Westfield City Council Members
Mark Keen, President (District 1)
Steve Hoover (District 2)
Robert L. Horkay, (District 5)
Chuck Lehman, (District 4)
Joe Edwards (District 3)
Cindy L. Spoljaric (At Large)
Jim Ake Vice President (At Large)

CITY OF WESTFIELD, IN

CityCouncil_Meeting_Agenda_01_14_2013

Monday, January 14, 2013 at 07:00 PM

BOARD OR COMMISSION: **City Council Meeting**
MEETING DATE: **Monday, January 14, 2013 at 07:00 PM**
MEETING PLACE: **Westfield City Hall- Assembly Room**

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF THE COUNCIL

AGENDA

Pledge of Allegiance

Invocation

Opening of Meeting:

Note the presence of a quorum

Announce any changes to Agenda

Approval of Minutes:

Approval of City Council minutes of December 26, 2012 (special meeting)
Documents: Minutes- 12/26/12

Guests:

Residents who wish to address the Council on items not on the agenda may do so at this time.

Council Response to Guest Comments

Claims:

Approval of Claims
Documents: Claims

Miscellaneous Business/Special Recognition:

Appointments by Mayor:
1 Hamilton County Emergency Advisory Council Member (1 Year Term)
1 Board of Public Works & Safety Member (4 Year Term)

Old Business:

Ordinance 13-01: Bond Ordinance for Wastewater Disposition
Council Introduction- December 10, 2012
Adoption Consideration- January 14, 2013
Documents: Ord. 13-01

Ordinance 13-02: Bond Ordinance for Water Disposition
Council Introduction- December 10, 2012
Adoption Consideration- January 14, 2013
Documents: Ord. 13-02

Ordinance 12-37: Andover PUD Amendment
City Council Introduction- November 12, 2012
APC Public Hearing- November 19, 2012
APC Recommendation- January 7, 2013
Adoption Consideration- January 14, 2013
Documents: Ord. 12-37 | Staff Report

Resolution 13-100: Fiscal Plan for Merrill Area 100% Voluntary Annexation
Council Introduction- December 10, 2012
Adoption Consideration- January 14, 2013
Documents: Res. 13-100

Ordinance 13-04: Merrill Area 100% Voluntary Annexation
Council Introduction- December 10, 2012
Public Hearing- December 10, 2012
Adoption Consideration- January 14, 2013
Documents: Ord. 13-04

Ordinance 12-14: Harmony PUD Ordinance
Council Introduction- April 9, 2012
APC Public Hearing- May 7, 2012
APC Recommendation- December 3, 2012
Adoption Consideration- January 14, 2013
Documents: Ord. 12-14, Part 1 | Ord. 12-14, Part 2 | Staff Report

Resolution 12-114: Complete Streets Policy
Council Introduction- October 29, 2012
Adoption Consideration- January 14, 2013
Documents: Res. 12-114

New Business:

Resolution 13-103: Repayment of State of Infrastructure (SIB) Loan
Adoption Consideration- January 14, 2013
Documents: Res. 13-103

Ordinance 13-07: Board of Public Works & Safety Grant of Additional Jurisdiction
Adoption Consideration- January 14, 2013
Documents: Ord. 13-07

Resolution 13-104: Fiscal Plan for Bridgewater, Parcel G 100% Voluntary Annexation
Adoption Consideration: February 11, 2013
Documents: Res. 13-104

Ordinance 13-05: Bridgewater, Parcel G 100% Voluntary Annexation
Council Introduction: January 14, 2013
Public Hearing: January 14, 2013
Adoption Consideration: February 11, 2013
Documents: Ord. 13-05

Ordinance 13-06: Text Amendments to The Bridgewater PUD
Council Introduction- January 14, 2013
APC Public Hearing- February 4, 2013
APC Recommendation- February 19, 2013
Adoption Consideration- February 25, 2013
Documents: Text Amendments to The Bridgewater PUD & Ordinance 13-06

City Council Comments

Mayor Comments

Adjourn

Executive Session: I.C. 5-14-1.5-6.1 (b) (2) (B): Legal Issues

ORDINANCE NO. 13-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, AUTHORIZING THE ISSUANCE AND SALE OF ADDITIONAL TAXABLE REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS RELATED TO THE DISPOSITION OF THE CITY'S SEWAGE WORKS, THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF THE BONDS, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS AND OTHER RELATED MATTERS

WHEREAS, the City of Westfield, Indiana (the "City"), has heretofore established and constructed and currently owns and operates a sewage works for the collection and treatment of sewage and other waste (the "Sewage Works") pursuant to the provisions of IND. CODE § 36-9-23, as amended (the "Act"); and

WHEREAS, the Common Council of the City (the "Common Council") adopted Resolution No. 12-110 on September 10, 2012, setting forth its desire to, among other things, initiate the proceedings to provide for the disposition of the Sewage Works and the City's waterworks utility to pay for necessary upgrades to the City's basic utilities infrastructure, while maintaining the City's competitive cost structure relative to its peer cities in central Indiana and mitigating future utility rate increases for the City's utility customers; and

WHEREAS, this Common Council further finds that the costs related to the disposition of the Sewage Works, including the costs of issuance of bonds and, if necessary, bond anticipation notes (the "BANs") on account of the financing of all or a portion thereof (collectively, the "Disposition Costs"), will be in the estimated amount of Two Million Three Hundred Thirty Thousand Dollars ($2,330,000); and

WHEREAS, the Common Council finds that funds of the Sewage Works are insufficient to pay the Disposition Costs and the Common Council desires to pay all or a portion of the Disposition Costs with the issuance of taxable revenue bonds of the Sewage Works in an aggregate principal amount not to exceed Two Million Three Hundred Thirty Thousand Dollars ($2,330,000) and BANs in anticipation of such bonds; and

WHEREAS, the City has heretofore issued certain "Sewage Works Revenue Bonds of 2002," dated May 22, 2002 ("2002 Bonds"), originally issued in the amount of $10,355,000 and now outstanding in the amount of $6,700,000 and maturing annually over a period ending September 1, 2023, which 2002 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the sewage works; and

WHEREAS, the City has heretofore issued certain "Sewage Works Revenue Bonds of 2004," dated June 30, 2004 ("2004 Bonds"), originally issued in the amount of

$12,000,000 and now outstanding in the amount of $8,595,000 and maturing annually over a period ending September 1, 2025, which 2004 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2002 Bonds; and

WHEREAS, the City has heretofore entered into that certain "Guaranteed Energy Savings Contract," dated December 20, 2005, by and between the City and Bowen Engineering Corporation ("Bowen"), in the total principal amount of $3,369,967, $2,502,685 of which was allocated to the Sewage Works, together with interest thereon, including other certain documents, agreements and instruments related thereto, including, without limitation, that certain Installment Payment Contract dated December 20, 2005, by and between the City and Bowen ("GES Contract"), which GES Contract relates in part to the Sewage Works and is now outstanding in such part in the amount of $1,176,679.84 and maturing annually over a period ending August 1, 2016, which GES Contract is subordinate to the Outstanding Bonds and, as set forth herein, the Bonds; and

WHEREAS, the City has heretofore issued certain "Sewage Works Refunding Revenue Bonds of 2006," dated May 25, 2006 ("2006 Bonds"), originally issued in the amount of $7,215,000 and now outstanding in the amount of $4,580,000 and maturing annually over a period ending September 1, 2019, which 2006 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2002 Bonds and the 2004 Bonds; and

WHEREAS, the City has heretofore issued certain "Sewage Works Revenue Bonds of 2007," dated July 24, 2007 ("2007 Bonds"), originally issued in the amount of $14,000,000 and now outstanding in the amount of $13,850,000 and maturing annually over a period ending September 1, 2032, which 2007 Bonds constitute a first charge upon the Net Revenues of the sewage works, on a parity with the 2002 Bonds, the 2004 Bonds and the 2006 Bonds; and

WHEREAS, the ordinances authorizing the issuance of the 2002 Bonds, the 2004 Bonds, the 2006 Bonds and the 2007 Bonds (hereinafter collectively referred to, respectively, as the "Prior Ordinances" and the "Outstanding Bonds"), permit the issuance of additional bonds ranking on a parity with the Outstanding Bonds provided certain conditions can be met, and the City finds that the finances of said sewage works will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the bonds issued hereunder shall rank on a parity with the Outstanding Bonds; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, if necessary, payable from the net revenues of the Sewage Works and from proceeds of Sewage Works revenue bonds issued to finance a portion of the Disposition Costs, and to authorize the refunding of said BANs, if issued; the payment of the BANs from the net revenues shall be junior and subordinate to the (i) payment of the Outstanding Obligations and (ii) the bonds issued hereunder; and

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of additional revenue bonds, on a parity with the Outstanding Obligations, and the issuance of BANs, to provide the necessary funds to be applied to the Disposition Costs, have been complied with in accordance with the provisions of the Prior Ordinances, the Act and Indiana Code 5-1-14-5; and

WHEREAS, this Common Council consequently seeks to authorize the issuance of revenue bonds in an aggregate principal amount not to exceed Two Million Three Hundred Thirty Thousand Dollars ($2,330,000) and bond anticipation notes in anticipation thereof to finance all or a portion of the Disposition Costs pursuant to the Act and the sale of such revenue bonds and bond anticipation notes pursuant to the provisions of the Act and Indiana Code 5-1-14-5, subject to and dependent upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, AS FOLLOWS:

Section 1. The Bonds. In accordance with the Act and for the purpose of providing funds with which to pay a portion of the Disposition Costs, together with authorized expenses relating thereto including the costs of issuance of the Bonds, as hereinafter defined, on account thereof, and refunding the BANs described below, if any, the City shall issue and sell its Sewage Works revenue bonds in one (1) or more series in an aggregate principal amount not to exceed Two Million Three Hundred Thirty Thousand Dollars ($2,330,000). The principal of, redemption premium, if any, and interest on the Bonds shall be payable, on a parity with the Outstanding Obligations and senior to the GES Contract, solely out of the Sewage Works Sinking Fund referred to below.

The Bonds shall be designated as the "City of Westfield, Indiana, Sewage Works Revenue Taxable Bonds of 201__" (with the blank to be filled in with the year in which such bonds are issued) (the "Bonds"). The Bonds shall be issued as fully registered bonds in denominations of Five Thousand Dollars ($5,000) and any integral multiple thereof not exceeding the aggregate principal amount of such Bonds maturing in any one year, shall be numbered consecutively from ___R-1 (with the blank to be completed with the last two (2) digits of the year in which the bonds are issued) upward and shall bear interest at a rate or rates not exceeding six percent (6.0%) per annum or such lower rates for such maturities as may be determined by the Mayor as set forth in a certificate of the City, executed by the Mayor, establishing certain provisions and details relating to the issuance of the Bonds (the "Issuer's Certificate"), provided, that the terms and conditions of the Issuer's Certificate shall be in all cases governed by and consistent with the provisions of this Ordinance (the exact rate or rates of interest to be determined by bidding).

Interest on the Bonds shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred and sixty (360)-day year and shall be payable semiannually on March 1 and September 1 in each year (each an "Interest Payment Date"), commencing on the March 1 and September 1 immediately following the date of issuance of the Bonds or as otherwise set forth in the Issuer's Certificate, until the principal of the Bonds is fully paid. The principal of the Bonds shall mature serially on September 1 over a period beginning not earlier than the next September 1 following the date of issuance and ending not later than twelve (12) years thereafter, in such years and in such annual principal amounts as may be determined by the Mayor as set forth in the Issuer's Certificate.

The Bonds shall bear an original issue date which shall be the date of issuance of the Bonds, and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the February 15 or the August 15 preceding the first interest payment date, shall pay interest from its original issue date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the fifteenth day of the month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

The Bonds or BANs may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"). The City and the Registrar and Paying Agent (as hereinafter defined) may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds or BANs, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds or BANs.

During any time that the Bonds or BANs are held in book-entry form on the books of a Clearing Agency (1) any such Bond or BAN may be registered upon the books kept by the Registrar and Paying Agent in the name of such Clearing Agency, or any nominee thereof, including CEDE & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond or BAN is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond or BAN for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond or BAN, the receiving of notice, and the giving of consent; (3) neither the City nor the Registrar and Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond or BAN, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or BAN or any responsibility or obligation hereunder with respect to the receiving of payment of principal, premium, if any, or interest on any Bond or BAN, the receiving of notice, or the giving of consent; (4) the Clearing Agency is not required to present any Bond or BAN called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption; and (5) payment of the principal of and interest on the Bonds or BANs may be made by wire transfer or other method acceptable to the Clearing Agency.

If either (i) the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds or BANs to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or BANs or (ii) the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds or BANs, then the City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds or BANs, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing

Agency for the Bonds or BANs and to transfer the ownership of each of the Bonds or BANs to such person or persons, including any other Clearing Agency, as the holder of the Bonds or BANs may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds or BANs, shall be paid by the City.

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

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

A registrar and a paying agent for the Bonds (the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent") shall be appointed by the Clerk-Treasurer. The Registrar and Paying Agent shall be charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Bonds. The Mayor and Clerk-Treasurer are further authorized and directed to enter into such agreements and understandings with the Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities, and are authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, and such fees may be paid from the Bond and Interest Account of the Sewage Works Sinking Fund created by this Ordinance.

With respect to the BANs, the Clerk-Treasurer shall be designated as the Registrar and Paying Agent and will be charged with the performance of all duties and responsibilities of the Registrar and Paying Agent unless the Clerk Treasurer determines to appoint a Registrar and Paying Agent for the BANs.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving thirty (30) days' notice in writing to the City and by first-class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to act on behalf of the City with regard to any of the aforementioned actions of the City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

Principal of and any redemption premium on the Bonds and the principal and interest on the BANs shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth (15th) day of the month immediately preceding the Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. So long as the Clearing Agency or its nominee is the registered owner of the Bonds, interest on, together with the principal of, the Bonds will be paid directly to the Clearing Agency by wire transfer in same day funds by the Registrar and Paying Agent. All payments on the Bonds and the BANs shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

Each Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the principal corporate trust office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Bond may be transferred or exchanged without cost to the registered owner, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Bond (i) during the period from the fifteenth (15th) day of any calendar month immediately preceding an Interest Payment Date to such Interest Payment Date or (ii) after the mailing of notice calling such Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof, and redemption premium, if any, and interest thereon.

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

Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Bond or upon satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Bond. The City and the Registrar and Paying Agent may charge the owner of any such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

In the event that any Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the City shall have no further obligation or liability with respect thereto.

Section 2. The BANs. In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing to apply to a portion of the Disposition Costs, the City is hereby authorized to have prepared and to issue and sell negotiable BANs of the City, in one (1) or more series, in an amount not to exceed Two Million Three Hundred Thirty Thousand Dollars ($2,330,000), to be designated "City of Westfield, Indiana, Sewage Works Revenue Taxable Bond Anticipation Notes of 20__" (with the blank to be completed with the last two (2) digits of the year in which the BANs are issued). The BANs shall be issued in fully registered form, shall be numbered consecutively from __R-1 (with the blank to be completed with the last two (2) digits of the year in which the BANs are issued) upwards, shall be issued in denominations of One Hundred Thousand and 00/100 Dollars ($100,000.00) or integral multiples thereof, shall be dated as of the date of issuance of the BANs, and shall bear interest at a rate not exceeding four percent (4.0%) per annum (the exact rate of interest to be determined by negotiations with a financial institution pursuant to Indiana Code 5-1-14-5), payable on maturity of the BANs. Interest on the BANs shall be calculated on the basis of an actual 365-day year. The BANs may be sold at a price not less than ninety-eight percent (98.0%) of the par amount thereof. The initial BANs delivered shall have a principal maturity not in excess of two (2) year(s). Each subsequent BAN delivered will bear the same maturity date as the initial BANs. The BANs shall be subject to renewal or extension, subject to the limitations set forth below, at an interest rate not to exceed four percent (4.0%), with the exact rate to be negotiated. The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs.

The BANs shall be issued pursuant to the provisions of Indiana Code 5-1-14-5, and the principal thereof shall be refunded and retired out of the proceeds from the issuance and sale hereunder of the Bonds. The principal of the BANs, and the principal and interest of BANs prepaid in accordance with Section 3 herein shall be refunded by the issuance of the Bonds pursuant to, and in the manner prescribed by the Act. The interest on the BANs shall be payable from the net revenues of the Sewage Works, subject to the prior lien thereon of the Outstanding Obligations, and from capitalized interest.

Section 3. Optional Prepayment of BANs. The BANs are prepayable by the City, in whole or in part, not earlier than twelve (12) months after the date of issuance upon thirty (30) days' notice to the owner of the BANs without any premium, plus accrued interest to the date of prepayment. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds and other funds available to the City.

Section 4. Redemption of the Bonds.

(a) Optional Redemption. The Bonds shall be subject to redemption at the option of the City, in whole or in part, upon thirty (30) days written notice to the registered owner or owners of Bonds to be redeemed, on such date as may be set forth in the Issuer's Certificate, in principal amounts and maturities selected by the City and by lot within any such maturity or maturities as determined by the Registrar and Paying Agent at a redemption price equal to the par amount of the Bonds to be redeemed, plus accrued interest to the redemption date and with a premium not to exceed two percent (2%) of the outstanding par amount of the Bonds as may be set forth in the Issuer's Certificate.

Official notice of such redemption shall be mailed by the Registrar and Paying Agent by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of the proceedings for the redemption of any other Bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Registrar and Paying Agent or as otherwise determined by the City. Interest on the Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds (or portions thereof) are presented for payment. Any Bond redeemed in part may be exchanged for a Bond or Bonds of the same maturity in authorized denominations equal to the remaining principal amount thereof.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Bonds be given, including without limitation and at the option of the City, notice described in paragraph (1) below given by the Registrar and Paying Agent to the parties described in paragraphs (2) and (3) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

(1) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by

each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) If so directed by the City, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being The Depository Trust Company of New York) and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds (such as Financial Information, Inc.'s Financial Daily Called Bond Service, Kenny Information Service's Called Bond Service, Moody's Municipal and Government News Reports and Standard & Poor's Called Bond Record).

(3) If so directed by the City, each such further notice shall be published one time in The Bond Buyer of New York, New York or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.

Upon the payment of the redemption price of the Bonds (or portions thereof) being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

(b) Mandatory Sinking Fund Redemption. At the option of the successful bidder for the Bonds, all or a portion of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities on September 1 of the years set forth in the Issuer's Certificate as determined by the successful bidder.

In the event that the successful bidder opts to aggregate certain Bonds into Term Bonds, such Term Bonds shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on September 1 of each year and in the principal amount corresponding to and consistent with the maturity schedule for the Bonds set forth in the Issuer's Certificate.

The Registrar and Paying Agent shall credit against the current mandatory sinking fund requirement for a Term Bond of a particular maturity, any Bonds of such maturity delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and cancelled by the Registrar and Paying Agent and not theretofore applied as a credit against any mandatory sinking fund requirement. Each Bond so delivered or purchased shall be credited by the Registrar and Paying Agent at 100% of the principal amount thereof against the current mandatory sinking fund requirements for the applicable Term Bond, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before 45 days preceding the applicable mandatory sinking fund redemption date.

Notice of any such mandatory sinking fund redemption shall be given in the same manner as notice of optional redemption is required to be given pursuant to this Section 4 of this Ordinance. If Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Appendix A of this Ordinance shall be modified accordingly.

Any reference to payment of principal on the Bonds shall include payment of scheduled mandatory sinking fund redemption payments described in this Section 4(b).

Section 5. Execution and Authentication of the Bonds and BANs. The Bonds and the BANs shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile signature of the Clerk-Treasurer, who shall cause the seal of the City or a facsimile thereof to be affixed to each of the Bonds and BANs. The Bonds and BANs shall be authenticated by the manual signature of the Registrar, and no Bond or BAN shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Bond or BAN shall cease to be such official before the delivery of such Bond or BAN, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the Bonds and the BANs, the Bonds and the BANs shall be fully negotiable instruments under the laws of the State of Indiana.

Section 6. Security and Sources of Payment for the Bonds. The Bonds, when fully paid for and delivered to the purchaser or purchasers thereof, together with any bonds issued on a parity therewith, as to both principal and interest, shall be valid and binding special revenue obligations of the City, payable solely from and secured by an irrevocable pledge of and constituting a charge upon all of the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the Sewage Works, including all such net revenues from the existing works, the Disposition and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside into the Sewage Works Sinking Fund as herein provided, and shall rank on a parity with the Outstanding Obligations. The City shall not be obligated to pay the Bonds or the interest thereon except from the net revenues of the Sewage Works, and the Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 7. Form of the Bonds. The form and tenor of the Bonds shall be substantially as set forth in Appendix A attached hereto and incorporated herein as if set forth at this place (with all blanks to be properly completed prior to the preparation of the Bonds).

Section 8. Issuance, Sale and Delivery of the Bonds and the BANs. The Clerk-Treasurer is hereby authorized and directed to have the Bonds and the BANs prepared, and the Mayor and the Clerk-Treasurer are each hereby authorized and directed to execute the Bonds and the BANs in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver the Bonds and the BANs to the purchaser or purchasers thereof after sale made in accordance with the provisions of the Act and this Ordinance, provided that at the time of said delivery the Clerk-Treasurer shall collect the full amount which the purchaser or purchasers have agreed to pay therefor, which, in the case of the Bond, shall be not less than ninety-eight percent (98.0%) of the par amount of the Bonds, plus accrued interest thereon to the date of delivery and, in the case of the BANs, shall be not less than ninety-eight percent (98.0%) of the par amount of the BANs. The proceeds derived from the sale of the Bonds (or, instead, the BANs, if such BANs are issued) shall be and are hereby set aside to provide for the payment of a portion of the costs of the Disposition, together with the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of such series of Bonds. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

The Bonds shall be offered and sold pursuant to an Official Statement with respect to the Bonds (the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (the "Rule"). The Common Council hereby authorizes the Mayor and/or the Clerk-Treasurer (a) on behalf of the City, to designate the Official Statement a "Final Official Statement" for purposes of the Rule, and (b) to enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule, all on such terms as may be mutually acceptable to the parties.

Prior to the public sale of the Bonds, the Clerk-Treasurer shall cause to be published a notice of intent to sell such bonds two (2) times at least one week apart in the Noblesville Times, the Indianapolis Star and the Court and Commercial Record, each published in Indianapolis, Indiana. Such notice, or a summary thereof, may also be published in The Bond Buyer, a financial journal published in the City of New York, New York, or in any other publications deemed appropriate in the discretion of the Clerk-Treasurer. The notice shall state that any person interested in submitting a bid for the Bonds may furnish in writing, at the address set forth in the notice, the person's name, address and telephone number, and that any such person may also furnish a telex number. The notice must also state the time within which the name, address and telephone number must be furnished, which must not be less than seven (7) days after the last publication of the notice. Each person so registered shall be notified of the date and time bids will be received not less than twenty-four (24) hours before the date and time of sale and shall receive the final maturity schedule for the Bonds referred to hereinbelow. The notification shall be made by telephone at the number furnished by the person, and also by telex if the person furnishes a telex number. The notice of intent to sell bonds shall further state the purpose for which the Bonds are being issued, the estimated total amount, approximate maturities and denominations thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys and financial advisors employed by the City shall deem necessary or advisable. The final maturity schedule shall be made available to bidders not less than twenty-four (24) hours before the date and time of the sale of the Bonds. Such notice shall provide, among other things, that the successful bidder must provide an amount equal to one percent (1%) of the principal amount of the Bonds to guarantee performance on the part of the bidder by a certified or cashier's check or by wire transfer on the next business day following the award and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice, then said amount shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Clerk-Treasurer at the office of the Clerk-Treasurer. The notice may also provide that bids may be submitted electronically in a manner as set forth in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum per annum interest rate hereinbefore fixed. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1.00%). Bids specifying more than one (1) interest rate shall also specify the amount and maturities of the Bonds bearing each rate. All Bonds maturing on the same date shall bear the same interest rate, and the interest rate bid on any maturity of Bonds shall be equal to or greater than the interest rate bid on any and all prior maturities of the Bonds. The Bonds shall be awarded by the Clerk-Treasurer to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on the Bonds from the date thereof to their respective maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of any discount, if any. No bid for less than all of the Bonds or for less than ninety-nine percent (99.0%) of the par value of the Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Clerk-Treasurer shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising, during which time no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time of the advertised sale will be considered.

The City, having satisfied all the statutory requirements for the issuance of the Bonds, may elect to issue its BAN or BANs to an eligible purchaser under Ind. Code 5-1-14-5, pursuant to a Bond Anticipation Note Purchase Agreement (the "Purchase Agreement"), to be entered into between the City and such purchaser. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Disposition Costs until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs. The Mayor and the Clerk-Treasurer are hereby authorized and directed to execute a Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Clerk-Treasurer may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Prior to the delivery of the Bonds and the BANs, the Clerk-Treasurer, (i) shall, subject to the direction of the Common Council, be authorized to investigate, negotiate and obtain bond insurance, other forms of credit enhancement and/or credit ratings on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Faegre Baker Daniels LLP, bond counsel for the City, with such opinion to be furnished to the purchasers of the Bonds at the expense of the City. The costs of obtaining any such insurance, other credit enhancement and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Bonds, shall be considered as a part of the cost of the Disposition and shall be paid out of the proceeds of the Bonds.

Section 9. Parity of the Bonds. Any other provisions of this Ordinance to the contrary notwithstanding, the Bonds shall be issued shall be made on a parity with the Outstanding Obligations, and none of the provisions of this Ordinance shall be construed to affect the rights of the holders of the Outstanding Bonds. The Mayor of the City (the "Mayor") is authorized to employ a financial advisory firm to perform any and all computations necessary to confirm the preliminary evidence and findings demonstrating compliance with the conditions set forth in the Prior Ordinances for the issuance of additional revenue bonds on a parity with the Outstanding Obligations. The City shall not issue the Bonds without first receiving a certificate from such financial advisory firm in form and substance satisfactory to the Mayor and to the effect that the City and the Sewage Works are in complete compliance with the conditions set forth in the Prior Ordinances for the issuance of additional revenue bonds on a parity with the Outstanding Obligations.

Section 10. Disposition of Proceeds of the Bonds and the BANs; City of Westfield, Indiana, Sewage Works Disposition Costs Account. The proceeds from the sale of the Bonds shall be deposited and applied as follows:

(a) The accrued interest and any premium received at the time of the delivery of the Bonds or BANs or any unused discount shall be deposited in the Sewage Works Sinking Fund continued by this Ordinance.

(b) An amount equal to the Reserve Requirement (defined herein) shall be deposited in the Debt Service Reserve Account (defined herein) if the Reserve Requirement is to be funded from the proceeds of the Bonds as set forth herein.

(c) The remaining proceeds from the sale of the Bonds and the BANs shall be deposited in a bank or banks which are legally qualified depositories for the funds of the City, in the special account to be designated as "City of Westfield Sewage Works Disposition Costs Account" (the "Disposition Costs Account"). Amounts in the Disposition Costs Account shall be expended only for the purpose of paying the costs of the Disposition Costs, as described herein and in the Act, together with the incidental expenses incurred in connection therewith and the costs of issuance of the Bonds and the BANs, and as otherwise permitted or required by the Act. Any balance or balances remaining unexpended in the Disposition Costs Account after completion of the Disposition Costs, which are not required to meet unpaid obligations incurred in connection with the Disposition Costs, shall be used solely for one or more of the purposes permitted under the provisions of Indiana Code 5-1-13, as amended. Pursuant to the Act, the owners of the Bonds and the BANs shall be entitled to a lien on the proceeds of the Bonds and the BANs, respectively, until such proceeds are applied as required by this Ordinance and by Indiana law.

(d) Notwithstanding subsection (c) above, if BANs are issued, then the proceeds of the Bonds relating thereto shall be used to refund the BANs and are hereby pledged for such purpose, and any proceeds of the Bonds remaining after the BANs have been paid in full shall be deposited in the Sewage Works Sinking Fund referred to below.

Section 11. Segregation and Application of Revenues, Sewage Works Revenue Fund and Sewage Works Operation and Maintenance Fund. The City shall segregate, deposit and keep in a special fund continued by this Ordinance and further continued hereby, separate and apart from all other funds of the City, all gross revenues received on account of the Sewage Works, which special fund is hereby designated as the "Sewage Works Revenue Fund" (the "Revenue Fund").

On the last day of each calendar month there shall be credited from the Revenue Fund to the Sewage Works Operation and Maintenance Fund continued by this Ordinance (the "O & M Fund") a sufficient amount of the revenues of the Sewage Works so that the balance in said fund shall be sufficient to pay the expenses of operation, repair and maintenance equal to forty-five (45) days of the prior fiscal year's annual cash operating expense. The moneys credited to this fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the Sewage Works on a day to day basis, but none of the moneys in such fund shall be used for transfers for payment in lieu of property taxes, depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sewage Works Sinking Fund referred to below if necessary to prevent a default in the payment of principal or interest on outstanding bonds.

Section 12. Funds and Accounts.

(a) Sewage Works Sinking Fund. There shall be deposited from the Revenue Fund into the Sewage Works Sinking Fund continued by this Bond Ordinance (the "Sewage Works Sinking Fund") for the payment of the principal of and interest on the bonds, a sufficient amount of the Net Revenues of said Sewage Works (defined as gross revenues of the Sewage Works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance excluding transfers for payment in lieu of property taxes) to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account continued by this Ordinance in said Sewage Works Sinking Fund and further continued hereby. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account, equal the principal of and interest on all of the then outstanding bonds to the final maturity thereof.

(b) Bond and Interest Account. Beginning with the first calendar month following the date of issuance of the Bonds herein authorized, there shall be credited on the last day of each calendar month to the Bond and Interest Account an amount equal to the sum of one-sixth (1/6) of (i) the principal and interest on all then outstanding bonds payable from Net Revenues during the then next succeeding six (6) calendar months. There shall be similarly credited to the account the amount necessary to pay the bank fiscal agency charges for paying principal and interest on the Bonds as the same become payable. The City shall, from the sums deposited in the Sewage Works Sinking Fund and credited to the Bond and Interest Account, remit promptly to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof, together with the amount of bank fiscal agency charges.

(c) Debt Service Reserve Account. The Debt Service Reserve Account may be funded by either: (i) a deposit at the time of closing with proceeds from the issuance of the Bonds in an amount sufficient to satisfy the Reserve Requirement (as hereinafter defined) or (ii) over a five-year period. If the Debt Service Reserve Account is to be funded over a five-year period, on the first day of each calendar month, after making the credits to the Bond and Interest Account, there shall be credited from available net revenues to the Debt Service Reserve Account an amount sufficient together with funds on deposit of this Ordinance to accumulate in the Debt Service Reserve within five (5) years from the date of delivery of the Bonds an amount equal to not less than the Reserve Requirement on all outstanding obligations. The Reserve Requirement for all bonds payable from the net revenues of the Sewage Works shall be equal to the least of (i) the maximum annual debt service on all bonds payable from the net revenues of the Sewage Works, (ii) one hundred twenty-five percent (125%) of the average annual principal and interest payable on all bonds payable from the net revenues of the Sewage Works; or (iii) ten percent (10%) of the proceeds of all bonds payable from the net revenues of the Sewage Works (collectively, the "Reserve Requirement"). The Debt Service Reserve Account shall constitute the margin for safety and a protection against default in the payment of principal of and interest on the bonds, and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on the bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the Debt Service Reserve Account shall be promptly made up from the next available net revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available net revenues after the credits into the Bond and Interest Account hereinbefore provided for. Any moneys in the Debt Service Reserve Account in excess of the Reserve Requirement on all outstanding bonds may be transferred to the Sewage Works Improvement Fund, but in no event shall such excess moneys be held in the Debt Service Reserve Account.

Section 13. Sewage Works Improvement Fund. After meeting the requirements for O & M Fund and the Sewage Works Sinking Fund, any excess revenues may be transferred or credited to the fund designated as the "Sewage Works Improvement Fund," continued by this Ordinance (the "Sewage Works Improvement Fund"). Said Fund shall be used for transfers for payment in lieu of property taxes, improvements, replacements, additions and expansions to the Sewage Works. Monies in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds payable from the Net Revenues of the Sewage Works and issued under this Ordinance or any future ordinance or if necessary to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sewage Works Sinking Fund, or may be transferred to the O & M Fund to meet unforeseen contingencies in the operation and maintenance of the Sewage Works.

Section 14. Books and Records of Sewage Works. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing: (1) all revenues collected from the Sewage Works and deposited in the Revenue Fund, (2) all required payments into the O & M Fund and disbursements made therefrom on account of the operation of the Sewage Works, (3) all required payments into the Sewage Works Sinking Fund, (4) all transactions relating to the Sewage Works, including the amounts set aside or credited to the Sewage Works Sinking Fund and the Sewage Works Improvement Fund and (5) the cash balances in each of such funds as of the close of the preceding fiscal year. There shall be prepared and furnished upon written request, to any owner of the Bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, operating income and expense and balance sheet statements of the Sewage Works, covering the preceding fiscal year. Such annual statements shall be certified by the Clerk-Treasurer, or the person charged with the duty of auditing the books and records relating to the Sewage Works, or such statements may be prepared by an independent certified public accountant retained by the City for the purpose of preparing such statements. Copies of all such statements and reports, together with all audits of the Sewage Works supplied to the City by the Indiana State Board of Accounts, shall be kept on file and available for inspection in the office of the Clerk-Treasurer. Any owner or owners of the Bonds then outstanding shall have the right, at all reasonable times, to inspect the Sewage Works and all records, accounts, audits and data of the City relating thereto. In no event shall any of the revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance so long as any of the bonds issued pursuant to the provisions of this Ordinance shall be outstanding.

Section 15. Covenant With Respect to Rates and Charges. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the services rendered by the Sewage Works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses such Sewage Works by or through any part of the sewerage system of the City, or that in any way uses or is served by the Sewage Works. Such rates or charges shall be sufficient in each year (a) to pay all expenses incidental to the operation of the Sewage Works, including legal expenses, maintenance costs, operating charges, repairs and interest charges; (b) provide for the payment of the sums required to be paid into the Sewage Works Sinking Fund pursuant to the Act and this Ordinance; (c) provide adequate money to be used as working capital; and (d) provide adequate money for improving and replacing the Sewage Works. The rates or charges so established shall apply to any and all use of the Sewage Works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

Section 16. Defeasance. If, when the Bonds shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the bonds for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the bonds then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds shall no longer be deemed outstanding or entitled to the pledge of the net revenues of the City's Sewage Works.

Section 17. Additional BANs and Bonds. The City reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs so long as the interest is payable only on March 1 and September 1 and the principal is payable solely from the Bond proceeds. The City reserves the right to authorize and issue additional bonds, payable out of the net revenues of its Sewage Works, ranking on a parity with the Bonds authorized by this Ordinance and the Outstanding Obligations, for the purpose of financing the cost of future additions, extensions and improvements to the Sewage Works, subject to the following conditions:

(a) The principal of and interest on all bonds payable from the revenues of the Sewage Works shall have been paid to date in accordance with their respective terms, and all required payments into the Sewage Works Sinking Fund shall have been made in accordance with the provisions of this Ordinance.

(b) The amount of the net revenues of the Sewage Works in the fiscal year immediately preceding the issuance of any bonds ranking on a parity with the Bonds and the Outstanding Obligations shall be not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all of the then-outstanding bonds and obligations payable from the revenues of the Sewage Works and the additional parity bonds proposed to be issued; or, prior to the issuance of such additional parity bonds, the sewage rates and charges shall be increased sufficiently so that such increased rates and charges, if realized and when applied to the previous fiscal year's operations, would have produced net revenues for such year equal to not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all then-outstanding bonds and obligations payable from the revenues of the Sewage Works and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the Sewage Works shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose, who shall certify that he or she has no pecuniary interest in such additions, extensions or improvements, or the financing thereof, other than to analyze such records and prepare such showings, and who shall certify the satisfaction of the foregoing conditions for the issuance of such additional parity bonds.

(c) The principal of such additional parity bonds shall be payable annually on September 1 and the interest on such additional parity bonds shall be payable semi-annually on March 1 or September 1 in the years in which such principal and interest are payable.

(d) For so long as any of the Prior Obligations are in place, the City shall fully fund on the date of delivery of the additional parity bonds, any reserve for the parity bonds in a manner commensurate with the Prior Ordinances.

Section 18. Additional Covenants of the City. For purposes of further safeguarding the interests of the owners of the Bonds and BANs herein authorized, the City additionally covenants, represents and agrees as follows:

(a) The City shall at all times maintain the Sewage Works in good condition and operate the Sewage Works in an efficient manner and at a reasonable cost.

(b) So long as any of the Bonds or BANs herein authorized are outstanding, the City shall maintain insurance on the insurable parts of the Sewage Works of a kind and in an amount such as is customarily carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business in the State of Indiana. Insurance proceeds collected shall be used in replacing or repairing the property destroyed or damaged; or, if not used for such purposes, shall be treated and applied as net revenues of the Sewage Works.

(c) The City will not sell, lease, mortgage, pledge or otherwise dispose of or encumber the Sewage Works or any component or part thereof or otherwise dispose of any portion thereof except replace equipment which may become worn out or obsolete.

(d) Except as otherwise provided in Section 17 of this Ordinance, so long as any of the Bonds and BANs herein authorized are outstanding, no additional bonds, BANs or other obligations pledging any portion of the revenues of the Sewage Works shall be authorized, executed or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds and BANs herein authorized, unless all of the Bonds and BANs herein authorized are defeased, redeemed and retired coincidentally with the delivery of such additional bonds or other obligations or, as provided in Section 17 hereof, funds sufficient to effect such redemption are available and set aside for such purpose at the time of issuance of such additional bonds or obligations.

(e) The City shall take all actions or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced, with available sanitary sewers. The City shall, insofar as possible, cause all such sanitary sewers to be connected with the Sewage Works.

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs herein authorized, and after the issuance of the Bonds and the BANs, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the owners of the Bonds and the BANs, and this Common Council and any other body of the City shall not adopt any law, ordinance or resolution which in any way would adversely affect the rights of such owners so long as any of the principal of or interest on the Bonds and the BANs remains unpaid; provided, that the City shall have the right to amend this Ordinance, under certain circumstances, without notice to or approval by any owners of the Bonds and the BANs in accordance with Section 19 of this Ordinance.

(g) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the Bonds and BANs herein authorized shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of the Act. The provisions of this Ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of such Fund as set forth in this Ordinance. The owners of Bonds and BANs herein authorized shall have all of the rights, remedies and privileges set forth in the provisions of the Act, and may either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted pursuant to the Act and the provisions of this Ordinance, and may enforce and compel performance of all duties required by the Act and this Ordinance to be performed by the City and any board or officer thereof, including the making and collecting of lawful, reasonable and sufficient rates and charges for services rendered by the Sewage Works. In the event of any failure to pay the principal of or interest on any of the Bonds and BANs herein authorized when due, any court having jurisdiction of the action may appoint a receiver to administer the Sewage Works on behalf of the City and the owners of the Bonds and BANs herein authorized, with power to charge and collect rates sufficient to provide for the payment of the expenses of operation, repair and maintenance and also to pay the principal of and interest on the Bonds and BANs herein authorized, and to apply the revenues of the Sewage Works in conformity with the Act and the provisions of this Ordinance.

Section 19. Supplemental Ordinances. Without notice to or consent of the owners of the Bonds, the City may, from time to time and at any time, adopt an ordinance or ordinances supplemental hereto (which supplemental ordinance or ordinances shall thereafter form a part hereof) for any of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or to make any other change authorized herein;

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

(c) To modify, amend or supplement this Ordinance to permit the qualification of the Bonds herein authorized for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance or other credit enhancement with respect to payments of principal of and interest on bonds herein authorized;

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

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

(f) To accomplish any other purpose which, in the judgment of the City, does not adversely affect the interests of the owners of the Bonds.

The owners of not less than a majority of the aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond; or

(b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the net revenues of the Sewage Works ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any Bond or Bonds over any other Bond or Bonds; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement; or

(g) The extension of mandatory sinking fund redemption dates, if any.

The owners of not less than a majority of the aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the City. No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Bonds and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Section 20. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 21. Rates and Charges. The rates and charges which will be needed and charged to the general classes of users or property to be served by the Sewage Works in order to provide sufficient moneys to make payments of principal of and interest on the Bonds and other revenue bonds secured by the net revenues of the Sewage Works, as described herein, along with the other payments identified in this Ordinance, is set forth in Ordinance No. 12-02 adopted by this Common Council on March 12, 2012, which Ordinance is incorporated herein by reference.

Section 22. Payments on Holidays. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar and Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

Section 23. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance.

Section 24. Effectiveness. This Ordinance shall be in full force and effect from and after its passage and approval by the Common Council and signing by the Mayor of the City.

* * * * *

ALL OF WHICH IS ORDAINED THIS ______ DAY OF _____________, 2013.

WESTFIELD COMMON COUNCIL

Voting For	**Voting Against**	**Abstain**
______________________ Jim Ake	______________________ Jim Ake	______________________ Jim Ake
______________________ John Dippel	______________________ John Dippel	______________________ John Dippel
______________________ Steven Hoover	______________________ Steven Hoover	______________________ Steven Hoover
______________________ Robert L. Horkay	______________________ Robert L. Horkay	______________________ Robert L. Horkay
______________________ Robert J. Smith	______________________ Robert J. Smith	______________________ Robert J. Smith
______________________ Cindy L. Spoljaric	______________________ Cindy L. Spoljaric	______________________ Cindy L. Spoljaric
______________________ Robert W. Stokes	______________________ Robert W. Stokes	______________________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk Treasurer

I hereby certify that ORDINANCE NO. 13-01 was delivered to the Mayor of Westfield on the

_______ day of _____________________, 2013, at ___________ ___. m.

____
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE Ordinance No. 13-01

this _____ day of _____________, 2013.

____
J. Andrew Cook, Mayor

I hereby VETO Ordinance No. 13-01

this _____ day of ___________, 2013 .

____
J. Andrew Cook, Mayor

ATTEST:

____
Cindy J. Gossard, Clerk Treasurer

APPENDIX A

UNITED STATES OF AMERICA
STATE OF INDIANA, COUNTY OF HAMILTON

CITY OF WESTFIELD, INDIANA,
TAXABLE SEWAGE WORKS REVENUE BONDS OF 20__

No. __R-__ $____________

Interest Rate	Maturity Date	Original Date	Authentication Date	CUSIP
______%	September 1, 20__	___________, 20__	__________, 20__	________

Registered Owner: ______________________

Principal Amount: ______________________ Dollars

The City of Westfield (the "City"), in Hamilton County, State of Indiana, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above on the Maturity Date specified above (unless this Bond be subject to and shall have been called for redemption prior to maturity as hereinafter provided), and to pay interest hereon until the Principal Amount is fully paid at the Interest Rate per annum specified above from the Original Date or the interest payment date to which interest has been paid next preceding the Authentication Date of this Bond unless this Bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date, in which case it shall bear interest from such interest payment date, or unless this Bond is authenticated on or before __________ 15, 20__, it shall bear interest from the Original Date specified above, which such interest is payable semiannually on March 1 and September 1 of each year, commencing March 1, 2013. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of and premium, if any, on this Bond is payable at the principal corporate trust office of ___________________ in ___________, Indiana, or of any successor registrar and paying agent appointed by the City pursuant to the Ordinance hereinafter mentioned (the "Registrar" and the "Paying Agent"). All payments of interest hereon will be paid by cash or draft mailed or delivered by the Paying Agent to the Registered Owner hereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth day of the month immediately preceding the applicable interest payment date or at such other address as is furnished to the Paying Agent in writing by such Registered Owner. Interest on, together with the principal of, this Bond will be paid directly to The Depository Trust Company, New York, New York ("DTC"), by wire transfer in same day funds by the Paying Agent so long as DTC or its nominee is the registered owner of the Bond. All payments on this Bond shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

This Bond and the other bonds of this issue, together with the interest payable hereon and thereon, are payable solely from and secured by an irrevocable pledge of and constitute a charge upon all of the net revenues (defined to be gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the sewage works of the City, including the existing works, the improvements and extensions acquired or constructed out of the proceeds of this Bond and the issue of which it is a part, and all additions and improvements thereto subsequently acquired or constructed; and rank on a parity with: the (i) "Sewage Works Revenue Bonds of 2002," dated May 22, 2002 ("2002 Bonds"), originally issued in the amount of $10,355,000 and now outstanding in the amount of $6,700,000 and maturing annually over a period ending September 1, 2023; (ii) "Sewage Works Revenue Bonds of 2004," dated June 30, 2004 ("2004 Bonds"), originally issued in the amount of $12,000,000 and now outstanding in the amount of $8,595,000 and maturing annually over a period ending September 1, 2025; (iii) "Sewage Works Refunding Revenue Bonds of 2006," dated May 25, 2006 ("2006 Bonds"), originally issued in the amount of $7,215,000 and now outstanding in the amount of $4,580,000 and maturing annually over a period ending September 1, 2019; and (iv) "Sewage Works Revenue Bonds of 2007," dated July 24, 2007 ("2007 Bonds" and, collectively with the 2002 Bonds, the 2004 Bonds and the 2006 Bonds, the "Prior Obligations"), originally issued in the amount of $14,000,000 and now outstanding in the amount of $13,850,000 and maturing annually over a period ending September 1, 2032. The City shall not be obligated to pay the principal of or interest on this Bond except from the special fund, entitled the "Sewage Works Sinking Fund" heretofore created by the Prior Obligations (as defined in the Ordinance), and subsequently continued, provided from the net revenues of such sewage works, and neither this Bond nor any of the bonds of the issue of which this Bond is a part shall constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

The City, the Registrar and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and the interest due hereon and for all other purposes, and none of the City, the Registrar or the Paying Agent shall be affected by any notice to the contrary.

This Bond shall not be valid or become obligatory for any purpose or entitled to any security or benefit under the Ordinance herein described unless and until the certificate of authentication hereon shall have been executed by a duly authorized representative of the Registrar.

This Bond is one of an authorized issue of bonds of the City of Westfield, Indiana, of like tenor and effect, except as to numbering, interest rate and date of maturity, in the total amount of ______________________________ and 00/100 Dollars ($____________.00) numbered from __R-1 upward, issued for the purpose of providing funds to pay the cost of certain improvements and extensions to the sewage works of the City (the "Sewage Works"), and all expenses necessarily incurred in connection with the issuance of such bonds, as authorized by an ordinance adopted by the Common Council of the City of Westfield on the _____ day of __________, 2013, entitled "An Ordinance of the Common Council of the City of Westfield, Indiana, Authorizing the Issuance and Sale of Additional Revenue Bonds to Provide Funds For The Payment Of The Costs Related To The Disposition of the City's Sewage Works, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Sale of the Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Sewage Works and Other Related Matters" (the "Ordinance"), and in strict compliance with the provisions of Indiana Code, Title 36, Article 9, Chapter 23, and the laws amendatory thereof and supplemental thereto (the "Act").

Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owner of the bonds and the City and the terms on which this Bond is issued, and to all the provisions of the Ordinance to which the owner hereof by the acceptance of this Bond assents.

The City reserves the right pursuant to the terms and conditions of the Ordinance to authorize and issue additional bonds hereafter payable out of the Net Revenues of the Sewage Works, ranking on a parity herewith or junior hereto for the purpose of financing future extensions and improvements to the Sewage Works. This Bond is issuable only in fully registered form in the denomination of Five Thousand and 00/100 Dollar ($5,000.00) or any integral multiple thereof not exceeding the aggregate principal amount of the bonds of this issue maturing in any one year.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this Bond and all other bonds of this issue, the Prior Obligations and any bonds hereafter issued on a parity therewith, are equally and ratably secured by and are payable solely from the Sewage Works Sinking Fund continued by the Ordinance to be provided from the net revenues (herein defined as the gross revenues after deduction only for the payment of the proper and reasonable expenses of operation, repair and maintenance but not including depreciation and payments in lieu of taxes) derived from the Sewage Works, including the existing works, the improvements and extensions acquired or constructed out of the proceeds of this Bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed and acquired. This Bond shall rank on a parity with the Prior Obligations and the other Bonds issued pursuant to the Ordinance as provided therein. This Bond does not and shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City is not and shall not be obligated to pay this Bond or the interest thereon except from such special fund provided from such net revenues.

The City irrevocably pledges the entire net revenues of the Sewage Works to the extent necessary for such purposes, to the prompt payment of the principal of and interest on the bonds of this issue authorized pursuant to the Ordinance, including this Bond, any bonds hereafter issued on a parity herewith. The City covenants that it will to the fullest extent permitted by law cause to be fixed, maintained and collected such rates and charges for services rendered by such works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of said works and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Act and said Ordinance. In the event the City, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the principal of or interest on this Bond, the Registered Owner of this Bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of the principal of and interest on this Bond.

The City further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of the Sewage Works to meet (a) the interest on all bonds payable from the revenues of the Sewage Works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of all bonds payable from the revenues of the Sewage Works as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance.

The bonds of this issue maturing on or after ___________, ____, are subject to redemption prior to maturity, at the option of the City, in whole or in part, on ____________, ____, or at any time thereafter, on thirty (30) days' notice, in order of maturities determined by the City and by lot within any such maturity or maturities by the Registrar at a redemption price of 100% of the principal amount of each bond to be redeemed and without premium, plus accrued interest to the redemption date.

Notice of any such redemption shall be sent by registered or certified mail to the Registered Owner of this Bond not more than sixty (60) and not less than thirty (30) days prior to the date fixed for redemption, unless such notice is waived by the Registered Owner; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such bond will not affect the validity of any proceedings for redemption of any other such bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and in case of partial redemption, the respective principal amounts) of the bonds called for redemption. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment.

Prior to the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of the bonds or portions thereof called, together with accrued interest thereon to the redemption date and any required premium. No payment shall be made by the Paying Agent upon any bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by the Ordinance with respect to any mutilated, lost, stolen or destroyed bond.

If this Bond or a portion hereof shall have become due and payable in accordance with its terms or this Bond or a portion hereof shall have been duly called for redemption or irrevocable instructions to call this Bond or a portion hereof for redemption shall be given and the whole amount of the principal and the premium, if any, and interest, so due and payable upon this Bond or such portion hereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case this Bond or such portion hereof shall no longer be deemed outstanding, entitled to the pledge of the net revenues of the sewage works or an obligation of the City.

If this Bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such bond or the redemption price, as appropriate, and thereafter the Registered Owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the City shall have no further obligation or liability with respect thereto.

All bonds which have been redeemed shall be canceled and cremated or otherwise destroyed and shall not be reissued and a counterpart of the certificate of cremation or other destruction evidencing such cremation or other destruction shall be furnished by the Registrar to the City; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any bond without charge to the holder thereof.

Subject to the provisions of the Ordinance regarding the registration of such bonds, this Bond and all other bonds of this issue of which this Bond is a part are fully negotiable instruments under the laws of the State of Indiana. This Bond is transferable or exchangeable only on the books of the City maintained for such purpose at the principal office of the Registrar, by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This Bond may be transferred or exchanged without cost to the Registered Owner or his attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any exchange or transfer of this Bond (i) during the fifteen (15) days immediately preceding an interest payment date on this Bond or (ii) after the mailing of any notice calling this Bond for redemption. The City, the Registrar and any Paying Agent for this Bond may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and the redemption premium, if any, and interest due hereon.

In the event this Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new bond of like date, maturity and denomination as this Bond, which new bond shall be marked in a manner to distinguish it from this Bond; provided, that in the case of this Bond being mutilated, this Bond shall first be surrendered to the Registrar, and in the case of this Bond being lost, stolen or destroyed, there shall first be furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and to the Registrar, together with indemnity satisfactory to them. In the event that this Bond, being mutilated, lost, stolen or destroyed, shall have matured or been called for redemption, instead of causing to be issued a duplicate bond the Registrar may pay this Bond upon surrender of this mutilated bond or upon satisfactory indemnity and proof of loss, theft or destruction in the event this Bond is lost, stolen or destroyed. In such event, the City and the Registrar may charge the owner of this Bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this Bond being lost, stolen or destroyed shall, with respect to this Bond, constitute a substitute contractual obligation of the City, whether or not this Bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and the owners of the bonds of this issue authorized thereunder, including this Bond, may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least a majority of the aggregate principal amount of such bonds exclusive of any such bonds which may be owned by the City.

The Registered Owner of this Bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance.

The City hereby certifies, recites and declares that all acts, conditions and things required to be done precedent to and in the preparation, execution, issuance and delivery of this Bond have been done and performed in regular and due form as required by law.

* * * * *

IN WITNESS WHEREOF, the City of Westfield, in Hamilton County, State of Indiana, has caused this Bond to be executed in its corporate name and on its behalf by the manual or facsimile signature of the Mayor of the City, attested by the manual or facsimile signature of the Clerk-Treasurer and its corporate seal to be hereunto affixed or impressed by any means.

CITY OF WESTFIELD, INDIANA

By:____________________________________
Mayor

(Seal of the City)

ATTEST:

____
Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the City of Westfield, Indiana, Taxable Sewage Works Revenue Bonds of 20__, issued and delivered pursuant to the provisions of the within mentioned Ordinance.

____,
as Registrar

By: _______________________________
Authorized Representative

ASSIGNMENT

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

____

____

(insert name and address)

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

Dated: ___________________________

____

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

Signature Guarantee:

____

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

ORDINANCE NO. 13-02

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, AUTHORIZING THE ISSUANCE AND SALE OF ADDITIONAL TAXABLE REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS RELATED TO THE DISPOSITION OF THE CITY'S WATERWORKS UTILITY, THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF THE BONDS, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH WATERWORKS AND OTHER RELATED MATTERS

WHEREAS, the City of Westfield, Indiana (the "City"), has heretofore established and constructed and currently owns and operates a waterworks furnishing the public water supply to the City and its inhabitants (the "Waterworks"), pursuant to the provisions of IND. CODE § 8-1.5, as amended; and

WHEREAS, the Common Council of the City (the "Common Council") adopted Resolution No. 12-110 on September 10, 2012, setting forth its desire to, among other things, initiate the proceedings to provide for the disposition of the Waterworks and the City's sewage works utility to pay for necessary upgrades to the City's basic utilities infrastructure, while maintaining the City's competitive cost structure relative to its peer cities in central Indiana and mitigating future utility rate increases for the City's utility customers; and

WHEREAS, this Common Council further finds that the costs related to the disposition of the Waterworks, including the costs of issuance of bonds and, if necessary, bond anticipation notes (the "BANs") on account of the financing of all or a portion thereof (the "Disposition Costs"), will be in the estimated amount of Six Hundred Seventy Thousand Dollars ($670,000); and

WHEREAS, the Common Council finds that funds of the Waterworks are insufficient to pay the Disposition Costs and the Common Council desires to pay all or a portion of the Disposition Costs with the issuance of taxable revenue bonds of the waterworks in an aggregate principal amount not to exceed Six Hundred Seventy Thousand Dollars ($670,000) and BANs in anticipation of such bonds; and

WHEREAS, the City has heretofore issued certain "Waterworks Revenue Bonds of 1998," dated July 1, 1998 ("1998 Bonds"), originally issued in the amount of $2,400,000 and now outstanding in the amount of $1,025,000 and maturing annually over a period ending July 15, 2018, which 1998 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the Waterworks; and

WHEREAS, the City has heretofore issued certain "Waterworks Revenue Bonds, of 2002" dated May 22, 2002 ("2002 Bonds" and, together with the 1998 Bonds, the "Outstanding Bonds"), originally issued in the amount of $9,345,000 and now outstanding in the amount of $6,055,000 and maturing annually over a period ending July 15, 2023, which 2002 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the waterworks, on a parity with the 1998 Bonds; and

WHEREAS, the City has heretofore entered into that certain "Guaranteed Energy Savings Contract," dated December 20, 2005, by and between the City and Bowen Engineering Corporation ("Bowen"), in the total principal amount of $3,369,967, $867,282 of which was allocated to the Waterworks, together with interest thereon, including other certain documents, agreements and instruments related thereto, including, without limitation, that certain Installment Payment Contract dated December 20, 2005, by and between the City and Bowen ("GES Contract"), which GES Contract relates in part to the Waterworks and is now outstanding in such part in the amount of $407,767.41 and maturing annually over a period ending August 1, 2016, which GES Contract is subordinate to the Outstanding Bonds and, as set forth herein, the Bonds; and

WHEREAS, the ordinances authorizing the issuance of the Outstanding Bonds (hereinafter collectively referred to as the "Prior Ordinances"), permit the issuance of additional bonds ranking on a parity with the Outstanding Bonds provided certain conditions can be met, and the City finds that the finances of said waterworks will enable the City to meet the conditions for the issuance of additional parity bonds and that, accordingly, the Bonds issued hereunder shall rank on a parity with the Outstanding Bonds; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, if necessary, payable from the net revenues of the Waterworks and from proceeds of Waterworks revenue bonds issued to finance a portion of the Disposition Costs, and to authorize the refunding of said BANs, if issued; the payment of the BANs from the net revenues shall be junior and subordinate to the (i) payment of the Outstanding Bonds and (ii) the Bonds issued hereunder; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance, authorizing the issuance of bonds to provide the necessary funds to be applied to the Disposition Costs and the authorized costs relating thereto, have been complied with in accordance with the Act; and

WHEREAS, the Common Council now finds that the Disposition Costs should be financed by the issuance of revenue bonds and bond anticipation notes; and

WHEREAS, the Common Council consequently seeks to authorize the issuance of revenue bonds and bond anticipation notes to finance all or a portion of the Disposition Costs pursuant to the Act and the sale of such revenue bonds and bond anticipation notes pursuant to the provisions of the Act and Indiana Code 5-1-14-5, subject to and dependent upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, AS FOLLOWS:

Section 1. The Bonds. In accordance with the Act and for the purpose of providing funds with which to pay a portion of the Disposition Costs, together with authorized expenses relating thereto including the costs of issuance of the Bonds, as hereinafter defined, on account thereof, and refunding the BANs described below, if any, the City shall issue and sell its Waterworks revenue bonds in one (1) or more series in an aggregate principal amount not to exceed Six Hundred Seventy Thousand Dollars ($670,000). The principal of, redemption premium, if any, and interest on the Bonds shall be payable, on a parity with the Outstanding Bonds and senior to the GES Contract, solely out of the Waterworks Sinking Fund referred to below.

