

ORDINANCE NO. 2012-28-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM PDMX TO A

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA:

**Section 1:** The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana

INSERT OR ATTACH LEGAL DESCRIPTION

**Section 2:** The above-described real estate should be and the same is hereby rezoned from PDMX to A

**Section 3:** This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 1<sup>st</sup> day of October, 2012.

VOTE:

Yes

Yes

Yes

[Signature]  
President

[Signature]  
Vice President

[Signature]  
Member

ATTEST:

[Signature]  
Jennifer Weston, Auditor

EXHIBIT "A"

(144-02900-0049)

The East Half of the Northeast Quarter of Section 26, Township 22 North, Range 4 West, Tippecanoe County, Indiana. Containing 80 acres, more or less.

Except: Beginning at the northwest corner of the east half of the northeast quarter of Section 26, Township 22 North, Range 4 West, Tippecanoe County, Indiana; thence South 00 degrees 29 minutes 00 seconds East 45.00 feet to the point of beginning; thence South 89 degrees 53 minutes 17 seconds East 311.15 feet; thence South 00 degrees 29 minutes 00 seconds East 700.00 feet; thence North 89 degrees 53 minutes 17 seconds West 311.15 feet; thence North 00 degrees 29 minutes 00 seconds West 700.00 feet to the point of beginning. Containing 4.9998 acres, more or less.

(144-02800-0028)

The East Half of the Northwest Quarter of Section Twenty-five (25), Township Twenty-two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana, containing eighty (80) acres, more or less.

Except: A part of the East Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-five (25), Township Twenty-two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana, more particularly described as follows: Beginning at a point on the east line of the northwest quarter of said Section 25-22-4 and the center line of County Road #450 East; said point being 1413 feet south of the northeast corner of the northwest quarter of said Section 25-22-4; thence North 90 degrees West a distance of 792 feet to an iron pipe; thence South 0 degrees East and parallel to the east line of the northwest quarter of said section a distance of 275 feet to an iron pipe; thence South 90 degrees East a distance of 792 feet to an iron pipe on the east line of the northwest quarter of said section and the centerline of County Road #450 East; thence North 0 degrees West along the east line of the northwest quarter of said section and the centerline of County Road #450 East a distance of 275 feet to an iron pipe and the place of beginning, containing 5.0 acres, more or less.

Except: A part of the East Half (1/2) of the Northwest Quarter (1/4) of Section Twenty-five (25), Township Twenty-two (22) North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana, more particularly described as follows: Commencing at the northeast corner of the northwest quarter of said Section 25-22-4, thence North 89 degrees 23 minutes 34 seconds West along the north line of the east half of the northwest quarter of said Section 25-22-4 and the centerline of County Road #600 South a distance of 792.04 feet to the place of beginning for the following description, thence continue North 89 degrees 23 minutes 34 seconds West along the north line of the east half of the northwest quarter of said Section 25-22-4 a distance of 528.16 feet to the northwest corner of the east half of the northwest quarter of said Section 25-22-4; thence South 0 degrees 3 minutes 50 seconds East a distance of 1701.99 feet; thence South 90 degrees East a distance of 526.23 feet; thence North 0 degrees West and parallel to the east line of the northwest quarter of said Section 25-22-4 a distance of 1696.39 feet to the place of beginning. Containing 20.564 acres, more or less.

Except: A part of the East Half of the Northwest Quarter of Section 25, Township 22 North, Range Four (4) West, Wea Township, Tippecanoe County, Indiana, being depicted on a plat of survey by Vester and Associates, Inc., Job No. 01116, more completely described as follows, to wit: Commencing at the north quarter corner of Section 25, Township 22 North, Range 4 West marked by a Berntsen A1NB aluminum monument; thence along the east line of the northwest quarter of said section and the approximate centerline of County Road 450 East for the following two (2) courses: (1) South 00 degrees 41 minutes 12 seconds East, 335.03 feet to a railroad spike and the point of beginning; (2) South 00 degrees 41 minutes 12 seconds East, 830.26 feet to a railroad spike; thence North 89 degrees 58 minutes 26 seconds West. 787.04 feet to a 3/4 inch rebar with an aluminum cap stamped "Vester & Assoc. Inc." hereinafter referred to as a Vester capped rebar; thence North 00 degrees 41 minutes 12 seconds West, 850.26 feet to a Vester capped rebar; thence South 89 degrees 58 minutes 26 seconds East, 787.04 feet to a railroad spike at the point of beginning, containing 15.000 acres, more or less.

