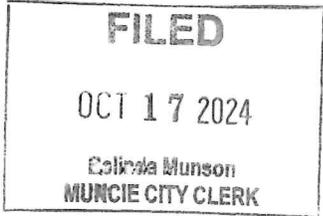


ORDINANCE NO. 28-24



**BEING AN ORDINANCE TO AMEND  
THE CITY OF MUNCIE  
COMPREHESIVE ZONING ORDINANCE  
FROM THE R 4 RESIDENCE ZONE  
TO THE BV VARIETY BUSINESS ZONE  
FOR 805, 813, 901 AND 905 W 13<sup>th</sup> STREET, 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 is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA**, as follows:

**Section 1.** That the City of Muncie Comprehensive Zoning Ordinance, heretofore adopted on the 5<sup>th</sup> 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:

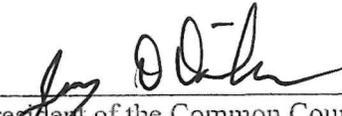
**805, 813, 901 and 905 W 13<sup>th</sup> Street, Muncie, Indiana.**

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

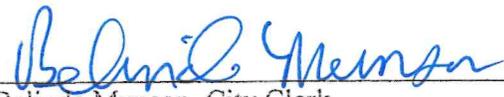
**Section 3.** That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

	YEAS	NAYS	ABSTAIN	ABSENT
Dale Basham	✓			
Jerry Dishman	✓			
Brandon Garrett	✓			
Jeff Green	✓			
Sara Gullion	✓			
William McIntosh Sr.	✓			
Harold Mason Jr.	✓			
Nora Powell	✓			
Ro Selvey	✓			

Passed by the Common Council of the City of Muncie, Indiana, this 4<sup>th</sup> day of November, 2024.

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

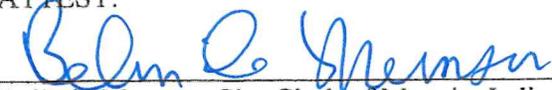
Presented by me to the Mayor for his approval this 4 day of November, 2024.

  
 \_\_\_\_\_  
 Belinda Munson, City Clerk  
 City of Muncie, Indiana

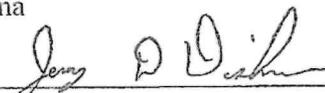
The above ordinance approved (vetoed) by me this 4<sup>th</sup> day of November, 2024.

  
 \_\_\_\_\_  
 Dan Ridenour, Mayor of the City of Muncie,  
 Indiana

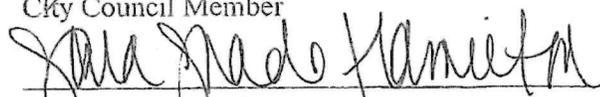
ATTEST:

  
 \_\_\_\_\_  
 Belinda Munson, City Clerk 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**

October 3, 2024

**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: Lehmans of Muncie Inc., 805 W 13<sup>th</sup> Street, Muncie, IN, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 805, 813, 901 and 905 W 13<sup>th</sup> Street, Muncie, Indiana. from zone classification: R 4 Residence Zone to zone classification: BV Variety Business Zone.

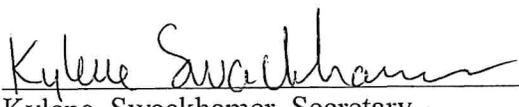
WHEREAS, the Commission has given reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and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

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

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

BY:

