WARRICK COUNTY COMMISSIONERS ORDINANCE # 2020-10

PLAN COMMISSION DOCKET # PC-R-20-04

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA
COMPREHENSIVE ZONING ORDINANCE BY REZOING 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 **Agricultural District** as shown on said Warrick County Zoning District Map, be amended as to the following described real estate:

Parcel One of Stradtner Minor Subdivision, as per plat thereof, recorded in document 2019R-009664 in the Office of the Recorder of Warrick County, Indiana, being a part of Parcel 1C of the Harold Barnett, Jr. and Patricia J. Barnett Minor Subdivision, as per plat thereof, recorded in document 2000R-002480 in the Office of the Recorder of Warrick County, Indiana, being a part of the West Half of the Southwest Quarter of Section 30, Township 6 South, Range 8 West, Ohio Township, Warrick County, Indiana and more particularly described as follows:

Commencing at the Southwest Corner of said Half Quarter Section; thence along the West line thereof, North 00 degrees 37 minutes 55 seconds East (bearings based upon the Indiana State Plane Coordinate System) 1111.74 feet to the Point of Beginning; thence South 89 degrees 22 minutes 05 seconds East 229.00 feet; thence North 00 degrees 37 minutes 55 seconds East 55.68 feet; thence North 69 degrees 47 minutes 13 seconds East 158.73 feet to an East line of said Parcel; thence along said line, North 20 degrees 12 minutes 47 seconds West 12.00 feet; thence South 69 degrees 47 minutes 13 seconds West 154.16 feet; thence North 00 degrees 37 minutes 55 seconds East 31.48 feet; thence North 89 degrees 22 minutes 05 seconds West 229.00 feet to the West line of said Parcel and the West line of said Half-Quarter Section; thence along said West line, South 00 degrees 37 minutes 55 seconds West 100.00 feet to the Point of Beginning, containing 0.569 acre, more or less.

Which real estate is now zoned and classified as part of the **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 **Agriculture District** to said **C-3 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.

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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, IN

ATTEST:

County Auditor

7/13/2020

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

Printed Name

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, **James & Misty Stradtner**, Petitioners, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as **Parcel One of Stradtner Minor Subdivision**, as which real estate is more particularly described as follows, to wit:

Commencing at the Southwest Corner of said Half Quarter Section; thence along the West line thereof, North 00 degrees 37 minutes 55 seconds East (bearings based upon the Indiana State Plane Coordinate System) 1111.74 feet to the Point of Beginning; thence South 89 degrees 22 minutes 05 seconds East 229.00 feet; thence North 00 degrees 37 minutes 55 seconds East 55.68 feet; thence North 69 degrees 47 minutes 13 seconds East 158.73 feet to an East line of said Parcel; thence along said line, North 20 degrees 12 minutes 47 seconds West 12.00 feet; thence South 69 degrees 47 minutes 13 seconds West 154.16 feet; thence North 00 degrees 37 minutes 55 seconds East 31.48 feet; thence North 89 degrees 22 minutes 05 seconds West 229.00 feet to the West line of said Parcel and the West line of said Half-Quarter Section; thence along said West line, South 00 degrees 37 minutes 55 seconds West 100.00 feet to the Point of Beginning, containing 0.569 acre, more or less.

WHEREAS, as the real estate is currently classified as an **AG** 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

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WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-3; 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:

For use by The Pool Doctor, which is a pool supply and service company and by Professional Tax & Accounting Services, operated by Misty Stradtner, CPA.

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

None.

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.

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IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this _____day of _____, 2020 by _____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 **James Stradtner** and **Misty Stradtner** 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 19 day of February, 2020.

