

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

Jurisdiction: (Check One)

Submitted: Sept 9, 2024

Delaware County

Case No.: MPC 11-247

City of Muncie

(1) Applicant: Drake Properties I LLC- Donna Drake

Address: P.O Box 96 Eaton, IN 47338 Phone: 744-6072

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: 2019R02757
Date of Deed: 03/05/2019

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

(4) Common Address of Property Involved:
3700 BLK E Centennial Ave, Muncie, IN

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

From the R-3 Residence Zone Zone

To the BV Variety Business Zone Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

Lot 2 of Nannie Haven Sub proposed to be used as a model center for a renovation business and the north 5 acres is to be sold to the east adjoining property, which is currently zoned as BV Variety Business.

- (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 intends to sell the north 5 acres to the East adjoiner and will retain lot 2 of Nannie Haven Sub.

- (8) State how the proposed change will not adversely affect the surrounding area.

The change will not adversely affect the surrounding area because the east adjoining property is zoned BV Variety Business. The North 5 acres is intended to be sold to them and lot 2 of Nannie Haven Sub will become a business.

- (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? Yes

(If answer is yes, give their attitudes toward the rezoning.)

The east adjoining property is in favor of this zoning change.

- (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

AFFIDAVIT

(I or We) Drake properties LLC - Donna Drake 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: Donna Drake Sole Owner

Subscribed and sworn to before me this 30th day of August, 2024

Katherine M. Vannice
Notary Public



2/11/2032
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 3rd day of October, 2024.

Signed Mary Pope

Date 9.9.24

102

Young's Title

4P.
5cr

Duly Entered for Taxation
Transfer Fees \$ 1000
MAR 05 2019 ERP

2019R02757
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
03/05/2019 10:53 AM
REC FEE 25.00
PAGES: 4

Steven G. Croy
Delaware County Auditor

Special Warranty Deed

This indenture witnesseth that The Bank of New York Mellon FKA The Bank of New York, as Trustee for certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2007-5, by NewRez LLC f/k/a New Penn Financial, LLC dba Shellpoint Mortgage Servicing, as Attorney-in-Fact under Limited Power of Attorney dated December 8 2016 and recorded January 17 2018 as Document Number 2018R00634 ("Grantor"),

CONVEYS AND WARRANTS TO Drake Properties I, LLC, an Indiana limited liability company of Delaware County, Indiana ("Grantee"),

In consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate located in Delaware County, Indiana:

TRACT ONE:

A part of the Southwest Quarter of Section One (1), Township Twenty (20) North, Range Ten (10) East, more particularly described as follows, to-wit: Beginning at the Southeast corner of said Southwest Quarter and running thence West on the South line of said Quarter 369 feet; thence North parallel with the East line of said Quarter 171 feet; thence East parallel with the South line of said tract 369 feet to the East line of said Quarter; thence South on said East line of said Quarter 171 feet to the point of beginning, said in previous deed to contain 1.448 acres, more or less.

EXCEPTING THEREFROM: A part of the Southwest Quarter of Section 1, Township 20 North, Range 10 East, Delaware County, Indiana, described as follows: Beginning on the Northern boundary of Centennial Road North 00°51'00" West 20.01 feet (along the East line of said Quarter Section) from the Southeast corner of said Quarter Section; thence North 89°34'00" West 160.35 feet along said Northern boundary; thence North 73°44'03" East 104.40 feet; thence North 88°31'27" East 60.00 feet to the East line of said Quarter Section; thence South 00°51'00" East 32.00 feet along said East line to the point of beginning.

TRACT TWO:

A part of the Southwest Quarter of Section One (1), Township Twenty (20) North, Range Ten (10) East, in Center Township, Delaware County, Indiana, described as follows: Commencing at the Southeast corner of the Southwest Quarter of Section 1, Township 20 North, Range 10 East; thence North 00°56'30" West (assumed bearing) 421.00 feet along the East line of said Southwest Quarter Section to the Point of Beginning; thence North 00°56'30" West 901.42 feet



102a

to the Southerly right-of-way line of the Norfolk and Western Railroad (formerly Lake Erie and Western Railroad Company); thence South 47°08'30" West 376.20 feet along said Southerly right-of-way line; thence South 00°56'30" East 645.50 feet; thence South 90°00'00" East parallel with the South line of said Southwest Quarter Section 280.00 feet to the point of beginning, said in previous deed to contain 4.97 acres, more or less.

