

ORDINANCE NO.06- 2023

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the Town of Lapel (the “Town”), previously enacted by the Town pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, Randy Smith, LKQ Midwest, Inc. (hereinafter collaboratively “Petitioner”) filed with the Town of Lapel Planning Commission their Petition, under docket NO. REZ-2023-02 to change the zoning of three (3) parcels in the Town of Lapel from its present Agricultural (AG) zoning classification to General Industrial (IG) classification; and

WHEREAS, the parcels (“real estate”) sought to be reclassified may be particularly described as follows: (See attached Exhibit A)

Commonly known as: 6199 S State Road 13 and 0 South State Road 13, Lapel, IN 46064
Parcel Nos: 48-15-16-100-003.000-044, 48-15-16-100-001.000-044, 48-15-16-500-001.000-044.

WHEREAS, the Town of Lapel Planning Commission, at a duly noticed Public Hearing on July 13 and August 10th, 2023, heard evidence and made findings of fact, and certified the proposed change of zoning to the Town of Lapel Zoning Map with **no** recommendation attached hereto as Exhibit “B” by a vote of three (3) in favor and three (3) opposed; and

WHEREAS, the Town Council hereby makes findings that the change in the Town of Lapel zoning map is (a) consistent with the Town’s comprehensive plan; (b) that the current conditions and the character of current structures and uses in the affected area are consistent with general industrial classification (IG); (c) that a general industrial (IG) classification is the Real Estate’s most desirable classification to the Town and its citizens as a whole; (d) that the zoning change will not result in a diminution of property values in the area near the Real Estate; and the proposed zoning reclassification results in responsible development and growth of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Lapel Town Council, under the authority of Indiana code § 36-7-4-608, and all acts amendatory thereto as follows:

Section 1: The subject real estate being comprised of three parcels located west of South State Road 13 in Green Township, Madison County, Indiana and is legally described in the attached Exhibit A (collectively, “the Real Estate”).

Section 2: The zoning classification is hereby rezoned from the Agricultural to General Industrial zoning district.

Section 3: This Ordinance shall be in full force and effect from and after its passage by the Town Council of Lapel, Indiana, and publications as provided by law.

SO ORDAINED THIS _____ DAY OF _____, 2023.

LAPEL TOWN COUNCIL

Noah Bozell, President

Chad Blake, Vice President

Lindsay Washmuth, Member

Brian Robertson, Member

Gary Shuck, Member

Attest:

Paula Lee, Lapel Deputy Clerk-Treasurer

EXHIBIT A

PARCEL 1 (Includes these parcel IDs: 48-15-16-100-003.000-044, 48-15-16-100-001.000-044):

Current owner of record: Carolyn L. Wilson
Deed Record 635 page 211, Instrument No.s 2018R007367 and 2018R007368

DESCRIPTION

Beginning at a point on the east line of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, said point being 746 feet north of the Southeast Corner of said Northeast Quarter, and running thence Westerly 1,335.1 feet on and along a property line fence to a point on the west line of the East Half of said Northeast Quarter, said point being 746.5 feet north of the Southwest Corner of the Southeast Quarter of said Northeast Quarter, thence Northerly 1,306.35 feet on and along said west line, thence Easterly 1,334.1 feet to a point on said east line of the Northeast Quarter, said point being 607 feet south of the Northeast Corner of said Section 16, thence South 1,305.10 feet to the place of beginning, containing in all 40 acres, more or less;

EXCEPT:

A parcel of ground being a part of the Northeast Quarter of Section 16, Township 18 North, Range 6 East of the Second Principal Meridian, Town of Lapel, Green Township, Madison County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Northeast Quarter; thence North 00 degrees 00 minutes 59 seconds West along the east line of said Northeast Quarter, a distance of 746.00 feet to the Point of Beginning; thence continuing North 00 degrees 00 minutes 59 seconds West along said east line of said Northeast Quarter, a distance of 583.09 feet to the Northeast Corner of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 58 minutes 46 seconds West along the north line of said Southeast Quarter of said Northeast Quarter, a distance of 1333.58 feet to the Northwest Corner of said Southeast Quarter of said Northeast Quarter; thence South 00 degrees 00 minutes 24 seconds West along the west line of said Southeast Quarter of said Northeast Quarter, a distance of 583.54 feet; thence North 89 degrees 57 minutes 38 seconds East, a distance of 1333.82 feet to the point of beginning, contains 17.860 acres, more or less.

PARCEL 2 (Includes this parcel ID 48-15-16-500-001.000-044):

Current owner of record: Harriett M. Wilson as Trustee of The Wilson Land Trust agreement dated August 13, 1996, Instrument No. 9621403

DESCRIPTION

Beginning at the Northeast Corner of Section 16, Township 18 North, Range 6 East and running thence South along the east line of the Northeast Quarter of said Section 16, a distance of 783.75 feet to a point being 544.5 feet (33 rods) North of the Southeast Corner of the Northeast Quarter of said Northeast Quarter, thence West 198 feet, thence South 379.5 feet, thence East 198 feet to said east line of the Northeast Quarter, thence South 165 feet to said Southeast Corner, thence continuing South along said east line of the Northeast Quarter, a distance of 582.25 feet to a point being 746 feet north of the Southeast Corner of said Northeast Quarter, thence West along a property line fence, a distance of

1,335.1 feet to a point on the west line of the Southeast Quarter of said Northeast Quarter, said point being 746.5 feet North of the Southwest Corner of said Southeast Quarter of the Northeast Quarter, thence North 583.5 feet to the Northwest Corner of said Southeast Quarter of the Northeast Quarter, thence West 1333.3 feet to the Southwest Corner of the Northwest Quarter of said Northeast Quarter, thence West 1333.3 feet to the Southwest Corner the Northeast Quarter of the Northwest Quarter of the said Section 16, thence North along the west line of said Northeast Quarter, a distance of 594 feet, thence Northeasterly 1,359 feet to a point on the west line of said Northwest Quarter of the Northeast Quarter, said point being 858 feet North of said Southwest Corner of said Northwest Quarter of the Northeast Quarter, thence north 473.75 feet to the Northwest Corner of said Northeast Quarter of Section 16, thence East 2,667 feet to the place of beginning. Being a part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 18 North, Range 6 East and containing 38.935 acres, a part of the Southeast Quarter of said Northeast Quarter and containing 17.86 acres, a part of the Northeast Quarter of the Northwest Quarter of Section 16 and containing 22.22 acres, and the Northwest Quarter of said Northeast Quarter of Section 16 and containing 40.74 acres, and containing in all 119.805 acres, more or less.

EXCEPT:

Beginning at a point on the east line of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, said point being 746 feet North of the Southeast Corner of said Northeast Quarter, and running thence Westerly 1,335.1 feet on and along a property line fence to a point on the west line of the East Half of said Northeast Quarter, said point being 746.5 feet north of the Southwest Corner of the Southeast Quarter of said Northeast Quarter; thence Northerly 1,306.35 feet on and along said west line, thence Easterly 1,334.1 feet to a point on said east line of the Northeast Quarter, said point being 607 feet South of the Northeast Corner of said Section 16, thence South 1,305.10 feet to the place of beginning.