

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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: July 9, 2024

Case No.: MPC 08-242

(1) Applicant: Gharkey Park LLC

Address: 2617 Meyer Road Phone: 260-615-3249
Fort Wayne, IN 46803

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 2018R06303, 2020R09097, 2020R09098, & 2024R09075
Date of Deed: 05/23/2018, 7/28/2020, 7/28/2020, 7/3/2024

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).
Please see Deeds Attached.

(4) Common Address of Property Involved:
**701 W 15th St, 703-711 W 15th St / 2101 S Gharkey / 2105 S Gharkey /
801 W 15th St Muncie, IN 47302**

(5) Proposed zoning change: (Give exact zone classification.)
From the Residence Zone 4 Zone
To the Mobile Home Residence Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

Correctly zone Parcel 112120301000 to the use it has been used for, for 40+ years. Zone Change Parcels 1121203007000, 112120300800, 1121204006000 to add to the current correctly zoned Mobile Home Park next to these Parcels.

- (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.

Parcel 112120301000 was already developed years ago, as mentioned in (6), as a mobile home park. Already classed as mobile home park. Parcels 1121203007000, 112120300800, 1121204006000 will be developed as an addition to Gharkey Mobile Home Park, offering more housing in the area.

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

Parcel 112120301000 will not change anything adversely as it will continue to be used in the same fashion as the past 40+ years; Parcels 1121203007000, 112120300800, 1121204006000 will improve the area with new housing.

- (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) Gharkey Park LLC (Owner: Erik Grotness) 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: 

Subscribed and sworn to before me this 25th day of June, 20 24

Tamara K. Neuhaus (High)
Notary Public TAMARA K. NEUHAUS

03-28-2025
My Commission Expires

Resident of Allen 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 1st day of August, 20 24.

Signed 

Date July 9th, 20 24

2
Duly Entered for Taxation
Transfer Fees \$ 15.00
May 23 2018

Stan J. Cypert

DELAWARE CO. AUDITOR
KG

2018R06303
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
05/23/2018 10:31 AM
REC FEE 25.00
PAGES: 5

GENERAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that Stephen B. Gasaway (deceased) and Pamela A. Gasaway, having rights of survivorship ("Grantor"), CONVEYS AND WARRANTS to Gharkey Park, LLC ("Grantee"), for the sum of Ten Dollars (\$10.00), and other valuable consideration, the receipt of which is hereby acknowledged, certain real estate located in Delaware County, in the State of Indiana, more particularly described in Exhibit A, attached hereto and by reference made a part hereof (the "Real Estate").

THIS CONVEYANCE IS MADE, and the Real Estate is SUBJECT TO:

- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.

**Remainder of Page Intentionally Left Blank.
Signature Page Follows.**

When Recorded Return To: _____
First American Title Insurance Company
National Commercial Services
211 N. Pennsylvania St., Suite 1250
Indianapolis, IN 46204
File No: NCS 8966510

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 25th day of April, 2018.

GRANTOR:

Pamela A. Gasaway
Pamela A. Gasaway

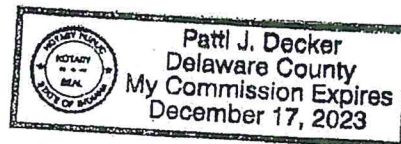
STATE OF Indiana)
COUNTY OF Delaware) SS:

Before me, a Notary Public in and for said County and State, personally appeared **Pamela A. Gasaway**, who being first duly sworn by me upon his oath, acknowledged execution of the foregoing in his individual capacity, and stated that the representations therein are true.

WITNESS my hand and Notarial Seal this 25th day of April, 2018.



Patti J. Decker
Notary Public



Tax Parcel Number(s): 11-21-203-011.000-003 / State Id# 18-11-21-203-011.000-003;
11-21-203-005.000-003 / State Id# 18-11-21-203-005.000-003; and
11-21-203-010.000-003 / State Id# 18-11-21-203-010.000-003.

Address of Transferred Property: 820 West 15th Street, Muncie, IN 47302.

