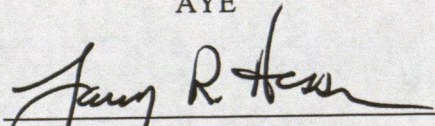
As provided by PL 10 – Acts 1980, (IC 6-3.5-5-4), the following motor vehicles are exempt from the annual Wheel Tax:

1. Vehicles owned by the state, a state agency or a political subdivision.
2. Buses owned and operated by a religious or non-profit youth organization and used to haul persons to religious service or for the benefit of their members.
2. Vehicles subject to the annual excise surtax imposed under IC 6-3.5-5-4.

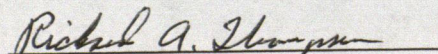
Beginning January 1, 2013, all of the Excise Surtax and Wheel Tax collected on motor vehicles registered in Hendricks County shall be distributed, as provided in PL 10 – Acts 1980, to the County, City and Town Units of Hendricks County by the County Auditor and shall be used only to construct, reconstruct, repair, or maintain streets, roads and bridges under their jurisdiction.

Adopted by the Hendricks County Council this 29th day of June 2012.

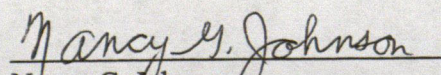
AYE


Larry R. Hesson, President

Brad Whicker, Vice President


Richard A. Thompson

Jay R. Puckett


Nancy G. Johnson

NAY

Larry R. Hesson, President

Brad Whicker, Vice President

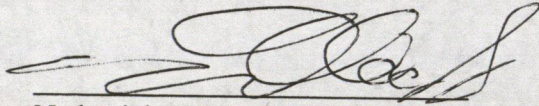
Richard A. Thompson


Jay R. Puckett

Nancy G. Johnson

Page 3
Ordinance 2012-18 Amended
Excise Surtax and Wheel Tax
June 29, 2012

Myron C. Anderson

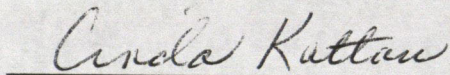


Nathaniel Woods

Myron C. Anderson

Nathaniel Woods

Attest:



Cinda Kattau, Auditor
Hendricks County

ORDINANCE 2012-19
ORDINANCE REESTABLISHING CUMULATIVE CAPITAL DEVELOPMENT FUND

BE IT RESOLVED by the County Council of Hendricks County, Indiana, that a need now exists for the reestablishment of the Cumulative Capital Development Fund for the following purpose:

For all uses as set out in IC 36-9-14.5

BE IT FURTHER RESOLVED THAT THIS Council will adhere to the provisions of Indiana Code 36-9-14.5. The proposed fund rate will not exceed \$0.0333 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2012 payable 2013.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 14th day of June, 2012, and a certified copy of this ordinance is 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 the Hendricks County Council this 12th day of July, 2012.

AYE

NAY

Myron C. Anderson

Myron C. Anderson

Larry R. Hesson

Larry R. Hesson

Nancy G. Johnson

Nancy G. Johnson

Jay R. Puckett

Jay R. Puckett

Richard A. Thompson

Richard A. Thompson

Brad Whicker

Brad Whicker

Nathaniel Woods

Nathaniel Woods

Attest:

Cinda Kattau
Cinda Kattau, Auditor

Ordinance No. 2012-20

**Amendment
Hendricks County Animal Control Ordinance
Allowing for Approved Rescue Groups to Pull Animals
Without Paying an Adoption Fee**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana established a Animal Control Department and adopted the Hendricks County Animal Control/Shelter Ordinance Manual 2000-30 which included rules, regulations and fees for the operation of the Animal Control Department; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana received recommendations regarding the need to facilitate a greater number of adoption of animals from the Hendricks Animal Control Shelter and it has been recommended that allowing legitimate rescue to have easier access to adoptable animals by eliminating adoption fees; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana has conducted a public hearing on the following proposed amendment; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana has considered the following amendment and finds the adoption of the amendment would promote the health, safety and convenience of the citizens of Hendricks County.

NOW THEREFORE, be it ORDAINED by the Board of County Commissioners of Hendricks County, Indiana that the Hendricks County Animal Control/Shelter Ordinance Manual 2000-30 Chapter 2.5 Impoundment Fees Sec. 2.5.1 be amended by adding Subsection (H) and established as follows:

- (H)** The Hendricks County Commissioners may approve the Hendricks County Animal Control Advisory Group, the Hendricks County Humane Society or similar organization to assist the Animal Control Department in evaluating the quality of a rescue group before a rescue group receives any animal(s) from the Hendricks County Animal Control Shelter under this section of the Ordinance. If the Hendricks County Commissioners do not approve an organization to assist in the evaluation of rescue groups the provisions of this section including the waiver of fees are not applicable. Any rescue group interested in receiving animals from the Shelter will complete an application provided by Hendricks County Animal Control. After an application has been submitted and the rescue group is approved, the approved rescue group may receive animals from the Shelter and the adoption fees will be waived. The Hendricks County Animal Control will place a micro-chip in animals given to rescue groups and the rescue group will be required to register the micro-chip. There will be no charge for the placement of the micro-chip.

COUNTY COUNCIL ORDINANCE 2012- 21
AUTHORIZING AND APPROVING THE INVESTMENT OF PUBLIC FUNDS

WHEREAS, I.C. 5-13-9-1 et seq. Authorizes county treasurers and the fiscal officers of political subdivisions to invest public funds; and

WHEREAS, Hendricks County, Indiana ("the County") has public funds which are eligible for investment pursuant to the provisions of I.C. 5-13 by the County Treasurer, and regularly exercises his/her powers to invest such funds pursuant to the provisions thereof; and

WHEREAS, I.C. 5-13-9-2.4 requires that any investment of public funds in money market mutual funds be approved and authorized annually by the fiscal body of such political subdivision; and

WHEREAS, the County Council of Hendricks County, Indiana ("the Council"), is the fiscal body of the County and desires to authorize the County to invest public funds subject to the limitations of I.C. 5-13-9-2.5

AUTHORIZED SECURITIES AND TRANSACTIONS

All investments shall be made in accordance with the Indiana Code as follows: IC 5-13- 9, Deposit and Investment Powers; IC 5-13-10.5, State Investments; IC 5-13-9.5, Designation of State Depositories; IC 5-13-10, Funds Invested by Treasurer of State and IC 36-1-7, Interlocal Cooperation. Any revisions or extensions of these chapters of the statutes shall be assumed to be part of this Policy immediately upon being enacted.

The County Treasurer, by ordinance of the fiscal body, may extend terms of investments from a maximum of two years to a maximum of five years. The extended term investments are limited to only 25% of the units investment portfolio.

This Investment Policy further restricts the investment of County funds to the following types of securities and transactions:

1. U.S. Treasury Securities: Treasury Bills, Treasury Notes, Treasury Bonds, and Treasury Strips with maturities not exceeding five (5) years from the date of trade settlement.
2. Federal Instrumentality Securities: Debentures, medium-term notes, discount notes, callable and step-up securities, and stripped principal or coupons with maturities not exceeding five (5) years from the date of trade settlement issued by the following only: Federal National Mortgage Association (FNMA), Federal Farm Credit Bank (FFCB), Federal Home Loan Bank (FHLB) and Federal Home Loan Mortgage Corporation (FHLMC).
3. Time Certificates of Deposit: Issued by depositories designated by the State Board of Finance as depositories for state deposits with maturities not exceeding five (5) years from the date of purchase.
4. Repurchase Agreements: With depositories designated by the State Board of Finance as depositories for state deposits, that are fully collateralized at not less than 100% by interest-bearing U.S. Treasury securities or Federal Instrumentality securities listed in 1 and 2 above as described in IC 5-13-9-3.

5. Money Market Mutual Funds that are registered under the Investment Company Act of 1940, as amended; that are open end; "no-load" (no commission or fee charged on purchases or sales of shares); have a constant net asset value of \$1.00 per share; limit assets of the fund to U.S. Treasury securities, Federal Instrumentality securities, and repurchase agreements collateralized by the same; and have a rating of AAAM or the equivalent by one or more Nationally Recognized Statistical Ratings Organizations. Investments in money market mutual funds shall be made through depositories designated by the State Board of Finance as depositories for state deposits and shall not exceed 50% of the funds available for investment. The Treasurer may exceed this limit during property tax collections, as described in IC 5-13-9-2.5.
6. Local Government Investment Pools established within the office and custody of the Treasurer of the State that invest in funds in accordance with IC 5-13-9-11.
7. CDARS – Certificate of Deposit Registry Service established by IC 5-13-9-5.3.
8. Negotiable Certificates of Deposit – established by IC 5-13-9.5 and IC 5-13-9-2.
9. Municipal Securities issued by an Indiana local government entity, a quasi-governmental entity related to the state, or a unit of government, municipal corporation, or special taxing district in Indiana, if the issuer has not defaulted on any of the issuer's obligations within the twenty (20) years preceding the date of the purchase.

It is the intent of the County that the foregoing list of authorized securities be strictly interpreted. Any deviation from this list must be pre-approved by the Board of Finance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF
HENDRICKS COUNTY, INDIANA

SECTION 1. The Council does hereby authorize and approve the investment of public funds by the County.

SECTION 2. Pursuant to I.C. 5-13-9-1, the County Treasurer is the investing Officer of the County.

SECTION 3. Investments authorized by this Resolution may not exceed fifty percent (50%) of the funds held by the investing officer and available for investment. This limitation does not apply to investments made by the County Treasurer between the date that is ten (10) days before each property tax installment is due, and the property tax settlement distribution date.

SECTION 4. The portfolio of the investment company or investment trust described in Section 4 of this Resolution must be limited to the following: (1) U.S. Treasury Securities; Federal Instrumentality Securities; Time Certificates of Deposit; Repurchase Agreements; Money Market Mutual Funds; Local Government Investment Pools; CDARS – Certificate of Deposit Registry; Negotiable Certificates of Deposit; and Municipal Securities.

