

**SELLERSBURG PLAN COMMISSION
AGENDA**

January 18, 2016

1. Roll Call.

Approve the minutes from the December 21, 2015 meeting.

2. Unfinished Business

NONE

3. New Business

- 1) Election of Officers
- 2) Attorney Contract

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

January 18, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on January 18, 2016 at 6:20 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Thomas M. McEwen and Kenneth J. Alexander. Also present were J. Greg Dietz, Building Commissioner, Attorney Jacob C. Elder.

APPROVAL OF MINUTES:

A correction was made to the minutes that the meeting was called to order on December 21, 2015 not September 21, 2015. Francis Conroy moved to approve the minutes of December 21, 2015 as corrected, seconded by Thomas M. McEwen. 4-aye 0-nay Motion approved.

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

1) Election of Officers

President Randall W. Mobley opened nominations for President

Kenneth J. Alexander nominated Randall W. Mobley for President. Seconded by Thomas M. McEwen. Randall W. Mobley accepted the nomination for President.

Francis A. Conroy moved to close nominations for President, Seconded by Thomas M. McEwen. 4-aye 0-nay. Motion approved.

Randall W. Mobley was unopposed for President of the Sellersburg Plan Commission for 2016.

President Randall W. Mobley opened nominations for Vice President

Kenneth J. Alexander nominated Francis A. Conroy for Vice President. Seconded by Thomas M. McEwen. Francis A. Conroy accepted the nomination for Vice President.

Thomas M. McEwen moved to close nominations for Vice President. Seconded by Kenneth J. Alexander. 4-aye 0-nay. Motion approved

Francis A. Conroy was unopposed for Vice President of the Sellersburg Plan Commission for 2016.

2) Contract with Attorney Jake Elder for Plan Commission legal services.

Kenneth J. Alexander moved to table the contract until the February 15, 2016 meeting. Second by Francis A. Conroy. 4-aye 0-nay. Motion approved

ADJOURNMENT:

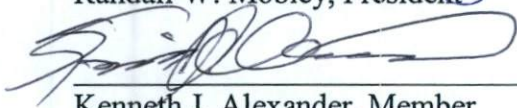
Francis A. Conroy moved to adjourn the meeting. Seconded Thomas M. McEwen. 4 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:42 PM.



Randall W. Mobley, President



Francis A. Conway, Vice-President



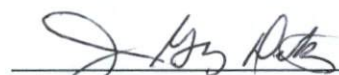
Kenneth J. Alexander, Member

Joseph F. Ledbetter Jr., Member

Terry E. Langford, Member

Michael N. Lockhart, Member

Thomas M. McEwen, Member



ATTEST



PETITION

SUBDIVISION PLAT APPROVAL

PETITION#: 216-001
FEE: \$100.00
RECIPT#: 5132

PRIMARY FINAL

BEFORE THE SELLERSBURG PLAN COMMISSION:

The undersigned Applicant requests primary and/or final Plat Approval of the Subdivision Plat identified herein and submitted this date and represents and warrants to the Plan Commission as follows:

Plat Name: Woods of Covered Bridge Section Five

Developer Information:
Full Legal Name: Woods of Covered Bridge, LLC

Address: 720 Rolling Creek Drive, Suite 106 New Albany, IN 47150

Telephone: (812) 941-9841
Corporation LLC Partnership Individual(s)

Property Owner Information: (If Different From Above)
Full Legal Name: Same

Address: _____

Telephone: _____
Corporation LLC Partnership Individual(s)

Surveyor/Engineer: J.W. M. Cappewick
Paul Primavera & Associates Telephone: (812) 738-4124

Property Acquisition Date by Owner: 1-10-2014 (Provide Copy of Deed)

Tax Key Number of Property: 10-45-18-200-006.000-043

No. of Acres to be Platted: 13.000 No. of Lots: 27

Road Serving Subdivision: Winged Foot Drive and Grexbriar Boulevard

Current Zoning: R-1 Township: Union

To be Served By: Septic Sewer

Is Any Property in Plat in Floodway/Floodplain? Yes No

Dated and Signed at Clark County, Sellersburg, Indiana, this the 5th day of February, 2016

Developer: Woods of Covered Bridge LLC
By: [Signature]

All Legal Owners (Named on Deed) Must Sign
Woods of Covered Bridge LLC By: [Signature]

Specific Reason for Requesting:



A Rezoning from _____ to _____

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Zoning Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg

Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

The next section of Woods of Covered Bridge.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 5th day of February, 2016

D.D. ... member of Woods of Covered Bridge LLC.

[Signature]
Petition Prepared By (Signature) *(Jason M. Coppenrath)*

All Legal Owners (Named on Deed) Must Sign

- FOR OFFICE USE ONLY
- FOR **RECOMMENDATION** BY PLAN COMM TO COUNCIL
- FOR **FINAL DECISION** BY PLAN COMMISSION
- FOR **FINAL DECISION** BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED





Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature:

David A. Schuler

Date:

2-5-2016

Applicant's Name (printed):

David A. Schuler

Technical Review

Project Name: Woods of Covered Bridge Section Five

Project Location: Woods of Covered Bridge

Review Date: 2-12-2016

Plans Release Issued by State: N/A

Zoning Correct: Yes

Water Department Review: Yes

Sewer Department Review: Yes

Fire Department Review: Not Present

MS4 Review: Yes

MS4 Fees Paid: Yes

Health Department Notified: N/A

Floodplain Checked: Yes

Notes :

Meets technical review requirements.

Jason Coperwaite

J. Greg Dietz, Ken Alexander, Brad Amos,

WOODS OF COVERED BRIDGE SECTION FIVE



CERTIFICATE OF OWNERSHIP

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND SHOWN ON THIS PLAT, AND HEREBY DEDICATES TO PUBLIC USE THE RIGHT OF WAY AND EASEMENTS SHOWN ON THIS PLAT AND HEREBY ACKNOWLEDGES THE SAME TO BE WOODS OF COVERED BRIDGE SECTION FIVE.

DAVID SCHULZ, MEMBER

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 17A, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, THIS PLAT HAS BEEN APPROVED BY THE TOWN PLAN COMMISSION AS FOLLOWS:

APPROVED BY THE TOWN PLAN COMMISSION AT A MEETING HELD ON THE ____ DAY OF _____, 20__.

SELLERSBURG TOWN PLAN COMMISSION

PRESIDENT _____

SECRETARY _____

CERTIFICATE OF NOTARY PUBLIC

STATE OF INDIANA
COUNTY OF CLARK
BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED DAVID SCHULZ, AND ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND SEAL THIS ____ DAY OF _____, 20__.

MY COMMISSION EXPIRES _____, 20__.

SIGNATURE OF NOTARY _____

- #5 REINFORCING BAR WITH YELLOW PLASTIC CAP STAMPED PRIMAVERA & ASSOC. #0049 SET

THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD HAZARD AREA AS DETERMINED BY FEMA COMMUNITY PANEL MAP # 17048 C02 C DATED FEBRUARY 18, 1983

ARC = 55.78'
R = 175.00'
N81°52'53"W
LC = 55.55'



LOCATION MAP

THE PROTECTIVE COVENANTS FOR THIS PLAT ARE RECORDED IN MISCELLANEOUS RECORD BOOK _____ PAGE _____

LAND DESCRIPTION

A part of Survey #182 of the Illinois Grant, Union Township, Clark County, Indiana, more particularly described as follows: Beginning at the Southwest corner of Lot #97 of Woods of Covered Bridge, Section Two; thence along the Northwest line of Woods of Covered Bridge, Section Two, South 73° 46' 21" West 275.01 feet; thence North 59° 59' 30" West 129.65 feet; thence South 30° 00' 30" West 48.82 feet; thence North 59° 59' 30" West 168.86 feet; thence North 27° 25' 19" West 173.57 feet; thence North 40° 37' 28" West 390.04 feet; thence North 11° 30' 27" West 401.56 feet; thence North 20° 32' 06" East 72.16 feet; thence North 09° 09' 36" East 307.27 feet; thence along a non-tangent curve concave southerly (solid curve having a radius of 175.00 feet, a chord bearing South 81° 52' 53" East, and a chord length of 55.55 feet) a distance of 55.78 feet; thence along a tangent curve to the right (solid curve having a radius of 30.00 feet, a chord bearing South 34° 10' 02" East, and a chord length of 37.42 feet) a distance of 40.40 feet; thence South 40° 24' 58" West 191.90 feet; thence South 85° 35' 04" East 50.00 feet; thence South 54° 11' 49" East 117.14 feet; thence South 35° 57' 19" East 141.84 feet; thence South 46° 16' 12" East 556.75 feet; thence North 83° 57' 38" East 126.73 feet; to the lines of Woods of Covered Bridge, Section Two; thence South 16° 13' 39" East 226.38 feet; thence North 73° 46' 21" East 11.90 feet; thence South 16° 13' 39" East 135.00 feet to the point of beginning, containing 13.000 Acres, more or less.



CERTIFICATE OF REGISTERED LAND SURVEYOR

JASON M. COPPERWATE, A LAND SURVEYOR, DULY REGISTERED AND LICENSED BY THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE WITHIN PLAT WAS DRAWN BY ME OR EMPLOYED UNDER MY DIRECT SUPERVISION AS A RESULT OF A PHYSICAL SURVEY OF THE PROPERTY AND THAT THE COURSES AND DISTANCES SHOWN THEREON ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT ALL PROPERTY OWNERS SHOWN WERE SET IN THE FIELD, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY RECORDED BY THE SURVEYER IN THE CLARK COUNTY RECORDERS OFFICE IN INST. #3303632.

JASON M. COPPERWATE
INDIANA REGISTRATION NUMBER LS20200044



SCALE 1" = 100'
CONTOUR INTERVAL 2'-0"

THIS PROPERTY IS NOT IN THE
100 YEAR FLOODED HAZARD AREA
AS DETERMINED BY FEMA COMMUNITY HAZARD RISK
MAP # 15044A0001 DATED FEBRUARY 16, 1983

