

CITY OF SHELBYVILLE

Adam M Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 9/27/2021

Case Number & Name:	PC 2021-13; 44 Outlot/Urgent Care; Preliminary Plat			
Petitioner's Name:	Civil & Environmental Consultant, Inc.			
Owner's Name:	GWM Real Estate LLC			
Petitioner's Representative:	Rusty Skoog, Civil & Environmental Consultants, Inc.			
Address of Property:	1778 State Road 44, Shelbyville, IN 46176			
Subject Property Zoning Classification:	BH – Business Highway			
Comprehensive Future Land use:	Gateway-Mixed Use			
	North	North	North	North
Surrounding Properties' Zoning Classifications:	Business Highway	Business Highway	Business Highway	Business Highway
Surrounding Properties' Comprehensive Future Land Use	Gateway/ Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	The site is a new parcel on an outlot subdivided from Rural King.			
Vicinity Map:				
Action Requested:	Preliminary Plat approval to subdivide a 9.79 acre into (2) two lots: (1) one 9.19 acre lot and (1) one .53 acre lot. The .53 acre lot will be used to build an urgent care facility.			

This petition is a preliminary plat to subdivide a 9.72 acre lot into a 9.72 acre lot and a .53 acre lot. The .53 acre lot will be used to build an urgent care facility.

1. In accordance with Article 9 of the City of Shelbyville Unified Development Ordinance, the Plan Commission shall consider the following criteria when reviewing a preliminary plat approval:

- a. **The proposed preliminary plat shall be consistent with the subdivision control regulations and the development standards for the applicable zoning district;**

In the BH – Business Highway zoning district the minimum lot area is 15,000 square feet with a minimum lot width of eighty (80) feet. The proposed site is .53 acres or 23,068 square feet. The approximate dimensions of the site are 151 feet by 159 feet. Additionally, the UDO prescribes street access requirements which require every lot in a subdivision to have access to a public street, either directly or through an access road. This subdivision is providing direct access to State Road 44. Everything will be design and built in compliance with Unified Development Ordinance and the City's Construction Standards.

- b. **Satisfies any other applicable provisions of the Unified Development Ordinance.**

The remainder of this project is being reviewed for compliance under PC 2020-14, which is the Site Development Plan for the urgent care being proposed on the property.

STAFF RECOMMENDATION: APPROVAL.

Preliminary Plat: PC 2021-13; 44 Outlot/Urgent Care; Preliminary Plat

Findings of Fact by the Shelbyville Plan Commission

Staff Prepared

Motion:

(I) would like to make a motion to approve the preliminary plat as presented to this body, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The proposed preliminary plat **is** consistent with the subdivision control regulations and the development standards for the applicable zoning district, as outlined in the planning staff's report.

☐ The proposed preliminary plat **is not** consistent with the subdivision control regulation and the development standards for the applicable zoning district, as outlined in the planning staff's report.
2. ☐ The proposed preliminary plat **is** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.

☐ The proposed preliminary plat **is not** consistent with any other applicable standards of the Unified Development Ordinance, as outlined in the planning staff's report.

Additional Conditions Imposed by the Shelbyville Plan Commission:

- 1.
- 2.
- 3.

Shelbyville Plan Commission

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary



MAJOR SUBDIVISION PRELIMINARY PLAT APPLICATION

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only

Case #: PC 2021-13
Hearing Date: 7-27-21
Fees: \$585

Approved _____ Denied _____

1. Applicant/Property Owner

Applicant:

Name: Civil & Environmental Consultants, Inc.
Address: 530 E. Ohio Street, Suite G
Indianapolis, Indiana 46204
Phone Number: 317-655-7777
Fax Number: _____
E-mail Address: asyers@cecinc.com

Owner:

Name: GWM Real Estate, LLC et al (see PRC attached)
Address: 4216 Dewitt Ave, Mattoon, IL 61938
Phone Number: _____
Fax Number: _____

2. Applicant's Attorney/Contact Person and Project Designer (if any):

Attorney/Contact Person:

