

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

Jurisdiction: (Check One)

Submitted: 02/04/2025

Delaware County

Case No.: MPC 07-25 Z

City of Muncie

(1) Applicant: Eddie G McKibben

Address: 5006 W Churchill Ct. Muncie, In. 47304

Phone: 765-730-6404

(2) Record of Applicant's Ownership:

A. By Deed:

Deed Book No. & Page No.: Document # 201R08483

Date of Deed: Executed 10/10/13, Recorded 7/24/15

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).

Attached:

ALTA Survey, Ashton Land Surveyors, dated 11/26/2024

Title Insurance, Fidelity National title Insurance Company, dated 10/07/2024

(4) Common Address of Property Involved:
**6200 Block S CR294 W (Intersection of HWY #67 & CR 400 S)
Muncie, IN 47302**

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

From the R-2 Residence Zone _____ Zone

To the BV Variety Business Zone _____ Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
Development of Gas Service Station and Convenience Retail store
- (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.
Owner intends to sell the property for the purpose specified. Buyer Sanjh11, LLC will develop the site.
- (8) State how the proposed change will not adversely affect the surrounding area.
The existing property is bordered on three sides by existing Variety Business and will be in keeping with the current retail uses at the intersection of HWY 67 & CR 400 S
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
None anticipated at this time.
- (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.)
Limited access right-of-way provisions, INDOT contained in Deed Record 1996, pages 1309-1310
Utility easement to Indiana Bell Telephone Co. recorded in Deed Record 2000 pages 5375-5377.
Utility easement to Indiana & Michigan Electric Co. recorded in Deed Record 377 page 420. (No longer effects the tract, re. Surveyors Notes, page 2.)
Utility easement to Indiana Bell Telephone Co. recorded in Deed Record 1974 page 2960. (No longer effects the tract, ref. Surveyor's Notes, page 2.)

AFFIDAVIT

(I or We) Eddie G. McKibben 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: Brend Green, POA

Subscribed and sworn to before me this 23rd day of January, 2025



Lisa C Brand
Notary Public

May 12, 2032
My Commission Expires

Resident of Delaware County
State of Indiana

PRINT

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 6 day of March, 2025.

Signed [Signature]

Date 2-21-2025

Beasley &
Gilkinson

2015R08483
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
07/24/2015 3:50 PM
REC FEE: 22.00
PAGES: 3

3P
2PK

THIS DOCUMENT IS PROVIDED FOR SOLE USE IN THE COUNTY AND NOT ELIGIBLE FOR FILING UNDER ANY OTHER LAW

[Space above this line reserved for recording data.]

MAIL TO: 111 S. CR 500 W., Muncie, IN 47302

TRANSFER ON DEATH DEED

THIS INDENTURE WITNESSETH, That

Norma Fern McKibben,

of Delaware County, in the State of Indiana, RELEASES and QUITCLAIMS to

Eddie Gene McKibben and Norma Fern McKibben, husband and wife,
Transfer on Death ("TOD") to Brenda M. Green,

for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Delaware County, in the State of Indiana, to-wit:

See Exhibit attached for description and parcel #

Grantees assume and agree to pay all taxes and assessments now a lien against said real estate and all taxes and assessments levied against said real estate thereafter.

Subject to all liens, covenants, restrictions, reservations, easements, conditions, rights of way and other rights appearing of record.

Grantor represents that she is one and the same person as Norman Fern McKibben, Grantee in a certain deed executed August 17, 2009, and recorded in the office of the Recorder of Delaware County, Indiana on August 18, 2009, in Deed Record 2009R18613.

This Deed is executed pursuant to the authority conferred by a Durable Power of Attorney document executed by Norma Fern McKibben on Oct. 14, 2013 and recorded on July 21, 2015, on Document Number 2015R08290. The said Eddie Gene McKibben does hereby certify under oath that Norma Fern McKibben is now living, had full legal capacity to execute and has not revoked such durable, Durable Power of Attorney document which remains in full force and effect.

In Witness Whereof, This deed has been executed by the undersigned Grantor on this day of July, 2015.

NORMA FERN MCKIBBEN

By: Eddie Gene McKibben
Eddie Gene McKibben, Attorney-in-fact

[Space below this line is reserved for recording data.]



