

ORDINANCE NO. 12-10

AN ORDINANCE TO AMEND THE TOWN ORDINANCE 1988-7 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR MILLERSBURG, INDIANA BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM R-1 AND B-2 TO M-1.

WHEREAS, Key Auctioneers, Jeff Doner submitted an application to rezone real estate hereinafter described from R-1/B-2 to M-1 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 13th day of September, 2012, recommend a zone change from R-1/ B-2 to M-1 and filed their recommendation for adoption of this Ordinance with the Town Council of Millersburg, Indiana.

BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF MILLERSBURG, INDIANA THAT:


Legal Description

See Attachment "A"

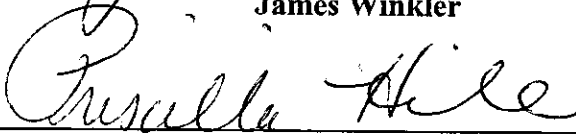
BE rezoned from R-1/B-2 to M-1 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Millersburg, Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

ADOPTED BY THE TOWN COUNCIL FOR MILLERSBURG, INDIANA


THIS 10th DAY OF October, 2012



By
James Winkler



By
Priscilla Hile



By
Steve Barhydt

Attest: 

Patricia Barhydt - Millersburg Clerk - Treasurer

ATTACHMENT A
Parcel Description for Re-Zoning
Job No. 12-078
PARCEL ONE (1)
R-1&B-2 TO M-1

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF A PARCEL OF LAND OWNED BY NATIONAL OIL & GAS, INC AS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2001-05936 (TRACT #2), AND ALSO BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF EAST MAIN STREET; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NATIONAL OIL & GAS, INC A DISTANCE OF 274.38 FEET TO THE SOUTHEAST CORNER OF A 29 FOOT EXCEPTION TO A PARCEL OF LAND OWNED BY NATIONAL OIL & GAS, INC AS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2001-05937, AND BEING A POINT ON THE NORTHERLY LINE OF A PARCEL OF LAND OWNED BY DOYLE M. YODER & SUSAN L. YODER AS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2010-01096. THENCE EASTERLY ALONG THE NORTH LINE A DISTANCE OF 84.00 FEET TO THE NORTHEAST CORNER OF SAID YODER PROPERTY; THENCE, SOUTH, ALONG THE EAST LINE OF SAID YODER PARCEL, A DISTANCE OF 83.24 FEET TO THE SOUTHEAST CORNER OF SAID YODER PARCEL; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID YODER PARCEL, A DISTANCE OF 102.50 FEET TO THE MOST SOUTHERLY & WESTERLY CORNER OF SAID YODER PARCEL, AND TO THE EAST LINE OF A PARCEL OF LAND OWNED BY LEON J. DETWEILER & SUZANNE M. DETWEILER AS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2007-02908 THENCE SOUTH ALONG SAID EAST LINE OF SAID DETWEILER PARCEL AND ALSO ALONG THE EAST LINES OF PROPERTY OWNED BY STEVEN L. PHILLIPS (INSTRUMENT # 2007 02907) AND RANDY L. YODER & LAURA M. YODER (INSTRUMENT #2009-20388) AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, A DISTANCE OF 193.88 FEET TO THE NORTH LINE OF THE PLAT OF STARKS ADDITION AS SAID PLAT IS RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN DEED RECORD 88 PAGE 411; THENCE EAST, ALONG THE NORTH LINE OF SAID ADDITION, A DISTANCE OF 219.79 FEET; THENCE NORTH, A DISTANCE OF 580.73 FEET TO THE SOUTH RIGHT-OF WAY OF EAST MAIN STREET; THENCE WEST ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 298.54 FEET TO THE POINT OF BEGINNING, CONTAINING 4.0 ACRES MORE OR LESS