  
\_\_\_\_\_  
Allen Wiseley, President

  
\_\_\_\_\_  
Kylee Swackhamer, Secretary

# MPC 12-24Z Lehmans of Muncie INC

**Request:** The applicant is asking to be rezoned from the R 4 Residence Zone to the BV Variety Business Zone.

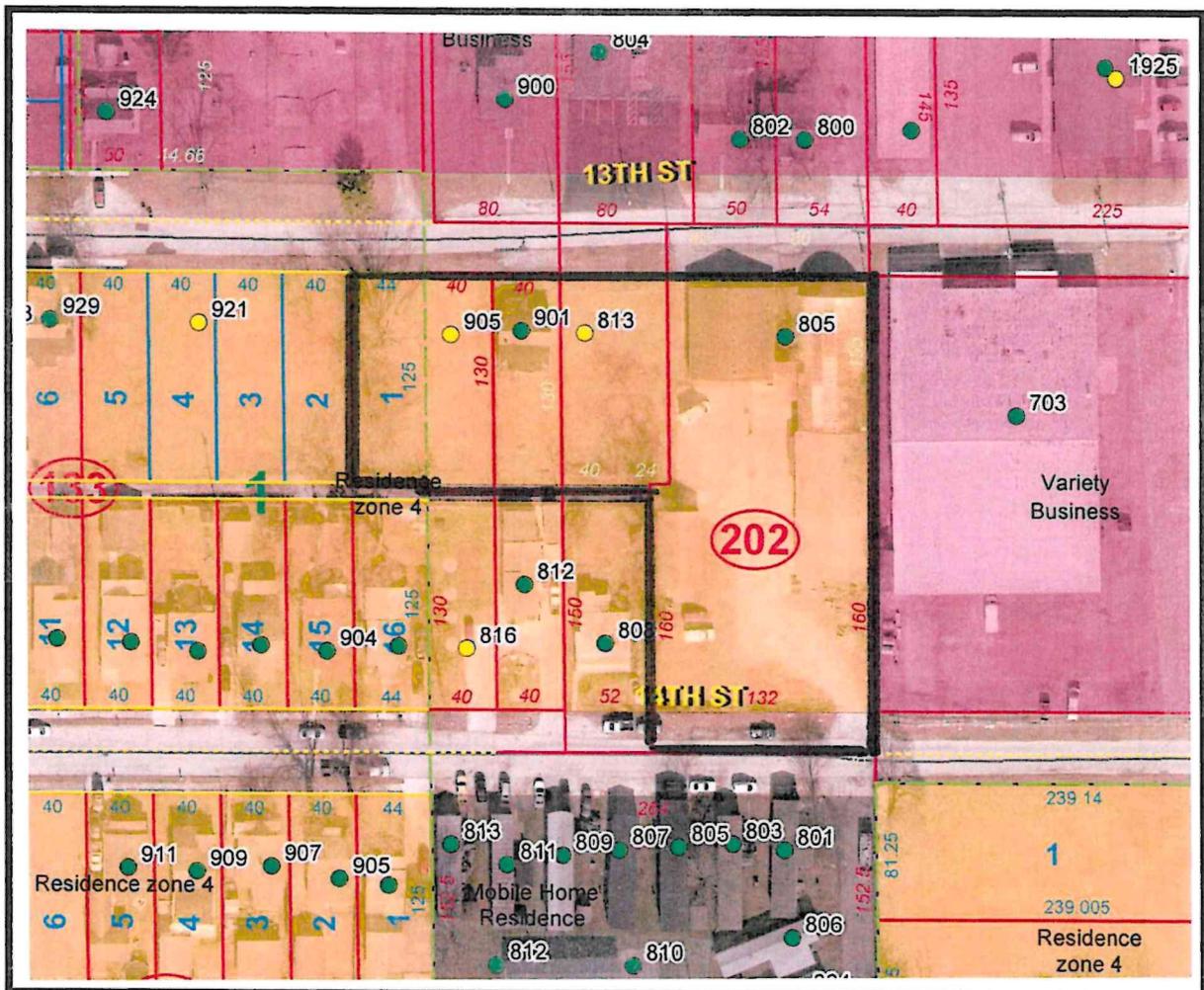
**Description & Location:** 805 & 901 W 13th St and lots formally addressed as 813 & 905 W 13th St, Muncie, Indiana  
This application is for 4 (four) lots containing a combined acreage of 2.76 acres +/- . 805 W 13th St is bordered to the north by 13th St and to the south by 14th St. The other 3 lots are bordered on the north by 13th St and are located east of 805 W 13th St.

**Streets:** Both 13th St and 14th St are classified as Local Roads with a 50' proposed ROW according to the Thoroughfare Plan Map.

**Land Use:** The land use in this area is a mixture single family residences, businesses, and a mobile home park.

**Zoning:** The lots to the north and east are classified as BV Variety Business Zone. The lots to the west are classified as R 3 Residence Zone. The lots to the south contain both the R 3 Residence Zone and the MHR Mobile Home Residence Zone..

**Additional Information:**  
805 W 13th St is already being used as a business (it is a legal non-conforming use). Rezoning this parcel will bring it into compliance with the current standards set forth in the City of Muncie Comprehensive Zoning Ordinance. Rezoning the other lots will allow the owner's to expand their building for business use.



