WARRICK COUNTY COMMISSIONERS ORDINANCE # CC-2019-21

PLAN COMMISSION DOCKET # PC-R-19-08

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 C-4, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of the Northeast Quarter of the Southeast Quarter of Section 32, Township 6 South, Range 9 West lying in Ohio Township, Warrick County, Indiana and more particularly described as follows:
Commencing at the Southwest corner of the Northeast Quarter of the Southeast Quarter of said section; thence North 00 degrees 00 minutes 00 seconds East a distance of 357.62 feet to the point of beginning; thence North 00 degrees 00 minutes 00 seconds East a distance of 234.75 feet to a point on a curve; being the Southwest right-of-way line of State Road 662; thence Southeasterly along a curve to the right, having a radius of 5684.58 feet, a chord bearing South 76 degrees 44 minutes 24 seconds East a distance of 159.22 feet, an arc length of 159.23 feet to the point of tangent; thence South 14 degrees 03 minutes 45 seconds West a distance of 25.0 feet; thence South 75 degrees 37 minutes 56 seconds East a distance of 60.30 feet being Southwest right-of-way line of State Road 662 to the centerline of Willow Pond ditch; thence South 05 degrees 42 minutes 45 seconds West along centerline of said ditch a distance of 103.24 feet; thence continue South 08 degrees 26 minutes 22 seconds West along the centerline of said ditch a distance of 124.88 feet; thence North 69 degrees 22 minutes 55 seconds West a distance of 190.94 feet to the point of beginning and containing 1.084 acres more or less.

which real estate is now zoned and classified as part of the C-4 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-4 District, with a Use and Development Commitment to said C-4 District, with an amended Use and Development Commitment.

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

10/14/19
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 Reed
Printed Name

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, John Reed Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 10233 Highway 662, Newburgh which real estate is more particularly described as follows, to wit: See attached exhibit A

WHEREAS, as the real estate is currently classified as a C4 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 C4; 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:
   a. Public Auctions;
   b. Archery school practice facility and lessons;
   c. Retail;
   d. Related uses to above
2. Use of the Real Estate shall be limited to the following development requirements: No special requirements

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 7TH day of August, 20 19 by John Reed for the purpose set forth herein.

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 John Reed 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 7th day of August, 20 19.

NOTARY PUBLIC

Signature

SHARI MAUTZ
MY COMMISSION EXPIRES
August 25, 2020
SEAL
WARRICK COUNTY
NOTARY PUBLIC, STATE OF INDIANA

Shari Mautz
Printed Name

A resident of Warrick County, Indiana.

My commission expires: 8/25/2020

This instrument prepared by: _____
(Name)

_____
(Address)

_____
(phone)