

ORDINANCE NO. 2020 - 12
AN ORDINANCE TO REZONE CERTAIN PROPERTY WITHIN JURISDICTIONAL
LIMITS OF THE PLANNING COMMISSION OF THE CITY OF JASPER, INDIANA

WHEREAS, KAKB, LLC is the owner of certain property lying within the jurisdictional area of the City of Jasper, Indiana and commonly known as 27.124 acres of cultivated field contained within parcel numbers.: 19-06-32-500-007.000-016 and 19-06-32-100-006.000-016;

WHEREAS, KAKB, LLC of Dubois County, Indiana has filed its Application for Rezoning to rezone a tract of land from A-1 to R-1. The subject tracts are bounded on the west by County Road 490 W; on the north by the southern boundary of Green Meadow Estates First Addition and Green Meadow Estates Sixth Addition, on the east by the western boundary of Brookstone Estates VI, and on the south by the northern boundary of Brookstone Estates IV and Brookstone Estates V, and northeasterly of 874 N 490 W.

WHEREAS, a hearing on the original Petition was held by the Plan Commission of the City of Jasper on the 19th day of May, 2020, and notice was given as required by law. Eight remonstrators objected to the rezone;

WHEREAS, the Plan Commission filed its "Certification of Plan Commission to Common Council of the City of Jasper" favorably recommending the proposal to rezone the tract of land as originally petitioned;

WHEREAS, the Common Council of the City of Jasper, Indiana, has jurisdiction to rezone the tract of land as described below, has considered the Petition to rezone the property, has considered other information relevant to this issue and believes that rezoning the entire property is in the best interest of the City of Jasper and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, as follows:

SECTION 1. The following described A-1 (Agriculture) land within the jurisdictional limits of the Plan Commission of the City of Jasper, Indiana, be rezoned to R-1 (Low Density Residential) to-wit:

The cultivated field located east of 490 W, south of Green Meadow Estates First Addition & Sixth Addition, West of Brookstone Estates VI, north of Brookstone Estate V, and northeasterly of 874 N 490 W.

Parcel No.: 19-06-32-500-007.000-016 & 19-06-32-100-006.000-016

Legally Described as:

A part of the Northwest Quarter of the Northeast Quarter and part of the Northeast Quarter of the Northwest Quarter all in Section Thirty-two (32), Township One (1) South, Range Five (5) West, Madison Civil Township, Dubois County, Indiana, being more completely described as follows:

Beginning at an existing cornerstone at the northwest corner of the Northwest Quarter of the Northeast Quarter of Section Thirty-two (32), Township One (1) South, Range Five (5) West;
thence North 89 degrees 30 minutes 15 seconds East a distance of 98.15 feet along the north line of said quarter-quarter section to a 5/8-inch iron rebar bearing a pink survey cap inscribed "ECKERLE 21000206" (hereafter referred to as "a capped (ECKERLE) iron rebar") set this survey;
thence South 00 degrees 00 minutes 00 seconds East a distance of 846.94 feet to an existing capped (ECKERLE) iron rebar at the northeast corner of Lot 26 in Brookstone Estates IV, a Subdivision in Madison Civil Township, Dubois County, Indiana, as recorded at Plat Book 10, Page 89 of the Dubois County Recorder's Office;
thence South 89 degrees 31 minutes 01 seconds West a distance of 442.07 feet along the north line of said Brookstone Estates IV to an existing capped (ECKERLE) iron rebar at the northeast corner of Brookstone Estates V, a Subdivision in Madison Civil Township, Dubois County, Indiana, as recorded at Plat Book 10, Page 105 of the Dubois County Recorder's Office;

thence South 88 degrees 04 minutes 58 seconds West a distance of 736.53 feet along the north line of said Brookstone Estates V to an existing 5/8-inch iron rebar bearing a yellow survey cap inscribed "K.R.B. 80880037" (hereafter referred to as "an existing capped (K.R.B.) iron rebar") at the southeast corner of the Spencer J. Fuhs & Brittany A. Moeller tract, as recorded at Record Document 2015006207 of the Dubois County Recorder's Office;
thence North 00 degrees 50 minutes 52 seconds West a distance of 171.52 feet along the east line of said Spencer J. Fuhs & Brittany A. Moeller tract to an existing capped (K.R.B.) iron rebar at the northeast corner thereof;
thence North 87 degrees 44 minutes 30 seconds West a distance of 243.36 feet along the north line of said Spencer J. Fuhs & Brittany A. Moeller tract to an existing MAG nail at the northwest corner thereof;
thence South 00 degrees 50 minutes 57 seconds East a distance of 185.64 feet along the west line of said Spencer J. Fuhs & Brittany A. Moeller tract to an existing MAG nail at the southwest corner thereof, being at the north line of said Brookstone Estates V;
thence South 88 degrees 55 minutes 56 seconds West a distance of 16.39 feet along the north line of said Brookstone Estates V to an existing MAG nail bearing a bronze surveyor's tag inscribed "ECKERLE 21000206" at the northwest corner thereof, being at the west line of the Northeast Quarter of the Northwest Quarter of said Section 32;
thence North 00 degrees 40 minutes 48 seconds East a distance of 868.15 feet along the west line of said quarter-quarter section to an existing 3/4-inch iron pipe at the northwest corner thereof;
thence North 89 degrees 31 minutes 01 seconds East a distance of 1329.10 feet along the north line of said quarter-quarter section to the **point of beginning** of the herein described tract.
Containing **27.124 acres.**

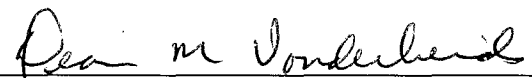
SECTION 2. The Director of Community Development and Planning of the City of Jasper, Indiana, is hereby directed to make the proper corrections in the maps and records of the Planning and Zoning Commission to conform to this Ordinance.

SECTION 3. Separability. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereunder.

SECTION 4. Prior Ordinances. All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 20th day of May, 2020.


Dean M. Vonderheide, Presiding Officer

ATTEST:


Allen Seifert, Clerk-Treasurer

Presented by me to the Mayor of the City of Jasper on the 20 day of May, 2020, at 7:16 o'clock, P.m.


Allen Seifert, Clerk-Treasurer

This Ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana,
this 20th day of May, 2020, at 7:16 o'clock, p.m.

Dean M. Vonderheide
Dean M. Vonderheide, Mayor

ATTEST:

Allen Seifert
Allen Seifert, Clerk-Treasurer