

## **ORDINANCE NO. 2023 - 11**

### **ZONING ORDINANCE AMENDMENT**

THIS IS AN ORDINANCE for the purpose of amending and changing the zoning ordinance of the County of Shelby as it relates to a certain tract of property located south of and adjoining 4875 W 600 N, Fairland, Brandywine Township. Specifically amending the Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008 as amended, showing the boundary lines of certain Zoning Districts thereon.

BE IT ORDAINED by the Board of Commissioners of Shelby County Indiana, as follows:

**Section 1: Purpose.** The purpose of this Ordinance shall be to amend the Zoning Map of Brandywine Township of the Shelby County Code and the zoning ordinances thereunder as it relates to the real estate specifically described in Section 2 of this Ordinance to change the designation of said real estate from being zoned A2 (Agricultural) to IS (Institutional) (19.217 acres). A petition was filed by the Northwest Shelby County Regional Sewer District on February 12, 2023 under Case No. RZ 23-07, to amend the zoning map of Shelby County, Indiana to change the zoning of said real estate.

**Section 2: Amendment.** Shelby County, Indiana Zoning Ordinance adopted by the Board of Commissioners of Shelby County, Indiana on September 18, 2008, which became effective on October 18, 2008, including and incorporating therein Township Zoning Maps dated September 18, 2008, as amended, showing the boundary lines of certain Zoning Districts thereon, are hereby amended by adding the following sub-section:

**Land rezoned from "A2," Agricultural, to "IS" Institutional:**

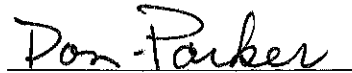
The parcel of land and real estate located in Brandywine Township, Shelby County, Indiana and particularly described by the attached legal description Exhibit "A" and shown on the attached map, Exhibit "B", being formerly zoned and shown on the Brandywine Township Zoning District Map as lying in an "A2" Agricultural District is hereby rezoned to "IS" Institutional.

This zoning ordinance amendment is subject to and contingent upon Commitments Concerning the Use and Development of Real Estate, a copy of which is attached hereto as "Exhibit C".

**Section 3: Effective Date.** This ordinance shall be in full force and effect from and after its adoption by the Board of Commissioners of Shelby County, Indiana.

**Section 4: Repealable Provisions.** All ordinances and parts of ordinances in conflict with the specific amendment herein are hereby repealed.

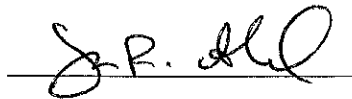
ADOPTED this 10<sup>th</sup> day of April, 2023 by a vote of 3 ayes and 0 nays of members of the Board of Commissioners of Shelby County, Indiana.



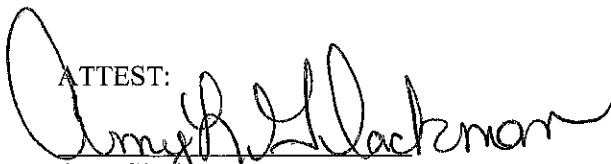
Don Parker, President



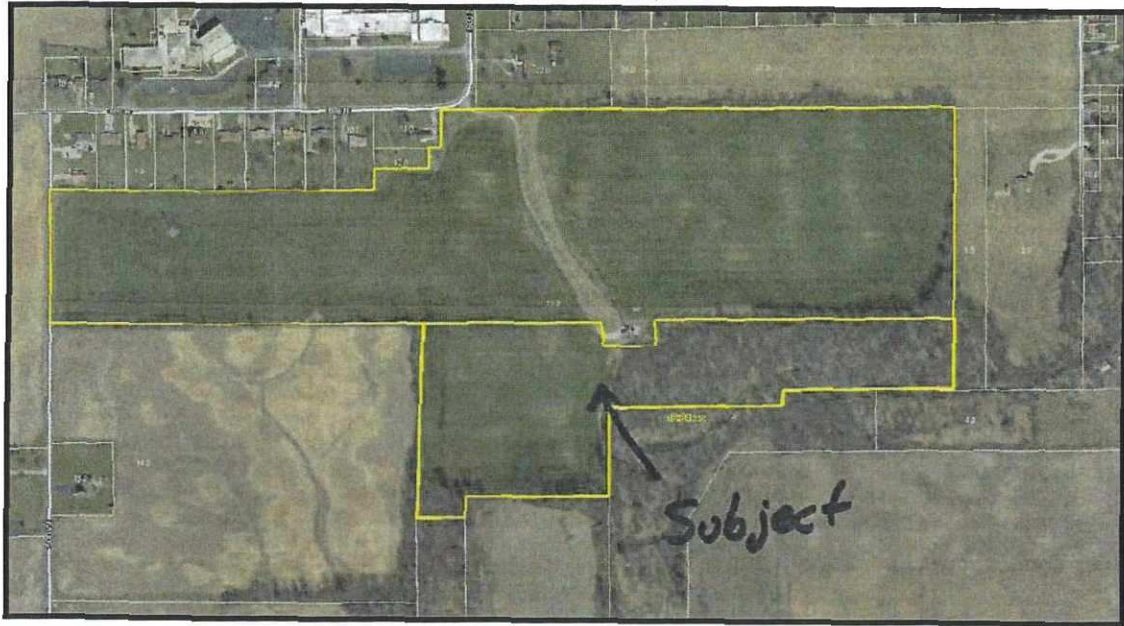
Kevin Nigh, Member



Jason Abel, Member

ATTEST:  
  
Amy Glackman  
Shelby County, Indiana

**EXHIBIT A**



## EXHIBIT B

Description of the 19.217 acre tract split per this survey from the lands owned by the Nelson Trust described in Instrument 2007005630.