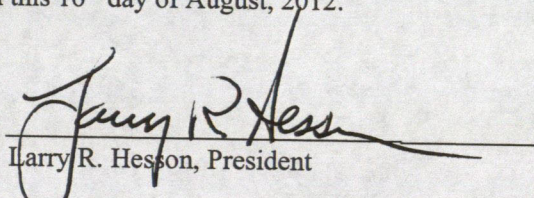
SECTION 5. The form of securities of or interests in an investment company or investment trust described in Section 4 of this Resolution must be rated as either: (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor; or (2) Aaa, or its equivalent, by Moody's Investors Service, Inc., or its successor.

SECTION 6. Investments made pursuant to this Resolution shall be made through depositories designated by the Indiana Board of Finance as depositories for state deposits.

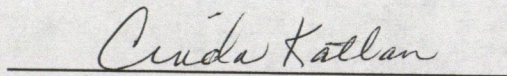
SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

The foregoing was passed by the County Council this 16th day of August, 2012.

By:


Larry R. Hesson, President

ATTEST:


Cinda Kattau, Auditor

ORDINANCE NO. 2012-22

AN ORDINANCE AMENDMENT TO AN APPROVED PLAN OF THE ZONING MAP OF HENDRICKS COUNTY FOR A **PUD: PLANNED UNIT DEVELOPMENT DISTRICT** COMMONLY KNOWN AS **ZA-309/BR03-03: THE BRANCHES**; BROWN TOWNSHIP, PARCEL TOTALING 224.64 ACRES, LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF COUNTY ROAD EAST 650 NORTH AND COUNTY ROAD NORTH 1000 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of Hendricks County, Indiana, that an ordinance amendment to an approved plan of the zoning map of Hendricks County be amended so as to include in the Branches PUD/Planned Unit Development District (the "PUD District"), the following amendment of text, to wit:

A. Chapter 5.04 Parcel I Development Standards:

- i. **Minimum Living Area** (no minimum ground floor area shall apply):
Two-Story: 2,380 square feet
- ii. **Perimeter Lots:**
Homes on Lots 1, 10, 103, 105, 110, 109, 107, 106 and 121 shall have either: (i) a minimum living area of 3,000 square feet; (ii) a three-car garage; or (iii) a side entry garage.
- iii. **Section One Lots:**
Homes on Lots 3, 4, 5, 7 and 8 shall have either: (i) a minimum living area of 2,750 square feet; or (ii) a full basement (finished or unfinished).

B. Chapter 7.04 Parcel III Development Standards:

- i. **Minimum Living Area** (no minimum ground floor area shall apply):
Two-Story: 2,220 square feet
- ii. **Front Elevation Architectural Requirements** shall apply, as amended by Ordinance No. 2008-11; however, the "Renaissance Series - Cottage Elevations", examples of which are attached hereto as Exhibit 1, shall hereby replace C.P. Morgan Communities, L.P.'s "Neighborhood Series" elevations.

C. Chapter 8.04 Parcel IV Development Standards:

- i. **Minimum Living Area** (no minimum ground floor area shall apply):
Two-Story: 1,680 square feet

D. Chapter 10.07 Development Commitments Recording Form: Certain commitments were made in connection with the adoption of the PUD/Planned Unit Development District, and were recorded as Instrument No. 200400008745 in the Office of the Recorder of Hendricks County, Indiana (the "Original Commitments"). A modification to the Original Commitments were approved and recorded as Instrument No. 200827638 in the Office of the Recorder of Hendricks County, Indiana (the "2008 Modified Commitments"). Modifications to the Original Commitments and the 2008 Modified Commitments are hereby approved pursuant to the "Development Commitment Recording Form", attached hereto as Exhibit 2.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of _____, the "Findings of Fact" and the "Development Commitment Recording Form" attached hereto and made a part thereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Development Commitment Recording Form" as part of this Ordinance.

SECTION 3. All buildings or uses permitted and placed upon the described real estate shall fully conform with the provisions of the Hendricks County Zoning Ordinance, as amended by Ordinance No. 2004-07 and this Ordinance, and proper permits thereof shall have been obtained. All provisions and representations of the Zoning Ordinance that conflict with the provisions of the PUD District, as amended, are hereby rescinded as applied to the PUD District and shall be superseded by the terms of the PUD District, as amended.

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

Approved by the Board of County Commissioners of Hendricks County, Indiana, this
25 day of September, 2012.

Board of Commissioners

Bob Gentry
Bob Gentry, Member

[Signature]
Eric L. Wathen, Member

Phyllis A. Palmer
Phyllis A. Palmer, Member

Attest:

Cinda Kattau
Cinda Kattau, Auditor

**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 309/12: (AMENDMENT TO PUD ORDINANCE): THE BRANCHES (RYAN HOMES)
and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "*Growing Smarter, The Hendricks County Quality Growth Strategy*," adopted December 19, 2006 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 August 12, 2008, effective October 1, 2008, 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 December 21, 2004 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. STAFF MEMORANDUM DATED SEPTEMBER 4, 2012 WITH THE CORRECTION OF
MINIMUM LIVING AREA FOR PARCEL I PERIMETER LOTS TO BE 2380 AND NOT 230
SQUARE FEET.
2. AMENDING THE APPROVED PUD ORDINANCE TEXT IN SECTION 5.04, 7.04 & 8.04 -
PARCEL DEVELOPMENT STANDARDS: MINIMUM LIVING AREA REQUIREMENT; AND
3. FRONT ELEVATION REQUIREMENT FOR SECTION 7.04, PARCEL III EXCEPTING THE
"RENAISSANCE SERIES - COTTAGE ELEVATIONS" OF HOMES FROM THIS REQUIREMENT

WHEREAS, the proposed zoning amendment: ZA 309/12 (AMENDMENT TO PUD ORDINANCE): THE BRANCHES (RYAN HOMES)

Will not adversely affect 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 ZA 309/12 (AMENDMENT TO PUD ORDINANCE): THE BRANCHES (RYAN HOMES)

on this date SEPTEMBER 11, 2012.

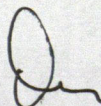
FOREGOING RESOLUTION, submitted by MR. WATHEN

and seconded by MR. BRAD WHICKER.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
C. Richard Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Sonnie Johnston	<u>X</u>	<u>0</u>	<u>0</u>
Jon Cain	<u>X</u>	<u>0</u>	<u>0</u>
Brad Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Eric Wathen	<u>X</u>	<u>0</u>	<u>0</u>
Doug Sisk	<u>X</u>	<u>0</u>	<u>0</u>
Damon Palmer	<u>X</u>	<u>0</u>	<u>0</u>
Total	<u>7</u>	<u>0</u>	<u>0</u>



C. Richard Whicker, President



Don F. Reitz, AICP, Secretary

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 309/12: (AMENDMENT TO RECORDED COMMITMENTS): THE
BRANCHES (RYAN HOMES) and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "*Growing Smarter, The Hendricks County Quality Growth Strategy*," adopted December 19, 2006 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 August 12, 2008, effective October 1, 2008, 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 December 21, 2004 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 staff memorandum dated September 4, 2012 and the following:

1. Commitment Recording Form Paragraph 3: Elevations of homes shall be consistent with the Renaissance Series – Traditional Elevations and Renaissance Series – Cottage Elevations.
2. Commitment Recording Form Paragraph 4: Homes located in close proximity shall not be of the same front elevation. This does not prohibit the home in the rear from being the same front elevation.
 - a. Mirror images of the same configuration/elevation do not meet the requirement.
 - b. No house shall be of the same front elevation design as any other house within two (2) houses to each side of the subject lot or directly across the street.
3. Amend Residential Development Standards Table (EX. "B" 2 of 2): Minimum Living Area (no minimum ground floor area) Parcel I: Two-story/2380 square feet; Parcel III: Two-story/2220 square feet; Parcel IV: Two-story/1680 square feet; and
Front Elevation Architectural Requirement: Single Family Parcel III excepting the Renaissance Series - Cottage Elevations of home from this requirement.
4. Ryan Homes commits to assist the HOA on the replacement of existing dead trees, with a dollar for dollar match not to exceed \$20,000.00.

WHEREAS, the proposed zoning amendment: ZA 309/12 (AMENDMENT TO RECORDED COMMITMENTS): THE BRANCHES (RYAN HOMES)

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

THEREFORE BE IT RESOLVED, the Hendricks County Area Plan Commission APPROVED the Amendment to the Recorded Commitments for The Branches subdivision

on this date SEPTEMBER 11, 2012.

FOREGOING RESOLUTION, submitted by MR. WATHEN
and seconded by MR. BRAD WHICKER.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
C. Richard Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Sonnie Johnston	<u>X</u>	<u>0</u>	<u>0</u>
Jon Cain	<u>X</u>	<u>0</u>	<u>0</u>
Brad Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Eric Wathen	<u>X</u>	<u>0</u>	<u>0</u>
Doug Sisk	<u>X</u>	<u>0</u>	<u>0</u>
Damon Palmer	<u>X</u>	<u>0</u>	<u>0</u>
 Total	 <u>7</u>	 <u>0</u>	 <u>0</u>

C. Richard Whicker

C. Richard Whicker, President

Don F. Reitz

Don F. Reitz, AICP, Secretary

MEMORANDUM

TO: Hendricks County Area Plan Commission
Hendricks County Drainage Board

FROM: Plan Commission Staff

DATE: September 4, 2012

RE: **ZA 309/12 (PUD 31): RYAN HOMES, BRANCHES**

The applicant is requesting to (1) amend the Branches PUD ordinance, and (2) amend the Branches PUD recorded development commitments. The first request requires a recommendation to the Board of Commissioners as it involves an ordinance, while the second request is acted on solely by the Plan Commission. The Plan Commission entertained a similar combination of requests on this project in late 2008 by adding the Neighborhood Series of homes and amending the commitment that there shall be no non-brick front façade homes adjacent to one another in this development for all homes with the exception of the Neighborhood Series requiring 100% brick front facades, excluding gable, doors, windows and trim.

