

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: 8/14/2024

Delaware County

Case No.: 10-242

City of Muncie

(1) Applicant: Daniel M & Karen M Ashton

Address: 8730 S CR 800 W, Daleville, IN 47334 Phone: 765-378-3083

(2) Record of Applicant's Ownership:

A.  By Deed:  
Deed Book No. & Page No.: 2022R 12081 & 2024R04722  
Date of Deed: 8/11/2022 & 4/3/2024

B.  By Recorded Contract:  
Misc. Book No. & Page No.: \_\_\_\_\_  
Date of Contract: \_\_\_\_\_

C.  By Unrecorded Contract:  
Date of Contract: \_\_\_\_\_  
Name of Contract Seller: \_\_\_\_\_  
Book No. & Page No. Of Deed in Seller's Name: \_\_\_\_\_

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).

**See attached deeds**

(4) Common Address of Property Involved:

**12600 W CR 550 S, 8880 S CR 800 W & 8730 S CR 800 W, Daleville, IN 47334**

(5) Proposed zoning change: (Give exact zone classification.)

From the Residence Zone 1 and Business Variety Zone

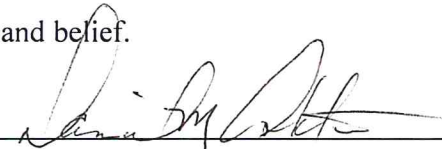
To the Farming Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)  
The use of the property will not change, it will still be used for farming and for a residence.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.  
The owner will continue to use the property.
- (8) State how the proposed change will not adversely affect the surrounding area.  
See attached
- (9) Will certain variances be requested if the proposed zoning change is granted?  
(If yes, list the variances)  
No
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? yes  
Has the applicant discussed this rezoning with those owners personally? no  
(If answer is yes, give their attitudes toward the rezoning.)
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?  
(If answer is yes, attach copy of it and/or explain.)  
No

The home on parcel 1408100008000 is to be divided from the remainder of the parcel. In order for the division of this parcel to be viable, the remainder that is landlocked will need to be combined with adjoining property. This parcel does not currently adjoin any property of the same zoning, so it will need to be rezoned in order to be combined. The part of parcel 1408100008000 with the home will remain in the Business Variety zone to fit the county lot width requirement. Parcels 1408100001000 & 1408100019000 are currently split zoned. The rezoning of these parcels to put the entire parcel under one zoning classification will make them more in compliance.

**AFFIDAVIT**

(I or We) DANIEL M ASHTON Karen M. Ashton being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(s) of property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief.

SIGNATURES:  Karen M. Ashton

Subscribed and sworn to before me this 14<sup>th</sup> day of August, 2024



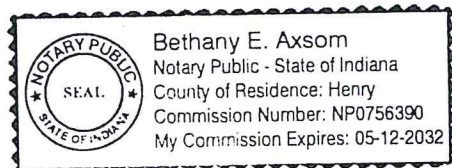
Notary Public

5/12/2032

My Commission Expires

Resident of Henry County

State of IN



**DO NOT WRITE IN THIS SPACE**

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed \_\_\_\_\_

Date \_\_\_\_\_

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 20.00  
Apr 03 2024 - ER

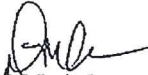

  
DELAWARE COUNTY AUDITOR

2024R04722 143  
JAN SMOOT  
DELAWARE COUNTY RECORDER  
RECORDED ON  
04/03/2024 09:20 AM  
REC FEE 25.00  
PAGES: 3  
RECORDED AS PRESENTED

## WARRANTY DEED

THIS INDENTURE WITNESSETH that: Mark A. Smith and Lori J. Smith, husband and wife, of Delaware County, State of Indiana,

Convey and Warrant to:

  KMA  
Daniel M. Ashton and Karen M. Ashton, husband and wife, of Delaware County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana, to wit:

*See Attached Exhibit "A"*

Parcel #1

Address: 12600 W. County Road 550 S., Daleville, IN 47334  
Parcel # 1408100008000 / 18-14-08-100-008.000-021

Parcel #2

Address: 12600 ADJ W. County Road 550 S., Daleville, IN 47334  
Parcel # 1408100003000 / 18-14-08-100-003.000-021

**SUBJECT TO** a Lease Agreement for Sign Structure by and between Mark A. Smith and Lori J. Smith, husband and wife and L & W Outdoor Advertising, Inc., an Indiana Corporation, dated and acknowledged July 15, 2019 and recorded August 06, 2019 at Instrument Number 2019R09954 in the Office of the Recorder of Delaware County, Indiana.