TRACT THREE:

A part of the Southwest Quarter of Section One (1), Township Twenty (20) North, Range Ten (10) East, more particularly described as follows, to-wit: Beginning at a point in the East line of said Southwest Quarter 171 feet North of the Southeast corner thereof; thence North on and along said East line 250 feet; thence West parallel with the South line of said Southwest Quarter 280 feet; thence South parallel with the East line of said Southwest Quarter 250 feet; thence East parallel with the South line of said Southwest Quarter 280 feet to the point of beginning, said in previous deed to contain 1.6 acres, more or less.

Commonly known as: 4008 East Centennial Avenue, Muncie, IN 47303

Tax parcel number: 18-11-01-379-006.000-003 and 18-11-01-379-007.000-003

Grantor covenants that it is seized and possessed of the said land and has a right to convey it, and warrants the title against the lawful claims of all persons claiming by, through and under it, but not further otherwise.

Grantor certifies that the land described herein is the same land as that conveyed in the deed to the grantor herein, recorded as Instrument No. 2018R14199 and also, to Jacqueline Allen by Warranty Deed recorded February 27, 2007 as Instrument No. 2007R07187. The legal description herein is corrected to except from Tract One an earlier conveyance of a part of said tract to the State of Indiana by Instrument recorded in Book 484, pages 61-62 and in accordance with the historical legal of Tract Three as described in Warranty Deed recorded January 13, 1971 in Deed Book 1971, page 158.

The following reservations from and exceptions to this conveyance and the warranty of title made herein shall apply:

1. All easements, rights-of-way and prescriptive rights, whether of record or not, pertaining to any portion(s) of the herein-described property (hereinafter the "Property");
2. All valid oil, gas and mineral rights, interest or leases, royalty reservations, mineral interest and transfers of interest of any character, in the oil, gas or minerals of record in any county in which any portion of the Property is located;
3. All restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances, and other items of record in any county in which any portion of the Property is located, pertaining to any portion(s) of the Property, but only to the extent that same are still in effect;

APPROVED AND FILED
DIEGO MORALES
INDIANA SECRETARY OF STATE
01/10/2024 03:42 PM

BUSINESS ENTITY REPORT

NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 201801181234779
BUSINESS TYPE Domestic Limited Liability Company
BUSINESS NAME DRAKE PROPERTIES I, LLC
ENTITY CREATION DATE 01/18/2018
JURISDICTION OF FORMATION Indiana
PRINCIPAL OFFICE ADDRESS 503 E. Race, 96, Eaton, IN, 47338, USA

YEARS FILED

YEARS 2024/2025

EFFECTIVE DATE

EFFECTIVE DATE 01/10/2024
EFFECTIVE TIME 10:21 AM

REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE Individual
NAME Donna Drake
ADDRESS 503 E. RACE, 96, Eaton, IN, 47338, USA
SERVICE OF PROCESS EMAIL dfdrake1@comcast.net

I acknowledge that the Service of Process email provided above is the email address at which electronic service of process may be accepted.

GOVERNING PERSON INFORMATION

TITLE Member
NAME DONNA DRAKE
ADDRESS 503 E. RACE. 96, Eaton, IN, 47338, USA

APPROVED AND FILED
DIEGO MORALES
INDIANA SECRETARY OF STATE
01/10/2024 03:42 PM

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **January 10, 2024**.

THE UNDERSIGNED ACKNOWLEDGES THAT A PERSON COMMITS A CLASS A MISDEMEANOR BY SIGNING A DOCUMENT THAT THE PERSON KNOWS IS FALSE IN A MATERIAL RESPECT WITH THE INTENT THAT THE DOCUMENT BE DELIVERED TO THE SECRETARY OF STATE FOR FILING.