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

Jurisdiction: (Check One)

Submitted: Sept 9, 2024

Delaware County

Case No.: MPC 12-242

City of Muncie

(1) Applicant: Lehmans of Muncie INC, Tony Swearingin & John Primmer

Address: 805 W 13th St. Muncie, IN 47302 Phone: 317-670-5509

(2) Record of Applicant's Ownership:

A.  By Deed:  
Deed Book No. & Page No.: See attached  
Date of Deed: \_\_\_\_\_

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

(4) Common Address of Property Involved:  
805, 813, 901 & 905 W 13th St. Muncie, IN

(5) Proposed zoning change: (Give exact zone classification.)  
From the R-4 Residence Zone Zone  
To the BV Variety Business Zone Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)  
They are expanding the building for business use.
- (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.
- (8) State how the proposed change will not adversely affect the surrounding area.  
The zoning change to the BV zone will make the property more in compliance because the current use of the property is listed in the permitted uses of the BV zone but not its current zoning of R-4 Residence Zone.
- (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

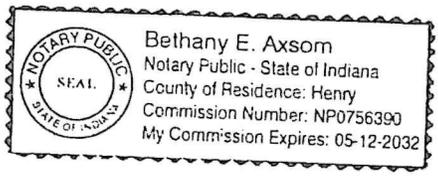
**AFFIDAVIT**

(I or We) Tony Swearingin & John Primmer 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] [Signature] v. P.

Subscribed and sworn to before me this 4th day of September, 2024

Bethany E. Axsom  
Notary Public



5/12/2032  
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 3rd day of October, 2024.

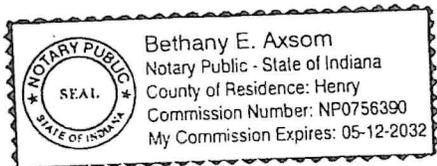
Signed [Signature]  
Date Sept 9, 2024

**AFFIDAVIT**

(I or We) Lehman's of Muncie Inc- John Primmer President 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: *John Primmer per*

Subscribed and sworn to before me this 4th day of September, 2024



*Bethany E Axson*

Notary Public

5/12/2032

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 3rd day of October, 2024.

Signed *Mary Pope*

Date 9-9-24

**APPROVED AND FILED**  
**DIEGO MORALES**  
**INDIANA SECRETARY OF STATE**  
**08/26/2024 03:38 PM**

**CHANGE OF GOVERNING PERSON**

**NAME AND PRINCIPAL OFFICE ADDRESS**

**BUSINESS ID** 1995031793  
**BUSINESS TYPE** Domestic For-Profit Corporation  
**BUSINESS NAME** LEHMAN'S OF MUNCIE, INC.  
**PRINCIPAL OFFICE ADDRESS** 805 W 13TH ST, MUNCIE, IN, 47302, USA

**EFFECTIVE DATE**

**EFFECTIVE DATE** 08/26/2024  
**EFFECTIVE TIME** 03:37PM

**GOVERNING PERSON INFORMATION**

**TITLE** President  
**NAME** John Primmer  
**ADDRESS** 805 W 13th Street, Muncie, IN, 47302, USA

**SIGNATURE**

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **August 26, 2024**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

**SIGNATURE** Ted A Baker  
**TITLE** Advisor

Business ID : 1995031793  
Filing No. : 10464823

035552

File No: 234320  
Parcel Number: 1121202007000-003

FILED FOR RECORD *KA*  
8:30 o'clock *A* M.  
Record 2003 Page 7879  
7880  
13  
3 NOV 17 2003

**WARRANTY DEED**

*Regina Williamson*  
Delaware County Recorder

*This Indenture Witnesseth*, That James D. Maidlow and Martha L. Maidlow, husband and wife (Grantor) **Convey(s) and Warrant(s)** to Lehman's of Muncie, Inc. (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

See Attached Exhibit A for complete Legal Description made a part hereof.

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

*In Witness Whereof*, Grantor has executed this deed this 7<sup>th</sup> day of November, 2003.

*James D. Maidlow*  
James D. Maidlow

*Martha L. Maidlow*  
Martha L. Maidlow

**STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT**

Before me, a Notary Public in and for the said County and State, personally appeared James D. Maidlow and Martha L. Maidlow, husband and wife 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 7<sup>th</sup> day of November, 2003.

