

BOARD OF ZONING APPEALS

June 16, 1997

The board of Zoning Appeals met at the Town Hall in Sellersburg, on June 16, 1997, at 6:30 p.m. Rodney Pate chaired the meeting.

THE FOLLOWING MEMBERS WERE PRESENT: Rodney Pate, Charlie Popp, Francis Conroy, Ken Hecker, and Charlie Ridenour, and Benita Pate, Secretary.

Bob Missi was present tonight concerning the Oak Street property development.

The present people who reside on this street do not want the street built to the full width as required by city codes. The developer is willing to build the street at the agreed width and ~~up to~~ one year he agrees to expand it to the full width if the residents change their mind.

Charlie Ridenour made a motion that the street be only 12' wide, as the residents in that area requested. Residents have one year to change their mind, the developer will widen the street to code. It was seconded by Ken Hecker. All members present, voted in favor of the motion.

Bugs Hostettler Acree, of 117 Allhands Avenue wants to erect a patio cover over the concrete slab at her back door. The Walk property across the street, currently comes within 18 inches of the alley across from Mrs. Acree's property. Mrs. Acree has a fence on her property line and wants the patio cover to come to the fence line. This reduces to 8' 6" off of the house verses 10ft.

Francis Conroy made a motion to grant a variance of 8'6" off of the house. Charlie Ridenour seconded the motion. All members present, voted in favor of the motion.

Gerald and Joyce McIntyre request a variance on a house proposed to be built on the lot of the corner of Hanger Avenue and Cherry Street, due to it being a corner lot, it requires a different setback.

Charlie Ridenour made a motion that the set back of the structure be in alignment of existing houses on Hanger and Cherry Street. It was seconded by Charlie Popp. All members present, voted in favor of the motion.

Francis Conroy made a motion to approve the minutes of the May 19, 1997 meeting as corrected. It was seconded by Charlie Ridenour. All members present, voted in favor of the motion.

Francis Conroy made a motion to close the meeting. Charlie Popp seconded the motion. All members present, voted in favor of the motion.

Rod Pats

Francis Alonzo

Kent R. Helt

Charles E. Poff

Charles E. Poff

Board of Zoning Appeals

Agenda

- I. OPENING
- II. APPROVAL OF MINUTES
- III. ITEMS
 - A.. Oak Street Property ready for development
 - B. Bugs Hostettler Acree, 117 Allhands Av - variance
 - C. McG Construction - variance - Gerald & Joyce McIntire
Land being purchased from Victor Prather

#2335

asphalt parking lot

512.20' 11" ✓

104.68'

512.20' 11" ✓

49.83' plat actual

49.03' plat actual

49.56' plat actual

49.01' plat actual

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

36.6'

10'

15 PARKING SPACES

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

0.514

14-08-08

X

577.54' 23" E

150.50' plat actual

149.95'

112.07' 29" E

32' R/W 2

STREET

APPROVED

11.98'

49.83' plat actual

49.58' plat actual

49.67' plat actual

18' trees on corner

80

60

40

20



Board of Zoning Appeals
Meeting Date June 16, 1997.



Item #1.

The Oak street property is ready for development. We have issued building permits for two of the three buildings. However, one building does not conform with the required front yard set back for a corner lot. If this were not a corner lot, the structure would be in compliance. However, the present structures on this street are not in compliance and the developer wants to use the front alignment of the present structures for the end alignment of his corner structure. He could turn his building 90 degrees and maintain the set back, however, this would not be in alignment with the other two structures he is now erecting. Developer Bob Missi will be present to discuss this matter. My personal recommendation is to permit the Variance and allow the structures to all be on the same alignment.

The same property is at issue in reference to the construction of Oak Street by the developer to extend from it's present termination to the new property. The present people who reside on this street do not want the street built to the full width as required by our codes. The developer is willing to build the street at an agreed width and after one year agree to expand it to full width if the residents request. Ken Alexander will be present to discuss the Town Council Agreement on this matter. The Council would like to have the endorsement of the Zoning Appeals Board for this unusual street arrangement.

Item #2.

Bugs Hostettler Acree, 117 Allhands Ave. wants to erect a patio cover over the concrete slab at her back door. Present code requires 5 foot set back from side property line for any structure. The patio is on Walk Drive, which is really an alley. The Walk property currently comes within 18 inches of the alley across from Mrs. Acree's property. Mrs. Acree has a fence on her property line and wants the patio cover to come to the fence line. Perhaps you may want to negotiate with her for a set back more similar to the Walk Property. This patio cover could be considered a temporary structure.

PAGE TWO.
ZONING APPEALS BOARD
JUNE 16, 1997

Item #3.

Victor Prather owns a lot on corner of Hanger Ave and Cherry St. Because of the set back requirements of a corner lot, they are also seeking a variance for that lot. Enclosed is a plot plan from the prospective purchaser, Gerald & Joyce McIntire of MCG Construction, Inc. One of these people will be present to discuss the matter. I have no opinion on this matter since I have not had time for a site visit and compare the present structures with the set back requirements.

Respectfully,

Bob Stewart

Board of Zoning Appeals
Meeting Date June 16, 1997.

①

Item #1.

The Oak street property is ready for development. We have issued building permits for two of the three buildings. However, one building does not conform with the required front yard set back for a corner lot. If this were not a corner lot, the structure would be in compliance. However, the present structures on this street are not in compliance and the developer wants to use the front alignment of the present structures for the end alignment of his corner structure. He could turn his building 90 degrees and maintain the set back, however, this would not be in alignment with the other two structures he is now erecting. Developer Bob Missi will be present to discuss this matter. My personal recommendation is to permit the Variance and allow the structures to all be on the same alignment.

The same property is at issue in reference to the construction of Oak Street by the developer to extend from it's present termination to the new property. The present people who reside on this street do not want the street built to the full width as required by our codes. The developer is willing to build the street at an agreed width and after one year agree to expand it to full width if the residents request. Ken Alexander will be present to discuss the Town Council Agreement on this matter. The Council would like to have the endorsement of the Zoning Appeals Board for this unusual street arrangement.

Item #2.

Bugs Hostettler Acree, 117 Allhands Ave. wants to erect a patio cover over the concrete slab at her back door. Present code requires 5 foot set back from side property line for any structure. The patio is on Walk Drive, which is really an alley. The Walk property currently comes within 18 inches of the alley across from Mrs. Acree's property. Mrs. Acree has a fence on her property line and wants the patio cover to come to the fence line. Perhaps you may want to negotiate with her for a set back more similar to the Walk Property. This patio cover could be considered a temporary structure.

STREET 32' R/W ?

APPROVED

512' 17.95' Should be 301' N. 12° 07' 29" E

49.83' plat & actual
50' 5/8" cap

49.58' plat & actual

49.67' plat & actual

12" Locus on corner

149.95'

366" 10' 366" 10' 366"

17' 08" - 08

15 PARKING SPACES

PARKING 0.574

150.50' plat & actual

S 77° 54' 23" E

corner

51' 119.01'

49.83' plat & actual

49.83' plat & actual

S 12° 20' 11" W

164.68'

S 12° 20' 11" W

#2335

asphalt parking lot

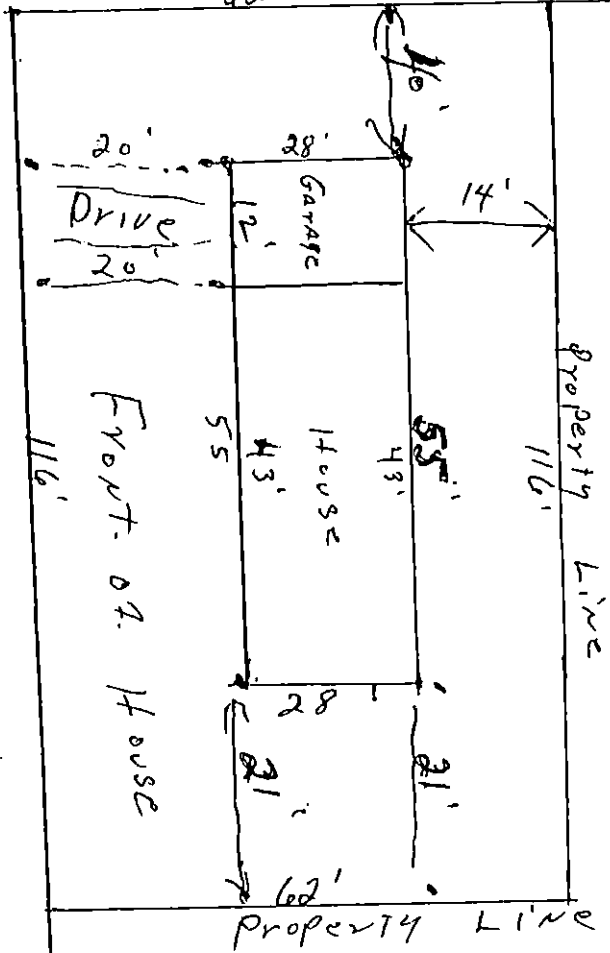
FOUND. G. ITC

Scale 1" = 50'

S. 22° W.



HANGER AVE.
62'



Cherry Ave

House Proposal - For Mr. B. Const. Inc.
Gerald McIntyre

To the Division of Planning and Zoning:

I am requesting permission for a variance change in order to set the lot to purchase of lot 1. You then to construct a 43' x 28' plus 15' x 28' garage on lots 16 + 17² by the Alley Miller Addition, Boundary Hooper Ave. + Chessey Ave. See attached plat. Buyman and Kinest days
770 Shyne.

Thank You,
Nelson E. Prather

To the Division of Planning and Zoning:

We request a variance for permission to Construct a One Story House, approximately 43' x 28' plus attached garage 12' to 28' on lots 16 and 17 ½ of the Alley Miller Addition, corner of Hanger Ave. and Cherry Ave., Silver Creek Township, Clark County, Sellersburg, Indiana. Presently owned by Prather.

See attached proposal plot by owner and plat from Clark County Records.

McG Construction, Inc.

Gerald McIntyre

PAGE TWO.
ZONING APPEALS BOARD
JUNE 16, 1997

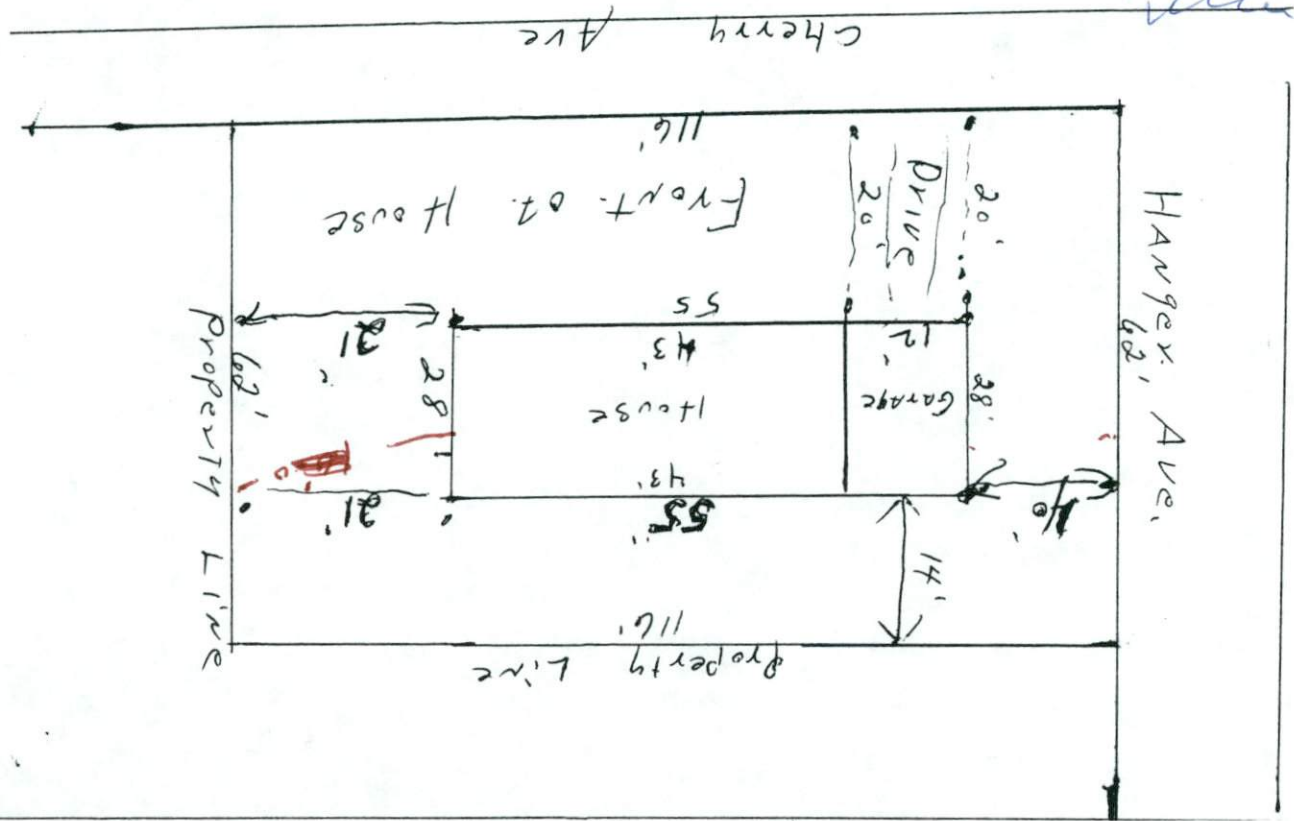
Item #3.

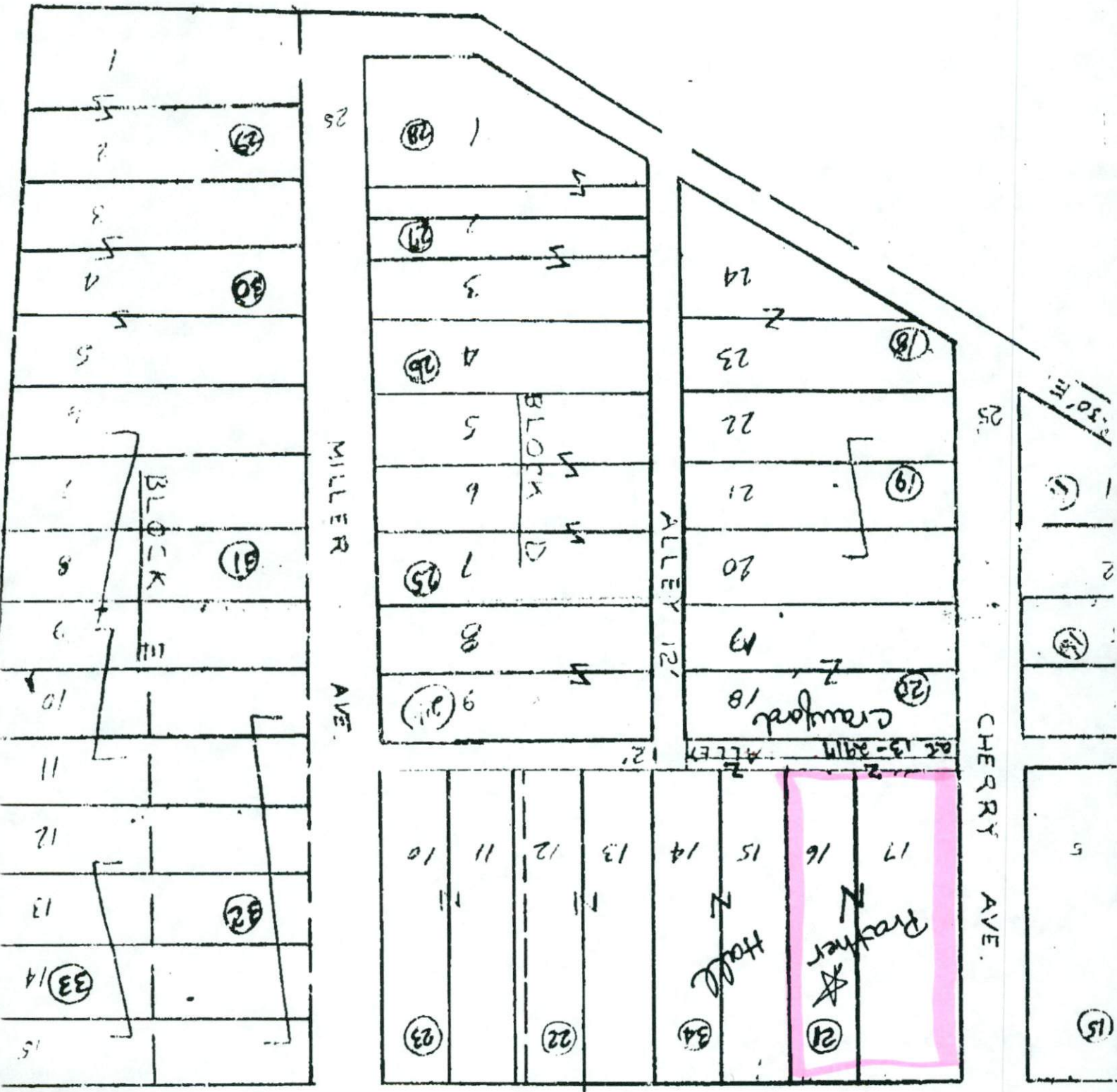
Victor Prather owns a lot on corner of Hanger Ave and Cherry St. Because of the set back requirements of a corner lot, they are also seeking a variance for that lot. Enclosed is a plot plan from the prospective purchaser, Gerald & Joyce McIntire of MCG Construction, Inc. One of these people will be present to discuss the matter. I have no opinion on this matter since I have not had time for a site visit and compare the present structures with the set back requirements.

Respectfully,

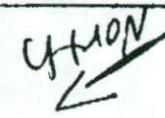
Bob Stewart

House Proposal - For Mr. B. Bonst. Inc.
Gerald McIntyre





Scale 1" = 50 Ft



5.22° W

(11)

(9)

To the Division of Planning and Zoning:

We request a variance for permission to Construct a One Story House, approximately 43' x 28' plus attached garage 12' to 28' on lots 16 and 17 ½ of the Alley Miller Addition, corner of Hanger Ave. and Cherry Ave., Silver Creek Township, Clark County, Sellersburg, Indiana. Presently owned by Prather.

See attached proposal plot by owner and plat from Clark County Records.

McG Construction, Inc.

Gerald McIntyre

To the Division of Planning and Zoning:

I am requesting permission for a variance change in order to use the lot to purchase of lot. You there to construct a 43' x 28' plus 13' x 28' garage on lots 16 + 17 1/2 of the Alley Miller Addition, Beverly Harbor Ave. + Cherry Ave. See attached plat. Buyer name Ernest J. Jett
M.D. Jett

Thank You,
Alison E. Patten

BOARD OF PLANNING COMMISSION

July 21, 1997

The Board of Planning Commission met at the Town Hall in Sellersburg, on July 21, 1997, at 6:00 p.m. Rodney Pate chaired tonight's meeting.

THE FOLLOWING MEMBERS WERE PRESENT: Rodney Pate, Ken Alexander, Benita Pate, Doug Reiter, and Bob Stewart, the Sellersburg Building Inspector.

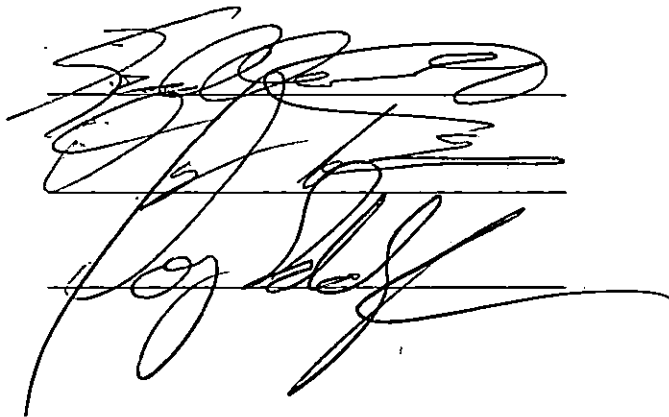
THE FOLLOWING MEMBERS WERE ABSENT: Dan Vogel and Doug Eddings.

Ken Alexander made a motion to approve the minutes of the June 16, 1997 meeting. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

There was no official business on tonight's agenda.

Doug Reiter made a motion to close the meeting. It was seconded by Ken Alexander. All members present, voted in favor of the motion.

Submitted by: Benita Pate
Secretary



Benita J. Pate

BOARD OF PLANNING COMMISSION

August 18, 1997

The Board of the Planning Commission met on August 18, 1997, at 6:00 p.m. at the Sellersburg Town Hall. Doug Eddings chaired the meeting tonight.

THE FOLLOWING MEMBERS WERE PRESENT: Doug Eddings, Doug Reiter, Ken Alexander, and Benita Pate. The Building Inspector, Bob Stewart was also present.

THE FLOLLOWING MEMBERS WERE ABSENT: Dan Vogel and Rodney Pate.

Ken Alexander made a motion to approve the minutes. It was seconded by Doug Reiter. All members present, voted in favor of the motion.

Mr. Primavera was present tonight representing Lakeside Estate Subdivision. Mr. Primivera is presenting his final plan tonight for Lakeside Estates.

Mr. Primivera agreed that their client would change a deep swell between Forrest Estates and proposed subdivision by installing a drainage pipe 36" in diameter to the degree of fall in the drainage ditch.

Also, it was discussed there will be a pernament easement between proposed subdivision road connecting Forest Drive to the existing Forrest Drive in Forrest Estates, even though new road will end in a culdesac.

Also, Bob Stewart asked, when assigning service numbers, that they do not coincide with the existing Forrest Estates or Forrest Drive Service numbers.

Ken Alexander made a motion to make final approval of the plat plan on Lakeside Estates subdivision contingent of receiving all required permits. Doug Reiter seconded the motion, and all members present, votes in favor of the motion.

Also, a motion was made by Ken Alexander and seconded by Doug Reiter that Rodney Pate, President of the Planning Commission to sign and date the approved Plate Plan at his earliest convenience. All members present, voted in favor of the motion.

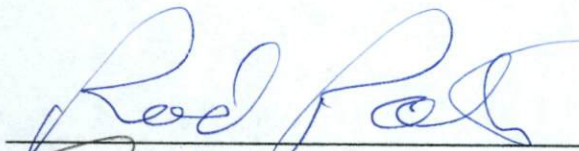
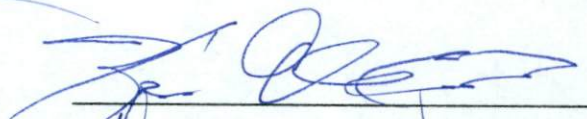
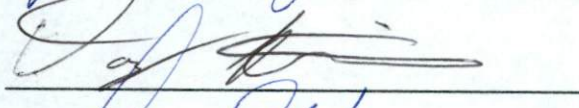

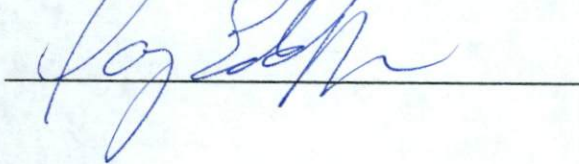
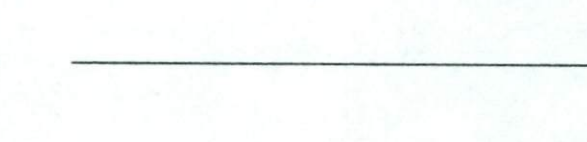
S. L. Management is requesting a zoning change for the property at 228 Popp Avenue from R-1 to R-2 in order to erect a duplex.

Due to Ken Alexander presenting this petition and Dough Reiter involved in the petition, it was asked to be tabled till the next meeting due to not having a quorum to vote on the matter. Also, they will not have to pay an additional filing fee to appear before the Zoning Board.

Mr. David Francke is requesting a zoning change on a parcel of property that lies along Hwy 31, South of the Moose Lodge and North of Greenwood Road. The first 250 feet of the property along Highway 31 lies in the town of Sellersburg. The rear part lies in the county jurisdiction. Mr. Francke is requesting a zoning change from B-1 to B-3 for erection of Mini Warehouse Structures.

A motion was made by Ken Alexander to Change R-1 to R-3 on the property that lies along Hwy 31, South of the Moose Lodge and North of Greenwood Road. The motion could not be carried without a second. The board felt this matter should be investigated further. No additional permit fee will be charged to Mr. Franke to be at next months meeting. He does need to reissue the certified letters to adjoining landowners.

Ken Alexander made a motion to close the meeting and it was seconded by Doug Reiter. All members present, voted in favor of the motion.

Benita

AUG. 15, 1997

TO: PLANNING & ZONING COMMISSION

REF: MONTHLY MEETING AUG 18. 1997

FROM: BUILDING COMMISSIONER

THREE CASES ARE ON THE AGENDA FOR THIS MONTH.

1. LAKESIDE ESTATES SUBDIVISION.

They will be in for final approval of the subdivision plat and for a change in design to correct a deep swail that has resulted in the grading of the plot. Underground pipe will be installed to correct the deep swail. The project engineer will be present to explain the change and to answer other questions.

2. S L Management is requesting a zoning change for the property at 228 Popp Ave from R-1 to R-2 in order to erect a duplex unit. Mr. Ken Alexander will present the petition.

3. MR. David Francke is requesting a Zoning Change on a parcel of property that lies along HWY 31 south of the Moose lodge and north of Greenwood Road. The property now contains a burned out mobile home. The first 250 feet of this property along Hwy 31 lie in the town of Sellersburg. The rear part of the property lies in the County Jurisdiction. Mr. Francke is requesting a Zoning Change from B-1 to B-3 for the erection of Mini-Warehouse structures. Mr. Francke has stated to me that the county zoning for that parcel is currently B-3. The County Planning and Zoning office is currently attempting to confirm this fact.

Respectfully,


Bob Stewart



To: Sellersburg Town Council
and Plan Commission
From: John Toombs
Subject: Lakeside Estates
Job No. 9738
Date: August 15, 1997

1. Plan Commission approved Preliminary Plat and Construction Plans a few weeks ago.
2. Mr. Primavera is presenting his Final Plat Monday for approval. It looks okay to me. It meets your subdivision ordinance.
3. They have changed the "big" ditch to pipe.
4. After the Plan Commission approves, signs and dates plat, have Rod Pate or Bob Stewart keep it.
5. Approval of "Final Plat" should be conditioned on:
 1. Receipt of Permits Water System
Sewer System
INDOT Entrance
IDNR ①, ②, ③
Rule 5 Erosion ④
6. Options: Before he can record the plat and sell lots, he must do one of two things (see pages 23 and 24 of you ordinance):
 1. Build everything and get it all approved by the Town, or
 2. Post a Bond, Certified Check, letter of credit...etc. with the Town for the total cost of construction supported by copies of signed contracts for the work.

Sincerely,
JACOBI, TOOMBS AND LANZ, INC.


John H. Toombs, Jr., P.E., L.S.

fn:9738\9738-1.ltr[sm]



P.O. BOX 123.
CORYDON, INDIANA 47112

PAUL PRIMAVERA & ASSOCIATES, INC.
REGISTERED ENGINEERS & LAND SURVEYORS
301 EAST CHESTNUT ST., CORYDON

PHONE 738-4124
FAX 738-6740

15 August 1997

Town of Sellersburg Planning Commission
P. O. Box 82
Sellersburg, Indiana 47172

Attention: J. Robert Stewart

Re: Lakeside Estates Subdivision

Gentlemen:

Enclosed please find copies of the following permits:

- ① **Department of the Army, Corps of Engineers
Nationwide permit #26, dated March 6, 1997 (copy enclosed)**
- ② **Water Quality Certification request for authorization submitted to IDEM 29
April 1997. No response within 60 calendar days, therefore Water Quality
Certification is considered waived . (See Corps of Engineers Nationwide
permit letter).**
- ③ **Letter from IDNR dated 3 March 1997 stating that a permit is not required
for areas in floodway fringe, but not in floodway.**
- ④ **IDEM -- Notice of Sufficiency pertaining to Rule 5, dated 24 June 1997.**

Application has been made for the following permits, but permits have not yet been received:

IDEM Sewer permit -- submitted 4 June 1997. IDEM Project # M-9919.

IDEM Water permit -- submitted 4 August 1997.

IDOT Commercial driveway entrance permit -- submitted 18 August 1997.



P.O. BOX 123
CORYDON, INDIANA 47112

PAUL PRIMAVERA & ASSOCIATES, INC.
REGISTERED ENGINEERS & LAND SURVEYORS
301 EAST CHESTNUT ST., CORYDON

PHONE 738-4124
FAX 738-6740

I am also enclosing seven (7) copies of the revised final plat showing street names.

If you have any questions, or if you need any further information, please do not hesitate to contact me at the above listed phone number.

