

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

Jurisdiction: (Check One)

Submitted: Feb 12, 2025

Delaware County

Case No.: MPC 09-252

City of Muncie

Fred J Edwards & Nellie Irene Edwards
as Co-Trustees of the Irrevocable Trust Agreement
of Fred J Edwards & Nellie Irene Edwards
dated 9-23-2021

(1) Applicant: _____

Address: 8081 N Schindel Rd, Albany, IN 47320 Phone: 765-748-0655

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: Instr. #2022R01830
Date of Deed: 02/01/2022

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 attached deeds

(4) Common Address of Property Involved:

8601 Clifton Rd, Albany, IN

(5) Proposed zoning change: (Give exact zone classification.)

From the R-1 Residence Zone _____ Zone

To the F Farm Zone _____ Zone

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

(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 owner will develop the property for the use specified in item 6.

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

The proposed change will not have an adverse impact on the surrounding area because it will be correcting the split zoning of the parcel and the south adjoining properties are also zoned farming and are used for farming purposes.

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

Yes, if the proposed zoning change is granted we will be requesting a variance for a reduced side setback for the parcel the metal building will be on after platting.

(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

6. The purpose of the proposed zoning change is to correct the current split zoning of the parcel. The entirety of the parcel that is under the R1 zoning is not being changed due to the owner wanting to divide the home from the remaining property through platting. The property can not go through the platting process without the split zoning being corrected. The property is being divided to place the home and metal building with their driveways onto their own parcels, where as they sit now, they are across parcel lines. This being done so that the property can be split to the heirs of the estate.

AFFIDAVIT

(I or We) Deborah L. Edwards 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: Deborah L. Edwards POA _____

Subscribed and sworn to before me this 11th day of February, 2025



Katherine M Vannice
Notary Public

2/11/2032
My Commission Expires

Resident of Henry 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 6 day of March, 2025.

Signed [Signature]

Date Feb 21, 2025

POWER OF ATTORNEY

I, Nellie Irene Edwards, as Trustee of The Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021 do hereby constitute and appoint Deborah L. Edwards as my true and lawful Attorney In Fact with general authority to act on my behalf with respect to the following matters:

1. Real property transactions (I.C. 30-5-5-2)
2. Tangible Personal Property Transactions (I.C. 30-5-5-3)
3. Bonds, Commodities and Shares (I.C. 30-5-5-4)
4. Retirement plans (I.C. 30-5-5-4.5)
5. Banking transactions (I.C. 30-5-5-5)
6. Business Operations (I.C. 30-5-5-6)
7. Insurance (I.C. 30-5-5-7)
8. Beneficiaries (I.C. 30-5-5-8)
9. Gifts (I.C. 30-5-5-9)
10. Fiduciaries (I.C. 30-5-5-10)
11. Claims and Litigation (I.C. 30-5-5-11)
12. Family Maintenance (I.C. 30-5-5-12)
13. Military Service Benefits (I.C. 30-5-5-13)
14. Records, Reports and Statements (I.C. 30-5-5-14)
15. Estate Transactions (I.C. 30-5-5-15)
16. Health Care (I.C. 30-5-5-16)
17. To Withdraw or Withhold Health Care (I.C. 30-5-5-17)
18. Delegation of Authority (I.C. 30-5-5-18) and
19. All Other Matters (I.C. 30-5-5-19)

I hereby reserve the right of revocation; however, this Power of Attorney shall continue in full force and effect until I have executed and recorded in the Delaware County Recorder's Office a written revocation hereof.

I relieve all persons dealing with my said Attorney In Fact from determining the proper application of any money or other property received by my said Attorney In Fact on my behalf. I hereby ratify and confirm all that my said Attorney In Fact shall do by virtue hereof. Further, I agree to indemnify and hold harmless any person who, in good faith, acts under this Power of Attorney or transacts business with my Attorney In Fact in reliance upon this Power of Attorney, without actual knowledge of its revocation.

This Power of Attorney shall not be affected by my subsequent disability or incompetence.

IN WITNESS WHEREOF, I have signed this instrument this 5th day of October, 2023.



