

ORDINANCE NO. ML 2022-03

**AN ORDINANCE TO AMEND ORDINANCE NO. PC 2016-03 KNOWN AS THE ELKHART COUNTY ZONING ORDINANCE BY REZONING THE AREA OF REAL ESTATE HEREINAFTER DESCRIBED FROM B-3 TO B-1**

**WHEREAS**, Joe A. Miller submitted an application to rezone real estate hereinafter described from B-3 to B-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 March 10<sup>th</sup>, 2022, recommend Approval a zone change from B-3 to B-1 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 to B-1 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 OF MILLERSBURG, INDIANA THIS 13<sup>th</sup> DAY OF APRIL, 2022.**

  
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By  
James Winkler

  
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By  
Dean Smith

  
\_\_\_\_\_

By  
Austin Turner

Attest:   
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MacKenzie Taylor, Clerk-Treasurer

Prepared and affirmed by H. Jason Auvil, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by laws.

**Attachment A**

A PART OF SECTION THREE (3), TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SEVEN (7) EAST, BENTON TOWNSHIP, ELKHART COUNTY, INDIANA, PART OF THE EAST ONE HUNDRED (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 LANDS DESCRIBED IN DEED RECORD 258, PAGE 17 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY; THENCE SOUTH EIGHTY-EIGHT (88) DEGREES SEVENTEEN (17) MINUTES FIFTY (50) SECONDS WEST (ASSUMED BEARING) ONE HUNDRED (100) FEET, ALONG THE SOUTH LINE OF LOTS TWENTY-FIVE (25) AND TWENTY-FOUR (24) IN THE RECORDED PLAT OF ROGER'S AND WEHRLEY'S ADDITION TO MILLERSBURG, INDIANA; THENCE SOUTH ONE HUNDRED FORTY-EIGHT AND FIVE TENTHS (148.5) FEET; THENCE NORTH EIGHTY-EIGHT (88) DEGREES SEVENTEEN (17) MINUTES FIFTY (50) SECONDS EAST, ONE HUNDRED (100) FEET, TO THE WEST LINE OF LANDS DESCRIBED IN SAID DEED RECORD 258, PAGE 17; THENCE NORTH ONE HUNDRED FORTY-EIGHT AND FIVE TENTHS (148.5) FEET, ALONG SAID WEST LINE, TO THE POINT OF BEGINNING, TOGETHER WITH AN EXISTING DRIVE TO BE USED AS AN ACCESS EASEMENT FROM JACKSON STREET, WHICH IS LOCATED APPROXIMATELY TWO HUNDRED FIFTY (250) FEET WEST OF THIS DESCRIPTION.

LESS AND EXCEPTING THE SOUTH THIRTY (30) FEET OF THE ABOVE DESCRIBED PARCEL,

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS SET OUT IN AN EASEMENT AGREEMENT RECORDED IN INSTRUMENT #2000-25407.