My Commission Expires: 7-10-07

*Bonnie A. Lynn*  
Bonnie A. Lynn

Residing in Delaware, Notary Public  
County

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

Send tax bills to: 805 W. 1346 ST.  
MUNCIE 02

Duly Entered for Taxation,  
Transfer Fees \$ 5.00 *gb*

NOV 14 2003

*Gene Weaver*  
DELAWARE CO. AUDITOR

**PARCEL B**

A part of the west half of the Northeast quarter of Section 21, Township 20 North, Range 10 East, described as follows: Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 3, page 13 of the records of plats of Delaware County, Indiana which point is two hundred fifty (250) feet east of the west line of the west half of the northeast quarter of said Section 21, running thence south parallel with the west line of the west half of the northeast quarter one hundred fifty-five (155) feet; thence east eighty (80) feet to a point twenty (20) rods east of the west line of the west half of said northeast quarter, thence north parallel to said west line of the west half of said northeast quarter one hundred fifty-five (155) feet to the middle line of Thirteenth Street produced eastward as above referred to, thence west on the middle line of Thirteenth Street eighty (80) feet to the place of beginning, estimated to contain 0.285 of an acre, more or less.

The north thirty (30) feet of the above described tract is dedicated to the public for highway purposes. **ALSO:** A part of the west half of the northeast quarter of Section Twenty-one (21) Township Twenty (20) North, Range Ten (10) East described as follows:

Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, a plat of which is recorded in Plat Book 3 page 13 of the records of Delaware County, Indiana, which point is 210 feet east of the west line of the west half of the northeast quarter of said Section 21, running thence south parallel with the west line of the west half of said northeast quarter one hundred fifty-five (155) feet, thence east forty (40) feet, thence north parallel with the west line of the west half of said northeast quarter, one hundred fifty-five (155) feet to the middle line of Thirteenth Street, produced eastward as above referred to, thence West on the middle line of Thirteenth Street forty (40) feet to the place of beginning, estimated to contain 0.142 of an acre. The north 30 feet of the above described tract is dedicated to the public for highway purposes. **ALSO:** A part of the West half of the Northeast quarter of Section twenty-one (21), Township twenty (20) North, Range ten (10) East, described as follows: Beginning at a point in the middle line of Fourteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 3 page 13 of the records of plats of Delaware County, Indiana, which point is 198 feet east of the west line of the west half of the northeast quarter of said Section 21, running thence north parallel with the west line of the west half of said northeast quarter 160 feet, running thence east, parallel with the center line of Fourteenth Street aforesaid, produced eastwardly, 132 feet, running thence south parallel with the said west line of the west half of said northeast quarter 160 feet to the middle line of Fourteenth Street produced as aforesaid, thence west on the middle line of said Fourteenth Street produced eastward, 132 feet to the place of beginning, estimated to contain 0.485 of an acre, more or less. The south 25 feet of the above described tract is dedicated to the public for highway purposes.

035550

FILED FOR RECORD KR  
8:30 o'clock A.M.  
Record 2003 Page 7877-7878  
13 NOV 17 2003

File No: 234320  
Parcel Number: 1121202005000 003

**WARRANTY DEED**

*Begonia Williamson*  
Delaware County Recorder

*This Indenture Witnesseth*, That Tony A. Swearingin and John W. Primmer (Grantor) *Convey(s) and Warrant(s)* to Lehman's of Muncie, Inc. (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

See Attached Exhibit A for complete Legal Description made a part hereof.

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

*In Witness Whereof*, Grantor has executed this deed this 7<sup>th</sup> day of November, 2003.

*Tony A. Swearingin*  
Tony A. Swearingin

*John W. Primmer*  
John W. Primmer

**STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT**

Before me, a Notary Public in and for the said County and State, personally appeared Tony A. Swearingin and John W. Primmer 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 7<sup>th</sup> day of November, 2003.

My Commission Expires: 7-10-07

*Bonnie A. Lynn*  
Bonnie A. Lynn, Notary Public  
Residing in Delaware County

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

Send tax bills to: 805 W. 13<sup>th</sup> St. -02

Duly Entered for Taxation  
Transfer Fees \$ 5.00  
NOV 14 2003  
*Paul Barker*  
DELAWARE CO. AUDITOR

File No:234320

### EXHIBIT A - LEGAL DESCRIPTION

#### PARCEL A

A part of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East, described as follows: Beginning at a point in the middle line of Thirteenth Street, produced eastward, as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, as appears in Plat Book 3 at page 13 of the records of plats of Delaware County, Indiana, 146 feet east of the west line of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East; running thence south parallel with the west line of said quarter section, a distance of one hundred sixty (160) feet; running thence east parallel with the middle line of Fourteenth Street forty (40) feet; running thence north parallel with said west line of said quarter section a distance of one hundred sixty (160) feet, more or less, to the center line of Thirteenth Street produced eastward; thence west along the said center line of Thirteenth Street forty (40) feet to the place of beginning, estimated to contain .15 of an acre, more or less.