Name: Civil & Environmental Consultants, Inc.
Address: 530 E. Ohio Street, Suite G
Indianapolis, Indiana 46204
Phone Number: 317-655-7777
Fax Number: _____

Project Designer:

Name: Rusty Skoog
Address: 530 E. Ohio Street, Suite G
Indianapolis, Indiana 46204
Phone Number: 317-655-7777 rskoog@cecinc.com
Fax Number: _____

3. Project Information:

Address/Location of Property: 1800 State Road 44
Shelbyville, Indiana
Proposed Name of Subdivision: Re-plat of Rivergate Subdivision Lot 1
Area in Acres: 9.721+/- Acres

Current Zoning: BH - Business Highway
Proposed Use: Commercial Lot
Proposed Number of Lots: 2

4. Waivers:

Are any waivers to the requirements, standards or specifications of the Shelbyville Subdivision Control Ordinance being requested?

☒ No ☐ Yes (specify request and Section Number): _____

5. Attachments:

Please see checklist for detailed information about the required attachments.

- | | |
|--|--|
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Subdivision Covenants |
| <input type="checkbox"/> Vicinity Map | <input type="checkbox"/> Drainage Plan & Report |
| <input type="checkbox"/> Contiguous Holdings Map | <input type="checkbox"/> Engineering Capacity Report |
| <input type="checkbox"/> Subdivision Phasing Description | <input type="checkbox"/> Application Fee |

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: [Signature] Date: August 10, 2021

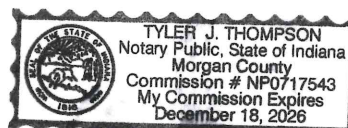
State of Indiana)
County of Shelby) SS:

Subscribed and sworn to before me this 10th day of August, 2021.

[Signature]
Notary Public - Signed

Tyler J. Thompson
Printed

Residing in Morgan County My Commission expires 12-18-26





RE-PLAT OF RIVERGATE SUBDIVISION LOT 1

A Re-plat of the Lot 1 of Rivergate Subdivision as recorded in Instrument Number 2013001887 in the Office of the Recorder of Shelby County, Indiana situated in the Northeast Quarter of Section 4, Township 12 North, Range 7 East of the Second Principal Meridian in Addison Township, Shelby County, Indiana



VICINITY MAP
NOT TO SCALE

- LEGEND:**
- EXISTING SUBDIVISION BOUNDARY
 - PROPOSED LOT LINE
 - EXISTING ADJACENT PROPERTY LINE
 - EXISTING RIGHT-OF-WAY LINE
 - EXISTING LOT LINE
 - EXISTING SET BACK LINE
 - PROPOSED SET BACK LINE
 - EXISTING EASEMENT LINE
 - MONUMENT FOUND
 - MONUMENT SET - FIRM #0122*
 - *AS SURFACE CONDITIONS ALLOW
 - LOT ADDRESS

LAND DESCRIPTION

Lot 1 of the Rivergate Subdivision recorded as Instrument Number 2013001887 in the Office of the Recorder of Shelby County, Indiana, situated in the Northeast Quarter of Section 4, Township 12 North, Range 7 East of the Second Principal Meridian in Addison Township, Shelby County, Indiana.

CERTIFICATE OF SURVEY

To the best of my knowledge and belief the within plat also represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code. The field work for this plat was performed on June 17, 2021.

DRAFT

Anthony B. Syers
Registered Land Surveyor #20800124
August 11, 2021
asayers@cecinc.com
Prepared by Anthony B. Syers



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. Anthony B. Syers

CERTIFICATE OF OWNERSHIP

I, _____ owners of the property described in the above captioned, do hereby certify that we caused the said above described property to be surveyed and subdivided as shown on the hereon drawn plat, as our own free and voluntary act and deed.

Dated this ____ day of _____, 2021.

Signatures: _____

State of Indiana }
County of Shelby } SS:

I, _____, a Notary Public in and for said county and state, do hereby certify that

subscribed to the above certificate appeared before me this day in person and acknowledge that they signed the above certificate as their own free and voluntary act and deed for uses and purposes therein set forth.