**SUBJECT TO** Grant of Ingress/Egress/Utility Easement and Maintenance Easement to L & W Outdoor Advertising, Inc., dated May 11, 2018 and recorded January 24, 2020 as set forth in Instrument Number 2020R01154 in the Delaware County Records.

**SUBJECT TO** the right of way of State Road 67 over the portion of the above property embraced therein.

**SUBJECT TO** the rights of upper and lower riparian owners in and to the use of the waters of creeks or rivers thereon and the natural flow thereof.

**SUBJECT TO** any and all easements, assessments, agreements, and restrictions of record.

**SUBJECT TO** the Spring installment of real estate taxes for the year 2023, due and payable in Spring 2024, together with all subsequent taxes which the Grantee herein assume(s) and agree(s) to pay as part of the consideration thereof.

*No evidence or opinion of title has been requested of or provided by the law firm preparing this document regarding the hereinbefore described real estate.*



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*EXHIBIT "A"*

*LEGAL DESCRIPTION*

Beginning at a point on the South line of the West Half (W ½) of the Northwest Quarter (NW ¼) of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, said point being Two Hundred Forty-two (242) feet West of the Southeast corner of said West Half (W ½) of the Northwest Quarter (NW ¼) and running thence West One Hundred Forty-two and five tenths (142.5) feet along said South line; thence turn an angle to the right of Eighty-nine degrees (89°) and Fifty-five minutes (55') and measure Northerly One Thousand Six Hundred Seventy (1670) feet; thence East One Hundred Eighty-four and seven tenths (184.7) feet; thence Southerly Three Hundred Forty-three (343) feet along a fence line to the South line of the North Half (N ½) of said Northwest Quarter (NW ¼) of Section Eight (8); thence Westerly Twenty-four (24) feet along said South line; thence Southerly One Thousand Three Hundred Twenty-seven and nine hundredths (1,327.09) feet to the place of beginning. Being a part of the West Half (W ½) of the Northwest Quarter (NW ¼) of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East and containing 6.0 acres, more or less.

EXCEPT THEREFROM:

For the purposes of establishing a limited access facility, the permanent extinguishment of all rights and easements of ingress and egress to from, and across the limited access facility (to be known as SR 67 and as Project HDP-9223(002)), to and from the owners' abutting lands, along the lines described as follows:

Commencing at the Southeast corner of the West Half of the Northwest Quarter of Section 8, Township 19 North, Range 9 East; thence South 89°16'09" West 242.00 feet (73.762 meters) along the South line of said Quarter Section to the Southeast corner of the owners' land; thence North 00°02'24" West 81.21 feet (24.752 meters) along the East line of the owners' land to the North boundary of S.R. 67 and the point of beginning of this description; thence South 89°51'00" West 90.92 feet (27.713 meters) along the boundary of said S.R. 67 to the terminus. The above-described access control line restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

DULY ENTERED FOR TAXATION  
TRANSFER FEES \$ 20.00  
Aug 11 2022 - ER  
*Steven J. Cuyper* NC/ND  
DELAWARE COUNTY AUDITOR

2022R12081  
MELANIE MARSHALL  
DELAWARE COUNTY RECORDER  
RECORDED ON  
08/11/2022 11:42 AM  
REC FEE 25.00  
PAGES: 6  
RECORDED AS PRESENTED

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Grantee's Tax mailing address: 8730 S CR 800 West, Daleville, IN 47334

**QUIT-CLAIM DEED**

**This Indenture Witnesseth, that Karen M. Ashton of Delaware County, State of Indiana DO HEREBY Convey and Quit-Claim to Karen M. Ashton and Daniel M. Ashton, husband and wife, for no consideration, all of their interest in the following described Real Estate in Delaware County, in the State of Indiana, to-wit:**

**SEE ATTACHED EXHIBIT A**

Subject to liens, restrictions, conditions, limitations, easements, leases, and other encumbrances of record.

The Grantee herein assumes and agrees to pay the taxes for the year 2022, due and payable in 2023, and thereafter.