The requests include the following:

1. Amending the PUD ordinance:

Existing Standard	Proposed Standard
5.04 – Parcel I Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story: 3,000 square feet	5.04 – Parcel I Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story: 2,30 square feet Perimeter Lots: Homes on lots 1, 10, 103, 105, 110, 109, 107, 106 and 121 shall have either (a.) minimum living area of 3,000 square feet; or (b.) three-car garage (c.) side entry garage Section One Lots: Homes on lots 2, 3, 4, 5, 7 & 8 shall have either: (a.) minimum living area of 2, 750 square feet; or (b.) full basement (finished or unfinished)
7.04 – Parcel III Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story: 2,300 square feet	7.04 – Parcel III Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story: 2,220 square feet

8.04 – Parcel IV Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story 2,000 square feet	8.04 – Parcel IV Development Standards Minimum Living Area (no min. ground floor area shall apply): Two-story 1,680 square feet
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2. Amending recorded development commitments:

Existing Commitment	Proposed Commitment
3. Elevations of homes shall be consistent with C.P. Morgan Communities, L.P.'s New Traditions, New Traditions 60's, Hallmark and Neighborhood series of homes.	3. Elevations of homes constructed after the effective date of this amendment shall be consistent with the Renaissance Series – Traditional Elevations and Renaissance Series – Cottage Elevations
4. 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". The Planning and Building Department and the Developer shall meet and mutually determine which home constitutes the home immediately across the street from the center home.	47. Homes located in close proximity shall not be of the same front elevation. a. Mirror images of the same configuration/elevation do not meet the requirement. b. No house shall be of the same front elevation design as any other house within two (2) houses to each side of the subject lot or directly across the street.
Residential development standards Ex. "B" 2 of 2 Minimum living area (no minimum ground floor area shall apply): Parcel I: 1 and 2 story/3,000 square feet Parcel III: 1- story/2,000 sq ft 2-story/2,300 sq ft Parcel IV: 1-story/1,750 sq ft 2-story/ 2,000 sq ft	Residential development standards Ex. "B" 2 of 2 Minimum living area (no minimum ground floor area shall apply): Parcel I: two-story/ 2,380 square feet Parcel III: two-story/2,220 square feet Parcel IV : two-story/1,680 square feet
Residential development standards Ex. "B" 2 of 2: Front Elevation Arch. Requirement: Parcel I & II: At least 60% of the homes shall include 100% brick front facades excluding gables, doors, windows and trim. Parcel III: Homes shall include 100% brick front facades, excluding gables, doors, windows and trim except the Neighborhood Series as amended in 2008.	Residential development standards Ex. "B" 2 of 2: Front Elevation Arch. Requirement: The existing front elevation architectural requirements for all parcels shall apply; however, the Renaissance Series – Cottage Elevations shall replace the Neighborhood Series elevations.

STAFF RECOMMENDATIONS:

1. It appears that some elevations provided consist of 100 percent vinyl on the front façade of the residential dwellings with the exception of the Renaissance Series "Cottage Elevations". Based on the existing PUD ordinance and proposed amendments, this would not be allowed.
2. The applicant must revise the Residential Development Standards table prior to recording the amended Commitment Recording Form to reflect the proposed amendments.
3. Staff has no objection to this request as the proposed elevations within the Renaissance Series "Cottage Elevation" of homes appear to be consistent with the intent of the PUD ordinance and allows more variety in size and appearance.

CONDITIONS OF APPROVAL:

1. The applicant will have 30 days from the date of approval to record a Certificate of Correction so that explanatory text on the plat will be made consistent with the amended ordinance and commitments.

Cc: Faegre Baker Daniels, LLP

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

Cross Reference: Instrument No. 200400008745 and 200827638

Section 12.04 of the Zoning Ordinance for Hendricks County, Indiana, requires the use of this form in recording commitments made with any Area Plan Commission approval, in accordance with Chapter 12, and I.C. 36-7-4-1015.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate. Certain COMMITMENTS were made in connection with the adoption of the PUD/Planned Unit Development District, and were recorded as Instrument No. 200400008745 in the Office of the Recorder of Hendricks County, Indiana (the "Original Commitments"). A modification to the Original Commitments were approved and recorded as Instrument No. 200827638 in the Office of the Recorder of Hendricks County, Indiana (the "2008 Modified Commitments"). These COMMITMENTS are for the purpose of amending certain provisions of the Original Commitments and the 2008 Modified Commitments as follows:

Property Owner: NVR, Inc. d/b/a Ryan Homes and BRC Realty Holdings, LLC

Deed

Information: See Legal Description

Legal Description:

See Exhibit A

Statement of COMMITMENTS:

1. Paragraph #4 of the Original Commitments is hereby replaced as follows:
 4. Homes located in close proximity shall not be of the same front elevation. This does not prohibit the home in the rear from being the same front elevation.
 - a. Mirror images of the same configuration/elevation do not meet the requirement.
 - b. No house shall be of the same front elevation design as any other house within two (2) houses to each side of the subject lot or directly across the street.
2. Paragraph #3 of the Original Commitments, as amended by 2008 Modified Commitments, reads "Elevations of homes shall be consistent with C.P. Morgan Communities, L.P.'s New Traditions, New Traditions 60's, and Hallmark and Neighborhood series of homes." Any home constructed after the effective date of this instrument shall be consistent with the Renaissance Series - Traditional Elevations and Renaissance Series - Cottage Elevations, examples of which are attached hereto as Exhibit B, which shall hereby replace C.P. Morgan Communities, L.P.'s series of homes.
3. Exhibit B of the Original Commitments is hereby revised as follows for the Minimum Living Area (no minimum Ground Floor Area shall apply) for two-story homes: (i) Parcel I: 2,380 sq. ft.; (ii) Parcel III: 2,220 sq. ft.; and (iii) Parcel IV: 1,680 sq. ft.
4. The Front Elevation Architectural Requirements of Exhibit B of the Original Commitments, as amended by the 2008 Modified Commitments, shall apply; however, the Renaissance Series - Cottage Elevations, examples of which are

attached hereto as Exhibit B, shall hereby replace C.P. Morgan Communities, L.P.'s "Neighborhood Series" elevations.

5. The Property Owner hereby commits to assist the Branches Homeowners' Association, Inc. (the "HOA") with the replacement of existing dead trees located within the PUD/Planned Unit Development District's common areas (the "Tree Replacement") by providing a one-time dollar for dollar matching donation to the HOA (the "Donation"). The Donation shall be in an amount not to exceed twenty thousand dollars (\$20,000.00) and shall be used by the HOA on or before December 31, 2013. The scope and cost for the Tree Replacement shall be determined by the Property Owner and HOA after securing at least three (3) competitive bids for the Tree Replacement and selecting the lowest qualified bid.

These COMMITMENTS shall run with the land, be binding on the owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after the proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition ZA-309/12 pursuant to the Zoning Ordinance, and shall continue in effect or until modified or terminated by the Hendricks County Area Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Hendricks County Area Plan Commission;
2. Owners of all parcels of ground abutting 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.

The undersigned hereby authorizes the Planning & Building Department of Hendricks County, Indiana, to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon approval of petition ZA-309/12.

Approved for recording on this ____ day of _____ 2012.

Don F. Reitz, AICP
Director, Planning & Building Department

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: Jesse M. Pohlman

This instrument prepared by: Steven D. Hardin, Esq., Faegre Baker Daniels, LLP, 600 E. 96th Street, Suite 600, Indianapolis, IN 46240. (317) 569-9600.

IN WITNESS WHEREOF, owner has executed this instrument this ____ day
of _____, 2012.

NVR, Inc. d/b/a Ryan Homes

By: _____
Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me the undersigned, a Notary Public in and for said County and State,
personally appeared _____, who having been duly sworn
acknowledged the execution of the foregoing instrument and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____, 2012.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

IN WITNESS WHEREOF, owner has executed this instrument this ____ day
of _____, 2012.

BRC Realty Holdings, LLC

By: _____
Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me the undersigned, a Notary Public in and for said County and State,
personally appeared _____, who having been duly sworn
acknowledged the execution of the foregoing instrument and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____, 2012.

My Commission Expires:

Notary Public

Printed _____
Residing in _____ County

EXHIBIT A

**THE BRANCHES
PUD AMENDMENT LEGAL DESCRIPTION**

This legal description includes the following three (3) tracts, consisting of seventy-one (71) developed lots and 67.444 undeveloped acres, more or less:

TRACT I (34 lots in developed sections)
Special Warranty Deed - Instrument No. 201002170

Section One:

Lots numbered **7, 8 and 10** in Branches, Section 1, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded September 30, 2004, as Instrument Number 200400030553 in the Office of the Recorder of Hendricks County, Indiana.

Section Three:

Lots numbered **91, 92, 229, 244, 276, 277, 280, 281, 282, 284, 322, 324 and 325** in Branches, Section 3, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded August 17, 2005, as Instrument Number 2005024945 and Certificate of Correction recorded February 9, 2006, recorded in Instrument Number 2006003328, in the Office of the Recorder of Hendricks County, Indiana.

Section Five:

Lots numbered **53, 85, 86, 88, 89 and 90** in Branches, Section 5, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded June 23, 2005, as Instrument Number 2005018282 in the Office of the Recorder of Hendricks County, Indiana.

Section Six:

Lots numbered **93, 94, 95, 96, 97, 98, 99, 100, 103, 119 and 223** in Branches, Section 6, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded December 19, 2005, as Instrument Number 2005038366 in the Office of the Recorder of Hendricks County, Indiana.

TRACT II (37 lots in developed sections)
Special Warranty Deed - Instrument No. 200926167

Section One:

Lots numbered **1, 3, 4, 5** in Branches, Section 1, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded September 30, 2004, as Instrument Number 200400030553 in the Office of the Recorder of Hendricks County, Indiana.

Section Two:

Lot numbered **301** in Branches, Section 2, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded December 2, 2004, as Instrument Number 200400036684 in the Office of the Recorder of Hendricks County, Indiana.

Section Three:

Lots numbered **269, 272, 343, 388, 391, 393, 394, 396, 401, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412 and 413** in Branches, Section 3, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded August 17, 2005, as Instrument Number 2005024945 and Certificate of Correction recorded February 9, 2006, recorded in Instrument Number 2006003328, in the Office of the Recorder of Hendricks County, Indiana.

Section Six:

Lots numbered **105, 106, 107, 109, 110, 111, 113, 114, 115, 116, 117, 118 and 121** in Branches, Section 6, a subdivision in Hendricks County, Indiana, as per plat thereof, recorded December 19, 2005, as Instrument Number 2005038366 in the Office of the Recorder of Hendricks County, Indiana.