THE IRREVOCABLE TRUST AGREEMENT OF
FRED J. EDWARDS AND NELLIE IRENE
EDWARDS DATED SEPTEMBER 23, 2021

By: Nellie Irene Edwards
Nellie Irene Edwards, Trustee

State of Indiana, Delaware County, ss:

Before me the undersigned, a Notary Public in and for said County and State, this 5th day of October, 2023 came Nellie Irene Edwards, as Trustee of The Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, and acknowledged the execution of the foregoing instrument.

[Signature]
Notary Public

Commission Expires: September 08, 2030
County of Residence: Delaware

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)

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

2022R01830

MELANIE MARSHALL
DELAWARE COUNTY RECORDER

RECORDED ON
02/01/2022 02:01 PM
REC FEE 25.00

PAGES: 5
RECORDED AS PRESENTED

For Taxation
80.00 ft

FEB 01 2022

Jan G. August
Delaware County Auditor

Bales &
Alexander

5P

Mail Tax Statements To Grantee At: 8081 North Schindel Road, Albany, IN 47320

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Fred J. Edwards a/k/a Fred Edwards and Nellie I. Edwards a/k/a Nellie Irene Edwards of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Fred J. Edwards and Nellie Irene Edwards as Co-Trustees of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

Tract 1.

A part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at the northwest corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 11 East, thence south on the west line of the said Northwest Quarter of the Northwest Quarter 331.7 feet to the northwest corner of a tract of land deeded by Chancy M. Kinter and Grace E. Kinter to Leon W. Agullana by deed dated January 29, 1965, and recorded in Deed Record 450, pages 19-20 in the office of the Recorder of Delaware County, Indiana, thence east on the north line of the Agullana tract 1281.44 feet to the center line of a County Road commonly known as Sharon Road; thence North on the center line of the said Sharon Road to the north line of the said Northwest Quarter of the Northwest Quarter; thence west on the north line of the said Northwest Quarter of the Northwest Quarter to the point of beginning. Estimated to contain 9.75 acres, more or less. Excepting therefrom the following tract: Commencing at a point in the east line of the Northwest Quarter of the Northwest Quarter of Section 21, Township 21 North, Range 21 East 248.2 feet south of the northwest corner of the said Northwest Quarter of the Northwest Quarter running thence south on the east line of the said Northwest Quarter of the Northwest Quarter 79.98 feet; thence westerly with an interior angle of 93°51'10" 255.59 feet; thence north with an interior angle of 89°11'43" 90.23 feet; thence east with an interior angle of 38°33'48" 250.01 feet to the point of beginning. Estimated to contain 0.504 acres, more or less. ALSO excepting therefrom a tract of land being 643.12 feet in equal width East and West off of the entire west end of the above described land, containing 4.885 acres, more or less. The area of the tract of land hereby conveyed, after deducting the two exceptions, contain 4.500 acres, more or less. Subject to all legal highways.

Parcel Number: 18-08-21-100-002.000-004. Commonly known as 8081 North Schindel Road, Albany, IN 47320

Tract 2.

Lot Number Eleven (11) in Replat of Andrew's Acres, a Subdivision of real estate situated in Mt/Pleasant Township, Delaware County, Indiana, as shown in Plat Book 10 pages 19 and 20 in the



1a

Recorder's Office of Delaware County, Indiana. Parcel Number: 18-10-23-152-009.000-017. Commonly known as 2209 Sisk Road, Yorktown, IN 47396.

Tract 3.

Part of the South Half of the Southeast Quarter of Section 16, Township 21 North, Range 11 East, described as follows: Beginning at a point in the South line of said Southeast Quarter 103.52 rods East of the Southwest corner thereof, running thence North parallel with the West line of said Southeast Quarter 290.4 feet, thence East parallel with the South line of said Southeast Quarter 150 feet, thence South parallel with said West line 290.4 feet to the South line of said Southeast Quarter, thence West on said South line 150 feet to the place of beginning, containing 1 acre, more or less. Parcel Number: 18-08-16-400-020.000-004. Commonly known as 9450 East Co. Rd. 500 North, Albany, IN 47320.

