

ORDINANCE NO. R- 2016-13 TAX CODE(S) 82-06-20-026-064.011-029 and
82-06-20-026-064.010-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 118 E. Florida Street and 120 E. Florida Street, Evansville, IN 47711

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:

118 E. Florida Street: Lot Thirteen (13) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana.

120 E. Florida Street: Forty-three (43) feet off the South end of Lot Twelve (12) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot Twelve (12) and running thence East Twenty-five (25) feet; thence North Forty-three (43) feet; thence West Twenty-five (25) feet; thence South Forty-three (43) feet, to the place of beginning.

by changing the zoning classification of the above-described real estate from R-2 to C-2, 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.

FILED

APR 05 2016

Olivia Windner
CITY CLERK

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.

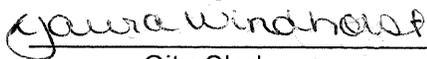
Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____, 2016 as Instrument No. _____. 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 11 day of July, 2016.



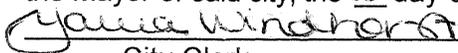
President

ATTEST:



City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 13 day of July, 2016.



City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 14th day of July, 2016, at 4:30 o'clock pm.



Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY:

Marco L. Delucio, Esq.
ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
Evansville, Indiana 47708
(812) 424-7575

USE AND DEVELOPMENT COMMITMENT

WHEREAS the undersigned, ECHO Housing Corporation, Inc. ("Petitioner"), is the owner of certain real estate situated in the County of Vanderburgh, Indiana, commonly described as 118 E. Florida Street and 120 E. Florida Street, Evansville, Indiana, which real estate (collectively the "Real Estate") is more particularly described as follows, to wit:

See attached "Exhibit A".

WHEREAS, as the Real Estate is currently classified as a R-2 zoning district under the City of 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 C-2 (the "Rezoning Petition"); 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 which shall become effective upon the approval of the Rezoning Petition by the Evansville Common Council as evidenced by the recording of the rezoning ordinance:

1. Use of the Real Estate. Use of the Real Estate shall be limited to those uses permitted in the Community Commercial District (C-2), as defined by Evansville Municipal Code 18.70.010 effective as of the date of this Use and Development Commitment. Use of the Real Estate shall be further limited to exclude the following uses:

SECTION 18.125.090 USE GROUP 6:

- Sororities and fraternities /

SECTION 18.125.110 USE GROUP 8:

Retail stores specializing in the sale or rental of any of the following:

- Automobile new parts, equipment, and accessories
- Drugstores, with a total area greater than 3,000 square feet

- Electrical and plumbing fixtures
- Ice
- Lawnmowers
- Package Liquor Store
- Pawn Shop

The following service uses:

- Business School. A private school or college conducted as a commercial enterprise for teaching business or secretarial skills.
- Commercial Trade School. A private school conducted as a commercial enterprise for teaching barber or beauty skills or industrial skills in which machinery is used in the instruction
- Lawnmower repair
- Lawnmowing service
- Medical, dental, or research laboratory
- Mortuary
- Pet grooming
- Taxidermist
- Department store
- Supermarket. Retail stores with a total floor area of more than 3,000 square feet specializing in the sale of food and grocery items.

The following recreational uses:

- Arcade
- Indoor archery range
- Bar
- Bowling Alley
- Nightclub
- Pool and billiard room
- Skating rink
- Tavern and restaurants serving alcoholic beverages
- Tennis courts (indoor)
- Trampoline center
- Automotive service station, limited to the sale of gasoline, oil products, automobile accessories, and incidental services such as lubricating and minor repair.
- Shopping Center. Building designed to accommodate three or more business enterprises.
- Hotels and motels

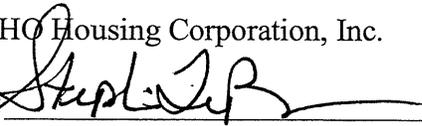
2. Successors and Assigns. All commitments and undertakings herein expressed shall be binding on the Petitioner and the Petitioner's heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real 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.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 31st day of MARCL, 2016, for the purposes set forth herein.