TRACT III (undeveloped sections)

Special Warranty Deed - Instrument No. 200925216

Part of the North Half of Section 5 and part of the East Half of the Northeast Quarter of Section 6 all in Township 16 North, Range 2 East in Hendricks County, Indiana, being more particularly described as follows:

Commencing at the Southwest Corner of the East Half of the Northeast Quarter of said Section 6 (said point also being the Southwest Corner of Branches Section 2, a subdivision in Hendricks County, Indiana, the plat of which is recorded as Instrument Number 200400036684 in the offices of the recorder of Hendricks County, Indiana) (the next ten (10) described courses being along the westerly line of said Branches Section 2); 1) thence North 00 degrees 14 minutes 21 seconds West (assumed bearing) along the West line of said Half Quarter Section a distance of 280.00 feet; 2) thence North 88 degrees 59 minutes 24 seconds East, parallel with the South line of the East Half of the said Northeast Quarter Section, a distance of 503.00 feet; 3) thence North 00 degrees 14 minutes 21 seconds West, parallel with the West Line of the East Half of the said Northeast Quarter Section, a distance of 260.00 feet to the Beginning Point; 4) thence North 65 degrees 21 minutes 05 seconds East a distance of 89.01 feet; 5) thence South 24 degrees 38 minutes 55 seconds East a distance of 55.49 feet; 6) thence South 42 degrees 25 minutes 59 seconds East a distance of 84.86 feet; 7) thence South 56 degrees 50 minutes 17 seconds East a distance of 92.96 feet; 8) thence North 20 degrees 27 minutes 10 seconds East a distance of 115.64 feet; 9) thence North 20 degrees 58 minutes 29 seconds East a distance of 50.00 feet; 10) thence North 21 degrees 11 minutes 34 seconds East a distance of 78.54 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 886.41 feet; thence North 07 degrees 59 minutes 25 seconds East a distance of 113.86 feet; thence North 27 degrees 04 minutes 57 seconds East a distance of 235.20 feet; thence North 34 degrees 54 minutes 53 seconds East a distance of 168.38 feet; thence North 43 degrees 12 minutes 13 seconds East a distance of 50.00 feet; thence South 46 degrees 47 minutes 47 seconds East a distance of 29.46 feet; thence North 43 degrees 1 minutes 13 seconds East a distance of 138.29 feet; thence South 30 degrees 46 minutes 40 seconds East a distance of 72.83 feet; thence South 38 degrees 52 minutes 12 seconds East a distance of 152.88 feet; thence South 56 degrees 26 minutes 34 seconds East a distance of 111.49 feet; thence North 89 degrees 48 minutes 57 seconds East a distance of 419.36 feet to a curve having a radius of 175.00 feet, the

radius point of which bears South 84 degrees 53 minutes 56 seconds West; thence Southeasterly along said curve an arc distance of 15.02 feet to a point which bears North 89 degrees 48 minutes 57 seconds East from said radius point; thence South 00 degrees 11 minutes 03 seconds East a distance of 10.00 feet; thence North 89 degrees 48 minutes 57 seconds East a distance of 110.00 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 8.70 feet; thence North 89 degrees 48 minutes 57 seconds East a distance of 112.82 feet to a curve having a radius of 175.00 feet, the radius point of which bears North 79 degrees 30 minutes 41 seconds East; thence North along said curve an arc distance of 10.42 feet to a point which bears South 82 degrees 55 minutes 26 seconds West from said radius point; thence North 82 degrees 55 minutes 26 seconds East a distance of 50.00 feet; thence North 89 degrees 48 minutes 57 seconds East a distance of 747.84 feet; thence North 76 degrees 03 minutes 07 seconds East a distance of 226.50 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 445.89 feet; thence North 89 degrees 48 minutes 57 seconds West, parallel with the North Line of the East Half of the Northwest Quarter of said Section 5, a distance of 50.00 feet; thence North 00 degrees 11 minutes 03 seconds West a distance of 50.00 feet; thence South 89 degrees 48 minutes 57 seconds West, parallel with the North line of the East Half of the Northwest Quarter of said Section 5, a distance of 12.49 feet to a curve having a radius of 190.00 feet, the radius point of which bears South 00 degrees 11 minutes 03 seconds East; thence Southwesterly along said curve an arc distance of 106.07 feet to a point which bears North 32 degrees 10 minutes 12 seconds West from said radius point; thence South 89 degrees 48 minutes 57 seconds West, parallel with the North Line of the East Half of the Northwest Quarter of said Section 5, a distance of 288.58 feet to the East line of the West 62nd Street Subdivision, an addition in Hendricks County, Indiana, the plat of which is recorded in Book 5, Pages 118-119 in the office of the recorder of Hendricks County, Indiana (the next three (3) described courses being along the East, South and West Lines of said West 62nd Street Subdivision); thence South 00 degrees 02 minutes 00 seconds West along the East Line of the West Half of the said Northwest Quarter Section a distance of 139.67 feet; thence North 89 degrees 36 minutes 05 seconds West, parallel with the North Line of the West Half of the said Northwest Quarter Section, a distance of 454.23 feet; thence North 00 degrees 23 minutes 55 seconds East a distance of 280.00 feet to the North Line of the West Half of the Northwest Quarter of Section 5; thence North 89 degrees 36 minutes 05 seconds West along the said North Line a distance of 245.22 feet to the Southeast Corner of the Southwest Quarter of Section 31, Township 17 North, Range 2 East; thence South 89 degrees 47 minutes 57 seconds West along the North Line of the West Half of the Northwest Quarter of said Section 5 and along the North Line of the Northeast Quarter of said Section 6 a distance of 1982.79 feet to the Northwest Corner of the East Half of the Northeast Quarter of said Section 6; thence South 00 degrees 14 minutes 21 seconds East along the said West Line a distance of 1994.04 feet to the Northwest Corner of a tract of land described in Deed Book 335, Page 514, in the office of the recorder of Hendricks County, Indiana; thence North 88 degrees 59 minutes 24 seconds East along the North Line of said tract of land a distance of 503.00 feet to the Beginning Point, containing approximately 67.541 acres, more or less.

EXCEPT:

Part of the Northeast Quarter of Section 6, Township 16 North, Range 2 East in Hendricks County, Indiana being more particularly described as follows:

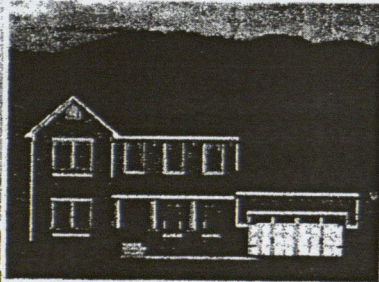
Commencing at the Southwest Corner of the East Half of said Northeast Quarter Section; thence North 00 degrees 14 minutes 21 seconds West (assumed bearing) along the West line of the East Half of said Northeast Quarter Section a distance of 1699.04 feet; thence North 89 degrees 47 minutes 57 seconds East a distance of 373.71 feet; thence North 54 degrees 29 minutes 01 seconds East a distance of 225.64 feet to the Beginning Point; thence North 12 degrees 03 minutes 55 seconds East a distance of 82.72 feet; thence South 84 degrees 28 minutes 17 seconds East a distance of 47.43 feet; thence South 09 degrees 45 minutes 07 seconds West a distance of 89.10 feet; thence North 76 degrees 54 minutes 42 seconds West a distance of 50.73 feet to the Beginning Point; containing approximately 0.097 acres, more or less.

Containing an approximate net total of 67.444 acres, more or less.

