1 for NC N/C

8002481
Tx:4001649

2010R-009677
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
11/15/2010 12:18 PM
REC FEE: 0.00
PAGES: 3

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2010-12

PLAN COMMISSION DOCKET # PC-R-10-04

COPY

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

Part of the Northeast Quarter of the Southwest Quarter of Section 22, Township 6 South, Range 9 West, Owo Township, Warrick County, Indiana, more particularly described as follows:

BEGINNING at the Northeast Quarter of said Quarter Quarter Section; thence South 00° 30' 05" West, along the East line thereof, 736.21feet; thence North 89° 14' 11" West – 1317.50 feet to the West line of said Quarter Quarter Section; thence North 00° 39' 19" West, along said West line, 545.20 feet to a point 193.80 feet South of the Northwest Corner of said Quarter Quarter Section; thence South 89° 06' 52" East, parallel with the North line of said Quarter Quarter Section, 473.00 feet; thence North 00° 39' 19" East – 193.80 feet to the North line of said Quarter Quarter Section; thence South 89° 06' 52" East, along said North line, 842.53 feet to the POINT OF BEGINNING and containing 20.19 acres, more or less

which real estate is now zoned and classified as part of the "A" Agricultural 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 "A" Agricultural District to said "R-2B" 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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

10-11-10
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 Bivins
Signature

William Bivins
Printed Name

This document prepared by William Bivins.

X Ref 2009R-010722

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Fredrick F. Martin Trust of 2004 Fredrick F. Martin, Trustee Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as ~~PEBBLE CREEK SUBDIVISION~~ OHIO Twp, which real estate is more particularly described as follows, to wit: 22-6-9

Part of the Northeast Quarter of the Southwest Quarter of Section 22, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana and being more particularly described as follows:

BEGINNING at the Northeast Corner of said Quarter Quarter Section; thence South 00° 30' 05" West, along the East line thereof, 736.21 feet; thence North 89° 14' 11" West, 1317.50 feet to the West line of said Quarter Quarter Section; thence North 00° 39' 19" East, along said West line, 545.20 feet to a point 193.80 feet South of the Northwest Corner of said Quarter Quarter Section; thence South 89° 06' 52" East, parallel with the North line of said Quarter Quarter Section, 193.80 feet; thence South 89° 06' 52" East, along said North line, 842.53 feet to th e POINT OF BEGINNING and containing 29.19 acres, more or less.

WHEREAS, as the real estate is currently classified as a "A" Agricultural 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 R-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:

   Lots 1 through 32 Single Family Residence, Lot 33 to 41, Single Family or Duplex Residences, Lot 42 a Club House for the Subdivision, Lots 43 through 49 Apartments.

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

   Lots 47 and 48 will have a berm constructed along the North side with evergreen trees planted for a buffer. Lots 48 and 49 will have a berm constructed along the East side with evergreen tress, planted for a buffer.

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 28th day of July, 2010 by Fredrick F. Martin for the purpose set forth herein.

Fredrick F. Martin
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 Fredrick F. Martin, Trustee - Fredrick Martin F. Trust of 2004 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 28th day of July, 2010.

NOTARY PUBLIC

Elyata Jean Bivins
Signature

NOTARY PUBLIC SEAL INDIANA

Elyata Jean Bivins
Printed Name

A resident of Warrick County, Indiana.

My commission expires: September 10, 2014

This instrument prepared by: Fredrick F Martin
(Name)

6215 Griffin Road
(Address) Mt Vernon Harmony IN 47631

457-4291
(phone)

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 Bivins

Receipt No. 17173

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R-10-04

Petitioner: R and S,LLC
Dr. Mohammand I. Hussain, Partner

Address: 801 St. Marys Drive
Evansville, IN 47714

Email Address:

Owner of Record: Fredrick F. Martin Trust of 2004
Fredrick F. Martin, Trustee

Address: 6215 Griffin Road
New Harmony, IN 47631

Email Address: tavern814 @aol.com

Lessee:

Address:

Email Address:

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of _____ ( ). 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 S side of Vann Road, a distance of 0 feet W (S. W. N. E.) of the corner formed by the intersection formed by Vann Road and Bell Road.

