

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2025-OR-3

**AN ORDINANCE AMENDING THE ZONING MAPS OF THE
COMPREHENSIVE ZONING ORDINANCE NOW IN EFFECT FOR THE
CITY OF AUSTIN, INDIANA**

WHEREAS, the City of Austin Advisory Plan Commission (the “APC”) has referred to the Common Council of the City of Austin (the “Council”) the application of Chase Murphy, applicant(s) and owner(s), to rezone certain lands within the jurisdictional area of the City of Austin, Parcel Number(s) 72-03-25-420-111.000-003, 72-03-25-420-111.002-003, 72-03-25-420-111.003-003, 72-03-25-420-111.004-003, 72-03-25-420-111.005-003, 72-03-25-420-111.006-003, 72-03-25-420-111.007-003, 72-03-25-420-111.008-003, 72-03-25-420-111.009-003, and 72-03-25-420-111.010-003 located at N. Church St. and Pearl St. in Austin, Scott County, Indiana 47102 (the “Property”) as requested in a rezoning application, Case Number RZ-02-2025, to the APC; and

WHEREAS, the APC held a duly noticed public hearing on the proposed rezone in accordance with Indiana Code § 36-7-4 et seq., and thereafter issued a formal recommendation on the proposed rezone, which is attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Council, having considered the petition, the recommendation of the APC, evidence presented, public comments, and the factors set forth under Indiana Code § 36-7-4-603, finds that the requested rezone is consistent with the City’s Comprehensive Plan and is in the best interest of the public health, safety, and general welfare of the community.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA, THAT:

SECTION 1. REZONE: Through the authority of IC 36-7-4 and pursuant to the City of Austin Municipal Code, the zoning of the Property shall be changed from

- R-1 to R-2

The property is legally described as follows: See attached Exhibit “B” for legal description(s) and map.

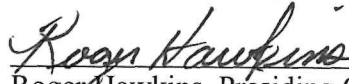
SECTION 2. NO CONFLICT: All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Ordinance hereby is repealed to the extent of such conflict.

SECTION 3. SEVERABILITY: If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

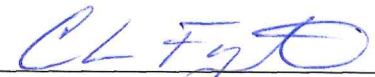
SECTION 4. EFFECTIVENESS: This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the Indiana Code.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this 8 day of April 8, 2025 by a vote of 3 ayes, 0 nays, and 1 abstentions.

Common Council City of Austin, Indiana


Roger Hawkins, Presiding Officer

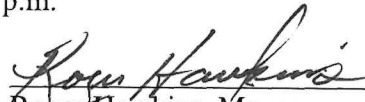
Attest:


Chris Fugate, Clerk-Treasurer

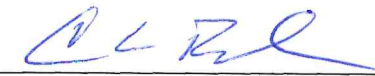
Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on April 8, 2025 at ____:____ p.m.


Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on April 8, 2025 at ____:____ p.m.


Roger Hawkins, Mayor

Attest:


Chris Fugate, Clerk-Treasurer

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. /s/ *Joshua Stigdon*

PREPARED BY: Joshua Stigdon, #29501-72
Houston, Thompson, and Lewis, PC
59 E. Wardell St.
Scottsburg, IN 47170

EXHIBIT “A”

RECOMMENDATION TO AUSTIN CITY COUNCIL

CASE NUMBER: RZ-02-2025

DATE FILED: February 18, 2025

APPLICANT(s): Chase Murphy

OWNER(s): Chase Murphy Enterprises Inc

REQUEST: Change in zoning from R-1 Residential to R-2 Residential

Property Location: N Church St / Pearl St

Parcel ID# 72-03-25-420-111.000-003, 72-03-25-420-111.002-003, 72-03-25-420-111.003-003, 72-03-25-420-111.004-003, 72-03-25-420-111.005-003, 72-03-25-420-111.006-003, 72-03-25-420-111.007-003, 72-03-25-420-111.008-003, 72-03-25-420-111.009-003, 72-03-25-420-111.010-003

Legal Description: Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 as shown on that certain Survey Plat No. 240115A, recorded November 19, 2024, as Instrument No. 2024007787 in the Office of the Recorder of Scott County, Indiana

