



ORDINANCE NO. 22-11-22-001

AN ORDINANCE AMENDING, AND TO AMEND
THE ZONING ORDINANCE OF KOSCIUSKO
COUNTY, INDIANA

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

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Board of Commissioners of Kosciusko County, Indiana, and recorded under Miscellaneous Record 53, Page 130 be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situated in Kosciusko County, Indiana, now lying without the corporate limits of any non-participating City or Town and under the jurisdiction of the Kosciusko County Area Plan Commission, as a part of the Comprehensive Plan for Kosciusko County, Indiana; to-wit:

FILED

"SEE ATTACHED"

NOV 16 2022

Michelle L. Rushett
Auditor of Kosciusko County

be, and the same is hereby, removed from classification as an Residential and subject real estate shall be reclassified and rezoned as Agricultural within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Location Improvement Permits and Certificates of Occupancy with reference to the construction and improvements upon said described real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

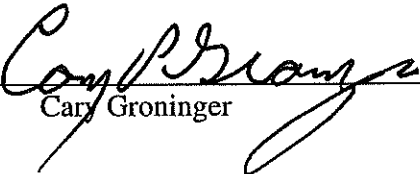
ARTICLE 2.

Section 1. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the County Commissioners
of Kosciusko County, Indiana, on 11/22/2022.

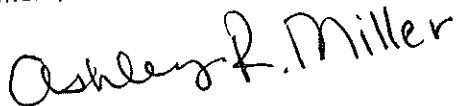

Robert Conley


Bradford Jackson


Cary Groninger


Attest: Kosciusko County Auditor – Michelle Puckett

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.



Part of the Northwest Quarter of Section 10, together with part of the Northeast Quarter of Section 10, also together with part of the Flat Belly Reserve, all being in Township 34 North, Range 7 East, Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of retracement survey RM-167 completed by J.K. Walker and Associates, P.C., dated September 26, 2022), all together being more particularly described as follows, to wit:

BEGINNING at a railroad spike found at the Northwest corner of the Northwest Quarter of said Section 10; thence N87°-46'-40"E (the basis of bearings for this description is an adjoiner's deed bearing of S88°-17'-33"W for the North line of a certain tract of land in the Northwest Quarter of Section 10, Township 34 North, Range 7 East, Kosciusko County, Indiana, as recorded in Document Number 2012010582 in the records of Kosciusko County, Indiana), on and along the North line of the Northwest Quarter of said Section 10, being within the right-of-way of County Road 1300N, a distance of 2642.70 feet to a railroad spike found at the Northeast corner of the Northwest Quarter of said Section 10, said railroad spike also being at the Northwest corner of the Northeast Quarter of said Section 10; thence N87°-52'-57"E, on and along the North line of the Northeast Quarter of said Section 10, being within the right-of-way of County Road 1300N, a distance of 1319.40 feet to an iron pin found at a Northwest corner of a certain tract of land recorded in Document Number 2022070184 in the records of Kosciusko County, Indiana; thence S00°-20'-15"E, on and along the West line of said tract of land in Document Number 2022070184 and on and along the West line of a certain tract of land recorded in Document Number 200800003960 in said records, being within the right-of-way of County Road 775E, a distance of 745.40 feet to a broken-off angle iron post found, said angle iron post being on the North line of the Flat Belly Reserve; thence N88°-23'-30"E, on and along said North line, being within the right-of-way of County Road 1290N, a distance of 400.70 feet to a bolt found at the point of intersection with the centerline of Bishop Road; thence S01°-26'-46"E, on and along said centerline, a distance of 1319.59 feet to a Mag nail at the point of intersection with the Northerly right-of-way line of the Baltimore and Ohio Railroad; thence N85°-15'-38"W, on and along said Northerly right-of-way line, a distance of 2793.39 feet to an iron pin found at the point of intersection with the West line of said Flat Belly Reserve, said iron pin being situated 1.7 feet East of a channel iron post, said iron pin also being at the Southeast corner of a certain tract of land recorded in Document Number 2008009820 in said records; thence N02°-20'-35"W (recorded N02°-13'-48"W), on and along said West line, also being on the East line of said tract of land in Document Number 2008009820, and on and along an East line of a certain 31.473 acre tract of land recorded in Document Number 2012010582 in said records, a distance of 1008.00 feet (recorded 1009.52 feet), to a stone found at the Northwest corner of said Flat Belly Reserve, said stone also being at a Northeast corner of said 31.473 acre tract of land; thence S88°-17'-33"W, on and along a North line of said 31.473 acre tract of land, a distance of 1554.40 feet (recorded 1556.66 feet), to the West face of an I-beam post found at a corner of said 31.473 acre tract of land, said West face also being on the West line of the Northwest Quarter of said Section 10; thence N01°-30'-26"W (recorded N01°-28'-17"W), on and along said West line, also being on an East line of said 31.473 acre tract of land, a distance of 710.69 feet (recorded 711.05 feet), to the point of beginning, containing 140.52 acres of land, more or less, subject to legal right-of-way for County Road 1300N, County Road 775E, County Road 1290N and Bishop Road, subject to all legal drain easements and all other easements of record.