Sincerely,

Paul Primavera

PP/kbf
encl.

cc: John Toombs



①

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

March 6, 1997

Operations Division
Regulatory Branch (North)
ID No. 199700268-gdn

Mr. Hal Bryan
President/Senior Ecologist
ECO-TECH, INC.
P.O. Box 8
Frankfort, Kentucky 40602

Dear Mr. Bryan:

This is in response to your request for authorization on behalf of Mr. Everett Sprigler, to discharge fill material into 0.87 acre of an isolated wetland area for site development. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act. The project is located on the west side of U.S. Highway 31E, 0.7 mile south of the U.S. 31E - U.S. 31W intersection, in Sellersburg, Clark County, Indiana.

Your project is considered a discharge of fill material into a headwaters or isolated waters. Since less than 3 acres of "waters of the United States" would be impacted by this discharge and the work site is located in isolated wetlands, the project is authorized under the provisions of Nationwide General Permit 33 CFR 330 (26), Headwaters and Isolated Waters Discharges, as published in the Federal Register, December 13, 1996. Under the provisions of this authorization, you must comply with the enclosed Terms for Nationwide Permit No. 26 and the Nationwide Permit Conditions. You must also obtain individual Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM).

You can write to IDEM at:

Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone: (317) 232-8683.

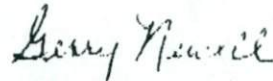
If IDEM fails to respond to your request for authorization within 60 calendar days, the WQC is considered waived. The responsibility for obtaining the state WQC rests with you.

Once you obtain your certification or waiver you may proceed with construction without further contact or verification from us. The enclosed Compliance Certification should be signed and returned

when the project is completed. This decision is valid until February 11, 1999. If your project is not completed by that date or if your project is modified, you must contact us for another permit determination. A copy of this letter is being sent to the IDEM.

If you have any questions, please contact me by writing to the above address, ATTN: CEORL-OP-FN, or by calling (502) 582-5607. Any correspondence on this matter should refer to our ID No. 199700268-gdn.

Sincerely,



Gerry Newell
Project Manager
Regulatory Branch

Enclosures

TERMS FOR NATIONWIDE PERMIT NO. 26

Headwaters and Isolated Waters Discharges. Discharges of dredged or fill material into headwaters and isolated waters provided that the activity meets all of the following criteria:

- a. The discharge does not cause the loss of more than 3 acres of waters of the United States nor cause the loss of waters of the United States for a distance greater than 500 linear feet of the stream bed.
- b. For discharges causing the loss of greater than 1/3 acre of waters of the United States, the permittee notifies the District Engineer in accordance with the "Notification" general condition;
- c. For discharges causing a loss of 1/3 acre or less of waters of the United States the permittee must submit a report within 30 days of completion of the work, containing the information listed below;
- d. For discharges in special aquatic sites, including wetlands, the notification must also include a delineation of affected special aquatic sites, including wetlands (Also see 33 CFR 330.1(e)); and
- e. The discharge, including all attendant features, both temporary and permanent, is part of a single and complete project. Note, this NWP will expire on December 13, 1998.

For the purposes of this NWP, the acreage of loss of waters of the United States includes the filled area plus waters of the United States that are adversely affected by flooding, excavation or drainage as a result of the project. The 3 acre and 1/3 acre limits of NWP 26 are absolute, and cannot be increased by any mitigation plan offered by the applicant or required by the District Engineer. Whenever any other NWP is used in conjunction with this NWP, the total acreage of impacts to waters of the United States of all NWPs combined, can not exceed 3 acres.

Subdivisions: For any real estate subdivision created or subdivided after October 5, 1984, a notification pursuant to subsection (b) of this NWP is required for any discharge which would cause the aggregate total loss of waters of the United States for the entire subdivision to exceed 1/3 acre. Any discharge in any real estate subdivision which would cause the aggregate total loss of waters of the United States in the subdivision to exceed 3 acres is not authorized by this NWP, unless the District Engineer exempts a particular subdivision or parcel by making a written determination that: (1) the individual and cumulative adverse environmental effects would be minimal and the property owner had, after October 5, 1984, but prior to February 11, 1997, committed substantial resources in reliance on NWP 26 with regard to a subdivision, in circumstances where it would be inequitable to frustrate the property owner's investment-backed expectations, or (2) that the individual and cumulative adverse environmental effects would be minimal, high quality wetlands would not be adversely affected, and there would be an overall benefit to the aquatic environment. Once the exemption is established for a subdivision, subsequent lot development by individual property owners may proceed using NWP 26. For purposes of NWP 26, the term "real estate subdivision" shall be interpreted to include circumstances where a landowner or developer divides a tract of land into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing said parcels. This would include the entire area of a residential, commercial or other real estate subdivision, including all parcels and parts thereof.

Report: For discharges causing the loss of 1/3 acre or less of waters of the United States the permittee must submit a report within 30 days of completion of the work, containing the following information:

- a. Name, address, and telephone number of the permittee;
- b. Location of the work;
- c. Description of the work; and,
- d. Type and acreage (or square feet) of the loss of waters of the United States (e.g., 1 10 acre of marsh and 50 Square feet of a stream.) (Section 404)

NATIONWIDE PERMIT CONDITIONS

GENERAL CONDITIONS:

The following general conditions must be followed in order for any authorization by a NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
2. **Proper maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. **Erosion and siltation controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. **Aquatic life movements.** No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.
5. **Equipment.** Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. **Regional and case-by-case conditions.** The activity must comply with any regional conditions which may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state or tribe in its section 401 water quality certification.
7. **Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely effect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service.)
8. **Tribal rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. **Water quality certification.** In certain states, an individual Section 401 water quality certification must be obtained or waived (see 33 CFR 330.4(e)).
10. **Endangered Species.**
 - a. No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which is likely to destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or critical habitat might be affected or is in the vicinity of the project, and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.
 - b. Authorization of an activity by a nationwide permit does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their world wide web pages at <http://www.fws.gov/~fendapp/endapp.html> and http://kingfish.app.mnfs.gov/tmcintyr/prot_res.html#ES and Recovery, respectively.

11. Historic properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR Part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)).

12. Compliance certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include: a.) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; b.) A statement that any required mitigation was completed in accordance with the permit conditions; c.) The signature of the permittee certifying the completion of the work and mitigation.

13. Multiple use of Nationwide permits. In any case where any NWP number 12 through 40 is combined with any other NWP number 12 through 40, as part of a single and complete project, the permittee must notify the District Engineer in accordance with paragraphs a, b, and c on the Notification General Condition number 13. Any NWP number 1 through 11 may be combined with any other NWP without notification to the Corps, unless notification is otherwise required by the terms of the NWPs. As provided in 33 CFR 330.60 two or more different NWPs can be combined to authorize a single and complete project. However, the same NWP cannot be used more than once for a single and complete project.

SECTION 404 ONLY CONDITIONS:

In addition to the General Conditions, the following conditions apply only to activities that involve the discharge of dredged or fill material into waters of the U.S., and must be followed in order for authorization by the NWPs to be valid:

- 1. Water supply intakes.** No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.
- 2. Shellfish production.** No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to a shellfish harvesting activity authorized by NWP 4.
- 3. Suitable material.** No discharge of dredged or fill material may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).
- 4. Mitigation.** Discharges of dredged or fill material into waters of the United States must be minimized or avoided to the maximum extent practicable at the project site (i.e., on-site), unless the District Engineer approves a compensation plan that the District Engineer determines is more beneficial to the environment than on-site minimization or avoidance measures.
- 5. Spawning areas.** Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
- 6. Obstruction of high flows.** To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- 7. Adverse effects from impoundments.** If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.
- 8. Waterfowl breeding areas.** Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- 9. Removal of temporary fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.



INDIANA DEPARTMENT OF NATURAL RESOURCES

PATRICK R. RALSTON, DIRECTOR

Division of Water
402 W. Washington St., Rm. W264
Indianapolis, Indiana 46204-2748
317-232-4160
FAX: 317-233-4579

March 3, 1997
REC # 10-970207-1

Mr. Max Brown
Paul Primavera and Associates, Inc.
P. O. Box 123
Corydon, Indiana 47112

Re: Clark - Speed
R - Tributary B of Silver Creek

Dear Mr. Brown:

Thank you for your letter of January 31, 1997 with the enclosed cross sections required to develop a floodway for a proposed residential development on a tract of land along Tributary B of Silver Creek. Based on your description, the parcel, which lies in Clark's Grant number 89, extends about 2200 feet southeast of Tributary B of Silver Creek, and extends about 1200 feet southwest of U S. Highway 31, near Sellersburg, Clark County.

Based on a study by this office using the survey data you provided, the 100-year frequency flood on Tributary B of Silver Creek would reach an elevation of about 460.1 feet, National Geodetic Vertical Datum of 1929 (NGVD), at the upstream limit of the site, sloping uniformly to an elevation of 458.3 feet, NGVD, at the downstream limit of the site. As stated in REC # 10-970108-1, the 100-year frequency flood elevation for this tract is 465.0 feet, NGVD, due to the backwater of Silver Creek.

IC 14-28-1 prohibits constructing abodes or residences in or on a floodway and requires the prior approval of the Department of Natural Resources for any other type of construction, excavation, or filling in or on a floodway. To be approvable a project should be designed so that it will not restrict the floodway, be unsafe to life and property, nor adversely affect the fish, wildlife, or botanical resources.

The floodway of Tributary B of Silver Creek passes through a portion of the tract. For your information, we have delineated this floodway in yellow on the enclosed floodway map. No new residential construction is allowed in the floodway area and detailed plans for other types of work in the floodway should be submitted for formal approval by the Department of Natural Resources under IC 14-28-1. Permit applications and instructions are enclosed for your convenience.

The portions of the tract outside of the floodway and below the 100-year frequency flood elevation is called the floodway fringe area. While these portions of the tract would be subject to flooding, they are not required for the conveyance of flood waters during the 100-year event; therefore, approval by the Department of Natural Resources under IC 14-28-1 for portions of the project in this fringe area is not required unless a dam is to be constructed.

We recommend that any building which you propose for this site, noting again that residences are prohibited in the floodway under the provisions of IC 14-28-1, be provided with a lowest floor set at or above 467.0 feet,

"EQUAL OPPORTUNITY EMPLOYER"



PRINTED ON RECYCLED PAPER

Letter to Mr. Brown
March 3, 1997
REC # 10-970128-1
Page Two

NGVD, which is 2 feet above the 100-year frequency flood elevation. If a basement is included, the basement floor should be considered to be the lowest floor.

You should note that portions of the tract are located in a "Special Flood Hazard Area" as defined by the Federal Emergency Management Agency. If any existing or proposed building lies within this "Special Flood Hazard Area" current or future owners may be required to purchase flood insurance as a condition of obtaining a mortgage on the property. The final determination regarding the flood insurance requirement is the responsibility of the lending institution. Flood insurance might also be required for any direct federal assistance for this property, such as disaster aid.

Depending on the type of building and the lowest floor elevation, including basements, flood insurance premiums can be substantial under the regular phase of the National Flood Insurance Program. The owner should discuss this matter with an insurance agent before starting any plans for construction.


You may also have to obtain a permit from the Corps of Engineers under Section 404 of the Federal Water Pollution Control Act or Section 10 of the Rivers and Harbors Act. Information relative to the Corps' of Engineers permits may be obtained from:

**U.S. Army Corps of Engineers
Louisville District Office
P.O. Box 59
Louisville, Kentucky 40201
Telephone (502) 582-5607**

You should not construe this letter to be a building permit, approval of the proposed project, or a waiver of the provisions of local building or zoning ordinances.

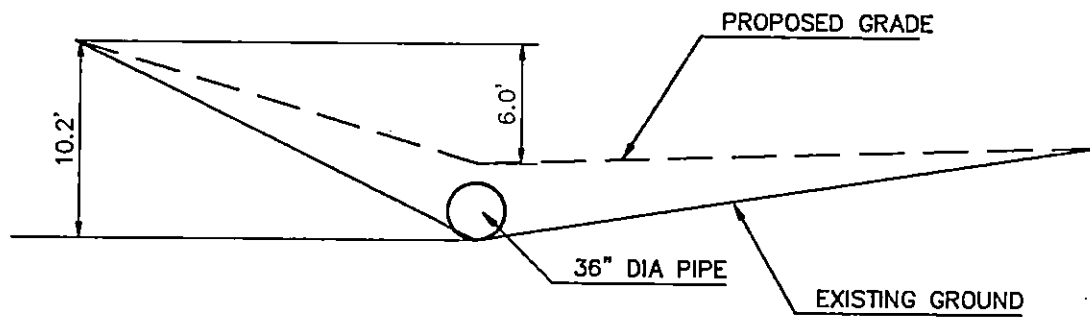
Thank you for this opportunity to be of assistance; your interest in providing safe floodplain development is appreciated. **If you have any questions regarding this letter, please contact Mr. Jonathan Heald, Hydraulic Engineer, in our Hydrology and Hydraulics Section, at (317) 232-4164.**

Sincerely,



James J. Hebenstreit, P.E.
Assistant Director
Division of Water

JJH/JWH
pc: Clark County Plan Commission
Louisville District, Corps of Engineers
Enclosures: Floodway Map
Permit Application and Instructions



CROSS SECTION AT
RE-GRADED DITCH



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

John M. Hamilton
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

June 24, 1997

Wm Burget 6/28

Dear Storm Water General Permit Applicant:

Re: **Notice of Sufficiency**
Lakeside Estates
Clark County

The Notice of Intent (NOI) letter submitted to the Indiana Department of Environmental Management (IDEM) for the above-mentioned project is sufficient to comply with the NOI letter requirements of 327 IAC 15-5 (Rule 5). Enclosed please find a copy of Rule 5, the NPDES General Permit for Storm Water Runoff Associated with Construction Activity. **You must comply with all of the requirements of this rule. In accordance with 327 IAC 15-5-10, you are required to implement your Soil Erosion Control Plan, maintain the erosion control structures until your project is complete, and amend your NOI as dates or other facts are altered.**

For identification purposes, a name has been assigned to the project for which the NOI was submitted. The name may be found in the upper right-hand corner of this page along with the name of the county in which the construction is taking place. This name and county name should be included on any type of correspondence that is submitted to IDEM pertaining to this project.

_____ If this line is marked with an X, please review the enclosed sheet titled "Developer's Continuing Responsibility" and submit an amended timetable which includes home or building construction, installation of roads and utilities, and revegetation of cleared areas after all construction is complete.

This Notice of Sufficiency does not constitute approval of your Soil Erosion Control Plan, nor does it supersede the requirements of your local Soil & Water Conservation District Office (SWCD) or the Indiana Department of Natural Resources. Questions regarding the development or implementation of the Soil Erosion Control Plan may be directed to your county SWCD. Any other questions regarding Rule 5 requirements may be directed to Ms. Anne Burget at 317/ 233-1864 or 800/ 451-6027 ext.31864.

Sincerely,

Reggie Baker, Jr., Chief
Pretreatment & Urban Wet Weather Group
Office of Water Management

Enclosure



P.O. BOX 123
CORYDON, INDIANA 47112

PAUL PRIMAVERA & ASSOCIATES, INC.
REGISTERED ENGINEERS & LAND SURVEYORS
301 EAST CHESTNUT ST., CORYDON

PHONE 738-4124
FAX 738-6740

1 August 1997

J. Robert Stewart
Town of Sellersburg Planning Commission
P. O. Box 82
Sellersburg, Indiana 47172

Re: Lakeside Estates Subdivision

Dear Sir:

Enclosed please find revised drawings for Pages 3 & 5 for the above referenced project. Please replace the drawings in your current set with these updated drawings.

Sincerely,

Paul Primavera

PP/kbf
encl.



P.O. BOX 123
CORYDON, INDIANA 47112

PAUL PRIMAVERA & ASSOCIATES, INC.
REGISTERED ENGINEERS & LAND SURVEYORS
301 EAST CHESTNUT ST., CORYDON

PHONE 738-4124
FAX 738-6740

13 August 1997

Jacobi, Toombs & Lanz, Inc.
120 Bell Avenue
Clarksville, Indiana 47129

Attn: J. Toombs

Re: Lakeside Estates Subdivision
Sellersburg, Indiana

Gentlemen:

Because of the unanticipated depth of a drainage swale behind Lots 57, 58, 59 and 68 of the proposed subdivision, we are proposing a change in our construction plans.

I propose that 370 feet of open ditch be piped to eliminate the unwanted steep slopes. The balance of the ditch would be of acceptable depth.

I am enclosing revised drawings 6, 9, and 10 (of 12) showing this change. I am also enclosing a copy of the USGS Quad map showing the drainage area copies of SCS TR-55 runoff calculations, along with culvert calculations and located information.

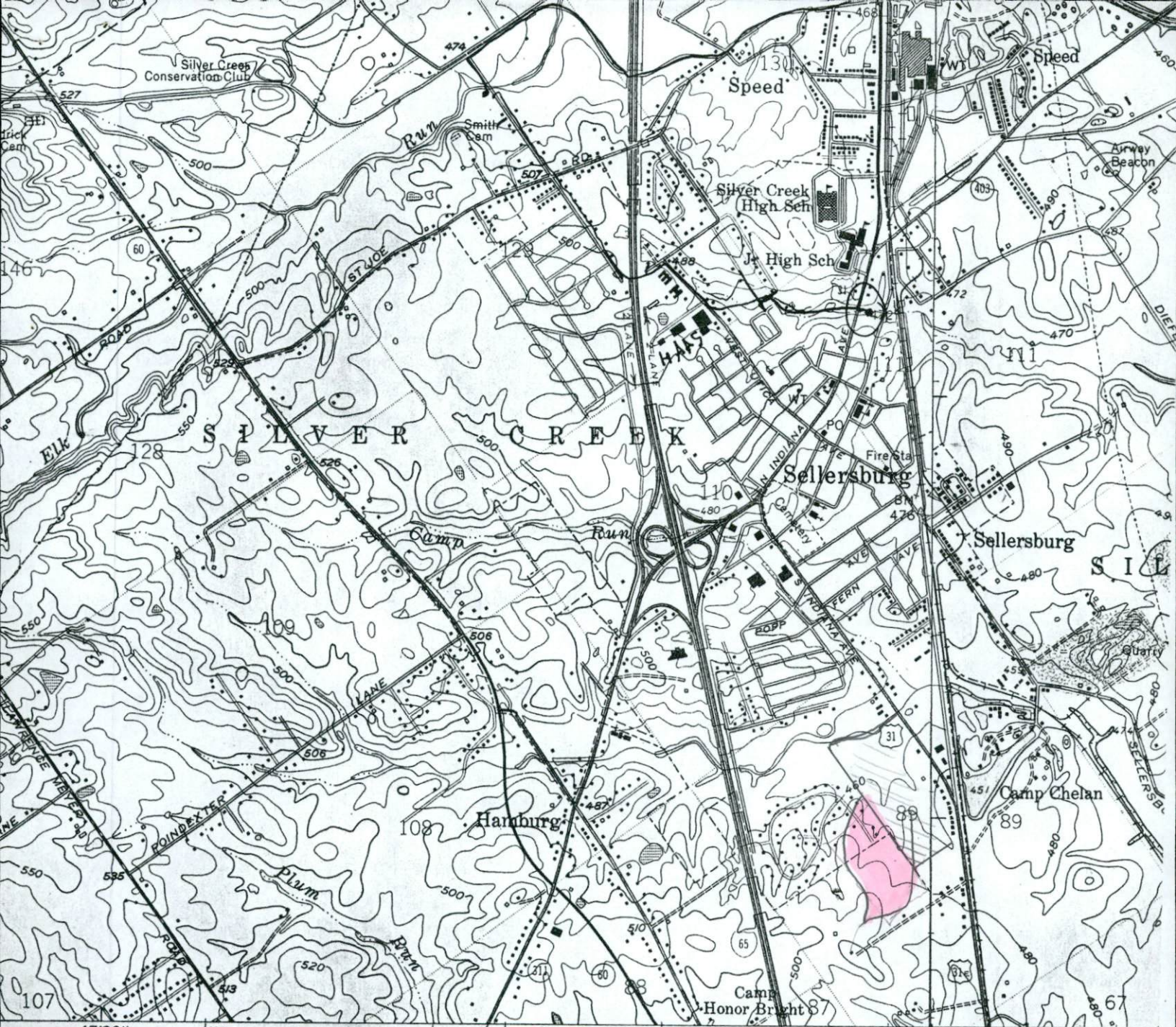
I am also including a topography map showing offsite topography and possible backwater areas for different frequency rains. Please bear in mind that any water over the 466.0 foot elevation will be discharged along the ditch above the proposed pipe.

Please review and offer any comments.

Sincerely,

Paul Primavera

cc: Sellersburg Planning Commission, B. Stewart
Everett Sprigler
File



47°30' 1606 NEW ALBANY 7 MI. INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1994 3.8 MI. TO IND. 131 090000mE 85°45' JEFFERSONVILLE (P.O.) LOUISVILLE, KY. (P.O.)

ROAD CLASSIFICATION
 Heavy-duty ————— Light-duty —————
 Medium-duty ————— Unimproved dirt - - - - -

Produced by the U.S. Geol. Control by USGS and NOS/NOAA
 Topography by planetable survey
 Projection: Indiana coordinate sy: (transverse Mercator)
 10,000-foot grid ticks: Indiana co

DRAINAGE AREA 800 x 1500' = 28 ACRES
 Slope 10' IN 500' = 2%

TR-55 CURVE NUMBER COMPUTATION

VERSION 1.11

Project : LAKESIDE
 County : CLARK
 Subtitle: DITCH PIPE

State: IN

User: PEP
 Checked: _____

Date: 08-12-97
 Date: _____

COVER DESCRIPTION	Hydrologic Soil Group			
	A	B	C	D
	Acres (CN)			
FULLY DEVELOPED URBAN AREAS (Veg Estab.)				
Residential districts				
(by average lot size)				
1/3 acre	30	-	28(72)	-
Total Area (by Hydrologic Soil Group)			28	
			====	
TOTAL DRAINAGE AREA: 28 Acres		WEIGHTED CURVE NUMBER: 72*		

* - Generated for use by GRAPHIC method

Project : LAKESIDE
 County : CLARK
 Subtitle: DITCH PIPE

State: IN

User: PEP
 Checked: _____

Date: 08-12-97
 Date: _____

Data: Drainage Area : 28 * Acres
 Runoff Curve Number : 72 *
 Time of Concentration: 0.50 * Hours
 Rainfall Type : II
 Pond and Swamp Area : NONE

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr Rainfall (in)	2.7	3.1	3.9	4.4	5.1	5.6	6.1
Ia/P Ratio	0.29	0.25	0.20	0.18	0.15	0.14	0.13
Runoff (in)	0.64	0.87	1.39	1.75	2.28	2.67	3.08
Unit Peak Discharge (cfs/acre/in)	0.694	0.720	0.756	0.772	0.790	0.799	0.807
Pond and Swamp Factor 0.0% Ponds Used	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Peak Discharge (cfs)	12	18	29	38	50	60	70

* - Value(s) provided from TR-55 system routines

Project : LAKESIDE
 County : CLARK
 Subtitle: DITCH PIPE

State: IN

User: PEP
 Checked: _____

Date: 08-12-97
 Date: _____

Flow Type	2 year rain	Length (ft)	Slope (ft/ft)	Surface code	n	Area (sq/ft)	Wp (ft)	Velocity (ft/sec)	Time (hr)
Sheet	3.1	300	.02	E					0.378
Shallow Concent'd		700	.02	U					0.085
Open Channel		500	.02			.03317.5	35		0.035
Time of Concentration = 0.50*									=====

--- Sheet Flow Surface Codes ---

- A Smooth Surface
- B Fallow (No Res.)
- C Cultivated < 20 % Res.
- D Cultivated > 20 % Res.
- E Grass-Range, Short
- F Grass, Dense
- G Grass, Burmuda
- H Woods, Light
- I Woods, Dense

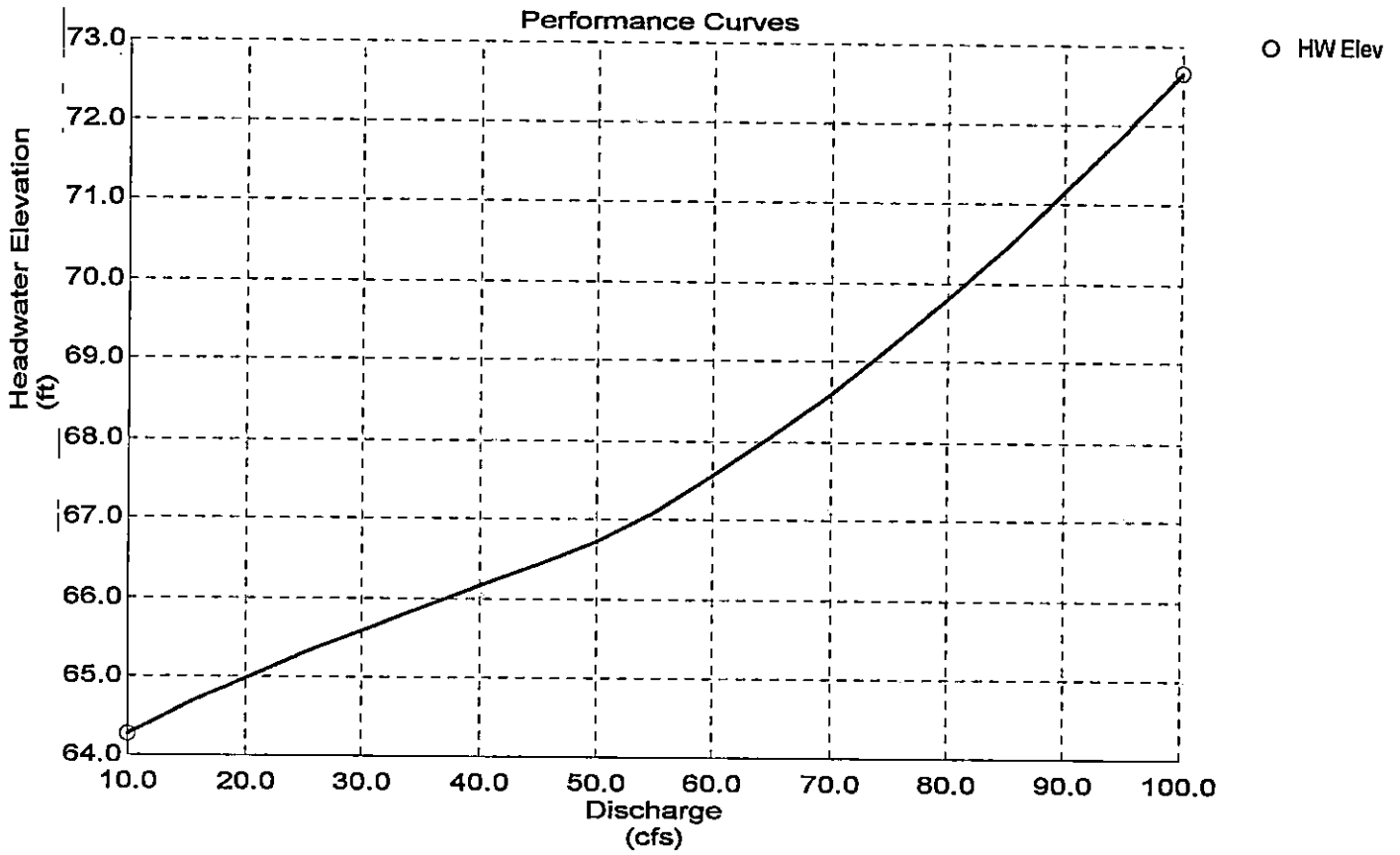
- Shallow Concentrated ---
- Surface Codes ---
- P Paved
- U Unpaved

* - Generated for use by GRAPHIC method

Performance Curves Report Worksheet-2

Range Data:

Discharge	Minimum	Maximum	Increment
	10.00	100.00	5.00 cfs



Rating Table Report

Worksheet-2

Range Data:

Discharge	Minimum	Maximum	Increment
	10.00	100.00	5.00 cfs

Discharge (cfs)	HW Elev (ft)
10.00	64.25
15.00	64.63
20.00	64.97
25.00	65.28
30.00	65.58
35.00	65.87
40.00	66.15
45.00	66.44
50.00	66.72
55.00	67.10
60.00	67.56
65.00	68.06
70.00	68.60
75.00	69.18
80.00	69.79
85.00	70.45
90.00	71.15
95.00	71.88
100.00	72.66

Culvert Calculator Report Worksheet-2

Solve For: Section Size

Culvert Summary

Allowable HW Elevation	70.00 ft	Headwater Depth/ Height	1.97
Computed Headwater Elevation	68.60 ft	Discharge	70.00 cfs
Inlet Control HW Elev	68.60 ft	Tailwater Elevation	59.50 ft
Outlet Control HW Elev	67.96 ft	Control Type	Inlet Control

