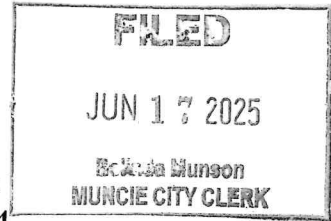


ORDINANCE NO. 23-25

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-5 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
2611 & 2619 W. ETHEL AVE, VAC ALLEY, &
700 BLK S MANNING AVE, MUNCIE, IN 47304



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 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:

2611 & 2619 W. ETHEL AVE, VAC ALLEY, &
700 BLK S MANNING AVE, MUNCIE, IN 47304

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 _____ day of _____, 2025.

President of the Common Council
City of Muncie, Indiana

Presented by me to the Mayor for his approval this _____ day of _____, 2025.

Belinda Munson, City Clerk
City of Muncie, Indiana

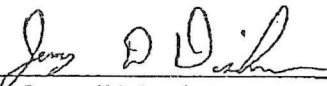
The above ordinance approved (vetoed) by me this _____ day of _____, 2025.

Dan Ridenour, Mayor of the City of Muncie,
Indiana

ATTEST:

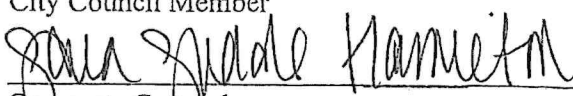
Belinda Munson, City Clerk of Muncie, Indiana

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**

June 6th, 2025

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: Robert Huddleston, 760 S. Tillotson Ave., Muncie, IN, 47304, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 2611 & 2619 W. ETHEL AVE, & 700 BLK S MANNING AVE, VAC ALLEY, & ADJ LOT, MUNCIE, IN 47304 from zone classification: R-5 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

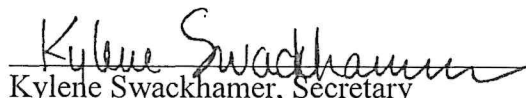
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (9-0) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Chris Smith, President


Kylerie Swackhamer, Secretary

EXCERPT FROM THE JUNE 5, 2025

CASE ANALYSIS FROM THE

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

MPC 11-25Z Robert Huddleston

Description & Location: 2611 & 2619 W. Ethel Ave., 700 BLK S. Manning Ave., & Adj. Vacated Street and Alley, Muncie, IN, 47304, Center Township

Parcels: 11-17-180-001-000, 11-17-180-003-000, & 11-17-180-007-000

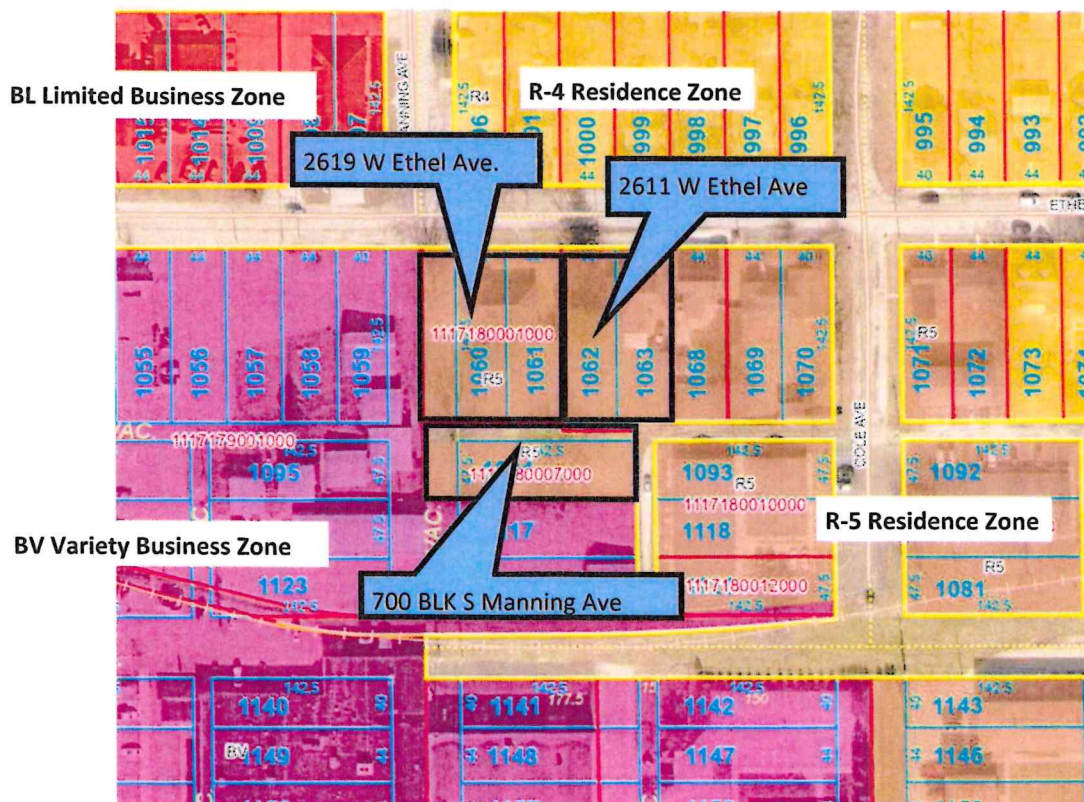
Streets: Ethel Ave. is platted with a 50' ROW and is classified as a Local Road according to the Thoroughfare Plan Map.