Except: A part of the East Half of the Northwest Quarter of Section 25, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, more completely described as follows, to-wit: Beginning at the north quarter corner of Section 25, Township 22 North, Range 4 West marked by a Berntsen A1NB aluminum monument; thence along the east line of the northwest quarter of said section and the approximate centerline of County Road 450 East, South 00 degrees 41 minutes 12 seconds East, 335.03 feet to a railroad spike at the northeast corner of the First Church of God, Inc., property as described in Document No. 01018952, recorded July 23, 2001 in the Office of the Tippecanoe County Recorder; thence along the bounds of said First Church of God, Inc., property for the following three (3) courses: (1) North 89 degrees 58 minutes 26 seconds West, 787.04 feet to a ¾ inch rebar with an aluminum cap stamped "Vester & Assoc. Inc.", hereinafter referred to as a Vester capped rebar; (2) South 00 degrees 41 minutes 12 seconds East, 830.26 feet to a Vester capped rebar; (3) South 89 degrees 58 minutes 26 seconds East, 787.04 feet to a railroad spike on the east line of said quarter and the approximate centerline of said County Road 450 East; thence along the east line of said quarter and the approximate centerline of said County Road 450 East, South 00 degrees 41 minutes 12 seconds East, 246.97 feet to the northeast corner of the Schoenlein property as described in Document No. 9515789, recorded September 15, 1995, in said Recorder's Office; thence along the north line of said Schoenlein property, South 89 degrees 19 minutes 06 seconds West, 791.32 feet to an iron pipe at the northwest corner thereof; thence along the north line of the Hankins property as described in Document No. 00007911, recorded April 17, 2000 in said Recorder's Office, South 89 degrees 19 minutes 06 seconds West, 0.66 feet to the east line of the Kanne property as described in Document No. 01001460, recorded January 23, 2001, in said Recorder's Office; thence along the east line of said Kanne property North 00 degrees 41 minutes 12 seconds West, 1422.05 feet to the north line of said quarter and the approximate centerline of County Road 600 South; thence along the north line of said quarter and the approximate centerline of said County Road 600 South, South 89 degrees 58 minutes 26 seconds East, 792.04 feet to the point of beginning, containing 10.7658 acres.

And:

A part of the Northwest Quarter of Section 25, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, described as follows:

Commencing from the north quarter corner of said Section 25, marked by a Bernsten A1NB monument; thence along the east line of the northwest quarter of said Section 25, South 00 degrees 41 minutes 12 seconds East a distance of 1687.15 feet to the southeast corner of the Schoenlein property as described in deed record 95-15789; thence along the south line of said Schoenlein property South 89 degrees 19 minutes 03 seconds West a distance of 791.02 feet to the point of beginning; thence North 60 degrees 25 minutes 34 seconds West a distance of 1.11 feet to the southeast corner of the Kanne property as described in deed record 98-06829; thence along the east line of said Kanne property North 00 degrees 41 minutes 12 seconds West a distance of 274.44 feet; thence North 89 degrees 19 minutes 06 seconds East a distance of 0.66 feet to the northeast corner of the said Schoenlein property; thence along the west line of said Schoenlein property South 00 degrees 44 minutes 53 seconds East a distance of 274.90 feet to the point of beginning. Containing 0.0051 acres, more or less.

