WARRICK COUNTY COMMISSIONERS ORDINANCE # 2010-16

PLAN COMMISSION DOCKET # PC-R-10-07

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 Lot #1 of the Victoria National Golf Club Minor Sub. as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of Section 17, Township 6 South, Range 8 West and part of Section 18, Township 6 South, Range 8 West in Warrick County, Indiana and being more particularly described as follows:

Beginning at the Southeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 17; thence along the south line of the Northwest Quarter of the Southwest Quarter of said Section 17, North 88 degrees 43 minutes 11 seconds West 309.49 feet to the northwest corner of a tract of land conveyed to Roslin Road Development Corp. in Document 1999R-011621 in the office of the Recorder of Warrick County, Indiana; thence along the west side of said Roslin Road tract, South 00 degrees 54 minutes 19 seconds West 34.53 feet to a point on the north side of a Roadway and Utility Easement conveyed to Warrick County in Document 2005R-001691 in the office of said Recorder and being the beginning of a curve to the left having a central angle of 18 degrees 03 minutes 29 seconds, a radius of 179.55 feet and a chord dimension of North 61 degrees 37 minutes 16 seconds West 56.36 feet; thence along the north side of said Utility Easement and along the arc of said curve 56.59 feet;

thence North 00 degrees 54 minutes 19 seconds East 258.74 feet;
thence North 00 degrees 54 minutes 19 seconds East 496.26 feet;
thence North 87 degrees 05 minutes 41 seconds West 355.00 feet;
thence North 22 degrees 20 minutes 39 seconds West 351.58 feet;
thence South 86 degrees 48 minutes 06 seconds West 264.58 feet;
thence North 87 degrees 42 minutes 29 seconds West 225.75 feet;
thence North 86 degrees 59 minutes 21 seconds West 340.41 feet;
thence North 83 degrees 39 minutes 49 seconds West 243.02 feet;
thence North 75 degrees 58 minutes 19 seconds West 258.18 feet;
thence North 70 degrees 39 minutes 07 seconds West 104.07 feet;
thence North 25 degrees 04 minutes 13 seconds East 42.00 feet;
thence North 87 degrees 01 minutes 28 seconds East 150.37 feet;
thence North 90 degrees 00 minutes 00 seconds East 242.60 feet;
thence South 00 degrees 34 minutes 42 seconds West 50.37 feet;

thence South 83 degrees 03 minutes 05 seconds East 35.31 feet;
thence North 46 degrees 11 minutes 14 seconds East 82.53 feet;
thence South 65 degrees 23 minutes 02 seconds East 40.76 feet;
thence South 00 degrees 44 minutes 06 seconds West 66.65 feet;
thence South 86 degrees 32 minutes 02 seconds East 56.53 feet;
thence North 04 degrees 22 minutes 58 seconds East 66.26 feet;
thence North 67 degrees 54 minutes 12 seconds East 195.20 feet;
thence North 50 degrees 54 minutes 48 seconds East 128.29 feet;
thence North 73 degrees 18 minutes 38 seconds East 79.27 feet;
thence North 59 degrees 12 minutes 58 seconds East 141.81 feet;
thence North 38 degrees 01 minutes 08 seconds East 227.64 feet;
thence North 00 degrees 27 minutes 26 seconds West 111.05 feet;
thence North 89 degrees 18 minutes 17 seconds West 178.10 feet;
thence South 45 degrees 01 minutes 04 seconds West 85.03 feet;
thence South 90 degrees 00 minutes 00 seconds West 109.75 feet;
thence North 35 degrees 19 minutes 40 seconds West 76.04 feet;
thence North 88 degrees 17 minutes 30 seconds West 63.21 feet;
thence North 68 degrees 51 minutes 02 seconds West 85.79 feet;
thence North 77 degrees 07 minutes 34 seconds West 171.07 feet;
thence South 82 degrees 52 minutes 46 seconds West 53.05 feet;
thence South 72 degrees 00 minutes 22 seconds West 123.42 feet;
thence North 25 degrees 34 minutes 25 seconds West 91.63 feet;
thence North 04 degrees 46 minutes 00 seconds East 46.52 feet;
thence North 48 degrees 23 minutes 03 seconds East 59.60 feet;
thence North 09 degrees 09 minutes 01 seconds West 42.23 feet;
thence North 13 degrees 00 minutes 09 seconds East 44.44 feet;
thence North 36 degrees 29 minutes 10 seconds East 82.27 feet;
thence North 65 degrees 22 minutes 00 seconds East 245.86 feet;
thence South 77 degrees 32 minutes 33 seconds East 244.00 feet;
thence North 35 degrees 59 minutes 20 seconds West 105.57 feet;
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thence North 11 degrees 49 minutes 43 seconds West 288.68 feet;
thence North 12 degrees 14 minutes 39 seconds East 64.36 feet;
thence North 66 degrees 02 minutes 15 seconds East 52.93 feet;
thence North 89 degrees 10 minutes 40 seconds East 302.68 feet;
thence South 29 degrees 55 minutes 42 seconds East 150.35 feet;
thence South 24 degrees 53 minutes 01 seconds East 83.32 feet;
thence South 15 degrees 03 minutes 56 seconds East 106.57 feet;
thence South 11 degrees 06 minutes 11 seconds West 65.61 feet;
thence South 27 degrees 46 minutes 00 seconds East 99.79 feet;
thence South 09 degrees 11 minutes 30 seconds West 75.76 feet;
thence South 58 degrees 52 minutes 53 seconds East 89.79 feet;
thence South 33 degrees 52 minutes 19 seconds West 70.44 feet;
thence South 83 degrees 30 minutes 09 seconds West 140.19 feet;
thence South 47 degrees 49 minutes 49 seconds West 60.57 feet;
thence North 84 degrees 09 minutes 37 seconds West 165.36 feet;