Also a part of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East described as follows: Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plat of which is recorded in Plat Book 3, page 13 of the records of plats of Delaware County, Indiana, which point is one hundred eighty-six (186) feet east of the west line of the west half of the northeast quarter of said section twenty-one (21); running thence south one hundred fifty-five (155) feet; thence east twenty-four (24) feet, parallel with the center line of Thirteenth Street, thence north parallel with the west line of the west half of said northeast quarter, one hundred fifty-five (155) feet to the center line of Thirteenth Street produced eastward as said street is laid out and platted in the subdivision above referred to, thence west on the center line of Thirteenth Street, twenty-four (24) feet to the place of beginning. The north thirty (30) feet of the above described tract is hereby dedicated to the public for street purposes.

ITIC

18

2017R02607  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
02/28/2017 11:12 AM  
REC FEE: 16.00  
PAGES: 1

3

File No.: 20173643  
Parcel Number: 18-11-21-202-004.000-003

**WARRANTY DEED**

**This Indenture Witnesseth**, That Comfy Rentals L.L.C. (Grantor) **Convey(s) and Warrant(s)** to Tony Swearingin and John Primmer (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:

The North Half of the following described real estate, to-wit: A part of the West Half of the Northeast Quarter of Section 21, Township 20 North, Range 10 East, more particularly described as follows, to-wit: Beginning at a point on the North line produced Eastward and 40 feet East of the Northeast corner of Block 1 in the Muncie Land Company's Subdivision of the Witt Tract as shown of record in Plat Book 3 at page 13 thereof, in the Recorder's Office of Delaware County, Indiana; running thence South parallel to the East line of said Block 1, 260 feet to a point in the South line of said Block 1 produced Eastward 40 feet East of the Southeast corner thereof; running thence East on the South line of said Block 1 produced Eastward 40 feet; running thence North parallel on the East line of said Block 1, 260 feet to a point in the North line of Block 1 produced Eastward 80 feet East of the Northeast corner thereof, running thence West in the North line of said Block 1 produced Eastward, 40 feet to the place of beginning.

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

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

**In Witness Whereof**, Grantor has executed this deed this 28<sup>th</sup> day of February, 2017.

COMFY RENTALS L.L.C.

  
Joshua Perry  
Member

**State of Indiana, County of Delaware SS: ACKNOWLEDGMENT**

Before me, a Notary Public in and for the said County and State, personally appeared Joshua Perry, Member of Comfy Rentals L.L.C. 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 28<sup>th</sup> day of February, 2017.

My Commission Expires:



  
Beth A. Spontaneous, Notary Public  
Residing in \_\_\_\_\_ County

Send tax bills to and Grantee's street or rural route address is: 805 W 13th St. Muncie IN 47302

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. James W. Trulock, Attorney

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

Duly Entered for Taxation  
Transfer Fees \$ 5.00

FEB 28 2017

98020119  
E. B. G. DeFares County Auditor

4

DEL. CO. AUDITOR  
2P

### COMMISSIONERS' QUITCLAIM DEED

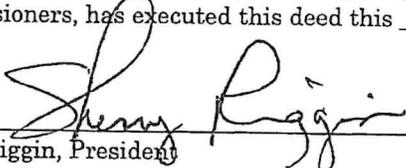
THIS INDENTURE WITNESSETH, that Delaware County, Indiana, by and through its Board of Commissioners and pursuant to IC 36-1-11, *et seq*, RELEASES AND QUITCLAIMS to LEHMANS OF MUNCIE, INC for the sum of twenty-five and 00/100 (\$ 25.00), and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following real estate located in Delaware County, State of Indiana, and being legally described as follows:

### SEE ATTACHED EXHIBIT A

Parcel No: 18-11-21-202-003.000-003

Subject to any and all easements, covenants, declarations and other deed restrictions and laws governing land use.

IN WITNESS WHEREOF, Delaware County, Indiana, by and through the President of its Board of Commissioners, has executed this deed this 23 day of July, 2019.

  
\_\_\_\_\_  
Sherry Riffin, President  
Delaware County Indiana Board of Commissioners

Attest:   
\_\_\_\_\_  
Steven G. Craycraft,  
Delaware County Auditor

STATE OF INDIANA ) SS:  
COUNTY OF DELAWARE )

Before me, the undersigned, Rick Spangler, Clerk in and for said County, this day, personally came the above named Sherry Riffin, President of the Board of Commissioners of said County, and acknowledged the execution of the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 23rd day of July, 2019.