PRELIMINARY PLAT THE WILLOWS OF COVERED BRIDGE SUBDIVISION

305 RESIDENTIAL LOTS ON 145.805 ACRES

PROPERTY OWNERS:
COVERED BRIDGE GOLF CLUB INC.
FRANK U. ZOELLER, PRESIDENT
LARRY E. PARIS, SECRETARY

DEVELOPER:
ROBERT LYNN COMPANY

ENGINEER-SURVEYOR
PAUL PRIMAVERA
P.O. BOX 123
CORYDON, INDIANA 738-4124

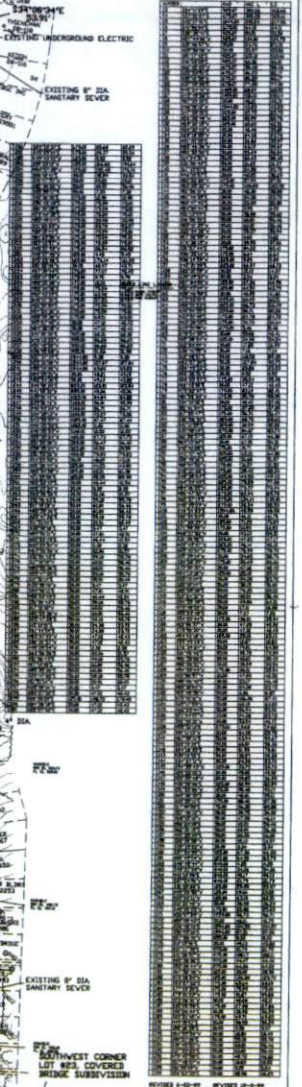
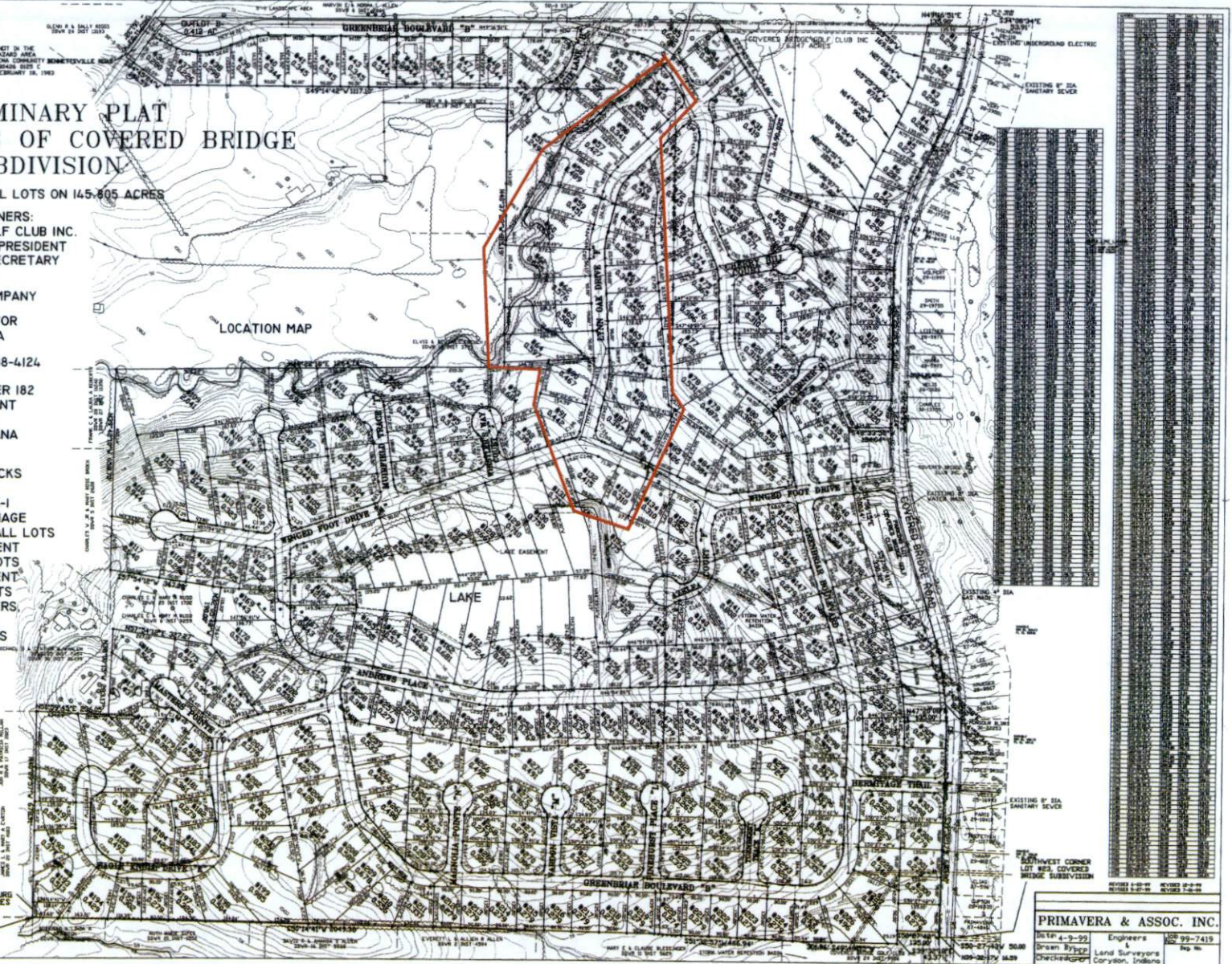
PART OF SURVEY NUMBER 182
OF THE ILLINOIS GRANT
CARR TOWNSHIP
CLARK COUNTY, INDIANA

ALL BUILDING SETBACKS
TO BE 25'-0"
PRESENT ZONING A-1
20'-0" UTILITY & DRAINAGE
EASEMENTS AT REAR OF ALL LOTS
12'-0" UTILITY EASEMENT
AT FRONT OF ALL LOTS
6'-0" UTILITY EASEMENT
AT SIDE OF ALL LOTS
CITY SANITARY SEWERS,
CURB & GUTTER,
AND STORM SEWERS

THIS WATERSHED FLOWS THROUGH URBAN
WATERSHEDS TO NEARBY FISH CREEK

LIFT STATION
TOWN OF SELLERSBURG
OUTLET A 5.117 ACRES
SOUTHERNMOST CORNER
SURVEY NUMBER 182
OF ILLINOIS GRANT

LOCATION MAP



REVISED 4-9-99
REVISED 8-9-99
REVISED 8-9-99
REVISED 8-9-99

PRIMAVERA & ASSOC. INC.
Date: 4-9-99
Drawn By: JPP
Checked: JPP
Engineers
Land Surveyors
Corydon, Indiana
99-7419
Pp. 10

Woods of Covered Bridge
Section Five



WTST
to 10
26 434

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JAN 10 2014

R. Mark Smith
Auditor, Clark County

~~Richard P. Jones~~ 6P
~~CLARK COUNTY RECORDER~~
~~Filed for Record as Presented~~
~~I 201400160~~ Page 1 of 6
~~C2 Date 01/07/2014~~ Time 14:29:21

Key No.: 10-02-18-200-169.000-026 (002-22-0130)
10-02-18-200-167.000-026 (002-22-0090)

045-2-0060
045-2-0040

Note: Re-recorded to attach Exhibit B sewer Agreement

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JAN 07 2014

R. Mark Smith
Auditor, Clark County

WARRANTY DEED

THIS INDENTURE WITNESSETH, that Robert Lynn Company, Inc., an Indiana corporation, an Indiana corporation, having its principal office in Floyd County, Indiana ("Grantor," whether one or more), for Ten Dollars (\$10.00) and other good and valuable consideration,

CONVEYS AND WARRANTS

unto Woods of Covered Bridge, LLC, an Indiana limited liability company, having its principal office in Floyd County, Indiana, ("Grantee", whether one or more) that certain real property situated more particularly described, to wit:

See Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to all applicable easements, rights-of-way, restrictions and agreements of record and further subject to the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit X and made a part hereof (collectively, the "Permitted Exceptions").

IT IS AGREED AND UNDERSTOOD by and between the parties hereto that Grantee, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, Grantee covenants and agrees for itself, its successors and assigns, that this Deed is made and accepted subject to Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B, the terms of which shall be binding upon and enforceable against Grantee, its successors and assigns, by Grantor and as allowed by federal, state or local law; that the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B is a binding servitude on the Property herein conveyed and shall be deemed to run with the land; and that the failure to include reference to the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B in subsequent conveyances does not abrogate the status of Conditional Sewer Tap Fee Agreement as binding upon the parties, their successors and assigns.

Taxes having been pro-rated between Grantor and Grantee, Grantee hereby assumes and agrees to pay the spring installment of real estate taxes for the year 2013, payable in 2014, and all subsequent real estate taxes.

Re-recording
Richard P. Jones 10P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201400454 Page 1 of 10
C2 Date 01/10/2014 Time 09:30:43

The undersigned person executing this deed represents and certifies on behalf of Grantor, that the undersigned is the president of Grantor and is fully empowered by the By-Laws or board of director resolution of Grantor to execute and deliver this Deed; that Grantor is a corporation in good standing in the State of Indiana; that Grantor has full company capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

Grantee, by executing and accepting this Deed, hereby certifies that (i) Grantee is acquiring the real property conveyed hereby for purposes of selling said property in Grantee's ordinary course of business, and (ii) the property conveyed herein constitutes "land in inventory" of Grantee pursuant to IC 6-1.1-4-12 (b). As a result of the foregoing, Grantee constitutes a successor land developer for purposes of the re-assessment exemption provided for in IC 6-1.1-4.12(h) (1) (b) and the real property described herein shall not be reassessed solely as a result of the conveyance evidenced by this deed.

IN WITNESS WHEREOF, the said Grantor has caused this deed to be executed this 19th day of December, 2013.

ROBERT LYNN COMPANY, INC.,
an Indiana limited liability company

By: *Robert F. Lynn, President*
Robert F. Lynn, President

STATE OF INDIANA
COUNTY OF FLOYD

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this ___ day of December, 2013, personally appeared Robert F. Lynn, as President of Robert Lynn Company, Inc., and acknowledged the execution of the foregoing Warranty Deed on behalf of said company, and who, having been sworn, state that the representations therein contained are true.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020

Emily Be Stomor
Notary Public Emily Be Stomor

Printed Name
Resident of Floyd County



I affirm, under the penalties for perjury, that I have taken reasonable care
to redact each Social Security number in this document,
unless required by law, and that this instrument was prepared by:

Alan M. Applegate
APPLEGATE FIFER PULLIAM LLC
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

Tax Statement Mailing Address:

4206 Charlestown RD
New Albany, IN 47150

Grantee Mailing Address:

" Same as above "

EXHIBIT A

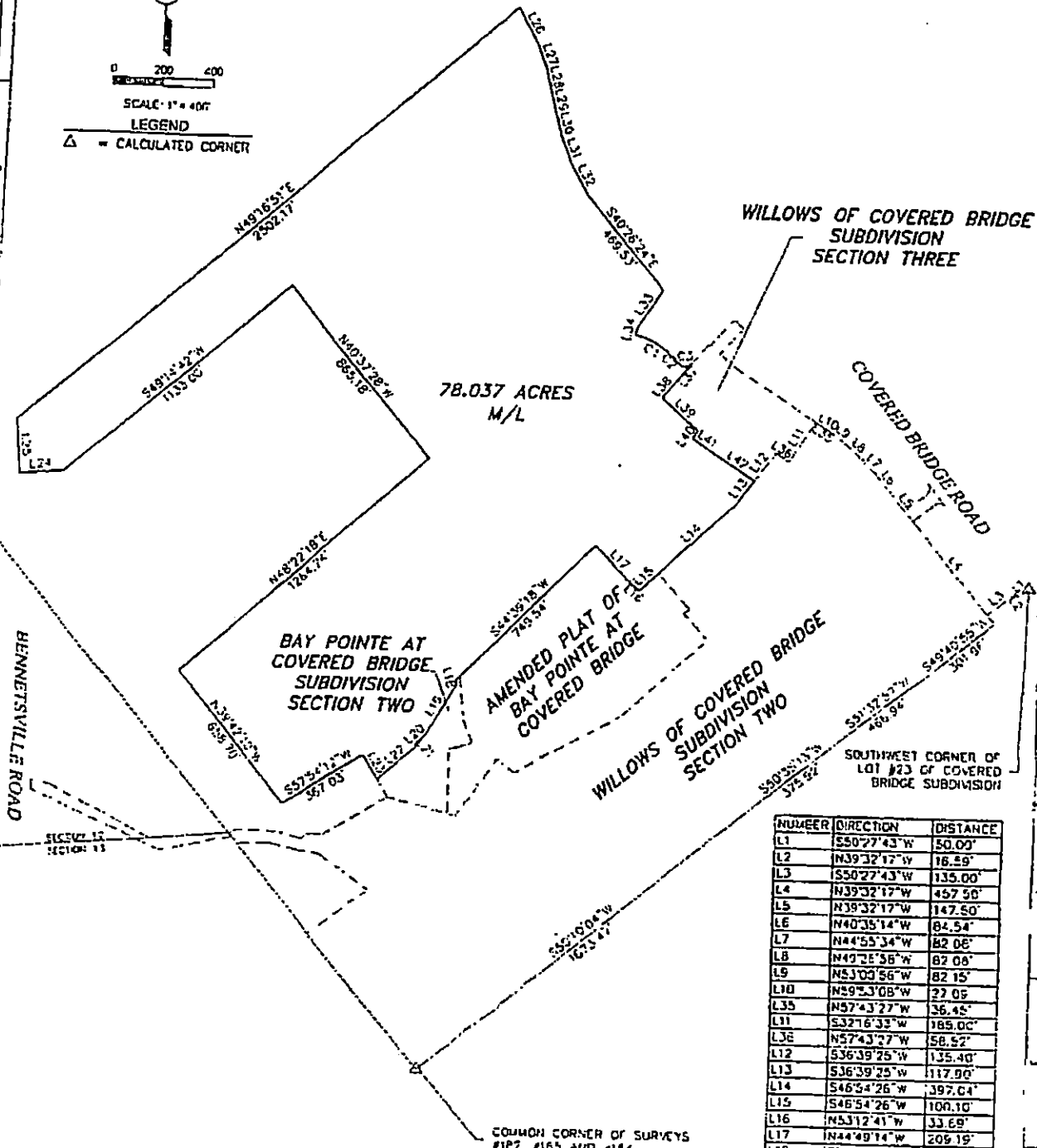
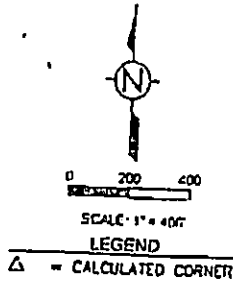
The following is a legal description prepared this 3rd day of September, 2013, of real property being a part of Survey #182 of the Illinois Grant, Carr Township, Clark County Indiana, more particularly described as follows:

Commencing at the Southwestern corner of Lot #23 in Covered Bridge Subdivision, as recorded in the records of the Clark County Recorder's Office in Clark County, Indiana, thence with an extension of the South line of said Lot #23, and perpendicular to the right-of-way of Covered Bridge Road South $50^{\circ} 27' 43''$ West 50.00 feet, thence along the Western right-of-way of Covered Bridge Road North $39^{\circ} 32' 17''$ West 16.59 feet, thence leaving said right-of-way South $50^{\circ} 27' 43''$ West 135.00 feet, thence North $39^{\circ} 32' 17''$ West 457.50 feet, thence North $39^{\circ} 32' 17''$ West 147.50 feet, thence North $40^{\circ} 35' 14''$ West 84.54 feet, thence North $44^{\circ} 55' 34''$ West 82.08 feet, thence North $49^{\circ} 26' 58''$ West 82.08 feet, thence North $53^{\circ} 00' 56''$ West 82.15 feet, thence North $59^{\circ} 53' 08''$ West 27.09 feet, thence North $57^{\circ} 43' 27''$ West 36.45 feet, thence South $32^{\circ} 16' 33''$ West 185.00 feet to the Southwestern right-of-way of Greenbriar Boulevard, thence along said right-of-way North $57^{\circ} 43' 27''$ West 58.52 feet, thence leaving said right-of-way South $36^{\circ} 39' 25''$ West 135.40 feet to the point of beginning, thence South $36^{\circ} 39' 25''$ West 117.90 feet, thence South $46^{\circ} 54' 26''$ West 397.04 feet, thence South $46^{\circ} 54' 26''$ West 100.10 feet, thence North $53^{\circ} 12' 41''$ West 33.69 feet, thence North $44^{\circ} 49' 14''$ West 209.19 feet, thence South $44^{\circ} 39' 18''$ West 749.54 feet, thence South $13^{\circ} 07' 51''$ East 17.73 feet, thence South $30^{\circ} 21' 30''$ West 233.06 feet to the Northern right-of-way of St. Andrews Place, thence leaving said Northern right-of-way South $47^{\circ} 56' 41''$ West 50.00 feet to the Southern right-of-way of St. Andrews Place, thence along said Southern right-of-way South $42^{\circ} 03' 19''$ East 11.06 feet, thence leaving said Southern right-of-way South $47^{\circ} 56' 41''$ West 198.77 feet, thence North $32^{\circ} 05' 51''$ West 110.33 feet, thence South $57^{\circ} 54' 12''$ West 367.03 feet, thence North $39^{\circ} 42' 10''$ West 658.70 feet, thence North $48^{\circ} 22' 18''$ East 1264.74 feet, thence North

PAUL PRIMAVERA & ASSOCIATES
Registered Engineers and Land Surveyors

40° 37' 28" West 865.18 feet, thence South 49° 14' 42" West 1133.00 feet, thence South 84° 45' 24" West 172.64 feet, thence North 05° 11' 33" West 211.32 feet, thence North 49° 16' 51" East 2502.17 feet, thence South 30° 23' 59" East 169.98 feet, thence South 21° 19' 14" East 88.70 feet, thence South 15° 25' 39" East 87.16 feet, thence South 14° 16' 32" East 90.00 feet, thence South 16° 01' 54" East 99.09 feet, thence South 22° 53' 51" East 103.40 feet, thence South 30° 39' 55" East 139.39 feet, thence South 40° 26' 24" East 469.53 feet, thence South 33° 30' 45" West 172.56 feet, thence South 13° 41' 58" West 30.00 feet, thence along a non-tangent curve concave Southwesterly (said curve having a radius of 325.00 feet, a long chord bearing South 60° 45' 03" East having a length of 174.25 feet) a distance of 176.41 feet, thence along a tangent curve to the right (said curve having a radius of 1544.80 feet, a long chord bearing South 45° 53' 21" East having a length of 37.11 feet) a distance of 37.11 feet, thence along a tangent curve to the left (said curve having a radius of 30.00 feet, a long chord bearing North 87° 16' 09" East having a length of 43.27 feet) a distance of 48.33 feet, thence South 38° 01' 07" West 110.46 feet, thence South 41° 06' 56" West 62.71 feet, thence South 48° 53' 04" East 191.98 feet, thence South 36° 10' 58" West 35.00 feet, thence South 56° 07' 28" East 96.70 feet, thence South 57° 43' 27" East 195.75 feet to the point of beginning, containing 78.037 Acres, more or less.

Being subject to all easements, restrictions, and rights-of-way of record.



NUMBER	CHORD DIR.	RADIUS	ARC	CHORD
C1	S60°45'03"E	1325.00	176.41	174.25
C2	S45°53'21"E	1164.80	37.11	37.11
C3	N87°15'09"E	130.00	48.33	43.27

NUMBER	DIRECTION	DISTANCE
L1	S50°27'43"W	50.00'
L2	N39°32'17"W	18.59'
L3	S50°27'43"W	135.00'
L4	N39°32'17"W	457.50'
L5	N39°32'17"W	147.50'
L6	N40°35'14"W	84.54'
L7	N44°55'34"W	82.06'
L8	N40°25'58"W	82.08'
L9	N53°09'58"W	82.15'
L10	N59°33'08"W	22.05'
L15	N57°43'27"W	36.45'
L11	S32°16'33"W	185.00'
L16	N57°43'27"W	58.52'
L12	S36°39'25"W	135.40'
L13	S36°39'25"W	117.90'
L14	S46°54'26"W	397.64'
L15	S46°54'26"W	100.10'
L16	N53°12'41"W	33.69'
L17	N44°49'14"W	209.19'
L18	S13°07'51"E	17.73'
L19	S30°21'30"W	233.06'
L20	S47°56'41"W	50.00'
L21	S47°03'19"E	11.05'
L22	S47°56'41"W	198.77'
L23	N32°05'51"W	110.33'
L24	S44°45'24"W	172.64'
L25	N05°11'33"W	211.32'
L26	S30°23'55"E	159.98'
L27	S21°19'14"E	88.70'
L28	S15°25'39"E	87.16'
L29	S14°16'32"E	80.00'
L30	S16°01'54"E	89.09'
L31	S22°53'51"E	103.40'
L32	S30°39'55"E	139.39'
L33	S33°30'45"W	172.56'
L34	S13°41'58"W	30.00'

NUMBER	DIRECTION	DISTANCE
L37	S38°01'07"W	110.46'
L38	S41°06'56"W	62.71'
L39	S48°53'04"E	181.58'
L40	S35°10'58"W	35.00'
L41	S55°10'28"E	98.70'
L42	S57°43'27"E	195.75'

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. IT IS A GRAPHICAL DEPICTION OF A LEGAL DESCRIPTION PREPARED FROM INFORMATION TAKEN FROM A PREVIOUS SURVEY BY PAUL PRIMAVERA & ASSOC., INC. JOB NOS. 99-7419 & 08-11195

1 OF 1
 Drawing No. _____
 Job No. 99-7419
 Paul Primavera & Associates, Inc.
 301 C. CHESTNUT ST.
 P.O. BOX 123
 CORYDON, IN 47112
 TEL: (812) 738-6124
 FAX: (812) 738-6740
 email: jcopper@pcis.com

PAUL PRIMAVERA & ASSOCIATES
 ENGINEERS & LAND SURVEYORS

LEGAL DESCRIPTION
 ROBERT LYNN
 PART OF SURVEY #182 OF
 ILLINOIS GRANT, CARR TOWNSHIP

Revision	Date	By
1		
2		
3		

WTSST
4
\$17

Richard P. Jones 4P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201400161 Page 1 of 4
C2 Date 01/07/2014 Time 14:29:52

EXHIBIT B

CONDITIONAL SANITARY SEWER TAP FEE AGREEMENT

This Conditional Sanitary Sewer Tap Fee Agreement ("Agreement") is made by and between ROBERT LYNN COMPANY, INC., an Indiana corporation ("Seller") and WOODS OF COVERED BRIDGE, LLC, an Indiana limited liability company ("Buyer").

RECITALS

WHEREAS, by virtue of Deed dated December 19th, 2013, Seller is the owner of 78+/- acres known as the undeveloped subdivision land adjacent to The Willows of Covered Bridge and Bay Pointe at Covered Bridge more particularly described in Exhibit A attached hereto and made a part hereof (the "Subject Property"); and

WHEREAS, Seller is currently a plaintiff in the Case styled 21st Century Developers, Inc., and Robert Lynn Company, Inc. v Town of Sellersburg, Indiana currently pending as Case No. 10C01-1208-PL-078 in the Circuit Court No. 1 for Clark County, Indiana (the "Lawsuit") wherein Seller seeks to obtain damages or other compensation for sewer utility lines installed by Seller and others for the benefit of the Town of Sellersburg which sewer utility lines serve the Subject Property; and

WHEREAS, it is anticipated that whether by agreed order or court order, it is likely that the Seller will receive compensation from the Town of Sellersburg for Seller's installation of sewer utility lines and that all of a portion of said compensation could come in the form of one or more pre-paid sewer tap permits ("Sewer Permits") for properties to be connected to the sewer utility lines which are the subject matter of the Lawsuit including, without limitation, the Subject Property; and

WHEREAS, be Deed of even date herewith Seller is conveying the Subject Property to Buyer; and

WHEREAS, as a condition precedent to the Seller's agreement to convey the Subject Property to Buyer, Buyer has agreed that Buyer, or its successors and assigns shall purchase the Sewer Permits from Seller in accordance with the terms hereof.

NOW THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the parties hereto agree as follows:

1. **Notice of Sewer Permits.** In the event Seller obtains from the Town of Sellersburg, or any sewer utility company providing sewer services to the Subject Property, Seller shall notify Buyer in writing of the receipt and number of Sewer Permits issued to Seller (the "Seller Notice").
2. **Purchase of Sewer Permits.** Upon Buyer's receipt of the Seller Notice, Buyer shall cause the Seller Notice to be provided to any person or entity who has (i) acquired all or any portion of the Subject Property, and (ii) has not previously purchased or acquired a sewer permit from the Town of Sellersburg for any

portion of the Subject Property upon which improvements have not been constructed (collectively, the "Purchasing Parties"). Upon the Purchasing Parties' receipt of the Seller Notice, the Purchasing Parties shall be obligated to purchase from Seller, and Seller shall be obligated to sell and assign to the Purchasing Parties, the Sewer Permits. The price for each Sewer Permit to be acquired by any Purchasing Party (the "Permit Purchase Price") shall be equal to (a) the greater of (i) the sewer tap fee charged by the Town of Sellersburg at the time each Purchasing Party seeks a Sewer Permit from Seller, or (ii) Three Thousand Two Hundred Twenty (\$3,220.00) per Sewer Permit, and (b) any associated administrative fee, if any, represented by the Sewer Permit.

3. **Mandatory Purchase.** Buyer agrees, for itself, and any successor in title to any portion of the Subject Property for which sewer service is sought, that following receipt of the Seller Notice, Buyer shall not seek or otherwise pay to the Town of Sellersburg a sewer tap fee for any portion of the Subject Property until such time as Seller no longer owns a Sewer Permit. Buyer shall likewise ensure that any builder, developer or other person having an interest in and to any portion of the Subject Property shall purchase Sewer Permits from Seller.

