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2012R-002575
PATRICIA A BROOKS
WARRICK COUNTY RECORDER
RECORDED AS PRESENTED ON
03/15/2012 12:32 PM
REC FEE: 0.00
PAGES: 4

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2012-10

PLAN COMMISSIONER DOCKET # PC-R-12-03

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

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 6 South, Range 8 West in Warrick County, IN, more particularly described as follows: COMMENCING at the Southwest Corner of said Quarter Quarter Section; thence South 88° 34' 07" East, along the South line thereof, a distance of 104.44 to the centerline of Old State Hwy 61; thence North 01° 54' 01" West, along said centerline, 669.53 feet to the POINT OF BEGINNING; thence continuing North 01° 54' 01" West, along said centerline, 200.0 feet; thence South 88° 51' 53" East, parallel with the North line of said Quarter Quarter Section, 1260.73 feet to the East line of said Quarter Quarter Section; thence South 00° 53' 53" West, along the East line of said Quarter Quarter Section, 202.93 feet; thence North 88° 34' 07" West 1250.99 feet to the POINT OF BEGINNING containing 5.80 acres, more or less.

which real estate is now zoned and classified as part of the "A" & CON 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 & CON District to said "C-4" 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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.

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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.

Tim Nosby
President

Don Willi
Member

Marlin Weisheit
Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

TB Dugan.
County Auditor

3-12-12
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

Lee Wirthwein
Printed Name

This document prepared by Lee Wirthwein.

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Lee & Donna Wirthwein Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 5344 S. Yankeetown Rd, which real estate is more particularly described as follows, to wit:

Part of the Southwest Quarter of the Northwest Quarter of Section 35, Township 6 South, Range 8 West in Warrick County, IN, more particularly described as follows: COMMENCING at the Southwest Corner of said Quarter Quarter Section; thence South 88° 34' 07" East, along the South line thereof, a distance of 104.44 to the centerline of Old State Hwy 61; thence North 01° 54' 01" West, along said centerline, 669.53 feet to the POINT OF BEGINNING; thence continuing North 01° 54' 01" West, along said centerline, 200.0 feet; thence South 88° 51' 53" East, parallel with the North line of said Quarter Quarter Section, 1260.73 feet to the East line of said Quarter Quarter Section; thence South 00° 53' 53" West, along the East line of said Quarter Quarter Section, 202.93 feet; thence North 88° 34' 07" West 1250.99 feet to the POINT OF BEGINNING containing 5.80 acres, more or less.

WHEREAS, as the real estate is currently classified as a A & CON 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:
   Excavating Company (Offices & equipment) and sales of Firearms & related accessories

2. Use of the Real Estate shall be limited to the following development requirements: Those regulations set forth in the Warrick County Zoning Code with no other employees other than immediate family members.

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 17th day of January, 20 12 by Lee & Donna Wirthwein 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 Lee Wirthwein 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 17th day of January, 20 12.

NOTARY PUBLIC

Signature

Rachel Lutz
Printed Name

A resident of Warrick County, Indiana.

My commission expires: 2-22-2017

This instrument prepared by: Lee Wirthwein
(Name)

5344 S. Yankeetown Rd
(Address)
Boonville, IN 47601
812 853-5007
(phone)

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2012-10

PLAN COMMISSIONER DOCKET # PC-R-12-03

COPY

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Tim Mosby
President

Don Willi
Member

Marlin Weisheit
Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

LB Dugan.
County Auditor

3-12-12
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

Lee Wirthwein
Printed Name

This document prepared by Lee Wirthwein.

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) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Lee Wirthwein 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 17th day of January, 20 12.

NOTARY PUBLIC

Signature

Rachel Lutz
Printed Name

A resident of Warrick County, Indiana.

My commission expires: 2-22-2017

This instrument prepared by: Lee Wirthwein
(Name)

5344 S. Yankeetown Rd
(Address)
Boonville, IN 47601
812 853-5007
(phone)