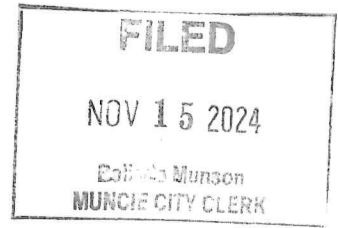


ORDINANCE NO.

442-24

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R 5 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
FOR 4000 BLK N Morrison Rd., MUNCIE, INDIANA



WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said Ordinance as the need arises; and

WHEREAS, the Common Council of the City of Muncie, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

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

Section 1. That the City of Muncie Comprehensive Zoning Ordinance, heretofore adopted on the 5th day of November, 1973, be amended, changed and supplemented so as to include in the BV Variety Business Zone the following described real estate located in the City of Muncie, Indiana to wit:

4000 BLK N Morrison Rd., Muncie, Indiana.

Section 2. That all buildings or uses permitted and placed upon described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained all the proper permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

	YEAS	NAYS	ABSTAIN	ABSENT
Dale Basham				
Jerry Dishman				
Brandon Garrett				
Jeff Green				
Sara Gullion				
William McIntosh Sr.				
Harold Mason Jr.				
Nora Powell				
Ro Selvey				

Passed by the Common Council of the City of Muncie, Indiana, this _____ day of _____, 2024.

 President of the Common Council
 City of Muncie, Indiana

Presented by me to the Mayor for his approval this _____ day of _____, 2024.

 Belinda Munson, City Clerk
 City of Muncie, Indiana

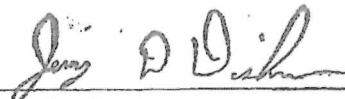
The above ordinance approved (vetoed) by me this _____ day of _____, 2024.

 Dan Ridenour, Mayor of the City of Muncie,
 Indiana

ATTEST:

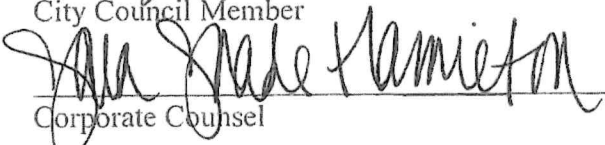
 Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:



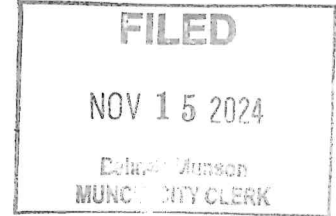
 City Council Member

This ordinance is approved in form by:



 Corporate Counsel

**REPORT TO THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA**



November 7, 2024

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

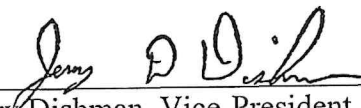
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: V. Jeanine Souders Revocable Trust, 5510 W Bethel Ave., Muncie, IN, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 4000 BLK N Morrison Rd., Muncie, Indiana. from zone classification: R 5 Residence Zone to zone classification: BV Variety Business Zone.

WHEREAS, the Commission has given reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and responsible growth and development; and

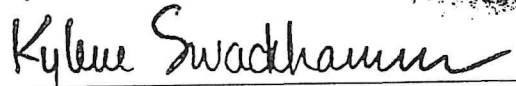
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (5-0) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Jerry Dishman, Vice-President



Kylee Swackhamer, Secretary

Excerpt from the Case Analysis presented to the Delaware-Muncie Metropolitan Plan Commission for their November 7, 2024, meeting

MPC 13-24Z V. Jeanine Souders Revocable Trust

Request: The applicant is asking to be rezoned from the R 5 Residence Zone to the BV Variety Business Zone.

Description & Location: 4000 BLK N Morrison Rd., Muncie, Indiana.

This application is for 2 parcels (#0636426007000 & #0636426009000), located on the west side of Morrison Rd., having a combined total of 4.07 acres.

Streets: Morrison Rd. is classified as a Secondary Arterial with an 80' proposed ROW according to the Thoroughfare Plan Map.

Land Use: The land use in this area is a mixture of single family residences, Multi-family Residences and businesses.

