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2010R-009676
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 # 2010-13
PLAN COMMISSION DOCKET # PC-R-10-05
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 ~~Rezoning~~ AGRICULTURE, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

> Parcel 2 of Stuart Minor Subdivision as per the plat thereof recorded August 13, 2004, as Document No 2004R-010181, and described as follows Part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 6 South, Range 9 West, Ohio Civil Township, Warrick County, Indiana, more particularly described as follows Commencing at the southwest corner of the Northeast Quarter of said Section, marked by a found #6 rebar in the intersection of State Street and Gardner Road, thence north 00 degrees 51 minutes 30 seconds east for a distance of 1954.50 feet along the west line of the Northeast Quarter of said section to the point of beginning marked by a set spike in State Street; thence south 89 degrees 53 minutes 46 seconds east for a distance of 395 81 feet to a found #5 rebar with yellow cap, about 2 feet west of a corner post, thence north 00 degrees 49 minutes 12 seconds east for a distance of 220 00 feet to a set #5 rebar with orange cap, thence north 89 degrees 53 minutes 46 seconds west for a distance of 395 73 feet to a set spike in State Street; thence south 00 degrees 50 minutes 29 seconds west for a distance of 220.00 feet to the point of beginning. Containing 2 00 acres, more or less. Subject to all legal highways, reservation, easements and restrictions of record

which real estate is now zoned and classified as part of the AGRICULTURE 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 AGRICULTURE District to said "C-4" General Commercial 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.

Don Williams
President

Member

Tim Mosley
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.

Timothy Stephens
Signature

Timothy Stephens
Printed Name

X Ref 2004R-011320

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Timothy Stephens Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 144 S State St. Chandler, IN, which real estate is more particularly described as follows, to wit:

Parcel 2 Stuart Minor

WHEREAS, as the real estate is currently classified as a AGRICULTURE 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-4; 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:
   Welding & Fabricating Metal

2. Use of the Real Estate shall be limited to the following development requirements:
   Existing Structures - no additional development
   ~~at this time~~ T.S.

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 25th day of August, 20 10 by Timothy Stephens for the purpose set forth herein.

Timothy D Stephens
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 Timothy Stephens 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 25th day of August, 20 10.

NOTARY PUBLIC

Peggy S Smith
Signature

PEGGY S. Smith
Printed Name

A resident of Warrick County, Indiana.

My commission expires: March 13, 2017

This instrument prepared by: Timothy Stephens
(Name)

144 Outer State St
(Address)

(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.

Timothy Stephens

Receipt No. 17218

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R- 10-05

Petitioner: Timothy D. Stephens Address: 144 Outer S. State St.

Email Address: Same Chandler, In. 47610

Owner of Record: Timothy D & Melinda J. Stephens Address: Same

Email Address: Tim.Stephens630@yahoo.com

Lessee: N/A 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 E side of State St., a distance of 450 feet S (S. W. N. E.) of the corner formed by the intersection formed by State St. and Greenwood Rd.

Subdivision or Legal Description: See Attached Ohio Twp. 1-6-9.

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: Residential
(a.) Conforming: yes
(b.) Pre-Existing ~ Non-Conforming: ~~yes~~ no
(c.) Conditional Use: no.

6. Proposed Land Use: Welding Shop

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

Date: 8-24-10

Petitioner: [signature]

Owner: [signature]

Represented By:

Phone:

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Timothy Stephens Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 144 S State St. Chandler, IN, which real estate is more particularly described as follows, to wit:

Parcel 2 Stuart Minor

WHEREAS, as the real estate is currently classified as a Agriculture 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-4; 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:
   Welding & Fabricating Metal

2. Use of the Real Estate shall be limited to the following development requirements:
   Existing Structures - no additional development at this time

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 25th day of August, 20 10 by Timothy Stephens for the purpose set forth herein.

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 Timothy Stephens 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 25th day of August, 20 10.

NOTARY PUBLIC

Peggy S Smith
Signature

PEGGY S. Smith
Printed Name

A resident of Warrick County, Indiana.