The Bonds shall be designated as the "City of Westfield, Indiana, Waterworks Revenue Taxable Bonds of 201__" (with the blank to be filled in with the year in which such bonds are issued) (the "Bonds"). The Bonds shall be issued as fully registered bonds in denominations of Five Thousand Dollars ($5,000) and any integral multiple thereof not exceeding the aggregate principal amount of such Bonds maturing in any one year, shall be numbered consecutively from ___R-1 (with the blank to be completed with the last two (2) digits of the year in which the bonds are issued) upward and shall bear interest at a rate or rates not exceeding six percent (6%) per annum or such lower rates for such maturities as may be determined by the Mayor as set forth in a certificate of the City, executed by the Mayor, establishing certain provisions and details relating to the issuance of the Bonds (the "Issuer's Certificate"), provided, that the terms and conditions of the Issuer's Certificate shall be in all cases governed by and consistent with the provisions of this Ordinance (the exact rate or rates of interest to be determined by bidding).

Interest on the Bonds shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred and sixty (360)-day year and shall be payable semiannually on January 15 and July 15 in each year (each an "Interest Payment Date"), commencing on the January 15 or July 15 immediately following the date of issuance of the Bonds or as otherwise set forth in the Issuer's Certificate, until the principal of the Bonds is fully paid. The principal of the Bonds shall mature serially on July 15 over a period beginning not earlier than the next July 15 following the date of issuance and ending not later than twelve (12) years thereafter, in such years and in such annual principal amounts as may be determined by the Mayor as set forth in the Issuer's Certificate.

The Bonds shall bear an original issue date which shall be the date of issuance of the Bonds, and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the December 31 or the June 30 preceding the first interest payment date, shall pay interest from its original issue date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the last day of the month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

The Bonds or BANs may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the “Clearing Agency”). The City and the Registrar and Paying Agent (as hereinafter defined) may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds or BANs, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds or BANs.

During any time that the Bonds or BANs are held in book-entry form on the books of a Clearing Agency (1) any such Bond or BAN may be registered upon the books kept by the Registrar and Paying Agent in the name of such Clearing Agency, or any nominee thereof, including CEDE & Co., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such Bond or BAN is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond or BAN for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond or BAN, the receiving of notice, and the giving of consent; (3) neither the City nor the Registrar and Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond or BAN, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or BAN or any responsibility or obligation hereunder with respect to the receiving of payment of principal, premium, if any, or interest on any Bond or BAN, the receiving of notice, or the giving of consent; (4) the Clearing Agency is not required to present any Bond or BAN called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption; and (5) payment of the principal of and interest on the Bonds or BANs may be made by wire transfer or other method acceptable to the Clearing Agency.

If either (i) the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds or BANs to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or BANs or (ii) the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds or BANs, then the City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds or BANs, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds or BANs and to transfer the ownership of each of the Bonds or BANs to such person or persons, including any other Clearing Agency, as the holder of the Bonds or BANs may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds or BANs, shall be paid by the City.

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

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

A registrar and a paying agent for the Bonds (the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent") shall be appointed by the Clerk-Treasurer. The Registrar and Paying Agent shall be charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Bonds. The Mayor and Clerk-Treasurer are further authorized and directed to enter into such agreements and understandings with the Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities, and are authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, and such fees may be paid from the Bond and Interest Account of the Waterworks Sinking Fund created by this Ordinance.

With respect to the BANs, the Clerk-Treasurer shall be designated as the Registrar and Paying Agent and will be charged with the performance of all duties and responsibilities of the Registrar and Paying Agent unless the Clerk Treasurer determines to appoint a Registrar and Paying Agent for the BANs.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving thirty (30) days' notice in writing to the City and by first-class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to act on behalf of the City with regard to any of the aforementioned actions of the City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

Principal of and any redemption premium on the Bonds and the principal and interest on the BANs shall be payable at the principal corporate trust office of the Paying Agent.

Interest on the Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth (15th) day of the month immediately preceding the Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. So long as the Clearing Agency or its nominee is the registered owner of the Bonds, interest on, together with the principal of, the Bonds will be paid directly to the Clearing Agency by wire transfer in same day funds by the Registrar and Paying Agent. All payments on the Bonds and the BANs shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

Each Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the principal corporate trust office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Bond may be transferred or exchanged without cost to the registered owner, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Bond (i) during the period from the fifteenth (15th) day of any calendar month immediately preceding an Interest Payment Date to such Interest Payment Date or (ii) after the mailing of notice calling such Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof, and redemption premium, if any, and interest thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Bond, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Bond or upon satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Bond. The City and the Registrar and Paying Agent may charge the owner of any such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

In the event that any Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the City shall have no further obligation or liability with respect thereto.

Section 2. The BANs. In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing to apply to a portion of the Disposition Costs, the City is hereby authorized to have prepared and to issue and sell negotiable BANs of the City, in one (1) or more series, in an amount not to exceed Six Hundred Seventy Thousand Dollars ($670,000), to be designated "City of Westfield, Indiana, Waterworks Revenue Taxable Bond Anticipation Notes of 20__" (with the blank to be completed with the last two (2) digits of the year in which the BANs are issued). The BANs shall be issued in fully registered form, shall be numbered consecutively from __R-1 (with the blank to be completed with the last two (2) digits of the year in which the BANs are issued) upwards, shall be issued in denominations of One Hundred Thousand and 00/100 Dollars ($100,000.00) or integral multiples thereof, shall be dated as of the date of issuance of the BANs, and shall bear interest at a rate not exceeding four percent (4.0%) per annum (the exact rate of interest to be determined by negotiations with a financial institution pursuant to Indiana Code 5-1-14-5), payable on maturity of the BANs. Interest on the BANs shall be calculated on the basis of an actual 365-day year. The BANs may be sold at a price not less than ninety-eight percent (98.0%) of the par amount thereof. The initial BANs delivered shall have a principal maturity not in excess of eighteen months from the date of their issuance. Each subsequent BAN delivered will bear the same maturity date as the initial BANs. The BANs shall be subject to renewal or extension, subject to the limitations set forth below, at an interest rate not to exceed four percent (4.0%), with the exact rate to be negotiated with a financial institution. The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs.

The BANs shall be issued pursuant to the provisions of Indiana Code 5-1-14-5, and the principal thereof shall be refunded and retired out of the proceeds from the issuance and sale hereunder of the Bonds. The principal of the BANs, and the principal and interest of BANs prepaid in accordance with Section 3 herein shall be refunded by the issuance of the Bonds pursuant to, and in the manner prescribed by the Act. The interest on the BANs shall be payable from the net revenues of the Waterworks, subject to the prior lien thereon of the Outstanding Bonds and GES Contract, and from capitalized interest.

Section 3. Optional Prepayment of BANs. The BANs are prepayable by the City, in whole or in part, not earlier than twelve (12) months after the date of issuance upon thirty (30) days' notice to the owner of the BANs without any premium, plus accrued interest to the date of prepayment. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds and other funds available to the City.

Section 4. Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to solicit proposals for and appoint a Registrar and Paying Agent for the Bonds (the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent"). The Registrar and Paying Agent shall be charged with and shall undertake the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Bonds. The Clerk-Treasurer is further authorized to enter into such agreements and understandings with the Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities and is authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, with such fees to be paid from the Waterworks Sinking Fund as described herein.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving thirty (30) days' notice in writing to the City and by first-class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to act on behalf of the City with regard to any of the aforementioned actions of the City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

Section 5. Redemption of the Bonds.

(a) Optional Redemption. The Bonds shall be subject to redemption at the option of the City, in whole or in part, upon thirty (30) days written notice, to the registered owner or owners of the Bonds to be redeemed, on such date or dates as may be set forth in the Issuer’s Certificate, at a redemption price and in amounts and maturities and in order of maturities determined by the Mayor and the Clerk-Treasurer upon the advice of City's Financial Advisor which shall be set forth in the Issuer's Certificate.

Official notice of such prepayment shall be mailed by the Registrar and Paying Agent by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of the proceedings for the redemption of any other Bond. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the Bonds called for redemption. The place of redemption may be at the office of the Registrar and Paying Agent or as otherwise determined by the City. Interest on the Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds (or portions thereof) are presented for payment. Any Bond redeemed in part may be exchanged for a Bond or Bonds of the same maturity in authorized denominations equal to the remaining principal amount thereof. At the time of payment of the principal of, premium, if any, and interest on any Bonds called for redemption, such Bonds shall be surrendered for cancellation.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Bonds be given, including without limitation and at the option of the City, notice described in paragraph (1) below given by the Registrar and Paying Agent to the parties described in paragraphs (2) and (3) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

(1) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) If so directed by the City, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(3) If so directed by the City, each such further notice shall be published one time in The Bond Buyer of New York, New York or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.

Upon the payment of the redemption price of the Bonds (or portions thereof) being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

(b) Mandatory Sinking Fund Redemption. At the option of the successful bidder for the Bonds, all or a portion of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities on July 15 of the years set forth in the Issuer's Certificate as determined by the successful bidder.

In the event that the successful bidder opts to aggregate certain Bonds into Term Bonds, such Term Bonds shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on July 15 of each year and in the principal amount corresponding to and consistent with the maturity schedule for the Bonds set forth in the Issuer's Certificate.

The Registrar and Paying Agent shall credit against the current mandatory sinking fund requirement for a Term Bond of a particular maturity, any Bonds of such maturity delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and cancelled by the Registrar and Paying Agent and not theretofore applied as a credit against any mandatory sinking fund requirement. Each Bond so delivered or purchased shall be credited by the Registrar and Paying Agent at 100% of the principal amount thereof against the current mandatory sinking fund requirements for the applicable Term Bond, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before 45 days preceding the applicable mandatory sinking fund redemption date.

Notice of any such mandatory sinking fund redemption shall be given in the same manner as notice of optional redemption is required to be given pursuant to this Section 5 of this Ordinance. If Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Appendix A of this Ordinance shall be modified accordingly.

Any reference to payment of principal on the Bonds shall include payment of scheduled mandatory sinking fund redemption payments described in this Section 5(b).

Section 6. Execution and Authentication of the Bonds and BANs. The Bonds and the BANs shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile signature of the Clerk-Treasurer, who shall cause the seal of the City or a facsimile thereof to be affixed to each of the Bonds and BANs. The Bonds and BANs shall be authenticated by the manual signature of the Registrar, and no Bond or BAN shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Bond or BAN shall cease to be such official before the delivery of such Bond or BAN, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this

Ordinance regarding the registration of the Bonds and the BANs, the Bonds and the BANs shall be fully negotiable instruments under the laws of the State of Indiana.

Section 7. Form of the Bonds. The form and tenor of the Bonds shall be substantially as set forth in Appendix A, attached hereto and incorporated herein as if set forth at this place (with all blanks to be properly completed prior to the preparation of the Bonds).

Section 8. Issuance, Sale and Delivery of the Bonds and the BANs. The Clerk-Treasurer is hereby authorized and directed to have the Bonds and the BANs prepared, and the Mayor and the Clerk-Treasurer are each hereby authorized and directed to execute the Bonds and the BANs in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver the Bonds and the BANs to the purchaser or purchasers thereof after sale made in accordance with the provisions of the Act and this Ordinance, provided that at the time of said delivery the Clerk-Treasurer shall collect the full amount which the purchaser or purchasers have agreed to pay therefor, which, in the case of the Bond, shall be not less than ninety-eight percent (98.0%) of the par amount of the Bonds, plus accrued interest thereon to the date of delivery and, in the case of the BANs, shall be not less than ninety-eight percent (98.0%) of the par amount of the BANs. The proceeds derived from the sale of the Bonds (or, instead, the BANs, if such BANs are issued) shall be and are hereby set aside to provide for the payment of a portion of the Disposition Costs, together with the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of such series of Bonds. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

The Bonds shall be offered and sold pursuant to an Official Statement with respect to the Bonds (the “Official Statement”), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (the “Rule”). The Common Council hereby authorizes the Mayor and/or the Clerk-Treasurer (a) on behalf of the City, to designate the Official Statement a “Final Official Statement” for purposes of the Rule, and (b) to enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule, all on such terms as may be mutually acceptable to the parties.

Prior to the public sale of the Bonds, the Clerk-Treasurer shall cause to be published a notice of intent to sell such bonds two (2) times at least one week apart in the Noblesville Times, the Indianapolis Star and the Court and Commercial Record, each published in Indianapolis, Indiana. Such notice, or a summary thereof, may also be published in The Bond Buyer, a financial journal published in the City of New York, New York, or in any other publications deemed appropriate in the discretion of the Clerk-Treasurer. The notice shall state that any person interested in submitting a bid for the Bonds may furnish in writing, at the address set forth in the notice, the person's name, address and telephone number, and that any such person may also furnish a telex number. The notice must also state the time within which the name, address and telephone number must be furnished, which must not be less than seven (7) days after the last publication of the notice. Each person so registered shall be notified of the date and time bids will be received not less than twenty-four (24) hours before the date and time of sale and shall receive the final maturity schedule for the Bonds referred to hereinbelow. The notification shall be made by telephone at the number furnished by the person, and also by telex if the person furnishes a telex number. The notice of intent to sell bonds shall further state the purpose for which the Bonds are being issued, the estimated total amount, approximate maturities and denominations thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys and financial advisors employed by the City shall deem necessary or advisable. The final maturity schedule shall be made available to bidders not less than twenty-four (24) hours before the date and time of the sale of the Bonds. Such notice shall provide, among other things, that the successful bidder must provide an amount equal to one percent (1%) of the principal amount of the Bonds to guarantee performance on the part of the bidder by a certified or cashier's check or by wire transfer on the next business day following the award and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice, then said amount shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Clerk-Treasurer at the office of the Clerk-Treasurer. The notice may also provide that bids may be submitted electronically in a manner as set forth in the notice. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum per annum interest rate hereinbefore fixed. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1.00%). Bids specifying more than one (1) interest rate shall also specify the amount and maturities of the Bonds bearing each rate. All Bonds maturing on the same date shall bear the same interest rate, and the interest rate bid on any maturity of Bonds shall be equal to or greater than the interest rate bid on any and all prior maturities of the Bonds. The Bonds shall be awarded by the Clerk-Treasurer to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on the Bonds from the date thereof to their respective maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of any discount, if any. No bid for less than all of the Bonds or for less than ninety-nine percent (99.0%) of the par value of the Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Clerk-Treasurer shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising, during which time no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time of the advertised sale will be considered.

The City, having satisfied all the statutory requirements for the issuance of the Bonds, may elect to issue its BAN or BANs to an eligible purchaser under Ind. Code 5-1-14-5, pursuant to a Bond Anticipation Note Purchase Agreement (the "Purchase Agreement"), to be entered into between the City and such purchaser. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Disposition Costs until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs. The Mayor and the Clerk-Treasurer are hereby authorized and directed to execute a Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Clerk-Treasurer may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Prior to the delivery of the Bonds and the BANs, the Clerk-Treasurer, (i) shall, subject to the direction of the Common Council, be authorized to investigate, negotiate and obtain bond insurance, other forms of credit enhancement and/or credit ratings on the Bonds and (ii) shall obtain a legal opinion as to the validity of the Bonds from Faegre Baker Daniels LLP, bond counsel for the City, with such opinion to be furnished to the purchasers of the Bonds at the expense of the City. The costs of obtaining any such insurance, other credit enhancement and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Bonds, shall be considered as a part of the cost of the Disposition and shall be paid out of the proceeds of the Bonds.

Section 9. Security and Sources of Payment for the Bonds. The Bonds, when fully paid for and delivered to the purchaser or purchasers thereof, as to both principal and interest and any bonds hereafter issued on equal parity with the Outstanding Bonds, shall be the valid and binding special revenue obligations of the City, payable from and secured by an irrevocable pledge of and constituting a charge upon all of the Net Revenues of the Waterworks including all extensions, additions and improvements thereto, and replacements thereof made pursuant to this Ordinance, or subsequently.

Section 10. Disposition of Proceeds of the Bonds and the BANs; Waterworks Disposition Costs Account. The proceeds from the sale of the Bonds shall be deposited and applied as follows:

(a) The accrued interest and any premium received at the time of the delivery of the Bonds or BANs or any unused discount shall be deposited in the Waterworks Sinking Fund continued by this Ordinance.

(b) An amount equal to the Reserve Requirement (defined herein) shall be deposited in the Debt Service Reserve Account (defined herein) if the Reserve Requirement is to be funded from the proceeds of the Bonds as set forth herein.

(c) The remaining proceeds from the sale of the Bonds and the BANs shall be deposited in a bank or banks which are legally qualified depositories for the funds of the City, in the special account to be designated as “City of Westfield Waterworks Disposition Costs Account” (the “Disposition Costs Account”). Amounts in the Disposition Costs Account shall be expended only for the purpose of paying the Disposition Costs, as described herein and in the Act, together with the incidental expenses incurred in connection therewith and the costs of issuance of the Bonds and the

BANs, and as otherwise permitted or required by the Act. Any balance or balances remaining unexpended in the Disposition Costs Account after completion of the Disposition Costs, which are not required to meet unpaid obligations incurred in connection with the Disposition Costs, shall be used solely for one or more of the purposes permitted under the provisions of Indiana Code 5-1-13, as amended. Pursuant to the Act, the owners of the Bonds and the BANs shall be entitled to a lien on the proceeds of the Bonds and the BANs, respectively, until such proceeds are applied as required by this Ordinance and by Indiana law.

Notwithstanding subsection (c) above, if BANs are issued, then the proceeds of the Bonds relating thereto shall be used to refund the BANs and are hereby pledged for such purpose, and any proceeds of the Bonds remaining after the BANs have been paid in full shall be deposited in the Waterworks Sinking Fund referred to below.

Section 11. Segregation and Application of Revenues; Accounts of Waterworks. The income and revenues of the Waterworks, together with the income and revenues of all extensions, additions, improvements thereto, and replacements thereof made pursuant to this Ordinance, or subsequently, shall be set aside into separate and special funds and accounts created and established by this Ordinance, to be used and applied in the maintenance and operation thereof, in establishing an improvement fund, and payment of the principal of all bonds which by their terms are payable from the Net Revenues of the Waterworks, together with the interest thereon.

(a) Revenue Fund. All income and revenues of the Waterworks shall be paid into the Revenue Fund established hereby, which fund shall be maintained separate and apart from all other bank accounts of the City.

(b) Operation and Maintenance Fund. There shall be credited on the last day of each calendar month a sufficient amount of the revenues of the Waterworks so that the balance in the Operation and Maintenance Fund (the "Operation and Maintenance Fund") established hereby shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two (2) calendar months. The moneys credited to the Operation and Maintenance Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the Waterworks on a day-to-day basis, but none of the moneys in such Operation and Maintenance Fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said Operation and Maintenance Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the Waterworks.

(c) Waterworks Sinking Fund. There shall be set aside and deposited in the Waterworks Sinking Fund established hereby for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the Waterworks, and for the payment of any fiscal agency charges in connection with the payment of bonds and interest (the "Sinking Fund"), as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said Waterworks to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account created and hereby continued in said Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account hereinafter described, equals the amount needed to redeem all of the then outstanding bonds.

(1) Bond and Interest Account. There shall be transferred, on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account (the "Bond and Interest Account") an amount of the Net Revenues equal to the sum of one-sixth (1/6) of the interest on all then outstanding bonds of the Waterworks payable on the then next succeeding Interest Payment Date, and one-twelfth (1/12) of the amount of principal payable on the next principal payment date on all then outstanding bonds of the Waterworks which will be payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the next succeeding respective principal and interest payment dates shall have been so credited; provided that such fractional amount shall be appropriately increased to provide for the first interest and first principal payments. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

(2) Debt Service Reserve Account. The City shall deposit, if necessary, as a reserve for all bonds which by their terms are payable from the Net Revenues of the Waterworks into the Debt Service Reserve Account (the "Debt Service Reserve Account") revenues of the Waterworks on a monthly basis so that the amount on deposit therein equals the following with respect to the Bonds and any bonds subsequently issued by the City payable from the Net Revenues: the lesser of 10% of the proceeds thereof, the maximum annual principal and interest requirements thereon, or 125% of the average annual principal and interest requirements thereon (the "Reserve Requirement"). The City may fund the Reserve Requirement as of the date of issuance of the Bonds from available funds of the Waterworks or following the issuance of the Bonds, by monthly deposits. If the City deposits revenues into the Debt Service Reserve Account on a monthly basis, the amount of the monthly deposit shall be sufficient to accumulate the Reserve Requirement within five (5) years from the date of delivery of the Bonds. The Debt Service Reserve Account shall constitute the margin for safety and as protection against default in the payment of principal of and interest on all bonds which by their terms are payable from the Net Revenues of the Waterworks, and the moneys in the Reserve Account shall be used to pay current principal and interest on all bonds which by their terms are payable from the Net Revenues of the Waterworks to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in balance maintained in the Debt Service Reserve Account shall be promptly made up from

the next available Net Revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds which by their terms are payable from the Net Revenues of the Waterworks, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Debt Service Reserve Account in excess of the Reserve Requirement may be used for the prepayment of installments of principal on the then outstanding bonds which are then callable or prepayable, or for the purchase of outstanding bonds or installments of principal of fully registered bonds which by their terms are payable from the Net Revenues of the Waterworks at a price not exceeding par and accrued interest, or may be transferred to the Waterworks Improvement Fund as provided above.

(d) Waterworks Improvement Fund. After meeting the requirements of the Operation and Maintenance Fund, and the Sinking Fund, any excess revenues may be transferred or credited to the Waterworks Improvement Fund heretofore established and hereby continued (the "Waterworks Improvement Fund"), and said Fund shall be used for improvements, replacements, additions and extensions of the Waterworks. Moneys in the Waterworks Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation and maintenance of the Waterworks.

(e) Investment of Funds. The Sinking Fund shall be deposited in and maintained as a separate bank account or accounts from all other bank accounts of the City. The Operation and Maintenance Fund and the Waterworks Improvement Fund may be maintained in a single bank account, or accounts, but such bank account, or accounts, shall likewise be maintained separate and apart from all other bank accounts of the City and apart from the Sinking Fund bank account or accounts. All moneys deposited in the bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, Chapter 9, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Section 12. Proper Books of Records and Accounts. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from the Waterworks and deposited in the special accounts established or continued pursuant to this Ordinance and all disbursements made therefrom and all transactions relating to the Waterworks. There shall be prepared and furnished, upon written request, to any owner of the Bonds at the time then outstanding, not more than ninety (90) days after the close of each fiscal year of the Waterworks, complete operating and income statements of the Waterworks, in reasonable detail covering such fiscal year, which statements shall be certified by the Clerk-Treasurer or a certified public accountant retained for the purpose of making an accounting study of the records of the Waterworks. Copies of all such statements and reports shall at all times be kept on file and available for inspection in the office of the Common Council. Any owner of at least five percent (5%) in aggregate principal amount of the then-outstanding Bonds shall have the right at all reasonable times to inspect the Waterworks and the records, accounts and data of the City relating thereto.

Section 13. Covenant With Respect to Rates and Charges. The City, by and through the Common Council and to the fullest extent permitted by law, shall establish, fix, maintain and collect reasonable and just rates and charges for the use of and the services rendered by the Waterworks so that such rates and charges shall produce revenues at least sufficient in each year to (a) pay all the legal and other necessary expenses incident to the operation of the Waterworks, including maintenance costs, operating charges, upkeep, repairs, and interest charges on bonds or other obligations, including leases; (b) provide a sinking fund for the liquidation of bonds or other obligations, including leases; (c) provide a debt service reserve on bonds or other obligations, including leases, as required by the terms of such obligations; (d) provide adequate money for working capital; (e) provide adequate money for making extensions and replacements; and (f) provide money for the payment of any taxes that may be assessed against the Waterworks.

So long as any of the Bonds are outstanding, none of the facilities and services afforded by the Waterworks shall be furnished without a reasonable and just charge being made therefor. The reasonable cost and value of any facility or service rendered to the City, or to any department, agency, or instrumentality thereof by the Waterworks by furnishing water for public purposes or by maintaining hydrants and other facilities for fire protection shall be (i) charged against the City; and (ii) paid for in monthly installments as the service accrues, out of the current revenues of the City, collected or in the process of collection, and the tax levy of the City made by it to raise money to meet its necessary current expenses. The revenue so received shall be deemed to be revenue derived from the operation of the Waterworks and shall be used and accounted for in the same manner as other revenues derived from the operation of the Waterworks.

Section 14. Additional Bonds and BANs. The City reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs so long as the interest is payable only on July 15 and the principal is payable solely from the Bond proceeds. The City reserves the right to authorize and issue additional bonds, payable out of the net revenues of its Waterworks, ranking on a parity with the Bonds authorized by this Ordinance and the Outstanding Bonds, for the purpose of financing the cost of future additions, extensions and improvements to the Waterworks, subject to the following conditions:

> (a) The principal of and interest on all bonds payable from the revenues of the Waterworks shall have been paid to date in accordance with their respective terms, and all required payments into the Waterworks Sinking Fund shall have been made in accordance with the provisions of this Ordinance.

(b) The amount of the net revenues of the Waterworks in the fiscal year immediately preceding the issuance of any bonds ranking on a parity with the Bonds and the Outstanding Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all of the then-outstanding bonds and obligations payable from the revenues of the Waterworks and the additional parity bonds proposed to be issued; or, prior to the issuance of such additional parity bonds, the sewage rates and charges shall be increased sufficiently so that such increased rates and charges, if realized and when applied to the previous fiscal year's operations, would have produced net revenues for such year equal to not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all then-outstanding bonds and obligations payable from the revenues of the Waterworks and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the Waterworks shall be analyzed and all showings shall be prepared by an independent certified public accountant employed by the City for that purpose, who shall certify that he or she has no pecuniary interest in such additions, extensions or improvements, or the financing thereof, other than to analyze such records and prepare such showings, and who shall certify the satisfaction of the foregoing conditions for the issuance of such additional parity bonds.

(c) The interest on the additional parity bonds shall be payable semiannually on January 15 and July 15 and the principal of such additional parity bonds shall be payable annually on July 15 in the years in which such principal and interest are payable.

Section 15. Additional Covenants of the City. For purposes of further safeguarding the interests of the owners of the Bonds and BANs herein authorized, the City additionally covenants, represents and agrees as follows:

(a) The City, through the Board, shall at all times maintain the Waterworks in good condition and operate the Waterworks in an efficient manner and at a reasonable cost.

(b) So long as any of the Bonds or BANs are outstanding, the City, through the Common Council, shall maintain insurance on the insurable parts of the Waterworks of a kind and in an amount such as is customarily carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business in the State of Indiana. Any insurance proceeds collected shall be used in replacing or repairing the property destroyed or damaged; or if not used for such purpose, shall be treated and applied as Net Revenues of the Waterworks.

(c) Except as provided in Section 14 of this Ordinance, so long as any of the Bonds or BANs are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the Waterworks shall be authorized, executed or issued by the City except as shall be made subordinate and junior in all respects to the Bonds and BANs or unless the Bonds or BANs are defeased, redeemed and retired coincidentally with the delivery of such additional bonds or other obligations or, as provided in

Section 14 hereof, funds sufficient to effect such redemption are available and set aside for such purpose at the time of issuance of such additional bonds or obligations.

(d) So long as any of the Bonds or BANs are outstanding, the City and the Common Council shall not mortgage, pledge or otherwise encumber the Waterworks or any part thereof, except as authorized by the laws pursuant to which the Bonds are issued, and shall not sell, lease or otherwise dispose of any portion thereof except such equipment which may become worn out or obsolete, and which shall be replaced.

(e) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth and, so long as any of the Bonds or BANs are outstanding, the provisions of this Ordinance shall also be construed to create a trust in the Net Revenues of the Waterworks herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of such Fund as set forth in this Ordinance.

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs, all of the terms of which shall be enforceable at law or in equity, and after the issuance of the Bonds and BANs this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights and interests of the owners of the Bonds and BANs, and the Common Council and the Common Council shall not adopt any law, ordinance or resolution which in any way would adversely affect the rights of such owners so long as any of the principal of or interest on the Bonds and BANs remains unpaid; provided, that the City shall have the right to amend this Ordinance, under certain circumstances, without notice to or approval by any owners of the Bonds and BANs in accordance with Section 17 of this Ordinance. The owners of the Bonds and BANs shall have all of the rights, remedies and privileges provided in the Act and under Indiana law, including without limitation the making and collection of reasonable and sufficient rates lawfully established for the use of the services and facilities of the Waterworks, the segregation of the revenues of the Waterworks and the application of funds as provided in this Ordinance.

Section 16. Defeasance of the Bonds and BANs. If, when the Bonds or BANs or a portion thereof shall have become due and payable in accordance with their terms, or shall have been duly called for redemption, or irrevocable instructions to call the Bonds or BANs or a portion or portions thereof for redemption shall have been given, and the whole amount of the principal of, redemption premium, if any, on and the interest due and payable on all of the Bonds and BANs then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in clause (ii) above of a bank or banks, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust, and provision shall also be made for paying all fees and expenses for the redemption, then and in such event the Bonds and BANs shall no longer be deemed outstanding or entitled to the pledge of the revenues of the Waterworks.

Section 17. Supplemental Ordinances. Without notice to or consent of the owners of the Bonds and BANs herein authorized, the City may, from time to time and at any time, adopt an ordinance or ordinances supplemental hereto (which supplemental ordinance or ordinances shall thereafter form a part hereof) for any of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or to make any other change authorized herein;

(b) To grant to or confer upon the owners of the Bonds and BANs herein authorized and any other bonds ranking on a parity with such bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds and BANs herein authorized or to make any change which, in the judgment of the City, is not to the prejudice of the owners of the Bonds and BANs herein authorized;

(c) To modify, amend or supplement this Ordinance to permit the qualification of the bonds herein authorized for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance or other credit enhancement with respect to payments of principal of and interest on bonds herein authorized;

(d) To provide for the refunding or advance refunding of the bonds herein authorized;

(e) To procure a rating on the bonds herein authorized from a nationally recognized securities rating agency or agencies designated in such supplemental ordinance if such supplemental ordinance will not adversely affect the owners of the bonds herein authorized or any other bonds ranking on a parity with such bonds;

(f) To accomplish any other purpose which, in the judgment of the City, does not adversely affect the interests of the owners of the Bonds or any other bonds ranking on a parity with such bonds.

The owners of not less than a majority of the aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond; or

(b) A reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the net revenues of the Waterworks ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any Bond or Bonds over any other Bond or Bonds; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement; or

(g) The extension of mandatory sinking fund redemption dates, if any.

The owners of not less than a majority of the aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the City. No owner of any Bond shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Bonds and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Section 18. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 19. Rates and Charges. The rates and charges which will be needed and charged to the general classes of users or property to be served by the Waterworks in order to provide sufficient moneys to make payments of principal of and interest on the Bonds and other revenue bonds secured by the net revenues of the Waterworks, as described herein, along with the other payments identified in this Ordinance, is set forth in Ordinance No. 12-01 adopted by this Common Council on March 12, 2012, which Ordinance is incorporated herein by reference.

Section 20. Payments on Holidays. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar and Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the actual date established in this Ordinance, and no interest shall accrue for the period after such nominal date.

Section 21. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance.

Section 22. Effective Date. This Ordinance shall be in full force and effect from and after its passage and upon compliance with the procedures required by law.

* * * * *

ALL OF WHICH IS ORDAINED THIS ______ DAY OF _____________, 2013.

WESTFIELD COMMON COUNCIL

Voting For	**Voting Against**	**Abstain**
____________________ Jim Ake	____________________ Jim Ake	____________________ Jim Ake
____________________ John Dippel	____________________ John Dippel	____________________ John Dippel
____________________ Steven Hoover	____________________ Steven Hoover	____________________ Steven Hoover
____________________ Robert L. Horkay	____________________ Robert L. Horkay	____________________ Robert L. Horkay
____________________ Robert J. Smith	____________________ Robert J. Smith	____________________ Robert J. Smith
____________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric
____________________ Robert W. Stokes	____________________ Robert W. Stokes	____________________ Robert W. Stokes

ATTEST:

____

Cindy J. Gossard, Clerk Treasurer

I hereby certify that ORDINANCE NO. 13-02 was delivered to the Mayor of Westfield on the

_______ day of _____________________, 2013, at ___________ ___. m.

____
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE Ordinance No. 13-02

this _____ day of _____________, 2013.

____
J. Andrew Cook, Mayor

I hereby VETO Ordinance No. 13-02

this _____ day of ___________, 2013.

____
J. Andrew Cook, Mayor

ATTEST:

____
Cindy J. Gossard, Clerk Treasurer

APPENDIX A

UNITED STATES OF AMERICA
STATE OF INDIANA, COUNTY OF HAMILTON

CITY OF WESTFIELD, INDIANA,
WATERWORKS REVENUE TAXABLE BONDS OF 20__

No. __R-__ $__________

Interest Rate	Maturity Date	Original Date	Authentication Date	CUSIP
_____%	________, 20__	___________, 20__	__________, 20__	________

Registered Owner: _________________

Principal Amount: _________________ Dollars

The City of Westfield (the "City"), in Hamilton County, State of Indiana, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above, on the Maturity Date stated above (unless this bond be subject to and shall have been called for redemption prior to maturity as hereinafter provided), and to pay interest on said Principal Amount until the City's obligation with respect to the payment of said Principal Amount shall be discharged, at the Interest Rate per annum stated above from the interest payment date immediately preceding the Authentication Date of this bond, unless this bond is authenticated after the last day of the calendar month immediately preceding an interest payment date and on or before such interest payment date, in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before ___________, 20__, in which case the interest shall be paid from the Original Date stated above. Interest on this bond shall be payable semiannually on January 15 and July 15 of each year, commencing ____________ 15, 20__, and shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of and premium, if any, on this bond are payable at the principal office of the _________________________________, or of any successor registrar and paying agent appointed by the City pursuant to the ordinance hereinafter mentioned (the "Registrar and Paying Agent "). All payments of interest hereon shall be paid by check or draft mailed or delivered by the Paying Agent to the Registered Owner hereof at the address as it appears on the registration books of the Registrar as of the last day of the calendar month immediately preceding the applicable interest payment date or at such other address as is furnished to the Registrar and Paying Agent in writing by such Registered Owner. Interest on, together with the principal of, this Bond will be paid directly to The Depository Trust Company, New York, New York ("DTC"), by wire transfer in same day funds by the Paying Agent so long as DTC or its nominee is the registered owner of the Bond. All payments on this bond shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

This bond and the other bonds of this issue, together with the interest payable hereon and thereon, are payable solely from and secured by an irrevocable pledge of and constitute a first charge upon all of the Net Revenues (herein defined as the gross revenues of the waterworks of the City remaining after the payment of the reasonable expenses of operation, repair and maintenance), derived from the waterworks of the City, including the existing works, the improvements and extensions acquired or constructed out of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto subsequently acquired or constructed; and rank on parity with: the (i) "Waterworks Revenue Bonds of 1998," dated July 1, 1998 ("1998 Bonds"), originally issued in the amount of $2,400,000 and now outstanding in the amount of $1,025,000 and maturing annually over a period ending July 15, 2018; and (ii) "Waterworks Revenue Bonds, of 2002" dated May 22, 2002 ("2002 Bonds" and, together with the 1998 Bonds, the "Outstanding Bonds"), originally issued in the amount of $9,345,000 and now outstanding in the amount of $6,055,000 and maturing annually over a period ending July 15, 2023. The City shall not be obligated to pay the principal of or interest on this bond except from the special fund, entitled the "Waterworks Sinking Fund" (created by the Ordinance, as hereinafter defined), provided from the Net Revenues of such waterworks, and neither this bond nor any of the bonds of the issue of which this bond is a part shall constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

This bond is one of an authorized issue of bonds of the City of like tenor and effect, except as to numbering, interest rate and date of maturity, in the aggregate principal amount of ___________________________ Dollars ($__________) numbered from __R-1 upward, issued for the purpose of providing funds to pay the cost of certain improvements and extensions to the waterworks of the City (the "Waterworks"), and all expenses necessarily incurred in connection with the issuance of such bonds, as authorized by Ordinance No. _____, adopted by the Common Council of the City on the ____ day of ____________, 2013, entitled "An Ordinance of the Common Council of the City of Westfield, Indiana, Authorizing the Issuance and Sale of Additional Revenue Bonds to Provide Funds for the Payment of the Costs Related to the Disposition of the City's Waterworks Utility, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Sale of the Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters" (the "Ordinance"), and in strict compliance with the provisions of Indiana Code, Title 8, Article 1.5, and the laws amendatory thereof and supplemental thereto (the "Act").

Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owner of the bonds and the City and the terms on which this bond is issued, and to all the provisions of the Ordinance to which the owner hereof by the acceptance of this bond assents.

The City reserves the right pursuant to the terms and conditions of the Ordinance to authorize and issue additional bonds hereafter payable out of the Net Revenues of the Waterworks, ranking on a parity herewith or junior hereto for the purpose of financing future extensions and improvements to the Waterworks.

This bond is issuable only in fully registered form in the denomination of Five Thousand Dollars ($5,000) or any integral multiple thereof not exceeding the aggregate principal amount of the bonds of this issue maturing in any one year.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of this issue, together with any bonds hereafter issued on a parity herewith and therewith, are secured by and are payable solely from the Waterworks Sinking Fund created by the Ordinance, to be provided from the Net Revenues derived from the Waterworks, including the existing works, the improvements and extensions acquired or constructed out of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed and acquired. This Bond shall rank on a parity with the Prior Obligations and the other Bonds issued pursuant to the Ordinance as provided therein. This Bond does not and shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the City is not and shall not be obligated to pay this bond or the interest thereon except from such special fund provided from such Net Revenues.

The City irrevocably pledges the entire Net Revenues of the Waterworks, to the extent necessary for such purposes, to the prompt payment of the principal of and interest on the bonds of this issue authorized pursuant to the Ordinance, including this bond, and any bonds hereafter issued on a parity herewith and therewith. The City covenants that it will to the fullest extent permitted by law cause to be fixed, maintained and collected such rates and charges for services rendered by such works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of said works and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Act and said Ordinance. In the event the City, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the principal of or interest on this bond, the Registered Owner of this bond shall have all of the rights and remedies provided for under Indiana law.

The City further covenants that it will set aside and pay into its Waterworks Sinking Fund a sufficient amount of the Net Revenues of the Waterworks to meet (a) the interest on all bonds payable from the revenues of the Waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of all bonds payable from the revenues of the Waterworks, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance.

The bonds of this issue maturing on or after ____________, 20__, are subject to redemption prior to maturity, at the option of the City, in whole or in part (and if in part, only in authorized denominations and in order of maturity determined by the City and by lot within any such maturity or maturities in such manner as may be designated by the Registrar), on any date on or after ____________, 20__, at a redemption price equal to one hundred percent (100%) of the principal amount of the bonds to be redeemed, plus accrued and unpaid interest on the bonds so redeemed to the redemption date, and without premium.

Notice of any such redemption shall be sent by registered or certified mail to the Registered Owner of this bond at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption, unless such notice is waived by the Registered Owner. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and in case of partial redemption, the respective principal amounts) of the bonds called for redemption. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment.

Prior to the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of the bonds or portions thereof called, together with accrued interest thereon to the redemption date and any required premium. No payment shall be made by the Paying Agent upon any bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by the Ordinance with respect to any mutilated, lost, stolen or destroyed bond.

If this bond or a portion hereof shall have become due and payable in accordance with its terms or this bond or a portion hereof shall have been duly called for redemption or irrevocable instructions to call this bond or a portion hereof for redemption shall be given and the whole amount of the principal and the premium, if any, and interest, so due and payable upon this bond or such portion hereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in clause (ii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case this bond or such portion hereof shall no longer be deemed outstanding, entitled to the pledge of the Net Revenues of the Waterworks or an obligation of the City.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such bond or the redemption price, as appropriate, and thereafter the Registered Owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the City shall have no further obligation or liability with respect thereto.

Subject to the provisions of the Ordinance regarding the registration of such bonds, this bond and all other bonds of the issue of which this bond is a part are fully negotiable instruments under the laws of the State of Indiana. This bond is transferable or exchangeable only on the books of the City maintained for such purpose at the principal office of the Registrar, by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner or his attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any exchange or transfer of this bond (i) during the fifteen (15) days immediately preceding an interest payment date on this bond, (ii) during the fifteen (15) days immediately preceding the mailing of a notice calling this bond for redemption, or (iii) after the mailing of any notice calling this bond for redemption. The City, the Registrar and any Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and the redemption premium, if any, and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and to the Registrar, together with indemnity satisfactory to them. In the event that this bond, being mutilated, lost, stolen or destroyed, shall have matured or been called for redemption, instead of causing to be issued a duplicate bond the Registrar may pay this bond upon surrender of this mutilated bond or upon satisfactory indemnity and proof of loss, theft or destruction in the event this bond is lost, stolen or destroyed. In such event, the City and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, whether or not this bond, being lost, stolen or destroyed, shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and the owners of the bonds of this issue authorized thereunder, including this bond, may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least a majority of the aggregate principal amount of such bonds exclusive of any such bonds which may be owned by the City.

The Registered Owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance.

The City, the Registrar and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and the interest due hereon and for all other purposes, and none of the City, the Registrar or the Paying Agent shall be affected by any notice to the contrary.

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

The City hereby certifies, recites and declares that all acts, conditions and things required to be done precedent to and in the preparation, execution, issuance and delivery of this bond have been done and performed in regular and due form as required by law.

* * * * *

IN WITNESS WHEREOF, the City of Westfield, in Hamilton County, State of Indiana, has caused this bond to be executed in its corporate name and on its behalf by the manual or facsimile signature of its Mayor and its corporate seal to be hereunto affixed or impressed by any means and attested by the manual or facsimile signature of its Clerk-Treasurer.

CITY OF WESTFIELD, INDIANA

By: ______________________________
Mayor

(Seal of the City)

ATTEST:

____
Clerk Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the City of Westfield, Indiana, Taxable Waterworks Revenue Bonds of 20__, issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

____,
as Registrar

By:____
Authorized Representative

ASSIGNMENT

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

____

(insert name and address)

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

Dated: ________________________

____

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

Signature Guarantee:

____

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

RESOLUTION 13-100

A RESOLUTION ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF LANDS DEFINED IN ORDINANCE 13-04

WHEREAS, the City of Westfield (the "City") desires to annex certain parcels as identified in Exhibit "A" and Exhibit "B" (the "Annexation Area") into the municipality; and,

WHEREAS, pursuant to IC 36-7-4-3.1 a fiscal plan must be prepared and adopted prior to such annexation; and,

WHEREAS, this fiscal plan, identified as Exhibit "C" (the "Plan") and attached hereto and made a part hereof, has been prepared and presented to the Council for consideration; and

WHEREAS, the Plan has been reviewed and complies with the requirements of IC 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED that the Plan attached hereto and made a part hereof is hereby approved and adopted by the Westfield City Council.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ADOPTED AND PASSED THIS ________ DAY OF _______________, 2013, BY THE WESTFIELD CITY COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
______________________ Jim Ake	______________________ Jim Ake	______________________ Jim Ake
______________________ John Dippel	______________________ John Dippel	______________________ John Dippel
______________________ Steven Hoover	______________________ Steven Hoover	______________________ Steven Hoover
______________________ Robert L. Horkay	______________________ Robert L. Horkay	______________________ Robert L. Horkay
______________________ Robert J. Smith	______________________ Robert J. Smith	______________________ Robert J. Smith
______________________ Cindy L. Spoljaric	______________________ Cindy L. Spoljaric	______________________ Cindy L. Spoljaric
______________________ Robert W. Stokes	______________________ Robert W. Stokes	______________________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

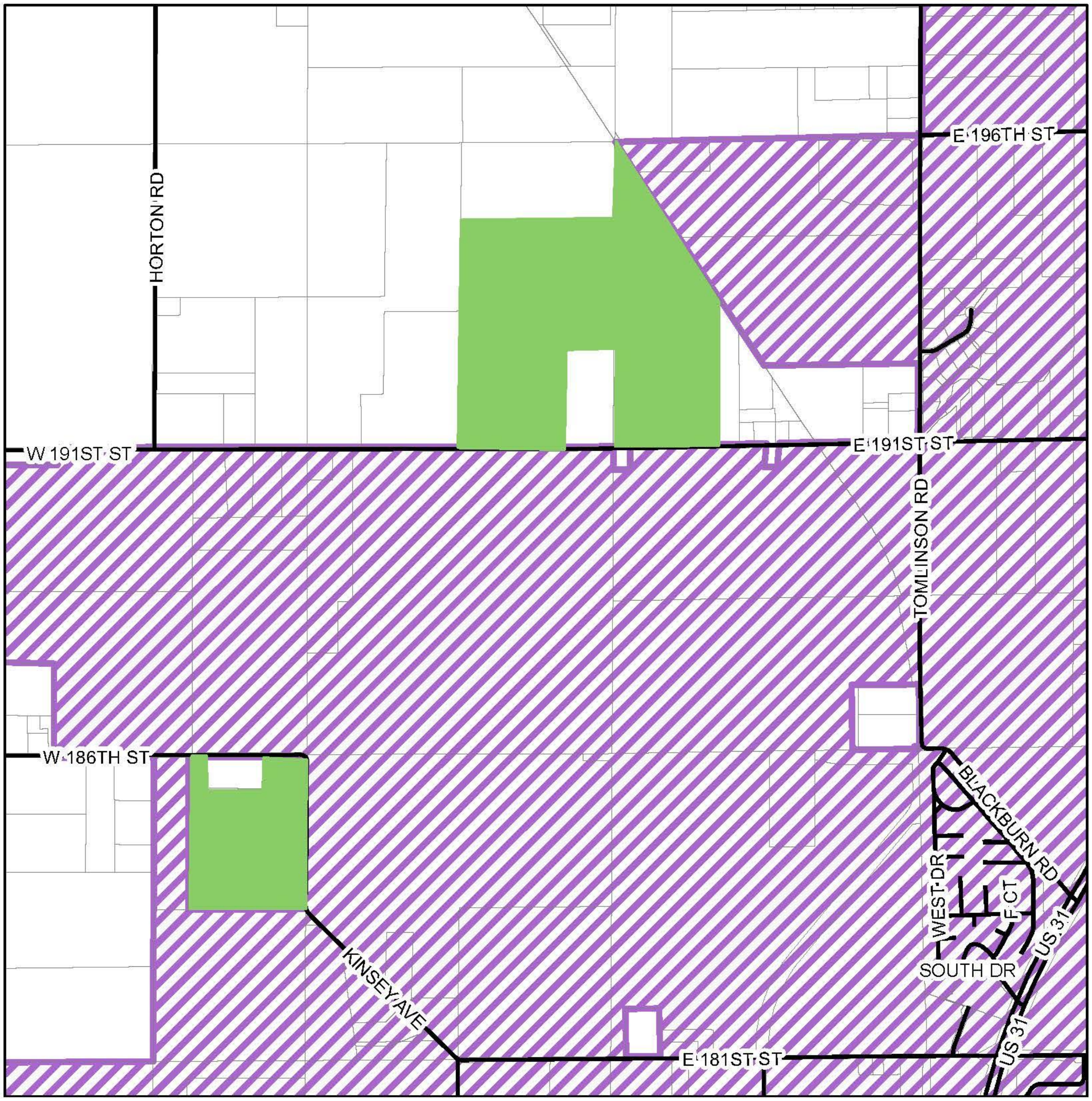
I hereby certify that RESOLUTION 13-100 was delivered to the Mayor of Westfield on the ______ day of _____________, 2013, at _________ ____ m.

____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 13-100	I hereby VETO Resolution 13-100
this ______ day of _____________, 2013.	this ______ day of _____________, 2013.
_____________________________________	_____________________________________
J. Andrew Cook, Mayor	J. Andrew Cook, Mayor

CITY OF Westfield INDIANA

EXHIBIT A: PARCEL LOCATION MAP



Legend

Parcels to be Annexed

Existing City Limits

Parcels

Streets

N
W
E
S

Exhibit "B"

Legal Descriptions of Property to be Annexed

Parcel # 08-05-35-00-00-003.000

Beginning at the NE ¼ of the NW ¼ in Section 35, Township 19 and Range 3 East
S 72-11-4 W Distance: 49.126 ft.
To point of beginning
Arc Length: 54.536
Chord Distance: 49.426
Chord Height: 9.881
S 0-14-42 W Distance: 1059.43 ft.
S 1-26-17 W Distance: 187.279 ft.
S 4-11-36 E Distance: 23.112 ft.
S 14-1-35 E Distance: 14.647 ft.
S 89-56-19 W Distance: 1006.001 ft.
N 0-3-22 E Distance: 1318.611 ft.
N 89-47-23 E Distance: 158.031 ft.
S 0-11-6 W Distance: 269.502 ft.
S 89-26-29 E Distance: 480.053 ft.
N 1-17-43 E Distance: 274.28 ft.
N 89-25-51 E Distance: 333.186 ft.
To the point of beginning containing 27.72 acres more or less.

Parcel #08-05-26-00-00-008.000 & 08-05-25-00-00-001.000

Beginning at the NE ¼ of the SE ¼ of Section 26 Township 19 Range 3 East
N 12-32-44 E Distance: 21.452 ft.
To the point of beginning
N 88-55-56 E Distance: 912.729 ft.
N 0-12-5 W Distance: 1277.558 ft.
N 33-33-6 W Distance: 1608.389 ft.
S 88-42-19 W Distance: 7.522 ft.
S 0-15-9 W Distance: 658.267 ft.
S 89-35-46 W Distance: 1327.523 ft.
S 0-13-49 W Distance: 1972.106 ft.
S 89-59-42 E Distance: 903.81 ft.
N 0-4-17 E Distance: 858.661 ft.
S 89-10-10 E Distance: 425.605 ft.
S 0-15-10 W Distance: 847.508 ft.
To the point of beginning containing 93.9 acres more or less.

Exhibit "C"

Fiscal Plan

Fiscal Plan for the Voluntary Annexation of Real Estate Contiguous to the City of Westfield, Indiana

Generally described as the real estate located on the southwest corner of 186th Street and Kinsey Avenue and the area north of 191st Street and west of Tomlinson Road.

This Fiscal Plan Supports Ordinance 13-04

This Fiscal Plan is Exhibit "C"

Referenced in Resolution 13-100

Introduction

The purpose of this report is to outline the estimated fiscal impact of annexation upon the City of Westfield (the "City") and ability of the City to provide necessary municipal capital and non-capital services to an area proposed for annexation. The area proposed for annexation that is analyzed in this report is referred to as the "Merrill Annexation Area" and is generally located on the southwest corner of 186th Street and Kinsey Avenue and also the area north of 191st Street and west of Tomlinson Road. The annexation is 100% voluntary.

The Indiana Statute (IC 36-4-3-13(d)) governing annexation activity by the City of Westfield requires the preparation of a written fiscal plan and the establishment of an annexation policy, by resolution, as of the date of the annexation ordinance. The fiscal plan is required to present cost estimates and a plan for the extension of municipal services to the area proposed for annexation. Municipal services of a non-capital nature are required to be provided within one (1) year of the effective date of the annexation ordinance to the extent that such services are equivalent in standard and scope to those services already provided within the city limits. Municipal services of a capital improvement nature are required to be provided within three (3) years of the effective date of the annexation ordinance to the extent that such services are equivalent in standard and scope to those services already provided within the city limits.

This report contains an analysis of the revenues and expenditures that will result from the annexation of certain territory by the City. While the City is committed to providing the highest quality service to all areas of the community, the dollar figures presented here are only estimates and are subject to change. Variations may occur depending upon the rate and extent of future development, an increase or decrease in the cost of providing municipal services, or fluctuations in future property assessments.

City of Westfield

Annexation Philosophy and Plan

A. Fiscal Policy of the City

It is appropriate to state that the annexation policies of the City are expected to correspond with the fiscal policies of the City. Therefore, it is the policy of the City of Westfield that annexation(s) should only be undertaken under circumstances which are not adverse to the fiscal interests of the current residents and taxpayers of the City of Westfield.

B. General Philosophy and Plan

The philosophy and plan of the City of Westfield is to annex real estate into its corporate limits in accordance with the terms of Title 36, Article 4, Chapter 3 of the Indiana Code. The adoption of an ordinance authorizing such annexation shall:

1. Provide the residents of the City of Westfield with a broad, stable and growing economic tax base; and,

2. Provide a plan for the quality and quantity of urban development in a coordinated manner; and,

3. Provide for preservation and enhancement of the public's overall health, safety, and welfare, regarding all of the City's residents; and,

4. Allow for the provision of services to the annexed area in a cost effective manner that will not significantly impact existing residents.

C. Further the City Shall:

1. First seek the voluntary annexations of new developments contiguous to the current City boundaries. It is certainly the preference of the City of Westfield to implement annexation action under the most amenable conditions possible. Therefore, in cases where it is practical and possible to achieve consensus, the City prefers to proceed with annexation under the "voluntary" provisions of the statute (IC 36-4-3-5); and,

2. Enhance the existing assessed valuation of the municipality through voluntary annexations; and,

3. Consider any requests for voluntary annexation from existing parcels; and,

4. Consider any forced annexations that will positively impact the future economic development opportunity of the community.

D. Financial Incentives in Support of Annexation

Aside from the issue of municipal services, the City has developed annexation and growth policies with support for the concept of applying economic incentives to the annexation policies as a basis for building public support and popular consensus. The financial incentives available to the City of Westfield include:

- tax abatement provided by IC 36-4-3-8.5;
- delay of the effective date of the annexation provided by IC 36-4-3-8;
- negotiation of supplemental services (based on surplus tax revenues);
- elimination of utility services surcharges;
- appropriate arrangements as provided by IC 36-4-3-21; and,
- agricultural tax liability exemption for municipal taxes provided by IC 36-4-3-4.1.

It is the fundamental position of the City; however, that the extension of such financial incentives shall be made primarily in those cases where it is appropriate to the fiscal and governmental interests of the City of Westfield.

Parcel Analysis

A. Location

The Merrill Annexation Area is generally described as the real estate located adjacent to the existing corporate limits; the southwest corner of 186th Street and Kinsey Avenue and the area north of 191st Street and west of Tomlinson Road (see attached Exhibit 1, Parcels to be Annexed).

B. Contiguity

The Merrill Annexation Area meets the contiguity requirements of IC 36-4-3-1.5.

C. Size

The Merrill Annexation Area encompasses an area of approximately 122 acres.

D. Population

The Merrill Annexation Area has zero inhabitants.

E. Structures

The Merrill Annexation Area contains one (1) barn and one (1) grain bin.

F. Zoning

The Merrill Annexation Area is currently located within the planning and zoning jurisdiction of the City of Westfield through a joinder agreement with Washington Township served by the Westfield-Washington Township Advisory Plan Commission. If annexed, the parcels will remain in the same planning jurisdiction.

The zoning designation in The Merrill Annexation Area is Agricultural/Single-Family (AG-SF1).

G. Property Tax Assessment

The 2011 pay 2012 total net assessed valuation of all real property and its improvements located within the Merrill Annexation Area is $227,700.

H. Municipal Property Tax Rate

The existing 2011 pay 2012 property tax rate assessed to all real property and its improvements within the Merrill Annexation Area is $2.5635 per $100 of assessed valuation. This is the total

Washington Township tax rate assessed to all real property and its improvements, subject to any property tax "cap" which may apply.

I. Council District

The Merrill Annexation Area will be incorporated into Council District 3.