SIGNATURE

Donna F. Drake

TITLE

Member

Business ID : 201801181234779

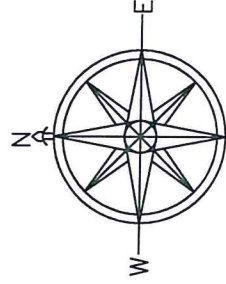
Filing No. : 10174809

SW. COR. FRACT. NW. QTR.
SEC. 1-20-10
BY SURVEY 72-018-03

N 89°38'22" W 2638.14'

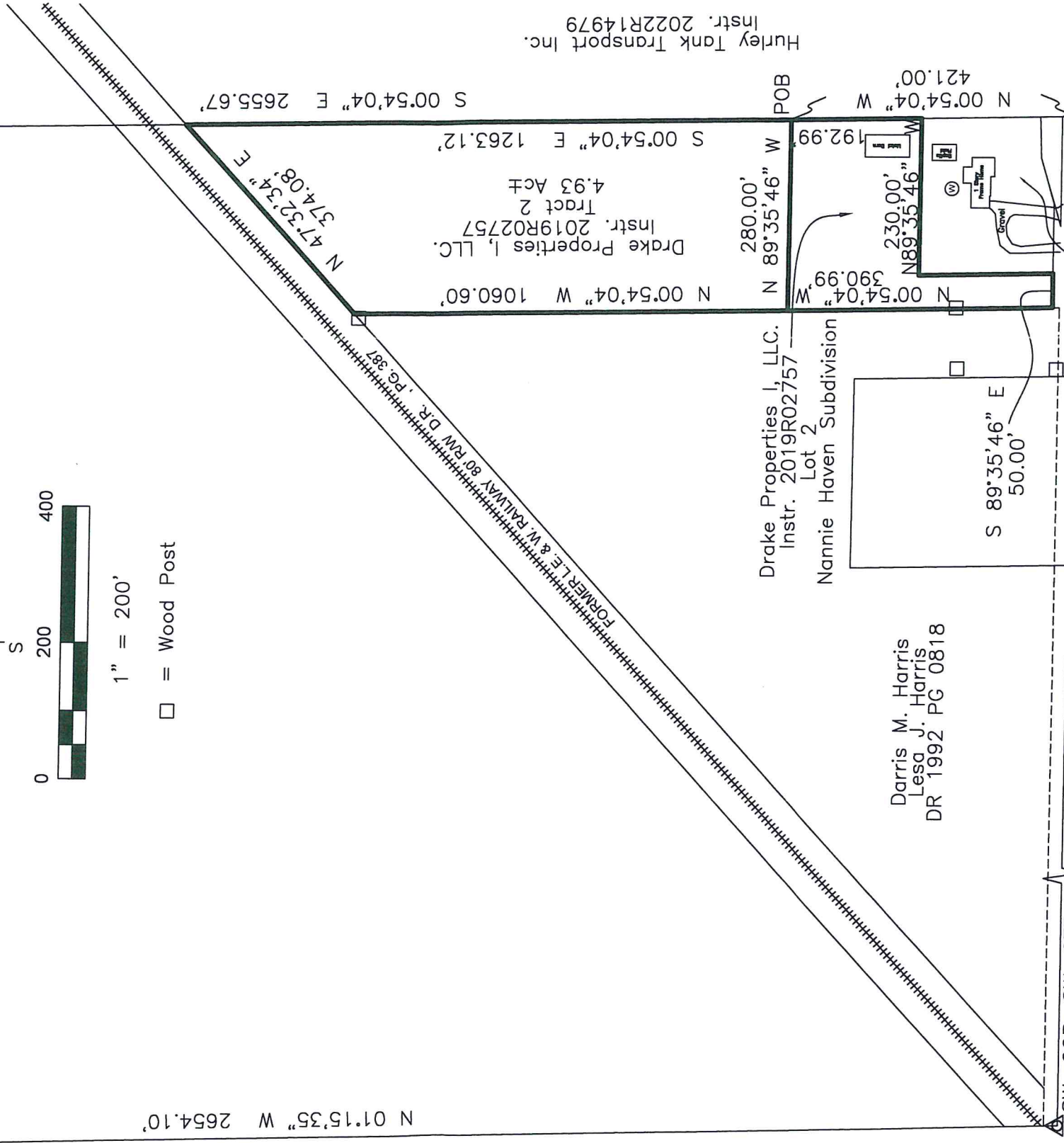
NE. COR. W. 1/2 SW. QTR.
SEC. 1-20-10
CALCULATED CORNER

N 01°15'35" W 2654.10'



