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ICR N/C

2009R-009731 3
2009R-009731
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
09/29/2009 12:43:44PM
REC FEE: 0.00
PAGES: 3

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2009-26-1

PLAN COMMISSIONER DOCKET # PC-R-09-05

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-1A, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Lots 5 & 6 Golden Rule Enlargement to Taylorsville, now Selvin.

which real estate is now zoned and classified as part of the R-1A 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-1A District to said C-2 District.

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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

President

Member

Member
BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor
9-28-09
Date Approved

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.

Signature

William Steve Beard
Printed Name

This document prepared by William Steve Beard

X Ref 2009R-005974

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Pigeon Twp. Volunteer Fire Dept Pigeon Twp. Trustee Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 1922 Yellowbanks Trail, which real estate is more particularly described as follows, to wit:

Lots 5+6 Golden Rule Enlargement to Taylorsville, now Selvin.

WHEREAS, as the real estate is currently classified as a R-1A Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:
   Fire & Emergency Services Station

2. Use of the Real Estate shall be limited to the following development requirements:
   Same

FILED
AUG 14 2009
WARRICK COUNTY
AREA PLAN COMMISSION

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 12 day of August, 2009 by _____ for the purpose set forth herein.

William Steve Beard
Signature

Larry F Fleischmann
Signature

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named William Steve Beard Larry Fleischmann who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 12 day of August, 2009.

NOTARY PUBLIC

Anita D. Hunt
Signature

Anita D Hunt
Printed Name

A resident of Warrick County, Indiana.

My commission expires: May 26, 2016

This instrument prepared by: William Steve Beard
(Name)

10366 N SR 161 Dale, IN 47523
(Address)

~~HS~~ 812-567-4638
(phone)

Receipt No. N/A

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R-09-05

Petitioner: Pigeon Twp Trustee, by William Steve Beard — Address: 10366 N SR 161 Dale IN 47523

Owner of Record: Pigeon Twp. Volunteer Fire Dept. by Larry Fleischmann, Fire Chief — Address: 1922 Yellowbanks Trail

Lessee: _____ — Address: _____

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of Selvin (✓). County of Warrick (✓), (Check One), 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 E side of Yellowbanks Trail (E 700), a distance of 0 (feet) SE (S.) W. N. E.) of the corner formed by the intersection formed by Yellowbanks Tr (E 700) and SR 68.

Subdivision or Legal Description:

Lots 5 & 6 Golden Rule Enlargement to Taylorsville, now Selvin.

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WARRICK COUNTY
AREA PLAN COMMISSION

3. Located in Zone District Designated as: (Circle one or show one.)

City or Town: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1 (R-1A) R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2 C-3, C-4, W-R, W-1, M-1, M-2, M-3, PUD.

4. Requested change to: (Circle one or Show one.)

City or Town: F.P., CON, A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, (C-2) C-3, C-4, W-R, W-1 M-1, M-2, M-3, PUD.

5. Existing Land Use: Fire Station
   (a.) Conforming: _____
   (b.) Pre-Existing ~ Non-Conforming: ✓
   (c.) Conditional Use: _____

6. Proposed Land Use: ADDITION TO Fire Station

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

Date: 8-14-09

Petitioner: William Steve Beard

Owner: Larry Fleischman

Represented By: _____

Phone: 567-4638

*** NOTICE OF PUBLIC HEARING ***

Date: 8-14-09 PC-R-09-05

Applicant: Pigeon Twp Vol. Fire Dept. Larry Fleischmann
Address: 1922 Yellowbanks Tr. Dale In

Owner of Record: Pigeon Twp Trustee William Steve Beard
Address 10366 N. SR 161 Dale In ~~47616~~ 47523

Re: Petition for: Rezone Lots 5 & 6 Golden Rule Enlargement to Taylorsville, now Selvin from "R-1A" Single Family Dwelling to "C-2" Community Commercial Zoning district.