Municipal Services

The City of Westfield currently extends to its citizens a diverse range of public services. These services are provided by seven different municipal departments. Each department has a unique function within the municipal service system of the City. These departments include: Police, Fire, Public Works, Informatics, Administration, Parks and Recreation and Economic and Economic and Community Development.

Each of the municipal service sectors are analyzed in this section to determine the impact of annexation on their ability to provide both capital and non-capital services to the area proposed for annexation as required by Indiana law. The method used to determine the fiscal impact of annexation is known as "fiscal impact analysis".

Fiscal impact analysis is a method of evaluation that is used to measure and project the direct public costs and revenues associated with residential and non-residential growth within a municipality. It explores public (government) costs and revenues. It does not consider private costs of public actions. Therefore, special assessments on real property or the value of land dedications required of developers are considered private revenues. Individual services contracted for homeowners associations, neighborhoods, and similar groups are also considered private.

All municipal departments were analyzed to determine the extent of the affect of annexation. The Police, Fire, Public Works, Informatics, Administration, Parks and Recreation and Economic and Community Development Departments were identified as being affected by the annexation of new territory. The effect on most of these departments is determined to be minimal and is likely to create no demand for additional personnel and associated expenditures. It can therefore be assumed the area proposed for annexation will not affect the workload of these departments or cause the need for additional expenditures associated with the provision of services.

The existing levels and costs of service provisions for each department are outlined below:

A. Police Department

The 40 uniformed officers of the City of Westfield Police Department provide the citizens of Westfield with public safety and emergency response service throughout the corporate limits of the City. The individual services include: neighborhood patrols for the prevention of crime; detection and apprehension of criminal offenders; resolution of domestic disputes; anti-crime and anti-drug public education; traffic control and accident reporting; and the creation and maintenance of a general feeling of safety and security throughout the community.

The services provided by the Police Department vary in their individual requirements for personnel and financial resources and are subject to annual review and approval by the Westfield City Council.

Annual operating costs associated with the addition of one (1) uniformed police officer(s) include salary, overtime pay, holiday pay, clothing and uniform allowance, health insurance, training, pension benefits and administrative overhead.

Capital one-time costs associated with the addition of one (1) uniformed police officer(s) include a patrol vehicle and related equipment. These costs have been factored together to arrive at necessary service level increases for various areas under consideration for annexation.

The area identified for annexation includes 122 acres and is currently uninhabited. The City of Westfield will provide police service to the proposed annexation area upon the effective date of annexation through the extension of an existing patrol area with existing personnel.

Provisioning of planned service of a non-capital nature within one year.
The services can be provided for the annexed area with existing personnel. Any additional cost for patrol coverage can be accommodated within the existing budget.

Provision of planned services of a capital improvement nature within three years.
Any additional capital requirements can be accommodated in future budgets through the annual budgeting process.

B. Fire Department

The 70 Firefighters, EMS and Paramedics personnel employed by the City of Westfield Fire Department respond to fire emergencies, chemical and hazardous material spills, and general life safety emergencies through the corporate limits of Westfield and throughout the remainder of Washington Township, Hamilton County.

The personnel of the Fire Department are assigned to three (3) fire stations located on Dartown Road (Headquarters), 151st Street, and Grassy Branch Road. Each station is the primary respondent to emergencies within its assigned geographical area. Secondary response is provided by personnel and equipment by volunteer and paid city and town fire departments in adjacent communities.

The existing Fire Department currently has the entire responsibility for services throughout Washington Township; therefore, the annexation of this new territory will not change the impact or the need for additional personnel.

Provisioning of planned service of a non-capital nature within one year.
The services can be provided for the annexed area with existing personnel because current services already serve the entire township.

Provision of planned service of a capital nature within three years.
The capital services required for future growth in the fire services for Washington Township will be managed through the annual budgeting process.

C. Public Works - Street Division

The Street Division of the City of Westfield is part of the Public Works Department and has responsibility for the maintenance and upkeep of all streets and public rights-of-way within the City Limits of Westfield. Maintenance activities include potholes and curb repair, mowing of weeds and other vegetation, street sweeping, sign maintenance and replacement, pavement striping, and snow removal. It is also responsible for reconstruction of sidewalks and removal of dead or damaged trees from the City rights-of-way.

Other responsibilities include resurfacing and reconstruction of all public roads with the exception of the roads falling under the jurisdiction of the Indiana Department of Transportation or the Hamilton County Highway Department. These operations are primarily funded from the Motor Vehicle Highway (MVH) fund, the Local Road and Street Fund (LR&S), and the Road and Street Improvement Fund. The budgeted expenditures for MVH and LR&S is approximately $843,000 for 2012, which is approximately $4,532 per road mile.

<u>Provisioning of planned service of a non-capital nature within one year.</u>
Street Division services can be provided for the annexed area with existing personnel. All streets adjacent to the Merrill Annexation Area are already annexed.

<u>Provision of planned service of a capital nature within three years.</u>
The intent of the City with respect to future road construction will require future developers to improve, or contribute financially to the improvement of existing roadways in accordance with the impact of any proposed development on the traffic loads. Road improvements are evaluated each year and the annexed area would be in that annual review process for consideration of improvements.

D. Public Works Department - Water and Sewer Services

The Westfield Public Works Department is responsible for the operation of the Water and Wastewater works for the City of Westfield. Services for both water and sewer are provided within the corporate limits and into portions of Washington Township.

The area proposed for annexation is currently served by City water and sewer service.

a. Utility Service

The City of Westfield will provide access to sewer and water utility service for any proposed development, with the costs for connecting to that utility service to be borne by the developer/owner, in accordance with the policies and fee structure set forth by the Westfield City Council.

The development policies of the City of Westfield and the Westfield-Washington Township Advisory Plan Commission have required developers to install sewer and water utilities within their developments for the vast majority of developed sites in the Township for many years. In most cases, the developer installs such infrastructure and then adds this cost to the price of the developed parcel. This means that the cost of such infrastructure is paid by each individual property owner. However, in some cases, based upon the specific request of the developer or owner, the development has been allowed to proceed without utility connections.

The City's policy for utility connection shall be that the developer or owner may choose not to connect the proposed development to the municipal utility systems, and thus avoid the immediate cost of said connection. However, when utility connections are later required, for whatever reason, the system of fees and charges promulgated by the Westfield City Council shall apply to that utility connection. In this manner, the cost of installation of utility infrastructure is equitable to all property owners within the service area of the utility, whether the owner decides to connect to the utility systems when the development first occurs, or whether the owner decides to connect at some later date. The City currently has a method for allocating the cost of utility connections in a manner which is favorable to the property owners.

The City also reserves the right to consider other options for providing utility services when working with areas proposed for annexation. Options which may be considered include, but are not limited to: payment plans, enlargement of payment periods, discounts, Barrett Law funding, bonds, inter-local agreements and BOT agreements.

b. Municipal Water Utility

The municipal water utility provides potable water service to properties within the service area of the water utility and in many cases outside of the corporate limits of the municipality. The municipal water utility technically provides the service of pumping water from the water source, treating the water to some level, distributing the water into the system of municipal water lines, storing the water for peak demand and fire protection purposes, and maintaining the system, in its entirety. This policy states that the water utility meets the parameters of providing access to water utility service, to a property, when a municipal water distribution line is within the distributive area of a main trunk line or lateral line. When water lines are already developed with respect to a specific property, the water utility is made directly available to that property when a water line is located within 300 lineal feet of the nearest property line of the developed parcel. Water utility service and connection costs are handled in a manner similar to that of the wastewater utility.

In some cases, property owners have not connected their property to the municipal water system and use private water sources (primarily wells) instead. This election is made by the property owner in accordance with the development standards of the property at the time of the original development. The municipal water system also extends beyond the corporate limits of the municipality and service is provided to property in unincorporated areas.

The water utility is administered by the Westfield City Council who is responsible for recommending user charges to the legislative body of the municipality for implementation. The legislative body of the municipality may consider changes to the user charge system to reflect special situations, as well as changes in policy with regard to the type of customer and/or the location (inside or outside of the corporate limits of the municipality).

The policy of providing municipal water service is not to be construed as being "free" in any respect, and these costs are certainly not covered by property taxes. The water utility is supported by a system of user charges which is administered by the Westfield City Council. In addition, the development policies and standards of the municipality require the developer or owner to pay any capital costs associated with the extension of water distribution facilities into any proposed development. The major capital expenditures covered by the water utility (outside of the service extensions afforded by the developers) are the capital cost of constructing and maintaining water pumping and treatment and storage facilities. These are paid either directly or indirectly through the utility's user charge system. The cost of extending distribution lines is to be borne by the property owner or developer.

Property tax revenues are not a part of the water utility budget. The water utility sets a system of user charges which are generally paid on a monthly basis. Those user charges cover both the capital and operating costs of the water utility. In addition to monthly service charges, the water utility may consider and/or establish a system of fees or other services such as various connection fees, or supplemental fees for special facilities installed to meet the needs and demands of customers. The water utility is also subject to some regulatory requirements which are administered at the State and Federal level. As such, the system of fees and charges must be adjusted from time to time to remain current with regulatory and other requirements.

c. Fire Hydrants

Fire hydrants are generally supported by the user charge system of the water utility. As stated with regard to other services, the municipality may seek changes in the system of revenues used to pay for such services; however, at this time the policy of the City is that the developer of the site – without regard to the nature of the development – is responsible for installing the fire hydrants necessary to protect the proposed development from catastrophic fire.

d. Municipal Wastewater Utility

The municipal wastewater utility provides access to wastewater collection, treatment and disposal service to all properties within the corporate limits of the municipality. This policy states that the municipality meets the parameters of providing access to municipal wastewater service when the parcel is within the drainage watershed of a major interceptor, trunk or lateral sewer which ultimately delivers wastewater to the municipal wastewater treatment plant. In cases where sewer laterals are made available to developed parcels, the standard for service is met when a municipal sewer is located within 300 lineal feet of the nearest property line of the parcel.

In some cases, property owners have chosen not to connect their development to the municipal sewer system and use private wastewater disposal facilities (primarily septic tanks), instead. This decision is based purely upon the owner's election and the development standards of the original property development. As noted above, the general policy of the City is that the developer pays the cost of installing wastewater utility service in accordance with the schedule of fees and charges in effect at that time, and then adds that cost to the price of the developed parcel. In this manner, the property owner ultimately pays for the cost of the wastewater utility connection.

In the case of developers or owners who elect not to pay the cost of wastewater utility connections for whatever reason, it is the policy of the City of Westfield to respect that decision. However, when those private wastewater facilities become dysfunctional, it is the policy of the City of Westfield to provide such wastewater utility connections at the capital expense of the owner, and in accordance with the schedule of fees and charges set forth by the Westfield City Council at the time the work is undertaken. In this manner, the provision of wastewater utility services is equitable to all property owners.

The municipal wastewater system extends beyond the corporate limits of the municipality and municipal wastewater service is provided to property in unincorporated areas. The wastewater utility is also administered by the Westfield City Council which is responsible for developing and recommending a system of user charges for implementation. These user charges must cover the cost of both capital and operations of the wastewater utility. The municipality may consider changes to the user charge system to reflect special situations, as well as changes in policy with regard to the type of customer or the location (inside or outside of the corporate limits of the municipality).

The policy of providing municipal wastewater service is also not to be construed as being "free" in any respect, and the costs of such services are certainly not covered by property taxes. The wastewater utility is supported by a system of user charges which is administered by the Westfield City Council to cover both capital and operating expenses, in cooperation with the municipality. Property tax revenues are not a part of the wastewater utility budget. The development standards of the municipality are such that the capital cost of wastewater utility services are afforded by the developer as part of the development of the property (and that cost is ultimately passed on to property owners). In addition to monthly service charges, the wastewater utility has established a system of fees for other services such as various connection fees, and/or supplemental fees for special facilities installed to meet the needs and demands of various customers. The cost of extending distribution lines is to be borne by the property owner or developer. The wastewater utility is also subject to regulatory requirements which are administered at the State and Federal level. As such, the system of fees and charges must be adjusted from time to time to remain current with regulatory and other requirements.

Wastewater utility services which are within the wastewater service area of the City of Westfield will be extended to any property desiring wastewater services and charges for the capital and non-capital cost of extending these wastewater services will be paid by the property owner in accordance with the approved schedule of rates and charges of the wastewater utility, and in accordance with approved annexation policies of the City. Currently, private developers install the local collector sewers as part of their development cost and pay access, as well as, capacity fees for the interceptor and treatment plant costs.

E. Parks and Recreation

The Westfield Parks and Recreation services are funded out of the Parks budget with the City of Westfield. The inventory of facilities include: Armstrong Park, Old Friends Cemetery Park, Osborne Park, Raymond Worth Park, Quaker Park, Simon Moon Park, Asa Bales Park, Liberty Park, Hadley Park and Freedom Trail Park. The inventory of trails include: Monon, Midland Trace, Natalie Wheeler, Anna Kendall, and Cool Creek. These parks and recreation operations are supported by the City's General Fund. The proposed annexation is not anticipated to have an appreciable effect on existing park facilities and no additional costs for this function are anticipated.

Provisioning of planned service of a non capital nature within one year
The services can be provided for the annexed area with the existing budget.

Provision of planned service of a capital nature within three years
The capital services required for future growth in parks will be accomplished through the annual budgeting process.

F. Clerk-Treasurer

The Clerk-Treasurer of the City of Westfield is responsible for the maintenance of all city records.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with existing personnel.

Provision of planned service of a capital nature within three years.
The capital services required for this department can be accomplished through the annual budgeting process.

G. Economic and Community Development Department

a. Planning Division

The Planning Division of Economic and Community Development is responsible for all of the planning and zoning support for the Westfield-Washington Township Advisory Plan Commission and the Westfield-Washington Township Board of Zoning Appeals. These responsibilities currently involve all of Washington Township; therefore, no service level increases are expected for this division with respect to the proposed annexation area.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with exiting personnel who already serve the entire Township area.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

b. Economic Development Division

The Economic Development Division of Economic and Community Development is responsible for all of the economic development functions within the City of Westfield corporate limits. No service level increases are expected for this division with respect to the proposed annexation area.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with exiting personnel who already serve the entire Township.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

c. Building Division

The Building Division of Economic and Community Development processes building permits throughout all of the Washington Township, Hamilton County area. It conducts inspections on new buildings and unsafe structures. Since this division currently functions throughout the entire Township, no service level increases are expected for this division with respect to the proposed annexation.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with existing personnel, who already serve the entire Township.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

Financial Summary

The Merrill Annexation Area has been researched and analyzed in accordance with the terms of the Indiana Code, Title 36, Article 4, Chapter 3.

The primary source of revenue for the City of Westfield is that which is received from property taxes and COIT (County Option Income Tax).

The net assessed valuation of all real property and its improvements within the area proposed for annexation is $227,000.

There are no new road miles or inhabitants as a result of the Merrill Annexation Area. Typically additional population and road miles due to annexation would cause the City of Westfield to receive revenue from other sources that include Alcohol Gallonage Taxes, Cigarette Tax, Vehicle Excise Tax, MVH road miles tax, and LR& S road mile tax.

Assuming the annexation occurs prior to March 1, 2013; the property within the area proposed for annexation will then be entered into public record and assessed for taxation as an incorporated area.

Revenue received by the City of Westfield from property assessed on or before March 1, 2013 will not be realized until May and November of 2013. The delay in the collection of property taxes will cause the City to experience a cost of services from existing budgets due to the required provision of non-capital services in the first year following annexation. To the extent that real costs exceed revenue as a result of this annexation, the City of Westfield is prepared to use funds from other budgeted line items in order to assure that services required by State Statute are provided to the area proposed for annexation. Apart from any costs associated with the Street Division, it is assumed that there will be no additional non-capital costs associated with this annexation.

The City projects that the extension of all municipal services to the existing undeveloped land within the area proposed for annexation will be paid through existing revenue streams. Primarily, the City will receive nominal property taxes from the existing improvements within the annexation. It should be understood, however, that the annexation of undeveloped land has a very minimal impact on municipal revenue streams and generally a minor impact on the provision of municipal services, if proper fiscal planning is performed.

When development occurs, the impact of that development on various revenue streams, as well as the impact of that development on the demand for municipal services, is to be examined by the City as a part of the development approval process. It is the City's stated goal that it seeks to establish fiscal policies which would result in no negative impact on property taxes for existing City residents as a result of growth. Therefore, the City will seek to assure that all proposed development offers a balance between the cost of services demanded and the revenues produced.

It is the intent of the City to pay for extension of all municipal services to the area from revenues generated as a result of the annexation, which will be derived from property taxes, along with other state distributions. The total property tax rate in Washington Township outside of the corporate limits for pay 2012 is $2.5635. The tax rate for all taxpayers in the City/Washington Township, including all overlapping taxing units, is equal to $2.9954, an increase of $0.4319 or 17%.

Exhibit 1

Parcel Location Map (Page 1 of 1)

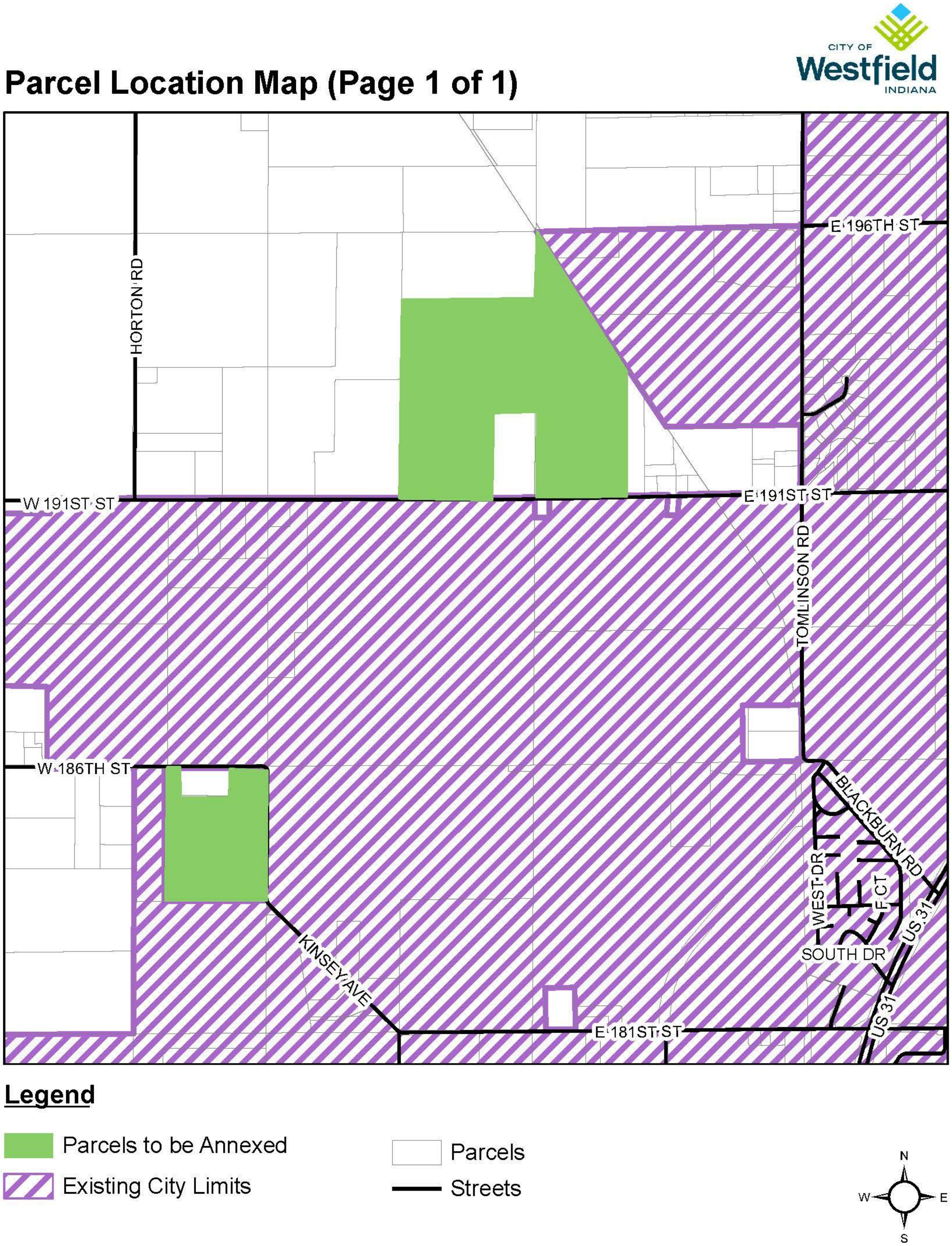


Exhibit 2

Legal Descriptions of Property to be Annexed

Parcel # 08-05-35-00-00-003.000
Beginning at the NE ¼ of the NW ¼ in Section 35, Township 19 and Range 3 East
S 72-11-4 W Distance: 49.126 ft.
To point of beginning
Arc Length: 54.536
Chord Distance: 49.426
Chord Height: 9.881
S 0-14-42 W Distance: 1059.43 ft.
S 1-26-17 W Distance: 187.279 ft.
S 4-11-36 E Distance: 23.112 ft.
S 14-1-35 E Distance: 14.647 ft.
S 89-56-19 W Distance: 1006.001 ft.
N 0-3-22 E Distance: 1318.611 ft.
N 89-47-23 E Distance: 158.031 ft.
S 0-11-6 W Distance: 269.502 ft.
S 89-26-29 E Distance: 480.053 ft.
N 1-17-43 E Distance: 274.28 ft.
N 89-25-51 E Distance: 333.186 ft.
To the point of beginning containing 27.72 acres more or less.

Parcel # 08-05-26-00-00-008.000
Parcel # 08-05-25-00-00-001.000
Beginning at the NE ¼ of the SE ¼ of Section 26 Township 19 Range 3 East
N 12-32-44 E Distance: 21.452 ft.
To the point of beginning
N 88-55-56 E Distance: 912.729 ft.
N 0-12-5 W Distance: 1277.558 ft.
N 33-33-6 W Distance: 1608.389 ft.
S 88-42-19 W Distance: 7.522 ft.
S 0-15-9 W Distance: 658.267 ft.
S 89-35-46 W Distance: 1327.523 ft.
S 0-13-49 W Distance: 1972.106 ft.
S 89-59-42 E Distance: 903.81 ft.
N 0-4-17 E Distance: 858.661 ft.
S 89-10-10 E Distance: 425.605 ft.
S 0-15-10 W Distance: 847.508 ft.
To the point of beginning containing 93.9 acres more or less.

ORDINANCE 13-04

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA

WHEREAS, the Westfield City Council (the "Council") has the authority and desires to annex lands into the municipality as defined by IC 36-4-3; and,

WHEREAS, one hundred percent (100%) of the owners of the parcels proposed for annexation as identified in Exhibit "A" and Exhibit "B" (the "Annexation Area") have filed a petition with the Council; and,

WHEREAS, the Council has conducted a public hearing as required by law with regard to the annexation of the Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Area in accordance with IC 36-4-3-3.1 (Resolution 13-100); and,

WHEREAS, the Annexation Area meets the contiguity requirements of IC 36-4-3-1.5; and,

WHEREAS, the Council now finds that the statutory criteria for annexation have been met; and,

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-515 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:

Section 1. The Annexation Area, generally located on the southwest corner of 186th Street and Kinsey Avenue and the area north of 191st Street and west of Tomlinson Road is hereby annexed to and declared to be a part of the City.

Section 2. The Annexation Area is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the annexation area per IC 36-4-3-2.5.

Section 3. The Annexation Area is hereby assigned to City Council District "3" and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 4. This Ordinance shall be in full force and effect upon its passage by the Council, its publication, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _______ DAY OF _______________, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
____________________ Jim Ake	____________________ Jim Ake	____________________ Jim Ake
____________________ John Dippel	____________________ John Dippel	____________________ John Dippel
____________________ Steven Hoover	____________________ Steven Hoover	____________________ Steven Hoover
____________________ Robert L. Horkay	____________________ Robert L. Horkay	____________________ Robert L. Horkay
____________________ Robert J. Smith	____________________ Robert J. Smith	____________________ Robert J. Smith
____________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric
____________________ Robert W. Stokes	____________________ Robert W. Stokes	____________________ Robert W. Stokes

ATTEST:

____

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 13-04 was delivered to the Mayor of Westfield

on the ______ day of _____________, 2013, at _________ ____ m.

____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 13-04

this ______ day of _____________, 2013.

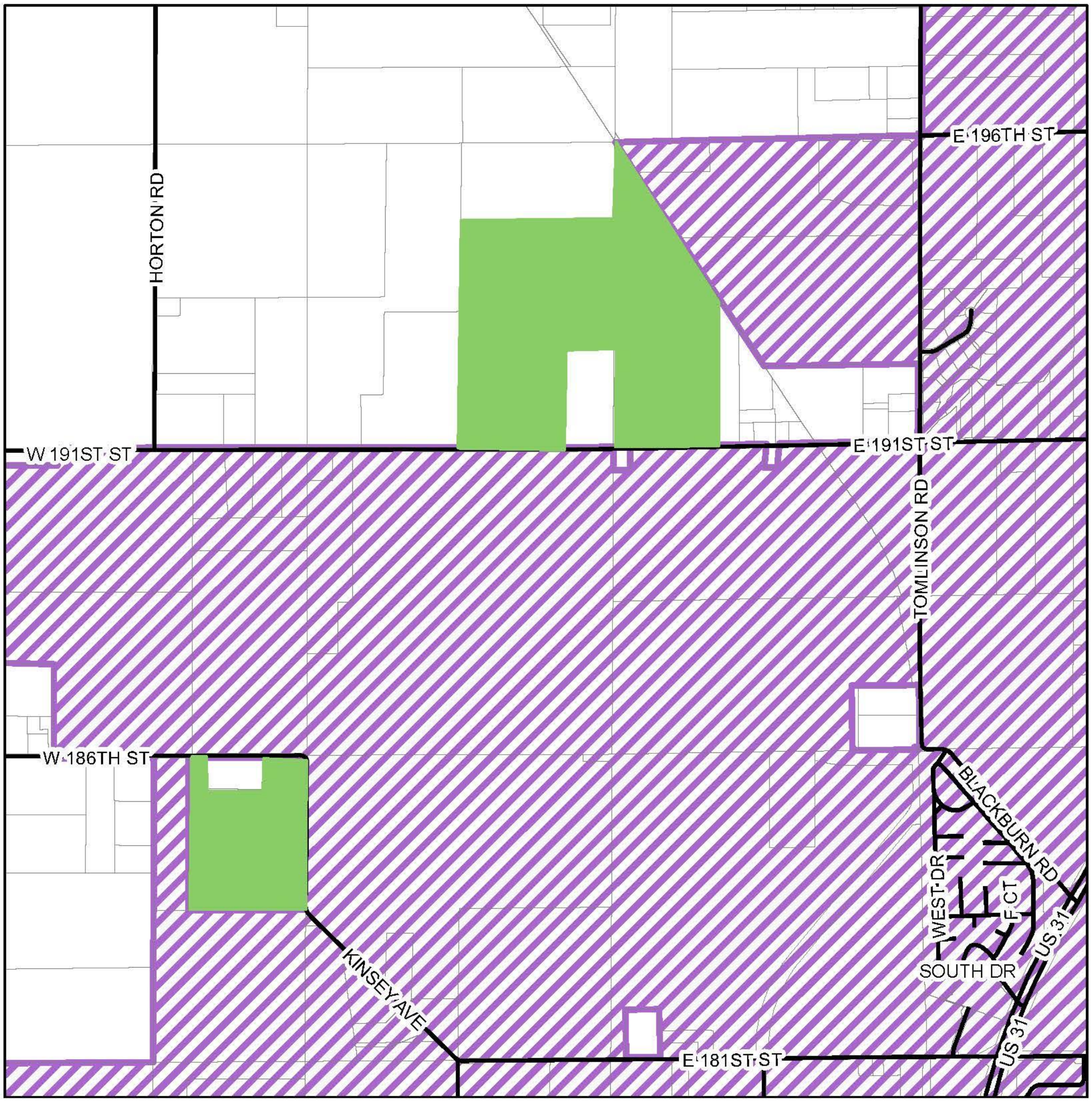
____
J. Andrew Cook, Mayor

I hereby VETO Ordinance 13-04

this ______ day of _____________, 2013.

____
J. Andrew Cook, Mayor

EXHIBIT A: PARCEL LOCATION MAP



Legend

- Parcels to be Annexed
- Existing City Limits
- Parcels
- Streets

Exhibit "B"

Legal Descriptions of Property to be Annexed

Parcel # 08-05-35-00-00-003.000

Beginning at the NE ¼ of the NW ¼ in Section 35, Township 19 and Range 3 East
S 72-11-4 W Distance: 49.126 ft.
To point of beginning
Arc Length: 54.536
Chord Distance: 49.426
Chord Height: 9.881
S 0-14-42 W Distance: 1059.43 ft.
S 1-26-17 W Distance: 187.279 ft.
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S 89-26-29 E Distance: 480.053 ft.
N 1-17-43 E Distance: 274.28 ft.
N 89-25-51 E Distance: 333.186 ft.
To the point of beginning containing 27.72 acres more or less.

Parcel #08-05-26-00-00-008.000 & 08-05-25-00-00-001.000

Beginning at the NE ¼ of the SE ¼ of Section 26 Township 19 Range 3 East
N 12-32-44 E Distance: 21.452 ft.
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N 88-55-56 E Distance: 912.729 ft.
N 0-12-5 W Distance: 1277.558 ft.
N 33-33-6 W Distance: 1608.389 ft.
S 88-42-19 W Distance: 7.522 ft.
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S 89-35-46 W Distance: 1327.523 ft.
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S 89-59-42 E Distance: 903.81 ft.
N 0-4-17 E Distance: 858.661 ft.
S 89-10-10 E Distance: 425.605 ft.
S 0-15-10 W Distance: 847.508 ft.
To the point of beginning containing 93.9 acres more or less.

RESOLUTION 13-103

RESOLUTION TO COMMIT CITY REVENUES TO PAYMENT OF THE STATE INFRASTRUCTURE BANK LOAN

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council has the duty and responsibility for all fiscal commitments by the City; and,

WHEREAS, the City has previously applied for and approved a State Infrastructure Bank ("SIB") Loan in December of 2012.

NOW, THEREFORE, BE IT RESOLVED by the Westfield City Common Council meeting in session as follows:

Section 1. That the City hereby commits to the repayment of the SIB Loan pursuant to the requirements of I.C. 4-10-19-8 with amortization to begin no later than one year from the date of the end of the construction of the project.

Section 2. That an amortization schedule previously prepared by the Indiana Department of Transportation ("INDOT") is attached hereto as Exhibit "A" for demonstrative purposes only as the project has not been scheduled to begin at this time.

Section 2. That the Council hereby authorizes the Mayor to enter into an agreement with INDOT on a new amortization schedule once one has been prepared with the appropriate initiation date of the project has been determined.

Section 3. This Resolution shall be in full force and effect immediately, all acts necessary in the creation of this manual and amendments thereof are hereby ratified.

ALL OF WHICH IS RESOLVED THIS ________DAY OF ________2013.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
______________________ Jim Ake	______________________ Jim Ake	______________________ Jim Ake
______________________ John Dippel	______________________ John Dippel	______________________ John Dippel
______________________ Steven Hoover	______________________ Steven Hoover	______________________ Steven Hoover
______________________ Robert L. Horkay	______________________ Robert L. Horkay	______________________ Robert L. Horkay
______________________ Cindy Spoljaric	______________________ Cindy Spoljaric	______________________ Cindy Spoljaric
______________________ Robert J. Smith	______________________ Robert J. Smith	______________________ Robert J. Smith
______________________ Robert W. Stokes	______________________ Robert W. Stokes	______________________ Robert W. Stokes

ATTEST:

____

Cindy Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 13-103 was delivered to the Mayor of Westfield

on the _______ day of _______________, 2013, at _______ ____ m.

____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE RESOLUTION 13-103

this ______ day of ______________, 2013.

____
J. Andrew Cook, Mayor

I hereby VETO RESOLUTION 13-103

this ______ day of ______________, 2013.

____
J. Andrew Cook, Mayor

ATTEST:

____
Cindy Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

EXHIBIT A - Loan Amortization Schedule

	Enter values
Loan amount	$4,300,000.00
Annual interest rate	2.00 %
Loan period in years	10
Number of payments per year	2
Start date of loan	8/1/2012
Optional extra payments	$ -

	Loan summary
Scheduled payment	$ 238,285.85
Scheduled number of payments	20
Actual number of payments	20
Total early payments	$ -
Total interest	$ 465,717.08

Lender name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	2/1/2013	$ 4,300,000.00	$ 238,285.85	$ -	$ 238,285.85	$ 195,285.85	$ 43,000.00	$4,104,714.15	$ 43,000.00
2	8/1/2013	4,104,714.15	238,285.85	-	238,285.85	197,238.71	41,047.14	3,907,475.43	84,047.14
3	2/1/2014	3,907,475.43	238,285.85	-	238,285.85	199,211.10	39,074.75	3,708,264.33	123,121.90
4	8/1/2014	3,708,264.33	238,285.85	-	238,285.85	201,203.21	37,082.64	3,507,061.12	160,204.54
5	2/1/2015	3,507,061.12	238,285.85	-	238,285.85	203,215.24	35,070.61	3,303,845.88	195,275.15
6	8/1/2015	3,303,845.88	238,285.85	-	238,285.85	205,247.40	33,038.46	3,098,598.48	228,313.61
7	2/1/2016	3,098,598.48	238,285.85	-	238,285.85	207,299.87	30,985.98	2,891,298.62	259,299.59
8	8/1/2016	2,891,298.62	238,285.85	-	238,285.85	209,372.87	28,912.99	2,681,925.75	288,212.58
9	2/1/2017	2,681,925.75	238,285.85	-	238,285.85	211,466.60	26,819.26	2,470,459.15	315,031.84
10	8/1/2017	2,470,459.15	238,285.85	-	238,285.85	213,581.26	24,704.59	2,256,877.89	339,736.43
11	2/1/2018	2,256,877.89	238,285.85	-	238,285.85	215,717.08	22,568.78	2,041,160.81	362,305.21
12	8/1/2018	2,041,160.81	238,285.85	-	238,285.85	217,874.25	20,411.61	1,823,286.57	382,716.82
13	2/1/2019	1,823,286.57	238,285.85	-	238,285.85	220,052.99	18,232.87	1,603,233.58	400,949.68
14	8/1/2019	1,603,233.58	238,285.85	-	238,285.85	222,253.52	16,032.34	1,380,980.06	416,982.02
15	2/1/2020	1,380,980.06	238,285.85	-	238,285.85	224,476.05	13,809.80	1,156,504.01	430,791.82
16	8/1/2020	1,156,504.01	238,285.85	-	238,285.85	226,720.81	11,565.04	929,783.19	442,356.86
17	2/1/2021	929,783.19	238,285.85	-	238,285.85	228,988.02	9,297.83	700,795.17	451,654.69
18	8/1/2021	700,795.17	238,285.85	-	238,285.85	231,277.90	7,007.95	469,517.27	458,662.64
19	2/1/2022	469,517.27	238,285.85	-	238,285.85	233,590.68	4,695.17	235,926.59	463,357.81
20	8/1/2022	235,926.59	238,285.85	-	235,926.59	233,567.32	2,359.27	0.00	465,717.08

ORDINANCE NO. 13-07

AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD TO AUTHORIZE ADDITIONAL JURISDICTION TO THE BOARD OF PUBLIC WORKS AND SAFETY

WHEREAS, the City of Westfield ("City") is governed by its duly elected Mayor and Common Council ("Council") and is charged with the duties to maintain efficient and effective processes in the administration of services provided to the citizens of the City; and

WHEREAS, the City has created the Board of Public Works and Safety ("BPW") pursuant to Indiana law and wishes to utilize it as a quick and efficient means to address issues within that Board's expertise; and,

WHEREAS, IC 36-1-3-6 grants municipalities the power to operate and govern local affairs by adopting ordinances prescribing the specific manner in which said power is to be exercised:

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, AS FOLLOWS:

<u>Section 1</u>. That certain issues are presented to the Council such as appeals, reviews, and other relief many of which are more appropriate for the expertise of the BPW. These matters include but are not limited to:

a) Appeals from fines related to illegal sanitary sewer discharges and discharges into the storm water sewer system.

b) Requests for reductions of fees and fines imposed by the Westfield Code of Ordinances and allowed by such for reductions.

c) Any fee, fine and/or charge for utilities that as imposed are unfair, unjust, miscalculated and/or impose an unintended hardship on a citizen of the City for which relief should be granted.

d) Initiation and management and of fees related to any extraordinary costs associated with the storm water fees and management of the storm water system, including but not limited to repairs and special fees for areas creating an increased burden on the system.

<u>Section 2.</u> That the BPW allows for a more efficient and effective management of the issues related to the above and as such, should and is now declared to be the proper entity to hear appeals and reviews outlined above and are hereby granted the authority to act in the best interests of the City and its citizens. The Director of Public Works is also authorized to present to the

BPW those issues that are appropriate for relief and to prepare policies and procedures in furtherance of this Ordinance.

Section 3. No charge, fee or potential fine or charge filed in the Noblesville City Court for resolution shall be eligible for relief under this Ordinance.

Section 4. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. Any portion of this Ordinance later deemed invalid shall not operate to invalidate the remaining portions. All acts undertaken to establish this Ordinance and all prior acts undertaken to accomplish the intent of this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS ________DAY OF ________2013.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
______________________	______________________	______________________
Jim Ake	Jim Ake	Jim Ake
______________________	______________________	______________________
John Dippel	John Dippel	John Dippel
______________________	______________________	______________________
Steven Hoover	Steven Hoover	Steven Hoover
______________________	______________________	______________________
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
______________________	______________________	______________________
Cindy Spoljaric	Cindy Spoljaric	Cindy Spoljaric
______________________	______________________	______________________
Robert J. Smith	Robert J. Smith	Robert J. Smith
______________________	______________________	______________________
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes

ATTEST:

____

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 13-07 was delivered to the Mayor of Westfield

on the _______ day of _______________, 2013, at _______ ____ m.

____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 13-07

this ______ day of ______________, 2013.

____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 13-07

this ______ day of ______________, 2013.

____
J. Andrew Cook, Mayor

ATTEST:

____
Cindy Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

ORDINANCE 13-05

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA

WHEREAS, the Westfield City Council (the "Council") has the authority and desires to annex lands into the municipality as defined by IC 36-4-3; and,

WHEREAS, one hundred percent (100%) of the owners of the parcels proposed for annexation as identified in Exhibit "A" and Exhibit "B" (the "Annexation Area") have filed a petition with the Council; and,

WHEREAS, the Council has conducted a public hearing as required by law with regard to the annexation of the Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Area in accordance with IC 36-4-3-3.1 (Resolution 13-104); and,

WHEREAS, the Annexation Area meets the contiguity requirements of IC 36-4-3-1.5; and,

WHEREAS, the Council now finds that the statutory criteria for annexation have been met; and,

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-515 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:

Section 1. The Annexation Area, generally located on the southeast corner of 151st Street and Setters Road is hereby annexed to and declared to be a part of the City.

Section 3. The Annexation Area is hereby assigned to City Council District "1" and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 4. This Ordinance shall be in full force and effect upon its passage by the Council, its publication, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _______ DAY OF _______________, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
______________________ Jim Ake	____________________ Jim Ake	__________________ Jim Ake
______________________ John Dippel	____________________ John Dippel	__________________ John Dippel
______________________ Steven Hoover	____________________ Steven Hoover	__________________ Steven Hoover
______________________ Robert L. Horkay	____________________ Robert L. Horkay	__________________ Robert L. Horkay
____________________ Robert J. Smith	____________________ Robert J. Smith	__________________ Robert J. Smith
______________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric	__________________ Cindy L. Spoljaric
______________________ Robert W. Stokes	____________________ Robert W. Stokes	__________________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 13-05 was delivered to the Mayor of Westfield

on the ______ day of _____________, 2013, at _________ ____ m.

____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 13-05

this ______ day of _____________, 2013.

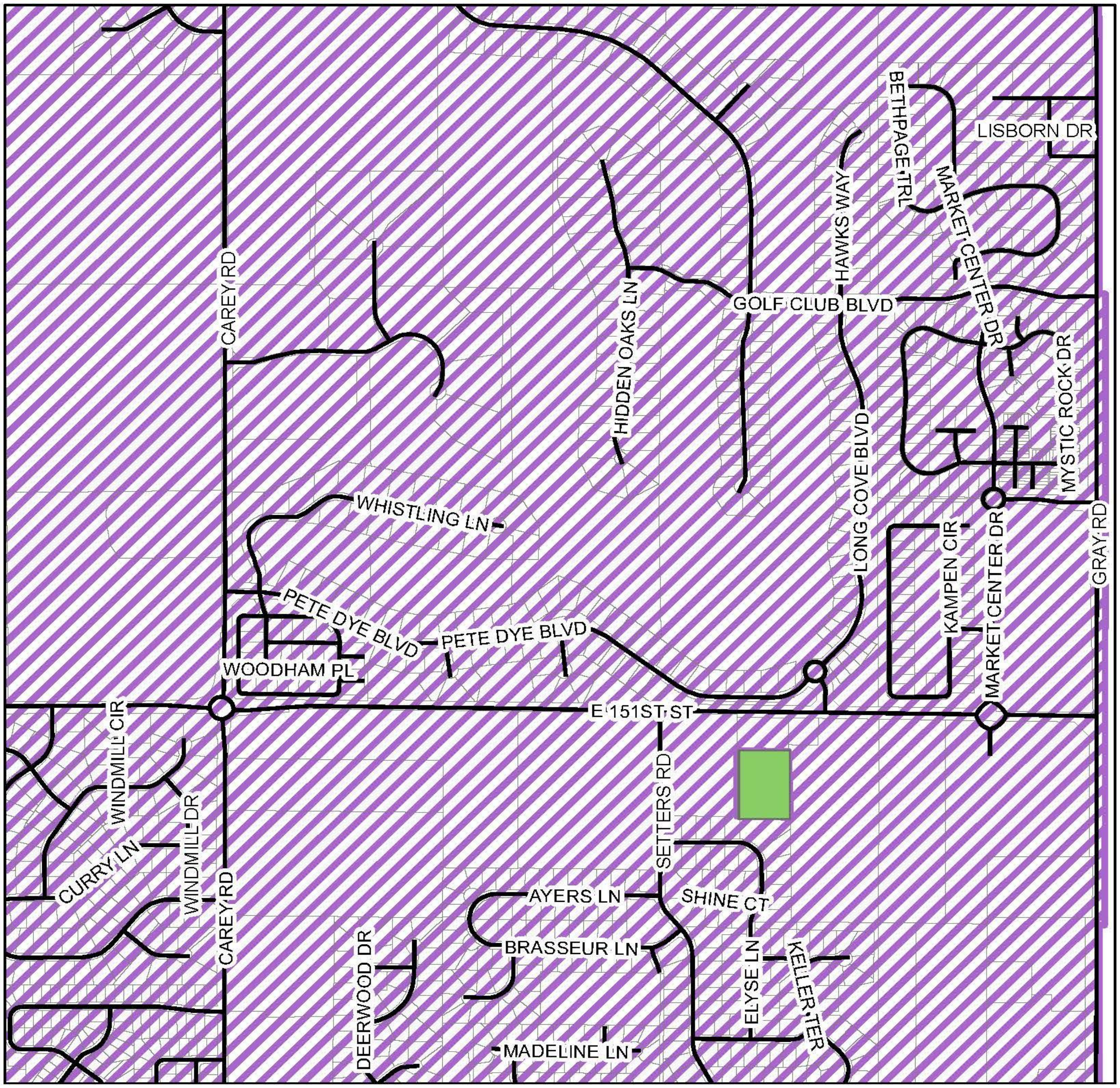
____
J. Andrew Cook, Mayor

I hereby VETO Ordinance 13-05

this ______ day of _____________, 2013.

____
J. Andrew Cook, Mayor

Exhibit A: Parcel Location Map



Legend

Parcel to be Annexed

Existing City Limits

Parcels

Streets

Exhibit "B"

Legal Description of Property to be Annexed

Parcel # 08-10-17-00-00-014.001

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line thereof 469.00 feet; thence South 00 degrees 56 minutes 37 seconds East 256.00 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 52 minutes 47 seconds East parallel with the North line of said Quarter Section 332.36 feet; thence South 00 degrees 51 minutes 28 seconds East 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West 331.75 feet; thence North 00 degrees 56 minutes 37 seconds West 407.10 feet to the place of beginning containing 3.103 acres, more or less.

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

JAMES J. NELSON
CHARLES D. FRANKENBERGER
JAMES E. SHINAVER
LAWRENCE J. KEMPER
JOHN B. FLATT
FREDRIC LAWRENCE

3105 EAST 98TH STREET, SUITE 170
INDIANAPOLIS, INDIANA 46280
PHONE: 317-844-0106
FACSIMILE: 317-846-8782

JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

Date:	**January 4, 2013**
To:	**Westfield City Council Members**
From:	**Jon Dobosiewicz, Nelson & Frankenberger**
RE:	**Text Amendments to The Bridgewater PUD (Ordinance 06-49)**
	Bridgewater Center (146th Street and Carey Road) – Landscape Buffer

City Council Members,

Please find the following information included with this transmittal:

1. Cover letter to Kevin Todd dated January 4, 2013,
2. An application for Text Amendment,
3. A copy of the proposed Ordinance and exhibits thereto illustrating the text amendment.
4. An aerial map illustrating the area within the Bridgewater that is the subject of the text amendment.

The applicant, Throgmartin-Henke Development, LLP has filed the text amendment to amend the Landscape Buffer provisions in the Bridgewater Center portion of The Bridgewater PUD as noted in Exhibit "A" to the proposed Ordinance.

We are filing at this time in order to be heard for introduction by the City Council on January 14th, TAC on January 22nd, and the Plan Commission on February 4th and 19th. We anticipate then returning to the City Council for adoption consideration.

If you have any questions or need any additional information please contact me at 317-428-8393.

Very truly yours,

NELSON & FRANKENBERGER, P.C.

Jon C. Dobosiewicz

NELSON & FRANKENBERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

JAMES J. NELSON
CHARLES D. FRANKENBERGER
JAMES E. SHINAVER
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3105 EAST 98TH STREET, SUITE 170
INDIANAPOLIS, INDIANA 46280
PHONE: 317-844-0106
FACSIMILE: 317-846-8782

JANE B. MERRILL,
Of Counsel

JON C. DOBOSIEWICZ,
Land Use Professional

January 4, 2013

Kevin M. Todd, AICP
City of Westfield
2706 East 171st Street
Westfield, IN 46074

RE: Bridgewater Center (146th Street and Carey Road) - Text Amendment

Dear Kevin,

Please find enclosed the necessary application for a Text Amendment for the Bridgewater PUD (Ordinance 06-49). We are filing at this time in order to be heard for introduction by the City Council on January 14th, TAC on January 22nd, and the Plan Commission on February 4th and 19th with an anticipated return to the City Council after that based on the review process.

Please find the following information enclosed:

1. Completed and singed Petition for Text Amendment with legal description,
2. Copy of the proposed Text Amendment ordinance, and
3. Site Location Exhibit / Aerial Photograph

I will provide a check in the amount of the filing fee, and draft public notice next week after we determine specifics of the above items.

If you have any questions or need any additional information please contact me at 317-844-0106.

Very truly yours,

NELSON & FRANKENBERGER, P.C.

Jon C. Dobosiewicz

Date: ____________________

PETITION FOR TEXT AMENDMENT
TO PUD ORDINANCE NO. 06-49
THE BRIDGEWATER CLUB RESTATED AND CONSOLIDATED
PLANNED UNIT DEVELOPMENT DISTRICT

Name of Applicant: Throgmartin-Henke Development, LLP
Address: 3535 East 161st Street, Noblesville, IN 46060
Phone No.: (317) 867-4653

Name of Representative: Charles D. Frankenberger and Jon C. Dobosiewicz
Address: 3105 East 98th Street, Ste 170, Indianapolis, IN 46280
Phone No.: (317) 844-0106

Name of Property Owner: Throgmartin-Henke Development, LLP

Premises Affected: The Real Estate which is the subject of this application at the northeast corner Carey Road and 146th Street. The subject Real Estate is identified in the attached Exhibit "A".

Metes and Bounds Description: See Exhibit "A"

Plot Size: 9.544 acres, more or less

Fronting On: Carey Road and 146th Street

Nature and Size of Improvement Now Existing on Plot: Vacant Parcel within the Bridgewater PUD.

Present Zoning: Mixed Use PUD

Explanation of Text Amendment: The Text Amendment will amend Section 11.H of the Bridgewater PUD by replacing the landscape buffer provisions applicable to the east perimeter of the Real Estate. See Exhibit "A" of the proposed Ordinance.

David A Mennel
David Mennel, authorized representative for
THROGMARTIN-HENKE DEVELOPMENT, LLP

EXHIBIT "A"

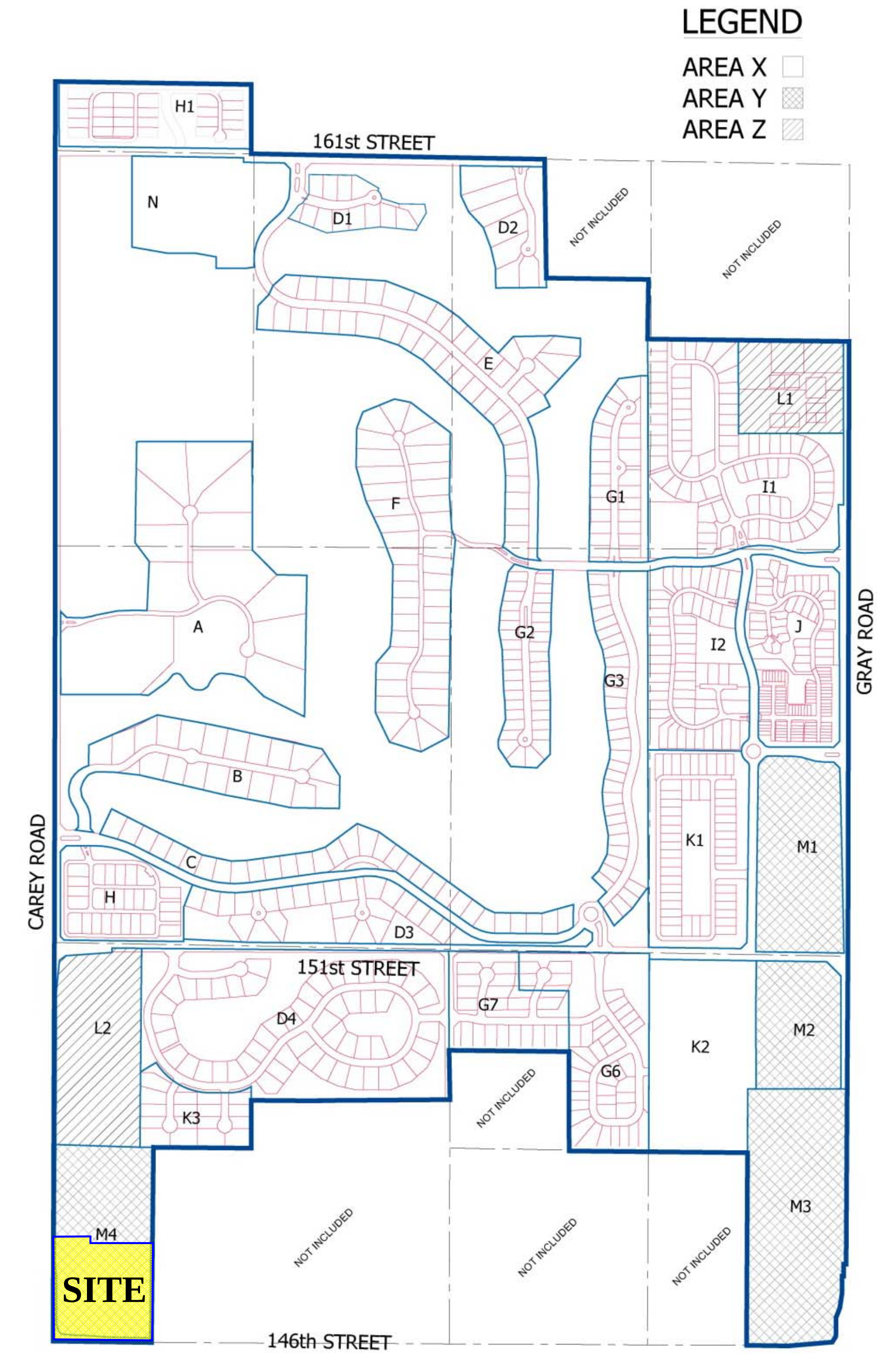
(Legal Description)

Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 543.02 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 191.98 feet to the southwest corner of a tract of land conveyed to KND Real Estate 17, L.L.C. in Document 2010009261 in the office of the Hamilton County Recorder, thence along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence continue along the boundary of said KND Real Estate 17 tract, South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence continue along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 410.19 feet to the southeast corner thereof and being a point on the west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of said Recorder, thence along the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 642.48 feet to a corner of a tract of land conveyed to the Board of Commissioners of Hamilton County in Document 200400076734 in the office of said Recorder, thence along the boundary of said Board of Commissioners tract the following nine (9) calls: South 89 degrees 41 minutes 33 seconds West 275.33 feet; thence North 87 degrees 26 minutes 42 seconds West 164.25 feet; thence South 89 degrees 41 minutes 33 seconds West 65.62 feet; thence North 89 degrees 12 minutes 19 seconds West 92.23 feet; thence North 40 degrees 29 minutes 55 seconds West 28.55 feet; thence North 18 degrees 00 minutes 45 seconds West 44.62 feet; thence North 00 degrees 54 minutes 35 seconds West 311.68 feet; thence North 06 degrees 25 minutes 52 seconds West 98.94 feet; thence South 89 degrees 05 minutes 17 seconds West 20.02 feet to the point of beginning and containing a gross area of 9.544 acres.

EXHIBIT "A"
Page 2 of 2

(Legal Description)



ORDINANCE 13-06

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06-49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11-01, ORDINANCE 12-10 AND TITLE 16 - LAND USE CONTROLS

WHEREAS, The City of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Zoning Ordinance; and;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 12__-PUD-__), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006 , and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (vii) Ordinance 12-10, enacted by the City Council on April 9, 2012; and (viii) Ordinance 13-03, enacted by the City Council on __________, 2013 (collectively, the "Bridgewater PUD Ordinance")

WHEREAS, on ___________, 2013 the Commission took action to forward Docket Number 12__-PUD-__ to the Westfield City Council with a favorable recommendation in accordance with Ind. Code 36-7-4-608, as required by Ind. Code 36-7-4-1505;

WHEREAS, on ___________, 2013 the Secretary of the Commission certified the action of the Commission to the City Council; and,

WHEREAS, the Westfield City Council is subject to the provisions of the Indiana Code IC 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE BRIDGEWATER PUD ORDINANCE AND TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. The Bridgewater PUD Ordinance is hereby amended so that the standards established in what is attached hereto and incorporated herein by reference as Exhibit "A" are applicable to the real estate described in what is attached hereto and incorporated herein by reference as Exhibit "B" (the "Real Estate"). In all other respects, the Bridgewater PUD Ordinance shall remain in effect and unchanged.

SECTION 2. Upon motion duly made and seconded, this Ordinance 13-06 was fully passed by members of the Council this __ day of _______, 2013. Further, this Ordinance 13-__ shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict with this Ordinance13-__ are hereby amended. To the extent that this Ordinance 13-06 conflicts with the terms of any previously-adopted ordinance or part thereof, the terms of this Ordinance 13-__ shall prevail.

[Rest of page is intentionally left blank]

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS ______ DAY OF ________________, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
____________________ Jim Ake	________________ Jim Ake	________________ Jim Ake
____________________ John Dippel	________________ John Dippel	________________ John Dippel
____________________ Steven Hoover	_________________ Steven Hoover	_________________ Steven Hoover
____________________ Robert L. Horkay	_________________ Robert L. Horkay	_________________ Robert L. Horkay
____________________ Robert J. Smith	_________________ Robert J. Smith	_________________ Robert J. Smith
____________________ Cindy L. Spoljaric	_________________ Cindy L. Spoljaric	_________________ Cindy L. Spoljaric
____________________ Robert W. Stokes	_________________ Robert W. Stokes	_________________ Robert W. Stokes

ATTEST:

____
Cindy Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

____
Signed

I hereby certify that ORDINANCE No. 13-06 was delivered to the Mayor of Westfield

on the _______ day of ______________________, 2013, at _________ _m.

____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE No. 13-06

This ______ day of ______________, 2013.

____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE No. 13-06

this _____ day of ______________, 2013.