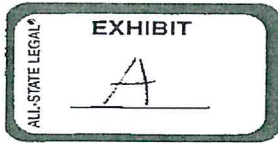
Parcel Nos.: 18-14-08-100-001.000-021 and 18-14-08-100-019.000-021  
Address: 8880 S. CR 800 West, Daleville, IN 47334

**IN WITNESS WHEREOF**, the said **Karen M. Ashton**, has signed this deed this 9th day of August, 2022.

*Karen M. Ashton*  
\_\_\_\_\_  
Karen M. Ashton

**[NOTARY BLOCK ON THE FOLLOWING PAGE]**

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The West one-half (½) of the West one-half (½) of the Northwest Quarter (¼) of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, containing Forty (40) acres.

Also Six (6) acres off of the North end of the West Two-Thirds (⅔) of the East Half of the fractional Northwest Quarter of the Northwest Quarter of Section Eight (8), Township Nineteen (19) North, Range Nine (9) East, marked with a stone at the Northwest corner, and the Northeast corner thereof marked with a cross.

Also Three hundred ninety-six (396) feet off of the North end of the West one-half (½) of the West one-half (½) of the Northwest Quarter (¼) of Section eight (8), Township Nineteen (19) North, Range Nine (9) East, containing six (6) acres, subject to road right-of-way.

Also Excepting therefrom Three hundred ninety-six (396) feet off of the North end of the West one-half (½) of the West one-half (½) of the Northwest Quarter (¼) of Section eight (8), Township Nineteen (19) North, Range Nine (9) East, containing six (6) acres, subject to road right-of-way.

Also excepting, a part of the West half of the West half of the Northwest quarter of Section 8, Township 19 North, Range 9 East, Delaware County, Indiana, described as follows: Commencing at the southwest corner of said quarter section; thence North 00 degrees 08 minutes 12 seconds West 116.97 feet (35.653 meters) along the west line of said section; thence North 89 degrees 51 minutes 48 seconds East 16.50 feet (5.029 meters) to the point where the east boundary of county Road 800 West meets the northern boundary of S.R. 67; thence south 83 degrees 55 minutes 38 seconds East 78.79 feet (24.014 meters) along the boundary of said S.R. 67 to the point of beginning of this description, which point is 66.46 feet left of Station 1230 + 99.04 on Line "C" as shown on the Route survey Plat of INDOT Project HDPPE 9108(001) recorded in Misc. Record 1994, Page 1946, in the Office of the Recorder of Delaware County, Indiana; thence North 77 degrees 47 minutes 52 seconds East 184.51 feet (56.240 meters); thence south 83 degrees 46 minutes 29 seconds East 378.95 feet (115.503 meters) to the east line of the West half of the West half of said quarter section; thence South 00 degrees 05 minutes 18 seconds East 12.91 feet (3.934 meters) along said east line to the northern boundary of said S.R. 67; thence South 89 degrees 51 minutes 00 seconds West 406.08 feet (123.773 meters) along the boundary of S. R. 67 to the northern boundary of said S.R. 67; thence North 83 degrees 55 minutes 38 seconds West 151.85 feet (46.285 meters) along the boundary of said S.R. 67 to the point of beginning and containing 0.413 acres (0.167 hectares), more or less as conveyed in Deed 1996, page 5253.

Also excepting therefrom: A part of the West half of the West half of the Northwest Quarter of Section 8, Township 19 North, Range 9 East, Delaware County, Indiana, described as follows: Commencing at the southwest corner of said quarter section; thence North 00 degrees 08 minutes 12 seconds west 116.97 feet (35.653 meters) along the west line of said section; thence North 89 degrees 51 minutes 48 seconds East 16.50 feet (5.029 meters) to the point of beginning of this description, which point of beginning is where the east boundary of County Road 800 west meets the northern boundary of S.R. 67, which point is 75.00 feet left of Station 1230 + 20.72 on Line "C" as shown on the Route Survey Plat of INDOT Project HDPPE 9108(001) recorded in Misc. Record 1994, page 1946, in the Office of the recorder of Delaware County, Indiana; thence North 00 degrees 08 minutes 12 seconds West 344.90 feet (105.127 meters) along



the boundary of said County Road 800 West; thence south 11 degrees 12 minutes 35 seconds East 167.22 feet (50.968 meters); thence south 00 degrees 01 minutes 36 seconds East 131.23 feet (40.000 meters); thence south 38 degrees 47 minutes 23 seconds East 74.38 feet (22.671 meters) to the northern boundary of said S.R. 67; thence North 83 degrees 55 minutes 38 seconds West 78.79 feet (24.014 meters), along the boundary of said S.R. 67 to the point of beginning, and contains 0.223 acres (0.090 hectares), more or less.

