

ORDINANCE NO: 2022-BC-O-6

**AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP AS TO
CERTAIN REAL ESTATE WITHIN THE COUNTY OF MADISON,
INDIANA, AS HEREIN DESCRIBED**

WHEREAS, an Ordinance has been referred to the duly authorized Plan Commission of Madison County, Indiana, for a change in the Official Zone Map as to certain real estate in said County as hereinafter described; and,

WHEREAS, the Madison County Plan Commission has given proper notice and conducted a public hearing for this Ordinance and, thereafter, made a favorable recommendation with conditions to the Board of Commissioners of Madison County, Indiana, on June 14, 2022; being Petition 2022-Z-004.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of Madison County, Indiana, under the authority of Indiana Code § 36-7-4-608, and all acts amendatory thereto as follows:

SECTION 1. That the Zoning Ordinance of Madison County, Indiana, be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana to wit:

(See attached Exhibit A)

be and the same is hereby rezoned from the present zoning of Conservation Residential (CR) to General Commercial (GC) with the following conditions:


1. The two (2) parcels adjacent to CR 100 must be combined into one (1) parcel with the appropriate right-of-way dedicated to Madison County within one (1) year of an approved rezone. The replat shall ensure all structures meet the proper setbacks for the General Commercial Zoning District.
2. Petitioner shall obtain proper permits for any existing unpermitted structures within one (1) year of an approved rezone.
3. Petitioner shall show proof of any requirements the Department of Homeland Security may impose on outdoor staging/decking, banquet hall facilities, and outdoor tents prior to the site being used by the general public.
4. Future improvements to the site shall follow the Madison County Land Use and Development Code.
5. Sunday through Thursday, music shall be limited to the hours between 8 am and 8 pm. On Friday and Saturday, music shall be limited to the hours between 8 am and 11 pm.

6. All conditions imposed by the rezone of this property shall be recorded with the Property Deed.

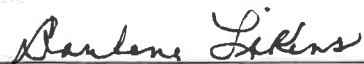
SECTION 2. This Ordinance shall be in full force and effect from and after its passage by the Commissioners of Madison County, Indiana, and publications as by law provided.

SO ORDAINED by the Board of Commissioners of Madison County, Indiana, this 21st day of June, 2022.

Madison County Board of Commissioners



John Richwine, President

Kelly Gaskill

Darlene Likens

Attest:



Rick Gardner, Auditor

Prepared By:
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PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST, DESCRIBED AS FOLLOWS:

BEGINNING 662 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION AND RUNNING THENCE WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 35, 1221.3 FEET TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE ANDERSON, ELWOOD AND LAPEL RAILWAY, THENCE IN A SOUTHEASTERLY DIRECTION WITH SAID RIGHT-OF-WAY LINE 1864 FEET TO THE EAST LINE OF SAID SECTION 35, THENCE NORTH WITH THE MID SECTION LINE 1413 FEET TO THE PLACE OF BEGINNING.

ALSO:

COMMENCING AT A POINT 11 RODS WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY (20) NORTH, RANGE SEVEN (7) EAST, AND RUNNING THENCE WEST 100 & 80/100 RODS TO THE RIGHT-OF-WAY OF THE P.C.C. & ST. L RAILWAY; THENCE SOUTH 41° EAST WITH SAID RIGHT-OF-WAY 50 & 45/100 RODS; THENCE EAST 77.07 RODS TO THE EAST LINE OF SAID SECTION; THENCE NORTH 29 RODS; THENCE WEST 11 RODS; THENCE NORTH ELEVEN RODS TO THE PLACE OF BEGINNING, (EXCEPT THE TRACT HERETOFORE CONVEYED TO THE LAFAYETTE TOWNSHIP FOR SCHOOL PURPOSES, AND EXCEPT ALSO THE RIGHTS-OF-WAY OF THE ELWOOD, ANDERSON & LAPEL RAILWAY COMPANY AND THE INDIANA UNION TRACTION COMPANY).

EXCEPT:

BEGINNING AT A POINT BEING SOUTH 00 DEGREES 34 MINUTES 48 SECONDS WEST (ASSUMED BEARING) 462.0 FEET AND SOUTH 90 DEGREES 00 MINUTE 00 SECOND WEST 315.00 FEET FROM A POINT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST, THENCE SOUTH 00 DEGREES 29 MINUTES 53 SECONDS WEST ALONG A CHAIN LINK FENCE A DISTANCE OF 396.75 FEET TO A CORNER POST ON SAID FENCE, THENCE NORTH 89 DEGREES 12 MINUTES 26 SECONDS EAST ALONG SAID FENCE LINE A DISTANCE OF 289.5 FEET TO A POINT 25 FEET WEST OF THE EAST LINE OF THE SAID QUARTER SECTION, THENCE SOUTH 00 DEGREES 34 MINUTES 48 SECONDS WEST ON A LINE PARALLEL WITH THE EAST LINE OF THE SAID QUARTER SECTION A DISTANCE OF 844.90 FEET, THENCE NORTH 89 DEGREES 25 MINUTES 12 SECONDS WEST A DISTANCE OF 365.15 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE OLD P.C.C. AND ST. LOUIS RAILROAD (NOW CONRAIL), THENCE NORTH 40 DEGREES 25 MINUTES 43 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD A DISTANCE OF 1503.15 FEET, THENCE NORTH 00 DEGREE 05 MINUTES 48 SECONDS EAST A DISTANCE OF 89.67 FEET TO A POINT MARKING THE SOUTHWEST CORNER OF LOT 15 IN MADISON VIEW ESTATES, A SUBDIVISION IN LAFAYETTE TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 12, PAGE 45 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA, THENCE NORTH 90 DEGREES 00 MINUTE 00 SECOND EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 1062.30 FEET TO THE PLACE OF BEGINNING; BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35.

