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2009R-009322 1

2009R-009322

PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
09/16/2009 01:29:47PM
REC FEE: 0.00
PAGES: 1

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2009-25
APC Docket # PC-R-09-04
AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the R-2 , as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Lot 121 in Woodfield Section II, as per plat thereof, recorded in Doc. #2006R-008282 in the office of the Recorder of Warrick County, Indiana being part of the Southwest Quarter of the Northeast Quarter of Section 12, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana and containing 259,595 square feet (5.96 acres)

Which real estate is now zoned and classified as part of the R-2 District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said R-2 District to said PUD District with R-2 Zoning.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

ATTEST:

Linda D Burdett
County Auditor 1st Deputy

September 14, 2009
Date Approved

Don Williams
President

Member

Tim Morley
Member

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA

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.

Bret A. Sermersheim
Signature

Bret A. Sermersheim
Printed Name

This document prepared by Morley and Associates, Inc.

J:\5542\Surveying\Ron MCGillem\Documents\5542 Rezone Ordinance.doc

RECEIPT NO. 16378

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R- 09-04

Petitioner: R. A. McGillem Custom Homes, LLC by Ronald A. McGillem, Mngr. Address: 1337 Woodfield Dr. Newburgh IN 47630

Owner of Record: Carlton Construction LLC by Gregory C. Moore, Mngr. Address: P.O.Box 1023 Newburgh IN 47629

Lessee: N/A Address: N/A

1. Petition is hereby made for the change of "Zoning Maps" of the County of Warrick, State of Indiana, under the authority vested in the Warrick County Area Plan Commission by Chapter 138, Article V, Section 51 and of the 1957 Act of the General Assembly, as amended, State of Indiana.

2. Premises affected are situated on the North side of Jenner Road , a distance of 0 feet northwest of the corner formed by the intersection of Jenner Road and State Road 261.

Legal Description:

Lot 121 in Woodfield Section II, as per plat thereof, recorded in Doc. #2006R-008282 in the office of the Recorder of Warrick County, Indiana being part of the Southwest Quarter of the Northeast Quarter of Section 12, Township 6 South, Range 9 West in Ohio Township, Warrick County, Indiana and containing 259,595 square feet (5.96 acres)

3. Located in Zone District Designated as:

County: R-2

4. Requested change to:

County: PUD w/R-2 zoning

FILED
JUL 07 2009
WARRICK COUNTY
AREA PLAN COMMISSION

5. Existing Land Use: Vacant with Retention Basin

(a) Conforming
(b) Pre-existing Non-Conforming
(c) Conditional Use

6. Proposed Land Use: 12 Lot Subdivision w/Single Family Homes plus 2 Outlots

Certificate: - Owner hereby certifies That he/she owns 50% or more of the land above described.

Date: 7-7-09

Petitioner- R. A. McGillem Custom Homes, LLC
By: Ronald A. McGillem

Owner- Carlton Construction LLC
By: Gregory C. Moore

Represented By: Morley and Associates, Inc.
Phone: 812-464-9585

18.00
2P

2006R-008471

PATRICIA A BROOKS
WARRICK COUNTY RECORDER

RECORDED ON
07/17/2006 09:41:16AM
REC FEE: 18.00
PAGES: 2

WARRANTY DEED

THIS INDENTURE WITNESSETH, That MOORE DEVELOPMENT GROUP, LLC, an Indiana Limited Liability Company, with its principal office and place of business in Warrick County, Indiana

CONVEYS AND WARRANTS

To CARLTON CONSTRUCTION, LLC, an Indiana limited liability company located in Warrick County, Indiana for and in consideration of Ten Dollar ($10.00) and other valuable consideration which is hereby acknowledged, the following described real estate in Warrick County, Indiana in the State of Indiana, to wit:

Part of the Southwest Quarter of the Northeast Quarter of Section 12, Township 6 South, Range 9 West, in Ohio Township, Warrick County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of said Quarter, Quarter Section, thence along the West line of said Quarter Section, North 00 degrees 17 minutes 31 seconds East 208.70 feet to the Northwest corner of a tract of land conveyed to James H. and Judith A. Garet, as recorded in Doc. No. 1995R-6827 in the office of the Recorder of Warrick County, Indiana, said point being a corner of a tract of land conveyed to the Moore Development Group LLC, recorded as Doc No 2004R-007575 in said office of the Recorder; thence along a line of said Moore tract, North 00 degrees 55 minutes 11 seconds East 125.01 feet; thence South 89 degrees 42 minutes 29 seconds East 207.33 feet; thence North 00 degrees 17 minutes 31 seconds East 11.87 feet; thence South 89 degrees 42 minutes 29 seconds East 200.00 feet; thence South 00 degrees 17 minutes 31 seconds West 65.00 feet; thence South 89 degrees 42 minutes 29 seconds East 298.63 feet; thence North 33 degrees 25 minutes 57 seconds East 184.89 feet; thence North 00 degrees 30 minutes 21 seconds East 254.14 feet; thence South 89 degrees 29 minutes 39 seconds East 292.06 feet to a point on the East line of said Moore tract; thence along the East line of said Moore tract, South 00 degrees09 minutes 57 seconds East 213.00 feet to a point on the right-of-way of Indiana State Road 261, thence along said right of way the following 5 courses 1.) South 41 degrees 21 minutes 00 seconds West 195.55 feet, 2) thence South 33 degrees 13 minutes 12 seconds West 305.00 feet; 3.) thence South 85 degrees 11 minutes 45 seconds West 432.48 feet; 4.) thence South 79 degrees 44 minutes 19 seconds West 76 35 feet; 5.) thence South 00 degrees 33 minutes 12 seconds West 20.00 feet to a point on the South line of said Quarter; thence along the South line thereof, North 89 degrees 37 minutes 43 seconds West 302.96 feet to the point of beginning containing351,971 sq. ft. (8.08 Acres)