Subdivision or Legal Description:

Part of the Northeast Quarter of the Southwest Quarter of Section 22, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

BEGINNING at the Northeast Quarter of said Quarter Quarter Section; thence South 00° 30' 05" West, along the East line thereof, 736.21feet; thence North 89° 14' 11" West – 1317.50 feet to the West line of said Quarter Quarter Section; thence North 00° 39' 19" West, along said West line, 545.20 feet to a point 193.80 feet South of the Northwest Corner of said Quarter Quarter Section; thence South 89° 06' 52" East, parallel with the North line of said Quarter Quarter Section, 473.00 feet; thence North 00° 39' 19" East – 193.80 feet to the North line of said Quarter Quarter Section; thence South 89° 06' 52" East, along said North line, 842.53 feet to the POINT OF BEGINNING and containing 20.19 acres, more or less

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: Cultivated Field
(a.) Conforming: Yes
(b.) Pre-Existing ~ Non-Conforming:
(c.) Conditional Use:

6. Proposed Land Use: Residential, Duplex's & Apartments

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

Date:

Petitioner: Dr. Mohammad I. Hussain

Owner: Fredrick F. Martin Trust

Represented By: William Y. Bivins, PE-LS

Phone: 858-9268

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, _____ Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as _____, which real estate is more particularly described as follows, to wit:

Part of the Northeast Quarter of the Southwest Quarter of Section 22, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:
BEGINNING at the Northeast Quarter of said Quarter Quarter Section; thence South 00° 30' 05" West, along the East line thereof, 736.21feet; thence North 89° 14' 11" West – 1317.50 feet to the West line of said Quarter Quarter Section; thence North 00° 39' 19" West, along said West line, 545.20 feet to a point 193.80 feet South of the Northwest Corner of said Quarter Quarter Section; thence South 89° 06' 52" East, parallel with the North line of said Quarter Quarter Section, 473.00 feet; thence North 00° 39' 19" East – 193.80 feet to the North line of said Quarter Quarter Section; thence South 89° 06' 52" East, along said North line, 842.53 feet to the POINT OF BEGINNING and containing 20.19 acres, more or less

WHEREAS, as the real estate is currently classified as a "A" 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 "R-2B"; 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:

Lots 1-32: Single Family Residence Lots 33- 41: Single Family or Duplex Lots 42 49: Apartments

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

A Berm with Evergreen Trees for a buffer will be constructed along the North side of Lots 47 and 48 and along the East side of Lots 48 and 49.

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.

(2)

4r

2009R-010722 4

2009R-010722

PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
10/30/2009 02:21:04PM
REC FEE: 22.00
PAGES: 4

WARRANTY DEED

THIS INDENTURE WITNESSETH, That **Frederick F. Martin** (hereafter "Grantor" whether one or more) of Posey County, State of Indiana, CONVEYS AND WARRANTS to **"Frederick F. Martin, or his successor, as Trustee of the Frederick F. Martin Revocable Trust of 2004 U/T/A dated 05/13/2004, as the same may be amended from time to time"** ("Grantee") of Posey County, State of Indiana, for no consideration, the following described real estate in Warrick County, State of Indiana, to-wit:

TRACT I - 87-12-22-400-076.000-019
Part of the Northwest Quarter of the Southeast Quarter of Section 22, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

Beginning at a point on the West line of the Northwest Quarter of the Southeast Quarter of Section 22 a distance of 807.33 feet North from the Southwest corner; thence continue North along the West line a distance of 270.85 feet to a point 238.71 feet from the Northwest corner; thence South 89 degrees 30 minutes 19 seconds East and parallel with the North line thereof a distance of 676.13 feet; thence North 238.71 feet to the North line; thence South 89 degrees 30 minutes 19 seconds East along said North line a distance of 632.19 feet to the Northeast corner of said quarter quarter section; thence South 0 degrees 04 minutes 35 seconds West along said East line a distance of 860.68 feet to the Northeast corner of the Dorothy Benton tract as described by Deed recorded in Deed Record 111, page 339 in the office of the Recorder of Warrick County; thence North 89 degrees 57 minutes 34 seconds West along the North line thereof a distance of 945.62 feet; thence North a distance of 361.50 feet; thence North 89 degrees 57 minutes 34 seconds West a distance of 361.50 feet to the place of beginning, containing 19.462 acres, more or less.