Land Use: The land use in this area is a mixture of both residential and commercial use.

Zoning: The current zoning of these properties is R-5 Residence Zone. The surrounding areas consist of R-5, R-4, Variety Business and Limited Business Zones.

Request: The request is to change zoning of these properties from R-5 Residence Zone to BV Variety Business Zone.

Additional Information: The properties requested to be rezoned are all owned by Robert Huddleston and are being rezoned to match his adjacent properties that are currently zoned Variety Business in the Tillotson Plaza. These properties are all used for commercial purposes. The owner intends to combine these properties.



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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 5/12/2025

Case No.: MPC 11-25Z

(1) Applicant: Robert Huddleston a/k/a Robert M. Huddleston

Address: 760 South Tillotson Avenue, Muncie, Indiana 47304 Phone: 765-288-8950

(2) Record of Applicant's Ownership:

A. ☒ By Deed:

Deed Book No. & Page No.: 2012R08381; 2024R12979

Date of Deed: June 21, 2012; September 19, 2024

B. ☐ By Recorded Contract:

Misc. Book No. & Page No.: _____

Date of Contract: _____

C. ☐ By Unrecorded Contract:

Date of Contract: _____

Name of Contract Seller: _____

Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).

See Exhibit A

(4) Common Address of Property Involved:

2611 and 2619 West Ethel Avenue, Muncie, Indiana 47303 & 700 Blk South Manning Avenue, Muncie, Indiana 47303 and adjacent vacated street and alley

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

From the R5 - Residence Zone Zone

To the BV Variety Business Zone Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The property being rezoned is all owned by Robert Huddleston who also owns the adjacent Tillotson Plaza property. Property is being rezoned to match the adjacent property.
- (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.
Owner will combine the property for use by his Tillotson Plaza business.
- (8) State how the proposed change will not adversely affect the surrounding area.
This rezoning will not affect the surrounding area as many properties in this area are already zoned BV-Variety Business and used for commercial purposes.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
Owner is unaware of any variances needed at this time
- (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

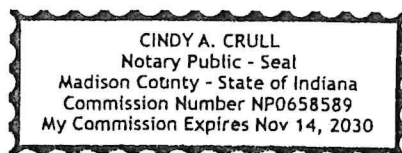
AFFIDAVIT

(I or We) Robert Huddleston a/k/a Robert M. Huddleston 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: *Robert M. Huddleston*

Subscribed and sworn to before me this 7th day of May, 2025

Cindy A. Crull
Notary Public



11-14-2030
My Commission Expires
Resident of Madison 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 5 day of June, 2025.

