

ORDINANCE NO. ML 2018-7

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 A-1 TO M-1.

WHEREAS, Forest River Manufacturing, LLC (Buyer) & Town of Millersburg (Seller), submitted an application to rezone real estate hereinafter described from A-1 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 August 9, 2018, recommend approval of a zone change from A-1 to M-1 and filed their recommendation with the Town Council of Millersburg, Indiana.

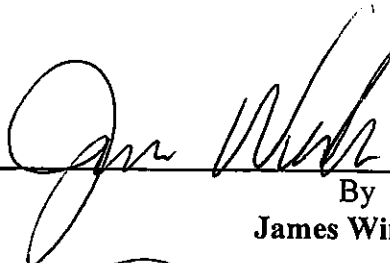
BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL OF MILLERSBURG, INDIANA THAT:

Legal Description

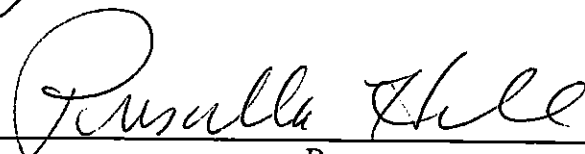
[See Exhibit A]

BE rezoned from A-1 to M-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.

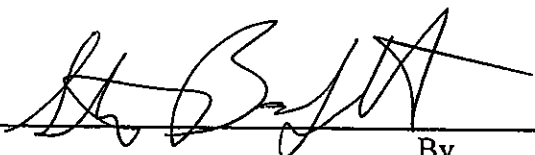
ADOPTED BY THE TOWN COUNCIL OF MILLERSBURG, INDIANA THIS 22 DAY OF AUGUST, 2018



By
James Winkler



By
Priscilla Hile



By
Steven Barhydt

Exhibit A

LEGAL DESCRIPTION

18-0567 TOWN OF MILLERSBURG TRACT ONE

A PART OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, IN ACCORDANCE WITH TITLE IAC:865 OF THE STATE OF INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34; THENCE SOUTH 89°37'33" WEST ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1362.11 FEET TO A FOUND REBAR WITH CAP, MONUMENTING THE SOUTHWEST CORNER OF A PARCEL OF LAND OWNED BY THE MILLERSBURG PARK AND RECREATION BOARD AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 88 008996; THENCE CONTINUING SOUTH 89° 37'33" WEST ALONG THE NORTH LINE OF A PARCEL OF LAND OWNED BY FOREST RIVER MANUFACTURING, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 201231586, A DISTANCE OF 440.00 FEET TO A REBAR WITH CAP "ABONMARCHE-0050" AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°37'33" WEST ALONG THE NORTH LINE OF SAID PARCEL OF LAND OWNED BY FOREST RIVER MANUFACTURING, INC. AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 2012-31586, A DISTANCE OF 820.36 FEET TO A REBAR WITH CAP "ABONMARCHE-0050" MARKING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 00°14'29" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1010.85 FEET, TO A REBAR WITH CAP "ABON MARCH E-0050" MARKING THE SOUTHWEST CORNER OF LOT 1 OF "MILLERSBURG/FOREST RIVER, DPUD" AS SAID DPUD IS RECORDED IN THE OFFICE OF THE RECORDER IN INSTRUMENT NUMBER 2001-304089 (PLAT BOOK 27, PAGE 38); THENCE NORTH 89°37'33" EAST, ALONG THE SOUTH LINE OF SAID DPUD, A DISTANCE OF 910.43 FEET TO A REBAR WITH CAP "ABONMARCHE-0050"; THENCE SOUTH 04°50'58" WEST, A DISTANCE OF 1015.06 FEET TO THE *AFOREMENTIONED POINT OF BEGINNING.*

ABOVE DESCRIPTION CONTAINING 20.08 ACRES OF LAND, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD