

**ZONING ORDINANCE NO.** 2015-18<sup>2</sup>

**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 237 S 700 E Shelbyville, IN . 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 Liberty 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 RE- Residential Estate (approximately 2.066 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 subsection:

**Land rezoned from “A1,” Conservation Agricultural, to “RE” Residential**

**Estate:**

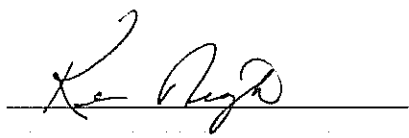
The following parcel of land and real estate located in Liberty Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Liberty Township Zoning District Map and lying in an “A1” Agricultural district is hereby rezoned to “RE” Residential Estate:

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

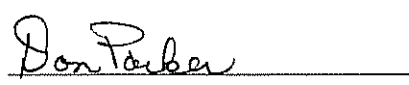
**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

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Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

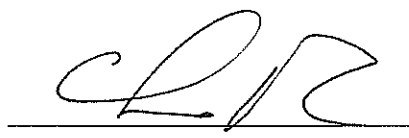
ADOPTED this 1 day of June, 2015 by a vote of 3 ayes and 0  
nays of members of the Board of Commissioners of Shelby County, Indiana.



Kevin Nigh, President

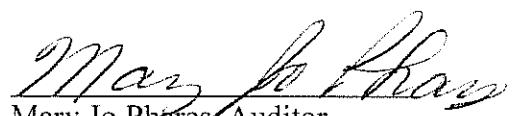


Don Parker, Member



Chris Ross, Member

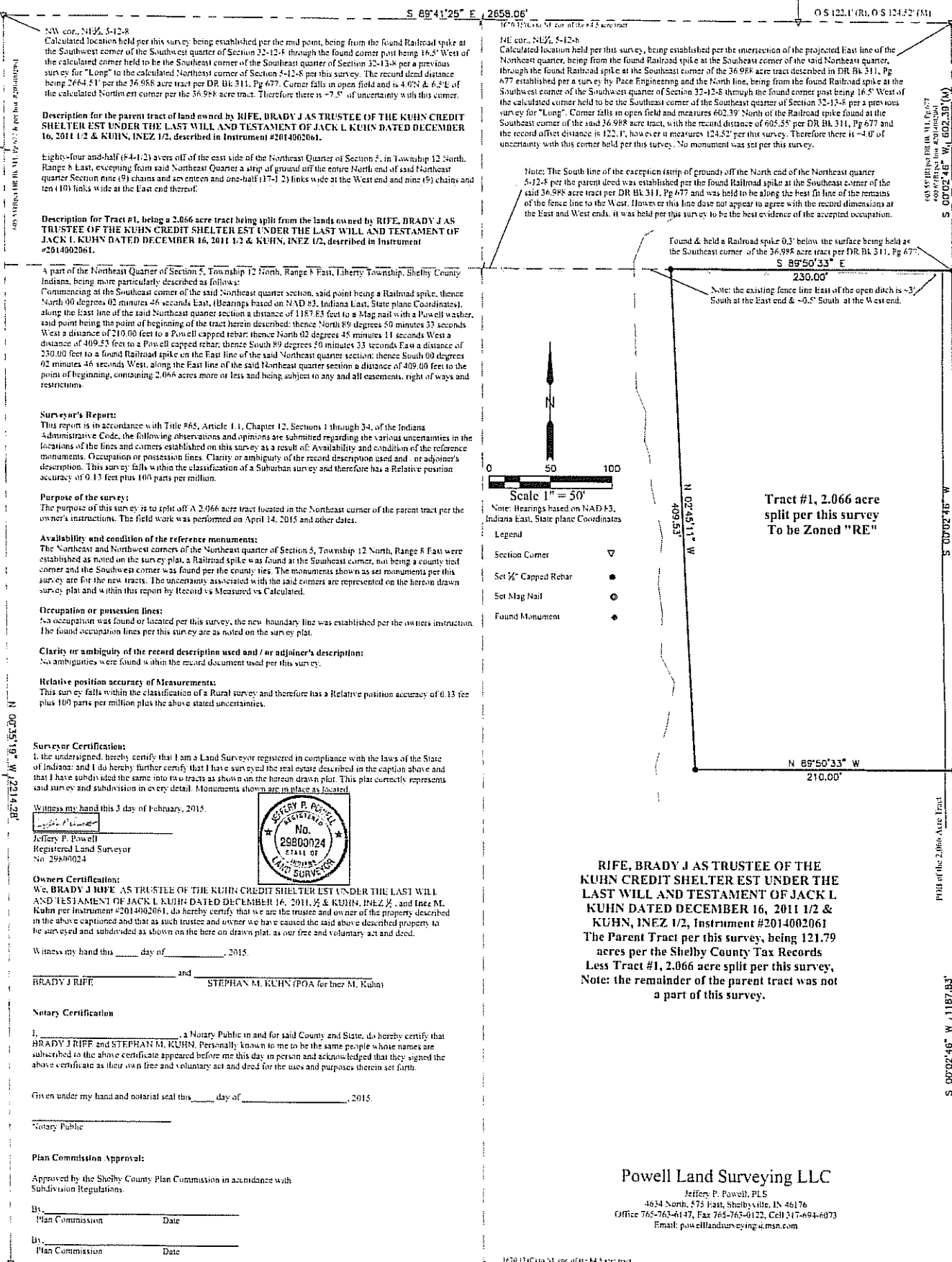
ATTEST:



