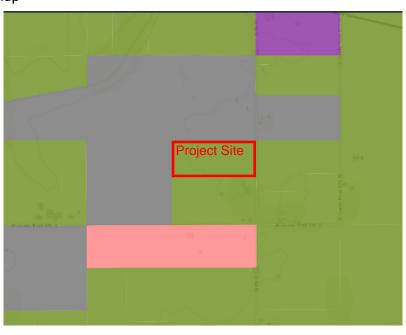
PLAN COMMISSION STAFF REPORT

APPLICATION NO:	REZ-2024-01
HEARING DATE:	June 13, 2024
SUBJECT:	Rezone
LOCATION:	0 S. SR-13, Pendelton, IN 46064
PETITIONER(S):	Jason Wills, Wills Excavating
SUMMARY:	Rezone from Agricultural to General Industrial
WAIVERS REQUESTED:	None
RECOMMENDATION:	Recommend APPROVAL of Rezone to the Council
PREPARED BY	Grant List, Planning Aid
EXHIBITS	Exhibit 1: Staff Report Exhibit 2: Application Exhibit 3: Site Plan Exhibit 4: Project Narrative Exhibit 5: Affidavit and Deed Exhibit 6: Sewer Agreement Exhibit 7: Comprehensive Plan

Existing Zoning Map



PROCEDURE

History

- 1. **Application.** The application was filed in May of 2024 for a Rezone through the Planning Commission. The petitioner applied to rezone the property from Agricultural to General Industrial.
- 2. **Public Notice.** Notice of the Public Hearing was provided on June 3, 2024 in the newspaper, and by mail on May 31, 2024.

Next Steps

The Town Council can review the Planning Commission's recommendation regarding this case at their June 20th, 2024 meeting. The Town Council will be the final authority on either approving or denying this request.

CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

ABOUT PROJECT

Location

The subject site is located at 0 S. SR-13, Pendelton, IN 46064, 0.55 miles south of SR 38 and SR 13 intersection. See the site location highlighted below. The existing zoning for the property is Agricultural, as well as the adjacent properties to the east and south. The property to the west and north is General Industrial. The property on the south side of W 650 S is General Commercial.



Proposal

The petitioner is requesting a rezoning of this property from Agricultural to General Industrial. The petitioner would be utilizing the property for their corporate headquarters, constructing a 14, 445 square foot office-warehouse facility. This would also include the storage of company vehicles and heavy equipment on the rear side of the property.

PROCEDURE

Per Lapel's UDO, V 1.8.6 Zoning Amendment Process "Proposals for zoning map amendments may be initiated by either the Plan Commission, the Town Council, or through a petition signed by property owners of at least 50% of the land involved". Exhibit 5 shows the proper affidavits to allow the applicant to apply for this rezone. The applicant has also submitted all required information from V 1.8.6.B including site plans (Exhibit 3), vicinity zoning map (see page 1), letter of intent (Exhibit 4), and sewer agreement (Exhibit 6). Proper notice was given for the required public hearing, per V1.8.6.D, but no comments were received by the time of this writing.

Per Lapel's UDO, V1.8.6.E.iv "The Commission shall either forward the petition to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request." This is based on the following decision criteria from V 1.8.6.H:

Decision Criteria: The Plan Commission shall not approve any application unless it complies with all applicable standards, including consideration of:

- 1. The Lapel Comprehensive Plan and any other applicable, adopted planning studies or reports;
- 2. The current conditions and the character of current structures and uses in each district;
- 3. The most desirable use of which the land in each district is adapted;
- 4. The conservation of property values throughout the Town of Lapel; and
- 5. Responsible growth and development.

ANALYSIS

The subject site is currently zoned agricultural per tax use records. The surrounding zoning and uses are Agricultural and General Industrial. The site is surrounded by agricultural to the east and south; and industrial land uses to the west and north. The proposed scope of use by the applicant matches some of the surrounding uses or does not negatively affect some.

All appropriate codes have been followed in the applicant's design, should the property receive rezoning to General Industrial. The proper arrangements have been made for sewer access.

Per the comprehensive plan, the proposed use of General Industrial does not follow the planned use of General Commercial at this site. See Exhibit 7 for site location in the comprehensive plan. That said, it does facilitate some of the intents of the comprehensive plan. The proposed headquarters use is close in use to the permitted office use for general commercial. Additionally, it would promote economic development and infrastructure improvements desired in this area.

The current characteristics of the area are generally more industrial and agricultural, and the proposed zoning would allow more of a transition from industrial to the commercial zoning desired south of the property.

The most desirable land use for the property does lean more towards industrial, to align the property with the existing and planned land uses for the surrounding properties. It will facilitate job growth and economic opportunities for the area that currently do not exist and could stimulate future growth. Wills Excavating also endeavors to contribute to the community itself through future contributions and involvement.

The retention, or possibly growth of the property value is also a favorable possibility. Through increased employment, economic growth, and infrastructure improvement, the applicant believes that future property values will increase in a meaningful way. There is also an intent to maintain compatibility with the surrounding land uses.

The balance of future growth will also be maintained through the matching of proposed surrounding land uses while diversifying the existing area, both in land use and job opportunities.

