

# **HISTORIC PRESERVAITON ORDINANCES**

## **CHAPTER 34. BOARDS COMMISSIONS**

### **Division 7. Historic Preservation and Rehabilitation Commission**

#### **Sec. 34.100. Creation.**

There is established a Historic Preservation and Rehabilitation Commission with the membership, powers, and duties as set forth in section 34.100 through 34.102. (Ord. No. 28-07, § 1, 9-10-07)

#### **Sec. 34.101. Membership.**

(A) Upon December 6, 1976, the nine original members of the historic preservation subcommittee of the bicentennial commission shall be appointed by the mayor with the affirmation of the common council as the historic preservation and rehabilitation commission. The commission shall be convened by the city clerk within 30 days of affirmation and shall choose by lot two members to serve one year, two members to serve two years, two members to serve three years, three members to serve four years from January 1, 1977. The commission shall inform the mayor of the results of the choosing by lot, and the expiration date of the appointment of each commissioner shall be placed on his or her certificate of appointment. All future appointments shall be for four years from January 1 except to fill unexpired terms. Upon the expiration of the terms of appointment, each member shall continue to serve until a replacement shall be appointed by the mayor and confirmed by the common council. In appointments to the commission, the mayor may be guided by the following general principles. The desirability of having on the commission:

- (1) An architectural historian;
- (2) A person interested in local history;
- (3) A representative of the common council;
- (4) A representative of county government;
- (5) Representatives of historical preservation areas or districts.
- (6) A staff member designated by the mayor as the historic preservation officer, who is knowledgeable in the field of historic preservation. Such historic preservation officer will serve as a nonvoting member of the commission.

(B) Members of the historic preservation and rehabilitation commission shall serve without compensation for their services as commissioners. (Ord. No. 28-07, § 1, 9-10-07)

#### **Sec. 34.102. Powers and duties.**

The Historic Preservation and Rehabilitation Commission shall have the following powers and duties.

- (A) Adopt bylaws and policies for carrying out the powers and duties set forth in this section.
- (B) Utilize the personnel and resources of the office of community development with the approval of the director of the office of community development and the personnel and resources of the College of Architecture and Planning of Ball State University as they are made available.
- (C) Prepare an historic preservation plan. The plan shall include maps, surveys, and recommendations for the creation of historic preservation areas which may include buildings,

sites, objects, structures and other single properties which may be designated as historic landmarks or areas containing multiple properties which may be designated as historic districts. Such plan shall be presented to the common council, which shall take action to approve, amend and approve, or disapprove the plan. On approval of a plan by a resolution of the common council such separate historic landmarks or historic districts, shall be designated in the following manner:

(1) On approval of a plan by a resolution of the common council, the owners of more than 50 percent of the real estate within any area considered by the plan may petition the Common Council for such area to be designated as historic preservation district or landmark. Such petition shall contain a scale drawing and legal description of the area proposed to be included, together with the names and addresses of all of the owners of real estate within the proposed area. Notice of the filing of such petition, together with the anticipated date of the designation of the district by the council, shall be mailed by the city clerk, at the expense of the petitioners, to all property owners not signing the petition and to the City of Muncie Historic Preservation and Rehabilitation Commission. The petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate in the district seeking establishment of the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent of the real estate in the district and that the notice was duly mailed to all real estate owners in the district not signing the petition. The common council shall consider such petition and approve, or disapprove such petition, by ordinance, which ordinance shall contain the legal description of such area and shall, if approved, be recorded in the office of the county recorder, at the expense of the commission.

(2) Following the approval of the plan and adoption of an ordinance designating a historic district as provided in subsection 34.102 (C)(1) herein, the owners of more than 50 percent of the real estate within any area designated to be a historical district, may petition the common council for the dissolution of the historical district. Such petition shall contain a scale drawing and legal description of the district and the names and addresses of all the owners of real estate within the district. Notice of the filing of such petition, together with the anticipated date of the dissolution of the district by the common council, shall be mailed by the city clerk, at the expense of the petitioners, to all the property owners not signing the petition and to the City of Muncie Historic Preservation and Rehabilitation Commission. The petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate in the district seeking dissolution of the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent the real estate in the district and that the notice was duly mailed to all real estate owners in the district not signing the petition. Thereafter, the council shall consider such petition and approve or disapprove such petition by ordinance, subject to the procedures governing ordinances, such ordinance shall contain the name, the legal description of the district and shall be recorded in the office of the county recorder at the expense of the petitioners.