Grades

Upstream Invert	62.70 ft	Downstream Invert	59.00 ft
Length	370.00 ft	Constructed Slope	0.010000 ft/ft

Hydraulic Profile

Profile	S2	Depth, Downstream	2.08 ft
Slope Type	Steep	Normal Depth	2.04 ft
Flow Regime	Supercritical	Critical Depth	2.66 ft
Velocity Downstream	13.54 ft/s	Critical Slope	0.005822 ft/ft

Section

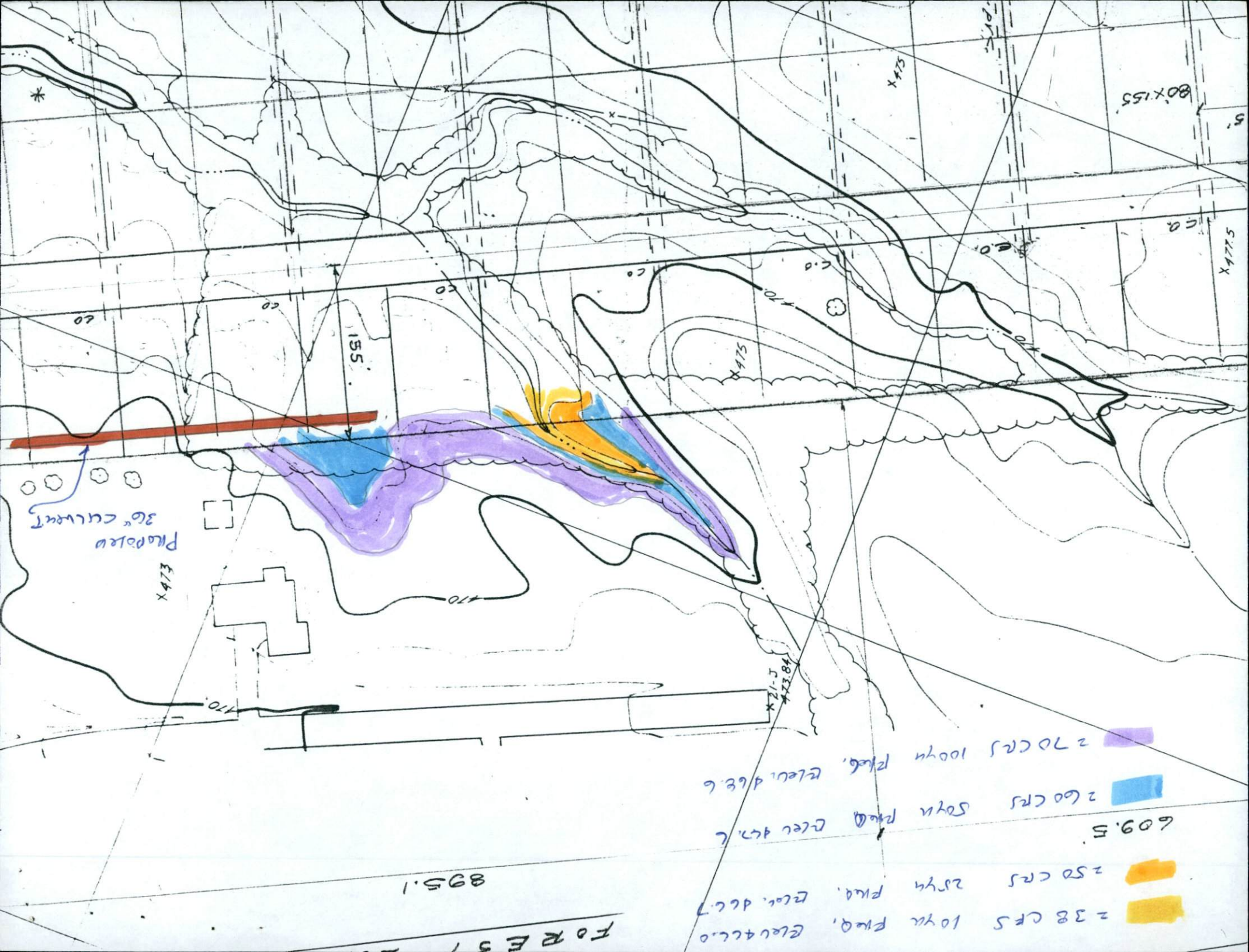
Section Shape	Circular	Mannings Coefficient	0.010
Section Material	PVC	Span	3.00 ft
Section Size	36 inch	Rise	3.00 ft
Number Sections	1		

Outlet Control Properties

Outlet Control HW Elev	67.96 ft	Upstream Velocity Head	1.74 ft
Ke	0.50	Entrance Loss	0.87 ft

Inlet Control Properties

Inlet Control HW Elev	68.60 ft	Flow Control	Submerged
Inlet Type	Square edge w/headwall	Area Full	7.1 ft ²
K	0.00980	HDS 5 Chart	1
M	2.00000	HDS 5 Scale	1
C	0.03980	Equation Form	1
Y	0.67000		



80'x155'

54775

5475

5475

155'

5473

54784

Planned
30' curvatur

- 609.5
- 2 38 CRS 10ya Pkg. Elev. 42.0
- 2 50 CRS 25ya Pkg. Elev. 42.7
- 2 60 CRS 50ya Pkg. Elev. 47.6
- 2 70 CRS 100ya Pkg. Elev. 48.6

895.1

FOREST



ARTICLE III

SUBDIVISION APPLICATION AND APPROVAL PROCESS

Section A. General Procedure

1. Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Plan Commission.
2. No improvement or building shall be made on the property until preliminary approval of the plat is given.
3. No contract shall be made for the sale of any part of the subdivision until final approval of the plat is given, either by completion of public improvements or by posting of a bond. No final plat shall be filed with the County Recorder until the plat has been approved by the Plan Commission.
4. No improvement, building, or driveway permits shall be issued until the approved plat is filed with the County Recorder.
5. Depending on whether the proposed subdivision is a minor or major subdivision, the applicant is required to follow either a basic two (2) or three (3) step procedure:

Minor Subdivision -- Sketch Plat and Final Plat

Major Subdivision -- Sketch Plat, Preliminary Plat and Final Plat

Section B. Sketch Plat

1. Pre-Platting Conference. Before preparing the preliminary plat for a subdivision, the applicant should discuss with the Administrator the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve the aspects of the subdivision plat coming within their jurisdiction. The applicant has the option to request a conference with the Commission, also, but not for the purpose of overriding the Administrator. This action will not require application, but

notification should provide sufficient time for the matter to be placed on the agenda.

Section C. Preliminary Plat

1. Discussion of Requirements. If the proposed subdivision is classified as a major subdivision, the applicant shall file an application for approval of a preliminary plat. No preliminary plat application is required for subdivisions classified as minor. The applicant may proceed to file for a final plat approval for minor subdivision development.

2. Application. The subdivider shall file an application with the Administrator for approval of the preliminary plat. The application shall:

- a) Be made in duplicate and presented at least ten(10)days prior to a regular meeting of the Commission.
- b) Be made on forms available at the office of the Administrator.
- c) Be accompanied by a fee as established by the town.
- d) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one lot or three hundred (300) feet, whichever is greater, therefrom, or of that directly opposite thereto, extending one lot or three hundred(300) feet, whichever is greater, from the street frontage of such opposite land, with the names of the owners as shown in the Assessor's files. This information may be shown on a separate current tax map or plat reproduction from the Assessor's Office showing the subdivision superimposed thereon.
- e) Be accompanied by a minimum of six copies of the preliminary plat as described in these regulations.
- f) Be accompanied by a minimum of three copies of construction plans, as described in these regulations.
- g) Comply generally with the sketch plat.

3. The Administrator shall refer the proposed preliminary plat and construction plans to the Technical Committee for its review, recommendations, and report. Such report of the Committee shall be submitted in writing to the Plan Commission at the time of the next regular meeting of the Commission.

4. Notice of Public Hearing. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Call a public hearing for the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section C.2.
- b) Require the applicant to submit a notice for publication in one (1) newspaper of general circulation in the county to be published at least ten days prior to the public hearing. This public notice shall describe the location of the subject property by street, block, and adjacent subdivisions as applicable or in the case of unsubdivided properties, location by township range and section (metes and bounds). At the time of the public hearing, the applicant shall submit an affidavit stating that he has notified by certified mail, return receipt requested, each adjacent or opposite owner of property as indicated on the application for subdivision approval, at least ten (10) days prior to the public hearing and "Proof of Publication" of the notice. The Commission may require the applicant to bear the cost of the public notice.

5. Preliminary Approval. After the Plan Commission has reviewed the preliminary plat, construction plans, reports received from the Technical Committee and other agencies, and heard testimony submitted at the public hearing, the applicant shall be advised of any required additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat.

6. Conditions of Preliminary Approval. As a condition of preliminary approval of a plat, the commission may specify:

- (1) the manner in which public ways shall be laid out, graded, and improved;
- (2) a provision for water, sewage, and other utility services;
- (3) a provision for lot size, number, and location;
- (4) a provision for drainage design;
- (5) a provision for other services as specified in the subdivision control ordinance; and
- (6) a provision for the distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience, and the harmonious development of the municipality.

7. The Administrator shall return one (1) copy of the proposed preliminary plat and construction plans to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the plat.

8. Public Improvements and Performance Bond.

- a) Completion of Improvements. Subsequent to preliminary approval but before the final plat is signed by the President and Secretary of the Commission, all applicants shall be required to complete all the streets, curbs, sidewalks, sanitary and storm sewers, waterlines, street signs, and other public improvements on the individual lots of the subdivision as required in this ordinance, specified in the final subdivision plat, and as approved by the Commission.
- b) The Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat, and that, in lieu thereof, the applicant shall post bond securable by the Town, hereinafter referred to as performance bond, in an amount equivalent to 110% of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements as provided for in Article VI Section A through F of this regulation. The estimated cost of completion shall be done by a registered professional engineer and shall be based on construction bids received by the applicant or developer.
- c) That in lieu of such a bond, the developer may submit a certified check made payable to the Town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation. Any such check shall be held by the Clerk-Treasurer.
- d) That in lieu of such a bond, the developer may submit irrevocable letters of credit on behalf of the developer and securable by the Town in an amount equivalent to 110% of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of one (1) year and the Commission shall after a period of ten (10) months determine if the public improvements have been accepted for maintenance by the governmental unit having jurisdiction over the public improvement, and if they have not been accepted, shall so notify the subdivider of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit, or at the discretion of the Commission to grant an extension for such period fixed by the Commission, not to exceed one (1) year, and the subdivider filing with the Commissioner a new letter of credit for the period so fixed.

- e) That in lieu of such a bond the subdivider may submit a certificate of deposit made out to the Town of Sellersburg and the developer, to be held by the Clerk-Treasurer and in an amount equivalent to 110% of the cost of completion of the uncompleted portion of required public improvements as provided for in Article VI Sections A through F of this regulation.
- f) Such performance bond or other instrument shall comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. The period within which the required public improvements must be completed shall be specified by the Commission in the resolution approving the preliminary subdivision plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of final approval, except as provided for in the irrevocable letter of credit. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

9. Effective Period of Preliminary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of one(1) year for subdivisions of twenty (20) lots or fewer and two (2) years for subdivisions of greater than twenty (20) lots at the end of which time final approval on the subdivision must have been obtained and certified by the President and Secretary of the Commission. Any plats not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations. Upon request of the applicant, the Commission may extend the approval of a preliminary plat in equivalent increments beyond an expiration date without further notice and public hearing.

10. Zoning Ordinances. Every plat shall conform to existing zoning ordinances and subdivision regulations applicable at the time of final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinances which would otherwise render the plat non-conforming as to size, shape or use.

11. Grading of Site Prior to Final Plat Approval. Subsequent to final approval of the preliminary plat, the developer may apply for an earthwork (topsoil and

excavation) permit from the Administrator or such other agency as the Governing Body has designated, and upon receipt of such permit may commence construction to the grades and elevations required by the approved preliminary plat.

12. Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Commission, in its discretion, may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided that said portion derives access from an existing public street, and provided that no future road or other improvements are anticipated where said lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to the preliminary approval, the model home(s) may be constructed, subject to such additional requirements that the Commission may require, and all local building codes..

Section D. Final Plat

1. Discussion of Requirements. Following the approval of the sketch plat in the case of a minor subdivision, or of the preliminary plat in the case of a major subdivision, the applicant, if he wishes to proceed with the subdivision, shall file with the Plan Commission an application for final approval of a subdivision plat.

2. Application. The application shall:

- a) Be made in duplicate forms available at the office of the Administrator.
- b) Be presented to the Administrator at least twenty (20) days prior to a regular meeting of the Commission to provide sufficient time for staff and technical committee review, and the legal ten (10) days notice.
- c) Be accompanied by a minimum of three(3) copies of the final plat which shall comply substantially with the sketch plat or preliminary plat, as approved, whichever is applicable, depending upon the classification of the subdivision.
- d) Be accompanied by a minimum of three(3) copies of complete final construction plans, as described in these regulations. Should any modification of these plans be made in the actual construction of these improvements, "as built" drawings shall be submitted upon completion.
- e) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, utilities, parks, easements, and other local government uses in a

form approved by the Town Attorney. In addition, the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the Town of Sellersburg all the streets, local government uses, easements, parks, road rights-of-way, and required utilities shown on the subdivision plat and construction plans.

Signature _____

Date _____

- f) Be accompanied by a performance bond or other instrument in a form satisfactory to the Town Attorney and in an amount established by the Plan Commission upon recommendation of the Town(See Section C.5. of this Article). It shall include a provision that the principle of the bond shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Commission and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises.

3. Endorsements by Other Public Authorities. The final subdivision plat shall be properly endorsed by appropriate authorities to assure the Commission that the plat is in compliance with all rules, regulations, and requirements of local and state authorities.

4. Approval Procedure. Upon receipt of formal application and all accompanying material, the Administrator shall:

- a) Assign a docket number and place the application for final approval on the agenda of the next scheduled meeting of the Plan Commission providing the submittal of the application is in compliance with Section D, 2, b, above, two (2) weeks after the date of the application.
- b) Maintain file copies of the plat and construction plans for public review prior to said meeting.

5. Consideration and Determination. At said meeting the Commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans.

One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefore, in writing, accompanying the plat.

6. Submission for Final Review. Subsequent to the approval of the Plan Commission, three (3) paper copies of the construction plans, one (1) copy of the subdivision plat on reproducible mylar, and two (2) copies of the subdivision plat on paper shall be submitted to the Commission for the required signatures. The permanent copy with signatures, shall be made available to the County Recorder for recording purposes. All copies shall be of a size as acceptable for filing in the office of the County Recorder, but shall not be larger than eighteen by twenty-four (18 x 24) inches.

No final approval shall be endorsed on the plat until a review has indicated that all requirements of Commission approval have been met.

7. Vested Rights. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary.

All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the President and attested to by the Secretary.

Where the Commission has required the installation of improvements prior to signing of the final plat, the Commission shall not unreasonably modify the conditions set forth in the final approval.

8. Signing of Plat. When a bond is required, the President and the Secretary shall endorse approval on the plat only after the bond has been approved by the Town Council, and all the conditions of the approval pertaining to the plat have been satisfied.

When installation of improvements is required, the President and the Secretary shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner

satisfactory to the local government as shown by a certificate signed by the Town Engineer and Town Attorney that the necessary dedication of public lands and improvements has been accomplished.

9. Recording of Plat. The President and Secretary will sign the reproducible mylar of the subdivision plat and return it to the applicant to be recorded with the County Recorder. A signed copy of the construction plans shall also be returned. It shall be the responsibility of the subdivider to file the plat with the County Recorder within thirty(30) days of the date of signature. Simultaneously with the filing of the plat, the subdivider shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the Town Attorney.

10. Sectionalizing of Plats. Subsequent to granting preliminary plat approval of a major subdivision plat, the Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond or other instrument be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for final approval. The same policy shall apply to installation of improvements.

The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted final approval.

In the event of approval of sectionalizing, such sections as have been authorized by the Commission shall be filed with the County Recorder. Such sections must contain at least ten percent (10%) of the total number of lots contained in the entire plat.

The approval of all remaining sections not filed with the County Recorder shall automatically expire unless such sections have been approved for filing by the Commission, all fees paid, all instruments and offers of dedication submitted, and performance bonds approved and actually filed with the County Recorder within two(2) years of the date of preliminary approval of the subdivision plat unless extended by the commission. (See Section C.7. of this Article).

2.

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Paul E. & Lucille Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of Clark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following courses of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the northeastern line of Davis to the northwestern line of Diamond Heights Subdivision Unit III;

South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point;

North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point;

North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point;

North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision.

North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, December 15, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 2nd day of December, 1997.

To be published in the Evening News.

Lloyd & Mary J. Naugle
1506 Celesta Way
Sellersburg, In 47172

13

Louis K. Jr. Imhof
1504 Celesta Way
Sellersburg, In 47172

14

Nancy Casteel
1502 Celesta Way
Sellersburg, In 47172

15

James & Genevieve Pyles
7000 Hwy 31 E.
Sellersburg, In 47172

A-15

Hirum C. & Marguerite B. Fraley
7005 Hwy 31 E.
Sellersburg, In 47172

22, 55, 10

Rebecca L. Cumming
6851 Diamond Heights
Sellersburg, Indiana 47172

21

J. C. & Opal M. Reliford
6849 Diamond Heights
Sellersburg, In 47172

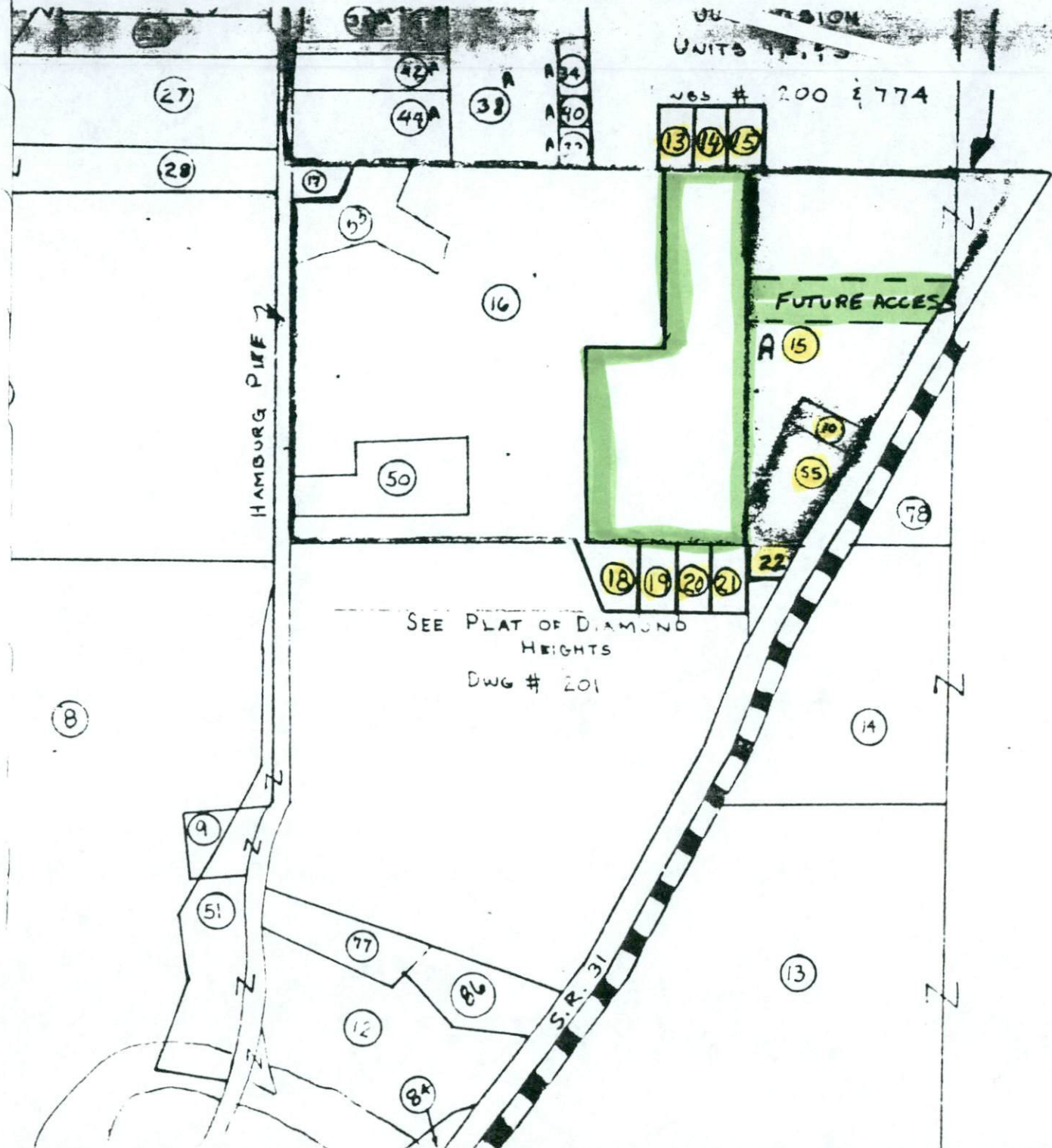
20

Julia Patricia Elliss
6847 Diamond Heights
Sellersburg, In 47172

19

Thomas Wayne & M. Janene Casey
6843 Diamond Heights
Sellersburg, In 47172

18



UNITS # 200 2774

INCAS
C.V. W. 10/10/10
P.O.I. D.B. P.G. AS
10/10/10

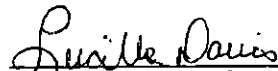
TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

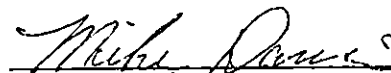
To whom it may concern, Mike Davis will be representing Paul & Lucille Davis on the rezoning request dated December 15, 1997.



Paul Davis



Lucille Davis



Mike Davis

BOARD OF PLANNING COMMISSION

September 15, 1997

The Board of the Planning Commission met on September 1, 1997, at 6:00p.m. at the Sellersburg Town Hall. Rodney Pate chaired the meeting.

THE FOLLOWING MEMBERS WERE PRESENT: Rodney Pate, Ken Alexander, Doug Reiter, Benita Pate, Dan Vogel, and Doug Eddings, and Bob Stewart, the Sellersburg Building Inspector.

Virgil Bolly was present tonight on behalf of Robert L. Mohlenkamp to rezone the parcel of land near Greenwood Road and Highway 31. He is requesting a rezoning from R-1 to B-3. This is a narrow strip of land along Highway 31 that is in the town of Sellersburg. The major portion is in the county.

After some discussion, Virgil Bolly asked that it be tabled until the next meeting.

Mr. David Franke from last month about rezoning his parcel of property next to Robert Mohlenkamp from R-1 to B-3. It was tabled from the August meeting.

Dan Vogel made a motion to rezone David Frank's parcel of property to R-3 from R-1. Doug Eddings seconded the motion. Two members voted yes, two members voted no, 1 abstained, and Rod Pate voted no, to break the tie. The Zoning change was not granted.

S. L. Management is requesting a zoning change for the property at 228 Popp Avenue from R-1 to R-2, in order to erect a duplex unit. Doug Reiter and Ken Alexander are part of this project and will abstain from voting.

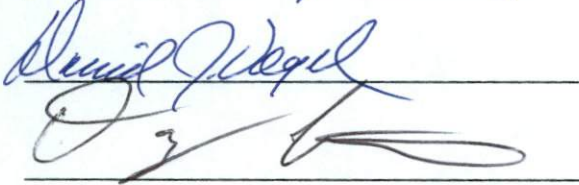
This also, was tabled from the meeting last month, because after Ken Alexander and Doug Reiter requested to abstain from voting, there was not a quorum to vote.

Doug Eddings made a motion to rezone 228 Popp Avenue to "R-2". Benita Pate seconded the motion. Ken Alexander and Doug Reiter will not vote. Three members voted in favor of the motion.

Ken Alexander made a motion to approve the minutes of the August 8, 1997 meeting. Doug Eddings seconded the motion. All members present, voted in favor of the motion.

Ken Alexander made a motion to adjourn the meeting. Doug Eddings seconded the motion. All members present, voted in favor of the motion.







Benita Pate

SEPT. 11, 1997

Planning & Zoning Commission:

Sept. meeting, 9/15/97

We have two cases to consider for the September meeting.

Virgil Bolly will be present to discuss a request from Robert L. Mohlenkamp to Rezone a parcel of land near Greenwood Road and Hwy 31. He is requesting a rezoning from R-1 to B-3. This is a narrow strip of land along Hwy 31 that is in the Town of Sellersburg. The major portion of his property is in the County.

For your information, last evening, Sept. 10, 1997, he made the same request to the Clark County Planning and Zoning Commission. Mr. Karl Kramer has confirmed to me this morning that his request was granted with a small variation which we will explain at the meeting.

To help you identify this property, it is the large field on your right along Hwy 31 as you travel south, just before you get to Greenwood Road. Enclosed is a site drawing of the area. I have noted the part that lies in the Town of Sellersburg with a colored marker. I have also included a copy of the petition signed by the property owner, a copy of the legal notice and a copy of the adjoining property owners who were mailed legal notices.

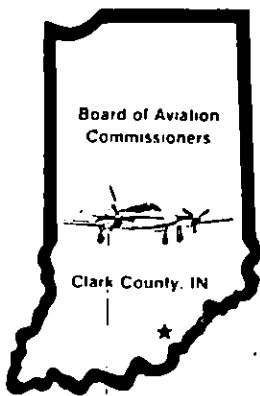
Case number two is a return by Mr. David Frank from last month about rezoning his parcel of property next to Robert Mohlenkamp from R-1 to B-3. If you recall, this was tabled at the last meeting. You already have the sketches on this matter.

I will be in Indianapolis all day on the 15th, but I will make every attempt to be back for the 6:00 P.M. meeting.

Respectfully,



Bob Stewart



BOARD OF AVIATION COMMISSIONERS
OF CLARK COUNTY, INDIANA

7004 AIRPORT DRIVE
SELLERSBURG, INDIANA 47172

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

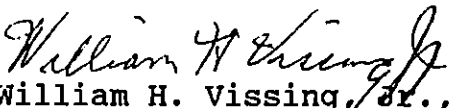
One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

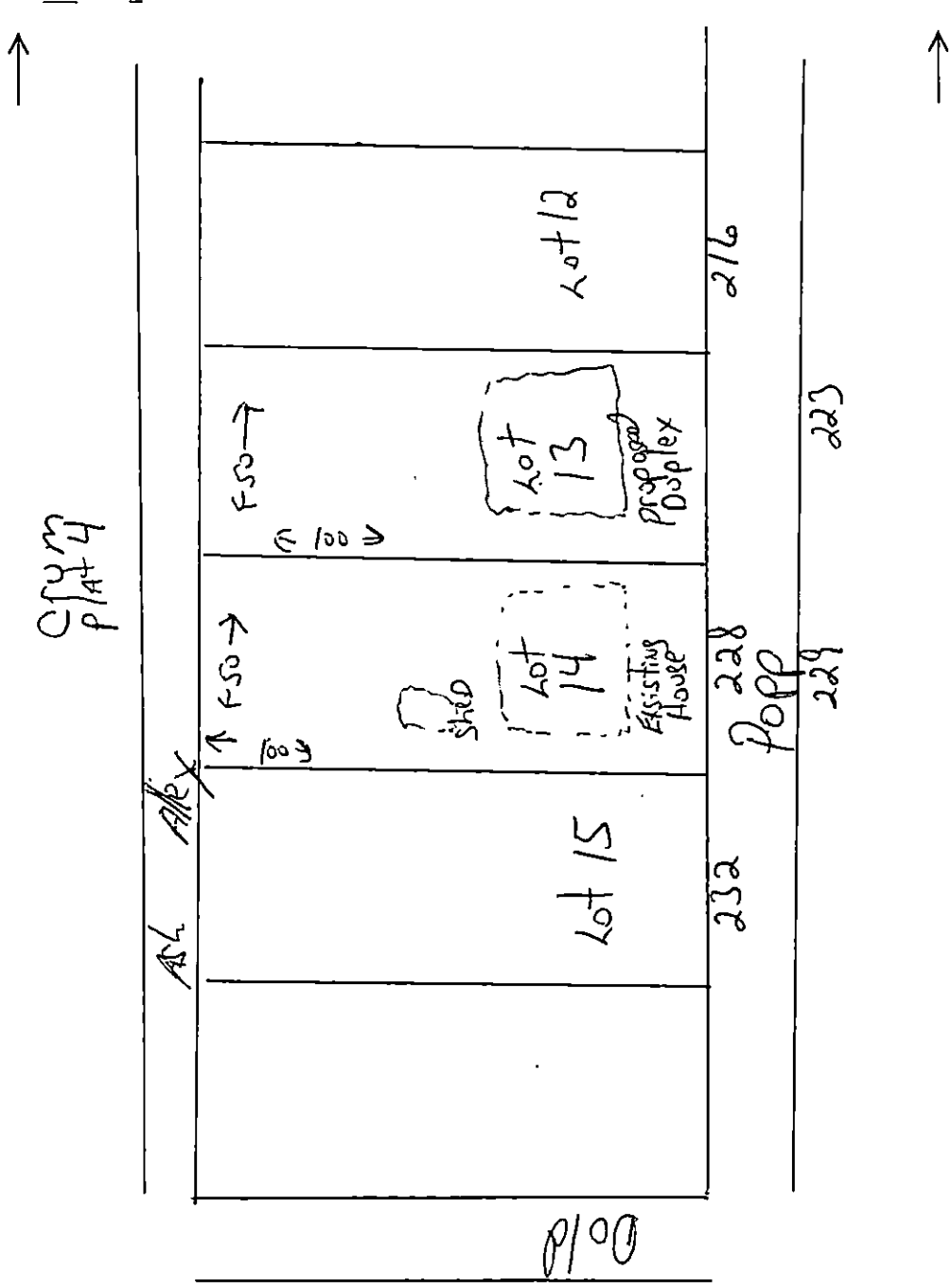
The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,


William H. Vissing, Jr.,
President



CLV-16474-B



POS REPORT FORM





BOARD OF AVIATION COMMISSIONERS
OF CLARK COUNTY, INDIANA

7004 AIRPORT DRIVE
SELLERSBURG, INDIANA 47172

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

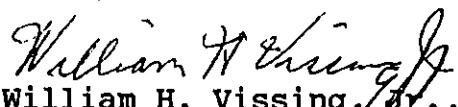
One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,


William H. Vissing, Jr.,
President

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that S L Management, an Indiana Partnership filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County, Indiana, from R1 to R2, to-wit:

Being lots numbers thirteen (13) and fourteen (14) in block number one (1) of Edward Dold and Magdalena Popp's Addition to the Town of Sellersburg, as recorded in Plat Record number 3, page 70, in the office of the Recorder of Clark County, Indiana.