"Petitioner"

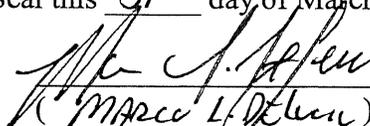
ECHO Housing Corporation, Inc.

By: 
Stephanie TenBerge, Executive Director

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Stephanie TenBerge, Executive Director of ECHO Housing Corporation, Inc., who acknowledged the execution of the foregoing Use and Development Commitment to be her free voluntary act and deed.

WITNESS my hand and Notarial Seal this 31st day of March, 2016.


(MARCO L. DeLucio) Notary Public
of Vanderburgh County, Indiana.

My commission expires:
12/12/16

This instrument prepared by:
Marco L. DeLucio, Esq.
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 N.W. First Street, Ninth Floor
P.O. Box 916
Evansville, IN 47706-0916
Telephone: (812) 424-7575

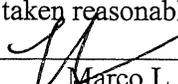
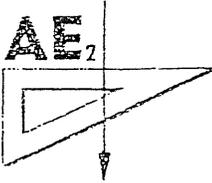
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. 
Marco L. DeLucio

Exhibit A
Legal Description

118 E. Florida Street: Lot Thirteen (13) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana.

120 E. Florida Street: Forty-three (43) feet off the South end of Lot Twelve (12) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

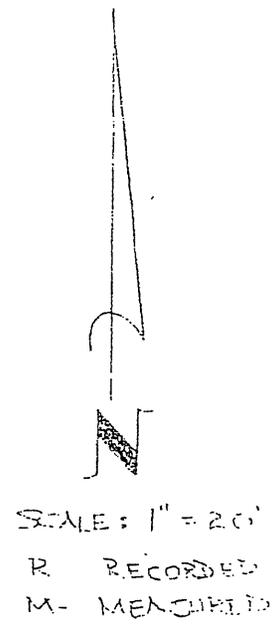
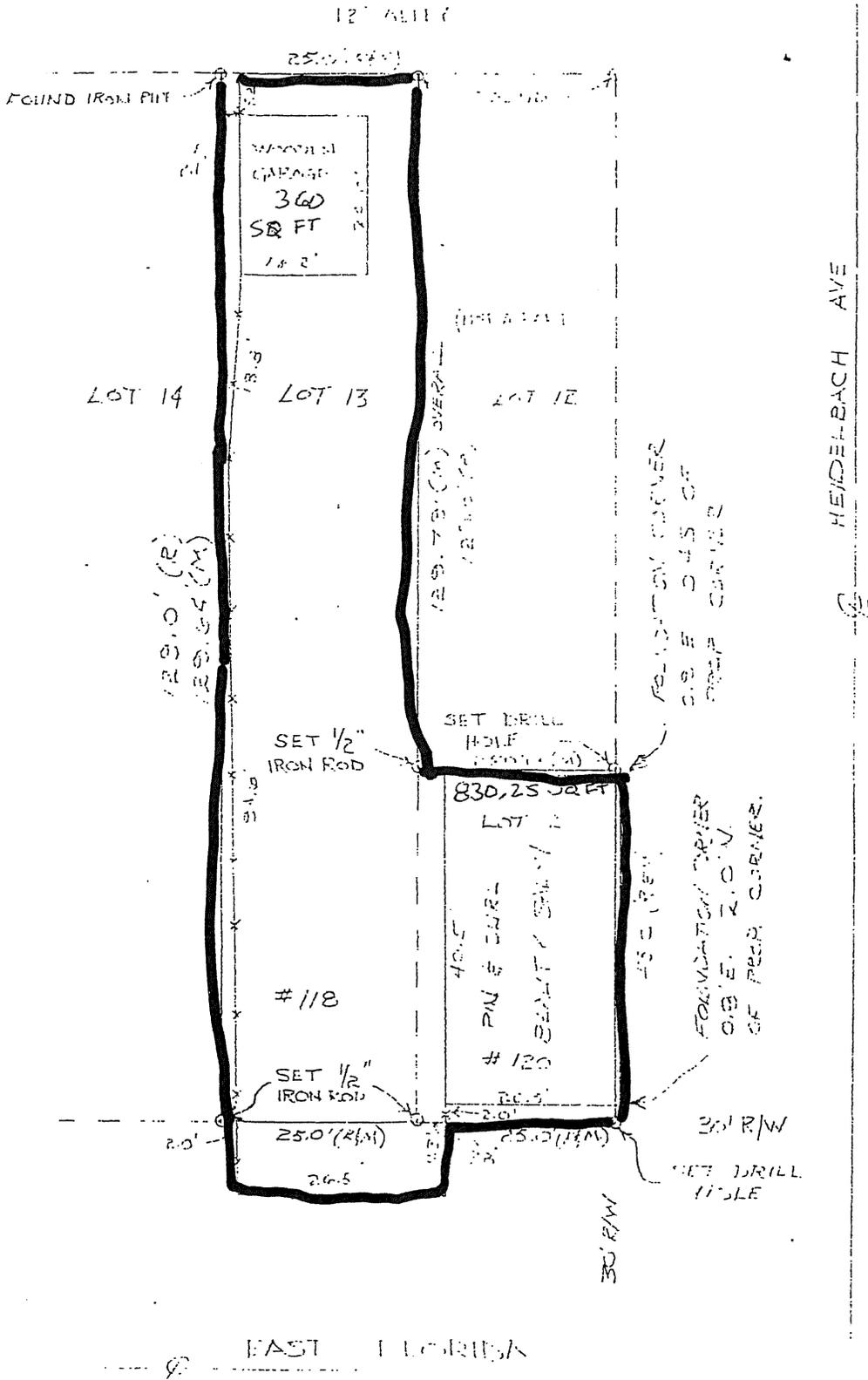
Beginning at the Southwest corner of Lot Twelve (12) and running thence East Twenty-five (25) feet; thence North Forty-three (43) feet; thence West Twenty-five (25) feet; thence South Forty-three (43) feet, to the place of beginning.



