

RESOLUTION NO. BR 2-15-2024-2

WHEREAS, Barbara Christine Wilhelm Irrevocable Lifetime Family Trust, represented by Pinnacle Properties submitted an application to rezone certain real estate hereinafter described from A-1 to M-2 and after proper legal notice a public hearing was held as provided by law on January 11, 2024, after which the Elkhart County Advisory Plan Commission did recommend **DENIAL** of the zone change from A-1 to M-2 and filed their recommendation with the Town Council of Bristol, Indiana.

WHEREAS, the petitioner submitted a written request on February 5, 2024, to withdraw its application for the zone change from A-1 to M-2.

WHEREAS, the Town Council of Bristol having reviewed the documents available relative to the application for the zone change from A-1 to M-2, and being duly advised, did on February 15, 2024, at their regular public meeting, vote to accept the withdrawal of the petitioner's zone change application.

**BE IT THEREFORE ORDAINED BY THE COUNTY COMMISSIONERS FOR
ELKHART COUNTY, INDIANA THAT:**

The application of Barbara Christine Wilhelm, as Trustee of the Barbara Christine Wilhelm Irrevocable Lifetime Family Trust to rezone the real estate described below from A-1 to M-2 is hereby withdrawn:

See Attachment A.

**ADOPTED BY THE TOWN COUNCIL OF BRISTOL, INDIANA THIS 15th DAY OF
FEBRUARY, 2024.**

By
Jeff Beachy

By
Cathy Burke

By
Dean Rentfrow

By
Doug DeSmith

By
Gregg Tuholski

Attest: _____
Cathy Antonelli, Clerk-Treasurer

Prepared and affirmed by Adam Coleson, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by laws. Adam Coleson 4230 Elkhart Rd., Goshen, IN 46526.

Attachment A

TRACT 1

The East half (E 1/2) of the Southwest quarter (SW 1/4) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, containing Eighty (80) acres, more or less, excepting all public highways.

ALSO EXCEPTING THE FOLLOWING: A part of the East half of the Southwest quarter of Section 34, in Township 38 North of Range 6 East, particularly described as follows: Beginning at a point in the middle of a public highway which runs East and West across the East half of the Southwest quarter of said Section about 65 rods South of the North line thereof, which point is 18 rods West of the East line of said Southwest Quarter section; thence East, following the middle of the road to the East line of said Southwest quarter section; thence South on the East line of said Quarter-section 20 rods; thence West parallel with the middle of said road 18 rods; thence North 20 rods to the place of beginning.

ALSO EXCEPTING THE FOLLOWING: Beginning at a point on the West line of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East at its intersection with the centerline of County Road 23 where county road 23 crosses the East Half (E 1/2) of said Southwest Quarter (SW 1/4); thence East along the center line of County Road 23, twenty (20) rods; thence South sixteen (16) rods; thence West parallel with the center line of County Road 23, twenty (20) rods to the West line of the East Half (E 1/2) of said Southwest Quarter (SW 1/4); thence North sixteen (16) rods to the place of beginning, containing two (2) acres, more or less, but subject to all legal highways. ALSO EXCEPTING THE FOLLOWING: A part of the East half (1/2) of the Southwest quarter (1/4) of Section 34, Township 38 North, Range 6 East, more particularly described as follows: Beginning at an iron stake on the east line of said quarter (1/4) section where the same is intersected by a public highway now known as County Road 23 which runs east and west across the East half (1/2) of said quarter (1/4) section approximately 65 rods south of the north line thereof; thence south 88 degrees 18 minutes west along the centerline of said public road 500.91 feet to a railroad spike; thence due north parallel with the east line of said quarter (1/4) section 210 feet to an iron stake; thence north 88 degrees 18 minutes east 500.91 feet to a railroad spike on the east line of said quarter (1/4) section; thence due south along the east line of said quarter (1/4) section 210 feet to the place of beginning; containing 2.41 acres, more or less; subject to public highways.

TRACT 2

Sixty (60) acres of land off the East side of the West Half (W 1/2) of the South West Quarter (SW 1/4) of Section Number Thirty-four (34), Township Thirty Eight (38) North, Range Six (6) East, being sixty (60) rods wide and one hundred and sixty (160) rods long.

Excepting all Public Highways.

TRACT 3

A part of the Southeast Quarter of Section 33 and the southwest Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the south line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the east line of the west quarter of the west half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the north line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 03 seconds West along said North line, a distance of 333.05 feet to the west quarter corner of said Section 34, also the east Quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the north line of the Southeast Quarter of said Section 33, a distance of 226.00

feet to the centerline of a ditch; thence South 0 degrees 00 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet to the place of beginning of this description; thence South 88 degrees 53 minutes 36 seconds West parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degree 48 minutes 04 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence North 0 degrees 00 minutes 52 seconds East along said ditch centerline a distance of approximately 483.44 feet to the point of beginning of this description.

