

LEGAL NOTICE OF A PUBLIC HEARING
Berne Plan Commission

Notice is hereby given that the Berne Plan Commission will hold a public hearing **Monday, April 9, 2018 at 7:00 p.m.** in Council Chambers of the Berne City Building, 158 West Franklin Street, Berne, Indiana.

At that time, the Plan Commission will hear Development Plan PC 2018-1 filed by Brett R. Miller, MLS Engineering on behalf of Roger Muselman, 269 S Jefferson Street, Berne Indiana. The Commission will hear a request for the construction of 172 single family units which will include a resubmittal of 2 apartment complexes, a new submittal for 4 apartment complexes and a new submittal for one storage unit. The total square foot of construction is 39,327 sq.ft. The construction will be directly north of and a part of their Eastview Apartment Complex, 6308 S 000 Road, Berne Indiana and described as follows:

Legal Description

RECORD DESCRIPTION – D.R.253, PG. 449

Parcel I:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at a point on the North line of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, said point being located 257.00 feet Westerly of the Northeast corner of said Quarter; thence Westerly on and upon said North line 200.00 feet; thence Southerly deflecting 88 degrees 23 minutes 31 seconds left parallel with the East line of said Quarter 465.18 feet; thence Easterly parallel with said North line 200.00 feet; thence Northerly parallel with said East line 465.18 feet to the point of commencement; containing 2.13 acres.

EXCEPT:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana; thence Southerly on and upon the East line of said Quarter 292.83 feet; thence Westerly deflecting 88 degrees 23 minutes 31 seconds right 257.06 feet; thence Southerly deflecting 91 degrees 36 minutes 29 seconds left 169.52 feet to a point, said point being the true point of beginning for the tract herein described; thence Northerly on the last course 293.71 feet; thence Westerly deflecting 91 degrees 36 minutes 29 seconds left 42.27 feet; thence Southerly deflecting 88 degrees 23 minutes 31 seconds left 124.19 feet; thence Westerly deflecting 88 degrees 23 minutes 31 seconds right 12.00 feet; thence Southerly deflecting 88 degrees 23 minutes 31 seconds left 169.52 feet; thence Easterly deflecting 91 degrees 36 minutes 29 seconds left 54.27 feet to the point of beginning, containing 0.33 acre.

Parcel II:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at a point on the North line of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, said point being located 457.00 feet Westerly of the Northeast corner of said Quarter; thence Westerly on and upon said North line 100.10 feet; thence Southerly deflecting 90 degrees 00 minutes 00 seconds left on a line assumed bearing South 00 degrees 00 minutes 00 seconds East a distance of 220 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 175 feet to the East line of a tract of land described in Deed Record 151 on page 512 of the Adams Recorder's records; thence Southerly on and upon said East line South 00 degrees 00 minutes 00 seconds East a distance of 245.00 feet to the Southeast corner of said tract; thence Easterly deflecting 90 degrees 00 minutes 00 seconds left parallel with said North line 262.04 feet; thence Northerly deflecting 88 degrees 23 minutes 31 seconds left parallel with the East line of said Quarter 465.18 feet to the point of commencement; containing 1.98 acres.

Parcel III:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 4, Township 25, Range 14 East, Adams County, Indiana; thence Southerly on and upon the East line of said Quarter 292.83 feet; thence Westerly deflecting 88 degrees 23 minutes 31 seconds right 147.72 feet; thence Northerly deflecting 91 degrees 06 minutes 14 seconds right 79.10 feet; thence Easterly deflecting 89 degrees 53 minutes 46 seconds right 145.64 feet to the East line of said Quarter; thence Southerly 79.10 feet on and upon said East line to the point of commencement.

ALSO

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana; thence Southerly on and upon the East line of said Quarter 292.83 feet; thence Westerly deflecting 91 degrees 36 minutes 29 seconds right 295.66 feet to a point on the North line of said Quarter, said point being the Northwest corner of land described in Deed Record 168 on page 270 of the Adams County Records. Said point also being the true point of beginning for the herein described; thence Southerly on and upon the last described course 171.47 feet to the Northwest corner of land described in Deed Record 200 on page 558 of the Adams County Records; thence Easterly deflecting 91 degrees 36 minutes 29 seconds left 16.00 feet; thence Northerly to a point on the North line of said Quarter, said point being located 16.00 feet Easterly of the said point of beginning; thence Westerly 16.00 feet to the point of beginning.

EXCEPT THEREFROM:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana; thence Southerly on and upon the East line of said Quarter 292.83 feet; thence Westerly deflecting 88 degrees 23 minutes 31 seconds right 147.72 feet; thence Northerly deflecting 91 degrees 06 minutes 14 seconds right 79.10 feet; thence Easterly deflecting 89 degrees 53 minutes 46 seconds right 145.64 feet to the East line of said Quarter; thence Southerly 79.10 feet on and upon said East line to the point of commencement.