____
J. Andrew Cook, Mayor

ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

Prepared by: Charles D. Frankenberger and Jon C. Dobosiewicz, Nelson & Frankenberger
3105 East 98th Street, Suite 170, Indianapolis, In. 46280, (317) 844-0106

EXHIBIT "A"

I. Landscape Buffers. Section 11.H. of the Bridgewater PUD Ordinance shall be replaced and superseded by the following:

There shall be a landscape buffer along the eastern perimeter of the Real Estate, which landscape buffer shall be thirty (30) feet in width (the "Landscape Buffer") and shall include the following, all of which are generally depicted in the Landscape Buffer illustrations attached hereto and incorporated herein by reference as Exhibit "C": (i) a masonry wall that is a minimum of seven (7) feet in height and a minimum of twenty-three (23) feet west of the eastern boundary line of the Real Estate (ii) the preservation of existing trees within the Landscape Buffer, (iii) pine trees, which are a minimum of eight (8) in height at planting and are planted at a rate of five (5) per 100 linear feet of Landscape Buffer, and (iv) evergreen shrubs planted at a rate of five (5) per 100 linear feet of the Landscape Buffer.

EXHIBIT “B”

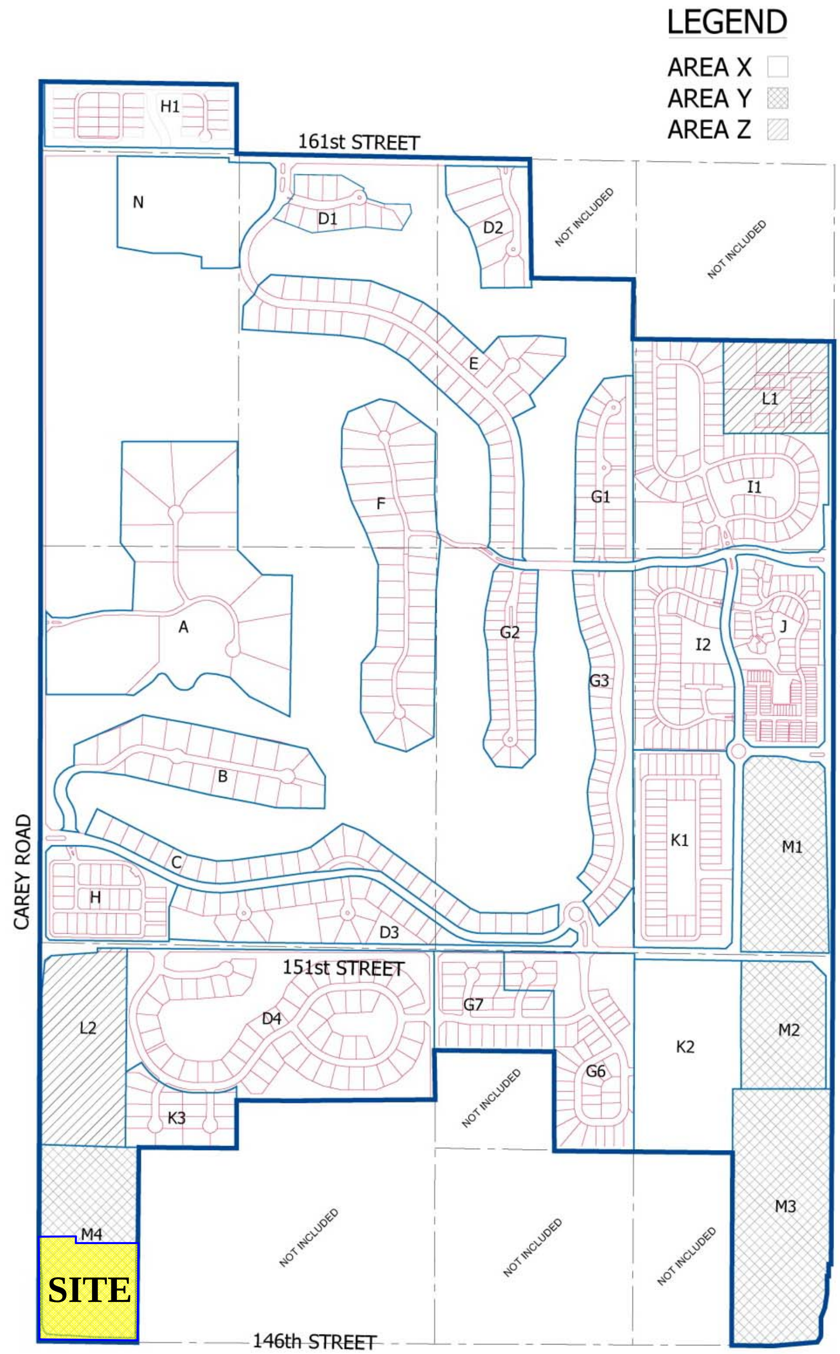
(Legal Description)

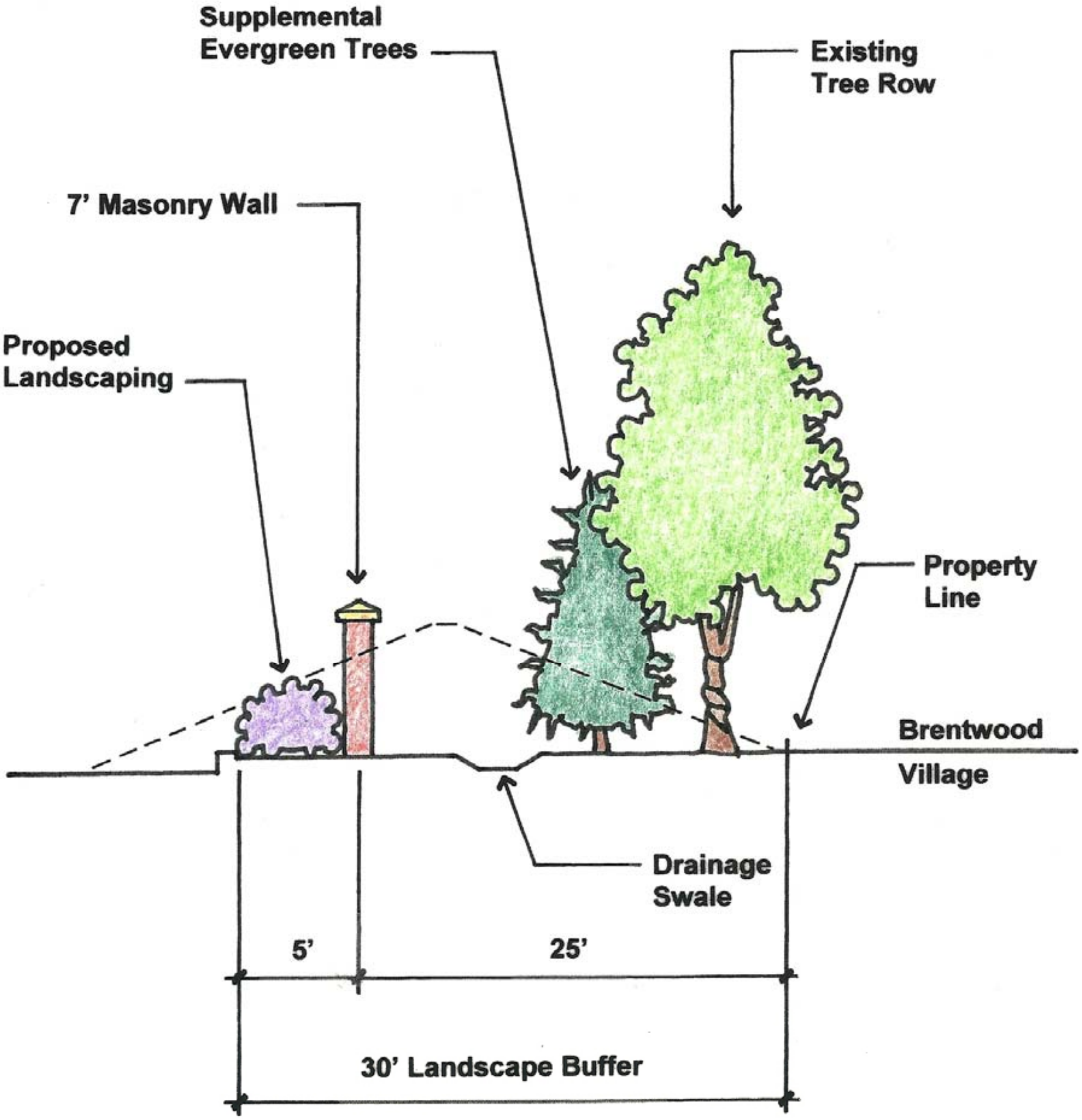
Part of the Southwest Quarter of Section Seventeen (17), Township Eighteen (18) North, Range Four (4) East in Hamilton County, Indiana and being more particularly described as follows:

Commencing at the Southwest Corner of said Quarter Section; thence along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 543.02 feet to the point of beginning; thence continue along the West line of said Quarter Section, North 00 degrees 54 minutes 43 seconds West 191.98 feet to the southwest corner of a tract of land conveyed to KND Real Estate 17, L.L.C. in Document 2010009261 in the office of the Hamilton County Recorder, thence along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 250.13 feet; thence continue along the boundary of said KND Real Estate 17 tract, South 00 degrees 54 minutes 56 seconds East 40.00 feet; thence continue along the boundary of said KND Real Estate 17 tract, North 89 degrees 41 minutes 49 seconds East 410.19 feet to the southeast corner thereof and being a point on the west line of Brentwood Village, as per plat thereof, recorded in Plat Cabinet 1, Slide 633 in the office of said Recorder, thence along the west line of said Brentwood Village, South 00 degrees 39 minutes 48 seconds East 642.48 feet to a corner of a tract of land conveyed to the Board of Commissioners of Hamilton County in Document 200400076734 in the office of said Recorder, thence along the boundary of said Board of Commissioners tract the following nine (9) calls: South 89 degrees 41 minutes 33 seconds West 275.33 feet; thence North 87 degrees 26 minutes 42 seconds West 164.25 feet; thence South 89 degrees 41 minutes 33 seconds West 65.62 feet; thence North 89 degrees 12 minutes 19 seconds West 92.23 feet; thence North 40 degrees 29 minutes 55 seconds West 28.55 feet; thence North 18 degrees 00 minutes 45 seconds West 44.62 feet; thence North 00 degrees 54 minutes 35 seconds West 311.68 feet; thence North 06 degrees 25 minutes 52 seconds West 98.94 feet; thence South 89 degrees 05 minutes 17 seconds West 20.02 feet to the point of beginning and containing a gross area of 9.544 acres.

EXHIBIT "B"

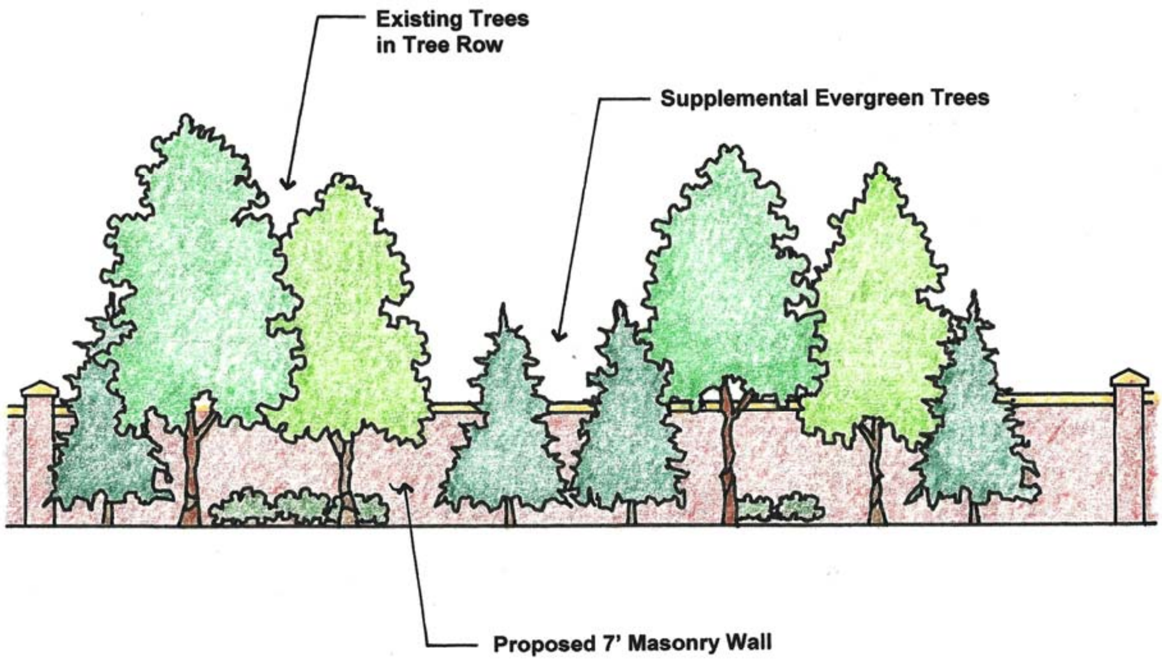
(Legal Description)





Proposed Landscape Buffer
Section Looking North (not to scale)

EXHIBIT "C"



Proposed Landscape Buffer
Elevation Looking West (not to scale)

Bridgewater Center

Site Location Map / Aerial Photograph

Westfield City Council December 26, 2012

The Westfield City Council met in special session Wednesday December 26, 2012 at the Westfield City Hall. Members present were Jim Ake, John Dippel, Steve Hoover, Bob Horkay, Bob Smith and Rob Stokes. Also present were Clerk-Treasurer Cindy Gossard, Chief of Operations Todd Burtron and City Attorney Brian Zaiger from Krieg DeVault, LLP.

President Horkay called the meeting to order at 9:00 A.M.

Approval of Minutes:

Rob Stokes moved to approve December 10, 2012 minutes as presented and this was seconded by John Dippel. Vote: Yes-6; No-0. Motion carried.

Claims:

After correcting a posting on the claims of an incorrect vendor Jim Ake moved to approve the claims as amended and this was seconded by Rob Stokes. Vote: Yes-6; No-0. Motion carried.

New Business:
Resolution 12-121: Encumbering Funds
Adoption Consideration – December 26, 2012

Jim Ake moved to accept Resolution 12-121 as presented and this was seconded by Steve Hoover. Vote: Yes-6; No-0. Motion carried.

2013 Responsibilities:

Bob Smith moved to nominate Jim Ake as 2013 President of the City Council and this was seconded by Rob Stokes. Vote: Yes-6; No-0. Motion carried.

Jim Ake appointed John Dippel a 2013 Vice President of City Council.

City Council Comments:

John Dippel moved to nominate Steve Hoover and Rob Horkay to the Westfield Washington Advisory Plan Commission for 2013 and this was seconded by Bob Smith. Vote: Yes-6; No-0. Motion carried.

With no further business Bob Smith moved to adjourn and this was seconded by Jim Ake. Vote: Yes-6; No-0. Motion carried.

The meeting was adjourned at 9:35 A.M.

__________________________ ___________________________

Deputy Clerk-Treasurer President

RESOLUTION 13-104

A RESOLUTION ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF LANDS DEFINED IN ORDINANCE 13-05

WHEREAS, the City of Westfield (the "City") desires to annex certain parcels as identified in Exhibit "A" and Exhibit "B" (the "Annexation Area") into the municipality; and,

WHEREAS, pursuant to IC 36-7-4-3.1 a fiscal plan must be prepared and adopted prior to such annexation; and,

WHEREAS, this fiscal plan, identified as Exhibit "C" (the "Plan") and attached hereto and made a part hereof, has been prepared and presented to the Council for consideration; and

WHEREAS, the Plan has been reviewed and complies with the requirements of IC 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED that the Plan attached hereto and made a part hereof is hereby approved and adopted by the Westfield City Council.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ADOPTED AND PASSED THIS ________ DAY OF _______________, 2013, BY THE WESTFIELD CITY COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	**Voting Against**	**Abstain**
______________________ Jim Ake	____________________ Jim Ake	__________________ Jim Ake
______________________ John Dippel	____________________ John Dippel	__________________ John Dippel
______________________ Steven Hoover	____________________ Steven Hoover	__________________ Steven Hoover
______________________ Robert L. Horkay	____________________ Robert L. Horkay	__________________ Robert L. Horkay
____________________ Robert J. Smith	____________________ Robert J. Smith	__________________ Robert J. Smith
______________________ Cindy L. Spoljaric	____________________ Cindy L. Spoljaric	__________________ Cindy L. Spoljaric
______________________ Robert W. Stokes	____________________ Robert W. Stokes	__________________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that RESOLUTION 13-104 was delivered to the Mayor of Westfield

on the ______ day of _____________, 2013, at _________ ____ m.

____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 13-104

this ______ day of _____________, 2013.

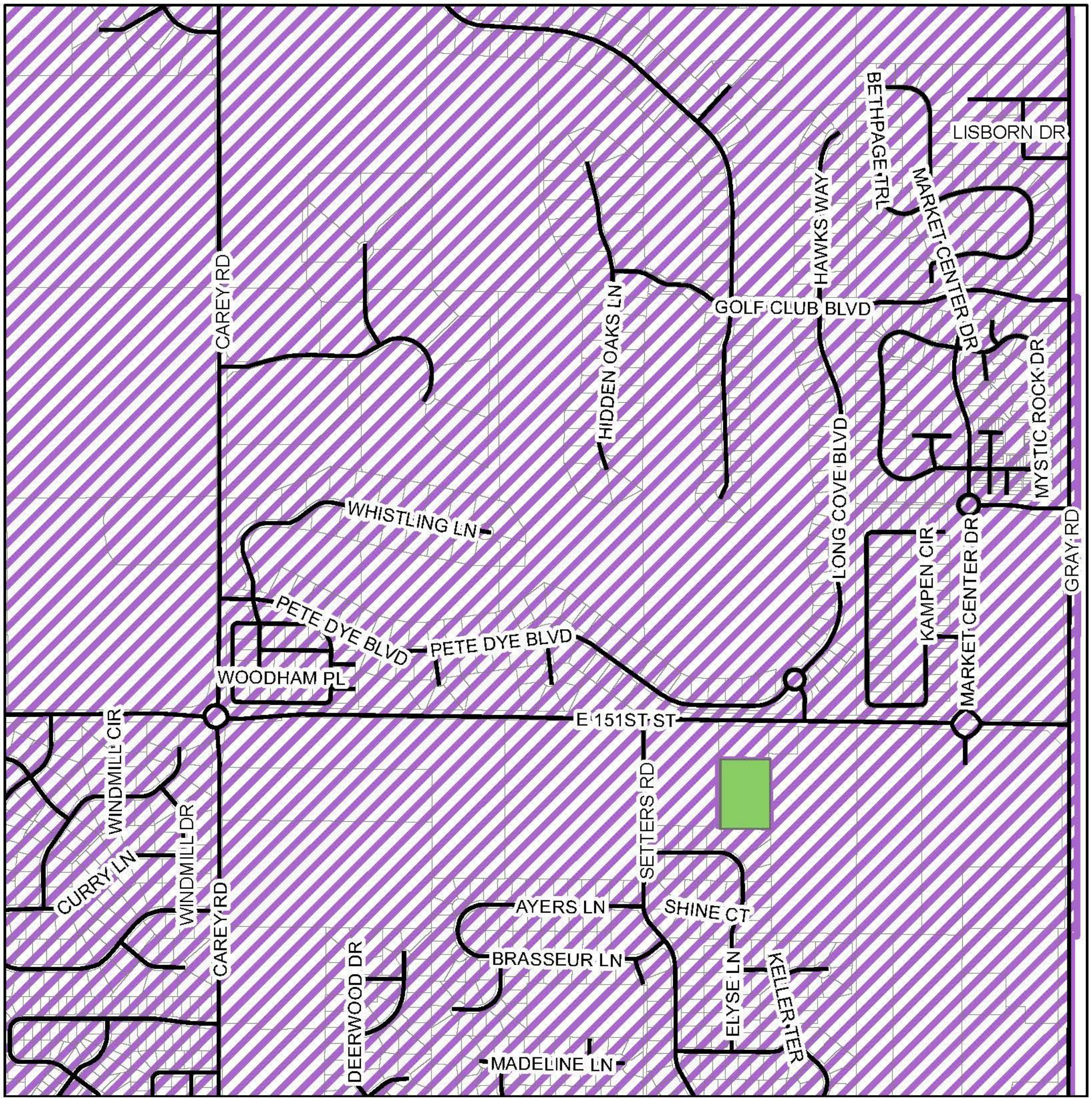
____
J. Andrew Cook, Mayor

I hereby VETO Resolution 13-104

this ______ day of _____________, 2013.

____
J. Andrew Cook, Mayor

Exhibit A: Parcel Location Map



Legend

Parcel to be Annexed

Existing City Limits

Parcels

Streets

Exhibit "B"
Legal Description of Property to be Annexed

Parcel # 08-10-17-00-00-014.001

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line thereof 469.00 feet; thence South 00 degrees 56 minutes 37 seconds East 256.00 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 52 minutes 47 seconds East parallel with the North line of said Quarter Section 332.36 feet; thence South 00 degrees 51 minutes 28 seconds East 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West 331.75 feet; thence North 00 degrees 56 minutes 37 seconds West 407.10 feet to the place of beginning containing 3.103 acres, more or less.

Exhibit "C"
Fiscal Plan

Fiscal Plan for the Voluntary Annexation of Real Estate Contiguous to the City of Westfield, Indiana

Generally described as the real estate located on the southeast corner of 151st Street and Setters Road.

This Fiscal Plan Supports Ordinance 13-05

This Fiscal Plan is Exhibit "C"

Referenced in Resolution 13-104

Introduction

The purpose of this report is to outline the estimated fiscal impact of annexation upon the City of Westfield (the "City") and ability of the City to provide necessary municipal capital and non-capital services to an area proposed for annexation. The area proposed for annexation that is analyzed in this report is referred to as the "Bridgewater, Parcel G6 Annexation Area" and is generally located on the southeast corner of 151^{tst} Street and Setters Road. The annexation is 100% voluntary.

The Indiana Statute (IC 36-4-3-13(d)) governing annexation activity by the City of Westfield requires the preparation of a written fiscal plan and the establishment of an annexation policy, by resolution, as of the date of the annexation ordinance. The fiscal plan is required to present cost estimates and a plan for the extension of municipal services to the area proposed for annexation. Municipal services of a non-capital nature are required to be provided within one (1) year of the effective date of the annexation ordinance to the extent that such services are equivalent in standard and scope to those services already provided within the city limits. Municipal services of a capital improvement nature are required to be provided within three (3) years of the effective date of the annexation ordinance to the extent that such services are equivalent in standard and scope to those services already provided within the city limits.

This report contains an analysis of the revenues and expenditures that will result from the annexation of certain territory by the City. While the City is committed to providing the highest quality service to all areas of the community, the dollar figures presented here are only estimates and are subject to change. Variations may occur depending upon the rate and extent of future development, an increase or decrease in the cost of providing municipal services, or fluctuations in future property assessments.

City of Westfield

Annexation Philosophy and Plan

A. Fiscal Policy of the City

It is appropriate to state that the annexation policies of the City are expected to correspond with the fiscal policies of the City. Therefore, it is the policy of the City of Westfield that annexation(s) should only be undertaken under circumstances which are not adverse to the fiscal interests of the current residents and taxpayers of the City of Westfield.

B. General Philosophy and Plan

The philosophy and plan of the City of Westfield is to annex real estate into its corporate limits in accordance with the terms of Title 36, Article 4, Chapter 3 of the Indiana Code. The adoption of an ordinance authorizing such annexation shall:

1. Provide the residents of the City of Westfield with a broad, stable and growing economic tax base; and,

2. Provide a plan for the quality and quantity of urban development in a coordinated manner; and,

3. Provide for preservation and enhancement of the public's overall health, safety, and welfare, regarding all of the City's residents; and,

4. Allow for the provision of services to the annexed area in a cost effective manner that will not significantly impact existing residents.

C. Further the City Shall:

1. First seek the voluntary annexations of new developments contiguous to the current City boundaries. It is certainly the preference of the City of Westfield to implement annexation action under the most amenable conditions possible. Therefore, in cases where it is practical and possible to achieve consensus, the City prefers to proceed with annexation under the "voluntary" provisions of the statute (IC 36-4-3-5); and,

2. Enhance the existing assessed valuation of the municipality through voluntary annexations; and,

3. Consider any requests for voluntary annexation from existing parcels; and,

4. Consider any forced annexations that will positively impact the future economic development opportunity of the community.

D. Financial Incentives in Support of Annexation

Aside from the issue of municipal services, the City has developed annexation and growth policies with support for the concept of applying economic incentives to the annexation policies as a basis for building public support and popular consensus. The financial incentives available to the City of Westfield include:

- tax abatement provided by IC 36-4-3-8.5;
- delay of the effective date of the annexation provided by IC 36-4-3-8;
- negotiation of supplemental services (based on surplus tax revenues);
- elimination of utility services surcharges;
- appropriate arrangements as provided by IC 36-4-3-21; and,
- agricultural tax liability exemption for municipal taxes provided by IC 36-4-3-4.1.

It is the fundamental position of the City; however, that the extension of such financial incentives shall be made primarily in those cases where it is appropriate to the fiscal and governmental interests of the City of Westfield.

Parcel Analysis

A. Location

The Bridgewater, Parcel G6 Annexation Area is generally described as the real estate located adjacent to the existing corporate limits; the southeast corner of 151st Street and Setters Road (see attached Exhibit 1, Parcels to be Annexed).

B. Contiguity

The Bridgewater, Parcel G6 Annexation Area meets the contiguity requirements of IC 36-4-3-1.5.

C. Size

The Bridgewater, Parcel G6 Annexation Area encompasses an area of approximately 3 acres.

D. Population

The Bridgewater, Parcel G6 Annexation Area has zero inhabitants.

E. Structures

The Bridgewater, Parcel G6 Annexation Area contains no structures.

F. Zoning

The Bridgewater, Parcel G6 Annexation Area is currently located within the planning and zoning jurisdiction of the City of Westfield through a joinder agreement with Washington Township served by the Westfield-Washington Township Advisory Plan Commission. If annexed, the parcels will remain in the same planning jurisdiction.

The zoning designation in Bridgewater, Parcel G6 Annexation Area is Bridgewater Planned Unit Development.

G. Property Tax Assessment

The 2011 pay 2012 total net assessed valuation of all real property and its improvements located within the Bridgewater, Parcel G6 Annexation Area is $4,600.

H. Municipal Property Tax Rate

The existing 2011 pay 2012 property tax rate assessed to all real property and its improvements within the Bridgewater, Parcel G6 Annexation Area is $2.5635 per $100 of assessed valuation.

This is the total Washington Township tax rate assessed to all real property and its improvements, subject to any property tax "cap" which may apply.

I. Council District

The Bridgewater, Parcel G6 Annexation Area will be incorporated into Council District 1.

Municipal Services

The City of Westfield currently extends to its citizens a diverse range of public services. These services are provided by seven different municipal departments. Each department has a unique function within the municipal service system of the City. These departments include: Police, Fire, Public Works, Informatics, Administration, Parks and Recreation and Economic and Economic and Community Development.

Each of the municipal service sectors are analyzed in this section to determine the impact of annexation on their ability to provide both capital and non-capital services to the area proposed for annexation as required by Indiana law. The method used to determine the fiscal impact of annexation is known as "fiscal impact analysis".

Fiscal impact analysis is a method of evaluation that is used to measure and project the direct public costs and revenues associated with residential and non-residential growth within a municipality. It explores public (government) costs and revenues. It does not consider private costs of public actions. Therefore, special assessments on real property or the value of land dedications required of developers are considered private revenues. Individual services contracted for homeowners associations, neighborhoods, and similar groups are also considered private.

All municipal departments were analyzed to determine the extent of the affect of annexation. The Police, Fire, Public Works, Informatics, Administration, Parks and Recreation and Economic and Community Development Departments were identified as being affected by the annexation of new territory. The effect on most of these departments is determined to be minimal and is likely to create no demand for additional personnel and associated expenditures. It can therefore be assumed the area proposed for annexation will not affect the workload of these departments or cause the need for additional expenditures associated with the provision of services.

The existing levels and costs of service provisions for each department are outlined below:

A. Police Department

The 40 uniformed officers of the City of Westfield Police Department provide the citizens of Westfield with public safety and emergency response service throughout the corporate limits of the City. The individual services include: neighborhood patrols for the prevention of crime; detection and apprehension of criminal offenders; resolution of domestic disputes; anti-crime and anti-drug public education; traffic control and accident reporting; and the creation and maintenance of a general feeling of safety and security throughout the community.

The services provided by the Police Department vary in their individual requirements for personnel and financial resources and are subject to annual review and approval by the Westfield City Council.

Annual operating costs associated with the addition of one (1) uniformed police officer(s) include salary, overtime pay, holiday pay, clothing and uniform allowance, health insurance, training, pension benefits and administrative overhead.

Capital one-time costs associated with the addition of one (1) uniformed police officer(s) include a patrol vehicle and related equipment. These costs have been factored together to arrive at necessary service level increases for various areas under consideration for annexation.

The area identified for annexation includes 3 acres and is currently uninhabited. The City of Westfield will provide police service to the proposed annexation area upon the effective date of annexation through the extension of an existing patrol area with existing personnel.

Provisioning of planned service of a non-capital nature within one year.
The services can be provided for the annexed area with existing personnel. Any additional cost for patrol coverage can be accommodated within the existing budget.

Provision of planned services of a capital improvement nature within three years.
Any additional capital requirements can be accommodated in future budgets through the annual budgeting process.

B. Fire Department

The 70 Firefighters, EMS and Paramedics personnel employed by the City of Westfield Fire Department respond to fire emergencies, chemical and hazardous material spills, and general life safety emergencies through the corporate limits of Westfield and throughout the remainder of Washington Township, Hamilton County.

The personnel of the Fire Department are assigned to three (3) fire stations located on Dartown Road (Headquarters), 151st Street, and Grassy Branch Road. Each station is the primary respondent to emergencies within its assigned geographical area. Secondary response is provided by personnel and equipment by volunteer and paid city and town fire departments in adjacent communities.

The existing Fire Department currently has the entire responsibility for services throughout Washington Township; therefore, the annexation of this new territory will not change the impact or the need for additional personnel.

Provisioning of planned service of a non-capital nature within one year.
The services can be provided for the annexed area with existing personnel because current services already serve the entire township.

Provision of planned service of a capital nature within three years.
The capital services required for future growth in the fire services for Washington Township will be managed through the annual budgeting process.

C. Public Works - Street Division

The Street Division of the City of Westfield is part of the Public Works Department and has responsibility for the maintenance and upkeep of all streets and public rights-of-way within the City Limits of Westfield. Maintenance activities include potholes and curb repair, mowing of weeds and other vegetation, street sweeping, sign maintenance and replacement, pavement striping, and snow removal. It is also responsible for reconstruction of sidewalks and removal of dead or damaged trees from the City rights-of-way.

Other responsibilities include resurfacing and reconstruction of all public roads with the exception of the roads falling under the jurisdiction of the Indiana Department of Transportation or the Hamilton County Highway Department. These operations are primarily funded from the Motor Vehicle Highway (MVH) fund, the Local Road and Street Fund (LR&S), and the Road and Street Improvement Fund. The budgeted expenditures for MVH and LR&S is approximately $1,701,458 for 2013.

Provisioning of planned service of a non-capital nature within one year.
Street Division services can be provided for the annexed area with existing personnel. There are no existing streets adjacent to the Bridgewater, Parcel G6 Annexation Area to be annexed.

Provision of planned service of a capital nature within three years.
The intent of the City with respect to future road construction will require future developers to improve, or contribute financially to the improvement of existing roadways in accordance with the impact of any proposed development on the traffic loads. Road improvements are evaluated each year and the annexed area would be in that annual review process for consideration of improvements.

D. Public Works Department - Water and Sewer Services

The Westfield Public Works Department is responsible for the operation of the Water and Wastewater works for the City of Westfield. Services for both water and sewer are provided within the corporate limits and into portions of Washington Township.

The area proposed for annexation is currently served by City water and sewer service.

a. Utility Service

The City of Westfield will provide access to sewer and water utility service for any proposed development, with the costs for connecting to that utility service to be borne by the developer/owner, in accordance with the policies and fee structure set forth by the Westfield City Council.

The development policies of the City of Westfield and the Westfield-Washington Township Advisory Plan Commission have required developers to install sewer and water utilities within their developments for the vast majority of developed sites in the Township for many years. In most cases, the developer installs such infrastructure and then adds this cost to the price of the developed parcel. This means that the cost of such infrastructure is paid by each individual property owner. However, in some cases, based upon the specific request of the developer or owner, the development has been allowed to proceed without utility connections.

The City's policy for utility connection shall be that the developer or owner may choose not to connect the proposed development to the municipal utility systems, and thus avoid the immediate cost of said connection. However, when utility connections are later required, for whatever reason, the system of fees and charges promulgated by the Westfield City Council shall apply to that utility connection. In this manner, the cost of installation of utility infrastructure is equitable to all property owners within the service area of the utility, whether the owner decides to connect to the utility systems when the development first occurs, or whether the owner decides to connect at some later date. The City currently has a method for allocating the cost of utility connections in a manner which is favorable to the property owners.

The City also reserves the right to consider other options for providing utility services when working with areas proposed for annexation. Options which may be considered include, but are not limited to: payment plans, enlargement of payment periods, discounts, Barrett Law funding, bonds, inter-local agreements and BOT agreements.

b. Municipal Water Utility

The municipal water utility provides potable water service to properties within the service area of the water utility and in many cases outside of the corporate limits of the municipality. The municipal water utility technically provides the service of pumping water from the water source, treating the water to some level, distributing the water into the system of municipal water lines, storing the water for peak demand and fire protection purposes, and maintaining the system, in its entirety. This policy states that the water utility meets the parameters of providing access to water utility service, to a property, when a municipal water distribution line is within the distributive area of a main trunk line or lateral line. When water lines are already developed with respect to a specific property, the water utility is made directly available to that property when a water line is located within 300 lineal feet of the nearest property line of the developed parcel. Water utility service and connection costs are handled in a manner similar to that of the wastewater utility.

In some cases, property owners have not connected their property to the municipal water system and use private water sources (primarily wells) instead. This election is made by the property owner in accordance with the development standards of the property at the time of the original development. The municipal water system also extends beyond the corporate limits of the municipality and service is provided to property in unincorporated areas.

The water utility is administered by the Westfield City Council who is responsible for recommending user charges to the legislative body of the municipality for implementation. The legislative body of the municipality may consider changes to the user charge system to reflect special situations, as well as changes in policy with regard to the type of customer and/or the location (inside or outside of the corporate limits of the municipality).

The policy of providing municipal water service is not to be construed as being "free" in any respect, and these costs are certainly not covered by property taxes. The water utility is supported by a system of user charges which is administered by the Westfield City Council. In addition, the development policies and standards of the municipality require the developer or owner to pay any capital costs associated with the extension of water distribution facilities into any proposed development. The major capital expenditures covered by the water utility (outside of the service extensions afforded by the developers) are the capital cost of constructing and maintaining water pumping and treatment and storage facilities. These are paid either directly or indirectly through the utility's user charge system. The cost of extending distribution lines is to be borne by the property owner or developer.

Property tax revenues are not a part of the water utility budget. The water utility sets a system of user charges which are generally paid on a monthly basis. Those user charges cover both the capital and operating costs of the water utility. In addition to monthly service charges, the water utility may consider and/or establish a system of fees or other services such as various connection fees, or supplemental fees for special facilities installed to meet the needs and demands of customers. The water utility is also subject to some regulatory requirements which are administered at the State and Federal level. As such, the system of fees and charges must be adjusted from time to time to remain current with regulatory and other requirements.

c. Fire Hydrants

Fire hydrants are generally supported by the user charge system of the water utility. As stated with regard to other services, the municipality may seek changes in the system of revenues used to pay for such services; however, at this time the policy of the City is that the developer of the site – without regard to the nature of the development – is responsible for installing the fire hydrants necessary to protect the proposed development from catastrophic fire.

d. Municipal Wastewater Utility

The municipal wastewater utility provides access to wastewater collection, treatment and disposal service to all properties within the corporate limits of the municipality. This policy states that the municipality meets the parameters of providing access to municipal wastewater service when the parcel is within the drainage watershed of a major interceptor, trunk or lateral sewer which ultimately delivers wastewater to the municipal wastewater treatment plant. In cases where sewer laterals are made available to developed parcels, the standard for service is met when a municipal sewer is located within 300 lineal feet of the nearest property line of the parcel.

In some cases, property owners have chosen not to connect their development to the municipal sewer system and use private wastewater disposal facilities (primarily septic tanks), instead. This decision is based purely upon the owner's election and the development standards of the original property development. As noted above, the general policy of the City is that the developer pays the cost of installing wastewater utility service in accordance with the schedule of fees and charges in effect at that time, and then adds that cost to the price of the developed parcel. In this manner, the property owner ultimately pays for the cost of the wastewater utility connection.

In the case of developers or owners who elect not to pay the cost of wastewater utility connections for whatever reason, it is the policy of the City of Westfield to respect that decision. However, when those private wastewater facilities become dysfunctional, it is the policy of the City of Westfield to provide such wastewater utility connections at the capital expense of the owner, and in accordance with the schedule of fees and charges set forth by the Westfield City Council at the time the work is undertaken. In this manner, the provision of wastewater utility services is equitable to all property owners.

The municipal wastewater system extends beyond the corporate limits of the municipality and municipal wastewater service is provided to property in unincorporated areas. The wastewater utility is also administered by the Westfield City Council which is responsible for developing and recommending a system of user charges for implementation. These user charges must cover the cost of both capital and operations of the wastewater utility. The municipality may consider changes to the user charge system to reflect special situations, as well as changes in policy with regard to the type of customer or the location (inside or outside of the corporate limits of the municipality).

The policy of providing municipal wastewater service is also not to be construed as being “free” in any respect, and the costs of such services are certainly not covered by property taxes. The wastewater utility is supported by a system of user charges which is administered by the Westfield City Council to cover both capital and operating expenses, in cooperation with the municipality. Property tax revenues are not a part of the wastewater utility budget. The development standards of the municipality are such that the capital cost of wastewater utility services are afforded by the developer as part of the development of the property (and that cost is ultimately passed on to property owners). In addition to monthly service charges, the wastewater utility has established a system of fees for other services such as various connection fees, and/or supplemental fees for special facilities installed to meet the needs and demands of various customers. The cost of extending distribution lines is to be borne by the property owner or developer. The wastewater utility is also subject to regulatory requirements which are administered at the State and Federal level. As such, the system of fees and charges must be adjusted from time to time to remain current with regulatory and other requirements.

Wastewater utility services which are within the wastewater service area of the City of Westfield will be extended to any property desiring wastewater services and charges for the capital and non-capital cost of extending these wastewater services will be paid by the property owner in accordance with the approved schedule of rates and charges of the wastewater utility, and in accordance with approved annexation policies of the City. Currently, private developers install the local collector sewers as part of their development cost and pay access, as well as, capacity fees for the interceptor and treatment plant costs.

E. Parks and Recreation

The Westfield Parks and Recreation services are funded out of the Parks budget with the City of Westfield. The inventory of facilities include: Armstrong Park, Old Friends Cemetery Park, Osborne Park, Raymond Worth Park, Quaker Park, Simon Moon Park, Asa Bales Park, Liberty Park, Hadley Park and Freedom Trail Park. The inventory of trails include: Monon, Midland Trace, Natalie Wheeler, Anna Kendall, and Cool Creek. These parks and recreation operations are supported by the City's General Fund. The proposed annexation is not anticipated to have an appreciable effect on existing park facilities and no additional costs for this function are anticipated.

Provisioning of planned service of a non capital nature within one year
The services can be provided for the annexed area with the existing budget.

Provision of planned service of a capital nature within three years
The capital services required for future growth in parks will be accomplished through the annual budgeting process.

F. Clerk-Treasurer

The Clerk-Treasurer of the City of Westfield is responsible for the maintenance of all city records.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with existing personnel.

Provision of planned service of a capital nature within three years.
The capital services required for this department can be accomplished through the annual budgeting process.

G. Economic and Community Development Department

a. Planning Division

The Planning Division of Economic and Community Development is responsible for all of the planning and zoning support for the Westfield-Washington Township Advisory Plan Commission and the Westfield-Washington Township Board of Zoning Appeals. These responsibilities currently involve all of Washington Township; therefore, no service level increases are expected for this division with respect to the proposed annexation area.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with exiting personnel who already serve the entire Township area.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

b. Economic Development Division

The Economic Development Division of Economic and Community Development is responsible for all of the economic development functions within the City of Westfield corporate limits. No service level increases are expected for this division with respect to the proposed annexation area.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with exiting personnel who already serve the entire Township.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

c. Building Division

The Building Division of Economic and Community Development processes building permits throughout all of the Washington Township, Hamilton County area. It conducts inspections on new buildings and unsafe structures. Since this division currently functions throughout the entire Township, no service level increases are expected for this division with respect to the proposed annexation.

Provisioning of planned service of a non capital nature within one year.
The services can be provided for the annexed area with existing personnel, who already serve the entire Township.

Provision of planned service of a capital nature within three years.
The capital services required for this division can be accomplished through the annual budgeting process.

Financial Summary

The Bridgewater, Parcel G6 Annexation Area has been researched and analyzed in accordance with the terms of the Indiana Code, Title 36, Article 4, Chapter 3.

The primary source of revenue for the City of Westfield is that which is received from property taxes and COIT (County Option Income Tax).

The net assessed valuation of all real property and its improvements within the area proposed for annexation is $4,600.

There are no new road miles or inhabitants as a result of the Bridgewater, Parcel G6 Annexation Area. Typically additional population and road miles due to annexation would cause the City of Westfield to receive revenue from other sources that include Alcohol Gallonage Taxes, Cigarette Tax, Vehicle Excise Tax, MVH road miles tax, and LR& S road mile tax.

Assuming the annexation occurs prior to March 1, 2013; the property within the area proposed for annexation will then be entered into public record and assessed for taxation as an incorporated area.

Revenue received by the City of Westfield from property assessed on or before March 1, 2013 will not be realized until May and November of 2013. The delay in the collection of property taxes will cause the City to experience a cost of services from existing budgets due to the required provision of non-capital services in the first year following annexation. To the extent that real costs exceed revenue as a result of this annexation, the City of Westfield is prepared to use funds from other budgeted line items in order to assure that services required by State Statute are provided to the area proposed for annexation. Apart from any costs associated with the Street Division, it is assumed that there will be no additional non-capital costs associated with this annexation.

The City projects that the extension of all municipal services to the existing undeveloped land within the area proposed for annexation will be paid through existing revenue streams. Primarily, the City will receive nominal property taxes from the existing improvements within the annexation. It should be understood, however, that the annexation of undeveloped land has a very minimal impact on municipal revenue streams and generally a minor impact on the provision of municipal services, if proper fiscal planning is performed.

When development occurs, the impact of that development on various revenue streams, as well as the impact of that development on the demand for municipal services, is to be examined by the City as a part of the development approval process. It is the City's stated goal that it seeks to establish fiscal policies which would result in no negative impact on property taxes for existing City residents as a result of growth. Therefore, the City will seek to assure that all proposed development offers a balance between the cost of services demanded and the revenues produced.

It is the intent of the City to pay for extension of all municipal services to the area from revenues generated as a result of the annexation, which will be derived from property taxes, along with other state distributions. The total property tax rate in Washington Township outside of the corporate limits for pay 2012 is $2.5635. The tax rate for all taxpayers in the City/Washington Township, including all overlapping taxing units, is equal to $2.9954, an increase of $0.4319 or 17%.

Exhibit 1

Exhibit A: Parcel Location Map

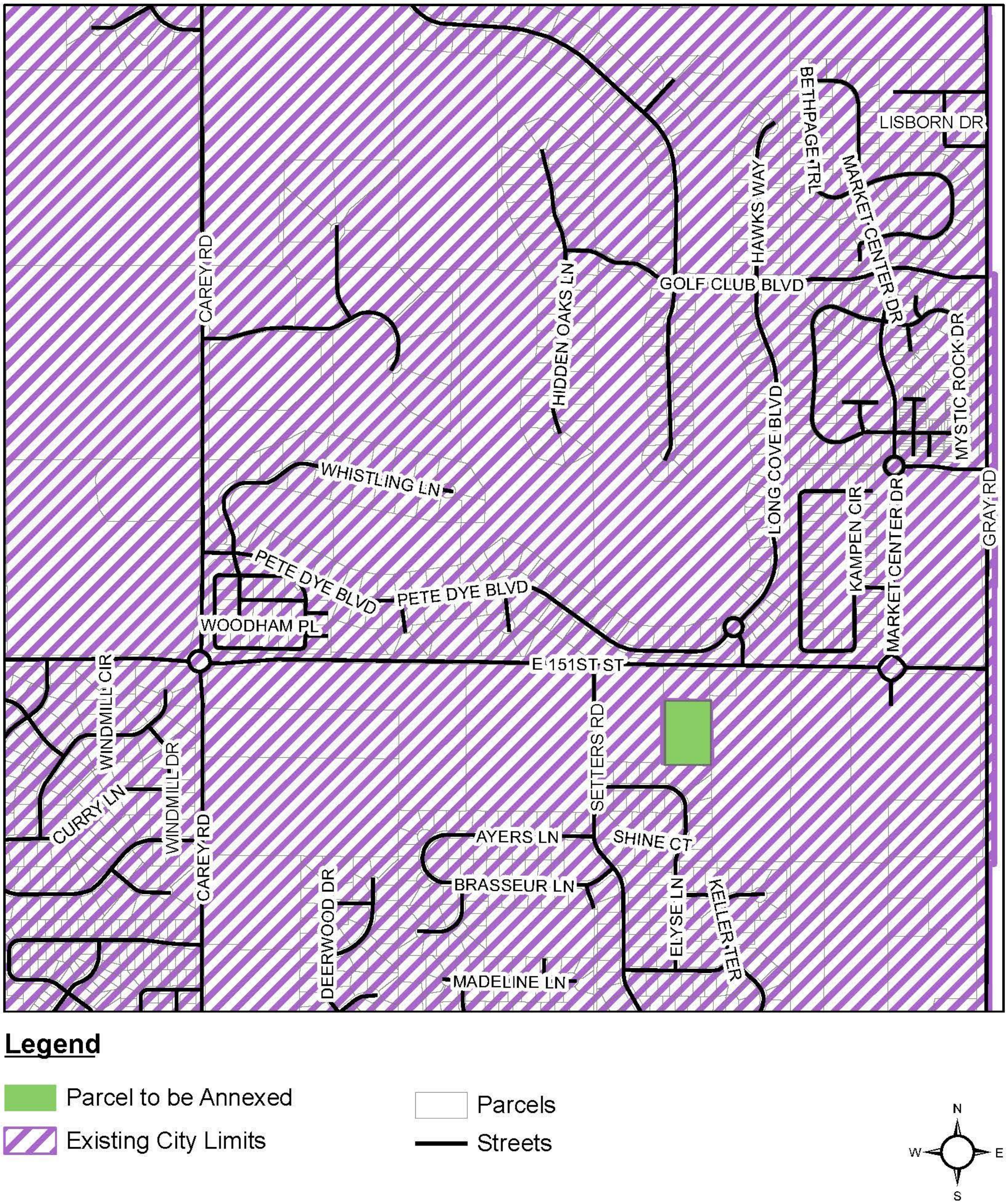


Exhibit 2

Legal Description of Property to be Annexed

Parcel # 08-10-17-00-00-014.001

Part of the Southeast Quarter of Section 17, Township 18 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence North 89 degrees 52 minutes 47 seconds East along the North line thereof 469.00 feet; thence South 00 degrees 56 minutes 37 seconds East 256.00 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 52 minutes 47 seconds East parallel with the North line of said Quarter Section 332.36 feet; thence South 00 degrees 51 minutes 28 seconds East 407.09 feet; thence South 89 degrees 52 minutes 47 seconds West 331.75 feet; thence North 00 degrees 56 minutes 37 seconds West 407.10 feet to the place of beginning containing 3.103 acres, more or less.

ORDINANCE 12-37

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT OF THE ANDOVER PLANNED UNIT DEVELOPMENT DISTRICT BEING THAT OF ORDINANCE 03-40, ORDINANCE 06-24 AND TITLE 16 LAND USE CONTROLS

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 1212-PUD-13) filed with the Commission requesting an amendment to Ordinance 03-40, enacted by the Town Council on December 8, 2003, and amended by Ordinance 06-24, enacted by the Town Council on June 12, 2006 (jointly referred to hereinafter as the "Andover PUD").

WHEREAS, on January 7, 2013, the Commission took action to forward Docket 1212-PUD-13 to the Westfield City Council with a favorable recommendation in accordance with Indiana Code 36-7-4-608, as required by Indiana Code 36-7-4-1505;

WHEREAS, on January ___, 2013, the Secretary of the Commission certified the action of the Commission to the City Council; and

WHEREAS, the Westfield City Council is subject to the provisions of Indiana Code 36-7-4-1507 and 36-7-4-1512 concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 06-24, and TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 1. Section 4 of Ordinance 06-24 is replaced in its entirety with the following:

> "The number of dwelling units (either single family attached or multi-family) permitted in Parcel G of the Andover PUD shall be increased from 180 to 230 ~~242~~. The number of dwelling units permitted in Parcel E of the Andover PUD shall be increased from 80 to 90. The total number of dwelling units permitted in the Andover PUD shall be increased from 640 to 712, and the total number for single-family attached dwelling units and/or multi-family dwelling units permitted on Parcel G shall be increased from 180 to 230 ~~242~~ in any combination of single-family attached or multi-family dwelling units."

NOW THEREFORE BE IT FURTHER ORDAINED BY THE WESTFIELD CITY COUNCIL THAT ORDINANCE 03-40, and TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION 2. Section 6, paragraph A (1) of Ordinace 03-40 is replaced in its entirety with the following:

"All uses permitted in the SF-2 District per the Zoning Ordinance in force of the enactment of the original Andover PUD, including attached and detached single family or multi-family dwellings on Parcel G only and single structures and buildings and uses accessory thereto, together with model homes and temporary trailers from which sales activities may be conducted;"

SECTION 3. Section 6, paragraph A(2) of the Ordinance 03-40 is replaced in its entirety with the following:

"Residential common areas and amenity areas (to be owned and maintained by the ~~Andover Homeowners' Association~~ appropriate homeowner's association for the parcel, or their successors or assigns) along with accessory uses, structures and improvements located thereon including, without limitation, recreational developments, including clubhouses, parks, pools, ballfields, ball courts, practice facilities, playgrounds and other recreational spaces, and recreational buildings. The construction of said amenity improvements shall be approved by Department staff and shall not require an additional DPR;"

SECTION 4. A new Paragraph D of Section 9 of Ordinance 03-40 added as follows:

D. Any development on Parcel G occurring after January 1, 2013, shall be constructed in substantial compliance with the "Overall Landscape Concept" attached to the Andover PUD as Exhibit 11 and in accordance with the "Landscape Details" attached to the Andover PUD as Exhibit 11A. All such landscaping identified in this Overall Landscape Concept shall be installed prior to the issuance of permanent Certificates of Occupancy for the appropriate Phase, as defined herein, or Sub-phase, as defined herein, in which the units are located, as identified in Exhibit 12 attached hereto. A Phase shall be defined as all of the units present in the respective phases shown on Exhibit 12 (Phase I is noted to have 89 units and Phase II will have 91 units). A Sub-phase is hereinafter defined as a smaller portion of Phase I denoted by the area demarked on Exhibit 12 and shown as Phase 1A, 1B, etc.

All Landscape Buffer (Road Frontage) located in Phase II (as identified in Exhibit 12, attached hereto) shall be installed at the same time that public improvements (inclusive of roads and sewers) located on Phase II are installed and prior to the issuance of any Certificates of Occupancy within Phase II.

SECTION 5. Paragraph 1 of Exhibit 2 to the Ordinance 03-40 is deleted.

~~**Apartment.** A building or portion thereof designed for or occupied by one or more families.~~

SECTION 6. The Land Use Type associated with Parcel G on Exhibit 7of Ordinance 03-40 is renamed to "Single-family attached or multi-family".

SECTION 7. Paragraph Number 6 of Exhibit 8 to Ordinance 03-40 shall be amended as follows:

6. Lots Adjacent to External Streets. Except as provided below, all homes whose sides face an External Street shall have at one (1) of the Architectural Design Features required by Exhibit 9 of the side of the home facing the External Street. For development occurring on Parcel G after January 1, 2013, the rear elevations of units which front on Shady Nook Road and 186th Street (excepting Buildings R and Z) shall be substantially in conformance with the exhibit attached hereto as Exhibit 8A The rear elevations on Buildings I, E, R, Z (as shown on Exhibit 13) shall be developed substantially in conformance with the rear elevations attached hereto as Exhibit 8B

SECTION 8. A new paragraph, Paragraph 15 is added to Exhibit 8 of Ordinance 03-40:

15. External Colors of Multi-Family Buildings on Parcel G. Any buildings located on Parcel G constructed after January 1, 2013, which contain multi-family dwellings shall not have the same exterior color as any other building located immediately adjacent to the building and located on the same side of a public or private street.

SECTION 9. The Description associated with Parcel G on Exhibit 9 of Ordinance 03-40 is renamed to "Single-family attached or multi-family".

The section "Architectural Design Features" associated with Parcel G on Exhibit 9 of the Ordinance 03-40 shall be amended as follows:

> All residences constructed prior to January 1, 2013, shall include at least one (1) of the items in Table 9(A) and a total of at least three (3) items from either Table 9A or Table 9B. All development occurring after January 1, 2013, shall require at least five (5) items from Table 9A and four (4) items from Table 9B. All units not subject to Paragraph 6 of Exhibit 8 to Ordinance 03-40 shall be developed substantially in conformance with the elevations attached hereto as Exhibit 9C.

SECTION 10. The development phasing related to Parcel G as shown on Exhibit 10 of Ordinance 03-40 shall be amended as follows:

> Development Schedule for Parcel G: Development on Parcel G shall be completed in substantial compliance with the exhibit attached hereto as Exhibit 12. Any amenities, trails, sidewalks or other infrastructure required for a particular Phase, as defined herein, shall be installed during the construction occurring in that specific Phase or Sub-phase, as defined in Paragraph D of Section 9 of Ordinance 03-40, and shall be completed prior to the issuance of permanent Certificates of Occupancy for the various Phases or Sub-phases, except for those located in the Landscape Buffer (Road Frontage) on Phase II, which shall be installed in accordance with Section 4 hereof.

SECTION 11. A new Exhibit, Exhibit 13 is added to the Andover PUD Ordinance. Exhibit 13 contains the conceptual site plan for all improvements to be constructed upon Parcel G after January 1, 2013. All development of Parcel G occurring after this date shall be in substantial compliance with the site plan shown on Exhibit 13 attached hereto.

In all other respects, the Andover PUD Ordinance shall remain in effect and unchanged.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF _____________________, 2013.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For	Voting Against	Abstain
________________ Jim Ake	________________ Jim Ake	________________ Jim Ake
________________ John Dippel	________________ John Dippel	________________ John Dippel
________________ Steven Hoover	________________ Steven Hoover	________________ Steven Hoover
________________ Robert L. Horkay	________________ Robert L. Horkay	________________ Robert L. Horkay
________________ Robert J. Smith	________________ Robert J. Smith	________________ Robert J. Smith
________________ Cindy L. Spoljaric	________________ Cindy L. Spoljaric	________________ Cindy L. Spoljaric
________________ Robert W. Stokes	________________ Robert W. Stokes	________________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law. _Russell L. Brown___

I hereby certify that ORDINANCE No. _____ was delivered to the Mayor of Westfield on the _____ day of ___________ 2013 at _________ __.m.

