DELaware-munCie metropolItan plan commiSSion
proposed Zoning change application

jurisdiction: (check one)
☐ Delaware county
☑ city of munCie

Submitted: June 9 2020
Case No.: MPC DI-20Z

(1) Applicant: Paul Stellweg POA. (contact # for Brian Allardt Coldwell banker commercial)

Address: 501 N Bauer Muncie IN 47303 Phone: 765-808-1400

(2) Record of Applicant’s Ownership:

A. ☐ By Deed:
Deed Book No. & Page No.: Book 1993 e.p. 4688 - 4690
Date of Deed: 6/20/2012 and 3/20/08

B. ☑ By Recorded Contract:
Date of Contract: May 27 1998

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 Attached labeled "Legal Exhibit A"

(4) Common Address of Property Involved:
718 S Elliott St and 700 Blk of S Proud St. Tax Parcel #’s 111618400500 and 1116256009000
South side of 900 block of W. 1st St. between Elliott and Proud Streets

(5) Proposed zoning change: (Give exact zone classification.)
From the R-5 Zone
To the II Intense Industrial Zone
(6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

The purpose of the proposed change is for the affected parcels to have only one zoning classification. Currently the 2 parcels have II Intense Industrial Zoning on the south portion of each parcel and R-5 Zoning on the North portion. Initial plan is for the buyer to have a Mulch business on the site.

(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.

The current owner has a contract to sell the property to Simplicity Contracting INC. which intends to use the property as described above in Item 6.

(8) State how the proposed change will not adversely affect the surrounding area.

As stated previously, the largest part of the property--the south portion is currently zoned II and production would be primarily on this portion of the property. Loading docks are on the R-5 zoned property. Buyer will clean up the

(9) Will certain variances be requested if the proposed zoning change is granted? (If yes, list the variances)

NO

(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.)

No
AFFIDAVIT

(I or We) ____________ PAUL STELLWAG, POA ____________ 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: ____________ Paul M. Stellwag, POA ____________

Subscribed and sworn to before me this 29th day of May, 2020

Notary Public

__________________________
Christina Thomas Franklin

7-28-2022
My Commission Expires

Resident of Delaware County

State of IN

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 2 day of July, 2020.

Signed ____________

Date 6-19-20
LEGAL EXHIBIT A

LEGAL DESCRIPTION OF THE R-5 RESIDENCE ZONE AREA BEING PROPOSED FOR REZONING TO II INTENSE INDUSTRIAL ZONE

Lots 1, 2, 3, 4, 5 and 6 in Block 15 of Stanton T. Needles Addition to the City of Muncie, Indiana, except a part of said Lot 5 as follows: beginning at the SW corner of Lot 5 in Block 15; then north 16’ along the west line of said lot; then east 20’ parallel with the south line of said Lot; then south 16’ to the south line of said Lot; then west 20’ to the point of beginning.

ALSO, the north ½ of the vacated east-west alley in said Block 15 and the west ½ of vacated Proud Street east of Lot 1 in said Block 15;

ALSO, a part of vacated Proud Street and the vacated east-west alley adjacent to Lot 6 in Block 14 of Stanton T. Needles Addition to the City of Muncie, described as follows: Beginning at the southeast corner of said Lot 6 in Block 14, then south 10 feet; then west 64.17 feet to the center line of vacated Proud Street; then north 135 feet to the south right-of-way line of 1st Street; then east 17.5 feet; then south 125 feet; then east 46.67 feet to the point of beginning.
Hashed area request for zoning change to II

Tax parcel # 1116184005000 and # 1116156009000

Both parcels have II zoning on a portion and R-5 zoning on a portion

Legend

Major Roads
- Interstate
- Major Road
- State Road
- US Highway
- Geocoded Streets
- Runways
- Airport Runways

Cadastral Line
- <all other values>
- Geographic Township Line
- Lot Line
- Misc Line
- Parcel Line
- Political Township Line
- Railroad Centerline
- Railroad ROW
- Road Centerline
- Road ROW
- Section Line
- Subdivision Line
- Unknown
- Water Line
- Parcels
- Muncie Parks
- Major Waterbodies
- Lakes and Ponds

Zoning
- Agricultural
- Bioenterprise
- Central Business Zone
- Airport Development Zone
- Business Professional
CORPORATE WARRANTY DEED

This Instrument witnesses that:

(Corporate), a corporation organized and exist-
ing under the laws of the State of
Indiana, CONVEY and WARRANTS to

Dexter Power, Inc.,

County, in the State of
Indiana, for the sum
of

Dollars ($ 1.00 )

and other valuable consideration, the receipt of which is hereby acknowledged, the following
described real estate in

Dexter County, in the State of Indiana:

(CASE NEXT PAGE)

FILED FOR RECORD

Real 1361-1 N 731-1

Date of Execut-

Sep 1 1933

Notary

Only Approved for Recording

Telephone No.

(515) 739-5631

(515) 763-1513

Intended to be seen real estate conveyed in Deed Record 1864, page 2153-2113.