The street address of the property, which is the subject of the petition is 228 Popp Avenue, Sellersburg, IN 47172.

All persons are hereby notified that a public hearing will be held on Monday August 18, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Mondays thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered. Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary

Dated this 8 day of August, 1997.

To be published in the Evening News and Clark County Journal ten days prior to meeting date.

CITYM
PLAT 4



~~CLV-16474-B~~



BOARD OF AVIATION COMMISSIONERS
OF CLARK COUNTY, INDIANA

7004 AIRPORT DRIVE
SELLERSBURG, INDIANA 47172

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

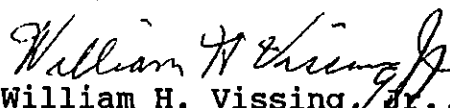
One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,


William H. Vissing, Jr.,
President

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Robert L. Mohlenkamp has filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County, Indiana, from R-1 to B-3, to-wit:

Being a 34.440 acre part of a 58.594 acre tract of land heretofore conveyed to Louis W. Mohlenkamp by deed as recorded in deed Record 220, Page 434 of the Clark County, Indiana record of deeds, and being a part of Survey No. 67 of the Illinois Grant and being more fully described as follow to-wit: Beginning at a stone at the common corner of Surveys 67 and 89 and on the easterly line of Survey No. 87 of the Illinois Grant and running thence North 54 deg. 13' East, 1056.0 feet to a limestone; thence South 35 deg. 00' East, 980.0 feet to an limestone on the westerly right of way line of State Highway No. 31-E; thence South 7 deg. 35' East, along said westerly right of way line 569.9 feet to a stone on the northerly right of way line of Greenwood Road; thence South 54 deg. 01' West along said northerly right of way line 793.8 feet to a stone on the westerly line of said Survey No. 67; thence North 35 deg. 00' West, along said westerly line, 1484.9 feet to the place of beginning and containing 34.440 acres of land.

The local address of the property, which is the subject of the petition is acreage on U. S. Highway 31, near Greenwood Road, Sellersburg, Indiana, Silver Creek Township.

All persons are hereby notified that a public hearing will be held on Monday, September 15, 1997, at 6:00 o'clock P. M., E. D. T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Mondays thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the Inspector will be considered. Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 7th day of August, 1997.


Rodney T. Pate,
President, Town of Sellersburg
Planning and Zoning Commission

To be published in The Evening News ten days
prior to meeting date.

BEFORE THE TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

In the Matter of the Petition of:
ROBERT L. MOHLENKAMP

The undersigned petitioner respectfully requests an amendment to the zoning map of the Town of Sellersburg with respect to that part of the following real estate presently zoned R1 in the Town of Sellersburg, in Clark County, Indiana, to-wit:

Being a 34.440 acre part of a 58.594 acre tract of land heretofore conveyed to Louis W. Mohlenkamp by deed as recorded in deed Record 220, Page 434 of the Clark County, Indiana record of deeds, and being a part of Survey No. 67 of the Illinois Grant and being more fully described as follow to-wit: Beginning at a stone at the common corner of Surveys 67 and 89 and on the easterly line of Survey No. 87 of the Illinois Grant and running thence North 54 deg. 13' East, 1056.0 feet to a limestone; thence South 35 deg. 00' East, 980.0 feet to an limestone on the westerly right of way line of State Highway No. 31-E; thence South 7 deg. 35' East, along said westerly right of way line 569.9 feet to a stone on the northerly right of way line of Greenwood Road; thence South 54 deg. 01' West along said northerly right of way line 793.8 feet to a stone on the westerly line of said Survey No. 67; thence North 35 deg. 00' West, along said westerly line, 1484.9 feet to the place of beginning and containing 34.440 acres of land.

Requested rezoning change: To B3

Local address of property is: Acreage on US Highway 31, Sellersburg, Indiana, Silver Creek Township.

Specific Reason for requesting rezoning from A-1, area is developing as Commercial.

Please Explain: Real Estate adjoins I-65 at the Hamburg Interchange, SR 60 & SR 31, Also adjoins a Truck Stop on I65 also across SR 31 from Commercial-Industrial Development and is catacorner from airport. Area is developing as commercial.

Dated and signed by petitioner at Sellersburg, Clark County, Indiana, this 31st day of July, 1997.



Virgil E. Bolly,
Attorney for Petitioner



Robert L. Mohlenkamp

Petition Prepared by:
Virgil E. Bolly
Attorney for Petitioner

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

Mohlenkamp adjoining property owners:

1. David A. Francke, Doris A. Schipper and Karen E. Peterson
3751 S. School Avenue, #23, Sarasota, FL 34239
2. Francis W. Francke (Trustee)
3751 S. School Avenue, Sarasota, FL 34239
3. Norman L. Koch and Elaine M. Koch
7606 Highway 31, Sellersburg, IN 47172
4. George E. Pixley and Pauline P. Pixley
Douglas C. Pixley
7412 Highway 31, Sellersburg, IN 47172
5. Philadelphia, Baltimore & Washington Railroad
now known as L.I.R.C.
2500 Old Highway 31E, Jeffersonville, IN 47130
6. A & J, Inc.
P. O Box 22548, Louisville, KY 40222
7. Charles Cognata
7217 Highway 31 E, Sellersburg, IN 47172
8. Robert E. Anderson and Mary L. Anderson
1306 Greenwood Road, Sellersburg, IN 47172
9. Arnold G. Vest and Rose M. Vest
501 E. Highway 131, Clarksville, IN 47129.

BEFORE THE TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

In the Matter of the Petition of:
ROBERT L. MOHLENKAMP

The undersigned petitioner respectfully requests an amendment to the zoning map of the Town of Sellersburg with respect to that part of the following real estate presently zoned R1 in the Town of Sellersburg, in Clark County, Indiana, to-wit:

Being a 34.440 acre part of a 58.594 acre tract of land heretofore conveyed to Louis W. Mohlenkamp by deed as recorded in deed Record 220, Page 434 of the Clark County, Indiana record of deeds, and being a part of Survey No. 67 of the Illinois Grant and being more fully described as follow to-wit: Beginning at a stone at the common corner of Surveys 67 and 89 and on the easterly line of Survey No. 87 of the Illinois Grant and running thence North 54 deg. 13' East, 1056.0 feet to a limestone; thence South 35 deg. 00' East, 980.0 feet to an limestone on the westerly right of way line of State Highway No. 31-E; thence South 7 deg. 35' East, along said westerly right of way line 569.9 feet to a stone on the northerly right of way line of Greenwood Road; thence South 54 deg. 01' West along said northerly right of way line 793.8 feet to a stone on the westerly line of said Survey No. 67; thence North 35 deg. 00' West, along said westerly line, 1484.9 feet to the place of beginning and containing 34.440 acres of land.

Requested rezoning change: To B3

Local address of property is: Acreage on US Highway 31, Sellersburg, Indiana, Silver Creek Township.

Specific Reason for requesting rezoning from A-1, area is developing as Commercial.

Please Explain: Real Estate adjoins I-65 at the Hamburg Interchange, SR 60 & SR 31, Also adjoins a Truck Stop on I65 also across SR 31 from Commercial-Industrial Development and is catacorner from airport. Area is developing as commercial.

Dated and signed by petitioner at Sellersburg, Clark County, Indiana, this 31st day of July, 1997.



Virgil E. Bolly,
Attorney for Petitioner



Robert L. Mohlenkamp

Petition Prepared by:
Virgil E. Bolly
Attorney for Petitioner

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

Mohlenkamp adjoining property owners:

1. David A. Francke, Doris A. Schipper and Karen E. Peterson
3751 S. School Avenue, #23, Sarasota, FL 34239
2. Francis W. Francke (Trustee)
3751 S. School Avenue, Sarasota, FL 34239
3. Norman L. Koch and Elaine M. Koch
7606 Highway 31, Sellersburg, IN 47172
4. George E. Pixley and Pauline P. Pixley
Douglas C. Pixley
7412 Highway 31, Sellersburg, IN 47172
5. Philadelphia, Baltimore & Washington Railroad
now known as L.I.R.C.
2500 Old Highway 31E, Jeffersonville, IN 47130
6. A & J, Inc.
P. O Box 22548, Louisville, KY 40222
7. Charles Cognata
7217 Highway 31 E, Sellersburg, IN 47172
8. Robert E. Anderson and Mary L. Anderson
1306 Greenwood Road, Sellersburg, IN 47172
9. Arnold G. Vest and Rose M. Vest
501 E. Highway 131, Clarksville, IN 47129.

SEPT. 11, 1997

Planning & Zoning Commission:

Sept. meeting, 9/15/97

We have two cases to consider for the September meeting.

Virgil Bolly will be present to discuss a request from Robert L. Mohlenkamp to Rezone a parcel of land near Greenwood Road and Hwy 31. He is requesting a rezoning from R-1 to B-3. This is a narrow strip of land along Hwy 31 that is in the Town of Sellersburg. The major portion of his property is in the County.

For your information, last evening, Sept. 10, 1997, he made the same request to the Clark County Planning and Zoning Commission. Mr. Karl Kramer has confirmed to me this morning that his request was granted with a small variation which we will explain at the meeting.

To help you identify this property, it is the large field on your right along Hwy 31 as you travel south, just before you get to Greenwood Road. Enclosed is a site drawing of the area. I have noted the part that lies in the Town of Sellersburg with a colored marker. I have also included a copy of the petition signed by the property owner, a copy of the legal notice and a copy of the adjoining property owners who were mailed legal notices.

Case number two is a return by Mr. David Frank from last month about rezoning his parcel of property next to Robert Mohlenkamp from R-1 to B-3. If you recall, this was tabled at the last meeting. You already have the sketches on this matter.

I will be in Indianapolis all day on the 15th, but I will make every attempt to be back for the 6:00 P.M. meeting.

Respectfully,



Bob Stewart

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Robert L. Mohlenkamp has filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County, Indiana, from R-1 to B-3, to-wit:

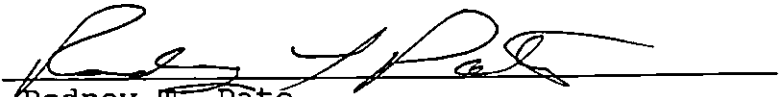
Being a 34.440 acre part of a 58.594 acre tract of land heretofore conveyed to Louis W. Mohlenkamp by deed as recorded in deed Record 220, Page 434 of the Clark County, Indiana record of deeds, and being a part of Survey No. 67 of the Illinois Grant and being more fully described as follow to-wit: Beginning at a stone at the common corner of Surveys 67 and 89 and on the easterly line of Survey No. 87 of the Illinois Grant and running thence North 54 deg. 13' East, 1056.0 feet to a limestone; thence South 35 deg. 00' East, 980.0 feet to an limestone on the westerly right of way line of State Highway No. 31-E; thence South 7 deg. 35' East, along said westerly right of way line 569.9 feet to a stone on the northerly right of way line of Greenwood Road; thence South 54 deg. 01' West along said northerly right of way line 793.8 feet to a stone on the westerly line of said Survey No. 67; thence North 35 deg. 00' West, along said westerly line, 1484.9 feet to the place of beginning and containing 34.440 acres of land.

The local address of the property, which is the subject of the petition is acreage on U. S. Highway 31, near Greenwood Road, Sellersburg, Indiana, Silver Creek Township.

All persons are hereby notified that a public hearing will be held on Monday, September 15, 1997, at 6:00 o'clock P. M., E. D. T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Mondays thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the Inspector will be considered. Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 7th day of August, 1997.


Rodney T. Pate,
President, Town of Sellersburg
Planning and Zoning Commission

To be published in The Evening News ten days
prior to meeting date.

BOARD OF PLANNING COMMISSION

OCTOBER 20, 1997

The Board of Planning Commission met at the Sellersburg Town Hall on October 20, 1997 at 6:00 p.m. Rodney Pate chaired tonight's meeting.

THE FOLLOWING MEMBERS WERE PRESENT: Rodney Pate, Ken Alexander, Doug Reiter, Dan Vogel, and Benita Pate, and Bob Stewart, the Sellersburg Building Inspector.

THE FOLLOWING PERSON WAS ABSENT: Doug Eddings

Virgil Bolly was present tonight on behalf of Robert L. Mohlenkamp to rezone a parcel of land near Greenwood Road and Highway 31. He is requesting R-1 to B-3. This was tabled from the September 15, 1997 meeting.

Rodney Pate submitted and read a letter received from the board of Aviation Commissioners of Clark County, Indiana to the Sellersburg Planning Commission.

The letter was in reference to FAA concerns of future construction around airport premises. At this time, Clark County Zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. The board wanted to emphasize that if residential construction is allowed, in the vicinity of the airport, this will violate the assurances which the county gave to the FAA.

Ken Alexander made a motion to grant Robert L. Mohlenkamp rezoning of a parcel of land near Greenwood Road and Highway 31 to B-3 from R-1. Dan Vogel seconded the motion. All members present, voted in favor of the motion.

Also, last month Mr. Franke was requesting a R-1 to R-3 on property that lies along Highway 31, South of Moose Lodge and north of Greenwood Road. This motion could not be carried without a second. The board felt it was only fair that Mr. Franke be granted a zoning change, also.

Ken Alexander made a motion to grant Mr. Franke's land along Highway 31 to a R-3 from a R-1. Dan Vogel seconded the motion. All members present, voted in favor of the motion.

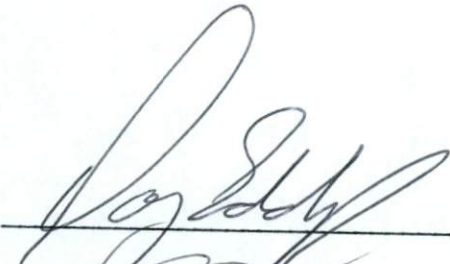
Dan Vogel made a motion to accept the minutes of the September 15, 1997 meeting along with a name correction. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

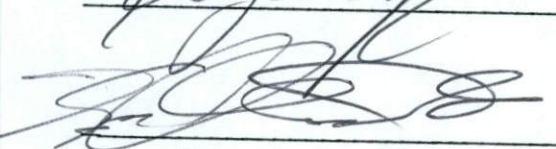
Ken Alexander made a motion that we, the planning commission recommend to the Town Council of Sellersburg to renew Bob Stewart's Building Inspector's contract with a four year agreement. Dan Vogel seconded the motion. All members present, voted in favor of the motion.

Board of Planning Commission
Page 2
October 20, 1997


Doug Reiter made a motion to close the meeting. Ken Alexander seconded the motion. All members present, voted in favor of the motion.

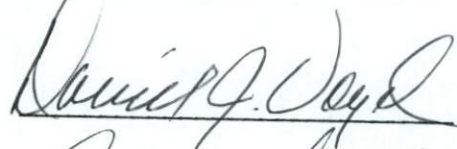
Submitted by: Benita Pate
Secretary
















BOARD OF AVIATION COMMISSIONERS
OF CLARK COUNTY, INDIANA

7004 AIRPORT DRIVE
SELLERSBURG, INDIANA 47172

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

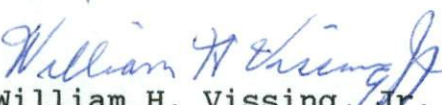
One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,


William H. Vissing, Jr.,
President

PLANNING AND ZONING COMMISSION

MEETING, NOV. 17, 1997

YOU HAVE TWO REQUEST FOR ZONING CHANGES FOR THIS MEETING.

The first request is from Mrs. Cathern M. Voignier for her property at 7409 Highway 311, Sellersburg, IN.

She is requesting a zoning change from R-1 (Single Family Residence) to R-3 (Multi-Family residence). She will be represented at the meeting by her son, Joe Voignier. They have sent the required letters of legal notice to the adjoining property owners, a list of those is enclosed. They have arranged for the required legal notice in a local daily newspaper as required by Sellersburg Zoning Ordinance.

Item #2 is from Mr. Mike Davis whose office address is 2222 Koetter Dr., Clarksville, In. He is requesting a Zoning Change from R-1 (Single Family Residence) to R-3 (Multi-Family residence) for a parcel of property he has ownership in lying roughly behind his property, Lake Pointe Estates off of Hwy 60 and also behind Fraley's Market off of Hwy 31. The proposed access to this property would be through property owned by James Pyles at 7000 Hwy 31 (the deep water hole along 31 near Fraley's Market) They have done the legal advertisements and notification of adjacent property owners by certified mail, return receipt.

I will be unable to attend this meeting. I will be in Indianapolis for an all day Electrical Inspectors class that day and will be staying overnight to attend a Fire Inspectors meeting in Indianapolis on the 18th. I am having some work done on my eyes on the 10th of November and will not be able to drive all week. Therefore, I plan to be off from work all that week and will not be available in the office. If you need to contact an inspector during that week, call 246-7232 and advise the dispatcher of your need. There should be someone available to make inspections in my absence but they may need some time to have someone call you back. Please bear with us. Thanks for understanding.

Respectfully, Bob Stewart



Lloyd & Mary J. Naugle
1506 Celesta Way
Sellersburg, In 47172

(13)

Julia Patricia Elliss
6847 Diamond Heights
Sellersburg, In 47172

(19)

Louis K. Jr. Imhof
151 Delaware Street
Indianapolis, In 46266

(14)

Thomas Wayne & M. Janene Casey
6843 Diamond Heights
Sellersburg, In 47172

(18)

Nancy Casteel
1502 Celesta Way
Sellersburg, In 47172

(15)

James & Genevieve Pyles
7000 Hwy 31 E.
Sellersburg, In 47172

(A-15)

Hiram C. & Marguerite B. Fraley
7005 Hwy 31 E.
Sellersburg, In 47172

(22), (55), (10)

Rebecca L. Cumming
6851 Diamond Heights
Sellersburg, Indiana 47172

(21)

J. C. & Opal M. Reliford
6849 Diamond Heights
Sellersburg, In 47172

(20)

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7738
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

October 2, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William H. Vissing, Jr.,
President

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

November 13, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

I represent the Board of Aviation Commissioner of Clark County who owns the Clark County Airport.

This letter will follow up on the letter which I sent to you in October, a copy of which letter is enclosed herein.

It has come to the Board's attention that a landowner has filed an application to build apartments behind Fraley's Market on Highway 31 which is just across the highway from the Airport.

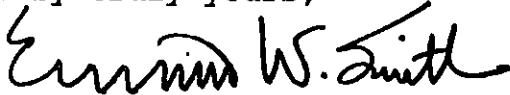
The Board would like to go on record opposing the construction of any residential apartments this close to the Clark County Airport for the reasons described in the enclosed letter.

The Board and the Airport Manager periodically get complaints from residents in the area of the Airport about the noise which airplanes make. A large residential apartment complex in the area of the Airport would certainly have a potential for many complaints and a possible detrimental effect to the future airport expansion. In addition, the availability of federal funds for future development might also be effected if such construction is allowed in the immediate vicinity of the Airport.

Mr. Rod Pate
Page Two
November 13, 1997

Would you please present this letter at the hearing on Monday, November 17, and make it a part of the record of the hearing.

Very truly yours,



Ernest W. Smith, Attorey
Board of Aviation Commissioners of Clark County, Indiana

Enc.

xc: Sellersburg Town Hall Meeting Room

William H. Vissing, Jr., President
Board of Aviation Commissioners of Clark County, Indiana

John H. Toombs, Jr., Engineer
Board of Aviation Commissioners of Clark County, Indiana



November 14, 1997

Mr. Rodney Pate
Sellersburg Zoning Board
316 E. Utica Street
Sellersburg, IN 47172

RE: Rezoning of Davis Tract

Dear Mr. Pate:

Hap's Aerial Enterprises has been in the airport business since 1947. During these 50 years, our experience tells us residential areas and airports are not a good mix. The noise level, the traffic patterns, and for safety reasons, it is best to maintain separation from the private sector. The Clark County Board of Aviation Commissioners and the Clark County Zoning Board work together to limit residential dwellings and encourage commercial development of properties around the airport.

Hap's would like to go on record as opposing the rezoning of the Davis Tract from R1 to R3. With the aircraft traffic we have currently, the neighbors surrounding the airport don't enjoy the noise produced by the larger aircraft. With the growth and expansion of the airport, this could be a costly venture for the area taxpayers to sound proof or relocate 160 apartments. In the news last week, the Louisville Jefferson County Airport is relocating 300 homeowners because of the noise levels. Granted the Clark County Airport doesn't have this traffic today, but we are a Reliever Airport to Stadiford Field and our Master Plan calls for 10,000 ft runways that will be capable of handling UPS sized aircraft.

In making your decision, please look out for the best interest of the entire area, both commercial and residential. Commercial development is a better environment for this sector.

Respectfully,
Hap's Aerial Enterprise, Inc.

A handwritten signature in cursive script that reads "Melodee A. McNames".

Melodee A. McNames
General Business Manager



November 14, 1997

Mr. Rodney Pate
Sellersburg Zoning Board
316 E. Utica Street
Sellersburg, IN 47172

RE: Rezoning of Davis Tract

Dear Mr. Pate:

Hap's Aerial Enterprises has been in the airport business since 1947. During these 50 years, our experience tells us residential areas and airports are not a good mix. The noise level, the traffic patterns, and for safety reasons, it is best to maintain separation from the private sector. The Clark County Board of Aviation Commissioners and the Clark County Zoning Board work together to limit residential dwellings and encourage commercial development of properties around the airport.

Hap's would like to go on record as opposing the rezoning of the Davis Tract from R1 to R3. With the aircraft traffic we have currently, the neighbors surrounding the airport don't enjoy the noise produced by the larger aircraft. With the growth and expansion of the airport, this could be a costly venture for the area taxpayers to sound proof or relocate 160 apartments. In the news last week, the Louisville Jefferson County Airport is relocating 300 homeowners because of the noise levels. Granted the Clark County Airport doesn't have this traffic today, but we are a Reliever Airport to Stadiford Field and our Master Plan calls for 10,000 ft runways that will be capable of handling UPS sized aircraft.

In making your decision, please look out for the best interest of the entire area, both commercial and residential. Commercial development is a better environment for this sector.

Respectfully,
Hap's Aerial Enterprise, Inc.

A handwritten signature in cursive script that reads "Melodee A. McNames".

Melodee A. McNames
General Business Manager

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Mike Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of Clark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following courses of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the northeastern line of Davis to the northwestern line of Diamond Heights Subdivision Unit III;

South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point;

North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point;

North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point;

North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision.

North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, November 17, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 6th day of November, 1997.

To be published in the Evening News.

STATE OF INDIANA,
COUNTY OF CLARK--SS

TOWN OF SELLERSBURG
PLANNING AND ZONING
COMMISSION
LEGAL NOTICE

Notice is hereby given that Mike Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of Clark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following courses of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the northeastern line of Davis to the northwestern line of Diamond Heights Subdivision Unit III; South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point; North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point; North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point; North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision; North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, November 17, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 6th day of November, 1997.

Janie Marn, on oath says that she is book-keeper of the News & Journal and in the employ of the publisher of

The Evening News, a daily

newspaper of general circulation printed and published in the City of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for One Time, to-wit: In issue of said Evening News dated November 7, 1997

Janie Marn

State of Indiana

County of Clark

Subscribed and sworn to before me this

7th day of November 1997

Susan O'Neal
SUSAN O'NEAL

Notary Public, Clark County, Indiana

My commission expires 10-2-98

Publication Fee \$.....

*original on file
in Town Council
w Linda Schaefer*

We the concerned property owners of Greenwood subdivision would like to formally address the possibility of re-zoning from R1 to R3 of a 7.87 acre tract of land in Survey #66 owned by Mr. Mike Davis.

The major concerns are:

- 1. Greenwood subdivision currently suffers from poor drainage and the new development would only exacerbate the problem.***
- 2. Security & maintenance of proposed Lake/Pond.***
- 3. Depreciation of present property values of Greenwood Subdivision due to multi-family dwellings.***
- 4. Increase in scale of noise due to an influx of traffic in combination with the potential population growth.***

The original plan for the area in question was for single family, high income dwelling. We petition the Town of Sellersburg to uphold the original zoning of R1, which would enhance the surrounding neighborhoods not cause a detriment as we feel multi-family dwellings will. The residents further request, Mr. Davis be required to construct a 10ft. tall (brick/stone) privacy wall along the Southeastern line of Greenwood Subdivision to minimize trespassing, vandalism and theft of private property. We would also request Mr. Davis be completely responsible for up-keep and maintenance of proposed barrier.

Original on
Town Council
w/ Linda Schaefer

AFFIDAVIT

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

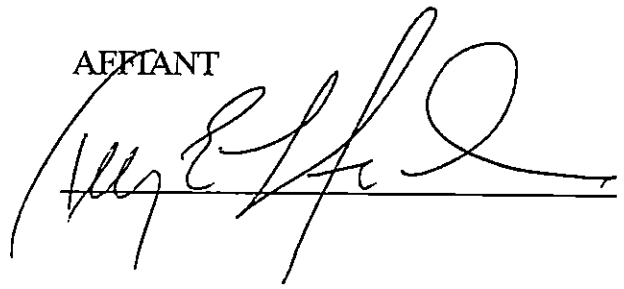
The undersigned being first duly sworn on oath, deposes and says that:

On the 13 day of November, 1997, I personally went to the Sellersburg Town Hall to inspect the Petition and drawings pertaining to the re-zoning documents filed by Mike Davis on a Tract of ground in Grant 66.

Said documents, contrary to the legal notice, was not on file at said Town Hall.

Further affiant sayeth not.

AFFIANT

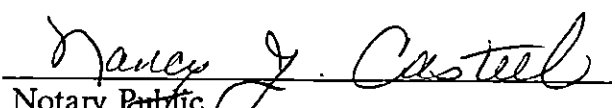


STATE OF INDIANA)

:SS

COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, on November 13, 1997 personally appeared TERRY E. LANGFORD who acknowledged execution of the foregoing document.