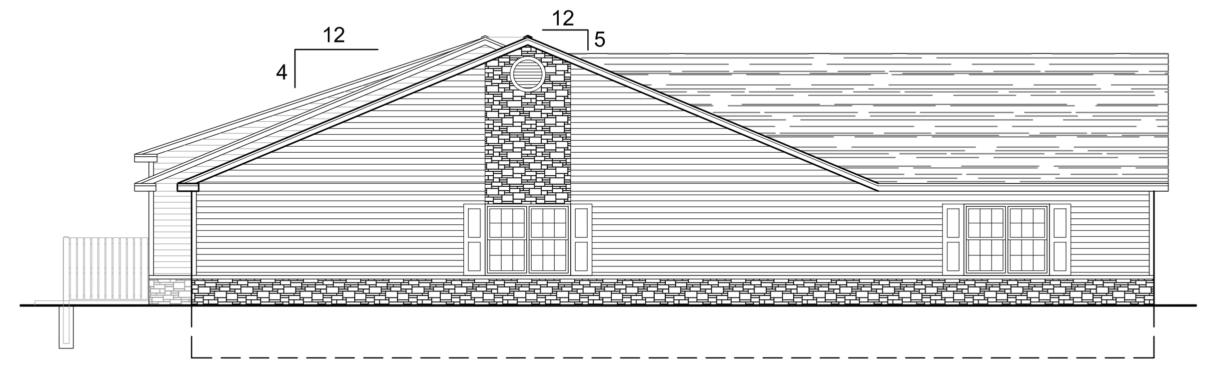
____
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE NO. 12-37	I hereby VETO ORDINANCE No. 12-37
This ____ day of ______________, 2013.	This _________ day o ______________ 2013.
___________________________________ J. Andrew Cook, Mayor	___________________________________ J. Andrew Cook, Mayor

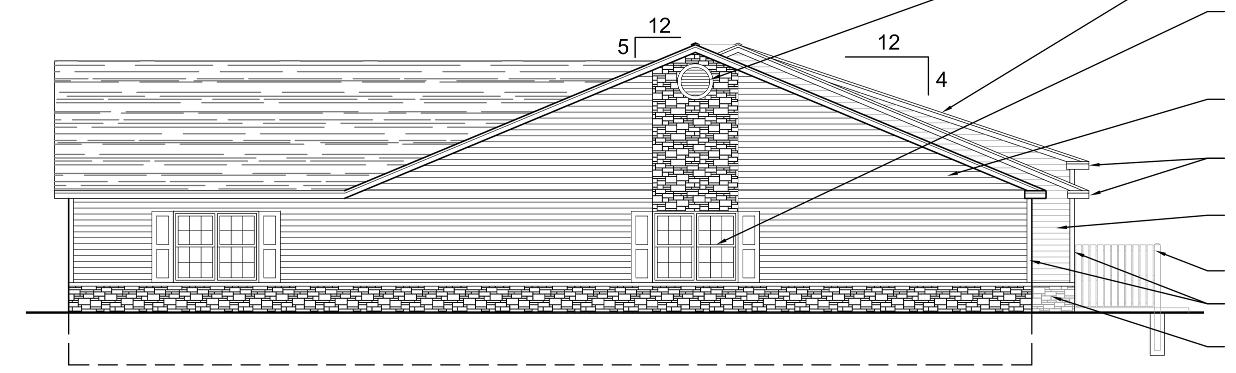
ATTEST:

____
Cindy J. Gossard, Clerk-Treasurer

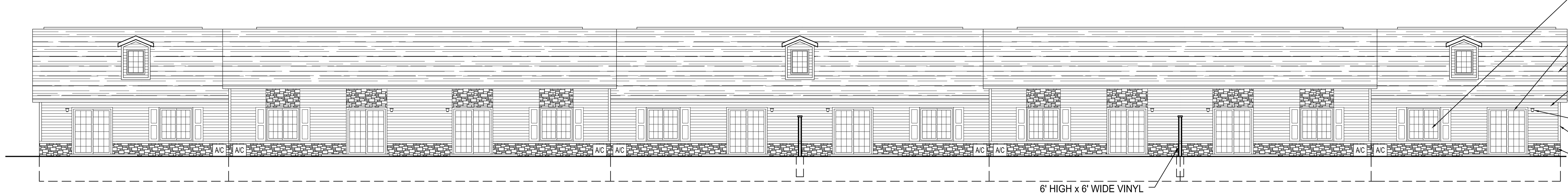
Prepared by: Russell L. Brown, 26781-49, Clark, Quinn, Moses, Scott & Grahn, LLP
320 N. Meridian Street, Suite 1100, Indianapolis, IN 46204, (317) 637-1321



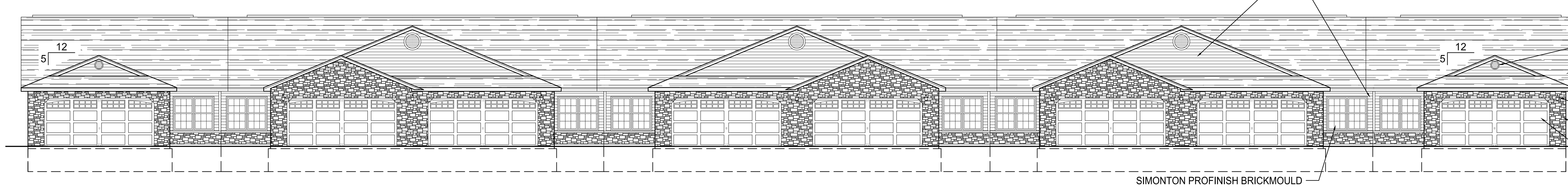
SIDE ELEVATION
SCALE: 3/32" = 1'-0"



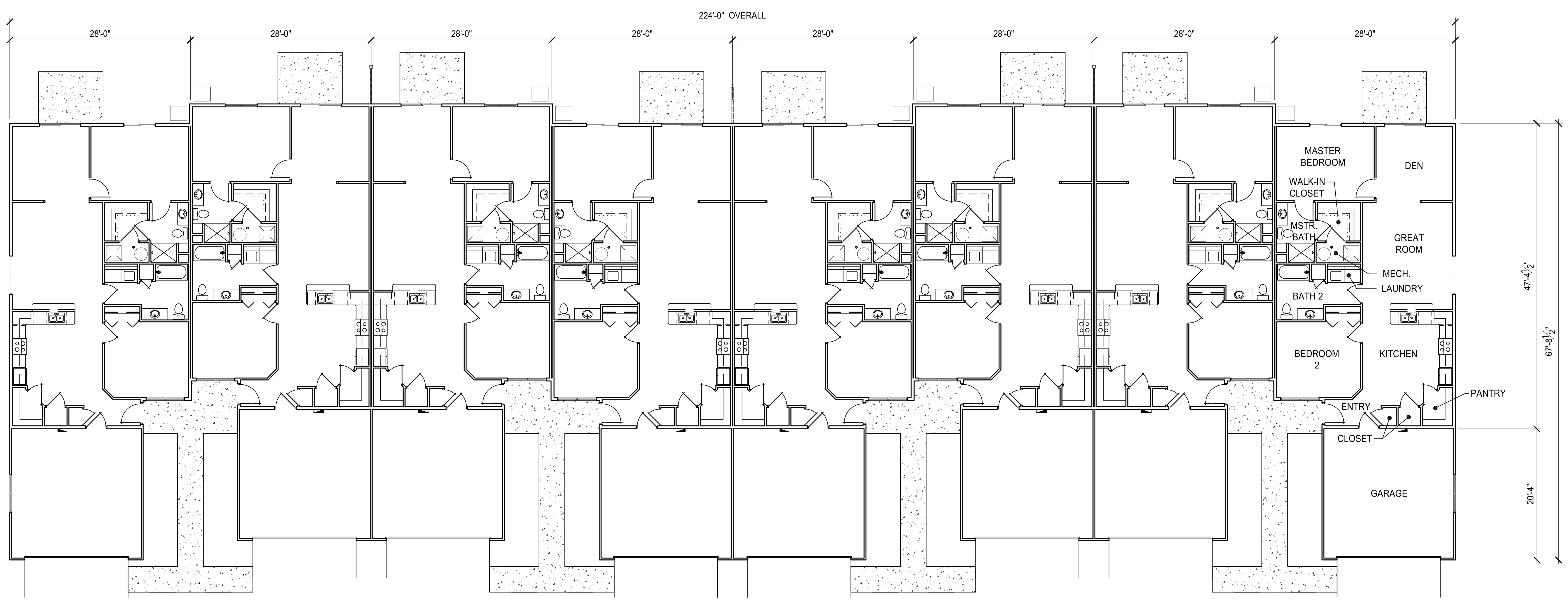
SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"



FRONT ELEVATION
SCALE: 3/32" = 1'-0"



OVERALL FLOOR PLAN
SCALE: 3/32" = 1'-0"
8 UNIT BUILDING

EXHIBIT 8A TO ORDINANCE 12-37

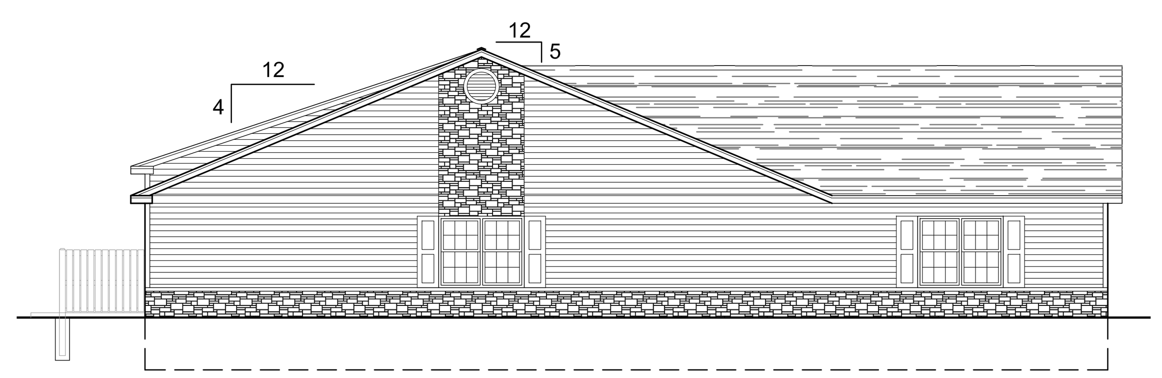
PRELIMINARY
NOTE!!! THIS DRAWING IS NOT FOR CONSTRUCTION

revisions

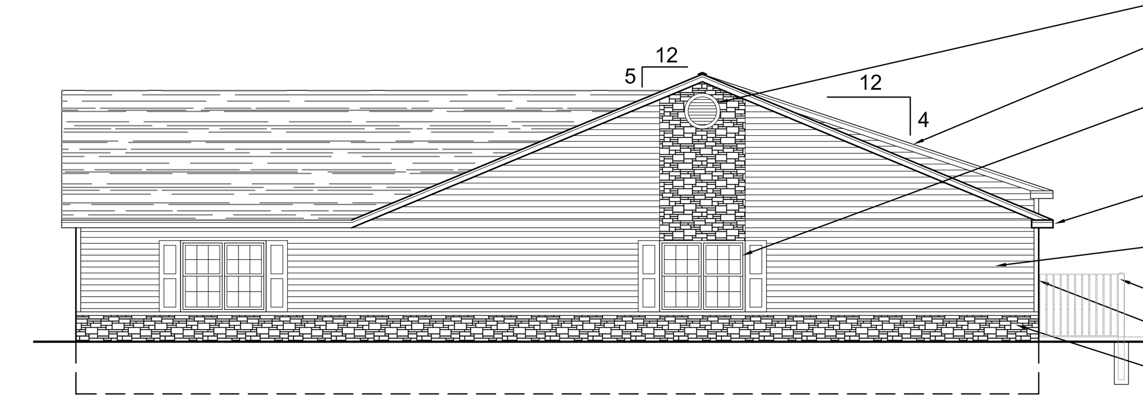
3660 embassy parkway
fairlawn, ohio 44333
tel. 330 . 666 . 5770
fax. 330 . 666 . 8812
www . mann-architects . com
23775 commerce park rd. suite 7
beachwood, oh 44122
tel. 216 . 360 . 9473
mann architects
REDWOOD MANAGEMENT CO.

drawing
8 UNIT BUILDING - 28' WIDE UNIT
project no. 19512
date JANUARY 9, 2013
scale AS NOTED
project
REDWOOD AT ANDOVER
WESTFIELD, INDIANA

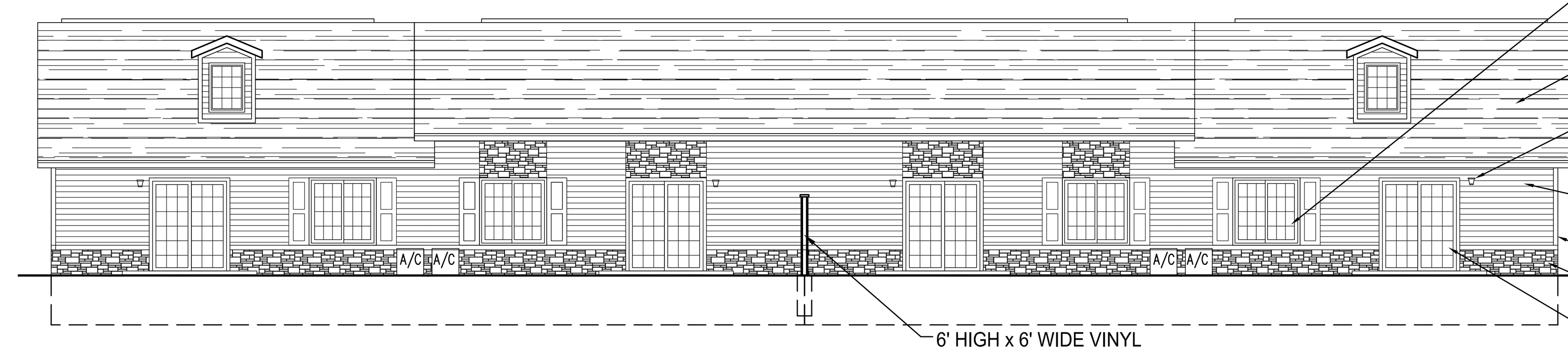
A1.2
2 OF 3
sheet no.



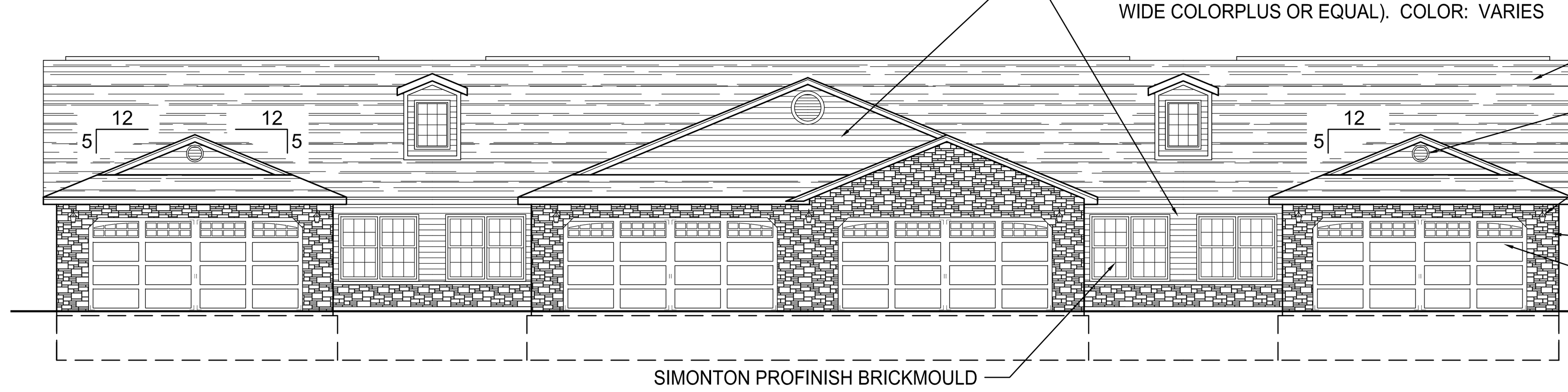
SIDE ELEVATION
SCALE: 3/32" = 1'-0"



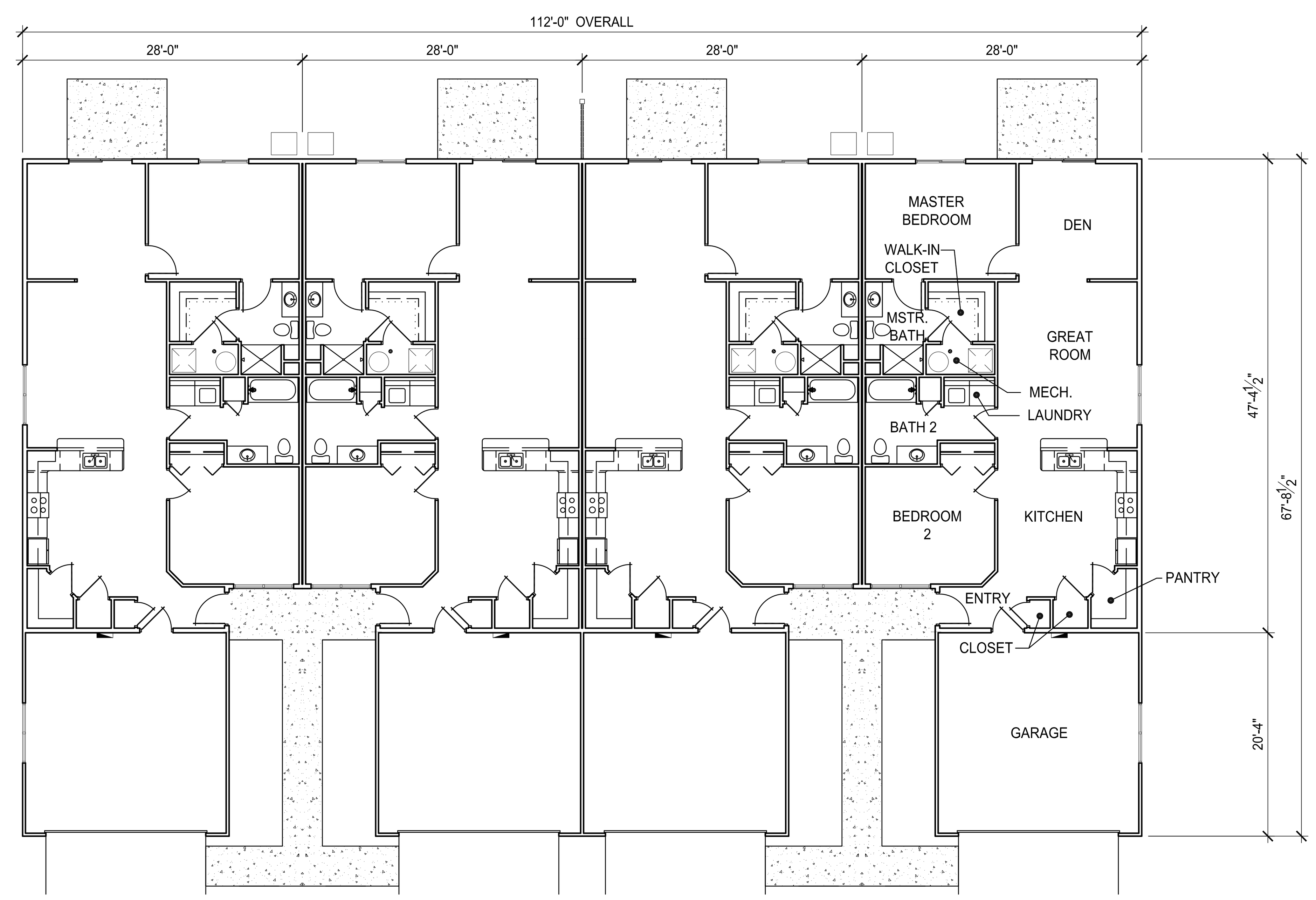
SIDE ELEVATION
SCALE: 3/32" = 1'-0"



REAR ELEVATION
SCALE: 3/32" = 1'-0"



FRONT ELEVATION
SCALE: 3/32" = 1'-0"



OVERALL FLOOR PLAN
SCALE: 3/32" = 1'-0" 4 UNIT BUILDING

EXHIBIT 8B TO ORDINANCE 12-37

PRELIMINARY

NOTE!!! THIS DRAWING IS NOT FOR CONSTRUCTION

revisions

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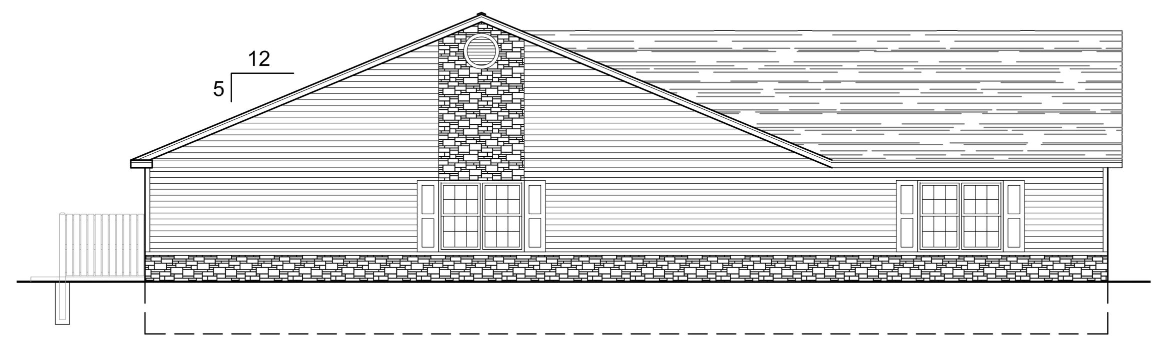
mann architects

REDWOOD MANAGEMENT CO.

drawing
4 UNIT BUILDING - 28' WIDE UNIT
project no. 19512
date JANUARY 9, 2013
scale AS NOTED

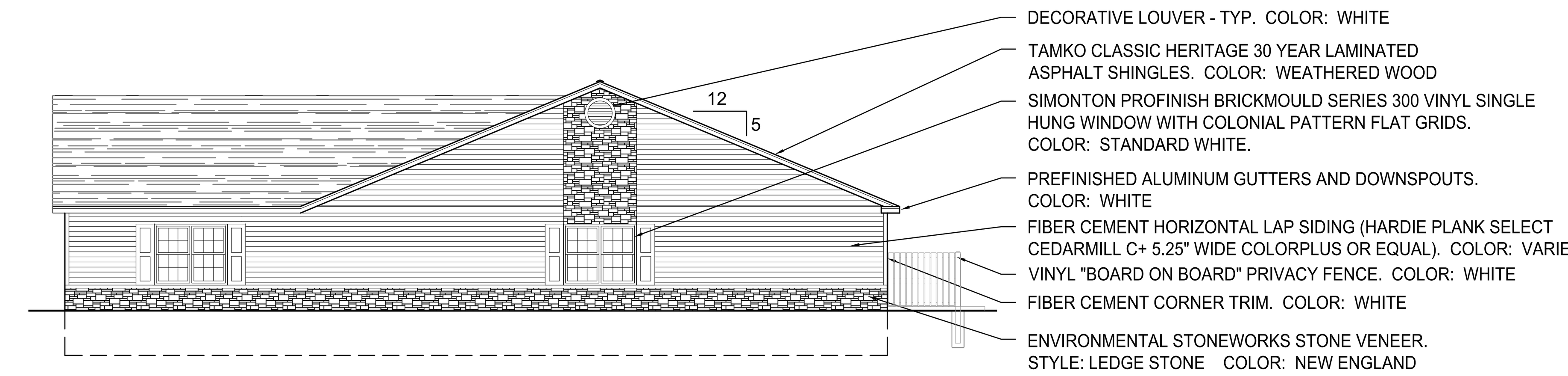
REDWOOD AT ANDOVER
WESTFIELD, INDIANA
project

A1.1
1 OF 3
sheet no.



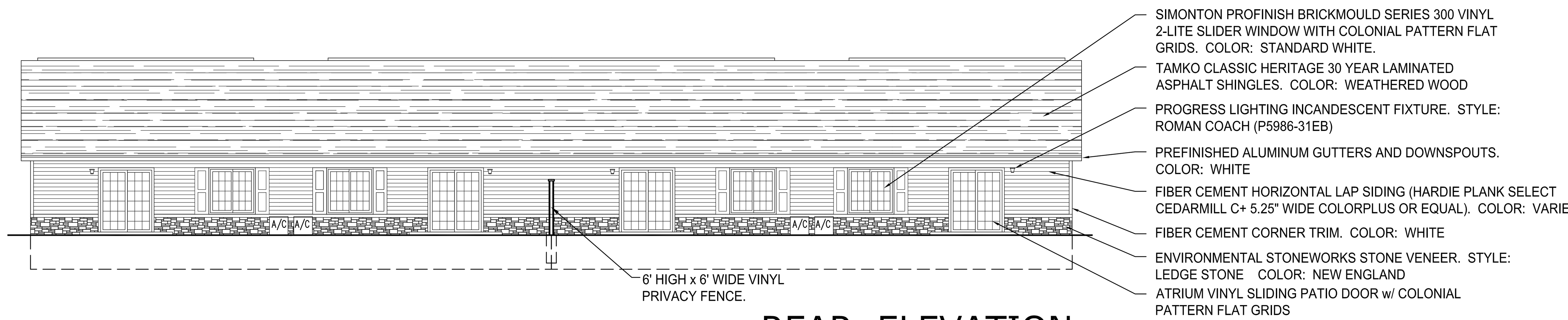
SIDE ELEVATION

SCALE: 3/32" = 1'-0"



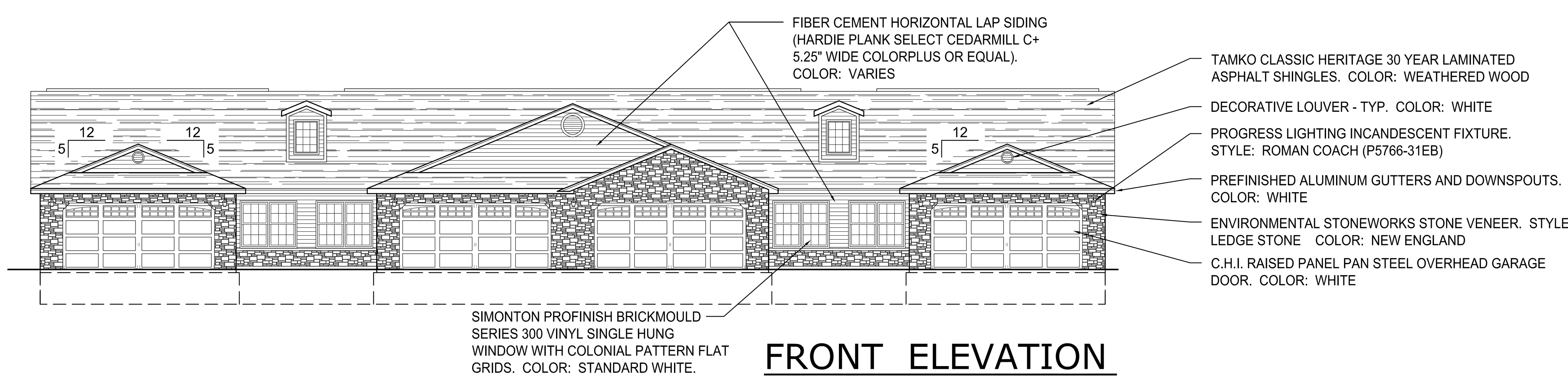
SIDE ELEVATION

SCALE: 3/32" = 1'-0"



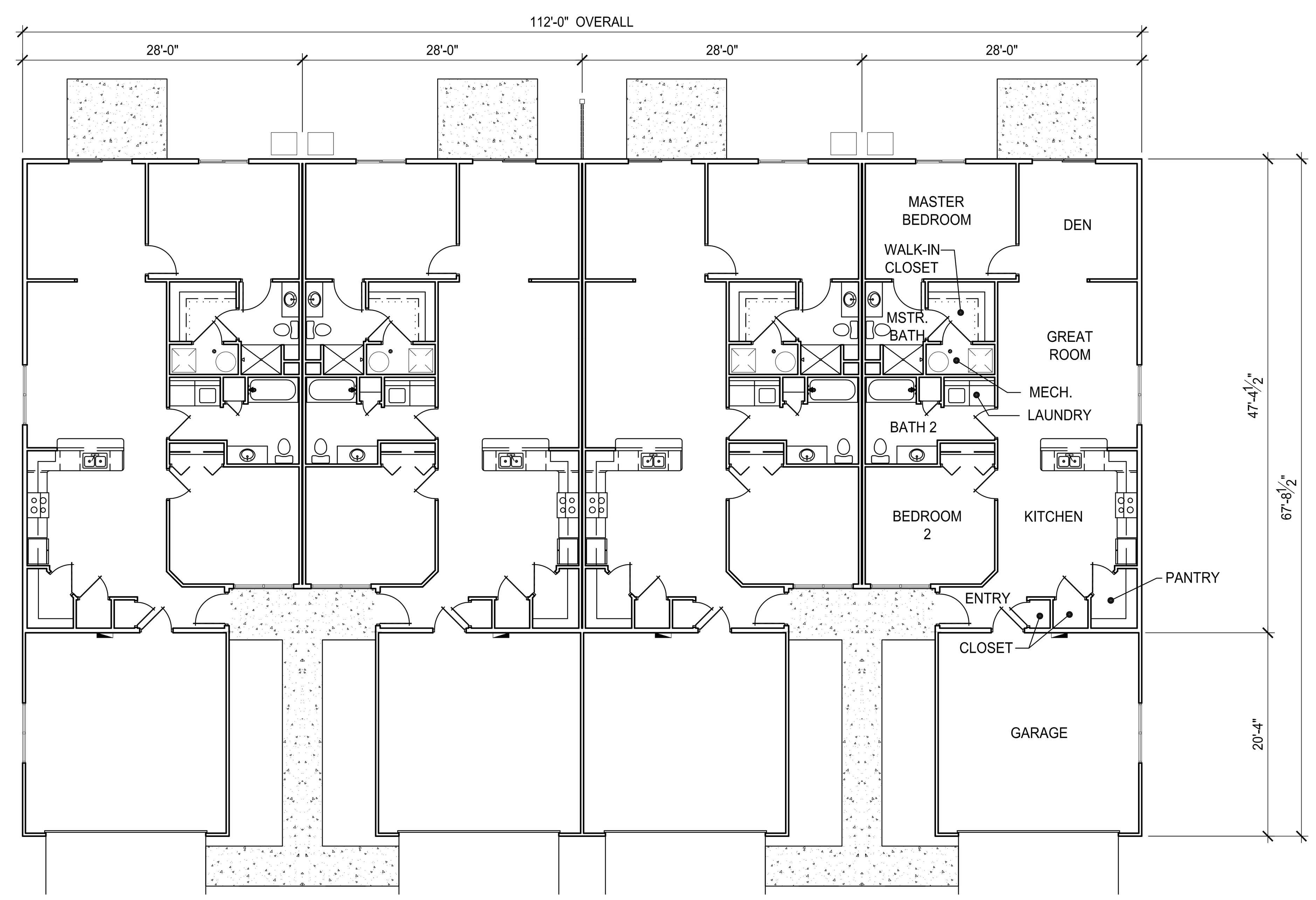
REAR ELEVATION

SCALE: 3/32" = 1'-0"



FRONT ELEVATION

SCALE: 3/32" = 1'-0"



OVERALL FLOOR PLAN

SCALE: 3/32" = 1'-0" 4 UNIT BUILDING

EXHIBIT 9C TO ORDINANCE 12-37

PRELIMINARY

NOTE!!! THIS DRAWING IS NOT FOR CONSTRUCTION

revisions

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23775 commerce park rd. suite 7
beachwood, oh 44122
tel. 216 . 360 . 9473

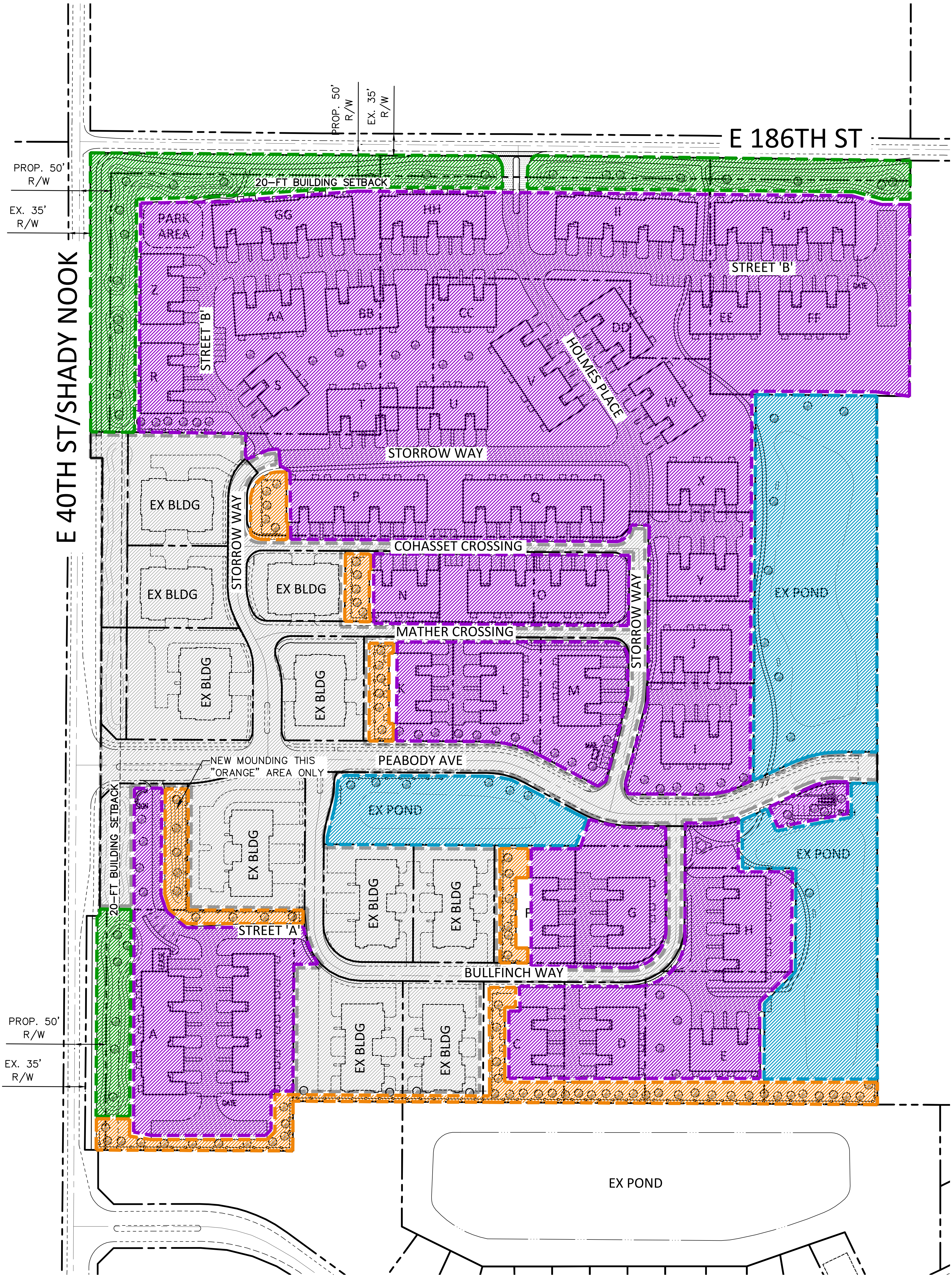
mann architects
REDWOOD MANAGEMENT CO.

drawing
STANDARD 4 UNIT BUILDING - 28' WIDE UNIT

project no. 19512
date JANUARY 9, 2013
scale AS NOTED

project
REDWOOD AT ANDOVER
WESTFIELD, INDIANA

A1.3
3 OF 3
sheet no.



PROPOSED LANDSCAPE LEGEND

- LANDSCAPE BUFFER (FROM EXISTING)
- LANDSCAPE BUFFER (ROAD FRONTAGE)
- INTERNAL LANDSCAPE
- POND LANDSCAPE
- EXISTING LANDSCAPE
- NEW 3-RAIL FENCE

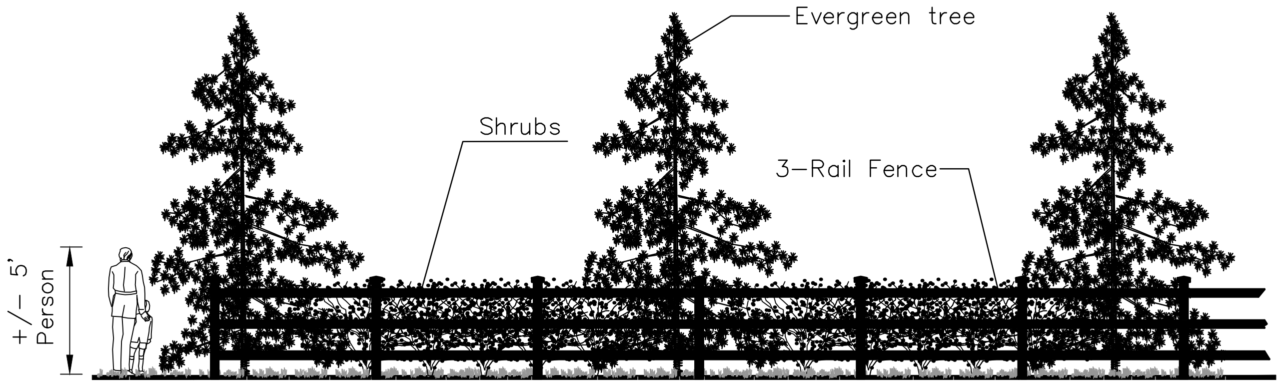
0' 75' 150'
SCALE: 1"=150'

AMERICAN STRUCTUREPOINT INC.

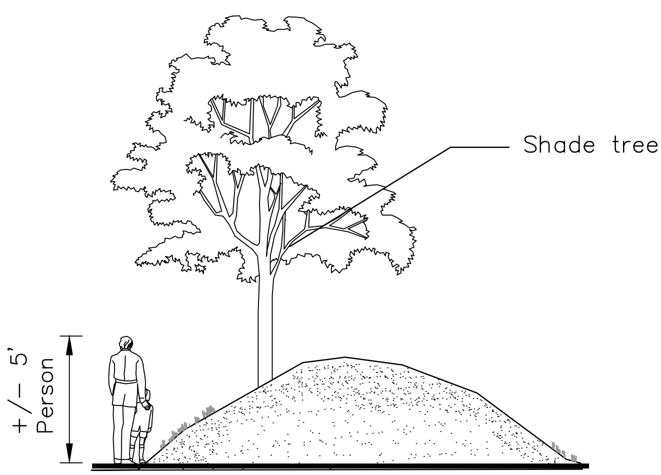
REDWOOD AT ANDOVER

DECEMBER 31, 2012

OVERALL LANDSCAPE PLAN - EXHIBIT 11 TO ORD. 12-37



LANDSCAPE BUFFER ELEVATION (FROM EXISTING)



LANDSCAPE BUFFER CROSS-SECTION (ROAD FRONTAGE)

AMERICAN STRUCTUREPOINT INC.

REDWOOD AT ANDOVER

JANUARY 2, 2012

LANDSCAPE DETAILS - EXHIBIT 11A TO ORD. 12-37

LANDSCAPE BUFFER (FROM EXISTING)

- Landscape material shall include planting (2) evergreen tree per thirty (30) linear feet and five (5) evergreen shrubs per thirty (30) linear feet.
- The shrub material shall be planted at a minimum height of eighteen (18) inches tall and reach the minimum height of forty-eight (48) inches within three years of installation.
- The evergreen trees shall be planted at a minimum height of six (6) feet.
- Buffer plantings shall consist of two (2) or more species of both shrubs and trees.
- Additionally, a 3-rail white vinyl fence shall be installed along the length of the buffer.

LANDSCAPE BUFFER (ROAD FRONTAGE)

- The landscape buffer shall include a 4-6 foot berm for the material to be planted on.
- Landscape material shall be placed at least (1) shade tree per thirty (30) linear feet of road frontage.
- The shade trees shall be planted at a minimum of eight (8) feet in height and have a caliper measuring at least two (2) inches.
- Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.

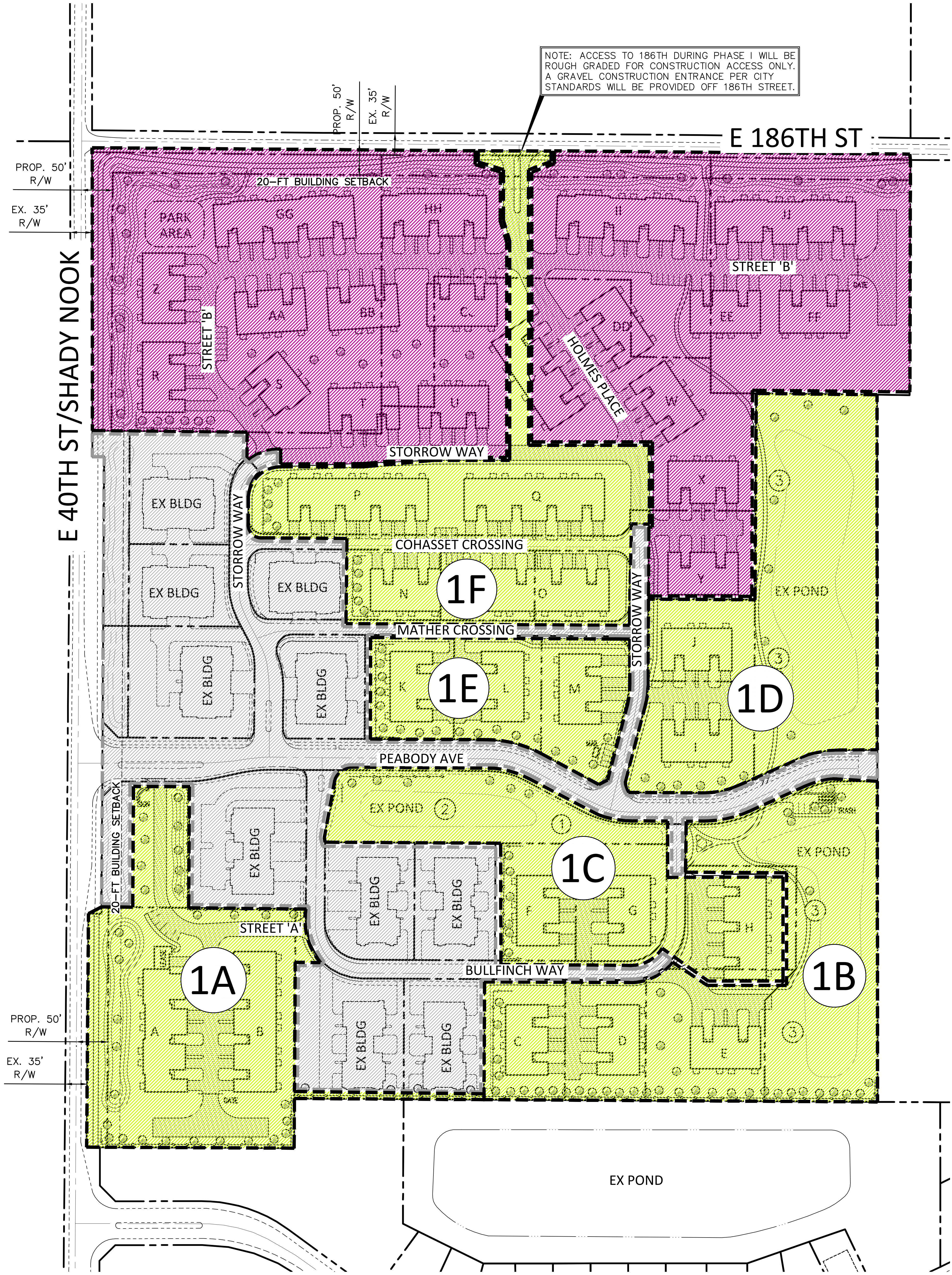
INTERNAL LANDSCAPE

- Internal landscape shall have one (1) shade tree, one (1) ornamental or evergreen tree, and four (4) shrubs per dwelling. Plantings will occur within the side yards, setback areas, and green spaces, comprised of 180 shade trees, 180 ornamental trees or evergreen trees, and 720 shrubs.
- The proposed trash dumpster shall be screened by using a six (6) foot high evergreen screen planted nine (9) feet on center in a double staggered row.
- All planting material shall comply with sizing requirements provided herein.

POND LANDSCAPE

- The existing onsite ponds shall be planted with shade and evergreen trees to replicate the natural form of ponds.
- All planting material shall comply with sizing requirements provided herein.

NOTE: Landscape plantings in Landscape Buffer (From Existing), Landscape Buffer (Road Frontage) and Pond Landscape areas shall count toward the required number of plantings described in Internal Landscape calculations.



PHASING LEGEND	
EXISTING UNITS = APPROX 50	
PHASE I UNITS = 89	
PHASE II UNITS = 91	

PROPOSED SITE LEGEND

1 GAZEBO — NEW 6-FT ASPHALT TRAIL
2 FOUNTAIN — NEW 3-RAIL FENCE
3 BENCH

LANDSCAPE NOTE
ALL LANDSCAPING WILL BE INSTALLED ACCORDING TO THE TERMS OF ORDINANCE 12-37.

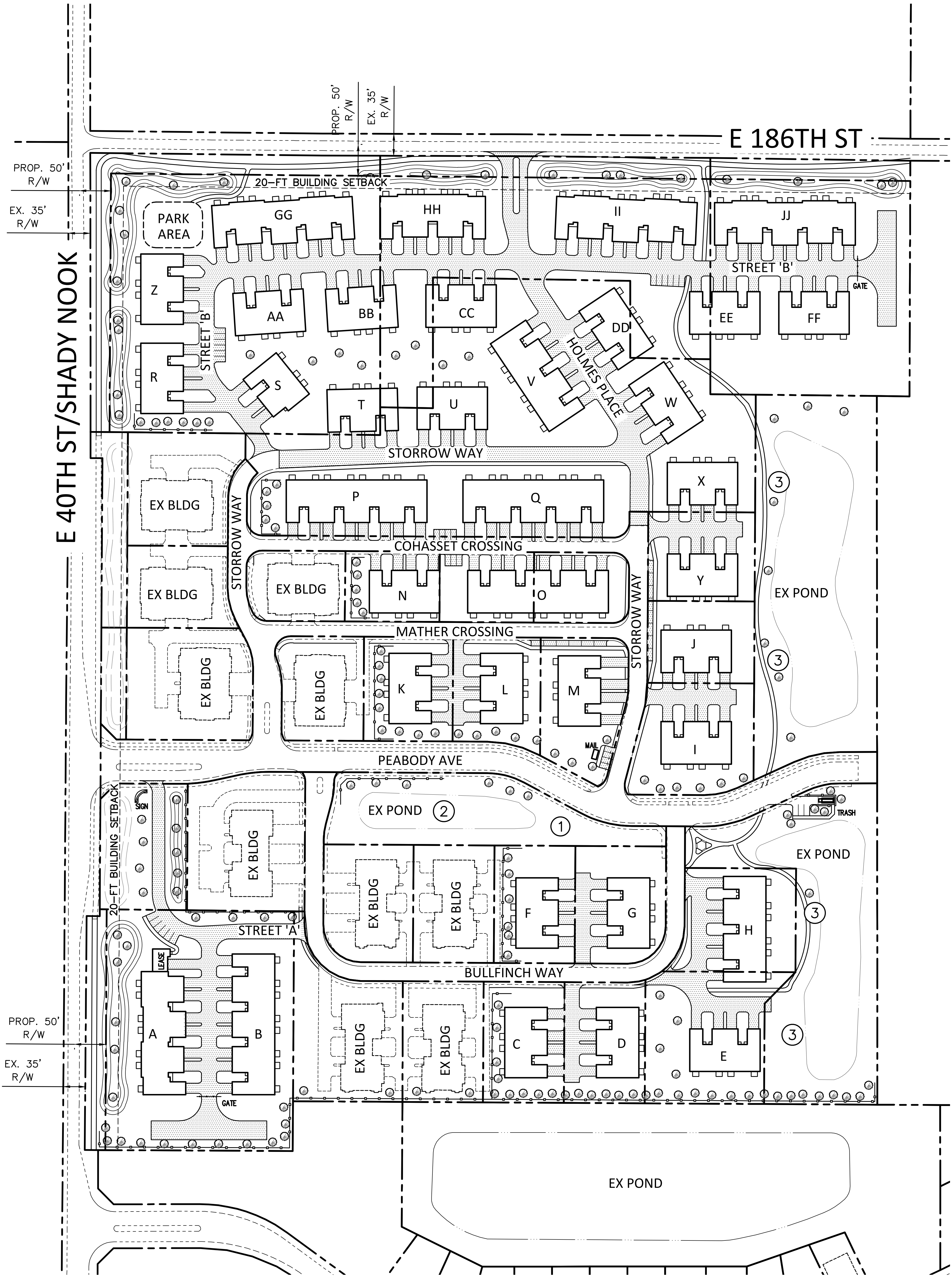
0' 75' 150'
SCALE: 1"=150'

AMERICAN STRUCTUREPOINT INC.

REDWOOD AT ANDOVER

PHASING PLAN - EXHIBIT 12 TO ORD. 12-37

DECEMBER 31, 2012



OVERALL SITE	
EXISTING UNITS =	APPROX 50
PROPOSED UNITS =	180
OPEN SPACE ACREAGE=	21.95

PROPOSED SITE LEGEND

- ① GAZEBO
- ② FOUNTAIN
- ③ BENCH
- NEW PINE TREE
- NEW 3-RAIL FENCE
- NEW 6-FT ASPHALT TRAIL

0' 75' 150'

SCALE: 1"=150'

AMERICAN STRUCTUREPOINT INC.

REDWOOD AT ANDOVER

SITE PLAN - EXHIBIT 13 TO ORD. 12-37

DECEMBER 31, 2012

Westfield City Council Report

Ordinance Number:	12-37
APC Petition Number:	1212-PUD-13
Petitioner:	Redwood Acquisition, LLC
Requested Action:	An amendment to the Andover PUD to allow multi-family dwellings within Parcel G of the Andover PUD.
Current Zoning District:	Andover PUD
Requested Zoning District:	Andover PUD
Filing Date:	November 2, 2012
Referral Date to APC:	November 12, 2012
APC Public Hearing:	November 19, 2012
APC Recommendation:	January 7, 2013
Adoption Consideration:	January 14, 2013
Exhibits:	1. Staff Report 2. Aerial Location Map 3. Andover PUD (Ord. 06-49) 4. APC Certification
Prepared By:	Ryan P. Clark

<u>Petition History</u>

This petition was introduced at the November 12, 2012 City Council meeting. The proposal received a public hearing at the November 19, 2012 Advisory Plan Commission (the "APC") meeting and received a unanimous favorable recommendation for approval at the January 7, 2013 APC meeting.

<u>Procedural</u>

- Requests for an amendment to PUD ordinance are required to be considered at a public hearing, in accordance with Ind. Code §36-7-4-1505.
- The Advisory Plan Commission (the "APC") held a public hearing on November 19, 2012 and issued a unanimous favorable recommendation (9-0) to the City Council in support of the proposed PUD amendment at its January 7, 2013 meeting.
- Notification of the November 19, 2012 public hearing was provided in accordance with the APC Rules of Procedure.
- The Westfield City Council may take action on this item at the January 14, 2013 meeting.

Project Overview

The subject property is located on approximately forty-six (46) acres on the southeast corner of 186th Street and Shady Nook Road in the Andover Planned Unit Development ("PUD") (the "Property"). Fifty (50) units of single-family attached dwellings are currently constructed in Parcel G.

Currently, Parcel G of the Andover PUD permits the use of single-family attached units. The proposed amendment would allow the use of multi-family dwellings along with single-family attached units (the "Proposal"). The number of single-family attached or multi-family dwelling units permitted in Parcel G would be reduced to two hundred and thirty (230) units and there is no proposed increase in density. The concept plan includes approximately twenty-one (21) acres for open space in Parcel G.

The Proposal includes enhanced rear elevations for structures bordering Shady Nook Road and 186th Street , landscape buffering between existing structures in Parcel G and proposed structures, and a concept plan for which the development shall be built in substantial compliance.

Indiana Statute

Indiana Code § 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan

According to the Westfield-Washington Township Comprehensive Plan, the Property is in the Suburban Residential land use classification. Compatible infill development on vacant parcels in existing neighborhoods is encouraged as means to avoid sprawl. The infill should also be compatible in mass, scale, density and materials.

2. Current conditions and the character of current structure and uses.

The property is partially developed with approximately fifty (50) Single-Family Attached units already constructed and in good condition. A portion of the roads for the Andover Place development have also already been constructed on the property as part of the original development.

3. The most desirable use for which the land is adapted.

The Property is surrounded by other sections of the Andover PUD to the north, east, south, and west. The proposed PUD amendment allows for the continued build out of single story structures similar to the single-family attached structures already located in Parcel G. The Comprehensive Plan calls for compatible infill and to support the existing suburban character of the area and the proposed plan should not alter the existing character of the area.

4. The conservation of property values throughout the jurisdiction.

It is anticipated that the Proposal would have a neutral or positive impact on property values throughout the jurisdiction.

5. Responsible growth and development.

The Property is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City water and sewer facilities are available to the Property, and there is adequate capacity to serve the Property.

Recommendations/Actions

- Economic and Community Development Department [January 7, 2013]
  The Westfield Economic and Community Development Staff, in its report to the APC, made a recommendation that the APC forward a favorable recommendation to the City Council.

- Advisory Plan Commission [January 7, 2013]
  The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation to the City Council (Vote of: 9-0).

- City Council
  - Introduction: [November 12, 2012]
  - Eligible for Adoption: [January 14, 2013]

Submitted by: Ryan P. Clark, *Associate Planner*

Exhibit 2
1212-PUD-13
Andover PUD Amendment

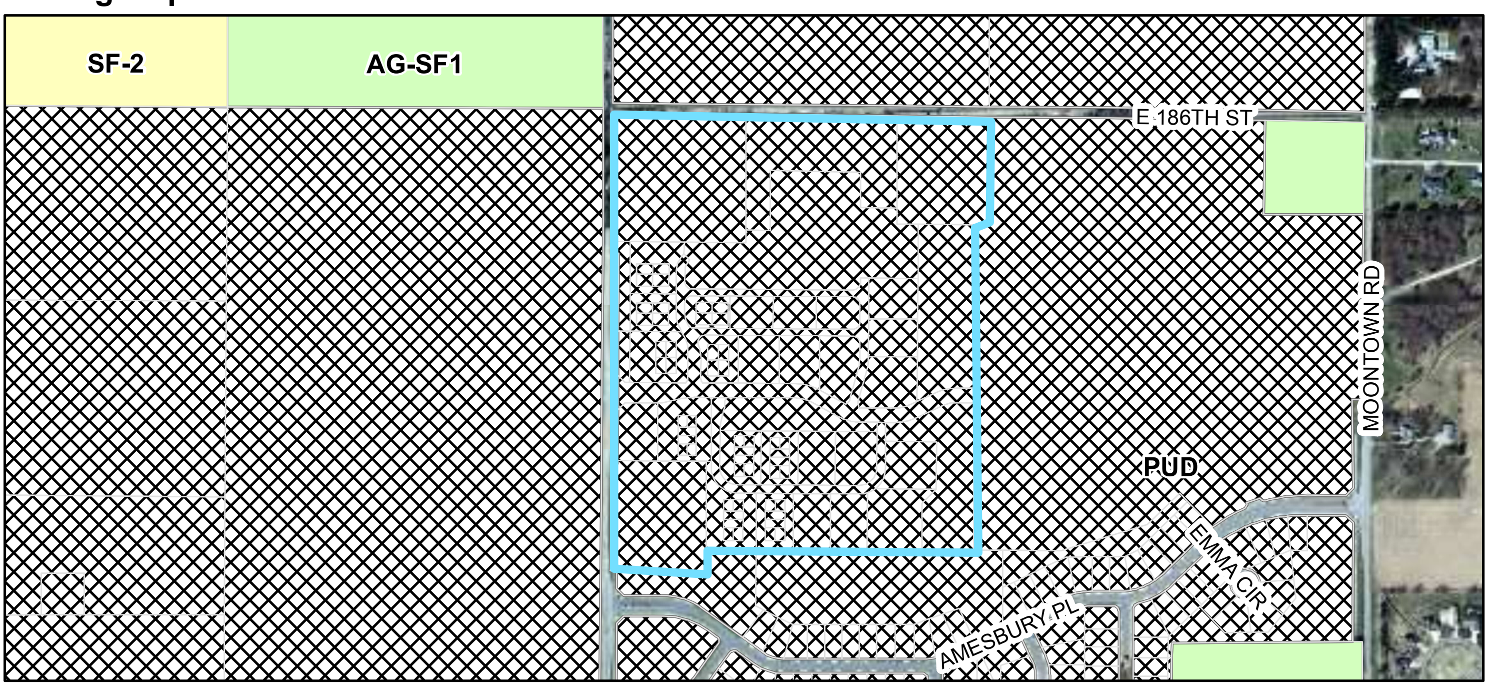
CITY OF Westfield INDIANA

N W E S
Not To Scale

Aerial Location Map

Site

Zoning Map



Zoning

- SF-2 (Single Family - 2)
- PUD (Planned Unite Development)
- AG-SF1 (Agriculture - Single Family - 1)

BEST POSSIBLE IMAGE
ALL PAGES

99.00
45

ORDINANCE NO. 06-24

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, the Town of Westfield and the Township of Washington, both of Hamilton County, Indiana, are subject to the Westfield-Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Advisory Plan Commission ("Commission") considered a petition (docket #0602-PUD-03) filed with the Commission to rezone the real estate containing approximately 15.15 acres, depicted on Exhibit "A" hereto and legally described on Exhibit "B" hereto and located in Washington Township, Indiana (the "Real Estate"); and

WHEREAS, the Westfield-Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with a positive recommendation under the provisions of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Town Council on May 22, 2006; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW, THEREFORE, be it ordained by the Westfield Town Council that Title 16 of the Westfield Code of Ordinance be amended as follows:

Section 1. WC-16-04. Zoning maps shall be amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate from SF2 to Mixed Use PUD.