TRACT 4

A part of the Southeast Quarter of Section 33 and the southwest Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the south line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the east line of the west quarter of the west half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the north line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 03 seconds West along said North line, a distance of 333.05 feet to the west quarter corner of said Section 34, also the east Quarter corner of said Section 33 and the place of beginning of this description; thence South 89 degrees 13 minutes 58 seconds West along the north line of the Southeast Quarter of said Section 33, a distance of 226.00 feet to the centerline of a ditch; thence South 0 degrees 00 minutes 52 seconds West along said ditch centerline, a distance of approximately 2663.57 feet to the south line of the Southeast Quarter of said Section 33; thence North 89 degrees 20 minutes 55 seconds East along the south line of said Southeast Quarter, a distance of 251.47 feet; thence North 0 degrees 32 minutes 59 seconds West a distance of approximately 2664.20 feet to the point of beginning of this description.

EXCEPTING THE FOLLOWING:

A Part of the Southeast Quarter of Section 33, Township 38 North, Range 6 East and a Part of the Southwest Quarter of Section 34, Township 38 North, Range 6 East in Washington Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at a ¼ inch iron stake at the southeast corner of the southeast quarter of said Section 33; thence north 89 degrees 32 minutes 49 seconds west along the southerly line of the southeast quarter of said Section 33 a distance of 2019.06 feet to a ¾ inch iron stake at the southeasterly corner of land conveyed to Timothy R. and Deborah Ann Gray (Elkhart County Instrument No. 94-017206); thence north zero degrees 21 minutes 25 seconds east along the easterly line of said Gray land and the northerly extension thereof a distance of 794.78 feet to a railroad spike in the centerline of County Road No. 23; thence east along the centerline of said County Road No. 23 a distance of 1244.20 feet to a one inch diameter "survey mark" nail; thence south 01 degrees 07 minutes 26 seconds west a distance of 244.72 feet to a ¾ inch iron stake; thence east a distance of 534 feet to a point in a 14 inch walnut tree; thence north 01 degrees 07 minutes 26 seconds east a distance of 244.72 feet to a ½ inch rebar in the centerline of said aforementioned County Road No. 23; thence east along the centerline of said aforementioned County Road No. 23 a distance of 556.91 feet to a 1 inch diameter "survey mark" nail; thence south 01 degrees 07 minutes 26 seconds west a distance of 813.10 feet to a ¾ inch iron stake on the southerly line of the southwest quarter of said Section 34; thence north 89 degrees 35 minutes 02 seconds west along the southerly line of the southwest quarter of said Section 34 a distance of 305.13 feet to the place of beginning, containing 40 acres, more or less; subject to public highways and any easements of record, if any.

TRACT 5

The Southeast Quarter of Section 33 and 20 acres of land off of the West side of the West Half of the Southwest Quarter of Section 34, being 20 rods wide East and West and 160 rods long North and South, all in Township 38 North, Range 6 East.

EXCEPTING THE FOLLOWING:

Beginning at the Southwest corner of the said Southeast Quarter of Section 33, and running East on the South line of said Quarter Section 600 feet; thence North parallel with the West line of said Quarter Section 800 feet, more or less, to the centerline of County Road Number 23; thence West on the centerline of said County Road 23 to the West line of said Quarter Section; thence South on the West line of said Quarter Section to the point of beginning.

AND EXCEPTING THE FOLLOWING:

Commencing at the Southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the South line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the east line of the west quarter of the west half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the north line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 03 seconds West along said North line, a distance of 333.05 feet to the west quarter corner of said Section 34, also the east quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the north line of the Southeast Quarter of said Section 33, a distance of 226.00 feet to the centerline of a ditch; thence South 0 degrees 00 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet; thence South 88 degrees 53 minutes 36 seconds West parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degree 48 minutes 04 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence South 0 degrees 00 minutes 52 seconds West along the southerly extension of aforementioned ditch centerline, a distance of 605.21 feet to the south line of the Southeast Quarter of said Section 33; thence North 89 degrees 20 minutes 55 seconds East along the south line of said Southeast Quarter, a distance of 251.47 feet to the point of beginning of this description. Containing 40.43 acres more or less.