TRACT II-87-12-22-400-077.000-019
Thirteen and three eighths (13 3/8) acres off of the south end of northwest quarter of the southeast quarter;

TRACT III-87-12-22-300-071.000-019

Duly Entered For Taxation Subject
To Final Acceptance For Transfer

OCT 30 2009

WARRICK CO. AUDITOR

PAGE 32

WARRICK COUNTY, INDIANA

ASSESSORS PLAT BOOK FOR OHIO TOWNSHIP, TOWN OR CITY

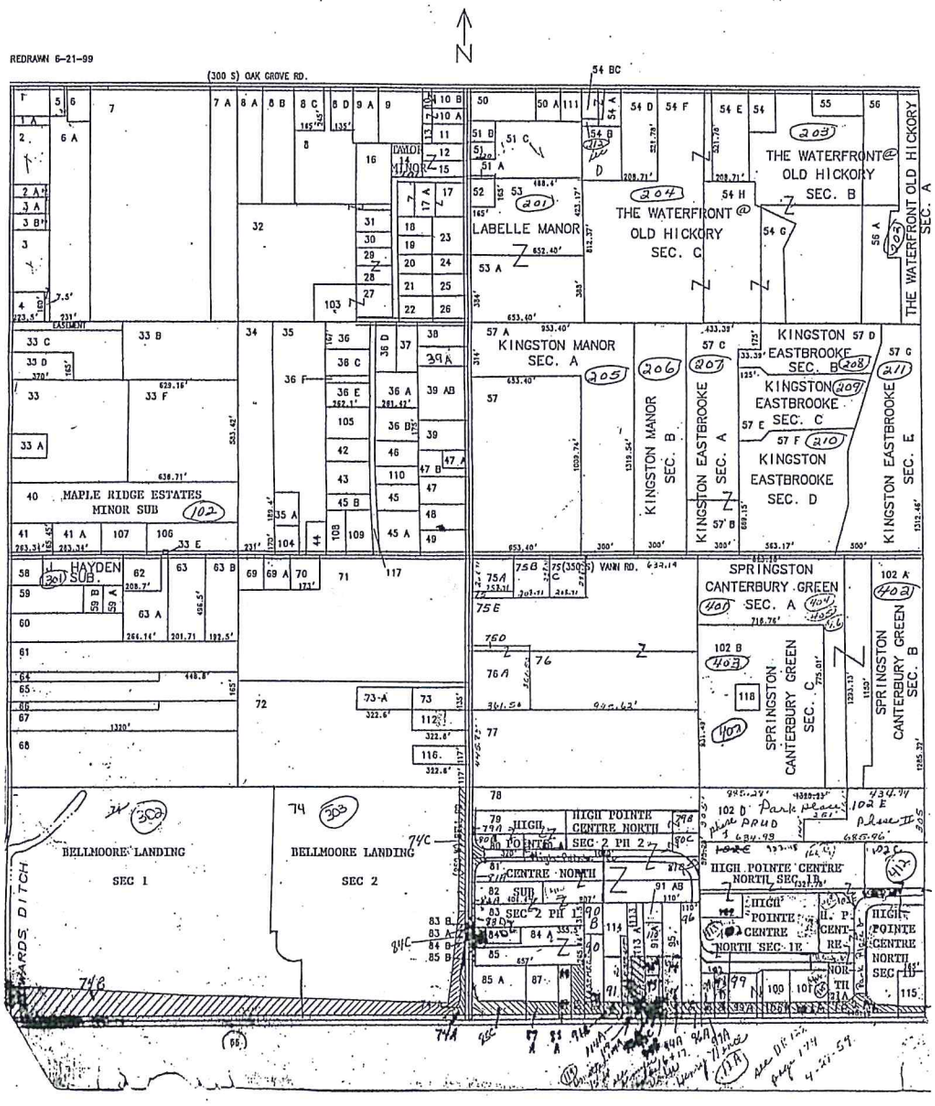
SECTION 22 TOWNSHIP 6S RANGE 9W U. S. LAND SURVEY

