

**ZONING ORDINANCE NO.** 2013-36

**ZONING ORDINANCE AMENDMENT**

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinance of the County of Shelby as it relates to a certain tract of property known as 4095 N 775 E and 3950 N 775 E, Manilla, Indiana. Specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

**Section 1: Purpose.** The purpose of this Ordinance shall be to amend the Zoning Map of Union Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A1 – Conservation Agricultural to a designation A2-Agricultural (approximately 32.7 acres).

**Section 2: Amendment.** Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following sub-section:

**Land rezoned from “A1,” Conservation Agricultural, to “A2”, Agricultural**

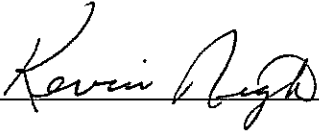
The following parcel of land and real estate located in Union Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Union Township Zoning District Map and lying in an “A1” Conservation Agricultural district is hereby rezoned to “A2” Agricultural:

**See attached legal description of subject rezone tract.**

**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

**Section 4: Repealable Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

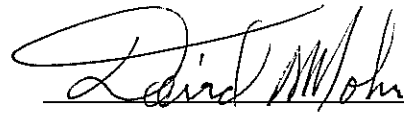
ADOPTED this 30<sup>th</sup> day of December, 2013 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.

  
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Kevin Nigh, President


  
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Don Parker, Member

  
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David Mohr, Member

ATTEST:

  
\_\_\_\_\_  
Amy Glackman, Auditor *js*  
Shelby County, Indiana

**Description for Tract "1B", 7.776 acre split from the lands owned by Jeffrey K. & Jane E. St. John, recorded in Instrument 9904155, being the home steed and non-tillable area of the 20.017 acre tract. Rezoned from "A1" to "A2"**

A part of the West half of the Southeast quarter of Section 9, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of the said half-quarter section, said point being the point of beginning of the tract here in described; thence North 00 degrees 42 minutes 00 seconds West (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the West line of the said half-quarter section a distance of 600.00 feet to a Powell capped rebar; thence South 89 degrees 36 minutes 39 seconds East, parallel to the South line of the said half-quarter section a distance of 300.00 feet Powell capped rebar; thence South 00 degrees 42 minutes 00 seconds East, parallel to the West line of the said half-quarter section a distance of 570.00 feet Powell capped rebar; thence South 89 degrees 36 minutes 39 seconds East, parallel to the South line of the said half-quarter section a distance of 737.59 feet Powell capped rebar; thence North 00 degrees 44 minutes 02 seconds West, parallel to the East line of the said half-quarter section a distance of 330.00 feet Powell capped rebar; thence South 89 degrees 36 minutes 39 seconds East, parallel to the South line of the said half-quarter section a distance of 180.00 feet Powell capped rebar; thence North 00 degrees 44 minutes 02 seconds West, parallel to the East line of the said half-quarter section a distance of 215.00 feet Powell capped rebar; thence South 89 degrees 36 minutes 39 seconds East, parallel to the South line of the said half-quarter section a distance of 125.00 feet to a mag nail with a Powell washer set on the East line of the said half-quarter section; thence South 00 degrees 44 minutes 02 seconds East, along the East line of the said half-quarter section a distance of 575.00 feet to a pk nail at the Southeast corner of the said half-quarter section; thence North 89 degrees 36 minutes 39 seconds West, along the South line of the said half-quarter section a distance of 1342.61 feet to the point of beginning, containing 7.776 acres more or less and being subject to the right of way of County Road 775 East along the East line, also subject to any and all easements, right of ways and restrictions.

**Description for Tract "3A", 8.778 acre split from the lands owned by the Patricia J. Dawson Revocable Trust, recorded in Instrument 2013000630, being the existing homestead on the 24 acre tract. Rezoned from "A1" to "A2"**

A part of the Northeast quarter of the Northeast quarter of Section 16, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the said quarter-quarter section; thence South 00 degrees 45 minutes 10 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said quarter-quarter section a distance of 421.00 feet to the East side of a corner post, said point being the point of beginning of the tract here in described; thence continuing South 00 degrees 45 minutes 10 seconds East, along the aforesaid line a distance of 386.62 feet to an iron rod at the Northeast corner of a 143.06 acre tract described in Deed Record Book 328, Page 980-981, said point being on the South side of a corner post and said point also being 1881.20 feet North of the Southeast corner of the said Northeast quarter section; thence North 39 degrees 52 minutes 19 seconds West a distance of 373.77 feet to a Powell capped rebar; thence North 90 degrees 00 minutes 00 seconds West a distance of 165.00 feet to a Powell capped rebar; thence North 69 degrees 00 minutes 00 seconds West a distance of 320.00 feet to a Powell capped rebar; thence North 45 degrees 00 minutes 00 seconds West a distance of 115.00 feet to a Powell capped rebar; thence North 73 degrees 00 minutes 00 seconds West a distance of 260.00 feet to a Powell capped rebar; thence North 90 degrees 00 minutes 00 seconds West a distance of 120.00 feet to a Powell capped rebar; thence South 60 degrees 00 minutes 00 seconds West a distance of 225.00 feet to a mag nail with a Powell washer set on the West line of the said quarter-quarter section; thence North 00 degrees 45 minutes 25 seconds West, along the aforesaid line a distance of 370.16 feet to a pk nail at the Northwest corner of the said quarter-quarter section; thence South 89 degrees 37 minutes 03 seconds East, along the North line of the said quarter-quarter section a distance of 812.60 feet to a Powell capped rebar; thence South 06 degrees 23 minutes 52 seconds East a distance of 340.00 feet to a Powell capped rebar; thence South 80 degrees 07 minutes 26 seconds East a distance of 505.00 feet to the point of beginning, containing 8.778 acres more or less and being subject to the right of way of County Road 775 East along the West line, also subject to any and all easements, right of ways and restrictions.

