

PETITIONER: OLD EVANSVILLE BREWERY DEVELOPMENT, LLC
ORDINANCE NO. R-2014-12 AMENDED TAX CODE(S) 82-05-24-029-053.001-029
& 82-06-19-029-054.001-029
& 82-05-24-029-053.002-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA, MORE COMMONLY KNOWN AS 1301 W Lloyd Expressway.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Lots 1-11 in Block 102 and all vacated alleys that were located within said Block, all being shown on the Corrected Plat of the City of Lamasco, transcribed of record in Plat Book E, pages 34 and 35; Also, the east half of the vacated Fifth Avenue lying adjacent to said Block 102; Also the vacated 13.5' of Illinois Street lying N of said Lots 1-4 and 5-8; Also, Lots 1-7 in Straub Subdivision as per plat thereof, recorded in Plat Book C, page 323, and all vacated alleys that were located within said Straub Subdivision; Also the vacated Indiana Street lying S of said Block 102 in said Lamasco and Lots 1-7 in said Straub Subdivision all being more particularly described as follows:

Commencing at a point located 14' N of the NW corner of Block 101 in said Lamasco; thence S 89° 12' 09" E 440.03' to the point of beginning; thence continue S 89° 12' 09" E 152.00'; thence S 00° 56' 49" W 0.50'; thence S 89° 12' 09" E 106.00' to a point on the West line of Fulton Avenue; thence along the West line thereof, S 00° 47' 51" W 13.50'; thence continue S 00° 56' 49" W 284.18'; thence N 89° 06' 39" W 264.00'; thence N 00° 56' 46" E 297.76' to the point of beginning containing 1.80 acres (78,603 sq.ft.).

by changing the zoning classification of the above-described real estate from M-2 to M-1, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of the Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on Sept. 16, 2014 at Instrument No.: 2014R00020687. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 8th day of Sept, 2014.

FILED

JUN 09 2014

President

CITY CLERK



Janina Woodhorsa
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 10 day of September, 2014.

Janina Woodhorsa
City Clerk

Having examined the forgoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 12th day of September, 2014.

Paul Dince
Mayor of the City of Evansville, Indiana

This Instrument Prepared By: **Morley and Associates, Inc.**
4800 Rosebud Lane
Newburgh, IN 47630
812-464-9585

Bret Sermersheim

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.

Bret Sermersheim

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, John F. Rogers as Member- Manager for Old Evansville Brewery LLC & Fulton LLC(Petitioners), is/are the owner(s) of certain real estate situated in the City of Evansville, Indiana, commonly described as 1301 W. Lloyd Expressway, which real estate is more particularly described as follows, to wit:

Lots 1-11 in Block 102 and all vacated alleys that were located within said Block, all being shown on the Corrected Plat of the City of Lamasco, transcribed of record in Plat Book E, pages 34 and 35; Also, the east half of the vacated Fifth Avenue lying adjacent to said Block 102; Also the vacated 13.5' of Illinois Street lying N of said Lots 1-4 and 5-8; Also, Lots 1-7 in Straub Subdivision as per plat thereof, recorded in Plat Book C, page 323, and all vacated alleys that were located within said Straub Subdivision; Also the vacated Indiana Street lying S of said Block 102 in said Lamasco and Lots 1-7 in said Straub Subdivision all being more particularly described as follows:

Commencing at a point located 14' N of the NW corner of Block 101 in said Lamasco; thence S 89° 12' 09" E 440.03' to the point of beginning; thence continue S 89° 12' 09" E 152.00'; thence S 00° 56' 49" W 0.50'; thence S 89° 12' 09" E 106.00' to a point on the West line of Fulton Avenue; thence along the West line thereof, S 00° 47' 51" W 13.50'; thence continue S 00° 56' 49" W 284.18'; thence N 89° 06' 39" W 264.00'; thence N 00° 56' 46" E 297.76' to the point of beginning containing 1.80 acres (78,603 sq.ft.).

WHEREAS, as the real estate is currently classified as a M-2 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district M-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: All Use Groups allowed in M-1 Zoning except Use Group 21.

2. 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 Evansville-Vanderburgh 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.