Zoning: The properties west and north of these parcels are zoned R 1 Residence Zone as well as BC Community Business Zone. The property to the east is zoned R 5 Residence Zone. The property to the south is zoned BV Variety Business Zone.

Additional Information:

The parcel that is located within the unincorporated area of Delaware County (#0636426007000) is currently in the process of being annexed into the City of Muncie. The applicant has stated that the annexation approval will be finalized on Oct. 23, 2024. Additionally, these parcels were presented to the Plat Committee on October 17, 2024 asking for approval to create a 2 lot subdivision known as Souders Place. That request was approved and will be considered final once the plat has been accepted and recorded at the Delaware County Recorder's Office. I have attached a copy of the preliminary plat for your reference. The new parcels will run east and west rather than the north to south that you currently see represented in this Case Analysis. The east to west orientation allows for both lots to have road frontage and prevents a land locked situation.

**Edit: Annexation approval into the City of Muncie was finalized on October 23, 2024. As a result, both parcels of land are now within the City of Muncie and falls within the jurisdiction of the City of Muncie.

Residence zone 2

Community Business

EVERMORE DR

Residence Zone 1

Community Business

Residence zone 2

~~County~~
City as
of
10/23/24

City

Residence zone 5

WOODS EDGE LN

MORRISON RD

Variety Business

Variety Business

BETHEL AVE
BETHEL

Variety Business

621.6

626.05

407.88

1105.22

1205.1

982.435

547.3

197.2

218

218

145

133

32

465

95

607

100

200

218

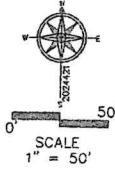
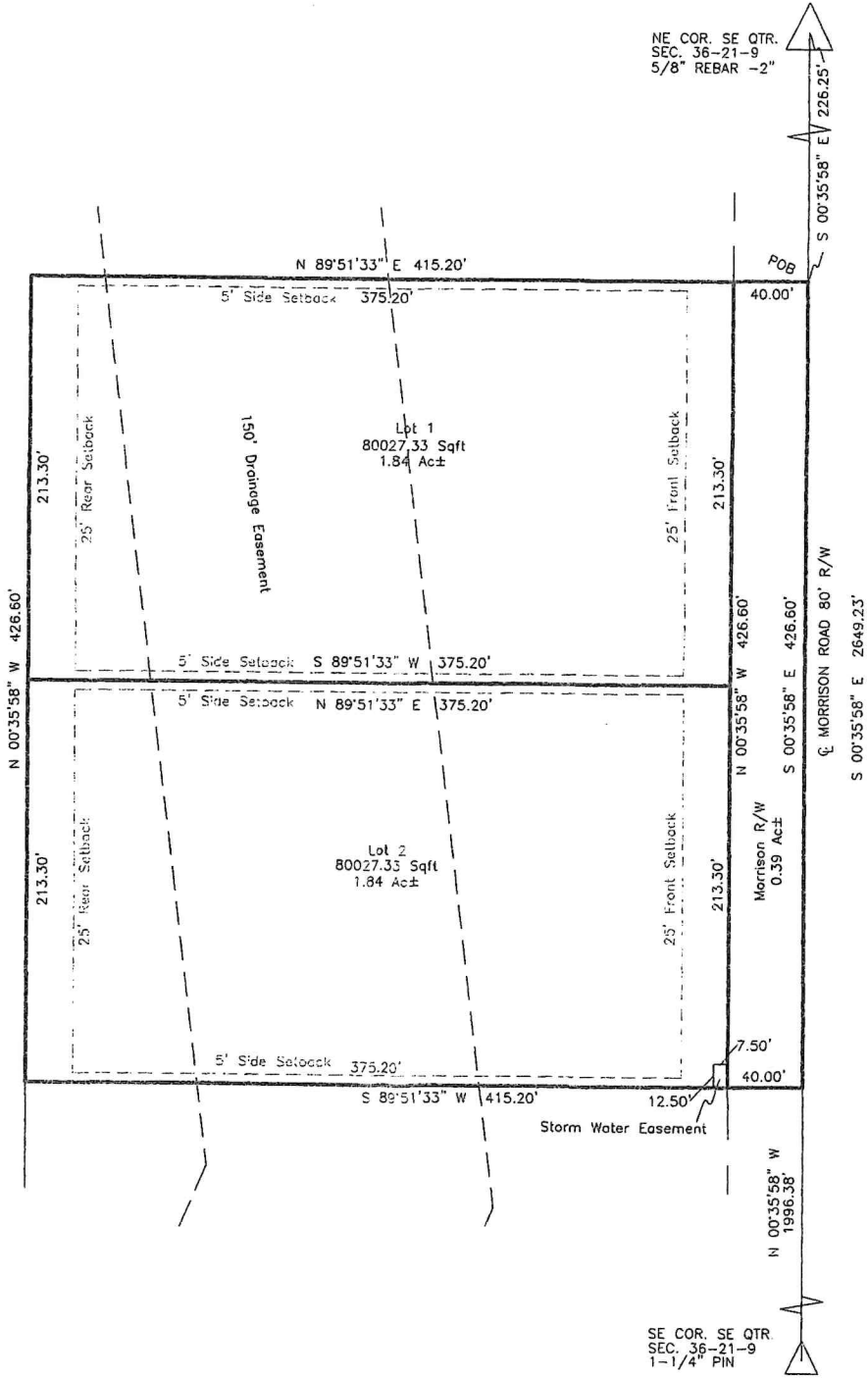
125