**Also excepting therefrom:** Beginning at a 3/8 inch rebar at the northwest corner of the west half of the northwest quarter of Section 8, Township 19 North, Range 9 East; thence south 89 degrees 34 minutes 50 seconds east 1090.17 feet along the north line of said half-quarter section to a spike that is 217.92 feet west of the northeast corner of said half-quarter section; thence south 00 degrees 48 minutes 33 seconds West 320.40 feet parallel with the east line of said half-quarter section; thence north 89 degrees 34 minutes 50 seconds west 750.75 feet; thence south 00 degrees 57 minutes 24 seconds west 53.60 feet; thence north 89 degrees 34 minutes 50 seconds west 340.22 feet to a point on the west line of said half-quarter section; thence north 00 degrees 57 minutes 24 seconds east 374.00 feet to the point of beginning, containing 8.47 acres, more or less, and subject to the right-of-way for County Road 800-W along the westerly side, to County Road 500-S along the northerly side and to all easements of record.

**Also excepting therefrom:** Beginning at a nail on the west line of the northwest quarter of Section 8, Township 19 North, Range 9 East, said nail being south 00 degrees 57 minutes 24 seconds west 374.00 feet (assumed bearing) from a 3/8 inch rebar at the northwest corner of said quarter section; thence south 89 degrees 34 minutes 50 seconds east 340.22 feet along the south line of Shepherd Place Addition and parallel with the north line of said quarter section to a 3/8 inch rebar; thence north 00 degrees 57 minutes 24 seconds east 53.60 feet to a 3/8 inch rebar; thence south 89 degrees 34 minutes 50 seconds east 314.79 feet along said south line; thence south 00 degrees 51 minutes 44 seconds west 602.76 feet along the east line of the east half of the west half of the northwest quarter of Section 8 to a point 1.5 feet northeast of an 8 inch wood post; thence north 89 degrees 07 minutes 34 seconds west 655.98 feet to a point on the west line of said quarter section; thence north 00 degrees 57 minutes 24 seconds east 543.96 feet of the point of beginning, containing 8.61 acres, more or less, and subject to the right-of-way for County Road 800 West along the westerly side thereof and to all easements of record, as conveyed by Deed Record 2002, page 8954.

**Also excepting a part of the West half of the Southwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:**

Beginning at a point on the West line of the Southwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East said point being North 00 degrees 00 minutes 55 seconds East 458.93 feet (assumed bearing) from a mag nail at the Southwest corner of said quarter-quarter section, thence North 00 degrees 00 minutes 55 seconds East 48.25 feet to a nail, thence North 89 degrees 19 minutes 06 seconds East 391.58 feet to a 3/8 inch rebar, thence South 00 degrees 00 minutes 55 seconds west 378.77 feet to a 3/8 inch rebar on the Northerly limited access right-of-way line of State Highway 67, thence North 83 degrees 49 minutes 58 seconds West 110.38 feet to a concrete highway right-of-way marker, thence South 77 degrees 55 minutes 01 seconds West 184.05 feet to a concrete right-of-way marker, thence

4/c

North 38 degrees 36 minutes 49 seconds West 74.42 feet to a concrete right-of-way marker, thence North 00 degrees 25 minutes 25 seconds West 130.66 feet to a concrete right-of-way marker, thence North 11 degrees 16 minutes 27 seconds West 167.21 feet to a concrete right-of-way marker, thence south 89 degrees 19 minutes 06 seconds West 21.65 feet to the point of beginning containing 3.05 acres more or less, and subject to a regulated drain easement, to the right-of-way of County Road 800 West across the Westerly side and to all easements of record.

