

LEGAL NOTICE OF A PUBLIC HEARING

Berne Zoning Board of Appeals

Notice is hereby given that the Berne Board of Zoning Appeals will hold a public hearing **Monday, May 14, 2018 at 7:00 pm** in the Conference Room at Berne City Hall, 158 West Franklin Street, Berne, Indiana.

At that time, the Board will hear BZA 2018-1, a Variance Request for Contingent Use filed by Ted and Kitt Toland on behalf of Craig Keith McGrew representing LL & Tower King on property the Toland's own at W 700 S, Berne Indiana, Adams County Tax Parcel Number 01-11-08-200-003.000-017. The request will be for the purpose of the construction of a new 300-foot tower for a wireless communication facility.

Legal Description

Address: W 700 S BERNE, IN 46711; **Adams County Tax Parcel Number:** 01-11-08-200-003.000-017

Deeded Acres: 52.56

STARTING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER FOUND PER RECORD WITNESS; THENCE SOUTHERLY, 660.00 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER TO THE PLACE OF BEGINNING; THENCE CONTINUING SOUTHERLY, 1233.00 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF THE 1.69 ACRE TRACT DESCRIBED IN DEED RECORD 194, PAGE 440; THENCE WESTERLY DEFLECTING RIGHT 90 DEGREES 26 MINUTES 00 SECONDS, 339.93 FEET TO THE NORTHWEST CORNER OF SAID 1.69 ACRE TRACT; THENCE SOUTHERLY, DEFLECTING LEFT 90 DEGREES 14 MINUTES 00 SECONDS, 214.22 FEET ALONG THE WEST LINE OF SAID 1.69 ACRE TRACT TO THE NORTH LINE OF THE 16.80 ACRE TRACT DESCRIBED IN DEED RECORD 194, PAGE 440; THENCE WESTERLY DEFLECTING RIGHT 90 DEGREES 55 MINUTES 00 SECONDS, 988.10 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, DEFLECTING RIGHT 88 DEGREES 54 MINUTES 57 SECONDS, 2080.74 FEET ALONG SAID WEST LINE TO A P.K. NAIL AT THE NORTHWEST CORNER OF SAID EAST HALF; THENCE EASTERLY, DEFLECTING RIGHT 89 DEGREES 47 MINUTES 16 SECONDS, 997.67 FEET ALONG SAID NORTH LINE TO A P.K. NAIL 330.00 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY, DEFLECTING RIGHT 90 DEGREES 11 MINUTES 10 SECONDS, 660.00 FEET PARALLEL THE EAST LINE OF SAID NORTHEAST QUARTER TO A 5/8" REBAR STAKE: THENCE EASTERLY, DEFLECTING LEFT 90 DEGREES 11 MINUTES 10 SECONDS, 330.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE PLACE OF BEGINNING. CONTAINING 57.21 ACRES.

SUBJECT TO: THE RIGHT-OF-WAY OF COUNTY ROAD 700 SOUTH, U.S. HIGHWAY NO. 27, THE LEGAL OPEN DRAIN KNOWN AS THE "AMSTUTZ #3" AND RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

ALL AS SHOWN BY STODY ASSOCIATES, PROFESSIONAL LAND SURVEYORS, ON PLAT OF SURVEY NUMBER 1288.

TOWER KING LEASE AREA DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 8, TOWN 25 NORTH, RANGE 14 EAST, WABASH TOWNSHIP, ADAMS COUNTY, INDIANA DESCRIBED AS: COMMENCING AT A FOUND 1 INCH BAR AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 00°46'50" WEST ALONG THE EAST LINE A DISTANCE OF 916.83 FEET; THENCE SOUTH 89°39'35" WEST A DISTANCE OF 406.21 FEET; THENCE SOUTH 00°47'08" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°24'33" WEST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°47'08" EAST A DISTANCE OF 60.00 FEET; THENCE SOUTH 89°12'52" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 00°47'08" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 89°12'52" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°47'08" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10,000.00 SQUARE FEET OR 0.23 ACRES.