RECOMMENDATION

Staff recommends approval of application REZ-2024-01 because:

- 1. The proposed land use is compatible with the surrounding existing and proposed land uses;
- 2. The proposed development would add to the value of the current property, which is currently in disuse, as well as the surrounding properties;
- 3. The proposed zoning would match surrounding zoning, and provides a good transition from general industrial to general commercial.

Staff also notes the following reasons for not approving the application REZ-2024-01:

- 1. The proposed rezone is not compatible with the Comprehensive Plan designation of General Commercial for the property;
- 2. The most desirable land use for this property is commercial, as it develops more revenue for the area, and would be compatible with nearby current land uses, as well as the proposed land uses in the comprehensive plan.

MOTION OPTIONS (Subdivision Request)

- 1. Motion to approve the application as per submitted application REZ-2024-01.
- 2. Motion to deny the application as per submitted application REZ-2024-01. (List reasons)
- 3. Motion to *continue* the review of the application REZ-2024-01 until the next regular meeting on July 11, 2024.

Next Plan Commission meeting date(s): July 11, 2024.



TOWN OF LAPEL 825 Main St., Lapel, IN 46051 Planning@lapelindiana.org

REZONE/PUD APPLICATION

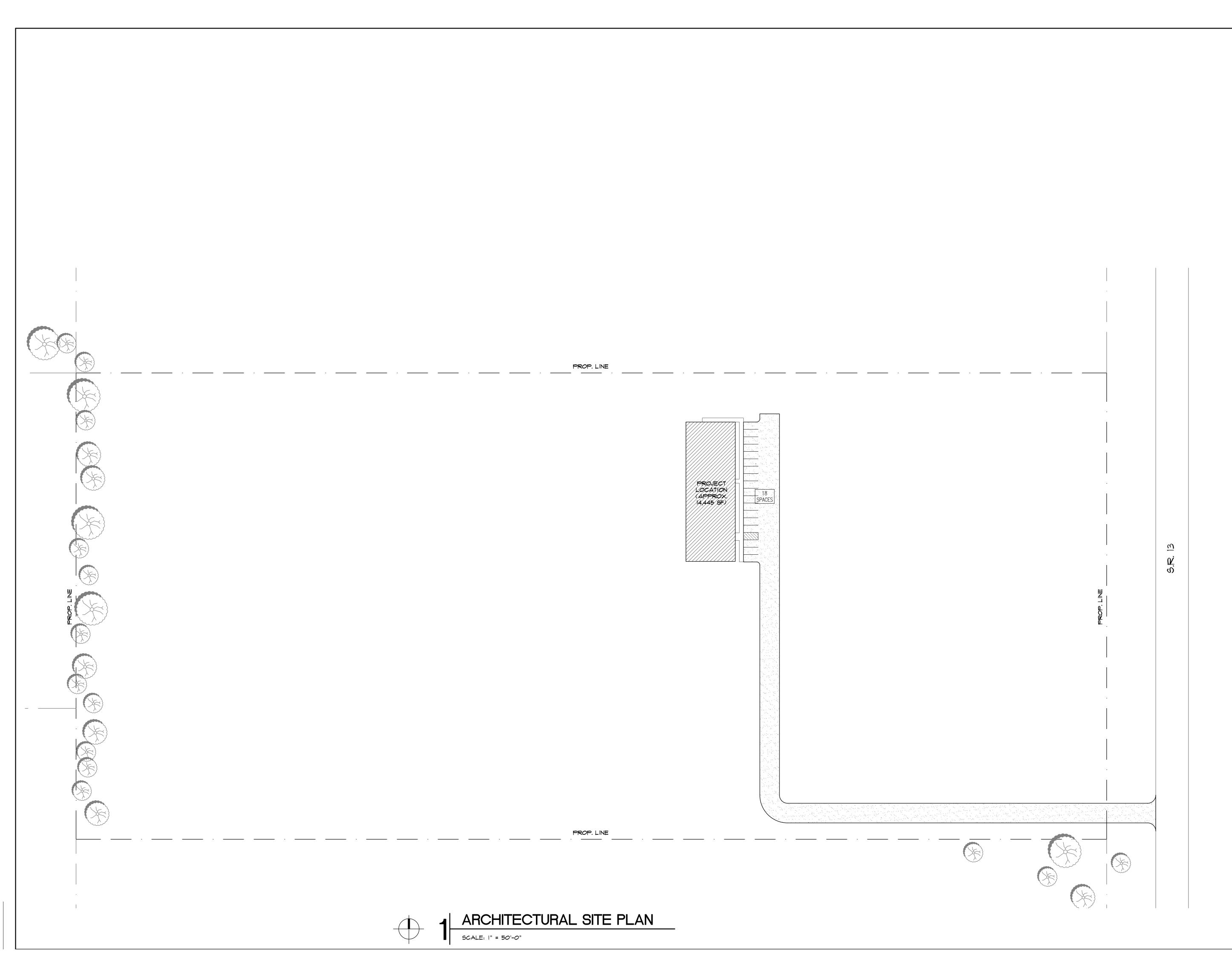
*Required sections to fill out	
Application type*:	For office use only:
☐ Rezone (Change of Zoning)	App No:
\square PUD (Planned Unit Development)	Date received:
☐ PUD Ordinance Amendment	App fee:
☐ Modification to Commitments	Fee paid by: ☐ Cash ☐ Check Check #:
PROPERTY INFORMATION*	
Address/Location:	
Parcel(s)' ID(s):	
Current use:	Current zoning:
Proposed use:	Proposed zoning:
Current increases	Proposed use for the
Current improvements on site:	site in Comprehensive Plan:
	res (include the area of all parcels)
ACI	
PROPERTY OWNER INFORMATION*	
Name:	
Mailing address:	
City/Town:	Zip code:
Email:	Phone #:
ADDI ICANIT INICODA AATIONI*	
	e as owner
Name:	Title:
Company name:	
Mailing address:	
City/Town:	Zip code:
Email:	Phone #:

NOTE: The person listed as **applicant** will be contacted regarding all applications steps and payments, including being contacted by the newspaper publisher for Legal Notice payment.

PR	OJECT DESCRIPTION*
Pro	posed project name:
(Bri	oject description Sefly describe the project: what would be built, how the property would be used, and how the project would be Segrated into the surrounding area.)
	MPLIANCE WITH REZONE (and PUD) CRITERIA*
(<i>Bri</i>	refly describe how the proposed project follows the rezone/PUD criteria listed below.) The Comprehensive Plan (online copy here): This proposed change of zoning supports the comprehensive
1.	plan because:
2.	Characteristics & Current Conditions: This proposed change of zoning supports the current conditions and the character of current structures and uses in each district because:
3.	Desired Use : This proposed change of zoning supports the most desirable use for which the land in each district is adapted because:
4.	Property Values: This proposed change of zoning supports the conservation of property values throughout the jurisdiction because:
5.	Growth Management : This proposed change of zoning supports responsible development and growth because:

Additional criteria for PUDs (V12.2.3 Preliminary Plan & Rezoning):

- Requirements and Intent. This proposed change of zoning to Planned Unit Development fulfills the requirements and intent of this Article (The Zoning Ordinance) and the Subdivision Control Ordinance because:
- Overlay Requirements. This proposed change of zoning to Planned Unit Development is Consistent with the requirements of all applicable overlay districts because:



298 south 10th street suite 500 noblesville in 46060 **p** 317.770.9714 **f** 317.770.9718 studio@petersonarchitecture.com

peterson ARCHITECTURE

NEW CONSTRUCTION WILLS EXCAVATING

 \Box

DESIGN

CLIENT REVIEW

APRIL 30, 2024

REVISIONS:

REVISION
DATE
DEAWN BY:

B. HOFMANN
CHECKED BY:
D PETERSON
PROJECT NUMBER:
24-0042

ARCHITECTURAL SITE PLAN

AS10

THESE DRAWINGS ARE GIVEN IN CONFIDENCE
AND SHALL BE USED ONLY IN PURSUANT TO THE
AGREEMENT WITH
PETERSON ARCHITECTURE, P.C.
NO OTHER USE OR DUPLICATION MAY BE MADE
WITHOUT THE PRIOR WRITTEN CONSENT OF
PETERSON ARCHITECTURE, P.C.
ALL OTHER COPYRIGHT AND COMMON LAW
RIGHTS ARE HEREBY SPECIFICALLY RESERVED.



peterson ARCHITECTURE

298 south 10th street
suite 500
noblesville in 46060 **p** 317.770.9714 **f** 317.770.9718
studio@petersonarchitecture.com