Tract 4.

A part of the East Half of the Southwest Quarter of Section 24, Township 21 North, Range 10 East in Hamilton Township, Delaware County, Indiana, described as follows: Beginning at the point of intersection of the North line of the East Half of the Southwest Quarter of Section 24, Township 21 North, Range 10 East with the center line of State Highway #67, said point being South 90°00'00" East 1028.00 feet (assumed bearing from the Northwest corner of said Half-Quarter Section); thence South 37°03'00" West 176.80 feet along said center line; thence South 85°39'03" East 239.04 feet to a 5/8 inch rebar; thence North 00°00'00" 159.23 feet to a nail 132.00 feet East of the point of beginning; thence North 90°00'00" West 132.00 feet to the point of beginning, containing 0.64 of an acre, more or less, and subject to the right-of-way for State Highway #67 along the Westerly side, to the right-of-way for County road 450-N along the Northerly side and to all easements of record. Parcel Number: 18-07-24-326-003.000-006. Commonly known as 7212 State Road 67, Muncie, IN 47303.

Tract 5.

A part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, more particularly described as follows:

Beginning at a cornerstone marking the Northwest corner of the land owned by Benjamin Zehner in Deed Record 18 page 170 of the records of Delaware County, Indiana; thence South 19 rods; thence East 9 rods; thence North 19 rods; thence West 9 rods to the place of beginning. Estimated to contain 1.096 acres, more or less.

EXCEPT: Beginning at the Northwest corner of the above described tract; thence South 100.0 feet; thence East 148.5 feet; thence North 100.0 feet; thence West 148.5 feet to the point of beginning, said exception containing 0.341 of an acre, more or less; leaving after said exception 0.719 of an acre, more or less. Parcel Number: 18-08-16-300-007.000-004. Commonly known as 8300 North Schindel Road, Albany, IN 47320.

1b

Tract 6.

A part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, more particularly described as follows, to-wit: Beginning at a point, which point is established as follows: Beginning at the Southwest corner of said Southeast Quarter of the Southwest Quarter and running thence North 00 degrees 00 minutes West on the West line thereof 754.3 feet to the center line of a Public Highway; thence running North 82 degrees 34 minutes 20 seconds East on said center line 159.35 feet to the point of beginning of the Tract hereafter described; thence running North 80 degrees 39 minutes 10 seconds East on said center line 393.14 feet; thence running North 78 degrees 40 minutes 40 seconds East on said center line 178.34 feet to the center line of Campbell's Creek; thence running North 12 degrees 25 minutes 10 seconds East on the center line of said Creek 241.14 feet; thence running South 89 degrees 10 minutes West 622.0 feet; thence running South 01 degree 16 minutes 50 seconds East 325.4 feet to the point of beginning, containing 3.813 acres, more or less.

Parcel Number: 18-08-16-300-021.000-004. Commonly known as Clifton Road, Albany, IN 47320

Tract 7.

A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, Delaware County, Indiana, described as follows, to-wit: Commencing at a point in the west line of said southeast quarter of the southwest quarter, 5 chains north of the southwest corner thereof; running thence east parallel to the south line of said southeast quarter southwest quarter, 5.32 chains; thence north 5 degrees 30 minutes east a distance of 1.44 chains; thence north 41 degrees 00 minutes east a distance of 5.19 chains; thence east parallel to the south line of said southeast quarter southwest quarter, a distance of 1 chain to the center line of Campbells Creek; thence bearing north 24 degrees 00 minutes east on said center line, a distance of 2.88 chains; thence north 14 degrees 00 minutes east on said center line, a distance of 3.82 chains; thence running west parallel to the south line of said southeast quarter southwest quarter, 9.73 chains; thence south parallel to the west line of said southeast quarter southwest quarter, 4.93 chains to the center line of a highway; thence bearing north 81 degrees 30 minutes east on the center line of said highway for a distance of 2.65 chains; thence running south parallel to the west line of said southeast quarter southwest quarter, 2.90 chains; thence west parallel to the south line of said southeast quarter southwest quarter, 5.06 chains to the west line of said southeast quarter southwest quarter; thence running south on said west line 4.015 chains to the place of beginning, estimated to contain 8.16 acres, more or less.

