

The Santa Claus Town Council & Santa Claus Town Council met in regular session on December 12, 2022 at the Santa Claus Town Hall located at 90 N Holiday Blvd Santa Claus, In. The meeting was called to order by President, Michael Johannes at 5:30 pm

Pledge of Allegiance

YouTube- Yes

Town Council Present: Patricia Vaal, Michael Johannes, & Seth Windell (arrived at 5:33 pm)

Absent: Jason Little

Also, Present: Water Board President; Scot Elliott, Clerk-Treasurer; Kelly Greulich, Town Attorney; Kevin Patmore, Fire Chief; Max Meyer, Park Superintendent; Zach Tischendorf, Police Chief; James Faulkenburg, Building Inspector; Todd Hays & Superintendent; Russ Luthy

Absent:

COMMENTS FROM THE VICE PRESIDENT-KEVIN BURKE

PROCLAMATION

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, MICHAEL JOHANNES HAS FAITHFULLY SERVED THE TOWN OF SANTA CLAUS AS A MEMBER OF THE TOWN COUNCIL SINCE 2003, AND AS PRESIDENT OF THE COUNCIL SINCE 2015, DURING WHICH TENURE THE TOWN HAS EXPERIENCED TREMENDOUS GROWTH AND COMPLETED EXTRAORDINARY PROJECTS WHICH HAVE AND WILL CONTINUE TO IMPACT THE COMMUNITY FOR MANY YEARS TO COME; AND,

WHEREAS, JOHANNES VOLUNTARILY HAS SERVED THE TOWN AS A RESERVE TOWN MARSHAL'S DEPUTY, AS THE TOWN'S REPRESENTATIVE TO THE INDIANA 15 REGIONAL PLANNING COMMISSION AND ON NUMEROUS OTHER LOCAL AND COUNTY BODIES; AND,

WHEREAS, FOR MANY YEARS, JOHANNES HAS SERVED THE COMMUNITY AS A REPRESENTATIVE OF THE SANTA CLAUS CHAMBER OF COMMERCE, AMERICA'S CHRISTMAS HOMETOWN AND AS THE ORGANIZER FOR MANY OF THE TOWN'S CHRISTMAS PARADES AND OTHER FESTIVITIES; AND,

WHEREAS, JOHANNES'S SELFLESS SERVICE AND ATTITUDE TOWARD THE COMMUNITY REFLECT THAT HE TRULY POSSESSES THE SPIRIT OF SANTA CLAUS; AND,

WHEREAS, JOHANNES'S MANY CONTRIBUTIONS, SERVICE AND LEADERSHIP ARE GREATLY APPRECIATED BY THE TOWN.

NOW, THEREFORE, KEVIN BURKE, FOR AND ON BEHALF OF THE TOWN COUNCIL AND CITIZENS OF THE TOWN OF SANTA CLAUS, INDIANA, HEREBY DECLARES THE TWENTY-FOURTH DAY OF DECEMBER, TWO THOUSAND AND TWENTY-TWO, TO BE

MICHAEL JOHANNES DAY

IN AND FOR THE TOWN OF SANTA CLAUS, INDIANA AND ITS CITIZENS, IN HONOR AND GRATITUDE FOR HIS LOYAL AND EXEMPLARY SERVICE TO THE TOWN AND LOCAL COMMUNITY.

12-12-2022 TOWN COUNCIL MTG

IN WITNESS WHEREOF, KEVIN BURKE, VICE PRESIDENT OF THE TOWN COUNCIL, HAS SET HIS HAND AND CAUSED THE SEAL OF THE TOWN OF SANTA CLAUS, INDIANA TO BE AFFIXED HERETO THIS TWELFTH DAY OF DECEMBER, TWO THOUSAND AND TWENTY-TWO.

KEVIN BURKE,

VICE PRESIDENT OF THE SANTA CLAUS TOWN COUNCIL

COMMENTS FROM THE FLOOR

Scot Elliott stated normally I would be here this time of the year asking the council to approve our water budget for next year but the budget is not final pending the water rate increase that Patoka passed onto the town and after the town hired London Witte to conduct a rate study. The water board will meet tomorrow night to review the rate study and the options for the water increase percentages.

Seth Windell arrived at 5:33 pm

Elliott stated Patoka rate increase is effective on 1-1-2023 for the town not to lose revenue, the town will want to have the rate increase effective immediately after the utility department does their reading for the December usage. The first draft came back from London Witte with a proposed 34.39% increase. Worked with London Witte to crunch some numbers and the water board received the final proposal on December 6, 2022 which has three options. Option # 1 a 14.6% increase which means no projects will be completed in 2023, option # 2 a 18% increase which is in line with the current budget for 2023 and option #3 20.86%. In order to meet the deadlines Kevin Patmore has for the council a 1st reading of ORDINANCE 2022-18 AN ORDINANCE AMENDING SECTION 10.04 OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS CONCERNING WATER RATES AND CHARGES to increase the water rates at 18% but would like to have in the motion that it could possibly be amended if the water board would decide to recommend the 20.86% increase to the council.

Seth Windell made amotion for the 1st reading of ORDINANCE 2022-18 AN ORDINANCE AMENDING SECTION 10.04 OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS CONCERNING WATER RATES AND CHARGES with a possibility of the percentage of the increase could change pending the water board and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

COMMENTS FROM THE PRESIDENT

Michael Johannes stated to the council that it is important for the town to hire a town manager, especially for the purpose of looking for grants. I know there are people that have expressed their opinion that they do not want a town manager but our town is growing. I know the clerk-treasurer does duties outside of her job as well as Russ Luthy the Superintendent. Seth Windell stated he and Jason Little have met and want to move forward on the hiring process. Patricia Vaal stated the town should have a job description to go over first before the town moves forward on the hiring process. Kelly Greulich stated after thinking about the town manager job he or she will want access to records that are housed here at town hall or possibly the attorney will have files they will need. It would make more sense to have the town manager at town hall and in an office that is accessible to the public. Russ Luthy asked the council what is the town manager going to do for the utility department? Johannes stated all department heads will report to the town manager. It will definitely stream line the town council meetings. The job description will spell out the duties of the town manager once completed.

NOVEMBER REPORTS FROM DEPARTMENT HEADS

FIRE DEPARTMENT MAX MEYER

First Responder-12 EMR

— Fire Alarms-1

Signal 9-1

10-50 PI-2

Total Activities-16

November 21 & 22 all hoses and ground ladders were tested, one 50 ft section of 2.5 hose failed it was purchased in 2000. Received on Monday December 5th the new MSA G1's. Meyer stated he has the annual invoice for the fire department in the amount of \$ 24,995.04 for council approval. The total number of runs in 2022 were 193.

Seth Windell made a motion to approve the annual invoice for the volunteer fire department in the amount of \$ 24,995.04 and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

PARKS & RECREATION/COMMUNITY CENTER ZACH TISCHENDORF

SCCC Active Members-117, New Members-11, Daily-49, Big Room Rental-2, Big Room Hourly Rental-1 COMPLETED PROJECTS OF PARK'S DEPARTMENT-park winterization complete, 175 participants at the Prancer Play Time, added 16 new trash cans at Yellig Park & Trail, ordered equipment for ball diamonds, SCCC & Yellig Park 2022 revenues will be at the January meeting for review.

NEW/ONGOING PROJECTS-Community Center remodeling continues; planning has started for the new concession and bathroom building at the park.

ITEMS FOR TOWN COUNCIL-

— Patmore stated he has for a 2nd reading and adoption ORDINANCE 2022-16 AN ORDINANCE ALTERING SECTIONS OF THE MUNICIPAL CODE CONCERNING PARKS AND RECREATION FEES for the council.

Seth Windell made a motion for the 2nd reading and adoption of ORDINANCE 2022-16 AN ORDINANCE ALTERING SECTIONS OF THE MUNICIPAL CODE CONCERNING PARKS AND RECREATION FEES and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Tischendorf informed the council that Jon Kincaid would like to continue to serve on the Park Board.

Seth Windell made a motion to appoint Jon Kincaid to a 4-year term on the Park Board and Patricia Vaal seconded the motion.

Ayes: All Nays: None Motion carried

Tischendorf passed out the recommended 2023 meeting dates of the park board to the council for council approval.

Seth Windell made a motion to approve the Park Board meeting minutes as presented and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

— **BUILDING INSPECTOR ABSENT TODD HAYS**

Number of ILPS Issued 0

Number of New Permits 0

12-12-2022 TOWN COUNCIL MTG

Number of Post Hole Inspections	2
Number of 911 Addresses Assigned	0
Number of Electrical Permits Issued	0
Number of Solar Inspections	0
Number of Footing Inspection	7
Number of Foundation Inspections	2
Number of Rough in Plumbing Inspections	2
Number of Rough in HVAC Inspections	2
Number of Rough in Electric Inspections	2
Number of CenterPoint Inspections	2
Number of Gas Inspections	3
Number of General Inspections	5
Number of Framing Inspections	5
Number of Concrete Floors/Slabs	0
Number of Basements Walls Inspections	2
Waterproofing Foundations Inspection	2
Number of Underground Plumbing	5
Number of Electric Meter Inspections	1
Number of Final Inspections	4
Number of Certificate of Occupancy	2

The Public Hearing for rezoning of the Back 9 Development will be November 21, 2022 at 5:30 pm here at the Town Hall. All notices have been sent out and the notice was listed in the Leader Newspaper. Hays asked the council about the 2023 contract for services, rumor has it that the council wants to separate the Building Inspector position and the Zoning Administrator position in 2023. A discussion followed.

The council recommend to Hays to fill out his contract with the amount he is requesting for 2023. Windell stated the idea is once a town manager is hired part of his or her role will be to take over the zoning for the town. Hays stated he will submit a contracted amount to the council by email to be discussed at the December 28th meeting.

POLICE DEPARTMENT JAMES FAULKENBURG

- Off Duty Call Outs-10
- Citations TOSC-8
- Warnings TOSC-24
- Crash Reports-8
- Vehicle Inspections-4
- Domestic Disturbances-3
- Assist another Department-14
- Medical Emergencies-6
- Disturbances-51
- Theft Reports-2
- Verbal Warnings-0
- Case Reports/Investigations-13/62
- Warrant Service-1
- Gun Permits-1
- Arrests-3

Assist Motorist-7

Reserve Hours for the month of November are as follows: Jazyk-16 hrs, Kennedy-8 hrs, Goffinet-8 hrs.

— Faulkenburg stated everything went well in Santa Claus for parade day. Wanted ask the council if they would consider moving the police department to the Santa Claus Community Center, the department has looked over the rooms and feel it would be adequate for the police department. Tonight, the council approved new rates for the rooms at the community center so I know this is not the best time.

Greulich stated changes would have to be made at the community center building and that is something the town should plan for. The town is growing and our office space is very limited especially with requirements of important documents that must kept for ten years and some documents forever like payroll and all building permits.

Johannes stated at this point the town has approved the new structure fees at the community center and this can be talked about during the 2024 budget time.

TRAILS RUSS LUTHY

JIM YELLIG PARK-hard surface to replace gravel areas of the trail, made current trail ADA compliant. Substantial completion date 12-13-2022.

EASTSIDE TRAIL-Project substantially completed on 7-22-2022. Clark-Dietz requesting additional money for additional time spent on construction engineering inspections the amount ranges from \$ 40,000.00 to \$ 70,000.00. Luthy stated the town's portion of the rock was about \$ 11,000.00. A reimbursement check will be given to the town for the rock. A discussion followed. No decision was made by the council concerning additional funding to cover construction engineering. Awaiting word on NOT from IDEM. Correction of stenciling completed 245/162.

— Luthy stated to the council with the trails wrapping up he will discontinue the trail report in the future. The bollards will be going up on the trail soon. Pay request # 5 for Quality Craft in the amount of \$ 18,418.50 for council approval.

Seth Windell made a motion to pay Quality Craft pay request # 5 in the amount of \$ 18,418.50 and Patricia Vaal seconded the motion.

Ayes: All Nays: None Motion carried

Vaal stated she has looked into google maps and they pretty much do their own thing, they decide when they want to update information.

STREET DEPARTMENT

STREET OPEN ACTION ITEMS

Mowing- No

Sign-replace/repair/install- No

Complaints- No

Street Repairs- Yes

Assist other departments as needed, prep for ice and snow fighting. Christmas decorations and street light repairs, culvert inspections, monitor CR 850 culvert, vehicle and equipment maintenance and repairs, road inspections, pothole patrol.

— Luthy stated the Interlocal Agreement with the County has been sent to the State and they have until June 30, 2023 to complete. The old HWY 245 is not part of the Interlocal Agreement that is a stand-alone project between the town and the State.