Give under my hand and notarial seal this ____ day of _____, 2019.

Signature _____
_____, Notary Public

My Commission Expires: _____
County of Residence: _____

CERTIFICATE OF APPROVAL OF THE FINAL PLAT

I, hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations for Shelbyville, Indiana, with the exception of such variances, if any, as are noted in the minutes of the Plan Commission, and that it has been approved for the recording in the Office of the City and County Clerks.

Approved this ____ day of _____, 2021

Mike Evans
President, Plan Commission

Adam Rude
Secretary, Plan Commission

SCALE IN FEET
0 50 100

Civil & Environmental Consultants, Inc.
530 E. Ohio Street - Suite G - Indianapolis, IN 46204
317-655-7777 - 877-746-0749
www.cecinc.com

RURAL KING REALTY
1800 STATE ROAD 44
SHELBYVILLE, INDIANA

PRELIMINARY PLAT

DRAWING NO.

PLAT

SHEET 1 OF 1

General Information

Parcel Number
73-11-04-200-057.000-002
Parent Parcel Number

Ownership

GWM REAL ESTATE LLC AN ILLINOIS LIMITED LI
4216 DEWITT AVE
MATTSON, IL 61938

Transfer Of Ownership

Date	Owner	Doc ID	Code	Book/Page	Sale Price
03/23/2020	GWM REAL ESTATE LLC				\$00
03/21/2013	SHELBYVILLE ABG LLC				\$00
03/21/2013	MAP SHELBYVILLE LLC				\$00
03/21/2013	SHELBYVILLE ABG LLC				\$00

Tax ID:

Legal

RIVERGATE SUBDIVISION LOT 1 4
12 7 9.72AC

02/23/2007 Gateway Arthur Inc
08/21/1998 BRADLEY OPERATING
01/01/1900 DIAL REIT INC

0

Property Class 422

Discount and Junior Department
Store

COMMERCIAL

Year:

Location Information

County
Shelby
Township
ADDISON TOWNSHIP
District 002 (Local)

School Corp
SHELBYVILLE CENTRAL
Neighborhood 7302050-002
COMMERCIAL

Section/Plat

Location Address
1800 E STATE ROAD 44
SHELBYVILLE
, IN 46176

Zoning

Subdivision

Lot

AA&M1 Park

Characteristics

Topography

Public Utilities

Streets or Roads

Neighborhood Life Cycle Stage
N/A

Printed Tuesday, August 10, 2021

Data Source

Collector

Appraiser

Notes

Land Computations

Calculated Acreage

9.72

Actual Frontage

Developer Discount

Parcel Acreage

9.72

82 Public Roads IN/

83 UT Towns IN/

9 Homesite

9.72 Acres

Total Acres Farmland

Farmland Value

Measured Acreage

Avg Farmland Value/Acre

Value Of Farmland

Cultivated Total

Farm / Classified Value

Imp (resid(s)) Value

91/92 Values

Supp. Page Land Value

CAP 1 Value

CAP 2 Value

CAP 3 Value

Total Value



Engineering Design Report

Shelbyville Urgent Care Center
Rural King Outlot, (Approx. 1826 IN-44)

Prepared For:

DXU Architects

Prepared By:

Alvin E (Rusty) Skoog, Jr, PE, PS
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
Indianapolis, IN

CEC Project 312-885

August 2021

Existing Conditions

This project is to be constructed on a proposed parcel of 23,324 SF (0.54 Ac) that is entirely paved.

Proposed Conditions

This project will consist of a new Urgent Care Facility Building that will cover ~ 3,717 SF and will include a trash enclosure (~228 SF), a walk along the building (~1,081 SF) and 29 onsite parking spaces, including 2 HC spaces (~9,152 SF). The remaining ~ 9,146 SF will consist of grass and landscaping.

Drainage

The existing drainage from this project currently flows over the pavement to the NE and discharges into an existing structure located to the NE of the parcel. This includes an additional ~25,229 sf of existing paved area that discharges to the same structure. The entire area that discharges to this structure is ~48,553 SF.