Notary Public
Typed Name: Nancy J. Casteel
Commission Expires: 10/04/98
County of Residence: Clark

Original on file in
 Town Council in
 Linda Schaefer

Signature	Address	Name
<i>Louis Imhof</i>	1504 Celesta Way	Louis Imhof
<i>Wynne Caster</i>	1502 Celesta Way	Wynne Caster
<i>Linda Caster</i>	1502 Celesta Way	Linda Caster
<i>Handed Sellers</i>	1705 Banner Ave	Handed Sellers
<i>Patty Sellers</i>	" "	Patty Sellers
<i>Debra Mink</i>	7805 Locust Drive	Debra Mink
<i>Ann B. Booth</i>	1410 Celesta Way	Ann B. Booth
<i>Mary Mungle</i>	1506 Celesta Way	Mary Mungle
<i>George Billings</i>	1506 Celesta Way	George Billings
<i>Marilyn Fisher</i>	7001 Banner Ave.	Marilyn Fisher
<i>Pat Sellers</i>	7003 Banner Ave	Pat Sellers
<i>Roberta Caldwell</i>	7010 Banner Ave	Roberta Caldwell
<i>Henry Bridge</i>	707 Banner Ave	Henry Bridge
<i>Linda Birtz</i>	7007 Banner Ave.	Linda Birtz
<i>Carl Fivush</i>	1507 Emerald Dr	Carl Fivush
<i>David Zambatti</i>	1503 Emerald Drive	David Zambatti
<i>C. Alan Harmon</i>	1501 Emerald Dr.	C. Alan Harmon
<i>Robin Purlee</i>	1410 Emerald Dr.	Robin Purlee

Name	Address	Signature
Martin Lorne	1502 EMERALD DR.	Martin Lorne
Charles Linnell	1405 EMERALD DR.	Charles Linnell
John Lee Linnell	" "	John Lee Linnell
Shirley Patterson	1401 Emerald Dr.	Shirley Patterson
Mary Patterson	1403 Emerald Dr.	Mary Patterson
Frank Patterson	1403 Emerald Dr.	Frank Patterson
Glen Bell	1409 Emerald Dr.	Glen Bell
Jim Beer	" "	Jim Beer
Franklin Rogers	1408 CELESTA WAY	FRANKLIN ROGESS
Nancy Banks	1403 Celesta way	NANCY BANKS
Bruce Walker	1404 Celesta way	Bruce Walker
Kelly Michel	1309 Celesta way	Kelly Michel
Thompson	1308 Celesta way	Thompson
William R. Bopp	1410 CELESTA WAY	William R. Bopp
Mary E. Hyland	1503 Celesta Way	Mary E. Hyland
Janet J. Langford	1503 Celesta way	Janet J. Langford
Gene Johnson	1506 Emerald Dr.	Gene Johnson
Carl Goldman	1504 Emerald Dr.	Carl Goldman
Brian K. Keenan	1407 CELESTA WAY	Brian K. Keenan

Original on file
in Town Council
w/ Linda Schaefer

AFFIDAVIT

Original on
File in Town Council
w/ Linda Schaefer

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

The undersigned being first duly sworn on oath, deposes and says that:

On the 12th day of November, 1997, I personally went to the Sellersburg Town Hall to inspect the Petition and drawings pertaining to the re-zoning documents filed by Mike Davis on a Tract of ground in Grant 66.

Said documents, contrary to the legal notice, was not on file at said Town Hall.

Further affiant sayeth not.

AFFIANT

Ann B Booth

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, on November 13, 1997 personally appeared ANN B. BOOTH who acknowledged execution of the foregoing document.

Nancy J. Casteel

Notary Public
Typed Name: Nancy J. Casteel
Commission Expires: 10/04/98
County of Residence: Clark

AFFIDAVIT

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

The undersigned being first duly sworn on oath, deposes and says that:

On the 12th day of November, 1997, I personally went to the Sellersburg Town Hall to inspect the Petition and drawings pertaining to the re-zoning documents filed by Mike Davis on a Tract of ground in Grant 66.

Said documents, contrary to the legal notice, was not on file at said Town Hall.

Further affiant sayeth not.

AFFIANT

Ann B Booth

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, on November 13, 1997 personally appeared ANN B. BOOTH who acknowledged execution of the foregoing document.

Nancy J. Casteel

Notary Public
Typed Name: Nancy J. Casteel
Commission Expires: 10/04/98
County of Residence: Clark

AFFIDAVIT

STATE OF INDIANA)

:SS

COUNTY OF CLARK)

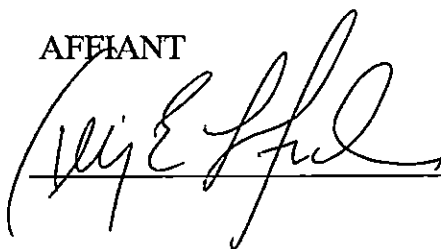
The undersigned being first duly sworn on oath, deposes and says that:

On the 13 day of November, 1997, I personally went to the Sellersburg Town Hall to inspect the Petition and drawings pertaining to the re-zoning documents filed by Mike Davis on a Tract of ground in Grant 66.

Said documents, contrary to the legal notice, was not on file at said Town Hall.

Further affiant sayeth not.

AFFIANT

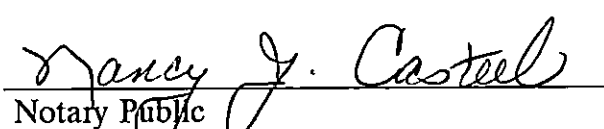


STATE OF INDIANA)

:SS

COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, on November 13, 1997 personally appeared TERRY E. LANFORD who acknowledged execution of the foregoing document.



Notary Public
Typed Name: Nancy J. Casteel
Commission Expires: 10/04/98
County of Residence: Clark

STATE OF INDIANA,
COUNTY OF CLARK—SS

TOWN OF SELLERSBURG
PLANNING AND ZONING
COMMISSION
LEGAL NOTICE

Notice is hereby given that Mike Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of Clark County, Indiana, being part of the same 77.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87n acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following course of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the north-eastern line of Davis to the north-western line of Diamond Heights Subdivision Unit III; South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point; North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point; North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point; North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision; North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, November 17, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the Inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 6th day of November, 1997.

Janie Marn, on oath says that she is book-keeper of the News & Journal and in the employ of the publisher of

The Evening News, a daily

newspaper of general circulation printed and published in the City of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for One Time....., to-wit: In issue of said Evening News dated November 7, 1997.....

Janie Marn

State of Indiana

County of Clark

Subscribed and sworn to before me this

7th day of November..... 1997

Susan O'Neal
SUSAN O'NEAL

Notary Public, Clark County, Indiana

My commission expires 10-2-98.....

Publication Fee \$.....

Lloyd & Mary J. Naugle
1506 Celesta Way
Sellersburg, In 47172

13

Louis K. Jr. Imhof
151 Delaware Street
Indianapolis, In 46266

14

Nancy Casteel
1502 Celesta Way
Sellersburg, In 47172

15

James & Genevieve Pyles
7000 Hwy 31 E.
Sellersburg, In 47172

A-15

Hirum C. & Marguerite B. Fraley
7005 Hwy 31 E.
Sellersburg, In 47172

22, 55, 10

Rebecca L. Cumming
6851 Diamond Heights
Sellersburg, Indiana 47172

21

J. C. & Opal M. Reliford
6849 Diamond Heights
Sellersburg, In 47172

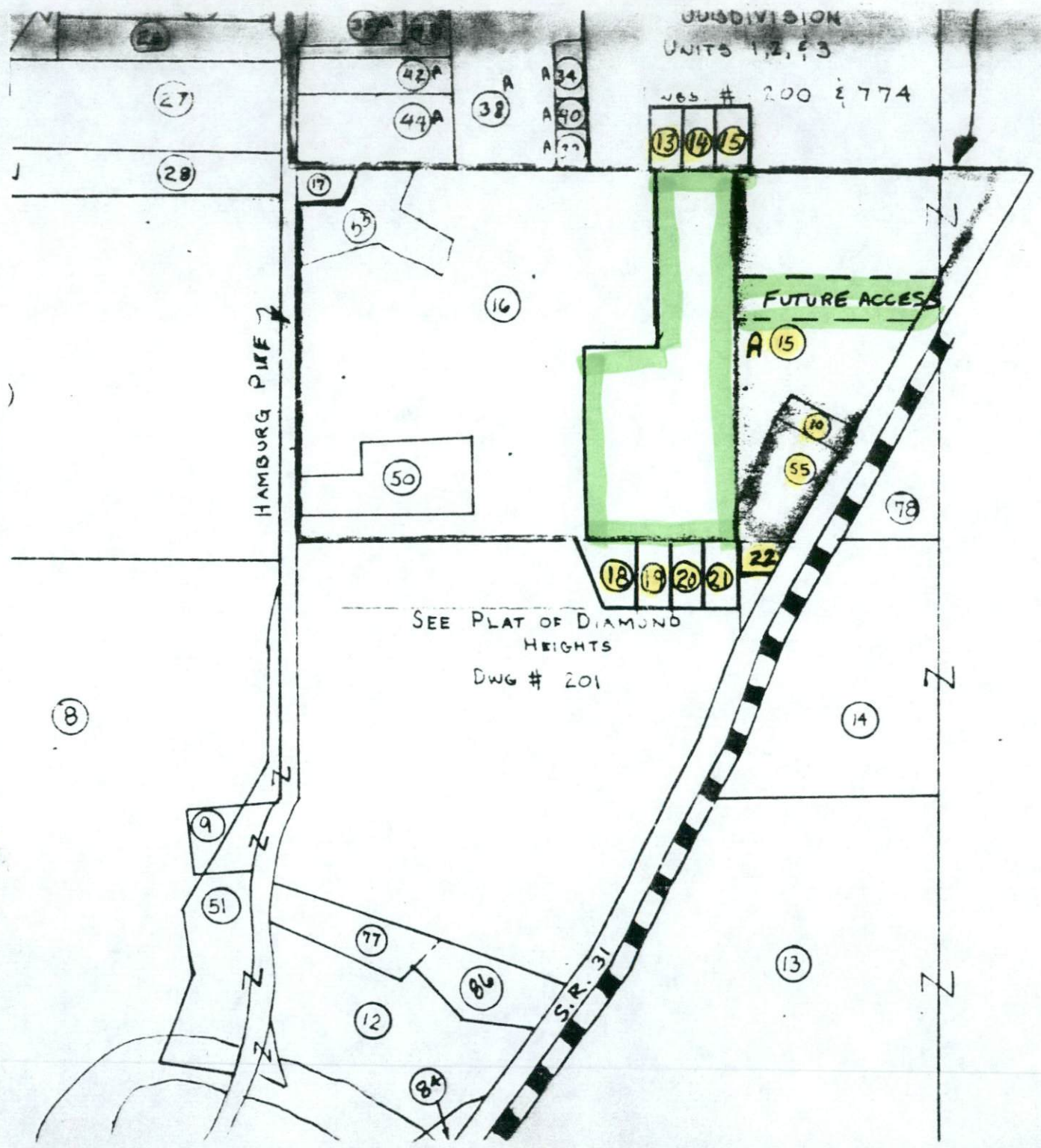
20

Julia Patricia Elliss
6847 Diamond Heights
Sellersburg, In 47172

19

Thomas Wayne & M. Janene Casey
6843 Diamond Heights
Sellersburg, In 47172

18



INCAS T

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

P.O.I. D.B. P.G. AS

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Mike Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of CLark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following courses of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the northeastern line of Davis to the northwestern line of Diamond Heights Subdivision Unit III;

South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point;

North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point;

North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point;

North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision.

North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, November 17, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 6th day of November, 1997.

To be published in the Evening News.

PLANNING AND ZONING COMMISSION

MEETING, NOV. 17, 1997

YOU HAVE TWO REQUEST FOR ZONING CHANGES FOR THIS MEETING.

The first request is from Mrs. Cathern M. Voignier for her property at 7409 Highway 311, Sellersburg, IN.

She is requesting a zoning change from R-1 (Single Family Residence) to R-3 (Multi-Family residence). She will be represented at the meeting by her son, Joe Voignier. They have sent the required letters of legal notice to the adjoining property owners, a list of those is enclosed. They have arranged for the required legal notice in a local daily newspaper as required by Sellersburg Zoning Ordinance.

Item #2 is from Mr. Mike Davis whose office address is 2222 Koetter Dr., Clarksville, In. He is requesting a Zoning Change from R-1 (Single Family Residence) to R-3 (Multi-Family residence) for a parcel of property he has ownership in lying roughly behind his property, Lake Pointe Estates off of Hwy 60 and also behind Fraley's Market off of Hwy 31. The proposed access to this property would be through property owned by James Pyles at 7000 Hwy 31 (the deep water hole along 31 near Fraley's Market) They have done the legal advertisements and notification of adjacent property owners by certified mail, return receipt.

I will be unable to attend this meeting. I will be in Indianapolis for an all day Electrical Inspectors class that day and will be staying overnight to attend a Fire Inspectors meeting in Indianapolis on the 18th. I am having some work done on my eyes on the 10th of November and will not be able to drive all week. Therefore, I plan to be off from work all that week and will not be available in the office. If you need to contact an inspector during that week, call 246-7232 and advise the dispatcher of your need. There should be someone available to make inspections in my absence but they may need some time to have someone call you back. Please bear with us. Thanks for understanding.

Respectfully, Bob Stewart



November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Kim Bell
Glen Bell

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Kem Bell
Glen Bell

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear Mr. PATE

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Nancy Casteel

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Rodney Pate*.

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Franklin Boyss
1408 Celista Way
Sellersburg, IN 47172

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

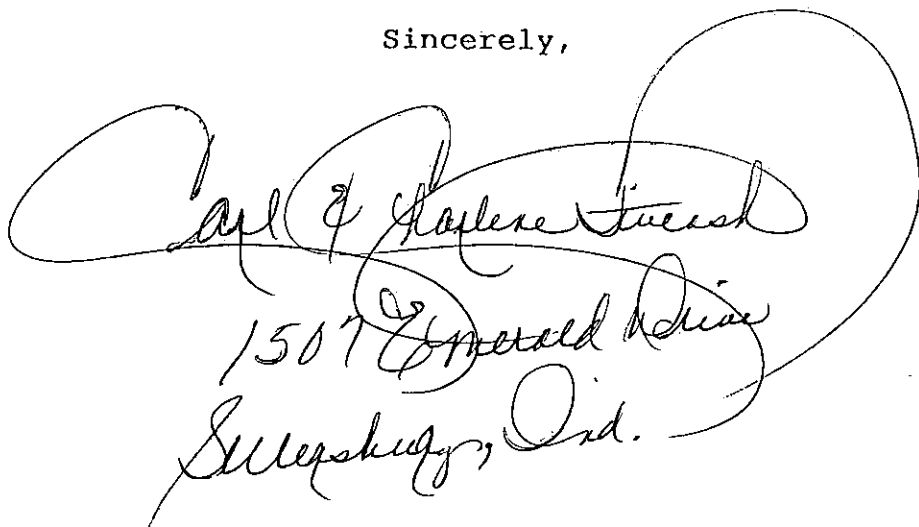
In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,


1507 Emerald Drive
Sellersburg, Ind.

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear MRS. PATE

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Nancy Casteele

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

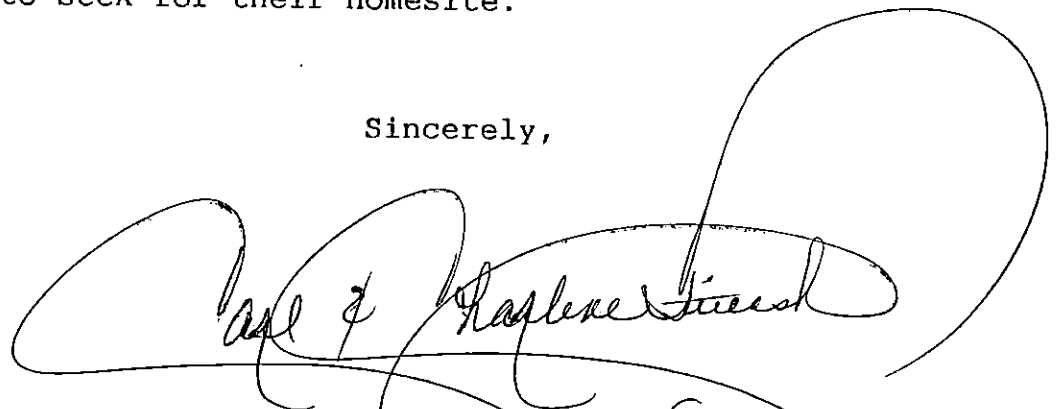
In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,


1507 Emerald Drive
Sellersburg, Ind.

Lloyd & Mary J. Naugle
1506 Celesta Way
Sellersburg, In 47172

13

Julia Patricia Elliss
6847 Diamond Heights
Sellersburg, In 47172

19

Louis K. Jr. Imhof
151 Delaware Street
Indianapolis, In 46266

14

Thomas Wayne & M. Janene Casey
6843 Diamond Heights
Sellersburg, In 47172

18

Nancy Casteel
1502 Celesta Way
Sellersburg, In 47172

15

James & Genevieve Pyles
7000 Hwy 31 E.
Sellersburg, In 47172

A-15

Hiram C. & Marguerite B. Fraley
7005 Hwy 31 E.
Sellersburg, In 47172

22, 53, 10

Rebecca L. Cumming
6851 Diamond Heights
Sellersburg, Indiana 47172

21

J. C. & Opal M. Reliford
6849 Diamond Heights
Sellersburg, In 47172

20

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Ms. Pate*

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

David A. Lundy
David A. Lundy
446-3670

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Benita Pate*

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Franklin Boygess
1408 Culista Way
Sellersburg, In 47172

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Benita Pate*

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Lloyd B. & Mary J. Nangle
1506 Celaster Way
Sellersburg, In.

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Mr. Pate*

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Guinette Limboj

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear *Rodney Harte*

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Lloyd B. & Mary J. Naught
1506 Celesta Way
Sellersburg, In.

November 11, 1997

Dear Benita

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Marvin & Peggy Crone
1502 Emerald Dr
Sellersburg

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

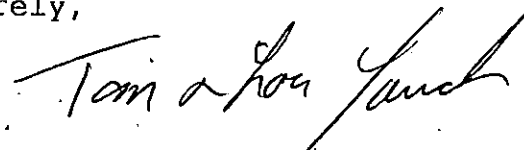
In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,



TOM & LOU YARCH
1505 EMERALD DRIVE
SELLERSBURG IN 47172

November 11, 1997

Rodney Pate
357 Paradise Ave
Sellersburg, IN 47172

RE: Rezoning of Mike Davis tract from R1 to R3

Dear Mr. Pate:

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Ronald A. Zimmerman
Kathy Zimmerman

1503 Emerald Dr
Sellersburg, IN 47172

November 11, 1997

Benita Pate
357 Paradise Ave
Sellersburg, IN 47172

RE: Rezoning of Mike Davis tract from R1 to R3

Dear Ms. Pate:

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

Ronald A. Zimmerman

Kathy Zimmerman

1503 Emerald Dr
Sellersburg, IN 47172

November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,



November 11, 1997

RE: Rezoning of Mike Davis tract from R1 to R3

Dear

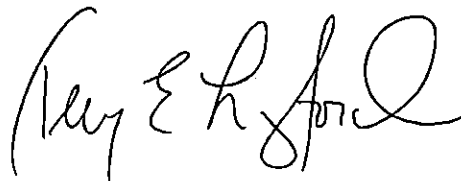
In regards to the rezoning of a 7.87 acre tract of land in Grant 66, owned by Mike Davis, from a R1 to R3, I am adamantly opposed. The surrounding region, part of which I own, is an upper middle class, one family dwelling area. I pride myself in the appearance of my property and neighborhood. An apartment complex would only be a detriment to the area, and I feel that in the future it would be an eyesore to the landscape. I am not opposed to apartments in this community, but an area already designed for single family homes should not be disturbed.

As you should be aware, Greenwood Subdivision, and the surrounding property, has a preexisting drainage problem. I feel a large apartment complex with concrete parking facility will only add to the water drainage problems. Noise, traffic, and vandalism can only abound with a substantial rise in population in such a small area.

As a voter and resident of this community, I sincerely hope that the zoning board will take heed to the feelings of our neighborhood and uphold the original zoning of R1 for this tract of ground. Let's keep Sellersburg the kind of community that people continue to seek for their homesite.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray E. H. Ford".

THIS INDENTURE WITNESSETH, that DAVID E. WILLINGHAM and ANNARENE WILLINGHAM, husband and wife, of Clark County, Indiana

CONVEY AND WARRANT

unto PAUL E. DAVIS and LUCILLE DAVIS, husband and wife, of Clark County, Indiana, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the real estate in the County of Clark and State of Indiana, described as follows, to-wit:

Real Estate situated in Silver Creek Township, Clark County, Indiana, described as follows, to-wit:

A tract of land in Survey Number Sixty-six (66) of the Illinois Grant described as follows: Beginning at a point in the North line of Survey Number Sixty-seven (67) where the west right of way of U. S. Highway No. 31-E crosses said Survey; thence S. 50° W. with said Survey line, two thousand four hundred twenty-eight (2,428) feet to the center line of the Hamburg Pike (now State Road No. 60); thence S. 40° E. with said center line eight hundred sixty-three (863) feet to a stake, the true place of beginning, thence North 51° 30' East one thousand two hundred eighty-three (1,283) feet to a stake; thence S. 40° East nine hundred ninety (990) feet to a stake in the line between Schafer and Prentice; thence South 48° 55' W. one thousand two hundred eighty-three (1,283) feet to the center line of the Hamburg Pike, thence N. 40° W. with center line one thousand eighteen (1,018) feet to the place of beginning, containing thirty (30) acres, more or less.

EXCEPTING therefrom the following described tract, to-wit: Beginning at an iron pin in the center of the Payne-Koehler Road, same being the southeast corner of Survey Number Eighty-seven (87) and the Northeast corner of said Survey Number Sixty-six (66); thence S. 50° W. along the center of said road, same being the line dividing said Surveys Numbers Eighty-seven (87) and Sixty-six (66), one thousand six hundred six (1,606) feet to a point in the center of State Road No. 60; thence S. 37° 53' E. eight hundred sixty-three (863) feet to a point in the center of State Road No. 60, the true place of beginning; thence continuing S. 37° 53' E. eighty-seven (87) feet to a point in the center of said State Road No. 60; thence N. 54° 05' E. one hundred seventeen (117) feet to a stake; thence N. 06° 53' E. one hundred (100) feet to a stake; thence S. 54° 05' W. one hundred sixty-seven (167) feet to a point in the center of State Road No. 60, the true place of beginning, containing two hundred eighty-four thousandths (0.284) of an acre, more or less.

ALSO EXCEPTING therefrom the following described tract, to-wit: A tract of land, in Survey No. 66 of the Illinois Grant, Clark County, Indiana, and more particularly described as follows: Beginning at the point where the west R/W line of U. S. 31-E intersects the north line of said Survey No. 66; thence S. 50° W. with said north line 2428.0 feet to the center line of

DULY ENTERED FOR TAXATION

APR 21 1971

James McGowan
AUDITOR CLARK COUNTY

REAL ESTATE TRANSFER TAX FILES

File

CLARK COUNTY

Hamburg Pike (S. R. 60); thence S. 40° E. with said center-line 1781.0 feet to the true point of beginning; continuing S. 40° E. 100.0 feet to a point; thence N. 48° 55' E. 500.0 feet to a point; thence N. 40° W. 200.0 feet to a point; thence S. 48° 55' W. 300.0 feet to a point; thence S. 40° E. 100.0 feet to a point; thence S. 48° 55' W. 200.0 feet to the true point of beginning, containing 1.836 acres, more or less, subject to the R/W of Hamburg Pike.

Containing, after said exceptions, twenty-seven and eight hundred eighty thousandths (27.880) acres, more or less, but subject to all legal highways.

Subject to any and all easements and/or restrictions of public record that may apply to the above described real estate.

TO HAVE AND TO HOLD, the same unto said grantees, their heirs and assigns in fee simple forever, as tenants by the entireties.

This conveyance is made free and clear of all liens and encumbrances, except the May Installment of the 19 71 taxes payable in 19 72, which the grantees, by the acceptance of this deed, assume and agree to pay.

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals, this the 29th day of April, 1971.

David E. Willingham (SEAL) Annarene Willingham (SEAL)
David E. Willingham Annarene Willingham

STATE OF Indiana }
COUNTY OF Clark } SS:



Before the undersigned, a Notary Public, in and for said County and State, this 29th day of April, 1971, personally came David E. Willingham and Annarene Willingham, husband and wife, the above named grantors and acknowledged the execution of the foregoing deed.

In Witness Whereof, I have hereunto subscribed my name and Notarial Seal.

William T. Kranz NOTARY PUBLIC
William T. Kranz

My Commission Expires:

March 22, 1975

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

*ADMITTED ALSO IN KENTUCKY

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William H. Vissing, Jr.,
President

October 3, 1987

Mr. Rod Pace, President
Joliet Board of Directors
800 Penn Street
Joliet, IL 61731

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the Federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jolietville and Jolietville along Highway 11. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an Airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William W. Vissard, Jr.,
President

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

November 13, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

I represent the Board of Aviation Commissioner of Clark County who owns the Clark County Airport.

This letter will follow up on the letter which I sent to you in October, a copy of which letter is enclosed herein.

It has come to the Board's attention that a landowner has filed an application to build apartments behind Fraley's Market on Highway 31 which is just across the highway from the Airport.

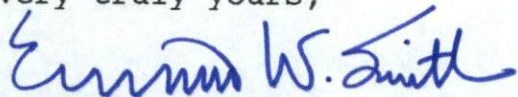
The Board would like to go on record opposing the construction of any residential apartments this close to the Clark County Airport for the reasons described in the enclosed letter.

The Board and the Airport Manager periodically get complaints from residents in the area of the Airport about the noise which airplanes make. A large residential apartment complex in the area of the Airport would certainly have a potential for many complaints and a possible detrimental effect to the future airport expansion. In addition, the availability of federal funds for future development might also be effected if such construction is allowed in the immediate vicinity of the Airport.

Mr. Rod Pate
Page Two
November 13, 1997

Would you please present this letter at the hearing on Monday, November 17, and make it a part of the record of the hearing.

Very truly yours,



Ernest W. Smith, Attorey
Board of Aviation Commissioners of Clark County, Indiana

Enc.

xc: Sellersburg Town Hall Meeting Room

William H. Vissing, Jr., President
Board of Aviation Commissioners of Clark County, Indiana

John H. Toombs, Jr., Engineer
Board of Aviation Commissioners of Clark County, Indiana

SOUTHWORTH
FOUR STAR BOND
25% COTTON FIBER



BOARD OF AVIATION COMMISSIONERS
OF CLARK COUNTY, INDIANA

7004 AIRPORT DRIVE
SELLERSBURG, INDIANA 47172

October 2, 1997

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William H. Vissing, Jr.
William H. Vissing, Jr.,
President

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS

ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

October 2, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William H. Vissing, Jr.,
President

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS

ATTORNEYS AT LAW

WILMER T. FOX (1881-1948)

CHARLES C. FOX (1912-1973)

ERNEST W. SMITH

RICK E. BARTLETT

SANDRA L. HEEKE

CHERYL A. CARPENTER*

SANDRA W. LEWIS

PAMELA K. THOMPSON

MARY E. FONDRISI

HOLZBOG HOUSE

209 EAST CHESTNUT STREET

JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388

TELEPHONE NO. (812) 282-7736

MAILING ADDRESS:

P.O. BOX 98

JEFFERSONVILLE, IN 47131-0098

November 13, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

I represent the Board of Aviation Commissioner of Clark County who owns the Clark County Airport.

This letter will follow up on the letter which I sent to you in October, a copy of which letter is enclosed herein.

It has come to the Board's attention that a landowner has filed an application to build apartments behind Fraley's Market on Highway 31 which is just across the highway from the Airport.

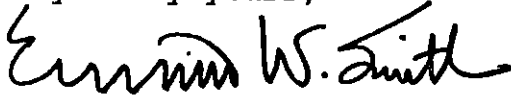
The Board would like to go on record opposing the construction of any residential apartments this close to the Clark County Airport for the reasons described in the enclosed letter.

The Board and the Airport Manager periodically get complaints from residents in the area of the Airport about the noise which airplanes make. A large residential apartment complex in the area of the Airport would certainly have a potential for many complaints and a possible detrimental effect to the future airport expansion. In addition, the availability of federal funds for future development might also be effected if such construction is allowed in the immediate vicinity of the Airport.

Mr. Rod Pate
Page Two
November 13, 1997

Would you please present this letter at the hearing on Monday, November 17, and make it a part of the record of the hearing.

Very truly yours,



Ernest W. Smith, Attorey
Board of Aviation Commissioners of Clark County, Indiana

Enc.

xc: Sellersburg Town Hall Meeting Room

William H. Vissing, Jr., President
Board of Aviation Commissioners of Clark County, Indiana

John H. Toombs, Jr., Engineer
Board of Aviation Commissioners of Clark County, Indiana

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

October 2, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

This letter will serve as a reminder of an agreement which Clark County made with the Federal Aviation Administration (FAA) when the federal government gave the money to build the Clark County Airport.

One of the concerns which the FAA had was about future construction around the Airport premises. At the time, Clark County zoning called for an industrial corridor between Jeffersonville and Sellersburg along Highway 31. Most of the land around the Airport was zoned commercial or industrial except for existing residences.