Duly Entered for Taxation
Transfer Fees \$ 10.00
JUL 23 2015 ERP

Steven G. Cline
Delaware County Auditor

THIS DOCUMENT IS PROVIDED FOR THE USE OF IN TITLE COMPANY ONLY AND NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

[Space above this line reserved for recording data.]

STATE OF INDIANA

DELAWARE COUNTY

Before the undersigned Notary Public in and for said State, on the 21st day of July, 2015, personally appeared Eddie Gene McKibben as Attorney-in-fact for and on behalf of Norma Fern McKibben, the above named Grantor, and acknowledged the voluntary execution of the foregoing deed and certified to the truth of the representations contained therein.

My Commission Expires:
KIMBERLY N. MILLER, Notary Public
A Resident of Delaware County, Indiana
My Commission Expires August 24, 2017

Kimberly Miller
Notary Public
A Resident of Delaware County, Indiana

This instrument prepared by Mark A. Ervin, Attorney, P.O. Box 1648, Muncie, IN 47308.
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. Mark A. Ervin.

2 [Space below this line is reserved for recording data.]

THIS

A part of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, in Monroe Township, Delaware County, Indiana, described as follows: Commencing at a 3/8 inch rebar at the Southwest corner of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, thence South 89 degrees 32 minutes 36 seconds East 304.53 feet (measured bearing) along the South line of said Quarter Section to the Southeast corner of a tract of ground described in Miscellaneous Record 1991, Page 1423-24, Records of Delaware County, thence North 00 degrees 27 minutes 24 seconds East 16.50 feet along the Eastern line of said tract, thence North 61 degrees 25 minutes 04 seconds East 154.48 feet along said Eastern line, thence North 36 degrees 22 minutes 44 seconds East 786.76 feet along said Eastern line to a 1/4 inch rebar at the Southeast corner of a tract described in Deed Record 1978, Page 4153-54, Records of Delaware County, thence North 54 degrees 02 minutes 21 seconds West 228.60 feet along the Southern line of said tract to a 3/8 inch rebar at the point of beginning, thence South 36 degrees 39 minutes 29 seconds West 134.00 feet to a 3/8 inch rebar, thence North 38 degrees 13 minutes 44 seconds West 178.00 feet to a 3/8 inch rebar on the Eastern line of a tract of ground described in Deed Record 1969, Page 479-481, Records of Delaware County, thence North 36 degrees 24 minutes 40 seconds East 147.00 feet along the East line of said tract to the Northeast corner of said tract and the Southeast corner of said Deed Record 1978, Page 4153-54, thence South 54 degrees 02 minutes 21 seconds East 178.00 feet to the point of beginning, containing 0.57 acres, more or less, and subject to all encumbrances of record.

ALSO: A part of the Southwest quarter of Section 31, Township 20 North, Range 10 East in Monroe Township, Delaware County, Indiana, described as follows: Beginning at a point on the South line of the Southwest quarter of Section 31, Township 20 North, Range 10 East, said point being South 89 degrees 32 minutes 36 seconds East 250.89 feet (measured bearing) from the Southeast corner of said quarter section, thence North 00 degrees 27 minutes 24 seconds East 16.50 feet to the right-of-way line of an access road which was developed by the Indiana State Highway Commission, thence North 36 degrees 46 minutes 32 seconds West 42.07 feet along said right-of-way line thence north 00 degrees 04 minutes 24 seconds East 207.10 feet along said right-of-way line to the point of beginning of a curve, said point being North 89 degrees 55 minutes 36 seconds West 452.47 feet from the center of said curve, thence northerly 281.72 feet along said curve to a point that is part 54 degrees 00 minutes 00 seconds west 452.67 feet upon the center of said curve, thence North 54 degrees 00 minutes 00 seconds East 443.21 feet along said right-of-way line to the easterly line of a tract of land described in Deed Record 276, page 413, Records of Delaware County, Indiana, thence South 54 degrees 04 minutes 36 seconds East 409.54 feet along the easterly line of said tract of land to the westerly right-of-way line of State Highway 607, thence South 34 degrees 22 minutes 30 seconds West 706.76 feet along said westerly right-of-way line, thence South 61 degrees 25 minutes 04 seconds West 154.48 feet along said westerly right-of-way line, thence South 00 degrees 27 minutes 24 seconds West 16.50 feet to the South line of said quarter section, thence North 89 degrees 32 minutes 36 seconds West 51.24 feet to the point of beginning, containing 7.59 acres more or less and subject to the right-of-way for County Road 400-8 along the Southern line and to all encumbrances of record.