120

Souders Place

DELAWARE COUNTY, INDIANA

A SUBDIVISION
IN SECTION 36, TOWNSHIP 21 NORTH, RANGE 9 EAST,
HARRISON TOWNSHIP, DELAWARE COUNTY
FINAL PLAT



MPC 29-24E
RECEIVED
SEP 27 2024

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

Jurisdiction: (Check One)

Delaware County

City of Muncie

Submitted: 9-25-24

Case No.: MPC 13-247

(1) Applicant: v. Jeanine Souders Revocable Trust

Address: 5510 W Bethel Ave, Muncie, IN 47304 Phone: _____

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: DR 2001 pg 8778
Date of Deed: _____

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 deed of record.
Parcels 0636426007000 & 0636426009000

(4) Common Address of Property Involved:
N Morrison Rd, Muncie, IN

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

From the Residence Zone 5 Zone
To the Business Variety Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
Future commercial development.
- (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.
Yes, the owner will develop the property.
- (8) State how the proposed change will not adversely affect the surrounding area.
The property to the south is already zoned BV. This will improve potential development of this parcel.
- (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.

AFFIDAVIT

(I or We) V. Jeanine Souders Revocable Trust- Jeanine Souders Trustee 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: Larry V. Souders

Subscribed and sworn to before me this 13th day of June, 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 7 day of November, 2024.

Signed Mary Pope
Date 9/26/24

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FILED FOR RECORD
7:30 o'clock
Record 1001 Page 2778-79

032285

DEED 2001 8778

13
3
DEC 21 2001

Dee Marlow
Recorder, Delaware County

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that **V. Jeanine Souders**, an adult, of Delaware County, Indiana (Grantor) **QUITCLAIMS** to **V. Jeanine Souders**, as Trustee, or the Successor Trustee of the **V. Jeanine Souders Revocable Trust** dated May 25, 2001, and any amendments thereof, of Delaware County, Indiana (Grantee), the following described real estate in Delaware County, Indiana:

A part of the Southeast Quarter of Section 36, Township 21 North, Range 9 East, more particularly described as follows, to-wit:

Beginning at a point in the East line of the Southeast Quarter of Section 36, Township 21 North, Range 9 East 326.25 feet South of the Northeast Corner of the said Southeast Quarter; thence continuing South on the said East line 426.60 feet; thence West and parallel with the North line of the said Southeast Quarter 415.2 feet; thence North parallel with the East line of the said Southeast Quarter 426.60 feet; thence East parallel with the North line of the said Southeast Quarter 415.2 feet to the point of beginning. Estimated to contain 4.070 acres, more or less.