Proposed Use: To establish a multi-family residential housing development

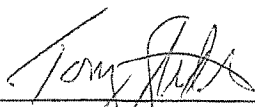
In preparing and considering, the Austin Advisory Plan Commission and the legislative body shall pay reasonable regard to:

1. That the change in zone will not adversely affect the values of surrounding property;
2. That the proposed use is the best and most adequate use of the property;
3. That the proposed change in zone does not constitute spot zoning; that the owner of the property in question is not being favored over surrounding property owners;
4. That the owner can comply with all the requirements of this chapter;
5. That traffic congestion will not be unnecessarily increased;
6. That the owner is not speculating on land values; and
7. That the proposed change is in line with good zoning practice

RECOMMENDATION BY AUSTIN APC:

- ☒ Favorable Recommendation
☐ Unfavorable Recommendation
☐ No Recommendation

AUSTIN ADVISORY PLAN COMMISSION VOTE: # of YES 8 # of NO 0 # of ABSENT 1



Tony Stidham, President
Austin Advisory Plan Commission

4/2/25

Dated

APPLICATION RECORD OF VOTING FOR CHANGE IN ZONING

CASE NUMBER: RZ-02-2025

DATE: April 2, 2025

APPLICANT(s): Chase Murphy

OWNER(s): Chase Murphy Enterprises Inc

In preparing and considering, the Austin Advisory Plan Commission and the legislative body shall pay reasonable regard to:

1. That the change in zone will not adversely affect the values of surrounding property;
2. That the proposed use is the best and most adequate use of the property;
3. That the proposed change in zone does not constitute spot zoning; that the owner of the property in question is not being favored over surrounding property owners;
4. That the owner can comply with all the requirements of this chapter;
5. That traffic congestion will not be unnecessarily increased;
6. That the owner is not speculating on land values; and
7. That the proposed change is in line with good zoning practice

RECOMMENDATION BY APC:

- ☒ Favorable Recommendation
☐ Unfavorable Recommendation
☐ No Recommendation

VOTE:

Tony Stidham, President

- ☐ NO
☒ YES
☐ ABSENT

John Adams, Vice-President

- ☐ NO
☒ YES
☐ ABSENT

Trevor McIntosh, Secretary

- ☐ NO
☐ YES
☒ ABSENT

Gary Hubbard

- ☐ NO
☒ YES
☐ ABSENT

Freddie Hale

- ☐ NO
☒ YES
☐ ABSENT

Melissa Smith

- ☐ NO
☒ YES
☐ ABSENT

Lisa Webster

- ☐ NO
☒ YES
☐ ABSENT

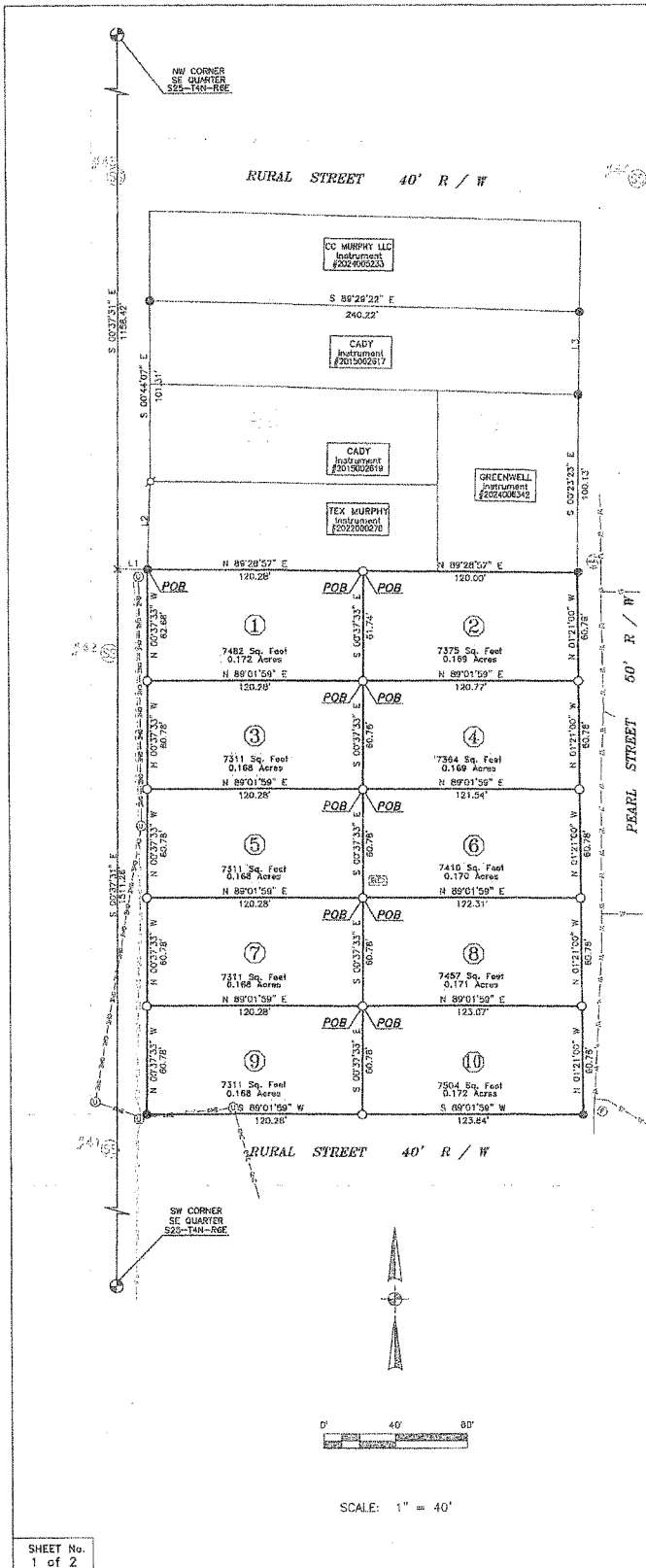
Michelle Shelton

- ☐ NO
☒ YES
☐ ABSENT

Dave Eberenz

- ☐ NO
☒ YES
☐ ABSENT

EXHIBIT "B"



SANITARY SEWER MANHOLE LOCATION & ELEVATION	
MH #41 SS RIM = 574.72' INVERT = 561.62' TERRA COTTA PIPE	
MH #42 SS RIM = 573.01' INVERT = 563.11' TERRA COTTA PIPE	
MH #43 SS RIM = 571.82' INVERT = 563.42' TERRA COTTA PIPE	
MH #44 SS RIM = 573.60' INVERT = 563.78' TERRA COTTA PIPE	
MH #45 SS RIM = 573.21' INVERT = 563.81' TERRA COTTA PIPE	

LINE	BEARING	DISTANCE
L1	N 89°28'57" E	16.84'
L2	S 00°08'40" W	149.64'
L3	S 00°12'30" W	146.49'

LINE TYPES	
OVERHEAD ELECTRIC (OHE)	— OHE — OHE — OHE — OHE — OHE —
UNDERGROUND ELEC (UGE)	— UGE — UGE — UGE —
UNDERGROUND GAS (UGG)	— UGG — UGG — UGG —
UNDERGROUND WATER (UGW)	— UGW — UGW — UGW —

LEGEND	
● STEEL ROD FOUND	
○ STEEL ROD SET	
⊙ MAG NAIL FOUND	
□ CHAINLINK FENCE POST IN CONCRETE	
X NO MONUMENT	

TOPO LEGEND	
⊙ UTILITY POLE	
⊙ SEWER MANHOLE	
⊙ ELECTRIC PEDESTAL	
⊙ ABANDONED ELECTRIC PEDESTAL	
⊙ FIRE HYDRANT	

2024087787 5VY 825.80
11/19/2024 11:46:25A 2 PGS
Sheryl Jent
Scott County Recorder IN
Recorded as Presented

I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each Social Security number in this document, unless revealed by law. U.A. Gardner

JOEY L. MURPHY
PT of LOT 216, GIBSON'S 4th ADDITION, AUSTIN, IN
SURVEY PLAT No. 240155A
GARDNER LAND SURVEYORS
1424 West State Road 256
AUSTIN, INDIANA 47102
(812)794-2220

SIGNATURE *W.A. Gardner* 11/19/2024
REGISTERED LAND SURVEYOR DATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY HAS BEEN ACCURATELY MADE AND THE SPECIFICATIONS ARE CORRECT IN ACCORDANCE WITH THE RULES OF THE BOARD OF SURVEYING AND MAPPING, INDIANA, INC. (BOS-MI-12-27).