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thence North 82 degrees 52 minutes 46 seconds East 66.62 feet;
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thence North 90 degrees 00 minutes 00 seconds East 63.20 feet;
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thence South 00 degrees 27 minutes 26 seconds East 177.51 feet;
thence South 38 degrees 01 minutes 08 seconds West 254.45 feet;
thence South 59 degrees 12 minutes 58 seconds West 157.35 feet;
thence South 73 degrees 18 minutes 38 seconds West 75.55 feet;
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thence South 57 degrees 52 minutes 40 seconds East 374.06 feet;
thence South 50 degrees 12 minutes 43 seconds East 105.56 feet;
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thence South 89 degrees 04 minutes 17 seconds East 879.95 feet;
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thence North 31 degrees 52 minutes 55 seconds East 144.03 feet;
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thence North 27 degrees 23 minutes 32 seconds East 220.80 feet;
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thence North 23 degrees 02 minutes 35 seconds West 168.28 feet;
thence North 29 degrees 10 minutes 03 seconds East 429.49 feet;
thence South 87 degrees 39 minutes 08 seconds West 94.25 feet to a point on the east line of the Corrected plat of Paradise Lakes Subdivision as recorded in Plat File 1, card 440 in the office of said Recorder; thence along said east line, North 37 degrees 57 minutes 24 seconds East 69.98 feet; thence leaving said subdivision boundary, North 87 degrees 39 minutes 08 seconds East 2079.46 feet; thence South 12 degrees 35 minutes 17 seconds East 1237.98 feet to the easternmost corner of a tract of land conveyed to Victoria National Golf Club, Inc. in Document 1998R-009943 in the office of said Recorder; thence along the east line of said Victoria tract, South 14 degrees 05 minutes 03 seconds West 859.82 feet to a point on the north line of the Northeast Quarter of the Southwest Quarter of said Section 17; thence along the north line of the Northeast Quarter of the Southwest Quarter of said Section, North 89 degrees 04 minutes 17 seconds West 1212.62 feet to the Northeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 17; thence along the east line of said Quarter Quarter Section, South 01

degree 27 minutes 39 seconds West 1314.41 feet to the point of beginning and containing a gross area of 62.404 Acres.

Subject to all easements and right-of-ways of record.

which real estate is now zoned and classified as part of the Ag 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 Ag 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

11-22-10

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.

Jordan Aigner
Signature

Jordan Aigner
Printed Name

N/C

8003834
Tx:4002524

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2010-16

PLAN COMMISSION DOCKET # PC-R-10-07

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 Lot #1 of the Victoria National Golf Club Minor Sub. as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of Section 17, Township 6 South, Range 8 West and part of Section 18, Township 6 South, Range 8 West in Warrick County, Indiana and being more particularly described as follows:

Beginning at the Southeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 17; thence along the south line of the Northwest Quarter of the Southwest Quarter of said Section 17, North 88 degrees 43 minutes 11 seconds West 309.49 feet to the northwest corner of a tract of land conveyed to Roslin Road Development Corp. in Document 1999R-011621 in the office of the Recorder of Warrick County, Indiana; thence along the west side of said Roslin Road tract, South 00 degrees 54 minutes 19 seconds West 34.53 feet to a point on the north side of a Roadway and Utility Easement conveyed to Warrick County in Document 2005R-001691 in the office of said Recorder and being the beginning of a curve to the left having a central angle of 18 degrees 03 minutes 29 seconds, a radius of 179.55 feet and a chord dimension of North 61 degrees 37 minutes 16 seconds West 56.36 feet; thence along the north side of said Utility Easement and along the arc of said curve 56.59 feet;