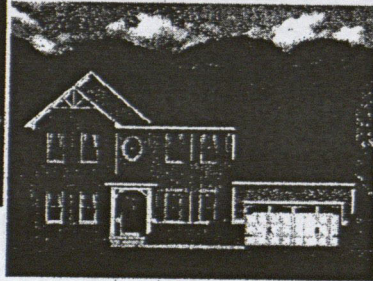
EXHIBIT B-1

RENAISSANCE SERIES - COTTAGE ELEVATIONS

THE VERONA



ELEVATION C

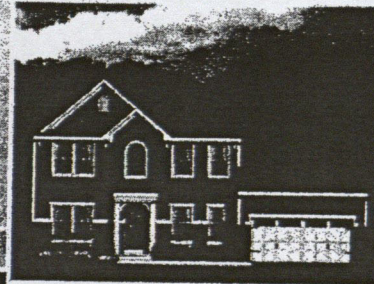


ELEVATION B

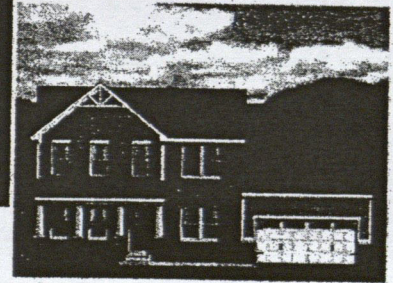
Ryan
Homes

WE CURRENTLY HAVE NO HOMES IN STOCK IN TEXAS

THE RAVENNA



ELEVATION K

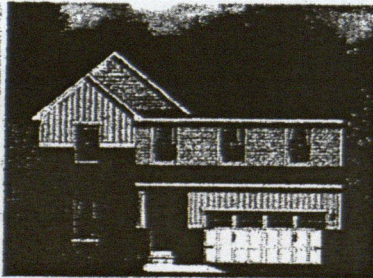


ELEVATION L

Ryan
Homes

WE CURRENTLY HAVE NO HOMES IN STOCK IN TEXAS

THE ROME



ELEVATION K

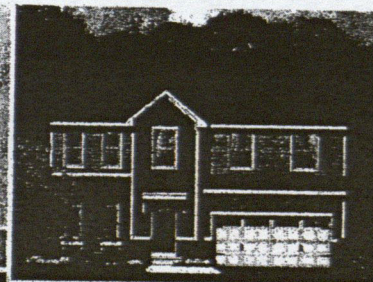


ELEVATION L

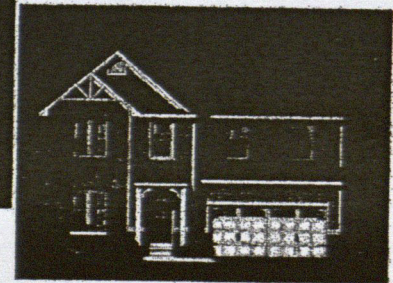
Ryan
Homes

WE CURRENTLY HAVE NO HOMES IN STOCK IN TEXAS

THE NAPLES



ELEVATION K

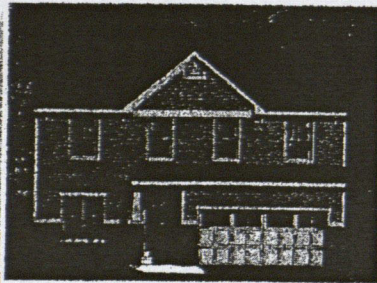


ELEVATION L

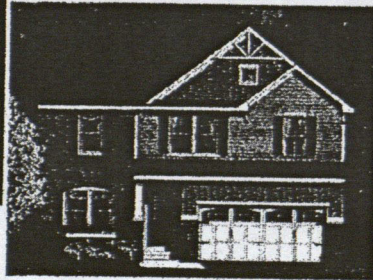
Ryan
Homes

WE CURRENTLY HAVE NO HOMES IN STOCK IN TEXAS

THE MILAN



ELEVATION K

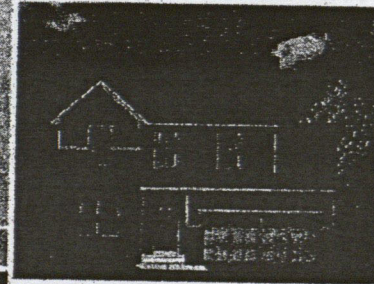


ELEVATION L

Ryan
Homes

WE COMBINE QUALITY HOMES WITH AFFORDABLE PRICES

THE FLORENCE



ELEVATION K



ELEVATION L

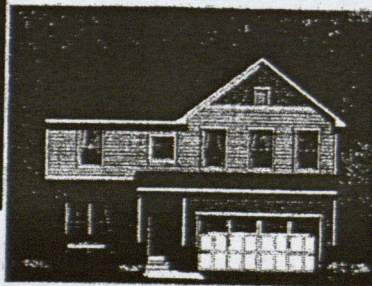
Ryan
Homes

WE COMBINE QUALITY HOMES WITH AFFORDABLE PRICES

THE VENICE



ELEVATION K



ELEVATION L

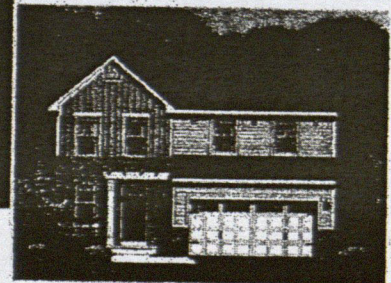
Ryan
Homes

WE COMBINE QUALITY HOMES WITH AFFORDABLE PRICES

THE SIENNA



ELEVATION K

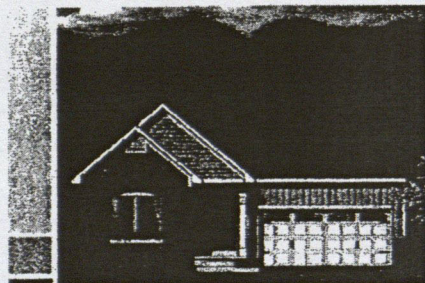


ELEVATION L

Ryan
Homes

WE COMBINE QUALITY HOMES WITH AFFORDABLE PRICES

THE PISA



ELEVATION K

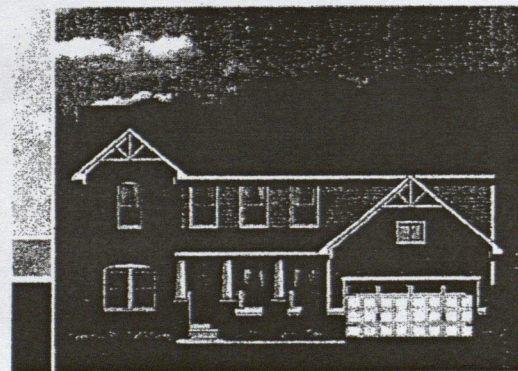


ELEVATION L

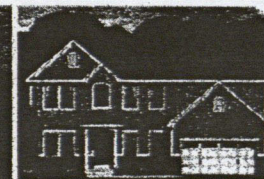
Ryan
Homes

SEE LIVING FLOOR PLAN FOR OTHER DETAILS

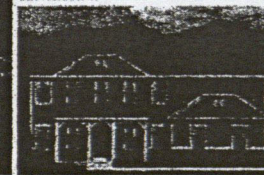
THE CAPRI



ELEVATION M



ELEVATION K



ELEVATION J

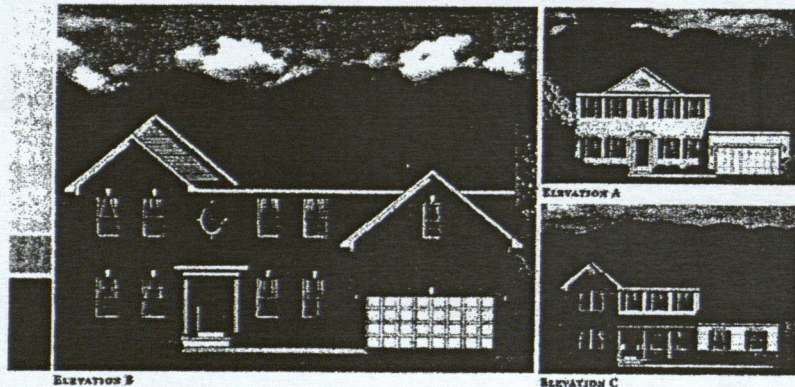
Ryan
Homes

SEE LIVING FLOOR PLAN FOR OTHER DETAILS

EXHIBIT B-2

RENAISSANCE SERIES - TRADITIONAL ELEVATIONS

THE VERONA



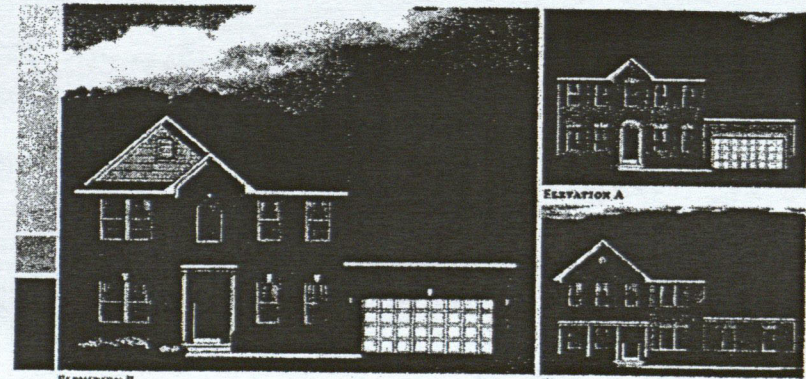
ELEVATION B

ELEVATION A

Ryan
Homes

WELCOMING HANDSOME HOMES FOR 10 YEARS

THE RAVENNA



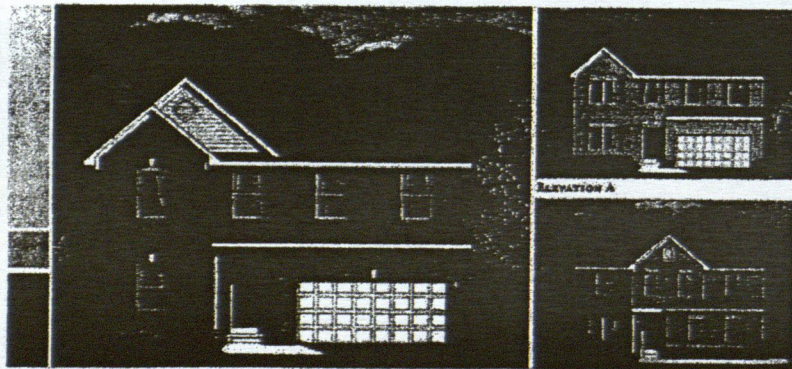
ELEVATION B

ELEVATION A

Ryan
Homes

WELCOMING HANDSOME HOMES FOR 10 YEARS

THE ROME



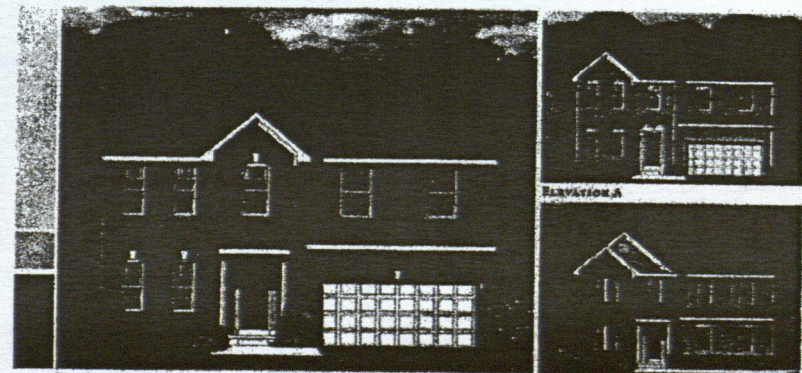
ELEVATION B

ELEVATION A

Ryan
Homes

WELCOMING HANDSOME HOMES FOR 10 YEARS

THE NAPLES



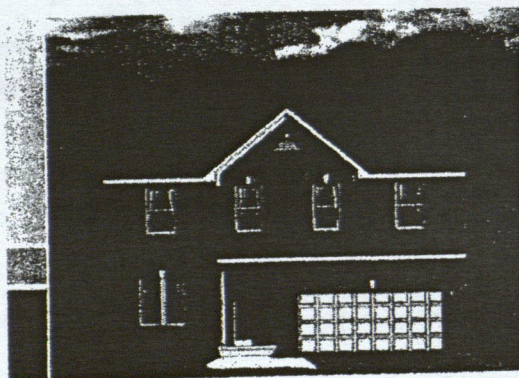
ELEVATION B

ELEVATION A

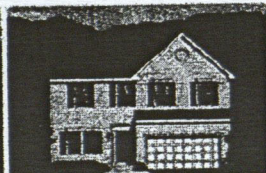
Ryan
Homes

WELCOMING HANDSOME HOMES FOR 10 YEARS

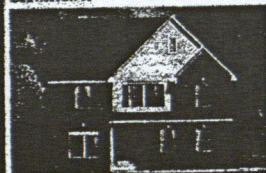
THE MILAN



ELEVATION B



ELEVATION A

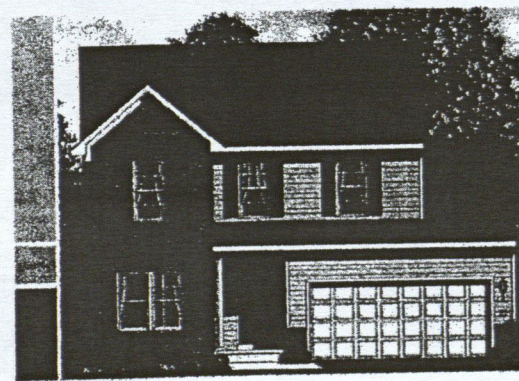


ELEVATION D

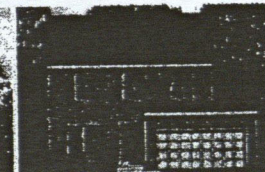
Ryan
Homes

WE BUILD THE HOUSES YOU SEE IN THE AD

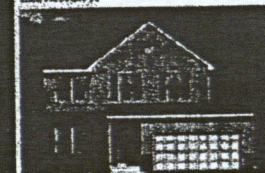
THE FLORENCE



ELEVATION B



ELEVATION A

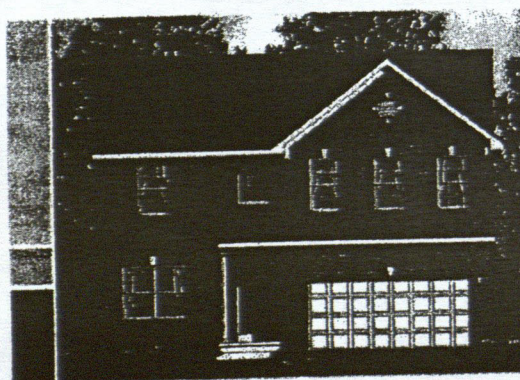


ELEVATION C

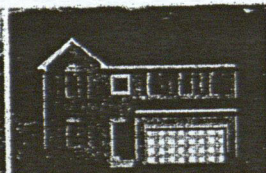
Ryan
Homes

WE BUILD THE HOUSES YOU SEE IN THE AD

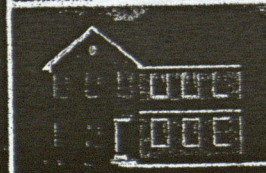
THE VENICE



ELEVATION B



ELEVATION A

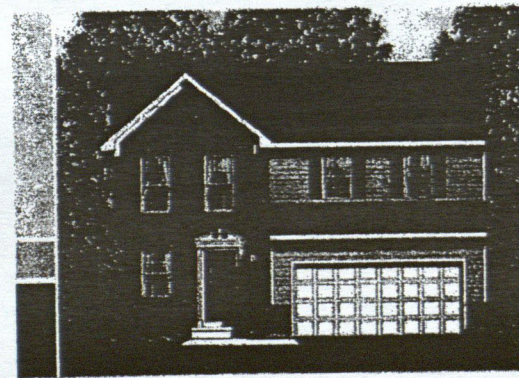


ELEVATION C

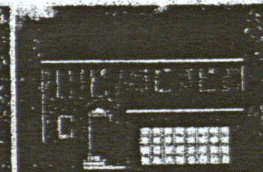
Ryan
Homes

WE BUILD THE HOUSES YOU SEE IN THE AD

THE SIENNA



ELEVATION B



ELEVATION A

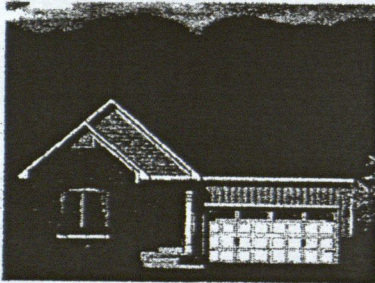


ELEVATION C

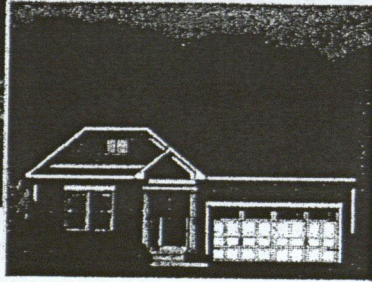
Ryan
Homes

WE BUILD THE HOUSES YOU SEE IN THE AD

THE PISA



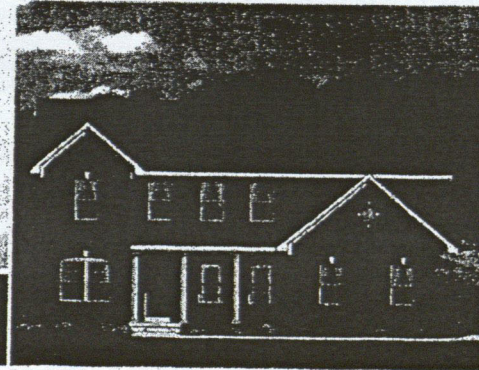
ELEVATION K



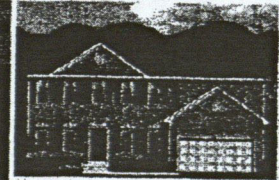
ELEVATION L

Ryan
Homes
WILL BEAT YOUR PRICE OR GIVE YOU \$1,000

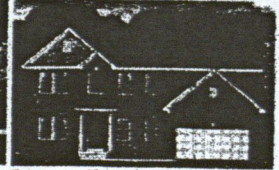
THE CAPRI



ELEVATION C



ELEVATION A



ELEVATION B

Ryan
Homes
WILL BEAT YOUR PRICE OR GIVE YOU \$1,000

ORDINANCE NO. 2012 - 23

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM LI/LIGHT INDUSTRIAL DISTRICT AND MI/MAJOR INDUSTRIAL DISTRICT TO LI/LIGHT INDUSTRIAL DISTRICT, COMMONLY KNOWN AS ZA 416/12: RENK LABECO TEST SYSTEMS CORPORATION, S20-T14N-R2E, GUILFORD TOWNSHIP, PARCEL TOTALING 3.37 ACRES, LOCATED ON THE WEST SIDE OF UNION MILLS DRIVE, APPROXIMATELY .06 MILE NORTH OF COUNTY LINE ROAD IN THE HEARTLAND CROSSING BUSINESS PARK.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the LI/Light Industrial Business District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 416/12: Renk Labeco Test Systems Corporation, S20-T14N-R2E, 3.37 acres, Guilford Township, located on the west side of Union Mills Drive, approximately .06 mile north of County Line Road in the Heartland Crossing Business Park.