  
\_\_\_\_\_  
Rick Spangler, Clerk, Delaware County

This instrument was prepared by Steven G. Craycraft, Delaware County Auditor.

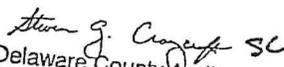
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. *Steven G. Craycraft, Auditor*

Tax Billing/Grantee's Address:

LEHMANS OF MUNCIE, INC  
805 W. 13TH ST  
MUNCIE, IN 47302

Duly Entered for Taxation  
Transfer Fees \$ 15

JUL 23 2019

  
\_\_\_\_\_  
Delaware County Auditor

2019R12214  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
09/17/2019 11:33 AM  
REC FEE 25.00

PAGES: 2



4c

## EXHIBIT A - LEGAL DESCRIPTION

Parcel No: 18-11-21-202-003.000-003

Lot Number One (1) in Block One (1) in the Muncie Land Company's Subdivision of the Witt Tract, an Addition to the City of Muncie, Indiana.

Also, The North half of the following described tract, to wit: A part of the West half of the Northeast quarter of Section Twenty-one (21), Township Twenty (20) North, Range Ten (10) East described as follows: Beginning at the Northeast corner of Lot One (1) in Block One (1) in the Muncie Land Company's Subdivision of the Witt Tract as shown of record in Plat. Book 3, page 13 thereof, in Delaware County, Indiana, running thence South on the East line of said Lot One (1) and the East line of Lot Sixteen (16) in Block One (1) in said subdivision of the Witt Tract, two hundred sixty (260) feet, to the Southeast corner of said Lot Sixteen (16) thence East on the South line of said Block One (1) produced eastward forty (40) feet thence North parallel to the East line of said Lots Sixteen (16) and One (1) in said Block One (1) two hundred sixty (260) feet, to the North line of said Block One (1) produced eastward, thence West on the North line of said Block One (1) produced eastward, forty (40) feet to the place of beginning.

Common: 905 W 13th St, Muncie, IN 47302

EX. PK NAIL  
NW COR. NW QTR.  
SECTION 21-20-10

N 89°58'43" E  
2651.15'