Windell asked how hard would it be to get approval to close the portion of Ashburn that goes through Yellig Park? Could it be rerouted along the northern part of the town property by Yellig trail? Luthy stated it can be

done but it will be very costly. Vaal stated the town has to figure out how to slow traffic down in that area before someone is hurt. A discussion followed about speed bumps being installed. Council asked Luthy and Park Superintendent Zach Tischendorf to discuss and bring back to council.

Luthy stated he has an invoice for E & B Paving in the amount of \$ 53,860.00 for council approval.

Seth Windell made a motion to approve E & B Paving invoice in the amount of \$ 53,860.00 and Patricia Vaal seconded the motion.

Ayes: All Nays: None Motion carried

WASTEWATER

PLANT INFORMATION: Treatment November 2022 7.35 MG, November 2021 11.67 MG

Precipitation November 2022 1.37 Inches, November 2021 2.12 Inches

OPEN ACTION ITEMS: Process control testing, plant O & M. Work continues AMP project. Prep for sludge hauling and clarifier repair, Note other items on file at WW Plant.

SSO(s)- 0

COLLECTION SYSTEM: Routine station maintenance checks, sewer main and lateral rehab ongoing, begin LS rehab/capital projects, work is completed on LS # 1 & # 4. Jet lines, monitor manhole on Evergreen Dr.

LATERAL INSPECTIONS: Revolving total lateral inspections-29, New in November-1, COC's completed -0, requiring repairs-0, no repairs-0, exempt laterals-1.

YEAR TO DATE: Requiring repairs-11, no repairs-14, exempt-4.

Luthy stated Deig Brothers has a pay request # 5 in the amount of \$ 44,763.25 and Midwestern Engineers in the amount of \$ 3,237.90 for council approval.

Seth Windell made a motion for Deig Brothers pay request # 5 in the amount of \$ 44,763.25 from the wastewater capital fund and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Seth Windell made a motion to approve Midwestern Engineers invoice in the amount of \$ 3,237.90 and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Vaal asked Luthy what are the hours of operation at the utility building? There have been a couple times residents have tried to contact the utility building and it goes to the after hours recording. Luthy stated our hours of operation are 7:30 am to 3:30 pm. Vaal stated this has been before 3:30 pm. Luthy stated he will investigate that.

OSHA

No lost time injuries, 4- field hazard assessments: water leak CR 1450, sewer repair on Ornament, carcass removal& street light repairs.

WATER RUSS LUTHY

Work Orders-Total Received- 25

Work Orders Completed- 24

Work Orders Pending- 1

OPEN ACTION ITEMS: Begin electrical and communications work at well # 3.

Luthy update on the water projects, Well # 3 is ready for startup, waiting on the steel for the 750,000 gallon water tower to be delivered, tear down of the 150,000 gallon tank will take place in August of 2023.

Paul Scherzer of the water department received his water certification and with council approval a .50 on the hour raise on the next pay period.

Seth Windell made a motion to approve Paul Scherzer .50 on the hour raise effective on the next pay period and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

INDUSTRIAL PARK

Nothing to report.

TOWN ATTORNEY KEVIN PATMORE

Patmore stated no ruling on Gosnell litigation at this time. The town received a letter from Kevin Farmer's attorney does the council want to respond?

Seth Windell made a motion to authorize attorney Kevin Patmore to respond to the letter concerning Kevin Farmer and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Patmore informed the council they have 90 days to respond to the tort claim by Jason Terry against the town. Greulich stated the paperwork has been sent to town's liability insurance and has been listed as informational and not a claim at this time. The insurance company is requesting the body cam footage and the police reports be sent to this as well.

Patmore stated for a 2nd reading and adoption ORDINANCE 2022-14 AN ORDINANCE AMENDING SECTION 11.04.120(4) OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS, INDIANA CONCERNING PLANNED UNIT DEVELOPMENT (PUD) for the council.

Kevin Burke made a motion for the 2nd reading and adoption of ORDINANCE 2022-14 AN ORDINANCE AMENDING SECTION 11.04.120(4) OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS, INDIANA CONCERNING PLANNED UNIT DEVELOPMENT (PUD) and Seth Windell seconded the motion.

Ayes: All Nays: None Motion carried

Patmore has ORDINANCE 2022-15 AN ORDINANCE RE-ZONING CERTAIN LANDS IN THE TOWN OF SANTA CLAUS, INDIANA for a 2nd reading and adoption for the council.

Patricia Vaal made a motion for the 2nd reading and adoption of ORDINANCE 2022-15 AN ORDINANCE RE-ZONING CERTAIN LANDS IN THE TOWN OF SANTA CLAUS, INDIANA and Seth Windell seconded the motion.

Ayes: All Nays: None Motion carried

Back 9 commitment concerning the PUD council will need to approve.

Patricia Vaal made a motion to approve the commitment concerning the Back 9 PUD and Seth Windell seconded the motion.

Ayes: All Nays: None Motion carried

Patmore stated he had sent out a draft letter concerning the food & beverage tax prior to the meeting and if the council approves the letter will be sent to Stephen Bartels State Representative and Mark Messmer State Senator.

Seth Windell stated this is a way to increase revenue for the town without raising taxes to the people that live here (property taxes). As you know 90% of the influx of people to this area is due to the tourism in Santa Claus. Why not let the people coming to visit Santa Claus pay the tax. We are talking about a 1% tax that is .10¢ on \$ 10.00 for anybody that eats or drinks prepared food and beverage. This is one way to increase revenue for the town. When you go from a population of 2,500 to 30,000 in a day it can be very hard to manage for our police department.

Seth Windell made a motion to authorize attorney Kevin Patmore to send the letter concerning a food and beverage tax for the town of Santa Claus to Representative Stephen Bartels and Senator Mark Messmer and Patricia Vaal seconded the motion.

Ayes: Vaal, Burke, Windell Nays: Johannes Motion carried

Patmore has RESOLUTION 2022-13 A RESOLUTION CONCERNING INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM for the council.

Seth Windell made motion to approve RESOLUTION 2022-13 A RESOLUTION CONCERNING INTENT TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Patmore will file the paperwork with the Department of Natural Resources.

CLERK TREASURER KELLY GREULICH

Greulich reminded everyone that's term is up on December 31, 2022 they must be sworn in before their 2023 meeting.

Greulich stated she had some concerns on the invoices from attorney Kevin Patmore, the invoices were emailed out to the council with her concerns.

Kevin Burke made a motion to approve the invoices from Kevin Patmore in the amount of \$ 20,635.00 and Patricia Vaal seconded the motion. Johannes informed Patmore that invoices need to be submitted every quarter from her on out.

Ayes: All Nays: None Motion carried

Greulich has for a 1st reading the 2023 salary ordinance for the council, ORDINANCE 2022-17 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SANTA CLAUS, INDIANA ESTABLISHING WAGES AND SALARIES FOR THE 2023 YEAR. The ordinance was sent to the council prior to tonight's meeting. Does the council have any questions? With no questions concerning the salary ordinance Seth Windell made a motion for the 1st reading of ORDINANCE 2022-17 AN ORDINANCE OF THE TOWN COUNCIL OF THE

TOWN OF SANTA CLAUS, INDIANA ESTABLISHING WAGES AND SALARIES FOR
— THE 2023 YEAR and Patricia Vaal seconded the motion.

Ayes: All Nays: None Motion carried

2023 Contracts for Services of the Town of Santa Claus:

Greulich stated, Brian Pund \$ 35.00 an hour, added in the contract he requires to review any IT equipment that is purchased for a department to insure it is compatible with the current system that is in place. Judy Fromme has submitted her contract for cleaning services at the town hall at a rate of \$ 14.00 per hour. Kevin Patmore has submitted a letter of Legal Representation for 2023 to the Town of Santa Claus. Retainer amount of \$ 1,250.00 which included town council meetings, and responding to routine electronic mail and telephones calls. For all other town related business, a rate of \$ 100.00 per hour and reimbursement for out-of-pocket expenses.

Patricia Vaal made a motion to approve Brian Pund contract with the town of Santa Claus for all departments concerning IT services at a rate of \$ 35.00 per hour for labor and that equipment purchased for the normal IT services Brian would review to insure it works with the current system and Seth Windell seconded the motion.

Ayes: All Nays: None Motion carried

Patricia Vaal made a motion to approve Judy Fromme for cleaning services at the town hall at a
Ayes: All Nays: None Motion carried
rate of \$ 14.00 per hour and Seth Windell seconded the motion.

— Patricia Vaal made a motion to approve Kevin Patmore as the town attorney at a retainer fee of \$ 1,250.00 per month and at a rate of \$ 100.00 per the letter he submitted and Seth Windell seconded the motion.

Ayes: All Nays: None Motion carried

MISCELLANEOUS

Michael Johannes stated Holiday World has completed the trail donation letter, flyer and the drone footage.

Greulich stated to the council Regional15 sent out the project list to update for 2023 this was emailed out to council prior to tonight's meeting. Would the council like to make any changes to the project list for 2023? Council will remove Broadband, new water tower, 3rd Well, Eastside Trail, GIS Mapping & Christmas Lake housing. Add Back 9 Development of housing and Town facilities ADA compliant and leave the remaining items on the list.

VOUCHERS

Seth Windell made a motion to approve general vouchers in the amount of \$ 187,567.97 and Kevin Burke seconded the motion.

Ayes: All Nays: None Motion carried

Kevin Burke made a motion to approve payroll vouchers in the amount of \$ 85,122.84 for the month of November and Seth Windell seconded the motion.

— Ayes: All Nays: None Motion carried

Patricia Vaal made a motion to approve wastewater vouchers in the amount of \$ 547,598.64 and Kevin Burke seconded the motion.

12-12-2022 TOWN COUNCIL MTG


Ayes: All Nays: None Motion carried

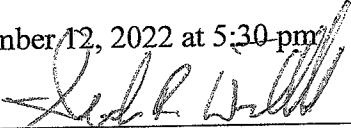
ADJOURNMENT

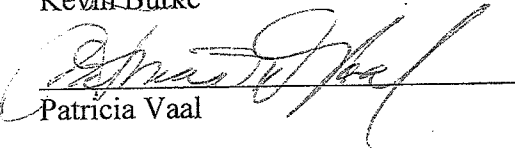
Kevin Burke made a motion to adjourn the town council meeting at 7.57 P.M. and Seth Windell seconded the motion.

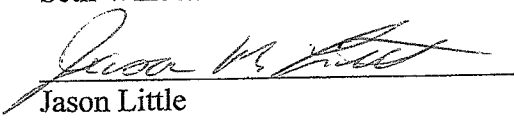
Ayes: All Nays: None Motion carried

The next Town Council meeting will be December 12, 2022 at 5:30 pm



Kevin Burke


Seth Windell


Patricia Vaal


Jason Little


Brian Warran

ATTEST:

Kelly K. Greulich, Santa Claus Clerk-Treasurer

ORDINANCE 2022-14

AN ORDINANCE AMENDING SECTIONS 11.04.048 AND 11.04.120(4) OF THE MUNICIPAL CODE OF THE TOWN OF SANTA CLAUS, INDIANA CONCERNING PLANNED UNIT DEVELOPMENTS

WHEREAS, the Town Council proposed that the Advisory Plan Commission review the requirements for the establishment of and uses in a Planned Unit Development District under Section 11.04.048; and,

WHEREAS, on November 21, 2022, the Santa Claus Advisory Plan Commission issued its Resolution 2022-01 certifying this proposed Ordinance to the Town Council with a favorable recommendation, following public hearing and due notice according to law.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Santa Claus, Indiana, that Section 11.04.048 of the Municipal Code of the Town of Santa Claus is hereby repealed in its entirety, and replaced by the following Section 11.04.048:

“11.04.048 Planned Unit Development Intent, Uses and Standards

- (1) **Uses.** All uses are subject to the discretion and approval of the Town Council through the process established by this Article. No uses are granted by right, and no uses are considered Conditional. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
- (2) **Development Standards.** Development standards for all proposed Planned Unit Developments shall be created by the applicant as part of the Final Plan submittal. All proposed development standards are subject to the review and approval of the Plan Commission and Town Council. Generally, the Planned Unit Development shall provide standards for the development that adopt or replace (1) the lot standards established by other Zoning Districts, and (3) any standards established by the Subdivision Control Ordinance. The development standards may reference provisions of this Ordinance, but (1) must specify that periodic amendments to this Ordinance will apply and (2) may reference specific zoning districts. All Planned Unit Developments shall comply with the following development standards:
 - A. The number of structures erected shall not exceed the number approved by the Commission on the Final Plan(s) unless a density increase is approved as modification.
 - B. Only land uses that are approved on the Master Plan may be permitted within a PUD.
 - C. Up to ten percent (10%) of the gross land area in a residential PUD may be used for commercial, industrial, and non-recreation public uses, provided that the Commission finds that the uses are necessary or desirable and are appropriate with respect to the primary purpose of residential Development.
 - D. Each PUD shall have common open space. Common open space may include Street Right-of-Ways, Driveways, and parking Lots which directly serve recreational areas. At least ten percent (10%) of the gross land area in a PUD shall be allocated for parks, open space and recreational purposes.
 - E. All utilities, including communication and electric systems, shall be placed underground within the limits of the Development, or effectively screened. What constitutes effective Screening shall be determined by the Commission.

