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Jana K Gray  
Morgan County Recorder IN  
Recorded as Presented

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ORDINANCE NO. 2023-29

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 Kathryn Hodges Brownell, co-trustee on behalf of Margarite E. Hodges Revocable Trust, requesting the County to rezone certain real estate located in a part of the Northeast Quarter of Section 34, Township 13 North, Range 2 East, 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 petitioner requested approximately 12.461 acres included in Lots 1-6 of the Hodges' Sunset Ridge Minor Plat to be rezoned from Agriculture (AG) to Residential 1 (R-1); and

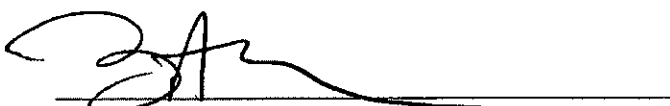
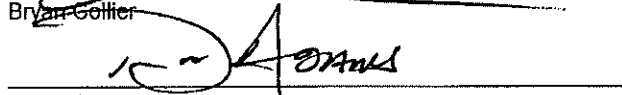
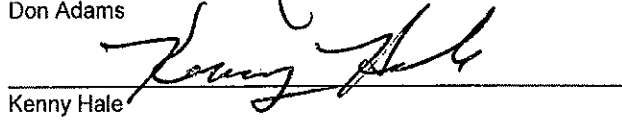
**WHEREAS**, the Morgan County Plan Commission conducted a public hearing on December 11, 2023 for the petitioner's proposed zone classification and the Plan Commission has certified the proposal with a **favorable recommendation** to the Morgan County Commissioners; and

**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 1 (R-1)**.

This ordinance is hereby passed and adopted this 18<sup>th</sup> day of December 2023 and shall be effective as of the execution of this ordinance.

MORGAN COUNTY COMMISSIONERS

  
Bryan Gollier  
  
Don Adams  
  
Kenny Hale

ATTEST:

  
Linda Pruitt, Morgan County Auditor

## EXHIBIT A

### LEGAL DESCRIPTION OF HODGES' SUNSET RIDGE MINOR PLAT

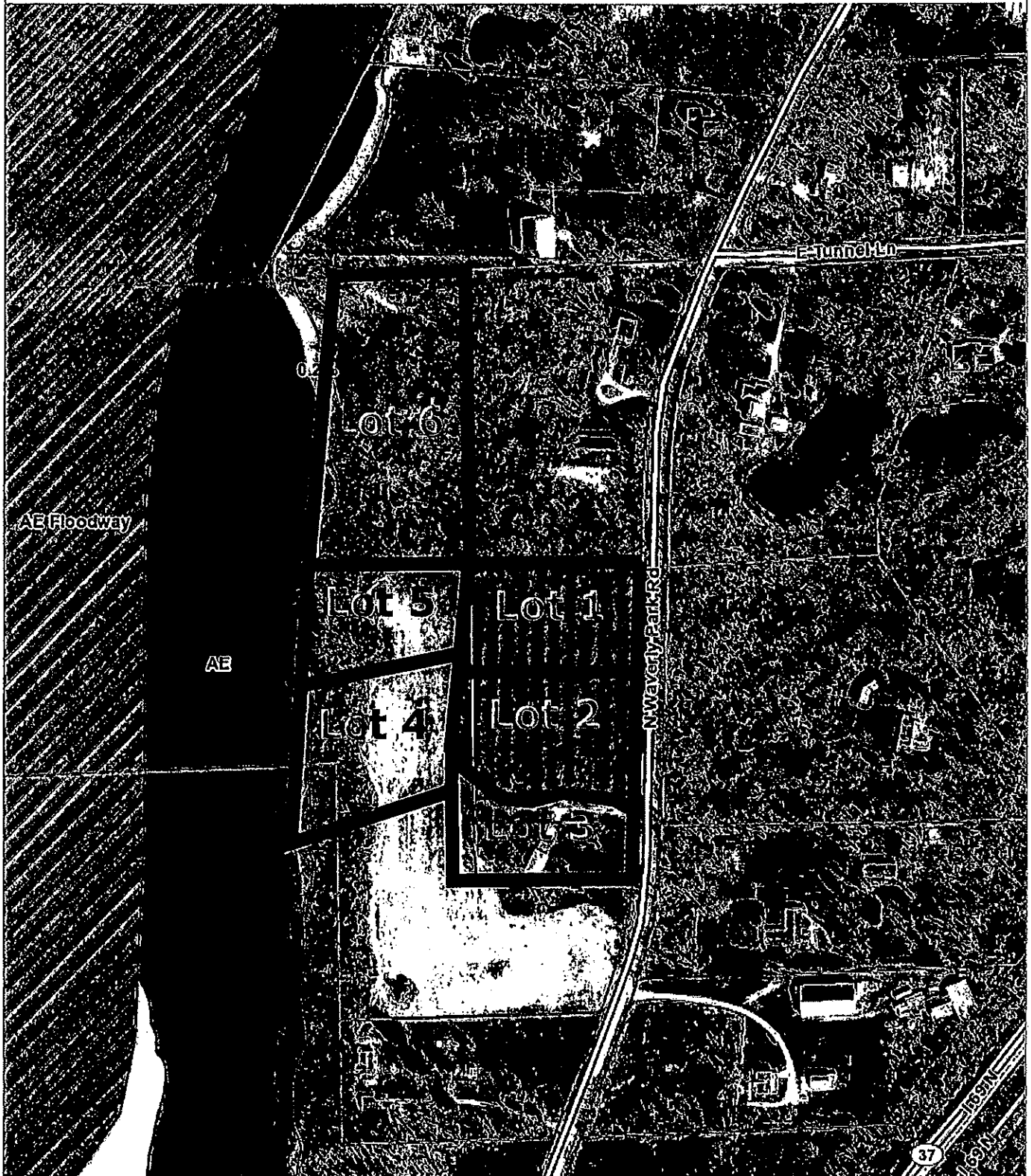
Part of the Northeast Quarter of Section 34, Township 13 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at a stone which marks the northeast corner of the above captioned Northeast Quarter; thence South 87 degrees 45 minutes 44 seconds West (bearing of the north line of the Northeast Quarter of Section 34, Township 13 North, Range 2 East, based upon Indiana State Plane, West Zone Coordinate System — NAD 1983), with said north line, 1276.25 feet to a point in the mean centerline of the county road (formerly known as Old State Road 37); thence continuing South 87 degrees 45 minutes 44 seconds West, with said north line, 495.06 feet to the northeast corner of the 97.15 acre parcel described in Instrument Number 202009098 and the POINT OF BEGINNING of the subdivision herein described (for reference, an iron pin with cap engraved "Griffin" was found North no degrees 29 minutes 55 seconds West, 1.71 feet); thence South no degrees 29 minutes 55 seconds East, with the east line of said 97.15 acre parcel, 558.82 feet to an iron pin with cap engraved "Griffin" which marks the northwest corner of the 3.836 acre parcel described in Instrument Number 202009098; thence South 87 degrees 59 minutes 23 seconds East, with the north line of said 3.836 acre parcel, 372.12 feet to an iron survey nail with washer engraved "Holloway Engr. — Firm 46" in the county road which marks the northeast corner thereof; thence South 01 degrees 04 minutes 42 seconds West, with the east line of said 3.836 acre parcel and in the mean centerline of said county road, 443.70 feet to the southeast corner of said 3.836 acre parcel, also being the northeast corner of the 0.75 acre parcel described in Instrument Number 202009098; thence continuing South 01 degrees 04 minutes 42 seconds West, with the east line of said 0.75 acre parcel and in the county road, a distance of 91.19 feet to the southeast corner of said 0.75 acre parcel; thence continuing South 01 degrees 04 minutes 42 seconds West, in said county road, 50.08 feet; thence South 10 degrees 30 minutes 35 seconds West, in said county road, 30.75 feet to an iron survey nail with washer engraved "Holloway Engr. — Firm 46"; thence South 87 degrees 49 minutes 03 seconds West, 349.94 feet to an iron pin with cap engraved "Holloway Engr. — Firm 46"; thence North no degrees 29 minutes 55 seconds West, 80.03 feet to the southwest corner of the aforesaid 0.75 acre parcel; thence continuing North no degrees 29 minutes 55 seconds West, with the west line of said 0.75 acre parcel, a distance of 91.08 feet to an iron pin with cap engraved "Griffin" which marks the northwest corner of said 0.75 acre parcel, also being the southwest corner of the aforesaid 3.836 acre parcel; thence South 71 degrees 54 minutes 29 seconds West, 336.85 feet to an iron pin with cap engraved "Holloway Engr. — Firm 46"; thence North no degrees 14 minutes 05 seconds West, 574.98 feet to an iron pin with cap engraved "Holloway Engr. — Firm 46"; thence North 06 degrees 16 minutes 50 seconds East, 552.22 feet to an iron pin with cap engraved "Holloway Engr. — Firm 46" on the north line of the Northeast Quarter; thence North 87 degrees 45 minutes 44 seconds East, with said north line, 253.38 feet to the Point of Beginning.

Containing 12.704 acres, more or less, including that part of the lands hereby dedicated to the public for roadway purposes, and subject to any other rights-of-way, easements or restrictions of record or observable.

# EXHIBIT B

Hodges Sunset Ridge Minor Plat - Z -23-10  
N. Waverly Park 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  
Bill Mitchell  
Brian Patrick  
Bill Rumbaugh

BOARD OF ZONING  
APPEALS

John Chappelow  
Gordon Crone  
Jason Maxwell  
Gerard McGrath  
Bill Rumbaugh

## CERTIFICATION OF ZONING PROPOSAL

To: Morgan County Commissioners  
From: Morgan County Plan Commission  
Date: December 11, 2023  
Re: Rezoning Recommendation

On December 11, 2023, the Morgan County Plan Commission conducted a public hearing on Petition Z-23-10, submitted by Kathryn Hodges Brownell, on behalf of the Margarite Hodges Revocable Trust, to rezone Lots 1-6 of the Hodges' Sunset Ridge Subdivision totaling 12.704 acres from AG to R-1. The property is located in the general vicinity of 6810 N Waverly Park Road in Harrison 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 President

8-0-1 (Kenny Hale abstained)

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