FORM# 7511

Case# Z-2022-29

Date Applied: 10/13/2022

**Request for Zoning Ordinance Amendment
Kosciusko County Area Plan Commission**

Name of Applicant: DONALD & CAROLYN MCCULLOCH Applicant Phone #: 000-000-0000

Mailing Address: 9263 E 1250 N SYRACUSE, IN 46567

Name of Agent: STEVE SNYDER Agent Phone #: 574-457-3300

Property Owner Name: McCulloch Living Trust | Donald K & Carolyn J McCulloch Co-Trustees

Property Owner Address: McCulloch Living Trust | Donald K & Carolyn J McCulloch Co-Trustees | 9263 E 1250 N |

I/We Do Hereby Petition Your Honorable Body to Amend the Zoning of A/An Parcel Currently Zoned Residential
District to A/An Agricultural District. The Property Described as Follows, and Shown on the Map Attached
Hereto, Which By Reference is Made A Part of this Petition.

Primary Key Number: 007-037-002 Township: Turkey Creek

Additional Key Numbers: _____

Property Location: 7421 E 1300 N

Property is Situated on the: South side of 1300 N and 0 feet West of BISHOP RD

The Proposed Use of the Property is Agricultural as defined by the Kosciusko County Zoning Ordinance:

"I/We do hereby certify that as the undersigned I am/we are the owner(s) of Fifty Percent of More of the Property Described in the Petition."

Owner Name:

Signature:

Owner 1: DONALD MCCULLOCH

Donald M. McCulloch

Owner 2: CAROLYN MCCULLOCH

Carolyn R. McCulloch

Owner 3: _____

Owner 4: _____

Additional Owners (if needed):

Date: _____ Signature of Party Picking up Paperwork: _____

AT

Filing Fee \$300.00 Owes []

AFFIDAVIT

Notice is hereby given, That The Kosciusko County Area Plan Commission Shall Hold A Public Hearing On A Petition Filed by DONALD & CAROLYN MCCULLOCH Requesting An Amendment To The Kosciusko County Zoning Ordinance, To Reclassify From an Residential District to an Agricultural District.

The Following Real Estate, located on 7421 E 1300 N

Key #: 007-037-002 007-038-001, 007-037-003

007-037-0021 N End N Side N Res 10-34-7 67.00a Turkey Creek

And Described As Follows on the 2nd page, To Wit:

Part of the Northwest Quarter of Section 10, together with part of the Northeast Quarter of Section 10, also together with part of the Flat Belly Reserve, all being in Township 34 North, Range 7 East, Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS08070006, as part of retracement survey RM-167 completed by J.K. Walker and Associates, P.C., dated September 26, 2022), all together being more particularly described as follows, to wit:

BEGINNING at a railroad spike found at the Northwest corner of the Northwest Quarter of said Section 10; thence N87°-46'-40"E (the basis of bearings for this description is an adjoining's deed bearing 88°-17'-33"W for the North line of a certain tract of land in the Northwest Quarter of Section 10, Township 34 North, Range 7 East, Kosciusko County, Indiana, as recorded in Document Number 2012010582 in the records of Kosciusko County, Indiana), on and along the North line of the Northwest Quarter of said Section 10, being within the right-of-way of County Road 1300N, a distance of 2642.70 feet to a railroad spike found at the Northeast corner of the Northwest Quarter of said Section 10, said railroad spike also being at the Northwest corner of the Northeast Quarter of said Section 10; thence N87°-52'-57"E, on and along the North line of the Northeast Quarter of said Section 10, being within the right-of-way of County Road 1300N, a distance of 1319.40 feet to an iron pin found at a Northwest corner of a certain tract of land recorded in Document Number 2022070184 in the records of Kosciusko County, Indiana; thence S00°-20'-15"E, on and along the West line of said tract of land in Document Number 2022070184 and on and along the West line of a certain tract of land recorded in Document Number 20080003960 in said records, being within the right-of-way of County Road 775E, a distance of 745.40 feet to a broken-off angle iron post found, said angle iron post being on the North line of the Flat Belly Reserve; thence N88°-23'-30"E, on and along said North line, being within the right-of-way of County Road 1290N, a distance of 400.70 feet to a bolt found at the point of intersection with the centerline of Bishop Road; thence S01°-26'-46"E, on and along said centerline, a distance of 1319.59 feet to a Mog pall at the point of intersection with the Northerly right-of-way line of the Baltimore and Ohio Railroad; thence N85°-15'-38"W, on and along said Northerly right-of-way line, a distance of 2793.39 feet to an iron pin found at the point of intersection with the West line of said Flat Belly Reserve, said iron pin being situated 1.7 feet East of a channel iron post, said iron pin also being at the Southeast corner of a certain tract of land recorded in Document Number 20080009820 in said records; thence N02°-20'-35"W (recorded N02°-13'-48"W), on and along said West line, also being on the East line of said tract of land in Document Number 20080009820, and on and along an East line of a certain 31.473 acre tract of land recorded in Document Number 2012010582 in said records, a distance of 1008.00 feet (recorded 1009.52 feet), to a stone found at the Northwest corner of said Flat Belly Reserve, said stone also being at a North east 31.473 acre tract of land, a distance of 1554.40 feet (recorded 1556.66 feet), to the West face of an I-beam post found at a corner of said 31.473 acre tract of land, said West face also being on the West line of the Northwest Quarter of said Section 10; thence N01°-30'-26"W (recorded N01°-28'-17"W), on and along said West line, also being on an East line of said 31.473 acre tract of land, a distance of 710.69 feet (recorded 711.05 feet), to the point of beginning, containing 140.52 acres of land, more or less, subject to legal right-of-way for County Road 1300N, County Road 775E, County Road 1290N and Bishop Road, subject to all legal drain easements and all other easements of record.