EXCEPTING THEREFROM: A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, more particularly described as follows, to-wit: Beginning at a point, which point is established as follows: Beginning at the southwest corner of said southeast quarter of the southwest quarter and running thence north 00 degrees 00 minutes west

on the west line thereof 754.3 feet to the center line of a public highway; thence running north 82 degrees 34 minutes 20 seconds east on said center line 159.35 feet to the point of beginning of the tract hereafter described; thence running north 80 degrees 39 minutes 10 seconds east on said center line 393.14 feet; thence running north 78 degrees 40 minutes 40 seconds east on said center line 178.34 feet to the center line of Campbells Creek; thence running north 12 degrees 25 minutes 10 seconds east on the center line of said Creek, 241.14 feet; thence running south 89 degrees 10 minutes west 622 feet; thence running south 1 degree 16 minutes 50 seconds east 325.4 feet to the point of beginning, containing 3.813 acres, more or less.

ALSO EXCEPTING THEREFROM: A part of the East half of the Southwest quarter of Section 16, Township 21 North, Range 11 East in Delaware Township, Delaware County, Indiana, described as follows: Beginning at a nail on the West line of the East half of the said Southwest quarter, said nail being North 00 degrees 00 minutes 00 seconds 330.00 feet (assumed bearing) from the Southwest corner of said half-quarter Section; thence North 00 degrees 00 minutes 00 seconds 230.00 feet; thence North 89 degrees 11 minutes 19 seconds East 190.00 feet; thence South 00 degrees 00 minutes 00 seconds 230.00 feet to the South line of a tract of ground described in Deed Record 1986 pages 851-2, Records of Delaware County, Indiana; thence South 89 degrees 11 minutes 19 seconds West 190.00 feet to the point of beginning, containing 1.00 acres, more or less, and subject to the right-of-way for County Road 525-E along the Westerly side thereof and to all easements of record. Parcel Number: 18-08-16-300-016.000-004. Commonly known as 8601 Clifton Road, Albany, IN 47320.

Tract 8.

Lot Numbered 20 in Eden Park Addition, Section "A", a subdivision of real estate in Hamilton Township, Delaware County, Indiana, a plat of which is recorded in Plat Book 7, Page 53 of the records of plats of Delaware County, Indiana. Parcel Number: 18-07-11-152-014.000-006. Commonly known as 10609 Mansfield, Muncie, IN 47303.

IN WITNESS WHEREOF, the said Fred J. Edwards a/k/a Fred Edwards and Nellie I. Edwards a/k/a Nellie Irene Edwards have hereunto set their hands and seals, this 31st day of January, 2022.


(Fred J. Edwards a/k/a Fred Edwards)


(Nellie I. Edwards a/k/a Nellie Irene Edwards)

Mail Tax Statements To Grantee At: 8081 North Schindel Road, Albany, IN 47320

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Nellie Irene Edwards as the sole surviving trustee of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, by her attorney in fact, Deborah L. Edwards, of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Fred J. Edwards and Nellie Irene Edwards as Co-Trustees of the Irrevocable Trust Agreement of Fred J. Edwards and Nellie Irene Edwards dated September 23, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

A part of the southeast quarter of the southwest quarter of Section 16, Township 21 north, Range 11 east, more particularly described as follows: Commencing at a point on the west line of said quarter quarter section in the center of the highway running east and west on the south side of the Town of Clifton; running thence south on said west line of said quarter quarter section 10 rods; thence east 20 rods; thence north 10 rods, more or less, to the center of said highway above mentioned; thence west 20 rods, more or less, to the place of beginning, containing 1 1/4 acres, more or less. Parcel Number: 18-08-16-300-015.000-004. Commonly known as 8501 Clifton Road, Albany, IN 47320.

IN WITNESS WHEREOF, the said Nellie Irene Edwards by her attorney in fact, Deborah L. Edwards, has hereunto set her hand and seal, this 12th day of February, 2025.