A part of the Northwest and Northeast quarters of Section 4, Township 13 North, Range 6 East, Brandywine Township, Shelby County, Indiana, being created from a survey (Job # 102-2019) by Jeffery Powell and being more particularly described as follows:

Commencing at the Northwest corner of the Northwest quarter of Section 4, Township 13 North, Range 6 East, said point being a ½" rebar and being per the Shelby County ties, thence South 00 degrees 34 minutes 45 seconds East (Bearings based on NAD 83, Indiana East, State plane Coordinates) along the West line of the said quarter section a distance of 790.53 feet to a mag nail set at the Northwest corner of the Southwest quarter of the Northwest quarter of said section; thence North 89 degrees 13 minutes 37 seconds East along the North line of the said quarter-quarter section a distance of 1375.29 feet to a Powell capped rebar set at the Northwest corner of the Southeast quarter of the Northwest quarter of the said section, said point also being the point of beginning of the tract herein described; thence North 89 degrees 13 minutes 37 seconds East along the North line of the last said quarter-quarter section a distance of 636.95 feet to a Powell capped rebar; thence South 29 degrees 34 minutes 12 seconds East a distance of 114.11 feet to a Powell capped rebar; thence North 89 degrees 13 minutes 37 seconds East a distance of 157.00 feet to a Powell capped rebar; thence North 00 degrees 46 minutes 23 seconds West a distance of 100.00 feet to a Powell capped rebar set on the North line of the last said quarter-quarter section; thence North 89 degrees 13 minutes 37 seconds East along the North line of the last said quarter-quarter section a distance of 528.90 feet to a Powell capped rebar set at the Northwest corner of the Southwest quarter of the Northeast quarter of the said section; thence North 89 degrees 21 minutes 27 seconds East along the North line of the last said quarter-quarter section a distance of 623.05 feet to a Powell capped rebar set on the East line of a 15.31 acre tract of land owned by Thomas C. and Betty R. Nelson Living Trust described in Instrument 2007005630; thence South 00 degrees 28 minutes 14 seconds East along the East line of the said 15.31 acre tract a distance of 261.08 feet to a Powell capped rebar set on the North line of a 6.36 acre tract of land owned by William D. Young described in Deed Record Book 328, Page 924; thence South 89 degrees 03 minutes 12 seconds West along the said North line of the said 6.36 acre tract and continuing along the North line of a 22.750 acre tract of land owned by Terry V. and Donna S. Ordille described in Instrument 2018002447 a distance of 622.41 feet to a point on the West line of the last said quarter-quarter section, said point being witnessed by a 1" iron pipe found to be approximately 0.3 feet East of the corner of the said tract; thence South 00 degrees 36 minutes 42 seconds East along the West line of the last said quarter-quarter section, being along the West line of the said 22.750 acre tract and also being along the East line of a 12.75 acre tract of land owned by Thomas C. and Betty R. Nelson Living Trust described in Instrument 2007005630 a distance of 60.55 feet to a common corner of the said tracts, being 3189.12 feet North of the Southeast corner of the Southwest quarter of the said section, said point also being witnessed by a 1" iron pipe found to be approximately 0.2 feet East of the common corner of the said tracts; thence South 89 degrees 12 minutes 52 seconds West along the common boundary line of the last said tracts a distance of 654.72 feet to a point being witnessed by a 1" iron pipe found to be approximately 0.3 feet East of the common corner of the said tracts; thence South 00 degrees 36 minutes 43 seconds East along the common boundary line of the last said tracts a distance of 338.74 feet to a Powell capped rebar found marking the Northeast corner of a 28.258 acre tract of land owned by Michael D. and Monique C. Scott described in Instrument 2015004185, said point also being 132.00 feet North of the South line of the Southeast quarter of the Northwest quarter of the said section; thence South 89 degrees 30 minutes 14 seconds West parallel to the South line of the last said quarter-quarter section being along the North line of the said 28.258 acre tract and continuing West a distance of 724.35 feet to a Powell capped rebar set on the West line of the last said quarter-quarter section, said point also being 132.00 feet North of a stone found at the Southwest corner of the last said quarter-quarter section; thence North 00 degrees 30 minutes 14 seconds West along the West line of the last said quarter-quarter section a distance of 660.32 feet to the point of beginning, containing 19.217 acres more or less and being subject to two certain easements to Indiana Electric Corporation, recorded in Deed Record Book 160, page 363 and Book 161, page 310, also two certain easements to Triton School Building Corporation, an Indiana Corporation of Shelby County, Indiana and Northwestern Consolidated School District of Shelby County, Indiana recorded in Deed Record Book 230, page 351 and Book 289, page 255, and also a certain access easements and leased area to Pinnacle Towers, LLC, a Delaware LLC, recorded in Instrument 20080000843 and to any and all easements, right of ways and restrictions.

## **EXHIBIT C**

### **Commitments Concerning the Use and Development of Real Estate**

1. *Use and development of the site shall be limited to a wastewater treatment plant developed by the Northwest Shelby County Regional Sewer District.*
2. *An odor management and response plan certified by a qualified professional as determined by the TAC shall be submitted to the County prior to issuance of an Improvement Location Permit for development of the wastewater treatment plant.*