

ORDINANCE NO. 19-03

AN ORDINANCE AMENDING, AND TO AMEND  
THE ZONING ORDINANCE OF KOSCIUSKO  
COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN OF SYRACUSE OF  
KOSCIUSKO COUNTY, INDIANA:

ARTICLE 1.

Section 1. That the Kosciusko County Zoning Ordinance heretofore passed and adopted by the Town Board of SYRACUSE, be and the same is hereby amended in the particulars hereinafter set forth.

Section 2. That certain tract of land situate in the Town of SYRACUSE, Kosciusko County, Indiana, as part of the Comprehensive Plan for Kosciusko County, Indiana, to wit:

**“SEE ATTACHED”**

Be, and the same is hereby, removed from classification as a PUBLIC USE DISTRICT and subject real estate shall be reclassified and rezoned as an AGRICULTURAL DISTRICT within the limitations, definitions and description of the Kosciusko County Zoning Ordinance.

Section 3. That the Ordinance Administrator, pursuant to said Zoning Ordinance be, and he is hereby authorized to issue Improvement Location Permits and Certificates of Occupancy with reference to the construction and improvements upon said described

real estate so long as applications therefore comply with the Kosciusko County Zoning Ordinance and upon compliance with all applicable rules and regulations of the State of Indiana and local authorities, as the same may be applicable to the construction of streets, parking facilities, storm sewers, drains, sidewalks and sewer and water facilities.

ARTICLE 2.

Section 1. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted at a regular and duly constituted meeting of the Town Board of Syracuse Kosciusko County, Indiana, on the 19 day of March, 2019.

TOWN BOARD OF Syracuse,

KOSCIUSKO COUNTY, INDIANA

Paul Slattery  
Larry Martindale  
[Signature]  
Bryan

Attest:

Paula Kehr-Wiecher.

## LEGAL DESCRIPTION

PART OF THE NORTH HALF OF SECTION NUMBER 7, TOWNSHIP 34, RANGE 7 EAST, KOSCIUSKO COUNTY, INDIANA, BEING CONTAINED ENTIRELY WITHIN THE BOUNDARIES OF A TRACT NOW (OR FORMERLY) OWNED BY LAKELAND COMMUNITY SCHOOL CORPORATION AS RECORDED ON DEED 217, PAGE 422 IN THE RECORDS OF THE OFFICE OF KOSCIUSKO COUNTY, INDIANA RECORDER, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION NUMBER 7, MARKED BY A CORNER STONE; THENCE NORTH 0 DEGREES 54 MINUTES 56 SECONDS WEST (ASSUMED BEARING), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 664.11 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT-CONSULTING, LLC - BOUNDARY"; THENCE NORTH 88 DEGREES 22 MINUTES 59 SECONDS EAST, 1318.20 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT-CONSULTING, LLC - BOUNDARY" AT THE NORTHWEST CORNER OF A TRACT OF LAND NOW (OR FORMERLY) OWNED BY KEM ZOLMAN AND LYNETTE ZOLMAN AS RECORDED ON DOCUMENT #96-01-002 IN SAID RECORDER'S OFFICE, BEING SITUATED NORTH 88 DEGREES 40 MINUTES 30 SECONDS WEST, 300.00 FEET FROM A RAILROAD SPIKE ON THE CENTER LINE OF KERN ROAD; THENCE SOUTH 00DEGREES 26 MINUTES 27 SECONDS EAST, ALONG THE WEST BOUNDARY OF SAID ZOLMAN TRACT, 428.54 FEET TO A MASONRY NAIL WITH A WASHER STAMPED "FORESIGHT-CONSULTING, LLC" ON THE MONUMENTED CENTERLINE OF KERN ROAD; THENCE SOUTH 34 DEGREES 25 MINUTES 58 SECONDS WEST, ALONG SAID CENTERLINE, 291.41 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 22 MINUTES 59 SECONDS WEST, ALONG SAID SOUTH LINE, 1146.08 FEET TO THE POINT OF BEGINNING. CONTAINING 19.60 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHT OF WAY, COVENANTS AND RESTRICTIONS OF RECORD.