Section 2. The Real Estate shall be subject to the commitments and standards as detailed in the "Andover Planned Unit Development District," Ordinance

Number 03-40 of the Town of Westfield, adopted December 8, 2003 by the Westfield Town Council, and attached hereto as "Exhibit C" and made a part hereof.

Section 3. The Development Standards and Architectural Standards applying to each tract of the Real Estate are as follows:

Tract	Development/ Architectural Standards
G1	G
G2	G
G3	G
E1	E

Upon enactment of this Ordinance #06-24, parcels G1, G2, and G3 shall be incorporated into, and shall become a part of, Parcel G in The Andover PUD Ordinance #03-40; and parcel E1 shall be incorporated into, and shall become a part of, Parcel E in the Andover PUD Ordinance #03-40.

Section 4. The number of dwelling units permitted in Parcel G of the Andover PUD shall be increased from 180 to 242. The number of dwelling units permitted in Parcel E of the Andover PUD shall be increased from 80 to 90. The total number of dwelling units permitted in the Andover PUD shall be increased from 640 to 712, and the total number of single-family attached dwelling units permitted shall be increased from 180 to 242.

Section 5. The Open Space required in the Andover PUD Ordinance #03-40 shall be increased by a total of four (4) acres. A minimum of two (2) acres of the additional Open Space shall be located in Parcel G, and the remainder may be located either in Parcel E or Parcel G.

Section 6. No residences located on the Real Estate shall have garage doors facing Shady Nook Road or 186th Street. All residences facing Shady Nook Road and 186th Street shall have 100% of that facade (exclusive of windows, doors, and gable ends) covered by brick or another masonry product.

Section 7. A walking trail shall be constructed on the Real Estate along Shady Nook Road.

Section 8. Any portion of the Real Estate adjacent to property that is zoned AG-SF1 shall contain a 20' Buffer Yard.

Section 9. Right-of-way shall be dedicated along Shady Nook road sufficient to support the Town's current Thoroughfare Plan.

Section 10. Not more than eighty (80) of the residences in Parcel E shall have front-load garages.

Section 11. This Ordinance #06-24 shall be in full force and effect from and after its passage; provided however, that any Development Plan approved for the Real Estate shall be conditioned upon Graystone Development, LLC taking title to that portion of the Real Estate for which a Development Plan is sought.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS 12th DAY OF JUNE, 2006.

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Jack Hart	Jack Hart	Jack Hart
Teresa Otis-Skelton	Teresa Otis-Skelton	Teresa Otis-Skelton
David Mikesell	David Mikesell	David Mikesell
Ron Thomas	Ron Thomas	Ron Thomas
Robert Smith	Robert Smith	Robert Smith

ATTEST: Cindy Gossard

Cindy Gossard, Clerk-Treasurer
Town of Westfield, Indiana

This Ordinance prepared by: Sheldon S. Phelps
GRAYSTONE DEVELOPMENT, LLC
4773 Austin Trace
Zionsville, IN 46077

Reviewed by: James Shinaver, Attorney at Law
NELSON & FRANKENBERGER
3021 East 98th Street, Suite 220
Indianapolis, IN 46280

ANDOVER PUD AMENDMENT

E INCLUDE IN E

G INCLUDE IN G

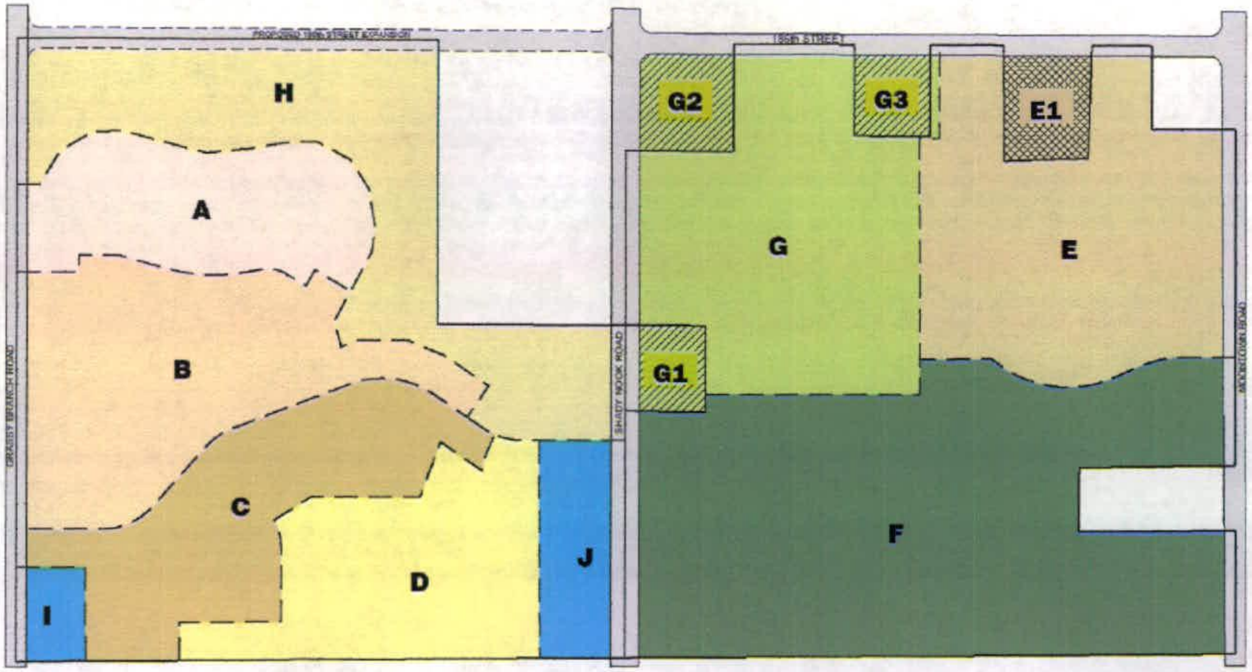


EXHIBIT A

PARCEL	MAX. UNITS	LAND USE	LOT WITH (AT BUILDING LINE)
A	40	SINGLE FAMILY DETACHED	100'
B	80	SINGLE FAMILY DETACHED	90'
C	50	SINGLE FAMILY DETACHED	80'
D	60	SINGLE FAMILY DETACHED	65'
E	90	SINGLE FAMILY DETACHED	80'
F	180	SINGLE FAMILY DETACHED	60'
G	242	SINGLE FAMILY ATTACHED (FOR SALE)	N/A
H	N/A	OPEN SPACE	N/A
I	N/A	DAY CARE	N/A
J	N/A	ASSISTED LIVING	N/A
TOTAL 294.66 Ac.±			
RESIDENTIAL ONLY 283.86 Ac.±	712		

— — APPROXIMATE DISTRICT LINES

Stoeppelwerth & Associates, Inc.

CONSULTING ENGINEERS LAND SURVEYORS

Exhibit B
Legal Descriptions

Tract G1

A part of the West half of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at a point in the West line of said Northeast Quarter Seventy-four and 1/3 (74 1/3) rods South of the Northwest corner of said Quarter Section; thence South on said line Twenty-two and 2/3 rods (22 2/3) to a point; thence East parallel to the North line of said Quarter Section twenty (20) rods to a point; thence North parallel to the West line of said Quarter Section Twenty-two and 2/3 (22 2/3) rods to a point; thence West parallel to said North line of said Quarter Section Twenty (20) rods to the place of beginning, containing Two and Eighty-three Hundredths (2.8) acres, more or less.

Tract G2

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the iron rod at the Northwest corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence South 00 degrees 00 minutes 00 seconds (assumed bearing) 466.70 feet on and along the West line of said Northeast Quarter to a mag nail; thence South 89 degrees 43 minutes 03 seconds East 466.69 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 00 minutes 00 seconds 466.70 feet parallel with the West Line of said Northeast Quarter to a mag nail on the North line of said Northeast Quarter; thence North 89 degrees 43 minutes 03 seconds West 466.69 feet to the point of beginning, containing 5.0 acres, more or less.

Tract G3

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the iron rod located at the Northeast corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence North 89 degrees 43 minutes 03 seconds West (assumed bearing) 1321.91 feet on and along the North line of said Northeast Quarter to a mag nail at the point of beginning of this description; thence South 00 degrees 18 minutes 08 seconds West 396.01 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 89 degrees 22 minutes 42 seconds West 330.00 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 18 minutes 08 seconds East 396.01 feet to a mag nail on the North line of said Northeast Quarter; thence South 89 degrees 22 minutes 42 seconds East 330.00 feet on and along the North line of said Northeast Quarter to the point of beginning, containing 3.1 acres, more or less.

Tract E1

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Commencing at the iron rod located at the Northeast corner of the Northeast Quarter of Section 32, Township 19 North, Range 4 East; thence North 89 degrees 43 minutes 03 seconds West (assumed bearing) 623.48 feet on and along the North line of said Northeast Quarter to a mag nail at the point of beginning of this description; thence South 01 degrees 43 minutes 44 seconds West 489.82 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence South 88 degrees 05 minutes 05 seconds West 363.89 feet to a 5/8" iron rod with yellow cap stamped Miller Surveying; thence North 00 degrees 27 minutes 49 seconds West 503.67 feet to a mag nail on the North line of said Northeast Quarter; thence South 89 degrees 43 minutes 03 seconds East 382.55 feet on and along the North line of said Northeast Quarter to the point of beginning, containing 4.25 acres, more or less.

All together, the Real Estate comprises 15.15 acres, more or less.

This description was prepared for zoning purposes only, and is subject to change upon the completion of an accurate boundary survey.

Exhibit C
Ordinance 03-40
Andover Planned United Development District

The full text of Ordinance 03-40, as enacted by the Westfield Town Council on December 8, 2003, follows.

200300125264
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
12-17-2003 At 09:00 am.
ORDINANCE 13.00

ORDINANCE NO. 03-40

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0306-PUD-03) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the town Council on November 25, 2003; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 1. WC-16-04.Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the real estate described in the attachment "Andover Planned Unit Development District" in exhibits 3 and 5. hereto (Real Estate) from SF2 and AG-SF1 to Mixed Use PUD.

This real estate being subject to commitments and standards as detailed in the attachment "Andover Planned Unit Development District" sections 1-12.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF WESTFIELD, HAMITON COUNTY, INDIANA THIS 8 DAY OF Dec ,2003

WESTFIELD TOWN COUNCIL

Voting For	Voting Against	Abstain
Jack Hart	Jack Hart	Jack Hart
Teresa Otis-Skelton	Teresa Otis-Skelton	Teresa Otis-Skelton
David Mikesell	David Mikesell	David Mikesell
Michael McDonald	Michael McDonald	Michael McDonald
Mic Mead	Mic Mead	Mic Mead

ATTEST:

Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

WESTFIELD, INDIANA

PUD ORDINANCE NO. 03-40

ANDOVER
PLANNED UNIT DEVELOPMENT
DISTRICT

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AND SCHEDULE OF EXHIBITS

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ORDINANCE NO. 03-40

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF WESTFIELD
AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA

This PUD Ordinance (the "Andover PUD") amends the Zoning Ordinance of the Town of Westfield and Washington Township, Hamilton County, Indiana (the "Zoning Ordinance"), enacted by the Town of Westfield under authority of Chapter 174 of the Acts of the Indiana General Assembly 1947, as amended;

WITNESSETH:

WHEREAS, the Plan Commission of the Town of Westfield and Washington Township (the "Commission") has conducted a public hearing as required by law in regard to the application for a change of zone district designation filed by Graystone Development, LLC for the real estate containing approximately 279.4 acres, legally described on Exhibit "3" and Exhibit "5" hereto, and located in Washington Township, Westfield, Indiana (the "Real Estate");

WHEREAS, the Commission has sent to the Town Council of the Town of Westfield, Indiana (the "Town Council") its unanimous favorable recommendation adopted on the 24th day of November, 2003; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council meeting in regular session, that the Zoning Ordinance and the Zone Map (the "Zone Map") of the Zoning Ordinance are hereby amended as follows:

SECTION 1. LEGISLATIVE INTENT. Having given reasonable regard to (i) the Comprehensive Plan, (ii) current conditions and the character of current structures and uses in the Real Estate, (iii) the most desirable use for which the Real Estate is adapted, (iv) conservation of property values throughout the Town of Westfield and Washington Township, and (v) responsible development and growth, it is the intent of the Plan Commission in recommending, and the Council in adopting, to:

A. Encourage flexibility in the development of land in order to promote its most appropriate use;

B. Improve the design, character and quality of new development;

C. Encourage a harmonious and appropriate mixture of uses;

D. Facilitate the adequate and economic provision of streets, utilities, and municipal services;

E. Preserve the natural environmental and scenic features of the Real Estate;

F. Encourage and provide a mechanism for arranging improvement on-site so as to preserve desirable features; and

G. Mitigate the problems which may be presented by specific site conditions.

SECTION 2. EFFECT. The development standards created by this Andover PUD supersede the development standards of the Zoning Ordinance. Unless otherwise specified herein, the owner(s) of the Real Estate shall otherwise comply with the terms, conditions, and procedures of PUD Ordinance 02-01 (WC 16.04.190) (the "PUD Ordinance").

SECTION 3. DEFINITIONS. Unless otherwise specified in (i) this Andover PUD or (ii) what is attached hereto and incorporated herein by reference as Exhibit "2", the definitions of the Zoning Ordinance shall apply to words and terms set forth in this Andover PUD.

SECTION 4. RESIDENTIAL AREA. Area X of the Real Estate, described in what is attached hereto and made a part hereof as Exhibit "3" ("Area X"), is reclassified on the Zone Map from the AG-SF1 Residence District Classification and the SF-2 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 District of the Zoning Ordinance in force at the time of the enactment of this Andover PUD. A copy of the SF-2 development standards which were in force at the time of the enactment of this Andover PUD and which apply to Area X, except as modified in this Andover PUD, is attached hereto and made a part hereof as Exhibit "4".

SECTION 5. LOCAL BUSINESS AREA. Area Y of the Real Estate, also identified on the Concept Plan as Parcels I and J, is described in what is attached hereto and made a part hereof as Exhibit "5" ("Area Y"), and is reclassified on the Zone Map from the AG-SF1 Residence District Classification to the Planned Unit Development District Classification, the underlying zoning classification of which shall be the LB Local and Neighborhood Business District of the Zoning Ordinance in force at the time of the enactment of this Andover PUD. A copy of the LB Local and Neighborhood Business District development standards which were in force at the time of the enactment of this Andover PUD and which apply to Area Y, except as modified by this Andover PUD, is attached hereto and made a part hereof as Exhibit "6".

SECTION 6. USES. The Real Estate shall be developed for residential and non-residential uses, as more particularly shown on the concept plan attached hereto as Exhibit "1" (the "Concept Plan"). The size, dimensions, and acreage of the parcels within Area X may be increased or decreased by up to fifteen percent (15%), so long as the maximum number of single family residential units does not exceed the gross residential density described in Section 7 below. Permitted uses are as follows:

A. Permitted Uses for Area X shall include the following:

(1) All uses permitted in the SF-2 District per the Zoning Ordinance in force at the time of enactment of this Andover PUD, including attached and detached single family dwellings and single structures and buildings and uses accessory thereto, together with model homes and temporary trailers from which sales activities may be conducted;

(2) Residential common areas and amenity areas (to be owned and maintained by the Andover Homeowners' Association) along with accessory uses, structures and improvements located thereon including, without limitation, recreational developments, including clubhouses, parks, pools, ballfields, ball courts, practice facilities, playgrounds and other recreational spaces, and recreational buildings. The construction of said amenity improvements shall be approved by Department staff and shall not require an additional DPR;

(3) Home occupations shall be permitted per the terms and conditions of the Zoning Ordinance; provided, however, that (i) home garage sales shall not exceed two (2) days per year, (ii) home-based schools shall be limited to eight (8) or fewer full-time or part-time students, including residents of the home, (iii) personal motor vehicle sales are prohibited, and (iv) dance teaching is limited to eight (8) students.

B. Permitted Uses for Area Y shall be:

(1) Parcel I: Day care center;

(2) Parcel J: Assisted living facilities;

(3) All uses permitted in Area X including, without limitation, any detached or attached single family residences complying with the standards and guidelines contained in Exhibit "8" and Exhibit "9".

SECTION 7. GROSS RESIDENTIAL DENSITY. The gross residential density for the entire Real Estate shall not exceed a total of six hundred forty (640) attached and detached single family residences; provided, however, that for all of the Real Estate, the total number of single family attached units shall not exceed one hundred eighty (180).

SECTION 8. DEVELOPMENT AND ARCHITECTURAL STANDARDS. The development standards which follow shall apply; provided, however, that through the DPR Process, the Commission may approve (i) a ten percent (10%) reduction in any minimum development standard specified in Exhibit "7" or (ii) a ten percent (10%) increase in any maximum development standard specified in Exhibit "7":

A. The development standards for detached and attached single family dwellings shall be as set forth in what is attached hereto and incorporated herein by reference as Exhibit "7" and, to the extent they conflict with those set forth in Exhibit "4" and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "4" and other provisions of the Zoning Ordinance. Attached single family residential dwellings may be developed under the Indiana Horizontal Property Regime Law, I.C. 32-25-1-1 *et seq.*

B. The Street Scape Standards and Architectural Guidelines for detached and attached single family dwellings are set forth in what is attached hereto and incorporated herein by reference as Exhibit "8" and Exhibit "9", and, to the extent they conflict with those set forth in Exhibit "4" and other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "4" and other provisions of the Zoning Ordinance.

C. The following development standards shall apply to Area Y and, to the extent they conflict with those set forth in Exhibit "6" or other provisions of the Zoning Ordinance, they shall replace and supersede those set forth in Exhibit "6" and other provisions of the Zoning Ordinance:

(1) The square footage of the day care facility in Parcel I shall not exceed 8,000 square feet;

(2) The square footage of the assisted living facility in Parcel J shall not exceed 30,000 square feet;

(3) Maximum building height: forty-five (45) feet.

SECTION 9. LANDSCAPING. The landscaping standards set forth in Section 16.06 of the Zoning Ordinance (the "Landscaping Standards"), as they exist and are in force on the date of the enactment of this Andover PUD, shall apply to the development of the Real Estate, with the following exceptions:

A. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are to be set forth in the following table (this table shall replace the provisions of Table 16.06.050-01 of the Zoning Ordinance):

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single Family Detached Residential	2 per dwelling unit	2 per dwelling unit	4 per dwelling unit
Single Family Attached Residential	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Local Business	5 per acre 5 pe	r acre	10 per acre

B. Buffer Yard plantings shall not be required along the northern border of the Real Estate between Grassy Branch Road and Shady Nook Road nor along the southern border of the Real Estate.

C. Within Buffer Yards, material substitutions may be made with approval of Department staff.

SECTION 10. SIGNAGE. The signage provisions set forth in Section 16.08 of the Zoning Ordinance, as they exist and are in force on the date of the enactment of this Andover PUD, shall apply to the development of the Real Estate.

SECTION 11. AMENITIES. At least three (3) of the following shall be included on each side of Shady Nook Road:

A. Clubhouse;
B. Swimming pool;
C. Playground;
D. Dedicated Open Space of Park (minimum 5,000 square feet);
E. Trail;
F. Basketball court;

G. Tennis court;

H. Volleyball court;

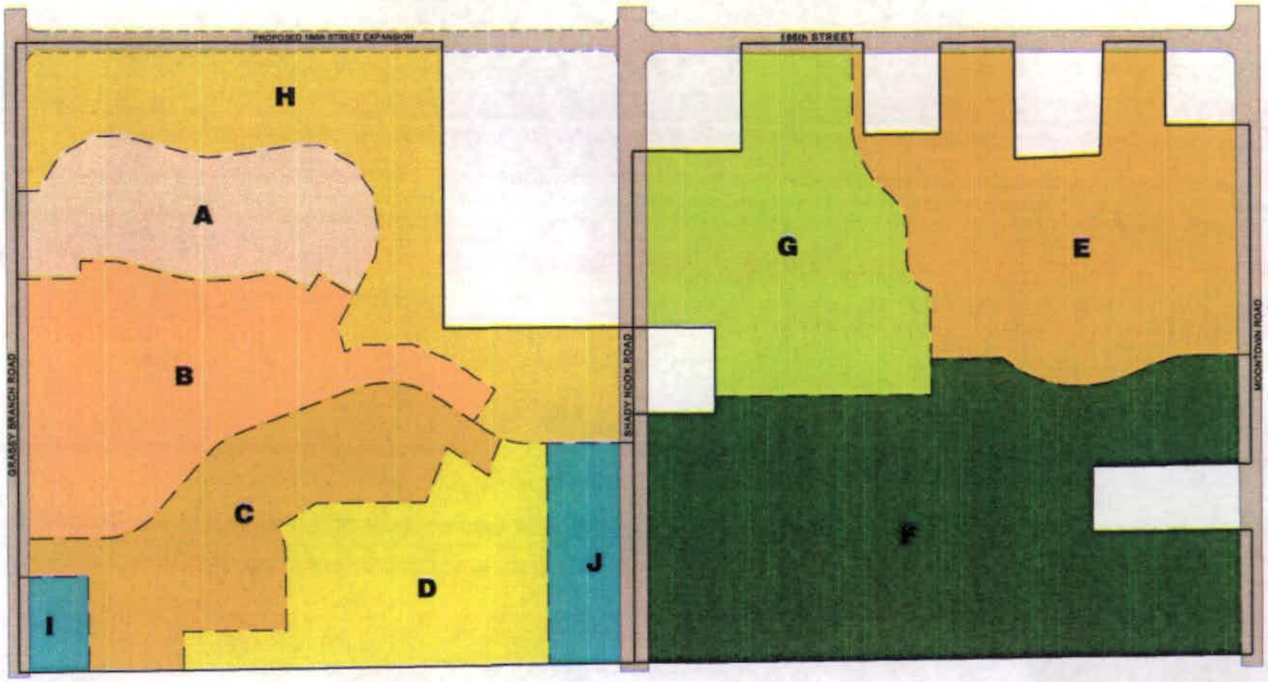
I. Formal garden (minimum 2,500 square feet);

J. Picnic area.

SECTION 12. PHASING SEQUENCE. The sequence and phasing of development shall be as set forth in Exhibit "10" (the "Phasing Sequence"). The Phasing Sequence shall control, replace, and supersede provisions in the PUD Ordinance pertaining to the submission, approval, and timing of phases, development, and development plans.

Upon motion duly made and seconded, this Andover PUD was fully passed by the members of the Town Council this 8th day of December 2003.

EXHIBIT 1
CONCEPT PLAN
ANDOVER



AREA X = PARCELS A-H
AREA Y = PARCELS I-J

PARCEL	MAX. UNITS	LAND USE	LOT WITH (AT BUILDING LINE)
A	40	SINGLE FAMILY DETACHED	100'
B	50	SINGLE FAMILY DETACHED	90'
C	50	SINGLE FAMILY DETACHED	80'
D	60	SINGLE FAMILY DETACHED	65'
E	80	SINGLE FAMILY DETACHED	80'
F	180	SINGLE FAMILY DETACHED	60'
G	180	SINGLE FAMILY ATTACHED (FOR SALE)	N/A
H	N/A	OPEN SPACE	N/A
I	N/A	DAY CARE	N/A
J	N/A	ASSISTED LIVING	N/A
TOTAL	279.4 Ac.±		
RESIDENTIAL ONLY	268.6 Ac.±	640	OVERALL DENSITY 2.38 U/A

— — APPROXIMATE DISTRICT LINES

Stoeppelwerth & Associates, Inc.
CONSULTING ENGINEERS LAND SURVEYORS

EXHIBIT 2

DEFINITIONS

The following words and terms, not defined elsewhere in the Andover PUD or its Exhibits, shall have the following meanings:

1. **Apartment.** A building or portion thereof designed for or occupied by one or more families.

2. **Architectural Break**. An offset from an exterior wall of a minimum of two (2) feet that continues a minimum of four (4) feet.

3. **Architectural Review Board**. The board established by a Declaration of the Developer for the purpose of reviewing the design of all structures to be constructed in a particular Parcel.

4. **Area**. Area X and/or Area Y as identified in the Andover PUD.

5. **Balcony**. A projecting platform on a building enclosed with a railing or balustrade.

6. **Bay Window**. Projection from a house front, circular, rectangular, segmental, or canted on plan, largely filled with windows.

7. **Building Height**. Building height shall be measured (i) from the average ground level at the foundation of the residence and/or structure facing the street (ii) to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating height.

8. **Concrete Fiber**. Concrete reinforced by plastic or wood fiber to increase durability (e.g., Hardie Plank).

9. **Crawl Space.** An area in a residence having a clearance less than human height, but accessible by crawling, especially such a space below the first floor that is enclosed by foundation walls.

10. **Cultured Stone**. A man-made stone product.

11. **Cul-de-sac Street**. A cul-de-sac street is a public or private street ending in a cul-de-sac. The length of a cul-de-sac is the distance from the back of the curb to the end of the cul-de-sac to the nearest intersecting street.

12. **Declaration**. A Declaration of Covenants, Conditions, and Restrictions for one (1) or more parcels of the development which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may be from time to time amended.

13. **Deck**. An open, unroofed porch or platform extending from a residence.

14. **Department**. The Department of Community Development of the Town of Westfield, Indiana.

15. **Design Vocabulary**. A code of architectural style and massing recommendations, building detail guidelines, listing of acceptable materials and colors, and landscape and street scape details adopted by a Developer and applied by an Architectural Review Board in considering plans for structures to be constructed in the Real Estate.

16. **Developer**. The Developer shall be Graystone Development, LLC or its successors or assigns.

17. **Dormer**. Projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides (dormer cheeks), and a window set vertically in the front.

18. **DPR Process**. The process of Development Plan Review as specified in Section 16.04.165 of the Zoning Ordinance.

19. **EIFS (Exterior Insulation and Finish Systems)**. Multi-layered exterior wall systems, typically consisting of insulation board, a durable, water-resistant base coat, and an attractive and durable finish coat.

20. **Elevation**. An exterior facade of a structure, or its head-on view, or representation drawn with no vanishing point, and used primarily for construction.

21. **Exterior Chase Fireplace**. Fireplace on exterior wall of home, with fireplace cavity (chase) protruding from exterior wall.

22. **External Streets**. Grassy Branch Road, Shady Nook Road, Moontown Road, and 186th Street.

23. **Façade**. The front of a building or any of its sides facing a public way or space, especially one distinguished by its architectural treatment.

24. **Front Load Garage.** Garages which (i) are not at an angle from the primary residence to which they are attached, but, instead, (ii) are parallel with the front elevation of the primary residence to which they are attached.

25. **Frontage Line**. The property line adjacent to the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the frontage line unless otherwise indicated on a plat.

26. **Fypon**. A specific manufacturer of decorative, molded millwork.

27. **Gable**. That part of the end wall of a building between the eaves and a pitched or gambrel roof.

28. **Hip roof**. Roof with all sides sloping and meeting at hips.

29. **Horizontal Property Regime (HPR).** The form of real estate division and sale prescribed by the Horizontal Property Law of the State of Indiana, identified in Indiana Code 32-25-1-1, *et seq.*

30. **Internal Streets**. Any Public Street, Private Street, and/or Shared Drive contained within the Andover PUD other than the External Streets.

31. **Masonry**. Wall building material, such as brick or stone which is laid up in small units or blocks.

32. **Maximum Parcel Coverage**. The maximum amount of any Area or Parcel which may be covered by a building or, stated differently, the maximum building "footprint" for any Area or Parcel.

33. **Open Space**. Any part of the Real Estate not covered by Public Streets, Private Streets, buildings, or parking lots. Open space may include, but shall not be limited to, parks, plazas, courtyards, gardens, landscaped parking areas, yards, rights-of-way not paved, landscaping areas, and sidewalks.

34. **Overhang**. The projection of an upper story or roof beyond a story immediately below.

35. **Parcel**. Any of Parcels A through J shown on the Concept Plan.

36. **Parcels**. A combination of two (2) or more parcels shown on the Concept Plan.

37. **Plinth**. A square or rectangular base for column, pilaster, or door framing.

38. **Porch**. An exterior appendage to a residence.

39. **Relief**. The elevation or projection of part of a surface.

40. **Roof Pitch**. The slope of a roof, commonly expressed in inches of vertical rise per foot of horizontal run (e.g., 6/12).

41. **Shed Roof**. A roof shape having only one sloping plane.

42. **Sign Ordinance**. The Sign Ordinance of Westfield/Washington Township in force on the date of the commitment of this Andover PUD.

43. **Soffit**. Visible underside of an arch, balcony, beam, corona, cornice, vault, or any exposed architectural element.

44. **Stucco**. A coarse plaster applied in a plastic state to form a hard covering for exterior walls.

45. **Sun Room**. A room or an enclosed porch with glass or transparent plastic walls or numerous windows, oriented and designed to admit much sunlight.

46. **Transom Window**. A window divided by a horizontal bar of wood or stone.

47. **Veranda**. A covered porch or balcony, extending along the outside of a building.

48. **Water Table**. Inclined surface on a projection, such as a plinth, or a buttress offset.

49. **Zoning Classification**. A provision of the Zoning Ordinance regulating a particular type of development (e.g., SF-2, LB).

50. **Zoning Ordinance**. The Zoning Ordinance for the Town of Westfield and Washington Township in force at the time of the enactment of this Andover PUD.

EXHIBIT 3

LEGAL DESCRIPTION - AREA X

A part of the Southeast Quarter of Section 29 and part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of said West Half of Section 32; thence West along the South line thereof 2,707.32 feet; thence North 875.23 feet to the point of tangency of a curve concave southwesterly; thence westerly along said curve 54.98 feet; thence West 95.02 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 19.93 feet; thence Northwesterly 80.55 feet the point of tangency of a curve concave southerly; westerly along said curve 19.93 feet; thence West 91.18 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 42.56 feet; thence South 924.92 feet to the aforesaid South line; thence West along said South line 1,908.92 feet; thence North 407.98 feet; thence West 298.22 feet to a point on the West line of said North Half of Section 32; thence North along the West line of said North Half of Section 32 a distance of 2,300.35 feet to the Northwest corner thereof; thence East along the North line of said North Half of said Section 32 a distance of 1,832.42 feet; thence South 1,234.53 feet; thence East 814.87 feet to a point on the East line of the Northwest Quarter of said Section 32; thence North along said East line 759.80 feet; thence East 466.71 feet; thence North 466.71 to a point on the aforesaid North line of said Section 32; thence East along said North line 525.32 feet; thence South 396.01 feet; thence East 330.00 feet; thence North 396.01 feet to a point on the aforesaid North line; thence East along the aforesaid North line of Section 32 a distance of 315.98 feet; thence South 503.67 feet; thence East 363.89 feet; thence North 489.82 feet; to a point on the aforesaid North line of said Section 32; thence East along said North line 261.98 feet; thence South 361.50 feet; thence East 361.50 feet to a point on the East line of said Section 32; thence South along said East line 1,459.96 feet; thence West 676.36 feet; thence South 278.26 feet; thence East 679.67 feet to a point on the aforesaid East line of said Section 32; thence South along said East line 537.01 feet to the place of beginning, containing 274.562 acres, more or less.

EXCEPT:

A part of the Northeast Quarter of Section 32, Township 19 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence South along the West line thereof 1,226.51 feet to the POINT OF BEGINNING of this description; thence continuing South along said West line 374.00 feet; thence East 349.42 feet; thence North 374.00 feet; thence West 349.42 feet to the place of beginning, containing 3.000 acres, more or less.

ALSO EXCEPT:

A part of the Northeast Quarter of Section 32, Township 19 North Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northwest corner of said Quarter Section; thence East along the North line thereof 992.03 feet to the POINT OF BEGINNING of this description; thence continuing East along said West line 330.00 feet; thence South 396.01 feet; thence West 330.00 feet; thence North 396.01 feet to the place of beginning, containing 3.000 acres, more or less.

All together containing 268.562 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

This description was prepared for zoning purposed only and is subject to change upon the completion of an accurate boundary survey.

S/45815/Legal/Zoning Description area X 12-2-03
December 2, 2003

WC 16.04.030 Residential Districts

A. General Requirements - Provisions for Residential Uses are as Follows:

1. Partial use of alley for yard: One-half of an alley abutting the rear or the side of a lot may be included in the required rear yard or side yard, respectively, if the alley has not been developed for the carrying of traffic.

2. Accessory buildings and uses:

   a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building, except for strictly storage or utility purposes; and not for human occupancy.

   b) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a lake nature are permitted in any required front, side or rear year, and without the issuance of any permit.

   c) Accessories such as large ground microwave antenna dishes are not permitted in front or side yards; however, a satellite receiver antenna which is two feet in diameter or less may be installed in any location in accordance with the provisions of IC 36-7-4-201.1.

   d) Windmills for the generating of electric power are not permitted in any residential district except AG-SF 1 without receiving approval as a special exception.

3. Building Lines:

   a) Where 25 percent or more of the lots in a block frontage are occupied by buildings the average setback of such buildings determine the location of the building line for the block frontage in lieu of the setback lines contained in this chapter.

   b) Building lines established in a recorded subdivision shall establish the setback of buildings in such subdivisions, except when such building lines may be less restrictive than provided in this chapter.

   c) On through lots a building line is required on each street.

4. Building height: In the single family districts limiting building height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided that each side yard is increased an additional foot for each foot such building exceeds 25 feet in height.

- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupation.

4. Minimum Lot Area - Not less than 20,000 square feet

5. Minimum Lot Frontage on Road - Not less than 100 feet

6. Minimum Setback Lines -

   - Front yard - 50 feet
   - Side yard - 12 feet; 50 feet if corner lot
   - Rear yard - 30 feet
   - Minimum lot width at building line - 85 feet

7. Maximum Building Height - Not to exceed two and one-half stories or 35 feet whichever is lower

8. Minimum ground level square footage, exclusive of porches, terraces and garages -

   - Single story - 1350 square feet
   - Two-story - 800 square feet
   - Tri-level - 800 square feet (basement and first level)
   - Story and one-half - 800 square feet

9. Parking - Off-street parking shall be a minimum of two (2) spaces for each dwelling

D. SR 2 - This district is established for low density, single family residential homes with available sanitary sewers.

1. Permitted Uses -

   - Single Family Dwellings
   - Churches
   - Schools - public or private - without dormitory accommodations

- Public parks
- Accessory buildings as related to single family residential use
- Accessory buildings as related to agriculture - non-subdivision
- Golf Courses
- Fire stations
- Temporary buildings for construction purposes for a period not to exceed such construction
- Signs as permitted by sign ordinance
- Stables (on lots of 3 acres or more with a minimum of 200 foot setback from any adjoining property line)
- Cemeteries
- Utilities - All utilities regulated by the Indiana Utility Regulatory Commission or a municipal governing body
- Child care home - in accordance with IC 36-7-4-1108
- Residential facility for mentally ill - in accordance with IC 12-28-4-7

2. Special Exceptions -

- Golf courses, country clubs
- Convents, monasteries, theological schools, rectories and parish houses
- Cemeteries - pet

3. Permitted Home Occupations -

- Art studio
- Dressmaking
- Professional office of a clergyman, lawyer, architect, accountant, or counselor
- Typing or other office services
- Teaching musical instruments or dancing
- A business conducted entirely by mail
- Beauty shop - one chair operated by the resident
- Home garage sale not to exceed 7 days per year
- Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, as long as the work is entirely within the home and performed by members of the family living in the dwelling.
- Homebound schools for 12 or less full-time or part-time children including residents of the home.
- Personal motor vehicle sales not to exceed 2 vehicles per year.

Permitted home occupations shall not include the employment of an additional person in addition to the occupant of the dwelling unit in performance of such services, and shall not include exterior display or exterior signs, except as such are permitted by the sign regulations for residence districts as outlined in the sign ordinance. There shall be no exterior storage of equipment or materials used in such home occupations.

4. Minimum lot area -

   - Subdivisions - not less than 15,000 square feet
   - Individual lots not located in approved subdivisions - not less than 3 acres

5. Minimum lot frontage on road -

   - Subdivisions - not less than 50 feet
   - Three acre lots - a minimum of 250 feet

6. Minimum setback lines - all construction -

• Front yard -	Three acre lots	- not less than 100 feet on expressways, primary arterials, and secondary arterials - not less than 80 feet on all other streets.
	Subdivisions	- not less than 30 feet
• Side yard -	Subdivision - 12 feet except corner lots when 30 feet will apply also to side yards on a corner lot. Three acre lots - 30 feet	
• Rear yard -	Subdivision - 30 feet Three acre lots - 30 feet	
• Minimum lot width at building line -		Subdivisions - 100 feet Three acre lots - N/A

7. Maximum building height - Not to exceed two and one-half stories or 35 feet whichever is lower

8. Minimum ground level square footage, exclusive of porches, terraces and garages - Single family -

   - Single story - 1200 square feet
   - Two story - 800 square feet
   - Tri-level - 800 square feet (basement & 1st level)
   - Story and one-half - 800 square feet

9. Parking - Off-street parking shall be provided in accordance with provisions set forth in this ordinance

EXHIBIT 5

LEGAL DESCRIPTION - AREA Y

A part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said West Half of Section 32; thence West along the South line thereof 2,707.32 feet to the POINT OF BEGINNING of this description; thence North 875.23 feet to the point of tangency of a curve concave southwesterly; thence westerly along said curve 54.98 feet; thence West 95.02 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 19.93 feet; thence Northwesterly 80.55 feet the point of tangency of a curve concave southerly; westerly along said curve 19.93 feet; thence West 91.18 feet to the point of tangency of a curve concave northerly; thence westerly along said curve 42.56 feet; thence South 924.92 feet to the aforesaid South line; thence East along said South line 377.42 feet to the place of beginning, containing 8.000 acres, more or less.

ALSO:

A part of the North Half of Section 32, all in Township 19 North, Range 4 East, Hamilton County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of said Section 32; thence East along the South line thereof 300.98 feet; thence North 407.98 feet; thence West 298.22 feet to a point the West line of said Section 32; thence South along said West line 410.00 feet to the place of beginning, containing 2.820 acres, more or less.

All together containing 10.820 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

This description was prepared for zoning purposes only and is subject to change upon the completion of an accurate boundary survey.

S/45815/Legal/Zoning Description area Y 12-2-03
December 2, 2003

WC § 16.04.050 Business Districts

A. General Requirements (other than historical district) -

1. Groups of users requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use, with the approval of the Plan Commission.

2. Public parking area and loading and unloading berths shall be paved with a dust proof or hard surface.

3. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

4. Loading and unloading berths shall not be required for business uses, which demonstrate that they do not receive or transmit goods or wares in quantity by truck delivery.

5. Parking may be permitted in the required front yard for business uses.

6. On a through lot, front yards shall be provided on each street in the local business, general business and historical districts.

7. The maximum building height requirements may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirement.

8. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, distribution poles and lines, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

9. A suitable planting screen shall be provided on any business yard that abuts a residential area in accordance with the landscaping provisions in this section. Such plantings shall provide an effective screen at the time of construction of the development.

10. The Plan Commission shall review and approve plans to assure adherence to developmental standards and overall conformity to the Master Plan and Zoning Ordinance.

11. There shall be no storage or display of merchandise outside of a building except in a sales lot established for that purpose and except for merchandise associated with sidewalk-type sales events of less than one (1) week in duration and with a frequency of no more than once every six (6) calendar months.

D. <u>LB</u> - Local and Neighborhood Business District - This district is established to provide a local or neighborhood residential community with retail services, convenience shopping, and professional services to meet the daily needs of the community. As such, this district typically will be ten (10) to twenty (20) acres in total area. Permitted uses in this District include general office, neighborhood shopping centers, financial institutions and other small to moderate size businesses. Development within this district requires attachment to public or semi-public water and sewers.

1. Special Requirements

   Development Plan – Any proposed development in the LB District shall be subject to the requirements for the filing of a Development Plan as set forth in WC 16.04.065 and Section 15, below.

   When the standards of this Section are found to be in conflict with other standards of the Westfield - Washington Township Zoning Ordinance, the stricter standards shall prevail.

2. Permitted Uses - See Figure 2 for list of permitted businesses.

   Notwithstanding the provisions of Figure 2, the following uses shall also be considered Permitted Uses in the Local and Neighborhood Business District:

   - Liquor stores and taverns
   - Carry out food and beverage business (excluding drive-in or drive-through service)

3. Special Exception Uses – None.

4. Minimum Lot Area – Five (5) acres.

5. Minimum Lot Frontage - 50 Feet.

6. Minimum Setback Requirements:

   a. Front Yard Adjacent to All Districts – Required front yards adjacent to all districts shall be 60 feet. <u>Exception</u>: The required front yard may be reduced to the average setback of the legally established buildings or structures where an existing front yard setback is established by two or more existing, legally established buildings or structures within the same block and within three-hundred (300) feet in either direction.

   b. Side Yards Adjacent to Residential Districts – Required side yards adjacent to residential districts shall be 60 feet. <u>Exception</u>: If the required side yard abuts an alley, the required side yard setback shall be 40 feet from the right-of-way line of the alley.

c. Side Yards Adjacent to Non-Residential Districts – Required side yards adjacent to non-residential districts shall be 15 feet.

d. Rear Yards Adjacent to Residential Districts - Required rear yards adjacent to residential districts shall be 60 feet. <u>Exception</u>: If the required rear yard abuts an alley, the required rear yard setback shall be 40 feet from the right-of-way line of the alley.

e. Rear Yard Adjacent to Non-Residential Districts – Required rear yards adjacent to non-residential districts shall be 20 feet.

7. Use of Required Yards

All required yards shall be maintained as green space and landscaped with grass, trees, shrubbery, or hedge, or in combination with other suitable ground cover materials in compliance with the requirements of Chapter 6. Landscape Standards of this Ordinance, and shall remain free from buildings or structures except where expressly permitted below:

a. Front Yard Adjacent to Non-Residential Districts – Required front yards adjacent to non-residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than ten (10) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

b. Front Yard Adjacent to Residential Districts – Required front yards adjacent to residential districts may include driveways and parking areas, provided that (i) no portion of the parking area may be located closer to the right-of-way than thirty (30) feet; and, (ii) the remainder of said required front yard shall be maintained as green space free from buildings or structures.

c. Side and Rear Yards Adjacent to Non-Residential Districts – Required side and rear yards may include interior access driveways, provided that the remainder of said required side or rear yard shall be maintained as green space free from buildings or structures.

d. Side and Rear Yards Adjacent to Residential Districts – Required side and rear yards shall be maintained as green space free from buildings or structures.

8. Maximum Building Height

No building or structure shall be erected above a projected 1:3 proximity slope line (See WC 16.04.040, B., 11).

The maximum height of any building or structure shall be forty-five (45) feet above grade.

9. Square Footage Requirements

   a. Minimum Business Size – 800 square feet.

   b. Maximum Business Size – 30,000 square feet.

   c. Aggregate Maximum of All Building(s) within the Development – 90,000 square feet.

10. Parking

    a. See WC 16.04.120, Off-Street Loading and Parking; and,

    b. All access drives, parking areas, loading areas, driveways, interior access drives and interior access driveways shall be constructed with a durable, dust free surface of concrete or asphalt.

11. Loading – See WC 16.04.120.

12. Signs – See WC 16.08, et seq., and Subsection 15, e., below.

13. Landscaping – See WC 16.06, et seq.

14. Lighting – See WC 16.07.010.

15. Development Plans

    Development Plans filed for any new construction, building additions, new or expanded surface parking areas, new or expanded surface loading areas, exterior building renovations or signs in the LB District shall, in addition to any Development Requirements contained elsewhere in this Ordinance, also comply with the following additional Development Requirements:

    a. Pedestrian Access and Orientation – Developers of sites in the Local Business District shall provide sidewalks or pathways along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network.

    b. Building Fascia – All buildings and structures within a Local Business District development shall share a common architectural style.

    c. Vehicle Access – Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance and the "Town of Westfield Construction Standards", administered by the Westfield Utilities Department.

d. Development Pattern:

Developments may be either: (i) a freestanding individual development; or, (ii) an integrated development containing more than one (1) business in one (1) or more buildings.

In order to create an integrated development that may include Out Lots, a rezone to the LB-PD shall be required.

In the case of an integrated development, documentary assurances shall be filed with the Plan Commission indicating that all lots or uses within the integrated development shall be provided with, at a minimum, the following: (i) regular trash pick-up; (ii) snow removal; (iii) common vehicle access point(s), drive(s) and parking area(s), including maintenance thereof; and, (iv) one (1) shared or common ground or pylon sign.

e. Signs:

(1) Freestanding Signs:

(a) Number of Signs – One (1) freestanding sign shall be permitted.

(b) Maximum Sign Surface Area Per Freestanding Sign – Ten (10) square feet per gross acre, or part thereof, within the development, with a 200 square foot maximum.

(c) Illumination – No freestanding sign shall be illuminated, either internally or externally, if located within 200 feet of a residential district.

(d) Maximum height of sign – twenty (20) feet above grade.

(e) Setback – Minimum: twenty (20) feet from right-of-way.

(f) General – No freestanding sign shall obstruct sight lines set forth in WC 16.04.230, 2.,v).

(2) Wall Signs:

(a) Maximum Facades with Wall Signs – two (2) facades of a building.

(b) Maximum Number of Wall Signs – one (1) wall sign for each façade of a tenant space.

(c) Maximum Sign Surface Area - one (1) square foot of wall sign surface area for every two (2) linear feet of building façade of the applicable tenant space.

(d) Maximum Aggregate Sign Surface Area for all Wall Signs on a Building – one hundred (100) square feet.

f. Outside Storage or Display:

(1) No outside storage or display of materials or merchandise shall be permitted.

(2) No outside vending machines shall be permitted.

(3) All business uses shall be conducted within buildings so constructed that no noise, dust or dirt shall be audible or visible beyond the confines of the building or structure.

(4) Trash containers shall: (i) be screened on all sides with a solid walled or fenced enclosure not less than six (6) feet in height above grade and equipped with wood covered gates; (ii) not be located between the front line of the primary building and the front lot line; and, (iii) not be located in any required yard.

E. LB-H - Local Business - Historical District - The purpose for establishing this district is to provide for the needs of local business in the central business district of the Town of Westfield and also to provide for the preservation, restoration, adaptive use and/or reconstruction of properties and historic buildings in the district.

1. Permitted Uses - See Figure 2 for list of permitted local businesses. Other business not listed which can be classified as local business will also be eligible with the approval of the Plan Commission

2. Special Exceptions -

- Auto Rustproofing
- Auto sales, new or used, service and repair
- Gasoline service stations
- Liquor stores and taverns
- Fruit stands, temporary
- Any outdoor food and beverage business
- Self-service food and beverage business
- Carry-out food and beverage business
- Drive-in food and beverage stores
- Convents, monasteries, theological schools, rectories, parish houses
- Multi-family housing
- Single family dwelling
- Recycling collector system

EXHIBIT 7

DEVELOPMENT STANDARDS MATRIX

Parcel	Land Use Type	Underlying Zoning Classification	Acreage	Dwelling Units (Max.)	Max. Density	Square Feet Per Residential Unit (Min.) (sq. ft.)	Min. Lot Width[1] (ft.)	Min. Lot Depth (ft.)	Min. Lot Area (sq. ft.)	Max. Lot Coverage (%)	Min. Front Setback (ft.)	Min. Rear Setback (ft.)	Min. Side Setback (ft.)	Minimum Building Separation (ft.)	Max. Bldg. Height[2,3] (ft.)
A	Single-family detached	SF-2	18.6	40	2.15	2200 single story; 2400 multi-story (1000 ground floor)	100	140	14,000	30	25	25	8	16	35
B	Single-family detached	SF-2	30.8	50	1.62	2200 single story; 2400 multi-story (1000 ground floor)	90	140	12,600	30	25	25	8	16	35
C	Single-family detached	SF-2	23.6	50	2.12	1800 single story; 2000 multi-story (1000 ground floor)	80	130	10,400	35	25	25	7.5	15	35
D	Single-family detached	SF-2	22.2	60	2.70	1400 single story; 1800 multi-story (800 ground floor)	65	130	8,450	40	25	25	5	12	35
E	Single-family detached	SF-2	39.4	80	2.03	1400 single story; 1600 multi-story (800 ground floor)	80	130	10,400	35	25	25	7.5	15	35
F	Single-family detached	SF-2	67.7	180	2.66	1200 single story; 1400 multi-story (800 ground floor)	60	120	7,200[4]	40	25	25	5	12	35
G	Single-family attached (For Sale)	SF-2	31.6	180	5.70	1000 single story; 1200 multi-story	N/A	N/A	N/A	40	20	20	20	15	35
H	Open Space	N/A	34.7	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
I	Daycare	LB	2.8	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
J	Assisted Living	LB	8.0	N/A	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A	N/A	N/A	45
	Total		279.4												
	Residential Only		268.6	640	2.38										

1. Lot Width shall refer to minimum lot width at building line. All lots shall be a minimum of 35 feet wide at the street.
2. Building height shall be measured from the average ground level at the foundation of the residence facing the street to the mean height between the eaves and ridges for gable, hip, and gambrel roofs. Chimneys and other similar structures shall not be included in calculating building heights.
3 Maximum building height for Amenity Center(s) shall be forty-five (45) feet.
4 Lots along the southern border of Parcel F shall have a minimum lot area of 9,000 square feet.

EXHIBIT 8

STREET SCAPE STANDARDS
SINGLE FAMILY DETACHED AND ATTACHED
PARCELS A, B, C, D, E, F AND G

The following Street Scape Standards shall apply to all Single Family Detached and Single Family Attached areas in Parcels A, B, C, D, E, F and G of this Andover PUD:

1. Dusk to Dawn Lights. The builder on each lot shall supply and install a light on such lot. The height, type, style and manufacturer of the light shall be approved by the Architectural Review Board. Each such light shall either be pole mounted in the front yard of a lot or attached as a carriage light to the residence, and shall be equipped with a photo electrical cell or similar device to ensure automatic illumination from dusk to dawn. These lights shall be maintained in proper working order by the owner of each lot. Illumination intensity for fixtures without shielding shall be limited to 160 watts for incandescent bulbs or an equivalent illumination for other types of bulbs.

2. Mailboxes. All mailboxes within each Parcel shall be uniform in design, coloring, lettering, and numbering.

3. Street Lights. Street lights shall be installed at the intersections of Internal Streets. In the Developer's discretion, custom and/or architectural street lights may be substituted for standard street lights specified in the Zoning Ordinance. Such custom and/or architectural street lights shall be installed at the Developer's expense and maintained by the owner of the area in which they exist or by the Homeowners' Association. All street lights shall comply with the Lighting Ordinance.

4. Street Signage. In the Developer's discretion, the Developer shall be permitted to substitute custom signage for standard street signage specified in the Zoning Ordinance. Such custom signage shall be installed at the Developer's expense and maintained by the owner of the area in which the sign exists, or by the Homeowners' Association if the sign exists in a common area.

5. Corner Lots. All homes on corner lots shall include on the side elevation facing the street a minimum of (i) two (2) windows, or (ii) one (1) window and one (1) door, or (iii) one window and one (1) chimney chase.

6. Lots Adjacent to External Streets. All homes whose sides face an External Street shall have at least one (1) of the Architectural Design Features required by Exhibit 9 on the side of the home facing the External Street.

7. Duplicate Elevations. Detached residences with identical or similar elevations shall be separated by at least two (2) lots and shall not be directly across the street

from one another. No two (2) adjacent homes shall have the same exterior siding color. The preceding sentence shall not apply to brick or other masonry material.

8. Gas Lights. Gas lights may be used without shielding.

9. Mini-Barns. Mini-barns are prohibited.

10. Clothes Lines. Clothes lines are prohibited.

11. Satellite Dishes. Satellite dishes shall not exceed thirty (30) inches in diameter and shall meet FCC Standards.

12. Fences. All chain link fences shall be vinyl-coated and limited to forty-two (42) incise in height and are prohibited in front yards. Stockade fences are prohibited. All fences shall be subject to review and approval by the Architectural Review Board of the Homeowners' Association.

13. Overhangs. All residences shall have a minimum eight (8) inch overhang.

14. Roof Pitch. All residences shall have a minimum roof pitch of 6/12.

EXHIBIT 9

ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

ARCHITECTURAL STANDARD	PARCEL A	PARCEL B	PARCEL C	PARCEL D
Description	Single-family detached	Single-family detached	Single-family detached	Single-family detached
Underlying Zoning Classification	SF-2	SF-2	SF-2	SF-2
Lot Width	100'	90'	80'	65'
Building Material	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product
Garage Entry	Front Load Garages shall be prohibited.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.
Roof Treatment	Roof shingles shall have an architectural or dimensional appearance.	Roof shingles shall have an architectural or dimensional appearance.		
Basement	All residences shall be constructed on poured concrete foundations and shall contain either a partial basement with adjoining crawl space or a full basement beneath all areas of the home other than the garage.	All residences shall be constructed on poured concrete foundations and shall contain either a partial basement with adjoining crawl space or a full basement beneath all areas of the home other than the garage		
Patio	A patio or deck, of minimum dimensions of 12 feet by 16 feet, shall be installed at the main exit door at the rear of each residence.	A patio or deck, of minimum dimensions of 12 feet by 16 feet, shall be installed at the main exit door at the rear of each residence	A patio or deck, of minimum dimensions of 10 feet by 12 feet, shall be installed at the main exit door at the rear of each residence.	A patio or deck, of minimum dimensions of 10 feet by 12 feet, shall be installed at the main exit door at the rear of each residence
Architectural Design Features	All residences shall **include at least two (2)** of the items in Table 9A and a total of **at least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of **at least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of **at least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least two (2)** of the items in Table 9A and a total of **at least four (4) items** from either Table 9A or Table 9B.

EXHIBIT 9
ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

ARCHITECTURAL STANDARD	PARCEL E	PARCEL F	PARCEL G
Description	Single-family detached	Single-family detached	Single-family attached
Underlying Zoning Classification	SF-2	SF-2	SF-2
Lot Width	80'	60'	N/A
Building Material	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.	• Aluminum siding shall be prohibited. • All residences shall have at least 50% of the front facade (exclusive of windows, doors, garage doors, and gable ends) covered by one or more of the following surfaces: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product. • All vinyl siding shall have a minimum .044 thickness.	• Aluminum and vinyl siding shall be prohibited, although vinyl clad windows and soffits shall be permitted. • Permitted exterior surfaces shall include: • EIFS; • Synthetic stucco; • Cultured stone; • Wood; • Concrete fiber (Hardie-Plank or similar); • Brick; • Stone; and • Other masonry product.
Garage Entry	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.	Front Load Garages shall be permitted.
Windows	All residences shall have windows on at least three (3) sides. All windows on sides of residences shall have window grids visually separating the windows into panes.	All residences shall have windows on at least three (3) sides. All windows on sides of residences shall have window grids visually separating the windows into panes.	
Architectural Design Features	All residences shall **include at least two (2)** of the items in Table 9A and a total of at **least four (4) items** from either Table 9A or Table 9B.	All residences shall **include at least one (1)** of the items in Table 9A and a total of at **least three (3) items** from either Table 9A or Table 9B.	All residences shall **include at least one (1)** of the items in Table 9A and a total of at **least three (3) items** from either Table 9A or Table 9B.

EXHIBIT 9
ARCHITECTURAL STANDARDS — SINGLE FAMILY ATTACHED AND DETACHED

Table 9A – Architectural Design Features

1. Roof design featuring hip roof, a reverse gable, a shed roof accent or a covered front entry;
2. Covered front porch with railings (of at least eight (8) feet in width and four (4) feet in depth or a minimum of thirty-two (32) square feet);
3. Covered front stoop/steps with pathway leading from sidewalk or driveway;
4. Bay window;
5. Architecturally-treated entranceways (for homes without a front porch);
6. Veranda/balcony;
7. Two (2) or more roof planes;
8. A minimum of two (2) dormers;
9. At least two (2) feet of relief at two (2) or more points along the front facade elevation, excluding relief for doors and windows and garage;
10. Exterior chase fireplace;
11. Sun room.

Table 9B – Architectural Design Features

1. Thirty-two (32) inch brick or stone plinth with water table on all sides;
2. Architectural treatment on gable ends;
3. Separate overhead door per car for each garage;
4. Transom windows;
5. Garage doors containing windows of high standard and quality;
6. Architecturally-enhanced articulated trim mouldings, (i.e., fypons above windows);
7. Decorative shutters or other enhanced architectural window treatment.

EXHIBIT 10

DEVELOPMENT PHASING

Parcel	Development Schedule
A	2004 - 2007
B	2004 - 2007
C	2004 - 2007
D	2004 - 2007
E	2005 - 2007
F	2004 - 2007
G	2004 - 2007
I	2005 -2006
J	2005 -2006
Amenity Center	Upon completion of 75 single family detached units.

