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2018R-005484
PAT BROOKS
WARRICK COUNTY RECORDER
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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2018-017

PLAN COMMISSIONER DOCKET # PC-R-18-09

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

Lot 80-C in Triple Crown Estates, Replats Lots 80 & 81, Plat File 1 Card 421 in of office of the Warrick County Recorder.

which real estate is now zoned and classified as part of the C-1 Neighborhood Commercial 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 C-1 Neighborhood Commercial District to said C-2 Community Commercial 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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.

President

Member

Member

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:

County Auditor

7/9/18
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

John Colbert
Printed Name

This document prepared by _____.

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Stage One Holdings LLC, an Indiana limited liability company ("Petitioner"), is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as Lot 80-C in the Replat of Lots 80-81 in Triple Crown Estates (the "Real Estate"), which Real Estate is more particularly described as follows, to wit:

Lot 80-C in the Replat of lots 80-81 in Triple Crown Estates as recorded in Plat File 1 Card 421 in the Warrick County Recorder's Office.

WHEREAS, as the Real Estate is currently classified as a C-1 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-2; 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:

   Wine Bar/restaurant with no fewer than forty (40) parking spaces, no outside live musical entertainment, to remain open to the public no later than 9:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday, and all uses allowed in a C-1 Zoning District.

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

   Wine Bar/restaurant with no fewer than forty (40) parking spaces, no outside live musical entertainment, to remain open to the public no later than 9:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday, and all uses allowed in a C-1 Zoning District.

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 29 day of June, 2018, by Petitioner for the purpose set forth herein.

STAGE ONE HOLDINGS, LLC, an
Indiana limited liability company

By: _____
John Colbert, CEO

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, a Notary Public in and for said County and State, personally appeared John Colbert, CEO of Stage One Holdings, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing instrument for and on behalf of said company.

WITNESS my hand and Notarial Seal this 29 day of June, 2018.

OFFICIAL SEAL
SUSAN B. TAYLOR
NOTARY PUBLIC - INDIANA
WARRICK COUNTY #698430
My Comm. Expires April 19, 2025

[NOTARIAL SEAL]

Susan B. Taylor

Name: _____

Notary Public, State of _____

My commission expires:

_____

County of residence:

_____

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. */Seth B. Zirkle/*

This instrument was prepared by Seth B. Zirkle, Jackson Kelly PLLC, 221 NW Fifth Street, Evansville, IN 47708.