4. **Public Notice.** Buyer covenants and agrees that Buyer shall cause this Agreement to be specifically referenced in any restrictive covenants or other private restrictions placed by Buyer on or against any portion of the Subject Property and shall notify prospective purchasers of the any portion of the Subject Property of the existence of this Agreement and applicability of same to the Subject Property.

5. **Non-Liability of Seller.** Seller, by holding or assigning any Sewer Permits in accordance with this Agreement shall not be deemed to be a provider of utilities and Seller shall not have any liability to an any person with respect to sewer services rendered to such person's property. Such sewer service shall be the responsibility of the Town of Sellersburg or any entity providing sewer services to the Subject Property and each person, by an acceptance of a deed to any portion of the Subject Property and an assignment of the Sewer Permit from Seller, shall be deemed to agree to indemnify and hold Seller free and harmless from and against any and all liability arising from, related to, or in connection with sewer services to such person's real property. Seller shall have no duties, obligations or liabilities hereunder except to assign a valid and transferrable sewer permit, and no duty of, or warranty by, Seller shall be implied by or inferred from any term or provision of this Agreement.

6. **Covenant Running the Land.** This Agreement shall be for the benefit of Seller and shall run with the land and shall be binding Buyer and any person claiming any portion of the Subject Property under Buyer. Buyer and any person or entity, by acceptance of a deed conveying title to any portion of the Subject Property, or the execution of a contract for the purchase thereof, whether from Buyer or a subsequent owner of such real property, shall accept such deed and execute such contract subject to each and every covenant and obligation in this Agreement. By acceptance of such deed or execution of such contract, the purchaser acknowledges the rights and powers of the Seller with respect to these covenants and obligation, and also, for themselves, their heirs, personal representatives, successors and assigns, such purchasers covenant and agree and consent to and with Seller and Buyer, to keep, observe, comply with and perform such covenants and obligations contained in this Agreement.

7. **Duration of Agreement.** This Agreement shall continue and be binding upon Buyer, it successors and assigns from the date of the deed of the Subject Property to Buyer and shall continue until the occurrence of either of the following: (i) the date Seller has sold and assigned the last Sewer Permit issued in

Seller's name by the Town of Sellersburg, or (ii) the date Seller has filed in the office of the Clark County Recorder a notice of termination of this Agreement.

8. **Enforcement.** If anyone shall violate or attempt to violate any of the covenants and obligations of this Agreement, Seller shall be entitled to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate same, and to prevent said person or them from so doing and to recover damages for such violation, including expenses of litigation which shall include reasonable attorneys' fees incurred by Seller to enforce this agreement, whether by litigation, arbitration, mediation or alternative dispute resolution. No delay or failure on the part of Seller to invoke any available remedy with respect to a violation of any one or more provisions of this Agreement shall be held to be a waiver by Seller (or an estoppel of Seller to assert) any right available to Seller upon the occurrence, recurrence or continuation of such violation or violations of this Agreement.

9. **Severability.** Invalidation of any one of any one of the terms or provisions of this Agreement by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

10. **Amendment.** The terms of this Agreement shall only be amended by an instrument signed by Seller and Buyer and filed of record in the Office of the Recorder of Clark County, Indiana.

11. **Interpretation.** The bolded titles preceding the various paragraphs and subparagraphs of this Agreement are for convenience of reference only, and none of them shall be used as an aid to the construction of any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto, pursuant to authority of its members or board of directors, has caused this Agreement to be executed for and on its behalf by its duly authorized officer or members this 19th day of December, 2013.

SELLER

ROBERT LYNN COMPANY, INC., an Indiana corporation

By: Robert F. Lynn, President
Robert F. Lynn, President

BUYER

WOODS OF COVERED BRIDGE, LLC, an Indiana limited liability company

By: David Schuler, Member
David Schuler, Member

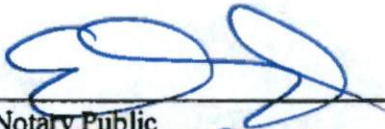
STATE OF INDIANA

COUNTY OF FLOYD

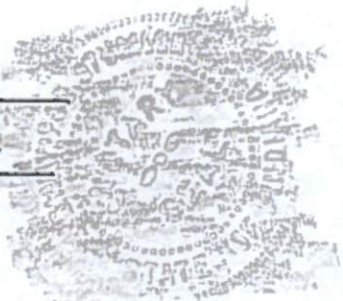
BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this 19th day of December, 2013, personally appeared Robert F. Lynn, as President of Robert Lynn Company, Inc., an Indiana corporation, and acknowledged the execution of the foregoing Conditional Sanitary Sewer Tap Fee Agreement on behalf of said corporation.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020



Notary Public
Emily Poe Stumler
Printed Name
Resident of Floyd County




STATE OF INDIANA

COUNTY OF FLOYD

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this _____ day of December, 2013, personally appeared David Schuler, as Member of Woods of Covered Bridge, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing Conditional Sanitary Sewer Tap Fee Agreement on behalf of said company.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020



Notary Public
Emily Poe Stumler
Printed Name
Resident of FLOYD County



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

This instrument prepared by:
Alan M. Applegate
APPLEGATE FIFER PULLIAM
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

SELLERSBURG PLAN COMMISSION
AGENDA

February 15, 2016

1. Roll Call.

Approve the minutes from the January 18, 2015 meeting.

Unfinished Business

Attorney Contract

2. New Business

1) Petition # 216-001 David Schuler requesting final approval for Section Five of the Woods of Covered Bridge. Primary approval was approved December 16, 2013.

2) Plan Commission Secretary Position

3) Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

February 15, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on February 15, 2016 at 6:24 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members Kenneth J. Alexander, Martina P. Webster and Brad J. Amos. Also present were J. Greg Dietz, Building Commissioner, Attorney Jacob C. Elder.

APPROVAL OF MINUTES:

The board made a correction to the minutes that the January 18, 2016 meeting. Meeting was called to order on January 18, 2016 not January 18, 2015. Kenneth J. Alexander moved to approve the minutes of the January 18, 2016 minutes as corrected, seconded by Francis A. Conroy. 4-aye 0-nay 1-obstain. Motion approved.

UNFINISHED BUSINESS:

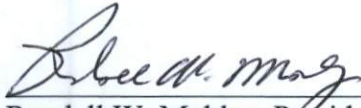
- 1) Attorney Contract. Jake Elder withdrew his previous offer to represent the Plan Commission. Martina P. Webster and Brad J. Amos will present the need for an attorney for the Plan Commission to the Town Council. President Randall W. Mobley requests that the attorney contract issue remain on the agenda next month.

NEW BUSINESS:

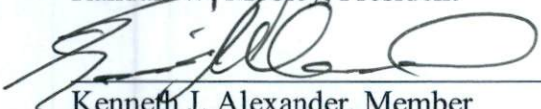
- 1) Petition # 216-001 David Schuler requesting final approval for Section Five of the Woods of Covered Bridge. Primary approval was approved December 16, 2013. Jason Copperwaite spoke on behalf Woods of Covered Bridge, LLC. Kenneth J. Alexander moved to approve Petition # 216-001. Seconded by Martina P. Webster. 5-aye 0-nay. Motion approved.

ADJOURNMENT:

Kenneth J. Alexander moved to adjourn the meeting. Seconded by Brad J. Amos. 5 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:48 PM.



Randall W. Mobley, President

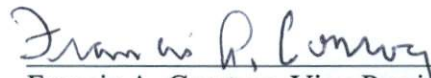


Kenneth J. Alexander, Member

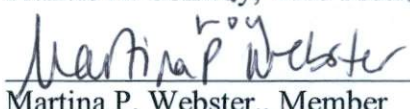


Brad J. Amos, Member

Thomas M. McEwen, Member



Francis A. Conway, Vice-President



Martina P. Webster., Member

Vacant, Member



ATTEST

Technical Review

Project Name: Woods of Covered Bridge Section 6

Project Location: Woods of Covered Bridge

Review Date: 3-21-2016

Plans Release Issued by State: N/A

Zoning Correct: Yes

Water Department Review: N/A

Sewer Department Review: OK

Fire Department Review: OK

MS4 Review: OK

MS4 Fees Paid: N/A

Health Department Notified: N/A

Floodplain Checked: Yes

Notes :

Meets applicable Standards

Ken Alexander, Jason Copperwaite

J. Greg Dietz, Lori Kearney, David Schickel



PETITION

SUBDIVISION PLAT APPROVAL

PETITION#: 316-001
FEE: \$100.00
RECEIPT#: 5187

PRIMARY FINAL

BEFORE THE SELLERSBURG PLAN COMMISSION:

The undersigned Applicant requests primary and/or final Plat Approval of the Subdivision Plat identified herein and submitted this date and represents and warrants to the Plan Commission as follows:

Plat Name: Woods of Covered Bridge, Section Six

Developer Information:
Full Legal Name: Woods of Covered Bridge, LLC

Address: 720 Rolling Creek Drive, Suite 106, New Albany, IN 47150

Telephone: (812) 941-9861
Corporation LLC Partnership Individual(s)

Property Owner Information: (If Different From Above)
Full Legal Name: Same

Address: _____

Telephone: _____
Corporation LLC Partnership Individual(s)

Surveyor/Engineer: Jason M. Lippert
Paul Primmer & Associates Telephone: (812) 738-4124

Property Acquisition Date by Owner: 1-10-2004 (Provide Copy of Deed)

Tax Key Number of Property: 10-4518-200-006.000-043

No. of Acres to be Platted: 7.178 No. of Lots: 10

Road Serving Subdivision: Greenbriar Boulevard

Current Zoning: R-1 Township: Union

To be Served By: Septic Sewer

Is Any Property in Plat in Floodway/Floodplain? Yes No

Dated and Signed at Clark County, Sellersburg, Indiana, this the _____ day of _____, 20____

Developer: Woods of Covered
Bridge LLC
All Legal Owners (Named on Deed) Must Sign
[Signature]

Specific Reason for Requesting:



A Rezoning from _____ to _____

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Zoning Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg

Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

Another section of woods of Covered Bridge.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this _____ day of _____, 20____

Woods of Covered Bridge LLC. By:
[Signature]

Petition Prepared By (Signature)

All Legal Owners (Named on Deed) Must Sign

FOR OFFICE USE ONLY
 FOR **RECOMMENDATION** BY PLAN COMM TO COUNCIL
 FOR **FINAL DECISION** BY PLAN COMMISSION
 FOR **FINAL DECISION** BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED





Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature:

David A. Schuler

Date:

Applicant's Name (printed):

David A. Schuler

WOODS OF COVERED BRIDGE SECTION SIX

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, THIS PLAN WAS GIVEN APPROVAL BY THE TOWN OF SELLERSBURG AS FOLLOWS:

APPROVED BY THE TOWN PLAN COMMISSION AT A MEETING HELD ON THE _____ DAY OF _____ 20____

SELLERSBURG TOWN PLAN COMMISSION

PRESIDENT

SECRETARY

LAND DESCRIPTION

A part of Survey #182 of the Illinois Grant, Union Township, Clark County, Indiana, more particularly described as follows: Beginning at the North corner of Lot #34 of Woods of Covered Bridge, Section Four; thence along the line of said lot as follows: South 49° 16' 51" West 85.22 feet; thence along a tangent curve to the left (said curve having a radius of 120.00 feet, a chord bearing South 33° 15' 55" West, and a chord length of 86.22 feet) a distance of 67.09 feet; thence South 17° 15' 00" West 20.01 feet; thence along a tangent curve to the left (said curve having a radius of 30.00 feet, a chord bearing South 21° 44' 57" East, and a chord length of 37.76 feet) a distance of 40.84 feet to the right-of-way of Greenbriar Boulevard; thence leaving said lot along a distance of 47.13 feet; thence North 72° 45' 00" West 118.73 feet; thence along a tangent curve to the left (said curve having a radius of 225.00 feet, a chord bearing North 66° 44' 57" West, and a chord length of 47.04 feet) a distance of 47.13 feet; thence North 72° 45' 00" West 118.73 feet; thence along a tangent curve to the left (said curve having a radius of 225.00 feet, a chord bearing North 76° 40' 50" West, and a chord length of 30.85 feet) a distance of 30.87 feet; thence leaving said right-of-way North 09° 27' 13" East 173.72 feet; thence North 72° 45' 00" West 20.00 feet; thence North 49° 16' 51" East 67.45 feet to the line of the Covered Bridge Replot; thence along said line as follows: South 30° 25' 59" East 169.98 feet; thence South 21° 19' 14" East 86.70 feet; thence South 15° 25' 39" East 87.16 feet; thence South 14° 16' 32" East 90.00 feet; thence South 18° 01' 54" East 98.08 feet; thence South 22° 53' 51" East 103.40 feet; thence South 30° 39' 55" East 58.19 feet; thence leaving said line South 70° 29' 38" West 347.62 feet; thence North 35° 30' 50" West 228.48 feet to the 60 point of beginning, containing 7.178 Acres, more or less.