ANDY EASLEY ENGINEERING

1133 W. MILL ROAD
EVANSVILLE, INDIANA 47710
TELEPHONE (812) 424-2491

CIVIL ENGINEERS
LAND SURVEYORS
REGISTERED IN
INDIANA - KENTUCKY - ILLINOIS
RALPH A. EASLEY, JR., P. E.



VERIFIED PETITION FOR REZONING

2016-11

-PC

ORDINANCE NO. R- 2016-13

COUNCIL DISTRICT: Anna Hargis WARD 3

PETITIONER	<u>ECHO Housing Corporation, Inc.</u>	PHONE	<u>(812) 746-8933</u>
ADDRESS	<u>414 Baker Avenue, Evansville, IN</u>	ZIP CODE	<u>47710</u>
OWNER OF RECORD	<u>ECHO Housing Corporation, Inc.</u>	PHONE	<u>(812) 746-8933</u>
ADDRESS	<u>414 Baker Avenue, Evansville, IN</u>	ZIP CODE	<u>47710</u>

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 N side of E. Florida Street a distance of 25 feet W (N.S.E.W.) of the corner formed by the intersection of E. Florida Street and N. Heidelberg Avenue. (118 E. Florida Street, Evansville, IN 47711)

Premises affected are on the N side of E. Florida Street a distance of 0 feet W (N.S.E.W.) of the corner formed by the intersection of E. Florida Street and N. Heidelberg Avenue. (120 E. Florida Street, Evansville, IN 47711)