Form# 0111

Request For Zoning Amendment Before the  
Kosciusko County Area Plan Commission

Case Number 19003 Z

Date Filed 2/15/2019

I/we WAWASEE

COMMUNITY SCHOOL

574-457-3188

do hereby petition your Honorable Body to amend the Zoning of TURKEY CREEK Kosciusko County, Indiana by reclassifying from an  
Public Use District to an Agriculture District, the property described as follows, and shown on the map enclosed in file,  
which by reference is made a part of this petition.

1 WARRIOR PATH BLDG #2

SYRACUSE

IN 46567

008-026-002.

Applicants Mailing Address

Key Number

Other Property Location

WEST SIDE KERN RD, 2800' SOUTH 1300 N

1/4 Section 7 Township 34 Range 7

Purpose of Rezoning

AGRICULTURAL USES AS DESCRIBED IN THE KOSCIUSKO COUNTY ZONING ORDINANCE

I

I am

We hereby certify that as the undersigned We are the owner/s of fifty percent or more of the property described in this petition.

Property Owners Name

WAWASEE

SCHOOL

Property Owners Signature

*[Signature]* - AGENT 2-20-2019

The correspondent or agent (if different from the owners) is JAMES FLECKER

Agents Phone 574-457-3188

Agents Address

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This petition shall be submitted to the Kosciusko County Area Plan Commission Office, in the County Courthouse, Warsaw, Indiana, in order that the petition may be reviewed for accuracy of property description and to establish if the District requested will permit the proposed. The original and second copy of the petition (with two copies of an accurate map or plat showing the area proposed for change) shall be referred to the appropriate Legislative Body by the Kosciusko County Area Plan Commission, together with the recommendation of the Commission.

**AFFIDAVIT**

Kosciusko County )  
State of Indiana ) SS:

Personally appeared before me, a notary public and for said county and state, the undersigned **Jessica Rodriguez**, who being duly sworn says that she is of competent age and is comptroller of the

**WARSAW TIMES-UNION**

Notice is hereby given, that the Kosciusko County Area Plan Commission shall hold a public hearing on a petition filed by Wawasee Community School requesting an amendment to the Kosciusko County Zoning Ordinance, to reclassify property from an public district to an agricultural district, the following real estate, located on the west side of Kern Rd & 2800' South of 1300 N in Turkey Creek Township Key Number 008-026-002

And Described As Follows, To Wit:

Part of the north half of section number 7, township 34, range 7 east, Kosciusko County, Indiana, being contained entirely within the boundaries of a tract now (or formerly) owned by Lakeland Community School Corporation as recorded on deed 217, page 422 in the records of the office of Kosciusko County, Indiana recorder, said parcel being more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of said section number 7, marked by a corner stone; thence north 0 degrees 54 minutes 56 seconds west (assumed bearing), along the west line of said northwest quarter, 664.11 feet to an iron rebar stake with a plastic cap stamped "foresight consulting, llc - boundary"; thence north 88 degrees 22 minutes 59 seconds east, 1318.20 feet to an iron rebar stake with a plastic cap stamped "Foresight Consulting, LLC - Boundary" at the northwest corner of a tract of land now (or formerly) owned by Kem Zolman and Lynette Zolman as recorded on document #96-01-002 in said recorder's office, being situated north 88 degrees 40 minutes 30 seconds west, 300.00 feet from a railroad spike on the center line of Kern Road; thence south 00 degrees 26 minutes 27 seconds east, along the west boundary of said Zolman Tract, 428.54 feet to a masonry nail with a washer stamped "Foresight Consulting LLC" on the monumented centerline of Kern Road; thence south 34 degrees 25 minutes 58 seconds west, along said centerline, 291.41 feet to the south line of said northwest quarter; thence south 88 degrees 22 minutes 59 seconds west, along said south line, 1146.08 feet to the point of beginning, containing 19.60 acres more or less.

Subject to easements, right of way, covenants and restrictions of record.

