2013R-002901
YVONNE HUGHES
WARRICK COUNTY RECORDER
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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2013-04

PLAN COMMISSION DOCKET # PC-R-13-04

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-2 Multi-family, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of the West Half of the Southeast Quarter of Section 35, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

COMMENCING at the Northwest Corner of said Half Quarter Section; thence South 00° 22' 25" West, along the centerline of Jeffries Lane, 770.19 feet to an iron pin, found; thence South 00° 17' 19" West, along said centerline,, 133.18 feet the POINT OF BEGINNING; thence North 85° 00' 45" East, along the South line of Sharon Meadows Subdivision Section "B" Part 1, 225.69 feet to a 5/8" iron pin, found; thence South 09° 28' 46" East - 250.39 feet to a mag-nail found in the centerline of Sharon Road; thence South 75° 19' 16' West, along the centerline of Sharon Road, 274.13 feet to a iron pin found the centerline of Jeffries Lane; thence North 00° 17' 19" West, along the centerline of Jeffries Land, 296.82 feet to the POINT OF BEGINNING, and containing 1.608 acres, more or less.

ALSO, a 10 foot Maintenance and Public Utilities Easement, more particularly described as follows: COMMENCING at the Southeast Corner of the above described Real Estate; thence North 09° 28' 46" West, along the East line thereof, a distance of 30.16 feet to a point of the South Right-of-Way of Sharon Road and the POINT OF BEGINNING; thence North 09° 28' 46" West, along said East line, 143.0 feet; thence North 85° 00' 45" East a distance of 10.0 feet; thence South 09° 28' 46" East a distance 117.0 feet; thence with a curve to the left to a point on the South Right-of-Way of Sharon Road that is 35.0 feet North 72° 59' 48" East from the POINT OF BEGINNING; thence South 72° 59' 58" West, along said Right-of-Way, 35.0 feet to the POINT OF BEGINNING.

SUBJECT TO a 25 foot Right-of-Way for Jeffries Lane off the West side thereof, a 30 foot Right-of-Way for Sharon Road off the South side thereof and all recorded Easements and Rights-of-Way.

which real estate is now zoned and classified as part of the R-2 Multi-family 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-2 Multi-family District to said R-O Residential Office District.

XREF 1995R-004451

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.

Don Williams
President

Member

Member
BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor

3-11-13
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

Carl Barniak
Printed Name

This document prepared by Carl Barniak.

Receipt No. 18784

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R- 13-04

Petitioner: Carl & Susamon Barnick Address: 7488 Sharon Road

Email Address: info@mothersay.com Newburgh IN

Owner of Record: Same Address:

Email Address:

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 N side of Sharon Rd, a distance of 0 feet NE (S. W. N. E.) of the corner formed by the intersection formed by Jeffries Ln and Sharon RD.

Subdivision or Legal Description:

See attached

FILED
JAN 10 2013
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: home & dr's office
(a.) Conforming:
(b.) Pre-Existing ~ Non-Conforming:
(c.) Conditional Use:

6. Proposed Land Use: home, office & commerial caterer

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

Date: 1-9-13

Petitioner: X

Owner: X Susamon Barnick

Represented By:

Phone: 812-858-8638

ACCU SURVEYING & ENGINEERING, LLC
10579 OAK GROVE ROAD
NEWBURGH, IN 47630
(812) 858-9268
(812) 858-9399
ACCUj@ SPEEDEX.NET

CORRECTED LEGAL DESCRIPTION
7488 Sharon Road
Newburgh, IN 47630

Part of the West Half of the Southeast Quarter of Section 35, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

COMMENCING at the Northwest Corner of said Half Quarter Section; thence South 00° 22' 25" West, along the centerline of Jeffries Lane, 770.19 feet to an iron pin, found; thence South 00° 17' 19" West, along said centerline, 133.18 feet the POINT OF BEGINNING; thence North 85° 00' 45" East, along the South line of Sharon Meadows Subdivision Section "B" Part 1, 225.69 feet to a 5/8" iron pin, found; thence South 09° 28' 46" East - 250.39 feet to a mag-nail found in the centerline of Sharon Road; thence South 75° 19' 16' West, along the centerline of Sharon Road, 274.13 feet to a iron pin found the centerline of Jeffries Lane; thence North 00° 17' 19" West, along the centerline of Jeffries Land, 296.82 feet to the POINT OF BEGINNING, and containing 1.608 acres, more or less.