My commission expires: March 13, 2017

This instrument prepared by: _____
(Name)

_____
(Address)

_____
(phone)

16

2004R-011320

BETTY NIEMEYER
WARRICK COUNTY RECORDER

RECORDED ON
09/09/2004 10:07:47AM
REC FEE: 16.00
PAGES: 2

060-7074-0002

WARRANTY DEED

THIS INDENTURE WITNESSETH, that A MILTON STUART and MARLA J. STUART, husband and wife, ("Grantors") of Warrick County, in the State of Indiana, CONVEY AND WARRANT to TIMOTHY D STEPHENS and MELINDA J STEPHENS, husband and wife, of Warrick County, in the State of Indiana, for the sum of One Dollar ($1 00) and other valuable consideration, the receipt of which is hereby acknowledged, the following-described real estate in Warrick County, in the State of Indiana·

Parcel 2 of Stuart Minor Subdivision as per the plat thereof recorded August 13, 2004, as Document No 2004R-010181, and described as follows Part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 6 South, Range 9 West, Ohio Civil Township, Warrick County, Indiana, more particularly described as follows Commencing at the southwest corner of the Northeast Quarter of said Section, marked by a found #6 rebar in the intersection of State Street and Gardner Road, thence north 00 degrees 51 minutes 30 seconds east for a distance of 1954.50 feet along the west line of the Northeast Quarter of said section to the point of beginning marked by a set spike in State Street; thence south 89 degrees 53 minutes 46 seconds east for a distance of 395 81 feet to a found #5 rebar with yellow cap, about 2 feet west of a corner post, thence north 00 degrees 49 minutes 12 seconds east for a distance of 220 00 feet to a set #5 rebar with orange cap, thence north 89 degrees 53 minutes 46 seconds west for a distance of 395 73 feet to a set spike in State Street; thence south 00 degrees 50 minutes 29 seconds west for a distance of 220.00 feet to the point of beginning. Containing 2 00 acres, more or less. Subject to all legal highways, reservation, easements and restrictions of record

IN WITNESS WHEREOF, Grantors have executed this deed this 2nd day of September, 2004.

A. Milton Stuart
A. MILTON STUART

Marla J. Stuart
MARLA J. STUART

Duly Entered For Taxation Subject
To Final Acceptance For Transfer

SEP 09 2004

Richard J. Kirkmiller
WARRICK CO. AUDITOR

2004R-011320

BETTY NIENEYER
WARRICK COUNTY RECORDER

RECORDED ON
09/09/2004 10:07:47AM
REC FEE: 16.00
PAGES: 2

STATE OF INDIANA)
) SS
COUNTY OF SPENCER)

Before me, a Notary Public in and for said County and State, personally appeared A. Milton Stuart and Marla J Stuart, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are

NOTARY PUBLIC SEAL INDIANA

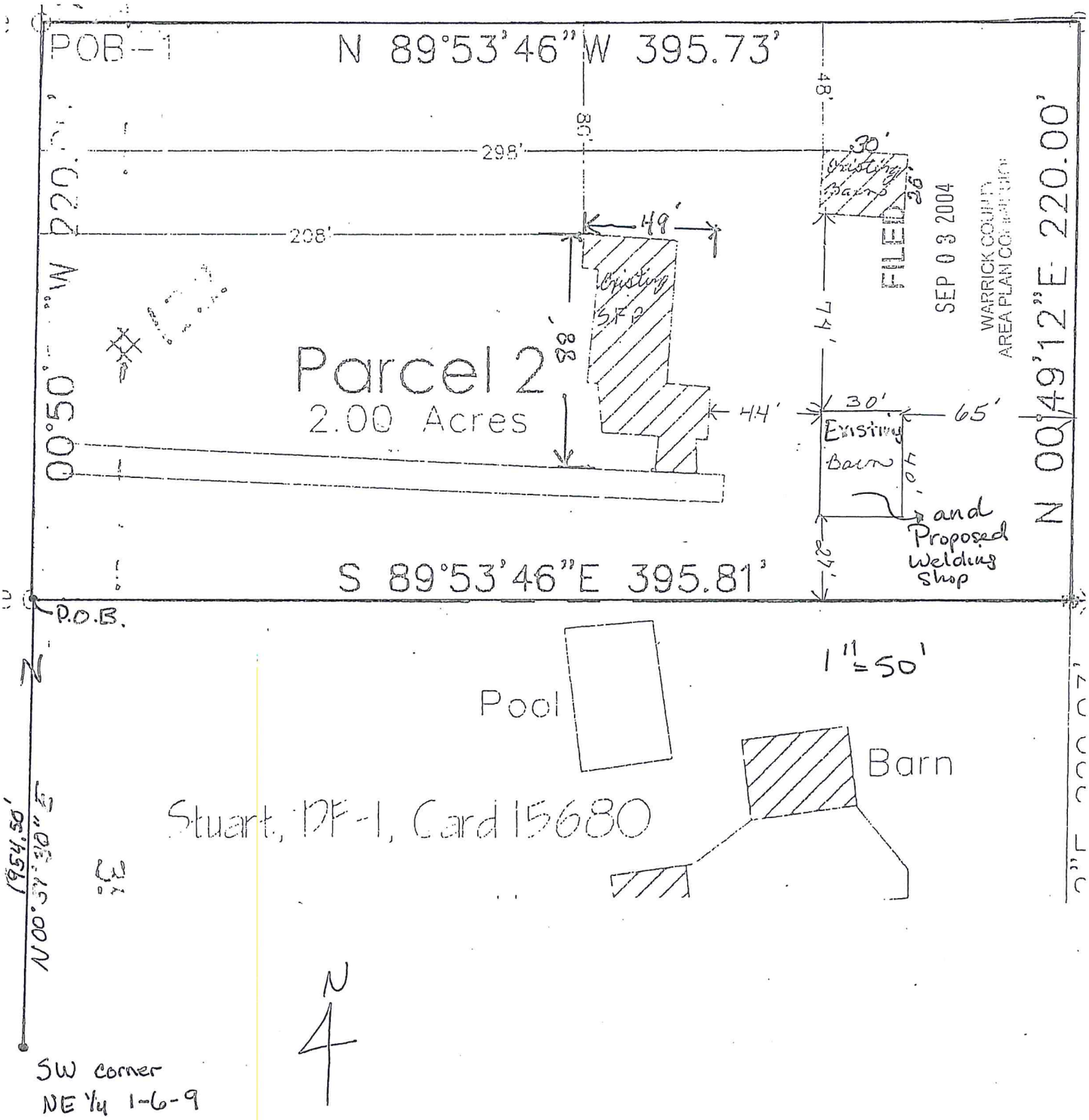
Witness my hand and Notarial Seal this 2 day of SEPTEMBER,