F. The Development Plan shall include a common water supply and distribution system which shall meet the approval of the Commission and applicable Federal, State, or Local agencies or offices with jurisdiction.

G. The Development Plan shall include a sanitary sewer system connected to a Public Sewer system, if available within a reasonable distance from the project, or it shall provide for a central collection and treatment system in accordance with the requirements of both the Commission and applicable Federal, State, or Local agencies or offices with jurisdiction.

H. The plan of the project shall provide for the integrated and harmonious design of Buildings in the commercial and industrial areas and the Parcels shall be developed in park-like surroundings. The Development shall be landscaped, and woodlands used to screen lighting, Parking Areas and loading areas from adjacent residential areas.

- (3) **Rules of Procedure.** All proceedings brought under this Article are subject to the any Rules of Procedure of the Plan Commission.
- (4) **Origination of Proposals.** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. The applicant making the proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if all parcel(s) or site(s) are not under single ownership, the multiple owners must have a contractual agreement not to develop the parcels separately, but in accordance with a single, unified plan; and in which the separate owners have given their express intentions to enter into such private agreements, and to assure its completion as planned and to the satisfaction of the Commission.
- (5) **Minimum Size.** The provisions of this section shall apply only to a tract of land proposed to be a minimum of ten (10) acres for residential uses and twenty-five (25) acres for non-residential uses.

11.04.048.1 General Application Requirements

All applications shall be made on forms provided by the Administrator. All applicants shall submit original applications that are completed in their entirety in ink or typed. Fees shall be paid at the time the application is submitted.

- (1) **Copies Required:** All applicants shall submit copies of applications and necessary attachments as required by the policies of the Administrator and any applicable Rules of Procedure of the Plan Commission.
- (2) **Incomplete Applications.** No application which is incomplete shall be scheduled for any meeting or public hearing. The required fee shall be part of the application.
- (3) **Review Schedule.** All applications shall be assigned reference numbers by the Administrator. Applications shall be scheduled by the Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the adopted calendar of meeting dates for the Plan Commission.

11.04.048.2 Preliminary Plan

The purpose of the Preliminary Plan to provide a formal opportunity for the applicant and the Commission to discuss the general elements of the proposed PUD. The Preliminary Plan functions as a Concept Plan. The Preliminary Plan prepares the Commission for a future discussion of details and minimizes the costs and risks incurred by the applicant in creating the Final Plan and proceeding when

a Final Plan is unlikely to be approved to meet the applicant's goals for development.

(1) **Application.** The petitioner shall submit a Preliminary Plan review application, the required filing fee, the Preliminary Plan, and any other supporting information

(2) **Preliminary Plan Data.** The Preliminary Plan may take the form of a booklet of letter and/or tabloid sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats.

The Preliminary Plan may include any graphics that will explain the features of the development. The following shall be included in the Preliminary Plan submission.

A. **Cover Page & Index.** The cover sheet shall indicate that it is the Preliminary Plan for that particular development and include the date of submittal, an index identifying all sections included in the Preliminary Plan document, and references to any separate sheets of information.

B. **Site Description:** A description of the property and petitioners involved, including:

i. the name, mailing address, e-mail address, and telephone number of the applicant,

ii. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Preliminary Plan design,

iii. the legal description of the subject property and common address of the site, and

iv. the proposed name of the development (if applicable).

C. **Phasing Plan.** A phasing plan indicating the general phases by which Final PUD Plans may be submitted, if any.

D. **Vicinity Map.** A vicinity map showing the use and zoning of all properties within 1,320 feet (1/4 mile) of the property subject to the Preliminary Plan.

E. **Common Holdings Map.** A map of any property adjacent to the property subject to the Preliminary Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage plans.

F. **Existing Site Conditions.** A site survey of all existing conditions on the subject property, including:

i. **Built Features.** All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;

ii. **Easements.** All existing easements and an indication of their purpose;

iii. **Topography.** A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Administrator;

iv. **Natural Features.** The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas;

v. **Utilities:** The general location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);

vi. **Cemeteries.** The general location of any cemeteries on, or within 100 feet of, the site.

vii. **Historic Features:** An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and

viii. **Other Features.** Any other significant feature(s) that may influence the preliminary design of the development.

G. **Proposed Development:** A description of the proposed development of the property,

including:

- i. Street Systems. The general layout and description of proposed street systems (that identifies proposed arterial and collector streets);
- ii. Land Uses. The general land use areas within the development (including proposed densities of residential uses);
- iii. Open Space. The general location of open space;
- iv. Landscaping. The general description of any areas of landscaping, buffering, and/or screening proposed for the development;
- v. Natural Features. A description of the general accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands, and wooded areas identified above;
- vi. Historic Features: A description of the general accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;
- vii. Written Commitments. A description of any written commitments that are being proposed as part of the development;
- viii. Covenants. A general description of any private covenants and restrictions that may be established for the development; and
- ix. Drainage. A general drainage concept meeting the requirements of Indiana laws and regulations

H. Supplemental Information: Any other information requested by the Administrator or Plan Commission to aid in the review of the Preliminary Plan. This may include, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.

(3) Public Hearing. Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements of Indiana law.

A. Plan Commission Public Hearing. The Plan Commission will review the application and required supporting information.

i. Representation. Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the petition and address any questions the Commission may have concerning the application or Plan.

ii. Presentations. The presentation of reports and testimony and all other aspects at the public hearing shall be consistent with the Rules of Procedure of the Commission.

iii. Possible Action. The Preliminary Plan shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission.

a. Favorable Recommendation. The application may be forwarded with a favorable recommendation if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Comprehensive Plan. The Plan Commission may accept or recommend written commitments from the petitioner as part of the favorable recommendation.

b. Unfavorable Recommendation. The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.

c. Continue. The application may be continued based on a request by the Administrator, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action

being taken on the request.

1. Additional legal notice shall not be required unless specified by the Plan Commission.

2. The continuing of all petitions shall be consistent with any Rules of Procedure of the Commission.

d. Options Following an Unfavorable Recommendation: If the Plan Commission forwards an unfavorable recommendation to the Town Council the applicant may either proceed with the Town Council public hearing or withdraw the petition. Preliminary Plan applications that are withdrawn shall not be re-filed for a period of 1 year from the date of withdrawal. New applications for the same property that are substantially different, in the opinion of the Administrator, from the withdrawn petition shall not be subject to the waiting period.

iv. Certification of Recommendation. The Plan Commission shall certify its recommendation by resolution to the Town Council.

v. Town Council Meeting. The Town Council shall hold a meeting and vote (via resolution) on the proposed Planned Unit Development Preliminary Plan. The Town Council may either approve or deny the Preliminary Plan. The Town Council may request that modifications be made to the Preliminary Plan as part of its approval.

11.04.048.3 Final Plan & Rezoning

The purpose of the Final Plan and rezoning application is to finalize the details of the proposed PUD, document those details, and obtain final PUD recommendation from the Commission and approval from the Council.

(1) Application. The applicant shall submit a Planned Unit Development Final Plan review application, the required filing fee, the Final Plan, and any other supporting information. Final Plans may be submitted for the entire area included in the Preliminary Plan or in phases.

(2) Final Plan Data. The Final Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The Final Plan shall meet any format requirements of the Spencer County Recorder. The following shall be included in the Final Plan submission:

A. Cover Page & Index. The cover sheet shall indicate that it is the Final Plan for that particular development and include the date of submittal, an index identifying all sections included in the Final Plan document, and references to any separate sheets of information.

B. Site Description. A description of the property and petitioners involved, including:

- i. the name, mailing address, e-mail address, and telephone number of the applicant,
- ii. the name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Final Plan design,
- iii. the legal description of the subject property and common address of the site, and
- iv. the proposed name of the development (if applicable).

C. Common Holdings Map. A map of any property adjacent to the property subject to the Final Plan owned or otherwise controlled by any or all of the petitioners.

D. Sewerage Verification: A letter verifying that proper waste disposal will be available to the property.

E. Existing Site Conditions: A description of all existing conditions on the subject property, including:

- i. Built Features. All existing streets (including travel lanes, rights-of-way, etc.), established open spaces, and structures;
- ii. Easements. All existing easements and an indication of their purpose;
- iii. Topography. A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the Administrator;

- iv. Natural Features: The location of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
- v. Utilities. The location of utilities serving the site (including waste disposal, water, electricity, natural gas, cable television, and data transmission);
- vi. Cemeteries. The boundaries of any cemeteries on, or within 100 feet of the site.
- vii. Historic Features. An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
- viii. Other Features: Any other significant feature(s) that may influence the design of the development.

F. Proposed Development. A description of the proposed development of the property, including:

- i. Street Systems. The layout and design of proposed street systems (including on-street parking, sidewalks, multiuse facilities and street trees);
- ii. Land Uses. The land use areas within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
- iii. Open Space. The location, improvement, design, maintenance, and use of any open space (including park facilities, natural areas, trail systems, and other common areas);
- iv. Landscaping: The design of any landscaping, buffering, and/ or screening proposed for the development;
- v. Easements. The location and use of any and all public or private utility, drainage or other easements to be dedicated, reserved or granted as a part of the development;
- vi. Natural Features. A description of the accommodation of natural streams, regulated drains, 100 and 500-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DCH);
- vii. Historic Features. A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;
- viii. Development Standards. Final text documenting the development standards that will apply to development (including lot size and dimensions, building setbacks, off-street parking standards, lighting standards, sign standards, landscaping requirements, etc.);
- ix. Written Commitments. A description of any written commitments that are being proposed as part of the development;
- x. Covenants. A description of any private covenants and restrictions that will be established for the development; and,
- xi. Drainage. A detailed drainage plan meeting the requirements of Indiana laws and regulations.

F. Supplemental Information. Any other information requested by the Administrator or Plan Commission to aid in the review of the Final Plan. This may include, but not be limited to, topic areas such as traffic, utilities, flood hazards, and architectural design standards.

(3) Plat Requirement. Planned Unit Developments shall be required to comply with the platting and development procedures required in Section 11.04.100 and 11.04.110 of the Municipal Code. In no instance shall the approval of a PUD be interpreted as waiving or modifying any Subdivision

procedures or requirements. If a subdivision of land is required for the development, the Preliminary Plat for the Subdivision may be filed previously or simultaneously with the Final Plan.

(4) Public Hearing. Notification for the scheduled public hearing regarding the Final Plan shall be completed consistent with the requirements of Indiana law.

A. Representation. Either the applicant(s) or a representative of the applicant(s) must be present at the public hearing to present the application and address any questions the Commission may have. Presentations. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of this Ordinance and any Rules of Procedure of the Plan Commission.

B. Plan Commission Public Hearing. The Plan Commission will review the application, Final Plat and supporting information

C. Possible Action. The Final Plan shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, or continued by the Commission. In accordance with I.C. §36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant as a part of its recommendation.

i. Favorable Recommendation. The Final Plan application may be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Section 11.04.048.3(5).

ii. Unfavorable Recommendation. The application may be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Section 11.04.048.3(5).

iii. Continued. The application may be continued based on a request by the Administrator, the petitioner, a remonstrator, or an interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request.

a. Additional legal notice shall not be required unless specified by the Plan Commission.

b. The continuing of all applications shall be consistent with the adopted Rules of Procedure of the Commission.

D. Re-Filing Following an Unfavorable Recommendation. If the Plan Commission forwards an unfavorable recommendation to the Town Council the applicant may either proceed with the Town Council public hearing or withdraw the petition. If a PUD Final Plan has been withdrawn, there shall be no waiting period before which a new Preliminary Plan or Final Plan petition may be filed.

E. Certification of Recommendation. The Plan Commission shall certify its recommendation by resolution to the Town Council. The Administrator shall forward to the Town Council a PUD district ordinance (rezoning) meeting the requirements of I.C. §36-7-4-1503 for consideration.