NEW CONSTRUCTION WILLS EXCAVATING

 \mathbf{m}

DESIGN

CLIENT REVIEW APRIL 30, 2024

DRAWN BY: B. HOFMANN

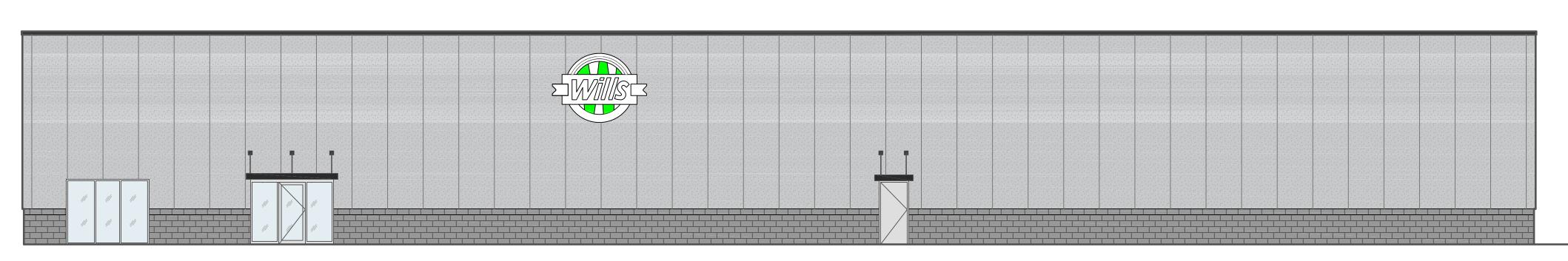
CHECKED BY: D PETERSON

PROJECT NUMBER: 24-0042

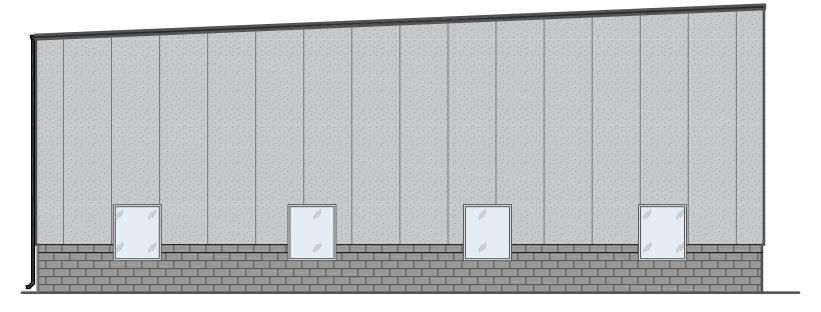
ARCHITECTURAL SITE PLAN

AS10

THESE DRAWINGS ARE GIVEN IN CONFIDENCE
AND SHALL BE USED ONLY IN PURSUANT TO THE
AGREEMENT WITH
PETERSON ARCHITECTURE, P.C.
NO OTHER USE OR DUPLICATION MAY BE MADE
WITHOUT THE PRIOR WRITTEN CONSENT OF
PETERSON ARCHITECTURE, P.C.
ALL OTHER COPYRIGHT AND COMMON LAW
RIGHTS ARE HEREBY SPECIFICALLY RESERVED.

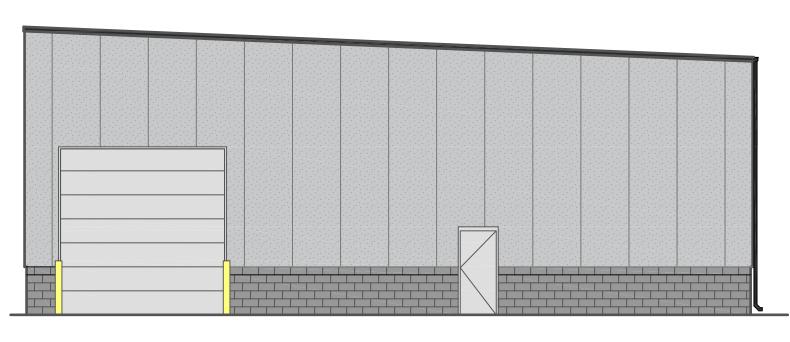


FRONT ELEVATION



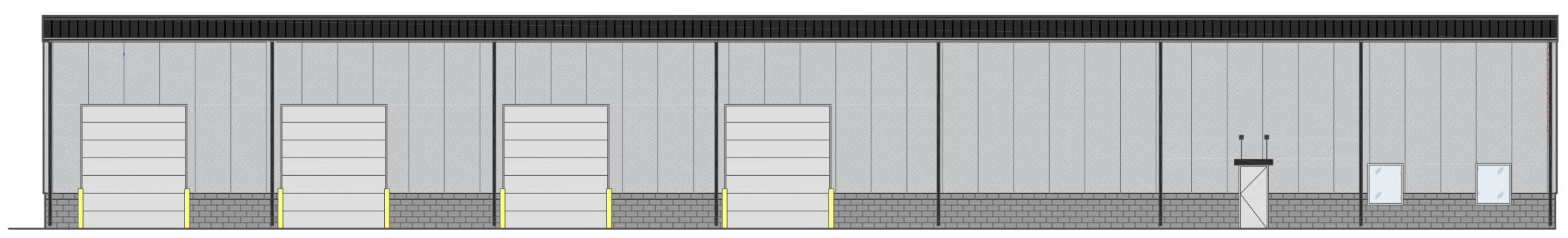
SIDE ELEVATION

SCALE: 1/8' • 1'-0'



SIDE ELEVATION

SCALE: 1/8' • 1'-0'



REAR ELEVATION

SCALE: 1/8' = 1'-0'

petersonARCHITECTURE

298 South 10th Street Suite 500 Noblesville, IN 46060 p 317.770.9714 f 317.770.9718 petersonarchitecture.com

NSTRUCTION

BUILD CORP.

DESIGN &

CLIENT REVIEW

MAY 2, 2024

REVISIONS:

