

ORDINANCE: 2005-07

WHEREAS, the Town Council ("Council") of the Town of Nashville, Indiana ("Town"), adopted a comprehensive zoning ordinance ("Zoning Ordinance") for the County in 1960; and,

WHEREAS, specific amendments to the zoning map contained in the zoning ordinance have been proposed;

WHEREAS, the Brown County Area Plan Commission conducted at least one public hearing on the proposed amendments and certified its recommendations on the proposed amendments to the Council; and,

WHEREAS, the Council finds that the adoption of the proposed amendments, as certified, would promote the purposes of the Zoning Ordinance as authorized by Indiana Code Sections 36-7-4-601, including the promotion of the public health, safety, comfort, morals, convenience and general welfare, the lessening or avoidance of congestion in public ways, and the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Nashville, Indiana, as follows

Section 1. The property contained in the attached legal description lying in the Town of Nashville shall be zoned B2.

Section 2. The Director of the Brown County Area Plan Commission shall be, and hereby is, directed and authorized to incorporate this amendment into the Nashville Zoning Map.

Section 3. The provisions of this Ordinance are separable. If any part or provision of this Ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural or any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The Town Council of the Town of Nashville, Indiana, hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, procedure or application.

Section 4. This ordinance shall take effect upon its adoption by the Town Council of the Town of Nashville, Indiana.

ORDAINED AND ADOPTED by the Town Council of the Town of Nashville, Indiana this 21 day of July, 2005

TOWN COUNCIL


AYES

NAYS



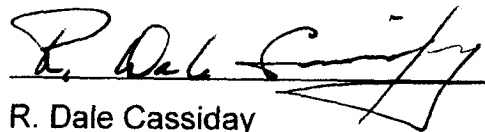
Roger Kelso, President

Roger Kelso, President




Robert Kirlin

Robert Kirlin




R. Dale Cassidy

R. Dale Cassidy



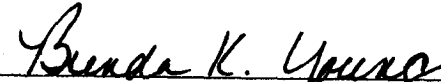
Charles King

Charles King



Arthur Omberg

Arthur Omberg

ATTEST: 

Brenda K. Young, Clerk/Treasurer

PART OF THE NORTHWEST QUARTER OF SECTION 19 TOWNSHIP 9 NORTH, RANGE 3 EAST WASHINGTON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS:
BEGINNING AT A DRILL HOLE IN CONCRETE FOUND MARKING THE NORTHEAST CORNER OF LOT NUMBER FIVE (5) IN THE ORIGINAL PLAT OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA RECORDED IN MISCELLANEOUS RECORD NUMBER 3, PAGE 502 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) 9.00 FEET TO A DRILL HOLE IN CONCRETE FOUND; THENCE SOUTH 66 DEGREES 57 MINUTES 02 SECONDS EAST 213.38 FEET TO A 5/8 INCH REBAR FOUND MARKING THE MOST NORTHERLY CORNER OF A TRACT DESCRIBED TO KAFOURE IN INSTRUMENT NUMBER 1998-2881 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 19 DEGREES 59 MINUTES 54 SECONDS WEST 235.59 FEET TO A STONE FOUND MARKING THE MOST WESTERLY CORNER OF KAFOURE ON THE NORTHERLY LINE OF TRACTS DESCRIBED TO WASHINGTON SCHOOL TOWNSHIP OF BROWN COUNTY IN DEED RECORD NUMBER 51, PAGES 380-381 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA; THENCE SOUTH 20 DEGREES 33 MINUTES 04 SECONDS WEST WITH SAID NORTHERLY LINE 70.57 FEET TO A RAILROAD SPIKE FOUND; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST WITH SAID NORTHERLY LINE 100.00 FEET TO A 5/8 INCH REBAR FOUND MARKING THE SOUTHEAST CORNER OF LOT NUMBER TEN (10) IN SAID ORIGINAL PLAT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID ORIGINAL PLAT 371.00 FEET TO THE BEGINNING, CONTAINING 1.215 ACRES MORE OR LESS.

SUBJECT TO THE RIGHT OF INGRESS AND EGRESS ALONG AND OVER A PRIVATE DRIVEWAY, RECORDED IN DEED RECORD NUMBER 56, PAGE 211 AND DEED RECORD NUMBER 57, PAGE 66 IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA.

ALSO, SUBJECT TO ALL OTHER LEGAL RIGHTS OF WAY AND EASEMENTS EXISTING OR OF RECORD AFFECTING SAID REAL ESTATE.

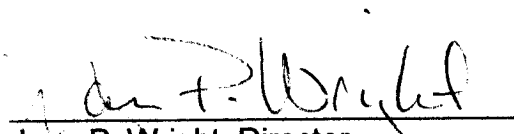
BROWN COUNTY AREA PLAN COMMISSION
P.O. Box 401, Nashville, Indiana

TO: The Town Council of Nashville, Indiana

CERTIFICATION

I, Joan P. Wright, hereby certify that during a meeting on June 28, 2005 the Brown County Area Plan Commission considered the attached proposed amendment to the Nashville Code of Ordinances, and made a positive recommendation thereon.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).



Joan P. Wright, Director
Brown County Area Plan Commission
June 29, 2005