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Jana K Gray
Morgan County Recorder IN
Recorded as Presented

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ORDINANCE NO. 2022-18

**AN ORDINANCE REZONING LAND WITHIN
THE JURISDICTION OF MORGAN COUNTY, INDIANA**

WHEREAS, the Morgan County Commissioners have adopted a Unified Development Ordinance (UDO) for the County that includes a map showing the zoning classifications assigned to land within the County's jurisdiction; and

WHEREAS, a petition has been filed by Jana Cragen-Reese requesting the County to rezone certain real estate located in part of the Southwest Quarter of the Southwest Quarter of Section 4 and part of the Northwest Quarter of the Northwest Quarter of Section 9, all in Township 12 North, Range 2 East of the Second Principal Meridian, in Green Township, Morgan County, Indiana. This real estate is fully described in the attached legal description Exhibit A and illustrated in attached Exhibit B; and

WHEREAS, the petitioners requested approximately six (6.03) acres to be rezoned from Agriculture (AG) to Residential 1 (R-1); and

WHEREAS, the Morgan County Plan Commission conducted a public hearing on November 14, 2022 for the petitioner's proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

WHEREAS, the Morgan County Commissioners have reviewed and considered the Plan Commission's recommendation.

NOW THEREFORE BE IT ORDAINED BY THE MORGAN COUNTY COMMISSIONERS
THAT: the real estate described in the attached legal description shall have the zoning classification of **Residential (R-1)**.

This ordinance is hereby passed and adopted this 21st day of November
2022 and shall be effective as of the execution of this ordinance.

MORGAN COUNTY COMMISSIONERS

Kenny Hale

Don Adams

Bryan Collier

ATTEST:

Dan Bastin, Morgan County Auditor

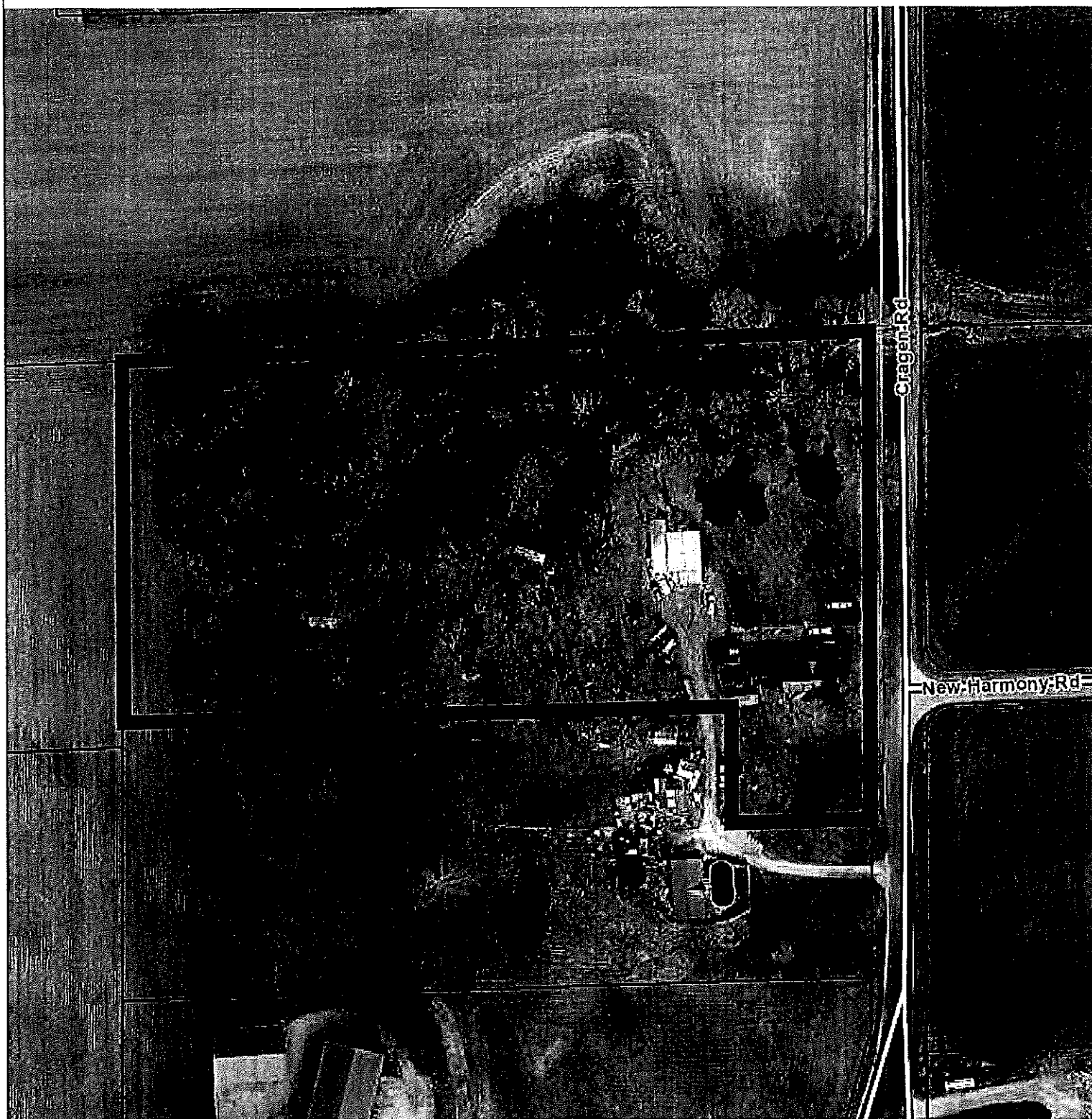
EXHIBIT A

Legal Description – 5010 Cragen Road

Part of the Southwest Quarter of the Southwest Quarter of Section 4, and part of the Northwest Quarter of the Northwest Quarter of Section 9, all in Township 12 North, Range 2 East of the Second Principal Meridian, in Green Township, Morgan County, Indiana, more particularly described as follows:

Beginning at a brass rod marking the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 9; thence South 00 degrees 26 minutes 00 seconds East (grid North per Indiana State place coordinates) with the East Line of the Northwest Quarter of the Northwest Quarter of said Section 111.00 feet to a capped rebar (The term "capped rebar" refers to a 5/8" diameter rebar with plastic cap inscribed Sheppard 20100021); thence South 87 degrees 31 minutes 26 seconds West, 173.00 feet to a capped rebar; thence North 00 degrees 26 minutes 00 seconds West, 111.00 feet to a capped rebar on the South Line of the Southwest Quarter of the Southwest Quarter of said Section 4; thence South 87 degrees 31 minutes 26 seconds West with the South Line of the Southwest Quarter of the Southwest Quarter of said Section, 56168 feet to a rebar, thence North 00 degrees 51 minutes 36 seconds West, 331.16 feet to a rebar; thence North 87 degrees 31 minutes 38 seconds East, 736.81 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter of said Section 4, marked by a rebar 0.5 feet East; thence South 00 degrees 29 minutes 31 seconds East with the East line of the Southwest Quarter of the Southwest Quarter of said Section, 331.18 feet to the point of beginning and containing 6.03 acres more or less.

EXHIBIT B
5010 Cragen Road





MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

PLAN DIRECTOR
Laura Parker

PLAN COMMISSION

Terry Brock
Melanie DePoy
Dustin Frye
Kenny Hale
Michele Jones
Jason Maxwell
Brian Patrick
Fred Roberts
Bill Rumbaugh

BOARD OF ZONING
APPEALS

John Chappelow
Gordon Crone
Gerard McGrath
Fred Roberts
Bill Rumbaugh

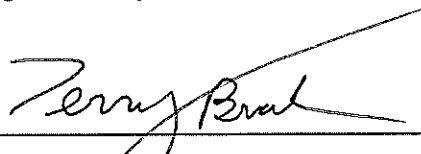
CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners
From: Morgan County Plan Commission
Date: November 14, 2022
Re: Rezoning Recommendation

On November 14, 2022, the Morgan County Plan Commission conducted a public hearing on Petition Z-22-06, submitted by Jana Cragen, to rezone 6 acres of property from AG to R-1. The property is located at 5010 Cragen Road in Green Township, Morgan County, Indiana.

After the public hearing, the Plan Commission voted to forward a **favorable recommendation** to the Morgan County Commissioners to rezone the above-referenced property from **Agriculture (AG) to Residential 1 (R-1)**.

Having complied with the applicable statutory requirements, the Plan Commission hereby certifies this proposal and its recommendation to the Morgan County Commissioners.



Terry Brock, Plan Commission Chair



MORGAN COUNTY PLAN COMMISSION
180 South Main Street
Martinsville, IN 46151
765.342.1060

MORGAN COUNTY PLAN COMMISSION

Staff Report

November 14, 2022

Rezone Request: Z-22-06

GENERAL INFORMATION

Petitioner/Owner: Jana Cragen-Reese
4440 Cragen Road
Martinsville IN 46151

Tax ID / Parcel #: 55-10-04-300-022.000-009

Request: Rezone property from AG to R-1

SITE INFORMATION

Location: 5010 Cragen Road in Green Township

Acreage: 6.03 acres

Existing Land Use: Residential

Current Zoning District: AG (Agriculture)

Surrounding Zoning: The surrounding zoning is AG

Related Petitions: Minor Plat Petition MIP-22-04

DESCRIPTION OF THE PETITION

The petitioner is seeking to rezone this property to Residential 1 (R-1) in connection with the minor plat request.

CHARACTER OF THE SITE AND SURROUNDING AREA

The immediate area would be characterized as a combination of agriculture and rural residential.

BACKGROUND AND HISTORY

This property has been in the Cragen family for decades. The petitioner is seeking to subdivide this parcel into four lots, but since each lot is less than 2 acres, they have to rezone it from AG to R-1 where the minimum lot size is only one (1) acre.

Staff was informed that there is a property line dispute with the adjacent property owner to the west. That is a civil matter between private property owners, but the Plan Commission may wish to seek the advice of the Plan Commission attorney before deciding on the plat.

11/15/22 UPDATE: *Due to the outstanding property line dispute, the Plan Commission voted to recommend the rezone request, but denied the minor plat request until the court had settled the property line dispute. Once decided by the court, the petitioner can come back for the minor plat.*

STAFF RECOMMENDATION

Rezoning to R-1 is necessary for this minor plat to be approved as submitted. Because the R-1 zoning allows four dwellings on six acres which consumes less farm ground, staff supports a *favorable* recommendation of this rezoning request.

Plan Commission Action:

Forward a Favorable Recommendation for the R-1 Zoning Request

or

Forward a Favorable Recommendation with Commitments for the R-1 Zoning Request

or

Forward an Unfavorable Recommendation for the R-1 Zoning Request