Except:

*DESCRIPTION OF 0.648 OF AN ACRE (Area not to be Rezoned)*

*A part of the Northwest Quarter of Section 25, Township 22 North, Range 4 West, in Wea Township, Tippecanoe County, Indiana, described as follows: Commencing at the Southeast corner of the Northwest Quarter of said Section 25; thence North 00° 41' 28" West (Bearings are based on a previous Starr survey) 564.17 feet along the East line of the Northwest Quarter of said Section 25 and the approximate center line of County Road 450 East to the point of beginning of this description; thence South 89° 18' 32" West 246.81 feet; thence North 35° 57' 00" East 183.21 feet; thence North 89° 18' 32" East 137.46 feet to the East line of the Northwest Quarter of said Section 25 and the approximate center line of County Road 450 East; thence South 00° 41' 28" East 147.01 feet along the East line of the Northwest Quarter of said Section 25 and the approximate center line of County Road 450 East to the point of beginning and containing 0.648 of an Acre, more or less.*

A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows:

Beginning at a stone at the southwest corner of the northeast quarter of said Section 25; thence West along the north line of said southwest quarter 2646.00 feet to the west line of said southwest quarter; thence South along said west line 495.00 feet; thence East and parallel with said north line of said southwest quarter 1225.00 feet; thence South 567.00 feet; thence East 367.00 feet; thence North 115.00 feet to a point 943.50 feet south of the north line of said southwest quarter; thence East 1054.00 feet to a point on the east line of said southwest quarter; thence North 952 feet to the place of beginning. Containing 45.84 acres, more or less.

Except: A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows: Beginning at a point 1062.00 feet south and 1225.00 feet east of the northwest corner of said quarter section; thence North 121.00 feet; thence East 367.00 feet; thence South 115.00 feet; thence West 372.00 feet to the point of beginning. Containing 1 acre, more or less.

And: A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows: Beginning at a point 495.00 feet south of the northwest corner of said quarter; thence South 35.50 feet; thence East 1225.00 feet; thence North 35.50 feet; thence West 1225.00 feet to the point of beginning. Containing 1 acre, more or less.

Except:

*DESCRIPTION OF 1.242 ACRES (Area not to be Rezoned)*

*A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West, in Wea Township, Tippecanoe County, Indiana, described as follows: Commencing at the Southeast corner of the Southwest Quarter of said Section 25; thence North 00° 22' 29" West (Bearings are based on a previous Starr survey) 1,847.72 feet along the East line of the Southwest Quarter of said Section 25 and the approximate center line of County Road 450 East; thence South 89° 37' 31" West 477.60 feet to the point of beginning of this description; thence South 68° 09' 43" West 216.74 feet; thence North 19° 12' 47" West 250.00 feet; thence North 68° 09' 43" East 216.74 feet; thence South 19° 12' 47" East 250.00 feet to the point of beginning and containing 1.242 Acres, more or less.*

ALSO,

A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West, Wes Township, Tippecanoe County, Indiana as depicted on a plat of survey by Vester and Associates, Job No. 97047 and recorded as Document No. 99-08282, in the Tippecanoe County Recorder's Office, being the real property as described in D.R. 98-32659 (113.44 acre description) more particularly described as follows, to-wit:

Beginning at the south quarter corner of said Section 25, marked by a Bernsten A1NB aluminum monument; thence along the south line of the southwest quarter of said section South 89 degrees 56 minutes 44 seconds West 2642.84 feet to the southwest corner of said section marked by a Bernsten A1NB aluminum monument; thence along the west line of said section North 00 degrees 27 minutes 18 seconds West 2151.00 feet to the southwest corner of the Kochert property as described in D.R. 95-05045 in said Recorder's Office; thence along the boundary of said Kochert property for the following four (4) courses: 1) South 89 degrees 10 minutes 32 seconds (MISSING) 1225.00 feet; 2) South 00 degrees 27 minutes 19 seconds East 410.50 feet; 3) South 89 degrees 13 minutes 45 seconds East 366.99 feet; 4) South 89 degrees 19 minutes 56 seconds East 1053.84 feet to the east line of said quarter section; thence along the east line of said quarter section South 00 degrees 22 minutes 47 seconds East 1703.13 feet to the Point of Beginning. Containing 115.9963 acres.