(3) Owners of property located in areas included in the plan and adjacent to a historic preservation district may petition the common council to amend the historic preservation

district boundaries to add their property into the historic preservation district, provided owners of more than 50 percent of the property in the area to be added to the historic district petition the common council for the area to be added. The historic district addition petition shall contain a scale drawing and legal description of the existing historic preservation district and the proposed addition area, together with the names and addresses of all of the owners of real estate within the proposed historic district addition area. Notice of the filing of such historic district addition petition, shall be mailed by the city clerk, at the expense of the petitioners, to all property owners in the historic district addition area not signing the historic district addition petition, to all property owners in the existing historic district, and to the City of Muncie Historic Preservation and Rehabilitation Commission. The historic district addition petition shall be verified and shall include a copy of the notice and the names and addresses of all persons or entities to which it was mailed. The petition shall be signed by all owners of real estate seeking to join the district. Upon receipt of the petition, the historic preservation and rehabilitation commission, by its designee, shall, within 60 days of filing, verify that the signers of the petition constitute the owners of more than 50 percent of the real estate to be added to the district and that the notice was duly mailed to all real estate owners in the addition area not signing the petition. Owners of property within the existing historic district may, within 30 days of mailing of the notice, petition the council in favor of, or opposing, the proposed change in the historic preservation district boundaries, provided owners of more than 50 percent of the property in the existing district sign said petition. Such petition in support of, or opposing, the addition to the historic district shall, within 60 days of filing, be verified in the same manner as the original petition. The council shall consider the petition for addition of property to the historic district and any such petition from the existing district owners in support or opposition to the addition, and shall approve or disapprove the addition petition by ordinance, subject to the procedures governing ordinances; such ordinance shall contain the name, the legal description of the area to be added and legal description of the revised district boundaries including the newly added property and shall be recorded in the office of the county recorder at the expense of the petitioners.

(4) As defined by the National Register; a building, site, structure, object or other single property listed on or determined eligible for listing on the National Register of Historic Places may also be designated as a local historic landmark by an ordinance introduced by a member of the common council and approved by a majority of common council. The ordinance if approved shall be recorded in the office of the county recorder at the expense of the Commission.

(5) A local landmark property located in an area considered by the plan will be considered as a validated petitioner in favor of historic district designation by virtue of the fact that the property is already designated as a local landmark.

(D) Within any area designated by ordinance as a historic preservation district, site, or landmark, pursuant to subsection 34.102(C) above, the commission shall have the following powers and duties:

(1) The commission shall issue a certificate of appropriateness before any one or more of the following actions is taken by any property owner: demolition of a building or structures; moving a building; making changes in the exterior contours of existing buildings by additions, reconstructions, alterations, changes of material, sandblasting, or maintenance involving exterior color change; any new construction of a principal building or accessory

building or structure subject to view from a public street, changes in the streetscape including radically altering pavement materials, curbs, walls, fences, walks, and lighting.

(a) The Commission shall base all decisions on the appropriateness of proposed changes in the Emily Kimbrough Historic District on the "Design Guidelines for the Emily Kimbrough Historic District." If the proposed change is not addressed in these guidelines, the decision will be based on the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Decisions on proposed changes to individual local landmarks and in local districts designated after this date will be based on the "Secretary of the Interior's Standards" until such time as specific guidelines for those buildings or districts are developed and adopted by the historic preservation and rehabilitation commission.

(2) An application for a building permit, demolition permit, sign permit, or moving permit, within an historic preservation district, shall be deemed to be an application for a certificate of appropriateness. Within five working days, the historic preservation officer shall meet with the applicant and aid the applicant in preparing the application for a certificate of appropriateness.

(3) An application for a certificate of appropriateness, other than for the purposes specified in division (D)(2) above, shall be filed with the historic preservation officer on the form prescribed by the commission.