Construction on Parcel G will begin no earlier than construction on Parcel F.

WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION CERTIFICATION

The Westfield-Washington Advisory Plan Commission held a public hearing on Monday, November 19, 2012, to consider the Andover PUD amendment. Notice of the public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposal is as follows:

Case No.	1212-PUD-13
Petitioner	Redwood Acquisition, LLC
Description	An amendment to the Andover PUD to allow multi-family dwellings within Parcel G of the Andover PUD.

On January 7, 2013, a motion was made and passed to send a favorable recommendation to the City Council to approve 1212-PUD-13 (Vote of: 9-0) with the following two conditions:

1) That the addition of dormers be added to the rear elevation of units as referenced in Exhibit 8A and 8B.
2) That an exhibit be added to identify the architectural requirements for elevations that are not on lots adjacent to external streets.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.

____
Matthew S. Skelton, Secretary

January 8, 2012________________________
Date

I hereby certify that each of the above listed vouchers and the invoices, or bills attached there to, are true and correct and I have audited same in accordance with IC5-11-10-1.6.

January 14, 2013

Fiscal Officer

ALLOWANCE OF ACCOUNTS PAYABLE VOUCHERS

CITY OF WESTFIELD

JAN 14, 2013

We have examined the Accounts Payable Vouchers listed on the foregoing Register of Accounts Payable Vouchers consisting of ___________ pages and except for accounts payables not allowed as shown on the Register such accounts payables are hereby allowed in the total amount of $_______________.

Dated this 14th day of January 2013.

Signatures of Governing Board

ACCOUNTS PAYABLE REGISTER

JAN 2013

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
** DEPARTMENT TOTAL		101001							
/ /	39869	PAYROLL	101001111.000	ADM SALARY	SAL	-20561.69	0	12/30/2012	Approved
/ /	39870	PAYROLL	101001111.000	ADM SALARY	SAL	-10315.45	0	12/30/2012	Approved
/ /	39871	PAYROLL	101001111.000	ADM SALARY	SAL	-4161.54	0	12/30/2012	Approved
/ /	39872	PAYROLL	101001111.000	ADM SALARY	SAL	-6950.00	0	12/30/2012	Approved
/ /	39873	PAYROLL	101001111.000	ADM SALARY	SAL	-3026.40	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101001119.000	HEALTH & DENTAL INSURANCE	DENTAL INS	404.07	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101001119.000	HEALTH & DENTAL INSURANCE	JAN 2013 LIFE AND AD &D	24.66	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101001119.000	HEALTH & DENTAL INSURANCE	JAN 2013 INS PREMIUM	95.54	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101001119.000	HEALTH & DENTAL INSURANCE	JAN 2013 INS PREMIUM	6583.34	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101001119.000	HEALTH & DENTAL INSURANCE	INS EAP	60.00	50495	01/10/2013	Approved
/ /	39869	PAYROLL	101001120.000	FICA & MEDICARE	FICA	-1316.77	0	12/30/2012	Approved
/ /	39869	PAYROLL	101001120.000	FICA & MEDICARE	MED	-454.61	0	12/30/2012	Approved
/ /	39870	PAYROLL	101001120.000	FICA & MEDICARE	FICA	-793.25	0	12/30/2012	Approved
/ /	39870	PAYROLL	101001120.000	FICA & MEDICARE	MED	-273.86	0	12/30/2012	Approved
/ /	39871	PAYROLL	101001120.000	FICA & MEDICARE	FICA	-344.08	0	12/30/2012	Approved
/ /	39871	PAYROLL	101001120.000	FICA & MEDICARE	MED	-118.80	0	12/30/2012	Approved
/ /	39873	PAYROLL	101001120.000	FICA & MEDICARE	FICA	-120.68	0	12/30/2012	Approved
/ /	39873	PAYROLL	101001120.000	FICA & MEDICARE	MED	-41.66	0	12/30/2012	Approved
/ /	39869	PAYROLL	101001121.000	P.E.R.F.-ADM.	PERF	-2455.87	0	12/30/2012	Approved
/ /	39870	PAYROLL	101001121.000	P.E.R.F.-ADM.	PERF	-1078.37	0	12/30/2012	Approved
/ /	39871	PAYROLL	101001121.000	P.E.R.F.-ADM.	PERF	-436.96	0	12/30/2012	Approved
/ /	39873	PAYROLL	101001121.000	P.E.R.F.-ADM.	PERF	-317.77	0	12/30/2012	Approved
/ /	39915	M-J INSURANCE, INC.	101001122.000	WORKMAN'S COMPENSATION	WORKERS COMP INS	3897.23	50500	01/10/2013	Approved
/ /	39890	STAPLES CONTRACT & COMMER	101001223.000	OFFICE SUPPLIES-ADM.	SUPPLIES	50.45	0	01/10/2013	Approved
/ /	39908	STAPLES CONTRACT & COMMER	101001223.000	OFFICE SUPPLIES-ADM.	SUPPLIES	62.34	0	01/10/2013	Approved
/ /	39913	GOVCONNECTION	101001224.000	OPERATING SUPPLIES-ADM.	MOBILE BROADBAND	318.49	0	01/10/2013	Approved
/ /	39863	CITIZENS GAS	101001328.000	HEAT-GAS-ADM.	202 PEN ST DEC BILLING	105.62	50487	12/31/2012	Approved
/ /	39863	CITIZENS GAS	101001328.000	HEAT-GAS-ADM.	141 S UNION DEC BILLING	159.48	50487	12/31/2012	Approved
/ /	39863	CITIZENS GAS	101001328.000	HEAT-GAS-ADM.	211 S UNION DEC BILLING	115.05	50487	12/31/2012	Approved
/ /	39879	CITIZENS GAS	101001328.000	HEAT-GAS-ADM.	MONTHLY SERVICE	1543.58	50494	01/10/2013	Approved
/ /	39911	KRIEG DEVAULT, LLP	101001330.000	ATTORNEY/CONSULTANT-AD M.	SERVICE	274.70	0	01/10/2013	Approved
/ /	39852	BOSE PUBLIC AFFAIRS GROUP	101001331.000	ADMN CONSULTING	STRATEGIC COMM	3500.00	50479	12/30/2012	Approved

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DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39920	VERIZON WIRELESS	101001332.000	CELLULAR/PAGES/MOBILE	12/04/12-01/03/12 BILLING	406.19	0	01/10/2013	Approved
/ /	39849	RESERVE ACCOUNT	101001333.000	POSTAGE-ADM.	REPLENISHMENT POSTAGE	1000.00	50476	01/03/2013	Approved
/ /	39914	FRONTIER	101001335.000	TELEPHONE-ADM.	MONTHLY SERVICE	49.27	50499	01/10/2013	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	101001337.000	PRINTING-ADM.	COPIERS/PRINTERS	189.03	50501	01/10/2013	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	101001337.000	PRINTING-ADM.	COPIERS/PRINTERS	94.52	50501	01/10/2013	Approved
/ /	39828	DUKE ENERGY	101001341.000	ELECTRICITY-ADM.	MONTHLY SERVICE	168.99	50458	12/30/2012	Approved
/ /	39830	WESTFIELD PUBLIC WORKS	101001342.000	WATER/SEWER	MONTHLY SERVICE	206.35	50460	12/30/2012	Approved
/ /	39859	WESTFIELD PUBLIC WORKS	101001342.000	WATER/SEWER	MONTHLY SERVICE	68.37	50484	12/30/2012	Approved
/ /	39803	MENARDS	101001343.000	BUILDING MAINTENANCE-ADM.	OCT BILLING	11.28	50448	12/28/2012	Approved
/ /	39804	MENARDS	101001343.000	BUILDING MAINTENANCE-ADM.	11/30 BILLING	11.28	50449	12/28/2012	Approved
/ /	39892	BUSY BEE CLEANING SERVICE	101001343.000	BUILDING MAINTENANCE-ADM.	JANITORIAL CLEANING	425.00	0	01/10/2013	Approved
/ /	39894	CHAPMAN ELECTRIC SUPPLY,	101001343.000	BUILDING MAINTENANCE-ADM.	MET HAL LAMP/ CABLE TIE	89.55	0	01/10/2013	Approved
/ /	39801	US POSTMASTER	101001347.000	PROMOTION-ADM.	CITY NEWLETTER POSTAGE	2618.54	50446	12/28/2012	Approved
/ /	39893	RAY'S TRASH SERVICE	101001347.000	PROMOTION-ADM.	FINAL PULL/ GINGERBREAD HOUSE	188.00	0	01/10/2013	Approved
/ /	39909	WESTFIELD CHAMBER OF COMM	101001350.000	SUBSCRIPTIONS/DUES/MEMBERSHIPS-ADM.	MEMBERSHIP	450.00	0	01/10/2013	Approved
** Subtotal **						-29596.84			
** DEPARTMENT TOTAL		101002							
/ /	39816	DELTA DENTAL	101002119.000	HEALTH & DENTAL INSURANCE-POLICE	DENTAL INS	1949.77	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101002119.000	HEALTH & DENTAL INSURANCE-POLICE	JAN 2013 LIFE AND AD &D	122.34	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101002119.000	HEALTH & DENTAL INSURANCE-POLICE	JAN 2013 INS PREMIUM	402.24	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101002119.000	HEALTH & DENTAL INSURANCE-POLICE	JAN 2013 INS PREMIUM	26006.73	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101002119.000	HEALTH & DENTAL INSURANCE-POLICE	INS EAP	270.00	50495	01/10/2013	Approved
/ /	39915	M-J INSURANCE, INC.	101002122.000	WORKERS COMPENSATION-POLICE	WORKERS COMP INS	21779.50	50500	01/10/2013	Approved
/ /	39825	MENARDS	101002224.000	OPERATING SUPPLIES-POLICE	SUPPLIES	74.90	50455	12/30/2012	Approved
/ /	39902	MENARDS	101002224.000	OPERATING SUPPLIES-POLICE	SUPPLIES	190.67	0	01/10/2013	Approved
/ /	39821	GREG MARLOW	101002229.000	UNIFORMS-POLICE	REIMBURSE/ UNIFORMS	299.78	50451	12/30/2012	Approved
/ /	39823	US UNIFORM & SUPPLY	101002229.000	UNIFORMS-POLICE	UNIFORMS	64.99	50453	12/30/2012	Approved
/ /	39864	KIM'S ALTERATIONS	101002229.000	UNIFORMS-POLICE	DRY CLEANING	20.00	50488	12/30/2012	Approved

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DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39878	STEVEN R JENKINS	101002229.000	UNIFORMS-POLICE	UNIFORMS	827.70	50493	12/30/2012	Approved
/ /	39882	ERIC GRIMES	101002229.000	UNIFORMS-POLICE	REIMBURSE/ UNIFORMS	41.90	50497	01/10/2013	Approved
/ /	39883	MIKE WHEELER	101002229.000	UNIFORMS-POLICE	REIMBURSE/ UNIFORMS	14.95	50498	01/10/2013	Approved
/ /	39900	US UNIFORM & SUPPLY	101002229.000	UNIFORMS-POLICE	DANNER BOOT	159.95	0	01/10/2013	Approved
/ /	39901	US UNIFORM & SUPPLY	101002229.000	UNIFORMS-POLICE	JACKET, GLOVES	209.90	0	01/10/2013	Approved
/ /	39879	CITIZENS GAS	101002328.000	HEAT-GAS-POLICE	MONTHLY SERVICE	1218.09	50494	01/10/2013	Approved
/ /	39899	INDIANA PAGING NETWORK	101002332.000	CELLULAR/PAGERS/MOBILE-POLICE	PAGING SERVICE	79.73	0	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	101002332.000	CELLULAR/PAGERS/MOBILE-POLICE	12/04/12-01/03/12 BILLING	1466.05	0	01/10/2013	Approved
/ /	39921	IACP	101002334.000	TRAINING/SEMINARS-POLICE	PELA MODULE 04/22-26/13	1950.00	0	01/10/2013	Approved
/ /	39922	IACP	101002334.000	TRAINING/SEMINARS-POLICE	PELA MODULE 01/07-11/13	1950.00	0	01/10/2013	Approved
/ /	39923	IACP	101002334.000	TRAINING/SEMINARS-POLICE	PELA MODULE 07/29-08/02/13	750.00	0	01/10/2013	Approved
/ /	39924	IACP	101002334.000	TRAINING/SEMINARS-POLICE	PELA MODULE 10/28-11/01/13	750.00	0	01/10/2013	Approved
/ /	39925	WINGATE BY WYNDHAM FLINT/	101002334.000	TRAINING/SEMINARS-POLICE	02/22-24/13 RESERVATION	188.70	0	01/10/2013	Approved
/ /	39926	PRO TRAIN	101002334.000	TRAINING/SEMINARS-POLICE	SEMINAR 02/11/13	200.00	0	01/10/2013	Approved
/ /	39914	FRONTIER	101002335.000	TELEPHONE	MONTHLY SERVICE	66.46	50499	01/10/2013	Approved
/ /	39824	WESTFIELD PUBLIC WORKS	101002342.000	WATER/SEWER	MONTHLY SERVICE	71.15	50454	12/30/2012	Approved
/ /	39855	ENVIRO-MAX INC.	101002343.000	BUILDING MAINTENANCE	PREVENTIVE MAINT SERVICE	1970.80	50480	12/28/2012	Approved
/ /	39820	COMCAST CABLE	101002349.000	SERVICES CONTRACTUAL-POLICE	CABLE	48.98	50450	12/30/2012	Approved
/ /	39865	BUSY BEE CLEANING SERVICE	101002349.000	SERVICES CONTRACTUAL-POLICE	JANITORIAL SERVICES	768.00	50489	12/30/2012	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	101002349.000	SERVICES CONTRACTUAL-POLICE	COPIERS/PRINTERS	292.85	50501	01/10/2013	Approved
/ /	39903	ICPC REGION 4	101002350.000	SUBSCRIPTIONS/DUES/MEMBERSHIPS-POLICE	MEMBERSHIP	125.00	0	01/10/2013	Approved
/ /	39906	LEXISNEXIS	101002350.000	SUBSCRIPTIONS/DUES/MEMBERSHIPS-POLICE	USER FEES	82.50	0	01/10/2013	Approved
/ /	39853	PUBLIC SAFETY CENTER INC	101002360.000	VEHICLE REPAIR-POLICE	MAGLIGHT, HALO BULB	126.40	50478	12/30/2012	Approved
/ /	39822	C.A.R. CLINIC	101002360.000	VEHICLE REPAIR-POLICE	REPAIRS, MAINT	335.44	50452	12/30/2012	Approved
/ /	39867	C.A.R. CLINIC	101002360.000	VEHICLE REPAIR-POLICE	12/31/12 BILLING	61.34	50490	12/31/2012	Approved
/ /	39907	NAPA AUTO PARTS	101002360.000	VEHICLE REPAIR-POLICE	PARTS	49.20	0	01/10/2013	Approved
** Subtotal **						64986.01			
** DEPARTMENT TOTAL	101003								
/ /	39868	PAYROLL	101003113.000	SALARY COMM. DEV.	SAL	-6612.80	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101003119.000	HEALTH & DENTAL INSUR.-COM.DEV.	DENTAL INS	188.03	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101003119.000	HEALTH & DENTAL INSUR.-COM.DEV.	JAN 2013 LIFE AND AD &D	13.70	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101003119.000	HEALTH & DENTAL INSUR.-COM.DEV.	JAN 2013 INS PREMIUM	40.12	50464	01/03/2013	Approved

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DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101003119.000	HEALTH & DENTAL INSUR.-COM.DEV.	JAN 2013 INS PREMIUM	3062.02	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101003119.000	HEALTH & DENTAL INSUR.-COM.DEV.	INS EAP	54.00	50495	01/10/2013	Approved
/ /	39868	PAYROLL	101003120.000	FICA & MEDICARE	FICA	-268.66	0	12/30/2012	Approved
/ /	39868	PAYROLL	101003120.000	FICA & MEDICARE	MED	-92.75	0	12/30/2012	Approved
/ /	39868	PAYROLL	101003121.000	P.E.R.F.-COMM. DEV.	PERF	-694.36	0	12/30/2012	Approved
/ /	39915	M-J INSURANCE, INC.	101003122.000	WORKERS COMPENSATION-COM DEV	WORKERS COMP INS	3896.54	50500	01/10/2013	Approved
/ /	39886	STAPLES CONTRACT & COMMER	101003223.000	OFFICE SUPPLIES-COMM. DEV.	SUPPLIES	117.50	0	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	101003332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	502.73	0	01/10/2013	Approved
/ /	39850	WESTFIELD PUBLIC WORKS	101003333.000	POSTAGE-COMM. DEV.	ADJ/ REFUND POSTAGE	292.15	0	01/04/2013	Approved
/ /	39800	WINTERS ASSOCIATES	101003347.000	PROMOTION COMMUNITY DEVELOPMENT	UNIFORMS	274.36	50444	12/28/2012	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	101003349.000	SERVICES CONTRACTURAL-COMM. DEV.	COPIERS/PRINTERS	129.15	50501	01/10/2013	Approved
** Subtotal **						901.73			
** DEPARTMENT TOTAL		101004							
/ /	39868	PAYROLL	101004114.000	BLDG. DEPT. SALARY	SAL	6612.80	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101004119.000	HEALTH & DENTAL	DENTAL INS	86.30	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101004119.000	HEALTH & DENTAL	JAN 2013 LIFE AND AD &D	10.96	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101004119.000	HEALTH & DENTAL	JAN 2013 INS PREMIUM	29.56	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101004119.000	HEALTH & DENTAL	JAN 2013 INS PREMIUM	1786.17	50475	01/03/2013	Approved
/ /	39868	PAYROLL	101004120.000	FICA & MEDICARE	FICA	268.66	0	12/30/2012	Approved
/ /	39868	PAYROLL	101004120.000	FICA & MEDICARE	MED	92.75	0	12/30/2012	Approved
/ /	39868	PAYROLL	101004121.000	PERF	PERF	694.36	0	12/30/2012	Approved
/ /	39799	INDIANA ASSOCIATION OF	101004334.000	TRAVEL/TNG/SEMINARS	PLUMBING CODE CLASS 12/11/12	100.00	50443	12/28/2012	Approved
/ /	39895	IABO	101004334.000	TRAVEL/TNG/SEMINARS	SEMINAR	50.00	0	01/10/2013	Approved
/ /	39896	IABO	101004350.000	SUBSC/DUES/MEMBER	MEMBERSHIP DUES	120.00	0	01/10/2013	Approved
** Subtotal **						9851.56			
** DEPARTMENT TOTAL		101005							
/ /	39816	DELTA DENTAL	101005119.000	HEALTH & DENTAL INSUR-PARKS	DENTAL INS	145.55	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101005119.000	HEALTH & DENTAL INSUR-PARKS	JAN 2013 LIFE AND AD &D	13.70	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101005119.000	HEALTH & DENTAL INSUR-PARKS	JAN 2013 INS PREMIUM	34.84	50464	01/03/2013	Approved

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DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101005119.000	HEALTH & DENTAL INSUR-PARKS	JAN 2013 INS PREMIUM	2082.17	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101005119.000	HEALTH & DENTAL INSUR-PARKS	INS EAP	30.00	50495	01/10/2013	Approved
/ /	39915	M-J INSURANCE, INC.	101005122.000	WORKERS COMPENSATION	WORKERS COMP INS	1072.91	50500	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	101005332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	250.70	0	01/10/2013	Approved
/ /	39850	WESTFIELD PUBLIC WORKS	101005333.000	POSTAGE	ADJ/ REFUND POSTAGE	8.05	0	01/04/2013	Approved
/ /	39850	WESTFIELD PUBLIC WORKS	101005337.000	PRINTING	ADJ/ REFUND POSTAGE	240.26	0	01/04/2013	Approved
/ /	39826	DUKE ENERGY	101005341.000	ELECTRIC	MONTHLY SERVICE	16.32	50456	12/30/2012	Approved
/ /	39858	WESTFIELD PUBLIC WORKS	101005342.000	WATER/SEWER PARKS	MONTHLY SERVICE	83.37	50483	12/30/2012	Approved
/ /	39875	LOWE'S	101005345.000	EQUIPMENT REPAIR	SUPPLIES	5830.53	50491	12/30/2012	Approved
/ /	39877	IRVING MATERIALS	101005345.000	EQUIPMENT REPAIR	STONE	170.23	50492	12/30/2012	Approved
/ /	39800	WINTERS ASSOCIATES	101005347.000	PROMOTIONS	UNIFORMS	700.94	50444	12/28/2012	Approved
/ /	39904	MELODY JONES	101005347.000	PROMOTIONS	REIMBURSE/ LUNCH	66.41	0	01/10/2013	Approved
/ /	39905	MID-STATE TRUCK EQUIPMENT	101005472.000	EQUIPMENT - PARKS	KUBOTA PLOW PARTS	343.06	0	01/10/2013	Approved
** Subtotal **						11089.04			
** DEPARTMENT TOTAL		101006							
/ /	39873	PAYROLL	101006116.000	ECONOMIC DEV - SALARY	SAL	3026.40	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101006119.000	HEALTH - DENTAL ECO DEV	DENTAL INS	102.37	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101006119.000	HEALTH - DENTAL ECO DEV	JAN 2013 LIFE AND AD &D	2.74	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101006119.000	HEALTH - DENTAL ECO DEV	JAN 2013 INS PREMIUM	17.42	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101006119.000	HEALTH - DENTAL ECO DEV	JAN 2013 INS PREMIUM	1051.29	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101006119.000	HEALTH - DENTAL ECO DEV	INS EAP	6.00	50495	01/10/2013	Approved
/ /	39873	PAYROLL	101006120.000	FICE & MEDICARE ECO DEV	FICA	120.68	0	12/30/2012	Approved
/ /	39873	PAYROLL	101006120.000	FICE & MEDICARE ECO DEV	MED	41.66	0	12/30/2012	Approved
/ /	39873	PAYROLL	101006121.000	P.E.R.F --ECO DEV	PERF	317.77	0	12/30/2012	Approved
** Subtotal **						4686.33			
** DEPARTMENT TOTAL		101007							
/ /	39869	PAYROLL	101007117.000	SALARY-IT	SAL	20561.69	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101007119.000	HEALTH/DENTAL- IT	DENTAL INS	267.85	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101007119.000	HEALTH/DENTAL- IT	JAN 2013 LIFE AND AD &D	16.44	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101007119.000	HEALTH/DENTAL- IT	JAN 2013 INS PREMIUM	65.98	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101007119.000	HEALTH/DENTAL- IT	JAN 2013 INS PREMIUM	4103.09	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101007119.000	HEALTH/DENTAL- IT	INS EAP	36.00	50495	01/10/2013	Approved
/ /	39869	PAYROLL	101007120.000	FICA/MEDICAID - IT	FICA	1316.77	0	12/30/2012	Approved
/ /	39869	PAYROLL	101007120.000	FICA/MEDICAID - IT	MED	454.61	0	12/30/2012	Approved
/ /	39869	PAYROLL	101007121.000	PERF- IT	PERF	2455.87	0	12/30/2012	Approved

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DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39915	M-J INSURANCE, INC.	101007122.000	WORKMAN'S COMP- IT	WORKERS COMP INS	696.43	50500	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	101007332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	3180.96	0	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	101007332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	578.88	0	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/CITY	1181.57	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/CHAMBER	69.06	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/CT	88.43	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/FIRE	619.23	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/FIRE 83	236.15	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/PARKS	27.90	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/POLICE	1218.21	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/COMM DEV	16.40	50496	01/10/2013	Approved
/ /	39881	FIRST MILE TECHNOLOGIES	101007335.000	TELEPHONE -IT	MONTHLY SERVICE/INFORM	185.92	50496	01/10/2013	Approved
12/31/2012	39844	FINLEY & COOK, PLLC	101007349.000	SERVICES CONTRACTURAL -IT	NAV DEVELOPMENT	306.25	50472	12/31/2012	Approved
/ /	39910	FINLEY & COOK, PLLC	101007349.000	SERVICES CONTRACTURAL -IT	NAV DEV	875.00	0	01/10/2013	Approved
/ /	39798	CDW GOVERNMENT, INC.	101007451.000	COMPUTER/EQUIP -IT	COMPUTER EQUIP PARTS	57875.00	50442	12/28/2012	Approved
/ /	39802	GOVCONNECTION	101007451.000	COMPUTER/EQUIP -IT	COMPUTER PARTS	1191.33	50447	12/28/2012	Approved
/ /	39912	VAN AUSDALL & FARRAR	101007451.000	COMPUTER/EQUIP -IT	PC MOUNTING OPTION	330.20	0	01/10/2013	Approved
** Subtotal **						97955.22			

** DEPARTMENT TOTAL 101008

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39870	PAYROLL	101008118.000	SALARY CLERK TREASURER	SAL	10315.45	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101008119.000	HEALTH/DENTAL	DENTAL INS	282.72	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101008119.000	HEALTH/DENTAL	JAN 2013 LIFE AND AD &D	16.44	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101008119.000	HEALTH/DENTAL	JAN 2013 INS PREMIUM	59.12	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101008119.000	HEALTH/DENTAL	JAN 2013 INS PREMIUM	3705.04	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101008119.000	HEALTH/DENTAL	INS EAP	30.00	50495	01/10/2013	Approved
/ /	39870	PAYROLL	101008120.000	CT - FICA/MEDICARE	FICA	793.25	0	12/30/2012	Approved
/ /	39870	PAYROLL	101008120.000	CT - FICA/MEDICARE	MED	273.86	0	12/30/2012	Approved
/ /	39870	PAYROLL	101008121.000	CT - PERF	PERF	1078.37	0	12/30/2012	Approved
/ /	39915	M-J INSURANCE, INC.	101008122.000	CT- WORKER COMP	WORKERS COMP INS	2014.12	50500	01/10/2013	Approved
/ /	39908	STAPLES CONTRACT & COMMER	101008223.000	CT - OFFICE SUPPLIES	SUPPLIES	17.81	0	01/10/2013	Approved
/ /	39919	OFFICE 360	101008223.000	CT - OFFICE SUPPLIES	BINDERS	381.60	0	01/10/2013	Approved
/ /	39834	BOYCE FORMS/SYSTEMS	101008224.000	CT - OPERATING SUPPLES	TAX FORMS	109.41	50462	12/30/2012	Approved
/ /	39832	PAYROLL	101008331.000	CT - ADMN CONSULTING	ADP CHARGES	728.31	0	12/30/2012	Approved
/ /	39833	PAYROLL	101008331.000	CT - ADMN CONSULTING	ADP CHARGES	832.60	0	01/02/2013	Approved
/ /	39920	VERIZON WIRELESS	101008332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	271.83	0	01/10/2013	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	101008349.000	CT- CONTRACTURAL SERVICES	COPIERS/PRINTERS	147.38	50501	01/10/2013	Approved

ACCOUNTS PAYABLE REGISTER

JAN 2013

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
/ /	39862	CITY OF WESTFIELD	101008349.000	CT- CONTRACTURAL SERVICES	ADJ/ PERF BK ACCT/BK TRANSFER	20.00	0	01/07/2013	Approved
/ /	39829	IIMC	101008350.000	CT-SUB/DUES/MEMBERSHIP S	DUES	525.00	50459	01/03/2013	Approved
** Subtotal **						21602.31			
** DEPARTMENT TOTAL		101009							
/ /	39871	PAYROLL	101009111.000	SALARY MAYOR	SAL	4161.54	0	12/30/2012	Approved
/ /	39816	DELTA DENTAL	101009119.000	MAYOR - HEALTH./DENTAL	DENTAL INS	42.48	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	101009119.000	MAYOR - HEALTH./DENTAL	JAN 2013 LIFE AND AD &D	2.74	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	101009119.000	MAYOR - HEALTH./DENTAL	JAN 2013 INS PREMIUM	12.14	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	101009119.000	MAYOR - HEALTH./DENTAL	JAN 2013 INS PREMIUM	704.26	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	101009119.000	MAYOR - HEALTH./DENTAL	INS EAP	6.00	50495	01/10/2013	Approved
/ /	39871	PAYROLL	101009120.000	MAYOR - FICA/MEDICARE	FICA	344.08	0	12/30/2012	Approved
/ /	39871	PAYROLL	101009120.000	MAYOR - FICA/MEDICARE	MED	118.80	0	12/30/2012	Approved
/ /	39871	PAYROLL	101009121.000	MAYOR - PERF	PERF	436.96	0	12/30/2012	Approved
/ /	39920	VERIZON WIRELESS	101009332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	50.14	0	01/10/2013	Approved
/ /	39897	THE BRIDGEWATER CLUB, LLC	101009347.000	MAYOR - PROMOTION	BUSINESS LUNCHES	19.69	0	01/10/2013	Approved
** Subtotal **						5898.83			
** DEPARTMENT TOTAL		101010							
/ /	39872	PAYROLL	101010111.000	SALARIES - CITY COUNCIL	SAL	6950.00	0	12/30/2012	Approved
/ /	39920	VERIZON WIRELESS	101010332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	364.20	0	01/10/2013	Approved
** Subtotal **						7314.20			
** DEPARTMENT TOTAL		101011							
/ /	39874	PAYROLL	101011111.000	SALARIES - BOARD OF WORKS	SAL	50.00	0	12/30/2012	Approved
/ /	39874	PAYROLL	101011111.000	SALARIES - BOARD OF WORKS	SAL	-50.00	0	12/30/2012	Approved
** Subtotal **						0.00			
** DEPARTMENT TOTAL		201001							
/ /	39915	M-J INSURANCE, INC.	201001122.000	WORKERS COMPENSATION-MVH	WORKERS COMP INS	2014.12	50500	01/10/2013	Approved
/ /	39887	IRVING MATERIALS	201001231.000	GRAVEL, SAND, SALT,ETC.-MVH	STONE	512.42	0	01/10/2013	Approved
/ /	39888	IRVING MATERIALS	201001231.000	GRAVEL, SAND, SALT,ETC.-MVH	STONE	165.31	0	01/10/2013	Approved
/ /	39891	IRVING MATERIALS	201001231.000	GRAVEL, SAND, SALT,ETC.-MVH	STONE	345.02	0	01/10/2013	Approved

ACCOUNTS PAYABLE REGISTER

JAN 2013

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
** Subtotal **						3036.87			
** DEPARTMENT TOTAL	202001								
/ /	39797	STELLO PRODUCTS INC	202001472.000	LR & S EQUIPMENT	SIGN	178.21	50441	12/28/2012	Approved
/ /	39803	MENARDS	202001472.000	LR & S EQUIPMENT	OCT BILLING	103.15	50448	12/28/2012	Approved
/ /	39803	MENARDS	202001472.000	LR & S EQUIPMENT	OCT BILLING	3.80	50448	12/28/2012	Approved
/ /	39804	MENARDS	202001472.000	LR & S EQUIPMENT	11/30 BILLING	22.43	50449	12/28/2012	Approved
/ /	39804	MENARDS	202001472.000	LR & S EQUIPMENT	11/30 BILLING	33.84	50449	12/28/2012	Approved
/ /	39856	STELLO PRODUCTS INC	202001472.000	LR & S EQUIPMENT	SIGNS	170.62	50481	12/28/2012	Approved
/ /	39884	CARMEL WELDING & SUPPLY	202001472.000	LR & S EQUIPMENT	SUPPLIES	42.17	0	01/10/2013	Approved
/ /	39885	MACDONALD MACHINERY CO.	202001472.000	LR & S EQUIPMENT	LOADER	247.51	0	01/10/2013	Approved
/ /	39889	QUALITY TRUCK & TRAILER	202001472.000	LR & S EQUIPMENT	PARTS	779.37	0	01/10/2013	Approved
/ /	39898	STORAGE SOLUTIONS INC	202001472.000	LR & S EQUIPMENT	EQUIP	924.00	0	01/10/2013	Approved
** Subtotal **						2505.10			
** DEPARTMENT TOTAL	203001								
/ /	39816	DELTA DENTAL	203001119.000	HEALTH & DENTAL	DENTAL INS	3759.48	50255	01/02/2013	Approved
/ /	39835	PRUDENTIAL LIFE	203001119.000	HEALTH & DENTAL	JAN 2013 LIFE AND AD &D	170.54	50463	01/03/2013	Approved
/ /	39836	DAVIS VISION	203001119.000	HEALTH & DENTAL	JAN 2013 INS PREMIUM	740.04	50464	01/03/2013	Approved
/ /	39847	ADVANTAGE HMO HEALTH PLAN	203001119.000	HEALTH & DENTAL	JAN 2013 INS PREMIUM	50612.06	50475	01/03/2013	Approved
/ /	39880	LIFESERVICES EAP	203001119.000	HEALTH & DENTAL	INS EAP	426.00	50495	01/10/2013	Approved
/ /	39915	M-J INSURANCE, INC.	203001122.000	WORKERS COMPENSATION	WORKERS COMP INS	28368.00	50500	01/10/2013	Approved
12/31/2012	39840	STAPLES CONTRACT & COMMER	203001223.000	OFFICE SUPPLIES	OFFICE SUPPLIES	54.56	50468	12/31/2012	Approved
12/31/2012	39841	WITMER PUBLIC SAFETY GROU	203001229.000	UNIFORMS-FIRE	GOGGLES VISORS	534.00	50469	12/31/2012	Approved
/ /	39860	VECTREN ENERGY DELIVERY	203001328.000	GAS/HEAT	MONTHLY SERVICE	100.90	50485	12/30/2012	Approved
/ /	39879	CITIZENS GAS	203001328.000	GAS/HEAT	MONTHLY SERVICE	1218.10	50494	01/10/2013	Approved
/ /	39917	CITIZENS GAS	203001328.000	GAS/HEAT	MONTHLY SERVICE	871.63	50502	01/10/2013	Approved
/ /	39920	VERIZON WIRELESS	203001332.000	CELLULAR/PAGERS/MOBILE	12/04/12-01/03/12 BILLING	854.42	0	01/10/2013	Approved
/ /	39914	FRONTIER	203001335.000	TELEPHONE	MONTHLY SERVICE	66.45	50499	01/10/2013	Approved
/ /	39827	DUKE ENERGY	203001341.000	ELECTRIC	MONTHLY SERVICE	413.86	50457	12/30/2012	Approved
/ /	39824	WESTFIELD PUBLIC WORKS	203001342.000	WATER/SEWER	MONTHLY SERVICE	71.15	50454	12/30/2012	Approved
/ /	39831	WESTFIELD PUBLIC WORKS	203001342.000	WATER/SEWER	MONTHLY SERVICE	164.84	50461	12/30/2012	Approved
/ /	39857	WESTFIELD PUBLIC WORKS	203001342.000	WATER/SEWER	MONTHLY SERVICE	164.48	50482	12/31/2012	Approved
12/31/2012	39838	HSBC BUSINESS SOLUTIONS	203001343.000	BUILDING MAINTENANCE	12/07/12 BILLING PARTS	1451.89	50466	12/31/2012	Approved
12/31/2012	39842	ROTO-ROOTER	203001343.000	BUILDING MAINTENANCE	CLEAN SEWER PIPE	372.34	50470	12/31/2012	Approved
12/31/2012	39845	USAUTOMATIC FIRE & SECURI	203001343.000	BUILDING MAINTENANCE	ADJ PIV WINDOW	360.00	50473	12/31/2012	Approved
/ /	39916	U.S. BANK EQUIPMENT FINAN	203001348.000	MACHINE MAINTENANCE	COPIERS/PRINTERS	252.43	50501	01/10/2013	Approved
/ /	39855	ENVIRO-MAX INC.	203001349.000	CONTRACTUAL SERVICES	PREVENTIVE MAINT SERVICE	2845.81	50480	12/28/2012	Approved
12/31/2012	39837	INDIANA NEWSPAPERS	203001350.000	FIRE-SUB/DUES/MEMBERSHI	01/01/12-12/31/13 SERVICE	294.05	50465	12/31/2012	Approved

ACCOUNTS PAYABLE REGISTER

JAN 2013

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
				P					
/ /	39851	NATIONAL NOTARY ASSOCIATI	203001350.000	FIRE-SUB/DUES/MEMBERSHI P	SHIPPING CHGS	5.50	50477	12/31/2012	Approved
/ /	39861	MILLER EMERGENCY VEHICLE	203001360.000	VEHICLE MAINTENANCE	ISO PUMP TEST	515.00	50486	12/30/2012	Approved
** Subtotal **						94687.53			
** DEPARTMENT TOTAL		268001							
12/31/2012	39839	AIRGAS MID AMERICA	268001473.000	EMERGENCY MEDICAL EQUIP-VEHICLE LEASES	OXYGEN	604.30	50467	12/31/2012	Approved
** Subtotal **						604.30			
** DEPARTMENT TOTAL		306001							
/ /	39814	NATIONAL BANK OF INDIANAP	306001349.000	COIT BOND SERVICES	LAND	10070.67	0	01/02/2013	Approved
** Subtotal **						10070.67			
** DEPARTMENT TOTAL		310001							
/ /	39802	GOVCONNECTION	310001472.000	EQUIPMENT/TECH	COMPUTER PARTS	726.53	50447	12/28/2012	Approved
** Subtotal **						726.53			
** DEPARTMENT TOTAL		312001							
/ /	39818	US BANK	312001280.000	2005 BOND DEBT SERVICE	GEN OBLIG BOND 2005	203748.75	50445	01/02/2013	Approved
** Subtotal **						203748.75			
** DEPARTMENT TOTAL		313001							
12/31/2012	39843	HUSTON ELECTRIC	313001349.000	GRNAD PARK SPORTS CAMPUS II	GRAND PK PH II	254430.00	50471	12/31/2012	Approved
/ /	39683	MID-AMERICA GOLF & LANDSC	313001349.000	GRNAD PARK SPORTS CAMPUS II	GRAND PARK	721412.55	50353	12/28/2012	Approved
12/31/2012	39846	PERRY WELL DRILLING	313001474.000	2012 COIT BAN CONSTRUCITON	REPLACE PUMP	1742.92	50474	12/31/2012	Approved
** Subtotal **						977585.47			
** DEPARTMENT TOTAL		404001							
/ /	39796	BERNARDIN LOCHMUELLER & A	404001349.000	REGIONAL STORM DETENTION	SERVICE RENDERED THRU 113012	11919.81	50440	12/28/2012	Approved
/ /	39918	BERNARDIN LOCHMUELLER & A	404001349.000	REGIONAL STORM DETENTION	SERVICE RENDERED THRU 123112	2544.55	0	01/10/2013	Approved
** Subtotal **						14464.36			
** DEPARTMENT TOTAL		430001							
/ /	39876	REGIONS	430001474.000	CAPITAL OUTLAY		1320300.00	0	12/31/2012	Approved

ACCOUNTS PAYABLE REGISTER

JAN 2013

DATE FILED	APV NO.	NAME OF PAYEE	APPROP #	APPROPRIATION	DESCRIPTION	AMOUNT	CK NUM	CK DATE	APPROVED
				IMPROVEMENT					
** Subtotal **						1320300.00			
** DEPARTMENT TOTAL		701001							
/ /	39807	PAYROLL	701001110.000	NET SALARIES	NET SAL	284478.36	0	01/02/2013	Approved
/ /	39813	HUNTINGTON NATIONAL BANK	701001131.000	EMPLOYERS SHARE OF FICA	FICA	25689.59	0	01/02/2013	Approved
/ /	39813	HUNTINGTON NATIONAL BANK	701001132.000	EMPLOYER'S SHARE-MEDICARE	,MED	6008.05	0	01/02/2013	Approved
/ /	39808	IN FAMILY & SOCIAL	701001140.000	SUPPORT WITHHOLDING	CHILD SUPPORT	2806.90	0	01/02/2013	Approved
/ /	39811	FIRE FIGHTERS CREDIT UNIO	701001141.000	UNION DUES	UNION DUES	2160.70	16022	01/02/2013	Approved
/ /	39813	HUNTINGTON NATIONAL BANK	701001921.000	FEDERAL WITHHOLDING	FED	49456.41	0	01/02/2013	Approved
/ /	39813	HUNTINGTON NATIONAL BANK	701001922.000	EMPLOYEE FICA	,MED	6008.11	0	01/02/2013	Approved
/ /	39813	HUNTINGTON NATIONAL BANK	701001922.000	EMPLOYEE FICA	FICA	25689.68	0	01/02/2013	Approved
/ /	39812	INDIANA DEPT OF REVENUE	701001923.000	STATE WITHHOLDING	STATE	13585.46	0	01/02/2013	Approved
/ /	39812	INDIANA DEPT OF REVENUE	701001923.000	STATE WITHHOLDING	COIT	4400.57	0	01/02/2013	Approved
/ /	39809	POLICE & FIREMEN'S INSUR	701001930.000	INSURANCE DEDUCTIONS	INS	76.80	16023	01/02/2013	Approved
/ /	39817	DELTA DENTAL	701001930.000	INSURANCE DEDUCTIONS	JAN INS	1993.69	16018	01/02/2013	Approved
/ /	39848	ADVANTAGE HMO HEALTH PLAN	701001930.000	INSURANCE DEDUCTIONS	JAN 2013 INS PREMIUM	25270.44	16026	01/03/2013	Approved
/ /	39854	AFLAC	701001930.000	INSURANCE DEDUCTIONS	DEC 2012 INS PREMIUM	6726.38	16027	12/31/2012	Approved
/ /	39866	AFLAC	701001930.000	INSURANCE DEDUCTIONS	JAN INS	6585.58	16028	01/08/2013	Approved
/ /	39810	TERESA SKELTON	701001931.000	PEBSCO-DEFERRED COMP.	REFUND/ OVERPYMT ONE AMERICA	15.75	16024	01/02/2013	Approved
/ /	39819	DAYNE COOK	701001931.000	PEBSCO-DEFERRED COMP.	REFUND/ REIMB/ EDWARD JONES	200.00	16025	01/02/2013	Approved
/ /	39805	AUL RETIREMENT SERVICES	701001931.000	PEBSCO-DEFERRED COMP.	RETIREMENT/ BATCH 289	10823.59	0	01/02/2013	Approved
/ /	39806	AUL RETIREMENT SERVICES	701001931.000	PEBSCO-DEFERRED COMP.	RETIREMENT LOANS/ BATCH 290	3152.31	0	01/02/2013	Approved
** Subtotal **						475128.37			
*** Total ***						3297546.34			

Approved by the State Board of Accounts for City of Westfield Utilities, 2005

Date: 01/10/13 02:51:39 PM

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Accounts Payable Voucher Register

Grouped by Account Code and Vendor

Sorted by Order Entered

For 01/14/13-Water Utility:WATER

Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
Account Code :	**Water Utility**												
	620.13 - Water - Material &	SUPPLIES	20813	12/28/12	MENARDS	277.77	0.00	19884	/ /			N	/ /
	620.12 - Water - Material &	SUPPLIES	20813	12/28/12	MENARDS	55.32	0.00	19884	/ /			N	/ /
	620.13 - Water - Material &	SUPPLIES	20814	12/28/12	MENARDS	327.20	0.00	19885	/ /			N	/ /
	620.13 - Water - Material &	SUPPLIES	20814	12/28/12	MENARDS	27.76	0.00	19885	/ /			N	/ /
	620.13 - Water - Material &	SUPPLIES	20815	12/28/12	Tractor Supply	179.45	0.00	19886	/ /			N	/ /
	635.15 - Water -	PRINTER/ COPIERS	20816	12/28/12	U.S BANK	105.19	0.00	19887	/ /	216584045		N	/ /
	650.15 - Water -	PRINTER/ COPIERS	20817	12/28/12	VAN AUSDALL &	53.12	0.00	19888	/ /	CNIN246093		N	/ /
	635.15 - Water -	FLU SHOTS	20818	12/28/12	WESTFIELD FIRE	193.32	0.00	19889	/ /			N	/ /
	620.13 - Water - Material &	SUPPLIES	20819	12/28/12	Lowes	588.23	0.00	19890	/ /			N	/ /
	625.13 - Water - Repairs -	REPAIRS	20820	12/28/12	CULY CONTRACTING	7905.00	0.00	19891	/ /	000596		N	/ /
	620.13 - Water - Material &	SOLENOID VALVE	20821	12/28/12	Grainger	129.65	0.00	19892	/ /	9976035916		N	/ /
	635.15 - Water -	FINANCIAL SERVICE	20822	12/28/12	O W Krohn &	14628.75	0.00	19893	/ /	S110812		N	/ /
	650.15 - Water -	REPAIRS	20823	12/28/12	ESLER'S AUTO	541.27	0.00	19894	/ /	73198		N	/ /
	635.15 - Water -	LOCATES	20824	12/28/12	USIC LOCATING	4727.58	0.00	19895	/ /	1230611149		N	/ /
	635.15 - Water -	SHIPPING	20825	12/28/12	THE UPS STORE	66.59	0.00	19896	/ /	11-30		N	/ /
	635.15 - Water -	MAINT SUPPORT	20827	12/28/12	SUPERIOR	2230.98	0.00	19898	/ /	1559		N	/ /
	667.154 - Water - Office	SUPPLIES	20828	12/28/12	STAPLES BUSINESS	12.03	0.00	19911	/ /	8023581888		N	/ /
	650.15 - Water -	FUEL	20829	12/28/12	Westfield Washington	1624.97	0.00	19914	/ /	2651		N	/ /
	635.15 - Water -	REPAIRS/ ENTRAPMENT	20830	12/28/12	MID AMERICA	332.05	0.00	19915	/ /	90708		N	/ /
	650.15 - Water -	PARTS, REPAIRS	20831	12/28/12	ESLER'S AUTO	393.92	0.00	19925	/ /	73346		N	/ /
	620.13 - Water - Material &	PIT SINGLE PORT	20832	12/28/12	E J Prescott	3381.30	0.00	19926	/ /	4613495		N	/ /
	620.13 - Water - Material &	HYDRANT DIFFUSER	20833	12/28/12	USA Blue Book	79.04	0.00	19927	/ /	828938		N	/ /
	620.13 - Water - Material &	ACETYLENE DISSOLVED	20834	12/28/12	INDIANA OXYGEN	45.56	0.00	19928	/ /	00866974		N	/ /
	620.13 - Water - Material &	PARTS	20835	12/28/12	Utility Supply Co, Inc.	373.43	0.00	19929	/ /	1082540		N	/ /
	631.15 - Water -	HYDROGEOLOGIC	20836	12/28/12	Eagon & Associates	322.58	0.00	19930	/ /	630A1120123		N	/ /
	620.13 - Water - Material &	SUPPLIES	20837	12/28/12	Fastenal	65.52	0.00	19931	/ /	89772		N	/ /
	618.12 - Water - Chemical	CHLORINE	20838	12/28/12	JONES CHEMICALS,	558.00	0.00	19932	/ /	568512		N	/ /
	667.154 - Water - Office	SUPPLIES	20839	12/28/12	STAPLES BUSINESS	31.88	0.00	19933	/ /	8023429427		N	/ /
	650.15 - Water -	TIRE	20840	12/28/12	INDY TIRE CENTERS	117.55	0.00	19945	/ /	10051922		N	/ /
	675.15 - Water - Misc	REIMBURSE/	20841	12/28/12	NEIL VAN TREES	19.00	0.00	19946	/ /			N	/ /

Accounts Payable Voucher Register

Grouped by Account Code and Vendor
Sorted by Order Entered
For 01/14/13-Water Utility:WATER

Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	667.162 - Uniforms	BOOTS	20842	12/28/12	Red Wing Shoe	238.00	0.00	19947	/ /	229000003081		N	/ /
	620.13 - Water - Material &	PLUG LOCKING	20843	12/28/12	Grainger	27.72	0.00	19948	/ /	9003987097		N	/ /
	635.15 - Water -	TIME CHARGE	20844	12/28/12	NEOPOST	120.00	0.00	19949	/ /	9126233		N	/ /
	630.13 - Water -	MAINT CONTRACT FEE	20845	12/28/12	USC TANK SERVICE	3015.21	0.00	19950	/ /	303916-19		N	/ /
	620.13 - Water - Material &	PAINT	20846	12/28/12	SHERWIN WILLIAMS	17.85	0.00	19951	/ /	6523-5		N	/ /
	650.15 - Water -	STATEC DUPLICATE	20847	12/28/12	ASHLEY SAFE &	30.00	0.00	19952	/ /	24983		N	/ /
	635.15 - Water -	DEC INTERIOR	20848	12/28/12	ENGLEDOW GROUP	77.50	0.00	19953	/ /	368011		N	/ /
	620.13 - Water - Material &	CHEST WADER	20849	12/28/12	Grainger	56.30	0.00	19954	/ /	9011580405		N	/ /
	620.12 - Water - Material &	CHERRY TREE PLANT	20850	12/28/12	Bastin Logan Water	2363.40	0.00	19955	/ /	13351		N	/ /
	650.15 - Water -	CHECK STEERING	20851	12/28/12	ESLER'S AUTO	354.45	0.00	19956	/ /	73571		N	/ /
	667.162 - Uniforms	UNIFORMS	20852	12/28/12	UNIFIRST	541.83	0.00	19964	/ /	0820722664		N	/ /
	635.15 - Water -	TEMP HIRE	20853	12/28/12	OFFICE TEAM	655.83	0.00	19965	/ /	36870367		N	/ /
	635.15 - Water -	PEST CONTROL	20854	12/28/12	Askren Pest Control	42.50	0.00	19966	/ /	12-5-12		N	/ /
	650.15 - Water -	CARB CLEANER, AIR	20855	12/28/12	ESLER'S AUTO	279.09	0.00	19967	/ /	73477		N	/ /
	667.154 - Water - Office	PAPER	20856	12/28/12	Westfield Washington	26.99	0.00	19970	/ /	2650		N	/ /
	667.154 - Water - Office	PLANTRONICS	20857	12/28/12	GovCONNECTION,	90.34	0.00	19971	/ /	79688917		N	/ /
	636.12 - Lab Testing -	COLIFORM	20858	12/28/12	Environmental	1022.00	0.00	19972	/ /	20130798		N	/ /
	625.13 - Water - Repairs -	SUPPLIES	20859	12/28/12	MENARDS	339.00	0.00	19976	/ /	4463		N	/ /
	620.13 - Water - Material &	SUPPLIES	20860	12/28/12	KROGER	21.62	0.00	19977	/ /	12-1		N	/ /
	667.162 - Uniforms	UNIFORMS	20861	12/28/12	Cintas Corp	237.50	0.00	19978	/ /	018388296		N	/ /
	650.15 - Water -	REGULATOR/	20862	12/28/12	Don Hinds Ford	60.88	0.00	19979	/ /	321894		N	/ /
	620.13 - Water - Material &	SUPPLIES	20863	12/28/12	E J Prescott	2827.27	0.00	19980	/ /	4594942		N	/ /
	667.154 - Water - Office	SUPPLIES	20864	12/28/12	STAPLES BUSINESS	23.59	0.00	19992	/ /	8023853796		N	/ /
	620.13 - Water - Material &	SUPPLIES	20865	12/28/12	NAPA	232.05	0.00	19993	/ /			N	/ /
	650.15 - Water -	SUPPLIES	20865	12/28/12	NAPA	177.92	0.00	19993	/ /			N	/ /
	675.15 - Water - Misc	UTILITY MANAGEMENT	20866	12/28/12	INDIANA WATER	49.00	0.00	19994	/ /	001296		N	/ /
	620.13 - Water - Material &	EXPAN CONN	20867	12/28/12	E J Prescott	638.50	0.00	19995	/ /	4612769		N	/ /
	620.13 - Water - Material &	CONTACT KIT	20868	12/28/12	KIRBY RISK	783.00	0.00	19996	/ /	S106653667.0		N	/ /
	235.10 - Water Customer	REFUND HYDRANT	20869	12/28/12	C.S.U	200.00	0.00	19997	/ /			N	/ /
	635.15 - Water -	FINANCIAL SERVICES	20870	12/28/12	O W Krohn &	4710.00	0.00	20004	/ /	WCT120812		N	/ /
	667.151 - Water -	MONTHLY	20871	12/28/12	AT&T	294.60	0.00	20007	/ /			N	/ /

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For 01/14/13-Water Utility:WATER

Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	630.13 - Water -	WATER UTILITY	20872	12/28/12	INDIANA DEPT OF	193094.53	0.00	20009	/ /	00017512		N	/ /
	635.15 - Water -	ANNUAL	20873	12/28/12	MID AMERICA	151.50	0.00	20010	/ /	89829		N	/ /
	625.13 - Water - Repairs -	11/30 BILLING	20874	12/28/12	MENARDS	339.00	0.00	20017	/ /	11/30		N	/ /
	655.15 - Water - Insurance	JAN INS	20804	01/02/13	DELTA DENTAL	756.05	0.00	20018	/ /			N	/ /
	673.15 - Interest Expense	WATERWORKS REV	20875	01/02/13	Us Bank	23575.00	0.00	20020	/ /			N	/ /
	674.16 - Wus-Interest	SPECIAL BOND 2002	20876	01/02/13	Bank of New York Trust	160392.50	0.00	20021	/ /			N	/ /
	655.15 - Water - Insurance	JAN 2013 LIFE AND AD	20877	01/03/13	PRUDENTIAL LIFE	46.99	0.00	20022	/ /	08546		N	/ /
	655.15 - Water - Insurance	JAN 2013 INS PREMIUM	20878	01/03/13	DAVIS VISION	167.67	0.00	20023	/ /	JAN		N	/ /
	635.15 - Water -	SBOA ANNUAL 2011	20879	12/31/12	Treasurer of State	3549.00	0.00	20027	/ /	34664		N	/ /
	655.15 - Water - Insurance	JAN 2013 INS PREMIUM	20880	01/03/13	ADVANTAGE HMO	10783.41	0.00	20032	/ /	10254		N	/ /
	620.13 - Water - Material &	SUPPLIES	20881	12/30/12	Lowes	98.83	0.00	20033	/ /			N	/ /
	667.153 - Water - Utilties	MONTHLY SERVICE	20883	01/10/13	Citizens Gas	436.41	0.00	20038	/ /			N	/ /
	655.15 - Water - Insurance	EAP INS	20884	01/10/13	LIFE SERVICES EAP	105.00	0.00	20039	/ /			N	/ /
	667.151 - Water -	MONTHLY SERVICE	20885	01/10/13	FIRST MILE	288.81	0.00	20040	/ /			N	/ /
	675.15 - Water - Misc	UNEMPLOYMENT	20882	01/10/13	Indiana Dept of	780.00	0.00	20042	/ /			N	/ /
	620.13 - Water - Material &	DEGREASER SPRAY	0	/ /	USA Blue Book	113.92	0.00	20062	/ /	834584		N	/ /
	618.12 - Water - Chemical	HYDROFLUOSILICIC	0	/ /	PVS NOLWOOD	1369.50	0.00	20063	/ /	388989		N	/ /
	620.13 - Water - Material &	SUPPLIES	0	/ /	SHERWIN WILLIAMS	23.81	0.00	20064	/ /	6917-9		N	/ /
	635.15 - Water -	ELEVATOR PHONES	0	/ /	KINGS III AMERICA	44.47	0.00	20065	/ /	88179		N	/ /
	618.12 - Water - Chemical	CHLORINE	0	/ /	BRENNTAG	461.00	0.00	20066	/ /	BMS346584		N	/ /
	667.162 - Uniforms	UNIFORMS	0	/ /	UNIFIRST	129.07	0.00	20067	/ /	0820731016		N	/ /
	667.154 - Water - Office	SUPPLIES	0	/ /	STAPLES BUSINESS	79.01	0.00	20068	/ /	8024067320		N	/ /
	620.12 - Water - Material &	MAINT KIT, SUPPLIES,	0	/ /	LIVING WATERS CO	752.76	0.00	20069	/ /	0077379		N	/ /
	620.12 - Water - Material &	MAINT KIT, PARTS	0	/ /	LIVING WATERS CO	794.10	0.00	20070	/ /	0077380		N	/ /
	620.12 - Water - Material &	MAINT KIT, PARTS	0	/ /	LIVING WATERS CO	1159.95	0.00	20071	/ /	0077381		N	/ /
	620.13 - Water - Material &	PARTS	0	/ /	Fastenal	33.95	0.00	20072	/ /	89832		N	/ /
	650.15 - Water -	BRAKE ALIGNMENT, OIL	0	/ /	INDY TIRE CENTERS	668.00	0.00	20073	/ /	10055969		N	/ /
	620.13 - Water - Material &	SOFT START/	0	/ /	SUPERIOR	6326.13	0.00	20074	/ /	1570		N	/ /
	620.13 - Water - Material &	PARTS	0	/ /	Utility Supply Co, Inc.	457.75	0.00	20075	/ /	1077031		N	/ /
	620.13 - Water - Material &	SUPPLIES	0	/ /	Utility Supply Co, Inc.	630.62	0.00	20076	/ /	1083142		N	/ /
	635.15 - Water -	TEMP HIRE	0	/ /	OFFICE TEAM	431.85	0.00	20077	/ /	37023100		N	/ /

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Accounts Payable Voucher Register