Dear: Adjacent Property Owner

This letter will serve notice to you of scheduled hearing/s of a petition for Rezoning which has been filed with the Warrick County Area Plan Commission.

PREMISES AFFECTED: Property located on the E side of Yellowbanks Trail Approximately 0 (feet) - miles SE of the intersection formed by Yellowbanks Tr. and SR 68. Pigeon Twp. Lot No. 5 & 6 In Golden Rule Enlg. To Selvin Subdivision (if applicable).

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 Monday, September 14, 2009.

Sincerely,

William Steve Beard
Applicant and/or Owner

Roads

Addresses

Parcels

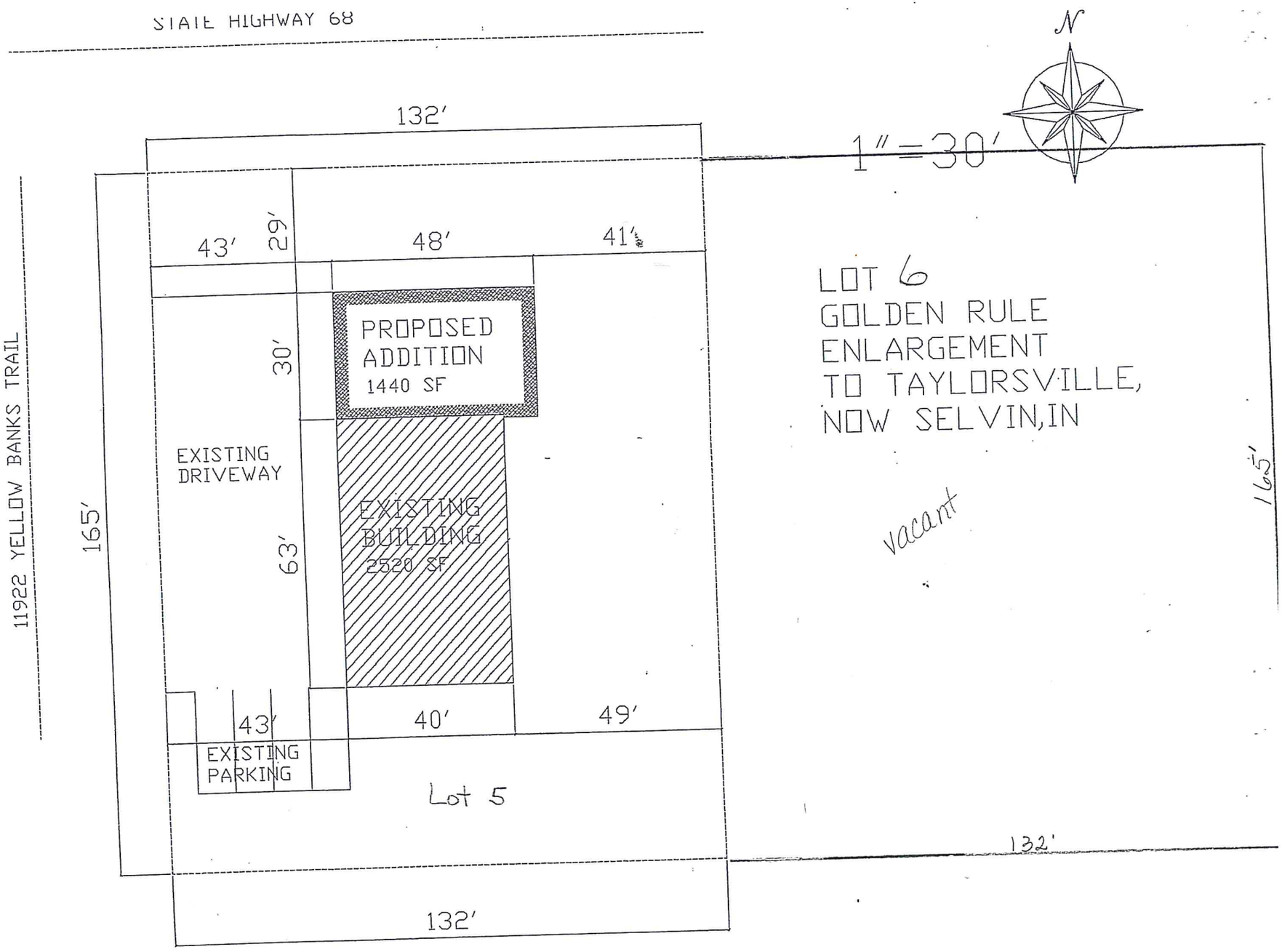
Subdivision

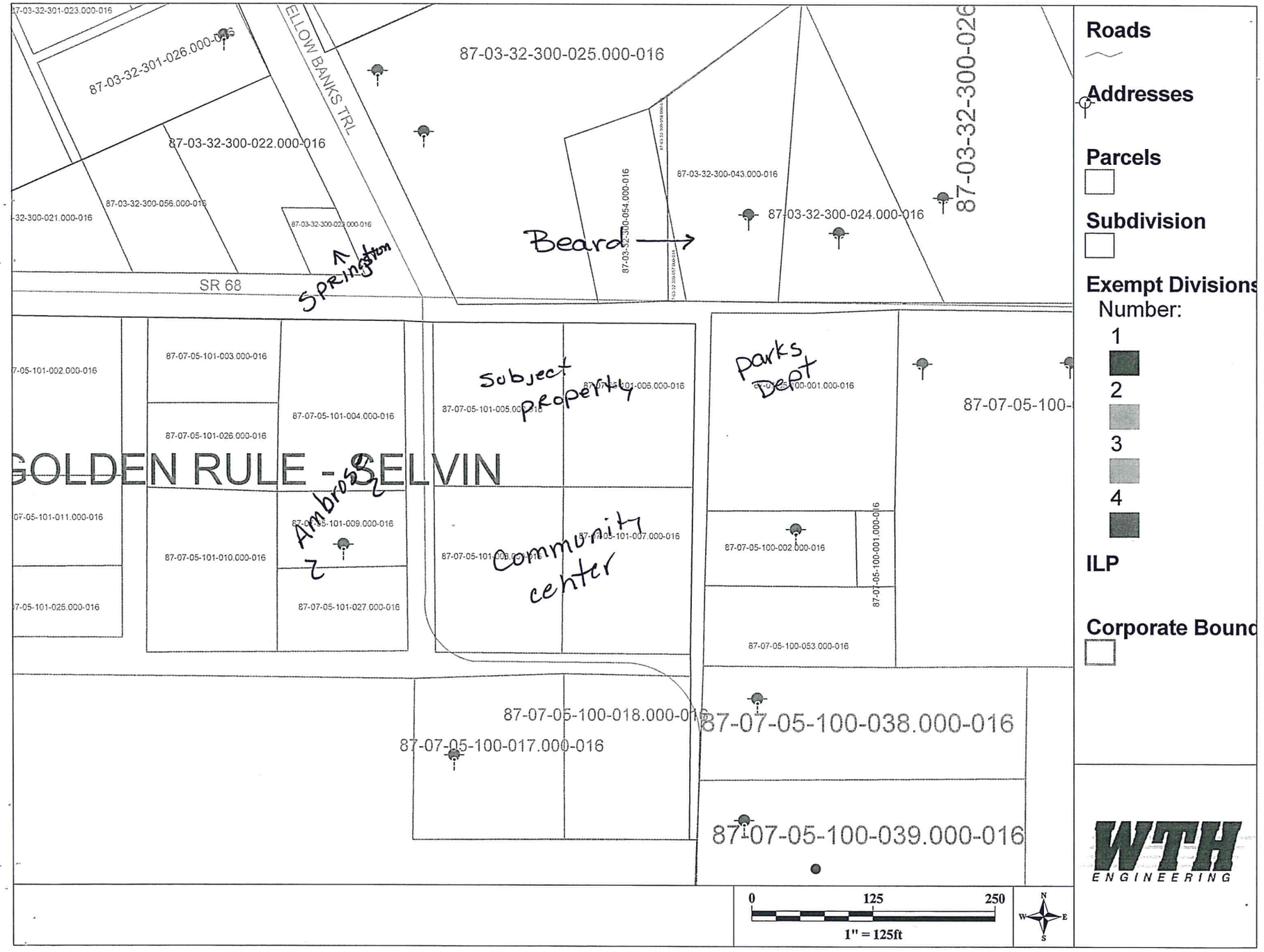