This Change is Requested To Permit the Above Described Real Estate to Be Used For The Purpose of Agricultural Uses as defined in the Kosciusko County Zoning Ordinance.

This Hearing Will Be Held in the Commissioner's Meeting Room, County Court House 100 W Center St., Warsaw On 11/02/2022 At 1:00 PM.

All Interested Persons Are Invited To Attend To Be Heard. Written Comments Will Be Considered If They Are Received In The Office Of The Kosciusko County Planning Department, Court House, Warsaw, Indiana, No Later Than 12:00 Noon On The Day Of The Hearing.

Kosciusko County Area Plan
Matthew Sandy, Director

10-22,29 hspaxlp

before me, a notary public and for said county and
Jessica Rodriguez, who being duly sworn says
age and is comptroller of the

WARSAW TIMES-UNION

h for at least five (5) consecutive years has been
Warsaw, county of Kosciusko, State of Indiana, and
has been a newspaper of general circulation, having
ation, printed in the English language and entered,
d by the post office department of the United States
matter of the second-class as defined by the Act of
States of March 3, 1879, and that the printed matter
e copy, which was published in said newspaper
dates of publication being as follows:

29 _____
Jessica Rodriguez
Affiant

to before me this 29 day

1 2024

_____ *Tamm Lawrence*
Notary Public

Warsaw
June 1, 2026
Kosciusko County

70

STATE OF INDIANA)
)SS:
KOSCIUSKO COUNTY)

BEFORE THE KOSCIUSKO COUNTY
AREA PLAN COMMISSION

IN THE MATTER OF THE
PETITION OF:

REPORT AND RECOMMENDATION TO
County Commissioners

Comes now (the secretary of) the Executive Director of the Kosciusko County Area Plan Commission and presents to the commission the petition of DONALD & CAROLYN heretofore filed in the office of the Kosciusko County Area Plan commission, praying rezoning of certain real estate DONALD & CAROLYN MCCULLOCH (by counsel), and make proof of publication of notice of public hearing before said commission by publication of notice thereon in the Warsaw Times Union, a newspaper of general circulation published in Kosciusko County, Indiana, the publication of which was upon the October 22 & 29 days of 2022, which said proof of such publication is in the words and figures following, to-wit: (H.I.)

Said petition, being duly before said commission, the same is now submitted for hearing thereon, evidence heard, and the commission being duly advised with reference thereto, now finds:

1. That the petition for rezoning of the subject real estate as and for Agricultural uses defined by the Kosciusko County Zoning Ordinance, be and the same should be granted

2. That said commission further finds that the use of said real estate will not _____:

- (1) Alter the land use characteristics of the district.
- (2) Impair the adequate supply of light and air to the adjacent property.
- (3) Increase the hazard from fire, flood and other dangers to said property.
- (4) Diminish the marketable value of adjacent lands and buildings.
- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

FILED

NOV 16 2022

Mitchell J. Russett
Auditor of Kosciusko County

3. That said petition, and the use of said real estate as proposed therein, does, in fact, comply _____ with all the requirements of the Kosciusko County Zoning Ordinance and that

the commission should recommend _____ passage, by the County Commissioners _____
Kosciusko County, Indiana, of an ordinance approving rezoning as prayed in said petition.

That such ordinance should include, as a part of its content, the following recommendations or
restrictions:

That based upon the findings and recommendations hereinabove set forth, and upon motion
duly made and seconded, the members of said commission voted 8-0 _____ to
recommend to the County Commissioners _____ Kosciusko County, Indiana, adoption and
passage _____ of an ordinance to the effect that the real estate described in the petitioners petition be
rezoned as therein prayed in conformity with Agricultural _____ Uses as the same is
enumerated and defined in the Kosciusko County Zoning Ordinance, which said real estate is
described as follows:

“SEE ATTACHED”

Matthew Samoly
Director at
Kosciusko County Area Plan Commission

Dated: 11/02/2022

Part of the Northwest Quarter of Section 10, together with part of the Northeast Quarter of Section 10, also together with part of the Flat Belly Reserve, all being in Township 34 North, Range 7 East, Kosciusko County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of retracement survey RM-167 completed by J.K. Walker and Associates, P.C., dated September 26, 2022), all together being more particularly described as follows, to wit:

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