NEW NEW

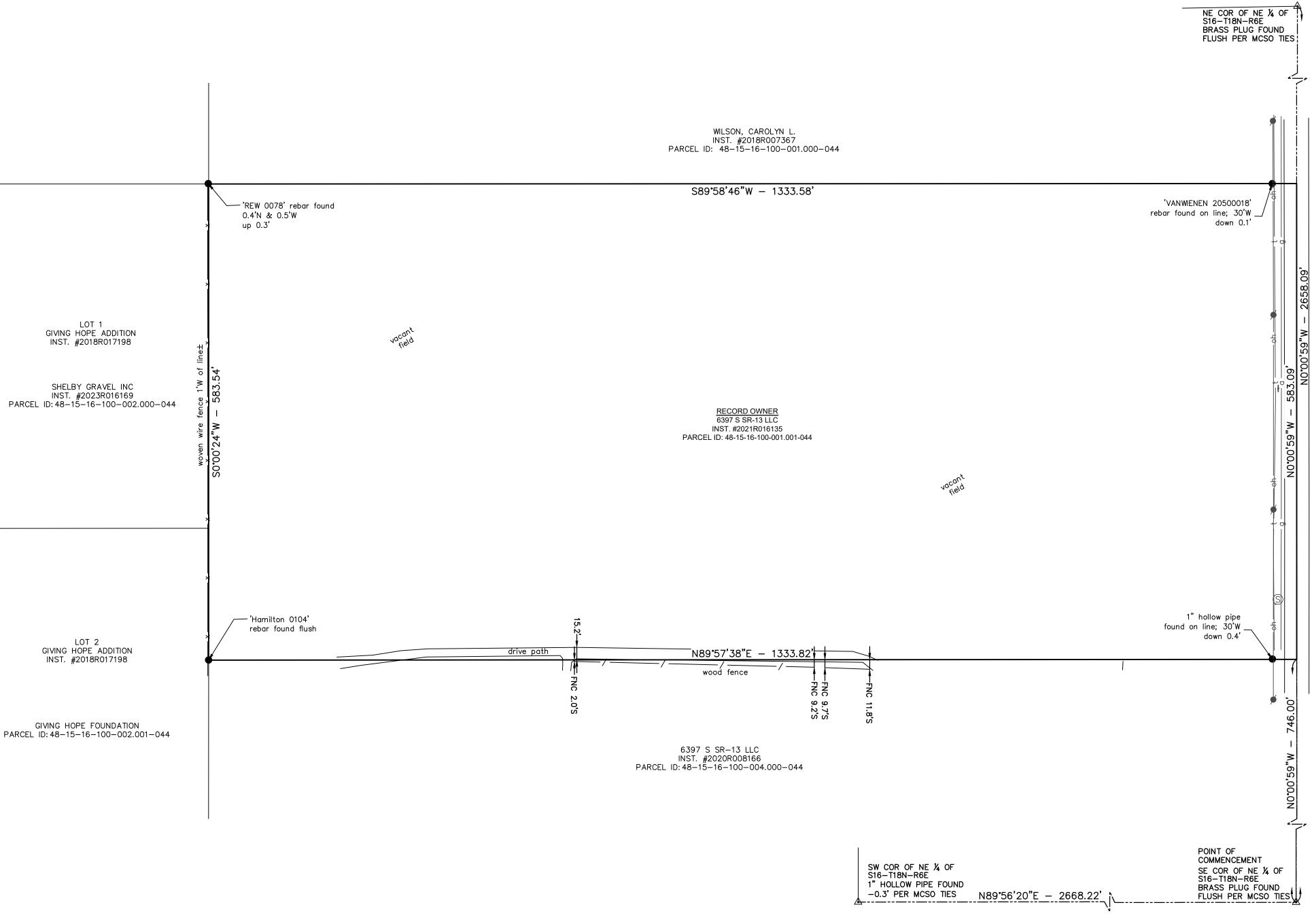
2024-05-02 PLOT DATE: B. HOFMANN DRAWN BY:

D. PETERSON CHECKED BY: 24*-00*42 PROJECT NUMBER:

ELEVATIONS



THESE DRAWINGS ARE GIVEN IN CONFIDENCE
AND SHALL BE USED ONLY IN PURSUANT TO THE
AGREEMENT WITH
PETERSON ARCHITECTURE, P.C.
NO OTHER USE OR DUPLICATION MAY BE MADE
WITHOUT THE PRIOR WRITTEN CONSENT OF
PETERSON ARCHITECTURE, P.C.
ALL OTHER COPYRIGHT AND COMMON LAW
RIGHTS ARE HEREBY SPECIFICALLY RESERVED.



Certificate of Land Survey

This Land Survey, prepared by V3 Companies, is hereby certified to the following.

To: Wills Excavating Inc., an Indiana corporation; 6397 S SR-13 LLC, an Indiana limited liability company; Near North Title Group; Chicago Title Insurance Company: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11 and 13 of Table A thereof. The fieldwork was completed on April 17, 2024.

pro forma

Date of Plat or Map: May 23, 2024

Brian C. Rismiller

Registered Land Surveyor of the State of Indiana Registration Number LS20200083

A parcel of ground being a part of the Northeast ¼ 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 ¼; thence North 00° 00' 59" West along the East line of said Northeast 1/4, a distance of 746.00 feet to the point of beginning; thence continuing North 00° 00' 59" West along the East line of said Northeast ¼, a distance of 583.09 feet to the Northeast corner of the Southeast ¼ of said Northeast ¼; thence South 89° 58' 46" West along the North line of said Southeast ¼ of said Northeast ¼, a distance of 1333.58 feet to the Northwest corner of said Southeast ¼ of said Northeast ¼; thence South 00° 00' 24" West along the West line of said Southeast ¼ of said Northeast ¼, a distance of 583.54 feet; thence North 89° 57' 38" East, a distance of 1333.82 feet to the point of beginning. Contains 17.860 acres, more or less.

In direct accordance with the laws governing the State of Indiana, of the United States of America, and following Title 865 State Board of Registration for Land Surveyors, Article 1, General Provisions, Rule 12, Land Surveying; Competent Practice, of the Indiana Administrative Code (IAC), the following beliefs, opinions, observations, conclusions, and information are hereby submitted for record. The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate. The surveyed premises shown hereon are classified as an Urban Survey, having an acceptable relative positional accuracy of 0.07 feet plus 50 parts per million.