(4) The historic preservation officer shall forward application for a certificate of appropriateness to the historic preservation and rehabilitation commission which shall serve as the board of review and consider the application. In considering the merits of such application, the historic preservation and rehabilitation commission shall be guided by the standards set forth in IC 36-7-11-4 through 36-7-11-18 as from time to time amended in addition to guidelines and standards referenced in 34.102(D)(1)

(a). Within 45 days after the filing of the application, the historic preservation and rehabilitation commission shall either issue a certificate of appropriateness with or without condition, or deny the application, stating in writing the reason for such denial. The commission may grant an extension of the 45-day limit if the applicant agrees to it. If the certificate of appropriateness application is denied, the applicant may appeal the denial to the circuit court in such manner as appeals from the decisions of the building commissioner.

(5) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any building or structure, which will not involve a change in any exterior features or to prevent construction, reconstruction, alteration, demolition, or moving of any building, structure, or use which the building director or other official having such power may certify as required by the public safety because of an unsafe or dangerous condition.

(6) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

(E) Promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(F) Advise and assist owners of historic landmarks or properties located in historic districts in the preservation of those properties.

(G) Aid, assist, and encourage the formation of neighborhood development committees. These committees will advise the commission in matters relating to the preservation and rehabilitation

or restoration of the neighborhood where members of the committee live or hold property. (Ord. No. 28-07, § 1, 9-10-07)

**Sec. 34.103. Certificate of appropriateness required.**

It shall be unlawful to carry out any act for which a certificate of appropriateness is required without first acquiring the certificate. Any person who acts in such an unlawful manner shall be fined a sum not to exceed \$1,000.00 for each such act.

**Sec. 34.104. Demolition permit.**

The building director shall not issue a demolition permit for any structure located within or on any historic preservation district, site, or landmark established by ordinance, unless a certificate of appropriateness has first been issued by the historic preservation and rehabilitation commission, or unless a court of competent jurisdiction, pursuant to an appeal by a person to whom the commission has denied such certificate, so orders. (Ord. No. 656-80, 5-4-81)

**Sec. 34.105. Decision subject to review.**

A decision of the historic preservation and rehabilitation commission is subject to judicial review under IC 4-21.5-1 et seq., the same as if it were a decision of a state agency. (Ord. No. 28-07, § 1, 9-10-07)

**Secs. 34.106—34.119. Reserved.**

# **CHAPTER 150. ZONING**

## **Division 1. General Provisions**

### **Sec. 150.05. Interpretation.**

(A) General. The provisions of this chapter shall be minimum requirements. This chapter is not intended to abrogate any law, easement, covenant, or private agreement. Whenever the regulations provided in this chapter impose greater restrictions on the character of the use of buildings or lands than are imposed under any other law of this state, then the regulations established by virtue of this chapter shall prevail only if they assure the promotion of public health, safety, convenience and welfare of the citizens.

(B) Historic buildings and districts. Where preservation of existing conditions or restoration to original conditions consistent with the intent of an historic restoration project would constitute violations of the provisions of this chapter: a building on the National Register of Historic Places, a building within an established Historic District of the city, or other declared landmark of the state shall be exempt from such requirements that conflict with historic accuracy (refer to Article XI, Section 2 [section 150.180 et seq.]. (Code 1968, § 130.05; Ord. No. 934-82, 2-7-83)

## **Division 22. HPD Historic Preservation Zone**

### **Sec. 150.180. Purpose.**

The purpose of HPD Historic Preservation Zone is to protect areas, sites, locations, structures, and buildings which represent historical meaning to the city and are closely related to the city's heritage and cultural tradition.

(Ord. No. 234-76, 12-6-76)

### **Sec. 150.181. Permitted uses.**

No building, structure, or land shall be used and no building shall be hereafter erected, structurally or architecturally altered, enlarged, or maintained, except for the following uses.

(A) Buildings and structures of intrinsic historical significance such as cabins, covered bridges, churches, public buildings, transportation terminals, museums, and similar uses when the same are historically meaningful.

(B) Signs which are in keeping with the nature and character of a historical building or site.

(C) Museums, public or non-profit relating to the history and character of a specific historic building or site, or the city libraries.

(D) Retail stores and service establishments that will attract and service local residents or tourists and will not adversely affect the character of the zone or that of adjoining residence areas.

(E) Conditional uses not listed herein but considered to be germane to the HPD Zone, as determined by the board of zoning appeals.

(F) Public utilities, public parks and recreational facilities.