Exempt Divisions
Number:
1
2
3
4

ILP

Corporate Bound

WTH ENGINEERING


STATE HIGHWAY 68
N
1" = 30'
132'
43'
29'
48'
41'
PROPOSED
ADDITION
1440 SF
30'
EXISTING
DRIVEWAY
EXISTING
BUILDING
2520 SF
63'
165'
11922 YELLOW BANKS TRAIL
43'
40'
49'
EXISTING
PARKING
Lot 5
LOT 6
GOLDEN RULE
ENLARGEMENT
TO TAYLORSVILLE,
NOW SELVIN, IN
vacant
165'
132'
132'


87-03-32-301-023.000-016
87-03-32-301-026.000-016
87-03-32-300-025.000-016
ELLOW BANKS TRL
87-03-32-300-022.000-016
87-03-32-300-056.000-016
87-03-32-300-021.000-016
87-03-32-300-023.000-016
87-03-32-300-054.000-016
87-03-32-300-043.000-016
87-03-32-300-024.000-016
87-03-32-300-026
Beard
SR 68
SPRINGFIELD
87-07-05-101-002.000-016
87-07-05-101-003.000-016
87-07-05-101-004.000-016
87-07-05-101-026.000-016
Subject property
87-07-05-101-006.000-016
87-07-05-101-005.000-016
GOLDEN RULE - SELVIN
Ambrose
87-07-05-101-011.000-016
87-07-05-101-009.000-016
87-07-05-101-010.000-016
87-07-05-101-007.000-016
Community center
87-07-05-101-025.000-016
87-07-05-101-027.000-016
parks Dept
87-07-05-100-001.000-016
87-07-05-100-
87-07-05-100-002.000-016
87-07-05-100-053.000-016
87-07-05-100-018.000-016
87-07-05-100-017.000-016
87-07-05-100-038.000-016
87-07-05-100-039.000-016
Roads
Addresses
Parcels
Subdivision
Exempt Divisions
Number:
1
2
3
4
ILP
Corporate Bound
0
125
250
1" = 125ft
N
W
E
S
WTH
ENGINEERING