TRACT 6

The Northeast Quarter of Section 33, Township 38 North, Range 6 East, excepting therefrom the following-described tract: 20 acres out of the Northeast corner of the South Half of the Northeast Quarter of Section 33, said tract running North and South 54 rods from the North line of said South Half of the Northeast Quarter and of sufficient width East and West to make 20 acres of land.

TRACT 7

All that part of the Northwest Quarter of Section 33, Township 38 North, Range 6 East lying South of the centerline of the Menges Ditch.

TRACT 8

The Southwest Quarter of Section 33, Township 38 North, Range 6 East, excepting therefrom the following: Beginning at the Southeast corner of said Southwest Quarter at a point marked by a railroad spike driven in the centerline of County Road Number 23, and running thence West on the South line of said Section 33 a distance of 660 feet; thence North 927 feet to an iron pipe; thence East 660 feet to an iron pipe on the East line of said Southwest Quarter; thence South along the East line of said Southwest Quarter 927 feet to the place of beginning.

All of the foregoing tracts are subject to the rights-of-way for any public highways and ditches, including any easements for maintenance of the same and all other easements of record.

TRACT 9

A part of the East Half (E ½) of the Southwest Quarter (SW ¼) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, more particularly described as follows:

Beginning at an iron stake on the east line of said Quarter (¼) Section where the same is intersected by a public highway now known as County Road 23, which runs east and west across the East Half (E ½) of said quarter (¼) section, approximately sixty-five (65) rods south of the north line thereof; thence South eighty-eight (88) degrees eighteen (18) minutes west along the center line of said public highway five hundred and ninety-one hundredths (500.91) feet to a railroad spike; thence due north parallel with the east line of said quarter (¼) section, two hundred ten (210) feet to an iron stake; thence north eighty-eight (88) degrees eighteen (18) minutes east five hundred and ninety-one hundredths (500.91) feet to a railroad spike on the east line of said quarter (¼) section; thence due south along the east line of said quarter (¼) section two hundred ten (210) feet to the place of beginning, containing 2.41 acres, more or less.

TRACT 10

A part of the East half of the Southwest quarter of Section 34, Township 38 North, Range 6 East, more particularly described as follows:

Commencing at an iron stake on the east line of said quarter section where the same is intersected by the centerline of County Road 23 which runs in an easterly and westerly direction across the east half of said quarter section approximately 65 rods south of the north line of said quarter section said point being the northeasterly corner of land conveyed to John F. and Patricia A. Gonser (Elkhart County Deed Record 367, Page 503); thence due south along the east line of said quarter section and the east line of said Gonser land 247 feet to an iron stake for the beginning point of this description; thence due south along the east line of said quarter section 83 feet to an iron stake at the southeasterly corner of said Gonser land; thence south 88 degrees 18 minutes west parallel with the centerline of said aforementioned County Road 23 and long the southerly line of said Gonser land 297 feet to an iron stake at the southwesterly corner of said Gonser land; thence due north along the westerly line of said Gonser land 113 feet to an iron stake; thence easterly 297.63 to the place of beginning; containing 0.68 acres, more or less.

TRACT 11

A part of the Southeast Quarter of Section 33 and the southwest Quarter of Section 34, Township 38 north, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the south line of said Southwest quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the east line of the west quarter of the west half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the north line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 03 seconds West along said North line, a distance of 333.05 feet to the west quarter corner of said Section 34, also the east Quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the north line of the Southeast Quarter of said Section 33, a distance of 226.00 feet to the centerline of a ditch; thence South 0 degrees 00 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet; thence South 88 degrees 53 minutes 36 seconds West parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degrees 48 minutes 04 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence South 0 degrees 00 minutes 52 seconds West along the southerly extension of aforementioned ditch centerline, a distance of 605.21 feet to the south line of the Southeast Quarter of said Section 33, thence North 89 degrees 20 minutes 55 seconds East along the south line of said Southeast Quarter, a distance of 251.47 feet to the point of beginning of this description.

TRACT 12

That part of the North half of Fractional Section 3, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana which is described as: Beginning at a Point which is North 0 degrees 00 minutes East, 541.63 feet from a Point in the Centerline of County Road Number 14 which is South 89 degrees 12 minutes East, 1309.53 feet from a Point on the West line of said Section which is North (assumed bearing), 1320.00 feet from the Southwest Corner of the Northwest Quarter of said Section 3; thence North 0 degrees 00 minutes 00 seconds East, 469.04 feet; thence, South 89 degrees 47 minutes 56 seconds East, 1313.47 feet; thence, South 1 degree 29 minutes 32 seconds East, 483.36 feet; thence, North 89 degrees 11 minutes 21 seconds West, 1326.18 feet to the Point of Beginning.