

ZONING ORDINANCE NO.

2013-21

ZONING ORDINANCE AMENDMENT

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinances of the County of Shelby as it relates to a certain tract of property known as 5500 East 1100 South, Greensburg, 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 Noble Township of the Shelby County Code and the zoning ordinances there under 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 RE –Residential Estate (approximately 3.00 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 Noble Township, Shelby County, Indiana and particularly described herein being formerly zoned and shown on the Noble Township Zoning District Map and lying in an “A1- Conservation 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 All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.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 8 day of July 2013, by a vote of 2 ayes and 0
nays of members of the Board of Commissioners of Shelby County, Indiana.

Kevin Nigh, President

Donald Parker

Donald Parker, Member

David Mohr

David Mohr, Member

ATTEST:

Amy Glackman
Amy Glackman, Auditor
Shelby County, Indiana

NW Cor. NE1/4, 31-11-8,
Shelby County monument set per this survey.
N 89°40'37" E
215.72'

County Road 1100 South
N 89°40'37" E, 2633.75'(M)
North line of the NE1/4, 31-11-8.

NE Cor. NE1/4, 31-11-8,
Shelby County monument set per this survey.

Braden Simple Subdivision, Preliminary and Final Plat

A part of the Southeast quarter of Section 31, Township 11 North,
Range 8 East, in Noble Township, Shelby County, Indiana.

Owner: George E. and Ruth J. Braden, 765-525-4583
Owners Address: 11149 S. Shelby 500 E., Greensburg, IN 47240
Site Address: ~5500 E. 1100 S. Shelby County, IN

Parent description for the 69.68 acres tract described in Deed Record Book 325, Page 569-570 (tract #3) owned by George E. and Ruth J. Braden.

Beginning 13 chains and 68 links west of the northeast corner of Section 31, in Township 11 North, Range 8 East, and running thence south 20 chains, 85 links, thence west to the west line of the northeast quarter of said section, thence north to the northwest corner of said section, thence east to the place of beginning, containing 69.68 acres, more or less.

Description for a 3.000 acres tract split from Deed Record Book 325, Page 569-570 (described tract #4) owned by George E. and Ruth J. Braden, Dated 6-2-13.
A part of the Northeast quarter of Section 31, Township 11 North, Range 8 East, Noble Township, Shelby County, Indiana, and being more particularly described as follows:

Commencing at the Northwest corner of the said Northeast quarter section, said point being a Shelby County Monument and being the point beginning the point of beginning of the tract herein described, thence North 89 degrees 40 minutes 37 seconds East (bearing based on NAD 83, Indiana East State plane Coordinates), along the North line of the said quarter section a distance of 215.72 feet to a may set with a Powell capped rebar, thence South 01 degrees 11 minutes 50 seconds West, parallel to the West line of the said quarter section a distance of 606.00 feet to a Powell capped rebar, thence South 89 degrees 40 minutes 37 seconds West, parallel to the North line of the said quarter section a distance of 215.72 feet to a Powell capped rebar set on the West line of the said quarter section, thence North 01 degrees 11 minutes 50 seconds East, along the said West line a distance of 606.00 feet to the point of beginning, containing 3.000 acres more or less and being subject in the right of way of County Road 1100 South along the North line, also subject to any and all easements, right of ways and restrictions.

Surveyor's Report for the Title.

This report is in accordance with Title 845, Article 1.1, Chapter 12, Sections 1 through 14, 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 adjacent's descriptions.

This survey falls within the classification of a Rural survey and therefore has a Relative position accuracy of 0.17 feet plus 100 parts per million.

Purpose of the survey:

The purpose of this survey is to split off a 3.000 acre tract located in the Northwest corner of the said Northeast quarter from a 69.68 acres tract described in Deed Record Book 325, Page 569-570 (tract #3) owned by George E. and Ruth J. Braden and being per the owners instructions. The field work was performed on May 9, 2013 and other data.

Availability and condition of the reference monuments:

The following corners were located or established for Section 31, Township 11 North, Range 8 East:

- NW cor. NE1/4, 31-11-8, set a Shelby County monument in the approximate center of County Road 1100 South in line with the existing fence to the North and drilled and posted for a stone approximately 1.5' around the set monument, but nothing was found and also there was no call for a stone being set per the section records. There is no known uncertainty associated with this corner.
- NE cor. NE1/4, 31-11-8, set a Shelby County monument in the approximate center of County Road 1100 South at the assumed record distance of 451.44' from the Northeast corner of a 18.40 acre tract, being the described tract #3 per the parent deed and being established per this survey by the projecting a line from an existing corner post found near the Southeast corner of the said 18.40 acre tract through the remains of a corner post found near the RDW line of 1100 South approximately 17.7' South of the center line of the said road with the center line of the said road being approximately along the projected North line of the Northeast quarter as established per the found monuments of the said Kuhn survey for the 1.28 acre tract and with the intersection of the said lines being held to be the best evidence of the Northeast corner of the said 18.40 acre tract per this survey. The record distance of 451.44' was revealed by subtracting the width of the South line of the said tract being 451.44' from the record distance of 902.88' from the Northeast corner of the said Northeast quarter section to the Northeast corner of the said 18.40 acre tract. No monument was found or dug for due to the existing culvert to the East which would have disturbed any monuments below the surface, and also there was no call for a stone being set per the section records. There is no known uncertainty associated with this corner. There is approximately 22' of uncertainty associated with this corner due to the old corner post found on the North side of the road and on the East side of the ditch.
- SW cor. NE1/4, 31-11-8, found and held per this survey an old section corner post with a fence line to the North and East as the best evidence of the call for stone being set per the old section records. The bearing-bearing intersection appears to be approximately 10' North and 10' West of the found corner post. However due to the uncertainty associated with the quarter corners I was not able to determine the bearing-bearing intersection.
- Monuments were found at the Northeast, Southeast, Southwest and approximately 21' South of the Northeast corner of the 1.28 acre tract surveyed by Kuhn.
- All monuments were found or set as indicated on the survey plat or within this report.

Occupation or possession lines:

There is an existing fence line along the West line of Northeast quarter that is 0 to 1' East of the line and along the South line of the 3.000 acre tract created per this survey that is the 1.8" South of the line. County Road 1100 South is along the North line of the quarter section.

Clarity or ambiguity of the record description used and/or adjacent's descriptions:

There were no discrepancies found within the record descriptions 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 0.17 feet plus 100 parts per million plus the stated uncertainties.

George & Ruth Braden
Tracts #3&4 per deed 86.8 acres
DR Bk 325, Pg 569-570
Less 3.000 Acre Split from
83.8 Acres Remain per this Survey.
Rezoned "A1"

"I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each social security number in this document, unless required by law."

Notary Certification

I, _____, a Notary Public in and for said County and State, do hereby certify that George and Ruth Braden, 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 _____, 2013.

Notary Public

Plan Commission Approval:

Approved by the Shelby County Plan Commission in accordance with Subdivision Regulations.

By _____ Date _____
Plan Commission

By _____ Date _____
Plan Commission

0' 50' 100' 150'

Scale 1" = 50'

Note: Bearings based on NAD 83,
Indiana East, State plane Coordinates

Legend

Section Corner

Set 3/4" Capped Rebar

Set Mag Nail

Found Monument

George & Ruth Braden
3.000 Acre Split from
Tract #4 per DR Bk 325,
Pg 569-570
per this Survey.
To be Rezoned from
"A1" to "RE"

Fence line 0 to 1' East of file line.

S 01°11'50" E
606.00'

S 01°11'50" W
606.00'

1788.04'(M)

Found old corner post 1' East of the line.
S 89°40'37" W

Fence line 0 to 1.8" South of the line.
215.72'

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 three tracts as shown on the hereon drawn plat. This plat correctly represents said survey and subdivision in every detail. Monuments shown are in place as located.

Witness my hand this _____ day of _____, 2013.

Jeffery P. Powell
Registered Land Surveyor
No. 29806024

Owners Certification:

We, _____ do hereby certify that I am the owner of the property described in the above captioned and that as such owners 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 _____, 2013.

Owner: George E. Braden

Owner: Ruth J. Braden

Found old corner post in fence line.

2194.16'(M)

Found old corner post no fence line.

SW Cor. NE1/4, 31-11-8,
Found old corner post, no stone was found.

Powell Land Surveying LLC
Jeffery P. Powell, PLS
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