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2017R-007941
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WARRICK COUNTY RECORDER
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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2017-23

PLAN COMMISSION DOCKET # PC-R-17-08

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-1A, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of the Northwest Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows: COMMENCING at the Southwest Corner of said Quarter Quarter Section; thence North 00° 00' 00" East, along the West line thereof, 916.08 feet; thence North 90° 00' 00" East - 331.67 feet to the POINT OF BEGINNING; thence North 90° 00' 00" East - 331.67 feet to the centerline of Stacer Road; thence North 00° 00' 00" East, along said centerline, 131.33 feet; thence South 90° 00' 00" West - 331.67 feet; thence South 00° 00' 00" West - 131.33 feet to the POINT OF BEGINNING and containing 1.000 acres, more or less.

which real estate is now zoned and classified as part of the R-1A 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 _____ 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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.

President

Member

Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor

9/14/17
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

WILLIAM Y. BIVINS, PE-PS
Printed Name

This document prepared by WILLIAM Y. BIVINS, PE-PS, 10579 OAK GROVE ROAD, NEWBURGH, IN 47630

Cross Ref. # 2017R-007948

TWO TRACTS OF LAND BEING PARTS OF THE NORTHWEST, SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 16, AND PART OF THE SOUTHEAST QUARTER OF SECTION 17, ALL OF TOWNSHIP 4 SOUTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN, WARRICK COUNTY, INDIANA

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2017R-007945
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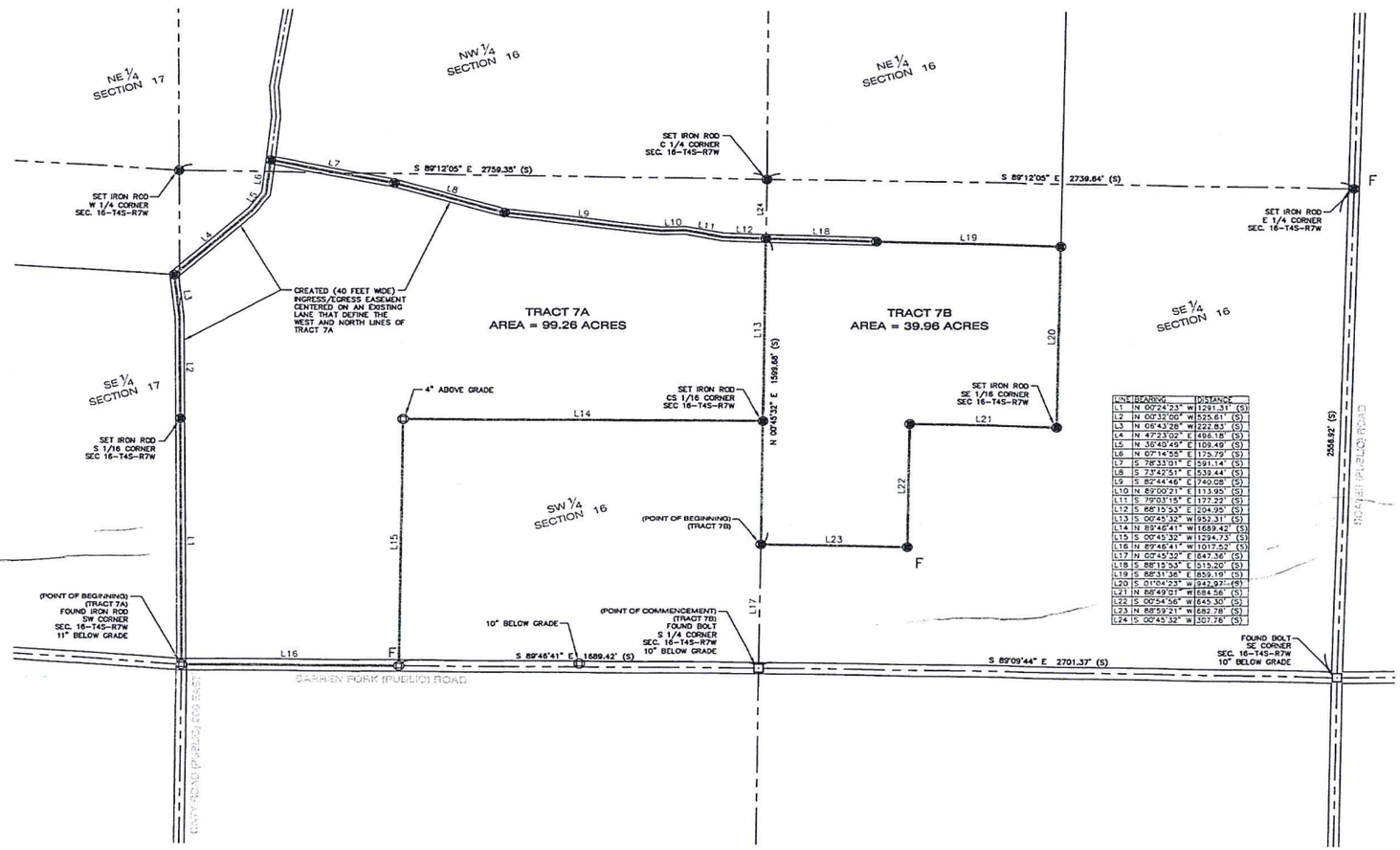
0' 300' 600'
SCALE: 1" = 300'