2010R-010812
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
12/15/2010 10:03 AM
REC FEE: 0.00
PAGES: 9

thence North 00 degrees 54 minutes 19 seconds East 258.74 feet;
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thence South 15 degrees 01 minutes 38 seconds East 109.83 feet;
thence South 89 degrees 03 minutes 41 seconds West 105.29 feet;
thence South 01 degrees 41 minutes 09 seconds East 58.67 feet;
thence North 87 degrees 13 minutes 53 seconds East 107.13 feet;
thence South 05 degrees 31 minutes 51 seconds East 107.44 feet;
thence South 86 degrees 59 minutes 21 seconds West 98.51 feet;
thence South 00 degrees 05 minutes 25 seconds East 66.92 feet;
thence North 90 degrees 00 minutes 00 seconds East 98.25 feet;
thence South 02 degrees 34 minutes 48 seconds East 96.17 feet;
thence South 87 degrees 22 minutes 31 seconds West 94.16 feet;
thence South 05 degrees 12 minutes 35 seconds West 66.82 feet;
thence North 84 degrees 11 minutes 11 seconds East 120.60 feet;
thence South 01 degrees 12 minutes 28 seconds West 98.16 feet;
thence South 80 degrees 45 minutes 09 seconds West 83.44 feet;
thence South 08 degrees 11 minutes 04 seconds East 60.86 feet;
thence South 81 degrees 28 minutes 28 seconds East 49.68 feet;
thence North 15 degrees 00 minutes 04 seconds East 46.77 feet;
thence South 73 degrees 01 minutes 09 seconds East 97.45 feet;
thence South 01 degrees 23 minutes 41 seconds East 241.79 feet;
thence South 71 degrees 34 minutes 32 seconds West 30.45 feet;
thence North 71 degrees 34 minutes 32 seconds West 136.77 feet;
thence North 17 degrees 33 minutes 28 seconds East 100.33 feet;
thence North 59 degrees 45 minutes 32 seconds West 68.24 feet;
thence South 22 degrees 05 minutes 48 seconds West 97.76 feet;
thence North 53 degrees 08 minutes 46 seconds West 105.81 feet;
thence North 33 degrees 00 minutes 50 seconds East 79.19 feet;
thence North 53 degrees 17 minutes 44 seconds West 73.92 feet;
thence South 40 degrees 52 minutes 27 seconds West 87.79 feet;
thence North 50 degrees 13 minutes 16 seconds West 125.25 feet;
thence North 49 degrees 31 minutes 47 seconds East 247.11 feet;
thence North 00 degrees 10 minutes 22 seconds West 345.98 feet;
thence South 81 degrees 26 minutes 10 seconds West 127.41 feet;
thence North 10 degrees 43 minutes 11 seconds West 32.48 feet;
thence South 83 degrees 20 minutes 59 seconds West 52.13 feet;
thence South 01 degrees 54 minutes 37 seconds West 77.66 feet;
thence South 74 degrees 03 minutes 50 seconds West 37.69 feet;
thence South 05 degrees 00 minutes 58 seconds West 148.04 feet;
thence South 17 degrees 45 minutes 18 seconds East 90.55 feet;
thence South 45 degrees 20 minutes 16 seconds West 109.19 feet;
thence North 59 degrees 58 minutes 05 seconds West 111.32 feet;
thence North 02 degrees 34 minutes 51 seconds East 223.93 feet;
thence South 87 degrees 12 minutes 32 seconds East 70.84 feet;
thence North 02 degrees 39 minutes 26 seconds East 57.01 feet;
thence North 60 degrees 32 minutes 21 seconds West 64.89 feet;