Grantee's Address for Mailing of Tax Statements and Recorded Deed:

14209 SugarCreek Rd
Fort Wayne, IN 46814

THIS INSTRUMENT PREPARED BY:
Patrick M. Rooney, Attorney at Law
1638 Shelby Street, Suite 101
Indianapolis, Indiana 46203
pmrooney1@gmail.com; 317.445.9956

I affirm under penalties for perjury that
I have taken reasonable care to redact
each social security number in this document,
unless required by law.
/s/ Patrick M. Rooney

Exhibit A

Legal Description of Real Estate

THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN DELAWARE COUNTY, INDIANA TO-WIT:

BEGINNING AT A POINT FOUR (4) RODS EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21) TOWNSHIP TWENTY (20) NORTH, RANGE TEN (10) EAST, IN THE CENTER OF HILL AVENUE AS DESIGNATED IN THE PLAT OF MUNCIE LAND COMPANY'S SUBDIVISION OF THE WITT TRACT, AN ADDITION TO THE CITY OF MUNCIE, INDIANA, AND AS RECORDED IN PLAT BOOK NO. 3 AT FOLIO 13 THEREOF IN THE RECORDER'S OFFICE OF SAID DELAWARE COUNTY, INDIANA, WHICH AVENUE IS NOW KNOWN AS 15TH STREET IN THE CITY OF MUNCIE, INDIANA AND BEING AT A POINT FOUR RODS EAST AND THREE HUNDRED SEVENTY-SIX AND TWO TENTHS FEET MORE OR LESS NORTH OF THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 21; THENCE EAST ALONG THE MIDDLE LINE OF SAID 15TH STREET PRODUCED EASTWARD SIXTEEN (16) RODS; THENCE NORTH PARALLEL TO THE WEST LINE OF SAID QUARTER SECTION THREE HUNDRED FIVE (305) FEET MORE OR LESS TO THE MIDDLE LINE OF LOGAN AVENUE PRODUCED EASTWARD AS DESIGNATED ON SAID PLAT OF SAID MUNCIE LAND COMPANY'S SUBDIVISION AND WHICH SAID AVENUE IS NOW KNOWN AS 14TH STREET PRODUCED EASTWARD; THENCE WEST SIXTEEN (16) RODS TO A POINT 4 RODS EAST OF THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID QUARTER SECTION THREE HUNDRED FIVE (305) FEET MORE OR LESS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM TWENTY-FIVE (25) FEET OFF OF THE NORTH SIDE AND ALSO TWENTY-FIVE (25) FEET OFF OF THE SOUTH SIDE OF SAID TRACT.

EXCEPTING ALSO A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP

TWENTY (20) NORTH, RANGE TEN (10) EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:- BEGINNING AT A POINT IN THE CENTER LINE OF WEST FIFTEENTH STREET AND IN THE EAST LINE OF THE MUNCIE LAND COMPANY'S SUBDIVISION OF THE WITT TRACT, AN ADDITION TO THE CITY OF MUNCIE, INDIANA (SAID POINT BEING SIXTY-SIX (66.0) FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; AND RUNNING THENCE NORTH ON THE EAST LINE OF SAID WITT TRACT AND PARALLEL WITH SAID WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER ONE HUNDRED FIFTY-FIVE (155.0) FEET TO THE CENTER LINE OF A PUBLIC ALLEY; THENCE EAST PARALLEL WITH THE CENTER LINE OF WEST FIFTEENTH STREET PRODUCED EAST SIXTY (60.0) FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID WITT TRACT ONE HUNDRED FIFTY-FIVE (155.0) FEET TO THE CENTER LINE OF SAID WEST FIFTEENTH STREET PRODUCED EAST; THENCE WEST SIXTY (60.0) FEET TO THE POINT OF BEGINNING, CONTAINING 0.214 ACRES, MORE OR LESS.

ALSO, LOTS NUMBERED THREE (3) AND FOUR (4) IN JOHN T. ESTABROOK'S FIRST ADDITION TO THE CITY OF MUNCIE, INDIANA. EXCEPTING THEREFROM SIXTY-SEVEN (67) FEET OF EQUAL OFF OF THE ENTIRE NORTH SIDE OF LOT NUMBERED THREE (3).