Unit Tax Number: 22-104
Sidwell Number: 06-86-426-007

IN WITNESS WHEREOF, the Grantor has executed this Deed this 25 day of May, 2001.

V. Jeanine Souders
Signature - **V. Jeanine Souders**

V. JEANINE SOUDERS
Printed - **V. Jeanine Souders**

Duly Entered for Taxation
Transfer Fees \$ 5.00

DEC 20 2001

Gene Lockett
DELAWARE CO. AUDITOR

GENERAL DURABLE
POWER OF ATTORNEY
OF
V. JEANINE SOUDERS

ARTICLE I

DESIGNATION OF AGENT AND ALTERNATE

I, **V. Jeanine Souders**, of Delaware County, State of Indiana, being a mentally competent adult, acting individually and as Trustee of the **V. Jeanine Souders Restatement of Revocable Trust** dated the 29th day of April 2015, and as Trustee of the **Larry V. Souders and V. Jeanine Souders Restatement of Joint Revocable Trust**, dated the 29th day of April 2015, do hereby designate and appoint **Larry V. Souders** of Delaware County, State of Indiana, as my true and lawful Attorney-in-Fact, hereinafter sometimes referred to as my Agent, giving my Agent full authority and power to make financial, asset management, and personal decisions for me in my name, place and stead as authorized in this document. If **Larry V. Souders** is divorced or legally separated from me, this General Durable Power of Attorney shall be null and void.

ARTICLE II

REVOCATION OF PRIOR POWERS

I hereby revoke all powers of attorney, general or limited, heretofore granted by me as principal and terminate all agency relationships created under any such prior powers, including those of all successor agents named or contemplated therein, if any.

ARTICLE III

GENERAL ASSET AND FINANCIAL POWERS

The above named attorney-in-fact shall have the following powers:

1. To make, draw, and endorse promissory notes, checks or bills of exchange and to waive demand presentment, protest and notice of non-payment of all such instruments.
2. To make and execute any and all contracts.
3. To purchase, sell, dispose of, assign and pledge notes, stocks, bonds and securities, and to exercise such voting rights as my ownership of any notes, stocks, bonds and securities may entitle me, either in person or by proxy.
4. To sell, purchase, dispose of, assign and pledge any U.S. Savings Bonds and U.S. Treasury

VJS

Securities in which I may have interest.

5. To receive and to demand all sums of money, debts, dues, accounts, bequests, interest, dividends and demands whatsoever which are now or shall hereafter become due or payable to me and to compromise, settle or discharge the same.
6. To have access to any and all safe deposit boxes in my name and to open, inspect, inventory, place items in or remove from, and close said safe deposit boxes.
7. To bargain for, contract concerning, buy, sell, encumber and in any way and manner, deal with personal property of any kind or nature and to apply or make use of my property for my support and the support of those persons to whom I owe an obligation or support.
8. To execute instruments to effect the transfer of title to any motor vehicle owned by me.
9. To maintain, purchase, surrender, acquire, assign, pledge, make claims under, borrow against, partially or fully liquidate, change beneficiaries, designate insurers, and generally deal in all forms of insurance and claims thereon.
10. To purchase, sell, mortgage, convey, and lease any interest in real estate, wherever located, of which I may be owner now or hereafter.
11. To represent me in all matters relating to taxation, whether by the Federal Government, the government of any State or any local government unit and to prepare, sign and file any documents or forms that may be required in these matters.
12. To arrange for and consent to health care on my behalf in accordance with IC 16-36-1-1 et seq.
13. To transfer from time to time and at any time to the Trustee of any revocable trust agreement created by me before or after the execution of this instrument any or all of my cash, property or interests in property, including any right to receive income from any source.
14. To conduct estate planning on my behalf, including but not limited to, the making of gifts, creation of trusts, partnerships, and any other devices I might use myself were I competent to reduce tax liability or any other purpose beneficial to me or any of my beneficiaries.
15. To make irrevocable trust agreement created by me before or after the execution of this agreement.
16. To include all other specific powers as granted under IC 30-5-5-2 through IC 30-5-5-19, inclusive. However, I am specifically excluding IC § 30-5-5-16 conferring general authority with respect to health care powers and IC § 30-5-5-17 conferring general authority with respect to withdrawing or withholding of medical treatment on behalf of the principal from this power of attorney. I grant the powers enumerated in this power of attorney to Karen Smith or the successor under this document.
17. To direct that my attorney-in-fact may, without limitation, direct or indirect gifts (in trust or otherwise) of property to an attorney-in-fact or others as to amounts greater or less than the annual gift tax exclusion under Section 2503 of the Internal Revenue Code of 1986 then in effect.
18. And I hereby ratify and confirm all that my attorney-in-fact shall do by virtue hereby.