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SUBJECT TO a 25 foot Right-of-Way for Jeffries Lane off the West side thereof, a 30 foot Right-of-Way for Sharon Road off the South side thereof and all recorded Easements and Rights-of-Way.

CERTIFIED BY:
William Y. Bivins, LS80910003
January 9, 2013

WILLIAM Y. BIVINS
REGISTERED
No. LS-80910003
STATE OF
INDIANA
LAND SURVEYOR

*** NOTICE OF PUBLIC HEARING ***

Date: 1-10-13

PC-R- 13-04

Applicant: Carl & Srisamran Barriak Owner of Record: Same

Address: 7488 Sharon Road
Newburgh, IN 47630

Address

Re: Petition for: To rezone 1.608 Acres From R-2 Multi-family to C-1 Neighborhood commercial with Use and Development Committment.

Dear: _____;

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 N side of Sharon Rd. Approximately 0 (feet) ~~miles~~ NE of the intersection formed by Jeffries Ln. and Sharon Road. BH 10 Twp. Lot No. _____ In _____ 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, Feb. 11, 2013.

Sincerely,

Applicant and/or Owner

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Carl & Srissamon Barniak Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 7488 Sharon Road, which real estate is more particularly described as follows, to wit:

see attached

WHEREAS, as the real estate is currently classified as a R-2 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-1; 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:
   offices, caterer (commercial kitchen)

2. Use of the Real Estate shall be limited to the following development requirements:
   No further construction planned

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.

ACCU SURVEYING & ENGINEERING, LLC
10579 OAK GROVE ROAD
NEWBURGH, IN 47630
(812) 858-9268
(812) 858-9399
ACCUj@ SPEEDEX.NET

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CERTIFIED BY:
William Y. Bivins, LS80910003
January 9, 2013

WILLIAM Y. BIVINS
REGISTERED
No. LS-80910003
STATE OF
INDIANA
LAND SURVEYOR

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 9 day of Jan, 2013 by Carl K and Srisamon Barniak for the purpose set forth herein.

Srisamon Bar

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 Carl K and Srisamon Barniak 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 9 day of Jan, 2013.

NOTARY PUBLIC

Katherine A Schernekau
Signature

KATHERINE A. SCHERNEKAU
Resident of Vanderburgh County, IN
Commission Expires: February 14, 2015

Printed Name

A resident of Vanderburgh County, Indiana.

My commission expires: _____

This instrument prepared by: Carl Barniak
(Name)

7488 Sharon Rd
(Address)

858-8638
(phone)

GARY

437-3113

EXEMPT DIVISION

Exempt Division of the CARL K. BARNIAK AND SCRISAMON BARNIAK property as recorded in DOCKET NO. 1995R - 4451 in the Office of the Recorder of Warrick County, Indiana. Parcel 2 is owned by ROGER WOODS DOCKET NO. 1996R-8732. PARCEL 3 is owned by JOHN D. & MARIAN L. COSGROVE DOCKET NO. 1995 R - 7571.

DOC NO: 1996R-008999
DATE: 1996-09-18 TIME: 10:25 AM
WARRICK COUNTY RECORDER, SHARON NEIDHEIT Pages: 5

Carl K. Barniak — Srisamon Barniak — Roger Woods

John D. Cosgrove — Marian L. Cosgrove

EXECUTIVE DIRECTOR

I, Phyllis Gagnon, Executive Director, Warrick County Area Plan Commission, hereby certify this division of land is determined to be an EXEMPT DIVISION and is not subject to the provisions of the Subdivision Control Ordinance in effect for Warrick County; however, any subsequent division of original parcel shall become a Subdivision and subject to the provisions of said Subdivision Control Ordinance.

Phyllis Gagnon - Executive Director DATE: Sept. 17, 1996

NW cor W½SE¼ 35-6-9

COUNTY ENGINEER CERTIFICATE

Parcel 1 has ingress and egress from the building site to Jefferies Road (West 750) and Sharon Road (South 575) and Parcels 2 & 3 have ingress and egress from each building site to Sharon Road (South 575) both are public and county maintained roadways.

Steve Sherwood 9-16-96

WATER

Water will be supplied to all parcels from in-place water lines from the Indiana Cities Water Department.

DATE: 9-6-96

I, WILLIAM Y. BIVINS, Registered Land Surveyor in the State of Indiana, hereby certify, that I have examined the FEMA Flood Hazard Map, Community Panel 180418 0175B dated May 17, 1982 and have determined that part of this Exempt Division IS in Flood Hazard Zone A-10.