LEGEND

N/F	NOW OR FORMERLY
⊠	FOUND BOLT
⊕	FOUND IRON ROD
⊗	SET (5"X24") IRON ROD W/ CAP STAMPED "FIROF LS21500012"
F ⊗	INDICATES MONUMENT FOUND/SET FLUSH



LINE	BEARING	DISTANCE
L1	N 00°24'23" W	1291.31' (S)
L2	N 00°32'00" W	525.61' (S)
L3	N 06°43'28" W	222.83' (S)
L4	N 47°23'02" E	496.18' (S)
L5	N 36°40'49" E	109.49' (S)
L6	N 07°14'55" E	175.79' (S)
L7	S 78°33'01" E	591.14' (S)
L8	S 73°42'51" E	539.44' (S)
L9	S 82°44'46" E	740.08' (S)
L10	N 89°00'21" E	113.95' (S)
L11	S 79°03'15" E	177.22' (S)
L12	S 86°15'53" E	204.95' (S)
L13	S 00°45'32" W	952.31' (S)
L14	N 89°46'41" W	1589.42' (S)
L15	S 00°45'32" W	1294.73' (S)
L16	N 89°46'41" W	1017.52' (S)
L17	N 00°45'32" E	647.36' (S)
L18	S 88°15'53" E	515.20' (S)
L19	S 88°31'36" E	859.19' (S)
L20	S 01°04'23" W	942.92' (S)
L21	N 88°49'01" W	684.56' (S)
L22	S 00°54'56" W	645.30' (S)
L23	N 88°59'21" W	682.78' (S)
L24	S 00°45'32" W	307.76' (S)

SURVEYOR'S REPORT:

IN ACCORDANCE WITH 865 IAC 1-12, THE FOLLOWING INFORMATION IS PRESENTED CONCERNING EVIDENCE USED TO ESTABLISH THIS SURVEY BECAUSE OF THE FOLLOWING:
a.) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS;
b.) OCCUPATION OR POSSESSION OF TITLE;
c.) CLARITY OR AMBIGUITY OF RECORD DESCRIPTION USED AND/OR ADJOINER'S DESCRIPTIONS; AND
d.) THE THEORETICAL UNCERTAINTY OF THE MEASUREMENTS

THE THEORETICAL UNCERTAINTY OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A RURAL SURVEY AS DEFINED IN 865 IAC 1-12.

SURVEY TO ESTABLISH THE PROPERTY DESCRIBED HEREON IN INSTRUMENT NUMBER 2005R-014403, AND CREATE FOUR NEW TRACTS BEING A PORTION OF SAID PROPERTY.

ALL LINES AND CORNERS WERE ESTABLISHED FROM SECTION CORNER MONUMENTS RECOVERED FROM WARRICK COUNTY SURVEYOR RECORDS FOR SECTION 4, 8, 9, 16, 17, AND 18, AND CORNERS OF PREVIOUS SURVEYS.

THE EAST 1/4 CORNER OF SECTION 4 WAS ESTABLISHED 2640 FEET NORTHERLY OF A FOUND IRON ROD MARKING THE SE CORNER OF SECTION AND ON A LINE BETWEEN SAID FOUND ROD AND A FOUND ROD MARKING THE NORTHEAST CORNER OF SECTION 4.

