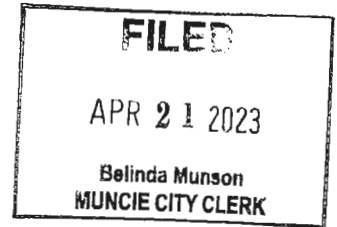


ORDINANCE NO. 8-23



BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHENSIVE ZONING ORDINANCE
FROM THE R-3 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
1301 W. SYLVAN CRT., MUNCIE, INDIANA.

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

WHEREAS, the Common Council of the City of Muncie, 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 RESOLVED by the Common Council of the City of Muncie, Indiana, as follows:

Section 1. That the City of Muncie Comprehensive Zoning Ordinance adopted on the 5th day of November, 1973, be amended, changed and supplemented so as to include in the BV Variety Business Zone the following described real estate located in the City of Muncie, Indiana, to wit:

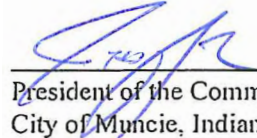
See Exhibit A

Section 2. That all buildings or uses permitted and placed upon said above described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained the proper permits.

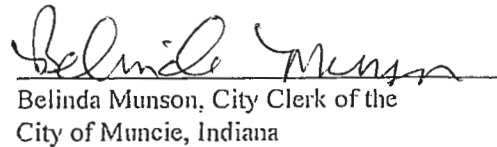
Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

	YEAS	NAYS	ABSTAINED	ABSENT
Aaron Clark	✓			
Jerry Dishman	✓			
Brandon Garrett	✓			
Jeff Green	✓			
Troy Ingram	✓			
Brad Marshall	✓			
Roger Overbey	✓			
Jeff Robinson	✓			
Rosa Selvey	✓			

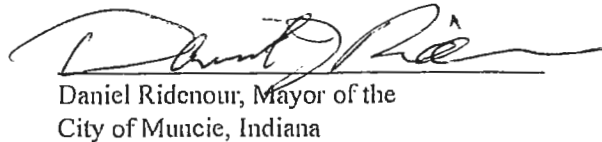
Passed by the Common Council of the City of Muncie, Indiana, this 10th day of July, 2023.


 President of the Common Council of the
 City of Muncie, Indiana

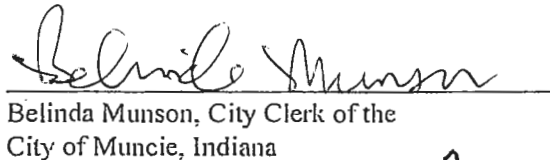
Presented by me to the Mayor for his approval this 10 day of July, 2023.


 Belinda Munson, City Clerk of the
 City of Muncie, Indiana

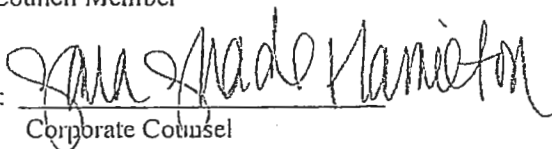
The above ordinance approved (vetoed) by me this 10 day of July, 2023.


 Daniel Ridenour, Mayor of the
 City of Muncie, Indiana

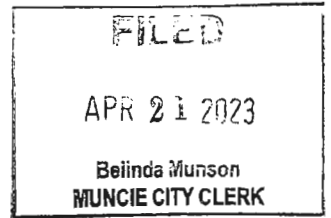
ATTEST:


 Belinda Munson, City Clerk of the
 City of Muncie, Indiana

This ordinance is proposed by: 
 City Council Member

This ordinance is approved in form by: 
 Corporate Counsel

REPORT TO THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA



April 12th, 2023

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Laura L. Seibold-Caudill, 9420 E. CR 400 S, Selma, IN, and Chumley's Garage, 1728 S. Burlington Dr., such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 1301 W. Sylvan Crt., Muncie, Indiana, from zone classification: R-3 Residence Zone to classification: BV Variety Business Zone.

WHEREAS, the said Plan 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.

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (7 - 0, 2 absent) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION

BY:

A handwritten signature in black ink, appearing to be "Allen Wiseley", written over a horizontal line.

Allen Wiseley, President

A handwritten signature in black ink, appearing to be "Lorey Stinton", written over a horizontal line.

Lorey Stinton, Acting Secretary

Exhibit A

Area to Rezone

A part of Lot One hundred one (101) in Plaza Homes, an Addition to the City of Muncie, as shown in Plat Book 7, page 63, Records of Delaware County, Indiana, described as follows:

Beginning at the Southeast corner of Lot One hundred one (101) in Plaza Homes; thence North 89 degrees 17 minutes 38 seconds West 29.20 feet (State Plane Coordinates - Indiana East 1301) to the Southwest corner of said lot; thence North 36 degrees 27 minutes 10 seconds West 28.99 feet along the west line of said lot; thence North 43 degrees 24 minutes 49 seconds East 68.87 feet to a 5/8 inch rebar on the East line of said lot; thence South 00 degrees 42 minutes 22 seconds West 73.71 feet to the point of beginning, and containing 0.05 acres, more or less, and subject to a 15 foot utility easement, to a 6 foot utility easement, and to all easements of record.

Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - April 2023

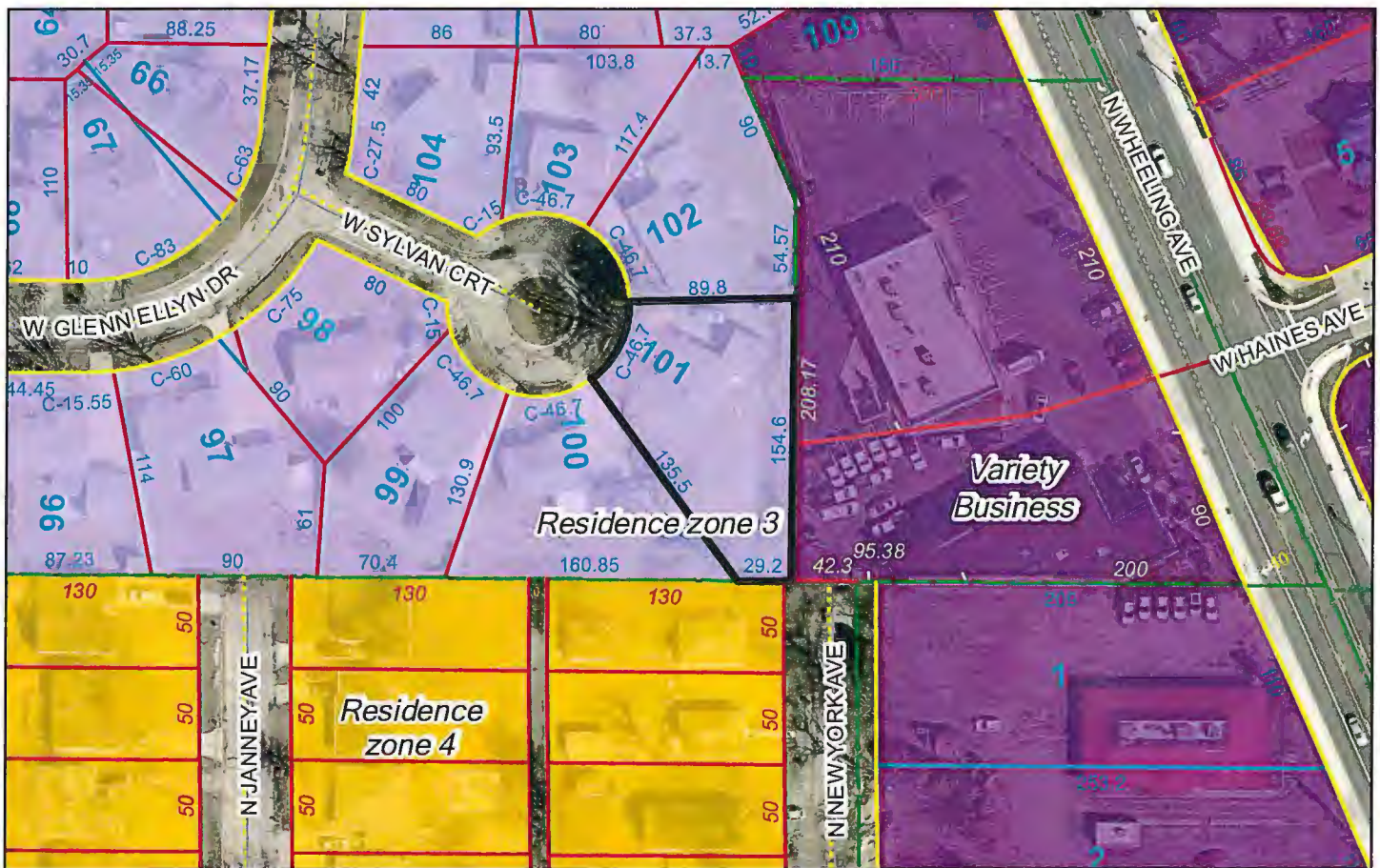
MPC 04-23Z Laura L. Seibold-Caudill Trust Agreement and Chumley's Garage, LLC

Location & Description: 1301 W. Sylvan Crt., Muncie, IN

Located at the east end of W. Sylvan Crt.

Traveling north on Wheeling Ave. from downtown go ~1.5 miles to W. Royale Dr., turn left (west), go 1 block to W. Glenn Ellyn Dr., turn left (south), go 1 block to W. Sylvan Crt., turn left (east), the site is directly ahead at the end of the cul-de-sac.

The site is one parcel consisting of 1 lot. The site includes a single family home built in 1956 and a detached garage built in 1980.



Zoning: The site is classified in the R-3 Residence Zone. Surrounding properties to the west and north are classified in the R-3 Residence Zone. Surrounding properties to the east are classified in the BV Variety Business Zone. Surrounding properties to the south are classified in the R-4 Residence Zone.

Request: The applicants are requesting a change in zone to the BV Variety Business Zone. for a 0.05 acre piece of the lot. The owner intends to sell a 0.05 acre portion of their lot to the abutting commercial property (co-applicant, Chumley's Garage, LLC).

Chumley's Garage, LLC operates a vehicle repair service at 2611 N. Wheeling Ave.; the rear of this property abuts the rear of 1301 W. Sylvan Crt. Chumley's Garage, LLC requested and was granted a variance of use from the BZA to allow business parking in a residence zone. Chumley's Garage, LLC's application to the BZA states that they intend to buy a piece of land from Laura Caudill that they want to fence in to provide secured parking for vehicles that they work on.