The above legal description is taken from Deed Record 240 on page 115 of the Adams County Records. The property is more properly described as follows as shown on a survey dated December 8, 2001 prepared by Larry Wayne Owen:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana; thence Southerly on and upon the East line of said Quarter 292.83 feet to the point of beginning for the tract herein described; thence Westerly deflecting 88 degrees 23 minutes 31 seconds right 147.72 feet; thence Northerly deflecting 90 degrees 06 minutes 14 seconds right 79.10 feet; thence Easterly deflecting 89 degrees 53 minutes 46 seconds right 149.80 feet to the East line of said Quarter; thence Southerly 79.10 feet on and upon said East line to the point of commencement.

Containing: 0.27 Acres

Subject to: The right-of-way of County Road 000 and all legal easements.

RECORD DESCRIPTION – D.R.192, PG. 262

A portion of the northeast quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at a point on the east line of the northeast quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, said point being located 1090.58 feet southerly of the northeast corner of said quarter; thence northerly on and upon said east line 628.23 feet; thence westerly deflecting 91° 36' 29" left on a line assumed bearing N90°00'00"W a distance of 719.10 feet to the southeast corner of a tract of land described in Deed Record 151, page 512 of the Adams County Recorder's records; thence N90°00'00"W, 90.00 feet; thence S00°00'00"E, 85.00 feet; thence 35.00 feet northwesterly along a 455.00 foot radius curve to the right subtended by a 34.98 foot chord having a bearing of N71°36'41"W; thence S23°44'38"W, 20.00 feet; thence N66°15'22"W, 50.00 feet; thence N23°44'38"E, 20.00 feet; thence 98.77 feet along a 455.00 foot radius curve to the right subtended by a 98.58 foot chord having a bearing of N56°53'48"W; thence N90°00'00"W, 339.49 feet to the east line of a tract of land described in Deed Record 158 on page 117; thence southerly deflecting 88°23'29" left 50.22 feet to the southeast corner of the last mentioned tract; thence westerly deflecting 86°21'40" right and upon the south line of the tract last mentioned tract 200.00 feet; thence southerly deflecting 88°21'40" left on and upon the west line of a parcel of land described in Deed Record 140 on page 422 a distance of 575.08 feet to the southwest corner of said parcel; thence easterly deflecting 91°30'06" left on and upon the south line of said parcel 1510.08 feet to the point of commencement; Containing 21.29 acres, more or less. Subject to: The right of way of County Road 000 and all legal easements.

Except therefrom:

A portion of the Northeast Quarter of Section 4, Township 25 North, Range 14 East, Adams County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument that marks the Northeast corner of the above captioned Northeast Quarter; thence South no degrees 38 minutes 44 seconds East (assumed bearing), with the east line of said Northeast Quarter, 465.00 feet; thence South 87 degrees 48 minutes 22 seconds West, parallel with the north line of aforesaid Northeast Quarter, 675.00 feet to an iron pin and the POINT OF BEGINNING of the parcel herein described; thence South no degrees 38 minutes 44 seconds East 625.58 feet to an iron pin on the south line of the 37.8 acre parcel described in Deed Record 149, page 422 in the records of the Recorder of Adams County; thence South 87 degrees 48 minutes 22 seconds West, on said south line, 835.08 feet to an iron pin and the southwest corner of said parcel; thence North no degrees 38 minutes 44 seconds West, with the west line of aforesaid parcel, 575.08 feet to an iron pin and the southwest corner of the 0.23 acre parcel described in Deed Record 158, page 117; thence, with the south line of said 0.23 acre parcel, North 87 degrees 46 minutes 18 seconds East, 200.00 feet to an iron pin at the southeast corner of said parcel; thence, with the east line of said parcel, North no degrees 38 minutes 44 seconds West 50.38 feet to an iron pin and the northeast corner of the aforesaid 0.23 acre parcel; thence with the south line of the 5.91 acre parcel described in Instrument Number 2006003391 in the Office of the Adams County Recorder the following six (6) courses: (1) thence North 87 degrees 48 minutes 22 seconds East 337.73 feet (given in Instrument Number 2006003391 as 339.6 feet and in Deed Record 192, page 262 as 339.49 feet); (2) thence, along a non-tangent curve concave northeast having a radius of 455.00 feet, a long chord bearing South 59 degrees 07 minutes 25 seconds East 98.58 feet, a central angle of 12 degrees 26 minutes 17 seconds and arc distance of 98.77 feet; thence South 21 degrees 31 minutes 01 second West 20.00 feet; (3) thence North 68 degrees 28 minutes 59 seconds East 50.00 feet; (4) thence North 21 degrees 31 minutes 01 second East 20.00 feet; (5) thence, along a non-tangent curve concave northeast having a radius of 455.00 feet, a long chord bearing South 73 degrees 41 minutes 42 seconds East an arc distance of 35.00 feet; (6) thence North 02 degrees 05 minutes 01 second West 85.00 feet; thence, North 87 degrees 48 minutes 22 seconds East, parallel with and 465.00 feet south of the north line of the Northeast Quarter, 135.62 feet to the Point of Beginning and containing 11.551 acres, more or less.

Shannon Smitley, Director
Berne Plan Commission
3-28-2018