The proposed drainage will be reduced due to the increase of pervious areas. We will also be adding a storm sewer system to collect our drainage and to collect the off-site drainage to bypass it through our system.

The discharge rate from our project from our site will be reduced due to the increase of pervious surfaces. This will reduce the amount of discharge to the existing downstream facilities.

Storm Water Pollution Prevention Plan (SWPPP)

There are no requirements for a SWPPP since the site is under 1 Ac. The site will include an erosion control plan and an O & M manual.

Utilities

The sanitary line will tie into the existing sanitary line just north of our property. The water will tie into the water service to the west. The gas line will tie into the existing gas line north of State Road 44. Communications and power will connect to the existing utilities as required by those utilities.

AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE PLAN COMMISSION

STATE OF ILLINOIS
COUNTY OF COLES

} SS:

WE, GWM REAL ESTATE, LLC, an Illinois limited liability, BDS HOLDINGS, LLC, an Illinois limited liability company, qualified to do business in Indiana as Speer Holdings, LLC, and AJM, LLC, an Illinois limited liability company, each an undivided one-third interest as tenants in common, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:

1. That we are the owners of real estate located at 1800 E State Road 44, Shelbyville, IN
2. That we have read and examined the Application made to the Shelbyville Plan Commission by: Civil & Environmental Consultants, Inc.
3. That we have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

OWNERS:

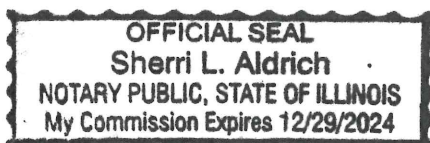
GWM REAL ESTATE, LLC,
an Illinois limited liability company

By: *Alex Melvin*
Printed Name: ALEX MELVIN
Title: MANAGER

STATE OF ILLINOIS)
) SS:
COUNTY OF COLES)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that ALEX MELVIN, personally known to me to be the Authorized Member or Manager **GWM REAL ESTATE, LLC**, an Illinois limited liability company, and personally known to me to be the same person whose name is subscribed to the forgoing instrument, appeared before me this day in person and acknowledged that as such Authorized Member or Manager, he/she signed and delivered the said instrument pursuant to authority given by the Members of said limited liability company, as the free and voluntary act of the Authorized Member or Manager, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 22ND day of JUNE, 2021.



Sherri L. Aldrich
Notary Public

BDS HOLDINGS, LLC,

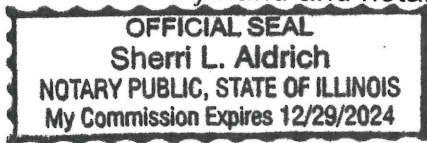
an Illinois limited liability company, qualified to do business in Indiana as Speer Holdings, LLC

By: *Alex Melvin*
Printed Name: ALEX MELVIN
Title: MANAGER

STATE OF ILLINOIS)
) SS:
COUNTY OF COLES)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that ALEX MELVIN, personally known to me to be the Authorized Member or Manager **B. SPEER HOLDINGS, LLC, (BDS HOLDINGS LLC)**, an Illinois limited liability company, and personally known to me to be the same person whose name is subscribed to the forgoing instrument, appeared before me this day in person and acknowledged that as such Authorized Member or Manager, he/she signed and delivered the said instrument pursuant to authority given by the Members of said limited liability company, as the free and voluntary act of the Authorized Member or Manager, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 22ND day of JUNE, 2021.