F. Town Council Public Hearing. The Town Council shall hold a public hearing and vote on the proposed Planned Unit Development district ordinance (rezoning) within 90 days of its certification by the Plan Commission.

i. Possible Action. The Town Council may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by Section 5.4(G).

ii. Failure to Act. If the Town Council fails to act within 90 days the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission as provided by I.C. §36-7-4-608.

iii. Approval. If the Town Council approves the PUD district ordinance (rezoning), the land is officially rezoned. The Official Zoning Map shall reflect the zoning change.

iv. Conditions. Per I.C. §36-7-4-1512 the Town Council may impose conditions, require written commitments from the applicant, and/ or condition the release of Improvement Location Permits on the provision of adequate financial surety for public improvements

required for the development.

(5) Final Plan Decision Criteria. In reviewing the Planned Unit Development Final Plan, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC §36-7-4603 and I.C. §36-7-4-1509(d):

- A. Preliminary Plan. The extent to which the proposal is consistent with the approved Preliminary Plan;
- B. Requirements and Intent. The extent to which the proposal fulfills the requirements and intent of this Chapter;
- C. Planning Documents. The Comprehensive Plan and any other applicable, adopted planning studies or reports;
- D. Characteristics. The current conditions and the character of current structures and uses in each zoning district;
- E. Desired Use. The most desirable use for which the land in each district is adapted;
- F. Property Values: The conservation of collective property values throughout the Town Council's jurisdiction as a whole; and
- G. Growth Management. Responsible growth and development.

(6) Final Plan Signatures & Filing. The implementation of an approved Final Plan must be consistent with the following provisions:

- A. Final Plan Signatures. When approved, the Final Plan shall be signed by the Plan Commission President and Secretary.
- B. Final Plan Recording & Filing: The approved Final Plan, including all development standards serving as the zoning requirements on the subject property shall be recorded with the Spencer County Recorder. A copy of the record Final Plan shall then be filed with the Administrator by the applicant. The documents must clearly state that the development standards and any written commitments are enforceable by the Plan Commission.
- C. Covenant Recording. Any covenants for the development shall be recorded with the Spencer County Recorder. The documents must (a) clearly distinguish covenants from development standards and written commitments and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission.

11.04.048.4 Written Commitments

The applicant in any Planned Unit Development may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with I.C. §36-7-4-1015.

- A. Commitment Proposals. Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made or modifications requested by the Plan Commission or Town Council, or may be proposed by the Plan Commission or Town Council as a condition to approval of a Preliminary Plan or Final Plan.
- B. Consideration of Commitments. Any commitments shall be considered by the Plan Commission and Town Council if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning.
- C. Procedure for Commitment Modifications. If modifications of written commitments considered by the Plan Commission or new commitments are requested by the Town Council prior to Final Plan approval, the application shall be referred back to the Plan Commission for re-consideration.
 - i. Plan Commission Approval. If the Plan Commission approves the requested modification(s) the application is also approved.
 - ii. Plan Commission Disapproval: If the Plan Commission disapproves or alters the

requested modification(s) the application shall be again considered at a meeting of the Town Council. At that time, the Town Council may:

- a. approve the application as originally recommended by the Plan Commission;
- b. approve the application with the originally requested modifications; or
- c. request alternate modifications and again refer the matter back to the Plan Commission.

D. Enforcement of Commitments: The recorded written commitments shall be considered part of this Ordinance binding on the subject property.

E. Applicability: The recorded written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires any interest in any portion of the subject property.

F. Enforcement: The recorded written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of this Ordinance.

G. Modification: The recorded written commitments may be modified only through the Preliminary and Final Planned Unit Development processes described by this Article.

11.04.048.5 Covenants

A copy of any recorded covenants for the development shall be provided to the Administrator by the petitioner for the records of the Commission.

A. Lot Owner's Association: If covenants are established on the property, adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization will be self-perpetuating and financially able to maintain all common facilities.

B Service Access to Common Areas: The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. The covenants shall specifically state that appropriate government entities may access any common areas to monitor, maintain and improve any and all utility facilities.

11.04.048.6 Modifications

(1) Minor Modifications. The Administrator may from time to time approve minor modifications of the Final Plan without a public hearing consistent with I.C. §36-7-4-1511(i). No minor modification shall include any change in type of use, any alteration of the development standards, or any change in vehicle or pedestrian circulation or access. To request a minor modification, the property owner, developer, or applicant shall provide the Administrator with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.

(2) Appeal. Any affected party may appeal any minor modification decision by the Administrator to the Plan Commission within 30 days of the determination.

(3) Rules of Procedure. The Plan Commission, through its Rules of Procedure, may establish rules governing the nature of proceedings and notice required to make a minor modification under this Chapter per I.C. §36-7-4-1511(j).

(4) Major Modifications. All modifications that exceed the limitations for minor modifications shall be considered major modifications. The application and review procedure for a major modification shall be the same as that for a PUD final plan and rezoning established by this Ordinance.

11.04.048.6 Expiration & Extensions

(1) Preliminary Plan Expiration/Voiding of Approval. The Preliminary Plan approval shall expire if a Final Plan application has not been filed within 1 year of the date of Preliminary Plan approval. The Preliminary Plan approval shall also expire if a Final Plan has not gained approval within 3 years of the date of Preliminary Plan approval. For phased development, the Preliminary Plan shall expire if 5 years elapse between the approval of any two (2) Final PUD Plans. The Preliminary Plan approval shall be void if any subdivision, site plan, rezoning or other development activity is approved for any portion of the subject property prior to the approval of the Final Plan.

(2) Final Plan Expiration. Final PUD plans that take the form of a site plan for an individual lot shall expire consistent with the provisions of I.C. § 36-7-4-1109. Final plans that take the form of a set of specifications and/or regulations for all or part of the PUD area shall not expire.

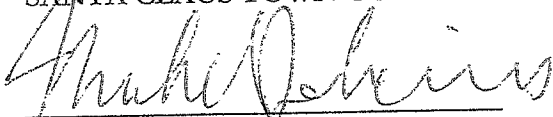
(3) Extensions. An extension for accomplishing any processes required by this Article may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must be filed with the Administrator a minimum of 30 days prior to the applicable deadline.”

BE IT FURTHER ORDAINED, that the table of fees established in Section 11.04.120(4) of the Municipal Code of the Town of Santa Claus be amended by adding the following:

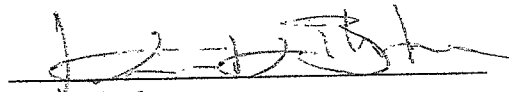
“Planned Unit Development	
Preliminary Plan	\$500.00
Final Plan	\$250.00, plus \$20.00 per lot”

PASSED AND ADOPTED by the Town Council of the Town of Santa Claus, Indiana on the 12th day of December, 2022.

SANTA CLAUS TOWN COUNCIL

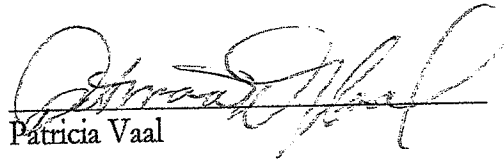


Michael Johannes President

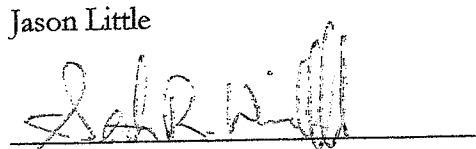


Kevin Burke

Jason Little




Patricia Vaal



Seth Windell

Attest:



Kelly Greulich, Clerk-Treasurer



DocId:8028601

Tx:4019667

ORDINANCE 2022-15

2023R-00118

**AN ORDINANCE RE-ZONING CERTAIN LANDS IN
THE TOWN OF SANTA CLAUS, INDIANA**

**VICKI BRAUNS
SPENCER COUNTY RECORDER
ROCKPORT, IN
RECORDED ON
01/17/2023 08:56 AM
REC FEE: 25.00**

WHEREAS, Back 9 Development, LP, has petitioned for the re-zoning of certain lands within the territorial jurisdiction and geographic area of the Town of Santa Claus, Indiana currently within the Low Density Residential (R-2) and Agricultural (A) Zoning Districts according to the Zone Maps of the Town; and,

WHEREAS, on November 21, 2022, the Santa Claus Advisory Plan Commission issued its Resolution 2022-01 certifying said request to the Town Council with a favorable recommendation, following public hearing and due notice according to law.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Santa Claus, Indiana, that the proposal and application for rezoning and amendment of the zoning maps of the Town by Back 9 Development, LP, hereby is granted, and the lands described on Exhibit A and depicted on Exhibit B hereto, are hereby rezoned as follows:

All of the lands described on Exhibit A which lie North of Clubhouse Road, a.k.a. CR 1450N, are hereby rezoned from their current classifications of Low Density Residential (R-2) to a classification of Planned Unit Development (PUD), with the area depicted in red on the attached Exhibit B being used for Commercial zoning district uses as described in Section 11.04.046 of the Municipal Code of the Town of Santa Claus, and the area depicted in green on the attached Exhibit B being for Agricultural use as a golf course and ancillary structures to such use; and,

BE IT FURTHER ORDAINED, that prior to commencement of any construction of new structures, or other alteration requiring an improvement location permit on the lands rezoned to PUD District, Back 9 Development, LP, or its successors in interest, shall submit a development plan and comply with all requirements of the Zoning Ordinance for the PUD District;

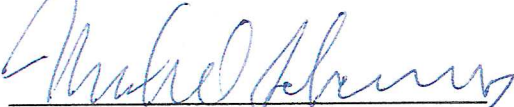
BE IT FURTHER ORDAINED, that the proposal and application for rezoning and amendment of the zoning maps of the Town by Back 9 Development, LP hereby is granted, and Tract 4 (Tract A) described on Exhibit A hereto, and depicted in yellow on Exhibit B hereto, is hereby rezoned from its current classification of Agricultural (A) to a classification of Low Density Residential (R-2); and,

BE IT FURTHER ORDAINED that the Zone Maps attached to and made a part of the Zoning Ordinance of the Town of Santa Claus, Indiana be amended to reflect such rezoning.


BE IT FURTHER ORDAINED, that this Ordinance is expressly conditioned upon Back 9 Development, LP entering into and executing the Commitment as recommended by the Town Advisory Planning Commission and attached to the Commission's Resolution Number 2022-01 as Exhibit 2, and the recordation of such Commitment in the Office of the Recorder of Spencer County, Indiana.

PASSED AND ADOPTED by the Town Council of the Town of Santa Claus, Indiana on the 12th day of December, 2022.

SANTA CLAUS TOWN COUNCIL

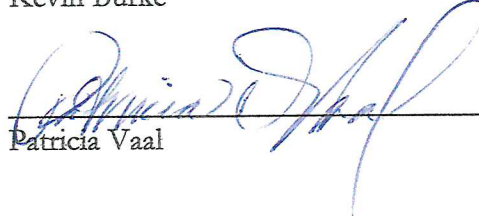


Michael Johannes President



Kevin Burke

Jason Little

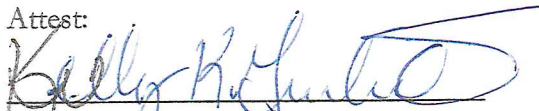


Patricia Vaal



Seth Windell

Attest:



Kelly Greulich, Clerk-Treasurer

EXHIBIT A

TRACT 1

Tracts of land lying in parts of the South half of Section 1, the West half of Section 12, and the East half and the Southwest quarter of Section 11, all in Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:

Beginning at an existing 5/8 inch iron pin found flush with the ground marking the Northeast corner of the Northwest Quarter of Section 12 of said township and range (as shown on the Plat of Santa's Fairway Subdivision, Christmas Lake Village in the Town of Santa Claus and recorded in Plat Book 1, Page 101); thence along the East line of said Northwest Quarter, South 01 degree 17 minutes 00 seconds West, 341.89 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence South 26 degrees 47 minutes 41 seconds West, 172.87 feet to an "iron monument"; thence South 17 degrees 36 minutes 13 seconds West, 420.22 feet to an "iron monument"; thence South 02 degrees 41 minutes 26 seconds West, 505.83 feet to an "iron monument"; thence South 61 degrees 24 minutes 12 seconds East, 196.92 feet to an "iron monument"; thence parallel to the East line of said Northwest Quarter, South 01 degree 17 minutes 00 seconds West, 576.64 feet to an "iron monument"; thence South 55 degrees 39 minutes 12 seconds West, 1014.11 feet to a mag nail set flush with the road surface in Clubhouse Road; thence North 87 degrees 14 minutes 03 seconds West, 1588.95 feet to a railroad spike set flush with the ground; thence South 06 degrees 18 minutes 03 seconds East, 705.35 feet to an "iron monument"; thence South 63 degrees 47 minutes 40 seconds East, 664.83 feet to a found PVC pipe enclosed Steel Post, approximately four feet tall; thence South 45 degrees 05 minutes 00 seconds East, 553.67 feet to a stone marking the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 12; thence along the East line of the West half of the Southwest Quarter of said Section 12, South 00 degrees 18 minutes 13 seconds East, 517.61 feet to a stone; thence South 87 degrees 33 minutes 47 seconds West, 238.00 feet to an "iron monument"; thence North 57 degrees 22 minutes 56 seconds West, 720.94 feet to a 2.5 inch (O.D.) iron post approximately two feet tall; thence North 48 degrees 12 minutes 03 seconds West, 592.90 feet to an "iron monument"; thence South 19 degrees 20 minutes 58 seconds West, 206.54 feet to a stone (found in creek bed approximately 18 inches tall, 12 inches long, 8 inches wide with a carved "x" in top) marking the Southeast corner of the Northeast quarter of the Southeast Quarter of said Section 11; thence along the South line of said quarter-quarter, North 89 degrees 41 minutes 54 seconds West, 1355.66 feet to a stone marking the Southwest corner of said quarter-quarter; thence along the South line of the Northwest Quarter of the Southeast Quarter of said section 11, South 89 degrees 11 minutes 31 seconds West, 1074.90 feet to an "iron monument"; thence North 40 degrees 11 minutes 08 seconds West, 234.00 feet to an "iron monument"; thence North 75 degrees 24 minutes 42 seconds West, 586.00 feet to an "iron monument"; thence South 84 degrees 04 minutes 53 seconds West, 550.00 feet to an "iron monument"; thence North 80 degrees 37 minutes 02 seconds West, 380.00 feet to an "iron monument"; thence North 01 degree 33 minutes 42 seconds East, 498.16 feet to an "iron monument"; thence North 74 degrees 17 minutes 25 seconds East, 862.52 feet to an "iron monument"; thence South 86 degrees 47 minutes 13 seconds East, 381.34 feet to an "iron monument"; thence North 42 degrees 14 minutes 01 second East, 288.93 feet to an "iron monument"; thence North 86 degrees 28 minutes 33 seconds East, 508.25 feet to an "iron monument"; thence South 53 degrees 02 minutes 24

seconds East, 870.04 feet to an "iron monument"; thence North 29 degrees 09 minutes 53 seconds East, 965.58 feet to a mag nail set in the centerline of Clubhouse Road; thence along said centerline, South 54 degrees 38 minutes 38 seconds East, 74.95 feet to a mag nail set; thence North 30 degrees 24 minutes 35 seconds East, 135.82 feet; thence along a curve concave to the Southeast with an arc length of 75.44 feet, a radius of 2600.29 feet and a long chord bearing and distance of North 31 degrees 14 minutes 28 seconds East, 75.44 feet to an "iron monument"; thence South 17 degrees 54 minutes 25 seconds East, 60.41 feet to an "iron monument"; thence South 48 degrees 45 minutes 43 seconds East, 56.06 feet to an "iron monument"; thence South 67 degrees 18 minutes 06 seconds East, 169.78 feet to an "iron monument"; thence North 22 degrees 49 minutes 07 seconds East, 318.52 feet to an "iron monument"; thence North 55 degrees 11 minutes 51 seconds West, 40.40 feet to an "iron monument"; thence North 41 degrees 35 minutes 37 seconds East, 103.73 feet to an "iron monument"; thence North 48 degrees 24 minutes 23 seconds West, 30.00 feet to the East corner of Lot 162-B Carol Hills Subdivision (Plat Book 1, Page 82); thence along said subdivision, North 41 degrees 35 minutes 37 seconds East, 574.83 feet to a 5/8 inch iron pin found; thence continuing along said subdivision, North 46 degrees 26 minutes 43 seconds East, 275.93 feet to a 5/8 inch iron pin found; thence continuing along said subdivision, North 53 degrees 10 minutes 25 seconds East, 399.67 feet to a 5/8 inch iron pin found; thence continuing along said subdivision, North 56 degrees 26 minutes 25 seconds East, 420.00 feet to an "iron monument"; thence continuing along said subdivision, North 41 degrees 01 minute 40 seconds East, 385.24 feet to a 5/8 inch iron pin found; thence continuing along said subdivision, North 49 degrees 34 minutes 08 seconds East, 265.05 feet to a 5/8 inch iron pin found; thence continuing along said subdivision, North 18 degrees 15 minutes 25 seconds West, 75.03 feet to a 5/8 inch iron pin found on the Southerly right-of-way of Balthazar Drive; thence along said southerly right-of-way in a curve concave to the South with an arc length of 110.65 feet, a radius of 820.22 feet and having a long chord bearing and distance of North 74 degrees 57 minutes 39 seconds East 110.56 feet to a 5/8 inch iron pin found; thence continuing along said right-of-way, North 78 degrees 35 minutes 35 seconds East, 310.00 feet; thence continuing along said right-of-way in a curve concave to the South with an arc length of 193.86 feet, a radius of 308.54 feet and a long chord bearing and distance of South 83 degrees 24 minutes 25 seconds East 190.69 feet; thence continuing along said right-of-way in a curve concave to the North with an arc length of 227.93 feet, a radius of 687.34 feet and a long chord bearing and distance of South 74 degrees 54 minutes 25 seconds East 226.89 feet; thence continuing along said right-of-way, South 84 degrees 24 minutes 25 seconds East, 140.96 feet; thence continuing along said right-of-way in a curve concave to the Northwest with an arc length of 733.28 feet, a radius of 411.32 feet and a long chord bearing and distance of North 44 degrees 31 minutes 18 seconds East, 639.96 feet to an "iron monument"; thence North 82 degrees 01 minute 18 seconds East, 94.16 feet to an "iron monument"; thence North 00 degrees 51 minutes 57 seconds East, 344.46 feet to an "iron monument"; thence North 52 degrees 34 minutes 14 seconds West, 215.46 feet to an "iron monument" on the Easterly right-of-way of Balthazar Drive; thence along said right-of-way in a curve concave to the East with an arc length of 225.06 feet, a radius of 2112.94 feet and a long chord bearing and distance of North 02 degrees 30 minutes 04 seconds West, 224.95 feet; thence South 85 degrees 54 minutes 00 seconds East, 48.11 feet to an "iron monument" at the West most corner of Lot 285 of Polar Shores Subdivision (Plat Book 1, Page 105); thence along said subdivision the following courses and distances: South 61 degrees 14 minutes 14 seconds East, 231.08 feet to an "iron monument"; North 69 degrees 26 minutes 16 seconds East, 231.08 feet to an 5/8 inch iron pin found; North 04

degrees 06 minutes 00 seconds East, 120.44 feet to a 5/8 inch iron pin found; South 85 degrees 46 minutes 05 seconds East, 450.19 feet to a 5/8 inch iron pin found; North 66 degrees 03 minutes 28 seconds East, 416.93 feet to a 5/8 inch iron pin found; South 85 degrees 49 minutes 23 seconds East, 388.50 feet to an "iron monument"; thence leaving said subdivision perimeter, South 36 degrees 50 minutes 16 seconds East, 255.46 feet to an "iron monument"; thence South 04 degrees 45 minutes 38 seconds West, 173.03 feet to an "iron monument"; thence South 19 degrees 45 minutes 16 seconds West, 93.77 feet to an "iron monument"; thence South 73 degrees 36 minutes 42 seconds East, 186.13 feet to the centerline of State Road 245 (witness an "iron monument", North 73 degrees 36 minutes 42 seconds West, 26.69 feet); thence along said centerline, South 06 degrees 03 minutes 24 seconds West, 344.27 feet; thence continuing along said centerline, South 09 degrees 31 minutes 50 seconds West, 305.88 feet to a mag nail set; thence North 87 degrees 17 minutes 50 seconds West, 1658.80 feet to the point of beginning, Containing 300.895 acres, more or less.

EXCEPTING THEREFROM, the following described tract:

Beginning at a mag nail set flush in the pavement of Clubhouse Road being North, 1368.71 feet and West, 181.19 feet from a stone marking the Southeast corner of the Northeast quarter of the Southeast Quarter of said Section 11; thence along said road, South 87 degrees 35 minutes 27 seconds East, 60.00 feet; thence South 02 degrees 24 minutes 33 seconds West, 64.96 feet to a 5/8 inch iron pin found; thence South 24 degrees 00 minutes 48 seconds West, 138.33 feet to a 5/8 inch iron pin found; thence South 06 degrees 17 minutes 39 seconds West, 236.78 feet to a 5/8 inch iron pin found; thence South 53 degrees 18 minutes 26 seconds East, 214.18 feet to a 5/8 inch iron pin found; thence South 21 degrees 12 minutes 35 seconds East, 367.58 feet to a 5/8 inch iron pin found; thence South 06 degrees 01 minute 01 second West, 117.80 feet to a railroad spike found; thence South 86 degrees 21 minutes 18 seconds West, 1463.48 feet to a 5/8 inch iron pin found; thence North 67 degrees 57 minutes 39 seconds West, 387.75 feet to a 5/8 inch iron pin found; thence South 83 degrees 44 minutes 19 seconds West, 553.07 feet to a 5/8 inch iron pin found; thence North 64 degrees 47 minutes 01 seconds West, 430.76 feet to a 5/8 inch iron pin found; thence North 00 degrees 28 minutes 32 seconds East, 141.16 feet to a 5/8 inch iron pin found; thence North 66 degrees 19 minutes 00 seconds East, 220.39 feet to a 5/8 inch iron pin found; thence North 03 degrees 04 minutes 25 seconds West, 178.72 feet to a 5/8 inch iron pin found; thence North 80 degrees 34 minutes 22 seconds East, 208.58 feet to a 5/8 inch iron pin found; thence South 51 degrees 03 minutes 14 seconds East, 654.09 feet to a 5/8 inch iron pin found; thence South 61 degrees 19 minutes 17 seconds East, 279.99 feet to a 5/8 inch iron pin found; thence North 89 degrees 37 minutes 50 seconds East, 230.51 feet to a 5/8 inch iron pin found; thence North 26 degrees 45 minutes 11 seconds East, 439.58 feet to a 5/8 inch iron pin found; thence North 46 degrees 56 minutes 17 seconds East, 240.41 feet to a 5/8 inch iron pin found; thence North 62 degrees 42 minutes 50 seconds East, 300.01 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon referred to as an "iron monument"; thence South 38 degrees 39 minutes 51 seconds East, 63.22 feet to an "iron monument"; thence South 00 degrees 13 minutes 34 seconds West, 89.43 feet to an "iron monument"; thence South 25 degrees 19 minutes 03 seconds West, 213.16 feet to an "iron monument"; thence South 46 degrees 36 minutes 17 seconds West, 139.84 feet to an "iron monument"; thence South 11 degrees 07 minutes 06 seconds East, 58.46 feet to an "iron monument"; thence South 25 degrees 06 minutes 46 seconds East, 136.78 feet to an "iron

monument"; thence South 88 degrees 56 minutes 01 second East, 189.64 feet to an "iron monument"; thence North 66 degrees 12 minutes 11 seconds East, 180.02 feet to an "iron monument"; thence North 17 degrees 22 minutes 35 seconds East, 118.87 feet to an "iron monument"; thence North 03 degrees 33 minutes 36 seconds West, 119.18 feet to an "iron monument"; thence North 38 degrees 39 minutes 12 seconds East, 67.63 feet to an "iron monument"; thence North 11 degrees 25 minutes 56 seconds East, 262.21 feet to an "iron monument"; thence North 21 degrees 39 minutes 43 seconds East, 194.78 feet to a 5/8 inch iron pin found; thence North 03 degrees 12 minutes 26 seconds East, 65.33 feet to the point of beginning. Containing 24.857 acres, more or less.

EXCEPTING THEREFROM, the following described tract (Santa's Fairway Subdivision of Christmas Lake Village in the Town of Santa Claus and recorded in Plat Book 1, Page 101):

Commencing at an existing 5/8 inch iron pin found flush with the ground marking the Northeast corner of the Northwest Quarter of Section 12 of said township and range; thence along the East line of said Northwest Quarter, South 01 degree 17 minutes 00 seconds West, 341.89 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence South 89 degrees 55 minutes 46 seconds West, 531.39 feet to a 5/8 inch iron pin found, being the POINT OF BEGINNING; thence South 03 degrees 13 minutes 35 seconds West, 449.86 feet to a 5/8 inch iron pin found; thence South 00 degrees 45 minutes 52 seconds East, 599.49 feet to a 5/8 inch iron pin found; thence South 05 degrees 48 minutes 29 seconds East, 440.87 feet to a 5/8 inch iron pin found; thence South 26 degrees 25 minutes 18 seconds West, 234.60 feet to a 5/8 inch iron pin found; thence South 54 degrees 13 minutes 14 seconds West, 479.91 feet to a 5/8 inch iron pin found; thence South 84 degrees 40 minutes 01 seconds West, 140.96 feet to a 5/8 inch iron pin found; thence North 78 degrees 07 minutes 38 seconds West, 753.45 feet to an "iron monument"; thence South 88 degrees 57 minutes 46 seconds West, 600.00 feet to a 5/8 inch iron pin found; thence North 41 degrees 28 minutes 39 seconds West, 170.75 feet to an "iron monument"; thence North 10 degrees 58 minutes 49 seconds East, 170.17 feet; thence North 41 degrees 40 minutes 23 seconds East, 538.66 feet to a 5/8 inch iron pin found; thence North 54 degrees 23 minutes 37 seconds East, 210.06 feet to an "iron monument"; thence North 44 degrees 57 minutes 20 seconds East, 611.95 feet to a 5/8 inch iron pin found; thence North 56 degrees 10 minutes 20 seconds East, 530.88 feet to a 5/8 inch iron pin found; thence North 70 degrees 25 minutes 14 seconds East, 270.00 feet to a 5/8 inch iron pin found; thence North 14 degrees 28 minutes 04 seconds East, 249.75 feet to a 5/8 inch iron pin found; thence South 83 degrees 42 minutes 18 seconds East, 307.45 feet to the point of beginning. Containing 57.064 acres, more or less.