(G) Single-family or multiple-family dwellings.  
(Ord. No. 234-76, 12-6-76)

**Sec. 150.182. Permits.**

(A) No improvement location permit shall be issued for any permitted use by the administrative zoning officer until and unless a favorable report has been received from the historic preservation and rehabilitation commission established by the common council of the city by ordinance.

(B) In establishing or expanding the HPD Historical Preservation Zone the Delaware-Muncie Metropolitan Plan Commission may be guided by recommendations advanced by the historic preservation and rehabilitation commission. Where change in the exterior appearance of a building or structure is contemplated, no permit shall be issued by the administrative zoning officer until clearance has been obtained from the historic preservation and rehabilitation commission.

(Ord. No. 234-76, 12-6-76)

## **CHAPTER 158. HISTORIC AREAS PRESERVATION**

### **Sec. 158.01. Emily Kimbrough historic district.**

There is established the Emily Kimbrough historic district, a portion of section 1 of the city historic preservation plan.

(Ord. No. 390-78, 7-12-78)

Cross reference—Historic preservation and rehabilitation commission, §§ 34.100 through 34.102.

### **Sec. 158.02. Old Federal building historic district.**

The Council, pursuant to sections 34.100 through 34.111, as amended, and in response to the petition of the property owners hereby establishes and designates the following described properties located in Delaware County, as the Old Federal Building historic district described as follows:

Beginning at a point approximately 650 feet south of and 320 feet east of the northeast corner of Section 16, Township 20 North, Range 10 East, with said point being the center point of the intersection of the center lines of S. High and W. Charles Streets; thence south along said center line of High Street approximately 155 feet to the intersection of the center line of the alley between W. Charles and W. Howard Streets; thence in an easterly direction along the center line of said alley approximately 165 feet to the intersection with the center line of the alley between S. High St. and Walnut Plaza; thence in a southerly direction along the center line of said alley approximately 160 feet to the intersection with the center line of W. Howard Street; thence in a westerly direction along the center line of said street approximately 320 feet to the intersection of the center line of the alley between S. High and S. Franklin Streets; thence in a northerly direction along the center line of said alley approximately 310 feet to the intersection of the center line of W. Charles Street; thence in an easterly direction along the center line of said street approximately 160 feet to the intersection of the center line of S. High Street, the point of beginning.

(Ord. No. 765-81, 11-2-81)

### **Sec. 158.03. The Boyce block historic district.**

The Council, pursuant to sections 34.100 through 34.111 of the Code of Muncie, Indiana of 1980, as amended, approves a portion of section 3 of the Historic Preservation Plan known as "The Boyce Block Historic District" and establishes said district as an historic preservation district.

(Ord. No. 794-82, § 1, 3-1-82)

### **Sec. 158.04. English Lutheran church historic landmark.**

The Council, pursuant to sections 34.100 through 34.111 of the Code of Muncie, Indiana of 1980, as amended, and in response to the petition of the property owners hereby establishes and designates the following described property located in Delaware County, State of Indiana as an historic landmark described as follows: Willard 3rd W 70 feet, Lot 43.

(Ord. No. 116-83, § 1, 12-19-83)



### **Sec. 158.05. Local historic landmarks.**

The following properties are hereby designated as local historic landmarks:

(1) The building known as the Moore-Youse House, 122 E. Washington Street on the following described property: Gilbert's Donation, Lot 8, Block 9.

(2) The buildings known today as Standt's Fine Jewelry, historically known as the Senate Block, located at 200 and 202 S. Walnut Street and 109 E. Jackson Street: Brown's Donation, north 42 feet of Lot 2 Block 27.

(3) The building known today as the Freund or Murray Building, historically known as the Jones Block, located at 401—403 S. Walnut Street: Seitz Addition Lot 5 and north ten feet of Lot 6.

(4) The building known today as Pazol's Jewelers, historically known as the Anthony Block, located at 123—125 S. Walnut Street: South 42 feet of Lot 7 in Block 23 of Jackson's Donation.

(5) A portion of the building known today as Gloria's Women's Apparel, historically known as Geiger Block, located at 125 W. Charles Street: Seitz Addition, part of west half of Lots 50 and 51.

