

1998

ORDINANCE NO. 16

TO AMEND ORDINANCE 1987-5 A PLANNED UNIT DEVELOPMENT ADOPTED THE 3RD DAY OF AUGUST, 1987 BY MORE SPECIFICALLY AMENDING THE SITE DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF ADDITIONAL RESIDENTIAL DWELLINGS

WHEREAS, John Larimer submitted a petition to amend the Planned Unit Development Ordinance 1987-5 by amending the site development plan;

WHEREAS, After the Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 28th day of August, 1998 and in **The Goshen News** on the 27th day of August, 1998 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record with in 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 10th day of September, 1998 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasonable regard to the criteria established by IC 36-7-4-603; **And**

WHEREAS, The petition was sent to the Town Council with a Recommendation for approval

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MILLERSBURG, INDIANA, AS FOLLOWS:

SECTION 1. That the real estate, which is the subject of this ordinance, is as follows:
SEE EXHIBIT "A"

SECTION 2. That Section 1 of Ordinance 1987-5 be amended by this ordinance. More specifically by the superceding of that referenced plan by the site development Plan which is part of this Ordinance by this reference and shall be maintained in the files of the Elkhart County Advisory Plan Commission.

SECTION 3. That Section 4 of Ordinance 1987-5 be amended to allow for the placement of two driveway on to Elm Street.

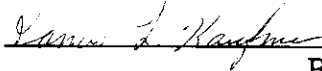
SECTION 4. That all Sections of Ordinance 1987-5 remain in effect and are not intended to be amended by this ordinance unless specifically stated in Section 2 and Section 3 of this ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and approval in according with the law.

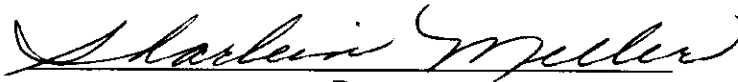
**ORDAINED AND ADOPTED THIS ____ DAY OF _____, 1998 BY
THE TOWN COUNCIL OF MILLERSBURG, INDIANA.**




By
Bob Majdak, President



By
Jim Kaufman, Member



By
Sharlein Miller, Member

Attest: 
Lydia McBride

Attachment "A" Legal Description

LEGAL DESCRIPTION

LOTS 31-32-33 IN THE PLAT OF ROGER'S HEIGHTS ADDITION TO THE TOWN OF MILLERSBURG, INDIANA, ALSO A PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 7 EAST, CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 33 IN THE PLAT OF ROGER'S HEIGHTS AS THE POINT OF BEGINNING OF THIS DESCRIPTION (BEING A FOUND IRON ROD); THENCE RUNNING NORTH 0 DEGREES 54 MINUTES EAST (RECORD) (CALCULATED-NORTH 0 DEGREES 08 MINUTES 06 SECONDS EAST), A DISTANCE OF 296.19 FEET (RECORD) (CALCULATED-294.19 FEET) TO A POINT (BEING A FOUND IRON PIPE); THENCE RUNNING NORTH 89 DEGREES 26 MINUTES EAST (RECORD) (CALCULATED-NORTH 88 DEGREES 29 MINUTES 43 SECONDS EAST), A DISTANCE OF 281.0 FEET (RECORD) (CALCULATED-287.12 FEET) TO A POINT (BEING A FOUND IRON ROD); THENCE RUNNING SOUTH 0 DEGREES 54 MINUTES WEST (RECORD) (CALCULATED-SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST), A DISTANCE OF 297.4 FEET (RECORD) (CALCULATED-296.89 FEET) TO THE SOUTHEAST CORNER OF LOT 31 IN ROGER'S HEIGHTS (BEING A FOUND IRON PIPE); THENCE RUNNING WEST (RECORD) (CALCULATED-SOUTH 89 DEGREES 02 MINUTES 11 SECONDS WEST) ON THE SOUTH LINE OF LOTS 33-32-31, A DISTANCE OF 281.0 FEET (RECORD) (CALCULATED-287.76 FEET) TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINING 1.91 ACRES, MORE OR LESS (RECORD) (CALCULATED-1.95 ACRES, MORE OR LESS). SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHT-OF-WAYS OF RECORD