Except: A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West of the Second Principal Meridian, Wea Township, Tippecanoe County, Indiana, more completely described as follows: Beginning at the south quarter corner of said section marked by a Bernsten A1NB aluminum monument; thence along the south line of said section and the approximate centerline of County Road 700 South, South 89 degrees 56 minutes 44 seconds West, 1290.70 feet; thence North 00 degrees 03 minutes 16 seconds West, 402.82 feet; thence North 36 degrees 47 minutes 17 seconds West, 304.79 feet; thence North 43 degrees 02 minutes 33 seconds East, 371.79 feet; thence North 52 degrees 31 minutes 38 seconds East, 209.71 feet; thence North 77 degrees 46 minutes 25 seconds East, 210.30 feet; thence North 89 degrees 37 minutes 13 seconds East, 293.65 feet; thence North 72 degrees 05 minutes 28 seconds East, 170.71 feet; thence South 17 degrees 54 minutes 32 seconds East, 64.02 feet; thence along a tangent curve being concave southeasterly (said curve having a radius of 25.00 feet and a chord bearing North 27 degrees 05 minutes 28 seconds East, 35.36 feet), an arc distance of 39.27 feet; thence North 72 degrees 05 minutes 28 seconds East, 22.52 feet; thence along a tangent curve to the left (said curve having a radius of 58.00 feet and a chord bearing North 55 degrees 50 minutes 56 seconds East, 32.45 feet), an arc distance of 32.88 feet; thence North 89 degrees 37 minutes 13 seconds East, 300.17 feet to the east line of the southwest quarter of said section and the approximate centerline of County Road 450 East, thence along the east line of said quarter section and said approximate centerline, South 00 degrees 22 minutes 47 seconds East, 1141.67 feet to the south quarter corner of said section, marked by a Bernsten A1NB aluminum monument and the point of beginning, containing 32.7975 acres, more or less.

Except: A 0.7103 acre tract of land which is part of the land known as Bren Bella Planned Development, Phase 1, Part 1, recorded November 16, 2000 as Document Number 00025437, and said Bren Bella PD is described as follows: A part of the Southwest Quarter of Section 25, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, more completely described as follows, to-wit: Beginning at the south quarter corner of Section 25-22-4 marked by a Berntsen A1NB aluminum monument; thence along the south line of said section and the approximate centerline of County Road 700 South, South 89 degrees 56 minutes 44 seconds West, 458.57 feet; thence North 00 degrees 03 minutes 16 seconds West, 302.53 feet; thence North 15 degrees 29 minutes 03 seconds East, 258.57 feet; thence North 02 degrees 53 minutes 26 seconds West, 47.77 feet; thence North 17 degrees 54 minutes 32 seconds West, 202.98 feet; thence South 89 degrees 37 minutes 13 seconds West, 283.27 feet; thence South 75 degrees 37 minutes 30 seconds West, 162.10 feet; thence South 63 degrees 01 minute 26 seconds West, 151.35 feet; thence South 43 degrees 02 minutes 33 seconds West, 170.00 feet; thence North 46 degrees 57 minutes 27 seconds West, 110.00 feet; thence along a tangent curve to the right (having a radius of 25.00 feet and a chord bearing North 35 degrees 10 minutes 06 seconds West, 10.22 feet) an arc distance of 10.29 feet; thence South 43 degrees 02 minutes 33 seconds West, 30.17 feet; thence along a non-tangent curve concave southwesterly (having a radius of 25.00 feet and a chord bearing South 58 degrees 44 minutes 48 seconds East, 10.22 feet) an arc distance of 10.29 feet; thence South 46 degrees 57 minutes 27 seconds East, 110.00 feet; thence South 43 degrees 02 minutes 33 seconds West, 186.78 feet; thence North 36 degrees 47 minutes 17 seconds West, 330.19 feet; thence North 43 degrees 02 minutes 33 seconds East, 369.08 feet; thence North 52 degrees 42 minutes 32 seconds East, 219.25 feet; thence North 77 degrees 46 minutes 26 seconds East, 216.76 feet; thence North 89 degrees 23 minutes 45 seconds East, 296.06 feet; thence North 72 degrees 05 minutes 28 seconds East, 137.00 feet; thence South 17 degrees 54 minutes 32 seconds East, 25.00 feet; thence North 72 degrees 05 minutes 28 seconds East, 26.00 feet; thence South 17 degrees 54 minutes 32 seconds East, 64.02 feet; thence along a non-tangent curve concave southeasterly (having a radius of 25.00 feet and a chord bearing North 27 degrees 05 minutes 28 seconds East, 33.36 feet), an arc distance of 39.27 feet; thence North 72 degrees 05 minutes 28 seconds East, 22.52 feet; thence along a tangent curve to the left (having a radius of 58.00 feet and a chord bearing North 55 degrees 50 minutes 56 seconds East, 32.45 feet), an arc distance of 32.88 feet; thence North 89 degrees 37 minutes 13 seconds East, 300.17 feet to the east line of the southwest quarter of said section and the approximate centerline of County Road 450 East; thence along the east line of said quarter section and said approximate centerline, South 00 degrees 22 minutes 47 seconds East, 1141.67 feet to the south quarter corner of said section marked by a Berntsen A1NB aluminum monument and the point of beginning, containing 19.6837 acres.