The undersigned person executing this deed on behalf of Grantor represents and certifies that
they are duly authorized officers of the corporation, or have been duly empowered, by proper resolution of the
Board of Directors of Grantor, to execute and deliver this deed; that Grantor has not con-
sented capacity to convey the real estate described herein; and that all necessary corporate ac-
tion for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this ______ day of

September, 1933

Dexter Power, Inc.,

Notary Public, State of

Iowa

(Polarity of Corporate)

We, the undersigned, in consideration of the sum of

Dollars ($ 1.00 )

have conveyed the real estate described in this deed.
Ground Forty-one (41) by Eighty-five and one-half (85 1/2) feet across the middle of parts of Lots Thirteen (13) and
Block Fifteen (15) of R.T. Needles Addition to the city of of the Northwester corner of Lot Six (6) of Block Fourteen (14)
Noblesville, Indiana, more or less, in a southerly direction to the City of Noblesville; thence North
fifty-five and eight tenths (55.8) feet, more or less, on a line
right of way in the southeasterly corner of Block Fifteen (15) of R.T. Needles Addition to the City of Noblesville; thence
two hundred seventy-two and one thousandth (272.1) feet, more or less, in a northerly direction to the
place of beginning.

This description includes all of said street South of First Street and
North of the R & W Railroad right of way.

Block Fifteen (15) of R.T. Needles Addition to the City of
Noblesville; thence Twenty (20) feet in a northerly
direction to the place of beginning, which is commonly
described as the alley directly South of First Street; Black
Northwest corner of Lot Six (6) of Block Fourteen (14) of R.T. Needles Addition to the City of
Noblesville; thence Southeast corner of Lot Six (6) of Block Fourteen (14) of R.T. Needles Addition to the City of
Noblesville; thence Twenty (20) feet in a southerly
direction to the place of beginning.

This description includes all of said street South of First Street and
North of the R & W Railroad right of way.

A part of the North east quarter of the South east quarter of
Section twenty-one (21), Township twenty (20) North, Range ten (10) East, more particularly described as follows: North
from a point in the West line of Liberty Street 472.65 feet North of the
point of intersection of the West line of said Liberty Street
with the North line of Hartford Avenue 33rd Street at the
said street a veer 117° and 44' 20" placed in the Noblesville
Gas Land Improvement Company's Subdivision of the Burton Tract
as appears in Plat Book 3 page 323 of the Records of Plat
of Delaware County, Indiana, and running thence west on a line
clear of the north line of 33rd Street and a distance of 185
feet to the center of the West line of Liberty Street 185
feet, thence West parallel with the north line of 33rd Street
185 feet, thence South parallel with the north line of 33rd Street
185 feet, thence North parallel with the west line of Liberty Street
185 feet, thence East parallel with the west line of Liberty Street
185 feet, thence South parallel with the center line of the
street described above to a veer 117° and 44' 20" at the
point of intersection of the said West line of Liberty Street
with the North line of 33rd Street; thence South of the West line of said Liberty Street 473.65 feet more or
less, in a southerly direction to the place of beginning.

Unit Tax Number: 15-4-176

This conveyance is made subject to the coming ordinances of
the City of Noblesville, Indiana, and subject also to the restrictions,
conditions and limitations contained in the recorded plat of said
addition, and to all other restrictions and covenants of record.

Grantor assures and agrees to pay the full installment of the
1993 taxes and all taxes thereafter.
This legal document concerns the sale of the property located at 718 South Elliott Street, Muncie, Indiana 47305 and the adjoining property located at the 700 block of South Proud Street, Muncie, Indiana 47305.

John D. Finn and Thomas R. Finn are agreeing to make Paul M. Stellwag limited “Power of Attorney” to act on their behalf to sell the properties listed above.

That the properties listed will be sold and any revenue gained from sale after expenses would be split. Paul M. Stellwag would receive one half (1/2) and John D. Finn and Thomas R. Finn would share one half (1/2).

I (Paul M. Stellwag) will keep the property grass cut and the taxes paid until the properties are sold. Although I (Paul M. Stellwag) would like for John D. Finn and Thomas R. Finn to pay half (1/2) of the property taxes (the yearly taxes on both properties are $1,410.00) starting on the date this document is signed, I (Paul M. Stellwag) will pay the full property taxes and will deduct one half (1/2) of the property taxes on their final settlement.

There has been considerable improvements to the property such as a 32’ x 64’ 2 story steel frame building, ¼ city block of 10 foot fencing, and 4 double gates.

I will sign with a Realty Company as soon as I get this document signed and notarized. There will be great exposure and multiple agents trying to sell these properties. I (Paul M. Stellwag) will be in contact with John D. Finn to coordinate the sale of these properties.
REZONING APPLICATION INFORMATION

The application attached is for rezoning the north part of two parcels which have split zoning of II Intense Industrial and R-5 Residential Zoning.

The seller/applicant is Paul Stellwag POA

The Buyer is Simplicity Contracting Inc.

Contact person for this rezoning is Brian Allardt, Coldwell Banker Commercial Real Estate Group. Phone 765-808-1400 ballardt@cbcregoup.com

We have attached the legal description from the current title work and the previous recorded land contract as well as a deed and a survivors affidavit from the title work. Also, attached is a power of attorney document signed by John Finn, Thomas Finn and Paul Stellwag.

Additional information on the buyer: Simplicity Contracting Inc. Acquired a property in the 400-500 block of South Vine St and South Pershing in the fall of 2019 and has been working to clean up that property over the past few months—see attached, before and after photos.
AFTER 400 Block of South Vine St