Signed *Denell Muncie*

Date 5/28/25

Exhibit A
Legal Description

Lots Numbered 1062 and 1063 in the Delaware County Land Improvement Company's Subdivision of the West Side Addition to the City of Muncie, Indiana.

Parcel ID#: 18-11-17-180-003.000-003

AND

Lots Numbered 1060, 1061, and 1094 in the Delaware County Land Improvement Company's Subdivision of the West Side Addition to the City of Muncie, Indiana.

ALSO, the East Half of heretofore vacated Manning Avenue adjacent to said Lots 1060 and 1094.

Parcel ID#s: 18-11-17-180-001.000-003; and 18-11-17-180-007.000-003

AND

Robert M. Huddleston

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 1094 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 00 degrees 30 minutes 03 seconds West 15.00 feet (assumed bearing) to the Southwest corner of Lot 1060 in said addition; thence North 89 degrees 29 minutes 57 seconds East 84.00 feet to the Southeast corner of Lot 1061 in said addition; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet to the West line of an alley; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet to the Northeast corner of said Lot 1094; thence South 89 degrees 29 minutes 57 seconds West 140.00 feet to the point of beginning, containing 0.039 of an acre, more or less.

Robert Huddleston

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 1062 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet along the South line of Lots 1062 and 1063 to a point on the South line of said Lot 1063; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet along the West line of a 15 foot wide alley; thence South 89 degrees 29 minutes 57 seconds West 56.00 feet along the centerline of a 15 foot wide alley; thence North 00 degrees 30 minutes 03 seconds West 7.50 feet to the point of beginning, containing 0.010 acre, more or less.

2
2

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 20.00
Sep 23 2024 - ER


DELAWARE COUNTY AUDITOR

2024R12979
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
09/23/2024 01:03 PM
REC FEE 25.00
PAGES: 2
RECORDED AS PRESENTED

File No: 20241873

Parcel Numbers: 18-11-17-180-001.000-003; 18-11-17-180-007.000-003

WARRANTY DEED


This Indenture Witnesseth, That, Pamela Irwin, (Grantor) *Conveys and Warrants* to Robert M. Huddleston, (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:

Lots Numbered 1060, 1061 and 1094 in the Delaware County Land Improvement Company's Subdivision of the West Side Addition to the City of Muncie, Indiana.

ALSO, The East Half of heretofore vacated Manning Avenue adjacent to said Lots 1060 and 1094, commonly known as 2619 W. Ethel Ave. and 700 Blk S. Manning Ave., Muncie, IN 47303.

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

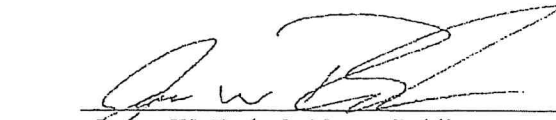
In Witness Whereof, Grantor has executed this deed this 19th day of September, 2024


Pamela Irwin

STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared Pamela Irwin, ("Vendor") who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contain are true.

Witness my hand and Notary Seal this 19th day of September, 2024.


James W. Trulock, Notary Public
Residing in Delaware County, IN

My Commission Expires:

March 29, 2031



Send tax bills to and Grantee's street or rural route address is: 5508 W. Old Stone Road, Muncie, IN 47304.

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

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



File No: 20121317
Parcel Number: 18-11-17-180-003.000-003

WARRANTY DEED

This Indenture Witnesseth, That Mary Ruth Brown and Bonnie Jeanne Foote, as joint tenants with right of survivorship (Grantor) **Convey(s) and Warrant(s)** to Robert Huddleston (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:

Lots Numbered 1062 and 1063 in Delaware County Land Improvement Company's Subdivision of the West Side Addition to the City of Muncie, Indiana.

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

In Witness Whereof, Grantor has executed this deed this 21st day of June, 2012.

x Mary Ruth Brown
Mary Ruth Brown
x Bonnie Jeanne Foote P.O.A.
Bonnie Jeanne Foote, her Attorney in Fact

x Bonnie Jeanne Foote
Bonnie Jeanne Foote

STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared **Bonnie Jeanne Foote for herself and as Attorney in Fact for Mary Ruth Brown**, as joint tenants with right of survivorship who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21st day of June, 2012.