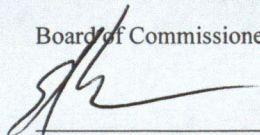
SECTION 2. ~~**SECTION 2.**~~ As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 416/12: *Renk Labeco Test Systems Corporation*, the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" 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.

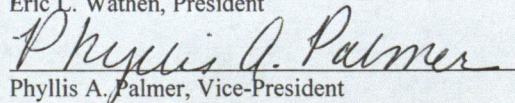
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 25TH day of SEPT., 2012.

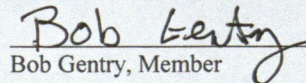
Board of Commissioners



Eric L. Wathen, President

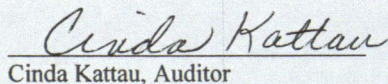


Phyllis A. Palmer, Vice-President



Bob Gentry, Member

Attest:



Cinda Kattau, Auditor

Hendricks County Area Plan Commission**Findings of Fact/Law****ZA 416/12: Renk Labeco Test Systems Corporation**

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from LI/Light Industrial and MI/Major Industrial to LI/Light Industrial. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Mixed Uses, a combination of residential, commercial, and industrial uses meeting high development standards. The proposed zoning classification is consistent with the Comprehensive Plan's recommendation in establishing a range of land uses in the area.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The area is transitioning from a single GB zoning classification to a mix of districts. This is consistent with the Mixed Uses recommendation of the Comprehensive Plan. The proposed LI zoning classification is consistent with actual development in the immediate area and is compatible with this trend.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. This area of Heartland Crossing Business Park is successfully developing with light industrial uses. The proposed zoning district permits light industrial uses. This trend is consistent with the Mixed Uses recommendation of the Comprehensive Plan and is compatible with the existing zoning mix in the area.

(4) The conservation of property values throughout the jurisdiction;

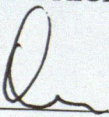
The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed zoning district permits those uses specified as desirable for the area in the Comprehensive Plan. Growth in the area is occurring in a planned and orderly manner in accordance with the Comprehensive Plan's land use recommendations. Property values will be influenced in a predictable and positive way.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. The Comprehensive Plan recommends a mix of uses in the area. The transition from a single GB zoning classification to multiple zoning districts is consistent with the Comprehensive Plan's recommendation.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 11th day of September, 2012.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ZONING AMENDMENT PROJECT DATA

DATE	September 4, 2012				
AGENCY REVIEWS	Hendricks County Drainage Board Hendricks County Area Plan Commission				
PROJECT	ZA 416		2012	RENK LABECO TEST SYSTEMS CORPORATION	
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION		
	LI & MI	LI	Approval		
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST	
	Apex	Jasper Roof Co.	Vacant/Commercial	Vacant/Commercial	
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST	
	LI	MI	PB	GB	
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER	
	3.37 acres	Guilford	S20-T14N-R2E	N/A	
ROAD	ROAD	FUNCTIONAL CLASS	R/O/W	SETBACK	
	Union Mills Dr	Subdivision Street	25 feet (1/2)	25 feet	
SEWER AND WATER	SEWER		WATER		
	Tri-County Conservancy District		Citizens Water		
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME		FROM	TO
	ZA 211	Cedar Run Limited, Inc.		GB	I-2 & I-3
	ZA 379	Access Self Storage of Heartland Crossing		GB	RSS
	ZA 384	Civil Designs, LLP (Indy Scale Co.)		GB	LI
	ZA 413	RC Properties		GB	LI
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.				
	This project does comply with the Hendricks County Comprehensive Plan.				

