



WARRICK COUNTY COMMISSIONERS ORDINANCE # CC-2018-24

PLAN COMMISSIONER DOCKET # PC-R-18-07

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" AGRICULTURAL, 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 Southwest Quarter of Section 14, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

COMMENCING at a railroad spike found at the Southwest Corner of said Quarter Quarter Section; thence North 00° 43' 29" East, along the West line thereof, 264.0 feet; thence South 89° 57' 57" East - 50.98 feet to a 5/8" iron pin found on the East Right-of-Way of Coal Mine Road at the POINT OF BEGINNING; thence North 10° 02' 48" West, along said Right-of-Way, 86.92 feet; thence North 02° 15' 58" West, along said Right-of-Way, 84.04 feet; thence North 00° 40' 15" East, along said Right-of-Way, 94.45 feet to a 5/8" iron pin with Bivins Cap, found; thence South 89° 57' 07" East - 299.74 feet to a 5/8" iron pin with Bivins Cap, found; thence South 00° 43' 00" West - 264.00 feet to 5/8" iron pin, found; thence North 89° 57' 07" West - 279.02 feet to the POINT OF BEGINNING and containing 1.787 acres, more or less.

which real estate is now zoned and classified as part of the "A" AGRICULTURAL 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 "A" AGRICULTURAL District to said PUD/R-1 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 All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.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.

Dan Saylor
President
Rob Hill
Member
Mari Wersheit
Member
BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

ATTEST:
Alfred L. Steward
County Auditor
9/10/18
Date Approved

X Ref #
2018R-001832

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]
Signature
William Y Bivins PE-PS
Printed Name

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, KEN FAVER Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 2944 COAL MINE ROAD, which real estate is more particularly described as follows, to wit:

Part of the Southeast Quarter of the Southwest Quarter of Section 14, Township 6 South, Range 9 West, Ohio Township, Warrick County, Indiana, more particularly described as follows:

COMMENCING at a railroad spike found at the Southwest Corner of said Quarter Quarter Section; thence North 00° 43' 29" East, along the West line thereof, 264.0 feet; thence South 89° 57' 57" East - 50.98 feet to a 5/8" iron pin found on the East Right-of-Way of Coal Mine Road at the POINT OF BEGINNING; thence North 10° 02' 48" West, along said Right-of-Way, 86.92 feet; thence North 02° 15' 58" West, along said Right-of-Way, 84.04 feet; thence North 00° 40' 15" East, along said Right-of-Way, 94.45 feet to a 5/8" iron pin with Bivins Cap, found; thence South 89° 57' 07" East - 299.74 feet to a 5/8" iron pin with Bivins Cap, found; thence South 00° 43' 00" West - 264.00 feet to 5/8" iron pin, found; thence North 89° 57' 07" West - 279.02 feet to the POINT OF BEGINNING and containing 1.787 acres, more or less.

WHEREAS, as the real estate is currently classified as a "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 reclassified to zoning district PUD/R-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:

SINGLE FAMILY RESIDENCES

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

SINGLE FAMILY RESIDENCES

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 18th day of March, 2018 by Ken Faver for the purpose set forth herein.

Ken Faver
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 KEN FAVER 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 18th day of March, 2018.

NOTARY PUBLIC

Elyata Jean Bivins
Signature



ELYATA JEAN BIVINS
Printed Name

A resident of WARRICK County, Indiana.

My commission expires: SEPTEMBER 9, 2022

This instrument prepared by: WILLIAM Y. BIVINS, PE-PS
(Name)

10579 OAK GROVE ROAD, NEWBURGH, IN 47630
(Address)

812-858-9268
(phone)