CERTIFICATE OF OWNERSHIP

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND SHOWN ON THIS PLAN, AND HEREBY DELEGATES TO PUBLIC USE THE RIGHT OF WAY AND EASEMENTS SHOWN ON THIS PLAN AND HEREBY ACKNOWLEDGES THE SAME TO BE WOODS OF COVERED BRIDGE SECTION SIX

DAVID SCHULER, MEMBER

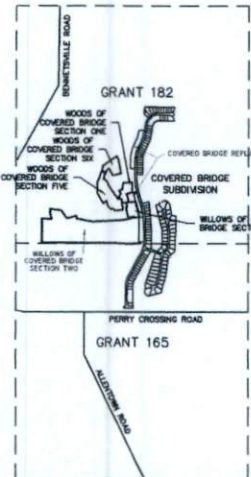
CERTIFICATE OF NOTARY PUBLIC

STATE OF INDIANA
COUNTY OF CLARK
BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE PERSONALLY APPEARED DAVID SCHULER AND ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

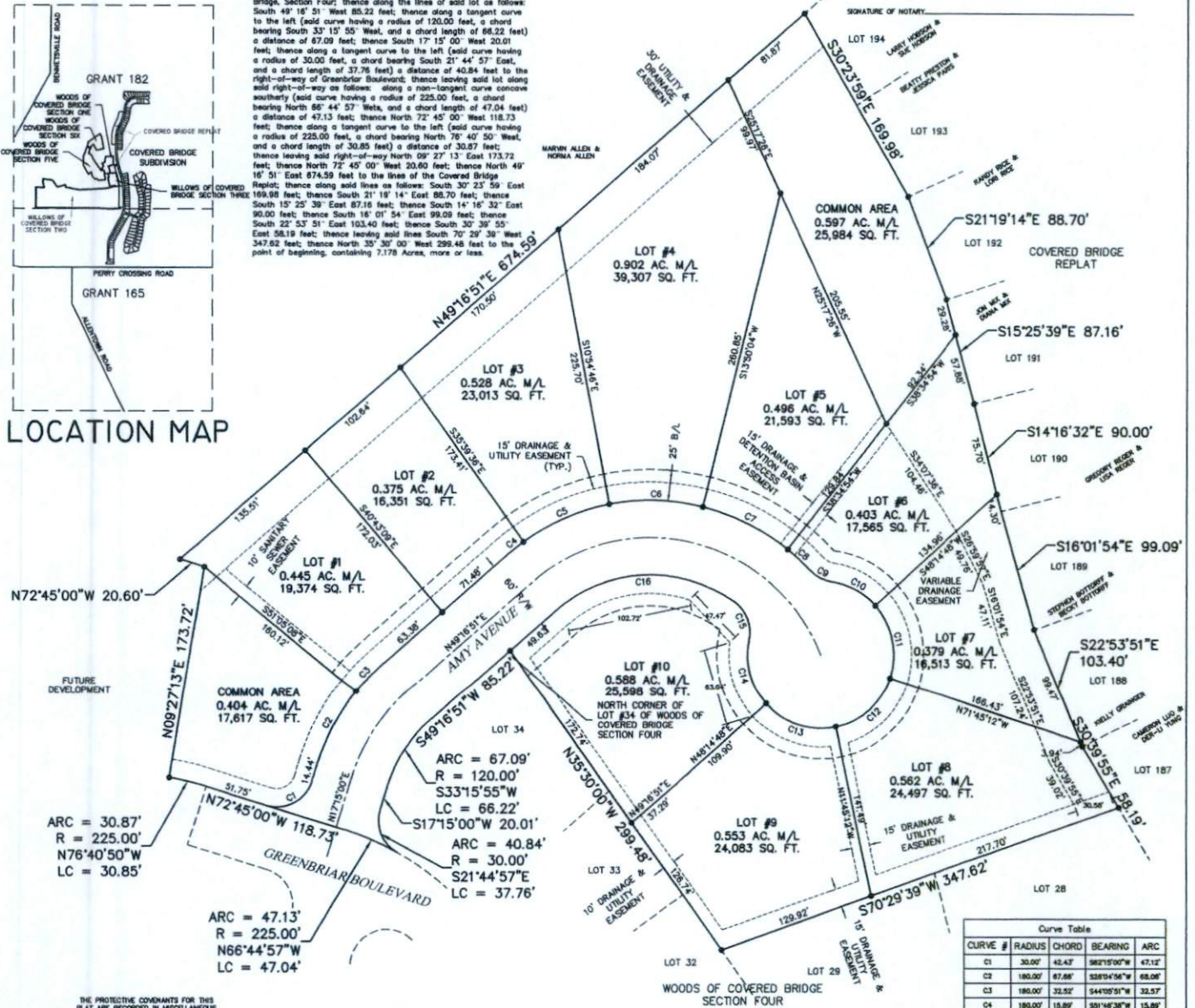
WITNESS MY HAND AND SEAL THIS _____ DAY OF _____ 20____

MY COMMISSION EXPIRES _____ 20____

SIGNATURE OF NOTARY _____



LOCATION MAP



CURVE #	RADIUS	CHORD	BEARING	ARC
C1	30.00'	48.47'	S67°10'00"W	47.12'
C2	180.00'	87.88'	S28°04'56"W	68.06'
C3	180.00'	32.52'	S44°09'51"W	32.57'
C4	180.00'	15.89'	S51°48'38"W	15.89'
C5	180.00'	77.14'	S66°42'49"W	77.75'
C6	180.00'	77.14'	N68°32'31"W	77.75'
C7	180.00'	77.14'	N63°47'31"W	77.75'
C8	180.00'	24.98'	N47°28'33"W	24.98'
C9	30.00'	18.65'	N62°35'59"W	20.02'
C10	60.00'	41.00'	N51°42'45"W	41.84'
C11	60.00'	60.00'	N11°45'12"W	62.83'
C12	60.00'	60.00'	N48°14'48"E	62.83'
C13	60.00'	60.00'	S71°45'12"E	62.83'
C14	60.00'	54.12'	S14°54'58"E	56.12'
C15	30.00'	33.18'	S91°40'30"E	35.18'
C16	120.00'	146.99'	N67°02'08"E	158.13'

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, JASON M. COPPERWITTE, A LAND SURVEYOR, ONLY REGISTERED AND LICENSED BY THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE WITHIN PLAN WAS DRAWN BY ME OR EMPLOYEES UNDER MY DIRECT SUPERVISION AS A RESULT OF A PHYSICAL SURVEY OF THE PROPERTY AND THAT THE COURSES AND DISTANCES HEREON SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT ALL PROPERTY CORNERS SHOWN WERE SET IN THE FIELD, AND THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY RECORDED BY THE SURVEY RECORDED IN THE CLARK COUNTY RECORDERS OFFICE IN INST. #20200046.



JASON M. COPPERWITTE
INDIANA REGISTRATION NUMBER: L20200046

THE PROTECTIVE COORDINATES FOR THIS PLAN ARE RECORDED IN MISCELLANEOUS

RECORD BOOK _____ PAGE _____

REDACTION STATEMENT
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Woods of Covered Bridge
Expansion



SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

October 19, 2015

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on September 21, 2015 at 6:08 PM.

ROLL CALL:

Members present were President Randall Mobley, Vice-President Francis A. Conroy, Terry E. Langford, Michael N. Lockhart, and Thomas M. McEwen. Also present were Senior Code Official J. Greg Dietz CRBI, Attorney Jacob C. Elder and Deputy Clerk-Treasurer Nancy McDevitt.

APPROVAL OF MINUTES:

Francis Conroy moved, seconded by Thomas McEwen to approve the minutes of September 21, 2015. 5-aye, 0-nay. Motion approved.

Unfinished Business:

None

New Business:

- (1) Petition # 1015-001 Derrick and Lana McIntyre requesting approval of a minor subdivision of a 4.16 acre lot into 3 building lots located on Allentown Road

Terry Langford moved to recess the regular meeting at 6:10 PM. 5-aye, 0-nay. Motion Approved

Public Hearing opened for Petition #1015-001 at 6:10 PM

Brian Smallwood, Mickey Smith, Barbra Smith, Brian Able and Linda McGuire spoke in reference to the petition.

Mike Lockhart moved to close the public meeting seconded by Francis Conroy at 6:39 PM 6-aye, 0-nay. Motion Approved

Thomas McEwin moved, seconded by Francis Conroy to reconvene the regular meeting at 6:39 PM 6-aye, 0-nay. Motion Approved

Regular Meeting Reconvened at 6:39 PM

Ken Alexander moved, Seconded by Joe Ledbetter to approve Petition # 1015-001 with the requirement that the location of a fire hydrant be approved by a written letter from the fire department. 7-aye, 0-nay. Motion Approved

(1) Petition # 2015-002 Woods of Covered Bridge, LLC requesting primary approval of a major subdivision consisting of 7.178 acres located on Greenbriar Boulevard.

Mike Lockhart moved, seconded by Joe Ledbetter to recess the regular meeting at 6:44 PM. 7-aye, 0-nay. Motion Approved

Public Hearing opened for Petition #1015-002 at 6:44 PM

Jason Copperwaite, Larry Hobson, Todd Mix, Paul Reger and Greg Reger spoke in reference to the petition.

Mike Lockhart moved, seconded by Thomas McEwin to close the public hearing at 7:22 PM. 7-aye, 0-nay. Motion Approved

Regular Meeting Reconvened at 7:22 PM

Terry Langford moved, seconded by Francis Conroy to recess the regular meeting until 6 PM 6-20-2015 at 316 East Utica Street at 7:35 PM 7-aye, 0-nay. Motion Approved.

Regular Meeting Recessed at 7:35 PM

Regular Meeting Reconvened October 20, 2015 at 6:00 PM.

Roll call showed all members present except Joseph F. Ledbetter, Jr.

This meeting having been recessed to allow Ken Alexander and Jason Copperwaite to evaluate the drainage situation in question, Ken Alexander informed those present of the findings. Terry Langford moved, seconded by Francis Conroy to move forward and grant Petition #1015-002. 5-aye 0-nay Motion approved.

Thomas McEwen moved, seconded by Michael Lockhart to adjourn. 5-aye 0-nay Motion approved.

Randall W. Mobley, President

Francis A. Conway, Vice-President

Kenneth J. Alexander, Member

Joseph F. Ledbetter Jr., Member

Terry E. Langford, Member

Michael N. Lockhart, Member

Thomas M. McEwen, Member

Barbara Bratcher Haas, Clerk-Treasurer

WTST
10
34

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JAN 10 2014

R. M. Jones
Auditor, Clark County

~~Richard P. Jones~~ 6P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201400160 Page 1 of 6
C2 Date 01/07/2014 Time 14:29:21

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JAN 07 2014

R. M. Jones
Auditor, Clark County

Key No.: 10-02-18-200-169.000-026 (002-22-0130) 045-2-0060
10-02-18-200-167.000-026 (002-22-0090) 045-2-0040

Note: Re-recorded to attach Exhibit B sewer Agreement

WARRANTY DEED

THIS INDENTURE WITNESSETH, that Robert Lynn Company, Inc., an Indiana corporation, an Indiana corporation, having its principal office in Floyd County, Indiana ("Grantor," whether one or more), for Ten Dollars (\$10.00) and other good and valuable consideration,

CONVEYS AND WARRANTS

unto Woods of Covered Bridge, LLC, an Indiana limited liability company, having its principal office in Floyd County, Indiana, ("Grantee", whether one or more) that certain real property situated more particularly described, to wit:

See Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to all applicable easements, rights-of-way, restrictions and agreements of record and further subject to the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit X and made a part hereof (collectively, the "Permitted Exceptions").