Sherri L. Aldrich
Notary Public

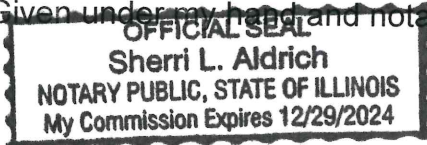
AJM, LLC, an Illinois limited liability company

By: *Alex Melvin*
Printed Name: ALEX MELVIN
Title: MANAGER

STATE OF ILLINOIS)
) SS:
COUNTY OF COLES)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that ALEX MELVIN, personally known to me to be the Authorized Member or Manager **AJM, LLC**, an Illinois limited liability company, and personally known to me to be the same person whose name is subscribed to the forgoing instrument, appeared before me this day in person and acknowledged that as such Authorized Member or Manager, he/she signed and delivered the said instrument pursuant to authority given by the Members of said limited liability company, as the free and voluntary act of the Authorized Member or Manager, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

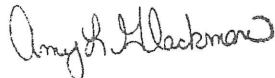
Given under my hand and notarial seal, this 22ND day of JUNE, 2021.



Sherri L. Aldrich
Notary Public

ENTER FOR TAXATION

MAR 23 2020



SHELBY COUNTY AUDITOR

2020001611 QCD \$25.00
03/24/2020 10:00:10A 5 PGS
Tawnya J Williams
SHELBY County Recorder IN
Recorded as Presented



Tax ID No. 73-11-04-200-057.000-002

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT

SHELBYVILLE ABG, LLC, an Illinois limited liability company, whose address is 4216 Dewitt Avenue, Mattoon Illinois 61938

RELEASES AND QUIT CLAIMS TO

GWM REAL ESTATE, LLC, an Illinois limited liability company, whose address is 4216 Dewitt Avenue, Mattoon, Illinois 61938, **BDS HOLDINGS, LLC, an Illinois limited liability company**, qualified to do business in Indiana as Speer Holdings, LLC, whose address is 4216 Dewitt Avenue, Mattoon, Illinois 61938 and **AJM, LLC, an Illinois limited liability company**, whose address is 4216 Dewitt Avenue, Mattoon, Illinois 61938 each an undivided one-third interest as tenants in common, for consideration other than monetary the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Shelby County, in the State of Indiana, to wit:

SEE ATTACHED EXHIBIT "A"

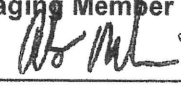
Subject to covenants, restrictions and easements of record.

Subject to Real Estate taxes now due and payable and thereafter.

IN WITNESS WHEREOF, the Grantor has executed this deed this 30th day of December, 2019.

Shelbyville ABG, LLC, an Illinois limited liability company,

By **ABG Real Estate, LLC, an Illinois limited liability company,**
Its Managing Member

By: 

Name: Alex Melvin

Title: Managing Member

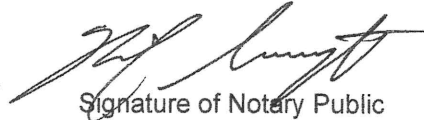
SALE DISCLOSURE
NOT REQUIRED
SHELBY COUNTY ASSESSOR

State of Illinois, County of Coles ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Alex Melvin, the Managing Member of ABG Real Estate, LLC, an Illinois limited liability company, the sole and Managing Member of Shelbyville ABG, LLC, an Illinois limited liability company, who acknowledged the execution of the foregoing Quit Claim Deed on behalf of the Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

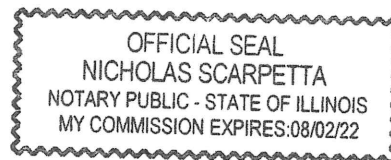
WITNESS, my hand and Seal this 30th day of December, 2019.

My Commission Expires: 8/2/22


Signature of Notary Public

Nicholas Scarpetta
Printed Name of Notary Public

Champaign Illinois
Notary Public County and State of Residence



This instrument was prepared by:

Murray R. Choate II, Attorney At Law
622 Jackson Avenue, Charleston, Illinois 61920
(217) 294-1209

This instrument prepared by the above-named attorney-at-law, at the specific request of Grantor or Grantee based solely upon information supplied by one or more of the parties to this conveyance, and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided, the parties hereto signifying their assent to this disclaimer by the Grantor's execution and the Grantee's acceptance of the instrument.