Staff requested a site plan that would illustrate how the 0.05 acre area would be utilized, including parking spaces. The only plan provided was the survey drawing showing that the area will be graveled and fenced in. The area does not lend itself to being able to hold more than ~ 8 vehicles.

The BZA approved the request to allow business parking associated with 2611 N. Wheeling Ave on the 0.05 acre piece of land with the following conditions:

- 1) That the subject area be rezoned to BV Variety Business Zone;
- 2) That the area be enclosed with opaque fencing and with plantings (including trees) on the side facing the residential use;
- 3) That the subject area be joined with the parcel at 2611 N. Wheeling Ave.; and
- 4) That the area will be used for vehicle storage only.

If this rezoning is not approved, it would prevent the conditions of the variance approval from being met, effectively invalidating the variance of use.

Should this variance be carried through, this will create an unusual situation where a residential property owner will be responsible to screen a commercial use instead of it being the responsibility of the commercial use to screen itself from the abutting residential uses. It is also not clear how this area will be screened with plantings from the abutting residential use to the south since the plan provided with this application shows a fence along the south and west property line without providing the necessary room for the plantings.

Commercial uses that are expanded normally would be subject to meeting the community's development standards unless a variance is granted. 2611 N. Wheeling Ave. does not meet any of the community's development standards though the property is subject to the community's Corridor Development Standards. This variance further expands their non-compliance.

The Corridor Development Standards call for a 25' deep rear bufferyard and a 15' wide side bufferyard when abutting a single-family residential use.

View of the eastern side of the Plaza Homes subdivision.

Lot 1 (outlined in blue) was rezoned to the BC Community Business Zone in 1975. The applicant wanted a show room for his drapery business. This case was continued multiple times. From the minutes of the last meeting, the attorney representing the applicant stated that the case had been continued because the subdivision includes restrictions and offered the justification that the lot "faces Wheeling Avenue and is not really a part of the subdivision."

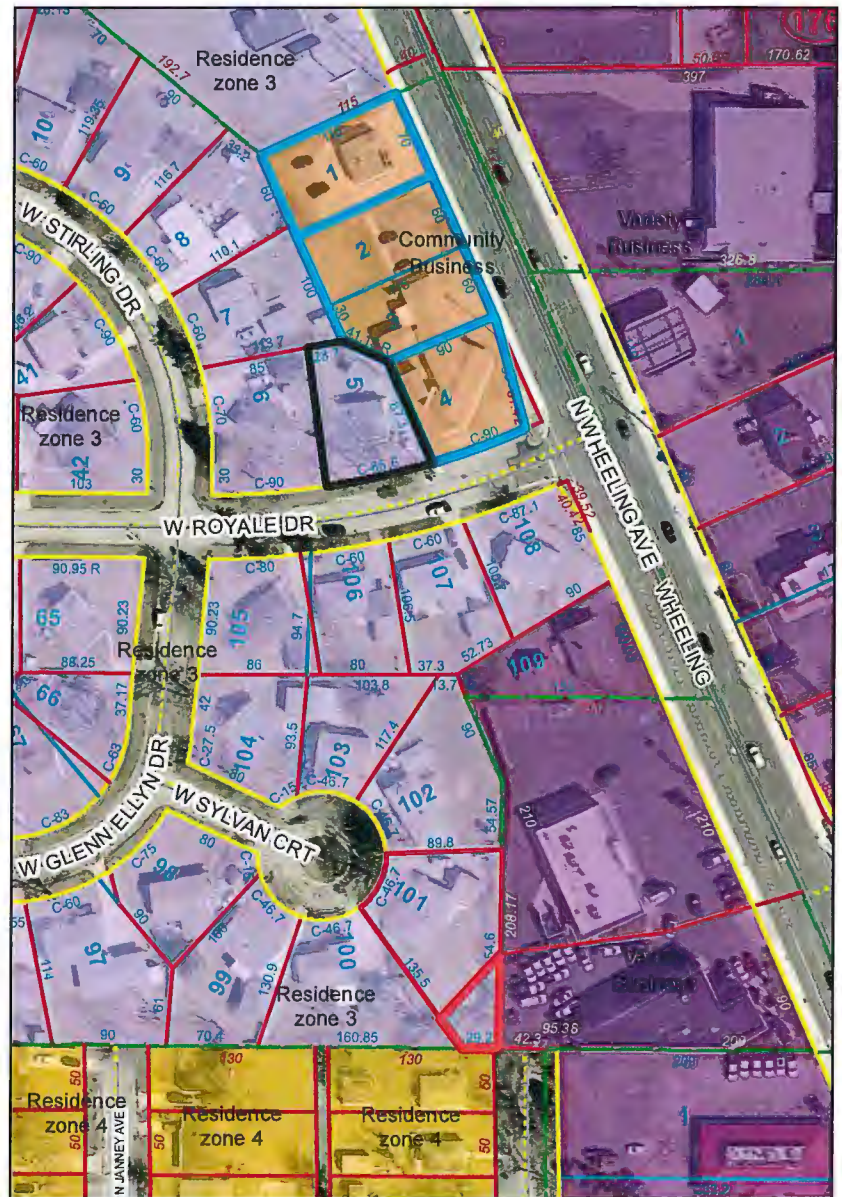
Lots 2 & 3 (outlined in blue) were rezoned to the BC Community Business Zone in 1978. The applicant wanted to sell to a real estate office because they believed no one would buy a home on Wheeling Ave due to the traffic and noise.