BLOCK SCALE ONE INCH = 500 FEET ADDITION

200512-010721
27

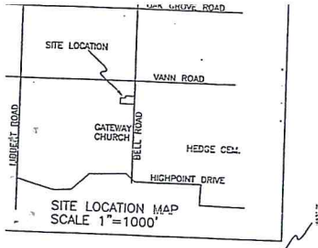
2010R-003792

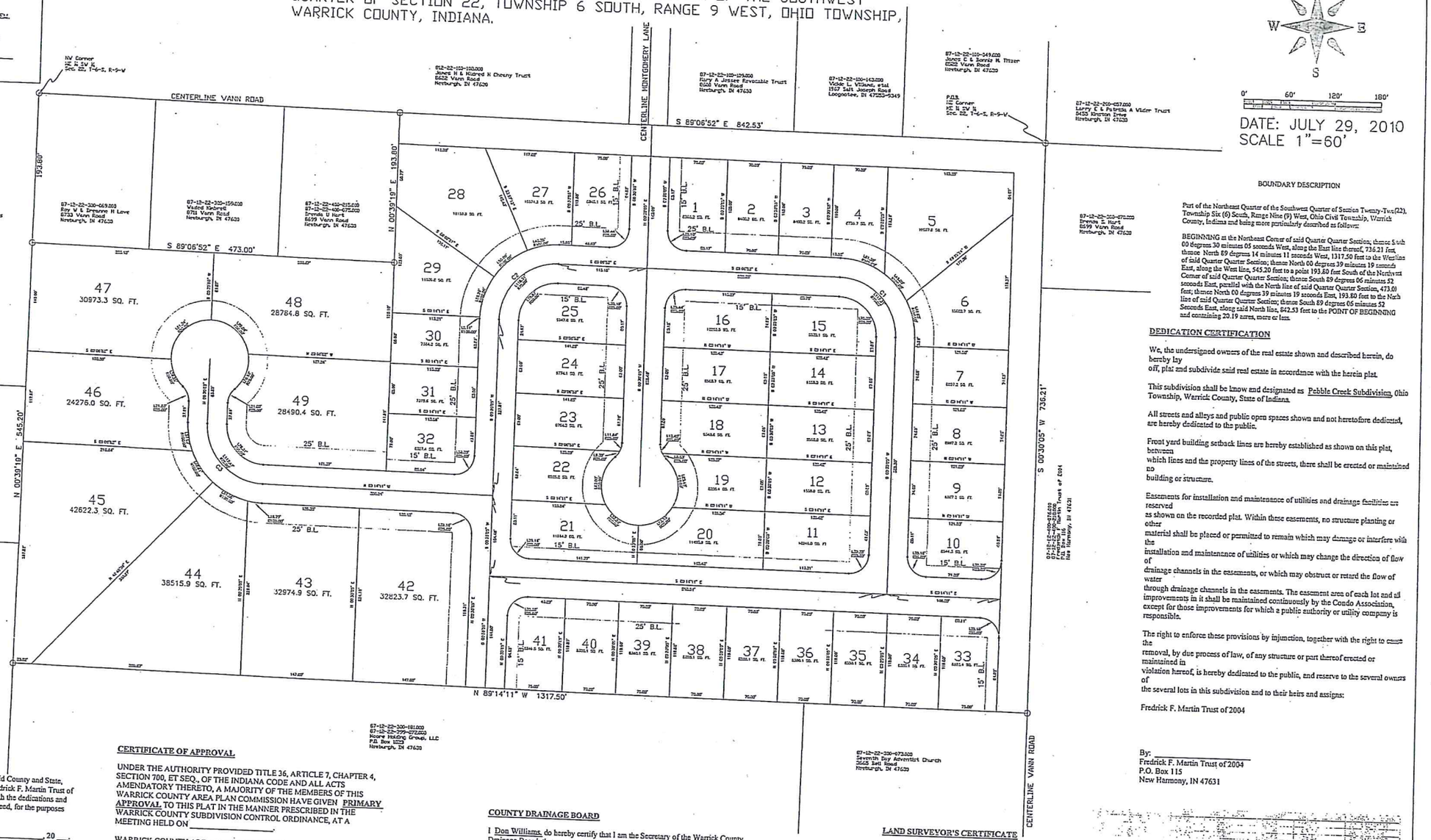
REDRAWN 6-21-99

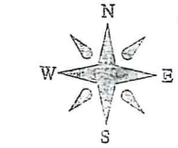


PEBBLE CREEK SUBDIVISION
PRIMARY PLAT

A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 SOUTH, RANGE 9 WEST, OHIO TOWNSHIP, WARRICK COUNTY, INDIANA.







