

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

January 21, 2014

President Terry Rodino called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other two (2) Board members, Frank Lucchese and Mike Yoder, were also present. Others present were Sheriff Brad Roger; Pauline Graff, County Auditor; Tom Byers, County Administrator and Kathy Erschen, Executive Assistant.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the Minutes of the January 13, 2014 meeting and placed them on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the Allowance of Claims, as presented by the county auditor's office.

Brian Mabry from planning and development presented a request for David J. & Elizabeth A. Myers (owners) and Marjorie Kirkdorffer (owner) for a zone map change from R-4 to B-3 for property located on the east side of US 33, 783 feet north of CR 20 in Concord Township. This was tabled from the December 16, 2013 meeting in order to have the petitioner present so he could answer questions about the requested zone change. David Myers said he is just trying to get the property into compliance for what it is presently being used for. He said he is being taxed for commercial property and the zoning map is for residential use. Sewer is approximately 700 feet away and if it is sold as commercial to be developed, it would be required to have sewer extended to it. Mr. Myers said the property will be restricted because there is a railroad track 50 feet behind so the B-3 zoning should not be an issue. There were no other comments from anyone in the audience. On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board approved the rezoning from R-4 to B-3 and adopted an ordinance establishing this zoning change.

The Ordinance is as follows:

AN ORDINANCE TO AMEND THE COUNTY CODE 36-7-4-600 KNOWN AS THE ZONING ORDINANCE FOR ELKHART COUNTY INDIANA BY REZONING THE AREA OF REAL ESTATE HEREIN AFTER DESCRIBED FROM R-4 TO B-3

WHEREAS, David J. Myers, on behalf of himself and Marjorie Kirkdorffer, submitted an application to rezone real estate hereinafter described from R-4 to B-3 and after proper legal notice a public hearing was held as provided by Law, and the Plan Commission did find that all elements of the Law have been met and did on the 14th day of November, 2013, recommend a zone change from R-4 to B-3 and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County Indiana.

BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THAT:

Legal Description

A part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 37 North, Range 5 East, and a part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 37 North, Range 5 East, all in Concord Township, Elkhart County, Indiana, more particularly described as follows:

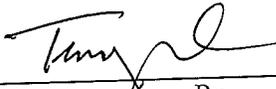
Assuming the South line of said Section 23 to have a bearing due East and West; commencing at a cross on the concrete pavement where the centerline of the Lincoln Highway (U.S. Highway No. 33) is intersected by the South line of said Section 23; thence North 33 degrees 11 minutes West along the centerline of said highway, 819.95 feet for the beginning point of this description; thence North 56 degrees 49 minutes East at right angles to the centerline of said highway, 274.47 feet to an iron stake on the West line of the New York Central Railroad right-of-way; thence Northwestwardly along said right-of-way line, 122.47 feet; thence South 56 degrees 49 minutes West 215 feet to the centerline of said highway; thence South 33 degrees 11 minutes East, 120 feet to the place of beginning of this description.

EXCEPTING THEREFROM: A part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 37 North, Range 5 East, Elkhart County, Indiana, and being part of Dood Rec. 212, page 559, Office of the Recorder of Elkhart County, lying within the right of way lines depicted on the Right of Way Parcel Plat marked Exhibit "B", described as follows:

Commencing at the Southeast corner of said Quarter-Quarter Section, designated as point "1303" on said plat; thence South 89 degrees 28 minutes 54 seconds West (bearings based on the Location Control Route Survey Plat, Project NH-219-5 (), recorded in Instrument Number 2002-09261 in the Office of the Recorder of Elkhart County, 671.90 feet along the South line of said Section to the centerline of U.S. R. 33 per Project F-420-(9), 1959; thence along the centerline of said U.S. R. 33 Northwestwardly 97.99 feet along an arc to the right and having a radius of 1,909.86 feet and subtended by a long chord having a bearing of North 35 degrees 4 minutes 11 seconds West and a length of 97.98 feet; thence North 33 degrees 36 minutes 0 seconds West 721.96 feet along said centerline to the South corner of the grantors' land, being the point of beginning of this description; thence continuing North 33 degrees 36 minutes 0 seconds West 120 feet along said centerline to the West corner of the grantors' land; thence North 56 degrees 24 minutes 0 seconds East 50 feet along the Northwestern line of the grantors' land; thence South 33 degrees 36 minutes 0 seconds East 120 feet to the Southeastern line of the grantors' land; thence South 56 degrees 24 minutes 0 seconds West 50 feet along said Southeastern line to the point of beginning.

BE rezoned from R-4 to B-3 effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II, Section 2 of the Master Plan of Zoning for Elkhart County Indiana as amended are hereby ordered amended and changed to reflect the said rezoning of said real estate.

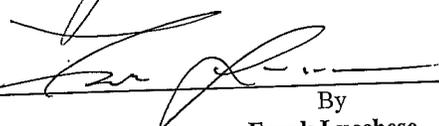
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART
COUNTY, INDIANA THIS 21st DAY OF JANUARY, 2014



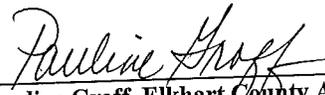
By
Terry Rodino



By
Mike Yoder



By
Frank Lucchese

Attest: 

Pauline Graff, Elkhart County Auditor

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved the contract for Animal Shelter Management & Animal Control Services for 2014 with the Elkhart County Humane Society, as requested by Tom Byers, County Administrator. The contract is on file in the Commissioners' office.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board accepted the Solid Waste-Landfill report for December 2013 and placed it on file.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board approved and signed the consulting contract with United Consulting for the Elkhart County Bridge Inventory – Phase I 2014, Phase II 2016, as requested by Jeff Taylor, Manager of Transportation. A copy of the contract is on file in the Commissioners' office.

On a motion made by Mike Yoder, seconded by Frank Lucchese and unanimously carried, the Board declared 36 items as surplus property for the highway department that will be taken to an auction to sell, as requested by Jeff Taylor, Manager of Transportation.

On a motion made by Frank Lucchese, seconded by Mike Yoder and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Kathy L. Erschen