Subject to all zoning and use restrictions, existing roadways, easements and rights-of-way of record which in any way affect title to the real estate

No Indiana Gross Income Tax is due or payable in respect to the transfer made by this instrument.

Duly Entered For Taxation Subject
To Final Acceptance For Transfer

JUL 14 2006

Richard S. Kirkmiller
WARRICK CO. AUDITOR

3,10967

2006R-008471

PATRICIA A BROOKS
WARRICK COUNTY RECORDER

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The Undersigned person executing this instrument on behalf of Grantor represents and certifies that he/she is a duly-elected managing member of Grantor and has been fully empowered to execute and deliver this instrument; that Grantor has full capacity to convey the real estate hereby conveyed; and that all necessary action for the making of such conveyance has been taken and done.

The Grantee will assume the payment of taxes on this real estate beginning with the November installment 2005 taxes, which are due and payable in November 2006, and all subsequent real estate taxes.

IN WITNESS WHEREOF, the same Grantor, MOORE DEVELOPMENT GROUP, LLC, an Indiana Limited Liability Company, has caused this Warranty Deed to be executed in its name and on its behalf by its duly authorized member this 5th day of July, 2006.

MOORE DEVELOPMENT GROUP, LLC

By: _____
Gregory C. Moore, managing member

STATE OF INDIANA)
) SS
COUNTY OF Vanderburgh)

Before me, the undersigned, a Notary Public in and for Said County and State, personally appeared Gregory C. Moore, managing member on behalf of MOORE DEVELOPMENT GROUP, LLC, who acknowledged the execution of the foregoing Warranty Deed for and on behalf of Grantor and who, having been duly sworn, state that any representations therein contained are true.

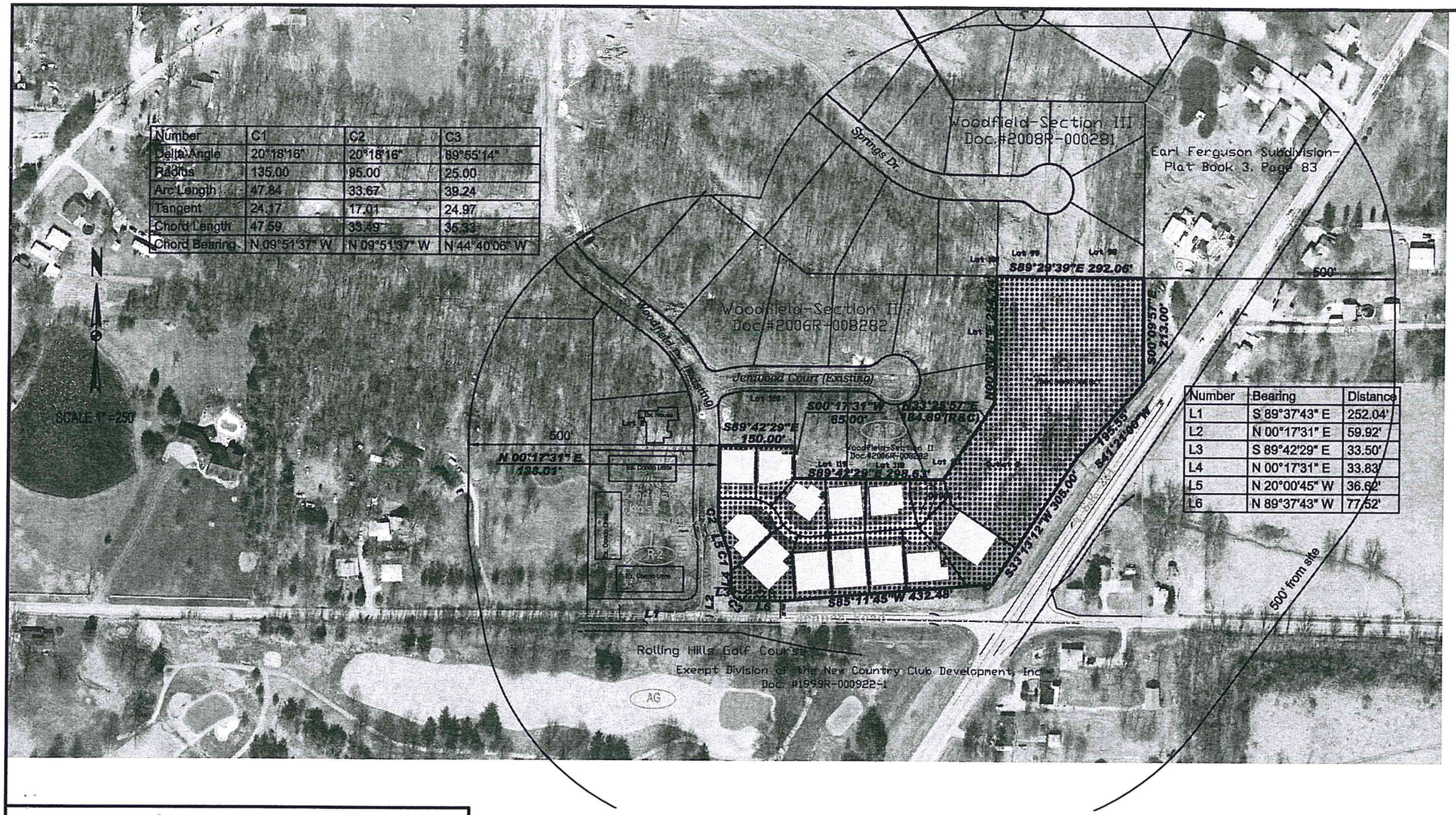
WITNESS my hand and Notarial Seal this 5th day of July, 2006