0' 60' 120' 180'

DATE: JULY 29, 2010
SCALE 1"=60'

BOUNDARY DESCRIPTION

Part of the Northeast Quarter of the Southwest Quarter of Section Twenty-Two(22), Township Six (6) South, Range Nine (9) West, Ohio Civil Township, Warrick County, Indiana and being more particularly described as follows:

BEGINNING at the Northeast Corner of said Quarter Quarter Section; thence South 00 degrees 30 minutes 05 seconds West, along the East line thereof, 736.21 feet, thence North 89 degrees 14 minutes 11 seconds West, 1317.50 feet to the West line of said Quarter Quarter Section; thence North 00 degrees 39 minutes 19 seconds East, along the West line, 545.20 feet to a point 193.80 feet South of the Northwest Corner of said Quarter Quarter Section; thence South 89 degrees 06 minutes 52 seconds East, parallel with the North line of said Quarter Quarter Section, 473.00 feet; thence North 00 degrees 39 minutes 19 seconds East, 193.80 feet to the North line of said Quarter Quarter Section; thence South 89 degrees 06 minutes 52 Seconds East, along said North line, 842.53 feet to the POINT OF BEGINNING and containing 20.19 acres, more or less.

DEDICATION CERTIFICATION

We, the undersigned owners of the real estate shown and described herein, do hereby lay
off, plat and subdivide said real estate in accordance with the herein plat.

This subdivision shall be know and designated as Pebble Creek Subdivision, Ohio Township, Warrick County, State of Indiana.

All streets and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

Front yard building setback lines are hereby established as shown on this plat, between
which lines and the property lines of the streets, there shall be erected or maintained no
building or structure.

Easements for installation and maintenance of utilities and drainage facilities are reserved
as shown on the recorded plat. Within these easements, no structure planting or other
material shall be placed or permitted to remain which may damage or interfere with the
installation and maintenance of utilities or which may change the direction of flow of
drainage channels in the easements, or which may obstruct or retard the flow of water
through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the Condo Association, except for those improvements for which a public authority or utility company is responsible.

The right to enforce these provisions by injunction, together with the right to cause the
removal, by due process of law, of any structure or part thereof erected or maintained in
violation hereof, is hereby dedicated to the public, and reserve to the several owners of
the several lots in this subdivision and to their heirs and assigns:

Fredrick F. Martin Trust of 2004

By: _____
Fredrick F. Martin Trust of 2004
P.O. Box 115
New Harmony, IN 47631

OWLEDGMENT CERTIFICATE

'Indiana, County of Warrick

ne, the undersigned, a Notary Public, in and for said County and State, ly appeared the said Owners and Subdividers, Fredrick F. Martin Trust of knowledged the execution of the foregoing plat with the dedications and ns thereon, express to be their voluntary act and deed, for the purposes et forth.

G my hand and Notarial Seal this ____ day of _____, 20___.

mission Expires _____, 20___.

esides in _____ County, Indiana

ublic (typed or printed Name)

ublic Signature

CERTIFICATE OF APPROVAL

UNDER THE AUTHORITY PROVIDED TITLE 36, ARTICLE 7, CHAPTER 4, SECTION 700, ET SEQ., OF THE INDIANA CODE AND ALL ACTS AMENDATORY THERETO, A MAJORITY OF THE MEMBERS OF THIS WARRICK COUNTY AREA PLAN COMMISSION HAVE GIVEN PRIMARY APPROVAL TO THIS PLAT IN THE MANNER PRESCRIBED IN THE WARRICK COUNTY SUBDIVISION CONTROL ORDINANCE, AT A MEETING HELD ON _____.

WARRICK COUNTY AREA PLAN COMMISSION

President

Secretary

Plat Release: _____

Secretary

COUNTY DRAINAGE BOARD

I Don Williams, do hereby certify that I am the Secretary of the Warrick County Drainage Board; that on _____, the drainage plan for Pebble Creek Subdivision, subdivision was presented before the Board and that on _____, 20___, the drainage plan was approved by said Board. The drainage easements shown on the plat will not be under the continuing jurisdiction of this Board, which has no authority over the construction or subsequent maintenance of such drains. The drainage easements inure solely for the benefit of the landowners in the subdivision and no dedication thereof to the County or this Board is to be implied by this approval.