Registered Neighborhood Association Jacobsville Neighborhood Improvement Association

LEGAL DESCRIPTION:

118 E. Florida Street: Lot Thirteen (13) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana.

120 E. Florida Street: Forty-three (43) feet off the South end of Lot Twelve (12) in Block Thirteen (13) in Garvin Park, an Addition to the City of Evansville, as per plat thereof, recorded in Plat Book C, pages 324 and 325 in the office of the Recorder of Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot Twelve (12) and running thence East Twenty-five (25) feet; thence North Forty-three (43) feet; thence West Twenty-five (25) feet; thence South Forty-three (43) feet, to the place of beginning.

SUBDIVISION Garvin Park BLOCK 13 LOT NO. Lot 13; Pt of Lot 12

3. The commonly known address is 118 E. Florida Street and 120 E. Florida Street, Evansville, IN 47711

4. The real estate is located in the Zone District designated as R-2

5. The requested change is to (Zone District) C-2

6. Present existing land use is: Vacant

7. The proposed land use is: Community Meeting Hall

8. Utilities provided: (check all that apply)

FILED

APR 05 2016

Anna Widner
CITY CLERK

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

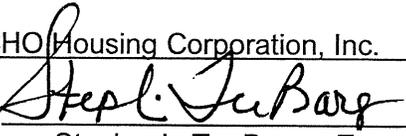
9. All attachments are adopted by reference.

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 3/29/2016
(when signed)

PETITIONER: ECHO Housing Corporation, Inc.

By: 
Stephanie TenBerge, Executive Director

(REQUIRED) Signatures:

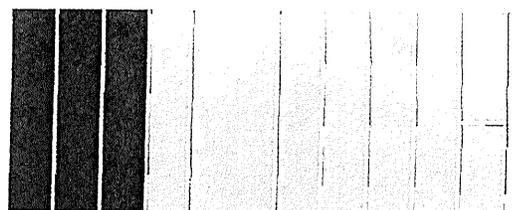
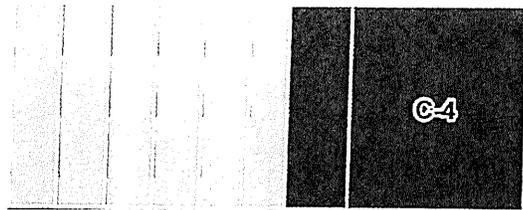
DATE 3/29/2016
(when signed)

OWNER: ECHO Housing Corporation, Inc.

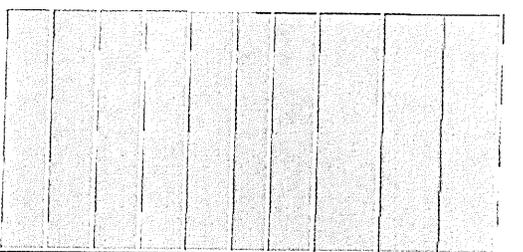
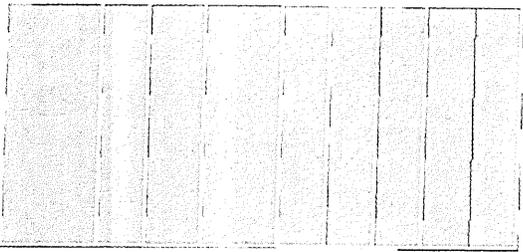
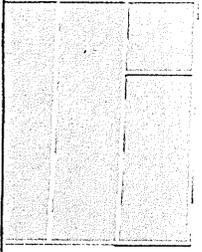
By: 
Stephanie TenBerge, Executive Director

REPRESENTATIVE FOR PETITIONER:
(Optional)

Marco L. DeLucio
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 NW First St., PO Box 916
Evansville, Indiana 47706
812-424-7575