Lot 4 (outlined in blue) was rezoned to the BC Community Business Zone later in 1978. The application states that the purpose of the requested change was that, "Property is no longer desirable as residence because of commercial environment."

In 1984, the property owner of Lot 4 requested to rezone the property to the BV Variety Business Zone. Neighbors and Plan Commission members discussed issues concerning the size of lot noting that the lot isn't big enough for either commercial zone and that variances would be necessary. The MPC voted 0-7, with 2 absent resulting in an unfavorable recommendation to City Council. The applicant withdrew the request before going to City Council.

In 1993, the property owner of Lot 5 filed an application to rezone Lot 5 (outlined in black) to the BP Business & Professional Office Zone; a less intense zone than the BC Community Business Zone. The applicant withdrew the request after speaking with neighbors and becoming aware of concerns.

Now in 2023, the owner of Lot 101 (outlined in red) would like to sell a small portion of their lot to an abutting commercial use. This small piece of land (outlined with a thick red line) is surrounded by residential uses on three sides. The applicant's buyer has not indicated how they will provide any screening to the abutting residential use to the south.





View of the site from New York Ave., looking northwest. The applicant's house is slightly visible through the vegetation that will be removed for Chumley's Garage LLC to fence in should the rezoning be approved.



View of the abutting commercial use from New York Ave., looking north.



View of the site across the co-applicant's commercial use from Wheeling Ave., looking west. The abutting residential uses are visible in the background; there is no screen between the co-applicant's commercial use and the abutting residential uses.



View of the site from Sylvan Crt., looking east. The abutting commercial uses are visible in the background including the beige wall on the left and the red roof on the right.

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

Jurisdiction: (Check One)

Submitted: 3-15-23

☐ Delaware County

Case No.: MPC 04-232

☒ City of Muncie

(1) Applicant: Laura L. Seibold-Caudill Trust Agreement and Chumley's Garage, LLC-Derek Black

Address: 9420 E CR 400 S Selma, IN 47383 and Phone: 317-289-7825
1728 S Burlington Dr Muncie, IN 47304

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 2023R02290
Date of Deed: 02/02/2023

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).

A part of Lot 101 in Plaza Homes, an Addition to the City of Muncie, as shown in Plat Book 7, Page 63, Records of Delaware County, Indiana, described as follows:

See attached drawing Parcel B
Containing 0.05 acres more or less

(4) Common Address of Property Involved:
1301 W Sylvan Crt., Muncie, IN 47304

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

From the R-3 Residence Zone

To the BV Variety Business Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
To add an area that can be secured from catalytic converter theft of auto's being serviced by the garage. This area will be joined to Chumley's Garage parcel and fenced in.
- (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 sell it to Chumley's Garage, LLC. Chumley's Garage, LLC will develop the property by adding fencing and gravel.
- (8) State how the proposed change will not adversely affect the surrounding area.
With the fence and decorative shrubs/ornamental trees on the outside of the fence, the area will be clear of the honey suckle and scrub trees as currently located.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
Variance was granted BZA 09-23.
- (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.)
Plat restrictions, however lots 1, 2, 3 and 4 of Plaza Homes have been rezoned from R3 to Community Business.

AFFIDAVIT

(I or We) Laura L Seibold-Caudill 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: Laura L. Seibold-Caudill

Subscribed and sworn to before me this 14th day of March, 2023

Katharine M. Vanover
Notary Public Katharine M. Vanover

4-22-24
My Commission Expires

Resident of Henry 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 6th day of April, 2023.

Signed [Signature]

Date 3-15-23

AFFIDAVIT

(I or We) Derek Black- Chumleys Garage LLC 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: [Signature]

Subscribed and sworn to before me this 14th day of March, 2023



Katherine M Vannice
Notary Public Katherine M Vannice

4-22-24
My Commission Expires

Resident of Henry 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 6th day of April, 2023.

Signed [Signature]

Date 3-15-23



DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

Delaware County Building, 100 West Main Street, Room 206, Muncie, Indiana 47305

CERTIFICATION

GRANT OF APPEAL

APPEAL NO.: BZA 09-232

DATE: February 24, 2023

DATE OF PUBLIC HEARING: February 23, 2023

THIS IS TO CERTIFY that on the 23rd day of February, 2023 the Delaware-Muncie Metropolitan Board of Zoning Appeals granted the following Appeal of Laura Caudill and Chumlev's Garage, LLC, after public hearing as required by law:

Request for a variance of use from the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XV, Section 1, to allow business parking associated with 2611 North Wheeling Avenue to extend into the residence zone on a 0.05 acre parcel to be split from an existing platted lot and joined to 2611 North Wheeling Avenue on premises located west of and adjacent to 2611 North Wheeling Avenue, Muncie, Indiana, as set forth in the application with the following conditions: 1) That the subject area be rezoned to BV Variety Business Zone; 2) That the area be enclosed with opaque fencing and with plantings (including trees) on the side facing residential use; 3) That the subject area be joined with the parcel at 2611 North Wheeling Avenue; and 4) That the area will be used for vehicle storage only.