5

Year 1960

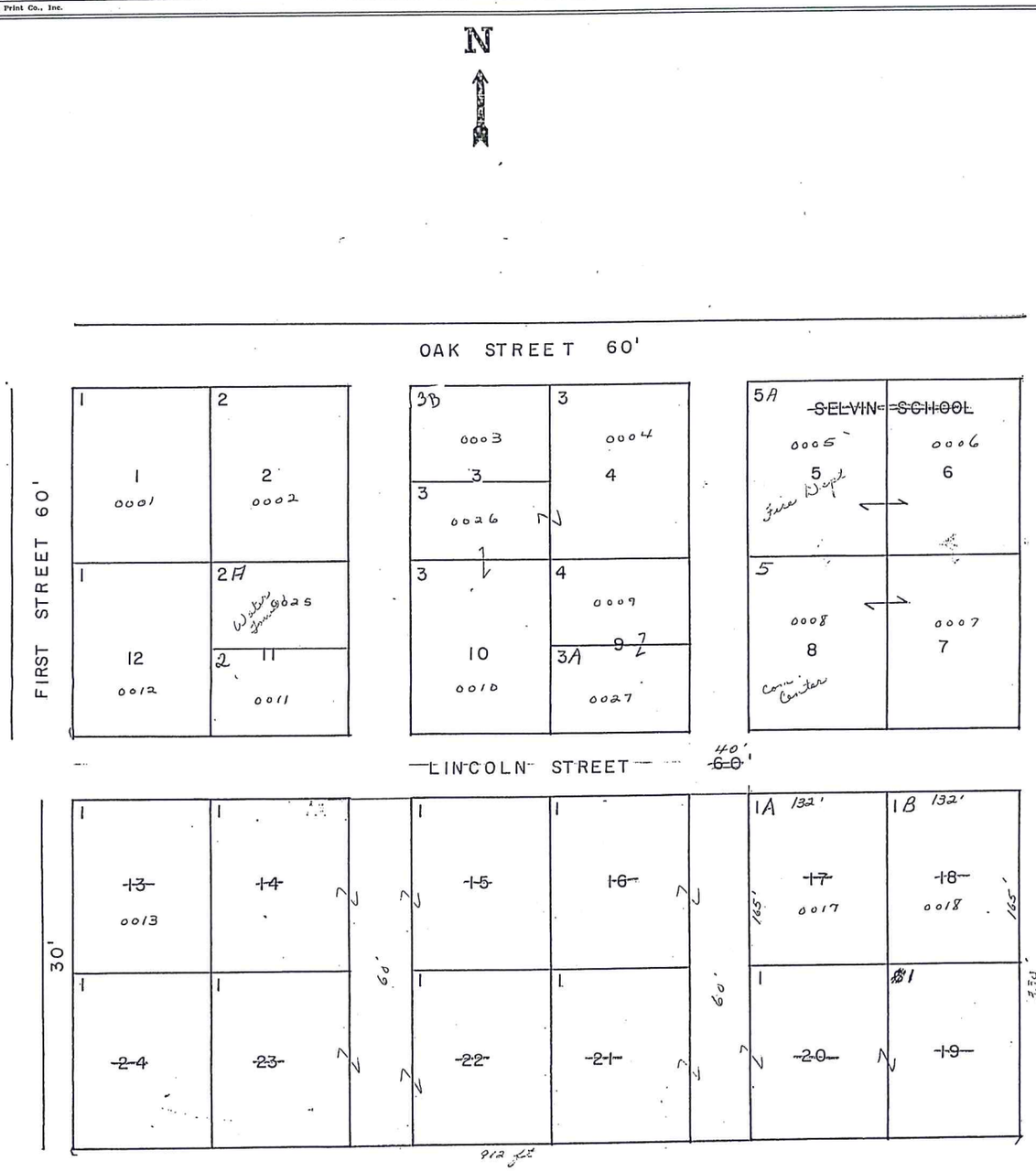
TAXING UNIT

Section 5 Township 4 Range 6

Block NW 1/4 Addition GOLDEN RULE - SELVIN

Scale: One Inch Equals 100 Feet

Blue Print Co., Inc.



Lots 13 through 24 vacated 10-2-79 Misc. File 2 card 5574

NOTICE TO ADJOINING PROPERTY OWNERS AFFIDAVIT

STATE OF INDIANA)
) SS
COUNTY OF WARRICK)

DATE: _____

REZONING: _____

I, _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about this _____ petition at (address) 1922 Yellowbank to the following property owners on (date) _____. I hereby certify that to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, included in whole or in part in the petition for _____ stated above. I obtained said list by looking up the Real Estate Transfer Cards of the abutting property owners on the records in the office of the Auditor and their most recent mailing addresses as listed on records in the office of the Auditor of Warrick County on (Date) 8-11-09.