SURVEYOR'S REPORT

1.) THE THEORETICAL UNCERTAINTY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A CLASS C SURVEY AS DEFINED BY IAC 865. 2.) FOR VARIANCES, DISCREPANCIES AND INCONSISTENCIES SEE PLAT OF SURVEY AND DESCRIPTION. 3.) THE UNDERSIGNED SHOULD BE NOTIFIED OF ANY RECORDED EASEMENTS WHICH AFFECT THE SUBJECT TRACT AND ARE NOT SHOWN ON THIS DRAWING. 4.) NO RESTRICTIONS SHOWN ON THIS DRAWING AND THE UNDERSIGNED SHOULD BE NOTIFIED OF ANY RESTRICTIONS WHICH AFFECT THE SUBJECT TRACT. 5.) TYPE OF SURVEY: RETRACEMENT. 6.) FOUND CORNERS WERE USED AND ACCEPTED AS CORRECT UNLESS OTHERWISE NOTED HEREON. 7.) CORNERS WERE FOUND FLUSH UNLESS OTHERWISE NOTED HEREON.

Proof of Publication

COPY

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WHEREAS, After the Staff for the Elkhart County Advisory Plan Commission did cause the publishing of the legal advertisements for the Public Hearing in **The Elkhart Truth** on the 28th day of August, 1998 and in **The Goshen News** on the 27th day of August, 1998 and did mail as prescribed by Rule and Law the Notice of Public Hearing to all persons of record within 300 feet;

WHEREAS, The Elkhart County Advisory Plan Commission did hold a public hearing as provided by law on the 10th day of September, 1998 and did take public input at that meeting;

WHEREAS, The Elkhart County Advisory Plan Commission did give reasons for its decision as follows: **summe to: Dr. Cripe & Stephens, with the public. Please submit re- with us! You must like to work pie tasks at once, please apply ganized, and able to handle multi- addition to being professional, or- computers, answering phones, in face. If you are experienced with ing part time in a busy doctors of- highly motivated individual seek- ate opening for a dependable and Optometric Assistant: Immedi-**

*** Hiring Bonus ***
Nursing Department
We currently have limited openings in the Nursing Department for Licensed Nurses & CNAs. If you like professionalism & organization then come join us! Apply in person, no phone calls please: Elkhart Rehabilitation Center, 2600 Morehouse Ave. Elkhart.

Dental Receptionist
We need an energetic person with good communication skills, to join our team. Experience a great big plus but not necessary. Full time position, good salary plus great benefits -- retirement plan, bonus- es and insurance. Call for an ap- pointment to come talk to us. 862-1225.

Dental Business Office. Full Time Position at Pediatric Dental Office. Experience w/ computers, Accounts Receivable, Insurance preferred. Send resume to: **Dr. Michael Bigler**
3700 Mishawaka Rd, Suite 2
Elkhart, IN 46517

Greencroft is sponsored by Memorial Health Services

STATE OF INDIANA, }
Elkhart County, } ss:

I, James Young being duly sworn, on oath say that I am Business Manager of THE GOSHEN NEWS, that the same is a Daily newspaper of general circulation, printed and published in the City of Goshen, in the County and State aforesaid; that the annexed true copy was published in said newspaper _____ one _____

consecutive weeks as follows:

On the 13th day of October, 19 98

On the _____ day of _____, 19 _____

On the _____ day of _____, 19 _____

And on the _____ day of _____, 19 _____

James A Young

Subscribed and sworn before me this 13th day of October, 19 98

Janice C. Zigich
Notary Public

Janice C. Zigich

Publication Fee \$ 35.63 My commission expires June 17, ~~XX~~ 2000

Town of Millersburg, Indiana

P.O. Box 278
Office of Clerk/Treasurer
Lydia McBride
219-642-3976

This to certify that the Ordinance 1998-11, 14, 16 were posted by Marshal Bickel on this date, October 7, 1998 at the following locations:

- ◆ Town Hall
- ◆ Farm Bureau Credit Union
- ◆ Post Office

Signature:

Marshal Bickel
Marshal Bickel

Date:

10-07-98

Time:

11:30 AM