The granting of this Appeal shall also be subject to the obtaining of all necessary and/or applicable permits. This action is not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of this action are more restricted or impose higher standards, the requirements of this action shall govern.

Fred Daniel, Zoning Appeals Planner

Duly Entered for Taxation
Transfer Fees \$ 60.00

Bales &
Alexander

FEB 02 2023

W.C.C.
DELAWARE CO. AUDITOR

ER

2023R02290
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
02/02/2023 02:51 PM
REC FEE 25.00
PAGES: 3
RECORDED AS PRESENTED

Mail Tax Statements To Grantee At: 9420 East Co. Rd. 400 South, Selma, IN 47383

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH, That Laura Caudill a/k/a Laura L. Seibold-Caudill of Delaware County, in the State of Indiana, RELEASES AND QUIT-CLAIMS to Laura L. Seibold-Caudill as Trustee of the Trust Agreement of Laura L. Seibold-Caudill dated April 1, 2021, for no consideration, the following described real estate in Delaware County, in the State of Indiana, to-wit:

Parcel 1.

A part of the South Half of the Southeast Quarter of Section 33, Township 20 North, Range 11 East in Perry Township, Delaware County, Indiana, described as follows: Beginning at a nail on the South line of the Southeast Quarter of Section 33, Township 20 North, Range 11 East, said point being North 89 degrees 40 minutes 29 seconds West 839.65 feet (assumed bearing) from a spike at the Southeast corner of said Half-Quarter Section; thence North 89 degrees 40 minutes 29 second West 150.00 feet to a nail at the Southeast corner of a tract of ground described in Deed Record 1993, page 5458, Recorder of Delaware County, Indiana; thence North 00 degrees 32 minutes 11 seconds West 1042.18 feet to a 5/8 inch rebar at the Northeast corner of said tract of ground; thence North 87 degrees 25 minutes 32 seconds East 12.34 feet along the South line of the Muncie Water Works tract; thence South 73 degrees 07 minutes 27 seconds East 144.7 Feet along said tract of a 5/8 inch rebar; thence South 00 degrees 32 minutes 11 seconds East 1001.70 feet to the point of beginning, containing 3.44 acres, more or less.

ALSO: a part of the South Half of the Southeast Quarter of Section 33, Township 20 North, Range 11 East in Perry Township, Delaware County, Indiana, described as follows: Beginning at a nail on the South line of the Southeast Quarter of Section 33, Township 20 North, Range 11 East, said nail being North 89 degrees 40 minutes 29 seconds West 686.25 feet (record) 691.44 feet (measured) (assumed bearing) from a spike at the Southeast corner of said half-quarter section; thence North 89 degrees 40 minutes 29 seconds West 153.40 feet to a nail; thence North 00 degrees 32 minutes 11 seconds West 1001.70 feet to a 5/8 inch rebar; thence South 73 degrees 07 minutes 27 seconds East 86.41 feet along the Muncie Water Works tract to a 5/8 inch rebar; thence North 80 degrees 04 minutes 32 seconds East 71.87 feet along said tract to a 5/8 inch rebar; thence South 00 degrees 32 minutes 11 seconds East 989.87 feet to the point of beginning, containing 3.44 acres, more or less. Parcel Numbers: 18-12-33-400-008.000-020. Commonly known as 9420 East County Road 400 South, Selma, IN 47383.

Parcel 2.

Thirty-seven (37) acres off the West end of the South half of the Southeast quarter (SE ¼) of Section Twenty-six (26), Township Twenty (20) North, Range Eleven (11) East of the second principal meridian. Parcel Number: 18-12-26-400-004.000-010.

Parcel 3.

Five (5) acres lying in the Southwest corner of the Northwest quarter (NW ¼) of the Southeast quarter (SE ¼) of said Section twenty-six (26), Township twenty (20) North, Range eleven (11) East, beginning at said Southwest corner and running thence East 55 rods; thence North 15 rods; thence West 55 rods; thence South 15 rods to the place of beginning. Parcel Number: 18-12-26-400-003.000-010.

DocId:8364288
TX:4207122



Parcel 4.

Lot Number 101 in Plaza Homes, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 7, page 63 of the Recorder of plats of Delaware County, Indiana, subject to all liens, encumbrances and easements of record.

Parcel Number: 18-11-04-158-027.000-003. Commonly known as 1301 West Sylvan Court, Muncie, IN 47304.

Parcel 5

Lot Number 102 in Plaza Homes, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 7, page 63 of the Recorder of plats of Delaware County, Indiana, subject to all liens, encumbrances and easements of record.

Parcel Number: 18-11-04-158-026.000-003. Commonly known as 1303 West Sylvan Court, Muncie, IN 47304.

Parcel 6

Lot Numbered Six (6) in Plaza Homes, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 7, page 63 of the Recorder of plats of Delaware County, Indiana, subject to all liens, encumbrances and easements of record.