Property Address:

1800 E. State Road 44
Shelbyville, Indiana 46176

Grantee's Address and Mail Tax Statements To:

4216 Dewitt Avenue

Mattoon, Illinois 61938

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. Murray R. Choate II

Record and Return To:
Land Services USA, Inc.
Accommodation Recording
File No.: ILFA20-0516
THIS DOCUMENT NOT INSURED

EXHIBIT A

Legal Description: PARCEL I-FEE

Commencing at a monument marking the Northeast corner of the Northeast Quarter of Section 4, Township 12 North, Range 7 East and running thence North 89 degrees 18 minutes 07 seconds West (assumed bearing) along the North line of the said Quarter Section a distance of 1032.47 feet to a point; thence South 00 degree 04 minutes 41 seconds West a distance of 960.13 feet to a point on the Northerly right-of-way line of State Road No. 44; thence South 61 degrees 53 minutes 07 seconds West along the Northern right-of-way of said State Road a distance of 755.85 feet to the POINT OF BEGINNING of this description; thence continuing South 61 degrees 53 minutes 07 seconds West along the Northerly right-of-way line of said State Road a distance of 218.57 feet to a point marking the Southeast corner of the Daniel P. Duran property as recorded in Instrument Number 2005002977 in the Office of the Recorder of Shelby County, Indiana; thence North 25 degrees 15 minutes 08 seconds West along the Northeasterly line of said Duran property a distance of 201.10 feet to a point marking the Northern most corner of said Duran property; thence South 68 degrees 42 minutes 07 seconds West along the Northwesterly line of said Duran property a distance of 120.00 feet to a point; thence South 47 degrees 54 minutes 14 seconds West along the Northwesterly line of said Duran property a distance of 62.71 feet to a point marking the Northwest corner of said Duran property; thence North 00 degree 19 minutes 13 seconds East a distance of 935.07 feet to a point; thence North 88 degrees 53 minutes 26 seconds East a distance of 489.99 feet to a point; thence South 21 degrees 10 minutes 37 seconds East a distance of 195.32 feet to a point; thence South 68 degrees 49 minutes 38 seconds West a distance of 228.28 feet to a point; thence South 21 degrees 10 minutes 37 seconds East a distance of 249.55 feet to a point; thence North 68 degrees 56 minutes 00 second East a distance of 10.63 feet to a point; thence South 21 degrees 10 minutes 37 seconds East a distance of 212.15 feet to a point; thence South 69 degrees 56 minutes 42 seconds West a distance of 173.24 feet to a point; thence South 20 degrees 32 minutes 35 seconds East a distance of 199.82 feet to the point of beginning.

Being a part of the Northeast Quarter of Section 4, Township 12 North, Range 7 East and containing 9.721 Acres, more or less. Also, will be known as Lot 1 of the Rivergate Subdivision upon recordation of the approved plat. Subject to legal rights-of-way.

PARCEL II-TWO EASEMENTS FOR INGRESS AND EGRESS AS CREATED BY A WARRANTY DEED RECORDED SEPTEMBER 16, 1987 IN DEED RECORD 297, PAGE 916 TO AND FROM DAGLEY COURT LOCATED ON REAL ESTATE AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF GROUND APPROXIMATELY 2 FEET IN WIDTH AND 515 FEET IN LENGTH LOCATED ALONG AND ADJACENT TO THE EASTERLY RIGHT OF WAY LINE OF DAGLEY COURT AND BEING DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST QUARTER, SECTION 4, TOWNSHIP 12 NORTH, RANGE 7 EAST IN SHELBY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION AND RUNNING THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 656.70 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER SECTION TO AN IRON PIN SET IN A STEEL BOX IN THE CENTERLINE OF STATE ROAD #44; THENCE SOUTH 61 DEGREES 57 MINUTES 00 SECONDS WEST 2101.90 FEET ALONG SAID CENTERLINE TO THE POINT OF TANGENT OF A CURVE, SAID CURVE HAVING A RADIUS OF 2864.79 FEET, AN ANGLE BETWEEN TANGENTS OF 47 DEGREES 30 MINUTES 00 SECONDS; DEGREE OF CURVE BEING 2 DEGREES 00 MINUTES 00 SECONDS AND TANGENTS OF 1260.54 FEET; SAID POINT BEING AN IRON PIN SET IN A STEEL BOX; THENCE SOUTHWESTERLY ALONG SAID CURVE ALONG SAID CENTERLINE 315.35 FEET TO A RAILROAD SPIKE; THENCE NORTH 00 DEGREES 18 MINUTES EAST 100.0 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF THE PENN CENTRAL RAILROAD, THE BEGINNING POINT FOR THE FOLLOWING DESCRIBED TRACT OF LAND; THENCE NORTH 00 DEGREES 18 MINUTES EAST 513.4 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 35 MINUTES WEST 2.0 FEET TO A POINT; THENCE SOUTH 00 DEGREES 18 MINUTES WEST 513.3 FEET TO THE NORTH RIGHT OF WAY LINE OF THE PENN CENTRAL RAILROAD; THENCE NORTHEASTERLY ALONG SAID RAILROAD RIGHT OF WAY 2.8 FEET TO THE POINT OF BEGINNING.