The Board once again wants to emphasize that if residential construction is allowed in the vicinity of the Airport this will violate the assurances which the County gave to the FAA. And, it also creates a future problem for the Airport. People will buy houses or build houses next to an airport and then complain about the noise aircraft make.

The Clark County Airport has been one of the most successful relatively-new airports in the FAA's Chicago district. It is one of the largest general aviation airports in the State of Indiana.

Thank you for your consideration in this regard.

Very truly yours,

William H. Vissing, Jr.,
President

SMITH, BARTLETT, HEEKE, CARPENTER & LEWIS
ATTORNEYS AT LAW

WILMER T. FOX (1881-1946)
CHARLES C. FOX (1912-1975)
ERNEST W. SMITH
RICK E. BARTLETT
SANDRA L. HEEKE
CHERYL A. CARPENTER*
SANDRA W. LEWIS
PAMELA K. THOMPSON
MARY E. FONDRISI

HOLZBOG HOUSE
209 EAST CHESTNUT STREET
JEFFERSONVILLE, INDIANA

FAX NO. (812) 284-8388
TELEPHONE NO. (812) 282-7736
MAILING ADDRESS:
P.O. BOX 98
JEFFERSONVILLE, IN 47131-0098

November 13, 1997

*ADMITTED ALSO IN KENTUCKY

Mr. Rod Pate, President
Sellersburg Plan Commission
860 Penn Street
Sellersburg, IN 47172

To Whom It May Concern:

Re: Clark County Airport

I represent the Board of Aviation Commissioner of Clark County who owns the Clark County Airport.

This letter will follow up on the letter which I sent to you in October, a copy of which letter is enclosed herein.

It has come to the Board's attention that a landowner has filed an application to build apartments behind Fraley's Market on Highway 31 which is just across the highway from the Airport.

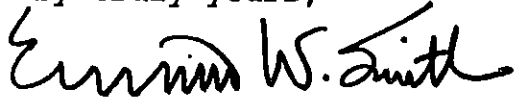
The Board would like to go on record opposing the construction of any residential apartments this close to the Clark County Airport for the reasons described in the enclosed letter.

The Board and the Airport Manager periodically get complaints from residents in the area of the Airport about the noise which airplanes make. A large residential apartment complex in the area of the Airport would certainly have a potential for many complaints and a possible detrimental effect to the future airport expansion. In addition, the availability of federal funds for future development might also be effected if such construction is allowed in the immediate vicinity of the Airport.

Mr. Rod Pate
Page Two
November 13, 1997

Would you please present this letter at the hearing on Monday, November 17, and make it a part of the record of the hearing.

Very truly yours,



Ernest W. Smith, Attorey
Board of Aviation Commissioners of Clark County, Indiana

Enc.

xc: Sellersburg Town Hall Meeting Room

William H. Vissing, Jr., President
Board of Aviation Commissioners of Clark County, Indiana

John H. Toombs, Jr., Engineer
Board of Aviation Commissioners of Clark County, Indiana

PLANNING AND ZONING COMMISSION

MEETING, NOV. 17, 1997

YOU HAVE TWO REQUEST FOR ZONING CHANGES FOR THIS MEETING.

The first request is from Mrs. Cathern M. Voignier for her property at 7409 Highway 311, Sellersburg, IN.

She is requesting a zoning change from R-1 (Single Family Residence) to R-3 (Multi-Family residence). She will be represented at the meeting by her son, Joe Voignier. They have sent the required letters of legal notice to the adjoining property owners, a list of those is enclosed. They have arranged for the required legal notice in a local daily newspaper as required by Sellersburg Zoning Ordinance.

Item #2 is from Mr. Mike Davis whose office address is 2222 Koetter Dr., Clarksville, In. He is requesting a Zoning Change from R-1 (Single Family Residence) to R-3 (Multi-Family residence) for a parcel of property he has ownership in lying roughly behind his property, Lake Pointe Estates off of Hwy 60 and also behind Fraley's Market off of Hwy 31. The proposed access to this property would be through property owned by James Pyles at 7000 Hwy 31 (the deep water hole along 31 near Fraley's Market) They have done the legal advertisements and notification of adjacent property owners by certified mail, return receipt.

I will be unable to attend this meeting. I will be in Indianapolis for an all day Electrical Inspectors class that day and will be staying overnight to attend a Fire Inspectors meeting in Indianapolis on the 18th. I am having some work done on my eyes on the 10th of November and will not be able to drive all week. Therefore, I plan to be off from work all that week and will not be available in the office. If you need to contact an inspector during that week, call 246-7232 and advise the dispatcher of your need. There should be someone available to make inspections in my absence but they may need some time to have someone call you back. Please bear with us. Thanks for understanding.

Respectfully, Bob Stewart



SELLERSBURG PLAN COMMISSION

LEGAL NOTICE

Notice is hereby given that Cathern M. Voignier, has filed a petition with the Sellersburg Plan Commission, requesting to change the zoning maps from R-1 single family dwellings zone to R-3 multi family dwellings zone concerning the following described real estate in Sellersburg, Indiana, to-wit:

The street address of the property (or general geographic area) which is the subject of the petition is 7409 Highway 311, Sellersburg, IN.

A part of Survey No. 88 of the Illinois Grant, bounded as follows: Beginning at a point in the center line of State Highway No. 31-W, 759.245 feet Southwest from an iron pin in the center line of said Highway 31-W, said iron pin being South 54 deg. and 22 deg. West 2350.92 feet from the North line of Survey 88 Illionis Grant; running thence as right angles to the center line of State Highway 31-W, North 64 deg. 50' West 435.6, more or less, to the North line of W.D. Straw's land; thence North 54 deg. 22' East along the North line of W. Straw's land 123 feet, more of less, to a stake; thence South 64 deg. 50' East 364.6 feet, more or less, to the center line of said highway 31-W; thence South 250 deg. 10' West 100 feet to the place of beginning, containing .92 acres, more of less.

All persons are hereby notified that a Public Hearing will be held on Monday November 17, 1997, at 6:00 P.M. in the Sellersburg town office 316 East Utica Street, Sellersburg, IN.

A copy of the petition is on file at the office of the Sellersburg Plan Commission in the Sellersburg town office at 316 East Utica Street, Sellersburg, IN. Written objections that are filed prior to the hearing with the administrative assistant will be considered. Oral comments will be heard at the Public Hearing. The hearing may be continued from time to time as found necessary.

Dated this 31st day of October, 1997

President, Sellersburg Plan Commission

To be in paper Saturday, November 1, 1997.

THIS IS A LIST OF ALL ADJACENT PROPERTY TO 7409 HIGHWAY 311,
SELLERSBURG, IN

#45 William D & J Anne Wells II
8515 Hwy 60
Sellersburg, IN 47172

#14 Amos & Maxine Casey
7411 Hwy 311
Sellersburg, IN 47172

#12 Margie E & Laurin D Vick
11801 Treloar Rd
Memphis, IN 47143

2-A M. C. Sales
7410 Hwy 311
Sellersburg, IN 47172

Cathern M. Voignier October 31, 1997
Cathern M. Voignier

Bill Wells
8515 Hwy. 60
Sellersburg, IN 47172

November 9, 1997

Ms. Cathern M. Voignier
9800 County Line Rd.
Sellersburg, IN 47172

Dear Ms. Voignier,

Last week I received a letter informing me of the upcoming meeting of the Sellersburg Plan Commission on November 17, 1997. It is my understanding from the information given in this letter that you are filing a petition with the Commission to change the zoning on your property from R-1 to R-3 zoning.

As I will be out of town during this meeting, I would like to let you know that I have no objections to the petition that you are filing. The former Hamburg community has changed over the years and I have no desire to place myself as an impediment to further progress. I wish you success in any venture you might pursue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bill Wells". The signature is written in a cursive style with a large initial "B" and "W".

Bill Wells

894 W. 11th
8214 1st St. N.
Seattle, WA 98107

November 21, 1997

Ms. Catherine M. Zick
9800 County Line Rd.
Seattle, WA 98148

Dear Ms. Zick:

Last week I received a letter informing me of the upcoming meeting of the Redmond Planning Commission on November 17, 1997. It is my understanding from the information given in this letter that you are filing a petition with the Commission to change the zoning on your property from R-1 to R-3 zoning.

As I will be out of town during this meeting, I would like to let you know that I have no objection to the petition that you are filing. The former Redmond community has changed over the years and I have no desire to place myself as an impediment to further progress. I wish you success in any future you might pursue.

Sincerely yours,

Bill H. Ellis

PLANNING AND ZONING COMMISSION

MEETING, NOV. 17, 1997

YOU HAVE TWO REQUEST FOR ZONING CHANGES FOR THIS MEETING.

The first request is from Mrs. Cathern M. Voignier for her property at 7409 Highway 311, Sellersburg, IN.

She is requesting a zoning change from R-1 (Single Family Residence) to R-3 (Multi-Family residence). She will be represented at the meeting by her son, Joe Voignier. They have sent the required letters of legal notice to the adjoining property owners, a list of those is enclosed. They have arranged for the required legal notice in a local daily newspaper as required by Sellersburg Zoning Ordinance.

Item #2 is from Mr. Mike Davis whose office address is 2222 Koetter Dr., Clarksville, In. He is requesting a Zoning Change from R-1 (Single Family Residence) to R-3 (Multi-Family residence) for a parcel of property he has ownership in lying roughly behind his property, Lake Pointe Estates off of Hwy 60 and also behind Fraley's Market off of Hwy 31. The proposed access to this property would be through property owned by James Pyles at 7000 Hwy 31 (the deep water hole along 31 near Fraley's Market) They have done the legal advertisements and notification of adjacent property owners by certified mail, return receipt.

I will be unable to attend this meeting. I will be in Indianapolis for an all day Electrical Inspectors class that day and will be staying overnight to attend a Fire Inspectors meeting in Indianapolis on the 18th. I am having some work done on my eyes on the 10th of November and will not be able to drive all week. Therefore, I plan to be off from work all that week and will not be available in the office. If you need to contact an inspector during that week, call 246-7232 and advise the dispatcher of your need. There should be someone available to make inspections in my absence but they may need some time to have someone call you back. Please bear with us. Thanks for understanding.

Respectfully, Bob Stewart



SELLERSBURG PLAN COMMISSION

LEGAL NOTICE

Notice is hereby given that Cathern M. Voignier, has filed a petition with the Sellersburg Plan Commission, requesting to change the zoning maps from R-1 single family dwellings zone to R-3 multi family dwellings zone concerning the following described real estate in Sellersburg, Indiana, to-wit:


The street address of the property (or general geographic area) which is the subject of the petition is 7409 Highway 311, Sellersburg, IN.

A part of Survey No. 88 of the Illinois Grant, bounded as follows: Beginning at a point in the center line of State Highway No. 31-W, 759.245 feet Southwest from an iron pin in the center line of said Highway 31-W, said iron pin being South 54 deg. and 22 deg. West 2350.92 feet from the North line of Survey 88 Illionis Grant; running thence as right angles to the center line of State Highway 31-W, North 64 deg. 50' West 435.6, more or less, to the North line of W.D. Straw's land; thence North 54 deg. 22' East along the North line of W. Straw's land 123 feet, more of less, to a stake; thence South 64 deg. 50' East 364.6 feet, more or less, to the center line of said highway 31-W; thence South 250 deg. 10' West 100 feet to the place of beginning, containing .92 acres, more of less.

All persons are hereby notified that a Public Hearing will be held on Monday November 17, 1997, at 6:00 P.M. in the Sellersburg town office 316 East Utica Street, Sellersburg, IN.

A copy of the petition is on file at the office of the Sellersburg Plan Commission in the Sellersburg town office at 316 East Utica Street, Sellersburg, IN. Written objections that are filed prior to the hearing with the administrative assistant will be considered. Oral comments will be heard at the Public Hearing. The hearing may be continued from time to time as found necessary.

Dated this 31st day of October, 1997



President, Sellersburg Plan Commission

To be in paper Saturday, November 1, 1997.

THIS IS A LIST OF ALL ADJACENT PROPERTY TO 7409 HIGHWAY 311,
SELLERSBURG, IN

#45 William D & J Anne Wells II
8515 Hwy 60
Sellersburg, IN 47172

#14 Amos & Maxine Casey
7411 Hwy 311
Sellersburg, IN 47172

#12 Margie E & Laurin D Vick
11801 Treloar Rd
Memphis, IN 47143

2-A M. C. Sales
7410 Hwy 311
Sellersburg, IN 47172

Catherin M. Voignier October 31, 1997
Catherin M. Voignier

BOARD OF PLANNING COMMISSION

November 17, 1997

The Board of the Planning Commission met on November 17, 1997, at 6:00 p.m., at the Sellersburg Town Hall. Rodney Pate, chairman, chaired tonight's meeting.

MEMBERS PRESENT: Ken Alexander, Rodney Pate, Doug Reiter, Dan Vogel, Doug Eddings, and Benita Pate.

MEMBERS ABSENT: Bob Stewart, the Sellersburg Building Inspector.

Mike Davis was present tonight to request a zoning change of the following described real estate in Sellersburg, Clark County, Indiana, from R1 (Single family residence), to R-3 (Multi Family residence).

The property is part of Survey No. 66 of Illinois Grant in the town of Sellersburg, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at deed Drawer 3. See attached property described.

(3.175) acres will include a lake and a fountain. The remainder 7.28 acres will be used to build apartments.

Bill Smith, attorney on behalf of the Clark County Airport, stated that the airport would be against a R-3 rezoning. They fear they would receive complaints about noise, if they would do future expansion.

The concerned property owners of Greenwood Subdivision submitted a petition to the Board of the Planning Commission against the rezoning of R-1 to R-3 to the 7.87 acre tract of land in Survey #66 owned by Mr. Mike Davis.

Also, two more names were submitted to be added to the list at tonight's meeting.

Rodney Pate, the chairman of the Planning Commission, felt we did not have enough information to make a fair evaluation of whether the zoning should be changed.

A motion was made by Ken Alexander to table the matter of the rezoning the property in question from R-1 to R-3, be tabled until the December Planning Commission meeting. This motion was seconded by Doug Reiter. All members present, voted in favor of the motion.

Mr. Joe Voigner was present on behalf of his mother, Mrs. Catherine M. Voignier, for rezoning R-1 to R-3, for her property at 7409 Highway 311, Sellersburg Indiana.

The board felt before a rezoning could be made, a specific plan of the property must be submitted.

Ken Alexander made a motion to table this matter until the next meeting and a preliminary plan to be submitted. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

Ken Alexander made a motion to approve the minutes of the October meeting. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

Ken Alexander made a motion to close tonight's meeting. Dan Vogel seconded the motion. All members present, voted in favor of the motion.

Minutes submitted by: Benita Pate
Secretary

BOARD OF PLANNING COMMISSION

December 15, 1997

The Board of Planning Commission met on December 15, 1997, at 6:00p.m at the Sellersburg Town Hall. Rodney Pate, chairman, chaired the meeting.

THE FOLLOWING MEMBERS WERE PRESENT: Doug Eddings, Rodney Pate, Dan Vogel, Ken Alexander, Doug Reiter, Benita Pate, and Bob Stewart, the Sellersburg Building Inspector.

Virgil Bolly was representing William F. and James O'Neal for rezoning property at New Albany Street, west of St Road 31E, Sellersburg Indiana.

Specific reason for requesting rezoning from R-3 to B-3 (General Business), is the area is developing as commercial and future expansion of Jim O'Neal Ford Inc., and additional sales lot.

Ken Alexander made a motion to change zoning of the property on the east side of South New Albany Street from R-3 to B-3. Dan Vogel seconded the motion. All members present, voted in favor of the motion. (5-0)

Paul E. and Lucille Davis filed a petition with the town of Sellersburg Planning Commission to rezone the following property from R-1 to R-3.

A part of survey No. 66 of the Illinois Grant in the town of Sellersburg of Clark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property bound as follows:

Begining at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Paul Primivera, Licensed Engineer and Surveyor was present tonight along with John Mongold, and Mike Davis to make a presentation and answer any questions.

Also, William R. Booth represented the homeowners of Greenwood Subdivision presenting their requests and concerns of the rezoning of 7.87 acre tract of land in survey #66. The rezoning would be R-1 to R-3.

The rezoning request was opened for discussion between the audience and Planning Commission board members. Then, William Booth went through his presentation of requests and concerns, one by one with the board.

Discussion was made on requests by Greenwood subdivision residents,

- A. To maintain existing Zoning to R-1
- B. Construct homes that are comparable to homes in Greenwood subdivion minimum square footage of 1200 feet or larger.
- C. Make commitment not to erect manufactured modular homes.
- D. Develop property so it will be welcomed addition by the neighbors.

Then, the following concerns of the Greenwood Subdivision residents were addressed: They are as follows:

- A. Drainage and Water
- B. Devaluation of Property Value
- C. Liability
- D. Master Zoning Plan
- E. Lowering of Quality Life
- F. Value to property Owners/Developers
- G. Value to Neighbors
- H. Value to Sellersburg Residents
- I. Comparison with Hallmark Apartments
- J. Comparison with Viewpoint Apartments
- K. Legal Procedures and their conclusion of this presentation.

Each item was addressed by some member of the board or person present with the project, and by the Sellersburg Building Inspector. Many of these items are already addressed in the Sellersburg Comprehensive Plan that has to be followed by anyone applying for a permit and et cetera.

After all discussion, Mr. Mongold and Mr. Davis, stated that if the Sellersburg Planning Commission changed zoning from R-1 to R-3, they would build an earth berm between Greenwood Subdivision and the proposed apartments. Also they would plant pine trees, four foot to five foot high as a visual barrier.

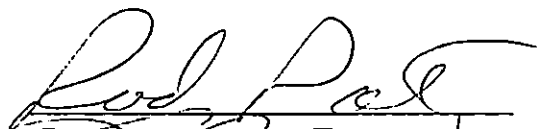
Ken Alexander made a motion to grant a zoning change to Mr. Mike Davis for the 7.87 acre tract of land in survey #66 from R-1 to R-3. The motion was seconded by Doug Reiter. The vote is as follows: Ken Alexander and Doug Reiter voted Yes to the motion. Dan Vogel and Doug Eddings voted No to the motion. Benita Pate abstained from voting. Rodney Pate, chairman, voted to break the tie. His vote was yes. The motion carries.

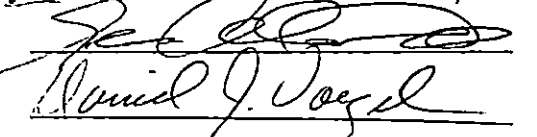
The next step will go to the Sellersburg Town Council for approval.

Ken Alexander made a motion to approve the minutes of the November 17, 1997, meeting. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

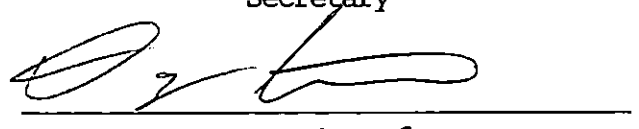
Dan Vogel made a motion to adjourn the meeting. It was seconded by Doug Reiter. All members present, voted in favor of the motion.

Submitted by: Benita Pate
Secretary





Dan Vogel



Benita Pate

PRESENTATION

BY

SELLERSBURG VOTERS & HOMEOWNERS

PREPARED BY: WILLIAM R. BOOTH

DECEMBER 15, 1997

TO

SELLERSBURG ZONING BOARD

CONCERNING

PROPOSAL FOR REZONING OF DAVIS TRACT

FROM: R1 - SINGLE FAMILY HOMES

TO: R3 - APARTMENTS

Contents

- I. Introduction
- II. Background of Spokesperson
- III. Requests
- IV. Concerns
 - A. Drainage & Water
 - B. Devaluation of Property Value
 - C. Liability
 - D. Master Zoning Plan
 - E. Lowering of Quality of Life
 - F. Value to Property Owners/Developers
 - G. Value to Neighbors
 - H. Value to Sellersburg Residents
 - I. Comparison With Hallmark Apartments
 - J. Comparison With Viewpoint Apartments
 - K. Legal Procedures
- V. Conclusion

I. Introduction

We are your friends and neighbors. We are homeowners and taxpayers who attend church with you and pay property taxes to support our Sellersburg schools. We are your customers who buy gasoline from your gas stations, buy meals from your restaurants, and shop in your stores. We also vote in our elections and cast ballots for you.

We are concerned with the possible effects of the zoning change on the Davis tract from R1 single family homes to R3 apartments.

The timing of this meeting is not compatible with the season. I am sure that all of us would prefer to be shopping and getting ready for Christmas. Hopefully, no one will say or do anything to hurt feelings or show a lack of respect. After this meeting is over, we should be friends. We don't want to do or say anything to make Jesus Christ or God unhappy with our conduct. We should act like it is Christmas every day of the year.

We need to remember the Golden Rule found in the Bible:
Luke 6:31 "Treat others as you want them to treat you."

II. Background of Spokesperson.

- A. Name & Address:** William R. Booth; 1410 Celesta Way; Sellersburg IN 47172
- B. Residency:** Eleven years-Sellersburg Greenwood Subdivision; Louisville, Ky; Charlestown, IN; Akron, OH; Ft. Meade, MD; Knoxville, TN.
- C. Education:** (1) B.S. Electrical Engineering, Tennessee University (2) Master Arts in Finance, Webster University (3) Master Business Administration, Webster University
- D. Employer:** Louisville Gas & Electric; Louisville, KY.
- 1) Strategic Plan Values of Company:**
- Total customer satisfaction
 - Responsible environmental stewardship
 - Pride in our work.
 - Commitment to the community
 - Integrity, trust, teamwork and open communications
- 2) Key Strategies for Customers:**
- Understand what every customer wants from LG&E. Offer profitable, value added products and services to strengthen our relationship with our customers.
- E. Job Title:** Senior Project Manager
- F. Professional Certification:** (1) Registered Professional Engineer in Kentucky and Ohio (2) Certified by National Council of Examiners in Engineering and Surveying (3) Certified as Project Manager Professional by Project Management Institute.
- G. Job Responsibilities:** Manage construction of projects for LGE including substations, 138 KV transmission lines, and 12.5 KV overhead distribution overhead and underground circuits.
- H. Cost of typical projects:** Bluegrass Parkway \$5,000,000; Freys Hill \$1,600,000; Mud Lane \$2,200,000; \$2,600,000.
- I. Rental experience:** Rented a duplex, lived in apartment, and have a rental home with tenants now.
- J. Development policy:** Hold neighborhood meetings with customers to explain reasons for project, answer any questions, and resolve any concerns.

III. Requests.

- A. Maintain existing zoning, R1 Single Family Homes.
- B. Construct homes that are comparable to homes in Greenwood Subdivision with a minimum square footage of 1,200 square feet or larger.
- C. Make a commitment not to erect manufactured/modular homes.
- D. Develop property so it will be a welcome addition by the neighbors.

IV. Concerns.

A. Drainage & Water

1. What will be done to reduce drainage unto existing homes?
2. What percentage of the development will be landscaped or kept in a natural environment instead of being covered with asphalt or concrete?
3. Has the environmental impact study determined how much more the adjoining properties will be flooded when rains similar to the Spring rains of 1997 occur?
4. Has a study been made to determine how much water will be diverted into the sewers of the surrounding area (neighborhood run-off)?
5. What is the maximum amount the sewer will hold?
6. What is the amount of water the Sellersburg Sewer & Water facilities can provide?
7. How much is the water pressure for surrounding homes going to decrease?
8. How is the lake going to help the drainage problem?
9. How is the water runoff from the sides of the lake going to be recaptured and drained back into the lake?
10. How deep is the water in the lake going to be?
11. Is the developer going to be liable for sickness and irritation caused by mosquitoes?

*Always
on
Quest #1*

B. Devaluation of Property Value

1. Has a study been performed to determine how much the resale property value of the homeowners in Greenwood Subdivision will decrease?
2. What is being done to eliminate invasion of privacy into adjoining homes & swimming pools?
3. Will the rear yard depth of twenty feet be maintained?
Zoning Sections 2.2.4(3)(a), 2.3.4(3)(a), 2.4.4(3)(a)
4. Will privacy fences be constructed to protect the privacy of Greenwood Subdivision families like the lake is being built to provide a buffer between the proposed apartments and the developer? How high and of what material will they be built? Will it be built to last for thirty years?
5. Will an earthen berm be constructed to provide privacy?

C. Liability

1. What will be done to prevent children from drowning in the lake?
2. How will child safety be guaranteed?
3. How much insurance does the developer need to cover possible lawsuits?
4. Is the Sellersburg Zoning Board and Town Council going to be liable for damages brought against the airport and city in lawsuits for airplane crashes and loss of life and property, after being advised by the airport not to allow higher density apartment construction?
5. Are the Sellersburg residents going to pay higher taxes to pay damages for the lawsuits?

D. Master Zoning Plan

1. Does the city have a master zoning and growth plan for the next twenty years?
2. Does Sellersburg want to model itself after Clarksville with an emphasis on apartment and commercial development with no protection for single family residence value?
3. Where are the existing areas that are zoned R3?
4. What is the size of the area that is already zoned R3?
5. What is the percentage of capacity that is already constructed for R3?

E. Lowering of Quality of Life

1. Has a study been made to determine if the possible apartment occupants will have different work shifts and lifestyles than the surrounding homeowners which will result in disruptions to sleep?
2. Will the possible apartment renters likely be younger with motorcycles and muscle cars that are noisy?
3. Will the possible apartment renters be working night shifts with more traffic late at night?
4. How much has the noise level study determined that the noise will increase?

F. Value to Property Owners/Developers

1. How many apartments are planned?
2. Is the 18 dwelling units per acre stipulation in Section 2.4.3(1)(C.) followed? (18 units per acre x 7.87 acres = 141 units)
3. Is the minimum lot size of 6,000 square feet followed on the development plan according to Section 2.4.3(1)(C.)?

Handled by density

4. Is the smallest apartment size under consideration to be 850 square feet? How many bedrooms would it have? What would be the rent? How many apartments of this size are being considered?
5. What is the size of the largest apartment being considered? How many bedrooms would it have? What would be the rent? How many apartments of this size are being considered?
6. Does the development plan meet the standard in Section 2.4.6 for minimum floor area as follows: one bedroom = 768 square feet, two bedrooms=900 square feet, three bedrooms=1,000 square feet?
7. Is the target market for the prospective renters to be the downtown Louisville area?
8. What is the average income of the target renter?
9. Does the developer's plan specify garages or carports?
10. How many parking spaces are on the plan?

G. Value to Neighbors

1. What are the benefits to the surrounding neighbors in the possible zoning change?
2. How much would the possible zoning change increase the resale value of neighboring properties?

H. Value to Sellersburg Residents

1. What benefits would the apartments bring to Sellersburg residents in the short term and 20 year term other than increased fees for sewer hook ups?
2. Are the water rates, electric rates, school taxes going to be lowered?
3. Can the schools handle the increase in children that the proposed apartments will bring?
4. Are schools supported primarily by property taxes?
5. Will the possible apartment renters pay property taxes?

I. Comparison With Hallmark Apartments

1. What is square footage for one, two, and three bedrooms?
2. What is the rental cost for one, two, and three bedrooms?
3. Has a survey been made of surrounding neighbors to see if they are happy with the building maintenance and behavior of the apartment renters?
4. Have pictures been taken by the developer to show the Zoning Board?

J. Comparison With Viewpoint Apartments

1. What is square footage for one, two, and three bedrooms?
2. What is the rental cost for one, two, and three bedrooms?
3. Has a survey been made of surrounding neighbors to see if they are happy with the building maintenance and behavior of the apartment renters.
4. Have pictures been taken by the developer to show the Zoning Board?

K. Legal Procedures

1. Is a copy of the petition on file? Is a copy available for viewing?
2. Has anyone on the Board been involved in negotiations on the selling of an easement from Mr. Pyle to the developer?
3. Would this constitute a conflict of interest and prevent an unbiased vote on this issue?

V. Conclusion

- A. What is wrong with maintaining the present zoning?
- B. What is wrong with locating apartments in areas that are already zoned for apartments?
- C. Would development of the property for single family residences with a minimum size of 1,200 square feet not fit better with the existing homes and attract people with comparable incomes and lifestyles?
- D. Do we want a zoning change to benefit only a developer or do we want more people to benefit?
- E. Since elected officials are to serve the people and base decisions on accurate complete information, it is obvious that insufficient information has been provided to justify a zoning change that will impact residents of this community for the next twenty years.
- F. We propose that the request for zoning change to R3 for apartments be denied.

#2

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that Paul E. & Lucille Davis filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County Indiana, from R1 to R3, to-wit:

A part of Survey No. 66 of the Illinois Grant in the Town of Sellersburg of CLark County, Indiana, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 3, Instrument 2868, and being the northeastern 7.87 acres of said property, bounded as follows:

Beginning at the most northerly corner of said tract, point being in the southeastern line of Greenwood Subdivision Unit 3.