Parcel Number: 18-11-04-155-017.000-003. Commonly known as 1308 West Royale Rive, Muncie, IN 47304

The Grantor herein asserts that she and Billy C. Caudill a/k/a Bill Caudill were husband and wife at the time of the conveyance to them of the above described real estate and remained continuously married until the death of Billy C. Caudill a/k/a Bill Caudill on March 14, 2019.

IN WITNESS WHEREOF, the said Laura Caudill a/k/a Laura L. Seibold-Caudill has hereunto set her hand and seal, this 30 day of January, 2023.

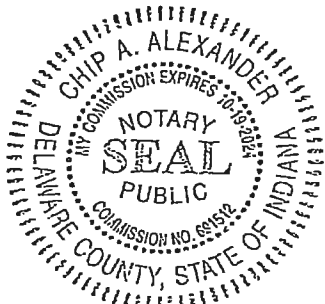
A handwritten signature in black ink, appearing to read "Laura Caudill", written over a horizontal line.

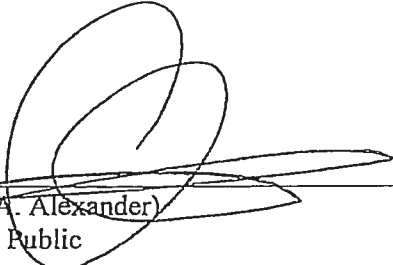
(Laura Caudill a/k/a Laura L. Seibold-Caudill)

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, the undersigned a notary public in and for said County, this 30th day of January, 2023, came Laura Caudill a/k/a Laura L. Seibold-Caudill, 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 of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Chip A. Alexander."

ITIC

JP

File No: 20174384

Parcel Numbers: 18-11-04-158-030.000-003

WARRANTY DEED

This Indenture Witnesseth, That Jocelyne Tucker, Member of Law Financial LLC, an Indiana limited liability company, joined by Michael K. Rost, Personal Representative of the Estate of Meres Charles Tucker, deceased, which estate is pending in the Delaware County Circuit Court 1 under Cause No. 18CO1-1706-EU-96, by virtue of the power and authority granted to a personal representative under the Indiana Code proceeding under Unsupervised Administration, which may have an ownership interest in Law Financial LLC, (Grantor), does hereby **Grant and Convey** to Chumley's Garage LLC, an Indiana limited liability company, (Grantee) for the sum of One 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 fractional Northwest Quarter of Section 4, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

Beginning at the Southeast corner of Lot 101 in Plaza Homes, an Addition to the City of Muncie, as shown in Plat Book 7, page 63, Records of Delaware County, Indiana; thence North 00 degrees 00 minutes 00 seconds 73.71 feet (assumed bearing) along the East line of said lot; thence North 82 degrees 51 minutes 05 seconds East 128.96 feet; thence North 73 degrees 25 minutes 55 seconds East 115.95 feet to a point on the center line of Wheeling Avenue; thence South 24 degrees 26 minutes 03 seconds East 135.00 feet along the center line of said avenue to the point of intersection of said center line with the South line of the fractional Northwest quarter of Section 4, Township 20 North, Range 10 East; thence South 90 degrees 00 minutes 00 seconds West 295.38 feet to the point of beginning, containing 0.59 of an acre, more or less,

Commonly known as 2611 N. Wheeling Ave., Muncie, IN 47304.

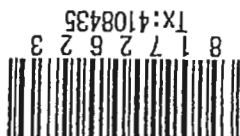
Subject To real estate taxes, not yet due and payable, any and all covenants, easements, assessments, agreements, and restrictions of record.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they have been fully empowered to execute and deliver this deed; that Grantor has full capacity to convey the real

