

ORDINANCE NO. 2014-030

**BEING AN ORDINANCE TO AMEND
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Board of County Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the F Farming Zone the following described real estate located in Delaware County, Indiana, to wit:

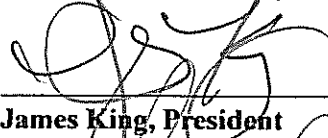
see attached legal description

Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.

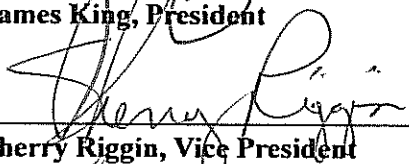
Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

Section 4. That this Ordinance is adopted this 21 day of Apr. 1, 2014.

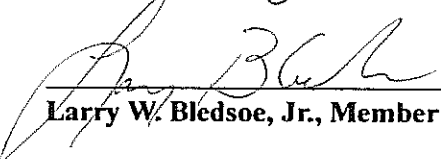
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**



James King, President

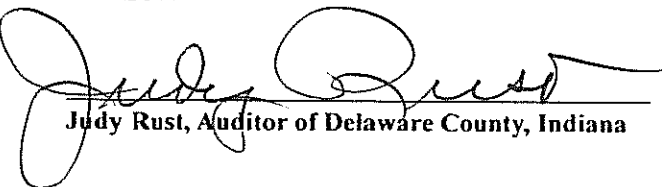


Sherry Riggins, Vice President



Larry W. Bledsoe, Jr., Member

ATTEST:



Judy Rust, Auditor of Delaware County, Indiana

**REPORT TO THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA**

April 15th, 2014

To The Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:


The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Oliver D. Furniss, Jr. and Mary H. Furniss, 1301 N. C.R. 275 E., Muncie, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: adjacent to 1301 N. C.R. 275 E., Muncie, IN, from zone classification: IL Limited Industrial Zone to zone classification: F Farming Zone.

WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

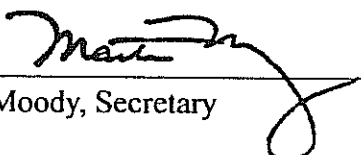
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS (9-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Tom Green, President



Marta Moody, Secretary

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: 3-10-14

Delaware County

Case No.: MPC 02-147

City of Muncie

(1) Applicant: Oliver D. Fumiss Jr and Mary H. Fumiss

Address: 1301 N. CR 275 E Phone: 765-289-5443
Muncie IN 47303

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: 2013R13138
Date of Deed: September 11, 2013

B. By Recorded Contract:
Misc. Book No. & Page No.: _____
Date of Contract: _____

C. By Unrecorded Contract:
Date of Contract: _____
Name of Contract Seller: _____
Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).
See attachment

(4) Common Address of Property Involved:
adjoined to 1301 N. CR 275 E property.

(5) Proposed zoning change: (Give exact zone classification.)
From the IL Limited Industrial Zone
To the F Farming Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
To combine the 2 properties into 1, Spetic fingers, To get all our items within our legel bounderies
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.
for purpose specified
- (8) State how the proposed change will not adversely affect the surrounding area.
Will use as we have our property for last 46 years, should have any different affects on the surrounding area.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
No Variances
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? Yes
Has the applicant discussed this rezoning with those owners personally? No
(If answer is yes, give their attitudes toward the rezoning.)
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?
(If answer is yes, attach copy of it and/or explain.)
Not to our knowledge

AFFIDAVIT

(I or We) Oliver D. Furness Jr. and Mary H. Furness being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(s) of property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief.

SIGNATURES: Oliver D. Furness Jr. Mary H. Furness

Subscribed and sworn to before me this 4th day of March, 2014



Carol M. Fisher
Notary Public

May 22, 2014
My Commission Expires

Resident of Delaware County

State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the 9th day of April, 2014.

Signed [Signature]

Date 3-13-14

2013R13138
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
09/17/2013 4:00 PM
REC FEE: 18.00
PAGES: 2

TTC
SP
copy

File No: 20132863 Mother #
Parcel Number: 18-11-12-202-001.000-001
New # 18-11-12-202-003-000-001

WARRANTY DEED

This Indenture Witnesseth, That CTP Investments LLC, an Indiana limited liability company (Grantor), **Conveys and Warrants** to Oliver D. Furniss Jr. and Mary H. Furniss, husband and wife (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:


See attached Exhibit "A"

Subject To real estate taxes, not yet due and payable, any and all covenants, easements, assessments, agreements, and restrictions of record.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he has been fully empowered to execute and deliver this warranty deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

In Witness Whereof, Grantor has executed this deed this 11th day of September, 2013.