EXCERPT:
A part of the Southwest Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, Delaware County, Indiana, described as follows: Commencing at the southwest corner of said quarter section, thence North 89 degrees 32 minutes 36 seconds East 76.472 meters (250.89 feet) along the south line of said quarter to the southwest corner of the owner's land, thence North 0 degrees 11 minutes 10 seconds East 3.225 meters (16.50 feet) along the west line of the owner's land to the point of beginning of this description, which point is where the northern boundary of County Road 400 South meets the northern boundary of the intersection of said County Road 400 South and an access road, said point is 72.693 meters left of Station 44+00.00 on the 100' station on Right-of-Way File recorded in Miscellaneous Record 1991, page 1423-24, Records of Delaware County, Indiana, thence North 36 degrees 22 minutes 44 seconds West 12.833 meters (42.07 feet) along the boundary of the intersection of said County Road 400 South and said access road to the east boundary of said access road, thence North 0 degrees 11 minutes 44 seconds West 40.275 meters (132.16 feet) along the boundary of said access road, thence South 39 degrees 38 minutes 43 seconds East 28.162 meters (92.58 feet), thence South 61 degrees 25 minutes 04 seconds East 35.000 meters (114.83 feet), thence North 68 degrees 27 minutes 26 seconds East 25.745 meters (84.74 feet) to the northern boundary of R.R. 67, thence South 54 degrees 02 minutes 46 seconds West 14.867 meters (48.71 feet) along the boundary of said R.R. 67 to the northwestern boundary of the intersection of said R.R. 67 and said County Road 400 South, thence South 61 degrees 09 minutes 39 seconds West 47.083 meters (154.48 feet) along the boundary of the intersection of said R.R. 67 and said County Road 400 South to the north boundary of said County Road 400 South, thence North 89 degrees 32 minutes 36 seconds West 16.369 meters (53.64 feet) along the boundary of said County Road 400 South to the point of beginning and containing 0.149 hectares (0.367 acres), more or less.

ALSO EXCERPT:
A part of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, in Monroe Township, Delaware County, Indiana, described as follows: Commencing at a 3/8 inch rebar at the Southwest corner of the Southwest Quarter of Section 31, Township 20 North, Range 10 East, thence South 89 degrees 32 minutes 36 seconds East 304.53 feet (measured bearing) along the South line of said Quarter Section to the Southeast corner of a tract of ground described in Miscellaneous Record 1991, Page 1423-24, Records of Delaware County, thence North 00 degrees 27 minutes 24 seconds East 16.50 feet along the Eastern line of said tract, thence North 61 degrees 25 minutes 04 seconds East 154.48 feet along said Eastern line, thence North 36 degrees 22 minutes 44 seconds East 786.76 feet along said Eastern line to a 1/4 inch rebar at the Southeast corner of a tract described in Deed Record 1978, Page 4153-54, Records of Delaware County, thence North 54 degrees 02 minutes 21 seconds West 228.60 feet along the Southern line of said tract to a 3/8 inch rebar at the point of beginning, thence South 36 degrees 39 minutes 29 seconds West 134.00 feet to a 3/8 inch rebar, thence North 38 degrees 13 minutes 44 seconds West 178.00 feet to a 3/8 inch rebar on the Eastern line of a tract of ground described in Deed Record 1969, Page 479-481, Records of Delaware County, thence North 36 degrees 24 minutes 40 seconds East 147.00 feet along the East line of said tract to the Northeast corner of said tract and the Southeast corner of said Deed Record 1978, Page 4153-54, thence South 54 degrees 02 minutes 21 seconds East 178.00 feet to the point of beginning, containing 0.57 acres, more or less, and subject to all encumbrances of record.

NOTED FOR RESALE UNDER IC 36-2-7

Deed No. 181131352005000012
181131352014000012

Begin forwarded message:

From: lbrand@admrealestate.com
Date: January 30, 2025 at 2:02:05 PM EST
To: Tim Hall <tim.hall@talktotucker.com>
Subject: POA

This document lists Norma Fern as the POA, but also lists Brenda Green as successor to Norma, who is deceased. Let me know if you need anything else.