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Sorted by Order Entered
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Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	620.13 - Water - Material &	AMERICAN PADLOCK	0	/ /	Haley's Lock Safe &	445.50	0.00	20078	/ /	66746		N	/ /
	630.13 - Water -	MAINT FEE	0	/ /	USC TANK SERVICE	3015.21	0.00	20079	/ /	306259-262		N	/ /
	635.15 - Water -	MONTHLY PEST	0	/ /	Askren Pest Control	42.50	0.00	20080	/ /	553		N	/ /
	635.15 - Water -	JANITORIAL CLEANING	0	/ /	BUSY BEE CLEANING	1400.00	0.00	20081	/ /	20733		N	/ /
	635.15 - Water -	DRUG TESTING	0	/ /	Midwest Toxicology	48.50	0.00	20082	/ /	287339		N	/ /
	635.15 - Water -	TEMP HIRE	0	/ /	OFFICE TEAM	497.88	0.00	20083	/ /	36987653		N	/ /
	667.154 - Water - Office	SUPPLIES	0	/ /	STAPLES BUSINESS	25.65	0.00	20084	/ /	8023997179		N	/ /
	667.162 - Uniforms	UNIFORMS	0	/ /	UNIFIRST	126.52	0.00	20085	/ /	0820729343		N	/ /
	655.15 - Water - Insurance	WORKERS COMP INS	20886	01/10/13	M J INSURANCE	15191.10	0.00	20089	/ /			N	/ /
	635.15 - Water -	PRINTER/ COPIERS	20887	01/10/13	U.S BANK	105.19	0.00	20090	/ /	218707784		N	/ /
	667.151 - Water -	MONTHLY SERVICE	20888	01/10/13	FRONTIER	194.29	0.00	20091	/ /			N	/ /
	667.162 - Uniforms	UNIFORM	0	/ /	Imagery, LLC	3981.61	0.00	20092	/ /	0017735		N	/ /
Account Code Subtotal :						492062.49	0.00						
****Total****						492062.49	0.00						

Approved by the State Board of Accounts for City of Westfield Utilities, 2005

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For 01/14/13-Sewer Utility:SEWER

Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
Account Code :	**Sewer Utility**												
	635.63 - Sewer -	LOCATES	26523	12/28/12	USIC LOCATING	4727.57	0.00	19875	/ /	1230611149		N	/ /
	635.63 - Sewer -	LIFT STATION	26524	12/28/12	CULY CONTRACTING	51075.85	0.00	19876	/ /	00000655		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26525	12/28/12	Lowes	588.22	0.00	19877	/ /			N	/ /
	635.63 - Sewer -	FLU SHOTS	26526	12/28/12	WESTFIELD FIRE	193.31	0.00	19878	/ /			N	/ /
	635.63 - Sewer -	PRINTERS/ COPIERS	26527	12/28/12	VAN AUSDALL &	53.12	0.00	19879	/ /	246093		N	/ /
	635.63 - Sewer -	PRINTERS/ COPIERS	26528	12/28/12	U.S BANK	105.19	0.00	19880	/ /	216584045		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26529	12/28/12	Tractor Supply	200.60	0.00	19881	/ /			N	/ /
	620.62 - Materials and	SUPPLIES	26529	12/28/12	Tractor Supply	51.98	0.00	19881	/ /			N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26530	12/28/12	MENARDS	27.76	0.00	19882	/ /			N	/ /
	620.62 - Materials and	SUPPLIES	26530	12/28/12	MENARDS	18.72	0.00	19882	/ /			N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26530	12/28/12	MENARDS	187.96	0.00	19882	/ /			N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26531	12/28/12	MENARDS	98.17	0.00	19883	/ /			N	/ /
	667.634 - Sewer - Office	SUPPLIES	26532	12/28/12	STAPLES BUSINESS	12.04	0.00	19884	/ /	8023581888		N	/ /
	635.63 - Sewer -	ENTRAPMENT/	26533	12/28/12	MID AMERICA	332.05	0.00	19886	/ /	90708		N	/ /
	650.63 - Sewer -	FUEL	26534	12/28/12	Westfield Washington	1624.96	0.00	19887	/ /	2651		N	/ /
	620.61 - Sewer Materials &	VALVE FLUCH	26535	12/28/12	XYLEM INC	4804.00	0.00	19890	/ /	07715252		N	/ /
	625.61 - Sewer - Plant	REBUILD KIT	26536	12/28/12	AMERICAN PUMP &	2155.58	0.00	19891	/ /	7097		N	/ /
	667.634 - Sewer - Office	SUPPLIES	26537	12/28/12	STAPLES BUSINESS	31.89	0.00	19892	/ /	8023429427		N	/ /
	625.62 - Repairs-Wwtp	REPAIR ROOF INTAKE	26538	12/28/12	BEST EQUIPMENT &	4050.00	0.00	19893	/ /	35898		N	/ /
	620.61 - Sewer Materials &	ACETYLENE	26539	12/28/12	INDIANA OXYGEN	45.55	0.00	19894	/ /	00866974		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26540	12/28/12	M.P.E CLEANING	72.50	0.00	19895	/ /	44589		N	/ /
	650.63 - Sewer -	PARTS, EQUIP	26541	12/28/12	ESLER'S AUTO	393.92	0.00	19896	/ /	73346		N	/ /
	620.61 - Sewer Materials &	WATER AIR RELEASE	26542	12/28/12	FACO	284.88	0.00	19897	/ /	23436		N	/ /
	620.61 - Sewer Materials &	PIT SINGLE PORT	26543	12/28/12	E J Prescott	3381.30	0.00	19898	/ /	4613495		N	/ /
	620.61 - Sewer Materials &	WASTEWATER AIR	26544	12/28/12	FACO	1215.00	0.00	19908	/ /	23406		N	/ /
	650.63 - Sewer -	IGNITION COIL	26545	12/28/12	ESLER'S AUTO	189.82	0.00	19909	/ /	73406		N	/ /
	620.62 - Materials and	O RING	26546	12/28/12	Grainger	41.00	0.00	19910	/ /	9012003233		N	/ /
	635.62 - Contractual Servi	LAB TESTING	26547	12/28/12	CLAY TOWNSHIP	840.00	0.00	19911	/ /	1067		N	/ /
	636.62 - Sewer Gallon	USAGE	26548	12/28/12	Carmel Utilities	53348.51	0.00	19912	/ /	12-4-12		N	/ /
	620.62 - Materials and	SEWER PLANT EQUIP	26549	12/28/12	Fastenal	22.42	0.00	19913	/ /	89642		N	/ /

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Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	635.63 - Sewer -	DEC INTERIOR	26550	12/28/12	ENGLEDOW GROUP	77.50	0.00	19914	/ /	368011		N	/ /
	620.61 - Sewer Materials &	PAINT	26551	12/28/12	SHERWIN WILLIAMS	17.84	0.00	19915	/ /	6523-5		N	/ /
	635.63 - Sewer -	TIME CHARGE / ONSITE	26552	12/28/12	NEOPOST	120.00	0.00	19916	/ /	9126233		N	/ /
	620.61 - Sewer Materials &	PLUG LOCKING	26553	12/28/12	Grainger	27.71	0.00	19917	/ /	9003987097		N	/ /
	667.644 - Uniforms	BOOTS	26554	12/28/12	Red Wing Shoe	238.00	0.00	19918	/ /	22900003081		N	/ /
	675.63 - Sewer -	8 FT KANAFLEX	26555	12/28/12	BEST EQUIPMENT	322.00	0.00	19931	/ /	SI158466		N	/ /
	675.64 - Stormwater Misc	REPAIR SUMP LINE PIPE	26556	12/28/12	DAWN RUH	550.00	0.00	19932	/ /			N	/ /
	650.63 - Sewer -	CARB CLEANER/ AIR	26557	12/28/12	ESLER'S AUTO	279.08	0.00	19933	/ /	73477		N	/ /
	635.63 - Sewer -	PEST CONTROL	26558	12/28/12	Askren Pest Control	42.50	0.00	19934	/ /	12-5-12		N	/ /
	635.63 - Sewer -	TEMP HIRE	26559	12/28/12	OFFICE TEAM	655.83	0.00	19935	/ /	36870367		N	/ /
	635.63 - Sewer -	T CELL DISPENSER	26560	12/28/12	UNIFIRST	53.85	0.00	19936	/ /	0820726681		N	/ /
	667.644 - Uniforms	UNIFORMS	26561	12/28/12	UNIFIRST	541.83	0.00	19937	/ /	0820722664		N	/ /
	667.634 - Sewer - Office	PLANTRONICS	26562	12/28/12	GovCONNECTION,	90.34	0.00	19942	/ /	49688917		N	/ /
	667.634 - Sewer - Office	PAPER	26563	12/28/12	Westfield Washington	27.00	0.00	19943	/ /	2650		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26564	12/28/12	E J Prescott	2827.27	0.00	19954	/ /	4594942		N	/ /
	650.63 - Sewer -	REGULATOR/	26565	12/28/12	Don Hinds Ford	60.87	0.00	19955	/ /	321894		N	/ /
	667.636 - Billing Supplies	UTILITY BILL INVOICE	26566	12/28/12	WORRELL	15.00	0.00	19956	/ /	0232564		N	/ /
	667.644 - Uniforms	UNIFORMS	26567	12/28/12	Cintas Corp	237.49	0.00	19957	/ /	018388296		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26568	12/28/12	KROGER	21.61	0.00	19958	/ /	12-1		N	/ /
	625.61 - Sewer - Plant	SUPPLIES	26569	12/28/12	BBC Pump &	419.15	0.00	19959	/ /	30014792		N	/ /
	620.62 - Materials and	REBUILD KIT	26570	12/28/12	MESCO CORP	512.50	0.00	19960	/ /	10165		N	/ /
	620.61 - Sewer Materials &	EXPAN CONN	26571	12/28/12	E J Prescott	638.50	0.00	19961	/ /	4612769		N	/ /
	675.63 - Sewer -	UTILITY MANAGEMENT	26572	12/28/12	INDIANA WATER	50.00	0.00	19962	/ /	001296		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26573	12/28/12	NAPA	232.05	0.00	19963	/ /			N	/ /
	650.63 - Sewer -	SUPPLIES	26573	12/28/12	NAPA	177.93	0.00	19963	/ /			N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26573	12/28/12	NAPA	42.54	0.00	19963	/ /			N	/ /
	667.634 - Sewer - Office	SUPPLIES	26574	12/28/12	STAPLES BUSINESS	23.59	0.00	19964	/ /	8023853796		N	/ /
	635.63 - Sewer -	FINANCIAL SERVICES	26575	12/28/12	O W Krohn &	4970.00	0.00	19975	/ /	SCT120812		N	/ /
	618.62 - Chemicals	ALUM SULFATE	26576	12/28/12	GENERAL CHEMICAL	4501.20	0.00	19976	/ /	90532254		N	/ /
	667.631 - Sewer -	MONTHLY SERVICE/	26577	12/28/12	FRONTIER	306.67	0.00	19978	/ /			N	/ /
	630.61 - Sewer -	SANITARY UTILITY	26578	12/28/12	INDIANA DEPT OF	196559.63	0.00	19980	/ /	000017513		N	/ /

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Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	635.63 - Sewer -	ANNAUL	26579	12/28/12	MID AMERICA	151.50	0.00	19984	/ /	89829		N	/ /
	635.63 - Sewer -	NOV PMT SER	26580	12/28/12	RAY'S TRASH	89263.88	0.00	19985	/ /	NOV		N	/ /
	635.63 - Sewer -	11/30 STMT	26581	12/28/12	THE UPS STORE	66.59	0.00	19986	/ /	11/30		N	/ /
	655.63 - Sewer - Insurance	JAN DENTAL INS	26513	01/02/13	DELTA DENTAL	756.04	0.00	19990	/ /			N	/ /
	655.63 - Sewer - Insurance	JAN 2013 LIFE AND AD	26582	01/03/13	PRUDENTIAL LIFE	46.99	0.00	19996	/ /	JAN		N	/ /
	655.63 - Sewer - Insurance	JAN 2013 INS PREMIUM	26583	01/03/13	DAVIS VISION	167.66	0.00	19997	/ /	JAN		N	/ /
	635.63 - Sewer -	SBOA ANNUAL 2011	26584	12/31/12	Treasurer of State	3191.00	0.00	20000	/ /	34665		N	/ /
	611.62 - Sewer-Sludge	11/23-28/12 BIOSOLIDS	26585	12/31/12	Merrell Bros	41748.26	0.00	20001	/ /	14928		N	/ /
	655.63 - Sewer - Insurance	JAN 2013 INS PREMIUM	26586	01/03/13	ADVANTAGE HMO	10783.40	0.00	20002	/ /	10254		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	26587	12/31/12	Lowes	98.83	0.00	20006	/ /	12-12		N	/ /
	667.631 - Sewer -	MONTHLY SERVICE	26589	01/10/13	FIRST MILE	288.81	0.00	20007	/ /			N	/ /
	655.63 - Sewer - Insurance	EAP INS	26590	01/10/13	LIFE SERVICES EAP	105.00	0.00	20008	/ /			N	/ /
	667.633 - Sewer - Utilities	MONTHLY SERVICE	26591	01/10/13	Citizens Gas	436.40	0.00	20009	/ /			N	/ /
	675.63 - Sewer -	UNEMPLOYMENT	26588	01/10/13	Indiana Dept of	780.00	0.00	20013	/ /			N	/ /
	667.644 - Uniforms	UNIFORMS	0	/ /	UNIFIRST	126.52	0.00	20015	/ /	02820729343		N	/ /
	667.634 - Sewer - Office	SUPPLIES	0	/ /	STAPLES BUSINESS	25.65	0.00	20016	/ /	8023997179		N	/ /
	635.63 - Sewer -	TEMP HIRE	0	/ /	OFFICE TEAM	497.87	0.00	20017	/ /	36987653		N	/ /
	635.63 - Sewer -	DRUG TESTING	0	/ /	Midwest Toxicology	48.50	0.00	20018	/ /	287339		N	/ /
	635.63 - Sewer -	JANITORIAL CLEANING	0	/ /	BUSY BEE CLEANING	1400.00	0.00	20019	/ /	20733		N	/ /
	635.63 - Sewer -	MONTHLY PEST	0	/ /	Askren Pest Control	42.50	0.00	20020	/ /	553		N	/ /
	620.61 - Sewer Materials &	KEYMARK/ PADLOCK	0	/ /	Haley's Lock Safe &	445.50	0.00	20021	/ /	66746		N	/ /
	635.63 - Sewer -	TEMP HIRE	0	/ /	OFFICE TEAM	431.85	0.00	20022	/ /	37023100		N	/ /
	675.64 - Stormwater Misc	SUMP LINE REPAIR	0	/ /	Daystar Directional	550.00	0.00	20023	/ /	3835		N	/ /
	650.63 - Sewer -	EQUIP	0	/ /	MID-STATE TRUCK	435.85	0.00	20024	/ /	70499		N	/ /
	620.62 - Materials and	MAINT SUPPORT	0	/ /	SUPERIOR	792.86	0.00	20025	/ /	1568		N	/ /
	620.61 - Sewer Materials &	ROW BALL BEARING	0	/ /	APPLIED INDUSTRIAL	111.96	0.00	20026	/ /	18330529		N	/ /
	620.61 - Sewer Materials &	SUPPLIES	0	/ /	XYLEM INC	83.00	0.00	20027	/ /	07716270		N	/ /
	667.644 - Uniforms	WORK BOOTS	0	/ /	Red Wing Shoe	120.00	0.00	20028	/ /	510000004535		N	/ /
	667.634 - Sewer - Office	SUPPLIES	0	/ /	STAPLES BUSINESS	79.01	0.00	20029	/ /	8024067320		N	/ /
	667.644 - Uniforms	UNIFORMS	0	/ /	UNIFIRST	129.07	0.00	20030	/ /	0820731016		N	/ /
	635.63 - Sewer -	ELEVATOR PHONES	0	/ /	KINGS III AMERICA	44.48	0.00	20031	/ /	881791		N	/ /

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Date: 01/10/13 02:52:15 PM

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Accounts Payable Voucher Register

Grouped by Account Code and Vendor

Sorted by Order Entered

For 01/14/13-Sewer Utility:SEWER

Journal Code	Account Number	Description	Check Number	Check Date	Vendor Name	Debit Amount	Credit Amount	APV Number	Invoice Date	Invoice Number	Fund Name	No Pay	Due Date
	620.61 - Sewer Materials &	SUPPLIES	0	/ /	SHERWIN WILLIAMS	23.81	0.00	20032	/ /	6917-9		N	/ /
	620.61 - Sewer Materials &	DEGREASER SPRAY	0	/ /	USA Blue Book	113.91	0.00	20033	/ /	834584		N	/ /
	635.63 - Sewer -	PRINTER/ COPIERS	26592	01/10/13	U.S BANK	105.19	0.00	20058	/ /	218707784		N	/ /
	655.63 - Sewer - Insurance	WORKERS COMP INS	26593	01/10/13	M J INSURANCE	15191.10	0.00	20059	/ /	1146171		N	/ /
	667.631 - Sewer -	MONTHLY SERVICE	26594	01/10/13	FRONTIER	194.29	0.00	20060	/ /	1-14		N	/ /
	667.644 - Uniforms	UNIFORM	0	/ /	Imagery, LLC	3981.60	0.00	20066	/ /	0017735		N	/ /
Account Code Subtotal :						517672.23	0.00						
****Total****						517672.23	0.00						

Westfield City Council Report

Ordinance Number:	12-14
APC Petition Number:	1205-PUD-05
Petitioner:	JR Farmer Harmony, LLC
Requested Action:	Change in zoning from the AG-SF1 District to the Harmony PUD District
Current Zoning District:	AG-SF1
Requested Zoning District:	Harmony PUD
Referral Date to APC:	April 9, 2012
APC Public Hearing:	May 7, 2012
APC Recommendation:	December 3, 2012
Adoption Consideration:	January 14, 2013
Exhibits:	1. Staff Report 2. Comprehensive Plan Analysis 3. APC Certification
Prepared By:	Kevin M. Todd, AICP

Petition History

This petition was introduced at the April 9, 2012 City Council meeting and received a public hearing at the May 7, 2012 Advisory Plan Commission (the "APC") meeting. The item received a favorable recommendation for approval at the December 3, 2012 APC meeting.

Procedural

- Requests for a change in zoning are required to be considered at a public hearing, in accordance with Ind. Code 36-7-4-1511.
- The Advisory Plan Commission held a public hearing on May 7, 2012 and issued a favorable recommendation (5-3) to the City Council in support of the proposed rezone request at its December 3, 2012 meeting.
- Notification of the May 7, 2012 public hearing was provided in accordance with the APC Rules of Procedure.
- The Westfield City Council may take action on this item at its January 14, 2013 meeting.

Project Overview

Location

The subject property is approximately 277 acres in size and is located on the west side of Ditch Road, between 146th Street and 156th Street (the "Property"). The Property is primarily vacant/agricultural in use.

Project Description

The proposed Harmony PUD Ordinance allows for a maximum of 710 single-family detached dwellings, 270 multi-family dwellings, and 170,000 square feet of commercial space (the "Proposal"). The Harmony PUD Ordinance (the "PUD Ordinance") establishes two (2) districts: a Single Family Residential District, which accommodates the project's single-family dwellings; and a Mixed-Use District, which accommodates the project's multi-family and commercial areas.

The Single Family Residential District defaults to the Single Family-4 District standards, and it includes multiple lot sizes and lot types. The Proposal includes two (2) different sizes of alley-loaded lots (front of the home oriented towards the street and garages oriented towards an alley in the rear); three (3) different sizes of front-load lots (front of the home and garages oriented towards the street); and mew lots (front of the home oriented towards a green space and garages oriented towards an alley in the rear). The Harmony PUD Ordinance also includes residential architectural standards.

The Mixed-Use District defaults to the Local Business standards and includes development standards for commercial uses and multi-family development. The Proposal also adopts the City's State Highway 32 Overlay District's architectural standards for its commercial area. The Mixed-Use District is divided into three (3) areas: Area A is the multi-family area; Area B is the commercial area north of the realigned 146th Street; and Area C is the commercial area south of the realigned 146th Street.

146th Street and Ditch Road

The Harmony development team has worked with Hamilton County and the City of Westfield to resolve the items that were raised at previous APC meetings associated with 146th Street and Ditch Road. Below is a summary of the items:

- 146th Street Access – Hamilton County is agreeable to grant right-in/right-out access on the westbound and eastbound lanes, as generally depicted in the concept plan.
- Five-Point Roundabout on Ditch Road – The developer will make the improvements as a part of the development of the Harmony project.
- Ditch Road/151st Street Roundabout – The developer will make the improvements as a part of the development of the Harmony project.

Comprehensive Plan

The Future Land Use Map in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the Property as "New Suburban". The residential component of the

Proposal is consistent with the vision of the Comprehensive Plan. Local commercial development is not indicated on the Future Land Use Map at the intersection of Ditch Road and 146th Street. The policy guidance in the Comprehensive Plan may indicate that commercial development is not inappropriate at this location, however. The petitioner submitted an analysis of how the Harmony PUD compares against the policies of the Comprehensive Plan (see Exhibit 2).

Modifications since the APC Recommendation

There have been a few modifications to the PUD Ordinance since the Advisory Plan Commission made a recommendation on December 3, 2012. The changes are summarized below:

1. The language regarding a possible future "Convenience store with fuel center" within Area C of the Mixed-Use District has been removed from the Proposal. The use is not permitted and is no longer discussed or referenced in the ordinance.
2. The language regarding "Restaurants with drive through facilities" within Area C of the Mixed-Use District has been modified to allow only certain drive through types (including Snack Restaurants, Sandwich Restaurants, Pizza/Pasta Restaurants, Mexican Restaurants, Chicken Restaurants, and Asian Restaurants) within Area C. Burger Restaurants and Seafood Restaurants with drive through facilities are not allowed. The revised language can be found in Section 2.2, B of the Harmony PUD Ordinance.

Statutory Considerations

Indiana Code 36-7-4-603 states that reasonable regard shall be paid to:

1. The Comprehensive Plan.

The Future Land Use Map in the Westfield-Washington Township Comprehensive Plan (the The Future Land Use Map in the Westfield-Washington Township Comprehensive Plan (the "Comprehensive Plan") identifies the Property as "New Suburban". The residential component of the Proposal is consistent with the vision of the Comprehensive Plan. Local commercial development is not indicated on the Future Land Use Map at the intersection of Ditch Road and 146th Street. The policy guidance in the Comprehensive Plan may indicate that commercial development is not inappropriate at this location, however. The petitioner submitted an analysis of how the Harmony PUD compares against the policies of the Comprehensive Plan (see Exhibit 2).

2. Current conditions and the character of current structures and uses.

The Property is largely vacant or is being used for agricultural purposes. There are a few vacant residential structures on the Property as well.

3. The most desirable use for which the land is adapted.

The Comprehensive Plan establishes a vision and desirable land use policies for the future growth of Westfield-Washington Township. See the Comprehensive Plan section above for additional discussion.

4. The conservation of property values throughout the jurisdiction.
It is anticipated that the proposed use would have a neutral or positive impact on surrounding property values and throughout the jurisdiction.
5. Responsible growth and development.
The Property is contiguous to other developed areas, and the improvement of the Property would be consistent with the principle of contiguous growth. City services such as water, sewer, and emergency services already exist on or near the Property and are adequate to serve future development of the Property. The proposed development accommodates future right-of-way needs for Ditch Road, in accordance with the Thoroughfare Plan.

Recommendations/Actions

- Economic and Community Development Department [December 3, 2012]
  The Westfield Economic and Community Development Staff reported to the APC that the Harmony PUD Ordinance is in good form. Staff recommended that the proposal be forwarded to the City Council with a favorable recommendation, if the APC was satisfied with the substantive contents of the proposal.

- Advisory Plan Commission [December 3, 2012]
  The Westfield-Washington Advisory Plan Commission has forwarded a favorable recommendation to the City Council (Vote of: 5-3) with the following conditions:

  1. That the land uses and development standards applicable to Areas B and Area C of the Mixed Use District are recommended for approval contingent upon Hamilton County's approval of at least one right in/right out access to each of the Areas on 146th Street; and

  2. That a mutually acceptable development agreement between the Developer and the City for the following road improvements be completed prior to zoning approval by the City Council: (a) dedication and realignment of Ditch Road abutting the Harmony PUD; (b) construction of a four-point roundabout at Ditch Road and 151st Street (realigned by developer)/Bridgeport Drive; and (c) construction of a five-point roundabout at Ditch Road and Sommerville Drive.

- City Council
  - Introduction: [April 9, 2012]
  - Eligible for Adoption: [January 14, 2013]

Submitted by: Kevin M. Todd, AICP, *Senior Planner*

Comparison of the Westfield Comprehensive Plan to the Harmony Community

Revised July 5, 2012

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
Themes and Trends					
The comprehensive plan update encompasses several themes from the previous plan, including the following:					
1. Encourage development to occur contiguously and not "hopscotch" across the township.	✓				Harmony directly abuts existing development. There is even existing sanitary sewer service on the site.
2. Preserve the community's rural and small town atmosphere, even as it accommodates new growth.	✓				By being a direct extension of existing development and located where the Comprehensive Plan is directing new suburban development, Harmony is capturing new residents in a focused area and taking development pressure off the rural areas of the city.
3. Encourage connectivity, especially on east/west thoroughfares.	✓				146th Street, the largest thoroughfare in Hamilton County that is not a state highway, runs through the southern portion of Harmony. The existing east-west city streets are maintained or improved. For example, the alignment of 151st Street will shifted northward to align with the entrance to Centennial removing currently hazardous offset intersections.
4. Continue to work on revitalizing downtown.				✓	
5. Provide different tools and polices to manage growth.				✓	While Harmony follows Smart Growth principles, this theme addresses how the City manages growth.
Several additional major themes emerged from this planning process:					
6. Considering the fiscal implications of development when approving new projects.	✓				With its mix of land uses, its location along major roadways adjacent to existing development, and its targeted buyers, Harmony provides a fiscal benefit to the City of Westfield far greater than a standard

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
					residential subdivision. Each land use is revenue positive. The commercial and multifamily uses within the Mixed Use District will generate higher and greater variety of revenue than single family detached homes. The Mixed Use District is estimated to produce more than $1,000,000 in annual property tax revenue alone. The single family homes in the community primarily target empty nesters buyers. Home prices range from $250,000 to $600,000 with an average home price of $350,000. Estimates indicate that the community will create over $500,000 of assessed value for each child the community adds to the school system: just one of the reasons why the school corporation supports the project.
7. Promoting a diversity and balance of land uses.	✔				Harmony is designed following Traditional Neighborhood Development (TND) principles. Through the balanced mix of land uses and emphasis on connectivity, Harmony is designed to meet the lifestyle needs of a broad range of intergenerational residents while being less auto-dependent.
8. Creating adequate buffers and transitions between different types and intensities of land uses.	✔				A mixture of land uses, open space, and landscaping that meets or exceeds the standards of the zoning ordinance properly buffer the different types and intensities of land uses.
9. Encouraging connectivity between neighborhoods.	✔				Harmony is designed to encourage walking and biking. Our goal is for residents within and adjacent to Harmony to walk or bike to the commercial area or to recreate in the central park.
10. Promoting contiguity of new development to already developed areas.	✔				Harmony is immediately contiguous to existing development.
11. Requiring access control along the major corridors.	✔				Harmony has targeted access points to encourage the safe and efficient flow of traffic along major corridors.
12. Developing design standards for new residential development to encourage quality development.	✔				The design standards for Harmony set high quality standards by encouraging traditional architectural styles or high quality conventional designs. Vinyl is not permitted within the community.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
13. Providing adequate open space and recreation areas for all people of the township.	✓				Harmony is designed to foster connections to open space. The road layout provides easy access to the central park. Homes are focused around pocket parks and open spaces throughout the community. We are even introducing a new housing type to Westfield, the mew home, that fronts directly on open space. These homes have been very successful with empty nester owners in other communities across the country.
Development Policies – Land Use Diversity and Balance					
1. Encourage compatible and high quality "life span" housing, including a balanced mix of homes for renters and first-time buyers, housing for first-time owners ready to move up, executive housing, and senior housing. Regardless of type of housing or its target market, all housing should be of high quality design with lasting value. A balanced range of compatible single-family detached and attached housing in a variety of price ranges is envisioned.	✓				Harmony provides a full range of lifestyle housing from renters to first-time buyers, move-up buyers, executive housing, empty nester buyers, and retirees. All homes within the community must adhere to the same high quality design and material architectural standards, so the quality of the house is not dictated by its size. Home prices range from $250,000 to $600,000 with an average home price of $350,000.
2. Encourage diversity in lot sizes and lot layout.	✓				Harmony offers six different lot sizes, dramatically more than the one or two lot sizes offered in most residential subdivisions. Furthermore, the design of Harmony tightly mixes these lot sizes as opposed to the isolated monocultures of a specific lot size found in most residential subdivisions.
3. Encourage a mix of housing types and prices that meets the needs of the full range of population in Westfield – Washington Township.	✓				As mentioned in #1 above, the options in Harmony meet a full spectrum of lifestyles and price points.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
Development Policies – Buffers and Transitions					
1. Provide appropriate buffers between the commercial development and any adjacent non-commercial uses, particularly residential uses.	✓				A mixture of land uses, open space, and landscaping that meets or exceeds the standards of the zoning ordinance provide appropriate buffers between the commercial area and adjacent residential uses.
2. Use landscaped building setback areas to provide buffering from roadways.	✓				In addition to building setback areas, landscaped common areas are used to provide greater distance and planting to enhance the buffering between buildings and roadways, where such buffering is desired.
3. Where appropriate, encourage transitional land uses as buffers to help mitigate negative land use impacts. For example, attached housing could be used as a transition between commercial or industrial uses and single family uses. In addition to serving as a land use buffer, such housing can contribute to the goal of providing a balanced range of land uses. Attached housing should be used as a transitional land use only in coordination with actual commercial or industrial development. The mere presence of land recommended or zoned for future business uses should not be used as justification for attached housing as a transitional land use. Absent any existing or pending business use, any attached housing must stand on its own merits and not be justified as a transitional land use.	✓				The multifamily area serves as a transitional land use between the commercial area and the future suburban residential area to the west. Designed as an integrated part of the Mixed Use District, the multifamily use provides a much needed housing option to city residents.
4. Provide appropriate transition between adjacent dissimilar residential areas.	✓				External to Harmony, landscape buffers that meet or exceed zoning ordinance requirements provide appropriate transitions. Within Harmony no such buffers and needed due to the integrated design of the community.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
5. Ensure proper buffering between existing residences and new development of a dissimilar character.	✔				Landscape buffers that meet or exceed zoning ordinance requirements provide appropriate transitions.
6. Develop a range of buffering requirements, to allow for different buffers in different situations.	✔				Landscape buffers that meet or exceed zoning ordinance requirements provide appropriate transitions.
7. Combine “hardscape” buffers, such as fences and walls, with landscaping and distance for a more pleasing aesthetic effect.	✔				Harmony uses these techniques throughout the community.
8. Utilize natural open space for buffering in industrial areas.				✔	Harmony does not contain any industrial areas.
9. Encourage the uses of natural buffers involving “reforestation” of natural vegetation, particularly when buffering between suburban and rural uses, and between existing uses and new development.		✔			Given that the surrounding agricultural uses are anticipated for new suburban development reforestation buffers are not as appropriate as when new development abuts rural land uses anticipated to remain rural. We are encouraging the use of native plants in the buffers throughout Harmony.
10. Discourage the use of berms for buffering.		✔			We understand this policy originates from the City’s desire to not have long, shapeless walls of dirt along public streets. We agree. However, we do plan on using minor mounding in strategic locations when it enhances buffering capability and aesthetics.
Development Policies – Connectivity					
1. Provide pedestrian systems within open space and along roadways to connect to surrounding pedestrian and bicycle networks, particularly the Midland Trace and Monon Trails.	✔				Harmony is designed to foster walking and biking through the creation of comfortable streets or the pathway network in the central park that links to adjoining properties.
2. Avoid fragmentation of open space into isolated, unconnected areas, except to provide passive recreation, neighborhood parks and commons.	✔				Harmony was designed with open space and quality of life in mind. All homes abut or have easy access to open space.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
3. Link spaces within neighborhoods and between neighborhoods and the larger community through a multi-modal system of fully connected routes to all destinations.	✓				Perimeter pathways and the walk network of the central park connect to surrounding neighborhoods.
4. Include pedestrian facilities in all new developments. In particular, develop improved connections between key destinations such as between residential and commercial areas, and between residences, parks and schools.	✓				By mixing commercial and residential uses within Harmony one of the biggest hurdles to encouraging walking and biking between these uses has been overcome.
5. Participate in regional transportation efforts that promote better regional connectivity, such as the IndyGo Bus service.		✓			While we have little direct impact on regional transportation policy, we believe that the commercial area could serve as a destination of a bus service line.
Development Policies – Contiguity of Development					
1. Encourage new development to be located contiguous to existing development. In rare circumstances, non-contiguous development may be permitted when it is vital to the economically and spatially efficient expansion and improvement of key infrastructure.	✓				Harmony is located immediately adjacent to existing development and urban services are available on the site.
2. Recognize that the promotion of efficient expansion of development relative to infrastructure and the avoidance of inefficient sprawl is a general policy; there may be occasions when non-contiguous development is still appropriate, especially when provisions are made for adequate public facilities and infrastructure not just for the development itself, but for land between the development and the existing developed and serviced area.	✓				Harmony is located immediately adjacent to existing development and urban services are available on the site.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
Development Policies – Access Control					
1. Require development of frontage roads in conjunction with new nonresidential development.	✔				A frontage road is used across the Mixed Use District. However, it is designed to encourage use by pedestrians and cyclists, not just vehicles.
2. Limit access points pursuant to an access management plan, particularly on arterial and collector streets, to new development to reduce the number of areas of traffic conflict and to ensure adequate sight distances.	✔				Vehicular access points are minimized to promote traffic flow and safety.
3. Utilize traffic calming techniques to control speeds in areas where lower speeds are desirable, such as in residential neighborhoods and in the pedestrian-oriented downtown.	✔				The road network within Harmony is designed to keep traffic speeds low and safe. The roundabout on Ditch Road at the southern entrance to Centennial serves to not only efficiently move cars, but also as a traffic calming device to enhance the safety of pedestrians and cyclists.
Development Policies – Residential Design Standards					
1. Encourage neighborhoods that do not have the appearance of "production" housing.	✔				Harmony is focused on creating a community of homes with distinct architectural styles, not conventional production housing. The residential architectural standards encourage specific home styles and incorporate by reference "A Field Guide to American Houses" by Virginia and Lee McAllester as the design reference in what makes up these styles. There is also the option of conventional architecture, but the standards require a high level of design and materials.
2. Encourage variety and diversity in housing while maintaining a distinct style or character and avoiding the appearance of "cookie cutter" subdivisions.	✔				See response above.
3. Where subdivisions are juxtaposed, avoid abrupt changes in housing scale, mass, and materials.	✔				Centennial is the only subdivision juxtaposed with Harmony. The housing scale, mass of the buildings, and materials are compatible.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
4. Consider the effect of new subdivisions on the character of existing neighborhoods and mitigate adverse effects through proper design and buffering.	✓				Harmony does not directly abut any existing subdivisions. Centennial is located across the street and care has been taken to align entry points, provide continuous greenway opportunities along the gas pipelines, and provide additional buffering where lots back up to Ditch Road. Also, the smaller lot homes of Harmony are located on the interior of the site. This allows the smaller lots to take advantage of the plentiful open space of the community and keeps the larger lots along the perimeter of the community where they are equal to the standard lot sizes in the surrounding neighborhoods.
5. Evaluate new residential development on the basis of overall density and the relationship of that density to effective and usable open space preservation, rather than on lot sizes.	✓				Harmony has been designed with this principle explicitly in mind. A variety of highly intermingled lot sizes is used in order to meet a range of lifestyle options. Access to open space is a main unifying principle of all the areas within Harmony. The community has been designed so nearly all lots have direct access to or are within easy walking distance of open spaces. A variety of open spaces are used that provide a active recreation and passive recreation opportunities as well as providing open space in key areas that shape the character of the community.
Development Policies – Open Space and Recreation					
1. Design open space to form an interconnected network, with provisions for linkages to existing or potential open space on adjoining properties.	✓				The open space network in Harmony is designed to maximize the number of lots abutting or with easy access to open space. The street network is designed to encourage walking and biking to the open space amenities of the community. Also, connections are made to adjoining properties so that elements such as the central park can be extended to surrounding properties.
2. Maintain stream corridors, woodlands, hedge rows, and other valuable natural and historic resources as part of the dedicated open space.		✓			Harmony has been designed to preserve the existing woodlands on the northern part of the site. Steps have also been taken to preserve the significant trees within the hedgerows on the site. The mew lots

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
					on the north side of the central park are sited to protect as many of the trees as possible. There are no stream corridors or historic resources on the site.
3. Locate open space so as to maintain the visual character of scenic roads.				✔	Harmony is not located along any scenic roads.
4. Require open space in all new developments. Open spaces should consist of usable areas or valuable natural areas. Open space should not consist only of land that is left over in the site plan review process.	✔				As mentioned above, the location of the open space in the community was a foundational element in the design of the Harmony. We have committed to a minimum of 25% of the property within the community being protected open space areas.
5. Preserve natural features such as stands of trees, water bodies, and wetlands when land is developed.		✔			To the extent practicable, the woodlands to the north and the hedges on the property will be protected. The design of the community seeks to protect and take advantage of the value of these existing resources.
6. Protect Little Eagle Creek. The installation of sewers in the township has the potential to damage this important resource. It is important that the sewer expansion be completed in an environmentally sensitive manner.				✔	
7. Provide both passive and active recreation for the residents of the community.	✔				At least 69 acres of open space will be set aside and protected for open space and to be used for active and passive recreation. The main active recreation areas are at the recreation center within the multifamily area, the recreation center on 151st Street, and the sports fields and play areas within the central park. Smaller passive parks are distributed throughout the community to provide easy access for residents and add to the character of the community.
8. See Appendix G, Family Sports Capital Addendum, for the Family Sports Capital of America initiative (October 2009).				✔	

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
9. Provide parks and recreational facilities in new developments to accommodate the needs of the community as it grows.	✔				As described above, at least 25% of the project area will remain as open space for active and passive recreation uses. The multifamily area will contain a clubhouse with an exercise room, gathering room, conference space, kitchen, workout area, and on outdoor pool. The recreation area for the single family homes will contain a multi-purpose meeting room, an outdoor swimming pool, a baby pool, and playground. Within the central park there will be a soccer field, playground, fitness trail, dog park, and a trail network.
10. Recognize that the location and configuration of open space is of importance along with the amount of open space. The location and configuration of open space should be a primary design consideration in the development process, not an afterthought based on a determination of unusable land.	✔				As mentioned above, the location and configuration of the open space network was a primary consideration in the design of Harmony.
11. Use open space as part of an integrated storm water management approach to maintain natural drainage patterns, attenuate water quality impacts, replenish groundwater, and incorporate detention facilities as visual and environmental amenities such as ponds.	✔				The open spaces within Harmony are expected to serve as part of an integrated water quality system for stormwater management.
Development Policies – Fiscal Considerations					
1. Require new development to pay its fair share of the cost of providing infrastructure needed as a result of that new growth.	✔				Harmony not only pays its fair share of the cost of providing infrastructure, the tax base created by the mixed use area and value of the residential homes establishes an on-going stream of revenue the City can use for other public improvements in the area.
2. Consider the impact of growth in land use planning and decisions on public services and facilities.	✔				Public services within Harmony will be sized to serve not only Harmony, but the growth anticipated within the New Suburban area shown in the Comprehensive Plan surrounding the site

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
3. Ensure that all new development will have adequate public services and facilities.	✓				Development of the site will be done with provision for adequate public services and will improve the drainage in the area.
Development Policies (applies to all New Suburban)					
1. Ensure that new development occurs in a way that it is contiguous with existing development.	✓				Harmony is a direct extension of existing development in an area slated for development within the Comprehensive Plan.
2. Require all development to have public sewer and water, paved streets, curbs, gutters, and sidewalks.	✓				Harmony will meet or exceed the City's standards for all public and private infrastructure.
3. Design developments such that back yards are not adjacent to collector or arterial streets unless uniform attractive screening is provided.	✓				Harmony has been designed to minimize the number of homes that back up to collector and arterial streets. Where lots do abut a collector or arterial street a uniform, attractive landscape buffer is required. The planting density in these buffers exceeds the City's normal standards. A higher standard of architecture on the rear of homes on the lots abutting collector and arterial streets.
4. Prevent monotony of design and color. Recognize that quality in design applies not just to individual homes, but to the collective impact of an entire development. For example, many homes that might be "high quality" may not achieve a high-quality development if they are all the same and are not part of a sensitive and quality overall design.	✓				Harmony is designed to have a diversity of home sizes meeting the lifestyle needs of a wide variety of Westfield residents. Unifying what could be very different home sizes are the architectural requirements for the community. All homes must meet the same architectural standards regardless of size. These standards encourage diversity in design while maintaining a cohesive neighborhood by requiring defined architectural styles and restraining when similar styles and colors may be used near each other.
5. Encourage a diverse range of home styles in individual subdivisions, using innovative architecture of a character appropriate to Westfield.	✓				As addressed above, Harmony seeks defined architectural styles for the homes within the community. Adam (Colonial), Georgian, Italianate, Shingle, Folk Victorian, Colonial Revival, Tudor, and Craftsman are the approved architectural styles for Harmony.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
6. Encourage compatible and high quality "life span" housing in furtherance of the overall policy of this plan.	✓				Harmony seeks to provide a broad range of living options for Westfield residents. Target buyers include empty nesters, first time home buyers, and family move-up households. These groups are reached through the apartments and broad variety of options in the Single Family Residential District.
7. Emphasize connectivity between subdivisions, and avoid creating isolated islands of development.	✓				Connectivity is provided throughout Harmony. Connectivity in design is achieved in the way the land plan integrates the various lot types instead of creating islands of sameness. Physical connectivity is achieved through the layout of the streets. There are no cul-de-sacs within the community. Connections to the surrounding community are achieved via the location and design of streets, trails, and the greenway along the gas pipelines.
8. Ensure proper land use transitions between dissimilar types of residential development.	✓				At a minimum, we are following the high standards of the Zoning Ordinance. In sensitive locations we are going above these standards with larger buffer widths and higher planting densities.
9. Ensure appropriate transitions from businesses located along US 31, SR 32, and SR 38 and from adjoining large subdivisions.				✓	
10. Use open space, parks, and less-intensive land uses as buffers in appropriate circumstances.	✓				Thicker than required buffers are shown along existing residential areas abutting Harmony to the north. Ponds and streets are used to keep homes further away from property lines.
11. Preserve existing older structures when possible.				✓	
12. Permit new development only where the transportation network is sufficient for the added traffic volumes. Based upon traffic studies, developers should make appropriate improvements to mitigate traffic impacts resulting from the new development.	✓				Harmony contains the largest County transportation improvement, 146th Street. A two-pronged approach is being used. First, the street network is being sized for future development. Second, the mixture of uses within Harmony allows people to walk and bike to restaurants, shops, and parks instead of driving to these destinations.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
13. Promote flexible design that maximizes open space preservation by regulating density rather than lot size. This approach permits a wide range of lot dimensions (area, frontage, setbacks, etc.) and a variety of housing types (detached, semi-detached, attached) to serve multiple markets (traditional families, single-parent households, empty-nesters, etc.)	✓				This principle is a central element in the design of Harmony. As mentioned throughout this document, providing a range of lifestyle options to a broad range of Westfield residents in a manner that encourages architectural diversity and cohesiveness is an organizing principle of the community.
14. Encourage quality and useable open space through incentives (density bonuses) based upon density rather than minimum lot sizes and widths.	✓				As described in the Open Space policies above, Harmony is designed around connecting people with quality open spaces.
15. Encourage development of bicycle and pedestrian facilities (sidewalks, trails, paths or any combination thereof designed to accommodate pedestrians) in new development. These facilities should be designed to improve connectivity. In particular, promote connections to new regional trails such as the Monon and Midland Trace Trails	✓				Encouraging bike and pedestrian activities is a key goal of Harmony. From the mix of land uses to the connectivity of the street and open space networks, Harmony encourages you to leave your car at home and walk or bike to your destination.
16. Land that is characterized by steep slopes or other natural limitations on development should be left natural or developed at rural, rather than suburban densities.				✓	No natural limiting factors exist on the site.
17. Promote innovative development, such as Conservation Subdivisions and traditional neighborhood design.	✓				Harmony is created following traditional neighborhood (TND) principles by one of the nation's leading TND design firms, Canin Associates.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
18. Require appropriate transitions and buffers between neighborhoods, particularly those of differing character or density. At interfaces between large lot residential property and new suburban development, baseline buffering requirements should be used to preserve the rural environment of those larger parcels (preferably through the use of reforestation to achieve natural conditions).	✓				Buffers are provided that meet or exceed the City's standards.
19. Locate roadways and house lots so as to respect natural features and to maximize exposure of lots to open space (directly abutting or across the street). "Single-loaded" streets (with homes on one side only) can be used to maximize open space visibility, thus increasing real estate values and sales, while costing no more than streets in conventional subdivisions (due to savings from narrower lot frontages).	✓				Harmony is designed to maximize access to open space. The street and open space networks work hand-in-hand to ensure all residents are no more than a short walk away from open space.
20. Encourage attractive streetscapes that minimize front-loading garages, provide garage setbacks from front facades of houses, minimize design and material repetition, and avoid house orientations where the back sides face the public right of way.		✓			The look and feel of Harmony is very import. To this end, great attention to detail was taken regarding the an important element in any community – the streetscape. In order to keep a great looking streetscape, front load garages are only allowed on the widest lots. When they do occur, front load garages must be located behind the main plane of the home. Narrower lots are required to have rear-load garages. This allows the architecture of the home, not the garage doors, to dominate the streetscape. The use of defined architectural styles minimizes design and material repetition. We have sought to minimize the backs of homes abutting public roads. Where they do occur, uniform attractive screening as desired in the Comprehensive Plan is provided.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
21. Encourage roadway improvements that promote safety but do not increase speed.	✓				Harmony is designed with no cul-de-sacs. This results in less concentrated traffic flows. Additional streets are designed with short, straight segments and using curves and intersections to moderate travel speeds.
Development Policies – Local Commercial					
1. Locate local commercial development only in planned centers and only on streets classified as arterials or on frontage roads as depicted on the Land Use Concept Map.		✓			The commercial node of Harmony is located on the highest classification road in the county, a primary arterial. While the Land Use Concept Map does not show a neighborhood commercial node at the corner of 146th Street and Ditch Road, this location and the design of Harmony very strongly align with this policy and the other Local Commercial Development Policies in the Comprehensive Plan. The policies capture the principles for the location and design of neighborhood commercial areas. While these policies are as relevant today as the day the Comprehensive Plan was adopted, the same cannot be said for the Land Use Concept Map. At the time the plan was created, the County's plans for the expansion of 146th Street were unknown. As such, the City took a conservative approach regarding the 146th Street corridor. In the years since the plan's adoption, the County has determined to make 146th Street a limited access highway eight lanes wide from Ditch Road to the Boone County line. A roadway of this magnitude carrying as many cars as SR 32 was never anticipated. Now as the County prepares to begin construction on the first phase of the 146th Street improvements, the implications of such a roadway on the abutting properties needs to be considered. Single family residential uses do not want to abut such a road, especially at major intersections where turning movements happen. As the Comprehensive Plan policies encourage, and good planning principles dictate, more intense land uses should

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
					be located against such high capacity roads and transition down to less intensive uses. This is what Harmony achieves by placing the commercial area at the corner and transitioning to multifamily residential to the west.
2. Require commercial uses to be dispersed, but also to be focused on key nodes, avoiding strip patterns, which are inefficient from an access standpoint.	✔				The neighborhood commercial center in the Harmony plan is designed as a node at a key intersection along the 146^{th} Street corridor. The multifamily residential on the west side of the commercial is a transitional land use to the residential uses anticipated to the west. Therefore, the commercial use is contained in a node and not in a strip pattern along 146^{th} Street.
3. Require the size, materials, color, and design of buildings to be unique to Westfield. "Franchise" architecture that represents no effort to create a unique design that fits Westfield-Washington Township is not acceptable.	✔				Franchise architecture is avoided in the neighborhood commercial node through the application of Westfield's State Road 32 Overlay standards to the entire commercial node. These are the design standards the City has created for one of its most significant corridors.
4. Discourage masses of asphalt. Parking areas should be broken up by landscaping or by being located on more than one side of the buildings.	✔				The parking areas within the commercial node include ample landscaping. Furthermore, we are seeking to reduce the parking space size to the national standard of 9'x18' to avoid placing unnecessary asphalt in parking areas.
5. Require all parking areas to have interior landscaping as well as landscaping along the street.	✔				Harmony includes ample interior and street landscaping equal to or greater than the Zoning Ordinance requirements.
6. Require all lighting to be shielded and directed downward.	✔				Lighting will be directed downward and shielded, per the Zoning Ordinance requirements.
7. Encourage signs that are easy to locate and read, sized and designed in relation to the buildings and the traffic conditions in which they are viewed.	✔				All signage will comply with the Zoning Ordinance.

Westfield Comprehensive Plan	Fully Meets Policy	Partially Meets Policy	Does Not Meet Policy	Not Applicable	Harmony
8. Require loading and service areas to be screened and to be located so as not to be a nuisance to neighboring properties.	✔				The loading area is centralized between the anchor tenant and the inline retail shops making is screened by buildings. The northern side will be screened with a wall and heavy landscaping.
9. Encourage internal connectivity between adjacent commercial developments.	✔				The site is designed as an integrated center with the adjacent multifamily use.
10. Encourage pedestrian connections between local commercial areas and adjacent residential areas.	✔				The design of Harmony encourages as much walking and biking to the commercial node as possible.
11. Use attached residential, offices, and similar uses as transitions between more intensive and less intensive uses.	✔				Moving from east to west the uses on the site transition from retail to office to multifamily residential to allow a smooth change to residential uses on properties west of Harmony.
12. Require effective buffering between commercial uses and adjacent residential uses.	✔				An extra wide buffer with heavier than City standard landscaping is provided between the commercial buildings and adjacent residential areas.
13. Prevent commercial uses from encroaching into residential areas.		✔			The commercial node does not share a common property line with any residential areas. The nearby residential areas are located across the street. High architectural standards and landscape buffers are used to enhance the compatibility between the uses. The upgrade of 146th Street creates a situation where the road is incompatible with single family residential uses at major intersections due to the higher level of activity on the roadway.
14. Encourage the use of frontage roads to minimize traffic conflicts.	✔				A frontage road is used to improve access within the neighborhood commercial node and to provide access to properties to the west.

WESTFIELD-WASHINGTON ADVISORY PLAN COMMISSION CERTIFICATION

The Westfield-Washington Advisory Plan Commission held a public hearing on Monday, May 7, 2012, to consider the Harmony PUD. Notice of the public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposal is as follows:

Case No.	1205-PUD-05
Petitioner	JR Farmer Harmony, LLC
Description	Change in zoning from the AG-SF1 District to the Harmony PUD District.

On December 3, 2012, a motion was made and passed to send a favorable recommendation to the City Council to approve 1205-PUD-05 (Vote of: 5-3) with the following conditions:

1. That the land uses and development standards applicable to Areas B and Area C of the Mixed Use District are recommended for approval contingent upon Hamilton County's approval of at least one right in/right out access to each of the Areas on 146th Street; and

2. That a mutually acceptable development agreement between the Developer and the City for the following road improvements be completed prior to zoning approval by the City Council: (a) dedication and realignment of Ditch Road abutting the Harmony PUD; (b) construction of a four-point roundabout at Ditch Road and 151st Street (realigned by developer)/Bridgeport Drive; and (c) construction of a five-point roundabout at Ditch Road and Sommerville Drive.

The above-mentioned proposal and the Advisory Plan Commission's recommendation thereof are hereby certified.

Matthew S. Skelton, Secretary

December 4, 2012
Date

RESOLUTION 12-114

A RESOLUTION OF THE CITY OF WESTFIELD ADOPTING THE COMPLETE STREETS POLICY

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council has the duty and authority to adopt policies and procedures that can best serve the public safety and the orderly planning and use of all thoroughfares within the City; and,

WHEREAS, the Council has been advised of the issues surrounding the different means of utilizing the trails and other thoroughfares throughout the City by pedestrians and bicyclists as well as the related safety concerns; and,

WHEREAS, the Council has been advised and is now desirous of implementing a policy of "Complete Streets" to be considered with all decisions involving the development of new projects as well as implementation of the Thoroughfare Plan previously adopted and maintained by the City to allow for alternative vehicular traffic in a safe and orderly manner to best address the issues of bicycle traffic on trails and public thoroughfares.

NOW, THEREFORE, BE IT RESOLVED by the Westfield City Common Council meeting in session as follows:

Section 1. The Council has reviewed the issues involved regarding the orderly and safe use of its trails and other thoroughfares and now finds that the Complete Streets Policy as contained in Exhibit "A", attached hereto and incorporated herein shall be adopted as a policy of the City of Westfield.

Section 2. This Resolution shall be in full force and effect immediately and remain in effect until further action by the Council.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS RESOLVED THIS ________DAY OF ________2013.

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
______________ Jim Ake	______________ Jim Ake	______________ Jim Ake
______________ John Dippel	______________ John Dippel	______________ John Dippel
______________ Steven Hoover	______________ Steven Hoover	______________ Steven Hoover
______________ Robert L. Horkay	______________ Robert L. Horkay	______________ Robert L. Horkay
______________ Cindy L. Spoljaric	______________ Cindy L. Spoljaric	______________ Cindy L. Spoljaric
______________ Robert J. Smith	______________ Robert J. Smith	______________ Robert J. Smith
______________ Robert W. Stokes	______________ Robert W. Stokes	______________ Robert W. Stokes

ATTEST:

____
Cindy J. Gossard, Clerk Treasurer

I hereby certify that RESOLUTION 12-114 was delivered to the Mayor of Westfield

on the _______ day of _______________, 2013, at _______ ____ m.

____
Cindy J. Gossard, Clerk Treasurer

I hereby APPROVE RESOLUTION 12-114	I hereby VETO RESOLUTION 12-114
this ______ day of ______________, 2013.	this ______ day of ______________, 2013.
___________________________	___________________________
J. Andrew Cook, Mayor	J. Andrew Cook, Mayor

ATTEST:

____
Cindy Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

Exhibit A

Complete Streets Policy

1) Purpose

This complete streets policy (the "Complete Streets Policy") is designed to encourage developers, elected officials, government agencies, planners, engineers, and architects to use an interdisciplinary approach to incorporate the needs of all users into the design and construction of roadway projects within the City of Westfield, Indiana (the "City").

The complete streets concept involves designing and building roads that adequately accommodate all users of the City's transportation corridors, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders and adjacent land users. This concept contemplates appropriate accommodation(s) so that all modes of transportation can function safely and independently under current and future conditions. The complete streets concept should be adapted to fit local community needs and should be used to inform and enhance future transportation planning.

Complete streets should incorporate community values and qualities including environment, scenic, aesthetic, historic and natural resources, safety and mobility. The complete streets design approach includes careful multi-modal evaluation for the City's transportation corridors, integrated with best management strategies for land use, economic development and transportation.

The overarching goals of this Complete Streets Policy are:

a) To promote that the safety and convenience of all users of the transportation system are considered, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders, and adjacent land users;

b) To promote incorporation of the principles in this policy into the transportation project development process, including project identification, scoping procedures and design approvals, as well as design manuals and performance measures;

c) To promote the creation of a comprehensive, integrated, and connected transportation network that supports compact, sustainable development;

d) To promote the use of the latest and best design standards, policies and guidelines;

e) To acknowledge the need for flexibility to accommodate different types of streets and users;

f) To promote the use of complete streets design principles in contextually sensitive manner.

2) **Policy:**

a) Applicability:

i) Complete streets design principles should be considered for all new City roadway construction and reconstruction projects, during all phases of project implementation including planning, design, right-of-way acquisition, construction and engineering.

ii) Complete streets principles should also be considered as part the development plan review process, the zoning process and the comprehensive planning process.

b) Objectives:

i) Roadway projects should be planned and designed to accommodate all users of the transportation system, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, freight providers, emergency responders and adjacent land users.

ii) Roadway projects should make use of the latest and best design standards, policies, and guidelines to advance complete streets objectives.

iii) Complete streets designs should take into account and should be customized based on the context in which they are applied. Complete streets designs should be flexible enough to appropriately address the specific needs of each transportation corridor.

c) Additional information on Complete Streets is available through the following resources:

i) National Complete Streets Coalition

http://www.completestreets.org/

ii) The American Planning Association

http://www.planning.org/research/streets/index.htm

iii) National Association of City Transportation Officials

http://nacto.org