Thence the following courses of the boundary:

South 39 deg. 46 min. 36 sec. East, 989.50 feet along the northeastern line of Davis to the northwestern line of Diamond Heights Subdivision Unit III;

South 48 deg. 53 min. 30 sec. West, 468.47 feet along the line of said Diamond Heights to a point;

North 40 deg. 41 min. 23 sec. West, 393.66 feet leaving said line to a point;

North 52 deg. 41 min. 26 sec. East, 204.44 feet to a point;

North 38 deg. 34 min. 03 sec. West, 621.45 feet to the southeastern line of said Greenwood Subdivision.

North 51 deg. 30 min. 00 sec. East, 257.32 feet along the southeastern line of said Greenwood Subdivision to the Place of Beginning, containing 7.87 acres, more or less.

All persons are hereby notified that a public hearing will be held on Monday, December 15, 1997, at 6:00 o'clock P.M., E.D.T., in the Meeting Room of the Sellersburg Town Hall, 316 E. Utica Street, Sellersburg, IN 47172, to consider said request.

A copy of the petition and drawings are available for inspection at the Town Hall Monday thru Fridays, 9:00 a.m. to 4:00 p.m. Written objections that are filed prior to the hearing with the inspector will be considered.

Oral comments will be heard at the public hearing. The hearing may be continued from time to time as found necessary.

Dated this 2nd day of December, 1997.

To be published in the Evening News.

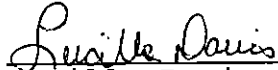
TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

To whom it may concern, Mike Davis will be representing Paul & Lucille Davis on the rezoning request dated December 15, 1997.



Paul Davis



Lucille Davis



Mike Davis

1
BEFORE THE TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

In the Matter of the Petition of:
WILLIAM F. JAMES and JAMES L. O'NEAL.

The undersigned petitioner respectfully requests an amendment to the zoning map of the Town of Sellersburg with respect to that part of the following real estate presently zoned R-3 in the Town of Sellersburg, in Clark County, Indiana, to-wit:

Tract 1:

Lots Nos. One (1) and Two (2) in Block "C" in Fairview Addition to the Town of Sellersburg, Clark County, Indiana.

ALSO, the southwesterly 1/2 of the alley adjoining the northeasterly side of Lot One (1), Block "C", Fairview Addition to the Town of Sellersburg and also that part of the alley adjoining the southeasterly side of Lots One (1) and Two (2), Block "C", Fairview Addition to the Town of Sellersburg.

Tract 2:

Tract "M" of the Fairview Addition to the Town of Sellersburg, as shown on the plat of said Subdivision of the record in Plat Book 4, page 102 in the office of the Recorder of Clark County, Indiana.

EXCEPTING therefrom that part of said tract which lies between Blocks "B" and "C" of said subdivision fronting 50 feet on the State Highway and extending back the same width between parallel lines 166 feet.

ALSO, Tract "N" of the Fairview Addition to the Town of Sellersburg, EXCEPTING therefrom that part of said Tract which lies between Blocks "C" and "D" of said subdivision, fronting 50 feet on the State Highway and extending back the same width between parallel lines 166 feet.

ALSO, that part of Tract "O" of the Fairview Addition to the Town of Sellersburg, bounded thus: Beginning at the East corner of Tract "O" and the South corner of Tract "N"; thence with the dividing Tracts "O" and "N" northeastwardly 484 feet to the line of an alley; thence with the line of said alley southwestwardly 100 feet to a stake; thence at right angles southeastwardly and parallel with the line dividing Tract "N" and "O" a distance of 490 feet, more or less, to the southeast line of said tract "O"; thence with said last mentioned line northeastwardly 100 feet to the place of beginning, and being a strip 100 feet in width off of said tract "O" immediately adjoining Tract "N".

EXCEPTING therefrom the 2.922 acres of ground appropriated by the State of Indiana for highway purposes in cause No. 31996, State of Indiana vs Eva Riggle, in the Clark Circuit Court.

ALSO EXCEPTING therefrom the following described real estate:

A part of Lot Letter "O" of the Plat of Fairview Addition to Sellersburg which appears at Plat Book 4, Page 101 of the Clark County, Indiana Records and bounded as follows: Commencing at a stone which marks the south corner of said Lot Letter "O", thence the following courses: North 34 deg. 51 min. 15 sec. West 601.16 feet with the line dividing Lot Letters "O" and "P" to an iron pin in the southerly line of a 16 foot alley; North 55 deg. 46 min. 03 sec. East 374.40 feet with the southerly line of said alley to a stake which is the True Place of Beginning. Thence the following courses of the boundary: North 55 deg. 46 min. 03 sec. East, 50.57 feet with the southerly line of said alley to an iron pin in the westerly right-of-way line of Interstate Road 65; South 39 deg. 59 min. 57 sec. East, 159.11 feet with said right-of-way line to an iron pin; South 13 deg. 09 min. 17 sec. East, 215.10 feet with said right-of-way line to a stake; North 32 deg. 30 min. 36 sec. West, 359.17 feet to the True Place of Beginning and containing 0.386 acres of land.

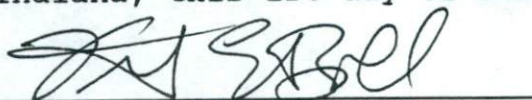
Requested rezoning change: To B3

Local address of property is: New Albany Street-west of State Road 31E, Sellersburg, Indiana.

Specific Reason for requesting rezoning from R-3, area is developing as Commercial.

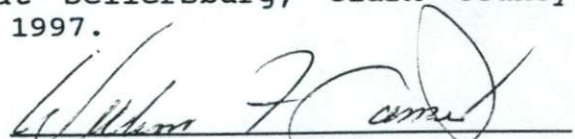
Please Explain: Rezoning is requested for the future expansion of Jim O'Neal Ford, Inc., and additional sales lot.

Dated and signed by petitioner at Sellersburg, Clark County, Indiana, this 1st day of December, 1997.

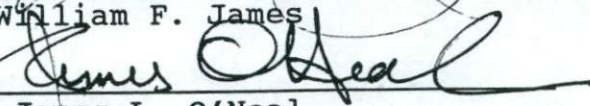


Virgil E. Bolly,
Attorney for Petitioner

Petition Prepared by:
Virgil E. Bolly
Attorney for Petitioner



William F. James



James L. O'Neal

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

Notice is hereby given that William F. James and James L. O'Neal have filed a petition with the Town of Sellersburg Planning and Zoning Commission, requesting to rezone the following described real estate in Sellersburg, Clark County, Indiana, from R-3 to B-3, to-wit:

Tract 1:
Lots Nos. One (1) and Two (2) in Block "C" in Fairview Addition to the Town of Sellersburg, Clark County, Indiana.

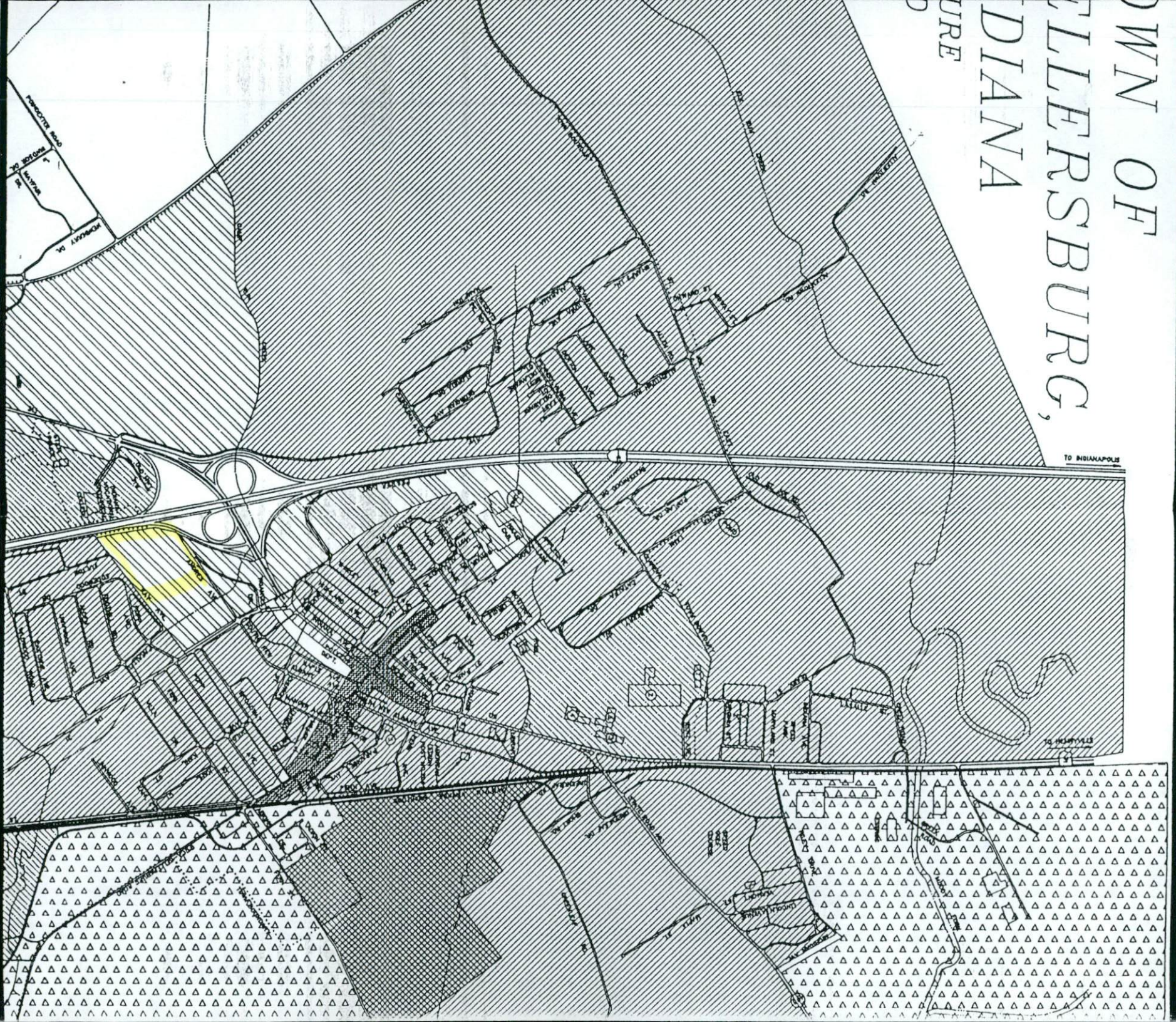
ALSO, the southwesterly 1/2 of the alley adjoining the northeasterly side of Lot One (1), Block "C", Fairview Addition to the Town of Sellersburg and also that part of the alley adjoining the southeasterly side of Lots One (1) and Two (2), Block "C", Fairview Addition to the Town of Sellersburg.

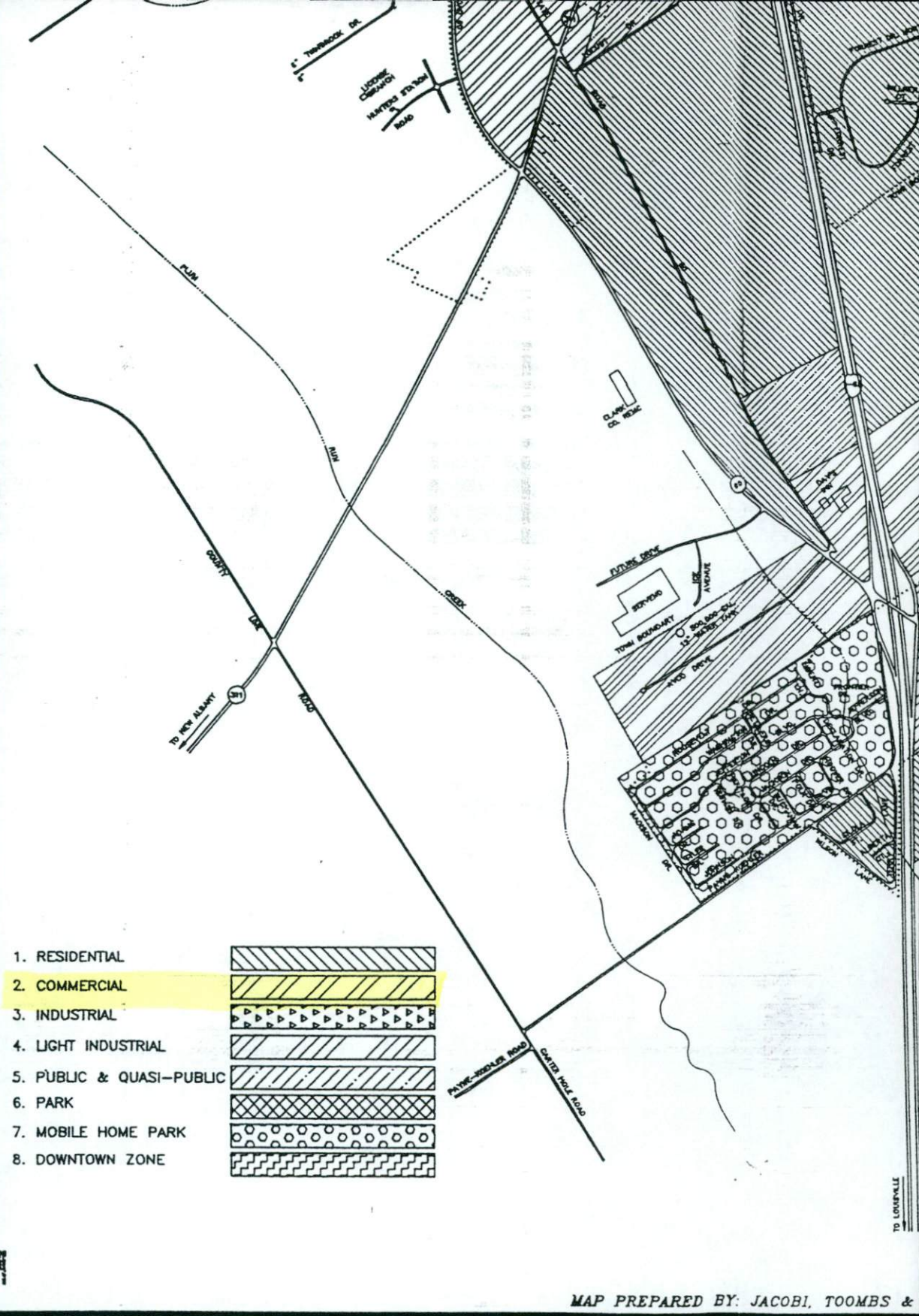
Tract 2:
Tract "M" of the Fairview Addition to the Town of Sellersburg, as shown on the plat of said Subdivision of the record in Plat Book 4, page 102 in the office of the Recorder of Clark County, Indiana.
EXCEPTING therefrom that part of said tract which lies between Blocks "B" and "C" of said subdivision fronting 50 feet on the State Highway and extending back the same width between parallel lines 166 feet.

ALSO, Tract "N" of the Fairview Addition to the Town of Sellersburg, EXCEPTING therefrom that part of said Tract which lies between Blocks "C" and "D" of said subdivision, fronting 50 feet on the State Highway and extending back the same width between parallel lines 166 feet.

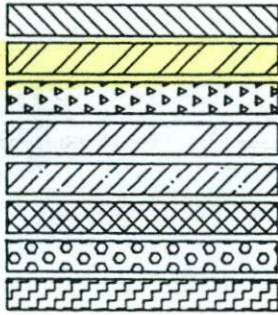
ALSO, that part of Tract "O" of the Fairview Addition to the Town of Sellersburg, bounded thus: Beginning at the East corner of Tract "O" and the South corner of Tract "N"; thence with the dividing Tracts "O" and "N" northeastwardly 484 feet to the line of an alley; thence with the line of said alley southwestwardly 100 feet to a stake; thence at right angles southeastwardly and parallel with the line dividing Tract "N" and "O" a distance of 490 feet, more or less, to the southeast line of said tract "O"; thence with said last mentioned line northeastwardly 100 feet to the place of beginning, and being a strip 100 feet in width off of said tract "O" immediately adjoining Tract "N".

TOWN OF
MILLERSBURG,
INDIANA





- 1. RESIDENTIAL
- 2. COMMERCIAL
- 3. INDUSTRIAL
- 4. LIGHT INDUSTRIAL
- 5. PUBLIC & QUASI-PUBLIC
- 6. PARK
- 7. MOBILE HOME PARK
- 8. DOWNTOWN ZONE



MAP PREPARED BY: JACOBI, TOOMBS &

TO LOUISVILLE

TOWN OF SELLERSBURG
PLANNING AND ZONING COMMISSION

William F. James and James L. O'Neal adjoining property owners:

Grant 110

1. Joyce Gambrall,
526 Fulton Street
Sellersburg, IN 47172
2. Dennis R. Hays
522 Fulton Street
Sellersburg, IN 47172
3. Dohn G. and William G. Taylor
2704 Little Hills Lane
Anchorage, KY 40223

Fairview Addition:

4. Robert E. and Judith A. Campbell
325 S. New Albany Street
Sellersburg, IN 47172
5. Richard A. and Shirley A. Parr
321 S. New Albany Street
Sellersburg, IN 47172
6. Eric W. and Michelle R. Barnes
317 S. New Albany Street
Sellersburg, IN 47172
7. Alan R. and Cindy L. Givans
315 S. New Albany Street
Sellersburg, IN 47172

Creston Addition:

8. Christopher D. and Joanna L. Grimm
502 Edgewood Drive
Sellersburg, IN 47172
9. Danny M. and Theresa C. Neville
862 Kay Avenue
Sellersburg, IN 47172
10. George E. and Emily E. Woods
558 Kay Avenue
Sellersburg, IN 47172
11. Irene M. Collier
550 Kay Avenue
Sellersburg, IN 47172

②

list

12. Ralph W. and Mary Sue Jenkins
542 Kay Avenue
Sellersburg, IN 47172
13. Dixie M. Harvey
536 Kay Avenue
Sellersburg, IN 47172
14. Patricia Diana Deckard
530 Kay Avenue
Sellersburg, IN 47172
15. James L. and Mary H. Dennison
522 Kay Avenue
Sellersburg, IN 47172
16. Glen E. and Mildred E. Beyl
516 Kay Avenue
Sellersburg, IN 47172
17. James L. and Vera Jean Glotzbach
508 Kay Avenue
Sellersburg, IN 47172
18. Thomas and Betty Kelly
502 Kay Avenue
Sellersburg, IN 47172

Silver Creek Twp

19. Daniel D. and Diana Parsley
345 S. New Albany Street
Sellersburg, IN 47172
20. Joseph A. Jr. and Carrie L. Krause
339 S. New Albany Street
Sellersburg, IN 47172
21. Mark W. Terry
6704 Center Court
Glen Burnie, MD 21060

AHN: Mr. Stewart, Inspector

We the concerned property owners of Greenwood subdivision would like to formally address the possibility of re-zoning from R1 to R3 of a 7.87 acre tract of land in Survey #66 owned by Mr. Paul Davis.

The major concerns are:

- 1. Greenwood subdivision currently suffers from poor drainage and the new development would only exacerbate the problem.***
- 2. Security & maintenance of proposed Lake/Pond.***
- 3. Depreciation of present property values of Greenwood Subdivision due to multi-family dwellings.***
- 4. Increase in scale of noise due to an influx of traffic in combination with the potential population growth.***

The original plan for the area in question was for single family, high income dwelling. We petition the Town of Sellersburg to uphold the original zoning of R1, which would enhance the surrounding neighborhoods not cause a detriment as we feel multi-family dwellings will. The residents further request, Mr. Davis be required to construct a 10ft. tall (brick/stone) privacy wall along the Southeastern line of Greenwood Subdivision to minimize trespassing, vandalism and theft of private property. We would also request Mr. Davis be completely responsible for up-keep and maintenance of proposed barrier.

* Copy on file out Town Council:

1-(H) Copy on file out Town Council

Name	Address	Signature
Bruce Walker	1404 Celesta Way	Bruce Walker
LINDA CASTEEL	1502 Celesta Way	Linda J. Casteel
MARSHIA TUCKER	7001 BANNER Ave	M. Marshia Tucker
Robert J. Schalkers	7003 Banner Ave	Robert J. Schalkers
HAROLD F sellers	7005 BANNER AVE	H F Sellers
PATTY sellers	" " "	Patty Sellers
Melissa Caldwell	7010 Banner Ave	Melissa Caldwell
Kenneth Caldwell	7010 BANNER AVE	Kenneth Caldwell
AUN Booth	1410 CELESTA	A B Booth
Bernice Mull	1406 Celesta	Bernice Mull
Arnos Mull	" "	Arnos Mull
FRANKLIN BOGLESS	1408 CELESTA WAY	Franklin Bogless
Joe Groatie	1310 Celesta Way	Joe Groatie
Paul A. Jerni	1308 Celesta Way	Paul A. Jerni
William Webb	1304 Celesta Way	William E. Webb
DOROTHY L. WEBB	" " "	Dorothy L. Webb
Florence Cognata	1309 Celesta Way	Florence Cognata
Charles Cognata	" " "	Charles Cognata
Larry Cognata	" " "	Larry Cognata

Handwritten notes in cursive script, top section.

Handwritten notes in cursive script, bottom section.

Name	Address	Signature
Louis Imhof	1504 Celesta Way	Louis Imhof
Trivette Imhof	1504 Celesta Way	Trivette Imhof
Wendy Keenan	1407 CELESTA WAY	Wendy Keenan
Brian KEENAN	1407 CELESTA WAY	Brian Keenan
RIEKE BOGGESS	1408 Celesta Way	Rieke Boggess
Kathy Zimmermann	1503 Emerald Drive	Kathy Zimmermann
LLOYD B. NAUGLE	1506 CELESTA WAY	Lloyd B. Naugle
MARY J. NAUGLE	1506 CELESTA WAY	Mary J. Naugle
FRANCES HELSON	1412 CELESTA WAY	Frances Helson
GLEN HELSON	1412 CELESTA WAY	Glen Helson
WILLIAM R. BOOTH	1410 CELESTA WAY	William R. Booth
Peggy J. Sayre	1507 Celesta Way	Peggy J. Sayre
NANCY J. CASTEEL	1502 CELESTA WAY	Nancy J. Casteel
Vicki L. Byrd	1501 Celesta Way	Vicki L. Byrd
Ralph L. Byrd	1501 Celesta Way	Ralph L. Byrd
Tommy Byrd	1503 Celesta Way	Tommy Byrd
Don Thompson	1408 Greenwood Rd	Don Thompson
Keith Miller	1416 Greenwood Rd	Keith Miller
Linda Miller	1416 Greenwood Rd	Linda Miller
Marion Peice	1510 Greenwood Rd.	Douglas Peice

Name	Address	Signature
DAVID ZIMMERMANN	1503 Emerald Drive	David Zimmermann
Alan Harmon	1501 Emerald Dr	Alan Harmon
Mary Patterson	1403 Emerald Dr	Mary Patterson
Fowler Patterson	1403 Emerald Dr	Fowler Patterson
Shirley DelGrande	1406 Emerald Dr.	Shirley DelGrande
Charles Cissell	1405 Emerald	Charles Cissell
Lela Cissell	" "	Lela Cissell
Steven R Eckert	1407 Emerald	Steven Eckert
Robin K. Purlee	1410 Emerald Dr.	Robin K. Purlee
PEGGY L. CRONE	1502 EMERALD DR.	Peggy L. Crone
Glen Bell	1404 Emerald Dr	Glen Bell
Kim Bell	" " "	Kim Bell
Don Yach	1505 Emerald Dr	Don Yach
Ella Hartlage	7609 Banvet	Ella Hartlage
Ronald Brown	1503 Emerald Dr	Ronald Brown

Name	Address	Signature
Jimmy Wright	1519 Greenwood Rd.	Jimmy Wright
Deborah Pace	1411 GREENWOOD RD	Deborah T. Pace
MARTHA MAW	6857 Diamond HGTS	Martha Maw
John Ferree	6839 Diamond HGTS	John Ferree
Delores Ferree	6839 Diamond HGTS.	Delores Ferree
Haidi Peters	1401 CELESTA WAY	Haidi Peters
Larry Banks	1403 Celesta Way	Larry W Bank

DAVID D. NACHAND

ATTORNEY AT LAW

426 E. COURT AVE.
JEFFERSONVILLE, INDIANA 47130
TELEPHONE (812) 282-1361
FAX (812) 282-1362

November 21, 1997

Rodney Pate, President
Sellersburg Plan Commission
357 Paradise Avenue
Sellersburg, IN 47172

Certified Mail

Re: Request of Mike Davis to
rezone 7.87 acres

Dear Mr. Pate:

I represent several families who oppose the rezoning request of Mr. Davis. The purpose of this letter is not to argue the merits of the case, but rather to request that the Sellersburg Plan Commission comply with hearing and notice rules under Indiana law.

It is my understanding that no petition now exists which has been signed by Davis requesting the rezoning. Without this document, the Sellersburg Plan Commission had and has no jurisdiction to determine a zoning request by Mr. Davis. I.C. 36-7-4-602(c)(1).

It is also my understanding that the Board announced at its November 17, 1997 meeting that the application was tabled to an uncertain date to allow Mr. Davis time to develop more specific construction and drainage plans. In short, no one knows when that will occur. Neighbors believe that the Board stated that no new notices to the public would be sent.

My client's legal position is that the Plan Commission has no legal jurisdiction over any rezoning request by Mr. Davis at this time. If a petition is later properly filed, then the Plan Commission must give notice of the hearing by publication and direct notice in accordance with I.C. 36-7-4-604. In any event, since the matter was tabled to an indefinite date at the last meeting with the expectation that new evidence would be presented by Mr. Davis or considered by the Board concerning construction and drainage, due process requires that new publication notice and direct notice to interested parties occur prior to the next meeting which will consider the request of Mr. Davis. The public cannot be subjected to a cat and mouse game attempting to guess when the next meeting on the issue might occur.

Rodney Pate
Page Two
November 21, 1997

I am sure that no one on the Plan Commission has any intent to subvert procedures which insure fair and legal meetings. Procedures can become quite overwhelming to a Board comprised of citizen members.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Nachand', with a long horizontal stroke extending to the left.

David Nachand

DN/jt

cc: Nancy Casteel
cc: Mr. & Mrs. Louis Imhof
cc: Mr. & Mrs. L.B. Naugle

C:\OFFICE\WPWIN\WPDOCS\5004.LTR

BOARD OF PLANNING COMMISSION

November 17, 1997

The Board of the Planning Commission met on November 17, 1997, at 6:00 p.m., at the Sellersburg Town Hall. Rodney Pate, chairman, chaired tonight's meeting.

MEMBERS PRESENT: Ken Alexander, Rodney Pate, Doug Reiter, Dan Vogel, Doug Eddings, and Benita Pate.

MEMBERS ABSENT: Bob Stewart, the Sellersburg Building Inspector.

Mike Davis was present tonight to request a zoning change of the following described real estate in Sellersburg, Clark County, Indiana, from R1 (Single family residence), to R-3 (Multi Family residence).

The property is part of Survey No. 66 of Illinois Grant in the town of Sellersburg, being part of the same 27.880 acre tract conveyed to Paul E. and Lucille Davis at deed Drawer 3. See attached property described.

(3.175) acres will include a lake and a fountain. The remainder 7.28 acres will be used to build apartments.

Bill Smith, attorney on behalf of the Clark County Airport, stated that the airport would be against a R-3 rezoning. They fear they would receive complaints about noise, if they would do future expansion.

The concerned property owners of Greenwood Subdivision submitted a petition to the Board of the Planning Commission against the rezoning of R-1 to R-3 to the 7.87 acre tract of land in Survey #66 owned by Mr. Mike Davis.

Also, two more names were submitted to be added to the list at tonight's meeting.

Rodney Pate, the chairman of the Planning Commission, felt we did not have enough information to make a fair evaluation of whether the zoning should be changed.

A motion was made by Ken Alexander to table the matter of the rezoning the property in question from R-1 to R-3, be tabled until the December Planning Commission meeting. This motion was seconded by Doug Reiter. All members present, voted in favor of the motion.

Mr. Joe Voigner was present on behalf of his mother, Mrs. Catherine M. Voignier, for rezoning R-1 to R-3, for her property at 7409 Highway 311, Sellersburg Indiana.

The board felt before a rezoning could be made, a specific plan of the property must be submitted.

Ken Alexander made a motion to table this matter until the next meeting and a preliminary plan to be submitted. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

Ken Alexander made a motion to approve the minutes of the October meeting. Doug Reiter seconded the motion. All members present, voted in favor of the motion.

Ken Alexander made a motion to close tonight's meeting. Dan Vogel seconded the motion. All members present, voted in favor of the motion.