SUBJECT TO a 50 foot wide access easement described as follows:

A part of the Northeast quarter of the Northeast quarter of Section 16, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the said quarter-quarter section; thence South 00 degrees 45 minutes 10 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said quarter-quarter section a distance of 421.00 feet to the East side of a corner post; thence North 80 degrees 07 minutes 26 seconds West,

along the South boundary line of a 4.452 acre tract a distance of 382.71 feet to the point of beginning of the centerline of a 50 foot wide easement herein described; thence South 32 degrees 51 minutes 17 seconds West, along the centerline of the said easement a distance of 165.98 feet to a point on the Northerly boundary line of a 11.694 acre tract, said point also being the point of ending of the said easement. Said easement is to be extended or shortened to intersect the said boundary lines.

**Description for Tract "3B", 11.694 acre split from the lands owned by the Patricia J. Dawson Revocable Trust, recorded in Instrument 2013000630, to be conveyed with Tract "3C" and being the South tillable field of the 24 acre tract. Rezoned from "A1" to "A2"**

A part of the Northeast quarter of the Northeast quarter of Section 16, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the said quarter-quarter section; thence South 00 degrees 45 minutes 10 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said quarter-quarter section a distance of 807.62 feet to an iron rod at the Northeast corner of a 143.06 acre tract described in Deed Record Book 328, Page 980-981, said point being on the South side of a corner post and said point being 1881.20 feet North of the Southeast corner of the said Northeast quarter section, said point also being the point of beginning of the tract here in described; thence North 89 degrees 43 minutes 34 seconds West, along approximately along an existing fence line a distance of 1342.38 feet to a mag nail with a Powell washer set on the West line of the said quarter-quarter section; thence North 00 degrees 45 minutes 25 seconds West, along the aforesaid line a distance of 440.00 feet to a mag nail with a Powell washer; thence North 60 degrees 00 minutes 00 seconds East a distance of 225.00 feet to a Powell capped rebar; thence North 90 degrees 00 minutes 00 seconds East a distance of 120.00 feet to a Powell capped rebar; thence South 73 degrees 00 minutes 00 seconds East a distance of 260.00 feet to a Powell capped rebar; thence South 45 degrees 00 minutes 00 seconds East a distance of 115.00 feet to a Powell capped rebar; thence South 69 degrees 00 minutes 00 seconds East a distance of 320.00 feet to a Powell capped rebar; thence North 90 degrees 00 minutes 00 seconds East a distance of 165.00 feet to a Powell capped rebar; thence South 39 degrees 52 minutes 19 seconds East a distance of 373.77 feet to the point of beginning, containing 11.694 acres more or less and being subject to the right of way of County Road 775 East along the West line, also subject to any and all easements, right of ways and restrictions.

**Description for Tract "3C", 4.452 acre split from the lands owned by the Patricia J. Dawson Revocable Trust, recorded in Instrument 2013000630, to be conveyed with Tract "3B" and being the Northeast tillable field of the 24 acre tract. Rezoned from "A1" to "A2"**

A part of the Northeast quarter of the Northeast quarter of Section 16, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the said quarter-quarter section, said point being the point of beginning of the tract here in described; thence South 00 degrees 45 minutes 10 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said quarter-quarter section a distance of 421.00 feet to the East side of a corner post; thence North 80 degrees 07 minutes 26 seconds West a distance of 505.00 feet to a Powell capped rebar; thence North 06 degrees 23 minutes 52 seconds West a distance of 340.00 feet to a Powell capped rebar set on the North line of the said quarter-quarter section; thence South 89 degrees 37 minutes 03 seconds East, along the aforesaid line a distance of 529.88 feet to the point of beginning, containing 4.452 acres more or less and being subject to any and all easements, right of ways and restrictions.

ALSO WITH a 50 foot wide access easement described as follows:

A part of the Northeast quarter of the Northeast quarter of Section 16, Township 13 North, Range 8 East, Union Township Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the said quarter-quarter section; thence South 00 degrees 45 minutes 10 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said quarter-quarter section a distance of 421.00 feet to the East side of a corner post; thence North 80 degrees 07 minutes 26 seconds West, along the South boundary line of a 4.452 acre tract a distance of 382.71 feet to the point of beginning of the centerline of a 50 foot wide easement herein described; thence South 32 degrees 51 minutes 17 seconds West, along the centerline of the said easement a distance of 165.98 feet to a point on the Northerly boundary line of a 11.694 acre tract, said point also being the point of ending of the said easement. Said easement is to be extended or shortened to intersect the said boundary lines.