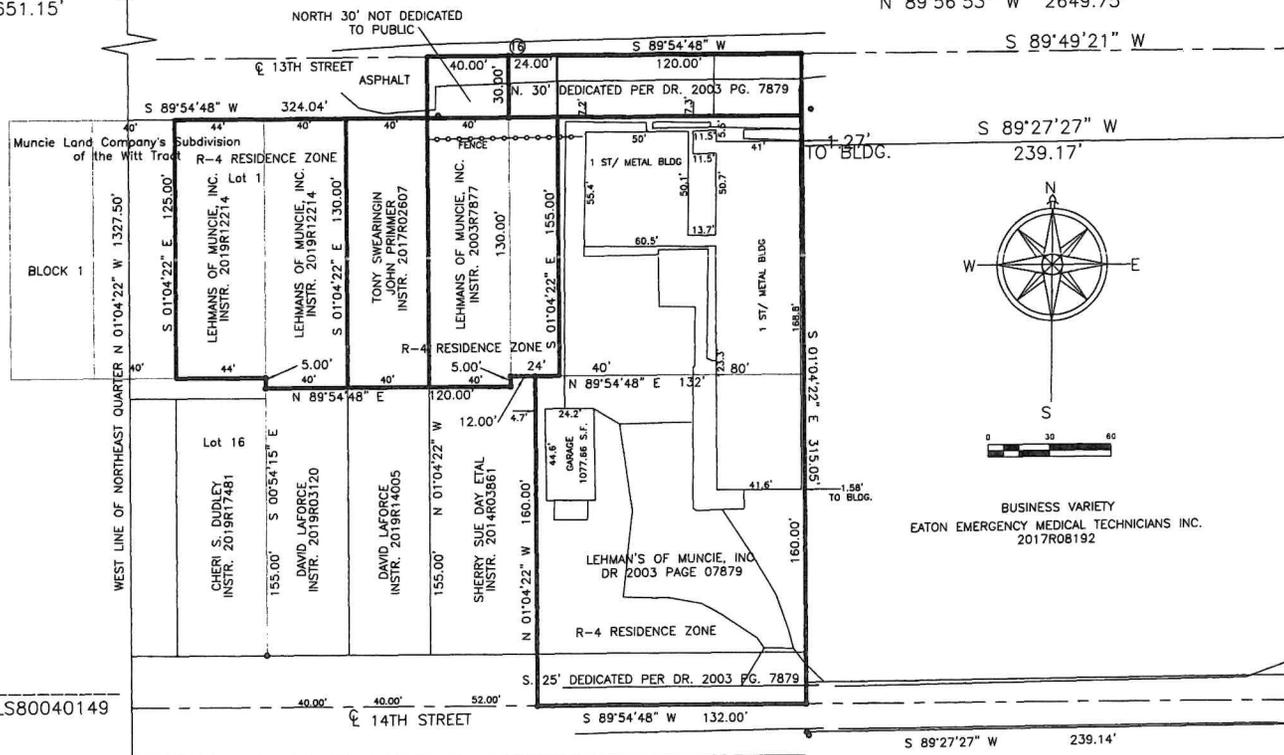
NW COR NE QTR.  
SECTION 21-20-10

MEMORIAL DRIVE (12th STREET)

N 89°56'53" W 2649.75'

NE COR NE QTR.  
SECTION 21-20-10  
ESTABLISHED ON  
PREVIOUS SURVEYS

N 00°57'18" W 5299.59'



PROFORMA

Registered Land Surveyor LS80040149  
Haldon L. Ashton

SW COR SW QTR.  
SECTION 21-20-10  
ESTABLISHED ON  
PREVIOUS SURVEYS

STONE BY FORMER SURVEYS  
SW. COR. NW. QTR. NE. QTR.  
SEC. 21-20-10

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:	END
Date:	08/21/2024
Job:	2024471
Client:	Steve Spiller
Owner:	Multiple Owners
Crew:	EHA
Electronic Field Book	
Field Date:	08/02/2024
IUPPS REF. #	

REZONING SHEET  
805-921 W. 13TH STREET  
MUNCIE, IN



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

335 West Washington Street Muncie, IN 47305  
Ph: (765)282-5594 Fax: (765)282-5594  
Email: a@haldonlandsurveyors.com

Sheet 1 OF 2

Parcel 1

A part of the west half of the Northeast quarter of Section 21, Township 20 North, Range 10 East, described as follows: Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plot of which is recorded in Plat Book 3, page 13 of the records of plats of Delaware County, Indiana which point is two hundred fifty (250) feet east of the west line of the west half of the northeast quarter of said Section 21, running thence south parallel with the west line of the west half of said northeast quarter one hundred fifty-five (155) feet; thence east eighty (80) feet to a point twenty (20) rods east of the west line of the west half of said northeast quarter one hundred fifty-five (155) feet to the middle line of Thirteenth Street produced eastward as above referred to; thence west on the middle line of Thirteenth Street eighty (80) feet to the place of beginning, estimated to contain 0.285 of an acre, more or less.

The north thirty (30) feet of the above-described tract is dedicated to the public for highway purposes.

ALSO: A part of the west half of the northeast quarter of Section Twenty-one (21) Township Twenty (20) North, Range Ten (10) East described as follows: Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, a plot of which is recorded in Plat Book 3 page 13 of the records of Delaware County, Indiana, which point is 210 feet east of the west line of the west half of the northeast quarter of said Section 21; running thence south parallel with the west line of the west half of said northeast quarter one hundred fifty-five (155) feet; thence east forty (40) feet; thence north parallel with the west line of said northeast quarter, one hundred fifty-five (155) feet to the middle line of Thirteenth Street forty (40) feet to the place of beginning, estimated to contain 0.142 of an acre. The north 30 feet of the above-described tract is dedicated to the public for highway purposes.

ALSO: A part of the West half of the Northeast quarter of Section twenty-one (21), Township twenty (20) North, Range ten (10) East, described as follows: Beginning at a point in the middle line of Fourteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plot of which is recorded in Plat Book 3 page 13 of the records of plats of Delaware County, Indiana, which point is 198 feet east of the west line of the west half of the northeast quarter of said Section 21, running thence north parallel with the west line of the west half of said northeast quarter 160 feet; running thence east parallel with the middle line of Fourteenth Street produced eastward, 132 feet; running thence south parallel with the said west line of the west half of said northeast quarter 160 feet to the middle line of Fourteenth Street produced as aforesaid; thence west on the middle line of said Fourteenth Street produced eastward, 132 feet to the place of beginning, estimated to contain 0.485 of an acre, more or less. The south 25 feet of the above-described tract is dedicated to the public for highway purposes.

Parcel 3

Lot Number One (1) in Block One (1) in the Muncie Land Company's Subdivision of the Witt Tract, an Addition to the City of Muncie, Indiana.