IT IS AGREED AND UNDERSTOOD by and between the parties hereto that Grantee, by its acceptance of this Deed, agrees that, as part of the consideration for this Deed, Grantee covenants and agrees for itself, its successors and assigns, that this Deed is made and accepted subject to Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B, the terms of which shall be binding upon and enforceable against Grantee, its successors and assigns, by Grantor and as allowed by federal, state or local law; that the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B is a binding servitude on the Property herein conveyed and shall be deemed to run with the land; and that the failure to include reference to the Conditional Sewer Tap Fee Agreement attached hereto as Exhibit B in subsequent conveyances does not abrogate the status of Conditional Sewer Tap Fee Agreement as binding upon the parties, their successors and assigns.

Taxes having been pro-rated between Grantor and Grantee, Grantee hereby assumes and agrees to pay the spring installment of real estate taxes for the year 2013, payable in 2014, and all subsequent real estate taxes.

Re-recording
Richard P. Jones 10P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201400454 Page 1 of 10
C2 Date 01/10/2014 Time 09:30:43

The undersigned person executing this deed represents and certifies on behalf of Grantor, that the undersigned is the president of Grantor and is fully empowered by the By-Laws or board of director resolution of Grantor to execute and deliver this Deed; that Grantor is a corporation in good standing in the State of Indiana; that Grantor has full company capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

Grantee, by executing and accepting this Deed, hereby certifies that (i) Grantee is acquiring the real property conveyed hereby for purposes of selling said property in Grantee's ordinary course of business, and (ii) the property conveyed herein constitutes "land in inventory" of Grantee pursuant to IC 6-1.1-4-12 (b). As a result of the foregoing, Grantee constitutes a successor land developer for purposes of the re-assessment exemption provided for in IC 6-1.1-4.12(h) (1) (b) and the real property described herein shall not be reassessed solely as a result of the conveyance evidenced by this deed.

IN WITNESS WHEREOF, the said Grantor has caused this deed to be executed this 19th day of December, 2013.

ROBERT LYNN COMPANY, INC.,
an Indiana limited liability company

By: Robert F. Lynn, President
Robert F. Lynn, President

STATE OF INDIANA

COUNTY OF FLOYD

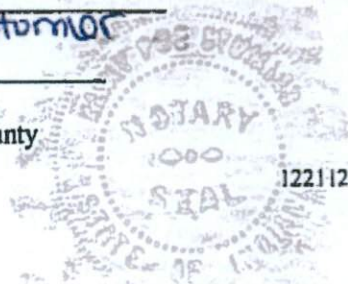
BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this ___ day of December, 2013, personally appeared Robert F. Lynn, as President of Robert Lynn Company, Inc., and acknowledged the execution of the foregoing Warranty Deed on behalf of said company, and who, having been sworn, state that the representations therein contained are true.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020

Emily Be Stomor
Notary Public

Printed Name
Resident of Floyd County



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, and that this instrument was prepared by:

Alan M. Applegate
APPLEGATE FIFER PULLIAM LLC
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

Tax Statement Mailing Address:

4206 Charlestown RD
New Albany, IN 47150

Grantee Mailing Address:

* Same as above "

EXHIBIT A

The following is a legal description prepared this 3rd day of September, 2013, of real property being a part of Survey #182 of the Illinois Grant, Carr Township, Clark County Indiana, more particularly described as follows:

Commencing at the Southwestern corner of Lot #23 in Covered Bridge Subdivision, as recorded in the records of the Clark County Recorder's Office in Clark County, Indiana, thence with an extension of the South line of said Lot #23, and perpendicular to the right-of-way of Covered Bridge Road South $50^{\circ} 27' 43''$ West 50.00 feet, thence along the Western right-of-way of Covered Bridge Road North $39^{\circ} 32' 17''$ West 16.59 feet, thence leaving said right-of-way South $50^{\circ} 27' 43''$ West 135.00 feet, thence North $39^{\circ} 32' 17''$ West 457.50 feet, thence North $39^{\circ} 32' 17''$ West 147.50 feet, thence North $40^{\circ} 35' 14''$ West 84.54 feet, thence North $44^{\circ} 55' 34''$ West 82.08 feet, thence North $49^{\circ} 26' 58''$ West 82.08 feet, thence North $53^{\circ} 00' 56''$ West 82.15 feet, thence North $59^{\circ} 53' 08''$ West 27.09 feet, thence North $57^{\circ} 43' 27''$ West 36.45 feet, thence South $32^{\circ} 16' 33''$ West 185.00 feet to the Southwestern right-of-way of Greenbriar Boulevard, thence along said right-of-way North $57^{\circ} 43' 27''$ West 58.52 feet, thence leaving said right-of-way South $36^{\circ} 39' 25''$ West 135.40 feet to the point of beginning, thence South $36^{\circ} 39' 25''$ West 117.90 feet, thence South $46^{\circ} 54' 26''$ West 397.04 feet, thence South $46^{\circ} 54' 26''$ West 100.10 feet, thence North $53^{\circ} 12' 41''$ West 33.69 feet, thence North $44^{\circ} 49' 14''$ West 209.19 feet, thence South $44^{\circ} 39' 18''$ West 749.54 feet, thence South $13^{\circ} 07' 51''$ East 17.73 feet, thence South $30^{\circ} 21' 30''$ West 233.06 feet to the Northern right-of-way of St. Andrews Place, thence leaving said Northern right-of-way South $47^{\circ} 56' 41''$ West 50.00 feet to the Southern right-of-way of St. Andrews Place, thence along said Southern right-of-way South $42^{\circ} 03' 19''$ East 11.06 feet, thence leaving said Southern right-of-way South $47^{\circ} 56' 41''$ West 198.77 feet, thence North $32^{\circ} 05' 51''$ West 110.33 feet, thence South $57^{\circ} 54' 12''$ West 367.03 feet, thence North $39^{\circ} 42' 10''$ West 658.70 feet, thence North $48^{\circ} 22' 18''$ East 1264.74 feet, thence North

PAUL PRIMAVERA & ASSOCIATES
Registered Engineers and Land Surveyors

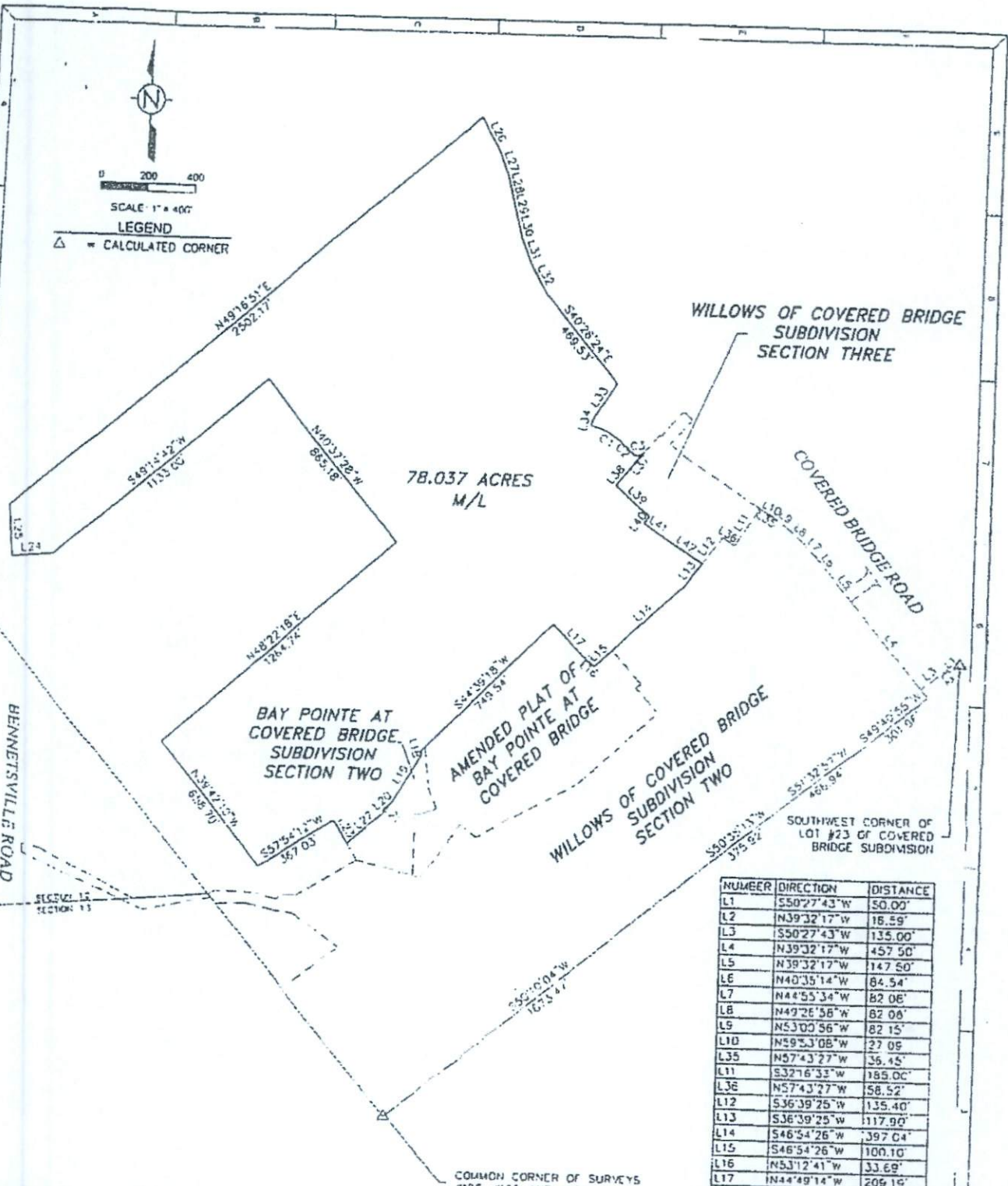
40° 37' 28" West 865.18 feet, thence South 49° 14' 42" West 1133.00 feet, thence South 84° 45' 24" West 172.64 feet, thence North 05° 11' 33" West 211.32 feet, thence North 49° 16' 51" East 2502.17 feet, thence South 30° 23' 59" East 169.98 feet, thence South 21° 19' 14" East 88.70 feet, thence South 15° 25' 39" East 87.16 feet, thence South 14° 16' 32" East 90.00 feet, thence South 16° 01' 54" East 99.09 feet, thence South 22° 53' 51" East 103.40 feet, thence South 30° 39' 55" East 139.39 feet, thence South 40° 26' 24" East 469.53 feet, thence South 33° 30' 45" West 172.56 feet, thence South 13° 41' 58" West 30.00 feet, thence along a non-tangent curve concave Southwesterly (said curve having a radius of 325.00 feet, a long chord bearing South 60° 45' 03" East having a length of 174.25 feet) a distance of 176.41 feet, thence along a tangent curve to the right (said curve having a radius of 1544.80 feet, a long chord bearing South 45° 53' 21" East having a length of 37.11 feet) a distance of 37.11 feet, thence along a tangent curve to the left (said curve having a radius of 30.00 feet, a long chord bearing North 87° 16' 09" East having a length of 43.27 feet) a distance of 48.33 feet, thence South 38° 01' 07" West 110.46 feet, thence South 41° 06' 56" West 62.71 feet, thence South 48° 53' 04" East 191.98 feet, thence South 36° 10' 58" West 35.00 feet, thence South 56° 07' 28" East 96.70 feet, thence South 57° 43' 27" East 195.75 feet to the point of beginning, containing 78.037 Acres, more or less.