EXCEPTING THEREFROM, the following described tract (0.01 acre tract conveyed to the Town of Santa Claus, Indiana in Deed Record 130, page 463): ✓

Beginning at the Southwest corner of Lot 39 in Santa's Fairway Subdivision of Christmas Lake Village as recorded February 28, 1973 in Town Plat Book 1, page 101; thence South 77 degrees 54 minutes 00 seconds East, 19.00 feet (South 78 degrees 07 minutes 38 seconds East, 19.00 feet, this survey); thence South 12 degrees 06 minutes 00 seconds West, 25.00 feet (South 11 degrees 52 minutes 22 seconds West, 25.00 feet, this survey); thence North 77 degrees 54 minutes 00 seconds West, 25.00 feet (North 78 degrees 07 minutes 38 seconds West, 25.00 feet,

this survey); thence North 12 degrees 06 minutes 00 seconds East, 25.00 feet (North 11 degrees 52 minutes 22 seconds East, 25.00 feet, this survey); thence South 77 degrees 54 minutes 00 seconds East, 6.00 feet (South 78 degrees 07 minutes 38 seconds East, 6.00 feet, this survey) to the point of beginning. Containing 0.01 acres, more or less.

EXCEPTING THEREFROM, the following described tract (0.388 acre tract conveyed to Christmas Lake Properties Association, Inc. in Deed Record 133, page 420): ✓

Commencing at an existing 5/8 inch iron pin found flush with the ground marking the Northeast corner of the Northwest Quarter of Section 12 of said township and range; thence along the East line of said Northwest Quarter, South 01 degree 17 minutes 00 seconds West, 341.89 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence South 89 degrees 55 minutes 46 seconds West, 531.39 feet to a 5/8 inch iron pin found marking the Northeast corner of Lot 61A in Santa's Fairway Subdivision and being the POINT OF BEGINNING; thence North 83 degrees 42 minutes 18 seconds West, 307.45 feet to a 5/8 inch iron pin found marking the Northwest corner of Lot 1A in said subdivision; thence North 06 degrees 17 minutes 42 seconds East, 59.01 feet to the Southerly right-of-way of Balthazar Drive; thence along said right-of-way in a curve concave to the North with an arc length of 98.33 feet, a radius of 687.34 feet and a long chord bearing and distance of South 80 degrees 18 minutes 30 seconds East, 98.25 feet; thence continuing along said right-of-way, South 84 degrees 24 minutes 25 seconds East, 140.96 feet; thence continuing along said right-of-way in a curve concave to the North with an arc length of 68.82 feet, a radius of 411.32 feet and a long chord bearing and distance of South 89 degrees 12 minutes 00 seconds East, 68.74 feet; thence South 06 degrees 17 minutes 42 seconds West, 61.50 feet to the point of beginning. Containing 0.388 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING described tract (1.184 acres conveyed to State of Indiana recorded as 2008R-03101): ✓

A part of the South Half of Section 1, Township 5 South, Range 5 West, Spencer County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", more particularly described as follows: Beginning at a point on the south line of said section South 87 degrees 15 minutes 20 seconds East 1,498.20 feet from the northeast corner of the Northwest Quarter of Section 12, Township 5 South, Range 5 West, said northeast corner being designated as point "5005" on said plat; thence North 0 degrees 48 minutes 46 seconds West 25.64 feet to point "21008" designated on said plat; thence North 70 degrees 45 minutes 08 seconds East 79.06 feet to point "21009" designated on said plat; thence North 15 degrees 58 minutes 03 seconds East 225.14 feet to point "21010" designated on said plat; thence North 7 degrees 35 minutes 22 seconds East 381.12 feet to point "11068" designated on said plat; thence North 5 degrees 52 minutes 40 seconds East 10.28 feet to a northern line of the grantor's land; thence South 73 degrees 39 minutes 25 seconds East 62.24 feet along said northern line to the centerline of S.R. 245; thence South 6 degrees 00 minutes 41 seconds West 344.27 feet along said centerline; thence South 9 degrees 29 minutes 07 seconds West 308.18 feet (305.88 feet by Deed Record 195, page 421) along said centerline to the south line of said Section 1; thence North 87 degrees 15 minutes 20 seconds West 160.66 feet along said south line to the point of beginning and containing 1.184 acres, more or less, inclusive of the presently existing right of way which contains 0.134 acres, more or less.

The portion of the above-described real estate which is not already embraced within the presently existing right-of-way contains 1.050 acres, more or less.

TRACT 2

A tract of land lying Northerly and Westerly of Balthazar Drive in parts of the Northwest Quarter of Section 12 and the Southwest Quarter of Section 1, Township 5 North, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:

Beginning at a 5/8 inch iron pin found marking the Northeast corner of Tract G in Carol Hills Subdivision of Christmas Lake Village as recorded in Plat Book 1, page 82 and being North 90 degrees 00 minutes 00 seconds West, 1487.59 feet and North 00 degrees 00 minutes 00 seconds East, 59.69 feet from a 5/8 inch iron pin marking the Northeast corner of the Northwest Quarter of Section 12 of said township and range; thence North 72 degrees 35 minutes 36 seconds East, 284.03 feet; thence South 84 degrees 52 minutes 26 seconds East, 415.82 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence North 27 degrees 41 minutes 07 seconds East, 320.90 feet; thence North 29 degrees 23 minutes 09 seconds East, 275.67 feet to an "iron monument"; thence South 79 degrees 19 minutes 49 seconds East, 119.47 feet to an "iron monument"; thence North 64 degrees 18 minutes 15 seconds East, 120.48 feet to an "iron monument"; thence North 28 degrees 31 minutes 42 seconds East, 12.66 feet to the Westerly right-of-way of Balthazar Drive; thence along said right-of-way in a curve concave to the East with an arc length of 16.72 feet, a radius of 2172.94 feet and a long chord bearing and distance of South 05 degrees 23 minutes 16 seconds East, 16.72 feet; thence South 54 degrees 26 minutes 41 seconds West, 66.10 feet to an "iron monument"; thence South 18 degrees 34 minutes 10 seconds East, 43.39 feet to an "iron monument"; thence South 81 degrees 02 minutes 35 seconds East, 3.65 feet to an "iron monument"; thence South 16 degrees 26 minutes 17 seconds West, 494.39 feet to an "iron monument"; thence South 88 degrees 41 minutes 11 seconds East, 249.65 feet to an "iron monument" on the Westerly right-of-way of Balthazar Drive; thence along said right-of-way in a curve concave to the West with an arc length of 104.97 feet, a radius of 351.32 feet and a long chord bearing and distance of South 13 degrees 52 minutes 50 seconds West, 104.58 feet to an "iron monument"; thence North 89 degrees 16 minutes 12 seconds West, 462.64 feet to an "iron monument"; thence South 24 degrees 45 minutes 44 seconds West, 219.97 feet to an "iron monument" on the Northerly right-of-way of Balthazar Drive; thence along said right-of-way in a curve concave to the North with an arc length of 108.43 feet, a radius of 627.34 feet and a long chord bearing and distance of North 74 degrees 20 minutes 00 seconds West, 108.29 feet to an "iron monument"; thence North 30 degrees 01 minutes 28 seconds East 186.73 feet to an "iron monument"; thence North 84 degrees 21 minutes 32 seconds West, 689.12 feet to the point of beginning. Containing 6.643 acres, more or less.

TRACT 3

74-05-12-300-005.002-005

A part of the Northwest Quarter of the Southwest Quarter of Section 12, Township 5 South, Range 5 West more particularly described as follows:

Commencing at a mag nail set flush with the road surface of Clubhouse Road, said mag nail being North 87 degrees 14 minutes 03 seconds West 444.20 feet of an existing PK nail marking the Northeast corner of the Northwest Quarter of the Southwest Quarter; thence parallel with the East line of said quarter quarter, South 0 degrees 03 minutes 05 seconds West, 944.35 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013; thence along the Christmas Lake Golf Course Property, North 63 degrees 47 minutes 40 seconds West 276.85 feet to an iron pin and the point of beginning of this description; thence continuing along said Christmas Lake Golf Course Property, North 63 degrees 47 minutes 40 seconds West 345.95 feet; thence North 06 degrees 18 minutes 03 seconds West 282.09 feet to an iron pin; thence South 81 degrees 47 minutes 32 seconds East 326.05 feet to an iron pin; thence South 02 degrees 45 minutes 42 seconds East 387.07 feet to the point of beginning. Containing 2.367 acres, more or less.

TRACT 4

(TRACT A) 74-05-12-300-005.004.005 74-05-11-400-013.004.005

A part of the Southwest Quarter of Section 12, Township 5 South, Range 5 West and part of the Southeast Quarter of Section 11, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:

Commencing at a stone found marking the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 12; thence along the East line of said quarter-quarter, North 01 degree 49 minutes 03 seconds East, 774.71 feet; thence North 90 degrees 00 minutes 00 seconds West, 44.59 feet to the POINT OF BEGINNING, said point being the East corner of a 1.54 acre tract as described in a Plat of Survey by Kenneth Solliday R.L.S. S0112 dated June 15, 1993; thence South 21 degrees 12 minutes 35 seconds East, 327.59 feet to a 5/8 inch iron pin; thence South 06 degrees 01 minute 01 second West, 117.80 feet to a railroad spike; thence South 86 degrees 21 minutes 18 seconds West, 1463.48 feet to a 5/8 inch iron pin; thence North 67 degrees 57 minutes 39 seconds West, 387.75 feet to a 5/8 inch iron pin; thence South 83 degrees 44 minutes 19 seconds West, 553.07 feet to a 5/8 inch iron pin; thence North 64 degrees 47 minutes 01 second West, 430.76 feet to a 5/8 inch iron pin; thence North 00 degrees 28 minutes 32 seconds East, 141.16 feet to a 5/8 inch iron pin; thence North 66 degrees 19 minutes 00 seconds East, 220.39 feet to a 5/8 inch iron pin; thence North 03 degrees 04 minutes 25 seconds West, 178.72 feet to a 5/8 inch iron pin; thence North 80 degrees 34 minutes 22 seconds East, 208.58 feet to a 5/8 inch iron pin; thence South 51 degrees 03 minutes 14 seconds East, 654.09 feet to a 5/8 inch iron pin; thence South 61 degrees 19 minutes 17 seconds East, 279.99 feet to a 5/8 inch iron pin; thence North 89 degrees 37 minutes 50 seconds East, 230.51 feet to a 5/8 inch iron pin; thence North 26 degrees 45 minutes 11 seconds East, 439.58 feet to a 5/8 inch iron pin; thence North 46 degrees 56 minutes 17 seconds East, 240.41 feet to a 5/8 inch iron pin; thence North 62 degrees 42 minutes 50 seconds East, 300.01 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence South 38 degrees 39 minutes 51 seconds East, 63.22 feet to an "iron monument"; thence South 00 degrees 13 minutes 34 seconds West, 89.43 feet to an "iron monument"; thence South 25 degrees 19 minutes 03 seconds West, 213.16 feet to an "iron monument"; thence South 46 degrees 36 minutes 17 seconds West, 139.84 feet to an "iron

monument"; thence South 11 degrees 07 minutes 06 seconds East, 58.46 feet to an "iron monument"; thence South 25 degrees 06 minutes 46 seconds East, 136.78 feet to an "iron monument"; thence South 88 degrees 56 minutes 01 second East, 189.64 feet to an "iron monument"; thence North 66 degrees 12 minutes 11 seconds East, 180.02 feet to an "iron monument"; thence North 17 degrees 22 minutes 35 seconds East, 118.87 feet to an "iron monument"; thence North 03 degrees 33 minutes 36 seconds West, 119.18 feet to an "iron monument" marking the Southwest corner of said 1.54 acre tract; thence along the Southwest line of said 1.54 acre tract, South 52 degrees 00 minutes 28 seconds East, 284.38 feet to the South corner of said 1.54 acre tract; thence along the Southeast line of said 1.54 acre tract, North 37 degrees 59 minutes 54 seconds East, 173.52 feet to the point of beginning. Containing 22.921 acres, more or less.