Minutes submitted by: Benita Pate
Secretary

Ken Alexander

Doug Reiter

Dan Vogel

Benita G. Pate

Dan Vogel

Paul J. [Signature]

TOWN OF SELLERSBURG
CODE ENFORCEMENT DIVISION
OFFICE OF BUILDING COMMISSIONER
P.O. BOX 82
SELLERSBURG, IN 47172-0082

PHONE 812-246-7239

FAX 812-246-7240

DEC. 11, 1997

PLANNING AND ZONING COMMISSION
RE: Meeting Monday Dec. 15, 1997
6:00 P.M.

The first to file for this meeting was Virgil Bolly representing Jim O'Neal and Bill James.

This is a request to rezone property on the East side of South New Albany St. and lying behind the houses on the same side of New Albany St. The property lies between the old BIG O warehouse and I-65 or directly behind the O'Neal Ford Dealership.

I have included two pages from the Comprehensive Plan for the Town to help you locate the property and to see what the Comprehensive Plan recommends. The last two pages in this petition are from my office. I have highlighted the approximate location of the property on the next to last page. The last page is to help you understand what each area represents. I have highlighted that area on the legend. They are requesting a Zoning change from R-3, Multi-Family dwellings to B-3, General Business.

The second matter is from Paul Davis and is a new petition from last month filed by Mike Davis.

If you have any questions, please feel free to call me. My office hours are 9:00 A.M. - 12:00 Noon weekdays. Office number is listed above. If you need to call me at home, 246-2757. Please call before 9:00 P.M.
Thanks.

Yours in community service,



Bob Stewart



DAVID D. NACHAND

ATTORNEY AT LAW

426 E. COURT AVE.
JEFFERSONVILLE, INDIANA 47130
TELEPHONE (812) 282-1361
FAX (812) 282-1362

November 21, 1997

Rodney Pate, President
Sellersburg Plan Commission
357 Paradise Avenue
Sellersburg, IN 47172

Certified Mail

Re: Request of Mike Davis to
rezone 7.87 acres

Dear Mr. Pate:

I represent several families who oppose the rezoning request of Mr. Davis. The purpose of this letter is not to argue the merits of the case, but rather to request that the Sellersburg Plan Commission comply with hearing and notice rules under Indiana law.

It is my understanding that no petition now exists which has been signed by Davis requesting the rezoning. Without this document, the Sellersburg Plan Commission had and has no jurisdiction to determine a zoning request by Mr. Davis. I.C. 36-7-4-602(c)(1).

It is also my understanding that the Board announced at its November 17, 1997 meeting that the application was tabled to an uncertain date to allow Mr. Davis time to develop more specific construction and drainage plans. In short, no one knows when that will occur. Neighbors believe that the Board stated that no new notices to the public would be sent.

My client's legal position is that the Plan Commission has no legal jurisdiction over any rezoning request by Mr. Davis at this time. If a petition is later properly filed, then the Plan Commission must give notice of the hearing by publication and direct notice in accordance with I.C. 36-7-4-604. In any event, since the matter was tabled to an indefinite date at the last meeting with the expectation that new evidence would be presented by Mr. Davis or considered by the Board concerning construction and drainage, due process requires that new publication notice and direct notice to interested parties occur prior to the next meeting which will consider the request of Mr. Davis. The public cannot be subjected to a cat and mouse game attempting to guess when the next meeting on the issue might occur.

Rodney Pate
Page Two
November 21, 1997

I am sure that no one on the Plan Commission has any intent to subvert procedures which insure fair and legal meetings. Procedures can become quite overwhelming to a Board comprised of citizen members.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Nachand', written in a cursive style.

David Nachand

DN/jt

cc: Nancy Casteel
cc: Mr. & Mrs. Louis Imhof
cc: Mr. & Mrs. L.B. Naugle

DAVID D. NACHAND

ATTORNEY AT LAW

426 E. COURT AVE.
JEFFERSONVILLE, INDIANA 47130
TELEPHONE (812) 282-1361
FAX (812) 282-1362

November 21, 1997

Rodney Pate, President
Sellersburg Plan Commission
357 Paradise Avenue
Sellersburg, IN 47172

Certified Mail

Re: Request of Mike Davis to
rezone 7.87 acres

Dear Mr. Pate:

I represent several families who oppose the rezoning request of Mr. Davis. The purpose of this letter is not to argue the merits of the case, but rather to request that the Sellersburg Plan Commission comply with hearing and notice rules under Indiana law.

It is my understanding that no petition now exists which has been signed by Davis requesting the rezoning. Without this document, the Sellersburg Plan Commission had and has no jurisdiction to determine a zoning request by Mr. Davis. I.C. 36-7-4-602(c)(1).

It is also my understanding that the Board announced at its November 17, 1997 meeting that the application was tabled to an uncertain date to allow Mr. Davis time to develop more specific construction and drainage plans. In short, no one knows when that will occur. Neighbors believe that the Board stated that no new notices to the public would be sent.

My client's legal position is that the Plan Commission has no legal jurisdiction over any rezoning request by Mr. Davis at this time. If a petition is later properly filed, then the Plan Commission must give notice of the hearing by publication and direct notice in accordance with I.C. 36-7-4-604. In any event, since the matter was tabled to an indefinite date at the last meeting with the expectation that new evidence would be presented by Mr. Davis or considered by the Board concerning construction and drainage, due process requires that new publication notice and direct notice to interested parties occur prior to the next meeting which will consider the request of Mr. Davis. The public cannot be subjected to a cat and mouse game attempting to guess when the next meeting on the issue might occur.

Rodney Pate
Page Two
November 21, 1997

I am sure that no one on the Plan Commission has any intent to subvert procedures which insure fair and legal meetings. Procedures can become quite overwhelming to a Board comprised of citizen members.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Nachand', with a stylized, cursive script.

David Nachand

DN/jt

cc: Nancy Casteel
cc: Mr. & Mrs. Louis Imhof
cc: Mr. & Mrs. L.B. Naugle

PRESENTATION

BY

SELLERSBURG VOTERS & HOMEOWNERS

PREPARED BY: WILLIAM R. BOOTH

DECEMBER 15, 1997

TO

SELLERSBURG ZONING BOARD

CONCERNING

PROPOSAL FOR REZONING OF DAVIS TRACT

FROM: R1 - SINGLE FAMILY HOMES

TO: R3 - APARTMENTS

Contents

- I. Introduction
- II. Background of Spokesperson
- III. Requests
- IV. Concerns
 - A. Drainage & Water
 - B. Devaluation of Property Value
 - C. Liability
 - D. Master Zoning Plan
 - E. Lowering of Quality of Life
 - F. Value to Property Owners/Developers
 - G. Value to Neighbors
 - H. Value to Sellersburg Residents
 - I. Comparison With Hallmark Apartments
 - J. Comparison With Viewpoint Apartments
 - K. Legal Procedures
- V. Conclusion

I. Introduction

We are your friends and neighbors. We are homeowners and taxpayers who attend church with you and pay property taxes to support our Sellersburg schools. We are your customers who buy gasoline from your gas stations, buy meals from your restaurants, and shop in your stores. We also vote in our elections and cast ballots for you.

We are concerned with the possible effects of the zoning change on the Davis tract from R1 single family homes to R3 apartments.

The timing of this meeting is not compatible with the season. I am sure that all of us would prefer to be shopping and getting ready for Christmas. Hopefully, no one will say or do anything to hurt feelings or show a lack of respect. After this meeting is over, we should be friends. We don't want to do or say anything to make Jesus Christ or God unhappy with our conduct. We should act like it is Christmas every day of the year.

We need to remember the Golden Rule found in the Bible:
Luke 6:31 "Treat others as you want them to treat you."

II. Background of Spokesperson.

- A. **Name & Address:** William R. Booth; 1410 Celesta Way; Sellersburg IN 47172
- B. **Residency:** Eleven years-Sellersburg Greenwood Subdivision; Louisville, Ky; Charlestown, IN; Akron, OH; Ft. Meade, MD; Knoxville, TN.
- C. **Education:** (1) B.S. Electrical Engineering, Tennessee University (2) Master Arts in Finance, Webster University (3) Master Business Administration, Webster University
- D. **Employer:** Louisville Gas & Electric; Louisville, KY.
- 1) **Strategic Plan Values of Company:**
- Total customer satisfaction
 - Responsible environmental stewardship
 - Pride in our work.
 - Commitment to the community
 - Integrity, trust, teamwork and open communications
- 2) **Key Strategies for Customers:**
- Understand what every customer wants from LG&E. Offer profitable, value added products and services to strengthen our relationship with our customers.
- E. **Job Title:** Senior Project Manager
- F. **Professional Certification:** (1) Registered Professional Engineer in Kentucky and Ohio (2) Certified by National Council of Examiners in Engineering and Surveying (3) Certified as Project Manager Professional by Project Management Institute.
- G. **Job Responsibilities:** Manage construction of projects for LGE including substations, 138 KV transmission lines, and 12.5 KV overhead distribution overhead and underground circuits.
- H. **Cost of typical projects:** Bluegrass Parkway \$5,000,000; Freys Hill \$1,600,000; Mud Lane \$2,200,000; \$2,600,000.
- I. **Rental experience:** Rented a duplex, lived in apartment, and have a rental home with tenants now.
- J. **Development policy:** Hold neighborhood meetings with customers to explain reasons for project, answer any questions, and resolve any concerns.

III. Requests.

- A. Maintain existing zoning, R1 Single Family Homes.
- B. Construct homes that are comparable to homes in Greenwood Subdivision with a minimum square footage of 1,200 square feet or larger.
- C. Make a commitment not to erect manufactured/modular homes.
- D. Develop property so it will be a welcome addition by the neighbors.

IV. Concerns.**A. Drainage & Water**

- 1. What will be done to reduce drainage unto existing homes?
- 2. What percentage of the development will be landscaped or kept in a natural environment instead of being covered with asphalt or concrete? ✓
- 3. Has the environmental impact study determined how much more the adjoining properties will be flooded when rains similar to the Spring rains of 1997 occur?
- 4. Has a study been made to determine how much water will be diverted into the sewers of the surrounding area (neighborhood run-off)?
- 5. What is the maximum amount the sewer will hold? ✓
- 6. What is the amount of water the Sellersburg Sewer & Water facilities can provide? ✓
- 7. How much is the water pressure for surrounding homes going to decrease? ✓
- 8. How is the lake going to help the drainage problem? ✓
- 9. How is the water runoff from the sides of the lake going to be recaptured and drained back into the lake? ✓
- 10. How deep is the water in the lake going to be? ✓
- 11. Is the developer going to be liable for sickness and irritation caused by mosquitoes? ✓

B. Devaluation of Property Value

- 1. Has a study been performed to determine how much the resale property value of the homeowners in Greenwood Subdivision will decrease?
- 2. What is being done to eliminate invasion of privacy into adjoining homes & swimming pools? ✓
- 3. Will the rear yard depth of twenty feet be maintained? Zoning Sections 2.2.4(3)(a), 2.3.4(3)(a), 2.4.4(3)(a) ✓
- 4. Will privacy fences be constructed to protect the privacy of Greenwood Subdivision families like the lake is being built to provide a buffer between the proposed apartments and the developer? How high and of what material will they be built? Will it be built to last for thirty years?
- 5. Will an earthen berm be constructed to provide privacy? ✓

C. Liability

1. What will be done to prevent children from drowning in the lake?
2. How will child safety be guaranteed?
3. How much insurance does the developer need to cover possible lawsuits?
4. Is the Sellersburg Zoning Board and Town Council going to be liable for damages brought against the airport and city in lawsuits for airplane crashes and loss of life and property, after being advised by the airport not to allow higher density apartment construction?
5. Are the Sellersburg residents going to pay higher taxes to pay damages for the lawsuits?

D. Master Zoning Plan

1. Does the city have a master zoning and growth plan for the next twenty years?
2. Does Sellersburg want to model itself after Clarksville with an emphasis on apartment and commercial development with no protection for single family residence value?
3. Where are the existing areas that are zoned R3?
4. What is the size of the area that is already zoned R3?
5. What is the percentage of capacity that is already constructed for R3?

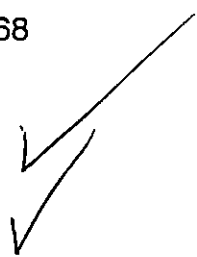
E. Lowering of Quality of Life

1. Has a study been made to determine if the possible apartment occupants will have different work shifts and lifestyles than the surrounding homeowners which will result in disruptions to sleep?
2. Will the possible apartment renters likely be younger with motorcycles and muscle cars that are noisy?
3. Will the possible apartment renters be working night shifts with more traffic late at night?
4. How much has the noise level study determined that the noise will increase?

F. Value to Property Owners/Developers

1. How many apartments are planned?
2. Is the 18 dwelling units per acre stipulation in Section 2.4.3(1)(C.) followed? (18 units per acre x 7.87 acres = 141 units)
3. Is the minimum lot size of 6,000 square feet followed on the development plan according to Section 2.4.3(1)(C.)?

4. Is the smallest apartment size under consideration to be 850 square feet? How many bedrooms would it have? What would be the rent? How many apartments of this size are being considered?
5. What is the size of the largest apartment being considered? How many bedrooms would it have? What would be the rent? How many apartments of this size are being considered?
6. Does the development plan meet the standard in Section 2.4.6 for minimum floor area as follows: one bedroom = 768 square feet, two bedrooms=900 square feet, three bedrooms=1,000 square feet?
7. Is the target market for the prospective renters to be the downtown Louisville area?
8. What is the average income of the target renter?
9. Does the developer's plan specify garages or carports?
10. How many parking spaces are on the plan?



G. Value to Neighbors

1. What are the benefits to the surrounding neighbors in the possible zoning change?
2. How much would the possible zoning change increase the resale value of neighboring properties?

H. Value to Sellersburg Residents

1. What benefits would the apartments bring to Sellersburg residents in the short term and 20 year term other than increased fees for sewer hook ups?
2. Are the water rates, electric rates, school taxes going to be lowered?
3. Can the schools handle the increase in children that the proposed apartments will bring?
4. Are schools supported primarily by property taxes?
5. Will the possible apartment renters pay property taxes?

I. Comparison With Hallmark Apartments

1. What is square footage for one, two, and three bedrooms?
2. What is the rental cost for one, two, and three bedrooms?
3. Has a survey been made of surrounding neighbors to see if they are happy with the building maintenance and behavior of the apartment renters?
4. Have pictures been taken by the developer to show the Zoning Board?

J. Comparison With Viewpoint Apartments

1. What is square footage for one, two, and three bedrooms?
2. What is the rental cost for one, two, and three bedrooms?
3. Has a survey been made of surrounding neighbors to see if they are happy with the building maintenance and behavior of the apartment renters.
4. Have pictures been taken by the developer to show the Zoning Board?

K. Legal Procedures

1. Is a copy of the petition on file? Is a copy available for viewing?
2. Has anyone on the Board been involved in negotiations on the selling of an easement from Mr. Pyle to the developer?
3. Would this constitute a conflict of interest and prevent an unbiased vote on this issue?

V. Conclusion

- A. What is wrong with maintaining the present zoning?
- B. What is wrong with locating apartments in areas that are already zoned for apartments?
- C. Would development of the property for single family residences with a minimum size of 1,200 square feet not fit better with the existing homes and attract people with comparable incomes and lifestyles?
- D. Do we want a zoning change to benefit only a developer or do we want more people to benefit?
- E. Since elected officials are to serve the people and base decisions on accurate complete information, it is obvious that insufficient information has been provided to justify a zoning change that will impact residents of this community for the next twenty years.
- F. We propose that the request for zoning change to R3 for apartments be denied.

TOWN OF SELLERSBURG
CODE ENFORCEMENT DIVISION
OFFICE OF BUILDING COMMISSIONER
P.O. BOX 82
SELLERSBURG, IN 47172-0082

PHONE 812-246-7239

FAX 812-246-7240

DEC. 11, 1997

PLANNING AND ZONING COMMISSION
RE: Meeting Monday Dec. 15, 1997
6:00 P.M.

The first to file for this meeting was Virgil Bolly representing Jim O'Neal and Bill James.

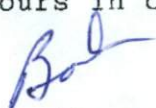
This is a request to rezone property on the East side of South New Albany St. and lying behind the houses on the same side of New Albany St. The property lies between the old BIG O warehouse and I-65 or directly behind the O'Neal Ford Dealership.

I have included two pages from the Comprehensive Plan for the Town to help you locate the property and to see what the Comprehensive Plan recommends. The last two pages in this petition are from my office. I have highlighted the approximate location of the property on the next to last page. The last page is to help you understand what each area represents. I have highlighted that area on the legend. They are requesting a Zoning change from R-3, Multi-Family dwellings to B-3, General Business.

The second matter is from Paul Davis and is a new petition from last month filed by Mike Davis.

If you have any questions, please feel free to call me. My office hours are 9:00 A.M. - 12:00 Noon weekdays. Office number is listed above. If you need to call me at home, 246-2757. Please call before 9:00 P.M.
Thanks.

Yours in community service,

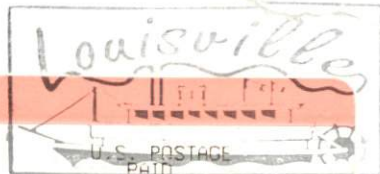

Bob Stewart



Fold at line top of envelope to the
right of the return address

DAVID D. NACHAND
ATTORNEY AT LAW
426 E. COURT AVE.
JEFFERSONVILLE, INDIANA 47130

CERTIFIED
P 292 782 341
MAIL



U.S. POSTAGE
PAID
JEFFERSONVILLE, IN
47130
NOV 24 1991
AMOUNT

0000

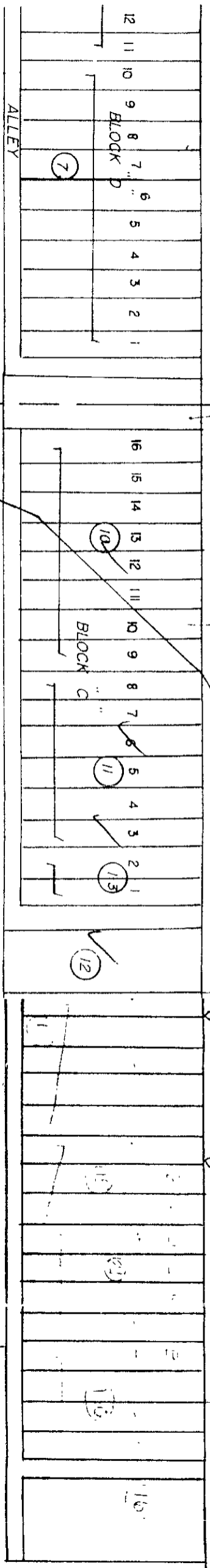
\$2.77
00048439-05

11-25-97

Rodney Pate, President
Sellersburg Plan Commission
373 Paradise Avenue
Sellersburg, IN 47172

47172-1442 02





IGS

O'Neil
 & Sons

Taylor
 &
 Graham

X

X

100' 0" 0"

TRIKE UNE 7

21" DEN'T
ON CURB
LINE

172.76'
042°21'27"E

New
Lot
to be

78' x 400'

2.278 ACRES

307.81'
547°21'28"W

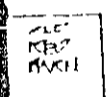
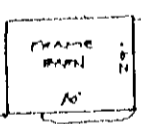
Service
Drive

GERALD & DELORES SNYDER
202 1/2 INCH 8 3/4

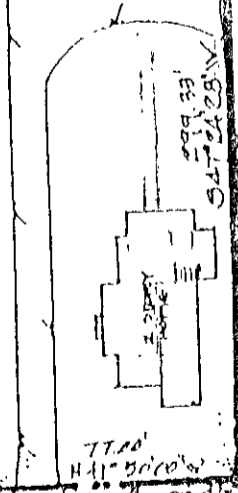
N 47° 49' 11" E - 605.75'

18 ft

23' (E. of road)
60.13'
N 41° 26' 58" W



ASPHALT DRIVEWAY



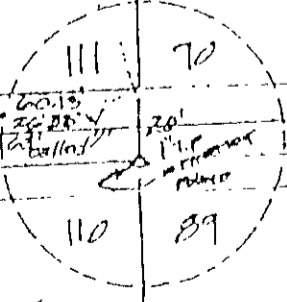
JOSEPH SMITH

20' x 30' BARN
547° 21' 28" W

60.00'
N 43° 20' 32" W

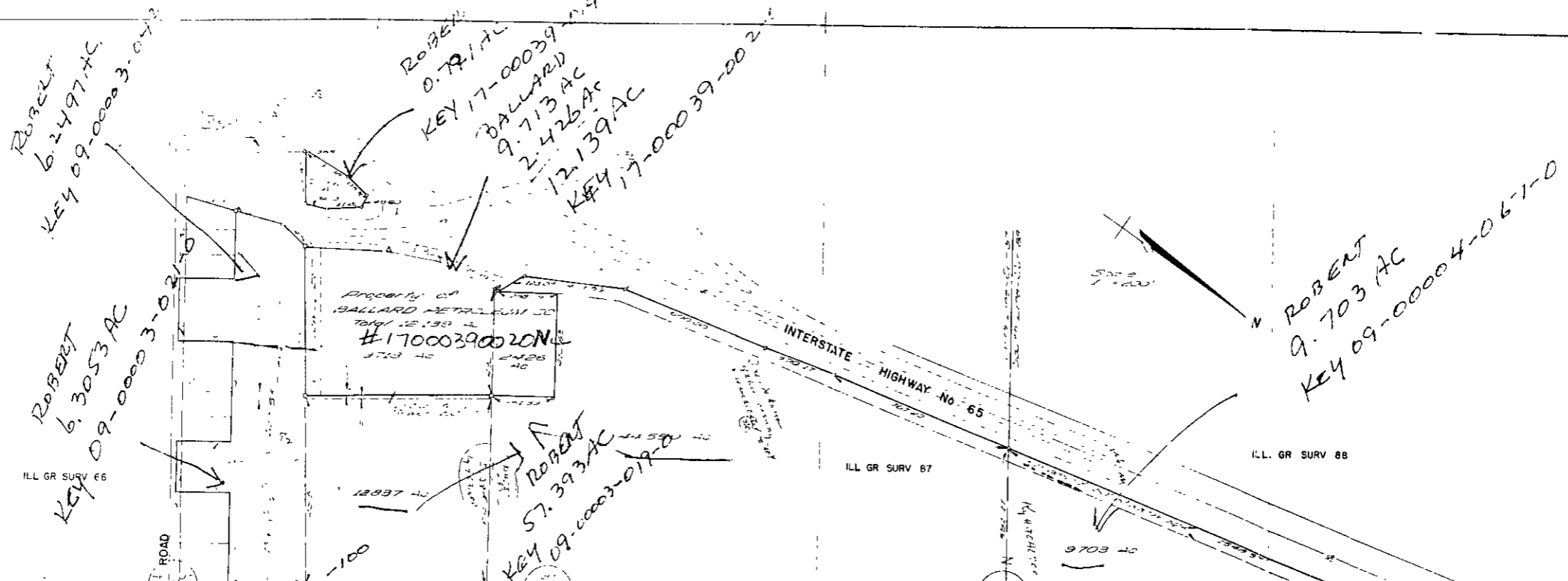
77.00'
N 41° 50' 00" W

60.13'
N 41° 26' 58" W



UTICA

STREET



ROBERT
6.2497 AC
KEY 09-00003-042

ROBERT
0.721 AC
KEY 17-00039-014

BALLARD
9.713 AC
2.426 AC
12.139 AC
KEY 17-00039-002

ROBERT
6.3053 AC
KEY 09-00003-021

Property of
BALLARD METAL FIN CO
Total 12,139 AC
#17000390020N
3713 AC
2426 AC

ROBERT
57.393 AC
KEY 09-00003-019

ROBERT
9.703 AC
KEY 09-00004-061-0

ILL GR SURV 66

GREENWOOD ROAD

ILL GR SURV 67

ROBERT
2.43 AC Key # 17-00036-045-0
32.020 AC Key # 09-00002-005-0
34.450
34.450 AC

ILL GR SURV 87

INTERSTATE
HIGHWAY No 65

ILL. GR SURV 88

ILL. GR SURV 69

LEGEND

- Stone
- Iron and Stone
- Stone
- Iron Pipe
- Galvanized Pipe
- R/W Marker
- Steel Fence Post

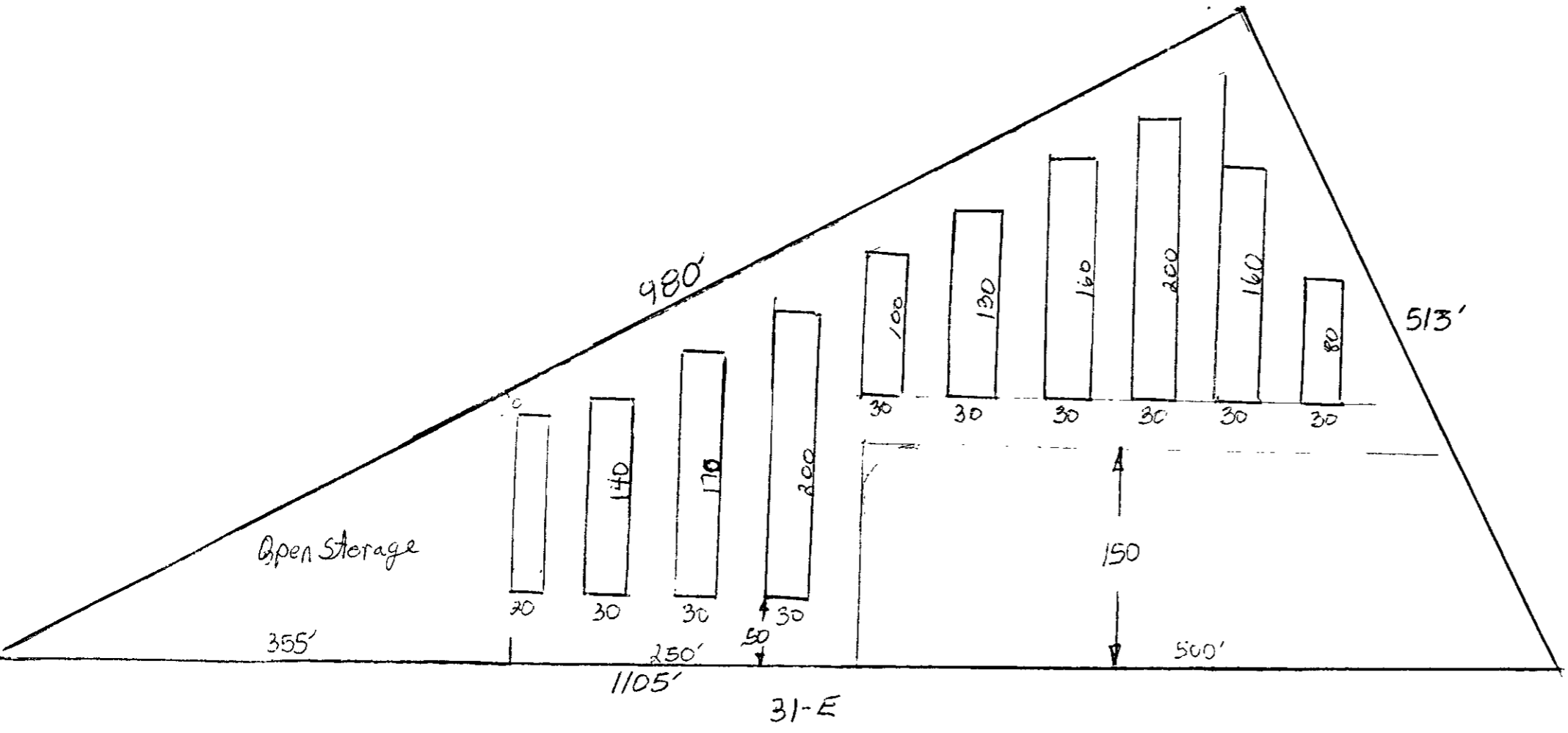
TOTAL ACREAGE OWNED
BY MOHLENKAMP = 114.080

FORREST
ESTATES
SUBDIVISION

COMPOSITE DIAGRAM OF
L.W. MOHLENKAMP PROPERTY
Clark County, Indiana

JOHN G. BRINKWORTH
CONSULTING ENGINEERS
1100 East Spring St.
New Albany, Indiana

$30 \times 140 = 4200$
 $30 \times 170 = 5100$
 $30 \times 200 = 6000$
 $30 \times 100 = 3000$
 $30 \times 130 = 3900$
 $30 \times 160 = 4800$
 $30 \times 200 = 6000$
 $30 \times 160 = 4800$
 $30 \times 80 = 2400$
 $\underline{40200}$
 $20 \times 120 = 2400$
 $\underline{42600}$



1" = 100'

DUG
117 Allhands
Sellersburg

Lot Size 47'6" x 160'