My Commission Expires: 7-20-15

[Signature]
_____, Notary Public
Residing in Muncie County

Send tax bills to and Grantee's street or rural route address is:

3300 W. Kilgore Ave., Muncie, IN 47304

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

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

Power of Attorney recorded in
Instrument No 2012 R 08380

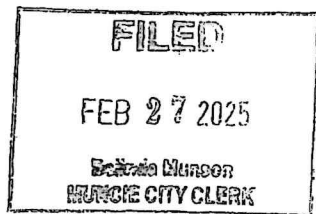


NICHOLAS E RUNYON
Notary Public, State of Ohio
My Commission Expires Jul. 20, 2015
Recorded in Madison County

Duly Entered for Taxation
Transfer Fees \$ 5.00

JUL 03 2012 ERP

Judy Hunt
DELAWARE CO. AUDITOR



ORDINANCE NO. 13-25

ORDINANCE TO VACATE A PORTION OF A CERTAIN
PUBLIC ALLEY AT 2619 WEST ETHEL AVENUE IN THE CITY OF MUNCIE,
DELAWARE COUNTY, INDIANA

WHEREAS, Robert M. Huddleston has filed his Petition to Vacate a Portion of a Certain Public Alley in the Delaware County Land Improvement Company's Subdivision of the West Side Addition to the City of Muncie, Indiana, commonly known as 2619 West Ethel Avenue, Muncie, Indiana and more particularly described as follows to-wit:

Parcel A

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 1094 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 00 degrees 30 minutes 03 seconds West 15.00 feet (assumed bearing) to the Southwest corner of Lot 1060 in said addition; thence North 89 degrees 29 minutes 57 seconds East 84.00 feet to the Southeast corner of Lot 1061 in said addition; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet to the West line of an alley; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet to the Northeast corner of said Lot 1094; thence South 89 degrees 29 minutes 57 seconds West 140.00 feet to the point of beginning, containing 0.039 of an acre, more or less.

Parcel B

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 1062 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet along the South line of Lots 1062 and 1063 to a point on the South line of said Lot 1063; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet along the West line of a 15 foot wide alley; thence South 89 degrees 29 minutes 57 seconds West 56.00 feet along the centerline of a 15 foot wide alley; thence North 00 degrees 30 minutes 03 seconds West 7.50 feet to the point of beginning, containing 0.010 acre, more or less.

Reserving, however an easement for existing public utilities and subject to restrictions of record;

WHEREAS, Robert M. Huddleston will be the owner of the land that comprises the part of the public alley for which vacation is sought;

WHEREAS, notice of the filing of the Petition to Vacate Streets and the date of the hearing on said Petition have been given to all interested persons and published as required by law:

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or of the City of Muncie, Indiana;

WHEREAS, the vacation will not hinder the public's access to any church, school or other public building or place.

NOW, THEREFORE, BE ORDAINED by the Common Council of the City of Muncie, Indiana, as follows:

Section 1. Parts of certain public alley, more particularly described as follows, to-wit:

Parcel A

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 1094 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 00 degrees 30 minutes 03 seconds West 15.00 feet (assumed bearing) to the Southwest corner of Lot 1060 in said addition; thence North 89 degrees 29 minutes 57 seconds East 84.00 feet to the Southeast corner of Lot 1061 in said addition; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet to the West line of an alley; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet to the Northeast corner of said Lot 1094; thence South 89 degrees 29 minutes 57 seconds West 140.00 feet to the point of beginning, containing 0.039 of an acre, more or less.