Gharkey Park LLC

Duly Entered for Taxation
Transfer Fees \$ 10.00

JUL 15 2020

Steve G. Cinguff
Delaware County Auditor2020R09097
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
07/28/2020 01:31 PM
REC FEE 25.00
PAGES: 2

[Space above this line reserved for recording data]

Mail tax bill to: 4211 Clubview Dr
Fort Wayne IN 46804
WARRANTY DEED

THIS INDENTURE WITNESSETH, That THE CITY OF MUNCIE, DEPARTMENT OF REDEVELOPMENT, the Grantor, of Delaware County, State of Indiana Grants, Conveys and Warrants to the **GCHARKEY PARK, LLC**, the Grantee, for good and valuable consideration, certain Real Estate situated in the County of Delaware, State of Indiana, and being more particularly described as follows:

Lot number one (1) in John T. Estabrooks First Addition to the city of Muncie, Indiana. Said lot being 81.25 feet in width North and South and 239.14 feet in length East and West on the North line thereof and 239.005 feet in length East and West on the South line, containing one-half acres, more or less.

PARCEL ID.: 1121203007000

ALTERNATE PARCEL ID: 18-11-21-203-007.000-003

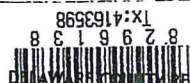
More commonly known as: 2101 S. Gharkey, Muncie, Indiana 47302

This conveyance is subject to any and all easements, conditions and restrictions of record.

Grantor herein agrees to pay all real estate taxes and assessments, if any, levied or assessed against the above-described real estate prior to the date of recording of this deed.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantors, or any successors in title to the abutting lands of the Grantors, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgment and agreement is a covenant running with the land and shall be binding upon the Grantors and all successor's and assigns.

The undersigned persons executing this warranty deed represent and certify on behalf of the GRANTOR that they have been fully empowered by a resolution duly adopted to execute and deliver this conveyance and all other such instruments of transfer on behalf of GRANTOR, that the GRANTOR has full capacity to convey the real estate described above, and that all necessary action for the making of this conveyance has been duly taken.



IN WITNESS WHEREOF, the said Grantor has executed this instrument this
18th day of June, 2020.

City of Muncie, Redevelopment Commission

By: [Signature]
Brandon Murphy, President

Attest: [Signature]
Andrew Dale, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

Before the undersigned Notary Public in and for said State, on the 18th day of June, 2020, Brandon Murphy personally appeared the above named Grantor, and acknowledged the voluntary execution of the foregoing deed.

My Commission expires: 6-14-2024

Notary Public
I am a resident of Delaware County



This document prepared by: Benjamin J. Freeman, Attorney, Beasley&Gilkison LLP, 110 E. Charles Street, Muncie, IN 47308.

Return Original To: City of Muncie, 300 North High Street, Muncie, IN 47305

[Space below this line is reserved for recording data]

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.
Name Quanda K. Cross, Agent

Ghar Key Park LLC

Duly Entered for Taxation
Transfer Fees \$ 10.00

JUL 15 2020

Steve G. Cipek
Delaware County Auditor2020R09098
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
07/28/2020 01:31 PM
REC FEE 25.00
PAGES: 2

[Space above this line reserved for recording data]

Mail tax bill to:

4211 Clubview Dr
Fort Wayne IN 46804
WARRANTY DEED

THIS INDENTURE WITNESSETH, That THE CITY OF MUNCIE, DEPARTMENT OF REDEVELOPMENT, the Grantor, of Delaware County, State of Indiana Grants, Conveys and Warrants to the **GCHARKEY PARK, LLC**, the Grantee, for good and valuable consideration, certain Real Estate situated in the County of Delaware, State of Indiana, and being more particularly described as follows:

Lot number two (2) in John T. Estabrooks First Addition to the City of Muncie, Indiana.

PARCEL ID.: 1121203008000

ALTERNATE PARCEL ID: 18-11-21-203-008.000-003

More commonly known as: 2105 S. Gharkey, Muncie, Indiana

47302

This conveyance is subject to any and all easements, conditions and restrictions of record.

Grantor herein agrees to pay all real estate taxes and assessments, if any, levied or assessed against the above-described real estate prior to the date of recording of this deed.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantors, or any successors in title to the abutting lands of the Grantors, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgment and agreement is a covenant running with the land and shall be binding upon the Grantors and all successor's and assigns.