AND STRIPS OF GROUND BEING 30 FEET IN WIDTH, LYING 15 FEET WIDE ON BOTH SIDES OF CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF PARCEL I 281 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY 2 FEET TO A POINT ON THE EASTERLY LINE OF DAGLEY COURT, A DEDICATED STREET IN THE CITY OF SHELBYVILLE, INDIANA, THE TERMINUS OF THE FIRST DESCRIBED 30 FOOT WIDE STRIP OF GROUND; ALSO BEGINNING AT A POINT ON THE WEST LINE OF PARCEL I 540 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY 2 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF DAGLEY COURT, A DEDICATED STREET IN THE CITY OF SHELBYVILLE, INDIANA, THE TERMINUS OF SAID 30 FOOT WIDE STRIP OF GROUND.

PARCEL III:

AN EASEMENT FOR SANITARY SEWER, AS CREATED BY A WARRANTY DEED RECORDED SEPTEMBER 16, 1987 IN DEED RECORD 297, PAGE 916 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF GROUND BEING APPROXIMATELY 25 FEET IN WIDTH AND 250 FEET IN LENGTH, LYING NORTHERLY OF AND ADJACENT TO THE NORTHERLY RIGHT OF WAY LINE OF THE PENN CENTRAL RAILROAD, THE BEGINNING POINT OF SAID RAILROAD RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:

PART OF THE NORTH HALF, SECTION 4, TOWNSHIP 12 NORTH, RANGE 7 EAST IN SHELBY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION AND RUNNING THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 656.70 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER SECTION TO AN IRON PIN SET IN A STEEL BOX IN THE CENTERLINE OF STATE ROAD #44; THENCE SOUTH 61 DEGREES 57 MINUTES 00 SECONDS WEST 2101.90 FEET ALONG SAID CENTERLINE TO THE

POINT OF TANGENT OF A CURVE, SAID CURVE HAVING A RADIUS OF 2664.79 FEET, AN ANGLE BETWEEN TANGENTS OF 47 DEGREES 30 MINUTES 00 SECONDS; DEGREE OF CURVE BEING 2 DEGREES 00 MINUTES 00 SECONDS AND TANGENTS OF 1260.54 FEET; SAID POINT BEING AN IRON PIN SET IN A STEEL BOX; THENCE SOUTHWESTERLY ALONG SAID CURVE ALONG SAID CENTERLINE 315.38 FEET TO A RAILROAD SPIKE; THENCE NORTH 00 DEGREES 18 MINUTES EAST 100.0 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF THE PENN CENTRAL RAILROAD; THENCE SOUTHWESTERLY, ALONG SAID RAILROAD RIGHT OF WAY, 56.2 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DAGLEY COURT, THE BEGINNING POINT FOR THE STRIP OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUING FROM SAID BEGINNING POINT, IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 250 FEET, THE TERMINUS OF SAID 25 FOOT WIDE STRIP OF LAND.