This Change is Requested To Permit the Above Described Real Estate to be Used For the Purpose of Agricultural Uses as defined in the Kosciusko County Zoning Ordinance

This Hearing Will Be Held in the Commissioners Room in the Kosciusko County Court House, 100 W Center St., Warsaw in On Wednesday, March 6, 2019 At 1:00 PM.

All Interested Persons Are Invited To Attend To Be Heard. Written Comments Will Be Considered If They Are Received in the Office of the Kosciusko County Planning Department, Court House, Warsaw, Indiana, No Later Than 12:00 Noon On The Day Of The Hearing.

2-23, 3-2 hspaxlp

which for at least five (5) consecutive years has been of Warsaw, county of Kosciusko, State of Indiana, and a, has been a newspaper of general circulation, having publication, printed in the English language and entered, ted by the post office department of the United States a matter of the second-class as defined by the Act of d States of March 3, 1879, and that the printed matter ue copy, which was published in said newspaper ie dates of publication being as follows:

mar 2

*Jessica Rodriguez*  
Affiant

to before me this 2 day

2019

*Laura Sowers*  
Notary Public

Laura Sowers  
My Commission expires June 1, 2026  
Resident of Kosciusko County

Printer's Fee, \$ 90<sup>00</sup>

STATE OF INDIANA    )  
                                  )SS:  
KOSCIUSKO COUNTY    )

BEFORE THE KOSCIUSKO COUNTY  
AREA PLAN COMMISSION

IN THE MATTER OF THE  
PETITION OF:

REPORT AND RECOMMENDATION TO  
Syracuse Town Board

Comes how (the secretary of) the Executive Director of the Kosciusko County Area Plan Commission and presents to the commission the petition of Wawasee Community School heretofore filed in the office of the Kosciusko County Area Plan commission, praying rezoning of certain real estate Wawasee Community School (by counsel), and make proof of publication of notice of public hearing before said commission by publication of notice thereon in the Warsaw Times Union, a newspaper of general circulation published in Kosciusko County, Indiana, the publication of which was upon the 23 & 2 day of February, March 2019 , which said proof of such publication is in the words and figures following, to-wit: (H.I.)

Said petition, being duly before said commission, the same is now submitted for hearing thereon, evidence heard, and the commission being duly advised with reference thereto, now finds:

1. That the petition for rezoning of the subject real estate as and for Agricultural Uses as defined by the Kosciusko County Zoning Ordinance, be and the same should be granted.

2. That said commission further finds that the use of said real estate will not:

- (1) Alter the land use characteristics of the district.
- (2) Impair the adequate supply of light and air to the adjacent property.
- (3) Increase the hazard from fire, flood and other dangers to said property.
- (4) Diminish the marketable value of adjacent lands and buildings.
- (5) Increase the congestion in the public streets
- (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

3. That said petition, and the use of said real estate as proposed therein, does, in fact, comply with all the requirements of the Kosciusko County Zoning Ordinance and that the

commission should recommend passage, by the Syracuse Town Board Kosciusko County, Indiana, of an ordinance approving rezoning as prayed in said petition.

That such ordinance should include, as a part of its content, the following recommendations or restrictions:

NONE

That based upon the findings and recommendations hereinabove set forth, and upon motion duly made and seconded, the members of said commission voted unanimously to recommend to the Syracuse Town Board Kosciusko County, Indiana, adoption and passage of an ordinance to the effect that the real estate described in the petitioners petition be rezoned as therein prayed in conformity with Agricultural Uses as the same is enumerated and defined in the Kosciusko County Zoning Ordinance, which said real estate is described as follows:

“SEE ATTACHED”

Daniel W. Richard  
Director  
Kosciusko County Area Plan Commission

Dated: March 6, 2019.