Being subject to all easements, restrictions, and rights-of-way of record.



0 200 400
SCALE: 1" = 400'

LEGEND
△ = CALCULATED CORNER



78.037 ACRES
M/L

BAY POINTE AT
COVERED BRIDGE
SUBDIVISION
SECTION TWO

AMENDED PLAT OF
BAY POINTE AT
COVERED BRIDGE

WILLOWS OF COVERED BRIDGE
SUBDIVISION
SECTION THREE

COVERED BRIDGE ROAD

WILLOWS OF COVERED BRIDGE
SUBDIVISION
SECTION TWO

SOUTHWEST CORNER OF
LOT #23 OF COVERED
BRIDGE SUBDIVISION

COMMON CORNER OF SURVEYS
#182, #165 AND #164

NUMBER	CHORD DIR.	RADIUS	ARC	CHORD
C1	S60°45'03"E	1325.00	176.41	174.25
C2	S45°53'21"E	11544.80	37.11	37.11
C3	N87°16'09"E	130.00	48.33	43.27

NUMBER	DIRECTION	DISTANCE
L1	S50°27'43"W	50.00'
L2	N39°32'17"W	18.59'
L3	S50°27'43"W	135.00'
L4	N39°32'17"W	457.50'
L5	N39°32'17"W	147.50'
L6	N40°35'14"W	84.54'
L7	N44°55'34"W	82.06'
L8	N49°26'56"W	82.06'
L9	N53°00'56"W	82.15'
L10	N59°33'08"W	27.09'
L35	N57°43'27"W	35.45'
L11	S32°16'33"W	185.00'
L36	N57°43'27"W	58.52'
L12	S36°39'25"W	135.40'
L13	S36°39'25"W	117.90'
L14	S46°54'26"W	397.04'
L15	S46°54'26"W	100.10'
L16	N53°12'41"W	33.69'
L17	N44°49'14"W	209.19'
L18	S13°07'51"E	17.73'
L19	S30°21'30"W	233.06'
L20	S47°56'41"W	50.00'
L21	S47°03'19"E	11.06'
L22	S47°56'41"W	198.77'
L23	N32°05'51"W	110.33'
L24	S84°45'24"W	172.64'
L25	N05°11'33"W	211.32'
L26	S30°23'55"E	169.98'
L27	S21°19'14"E	88.70'
L28	S15°25'39"E	87.16'
L29	S14°16'32"E	90.00'
L30	S16°01'54"E	99.09'
L31	S22°53'51"E	103.40'
L32	S30°39'55"E	139.39'
L33	S33°30'45"W	172.56'
L34	S13°41'58"W	30.00'

NUMBER	DIRECTION	DISTANCE
L37	S38°01'07"W	110.46'
L38	S41°06'56"W	62.71'
L39	S48°53'04"E	191.98'
L40	S36°10'58"W	35.00'
L41	S55°07'28"E	96.70'
L42	S57°43'27"E	195.75'

THIS DRAWING DOES NOT REPRESENT A
BOUNDARY SURVEY. IT IS A GRAPHICAL
DEPICTION OF A LEGAL DESCRIPTION PREPARED
FROM INFORMATION TAKEN FROM A PREVIOUS
SURVEY BY PAUL PRIMAVERA & ASSOC., INC.
JOB NOS. 99-7419 & 08-11195

1 OF 1
Drawing No.

Date: 08/03/2011
Drawn by: JTB
Checked by: JAC
Director: JTB
Paul Primavera & Associates, Inc.
P.O. Box 123
Corydon, IN 47112
Tel: (812) 738-4124
Fax: (812) 738-6740
Email: jcopparval@paa-eng.com

301 E CHESTNUT ST.
P.O. BOX 123
CORYDON, IN 47112
TEL (812) 738-4124
FAX (812) 738-6740
email: jcopparval@paa-eng.com

PAUL PRIMAVERA & ASSOCIATES
ENGINEERS & LAND SURVEYORS

LEGAL DESCRIPTION
ROBERT LYNN
PART OF SURVEY #182 OF
ILLINOIS GRANT, CARR TOWNSHIP

Revision	Date	By
1		
2		

WTS
4
\$17

EXHIBIT B

CONDITIONAL SANITARY SEWER TAP FEE AGREEMENT

This Conditional Sanitary Sewer Tap Fee Agreement ("Agreement") is made by and between ROBERT LYNN COMPANY, INC., an Indiana corporation ("Seller") and WOODS OF COVERED BRIDGE, LLC, an Indiana limited liability company ("Buyer").

RECITALS

WHEREAS, by virtue of Deed dated December 19th, 2013, Seller is the owner of 78+/- acres known as the undeveloped subdivision land adjacent to The Willows of Covered Bridge and Bay Pointe at Covered Bridge more particularly described in Exhibit A attached hereto and made a part hereof (the "Subject Property"); and

WHEREAS, Seller is currently a plaintiff in the Case styled 21st Century Developers, Inc., and Robert Lynn Company, Inc. v Town of Sellersburg, Indiana currently pending as Case No. 10C01-1208-PL-078 in the Circuit Court No. 1 for Clark County, Indiana (the "Lawsuit") wherein Seller seeks to obtain damages or other compensation for sewer utility lines installed by Seller and others for the benefit of the Town of Sellersburg which sewer utility lines serve the Subject Property; and

WHEREAS, it is anticipated that whether by agreed order or court order, it is likely that the Seller will receive compensation from the Town of Sellersburg for Seller's installation of sewer utility lines and that all of a portion of said compensation could come in the form of one or more pre-paid sewer tap permits ("Sewer Permits") for properties to be connected to the sewer utility lines which are the subject matter of the Lawsuit including, without limitation, the Subject Property; and

WHEREAS, be Deed of even date herewith Seller is conveying the Subject Property to Buyer; and

WHEREAS, as a condition precedent to the Seller's agreement to convey the Subject Property to Buyer, Buyer has agreed that Buyer, or its successors and assigns shall purchase the Sewer Permits from Seller in accordance with the terms hereof.

NOW THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the parties hereto agree as follows:

1. **Notice of Sewer Permits.** In the event Seller obtains from the Town of Sellersburg, or any sewer utility company providing sewer services to the Subject Property, Seller shall notify Buyer in writing of the receipt and number of Sewer Permits issued to Seller (the "Seller Notice").
2. **Purchase of Sewer Permits.** Upon Buyer's receipt of the Seller Notice, Buyer shall cause the Seller Notice to be provided to any person or entity who has (i) acquired all or any portion of the Subject Property, and (ii) has not previously purchased or acquired a sewer permit from the Town of Sellersburg for any

portion of the Subject Property upon which improvements have not been constructed (collectively, the "Purchasing Parties"). Upon the Purchasing Parties' receipt of the Seller Notice, the Purchasing Parties shall be obligated to purchase from Seller, and Seller shall be obligated to sell and assign to the Purchasing Parties, the Sewer Permits. The price for each Sewer Permit to be acquired by any Purchasing Party (the "Permit Purchase Price") shall be equal to (a) the greater of (i) the sewer tap fee charged by the Town of Sellersburg at the time each Purchasing Party seeks a Sewer Permit from Seller, or (ii) Three Thousand Two Hundred Twenty (\$3,220.00) per Sewer Permit, and (b) any associated administrative fee, if any, represented by the Sewer Permit.

3. **Mandatory Purchase.** Buyer agrees, for itself, and any successor in title to any portion of the Subject Property for which sewer service is sought, that following receipt of the Seller Notice, Buyer shall not seek or otherwise pay to the Town of Sellersburg a sewer tap fee for any portion of the Subject Property until such time as Seller no longer owns a Sewer Permit. Buyer shall likewise ensure that any builder, developer or other person having an interest in and to any portion of the Subject Property shall purchase Sewer Permits from Seller.

4. **Public Notice.** Buyer covenants and agrees that Buyer shall cause this Agreement to be specifically referenced in any restrictive covenants or other private restrictions placed by Buyer on or against any portion of the Subject Property and shall notify prospective purchasers of the any portion of the Subject Property of the existence of this Agreement and applicability of same to the Subject Property.

5. **Non-Liability of Seller.** Seller, by holding or assigning any Sewer Permits in accordance with this Agreement shall not be deemed to be a provider of utilities and Seller shall not have any liability to an any person with respect to sewer services rendered to such person's property. Such sewer service shall be the responsibility of the Town of Sellersburg or any entity providing sewer services to the Subject Property and each person, by an acceptance of a deed to any portion of the Subject Property and an assignment of the Sewer Permit from Seller, shall be deemed to agree to indemnify and hold Seller free and harmless from and against any and all liability arising from, related to, or in connection with sewer services to such person's real property. Seller shall have no duties, obligations or liabilities hereunder except to assign a valid and transferrable sewer permit, and no duty of, or warranty by, Seller shall be implied by or inferred from any term or provision of this Agreement.

6. **Covenant Running the Land.** This Agreement shall be for the benefit of Seller and shall run with the land and shall be binding Buyer and any person claiming any portion of the Subject Property under Buyer. Buyer and any person or entity, by acceptance of a deed conveying title to any portion of the Subject Property, or the execution of a contract for the purchase thereof, whether from Buyer or a subsequent owner of such real property, shall accept such deed and execute such contract subject to each and every covenant and obligation in this Agreement. By acceptance of such deed or execution of such contract, the purchaser acknowledges the rights and powers of the Seller with respect to these covenants and obligation, and also, for themselves, their heirs, personal representatives, successors and assigns, such purchasers covenant and agree and consent to and with Seller and Buyer, to keep, observe, comply with and perform such covenants and obligations contained in this Agreement.

7. **Duration of Agreement.** This Agreement shall continue and be binding upon Buyer, it successors and assigns from the date of the deed of the Subject Property to Buyer and shall continue until the occurrence of either of the following: (i) the date Seller has sold and assigned the last Sewer Permit issued in

Seller's name by the Town of Sellersburg, or (ii) the date Seller has filed in the office of the Clark County Recorder a notice of termination of this Agreement.

8. **Enforcement.** If anyone shall violate or attempt to violate any of the covenants and obligations of this Agreement, Seller shall be entitled to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate same, and to prevent said person or them from so doing and to recover damages for such violation, including expenses of litigation which shall include reasonable attorneys' fees incurred by Seller to enforce this agreement, whether by litigation, arbitration, mediation or alternative dispute resolution. No delay or failure on the part of Seller to invoke any available remedy with respect to a violation of any one or more provisions of this Agreement shall be held to be a waiver by Seller (or an estoppel of Seller to assert) any right available to Seller upon the occurrence, recurrence or continuation of such violation or violations of this Agreement.

9. **Severability.** Invalidation of any one of any one of the terms or provisions of this Agreement by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

10. **Amendment.** The terms of this Agreement shall only be amended by an instrument signed by Seller and Buyer and filed of record in the Office of the Recorder of Clark County, Indiana.

11. **Interpretation.** The bolded titles preceding the various paragraphs and subparagraphs of this Agreement are for convenience of reference only, and none of them shall be used as an aid to the construction of any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto, pursuant to authority of its members or board of directors, has caused this Agreement to be executed for and on its behalf by its duly authorized officer or members this 19th day of December, 2013.