CTP Investments LLC

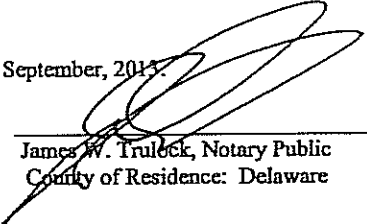
By: 
Sam Pierce, member

STATE OF INDIANA, COUNTY OF DELAWARE) SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Sam Pierce, Member of CTP Investments LLC, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true

Witness my hand and Notarial Seal this 11th day of September, 2013.

My Commission Expires: 3/29/2015

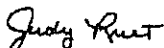

James W. Trulock, Notary Public
County of Residence: Delaware

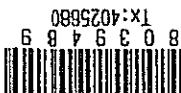
Send tax bills to and Grantee's street or rural route address is: 1301 N. CR 275 East, Muncie, IN 47303.

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. James W. Trulock
This instrument prepared by: James W. Trulock, Attorney at Law.

Duly Entered for Taxation
Transfer Fees \$ 5.00

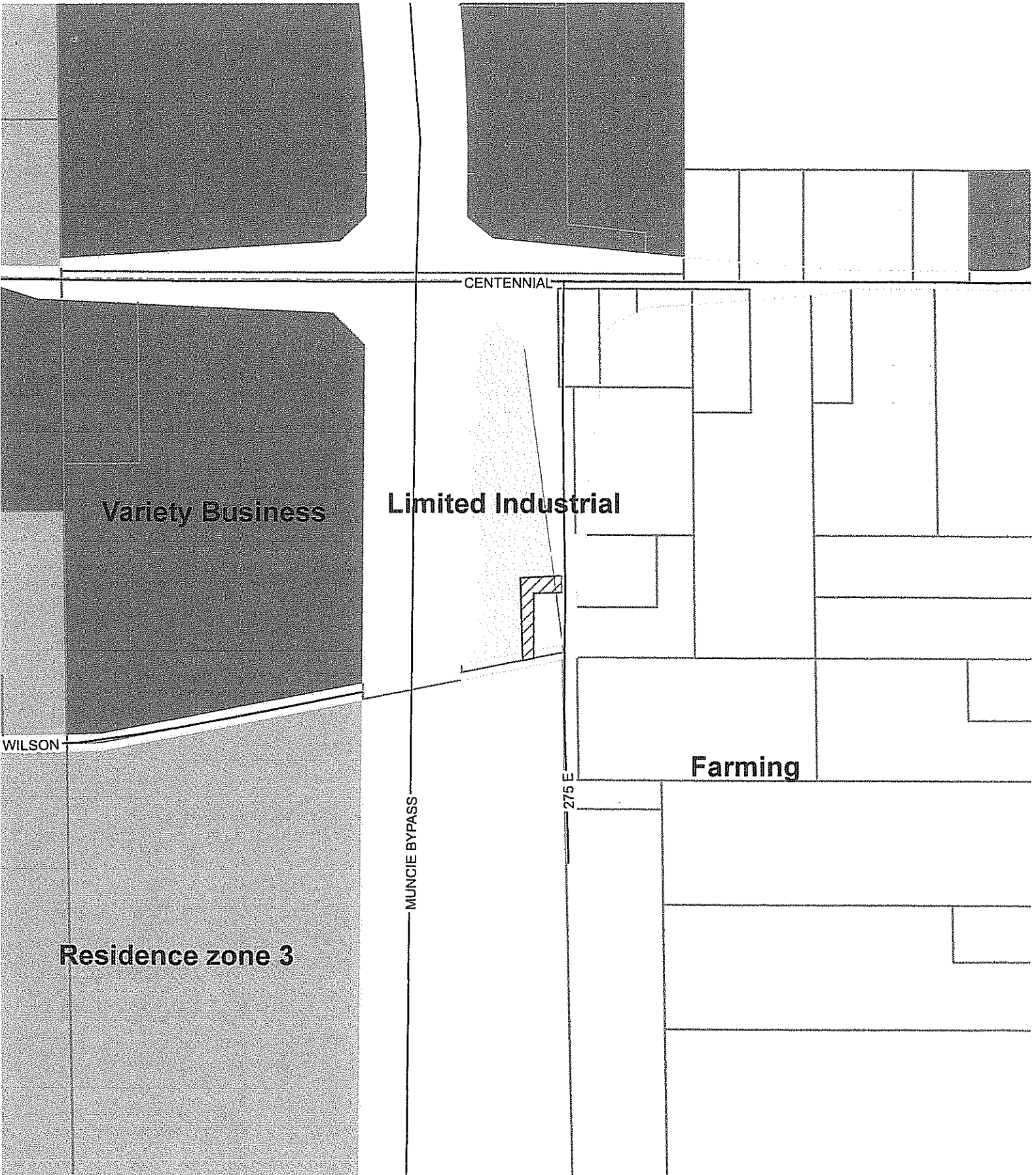
SEP 17 2013


DELAWARE CO. AUDITOR



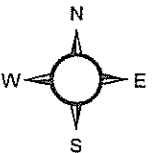
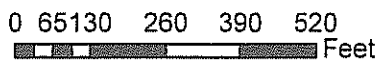
Attached Legal Description

A part of the Northeast Quarter of Section 12, Township 20 North, Range 10 East in Center Township, Delaware County, Indiana, described as follows: Commencing at a ¼ inch pipe at the Northeast corner of the Northeast Quarter of Section 12, Township 20 North, Range 10 East; thence North 89 degrees 45 minutes 15 seconds West 1313.20 feet (assumed bearing) to the Northwest corner of the Northeast Quarter of said Northeast Quarter; thence South 