1" = 200'

□ = Wood Post



SW. COR. SW. QTR. SEC. 1-20-10
MAG NAIL

Drake Properties I, LLC.
Instr. 2019R02757
LOT 1

SE. COR. SW. QTR. SEC. 1-20-10
MAG NAIL

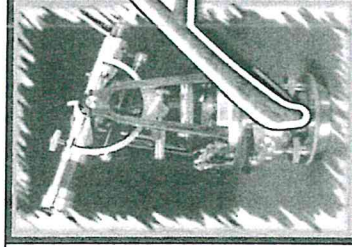
This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Revisions	
Date:	
Reason:	
Date:	
Reason:	
Drawn:	END
Date:	08/21/2024
Job:	2024598
Client:	Donna Drake
Owner:	Drake Properties I, LLC
Crew:	EHA
Electronic Field Book	
Field Date:	11/09/2023
IUPPS REF. #	

Proforma Survey
4008 E. CENTENNIAL AVE.
MUNICE, IN

SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORS 96 EPOC 2002.000)

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON),



525 West Washington Street Munice, IN 47405
Ph: (765)282-5594 Fax: (765)282-5594
Email: ashtonlandsurveyors.com

A description of land to have a change of zoning to Variety Business Zoning:

Lot 2 in Nannie Haven, a subdivision in Center Township, Delaware County, Indiana recorded in instrument number 2024R04211 records of Delaware County, Indiana.

Also A part of the Southwest Quarter of Section 1, Township 20 North, Range 10 East in the City of Muncie, Delaware County, Indiana, described as follows:

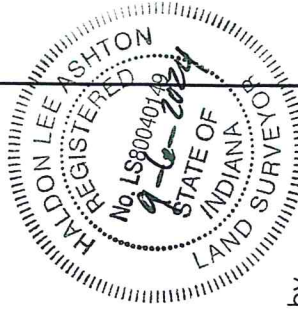
Beginning at a point on the East line of the Southwest Quarter of Section 1, Township 20 North, Range 10 East, said point being North 00 degrees 54 minutes 04 seconds West 421.00 feet (assumed bearing) from a nail marking the Southeast corner of said Southwest Quarter; thence North 89 degrees 35 minutes 46 seconds West 280.00 feet; thence North 00 degrees 54 minutes 04 seconds West 1060.60 feet parallel with the East line of said Southwest Quarter to the Southeastly right-of-way line of the Norfolk and Southern Railroad; thence North 47 degrees 32 minutes 34 seconds East 374.08 feet along said Southeastly right-of-way line to a point on the East line of said Southwest Quarter; thence South 00 degrees 54 minutes 04 seconds East 1263.12 feet along said East line to the point of beginning, containing 4.93 acres, more or less.

Dated: August 30, 2024

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report

Haldon L. Ashton
Registered Land Surveyor LS80040149
Haldon L. Ashton



- Flood Zone:
- The within tract does not lie within that Special Flood Hazard Zone A as said tract plots by scale on Community Panel #18035C0254D of the Flood Insurance Rate Maps for Delaware County, Indiana (Maps Dated:7/4/2011).
- The minimum flood risk was verified by the INDNR Flood Plain Information Portal—dated: 11/17/2023
- Ownership shown herein is per County Records or as indicated in title work provided by others.

This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.

Revisions

Date:
Reason:

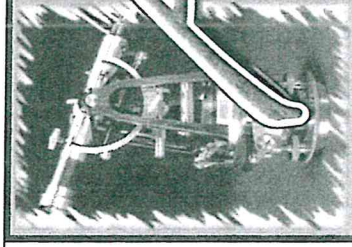
Date:
Reason:

Drawn: END
Date: 08/21/2024
Job: 2024598
Client: Donna Drake
Owner: Drake Properties I, LLC
Crew: EHA
Electronic Field Book
Field Date: 11/09/2023
IUPPS REF. #

Proforma Survey
4008 E. CENTENNIAL AVE.
MUNCIE, IN

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INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN
DATUM OF 1983, CORS '96 EPOCH 2002.000)

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN
REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON).



1/25 West Washington Street Muncie, IN 47305
Ph: (765)282-5594 Fax: (765)282-5594
Email: ashtonlandsurveyors.com