(6) The building known today as Dunnuck, Teagle & Hunt Attorneys, located at 114 South Walnut Street: Brown's Donation, 21 feet, Lot 5, Block 24.

(7) The building known today as Jack's Camera Shop, historically known as the Commercial Club, located at 300 East Main Street: Brown's Donation, west 53 feet, five inches Out Lot 6.

(8) The building known today as American United Appraisal Company, Inc., located at 211 South Walnut Street: SS Addition south 20 feet, six inches of Lot 1 and Lot 2, Block 1.

(9) The building located at 625 North Elm Street: WL CO 2nd Addition Lot 8.

(10) The building known as The Creative Opportunity Center, located at 215 South Walnut Street: SSN 41 foot ten inch Lot 7, Block 1

(11) The Phillips-Johnson House located at 516 West Jackson Street, in the City of Muncie, Indiana, to wit: JD Addition, Block 19, Lot 6, (Sidwell Number 11-09-462-013, Tax ID Number 1520389000) and JD Addition, Block 19, Lot 7, (Sidwell Number 11-09-462-014, Tax ID Number 1502121000).

(12) The David Cammack House located at 524 West Jackson Street, in the City of Muncie, Indiana, to wit: JD except southern 76 feet Lot 5, Block 19, (Sidwell Number 11-09-462-011, Tax ID Number 1524031000) and JD southern 76 feet Lot 5, Block 19, (Sidwell Number 11-09-462-012, Tax ID Number 1508356000).

(13) The property located at 115 South Council Street, in the City of Muncie, Indiana, to wit: JD Addition, north 40 feet Lot 8, Block 18, (Sidwell Number 11-09-461-015, Tax ID Number 15056543000).

(14) The F. R. Miller Building located at 309 North Jefferson Street, in the City of Muncie, Indiana, to wit: A part of Lot 8 in Block 1 in Goldsmith C. Gilbert's donation to Muncie Town, now City of Muncie, Indiana, more particularly described as follows, to-wit: Commencing at the northeast corner of Lot 8 and running thence south on the east line thereof 691/2 feet; thence west parallel with the north line of said lot 421/2 feet; thence north parallel with the west line of said lot 141/2 feet; thence west parallel with the north line of said lot 20 feet to the west line of said lot; thence north on and along

the west line of said lot, 55 feet to the northwest corner thereof; thence east 621/2 feet to the place of beginning. More commonly known as 309 North Jefferson Street, Muncie, Indiana 47305.

(15) The Mitchell Block Building located at 301 South Walnut Street in the City of Muncie, Indiana, to wit: A part of Lot 21 in Section 16, Township 20 North, Range 10 East, more particularly described and bounded as follows, to-wit: Beginning at the intersection of the west line of Walnut Street and the south line of Adams Street as said streets are laid out, platted and established in the City of Muncie, Delaware County, Indiana; thence extending south on and along the west line of Walnut Street 79 feet and nine and one-half inches; thence extending west 125 feet to a point 80 feet south of the south line of Adams Street; thence extending north 80 feet, more or less, to the south line of Adams Street; thence east on and along the south line of Adams Street 125 feet, more or less, to the place of beginning, in the City of Muncie, County of Delaware and State of Indiana, known as 301, 303, 305, and 307 South Walnut Street in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-1078; Sidwell Number 11-16-233-007)

(16) The Patterson Block located at 103 East Main Street and 100—112 South Walnut Street (southeast corner of Main and Walnut Streets), in the City of Muncie, Indiana, to wit: B D Addition, Lot 4, Block 24 in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-01063000; Sidwell Number 11-10-363-001.

(17) The Topp House located at 323 South Liberty Street, in the City of Muncie, Indiana, to wit: PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-22182000; Sidwell Number 11-16-230-013).

(18) The Eiler Flats located at 405—411 South Liberty Street, in the City of Muncie, Indiana, to wit: J C E Add, IN: 2, (Unit Tax Number 15-19017000; Sidwell Number 11-16-234-025).

(19) The Carpenter House located at 417 South Liberty Street, in the City of Muncie, Indiana, to wit: Mess and R N 36', IN: 1, (Unit Tax Number 15-12207000; Sidwell Number 11-16-234-027).