Signature

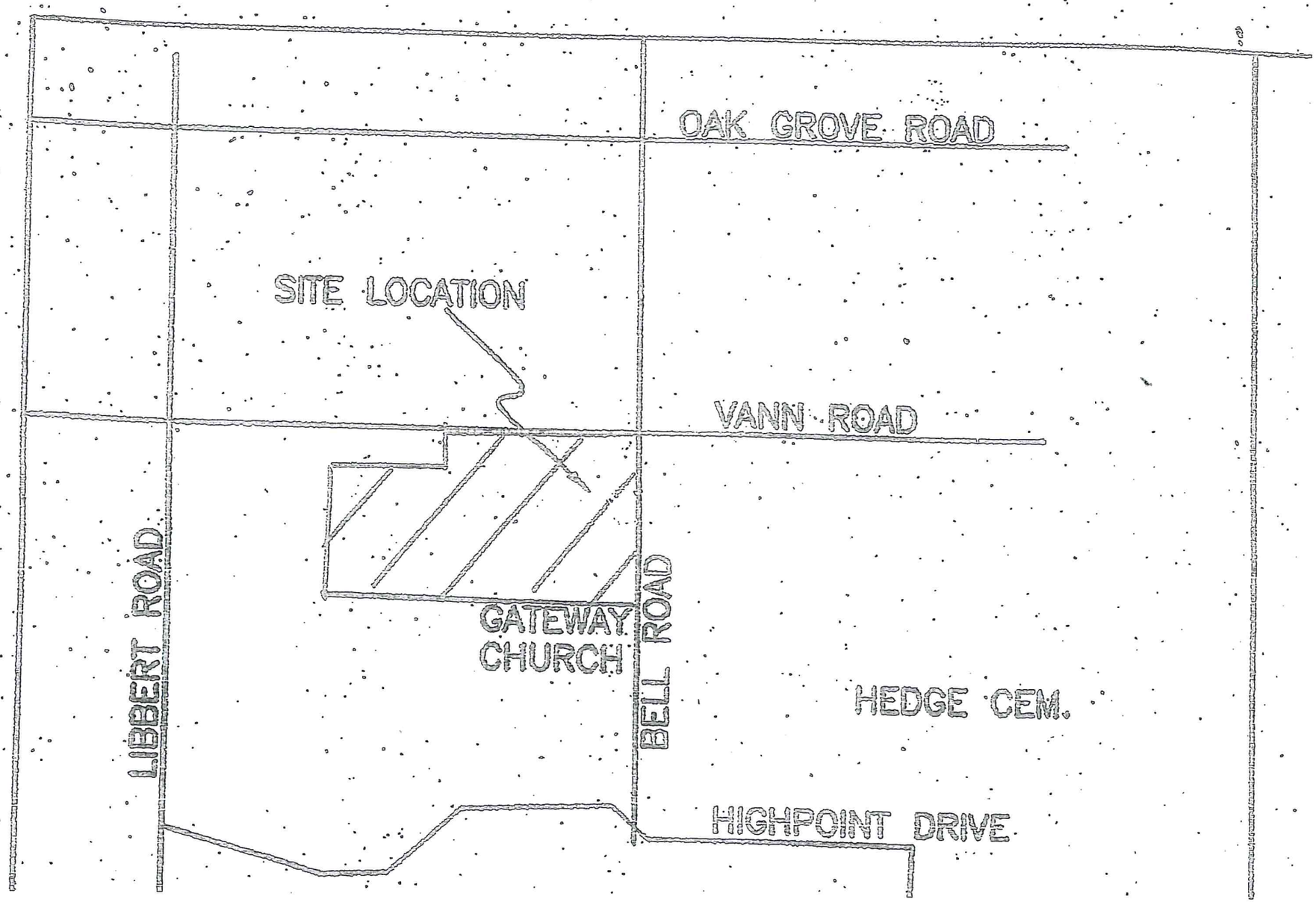
Date

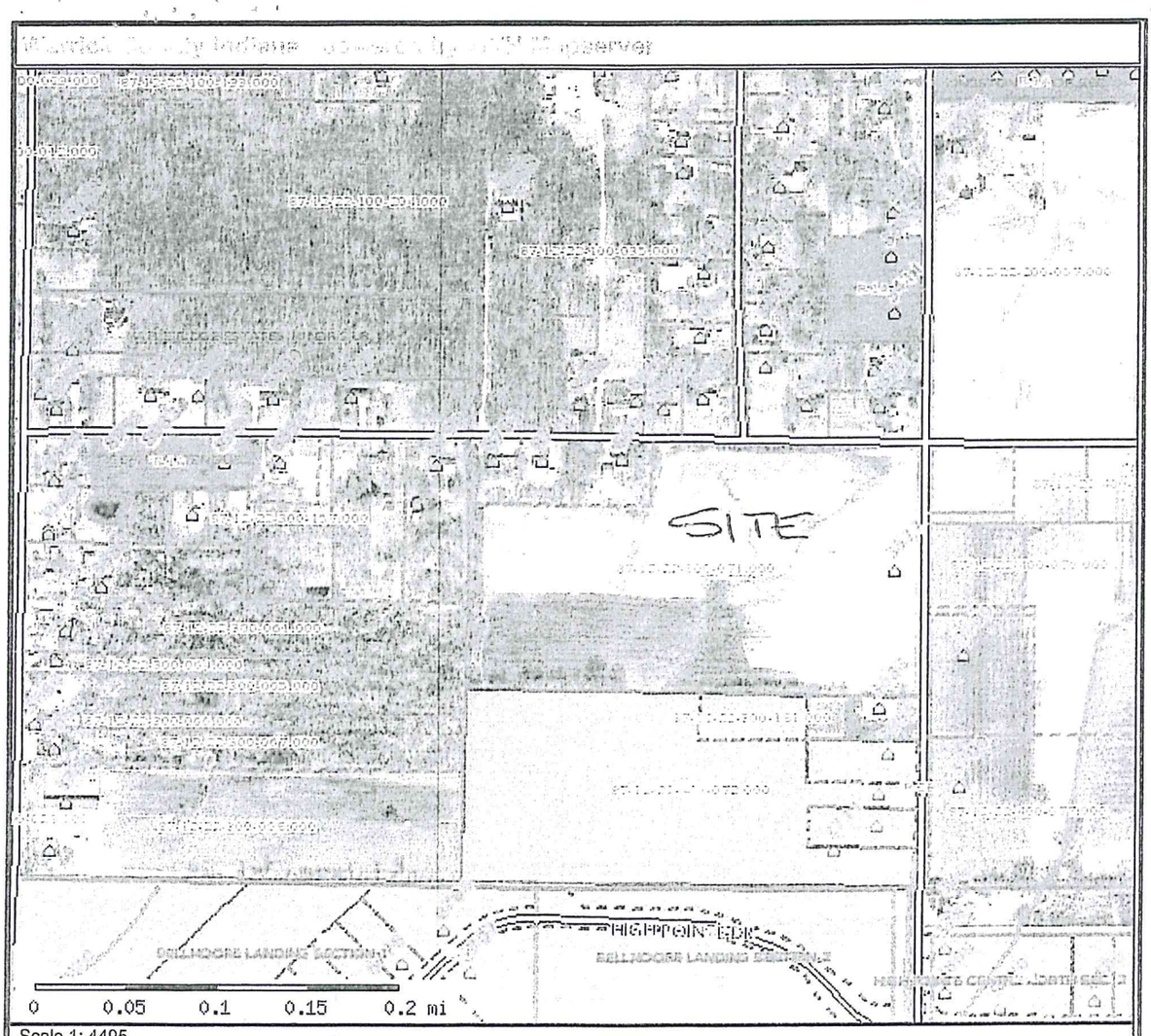
LAND SURVEYOR'S CERTIFICATE

I, _____, Registered Land Surveyor in the State of Indiana, hereby certify: (a) that this plat correctly represents a survey completed by me on _____, 20___, and that all the monuments shown thereon actually exist, and that their location, size, type and material are accurately shown and that all property corners have been monumented and comply with the provision of this Ordinance (b) that I have examined the FEMA Flood Hazard Map Community No. [illegible] and have determined that this Major Subdivision IS NOT in a Flood Hazard Area.

Certified: _____, 20___.