William Y. Bivins, LS910003 DATE: September 3, 1996

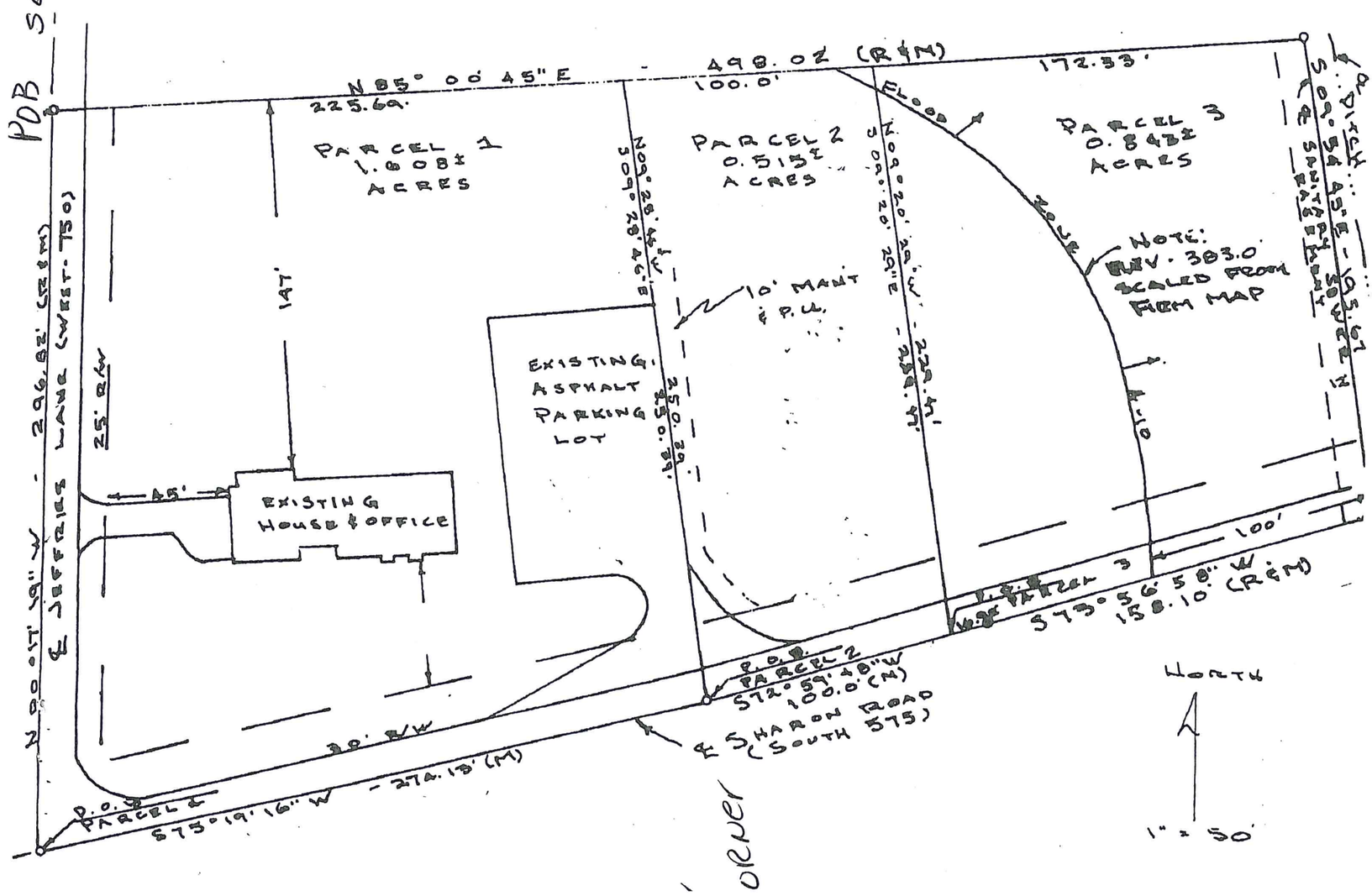
WILLIAM Y. BIVINS REGISTERED No. LS-910003 STATE OF INDIANA LAND SURVEYOR

SEWAGE DISPOSAL SYSTEM

Sewer service is available to all parcels from in-place lines from the Newburgh Sewer Department.