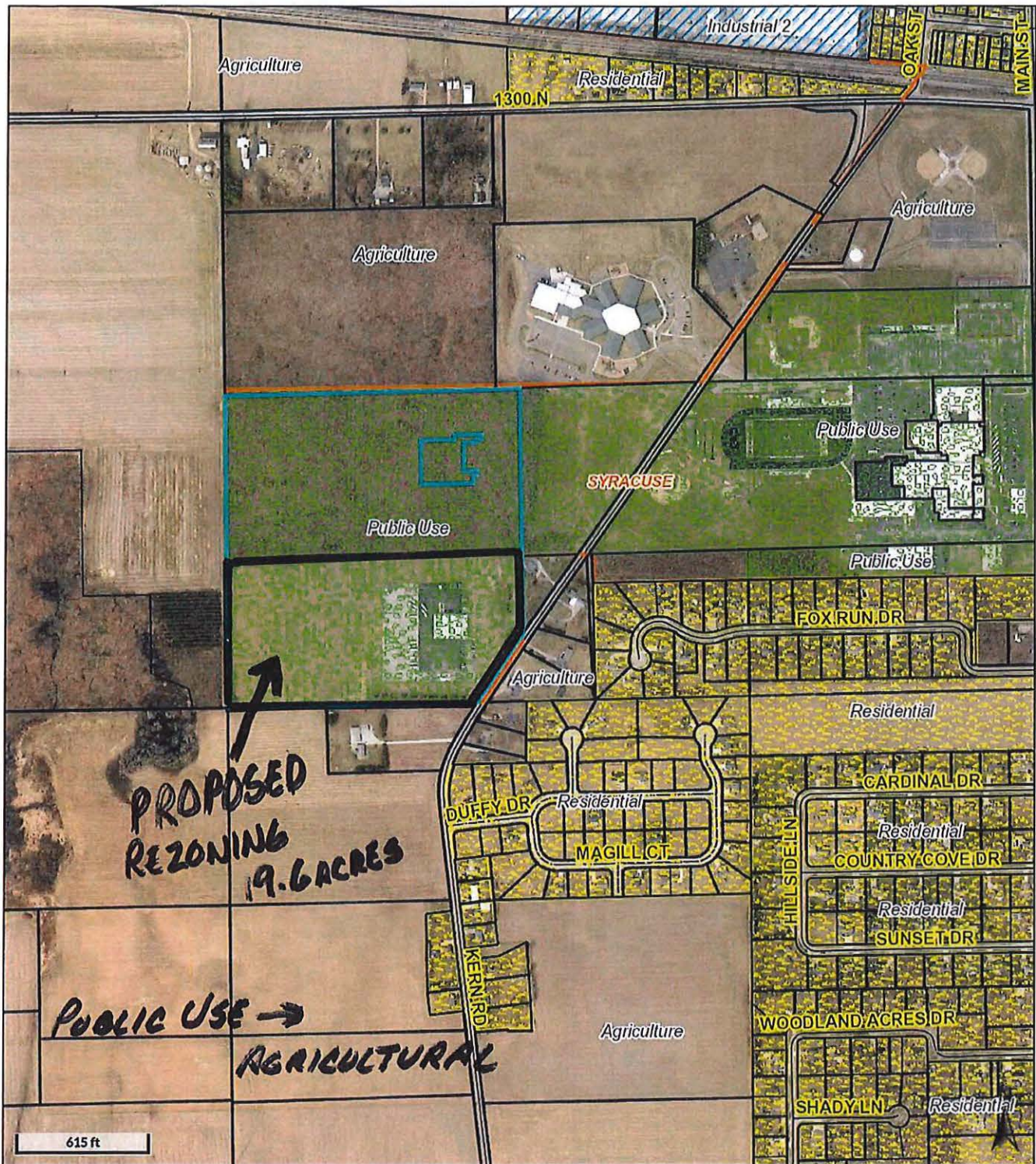
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Parcel ID	008-026-002	Alternate ID	0872600657
Sec/Twp/Rng	0007-0034-7		
Property Address	12501 N KERN RD	Class	EXEMPT PROPERTY OWNED BY A BOARD OF EDUCATION
	SYRACUSE	Acreage	n/a
District	Syracuse		
Brief Tax Description	008-026-002		
	PTS PT 7-34-7 40.90A		
	(Note: Not to be used on legal documents)		

Owner	Wawasee Community School Corp
Address	1 Warrior Path Bldg 2 Syracuse, IN 46567