Letters were sent to:

NAME: Pigen Twp. Memorial Community Center ADDRESS: 7244 Selvin Rd Dale IN

NAME: Warrick Co Dept. Park & Rec. ADDRESS: 800 W. Old Tennyson Rd Boonville

NAME: William Steve & Brenda Beard ADDRESS: 10366 N. SR 161 Dale, IN

NAME: Margaret Springston ADDRESS: 7388 E. SR 68 Dale IN

NAME: Bruce & Carolyn Ambrose ADDRESS: RR 2 Box 131 Dale, IN

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

FILED
AUG 14 2009
WARRICK COUNTY
AREA PLAN COMMISSION

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts are attached.

_____
Affiant's signature (Petitioner's, Attorney, or Representative)

Subscribed and sworn to before me, a Notary Public in and for said County and State this _____ Day of _____, 20____.

_____
(Notary Public)

My Commission Expires: _____

Residence of Notary: _____ County, Indiana.

NOTE: THIS AFFIDAVIT **MUST BE FILED** IN THE OFFICE OF **THE AREA PLAN COMMISSION** BY **NOON** OF THE **THURSDAY** BEFORE **THE AREA PLAN COMMISSION MEETING.**

N/C

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2009-26

PLAN COMMISSIONER DOCKET # PC-R-09-05

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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.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

Don Williams
President

Member

Member
BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor
9-28-09
Date Approved

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.

William Steve Beard
Signature

William Steve Beard
Printed Name

This document prepared by William Steve Beard

X Rec 2009R-005974

USE AND DEVELOPMENT COMMITMENT

Pigeon Twp. Volunteer Fire Dept

WHEREAS the Undersigned, Pigeon Twp. Trustee Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 1922 Yellowbanks Trail, which real estate is more particularly described as follows, to wit:

Lots 5+6 Golden Rule Enlargement to Taylorsville, now Selvin.

WHEREAS, as the real estate is currently classified as a R-1A Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:
   Fire & Emergency Services Station

2. Use of the Real Estate shall be limited to the following development requirements:
   Same

FILED
AUG 14 2009
WARRICK COUNTY
AREA PLAN COMMISSION

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 12 day of August, 2009 by _____ for the purpose set forth herein.

William Steve Beard
Signature

Larry F Fleischmann
Signature

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named William Steve Beard Larry Fleischmann who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 12 day of August, 2009.