Thanks,

Lisa Brand, CCIM

ADM Real Estate, Inc.
3410 W Fox Ridge Ln
Muncie IN 47304
765-282-7785 (Office)
765-744-7905 (Cell)
Lbrand@admrealestate.com
www.admrealestate.com

DURABLE POWER OF ATTORNEY

FOR

EDDIE GENE MCKIBBEN

I, Eddie Gene McKibben, hereby constitute and appoint Norma Fern McKibben as my attorney-in-fact with power to act on my behalf pursuant to IC 30-5 and any amendments thereto, with each to have authority to act alone and to exercise the following powers in my name and on my behalf.

1. Demand, sue for, compromise, settle, recover and receive all sums of money and other property of whatsoever nature or description which now are or hereafter shall be or become payable or belong to me, and upon receipt thereof to execute and deliver such receipts and releases for the same as deemed advisable;
2. Perform any of my obligations and to defend, compromise, settle and/or pay any and all claims for or against me and execute such documents in connection therewith as deemed appropriate;
3. Sell real estate, or any interest therein, for cash or on terms and to execute contracts, deeds and other documents as deemed appropriate, to lease to others and manage real estate and to buy or rent real estate and living quarters;
4. Sell, execute and deliver good and sufficient bills of sale for tangible personal property, including any automobile owned by me, either alone or jointly with another person;
5. Continue, or terminate, a deposit account or other banking arrangement made by me and to open in my name, a deposit or savings account with a bank, or other financial institution, or an account with a brokerage firm; to hire a safe deposit box or vault space and make other contracts to procure services made available by a financial institution; to make, sign, and deliver checks or drafts for any purpose and withdraw by check, order, or other means funds or property deposited with or left in the custody of a financial institution and to enter at any time a safe deposit box or vault that I could enter if personally present;
6. Prepare, sign and file all federal, state and local income, gift, property, sales, use, excise and other tax returns of all kinds, protests, claims for refund, extensions of time, petitions to the Tax Court and other courts and any and all other documents, including without limitation, offers, waivers, consents (including those under Internal Revenue Code Section 2032A and Section 6324A), powers of attorney and closing agreements; exercise tax elections; compromise and settle tax liabilities; and generally act on my behalf in all tax matters before the Internal Revenue Service, the Indiana

Department of Revenue and other tax authorities;

7. Accept as a gift, or reject, demand, buy, or otherwise acquire a bond, a share of stock, or other interest, in my name or in the name of a nominee, and to receive the interest, dividends, proceeds, or other distributions connected therewith; to sell, release, surrender, hypothecate, pledge, grant options concerning, loan, trade in, or otherwise dispose of a bond, a share, or an instrument of similar character, to exercise all voting rights with respect thereto; to consent and participate in a reorganization, recapitalization, liquidation, merger, consolidation, sale, lease, or other change in a corporation or an association, and to open and maintain accounts with stock brokers in my name or in the name of a nominee;

8. Exercise any right I may have to disclaim as a disclaimant under the laws of Indiana, or any other state, in compliance with § 2518 of the Internal Revenue Code, thus granting to my attorney-in-fact all authority to disclaim and renounce all or any part of the succession to any property, and to represent and act for me in all matters relative to a gift, devise, inheritance, a probate, trust, estate, guardianship or other situation in which I may have or claim to have an interest;

9. Maintain, rescind, modify or terminate insurance upon my life procured before the date hereof, and disability and liability insurance for the protection of me and my property, health insurance and long-term care insurance, including for nursing home and home health care for me;

10. Perform acts necessary for maintaining my customary standard of living, including the power to provide living quarters by purchase, lease, or other contract, domestic help, clothing, food, and incidentals, and to pay for medical, dental, and surgical care, hospitalization and custodial care for me;

11. Employ accountants and attorneys;

12. Make annual exclusion tax gifts among and between my spouse, children and grandchildren in order to minimize death taxes. I ratify, confirm and approve each and every gift so made and indemnify and hold my attorney-in-fact harmless against any and all claims asserted due to the making of such gifts;

13. Perform any act necessary with respect to existing retirement plans, as defined in IC 30-5-5-4.5, including making contributions, including rollover contributions, or causing contributions to be made on behalf of the principal; establishing an individual retirement account or other retirement plan in the principal's name; elect a form of payment of benefits from a retirement plan and withdraw benefits from a retirement plan; exercise investment powers available under a retirement plan; designate beneficiaries or change any earlier designation of beneficiaries under a retirement plan;

borrow from, sell assets to, and purchase assets from the retirement plan; and waive the right of the principal to be a beneficiary of a joint or survivor annuity;