The purpose of this project was to perform and prepare a Retracement Survey on the real estate that has been described hereon, under direction and instructions from the client.

Relative positional accuracy (RPA) means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level. There may be unwritten rights associated with these uncertainties. The amount of uncertainty created by any discrepancies in the lines of occupation is equal to that discrepancy itself and in situations where that uncertainty is less than that of the appropriate RPA, it may have been considered negligible and gone unnoted. Unless otherwise noted or shown on the within survey plat, there is no evidence of occupation along the perimeter lines of the subject real estate.

This plat of survey accurately shows the location of all visible improvements, unless noted otherwise, on the premises as of the date of last field work for this project. Also shown are all lines of occupation and their relationship to the established lines of the subject real estate. A more accurate explanation of these relationships and how they were determined is described within this report. Unless otherwise illustrated hereon, there is no evidence of occupation along the exterior perimeter of the subject real estate.

This plat of survey accurately shows the position of easements, highways, rights of way, restrictions, covenants or other encumbrances of which the Surveyor was informed of. Land Surveyor's within the State of Indiana are not qualified to perform the extensive searches needed to acquire all of those documents or agreements, and they rely upon a Title Company, the client, the client's attorney, or the land owner to provide such information. Observable evidence of these burdens are shown hereon as utility lines or associated improvements, drains, swales, roadways, driveways, paths, etcetera.

Land Survey Markers, or monuments, were either set or found at all corners of the subject real estate, as shown and noted hereon. In situations where the corner is inaccessible or it would not be reasonable to set a monument at a corner, due to terrain or other hindrances, offset monuments may have been set instead, and those have been annotated hereon as well.

There may be differences of deed (D) dimensions versus measured (M) dimensions along the established lines of the subject real estate and likewise, there may be found survey markers near, but not precisely at, some established corners. In cases where the extent of these differences are less than the stated RPA, and less than the uncertainty recognized with regard to any reference monuments used for this project, those differences may be considered insignificant and have been shown only for the purposes of mathematical closure. Conversely, any differences that may exceed the stated RPA and other uncertainties are considered significant and have been discussed further below.

The Theory of Location applied for this project is as follows:

The basis of bearings for this project is North 00 degrees 00 minutes 59 seconds West along the east line of the Northeast Quarter of Section 16, Township 18 North, Range 6 East, per the Deed of Record, Instrument Number 2021R016135.

It is this Land Surveyor's professional opinion that the cause and the amount of uncertainty in these lines and corners is due to the following:

(A) Availability and condition of reference monuments - The Northeast, Southeast, and Southwest corners of said Northeast Quarter were found per the

Madison County Surveyor Ties and held. - Additional monuments were found at or near the established corners for the subject real estate and website, located at http://msc.fema.gov/.

its adjoiners and any variances have been annotated hereon. - The amount of uncertainty created by the controlling monuments and any other monuments shown hereon is equal to 0.4'

(B) Occupation or possession lines - West line: Fence along entire line 1' West.

- South line: Fence along a portion from 2.0' to 11.8' south. A drive path is location on and north of the line up to 15.2' north. The drive path appears to service the south adjoiner. - The amount of uncertainty created by these discrepancies is equal to 15.2' north / south and 1.1'

(C) Clarity or ambiguity of the record descriptions:

- No gaps or overlaps in title or deed lines were discovered during this survey. There appear to be discrepancies in the bearing systems used for the subject and ajoiner parcels, but all utilize common calls of quarter and quarter-quarter lines in common, therefore no gaps or overlaps exist.

(D) The relative positional accuracy of the measurements

- This survey meets or exceeds the requirements set forth by the State of Indiana.

east / west.

Any underground utilities depicted on the attached plat of survey have been located per visual observations or utility markings on the ground. No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to its fitness for any particular purpose or use. In no event will V3 Companies, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information. The path of the utility lines shown on said plat of survey should be considered approximate until they are either relocated, by calling the Indiana Underground Plant Protection Agency at 1-800-382-5544 or until they are excavated to verify the location and path of the utility lines.

No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information provided by governmental authorities and/or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on zoning, setback requirements, flood hazard zones and wetlands area(s). In no event will V3 Companies, its employees, agents, and/or assigns, be liable for any damages arising out of the furnishing and/or use of such information.

Any depiction of possible intrusion, trespass, invasion, and/or possible encroachment into the possessions or rights of another is not a matter of survey. An attorney and/or title company should be consulted in all matters with respect to any rights of possession(s) and matters of title.

Along any line where a deed gap or overlap or inconsistency in line of occupation occurs, unwritten rights may be available to the subject and/or the adjoining real estates.

Flood Information Note

Flood status information was obtained using Flood Insurance Rate Maps (FIRM) provided by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), on their



The Subject Real Estate described hereon was mathematically calculated and scaled on the FIRM Maps

of Madison County, Indiana, Map Number 18095C0240D, dated May 3, 2011, and was found to be

located in Flood Zone X, being within Community Panel Number 180442.

The accuracy of any flood hazard data shown on this Land Survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. This certification is restricted to a review of the FIRM noted above and shall not be construed as a confirmation or denial of flooding potential.

