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2018R-003844
PAT BROOKS
WARRICK COUNTY RECORDER
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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2018-12

PLAN COMMISSION DOCKET # PC-R-18-06

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

Part of the Southeast Quarter of the Northwest Quarter and Part of the West Half of the Northeast Quarter of Section 23, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along the south line thereof, North 89 Degrees 50 Minutes 06 Seconds East 979.74 feet to the Northwest corner of Lot 40 in the Amended Plat of Old Hickory Estates II recorded in Plat File 1, Card 363 in the office of the Recorder of Warrick County, Indiana, being the point of beginning and the southeast corner of Lot 64 in Old Hickory Estates III recorded in Plat File 1, Card 379; thence along the east line thereof, North 12 degrees 59 minutes 51 seconds West 30.75 feet; thence along the east line of said Lot 64 and Lot 65, North 27 degrees 13 minutes 41 seconds East 211.81 feet; thence continue along the east line of said Lot 65, North 33 degrees 14 minutes 21 seconds East 79.10 feet to the northwest corner of a tract of land conveyed to Chris A. and Alicia A. Gilkey in Document Number 2005R-003938; thence along the north line thereof, North 89 degrees 47 minutes 09 seconds East 208.92 feet to the west right-of-way line of State Road 261; thence along the west line thereof, South 26 degrees 30 minutes 09 seconds West 207.08 feet; thence continue along said west line, South 27 degrees 53 minutes 30 seconds West 56.37 feet; thence continue along said west line, South 36 degrees 25 minutes 21 seconds West 61.59 feet to a point on the north line of said Lot 40; thence along the north line thereof, South 89 degrees 50 minutes 06 seconds West 186.92 feet to the point of beginning containing 1.41 Acres (61,584 sq. ft.).

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.

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ATTEST:

County Auditor

5/15/18

Date Approved

President

Member

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.

Signature

Printed Name

This document prepared by Bret Sermersheim of Morley

X Ref # 2018R-001883
2005R-003937
2005R-003938

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Gilkey, Chris A and Alicia A Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as ADIO, which real estate is more particularly described as follows, to wit:

Part of the Southeast Quarter of the Northwest Quarter and Part of the West Half of the Northeast Quarter of Section 23, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 23; thence along the south line thereof, North 89 Degrees 50 Minutes 06 Seconds East 979.74 feet to the Northwest corner of Lot 40 in the Amended Plat of Old Hickory Estates II recorded in Plat File 1, Card 363 in the office of the Recorder of Warrick County, Indiana, being the point of beginning and the southeast corner of Lot 64 in Old Hickory Estates III recorded in Plat File 1, Card 379; thence along the east line thereof, North 12 degrees 59 minutes 51 seconds West 30.75 feet; thence along the east line of said Lot 64 and Lot 65, North 27 degrees 13 minutes 41 seconds East 211.81 feet; thence continue along the east line of said Lot 65, North 33 degrees 14 minutes 21 seconds East 79.10 feet to the northwest corner of a tract of land conveyed to Chris A. and Alicia A. Gilkey in Document Number 2005R-003938; thence along the north line thereof, North 89 degrees 47 minutes 09 seconds East 208.92 feet to the west right-of-way line of State Road 261; thence along the west line thereof, South 26 degrees 30 minutes 09 seconds West 207.08 feet; thence continue along said west line, South 27 degrees 53 minutes 30 seconds West 56.37 feet; thence continue along said west line, South 36 degrees 25 minutes 21 seconds West 61.59 feet to a point on the north line of said Lot 40; thence along the north line thereof, South 89 degrees 50 minutes 06 seconds West 186.92 feet to the point of beginning containing 1.41 Acres (61,584 sq. ft.).

WHEREAS, as the real estate is currently classified as a R-O and R-1A 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:
    1) Single family dwelling
    2) Up to four (4) independent dwelling units
    3) Professional offices for the conduct of real estate, mortgage financing, insurance, architects, attorney, accountants, tax consultants, engineers, medical, optometric and dental (including clinics)
    4) Mixed use building to include commercial, office and residential (commercial and office only to include those uses noted above)

5) Accessory uses which are incidental to and maintained on the same lot in common which are associated with the operations of the permitted use.

2. Use of the Real Estate shall be limited to the following development requirements:

N/A

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 12th day of MARCH, 2018 by Chris A. & Alicia A. Gilkey for the purpose set forth herein.

Chris A. Gilkey

Chris A Gilkey

Alicia A. Gilkey

Alicia A Gilkey

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 Chris A. & Alicia A. Gilkey

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 12th day of MARCH, 2018.

NOTARY PUBLIC

Bret A. Sermersheim

Signature

Bret A. Sermersheim

Printed Name

A resident of VANDERBURGH County, Indiana.
My commission expires: August 5, 2018
This instrument prepared by: Bret Sermersheim of Morley

BRET A. SERMERSHEIM
COMMISSION
NOTARY
SEAL
PUBLIC
619997
STATE OF INDIANA