

**ZONING ORDINANCE NO.** 2016-09

**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 3942 and 3984 N State Road 9 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 Marion 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 A2-Agricultural and R1-Single Family Residential to RE- RE- Residential Estate (approximately 2.82 acres) and to A2-Agricultural (approximately 1.60 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 “A2,” Agricultural, to “RE” Residential Estate and from**

**R1-Single Family Residential to A2-Agricultural:**

The following parcel of land and real estate located in Marion Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Marion Township Zoning District Map and lying in an “A2 and R1” district is hereby rezoned to “RE and A2”:

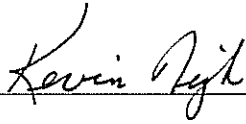
**See attached legal description of subject rezone tract.**

**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.

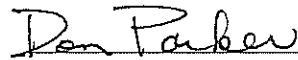
**Section 4: Repealable Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

ADOPTED this 6<sup>th</sup> day of June, 2016 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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Chris Ross, Member

ATTEST:

  
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Mary Jo Phares, Auditor  
Shelby County, Indiana

## Descriptions for the Proposed Profit Simple Subdivision and Rezone

### ✓ New description for Tract #1 (2.820 acres) of the Profit Simple Subdivision, to be rezoned from "A2" to "RE".

Part of the Northwest Quarter of Section 17, Township 13 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:

Commencing at a rebar marking the Northwest corner of said quarter section; thence South 88 degrees 53 minutes 26 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of said quarter section a distance of 1362.42 feet to the centerline of State Road #9 being the Northwest corner of a 21.26 acre tract described in Instrument #2012000074, said point also being the point of beginning of the tract herein described; thence South 88 degrees 53 minutes 26 seconds East, along said line a distance of 737.05 feet to a Powell capped rebar set at the Northwest corner of a 9.503 acre tract described in Instrument 2012000074; thence South 09 degrees 53 minutes 35 seconds West, along the West line of said 9.503 acre tract a distance of 314.52 feet to a found 5/8" rebar at a point on said line; thence North 79 degrees 39 minutes 17 seconds West a distance of 192.07 feet to a Powell capped rebar; thence North 66 degrees 50 minutes 36 seconds West a distance of 121.41 feet to a Powell capped rebar; thence North 41 degrees 19 minutes 23 seconds West a distance of 108.85 feet to a Powell capped rebar; thence North 04 degrees 13 minutes 41 seconds West a distance of 104.54 feet to a Powell capped rebar; thence North 88 degrees 53 minutes 26 seconds West a distance of 302.54 feet to a point on the centerline of State Road #9; thence with a curve turning to the right with an arc length of 50.01', with a radius of 55448', with a chord bearing of North 00 degrees 15 minutes 25 seconds West and with a chord length of 50.01' to the point of beginning, containing 2.820 acres more or less and being subject to the assumed 40' half right-of-way for State Road #9 and any and all easements, right of ways and restrictions.

### ~~New description for Tract #2 (2.766 acres) of the Profit Simple Subdivision, to be rezoned from "A2" to "RE".~~

~~Part of the Northwest Quarter of Section 17, Township 13 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:~~

~~Commencing at a rebar marking the Northwest corner of said quarter section; thence South 88 degrees 53 minutes 26 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of said quarter section a distance of 2099.47 feet to a Powell capped rebar set at the Northwest corner of a 9.503 acre tract described in Instrument 2012000074; thence South 09 degrees 53 minutes 35 seconds West, along the West line of said 9.503 acre tract a distance of 314.52 feet to a found 5/8" rebar at a point on said line, said point also being the point of beginning of the tract herein described; thence South 04 degrees 28 minutes 12 seconds West, continuing along said line a distance of 492.71 feet to a JDW capped rebar found at the Southwest corner of said 9.503 acre tract, said point also being a point on the South line of a 21.26 acre tract described in Instrument #2012000074; thence North 88 degrees 54 minutes 29 seconds West, along said line a distance of 211.58 feet to a Powell capped rebar; thence North 00 degrees 31 minutes 48 seconds West a distance of 549.96 feet to a Powell capped rebar; thence South 66 degrees 50 minutes 36 seconds East a distance of 71.87 feet to a Powell capped rebar; thence South 79 degrees 39 minutes 17 seconds East a distance of 192.07 feet to the point of beginning, containing 2.766 acres more or less and being subject to any and all easements, right of ways and restrictions.~~

### ~~ALSO WITH an easement for access and utility for Tract #2 Profit Simple Subdivision:~~

~~Part of the Northwest Quarter of Section 17, Township 13 North, Range 7 East, in Shelby County, Indiana, more particularly described as follows:~~

~~Commencing at a rebar marking the Northwest corner of said quarter section; thence South 88 degrees 53 minutes 26 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the North line of said quarter section a distance of 1362.42 feet to the centerline of State Road #9 being the Northwest corner of a 21.26 acre tract described in Instrument #2012000074; thence along said centerline with a curve turning to the left with an arc length of 209.17', with a radius of 55448', with a chord bearing of South 00 degrees 20 minutes 21 seconds East and with a chord length of 29.17' to a point being the point of beginning of the easement herein described; thence North 89 degrees 33 minutes 10 seconds East a distance of 70.00 feet; thence South 00 degrees 31 minutes 50 seconds East a distance of 185.00 feet; thence South 89 degrees 49 minutes 05 seconds East a distance of 356.13~~