Duly Entered for Taxation
Transfer Fees \$ 5.00

JUL 25 2017 ERP

Steven G. Crockett
Delaware County Auditor

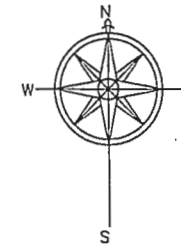


RECEIVED

MAR 15 2023

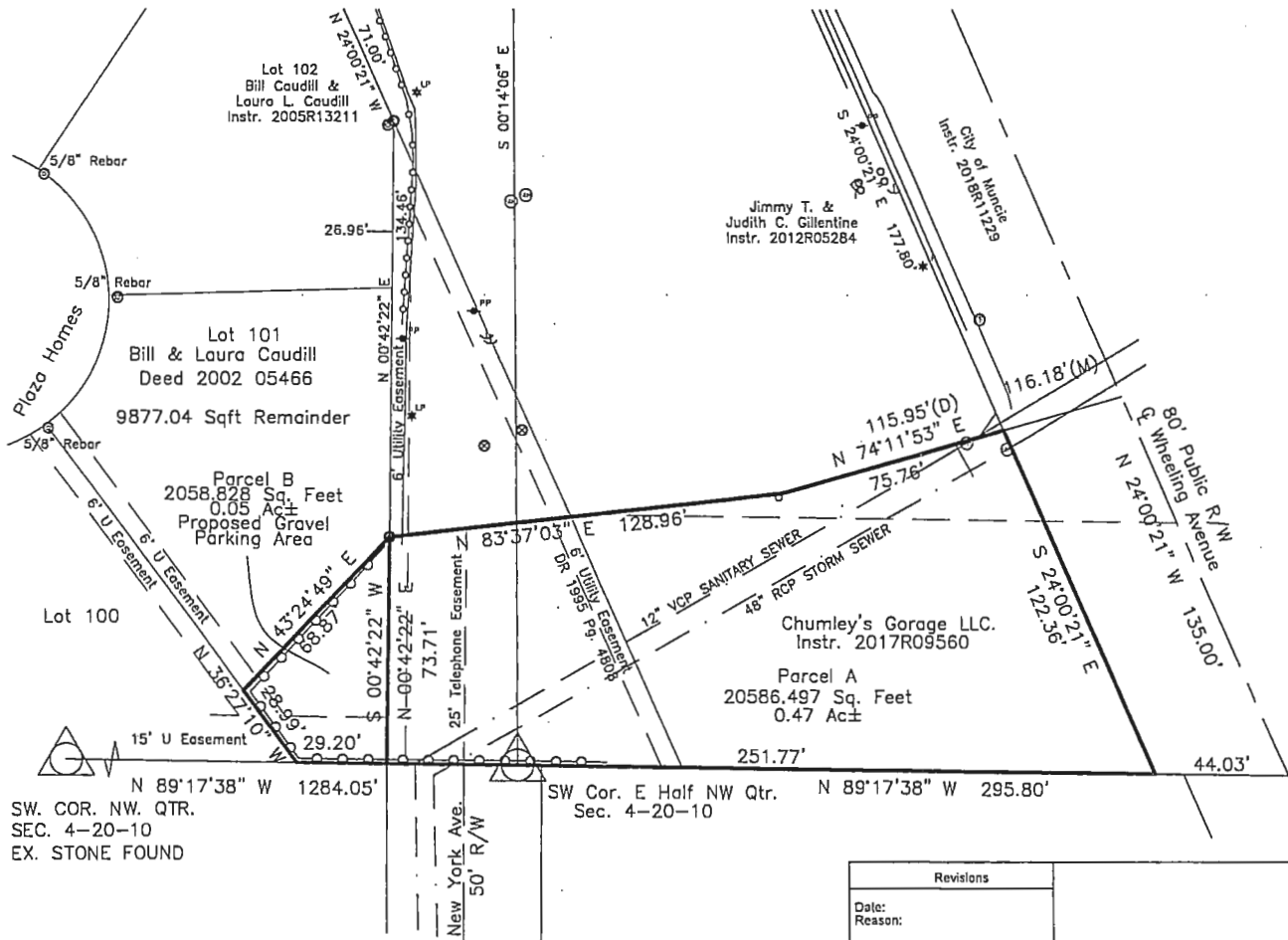
DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

MPC 04-23Z



1" = 40'

—○—○—○— = Proposed Fenceline



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

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn: SMK	
Date: 02/01/23	
Job: 2022494	
Client: Derek Black	
Owner: Chumley's Garage LLC.	
Crew: EHA	
Electronic Field Book	
Field Date: 3/19/2021	
IUPPS REF. #2102253055	

2611 N. Wheeling Ave.
Muncie, IN

SECTION CORNER COORDINATES ARE BASED ON
INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN
DATUM OF 1983, COR 96 EPOC 2002.000)



325 West Washington Street Muncie, IN 47305
Ph: (317) 282-5558 Fax: (317) 282-5554
Email: ashtonlandsurveyors.com

Sheet 1 OF 2

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MAR 15 2023

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION

MPC 04-23Z

Parcel A

A part of the Fractional Northwest Quarter of Section Four (4), Township Twenty (20) North, Range Ten (10) East in the City of Muncie, Delaware County, Indiana, described as follows:

Beginning at the Southeast corner of Lot One hundred one (101) in Plaza Homes, an Addition to the City of Muncie, as shown in Plat Book 7, page 63, Records of Delaware County, Indiana; thence North Zero degrees, Zero minutes, Zero seconds Seventy-three and seventy-one hundredths (73.71) (assumed bearing) along the East line of said lot; thence North Eighty-two degrees, Fifty-one minutes, Five seconds East (N 82°-51'-05" E) One hundred twenty-eight and ninety-six hundredths (128.96) feet; thence North Seventy-three degrees, Twenty-five minutes, Fifty-five seconds East (N 73°-25'-55" E) One hundred fifteen and ninety-five hundredths (115.95) feet to a point on the center line of Wheeling Avenue; thence South Twenty-four degrees, Twenty-six minutes, Three seconds East (S 24°-26'-03" E) One hundred thirty-five (135.00) feet along the center line of said avenue to the point of intersection of said center line with the South line of the Fractional Northwest Quarter of Section Four (4), Township Twenty (20) North, Range Ten (10) East; thence South Ninety degrees, Zero minutes, Zero seconds West (S 90°-00'-00" W) Two hundred nine-five and thirty-eight hundredths (295.38) feet to the point of beginning, containing Fifty-nine hundredths (0.59) of an acre, more or less, and subject to the right-of-way for Wheeling Avenue along the Easterly line and to all easements of record.

