

ORDINANCE NO. 2015-5

AN ORDINANCE TO AMEND ORDINANCE NO. PC 2014-20 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM B-3/A-1 TO B-3.

WHEREAS, Millersburg Lumber Co. Inc., represented by AR Engineering LLC, submitted an application to rezone real estate hereinafter described from B-3/A-1 to B-3 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 9th day of April, 2015, recommend approval of a zone change from B-3/A-1 to B-3 and filed their recommendation with the Town Council of Millersburg, Indiana.

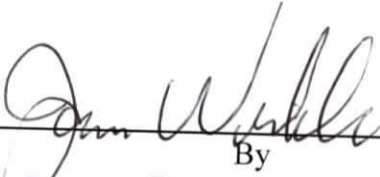
BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF MILLERSBURG, INDIANA THAT:

Legal Description

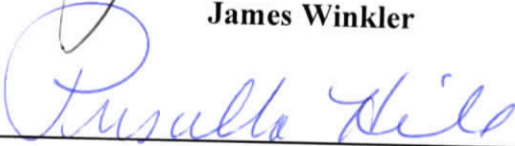
See Attachment "A"

BE rezoned from B-3/A-1 to B-3 effective immediately, and the zone maps dated November 18, 2014, and made a part of Section 4.1.2 of the Elkhart County Zoning Ordinance as amended and hereby ordered amended and changed to reflect the said rezoning of said real estate.

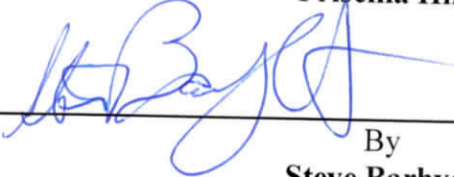
**ADOPTED BY THE TOWN COUNCIL FOR MILLERSBURG, INDIANA
THIS 22ND DAY OF APRIL, 2015.**



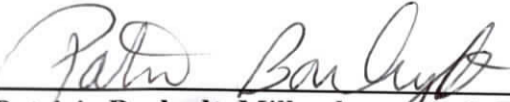
By
James Winkler



By
Priscilla Hile



By
Steve Barhydt

Attest: 

Patricia Barhydt, Millersburg Clerk-Treasurer

Ordinance prepared by Liz Gunden. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

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Attachment "A"

Parent Parcel Legal Description per Deed Record 286, page 184:

A part of the Northeast Quarter of Section 3, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana and more particularly described as follows:
Commencing at a P.K. nail marking the Northeast corner of said section 3; thence South 430.44 feet along the East line of said section 3 and State Road 13, to the POINT OF BEGINNING of this description; thence continuing South, 580.31 feet, along the last described line, to the Northerly right of way of a railroad, thence North 55° 43' 20" West, 1013.68 feet, parallel with and 50 feet distant, measured at right angles, from the common centerline of the existing tracks; thence North 89° 26' 10" East, 831.31 feet, to the POINT OF BEGINNING containing 5.6 acres more or less.

Also, the following tract lying in Section three (3), Township thirty-five (35) North, Range seven (7) East, Elkhart County, Indiana, and being adjacent on the South to the above lots; Beginning at a point thirty-three (33) feet east of the southeast corner of Lot No. twenty-one (21) in Roger's and Wehrly's Addition above named, on the center line of Jackson Street; thence West one hundred sixty-five (165) feet to the southeast corner of Lot No. twenty (20) above named; thence South thirty-three (33) feet; thence East sixteen and one-half (16-1/2) feet; thence South fifteen and one-half (15-1/2) feet; thence East sixteen and one-half (16-1/2) feet; thence North forty-eight and one-half (48-1/2) feet, the place of beginning.
ALSO, the south half of lots Number 15, 16, 17, 18 and 19 in Roger's and Wehrly's Addition to the Town of Millersburg, Indiana, together with the part of vacated Monroe Street lying between Lot 17 and 18. Also, commencing at the point of intersection of the South Line of Lot No. 15 in Roger's and Wehrly's Addition to the Town of Millersburg with the Northeasterly right-of-way line of the Penn Central Railroad (formerly New York Central Railroad and prior to that the Lake Shore and Michigan Southern Railroad); thence East along the South line of Roger's and Wehrly's Addition to the Southeast corner of Lot No. 20 in said addition; thence South 33 feet; thence East 16-1/2 feet; thence South 15-1/2 feet; thence East to the center of Jackson Street, if extended; thence South along the center line of Jackson Street to the North line of a thirty foot strip of land deeded to the Wabash Railroad Company by the Deed Record 85, page 1 of the records in the Office of the Recorder of Elkhart County, Indiana; thence West along the North line of land of said Wabash Railroad Company to the intersection thereof with the Northeasterly right-of-way line of the Penn Central Railroad, thence Northeasterly along said right-of-way line to the place of beginning of this description.
The following described tract of land in Section 3, Township 35 North, Range 7 East, to-wit: Beginning at the southwest corner of Lot Number 22 in said Rogers and Wehrly's Addition; thence West 33 feet to the center line of Jackson Street; thence South 148.5 feet to land owned by the Wabash Railroad Company; thence East approximately 350 feet to the West line of land conveyed to Robert S. Lantz and Isabelle Lantz by a deed recorded February 15, 1965 in Deed Record 258, page 17; thence North along said West line 148.5 feet to the South line of Lot Number 25 in Rogers and Wehrly's Addition; thence North along said West line 148.5 feet to the 25, 24, 23 and 22 in said Addition to the Place of Beginning.

LESS AND EXCEPTING THE FOLLOWING:

A part of Section 3, Township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, part of the East 100 feet of lands described in Deed Record 337, page 575 in the Office of the Recorder of Elkhart County, Indiana, and more particularly described as follows:
Beginning at the Northwest corner of the lands described in Deed Record 258, page 17 in the office of the Recorder of Elkhart County; thence South 88 degrees, 17 minutes, 50 seconds West (assumed bearing) 100.0 feet, along the South line of lots 25 and 24 in the recorded plat of Roger's and Wehrly's Addition to Millersburg, Indiana; thence South 148.5 feet; thence North 88 degrees, 17 minutes, 50 seconds East 100.0 feet, to the West line of lands described in said Deed Record 258, page 17; thence North 148.5 feet, along said West line, to the point of beginning; containing 0.34 acre, together with an existing drive to be used as an access easement from Jackson Street, which is located approximately 250 feet West of this description, less and excepting the South 30 feet of the above described parcel.
Subject to all easements and restrictions of record.
Subject to all real estate taxes which the Grantees do hereby assume and agree to pay.