Karen F. Fritsche
Notary Public
Printed Name: Karen F Fritsche

My Commission Expires: 9-14-2009
County of Residence: Vanderburgh

Prepared by James Watson, attorney-at-law, Progressive Land Title, 411 Main Street, Evansville, Indiana
"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" James S. Watson

SEND TAX DUPLICATES TO: PO Box 8071, Evansville, IN 47716



Number	C1	C2	C3
Delta Angle	20°18'16"	20°18'16"	89°55'14"
Radius	135.00	95.00	25.00
Arc Length	47.84	33.67	39.24
Tangent	24.17	17.01	24.97
Chord Length	47.59	33.49	35.33
Chord Bearing	N 09°51'37" W	N 09°51'37" W	N 44°40'06" W

Number	Bearing	Distance
L1	S 89°37'43" E	252.04'
L2	N 00°17'31" E	59.92'
L3	S 89°42'29" E	33.50'
L4	N 00°17'31" E	33.83'
L5	N 20°00'45" W	36.62'
L6	N 89°37'43" W	77.52'

Morley and Associates Inc.

Engineering
Surveying
Architecture
Construction Management

Evansville, In
(812) 464-9585

Henderson, Ky
(270) 830-0300

Jasper, In
(812) 634-9990

www.morleyandassociates.com

Rezoning Exhibit
R-2 to R-2 w/PUD
1444, 1462, & 1480 Woodfield Dr.
Newburgh, IN

Designed By:	Job Number: 5542.1.001A
Drawn By: BAS	Date: 7/06/2009
Filename: 5542-mcgillem-rezone.dwg	

Notes regarding area to be rezoned (Dot hatched area):
1) Area to be Rezoned from R-2 to R-2 w/PUD
2) Area to be Rezoned: 259,595 Sq. Ft. (5.96 acres)
3) Rezoned area is to be developed into a 12 Lot + 2 Outlot Subdivision to be named The Enclave at Woodfield
4) Woodfield Drive, a 24' private drive, (See shaded area) being back of curb to back of curb, is to be developed between the lots. Lot lines are to extend to centerline of Woodfield Court.
5) Outlot 2 is the existing Retention Basin platted and developed for Woodfield.
6) Shaded areas shown are proposed building envelopes.

NOTICE OF PUBLIC HEARING

DATE: July 22, 2009 **DOCKET NO.** PC-R-09-04

APPLICANT: **R.A. McGillem Custom Homes LLC** by Ronald A. McGillem, Mngr.

ADDRESS: **1337 Woodfield Dr.**
Newburgh, IN 47630

OWNER OF RECORD: Carlton Construction LLC by Gregory C. Moore, Mngr.

ADDRESS: **P.O.Box 1023**
Newburgh, In 47629

RE: Petition for: Rezoning Lot 121 in Woodfield Sec II - 5.96 acres from "R-2" Multiple Family zoning to "PUD" Planned Unit Development District with "R-2" Multiple Family zoning.

Dear Adjoiner:

This letter will serve notice to you of scheduled hearing/s of a petition for the rezoning of Lot 121 in Woodfield Sec. II, which has been filed with the Warrick County Area Plan Commission.

PREMISES AFFECTED: Premises affected are situated on the North side of Jenner Road, a distance of 0 feet northwest of the corner formed by the intersection of Jenner Road and State Road 261. Ohio Twp. Lt. 121 in Woodfield Sec. II.

AREA PLAN COMMISSION hearing to be held in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana. Hearing to be held at 6:00 P.M. on [redacted], Monday August 10, 2009.

Sincerely,

Ronald A. McGillem Mgr.

Applicant and/or Owner RONALD A. McGillem