00 degrees 51 minutes 46 seconds East 781.20 feet along the East line of said Quarter-Quarter Section to the point of beginning; thence South 00 degrees 51 minutes 46 seconds East 39.20 feet to a 5/8 inch rebar; thence South 78 degrees 36 minutes 50 seconds West 75.00 feet to a 5/8 inch rebar; thence South 00 degrees 51 minutes 46 seconds East 161.66 feet to a nail on the centerline of the Wilson Road; thence South 78 degrees 39 minutes 38 seconds West 31.16 feet along said centerline; thence North 01 degree 51 minutes 03 seconds West 216.96 feet; thence North 87 degrees 23 minutes 26 seconds East 108.24 feet to the point of beginning, containing 0.23 acres, more or less.



Delaware County
Indiana

Created using Delaware County's Geographic Information System (GIS)
Map features are graphic representations only, refer to plats, deeds and surveys for official information.

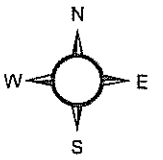
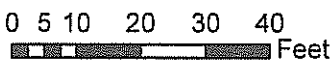


Delaware-Muncie
Metropolitan Plan
Commission
189 West Main Street, Room 204
Delaware County Building
Muncie, IN 47305-2217
(317) 747-7740



Delaware County
Indiana

Created using Delaware County's Geographic Information System (GIS)
Map features are graphic representations only, refer to plats, deeds and surveys for official information.



**Delaware-Muncie
Metropolitan Plan
Commission**
100 West Main Street, Room 204
Delaware County Building
Muncie, IN 47305-3217
(765) 747-7740

