

# ORDINANCE NO. 2023 - 13

## 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 located at east of and adjoining 4439 W 950 N, Fountaintown, Moral Township. 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 Moral 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) (3 acres). A petition was filed by TJ Titus on April 6, 2023 under Case No. RZ 23-10, to amend the zoning map of Shelby County, Indiana to change the zoning of said real estate.

**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 "RE" Residential Estate:**

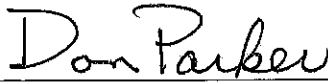
The parcel of land and real estate located in Moral Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" and shown on the

attached map, Exhibit "B", being formerly zoned and shown on the Moral Township Zoning District Map as lying in an "A1" Conservation Agricultural District is hereby rezoned to "RE" Residential Estate.

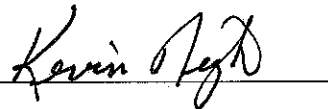
**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

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Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

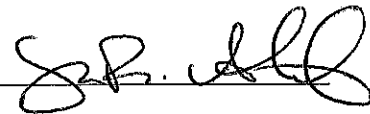
ADOPTED this 8<sup>th</sup> day of May, 2023 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.



Don Parker, President

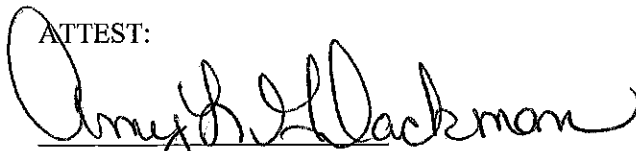


Kevin Nigh, Member



Jason Abel, Member

ATTEST:



Amy Glackman  
Shelby County, Indiana

EXHIBIT A

LEGAL DESCRIPTION LOT 1

Part of the northwest quarter of the southeast quarter of Section Sixteen (16), Township Fourteen (14) North, Range Six (6) East, Moral Township, Shelby County, Indiana, being part of the Titus property as described in Instrument No. 2016005635, recorded October 3, 2016 in the Office of the Shelby County Recorder, also being part of survey Job #14N6E16-23-011 by Scott T. Sumerford, RLS#29800017, certified April 25, 2023 and being more particularly described as follows:

Commencing at the northwest corner of the southeast quarter of said section 16-14-6, said point being marked by a railroad spike; thence along the north line of the northwest quarter of said southeast quarter, North 89° 03'26" East (basis of bearings being Indiana State Plane East Zone) 432.00 feet to the northeast corner of a 5.51 acre tract as described in Instrument No. 2013003948, recorded June 18, 2013 in the Office of the Shelby County Recorder, said point being the point of beginning of the herein described tract;

Thence continuing along the north line of said quarter quarter, North 89° 03'26" East 225.00 feet to a magnail and washer stamped "S. Sumerford 9800017"; thence parallel with the east line of said 5.51 acre tract, South 00° 15'18" East 580.84 feet to a buried capped rebar stamped "S. Sumerford 29800017"; thence parallel with the north line of said quarter quarter, South 89° 03'26" West 225.00 feet to a buried capped rebar stamped "S. Sumerford 29800017"; thence along the east line of said 5.51 acre tract and a southerly extension thereof, North 00° 15'18" West 580.84 feet to the point of beginning, containing 3.000 acres.

Subject to all easements, restrictions and right-of-ways of record.

**EXHIBIT B**