Belinda Tooley
NOTARY PUBLIC

Signature-James Stradtner

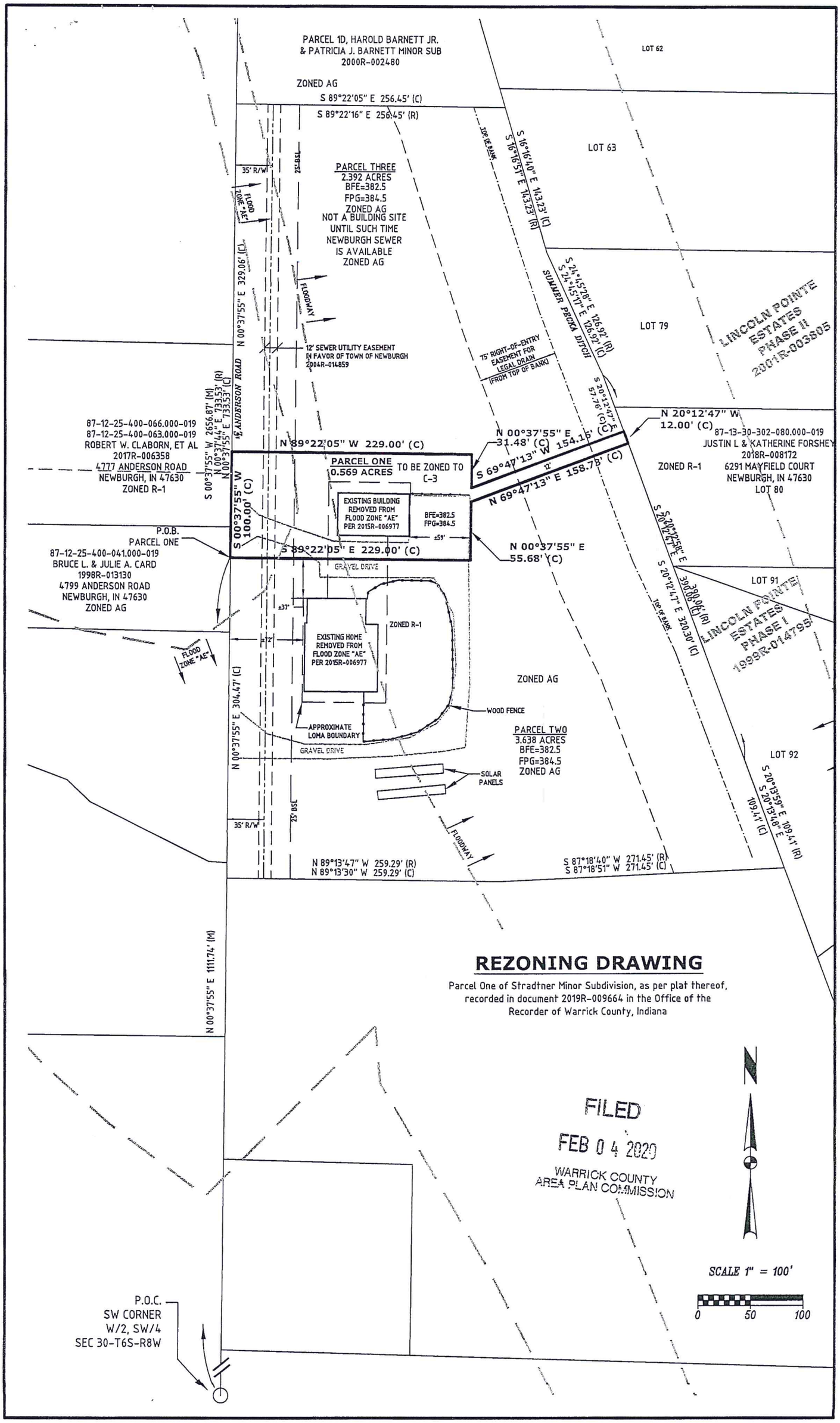
Signature-Misty Stradtner

A resident of Warrick County, Indiana.