(TRACT F)

74-05-01-304-010.000-005

A part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:

Beginning at a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument" being North 90 degrees 00 minutes 00 seconds West, 59.06 feet and North 00 degrees 00 minutes 00 seconds East, 188.98 feet from a 5/8 inch iron pin marking the Southeast corner of the Southwest Quarter of Section 1 of said township and range; thence South 82 degrees 01 minute 18 seconds West, 94.16 feet to an "iron monument" set on the Easterly right-of-way of Balthazar Drive; thence along said right-of-way the following courses and distances: in a non-tangent curve concave to the West with an arc length of 17.04 feet, a radius of 411.32 feet and a long chord bearing and distance of North 07 degrees 44 minutes 13 seconds West, 17.04 feet; North 08 degrees 55 minutes 27 seconds West, 352.50 feet; along a curve concave to the East with an arc length of 124.33 feet, a radius of 2112.94 feet and a long chord bearing and distance of North 07 degrees 14 minutes 18 seconds West, 124.32 feet to an "iron monument"; thence leaving said right-of-way, South 52 degrees 34 minutes 14 seconds East, 215.46 feet to an "iron monument"; thence South 00 degrees 51 minutes 57 seconds West, 344.46 feet to the point of beginning. Containing 1.233 acres, more or less.

(TRACT H)

74-05-12-204-047.000-005

A part of the Northwest Quarter of Section 12, Township 5 South, Range 5 West situated in Clay Township, Spencer County, Indiana, being more particularly described as follows:

Commencing at a mag nail set flush with the road surface of Clubhouse Road, marking the Southeast corner of the Northwest Quarter of Section 12; thence along the East line of said quarter, North 01 degree 17 minutes 00 seconds East, 634.38 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground, hereon called an "iron monument" and being the POINT OF BEGINNING; thence South 55 degrees 39 minutes 12 seconds West, 36.91 feet to an "iron monument"; thence parallel with the East line of said quarter, North 01 degree 17 minutes 00 seconds East, 576.64 feet to an "iron monument"; thence

North 61 degree 24 minutes 12 seconds West, 196.92 feet to an "iron monument"; thence North 02 degree 41 minutes 26 seconds East, 505.83 feet to an "iron monument"; thence North 17 degrees 36 minutes 13 seconds East, 420.22 feet to an "iron monument"; thence North 26 degrees 47 minutes 41 seconds East, 172.87 feet to an "iron monument" set on the East line of said quarter; thence along said East line, South 01 degree 17 minutes 00 seconds West, 1710.48 feet to the point of beginning. Containing 4.310 acres, more or less.

(TRACT I)

74-05-12-204 046.000-005

A part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 5 South, Range 5 West situated in Clay Township, Spencer County, Indiana, being more particularly described as follows:

Beginning at a mag nail set flush with the road surface of Clubhouse Road marking the Southeast corner of the Northwest Quarter of Section 12; thence along the South line of said quarter, North 87 degrees 14 minutes 03 seconds West, 854.55 feet to a mag nail set flush with the road surface in Clubhouse Road; thence North 55 degrees 39 minutes 12 seconds East, 1051.02 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground on the East line of said quarter; thence along said East line, South 01 degree 17 minutes 00 seconds West, 634.38 feet to the point of beginning. Containing 6.220 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING described tract (3.23 acres conveyed to Nate's Landing, LLC recorded as 2008R-00974): ✓

A part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana, and better described as follows:

Commencing at an existing mag nail at the southeast corner of said quarter-quarter; thence north 87 degrees 14 minutes 03 seconds west 148.97 feet along the south line of said quarter-quarter to the point of beginning; thence north 87 degrees 14 minutes 03 seconds west 471.78 feet along said south line; thence north 00 degrees 00 minutes 00 seconds East 140.99 feet; thence north 55 degrees 29 minutes 26 seconds east 449.00 feet; thence south 41 degrees 53 minutes 37 seconds east 168.41 feet; thence south 02 degrees 11 minutes 35 seconds west 292.99 feet to the point of beginning and containing 3.23 acres, more or less.

EXCEPTING THEREFROM THE FOLLOWING described tract (2.12 acres conveyed to Nate's Landing, LLC recorded as 2009R-02331): ✓

A part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana, and better described as follows:

Beginning at an existing MAG nail at the southeast corner of the Southeast Quarter of the Northwest Quarter of Section 12, Township 5 South, Range 5 West; thence north 87 degrees 14 minutes 03 seconds west a distance of 148.97 feet along the south line of said quarter-quarter section to the southeast corner of the 3.23 acre Nate's Landing, LLC, tract, as recorded in Record Document 2008R-00974 of the Spencer County Recorder's Office; thence north 02 degrees 11

(TRACT L)

74-05-11-300-011.002-005

A part of the East half of the Southwest Quarter of Section Eleven (11), Township Five (5) South, Range Five (5) West, containing eighty (80) acres, more or less and being more particularly described as follows:

Beginning at the Northwest corner of the East half of the Southwest Quarter of said Section 11, monumented with a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence along the West line of said East half, South 01 degree 33 minutes 42 seconds West, 533.10 feet to an "iron monument"; thence along the Christmas Lake Golf Course Property the following courses and distances: North 74 degrees 17 minutes 25 seconds East, 862.52 feet to an "iron monument"; South 86 degrees 47 minutes 13 seconds East, 381.34 feet to an "iron monument"; North 42 degrees 14 minutes 01 second East, 288.93 feet to the East line of said East half (witness an "iron monument"; North 42 degrees 14 minutes 01 second East, 46.54 feet); thence leaving said Golf Course Property and along the East line of said East Half, North 01 degree 38 minutes 00 seconds East, 135.23 feet to an "iron monument" marking the Northeast corner of said East half; thence along the North line of said East half, South 89 degrees 44 minutes 39 seconds East, 1363.30 feet to the point of beginning. Containing 11.328 acres, more or less.

(TRACT M)

74-05-11-400-012.002-005

A part of the North half of the Southeast Quarter and a part of the Southeast Quarter of Northeast Quarter of Section 11, Township 5 South, Range 5 West being more particularly described as follows:

Beginning at the Northwest corner of the Northwest quarter of the Southeast quarter of said Section 11, monumented with a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence along the West line of said quarter-quarter, South 01 degree 38 minutes 00 seconds West, 135.23 feet; thence along the Christmas Lake Golf Course Property the following courses and distances: North 42 degrees 14 minutes 01 second East, 46.54 feet to an "iron monument"; North 86 degrees 28 minutes 33 seconds East, 508.25 feet to an "iron monument"; South 53 degrees 02 minutes 24 seconds East, 870.04 feet to an "iron monument"; North 29 degrees 09 minutes 53 seconds East, 965.58 feet to a mag nail set flush with the road surface in Clubhouse Road; thence leaving said Golf Course Property and proceeding along Clubhouse Road, North 53 degrees 24 minutes 49 seconds West, 400.94 feet to a mag nail set flush with the road surface and being on the West line of the Southeast Quarter of the Northeast Quarter; thence along the West line of said quarter-quarter, South 01 degree 45 minutes 48 seconds West, 495.86 feet to an "iron monument" marking the Southwest corner of said quarter-quarter; thence along the North line of the North Half of the Southeast Quarter, North 89 degrees 44 minutes 39 seconds West, 1363.30 feet to the point of beginning. Containing 10.925 acres, more or less.

(TRACT Z)

minutes 35 seconds east a distance of 292.99 feet along an easterly line of said Nate's Landing, LLC, tract to an easterly corner thereof; thence north 41 degrees 53 minutes 37 seconds west a distance of 168.41 feet along a northeasterly line of said Nate's Landing, LLC, tract to a northeasterly corner thereof; thence north 55 degrees 29 minutes 26 seconds east a distance of 319.92 feet along a projection of the northerly line of said Nate's Landing, LLC, tract to the east line of said quarter-quarter section; thence south 01 degrees 17 minutes 00 seconds west a distance of 606.72 feet along said east line to the point of beginning of the herein-described tract. Containing 2.12 acres.

(TRACT J)

74-05-11-200-008.000-005

Three hundred and thirty (330) feet in uniform width off the entire South end of the Southeast Quarter of the Northwest Quarter of Section Eleven (11), Township Five (5) South, Range Five (5) West, containing ten (10) acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said section, monumented with a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence along the West line of said quarter-quarter, North 01 degree 45 minutes 49 seconds East, 330.00 feet (witness a 5/8 inch iron pin, North 89 degrees 22 minutes 50 seconds East, 1.12 feet from corner); thence paralleling the South line of said quarter-quarter, South 89 degrees 44 minutes 39 seconds East, 1363.30 feet to an "iron monument" on the East line of said quarter-quarter; thence along said East line, South 01 degree 45 minutes 48 seconds West, 330.00 feet to an "iron monument" marking the Southeast corner of said quarter-quarter; thence along the South line of said quarter-quarter, North 89 degrees 44 minutes 39 seconds West, 1363.30 feet to the point of beginning. Containing 10.324 acres, more or less.

(TRACT K)

74-05-11-100-009.000-005

Three hundred and thirty (330) feet in uniform width off the entire South end of the Southwest Quarter of the Northeast Quarter of Section Eleven (11), Township Five (5) South, Range Five (5) West, containing ten (10) acres, more or less, and being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Northeast Quarter of said section, monumented with a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence along the West line of said quarter-quarter, North 01 degree 45 minutes 48 seconds East, 330.00 feet to an "iron monument"; thence paralleling the South line of said quarter-quarter, South 89 degrees 44 minutes 39 seconds East, 1363.30 feet to an "iron monument" on the East line of said quarter-quarter; thence along said East line, South 01 degree 45 minutes 48 seconds West, 330.00 feet to an "iron monument" marking the Southeast corner of said quarter-quarter; thence along the South line of said quarter-quarter, North 89 degrees 44 minutes 39 seconds West, 1363.30 feet to the point of beginning. Containing 10.324 acres, more or less.

74-05-01-304-011.000-005

A part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:

Commencing at a 5/8 inch iron pin found marking the Northeast corner of Tract G in Carol Hills Subdivision of Christmas Lake Village as recorded in Plat Book 1, page 82 and being North 90 degrees 00 minutes 00 seconds West, 1487.59 feet and North 00 degrees 00 minutes 00 seconds East, 59.69 feet from a 5/8 inch iron pin marking the Southeast corner of the Southwest Quarter of Section 1 of said township and range; thence North 72 degrees 35 minutes 36 seconds East, 485.62 feet to a 5/8 inch iron pin; thence North 32 degrees 05 minutes 30 seconds East, 790.16 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 set flush with the ground and hereon called an "iron monument"; thence South 62 degrees 24 minutes 19 seconds East, 355.88 feet to an "iron monument" set on the Westerly right-of-way of Balthazar Drive; thence along said right-of-way in a non-tangent curve concave to the East with an arc length of 53.28 feet, a radius of 2172.94 feet and a long chord bearing and distance of South 04 degrees 54 minutes 20 seconds East, 53.28 feet to the POINT OF BEGINNING; thence continuing along said right-of-way the following courses and distances: in a curve concave to the East with an arc length of 125.76 feet, a radius of 2172.94 feet and a long chord bearing and distance of South 07 degrees 15 minutes 58 seconds East, 125.74 feet; South 08 degrees 55 minutes 27 seconds East, 352.50 feet; in a curve concave to the West with an arc length of 87.35 feet, a radius of 351.32 feet and a long chord bearing and distance of South 01 degree 48 minutes 06 seconds East, 87.12 feet to an "iron monument"; thence leaving said right-of-way, North 88 degrees 41 minutes 11 seconds West; 249.65 feet to an "iron monument"; thence North 16 degrees 26 minutes 17 seconds East, 494.39 feet to an "iron monument"; thence North 81 degrees 02 minutes 35 seconds West, 3.65 feet to an "iron monument"; thence North 18 degrees 34 minutes 10 seconds West, 43.39 feet to an "iron monument"; thence North 54 degrees 26 minutes 41 seconds East, 66.10 feet to the point of beginning. Containing 1.747 acres, more or less.