Staff Comments: This 3.37 acre parcel is located on the west side of Union Mills Drive, approximately 0.06 mile north of County Line Road in Heartland Crossing Business Park. The applicant is requesting to rezone the property from LI/Light Industrial and MI/Major Industrial to LI/Light Industrial to construct a 100' x 100' two story building. The proposed facility will house a warehouse, assembly operations area and associated office space for their test systems business.

Compatibility with current uses. Although originally zoned GB, the uses located in this part of the Heartland development are more aligned with those permitted in the LI and PB zoning districts (Apex Steel, Fite Plumbing, Access Self Storage, Indy Scale). Moreover, there are LI and MI zoned properties in the business park. The proposed LI zoning classification is consistent with the development trend in the area.

Compatibility with futures uses. The Comprehensive Plan classifies the area as Mixed Development. This recommendation involves a combination of residential, commercial and industrial uses meeting strict development standards. The proposed zoning district is both consistent with the Comprehensive Plan recommendation and compatible with the development trend in the immediate area.

Other considerations. A development plan and secondary plat approval will be required prior to any construction on this site.

Staff
Recommendation: Based on the information provided at the time of application, staff recommends the Plan Commission recommend: **APPROVAL**

ORDINANCE NO. 2012-24

ORDINANCE VACATING PUBLIC ROAD RIGHT-OF-WAY

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

WHEREAS, Bradley D. Wilson and Lorrie L. Wilson, husband and wife, have filed a Petition to Vacate certain Road Right-of-Way with the Clerk of the Board of Commissioners of Hendricks County, Indiana, pursuant to statute; and

WHEREAS, notice has been given by first class mail, with certificate of mailing, to each owner of the land that abuts the property proposed to be vacated; and

WHEREAS, notice of publication has been given as prescribed by I.C. 5-3-1, and the proof of publication having been filed with the Clerk of the Board of Commissioners of Hendricks County, Indiana; and

WHEREAS, the Board of Commissioners of Hendricks County, Indiana, having held a public hearing on such "Petition to Vacate Road Right-of-Way" on Tuesday, SEPTEMBER 25, 2012 at 9:00 a.m.; and

WHEREAS, after reviewing all of the pertinent facts relative to the request of the "Petition to Vacate Road Right-of-Way" and all interested persons having had an opportunity to be heard at the public hearing;

NOW, THEREFORE, by the powers vested in the Board of Commissioners of Hendricks County, Indiana, pursuant to I.C. 36-7-3-12, is hereby ordered and ordained that the relief requested in said "Petition to Vacate Road Right-of-Way" is now granted.

IT IS, THEREFORE, ORDERED AND ORDAINED that the following road right-of-way heretofore platted be, and the same is hereby vacated which road right-of-way is more particularly described as follows, to-wit:

That portion of the fifty (50) foot right of way for State Road 75 lying south of Lot Numbered One (1) in Minor Plat 880, a subdivision in Eel River Township, Hendricks County, Indiana, as per plat thereof recorded on March 15, 2004 in Plat Cabinet 2, Slide 55, pages 1A and 1B, in the Office of the Recorder of Hendricks County, Indiana, described as follows:

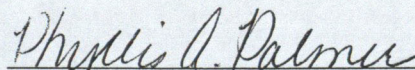
BEGINNING at the southwest corner of said Lot 1; thence South 89 degrees 57 minutes 46 seconds East (bearing per plat) along the south line thereof 596.91 feet to the west right of way line of State Road 75 per a Grant of Right of Way recorded in Deed Record 235, page 583 in said county records; thence South 42 degrees 18 minutes 45 seconds West along said west right of way line 47.30 feet to a point that lies 15 feet north by perpendicular measurement from the south line of said Minor Plat, being the south line of

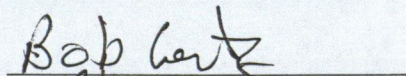
the West Half of the Southwest Quarter of Section 9, Township 16 North, Range 2 West; thence North 89 degrees 57 minutes 46 seconds West parallel with said south line 564.68 feet to the west line of said Minor Plat; thence North 00 degrees 37 minutes 30 seconds West along said west line 35.00 feet to the POINT OF BEGINNING, containing 0.467 acres, more or less.


IT IS FURTHER ORDAINED AND ORDERED that the Clerk of the Board of Commissioners of Hendricks County, Indiana, shall furnish a copy of this Ordinance to the County Recorder for recording, and to the County Auditor, all pursuant to the provisions of I.C. 36-7-3-12.

THIS ORDINANCE ADOPTED THIS 25TH DAY OF SEPTEMBER, 2012.

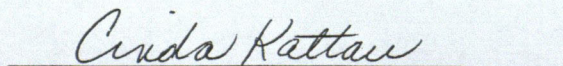
BOARD OF COMMISSIONERS OF
HENDRICKS COUNTY, INDIANA


PHYLLIS A. PALMER


BOB GENTRY


ERIC L. WATHEN

ATTESTED BY:


CINDA KATTAU, CLERK OF THE BOARD OF
COMMISSIONERS OF HENDRICKS COUNTY

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument prepared by Ben Comer, Attorney-at-law, P.O. Box 207, Danville, IN 46122; 317-745-4300.

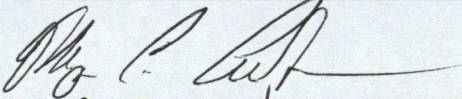
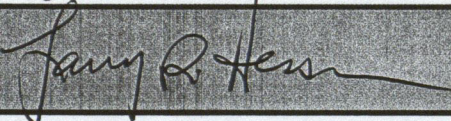
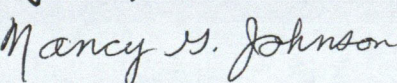
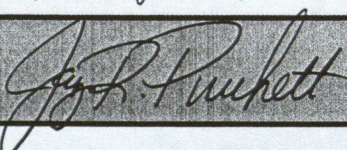
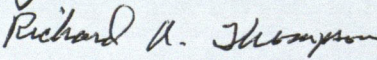
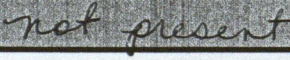
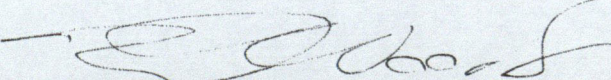
ORDINANCE / RESOLUTION FOR APPROPRIATIONS AND TAX RATE

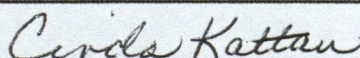
Ordinance / Resolution Number: 2012- 25

Be it ordained / resolved by the **Hendricks County Council** that for the expenses of **HENDRICKS COUNTY SOLID WASTE DISTRICT**, Indiana for the year ending December 31, **2013** the sum of **\$761,000** as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of **HENDRICKS COUNTY SOLID WASTE DISTRICT**, a total property tax levy of **\$0** and a total tax rate of **0.0000**, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance / resolution shall be in full force and effect from and after its passage and approval by the taxing **Hendricks County Council**.

Name of Adopting Entity	Select Type of Fiscal Body	Date of Adoption
Hendricks County Council	County Council	10/11/2012

Name		Signature
Myron C Anderson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Larry R Hesson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Nancy G Johnson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Jay R Puckett	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Richard A Thompson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Brad Whicker	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Nathaniel Woods	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Cinda Kattau	Hendricks County Auditor	

MAYOR ACTION (For City use only)			
Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

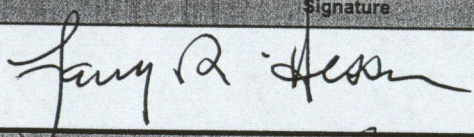

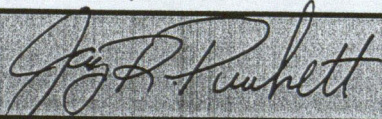
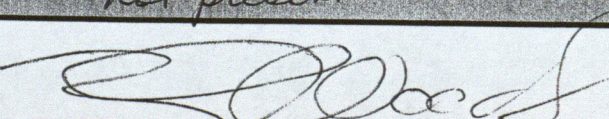
ORDINANCE / RESOLUTION FOR APPROPRIATIONS AND TAX RATE

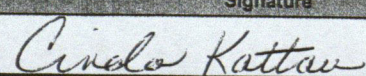
Ordinance / Resolution Number: 2012- 26

Be it ordained / resolved by the **Hendricks County Council** that for the expenses of **JE-TO LAKE CONSERVANCY DISTRICT**, Indiana for the year ending December 31, 2013 the sum of **\$41,400** as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of **JE-TO LAKE CONSERVANCY DISTRICT**, a total property tax levy of **\$41,400** and a total tax rate of **0.8998**, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance / resolution shall be in full force and effect from and after its passage and approval by the taxing **Hendricks County Council**.

Name of Adopting Entity	Select Type of Fiscal Body	Date of Adoption
Hendricks County Council	County Council	10/11/2012

Name		Signature
Larry R Hesson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Myron C Anderson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Nancy G Johnson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	Nancy G. Johnson
Jay R Puckett	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Richard A Thompson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	Richard A. Thompson
Brad Whicker	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	not present
Nathaniel Woods	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Cinda Kattau	County Auditor	

MAYOR ACTION (For City use only)			
Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

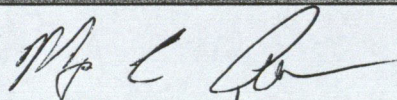
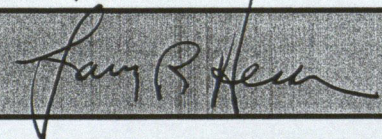
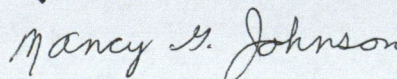
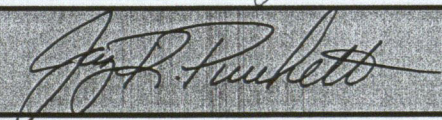
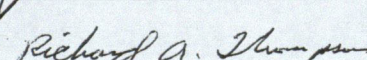
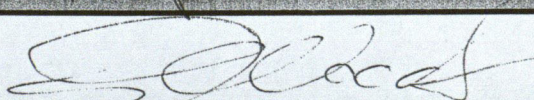
ORDINANCE / RESOLUTION FOR APPROPRIATIONS AND TAX RATE

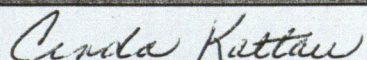
Ordinance / Resolution Number: 2012- 57

Be it ordained / resolved by the **Hendricks County Council** that for the expenses of **HENDRICKS COUNTY**, Indiana for the year ending December 31, **2013** the sum of **\$64,230,417** as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of **HENDRICKS COUNTY**, a total property tax levy of **\$26,287,535** and a total tax rate of **0.3811**, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance / resolution shall be in full force and effect from and after its passage and approval by the taxing **Hendricks County Council**.