Except: A part of the Southwest quarter of Section 25, Township 22 North, Range 4 West, in Wea Township, Tippecanoe County, Indiana, being part of the Rose, LLC & 450 E, LLC property as described in Document Number 04013000, recorded May 7, 2004, in the office of the Tippecanoe County Recorder, and being designated as part of the J.T.K. Investments, LLC property as depicted on a Plat of Survey by Vester and Associates, Inc., Job No. 97047, Recorded March 31, 1999 as Document No. 9908282 in said Recorder's office, being more completely described as follows, to-wit: Commencing at the southeast corner of said Quarter, being marked by a Berntsen A1NB Monument; thence along the east line of said Quarter, North 00°22'47" West, 1141.67 feet to the point of beginning of the herein described tract, said point also being the northeast corner of the Bren Bella Planned Development Phase 1, Part 1, Recorded March 31, 1999 in Plat Cabinet 11, Slide 177, in said Recorder's office; thence continue along said east line, North 00°22'47" West, 248.78 feet; thence South 89°37'13" West, 497.98 feet; thence South 00°22'47" East, 85.44 feet; thence South 56°53'23" East, 119.20 feet; thence South 36°21'50" East, 117.81 feet; thence South 72°05'28" West, 51.52 feet to a line of said Planned Development; thence along said Planned Development for the following five (5) courses: (1) South 17°54'32" East, 45.00 feet; (2) along a non-tangent curve to the right (said curve being concave to the southeast, having a radius of 25.00 feet and a chord bearing North 27°05'29" East, 35.36 feet) an arc distance of 39.27 feet; thence North 72°05'28" East, 22.52 feet; thence along a tangent curve to the left (said curve having a radius of 58.00 feet and a chord bearing North 55°50'56" East, 32.45 feet) an arc distance of 32.88 feet; thence North 89°37'13" East, 300.17 feet to the point of beginning, containing 2.50 acres, more or less.

The North Half of the Southeast Quarter of Section 26, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana. Containing 80 acres, more or less.

Except: A part of the Southeast Quarter of Section 26, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows: From a Class C Monument at the southwest corner of the aforesaid southeast quarter; thence North 00 degrees 38 minutes 00 seconds West (the bearing determined from USGS Quadrangle Maps) a distance of 1334.36 feet along the quarter section line to the point of beginning; thence North 00 degrees 38 minutes West 225.54 feet; thence North 89 degrees 42 minutes 67 seconds East 418.85 feet; thence South 00 degrees 22 minutes 25 seconds East 225.00 feet; thence South 89 degrees 37 minutes 41 seconds West 418.85 feet along the quarter-quarter section line following, more or less, along an existing fence to the point of beginning. Containing 2.1661 acres, more or less.