ALSO EXCEPT:

BEGINNING AT A POINT 1699.9 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 35; AND RUNNING THENCE SOUTH 447.6 FEET TO THE NORTHERLY RIGHT-OF-WAY OF THE P.C.C. AND ST. L. RAILROAD; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, 593.2 FEET TO A POINT DUE WEST OF THE PLACE OF BEGINNING; THENCE EAST 389.3 FEET TO THE PLACE OF BEGINNING; CONTAINING 2 ACRES.

ALSO EXCEPT:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST, AND RUNNING THENCE SOUTH WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 462 FEET, THENCE WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,377.3 FEET TO A FENCE LINE, THENCE TURN AN ANGLE TO THE RIGHT, 89 DEGREES AND 57 MINUTES, AND MEASURE NORTH WITH SAID FENCE LINE, 462 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE EAST WITH THE SAID NORTH LINE, 57.8 FEET TO THE POINT WHERE SAID NORTH LINE INTERSECTS THE NORTHERLY RIGHT-OF-WAY LINE OF THE OLD INDIANA UNION TRACTION COMPANY, THENCE SOUTHEASTERLY WITH SAID NORTHERLY RIGHT-OF-WAY LINE WHICH IS IN A CURVE TO THE LEFT AND HAS A RADIUS OF 2,839.9 FEET, A DISTANCE OF 277.1 FEET, THENCE NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 94.2 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE EAST WITH SAID NORTH LINE, 1,062.4 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND CONTAINING 14.33 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHTS-OF-WAY.

ALSO EXCEPT:

COMMENCING AT A POINT 1,062.4 FEET WEST OF THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST, AND RUNNING THENCE SOUTH 110 FEET, MORE OR LESS, TO THE NORTH LINE OF THE FORMER LINE OF THE UNION TRACTION COMPANY; THENCE NORTHWESTERLY ON AND ALONG SAID RIGHT-OF-WAY LINE THE DISTANCE OF 288 FEET MORE OR LESS, TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35; THENCE EAST ON AND ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 265 FEET TO THE PLACE OF BEGINNING, BEING A PART OF THE NORTHEAST QUARTER OF SAID SECTION 35, AND CONTAINING 0.333 ACRES, MORE OR LESS, SUBJECT TO PUBLIC HIGHWAY.

ALSO EXCEPT:

COMMENCING AT A POINT 1065.7 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST; THENCE EAST 177 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE OLD UNION TRACTION COMPANY OF INDIANA RIGHT-OF-WAY; THENCE SOUTHEASTERLY ON AND ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY 25.2 FEET; THENCE SOUTH 526 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE P.C.C. AND ST. L. RAILROAD; THENCE NORTHWESTERLY ON AND ALONG SAID EAST RIGHT-OF-WAY LINE 318.2 FEET TO A POINT 319.8 FEET SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH 319.8 FEET TO THE PLACE OF BEGINNING. BEING PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND CONTAINING 2 ACRES. LESS BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST, OF SAID POINT BEING 1,065.7 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AND RUNNING THENCE EAST 100 FEET ALONG SAID NORTH LINE, THENCE TURN AN ANGLE TO THE RIGHT, 90 DEGREES AND 11 MINUTES, AND MEASURE SOUTHERLY 433.6 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CONRAIL TRANSPORTATION SYSTEM, THENCE NORTHWESTERLY, 149.66 FEET ALONG SAID RIGHT-OF-WAY LINE, THENCE NORTHERLY 319.7 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND CONTAINING 0.852 ACRE, MORE OR LESS. SUBJECT TO LEGAL RIGHT-OF-WAY.

THIS INCLUDES AN EASEMENT 12.15 FEET IN WIDTH EXTENDING FROM HARTMAN ROAD SOUTHWARD. OFF OF THE EAST SIDE OF SAID PROPERTY CONVEYED, A DISTANCE OF 150 FEET TO THE WELL ENCLOSURE, FOR THE PURPOSE OF INGRESS AND EGRESS TO SAID WELL AND INCLUDES RIGHT TO EXCLUSIVE USE OF SAID WELL.

ALSO EXCEPT:

BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST SAID POINT BEING 1,065.7 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AND RUNNING THENCE EAST 100 FEET ALONG SAID NORTH LINE, THENCE TURN AN ANGLE TO THE RIGHT, 90 DEGREES AND 11 MINUTES, AND MEASURE SOUTHERLY 433.6 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CONRAIL TRANSPORTATION SYSTEM, THENCE NORTHWESTERLY 149.66 FEET ALONG SAID RIGHT-OF-WAY LINE, THENCE NORTHERLY 319.7 FEET TO THE PLACE OF BEGINNING.

BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND CONTAINING 0.852 ACRE, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY.

ALSO EXCEPT:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND THE EASTERLY RIGHT-OF-WAY LINE OF THE FORMER P.C.C. AND ST. LOUIS RAILROAD, SAID POINT BEING 794.85 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AND RUNNING THENCE EAST 270.85 FEET ALONG SAID NORTH LINE, THENCE TURN AN ANGLE TO THE RIGHT, 89 DEGREES AND 43 MINUTES, AND MEASURE SOUTHERLY 319.7 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF RAILROAD, THENCE NORTHWESTERLY 420 FEET TO THE POINT OF BEGINNING.

BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 20 NORTH, RANGE 7 EAST AND CONTAINING 1.0 ACRE, MORE OR LESS. SUBJECT TO LEGAL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ALSO EXCEPT:

THE PARCEL DESCRIBED IN DEED RECORD 528, PAGE 295 RECORDED AUGUST 9, 1972 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

NOTE: The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.