(20) The house located at 320 South Cherry Street, in the City of Muncie, Indiana, to wit: NE Qtr NE Qtr 40' 48', .0400 AC, STR: 16-20-10, (Unit Tax Number 15-17872500; Sidwell Number 11-16-230-008).

(21) The Goddard House located at 402 West Charles Street, in the City of Muncie, Indiana, to wit: PT Lots 3 and 18, .0700 AC, STR: 16-20-10, (Unit Tax Number 15-12206000; Sidwell Number 11-16-230-015).

(22) The Eiler House located at 403 West Charles Street, in the City of Muncie, Indiana, to wit: J C E Add, IN: 3, (Unit Tax Number 15-19018000; Sidwell Number 11-16-234-024).

(23) The Truitt House located at 415 & 415 West Charles Street, in the City of Muncie, Indiana, to wit: J C E, IN: 4, (Unit Tax Number 15-02870000; Sidwell Number 11-16-234-011).

(24) The Lesh House located at 418—420 West Charles Street, in the City of Muncie, Indiana, to wit: PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-12242000; Sidwell Number 11-16-230-010).

- (25) The Ream House located at 401 West Howard Street, in the City of Muncie, Indiana, to wit: PT Lot 24 and Mess and R 5ft 45ft, .1300 AC, STR: 16-20-10, (Unit Tax Number 15-14723000; Sidwell Number 11-16-238-017).
- (26) The Ira Hunter House located at 47 West Orchard Place, in the City of Muncie, Indiana, to wit: Glascock Add, IN: 17, (Unit Tax Number 15-00690000; Sidwell Number 11-16-276-009).
- (27) The building known today as Vera Mae's, located at 209 South Walnut Street in the City of Muncie, Indiana, to wit: S and S Addition, 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).
- (28) The building known today as the Heorot, located at 219 South Walnut Street in the City of Muncie, Indiana, to wit: SS Addition South 20.8 feet Lot 7 Block 1. (Unit Tax Number 15-20230000; Sidwell Number 11-16-229-017).
- (29) The building known today as Wealth Strategies, Inc., located at 207 North High Street in the City of Muncie, Indiana, to wit: Part GD Addition and Part 39 feet mid Lot 5 Block 7. (Unit Tax Number 15- 23781000; Sidwell Number 11-09-482-011-000).
- (30) The building known today as the Mark III, located at 107 East Main Street in the City of Muncie, Indiana, to wit: BDW 16, Lot 3, Block 24. (Unit Tax Number 15-08355000; Sidwell Number 11-10-363-002).
- (31) The building known today as the Henry Haymond House, located at 814 West Charles Street in the City of Muncie, Indiana, to wit: P I Add E45 and 10 Ft ADJ E45 FT (Unit Tax Number 15-06722000; Sidwell Number 11-16-207-010-000).
- (32) The building known today as the Otto Carmichael house, located at 900 West Kilgore Avenue in the City of Muncie, Indiana, to wit: Winton addition lot 6 and 7 Exc. N 21/2'. (Unit Tax Number 15-16064000; Sidwell Number 11-16-127-013-000). The lot located directly behind the Otto Carmichael house, located at 900ADJWest Kilgore Avenue in the City of Muncie, Indiana, to wit: PT TR S SD Jackson Street ADJ Winton 12. (Unit Tax Number 15-16062000; Sidwell Number 11-16-127-012-000).
- (33) The building known today as Vera Mae's, located at 209 S.Walnut Street in the City of Muncie, Indiana, to wit: Owner, Kent W. Shuff; S and S Addition, south 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).
- (34) The building located at 205 S. Walnut Street in the City of Muncie, Indiana, to wit: Owner, Gary D. Riley; S and S Addition, Lots 1 and 2, Block 1. (Unit Tax Number 15-16767000; Sidwell Number 11-16-229-012-000).
- (35) The building known today as the north section of the Odd Fellows Building located at 120 S. Walnut St. in the City of Muncie, to wit: Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).
- (36) The building known today as the south section of the Odd Fellows Building located at 122-124 S. Walnut St. in the City of Muncie, to wit: Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363- 013).
- (37) The Building the east section of the Odd Fellows Building located at 108 E. Jackson St. in the City of Muncie, to wit: Owner, Muncie Urban Enterprise Assoc./ Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363- 013).