PEBBLE CREEK		
DRAWN	DATE 07/29/10	PRIMARY PLAT
APPROVED	DATE	


OAK GROVE ROAD
SITE LOCATION
VANN ROAD
LIBBERT ROAD
GATEWAY CHURCH
BELL ROAD
HEDGE CEM.
HIGHPOINT DRIVE



Scale 1: 4495

Parcels

Zoning Districts

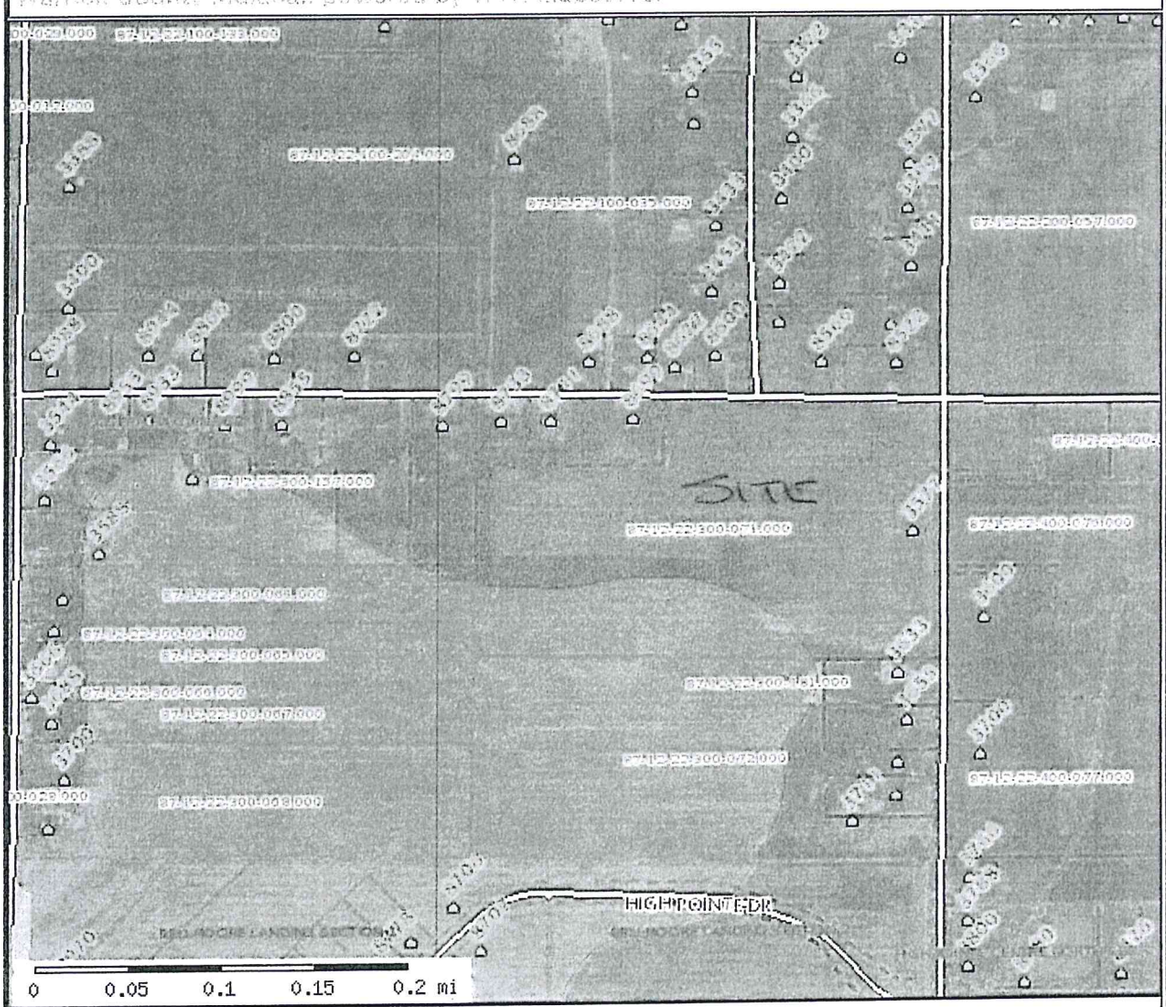
☐	F-P	☐	CON
☐	A	☐	R-S
☐	R-1A	☐	R-1B
☐	R-1C	☐	R-1D
☐	R-1	☐	R-3
☐	R-O	☐	C-1
☐	C-2	☐	C-3
☐	C-4	☐	W-R
☐	M-1	☐	M-2
☐	R-MH	☐	R-2
☐	R-2B	☐	UNK
☐	R-2A	☐	M-3

Counties

Cities and Towns

Highways

Warrick County Indiana, powered by WTH MapServer



Scale 1: 4495

- Parcels
- **Floodplains**
  - A
  - ANI
  - X500
  - AE
  - X
- **Counties**
- **Cities and Towns**
- **Highways**
  - State Highways
  - Interstate
  - Federal Highway
  - Federal Highways
  - State Highways
  - Interstate
- **Local Roads**
- **Railroads**
- **Townships**
- **Subdivisions**
- **Hydrology**
- **Addresses**