Beginning at a point being North 89 degrees 47 minutes 11 seconds West (assumed bearing) 384.5 feet and North 00 degrees 55 minutes 45 seconds West 374.04 feet from a cornerstone marking the Southeast corner of the West Half of the Northwest Quarter of Section 8, Township 19 North, Range 9 East; thence North 89 degrees 47 minutes 11 seconds West on a line parallel with the South line of the said Quarter Section a distance of 264.94 feet to a point on the West line of the East Half of the West Half of the said Quarter Section; thence North 00 degrees 19 minutes 22 seconds West along the West line of the East Half of the West Half of the said Quarter Section a distance of 1,668.70 feet to a point being South 00 degrees 19 minutes 22 seconds East 597.00 feet from a point marking the Northwest corner of the East Half of the West Half of the said Quarter Section; thence North 89 degrees 10 minutes 55 seconds East on a line parallel with the North line of the said Quarter Section a distance of 435.94 feet (436.21 feet deed distance); thence south 00 degrees 18 minutes 48 seconds East a distance of 383.80 feet; thence North 88 degrees 51 minutes 23 seconds West a distance of 184.70 feet; thence South 00 degrees 55 minutes 45 seconds East a distance of 1,295.90 feet to the point of beginning. Being a part of the East Half of the West half of the Northwest Quarter of Section 8, Township 19 North, Range 9 East, and containing 11.454 acres, more or less. Subject to legal rights-of-way.

**Excepting therefrom:** A part of the West half of the northwest quarter of Section 8, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:

Commencing at the southeast corner of the west half of the northwest quarter of Section 8, Township 19 North, Range 9 East; thence North 89 degrees 47 minutes 11 seconds west 384.50 feet (assumed bearing) along the south line of said half-quarter section; thence north 00 degrees 34 minutes 09 seconds east 374.50 feet along the east line of a tract of ground described in Deed Record 2000, page 988, Records of Delaware County, Indiana to the point of beginning; thence north 89 degrees 47 minutes 11 seconds West 267.12 feet to a 3/4 inch rebar on the west line of the east half of the west half of said northwest quarter; thence north 00 degrees 54 minutes 57 seconds East 45.37 feet along said west line to the center of the Shoemaker Ditch; thence north 58 degrees 23 minutes 00 seconds east 315.30 feet along the center of said ditch to a point on the east line of a tract of ground described in Deed Record 1993, page 5973, Records of Delaware County, Indiana; thence south 00 degrees 34 minutes 09 seconds west 211.57 feet to the point of beginning, containing 0.79 of an acre, more or less, and subject to a drainage easement and to all easements of record, as conveyed by Deed Record 2001, page 6151.

**Also Excepting therefrom:** A part of the East Half of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East in Salem Township, Delaware County, Indiana, described as follows:



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Commencing at a 1/8 inch rebar marking the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 8, Township 19 North, Range 9 East, thence South 00 degrees 57 minutes 24 seconds West 374.00 feet (assumed bearing) along the West line of said Quarter-Quarter Section; thence South 89 degrees 34 minutes 50 seconds East 340.22 feet parallel with the North line of said Quarter-Quarter Section to a 1/8 inch rebar; thence North 00 degrees 57 minutes 24 seconds East 53.60 feet to a 1/8 inch rebar; thence south 89 degrees 34 minutes 50 seconds East 314.79 feet to a 1/8 inch rebar at the point of beginning; thence South 89 degrees 34 minutes 50 seconds East 435.98 feet to a 1/8 inch rebar; thence South 00 degrees 48 minutes 33 seconds West 660.42 feet along a line that is parallel with and 218.00 feet West of the East line of said Quarter-Quarter Section to a point 2.51 feet east of a 1/8 inch rebar; thence North 89 degrees 39 minutes 38 seconds West 184.70 feet along a line that is parallel with and 343.00 feet North of the South line of said Quarter-Quarter Section to a 1/8 inch rebar; thence North 00 degrees 11 minutes 06 seconds East 55.93 feet to a 1/8 inch rebar; thence North 89 degrees 07 minutes 34 seconds West 251.23 feet to a 1/8 inch rebar; thence North 00 degrees 51 minutes 44 seconds East 602.76 feet along the West line of the East Half of said Quarter-Quarter Section to the point of beginning, containing 6.29 acres, more or less, and subject to all easements and rights of way of record.

Tax Parcel Numbers: 18-14-08-100-001.000-021 and 18-14-08-100-019.000-021