ARTICLE IV

EFFECTIVE DATE

This Power of Attorney shall become effective immediately and shall not be affected by my subsequent disability or incompetence.

ARTICLE V

THIRD-PARTY RELIANCE

No person, who relies in good faith upon any representations by or authority of my Attorney-in-Fact, shall be liable to me, my estate, my heirs or assigns for recognizing such representations or authority.

ARTICLE VI

TERMINATION

I hereby reserve the right of revocation; however, this Power of Attorney shall continue in full force until I have executed a written revocation hereof.

ARTICLE VII

MISCELLANEOUS PROVISIONS

1. This durable power of attorney is intended to be valid and given full faith and credit in any jurisdiction or state in which it is presented.

2. My Attorney-in-Fact shall not be entitled to any compensation for services performed hereunder, but shall be entitled to reimbursement for all reasonable expenses incurred and paid, including transportation costs, as a result of carrying out any provisions of this instrument.

3. My Attorney-in-Fact, including his or her heirs, legatees, successors, assigns, personal representatives, and estate, acting in good faith hereunder, are hereby released and forever discharged from any and all liability (including civil, criminal, administrative or disciplinary), and from all claims or demands of all kinds whatsoever by me or my heirs, legatees, successors, assigns, personal representatives, or estate, arising out of the acts or omissions of my Attorney-in-Fact, except for willful misconduct or gross negligence.

4. My Attorney-in-Fact is authorized to make photocopies of this instrument as frequently and in such quantity as he or she shall deem appropriate. Each photocopy shall have the same force and effect as any original.

5. If any part or provision of this instrument shall be invalid or unenforceable, such part or

1009

provision shall be ineffective to the extent of such invalidity or unenforceability only, without in any way affecting the remaining parts or provisions of this instrument.

6. This instrument, and actions taken by my Attorney-in-Fact properly authorized hereunder, shall be binding upon me, my heirs, successors, assigns, legatees, guardians and personal representatives.

IN WITNESS WHEREOF, I have hereunto executed this Durable Power of Attorney this 29 day of April, 2015.

V. Jeanine Souders
V. Jeanine Souders individually and as Trustee of the V. Jeanine Souders Restatement of Revocable Trust dated the 29th day of April 2015, and as Trustee of the Larry V. Souders and V. Jeanine Souders Restatement of Joint Revocable Trust, dated the 29th day of April 2015

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared V. Jeanine Souders individually and as Trustee of the V. Jeanine Souders Restatement of Revocable Trust dated the 29th day of April 2015, and as Trustee of the Larry V. Souders and V. Jeanine Souders Restatement of Joint Revocable Trust, dated the 29th day of April 2015, who acknowledged the execution of the foregoing General Durable Power of Attorney this 29th day of April, 2015.

WITNESS my hand and notarial seal.

My Commission Expires:

My County of Residence:

Selga I. Rozkalns
Notary Public



SELGA I. ROZKALNS
NOTARY PUBLIC
HAMILTON COUNTY, INDIANA
COMMISSION EXPIRES: 9/8/18

Printed

**THIS INSTRUMENT WAS PREPARED BY: Ronald A. Wright, Attorney at Law,
11550 N. Meridian St., Suite 425, Carmel, IN 46032, (317) 575-1900.**