Mary Jo Phares, Auditor  
Shelby County, Indiana

# Kuhn Simple Subdivision Preliminary and Final Plat

Part of the Northeast Quarter of Section 5, Township 12 North,  
Range 8 East, Liberty Township, Shelby County Indiana.



NW cor., NE1/4, S-12-8  
Calculated location held per this survey, being established per the end point, being from the found Railroad spike at the Southwest corner of the Southwest quarter of Section 12-12-8 through the found corner post being 16.5' West of the calculated corner held to be the Southeast corner of the Southeast quarter of Section 12-13-8 per a previous survey for "Long" to the calculated Northeast corner of Section 5-12-8 per this survey. The record deed distance being 2664.31' per the 36.988 acre tract per DR Bk 311, Pg 677. Corner falls in open field and is 4.0N & 6.2E of the calculated Northeast corner per the 36.988 acre tract. Therefore there is -7.5' of uncertainty with this corner.

**Description for the parent tract of land owned by RIFE, BRADY J AS TRUSTEE OF THE KUHN CREDIT SHELTER EST UNDER THE LAST WILL AND TESTAMENT OF JACK L KUHN DATED DECEMBER 16, 2011 1/2 & KUHN, INEZ 1/2, described in Instrument #2014002061.**

Eighty-four and half (84-1/2) acres off of the east side of the Northeast Quarter of Section 5, in Township 12 North, Range 8 East, excepting from said Northeast Quarter a strip of ground off the entire North end of said Northeast quarter Section nine (9) chains and seven tenths and one-half (17-1/2) links wide at the West end and nine (9) chains and ten (10) links wide at the East end thereof.

**Description for Tract #1, being a 2.066 acre tract being split from the lands owned by RIFE, BRADY J AS TRUSTEE OF THE KUHN CREDIT SHELTER EST UNDER THE LAST WILL AND TESTAMENT OF JACK L KUHN DATED DECEMBER 16, 2011 1/2 & KUHN, INEZ 1/2, described in Instrument #2014002061.**

A part of the Northeast Quarter of Section 5, Township 12 North, Range 8 East, Liberty Township, Shelby County Indiana, being more particularly described as follows:  
Commencing at the Southeast corner of the said Northeast quarter section, said point being a Railroad spike, thence North 90 degrees 02 minutes 46 seconds East, (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the East line of the said Northeast quarter section a distance of 1187.83 feet to a Mag nail with a Powell washer, said point being the point of beginning of the tract herein described; thence North 89 degrees 50 minutes 33 seconds West a distance of 210.00 feet to a Powell capped rebar; thence North 02 degrees 45 minutes 11 seconds West a distance of 409.53 feet to a Powell capped rebar; thence South 89 degrees 50 minutes 33 seconds East a distance of 210.00 feet to a found Railroad spike on the East line of the said Northeast quarter section; thence South 00 degrees 02 minutes 46 seconds West, along the East line of the said Northeast quarter section a distance of 409.53 feet to the point of beginning, containing 2.066 acres more or less and being subject to any and all easements, right of ways and restrictions.

**Surveyor's Report:**  
This report is in accordance with Title #65, Article 1.1, Chapter 12, Sections 1 through 34, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of: Availability and condition of the reference monuments. Occupation or possession lines. Clarity or ambiguity of the record description used and/or adjoining's description. This survey falls within the classification of a Suburban survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million.

**Purpose of the survey:**  
The purpose of this survey is to split off A 2.066 acre tract located in the Northeast corner of the parent tract per the owner's instructions. The field work was performed on April 14, 2015 and other dates.

**Availability and condition of the reference monuments:**  
The Northeast and Northwest corners of the Northeast quarter of Section 5, Township 12 North, Range 8 East were established as noted on the survey plat, a Railroad spike was found at the Southeast corner, not being a county tied corner and the Southwest corner was found per the county ties. The monuments shown as set monuments per this survey are for the new tracts. The uncertainty associated with the said corners are represented on the herein drawn survey plat and within this report by (Record vs Measured vs Calculated).

**Occupation or possession lines:**  
No occupation was found or located per this survey, the new boundary line was established per the owners instruction. The found occupation lines per this survey are as noted on the survey plat.

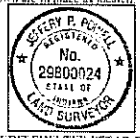
**Clarity or ambiguity of the record description used and/or adjoining's descriptions:**  
No ambiguities were found within the record document used per this survey.