THE EAST 1/4 CORNER OF SECTION 16 WAS ESTABLISHED AT THE MIDPOINT BETWEEN A BOLT FOUND MARKING THE SE CORNER, AND A RAILROAD SPIKE FOUND MARKING THE NORTHEAST CORNER ALL OF SECTION 16.

THE SW CORNER OF SECTION 17 WAS ESTABLISHED BY RUNNING A LINE ALONG THE CENTERLINE OF THE EXISTING ROAD THE RECORDED DISTANCE OF 5478.00 FEET (PLAT OF SURVEY OF SECTIONS 19 & 20). THE S 1/4 CORNER WAS ESTABLISHED MIDWAY BETWEEN THESE POINTS.

THE C 1/4 CORNER OF SECTON 9 WAS ESTABLISHED BY REPLICATING THE BEARING AND DISTANCE BETWEEN THE E 1/16 CORNER, AND THE NE 1/16 CORNER TO DETERMINE THE CE 1/16 CORNER AND THEN REPLICATING THE BEARING AND DISTANCE FROM THE E 1/4 CORNER AND THE CE 1/16 CORNER.

THE WEST 1/4 CORNER OF SECTION 9 WAS ESTABLISHED BY REPLICATING THE BEARING AND DISTANCE FROM THE E 1/4 CORNER TO THE C 1/4 CORNER.

THE WEST LINE OF SECTION 9 AND SECTION 16 WERE ESTABLISHED BY RUNNING A LINE FROM THE WEST 1/4 CORNER OF SECTION 9 TO THE SW CORNER OF SECTION 16. THE NORTHWEST CORNER OF SECTION 9 WAS ESTABLISHED BY EXTENDING THE LIN NORTH TO THE POINT OF INTERSECTION WITH A LINE RUNNING FROM THE NORTHEAST CORNER OF SECTION 9 THROUGH EAST 1/16 CORNER OF SECTION 9.

THE NORTH 1/4 CORNER OF SECTION 9 WAS ESTABLISHED AT THE MID POINT BETWEEN THE NE AND NW CORNERS OF SECTION 9.

THE C 1/4 CORNER OF SECTION 4 WAS ESTABLISHED 2640.00' NORTHERLY OF THE S 1/4 CORNER ALONG A BEARING REPLICATING THAT OF THE EAST LINE OF SECTION 4.

THE SW CORNER OF SECTION 9 WAS ESTABLISHED BY REPLICATING THE BEARING AND DISTANCE BETWEEN THE NW CORNER AND THE W 1/4 CORNER OF SECTION 9.

THE NW CORNER OF SECTION 17 WAS ESTABLISHED AT THE INTERSECTION OF RECORDED DISTANCES PER PLAT OF SURVEY DATED MAY 16, 1868.

THE N 1/4 CORNER OF SECTON 17 WAS ESTABLISHED AT THE MIDPOINT BETWEEN THE NW AND NE CORNERS OF SECTION 17.

THE W 1/4 CORNER OF SECTION 17 WAS ESTABLISHED AT THE MIDPOINT BETWEEN THE NW AND SW CORNERS OF SECTION 17.

THE WEST 1/4 CORNER OF SECTION 16 WAS ESTABLISHED AT THE MIDPOINT BETWEEN THE NW AND SW CORNERS OF SECTION 16.

THE C 1/4 CORNER OF SECTION 17 WAS ESTABLISHED AT THE INTERSECTION OF LINES BETWEEN THE E AND W 1/4 CORNERS OF SECTION 17 AND THE N AND S 1/4 CORNERS OF SECTION 17.

THE N 1/4 CORNER OF SECTION 16 WAS ESTABLISHED AT THE MIDPOINT BETWEEN THE NW AND NE CORNERS OF SECTION 16.

THE C 1/4 CORNER OF SECTION 16 WAS ESTABLISHED AT THE INTERSECTION OF LINES BETWEEN THE E AND W 1/4 CORNERS OF SECTION 16 AND THE N AND S 1/4 CORNERS OF SECTION 16.

EVIDENCE OF EASEMENTS HAS NOT BEEN LOCATED IN THE FIELD AND IS NOT SHOWN ON THIS SURVEY PLAT.

THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THIS SURVEY.

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION MIGHT DISCLOSE.