Parcel B

A part of Lot One hundred one (101) in Plaza Homes, an Addition to the City of Muncie, as shown in Plat Book 7, page 63, Records of Delaware County, Indiana, described as follows:

Beginning at the Southeast corner of Lot One hundred one (101) in Plaza Homes; thence North 89 degrees 17 minutes 38 seconds West 29.20 feet (State Plane Coordinates - Indiana East 1301) to the Southwest corner of said lot; thence North 36 degrees 27 minutes 10 seconds West 28.99 feet along the west line of said lot; thence North 43 degrees 24 minutes 49 seconds East 68.87 feet to a 3/4 inch rebar on the East line of said lot; thence South 00 degrees 42 minutes 22 seconds West 73.71 feet to the point of beginning, and containing 0.05 acres, more or less, and subject to a 15 foot utility easement, to a 6 foot utility easement, and to all easements of record.

Dated: February 1, 2023

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report



Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton

2. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #1803SC02340 of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011). The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated: 02/01/2023.
3. Ownership shown hereon is per County Records or as indicated in title work provided by others.

Revisions
Date: Reason:
Date: Reason:
Drawn: SMK Date: 02/01/23 Job: 2022494 Client: Derek Black Owner: Chumley's Garage LLC. Crew: EHA Electronic Field Book Field Date: 3/19/2021 IUPPS REF. #2102253055

2611 N. Wheeling Ave.
Muncie, IN



SECTION CORNER COORDINATES ARE BASED ON
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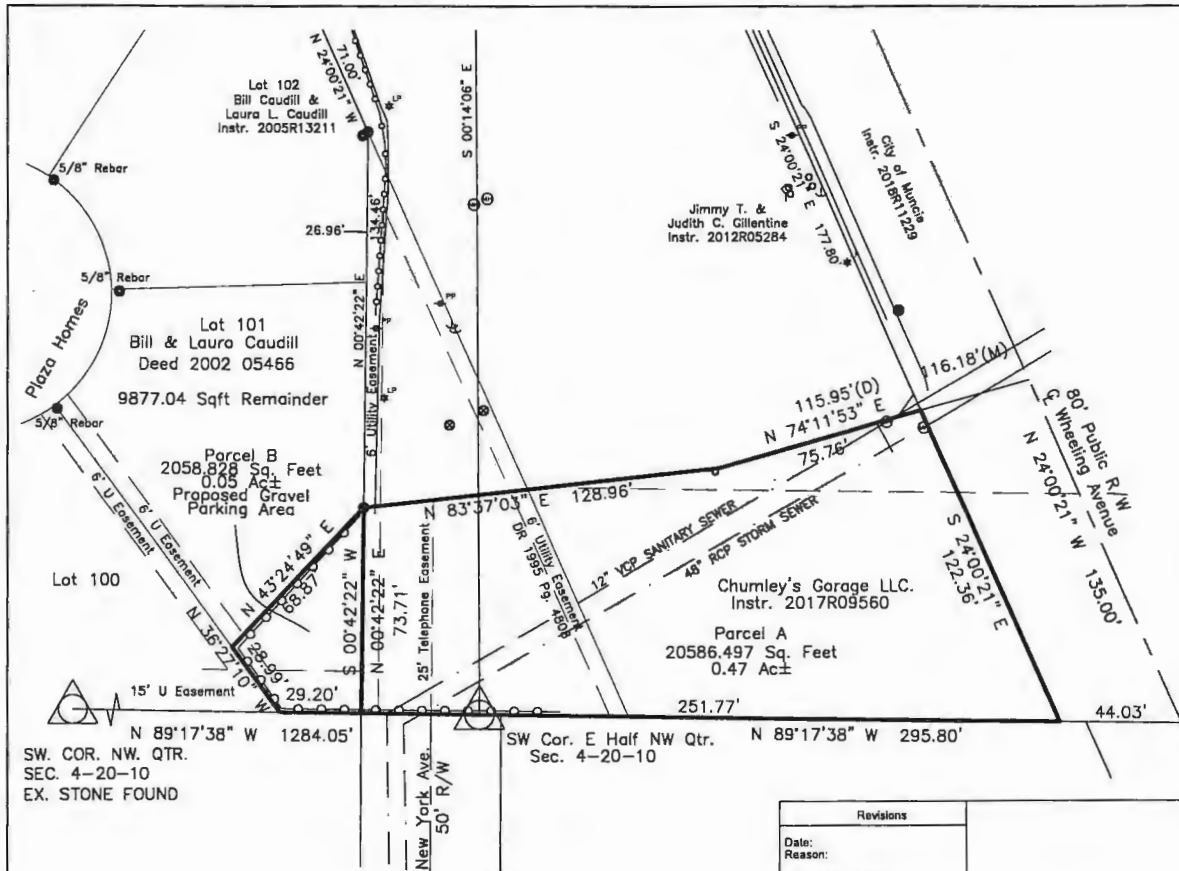
Accuracy or completeness of subsurface features is not certified.
This Instrument Prepared by: Haldon L. Ashton
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN
REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).

Sheet 2 OF 2

MPC 04-23Z



—○—○—○— = Proposed Fenceline



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Ashton

Land Surveyors

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Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton

2. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C02340 of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 07/04/2011). The minimum flood risk was verified by the INDNR Flood Plain Information Portal-dated: 02/01/2023.
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This Instrument Prepared by: Haldon L. Ashton

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 (HALDON L. ASHTON).

Revisions	2611 N. Wheeling Ave. Muncie, IN
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