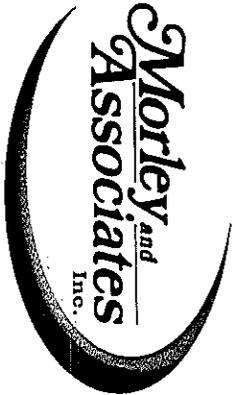
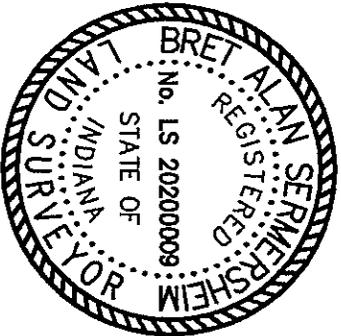
SCALE 1" = 100'

Current Zoning of Site: M-2

Proposed Zoning: M-1

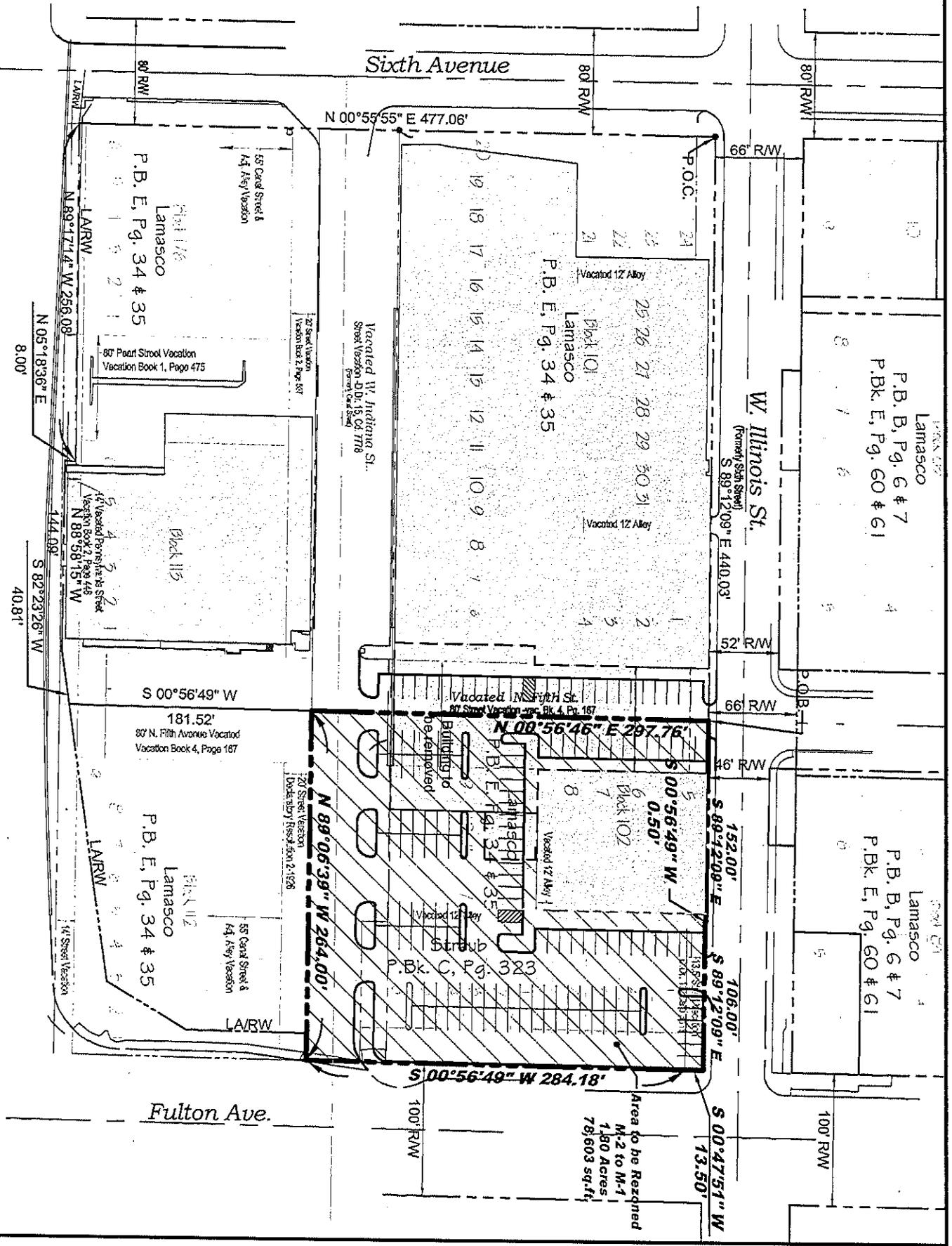
Current Use: Vacant, offices, warehouse

Proposed Use: Offices & warehousing



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Evansville, In (812) 464-9585
Henderson, Ky (270) 830-0300
Jasper, In (812) 634-9990
www.morleyandassociates.com



Rezone Exhibit
Old Evansville Brewery Dev. LLC
1301 W. Lloyd Expressway

Prepared By:	BAS	Job Number:	3931.4.007A
Drawn By:	JEW	Date:	5/20/2014
Filename:	3931 Revised Rezone-June 2014.dwg		

Lloyd Expressway

Area to be Rezoned
M-2 to M-1
1.80 Acres
78,603 sq-ft

VERIFIED PETITION FOR REZONING

2014-14 -PC

Ordinance NO. R- 2014-12 AMENDED
Council District: Al Lindsey WARD 6

PETITIONER: Old Evansville Brewery Development LLC PHONE: 812-422-5656

ADDRESS: 400 E Sycamore St., Evansville IN ZIP CODE: 47713

OWNER OF RECORD: Old Evansville Brewery Development LLC PHONE: 812-422-5656

ADDRESS: 400 E Sycamore St., Evansville IN ZIP CODE: 47713

OWNER OF RECORD: Fulton LLC PHONE: 812-422-5656

ADDRESS: 400 E Sycamore St., Evansville IN ZIP CODE: 47713

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.

2. Premises affected are on the south side of the Illinois Street, a distance of 0 feet SW of the corner formed by the intersection of Illinois Street and Fulton Avenue.

LEGAL DESCRIPTION:

Lots 1-11 in Block 102 and all vacated alleys that were located within said Block, all being shown on the Corrected Plat of the City of Lamasco, transcribed of record in Plat Book E, pages 34 and 35; Also, the east half of the vacated Fifth Avenue lying adjacent to said Block 102; Also the vacated 13.5' of Illinois Street lying N of said Lots 1-4 and 5-8; Also, Lots 1-7 in Straub Subdivision as per plat thereof, recorded in Plat Book C, page 323, and all vacated alleys that were located within said Straub Subdivision; Also the vacated Indiana Street lying S of said Block 102 in said Lamasco and Lots 1-7 in said Straub Subdivision all being more particularly described as follows:

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- 3. The commonly known address is 1301 W Lloyd Expressway.
- 4. The real estate is located in the Zone District designated as M-2
- 5. The requested change is to (Zone District) M-1
- 6. Present existing land use is Vacant and Offices and Warehousing
- 7. The proposed land use is Offices and Warehousing
- 8. Utilities provided: (check all that apply)

City Water Electric Gas Storm Sewer
Sewer: Private _____ Public Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real-estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 5-29-2014
(when signed)

PETITIONER: _____

PRINTED NAME: _____

[Signature]
John F Rogers

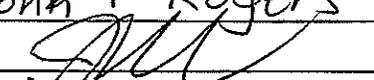
FILED
JUN 09 2014
[Signature]
CITY CLERK

DATE 5-29-2014
(when signed)

OWNER OF RECORD: 

PRINTED NAME: John F Rogers

DATE 5-29-2014
(when signed)

