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2018R-003842
PAT BROOKS
WARRICK COUNTY RECORDER
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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2018-10

PLAN COMMISSION DOCKET # PC-R-18-03

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", 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 Northwest Quarter of Section 31, Township 5 South, Range 8 West in Boon Township, Warrick County, Indiana being more particularly described as follows:

Commencing at the Northeast Corner of said Half Quarter Section, being a set MAG nail with washer stamped "Morley & Assoc. ID#0023"; thence along the east line of said Half Quarter Section, South 00 degrees 05 minutes 23 seconds West 1012.47 feet to a set 5/8" rebar with a plastic cap stamped "Morley and Assoc. ID #0023", hereon called a Morley Cap, and being the Point of Beginning; thence continuing along east line South 00 degrees 05 minutes 23 seconds West 610.32 feet to a set Morley Cap on the North right-of-way of State Highway 62; thence along said right-of-way, South 75 degrees 09 minutes 32 seconds West 145.04 feet to a set Morley cap on the East line of BTB Development Subdivision recorded as Document 1995R-2200 in the office of the Recorder of Warrick County, Indiana; thence along said east line, and east line extended, North 00 degrees 22 minutes 16 seconds East 647.70 feet to a set Morley Cap; thence South 89 degrees 54 minutes 37 seconds East 136.96 feet the point of beginning, containing 2.00 acres (87,120 square feet)

Which real estate is now zoned and classified as part of the A District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall and the same is hereby rezoned and reclassified from said A 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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.

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.

ATTEST:

Deborah K. Stevens
County Auditor

5/14/18
Date Approved

Dan Saylor
President

Robert H. Johnson
Member

Marli Weisheit
Member

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA

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.

Eric L. Obermeier
Signature

Eric L. Obermeier
Printed Name

This document prepared by Eric L. Obermeier of Morley.

X Ref # 2018R-002515

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FILED

MAR 06 2018

WARRICK COUNTY
AREA PLAN COMMISSION

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Roberts Investment Holdings (Petitioner) and Towhee Corporation (Owner), is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as:

Part of the West Half of the Northwest Quarter of Section 31, Township 5 South, Range 8 West in Boon Township, Warrick County, Indiana being more particularly described as follows:

Commencing at the Northeast Corner of said Half Quarter Section, being a set MAG nail with washer stamped "Morley & Assoc. ID#0023"; thence along the east line of said Half Quarter Section, South 00 degrees 05 minutes 23 seconds West 1012.47 feet to a set 5/8" rebar with a plastic cap stamped "Morley and Assoc. ID #0023", hereon called a Morley Cap, and being the Point of Beginning; thence continuing along east line South 00 degrees 05 minutes 23 seconds West 610.32 feet to a set Morley Cap on the North right-of-way of State Highway 62; thence along said right-of-way, South 75 degrees 09 minutes 32 seconds West 145.04 feet to a set Morley cap on the East line of BTB Development Subdivision recorded as Document 1995R-2200 in the office of the Recorder of Warrick County, Indiana; thence along said east line, and east line extended, North 00 degrees 22 minutes 16 seconds East 647.70 feet to a set Morley Cap; thence South 89 degrees 54 minutes 37 seconds East 136.96 feet the point of beginning, containing 2.00 acres (87,120 square feet)

WHEREAS, as the real estate is currently classified as an A 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 classified 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 Real Estate shall be limited to the following uses: All C-4 uses allowed in the "Comprehensive Zoning Article for Warrick County, Indiana" except for the permitted use of taverns, bars, nightclubs and restaurants serving alcoholic beverages consumed on premises and package liquor stores. (Article XIV – Section 3–9)

2. 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 of 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 2 day of March, 2018 by said owner for the purpose set forth herein.

Petitioner: (Sign) _____
Clint Roberts

Roberts investment Holdings

Owner: (Sign) Bruce H. Baker
(Print) Bruce H. Baker

Towhee Corporation

STATE OF INDIANA)
) SS:
COUNTY OF Vanderburgh)

Before me, the undersigned, a Notary Public and for said County and State, personally, appeared the within named Clint Roberts & Bruce Baker 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 2nd day of March, 2018.

NOTARY PUBLIC

Corine R. Kluemper
Signature

Corine R. Kluemper
Printed Name
A resident of Vanderburgh County, Indiana.
My commission expires: 9/30/2022

This instrument prepared by: Eric Obermeier
Morley
4800 Rosebud Lane
Newburgh, Indiana
(812) 464-9585

NOTARY PUBLIC SEAL INDIANA
CORINE R. KLUEMPER
Resident of Vanderburgh County, IN
Commission Expires: September 30, 2022
Commission # 546560741N

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