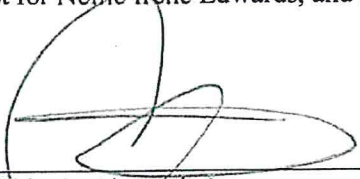
Nellie Irene Edwards by Deborah L Edwards POA
(Nellie Irene Edwards by Deborah L Edwards her
Attorney in fact)

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned a notary public in and for said County, this 12th day of February, 2025, came Deborah L. Edwards as attorney in fact for Nellie Irene Edwards, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.





(Chip A. Alexander)
Notary Public

This instrument prepared by Chip A. Alexander, Attorney at Law. 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.

MPC 09-25Z



325 W. Washington St.
Lafayette, Indiana 47904
Phone: 765-282-5594
Fax: 765-282-5596
Ashton Land Survey, Inc.

Rezoning Description
8601 Clifton Road
Albany, IN



I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document. Errors reported by me, Haldon L. Ashton.

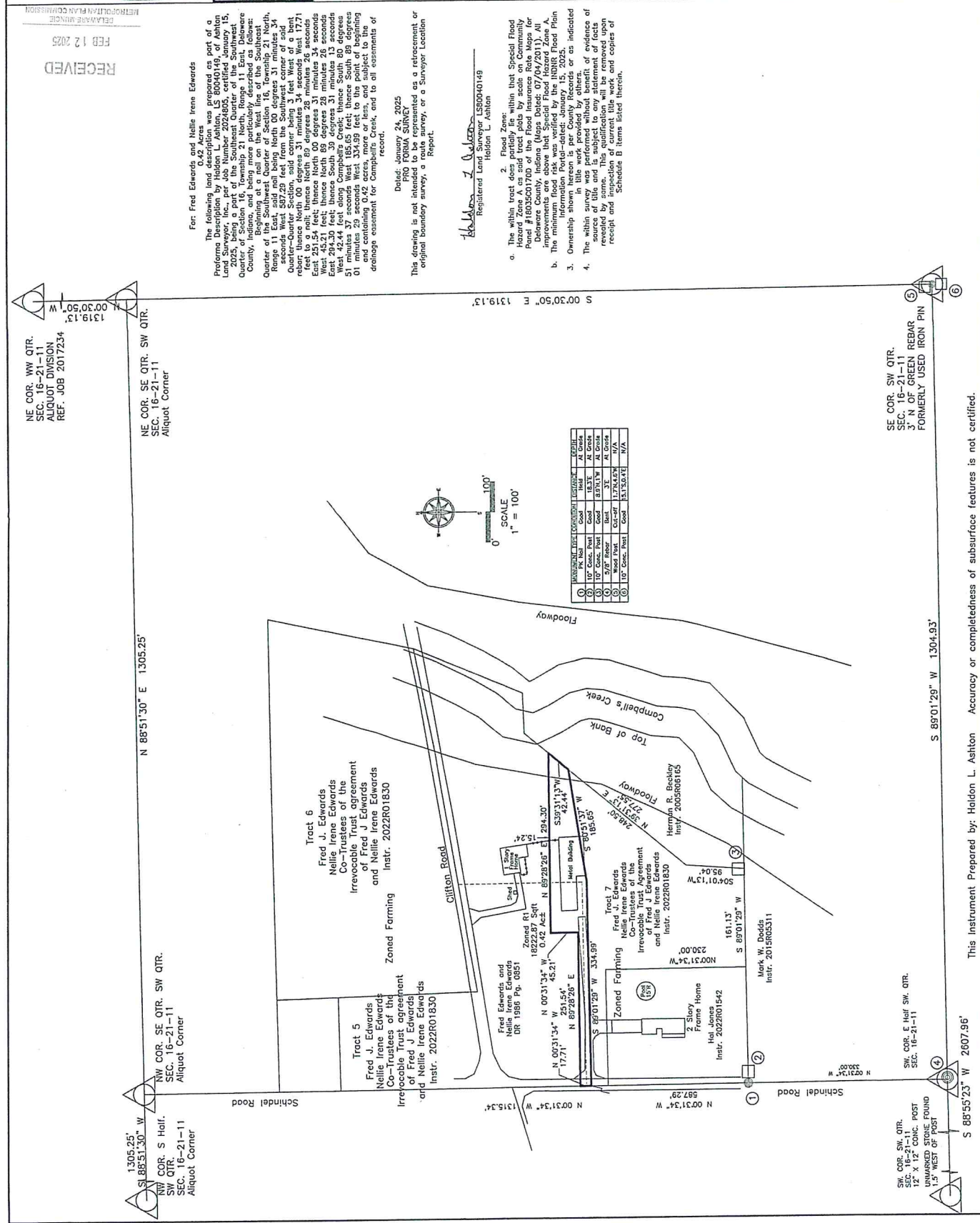
SECTION CORNER COORDINATES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR INDIANA. SECTION CORNER COORDINATES ARE BASED ON THE DIVISION OF PUBLIC WORKS STATE PLANE COORDINATE SYSTEM.