**Relative position accuracy of Measurements:**  
This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.13 feet plus 100 parts per million plus the above stated uncertainties.

**Surveyor Certification:**  
I, the undersigned, hereby certify that I am a Land Surveyor registered in compliance with the laws of the State of Indiana; and I do hereby further certify that I have surveyed the real estate described in the caption above and that I have subdivided the same into tracts as shown on the herein drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this 3 day of February, 2015.

Jeffery P. Powell  
Registered Land Surveyor  
No. 29800024



**Owners Certification:**  
We, BRADY J RIFE AS TRUSTEE OF THE KUHN CREDIT SHELTER EST UNDER THE LAST WILL AND TESTAMENT OF JACK L KUHN DATED DECEMBER 16, 2011 1/2 & KUHN, INEZ 1/2, and INEZ M. Kuhn per Instrument #2014002061, do hereby certify that we are the trustee and owner of the property described in the above captioned and that as such trustee and owner we have caused the said above described property to be surveyed and subdivided as shown on the here on drawn plat, as our free and voluntary act and deed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
BRADY J RIFE \_\_\_\_\_ STEPHAN M. KUHN (POA for her M. Kuhn)

**Notary Certification**  
I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that BRADY J RIFE and STEPHAN M. KUHN, Personally known to me to be the same people whose names are subscribed to the above certificate appeared before me this day in person and acknowledged that they signed the above certificate as their own free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Notary Public \_\_\_\_\_

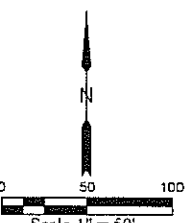
**Plan Commission Approval:**  
Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations.  
By: \_\_\_\_\_ Date \_\_\_\_\_  
By: \_\_\_\_\_ Date \_\_\_\_\_

SW cor., NE1/4, S-12-8  
Found a PK nail 6" below the surface per the county ties, set a Railroad spike over the PK nail at the surface.

NE cor., NE1/4, S-12-8  
Calculated location held per this survey, being established per the intersection of the projected East line of the Northeast quarter, being from the found Railroad spike at the Southeast corner of the said Northeast quarter, through the found Railroad spike at the Southeast corner of the 36.988 acre tract described in DR Bk 311, Pg 677 established per a survey by Pace Engineering and the North line, being from the found Railroad spike at the Southwest corner of the Southwest quarter of Section 12-12-8 through the found corner post being 16.5' West of the calculated corner held to be the Southeast corner of the Southeast quarter of Section 12-13-8 per a previous survey for "Long". Corner falls in open field and measures 602.39' North of the Railroad spike found at the Southeast corner of the said 36.988 acre tract, with the record distance of 605.55' per DR Bk 311, Pg 677 and the record offset distance is 122.1', however it measures 124.52' per this survey. Therefore there is -4.0' of uncertainty with this corner held per this survey. No monument was set per this survey.

Note: The South line of the exception (strip of ground) off the North end of the Northeast quarter S-12-8 per the parent deed was established per the found Railroad spike at the Southeast corner of the said 36.988 acre tract per DR Bk 311, Pg 677 and was held to be along the best fit line of the remains of the fence line to the West. However this line does not appear to agree with the record dimensions at the East and West ends, it was held per this survey to be the best evidence of the accepted occupation.

Found & held a Railroad spike 0.3' below the surface being held at the Southeast corner of the 36.988 acre tract per DR Bk 311, Pg 677.  
S 89°50'33" E  
230.00'  
Note: the existing fence line east of the open ditch is -3' South at the East end & -0.5' South at the West end.



- Note: Bearings based on NAD 83, Indiana East, State plane Coordinates
- Legend**
- Section Corner ▽
  - Set 3/4" Capped Rebar ●
  - Set Mag Nail ○
  - Found Monument ●

**Tract #1, 2.066 acre split per this survey to be Zoned "RE"**

**RIFE, BRADY J AS TRUSTEE OF THE KUHN CREDIT SHELTER EST UNDER THE LAST WILL AND TESTAMENT OF JACK L KUHN DATED DECEMBER 16, 2011 1/2 & KUHN, INEZ 1/2, Instrument #2014002061 The Parent Tract per this survey, being 121.79 acres per the Shelby County Tax Records Less Tract #1, 2.066 acre split per this survey, Note: the remainder of the parent tract was not a part of this survey.**

**Powell Land Surveying LLC**  
Jeffery P. Powell, PLS  
4634 North, 575 East, Shelbyville, IN 46176  
Office 765-763-6147, Fax 765-763-6122, Cell 317-694-6073  
Email: powellandsurveying@gmail.com

S 89°59'14" W 2633.50'  
Blue Ridge Road

SE cor., NE1/4, S-12-8  
Found a Railroad spike 0.2' below the surface near the center of the intersection, no county ties were found for this corner. There is a call for a stone per the old section records, however this corner was not dug per this survey. There is an unknown amount of uncertainty with this corner.