NOTARY PUBLIC

Anita D. Hunt
Signature

Anita D Hunt
Printed Name

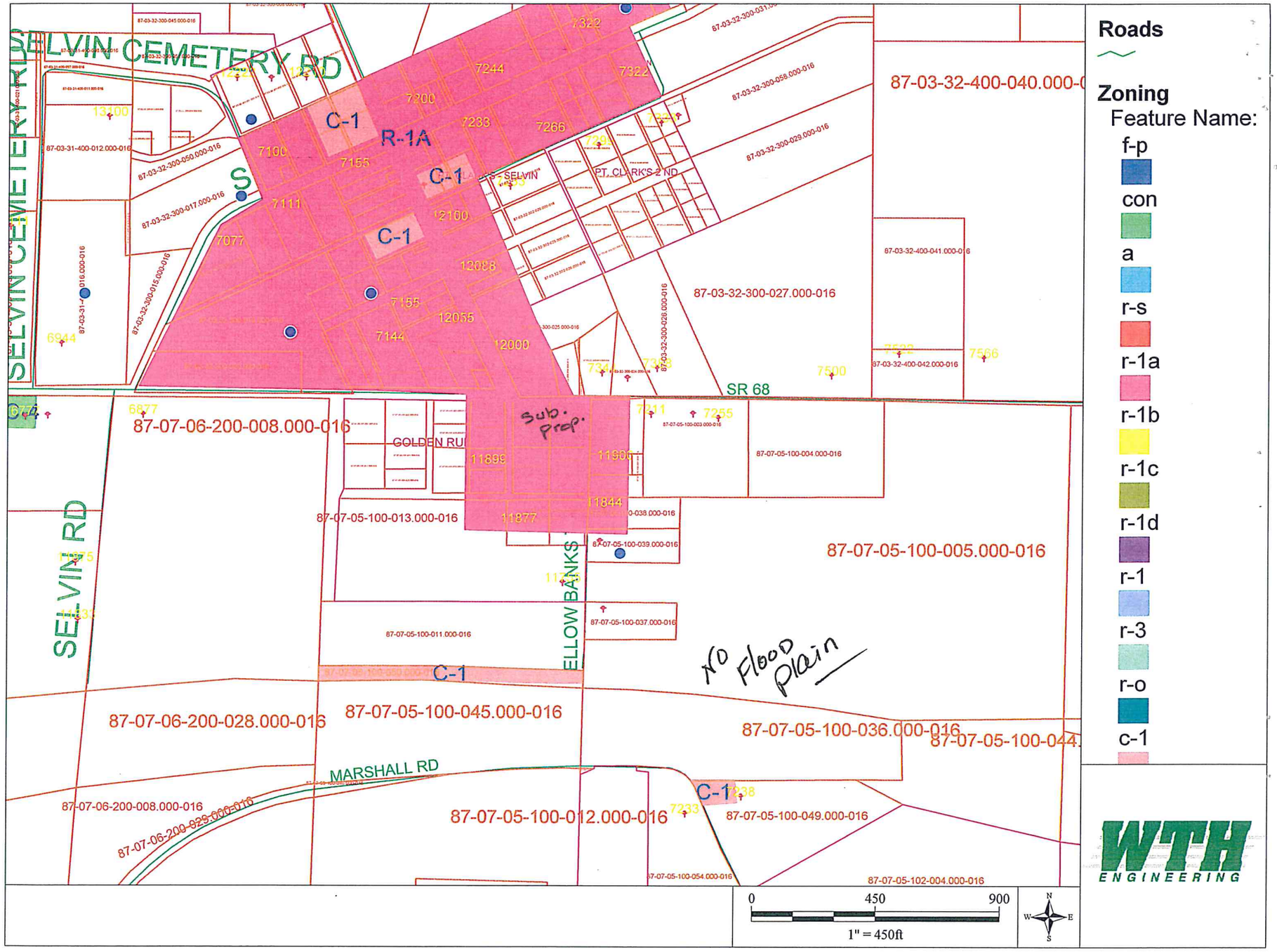
A resident of Warrick County, Indiana.

My commission expires: May 26, 2016

This instrument prepared by: William Steve Beard
(Name)

10366 N SR 161 Dale, IN 47523
(Address)

812-567-4638
(phone)


SELVIN CEMETERY RD
SELVIN CEMETERY RD
C-1
R-1A
C-1
C-1
SELVIN
PT. CLARK'S 2 ND
87-03-32-400-040.000-0
87-03-32-400-041.000-016
87-03-32-400-042.000-016
87-03-32-300-027.000-016
87-03-32-300-028.000-016
87-03-32-300-029.000-016
87-03-32-300-058.000-016
87-03-32-300-050.000-016
87-03-32-300-017.000-016
87-03-32-300-015.000-016
87-03-31-400-012.000-016
SR 68
87-07-06-200-008.000-016
GOLDEN RU
Sub. Prop.
87-07-05-100-004.000-016
87-07-05-100-013.000-016
87-07-05-100-039.000-016
87-07-05-100-005.000-016
SELVIN RD
YELLOW BANKS
87-07-05-100-037.000-016
87-07-05-100-011.000-016
C-1
No Flood plain
87-07-06-200-028.000-016
87-07-05-100-045.000-016
87-07-05-100-036.000-016
MARSHALL RD
87-07-06-200-008.000-016
87-07-06-200-025.000-016
87-07-05-100-012.000-016
C-1
87-07-05-100-049.000-016
87-07-05-100-054.000-016
87-07-05-102-004.000-016
0
450
900
1" = 450ft
N
W
E
S
Roads
Zoning
Feature Name:
f-p
con
a
r-s
r-1a
r-1b
r-1c
r-1d
r-1
r-3
r-o
c-1
WTH
ENGINEERING