Bruce E. Cissna
Bruce E. Cissna, Notary Public
(Printed Name)

Residing in Spencer County, Indiana
My commission expires 11-14-2006.

Real estate taxes should be mailed to: Timothy D. and Melinda J Stephens
144 Outer South State Street
Chandler, IN 47610

This instrument was prepared by Bruce E Cissna, Attorney at Law



SW corner
NE ¼ 1-6-9

*** NOTICE OF PUBLIC HEARING ***

Date: _____

PC-R- 10-05

Applicant: Timothy D. Stephens

Owner of Record: Timothy D. & Melinda J. Stephens.

Address: 144 Order S. State St
Chandler, IN 47610

Address Same

Re: Petition for: Rezoning 2 acres from "A" Agriculture to "C-4" General Commercial with a Use and Development Commitment.

Dear: Adjacent Property Owner;

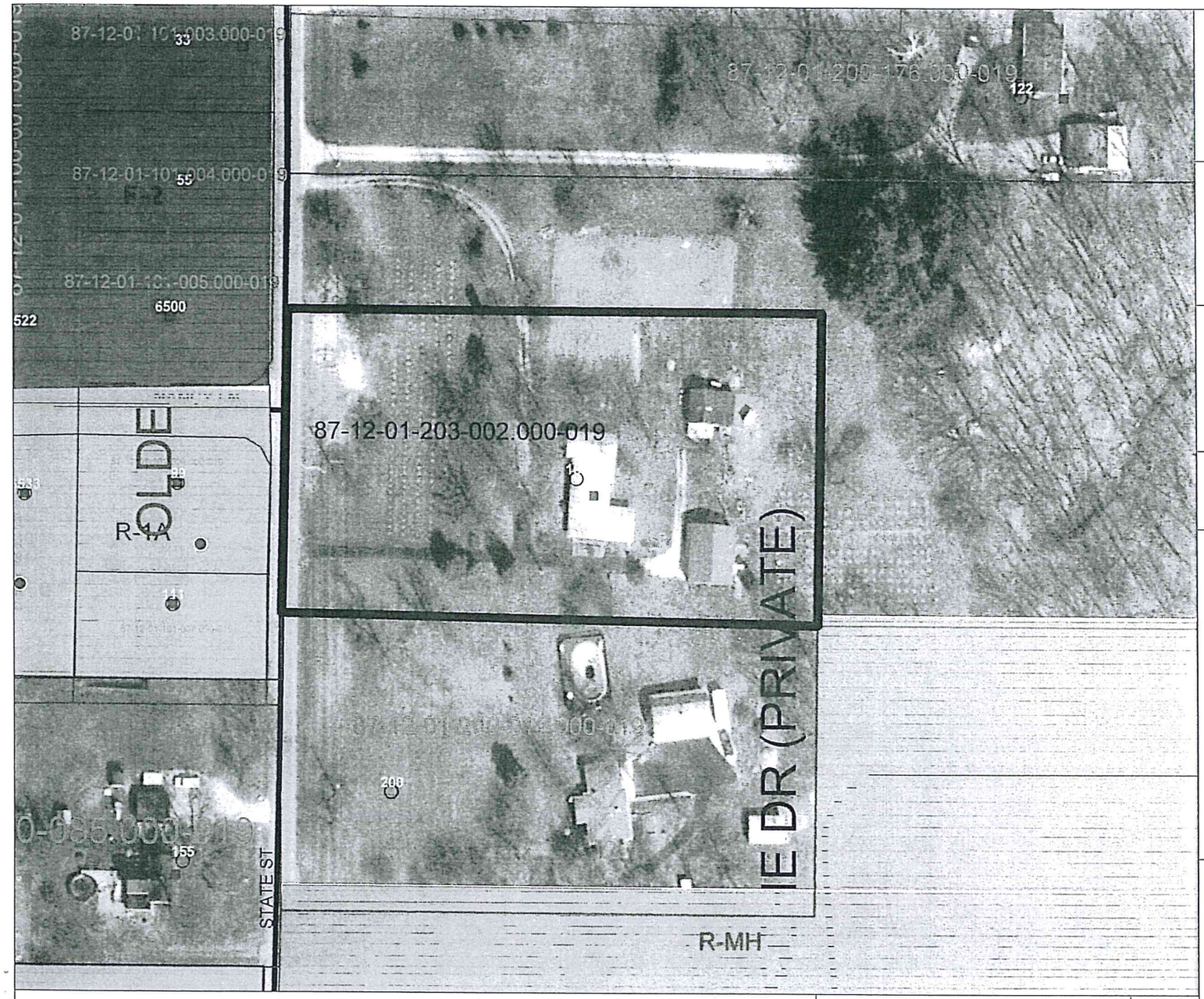
This letter will serve notice to you of scheduled hearing/s of a petition for rezoning which has been filed with the Warrick County Area Plan Commission.

PREMISES AFFECTED: Property located on the E side of State St. Approximately 450 feet ~~miles~~ S of the intersection formed by State St. and Greenwood Rd. . Ohio Twp. Lot No. 2 In Stuart Minor 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 13, 2010.

Sincerely,

Applicant and/or Owner



Zoning
Feature Name:
- f-p
- r-1a
- r-mh
- r-2

Zoning
Feature Name:
- F-P
- R-1A
- R-2
- R-MH

- Sections
- Parcels
- Subdivision
- BZA Applications
- County Boundary
- Corporate Boundari

- Addresses
- ILP
- Chandler Water Use

- Roads
- Parcels
- Subdivision
- Highways
- County Boundary

0 100 200
1" = 100ft

N W E S

WTH ENGINEERING

WARRICK COUNTY COMMISSIONERS ORDINANCE # _____
PLAN COMMISSION DOCKET # PC-R-10-05