GENERAL NOTES:

1. ALL DISTANCES ARE SURVEYED (S) AND RECORDED (R), UNLESS OTHERWISE NOTED.
2. TOTAL AREA: TRACT 7A = 99.26 ACRES
   TRACT 7B = 39.96 ACRES
3. FIELD WORK COMPLETED JANUARY 15, 2017.
4. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT INDIANA MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
5. BASIS OF BEARINGS: GRID BEARINGS ARE BASED UPON THE UNITED STATES PLANE COORDINATE SYSTEM OF 1983, INDIANA WEST 1302 ZONE.
6. SOURCE OF RECORD TITLE: AN CORPORATION QUITCLAIM DEED TO MIDWEST COAL RESERVES OF INDIANA, LLC, RECORDED AS DOCUMENT NUMBER 2005R-014403 IN THE WARRICK COUNTY, INDIANA RECORDER'S OFFICE.
7. ALL RODS SET SIX INCHES ABOVE GRADE UNLESS OTHERWISE NOTED OR MARKED

LAND DESCRIPTION TRACT 7A:

A TRACT OF LAND BEING PART OF THE WEST HALF OF SECTION 16 AND PART OF THE SOUTHEAST QUARTER OF SECTION 17, ALL IN TOWNSHIP 4 SOUTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN, WARRICK COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A FOUND IRON ROD MARKING THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, NORTH 00 DEGREES 24 MINUTES 23 SECONDS WEST, 1291.21 FEET TO A SET IRON ROD MARKING THE SOUTH SIXTEENTH CORNER OF SAID SECTION 16; THENCE LEAVING SAID WEST LINE, ALONG THE CENTERLINE OF AND EXISTING GRAVEL LANE, NORTH 00 DEGREES 32 MINUTES 00 SECONDS WEST, 525.61 FEET; THENCE NORTH 06 DEGREES 43 MINUTES 28 SECONDS WEST, 222.83 FEET; THENCE NORTH 47 DEGREES 23 MINUTES 02 SECONDS EAST, 496.18 FEET; THENCE NORTH 36 DEGREES 40 MINUTES 49 SECONDS EAST, 109.49 FEET; THENCE NORTH 07 DEGREES 14 MINUTES 55 SECONDS EAST, 175.79 FEET TO A SET IRON ROD; THENCE SOUTH 78 DEGREES 33 MINUTES 01 SECONDS EAST, 591.14 FEET TO A SET IRON ROD; THENCE SOUTH 73 DEGREES 42 MINUTES 51 SECONDS EAST, 539.44 FEET TO A SET IRON ROD; THENCE SOUTH 82 DEGREES 44 MINUTES 46 SECONDS EAST, 740.08 FEET; THENCE NORTH 89 DEGREES 00 MINUTES 21 SECONDS EAST, 113.95 FEET; THENCE SOUTH 79 DEGREES 03 MINUTES 15 SECONDS EAST, 177.22 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 53 SECONDS EAST, 204.95 FEET TO A SET IRON ROD; THENCE LEAVING SAID CENTERLINE, SOUTH 00 DEGREES 45 MINUTES 32 SECONDS WEST, 952.31 FEET TO A SET IRON ROD MARKING THE CENTER SOUTH SIXTEENTH CORNER OF SAID SECTION 16; THENCE NORTH 89 DEGREES 46 MINUTES 41 SECONDS WEST, 1589.42 FEET TO A FOUND IRON ROD; THENCE SOUTH 00 DEGREES 45 MINUTES 32 SECONDS WEST, 1294.73 FEET TO A FOUND IRON ROD; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16, NORTH 89 DEGREES 46 MINUTES 41 SECONDS WEST, 1017.52 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 99.26 ACRES, TOGETHER WITH AND SUBJECT TO A CREATED 40 FEET WIDE INGRESS/EGRESS EASEMENT OVER AN EXISTING LANE AND CENTERED ON THE WEST AND NORTH LINES OF THE ABOVE DESCRIBED TRACT OF LAND, IS BASED UPON AN ACTUAL BOUNDARY SURVEY COMPLETED BY THE JONES SURVEYING AND ENGINEERING CORPORATION, DURING THE MONTH OF AUGUST, 2017 AND IS SUBJECT TO ALL ROAD RIGHT-OF-WAYS, EASEMENTS OF RECORD AND/OR PRESCRIPTION, RESTRICTIONS, RESERVATIONS AND CONDITIONS OF RECORD, IF ANY.

LAND DESCRIPTION TRACT 7B:

A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN, WARRICK COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A FOUND BOLT MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 16; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 16, NORTH 00 DEGREES 45 MINUTES 32 SECONDS EAST, 647.36 FEET TO A SET IRON ROD MARKING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

FROM THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00 DEGREES 45 MINUTES 32 SECONDS EAST, 1599.68 FEET TO A SET IRON ROD ON THE CENTERLINE OF AN EXISTING LANE; THENCE ALONG SAID CENTERLINE, SOUTH 88 DEGREES 15 MINUTES 53 SECONDS EAST, 515.20 FEET TO A SET IRON ROD; THENCE LEAVING SAID CENTERLINE, SOUTH 88 DEGREES 31 MINUTES 36 SECONDS EAST, 859.19 FEET TO A SET IRON ROD ON THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG SAID EAST LINE, SOUTH 01 DEGREES 04 MINUTES 23 SECONDS WEST, 942.87 FEET TO A SET IRON ROD MARKING THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 16; THENCE NORTH 88 DEGREES 49 MINUTES 01 SECONDS WEST, 684.56 FEET TO A SET IRON ROD; THENCE SOUTH 00 DEGREES 54 MINUTES 56 SECONDS WEST, 645.30 FEET TO A SET IRON ROD; THENCE NORTH 88 DEGREES 59 MINUTES 21 SECONDS WEST, 682.78 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 39.96 ACRES, TOGETHER WITH AND SUBJECT TO A CREATED 40 FEET WIDE INGRESS/EGRESS EASEMENT OVER AN EXISTING LANE AND CENTERED ON THE WEST AND NORTH LINES OF TRACT 7A AS SHOWN HEREON, IS BASED UPON AN ACTUAL BOUNDARY SURVEY COMPLETED BY THE JONES SURVEYING AND ENGINEERING CORPORATION, DURING THE MONTH OF AUGUST, 2017 AND IS SUBJECT TO ALL ROAD RIGHT-OF-WAYS, EASEMENTS OF RECORD AND/OR PRESCRIPTION, RESTRICTIONS, RESERVATIONS AND CONDITIONS OF RECORD, IF ANY.

FLOOD ZONE DETERMINATION:

I, CHRISTOPHER T. FIROF, REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, HEREBY CERTIFY, THAT I HAVE EXAMINED THE FEMA FLOOD HAZARD MAP, COMMUNITY PANEL 18173C0075D DATED AUGUST 2, 2012 AND HAVE DETERMINED THAT NO PART OF THIS SURVEY IS IN A DESIGNATED FLOOD HAZARD ZONE.

CHRISTOPHER T. FIROF
INDIANA PROFESSIONAL LAND SURVEYOR NUMBER 21500012

DATE

CHRISTOPHER T. FIROF REGISTERED No. 21500012 STATE OF INDIANA LAND SURVEYOR

SURVEYOR'S CERTIFICATION:

TO: MIDWEST COAL RESERVES OF INDIANA, C/O BRIAN YANSEN

I, CHRISTOPHER T. FIROF HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON JANUARY 29, 2016, THAT ALL MONUMENTS AND MARKERS ACTUALLY EXIST, AND THAT THEIR LOCATION, SIZE AND TYPE OF MATERIAL ARE ACCURATELY SHOWN.

I FURTHER CERTIFY THAT I HAVE CONDUCTED THIS SURVEY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF IT WAS EXECUTED IN ACCORDANCE WITH THE SURVEY REQUIREMENTS OF 865 IAC 1-12.

JONES SURVEYING & ENGINEERING CORPORATION

PROJECT NO: 2017-208

CHRISTOPHER T. FIROF REGISTERED No. 21500012 STATE OF INDIANA LAND SURVEYOR

CHRISTOPHER T. FIROF
IL. PROFESSIONAL LAND SURVEYOR NO. 035-003838
IN. PROFESSIONAL LAND SURVEYOR NO. 21500012

DATED: AUGUST 17, 2017

MY LICENSE EXPIRES NOVEMBER 30, 2018

*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
Teresa Fruit*

REVISIONS	
DATE	DESC.

CLIENT: PEABODY ENERGY
C/O BRIAN YANSEN
701 MARKET STREET
ST. LOUIS, MO 63101

BOUNDARY SURVEY

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CHECKED BY	RPJ
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Job Number	2017-208