No. _____
Date: 01/22/25
Client: Deborah Edwards
Owner: Fred Edwards
Drawn: Kik Electronic Field Book
LUPRS REF: 12/17/24

Revisions

Drawn: SMK
Date: 01/22/25
Client: Deborah Edwards
Owner: Fred Edwards
Drawn: Kik Electronic Field Book
LUPRS REF: 12/17/24

Sheet



NO.	DATE	DESCRIPTION	BY
1	01/22/25	Final Plat	AS
2	01/22/25	Final Plat	AS
3	01/22/25	Final Plat	AS
4	01/22/25	Final Plat	AS
5	01/22/25	Final Plat	AS
6	01/22/25	Final Plat	AS
7	01/22/25	Final Plat	AS
8	01/22/25	Final Plat	AS
9	01/22/25	Final Plat	AS
10	01/22/25	Final Plat	AS

For: Fred Edwards and Nellie Irene Edwards
0.42 Acres
The following land description was prepared as part of a Survey of the Land of the State of Indiana, certified January 15, 2025, being a part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, Delaware County, Indiana. Beginning at a nail on the West line of the Southeast Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 11 East, Delaware County, Indiana, and running South 89 degrees 31 minutes 24 seconds West 587.29 feet from the Southwest corner of said Quarter-Quarter Section, said corner being 3 feet West of a bent corner thence North 00 degrees 31 minutes 34 seconds West 1771 feet 251.54 feet; thence North 00 degrees 31 minutes 34 seconds East 45.21 feet; thence North 89 degrees 29 minutes 26 seconds West 42.24 feet along Campbells Creek; thence South 89 degrees 51 minutes 37 seconds West 185.65 feet; thence South 89 degrees 51 minutes 29 seconds West 334.99 feet to the point of beginning and running thence North 89 degrees 31 minutes 24 seconds East along the drainage easement for Campbells Creek, and to all easements of record.

Dated: January 24, 2025
PRO FORMA SURVEY
This drawing is not intended to be represented as a retrocession of original boundary survey, a Report, or a Surveyor Location Report.

Registered Land Surveyor
Haldon L. Ashton
2. Final Plat
a. The within tract does partially lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #1603501700 of the Flood Insurance Rate Maps for Delaware County Indiana, as shown on the Special Flood Hazard Map of the State of Indiana, dated January 15, 2025. The minimum flood risk was verified by the INDRR Flood Plain Information Portal-dated, January 15, 2025.
b. Ownership shown in this work provided by others, as indicated in this work, and the same are not to be construed as accepted or receipt by this work. This qualification will be noted upon receipt and inspection of current title work and copies of Schedule B items listed therein.

NE COR. WW QTR.
SEC. 16-21-11
ALIQUOT DIVISION
REF. JOB 2017234

NE COR. SE QTR. SW QTR.
SEC. 16-21-11
Aliquot Corner

SE COR. SW QTR.
SEC. 16-21-11
3' N OF GREEN REBAR
FORMERLY USED IRON PIN

This Instrument Prepared by: Haldon L. Ashton Accuracy or completeness of subsurface features is not certified.