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 Rezoning, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Parcel 2 of Stuart Minor Subdivision as per the plat thereof recorded August 13, 2004, as Document No 2004R-010181, and described as follows Part of the Northwest Quarter of the Northeast Quarter of Section 1, Township 6 South, Range 9 West, Ohio Civil Township, Warrick County, Indiana, more particularly described as follows Commencing at the southwest corner of the Northeast Quarter of said Section, marked by a found #6 rebar in the intersection of State Street and Gardner Road, thence north 00 degrees 51 minutes 30 seconds east for a distance of 1954.50 feet along the west line of the Northeast Quarter of said section to the point of beginning marked by a set spike in State Street; thence south 89 degrees 53 minutes 46 seconds east for a distance of 395 81 feet to a found #5 rebar with yellow cap, about 2 feet west of a corner post, thence north 00 degrees 49 minutes 12 seconds east for a distance of 220 00 feet to a set #5 rebar with orange cap, thence north 89 degrees 53 minutes 46 seconds west for a distance of 395 73 feet to a set spike in State Street; thence south 00 degrees 50 minutes 29 seconds west for a distance of 220.00 feet to the point of beginning. Containing 2 00 acres, more or less. Subject to all legal highways, reservation, easements and restrictions of record

which real estate is now zoned and classified as part of the AGRICULTURE 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 AGRICULTURE District to said "C-4" General Commercial 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

_____
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 Printed Name