Title Insurance Company Commitment Note

Evidence of source of title for the subject tract was provided by Near North Title Group, having a Title Commitment Number of IN2404185 and is dated effective March 4, 2024 at 12:00 AM. Survey-related exceptions that were disclosed within Schedule B of said title commitment have been depicted on the survey, each being identified by their recording data.

Notes on those survey related exceptions with regard to the Subject Real Estate: 15. Terms and provisions of Ordinance No. 6-2023 dated August 17, 2023 and recorded September 15, 2023 as Instrument No. 2023R012987 in the Office of the Recorder of Madison County, Indiana. [Applies, blanket in nature]

Current ownership for the Subject and Adjoining real estates are shown per County Assessor records, and any documents listed hereon can be obtained from the County Recorder's Office.

State Of Indiana Required Statements For Recordation

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, Brian C. Rismiller.

This document was prepared by Brian C. Rismiller.



494 Gradle Drive Carmel, IN 46032 Ph: 317.844.3333

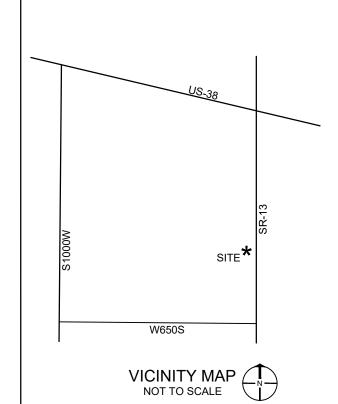
Visio, Vertere, Virtute WWW.V3CO.COM

Crossbridge Solutions, LLC

PO Box 68075 Indianapolis, IN 46278

LEGEND SUBJECT PROPERTY —/— WOOD FENCE — WOVEN WIRE FENCE EXISTING UNDERGROUND GAS UNDERGROUND CABLE TV LIN IRON PIN FOUND(AS NOTED)

FOUND SECTION/USGS MONUMENT SANITARY SEWER MANHOLE ELECTRIC POLE



Disclaimer © 2024 Information contained in this document is the property of V3 Companies an the project client listed on this document. The reproduction, copying, and other use without written consent is prohibited and may be subject to legal

DATE: May 23, 2024 APPROVED BY: BCR DRAWN BY: HMS REVIEWED BY: BCR

DRAWING SCALE: 1"=100' PROJECT NUMBER: 240445-47478

> ALTA/NSPS Land Title Survey Pt of NE 1/4 of S16-T18N-R6E

Lapel, IN 46051 **REVISION:** SUBMITTAL:



Project Narrative

Rezoning Proposal for Corporate Headquarters Development



Rezoning Proposal for Corporate Headquarters Development

Wills Excavating Inc. ("Petitioner") aims to acquire a 17.86-acre land site located at 0 S. SR-13 Lapel, IN 46051, to establish its corporate headquarters. The company seeks to rezone the property from Agricultural (AG) to Industrial General (IG) to facilitate the development of a 14,000-square-foot office-industrial facility, alongside front parking and an outdoor storage lot for commercial vehicles and heavy equipment.

CONTEXT AND JUSTIFICATION

The proposed development aligns with the evolving landscape of the surrounding area, as evidenced by adjacent properties already zoned for industrial use. Notably, the Shelby Materials property and the Lapel Industrial Park have undergone recent rezoning to IG, reflecting a broader trend identified in the area's comprehensive plan. Rezoning the subject property is consistent with this plan, promoting sustainable industrial growth and meeting future development needs.

MARKET ANALYSIS

In Central Indiana, there is a pressing need for properties accommodating small businesses requiring office and warehouse space, coupled with outdoor storage capabilities. The limited availability of such properties underscores the significance of this rezoning proposal, offering an opportunity to address a critical gap in the market and support local economic development initiatives.



COMPANY BACKGROUND

Wills Excavating Inc., established in February 2000, has demonstrated consistent growth and resilience in the face of economic challenges. With a workforce of 25 employees, the company has expanded its services to include site development for commercial projects, transportation of heavy equipment, directional boring, and hydro-excavating. Notable partnerships with leading corporations like MacAllister Machinery and Waste Management underscore Wills Excavating's reputation for excellence and reliability.

OWNER PROFILE

Founder Jason Wills brings a wealth of experience and industry expertise to Wills Excavating Inc. Raised on a farm, Jason's upbringing instilled in him the values of hard work and dedication. His leadership has been instrumental in establishing Wills Excavating as a respected player in the construction industry, with a track record of delivering high-quality services to utility companies and municipalities across the Indianapolis area.

CONCLUSION

In conclusion, the proposed rezoning of the subject property for Wills Excavating's corporate headquarters aligns with the area's comprehensive plan and addresses a crucial need for industrial development in Central Indiana. With a proven track record of success and a commitment to community engagement, Wills Excavating is poised to make a positive impact on the local economy while contributing to the continued growth and prosperity of the region.



APPLICANT AFFIDAVIT

STATE OF	INDIANA	
COUNTY OF	MARIDA	S.S.

The undersigned, having been duly sworn on oath, states that the information in the Application is true and correct as they are informed and believe.

Applicant printed name:

Applicant signature:

Subscribed and sworn to before me this

Notary printed name:

Notary signature:

My commission expires:

CAROLYN J SINCLAIR NOTARY PUBLIC - SEAL STATE OF INDIANA COMMISSION NUMBER NP0745624 MY COMMISSION EXPIRES DEC. 20, 2030

_	ه س	١.	