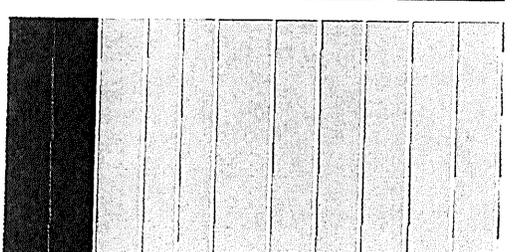
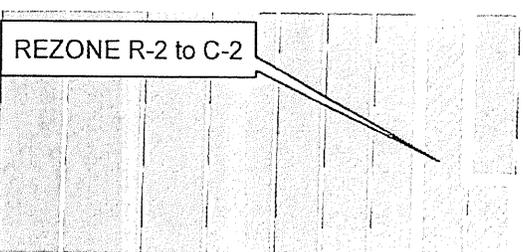
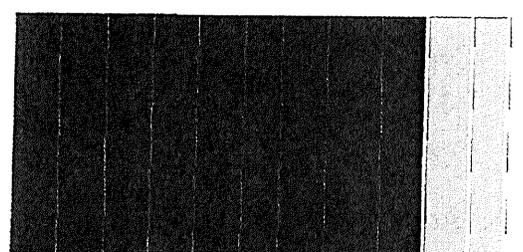
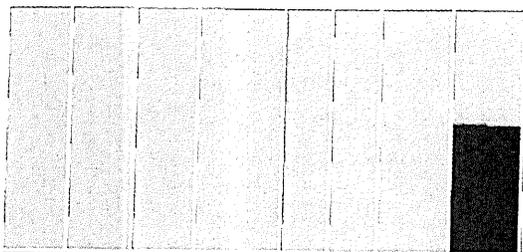
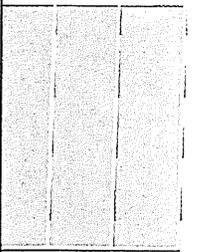


HEIDELBACH



TENNESSEE

TENNESSEE

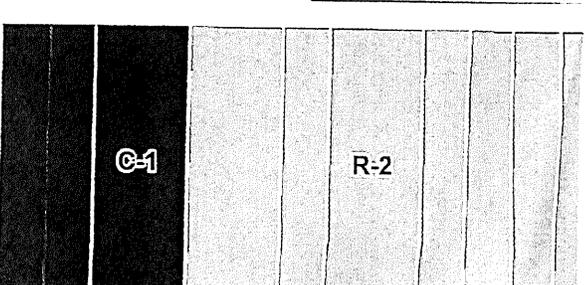
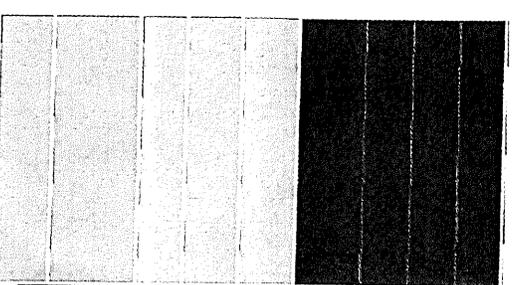
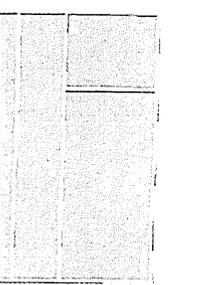
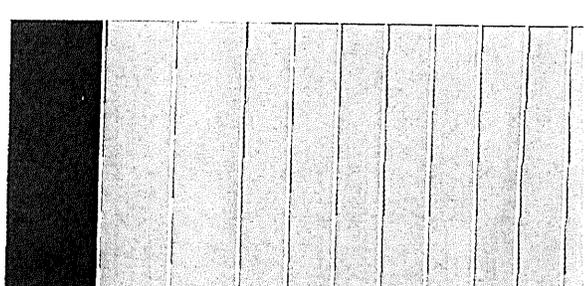


ELSAS

REZONE R-2 to C-2

LAFAYETTE

FLORIDA



LOUISIANA