thence South 75 degrees 32 minutes 18 seconds West 78.64 feet;
thence South 04 degrees 39 minutes 43 seconds West 120.51 feet;
thence South 65 degrees 21 minutes 27 seconds East 57.91 feet;
thence South 22 degrees 42 minutes 23 seconds West 112.83 feet;
thence North 66 degrees 48 minutes 51 seconds West 87.98 feet;
thence North 14 degrees 56 minutes 25 seconds East 106.85 feet;
thence North 64 degrees 11 minutes 21 seconds West 123.50 feet;
thence North 07 degrees 21 minutes 25 seconds East 85.17 feet;
thence North 87 degrees 02 minutes 12 seconds East 131.05 feet;
thence North 58 degrees 51 minutes 23 seconds East 241.89 feet;
thence North 77 degrees 19 minutes 02 seconds East 256.67 feet;
thence North 00 degrees 30 minutes 04 seconds East 153.31 feet;
thence North 79 degrees 35 minutes 41 seconds West 169.31 feet;
thence South 67 degrees 43 minutes 00 seconds West 87.00 feet;
thence South 54 degrees 40 minutes 07 seconds West 149.74 feet;
thence South 84 degrees 40 minutes 11 seconds West 165.05 feet;
thence South 47 degrees 15 minutes 35 seconds West 46.77 feet;
thence North 79 degrees 19 minutes 18 seconds West 46.54 feet;
thence North 09 degrees 38 minutes 36 seconds East 139.09 feet;
thence North 83 degrees 50 minutes 27 seconds East 184.87 feet;
thence North 41 degrees 17 minutes 37 seconds East 103.30 feet;
thence North 87 degrees 34 minutes 20 seconds East 213.33 feet;
thence North 00 degrees 00 minutes 00 seconds East 64.15 feet;
thence North 90 degrees 00 minutes 00 seconds West 172.35 feet;
thence South 84 degrees 07 minutes 57 seconds West 704.10 feet;
thence South 10 degrees 57 minutes 27 seconds West 139.52 feet;
thence North 58 degrees 29 minutes 40 seconds West 266.53 feet;
thence North 89 degrees 23 minutes 32 seconds West 44.71 feet;
thence South 00 degrees 12 minutes 09 seconds West 158.78 feet;
thence South 39 degrees 01 minutes 02 seconds West 56.65 feet;
thence South 75 degrees 48 minutes 09 seconds West 114.23 feet;
thence South 33 degrees 39 minutes 22 seconds West 300.00 feet;
thence North 23 degrees 02 minutes 35 seconds West 168.28 feet;
thence North 29 degrees 10 minutes 03 seconds East 429.49 feet;
thence South 87 degrees 39 minutes 08 seconds West 94.25 feet to a point on the east line of the Corrected plat of Paradise Lakes Subdivision as recorded in Plat File 1, card 440 in the office of said Recorder; thence along said east line, North 37 degrees 57 minutes 24 seconds East 69.98 feet; thence leaving said subdivision boundary, North 87 degrees 39 minutes 08 seconds East 2079.46 feet; thence South 12 degrees 35 minutes 17 seconds East 1237.98 feet to the easternmost corner of a tract of land conveyed to Victoria National Golf Club, Inc. in Document 1998R-009943 in the office of said Recorder; thence along the east line of said Victoria tract, South 14 degrees 05 minutes 03 seconds West 859.82 feet to a point on the north line of the Northeast Quarter of the Southwest Quarter of said Section 17; thence along the north line of the Northeast Quarter of the Southwest Quarter of said Section, North 89 degrees 04 minutes 17 seconds West 1212.62 feet to the Northeast Corner of the Northwest Quarter of the Southwest Quarter of said Section 17; thence along the east line of said Quarter Quarter Section, South 01

degree 27 minutes 39 seconds West 1314.41 feet to the point of beginning and containing a gross area of 62.404 Acres.

Subject to all easements and right-of-ways of record.

which real estate is now zoned and classified as part of the Ag 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 Ag 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

11-22-10
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.

Jordan Aigner
Signature

Jordan Aigner
Printed Name

XREF 2010R-008340

FILED
2010
WARRICK COUNTY
AREA PLAN COMMISSION

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Mike McCann Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as Lot #1 of the Victoria National Golf Club Minor Sub, which real estate is more particularly described as follows, to wit:

Lot #1 of the Victoria National Golf Club Minor Sub Rec: 2010R- 006918

WHEREAS, as the real estate is currently classified as a Ag 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 C2; 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:
   The sale of single family residences, fractional sales on condominium buildings, multifamily sales, private use of a resort, lodging, or conference center.
2. Use of the Real Estate shall be limited to the following development requirements:
   Per approved PUD.

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.

FILED

OCT 2 2019

WARRICK COUNTY
AREA PLAN COMMISSION

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 20th day of October, 20 10 by Mike McCann 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 Mike McCann 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 20th day of October, 20 10.

NOTARY PUBLIC

Signature

Julie D. Saffell
Printed Name

A resident of Warrick County, Indiana.

My commission expires: March 7, 2020

This instrument prepared by: Jordan M. Aigner, P.E.
(Name)

944 N. Baker Rd. Boonville IN
(Address)

812-897-5815
(phone)