TOWER KING ACCESS/UTILITY EASEMENT DESCRIPTION

A TWENTY (20) FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION AND MAINTENANCE OF UTILITIES OVER/UNDER AND ACROSS ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 8, TOWN 25 NORTH, RANGE 14 EAST, WABASH TOWNSHIP, ADAMS COUNTY, INDIANA DESCRIBED AS: COMMENCING AT A FOUND 1 INCH BAR AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 00°46'50" WEST ALONG THE EAST LINE A DISTANCE OF 916.83 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°39'35" WEST A DISTANCE OF 406.21 FEET; THENCE SOUTH 00°47'08" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°24'33" WEST A DISTANCE OF 40.00 FEET TO THE EAST LINE OF THE ABOVE DESCRIBED LEASE AREA; THENCE NORTH 00°47'08" WEST ALONG SAID EAST LINE A DISTANCE OF 40.00 FEET; THENCE NORTH 89°32'35" EAST A DISTANCE OF 446.64 FEET TO THE EAST SECTION LINE; THENCE SOUTH 00°46'50" EAST ALONG SAID EAST LINE A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING CONTAINING 9,702 SQUARE FEET OR 0.223 ACRES.

TOWER KING GUY LINE EASEMENT DESCRIPTION

A TWENTY (20) FOOT WIDE EASEMENT FOR INGRESS/EGRESS AND THE INSTALLATION AND MAINTENANCE OF GUY LINES OVER/UNDER AND ACROSS ALL THAT PART OF THE NORTHEAST 1/4 OF SECTION 8, TOWN 25 NORTH, RANGE 14 EAST, WABASH TOWNSHIP, ADAMS COUNTY, INDIANA DESCRIBED AS: COMMENCING AT A FOUND 1 INCH BAR AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH 00°46'50" WEST ALONG THE EAST LINE A DISTANCE OF 916.83 FEET; THENCE SOUTH 89°39'36" WEST ALONG SAID SOUTH LINE A DISTANCE OF 406.21 FEET; THENCE SOUTH 00°47'08" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°24'33" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST LINE OF THE ABOVE DESCRIBED LEASE; THENCE SOUTH 77°54'17" WEST A DISTANCE OF 50.99 FEET TO A POINT AT THE CENTER OF SAID LEASE, SAID POINT BEING REFERENCE POINT "A" AND THE CENTER OF A PROPOSED GUYED TOWER; THENCE SOUTH 07°39'06" EAST A DISTANCE OF 50.36 FEET TO THE SOUTH LINE OF SAID LEASE AND THE POINT OF BEGINNING OF GUY EASEMENT "A"; THENCE CONTINUING SOUTH 07°39'06" EAST A DISTANCE OF 197.62 FEET TO THE POINT OF ENDING OF GUY EASEMENT "A"; ALSO COMMENCING AT SAID REFERENCE POINT "A"; THENCE NORTH 67°38'54" WEST A DISTANCE OF 54.37 FEET TO THE WEST LINE OF SAID LEASE AREA AND THE POINT OF BEGINNING OF GUY EASEMENT "B"; THENCE CONTINUING NORTH 67°38'54" WEST A DISTANCE OF 193.64 FEET TO THE POINT OF ENDING OF GUY EASEMENT "B"; ALSO COMMENCING AT SAID REFERENCE POINT "A"; THENCE NORTH 52°20'32" EAST A DISTANCE OF 62.49 FEET TO THE NORTH LINE OF SAID LEASE AREA AND THE POINT OF BEGINNING OF GUY EASEMENT "C"; THENCE CONTINUING NORTH 52°20'32" EAST A DISTANCE OF 185.50 FEET TO THE POINT OF ENDING OF GUY EASEMENT "C".

Shannon Smitley, Director
Berne Plan Commission
4-25-2018