Also, the North half of the following described tract, to-wit:

Beginning at the Northeast corner of Section Twenty-one (21), Township Twenty (20) North, Range Ten (10) East described as follows: Beginning at the Northeast corner of Lot One (1) in Block One (1) in the Muncie Land Company's Subdivision of the Witt Tract as shown of record in Plat Book 3, page 13 thereof, in Delaware County, Indiana, running thence South on the East line of said Lot One (1) and the East line of Lot Sixteen (16) in Block One (1) in said subdivision of the Witt Tract, two hundred sixty (260) feet, to the Southeast corner of said Lot Sixteen (16) thence East on the South line of said Block One (1) produced eastward forty (40) feet thence North parallel to the East line of said Lots Sixteen (16) and One (1) in said Block One (1) two hundred sixty (260) feet, to the North line of said Block One (1) produced eastward, thence West on the North line of said Block One (1) produced eastward, forty (40) feet to the place of beginning.

Parcel 4

The North Half of the following described real estate, to-wit:

A part of the West Half of the Northeast Quarter of Section 21, Township 20 North, Range 10 East, more particularly described as follows, to-wit: Beginning at a point on the North line of said Block 1 produced Eastward and 40 feet East of the Northeast corner of Block 1 in the Muncie Land Company's Subdivision of the Witt Tract as shown of record in Plat Book 3 at page 13 thereof, in the Recorder's Office of Delaware County, Indiana; running thence South parallel to the East line of said Block 1, 260 feet to a point in the South line of said Block 1 produced Eastward 40 feet East of the Southeast corner thereof; running thence South parallel to the East line of said Block 1, 260 feet to 40 feet; running thence North parallel to the East line of said Block 1, 260 feet to a point in the North line of Block 1 produced Eastward 80 feet East of the Northeast corner thereof, running thence West in the North line of said Block 1 produced Eastward, 40 feet to the place of beginning.

Parcel 5

A part of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East, described as follows: Beginning at a point in the middle line of Thirteenth Street, produced eastward, as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, as appears in Plat Book 3 at page 13 of the records of plats of Delaware County, Indiana, 148 feet east of the west line of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East; running thence south parallel with the west line of said quarter section, a distance of one hundred sixty (160) feet; running thence east parallel with the middle line of Fourteenth Street forty (40) feet; running thence north parallel with said west line of said quarter section a distance of one hundred sixty (160) feet, more or less, to the centerline of Thirteenth Street produced eastward; thence west along the said center line of Thirteenth Street forty (40) feet to the place of beginning, estimated to contain 0.15 of an acre, more or less.

ALSO, a part of the west half of the northeast quarter of Section 21, Township 20 North, Range 10 East described as follows: Beginning at a point in the middle line of Thirteenth Street produced eastward as said street is laid out and platted in the Muncie Land Company's Subdivision of the Witt Tract, an addition to the City of Muncie, Indiana, a plot of which is recorded in Plat Book 3, page 13 of the records of plats of Delaware County, Indiana, which point is one hundred eighty-six (186) feet east of the west line of the west half of the northeast quarter of said section twenty-one (21); running thence south one hundred fifty-five (155) feet; thence east twenty-four (24) feet, parallel with the center line of Thirteenth Street, thence north parallel with the west line of the west half of said northeast quarter, one hundred fifty-five (155) feet to the center line of Thirteenth Street produced eastward as said street is laid out and platted in the subdivision above referred to, thence west on the center line of Thirteenth Street, twenty-four (24) feet to the place of beginning. The north thirty (30) feet of the above-described tract is hereby dedicated to the public for street purposes.

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

Date: August 9, 2024

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

2. Flood Zone:

- a. The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18025C0242D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated: 7/4/2011).
- b. The minimum flood risk was verified by the INDNR Flood Plain Information Portal—dated: 8/9/2024.
- 3. Ownership shown hereon is per County Records or as indicated in title work provided by others.
- 4. The within survey was performed with benefit of evidence of source of title and is subject to any statement of facts revealed by same (IN Title Company agent for Fidelity National Title Insurance Company Commitment #20241394 with an effective date of June 19, 2024).



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

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn: END	
Date: 08/21/2024	
Job: 2024471	
Client: Steve Spiller	
Owner: Multiple Owners	
Crew: EHA	
Electronic Field Book	
Field Date: 08/02/2024	
IUPPS REF. #	

REZONING SHEET  
805-921 W. 13TH STREET  
MUNCIE, IN.

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



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Email: info@ashtonlandsurveyors.com