DATE: Sept 6, 1996

DOC NO: 1996R-008999
DATE: 1996-09-18 TIME: 10:25 AM
WARRICK COUNTY RECORDER, SHARON NEIDHEIT Pages: 5



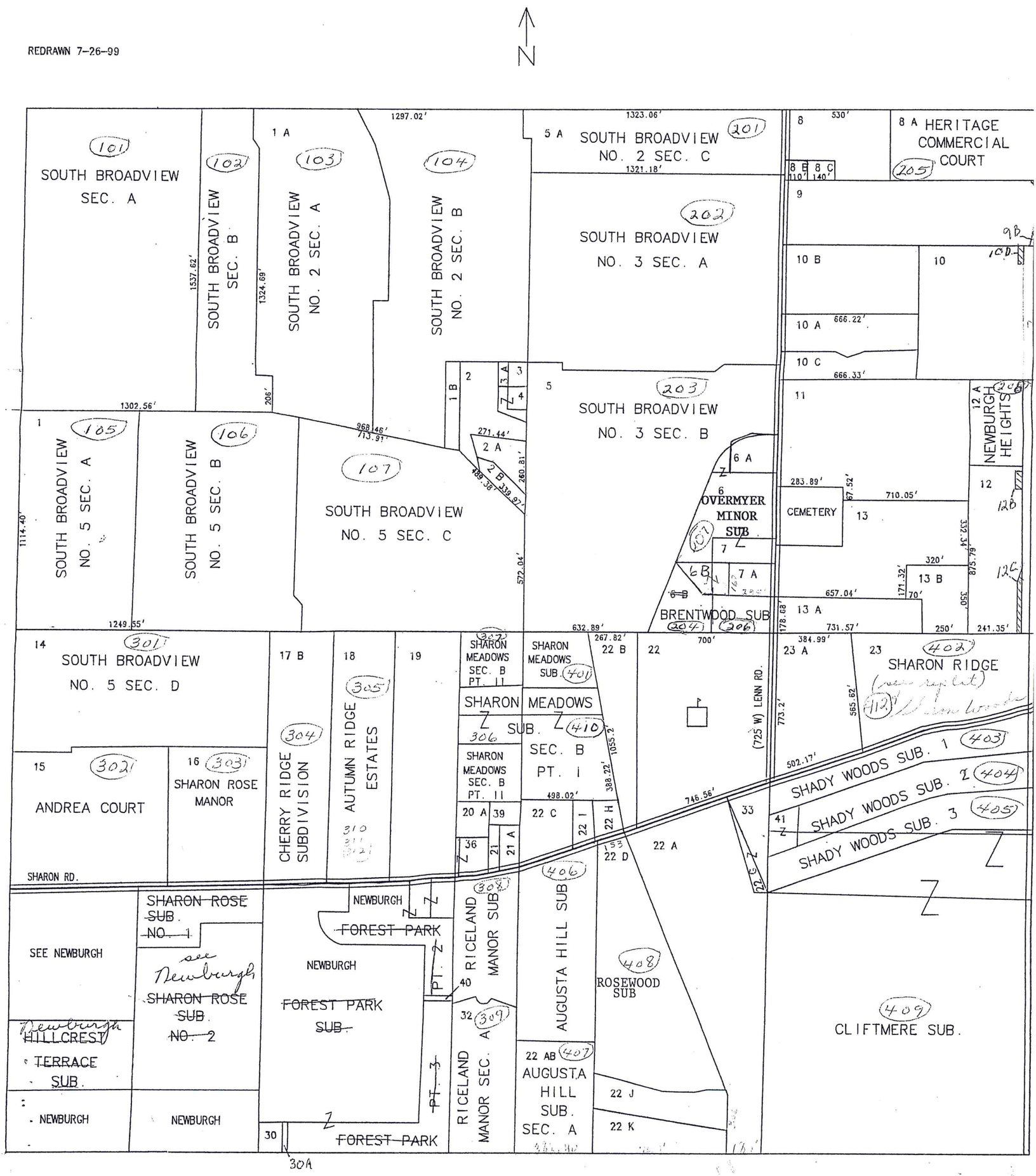
ORNER

FORM 2—MOORE-LANGEN PRINTING & PUBLISHING CO.—TERRE HAUTE, INDIANA

WARRICK COUNTY, INDIANA

ASSESSORS PLAT BOOK FOR OHIO TOWNSHIP, TOWN OR CITY

SECTION 35 TOWNSHIP 6S RANGE 9W U. S. LAND SURVEY

BLOCK SCALE ONE INCH = 500 FEET ADDITION

REDRAWN 7-26-99