Name of Adopting Entity	Select Type of Fiscal Body	Date of Adoption
Hendricks County Council	County Council	10/11/2012

Name		Signature
Myron C Anderson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Larry R Hesson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Nancy G Johnson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Jay R Puckett	Aye <input type="checkbox"/> Nay <input checked="" type="checkbox"/> Abstain <input type="checkbox"/>	
Richard A Thompson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Brad Whicker	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	not present
Nathaniel Woods	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST		
Name	Title	Signature
Cinda Kattau	Hendricks County Auditor	

MAYOR ACTION (For City use only)			
Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

ORDINANCE NO. 2012-28

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM LI/LIGHT INDUSTRIAL DISTRICT TO GB/GENERAL BUSINESS DISTRICT, COMMONLY KNOWN AS ZA 417/12: CHURCH AT MAIN, S13-T16N-R1E, LINCOLN TOWNSHIP, PARCEL TOTALING 2.84 ACRES, LOCATED APPROXIMATELY 0.11 MILE EAST OF NORTHFIELD DRIVE AND ON THE NORTH SIDE OF U.S. HIGHWAY 136, MORE COMMONLY KNOWN AS 1500 E. U.S. HIGHWAY 136.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, 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 417/12: Church at Main, S13-T16N-R1E, 2.84 acres, Lincoln Township, located approximately 0.11 mile east of Northfield Drive and on the north side of U.S. Highway 136, more commonly known as 1500 E. U.S. Highway 136..

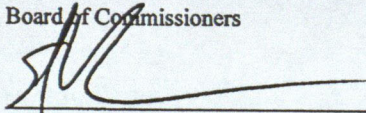
SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 417/12: *Church at Main*, the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this Ordinance.

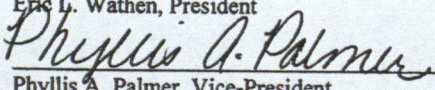
SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

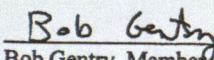
SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

13TH Approved by the Board of County Commissioners of Hendricks County, Indiana, the day of NOVEMBER, 2012.

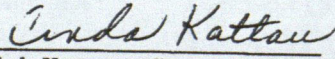
Board of Commissioners


Eric L. Wathen, President


Phyllis A. Palmer, Vice-President


Bob Gentry, Member

Attest:


Cinda Kattau, Auditor

Hendricks County Area Plan Commission
Findings of Fact/Law
ZA 417/12:

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from LI/Light Industrial to GB/General Business District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Commercial on the Land Use Plan and a church is permitted in the commercial district.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The existing structure has been used for commercial purposes for several years and a church would not alter the character of surrounding area.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The site under consideration is along U.S. 136 where commercial uses currently exist and will likely continue to occur.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed use does not require significant alterations to the property and is consistent with the established land use pattern along U.S. 136.

(5) Responsible development and growth.

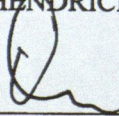
The Commission finds that the proposal does represent responsible development and growth. This particular location is appropriately suited for low intensity non-residential uses such as a church.

Also subject to the following conditions of approval:

1. An agreement between the church and the liquor store located on the southeast corner of Northfield Drive and U.S. Highway 136 to waive the statutory requirement for separation of 200 feet to be signed prior to the Commissioners meeting on October 23, 2012.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9th day of October, 2012.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP

ZONING AMENDMENT PROJECT DATA

DATE	October 2, 2012			
AGENCY REVIEW	Hendricks County Board of Commissioners Hendricks County Area Plan Commission			
PROJECT	ZA 417	2012	CHURCH AT MAIN	
REQUEST	EXISTING	PROPOSED	STAFF RECOMMENDATION	
	LI	GB	Approval	
SURROUNDING LAND USE	NORTH	SOUTH	EAST	WEST
	Industrial Warehouse (Town of Brownsburg)	Residential/Commercial (Brownsburg Animal Clinic)	Residential (Town of Brownsburg)	Vacant
SURROUNDING ZONING	NORTH	SOUTH	EAST	WEST
	PUD (Town of Brownsburg)	AGR & PUD (Town of Brownsburg)	C-3 (Town of Brownsburg)	LI
DESCRIPTION	AREA	TOWNSHIP	SECTION	OTHER
	2.84 acres	Lincoln	S13-T16N-R1E	NA
ROAD	ROAD	FUNCTIONAL CLASS	ROW	SETBACK
	U.S. Highway 136	Urban Principal Art.	Existing	150 feet from centerline
SEWER AND WATER	SEWER		WATER	
	Town of Brownsburg		Town of Brownsburg	
RECENT ZONING AMENDMENTS IN THIS AREA	ZONING AMENDMENT	NAME	FROM	TO
COMPLIANCE	This project has complied with the applicable application and/or notification requirements.			
	This project does comply with the Hendricks County Comprehensive Plan.			

Staff Comments: The site in question is located on the north side of U.S. Highway 136 approximately one tenth of a mile east of Northfield Drive (1500 East U.S. Highway 136). The applicant is proposing to rezone the 2.84 acre parcel from LI/Light Industrial to GB/General Business to allow a church within an existing structure. This property was used as a car dealership for years and since that time has been converted into a multi-use building with the most current use being Diversity Consignment. The applicant does not propose any significant changes to the property other than minor modifications to the existing building.

Compatibility with current uses.

The area along U.S. Highway 136 is primarily commercial and this property has been used as some type of commercial business for years. There are existing commercial uses south of this property and an industrial park to the north. A church would be a compatible use given the existing land uses in the area. With the exception of a few parcels south and east of this property, it is surrounded by the corporate limits of Brownsburg.

Compatibility with futures uses.

The area along U.S. Highway 136 is designated by the Comprehensive Plan as Commercial on the north side of the road and Urban Residential on the south of the road. Despite the residential designation, there are commercial uses along both sides of U.S. 136 in this area. The area will likely continue to develop commercially given the proximity to Northfield Drive and the Ronald Reagan Parkway to the east.

Other considerations.

A Development Plan Review will be required to review landscaping, lighting, parking and signage prior to occupying the structure. This may be done administratively considering the building and parking area is existing and no significant changes to the site are proposed.

Staff Recommendation: Based on the information provided at the time of application, staff recommends the Plan Commission recommend: Approval

AGREEMENT FOR WAIVER AND CONSENT

This Agreement is entered into by and between the Senior Pastor and Elders of Church at Main and representatives of ROL, LLC, this 9th day of October, 2012.

Church at Main wishes to relocate its church facilities to 1500 East US 136, Brownsburg, Indiana, which is more particularly legally described on the attached Exhibit B. ROL, LLC owns property legally described on the attached Exhibit A, on which is operated a liquor store and gas station and which property is within two hundred feet (200') of the property at which Church at Main wishes to relocate. The undersigned Senior Pastor and Elders for Church at Main and ROL, LLC are aware of an Indiana law which restricts the sale of alcohol within two hundred feet (200') of a church building. Although the existing liquor store and gas station shall be permitted to continue their current volume of alcohol sales, the relocation of Church at Main to the property located at 1500 East US 136, Brownsburg, Indiana will restrict ROL from expanding alcohol sales as well as other potential expansions, including, but not limited to, the construction and operation of a tavern or restaurant/bar. The undersigned are aware that Indiana law permits a church to waive this protection afforded by Indiana law.

Therefore, the undersigned, as Senior Pastor and Elders of Church at Main, hereby waive the limitation of alcohol sales and/or the expansion of alcohol sales and consent to the future expansion of alcohol sales as follows:

1. for the property owned by ROL, LLC and legally described as Lot 1 in Creekside Commons Shoppes (Parcel I on the attached Exhibit A), the waiver and consent shall apply to ROL, LLC and future owners;

RECEIVED

OCT 30 2012

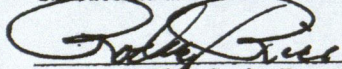
HENDRICKS COUNTY
PLANNING & BUILDING DEPARTMENT

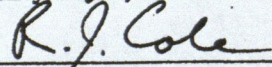
2. for the property owned by ROL, LLC which is currently undeveloped and consisting of approximately 1.36 acres (Parcel II on the attached Exhibit A), the waiver and consent shall apply only to ROL, LLC or an entity wholly comprised of at least one of the owners of ROL, LLC, including, but not limited to, LOR Corporation. The waiver and consent shall not apply to any other future owner of this property.

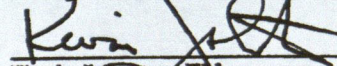
ROL, LLC, in exchange for the foregoing waiver and consent, shall not remonstrate against Church at Main's petition before the Hendricks County Plan Commission to rezone the property located at 1500 East US 136, Brownsburg, Indiana.

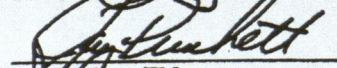
The undersigned represent and certify that each has full legal authority to enter into and execute this Agreement For Waiver and Consent.

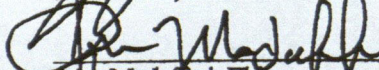
CHURCH AT MAIN


Rodney V Rice, Senior Pastor

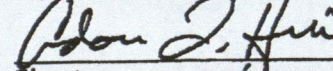

Randy Cole, Elder


Kevin Johnston, Elder


Jay Puckett, Elder


John Modafferi, Elder

ROL, LLC


Signature

Adam L. Hine
Printed Name

Member
Title