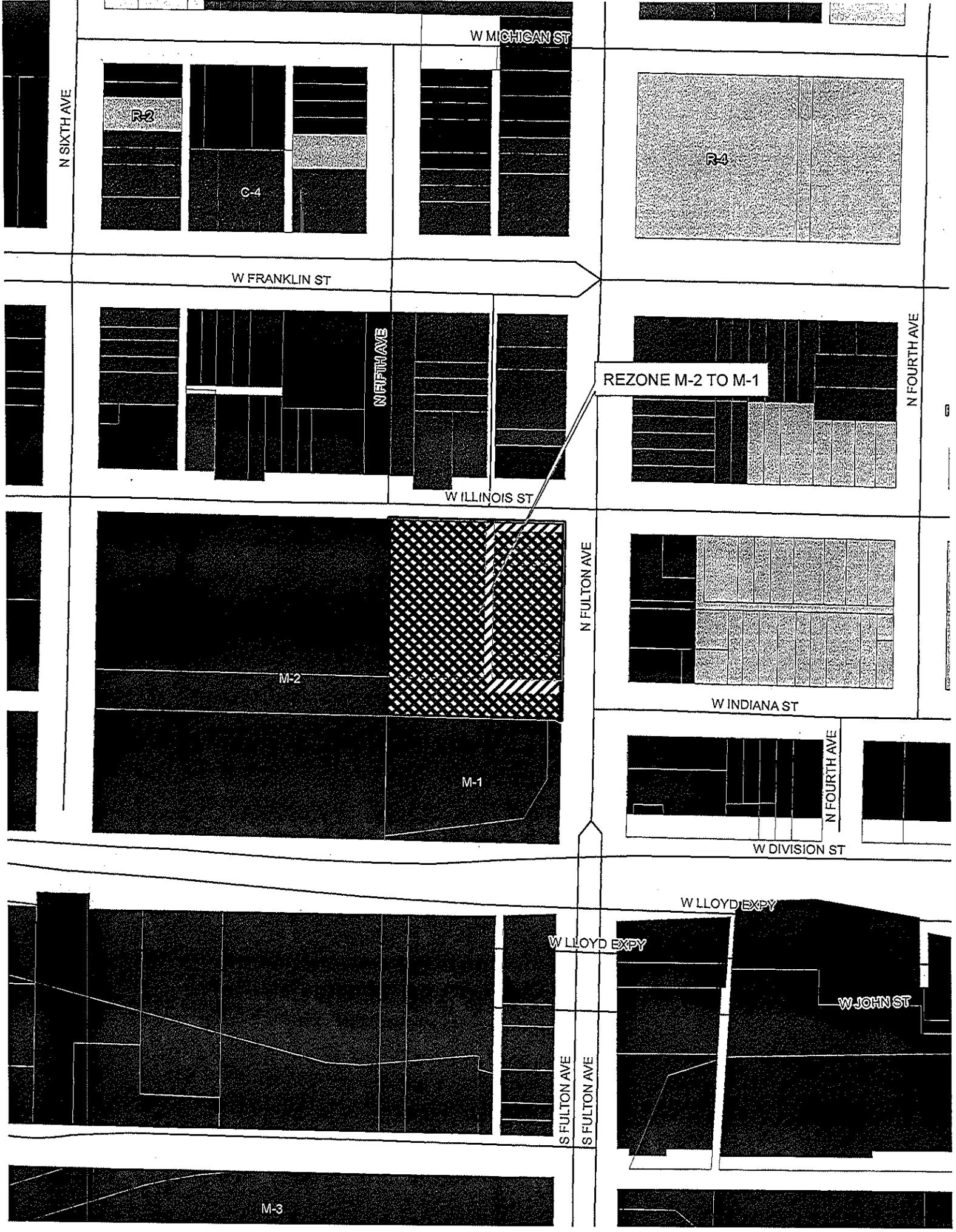
OWNER OF RECORD: 

PRINTED NAME: John F Rogers

REPRESENTATIVE FOR PETITIONER

Morley and Associates, Inc.

4800 Rosebud Lane, Newburgh, IN 47630
812-464-9585



W MICHIGAN ST

N SIXTH AVE

R-2

C-4

R-4

W FRANKLIN ST

N FULTON AVE

REZONE M-2 TO M-1

N FOURTH AVE

W ILLINOIS ST

N FULTON AVE

M-2

M-1

W INDIANA ST

N FOURTH AVE

W DIVISION ST

W LLOYD EXPY

W LLOYD EXPY

W JOHN ST

S FULTON AVE

S FULTON AVE

M-3