TRACT 5

74-05-12-300-005.003-005

A part of the Northwest Quarter of the Southwest Quarter of Section 12, Township 5 South, Range 5 West situated in Clay Township, Spencer County, Indiana, being more particularly described as follows:

Beginning at an existing P.K. nail found marking the Northeast corner of the Northwest Quarter of the Southwest Quarter; thence along the East line of said quarter-quarter, South 02 degrees 03 minutes 05 seconds West, 1332.66 feet to a stone marking the Southeast corner of said quarter-quarter; thence North 45 degrees 05 minutes 00 seconds West, 553.67 feet to a found PVC pipe enclosed Steel Post, approximately 4 feet tall; thence North 63 degrees 47 minutes 40 seconds West, 42.03 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013 found flush with the ground; thence parallel with the East line of said quarter-quarter, North 02 degrees 03 minutes 05 seconds East, 944.35 feet to a mag nail found flush with the road surface of Clubhouse Road on the North line of said quarter-quarter; thence along said North line, South 87 degrees 14 minutes 03 seconds East, 444.20 feet to the point of beginning. Containing 11.523 acres, more or less.

TRACT 6

74-05-12-300-005.012-005

A part of the Northwest Quarter of the Southwest Quarter of Section 12, Township 5 South, Range 5 West more particularly described as follows:

Beginning at a mag nail set flush with the road surface of Clubhouse Road, said mag nail being North 87 degrees 14 minutes 03 seconds West, 444.20 feet of an existing P.K. nail marking the Northeast corner of the Northwest Quarter of the Southwest Quarter; thence parallel with the East line of said quarter quarter, South 02 degrees 03 minutes 05 seconds West, 944.35 feet to a 5/8 inch iron pin bearing a plastic cap inscribed W.L. Clark 80910013; thence along the Christmas Lake Golf Course Property, North 63 degrees 47 minutes 40 seconds West 276.85 feet to an iron pin; thence North 02 degrees 45 minutes 42 seconds West 387.07 feet to an iron pin; thence North 81 degrees 47 minutes 32 seconds West 326.05 feet to an iron pin; thence North 06 degrees 18 minutes 03 seconds West 423.26 feet to the North line of said quarter quarter section; thence South 87 degrees 14 minutes 03 seconds East 670.78 feet to the point of beginning. Containing 9.156 acres, more or less.

Tract 1 & 2 Parcels

74-05-11-400-013.000-005

74-05-11-300-011.001-005

74-05-11-400-012.000-005

74-05-12-300-005.001-005

74-05-12-300-006.001-005

74-05-11-101.001-000-005

74-05-12-203-001-000-005

74-05-12-201-001-003-005

74-05-01-304-001-004-005

74-05-01-404-004-001-005

74-05-12-201-001-002-005

74-05-12-202-064.001-005

74-05-01-304-001-000-005

74-05-12-201-001-001-005

74-05-01-304-002.000-005

74-05-12-202-064.002-005

EXCEPT

~~EXCEPT~~

74-05-01-304-001.005-005

A tract of land lying Northerly and Westerly of Balthazar Drive in parts of the Northwest Quarter of Section 12 and the Southwest Quarter of Section 1, Township 5 South, Range 5 West, Clay Township, Spencer County, Indiana and being more particularly described as follows:
Beginning at a 5/8 inch iron pin found marking the Northeast corner of Tract G in Carol Hills Subdivision of Christmas Lake Village as recorded in Plat Book 1, page 82 and being North 90 degrees 00 minutes 00 seconds West, 1487.59 feet and North 00 degrees 00 minutes 00 seconds East, 59.69 feet from a 5/8 inch iron pin marking the Northeast corner of the Northwest Quarter of Section 12 of said township and range; thence North 72 degrees 35 minutes 36 seconds East, 284.03 feet to a 5/8 inch iron pin bearing a plastic cap inscribed "Resenbeck 29800018"; thence South 84 degrees 52 minutes 26 seconds East, 415.82 feet to a 5/8 inch iron pin bearing a plastic cap inscribed "Resenbeck 29800018"; thence South 00 degrees 17 minutes 52 seconds East, 115.56 feet to a 5/8 inch iron pin bearing a plastic cap inscribed "W.L. Clark 80910013"; thence North 84 degrees 21 minutes 32 seconds West, 689.12 feet to the point of beginning. Containing 1.43 acres, more or less.

Bearings in this description are based on the East line of Northwest Quarter of Section 12, Township 5 South, Range 5 West (assumed South 01 degree 17 minutes 00 seconds West).

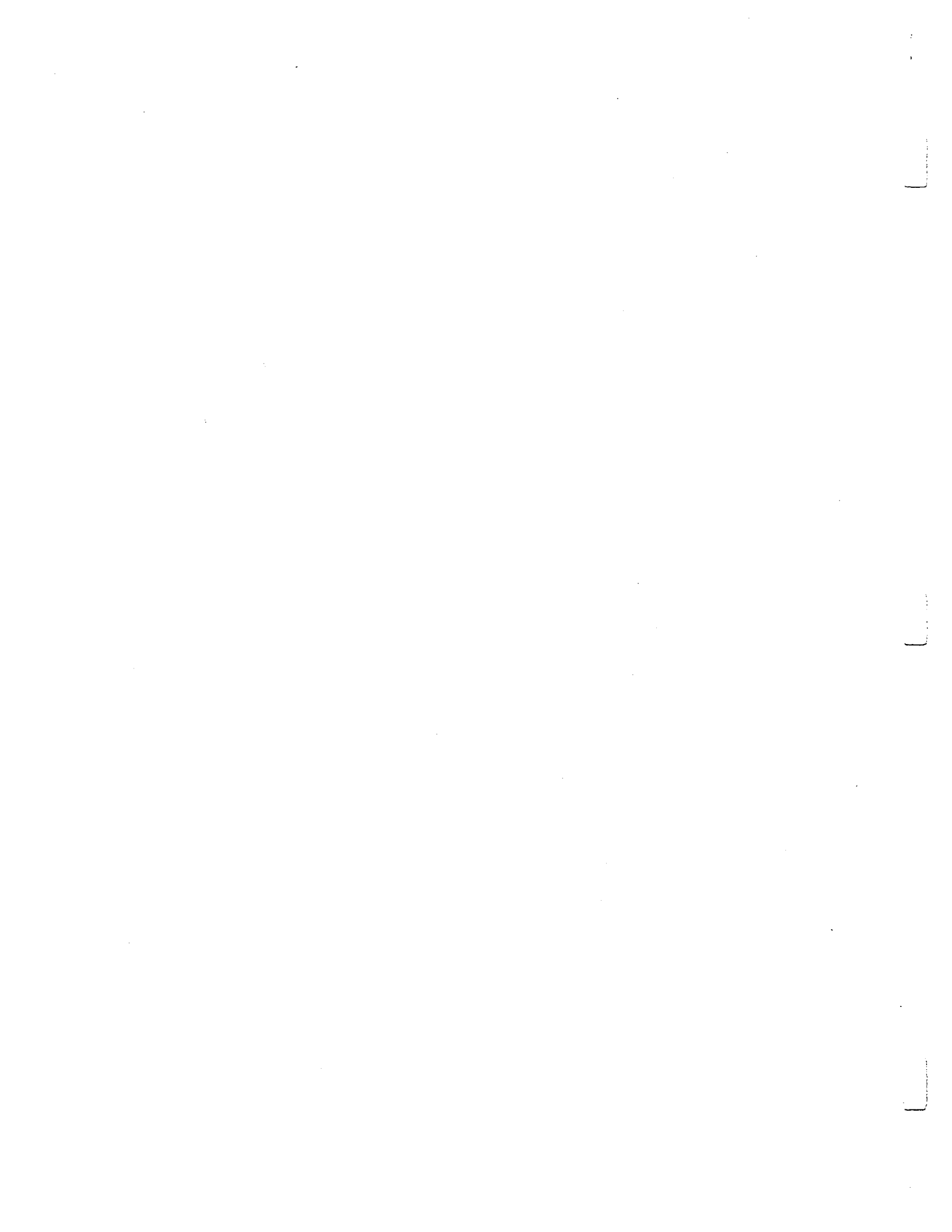
EXHIBIT B



246

246





10/18
10/18

ORDINANCE 2022-16

AN ORDINANCE ALTERING SECTIONS OF THE MUNICIPAL CODE CONCERNING PARKS AND RECREATION FEES

WHEREAS, The Town of Santa Claus previously established a Parks and Recreation Board pursuant to Ordinance 2020-03; and,

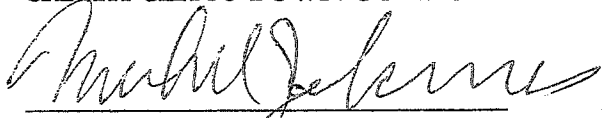
WHEREAS, certain sections of the Municipal Code require alteration and amendment to establish the operation and governance of the Town’s Department of Parks and Recreation.

NOW THEREFORE, be it ordained by the Town Council of the Town of Santa Claus, Indiana, that Section 1.51.010 of the Municipal Code of the Town of Santa Claus, Indiana is hereby amended by deleting Sections 1.51.010(1)(a) in its entirety and replacing said Section as follows:

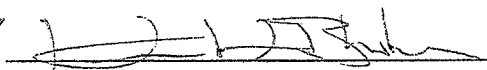
- “(a) Room/Community Center Use:
 - i) Large Room Rental, \$15 per hour Monday through Thursday, or \$30.00 per hour any other day; or, \$150.00 per day;
 - ii) Medium Room Rental, \$15 per hour Monday through Thursday, or \$30.00 per hour any other day; or \$150.00 per day; or \$660.00 per month;
 - iii) Small Office 1 Rental, \$220.00 per month;
 - iv) Small Office 2 Rental, \$150.00 per month;
 - v) Large Room Clean-Up Fee for Daily Large Room Rental, \$100.00;”

PASSED AND ADOPTED by the Town Council of the Town of Santa Claus, Indiana on the 12th day of December, 2022.

SANTA CLAUS TOWN COUNCIL

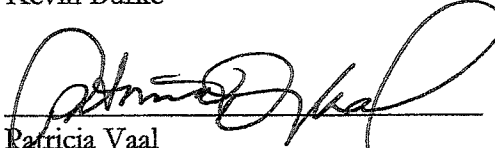


Michael Johannes, President

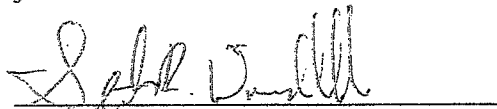


Kevin Burke

Jason Little



Patricia Vaal



Seth Windell

Attest:


Kelly Greulich, Clerk-Treasurer

RESOLUTION 2022-13
RESOLUTION CONCERNING INTENT TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas of the Town of Santa Claus are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Town Council to require the recognition of evaluation of flood, mudslide (i.e., mudflows), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to IC §36-7-4.

NOW, THEREFORE, BE IT RESOLVED, that this Town Council hereby:

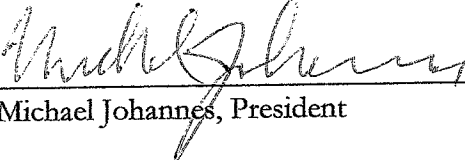
1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 59 *et seq.*, of the National Flood Insurance Program Regulations; and
2. Vests the Zoning Administrator with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood, mudslide, or flood-related erosion hazards.
 - (b) Provide information the Administrator may request concerning present uses and occupancy of the floodplain, mudslide or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudflow, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit, on forms provided by the Administrator, an annual report on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. Include an accurate corporate limit map suitable for reproduction, clearly

delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. The community will use the Flood Insurance Rate Map or Flood Hazard Boundary Map published for the community from which land areas were annexed or from that political entity that previously had regulatory authority until the Administrator provides a map using the new corporate limits.

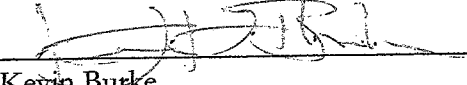
3. Appoints the Zoning Administrator to maintain for public inspection and to furnish upon request (for determining flood insurance premium rates), the following information on all new and substantially improved structures constructed within the identified special flood hazard area:
 - (a) the actual (as-built) lowest floor (including basement) elevation in relation to mean sea level;
 - (b) any certificates of flood-proofing;
 - (c) whether or not a building has a basement;
 - (d) for all floodproofed structures, the elevation to which the structure has been floodproofed.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

RESOLVED, by the Town Council of the Town of Santa Claus, Indiana this 12th day of December, 2022.

SANTA CLAUS TOWN COUNCIL



Michael Johannes, President

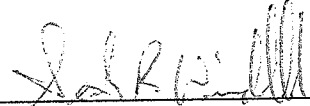


Kevin Burke

Jason Little



Patricia Vaal



Seth Windell

Attest:



Kelly Greulich, Clerk-Treasurer