SURVEYOR'S REPORT

SURVEY PREPARED FOR:
 Jory L. Murphy
 1001 South Foley Freeway Road
 Southbury, Indiana 47170

PROPERTY SURVEYED AND OBJECTIVE:

Creates ten (10) new tracts from an existing parcel, being a part of Lot Number Two Hundred Sixteen (216) of Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana. The Subdiv was completed under my supervision on November 04, 2024.

RELATIVE POSITIONAL ACCURACY:

THE FOLLOWING OPINIONS ARE SUBMITTED REGARDING THE RELATIVE POSITIONAL ACCURACY WITH REGARD TO: a. MONUMENTS, b. DESCRIPTIONS, c. MEASUREMENTS AND d. LINES OF OCCUPATION USED IN EXISTING THE ABOVE REFERENCED SURVEY IN ACCORDANCE WITH TITLE 36, ARTICLE 1.1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE.

a. The monuments shown as found at the subject parcels corners are as per the Scott County Surveyor. The remainder of the monuments shown as found are as per the plot of survey recorded on instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows.

b. There is no apparent uncertainty with the legal descriptions of the subject tract and its adjacents.

c. The relative positional accuracy (due to random errors in measurement) of the monuments set this survey is within the specifications for a Suburban Survey (0.13 feet plus 100 parts per million) as defined in 860 IAC 1-2.1.

d. There is no evidence of possession around the subject tract.

LEGAL DESCRIPTIONS FOR LOT Nos. 1-10

LOT ONE LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Beginning at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 61.74 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 62.60 feet to the point of beginning containing 0.172 acre and being subject to all legal rights-of-way.	LOT TWO LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing North 89 degrees 28 minutes 57 seconds East 120.60 feet to a steel rod; thence South 01 degrees 21 minutes 00 seconds East 60.79 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.77 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 61.74 feet to the TRUE POINT OF BEGINNING containing 0.169 acre and being subject to all legal rights-of-way.
LOT THREE LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 61.74 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.168 acre and being subject to all legal rights-of-way.	LOT FOUR LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.163 acre and being subject to all legal rights-of-way.
LOT FIVE LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.168 acre and being subject to all legal rights-of-way.	LOT SIX LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.170 acre and being subject to all legal rights-of-way.
LOT SEVEN LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.168 acre and being subject to all legal rights-of-way.	LOT EIGHT LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.171 acre and being subject to all legal rights-of-way.
LOT NINE LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.168 acre and being subject to all legal rights-of-way.	LOT TEN LEGAL DESCRIPTION A part of Lot Number Two Hundred Sixteen (216) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana and also being a part of the land of Tex Murphy as described in Instrument Number 2021004526, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at a steel rod marking the southwest corner of Lot Number Two Hundred Fifteen (215) in Gibson's Fourth Sub-Division and Addition to the Town (now City) of Austin, Scott County, Indiana; thence North 89 degrees 28 minutes 57 seconds East (assumed bearing) with the south line of said lot 120.28 feet to a steel rod; thence South 00 degrees 37 minutes 33 seconds East 122.52 feet to a steel rod and the TRUE POINT OF BEGINNING; thence containing South 00 degrees 37 minutes 33 seconds East 60.78 feet to a steel rod; thence South 89 degrees 01 minutes 09 seconds West 120.28 feet to a steel rod; thence North 00 degrees 37 minutes 33 seconds West 60.78 feet to a steel rod; thence North 89 degrees 01 minutes 09 seconds East 120.28 feet to the TRUE POINT OF BEGINNING containing 0.172 acre and being subject to all legal rights-of-way.

I affirm, under the penalties for perjury, that I have taken reasonable care to reduce each of these Survey numbers in this document, unless required by law. M. A. Gardner

JOE L. MURPHY
 PT OF LOT 216, GIBSON'S 4th ADDITION, AUSTIN, IN
 SURVEY PLAT No. 240155A
 GARDNER LAND SURVEYORS
 1424 West State Road 256
 AUSTIN, INDIANA 47102
 (812)794-2220

SIGNATURE *[Signature]* 11/12/2024
 REGISTERED LAND SURVEYOR DATE