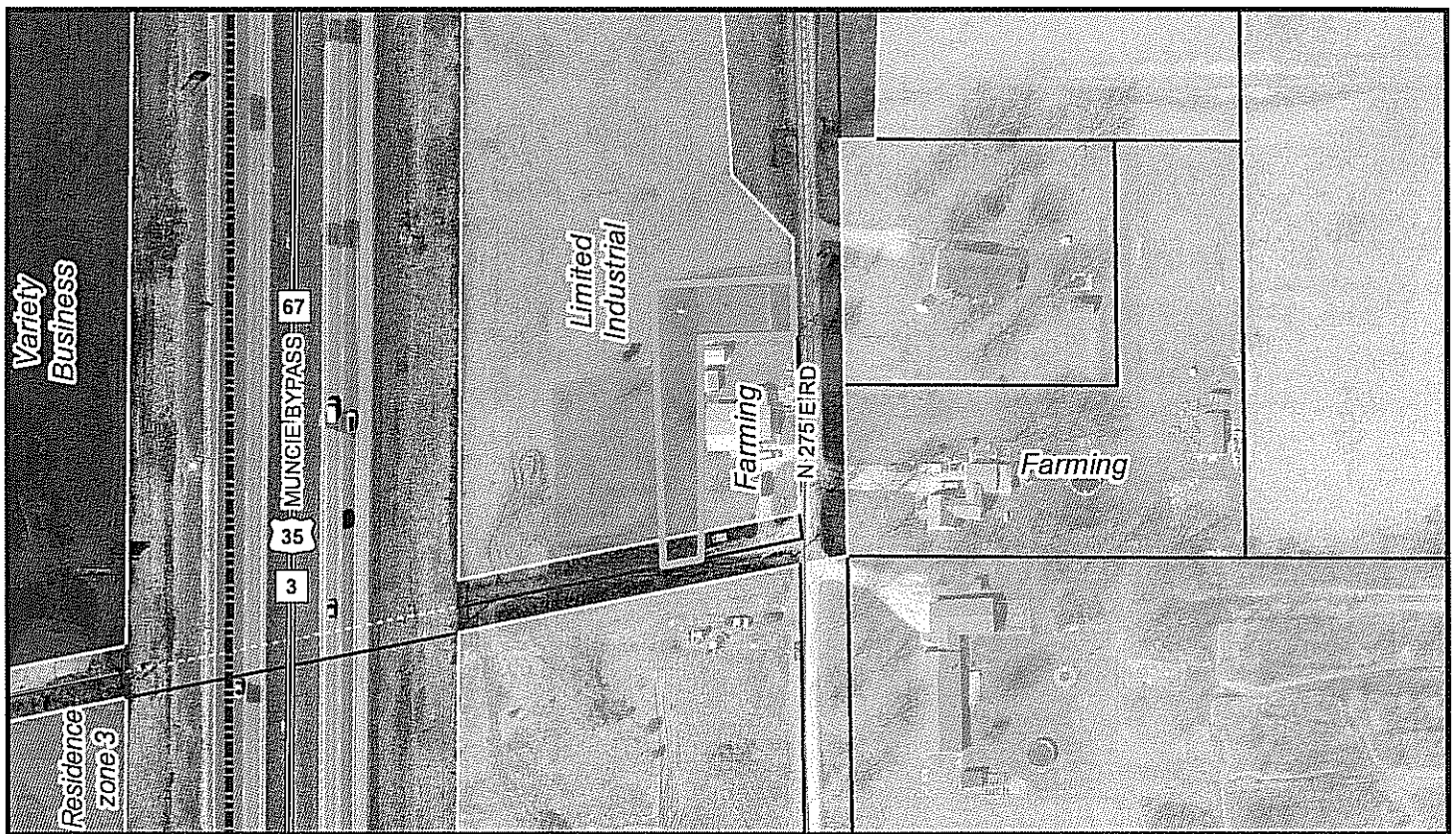
Delaware-Muncie Metropolitan Plan Commission
Case Analysis - April, 2014

MPC 02-14Z Furniss, Oliver D. Jr. and Mary H.

Location & Description: Adjacent to 1301 N. C.R. 275 E., Muncie

Located on the west side of N. C.R. 275 E. and the north side side of E. Wilson Rd.

Traveling west on Main St. go to High St. and turn left (south), go 1 block to Jackson St. and turn left (east), go - 2.8 miles to the Muncie Bypass, turn left (north) to go north on the Bypass, go -1.0 mile to E. Centennial Ave., turn right (east); go 1 block and turn right (south) onto C.R. 275 E., go 1 block, the site adjacent to the property on the northwest corner of the intersection of N. C.R. 275 E. and E. Wilson Rd. (undeveloped).



Streets: N. C.R. 275 E. is classified as a Local Road with a 50' proposed R.O.W. according to the Thoroughfare Plan Map. N. C.R. 275 E. is a Minor Road according to the Delaware County Major/Minor Roads Map. This section of E. Wilson Rd. was not developed nor was it vacated; it is not classified on the Thoroughfare Plan Map or the Major/Minor Roads Map.

Land Use: This property is greenspace in use. Surrounding properties to the south, west and north are greenspace in use (assessed as vacant). Properties to the east are residential in use.

Zoning: The parcel adjacent to 1301 N. C.R. 275 E. is classified in the IL Limited Industrial Zone. Surrounding properties to the east and south are classified in the F Farming Zone. The property to the west and north is classified in the IL Limited Industrial Zone.

Request: The request is to rezone the property to the F Farming Zone. The applicant would like to combine their properties. When properties are combined, they need to be in the same zone classification. The applicant has also indicated that part of their residence's septic system stretches onto this parcel. Septic systems need to be on the same parcel as the structure they service.



View of the site from N. C.R. 275 E., looking to the southwest.



View of the site from N. C.R. 275 E., looking to the northwest.

Map showing the location of the April case.