BELINDA TOOLEY
Resident of Warrick County, IN
Commission Expires: January 24, 2025
Commission # 695816

My commission expires: 01-24-2025

This instrument prepared by: Chad A. Wagner
1000 Saint Johns Rd
Chandler, IN 47610


PARCEL 1D, HAROLD BARNETT JR.
& PATRICIA J. BARNETT MINOR SUB
2000R-002480
ZONED AG
S 89°22'05" E 256.45' (C)
S 89°22'16" E 256.45' (R)
LOT 62
LOT 63
LOT 79
LOT 91
LOT 92
PARCEL THREE
2.392 ACRES
BFE=382.5
FPG=384.5
ZONED AG
NOT A BUILDING SITE
UNTIL SUCH TIME
NEWBURGH SEWER
IS AVAILABLE
ZONED AG
35' R/W
25' BSL
FLOOD ZONE "AE"
FLOODWAY
N 00°37'55" E 329.06' (C)
12' SEWER UTILITY EASEMENT
IN FAVOR OF TOWN OF NEWBURGH
2004R-014859
75' RIGHT-OF-ENTRY
EASEMENT FOR
LEGAL DRAIN
(FROM TOP OF BANK)
SUMMER PROKA DITCH
S 16°16'40" E 143.23' (C)
S 16°16'51" E 143.23' (R)
S 21°45'28" E 126.92' (R)
S 21°45'11" E 126.92' (C)
S 20°12'47" E 57.76' (C)
LINCOLN POINTE
ESTATES
PHASE II
2001R-003805
N 20°12'47" W
12.00' (C)
87-12-25-400-066.000-019
87-12-25-400-063.000-019
ROBERT W. CLABORN, ET AL
2017R-006358
4777 ANDERSON ROAD
NEWBURGH, IN 47630
ZONED R-1
S 00°37'55" W 2656.87' (M)
N 00°37'44" E 733.53' (R)
N 00°37'55" E 733.53' (C)
±6' ANDERSON ROAD
N 89°22'05" W 229.00' (C)
PARCEL ONE
0.569 ACRES
TO BE ZONED TO
C-3
EXISTING BUILDING
REMOVED FROM
FLOOD ZONE "AE"
PER 2015R-006977
BFE=382.5
FPG=384.5
±59'
S 00°37'55" W
100.00' (C)
S 89°22'05" E 229.00' (C)
N 00°37'55" E
31.48' (C)
S 69°47'13" W 154.16' (C)
12'
N 69°47'13" E 158.75' (C)
N 00°37'55" E
55.68' (C)
87-13-30-302-080.000-019
JUSTIN L & KATHERINE FORSHEY
2018R-008172
6291 MAYFIELD COURT
NEWBURGH, IN 47630
LOT 80
ZONED R-1
P.O.B.
PARCEL ONE
87-12-25-400-041.000-019
BRUCE L. & JULIE A. CARD
1998R-013130
4799 ANDERSON ROAD
NEWBURGH, IN 47630
ZONED AG
GRAVEL DRIVE
±37'
±72'
EXISTING HOME
REMOVED FROM
FLOOD ZONE "AE"
PER 2015R-006977
ZONED R-1
ZONED AG
WOOD FENCE
APPROXIMATE
LOMA BOUNDARY
N 00°37'55" E 304.47' (C)
PARCEL TWO
3.638 ACRES
BFE=382.5
FPG=384.5
ZONED AG
SOLAR
PANELS
S 20°12'58" E
S 20°12'47" E 320.30' (C)
390.06' (R)
LINCOLN POINTE
ESTATES
PHASE I
1998R-014795
S 20°13'59" E 109.41' (R)
S 20°13'48" E
109.41' (C)
N 89°13'47" W 259.29' (R)
N 89°13'30" W 259.29' (C)
S 87°18'40" W 271.45' (R)
S 87°18'51" W 271.45' (C)
N 00°37'55" E 1111.74' (M)
REZONING DRAWING
Parcel One of Stradtner Minor Subdivision, as per plat thereof,
recorded in document 2019R-009664 in the Office of the
Recorder of Warrick County, Indiana
FILED
FEB 04 2020
WARRICK COUNTY
AREA PLAN COMMISSION
N
SCALE 1" = 100'
0
50
100
P.O.C.
SW CORNER
W/2, SW/4
SEC 30-T6S-R8W