OWNER AFFIDAVIT

country of <u>Hamilton</u> s.s.

The undersigned, having been duly sworn on oath, states that they are the Owner of the Property involved in this application and that they hereby acknowledge and consent to the forgoing Application.

Owner printed name**: Andrew Christiansen

Owner signature**:

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Subscribed and sworn to before me this 19th day of May 20 24

ANDREA A MARTIN
Notary Public - Seal
Hamilton County - State of Indiana
Commission Number NP0733828
My Commission Expires May 19, 2029

Notary printed name:

Notary signature:

My commission expires:

am a xi

May 19,2029

^{**} A signature from each party having interest in the property involved in this application is required. If the Property Owner's signoture connot be obtoined on the opplication, then a notorized stotement by each Property Owner ocknowledging and consenting to the filing of this opplication is required with the opplication.

 $\int \!\! d \phi \, d \phi$

·黄楼 182111.

PART BACKET

and the state of t

and the second of the second o

HADRED A MARTIN
HOLLY PUBIC - SECTIONARY
HAMILTON COUNTY STATE OF INCIDENCE
CONTINUOUS NUMBER OF SECTIONARY
MY CURRENCE OF SECTION MAY 19, 2029

P. W. H. W. C. B. W.

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Aug 24 2021
Rick Gardner
AUDITOR MADISON COUNTY

2021R016135 08/24/2021 12:27:56 PM FEE: 25.00 PGS: 2 LINDA SMITH MADISON COUNTY RECORDER, IN RECORDED AS PRESENTED THIS DOCUMENT WAS ERECORDED

WARRANTY DEED

(Parcel No. 48-15-16-100-001.000-044)

new#

48-15-16-100-001.001-044

THIS INDENTURE WITNESSETH, That Carolyn L. Wilson ("Grantor") CONVEYS AND WARRANTS to 6397 S. SR-13, LLC, an Indiana limited liability company ("Grantec"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in Madison County, State of Indiana:

PARCEL "A" - Part of Instrument # 2018R006012

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.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

[remainder of page intentionally left blank - signature page follows]

IN WITNESS WHEREOF, Grantor has executed this deed this 23d day of Avgust, 20 21.
Signature: Carely Attlean
Printed: Carolyn L. Wilson
STATE OF INDIANA OUNTY OF MACKNOWLEDGMENT COUNTY OF MACKNOWLEDGMENT OUNTY OF MACKNOWLEDGMENT
Before me, a Notary Public in and for said County and State, personally appeared Carolyn L. Wilson who acknowledged the execution of the foregoing Warranty Deed and who, having been duly sworn, stated that any representations therein contained are true.
Witness my hand and Notarial Seal this day of NGC 11, 20, 21 Notary Public
Printed County of Residence
[seal] Menry count of Commission Number My Commission Expires
This instrument was prepared by Robert A. Hicks, Attorney at Law, HALL, RENDER, KILLIAN, HEATH & LYMAN, P.C., 500 North Meridian Street, Suite 400, Indianapolis, Indiana 46204.
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. Robert A. Hicks
Grantee's mailing address is: 10106 Brooks School Rd. Ste. 200 Fishers, IN 46037
Tax mailing address is:
After recording, return to:

END OF DOCUMENT

AB10807-880



FALL CREEK REGIONAL WASTE DISTRICT

P.O. Box 59 • 9378 S. 650 West • Pendleton, Indiana 46064-0059 • (765) 778-7544 • www.fcrwd.com

April 26, 2024

Claudia Stephenson Allies Commercial Realty

Sent via email: claudia@alliescommercialrealty.com

Re: Fall Creek Regional Waste District - Will Serve Request Wills Excavating – West side of SR 13, North of CR 650 S

Legal Description: NE 16-18-6 (17.86AC) Parcel No. 48-15-16-100-001.001-044

Dear Sir or Madam:

Please accept this letter as Fall Creek Regional Waste District's response concerning your request regarding new sewer service to the above referenced property. The District operates a regional sewer district under Indiana law, and is the sanitary sewer service provider for southern Madison County. The above referenced property is within the District's service territory.

As a matter of policy, the District does not provide commitments concerning sewer service to specific properties unless and until the developer or property owner enters into an applicable service agreement. The District allocates capacity in its sewer system to individual properties pursuant to individual service agreements. Developers will need to meet with the District's Development Committee to help identify service needs, feasibility, timing, fees, and the location for likely connection in the event of service. Any connections to sewer are subject to project review, determinations of usage and flows, execution of a service agreement in a form required by the District, payment of fees and charges, approval of plans and specification for utility facilities, compliance with applicable rules, regulations, and ordinances, etc. The property owner or developer will also be responsible for the cost of extending utility facilities to and on the site. Nothing herein shall constitute a guarantee of capacity or service to your parcel or any other property, nor does this letter create any enforceable rights or interests.

Sincerely,

Jerry D Kelly

Assistant General Manager Fall Creek Regional Waste District

Cc: Jason - jason@willsexcavating.com

Cyndie Jeffers – cyndie@willsexcavating.com

RECOMMENDATION: Diversify land use near and south of SR 38