(38) The building known today as Ballaird Hall, located at 207 S. Walnut Street in the City of Muncie, Indiana, to wit: Owner: Kent W. Shuff & Steven E. Fennimore; Legal Description: S&S Addition, pt. 24 feet × 125 feet. (Unit Tax Number: 15-16695000; Sidwell Number: 11-16-229- 013-000).

(39) The building known as UEA/Downtown Development Partnership Building, located at 407 S. Walnut Street in the City of Muncie, Indiana, to wit: Owner: Muncie Urban Enterprise Association, Inc.; Legal Description: Seitz Addition North 20 feet of lot 7, south 20 feet of lot 6. (Unit Tax Number: 15-16701000; Sidwell Number: 11-16-237-009-000).

(40) The building known today as 309 S. Walnut St. in the City of Muncie, Indiana, to wit: Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at the northwest corner of Lot 8 in Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the Records of Delaware County, Indiana, said corner being 0.4 feet east of a nail; thence north 89 degrees 39minutes 51 seconds east 100.41 feet along the north line of said lot; thence south 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall; thence south 00 degrees 1 minutes 55 seconds east 1.56 feet; thence south 89 degrees 39minutes 51 seconds west 100.39 feet along the center of a common wall to a point on the west line of said lot to a point 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 23.51 feet to the point of beginning, containing 0.05 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

(41) The building known today as 311 S. Walnut St. in the City of Muncie, Indiana, to wit: Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the west line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being south 00 degrees 02 minutes 52 seconds east 23.51 feet (assumed bearing) from the northwest corner of said lot and also being 0.4 feet east of a nail; thence north 89 degrees 39 minutes 51 seconds east 100.39 feet along the center of a common wall; thence south 00 degrees 11 minutes 53 seconds east 38.99 feet along the center of a common wall to a point on the south line of said Lot 8; thence south 89 degrees 39minutes 51 seconds west 100.36 feet to the southwest corner of said lot which is 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 38.99 feet to the point of beginning, containing 0.09 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

(42) The building known today as 313 S. Walnut St. in the City of Muncie, Indiana, to wit: Owner: Renaissance Place, LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the south line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being north 89 degrees 39 minutes 51 seconds east 100.36 feet (assumed bearing) from the southwest corner of said lot; thence north 00 degrees 11 minutes 53 seconds west 40.55 feet along the center of a common wall; thence north 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall to the north

line of said Lot 8; thence north 89 degrees 39 minutes 51 seconds east 24.78 feet to a nail at the northeast corner of said lot; thence south 00 degrees 02 minutes 52 seconds east 62.50 feet to a nail at the southeast corner of said lot; thence south 89 degrees 39 minutes 51 seconds west 24.50 feet to the point of beginning, containing 0.04 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

(43) The building known today as 419-421 S. Walnut St. in the City of Muncie, Indiana, to wit: Owner: Walnut Investors, LLC; Legal Description: Lots 9, 10, 11 and north 10 feet and west 39 feet of lot 12, Seitz Addition, City of Muncietown, now City of Muncie.

(Sidwell Number: 11-16-237-011-000).

(44) That building know today as as the Kelso Building and/or Health Iron Building at 116 S. Walnut Street. Legal Description: B D Add. S 41 ft.; Sidwell Number: 11-10-363-012-000.

(45) That building know today as as St. Peter's Rock Foundation in Christ Church at 600W. Jackson St./117 S. Council St. Legal Description: Jackson's Donation S 85 ft.; Sidwell Number: 11-09-461-016-000. (Ord. No. 42-90, § 1, 11-12-90; Ord. No. 12-93, 5-3-93; Ord. No. 19-94, 5-9-94; Ord. No. 62-94, 12-6-94; Ord. No. 19-95, 6-5-95; Ord. No. 2-96, 3-4-96; Ord. No. 17-96, 5-13-96; Ord. No. 22-96, 6-10-96; Ord. No. 15-98, 5-11-98; Ord. No. 37-99, 10-4-99; Ord. No. 24-00, § 1, 7-10-00; Ord. No. 25-00, § 1, 7-10-00; Ord. No. 3-02, §§ 1—5, 2-4-02; Ord. No. 34-03, 12-1-03; Ord. No. 38-05, 6-6-05; Ord. No. 10-06, 4-3-06; Ord. No. 11-06, 4-3-06)