Parcel B

A vacation of a 15 foot wide alley in the Delaware County Land Improvement Company's Subdivision of the Westside Addition, an addition to the City of Muncie, as shown by the records of Delaware County, Indiana, described as follows:

Beginning at the Southwest corner of Lot 1062 in the Delaware County Land Improvement Company's Subdivision of the Westside Addition to the City of Muncie; thence North 89 degrees 29 minutes 57 seconds East 56.00 feet along the South line of Lots 1062 and 1063 to a point on the South line of said Lot 1063; thence South 00 degrees 30 minutes 03 seconds East 7.50 feet along the West line of a 15 foot wide alley; thence South 89 degrees 29 minutes 57 seconds West 56.00 feet along the centerline of a 15 foot wide alley; thence North 00 degrees 30 minutes 03 seconds West 7.50 feet to the point of beginning, containing 0.010 acre, more or less.

are hereby vacated, subject to all easements of existing public utilities and restrictions of record.

Section 2. Upon vacation of said alley, the above-described parcels shall be joined as follows to the abutting parcels:

- a. The above-described Parcel A shall be joined to Parcel No. 18-11-17-180-007.000-003, owned by Robert M Huddleston.
- b. The above-described Parcel B shall be joined to Parcel No. 18-11-17-180-003.000-003, owned by Robert Huddleston.

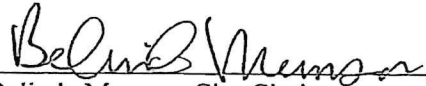
Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana.

	Yeas	Nays	Abstained	Absent
Jeff Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nora Powell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Garrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sara Gullion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Dishman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harold Mason	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dale Basham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roza Selvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William McIntosh, Sr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Passed by the Common Council of the City of Muncie, Indiana, this 5 day of Mar, 2025.

Harold A. Mason Jr.
President, Muncie Common Council


Presented by me to the Mayor for his approval this 5 day of May, 2025.


Belinda Munson, City Clerk
City of Muncie, Indiana

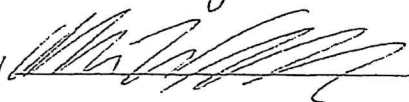
The above ordinance(s) is approved (vetoed) by me this 5th day of May, 2025.


Dan Ridenour, Mayor
City of Muncie, Indiana

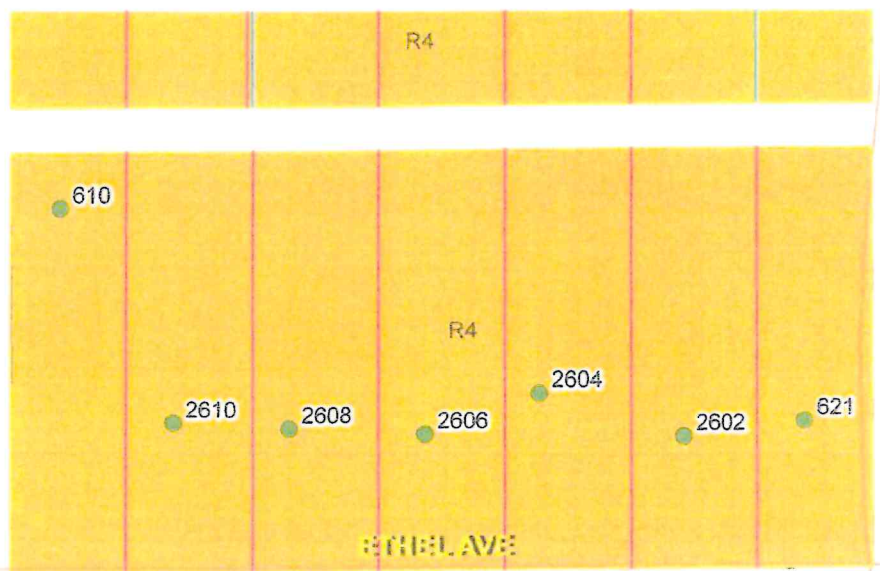
ATTEST:


Belinda Munson, City Clerk
City of Muncie, Indiana

This Ordinance is proposed by , Council Member.

This Ordinance is approved in form by , Corporate Counsel.

Parcel Nos.: 18-11-17-180-003.000-003
18-11-17-180-007.000-003





TILLOTSON PLAZA
APPROX 4 ACRES