14. Perform every act, deed, matter and thing with respect to my property and affairs and my care, comfort and maintenance as fully and effectually as I might if personally present and acting, and to have and exercise general authority with respect to all other matters pursuant to IC 30-5-5-19;

15. Pay for care and services (including adult day services) that I may need in order to remain in my own home in the event that I require long-term care. This power includes the authority to pay my attorney-in-fact, family members, and friends who provide or arrange for in-home care and services to me at the current fair market rates for the services or the care management they provide;

16. Borrow money for the purpose of carrying out the foregoing powers and to secure the same by a mortgage upon my real estate or a security interest upon my personal property;

17. Perform any of the following acts with respect to any inheritance or asset planning:

(A) Accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover a legacy, bequest, devise, gift, or other property interest or payment due or payable to or for the principal;

(B) Exercise all powers with respect to estates and trusts that I could exercise if physically present, provided that my attorney-in-fact may not make a will or change a will;

(C) Establish a revocable trust for my benefit, as principal, and which may provide for distribution upon my death to beneficiaries consistent with the named devisees, legatees and heirs under my most recent last will and testament in existence at the time of the creation of the trust or, in the event I did not have a last will and testament, then consistent with the statutory rules for descent and distribution under applicable state law. In the event the beneficiary provisions of the trust are not consistent with the beneficiary provisions of my last will and testament, such trust shall terminate upon my death, it being an express restriction upon this power that the trust shall not contradict the beneficiary provisions as stated in my last will and testament;

18. Retain counsel and attorneys on my behalf, to appear for me in all actions and proceedings to which I may be party in the Courts of Indiana or any other State in the

United States or in the United State Courts, to commence actions and proceedings in my name, if necessary, and

19. Sign and verify, in my name, all complaints, petitions, answers and other pleadings of every description.

Should my attorney-in-fact, Norma Fern McKibben, predecease me, resign, or decline to serve, or be unable to act hereunder, I hereby appoint Brenda Marie Green as successor attorney-in-fact.



The attorney-in-fact shall not be entitled to a fee, but shall be reimbursed for expenses incurred hereunder.

If protective proceedings are instituted in my behalf, or a guardian is requested on my behalf, I designate my attorney-in-fact to act on my behalf or as my guardian.

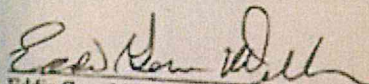
I do not grant my attorney-in-fact any interest in property that I now or hereafter may own. My attorney-in-fact shall not have any power which would cause my attorney-in-fact to be treated as the owner of any interest in my property and which could cause that property to be taxed under any state or federal estate or inheritance tax as owned by the attorney-in-fact. All of the powers herein granted are to be exercised for my benefit in a fiduciary capacity.

I reserve the right to revoke this Power of Attorney by filing written notice thereof in the office of the Recorder of Delaware County, Indiana. Subject to such revocation, a photostatic copy hereof as executed given by me or by my attorney-in-fact to any third party shall be conclusive evidence to such third party as to the authority herein granted.

This Power of Attorney shall not be affected by my subsequent disability or incapacity or by lapse of time.

I hereby revoke all prior appointments of an attorney-in-fact.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 10th day of Oct., 2013.


Eddie Gene McKibben

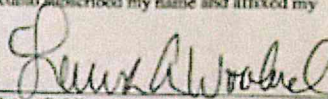
STATE OF INDIANA
SS:
DELAWARE COUNTY

Before me the undersigned, a Notary Public in and for said County and State, this 11th day of Oct., 2013, personally appeared the above named Eddie Gene McKibben, and acknowledged the voluntary execution of the foregoing Durable Power of Attorney.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My commission expires:

5/22/2015



Notary Public

LAURA A. WOOLARD
NOTARY PUBLIC
STATE OF INDIANA
DELAWARE COUNTY
MY COMMISSION EXPIRES
5/22/2015

This instrument prepared by:

Mark A. Ervin, Attorney
BEASLEY & GILKISON LLP
110 East Charles Street
P.O. Box 1648
Muncie, IN 47308
Telephone: (765) 289-0661
Facsimile: (765) 282-4966
Email: ervin@beasleylaw.com