The undersigned persons executing this warranty deed represent and certify on behalf of the GRANTOR that they have been fully empowered by a resolution duly adopted to execute and deliver this conveyance and all other such instruments of transfer on behalf of GRANTOR, that the GRANTOR has full capacity to convey the real estate described above, and that all necessary action for the making of this conveyance has been duly taken.



IN WITNESS WHEREOF, the said Grantor has executed this instrument this
18th day of June, 2020.

City of Muncie, Redevelopment Commission

By: [Signature]
Brandon Murphy, President

Attest: [Signature]
Andrew Dale, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

Before the undersigned Notary Public in and for said State, on the 18 day of June, 2020, Brandon Murphy personally appeared the above named Grantor, and acknowledged the voluntary execution of the foregoing deed.

My Commission expires: Jun 14, 2024

Notary Public
I am a resident of Delaware



This document prepared by: Benjamin J. Freeman, Attorney, Beasley&Gilkison LLP, 110 E. Charles Street, Muncie, IN 47308.

Return Original To: City of Muncie, 300 North High Street, Muncie, IN 47305

[Space below this line is reserved for recording data]

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.
Name Amanda K. Cross, Agent

2

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 10.00
Jul 03 2024 - ER

DELAWARE COUNTY AUDITOR

2024R09075
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
07/03/2024 09:17 AM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

File No.: 20241268
Parcel Number: 18-11-21-204-006.000-003

WARRANTY DEED

This Indenture Witnesseth, That Blake R. Huber and Alex S. Huber (Grantor) *Convey(s) and Warranty(s)* to Shawkey Park, LLC (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:

A part of the Northwest Quarter of the Northeast Quarter of Section 21, Township 20 North, Range 10 East in the City of Muncie, Indiana, described as follows: Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 21, Township 20 North, Range 10 East; thence North 89 degrees 67 minutes 02 seconds East 263.50 feet (assumed bearing) along the South line of said Quarter-Quarter Section; thence North 01 degree 00 minutes 45 seconds West 255.70 feet parallel with the West line of said Quarter-Quarter Section to a 5/8 inch rebar at the point of beginning; thence North 01 degree 00 minutes 45 seconds West 120.50 feet to a point on the centerline of 15th Street produced from the Muncie Land Company's Subdivision of the Wilt Tract, an Addition to the City of Muncie, Records of Delaware County, Indiana; thence North 89 degrees 57 minutes 02 seconds East 66.50 feet; thence South 01 degree 00 minutes 45 seconds East 120.50 feet to a 5/8 inch rebar; thence South 89 degrees 57 minutes 02 seconds West 66.50 feet to the point of beginning, containing 0.18 of an acre, more or less, the North 25 feet of this tract is subject to the right-of-way for 15th Street and the South 5 feet is subject to an easement for the South adjoiners building upkeep.

The parties hereto acknowledge that the preparer has not conducted a title search in connection with this transaction and makes no guarantee as to the status or condition of the real estate title.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 28th day of June, 2024.


Blake R. Huber

State of Indiana, County of Delaware SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Blake R. Huber who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 28th day of June, 2024.

My Commission Expires: _____


_____, Notary Public
Residing in _____ County



Alex G. Huber
Alex G. Huber

State of Tennessee, County of White SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Alex G. Huber who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of June, 2024.

My Commission Expires: 05-20-2026

Courtney B. Chavez
Residing in White, Notary Public
County

Send tax bills to and Grantee's street or rural route address is: 2617 Meyer Rd., Fox Wayne, IN 46803

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. Smith, Attorney-at-Law

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



1121202007000
Residence zone 4

Variety Business
1121202014000

14th St

1121203005000

Mobile Home Residence

264

1121203011000

Gharkey Mobile Home Park

GHARKEY ST

.446 Acres
Empty Lot
1121203007000

.446 Acres
Empty Lot
1121203008000

House
1121203009000

.446 Acres
Mobile Homes
1121203010000

Residence zone 4
1121204007000

.185 Acres
Empty Lot
1121204006000

House

House

House

House