SELLER

ROBERT LYNN COMPANY, INC., an Indiana corporation

By: Robert F. Lynn, President
Robert F. Lynn, President

BUYER

WOODS OF COVERED BRIDGE, LLC, an Indiana limited liability company

By: David Schuler, Member
David Schuler, Member

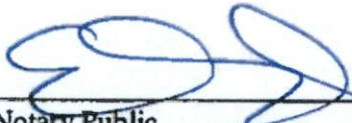
STATE OF INDIANA

COUNTY OF FLOYD

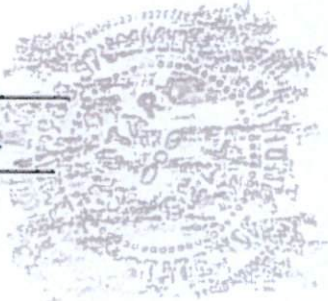
BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this 19th day of December, 2013, personally appeared Robert F. Lynn, as President of Robert Lynn Company, Inc., an Indiana corporation, and acknowledged the execution of the foregoing Conditional Sanitary Sewer Tap Fee Agreement on behalf of said corporation.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020



Notary Public
Emily Rae Stumler
Printed Name
Resident of Floyd County




STATE OF INDIANA

COUNTY OF FLOYD

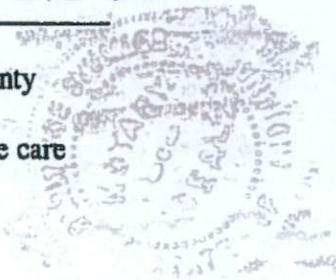
BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this _____ day of December, 2013, personally appeared David Schuler, as Member of Woods of Covered Bridge, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing Conditional Sanitary Sewer Tap Fee Agreement on behalf of said company.

WITNESS my hand and notarial seal.

My Commission expires:
1/20/2020



Notary Public
Emily Rae Stumler
Printed Name
Resident of FLOYD County



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

This instrument prepared by:
Alan M. Applegate
APPLEGATE FIFER PULLIAM
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

**SELLERSBURG PLAN COMMISSION
AGENDA**

March 21, 2016

1. Roll Call.

Approve the minutes from the February 15, 2016 meeting.

2. Unfinished Business

- 1) Attorney Contract
- 2) Plan Commission Secretary Position

3. New Business

- 1) Petition # 316-001 David Schuler requesting final approval for Section Six of the Woods of Covered Bridge. Preliminary approval was approved October 19, 2015.
- 2) Updates to Subdivision Ordinance

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

March 21, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on March 21, 2016 at 6:11 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members Kenneth J. Alexander, Martina P. Webster, Thomas M. McEwen and Brad J. Amos. Also present was J. Greg Dietz, Building Commissioner.

APPROVAL OF MINUTES:

Francis A. Conroy moved to approve the minutes of the February 15, 2016 minutes as presented, seconded by Kenneth J. Alexander. 5-aye 0-nay 1-obstain. Motion approved.

UNFINISHED BUSINESS:


- 1) Attorney Contract. President Randall W. Mobley requests that the attorney contract issue be removed from unfinished business for future agendas.
- 2) Plan Commission Secretary Position. Kenneth J. Alexander moved to table until next meeting, seconded by Francis A. Conroy. 6 aye 0 nay. Motion approved.

NEW BUSINESS:

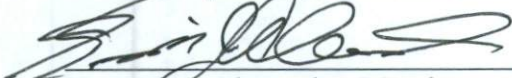
- 1) Petition # 316-001 David Schuler requesting final approval for Section Six of the Woods of Covered Bridge. Primary approval was approved October 19, 2015. Jason Copperwaite spoke on behalf Woods of Covered Bridge, LLC. Kenneth J. Alexander moved to approve Petition # 316-001 as presented. Seconded by Thomas M. McEwen. 6-aye 0-nay. Motion approved.
- 2) Updates to Subdivision Ordinance. Thomas M. McEwen moved to table until next meeting, seconded by Martina P. Webster. 6 aye 0 nay Motion approved.

ADJOURNMENT:

Kenneth J. Alexander moved to adjourn the meeting. Seconded by Thomas M. McEwen. 6 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:58 PM.

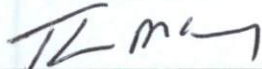


Randall W. Mobley, President

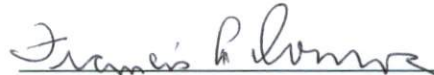


Kenneth J. Alexander, Member

Brad J. Amos, Member



Thomas M. McEwen, Member



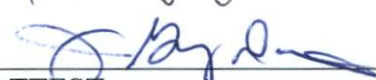
Francis A. Conroy, Vice-President



Martina P. Webster., Member



Nancy J. McEwen
Vacant, Member



ATTEST

**SELLERSBURG PLAN COMMISSION
AGENDA**

April 18, 2016

1. Roll Call.

Approve the minutes from the March 21, 2016 meeting.

2. Unfinished Business

- 1) Plan Commission Secretary Position (tabled from March 21, 2016 meeting)
- 2) Updates to Subdivision Ordinance.

3. New Business

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

April 18, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on April 18, 2016 at 6:22 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members Kenneth J. Alexander, Martina P. Webster, Thomas M. McEwen, Nancy J. McDevitt and Brad J. Amos. Also present was J. Greg Dietz, Building Commissioner.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the March 21, 2016 minutes as presented, seconded by Thomas M. McEwen. 7-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

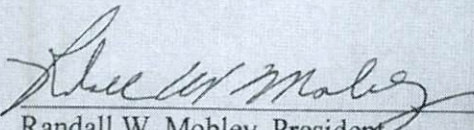
- 1) Plan Commission Secretary Position. Kenneth J. Alexander moved to remove this item from future agendas, seconded by Francis A. Conroy. 7 aye 0 nay. Motion approved.
- 2) Updates to Subdivision Ordinance. Work Session held.

NEW BUSINESS:

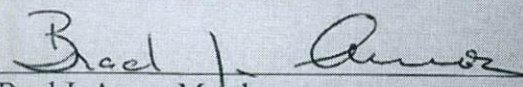
NONE

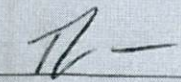
ADJOURNMENT:

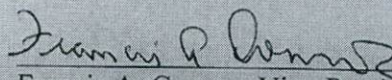
Martina P. Webster moved to adjourn the meeting. Seconded by Thomas M. McEwen. 6 -aye 0-nay Motion Approved. Regular meeting adjourned at 7:53 PM.

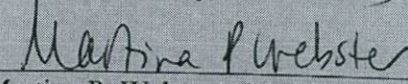

Randall W. Mobley, President

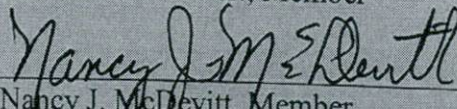
Kenneth J. Alexander, Member

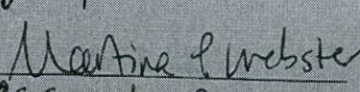

Brad J. Amos, Member


Thomas M. McEwen, Member


Francis A. Conroy, Vice-President


Martina P. Webster., Member


Nancy J. McDevitt, Member


ATTEST - *as secretary?*

**SELLERSBURG PLAN COMMISSION
AGENDA**

May 16, 2016

1. Roll Call.

Approve the minutes from the April 18, 2016 meeting.

2. Unfinished Business

1) Updates to Subdivision Ordinance.

3. New Business

NONE

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

May 16, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on May 16, 2016 at 6:19 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Martina P. Webster, Thomas M. McEwen, Nancy J. McDevitt and Brad J. Amos. Also present was J. Greg Dietz, Building Commissioner.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the April 18, 2016 minutes as presented, seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:


- 1) Updates to Subdivision Ordinance. Francis A. Conroy moved to table work session until next meeting, seconded by Thomas M. McEwen. 6-aye 0-nay. Motion approved.

NEW BUSINESS:


- 1) Francis A. Conroy moved to amend agenda to include the appointment of a committee to review the applications that have been submitted for the attorney position, seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.
- 2) President Randall W. Mobley appointed Nancy J. McDevitt and Martina P. Webster to a committee to review the applications that have been submitted for the attorney position.
- 3) Public Comment Brock Dawson Introduced himself to the board.

ADJOURNMENT:

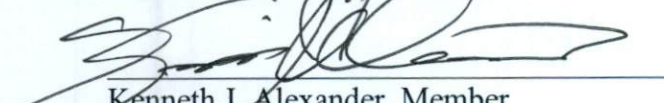
Brad J. Amos moved to adjourn the meeting. Seconded by Thomas M. McEwen. 6 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:30 PM.



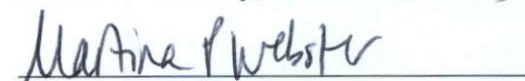
Randall W. Mobley, President



Francis A. Conroy, Vice-President



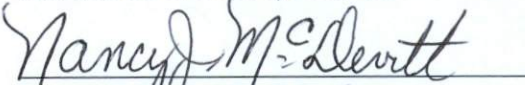
Kenneth J. Alexander, Member



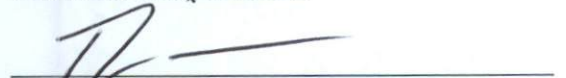
Martina P. Webster., Member



Brad J. Amos, Member



Nancy J. McDevitt, Member



Thomas M. McEwen, Member



ATTEST

**SELLERSBURG PLAN COMMISSION
AGENDA**

June 20, 2016

1. Roll Call.

Approve the minutes from the May 16, 2016 meeting.

2. Unfinished Business

1) Updates to Subdivision Ordinance.

3. New Business

NONE

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

June 20, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on June 20, 2016 at 6:56 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Martina P. Webster, Thomas M. McEwen, Nancy J. McDevitt and Brad J. Amos and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner.

APPROVAL OF MINUTES:

Francis A. Conroy moved to approve the minutes of the May 16, 2016 minutes as presented, seconded by Nancy J. McDevitt. 7-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

- 1) Updates to Subdivision Ordinance. Kenneth J. Alexander moved to table work session until next meeting, seconded by Nancy J. McDevitt. 7-aye 0-nay. Motion approved.

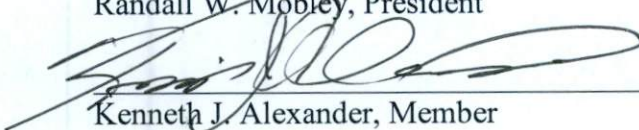
NEW BUSINESS:

NONE

ADJOURNMENT:

Kenneth J. Alexander moved to adjourn the meeting. Seconded by Thomas M. McEwen. 7 -aye 0-nay Motion Approved. Regular meeting adjourned at 7:08 PM.

Randall W. Mobley, President

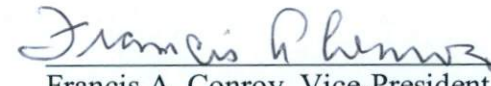


Kenneth J. Alexander, Member

Brad J. Amos, Member

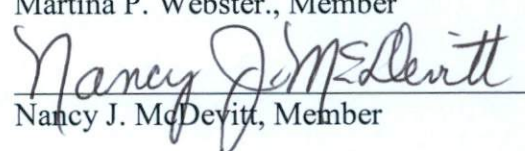


Thomas M. McEwen, Member



Francis A. Conroy, Vice-President

Martina P. Webster., Member



Nancy J. McDevitt, Member

ATTEST

**SELLERSBURG PLAN COMMISSION
AGENDA**

July 18, 2016

1. Roll Call.

Approve the minutes from the June 20, 2016 meeting.

2. Unfinished Business

1) Updates to Subdivision Ordinance.

3. New Business

1) Petition # 716-001 John Kraft representing Payne Koehler, LLC/SSK Communities, LLC. To rezone the property described in EXHIBIT "A" TRACT #1 and Tract # 2 from R-3 to B-3 to allow for self-storage buildings.

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

July 18, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

Vice-President Francis A. Conroy called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on July 18, 2016 at 6:30 PM.

ROLL CALL:

Members present were Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Nancy J. McDevitt and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Kenneth J. Alexander moved to approve the minutes of the June 20, 2016 minutes as presented, seconded by Nancy J. Thomas M. McEwen. 4-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

- 1) Updates to Subdivision Ordinance. Thomas M. McEwen moved to table work session until next meeting, seconded by Nancy J. McDevitt. 4-aye 0-nay. Motion approved.

NEW BUSINESS:

- 1) Petition # 716-001 John Kraft representing Payne Koehler, LLC/SSK Communities, LLC. To rezone the property described in EXHIBIT "A" TRACT #1 and Tract # 2 from R-3 to B-3 to allow for self-storage buildings.

Kenneth J. Alexander moved to close the regular meeting, seconded by Nancy J. McDevitt. 4-aye 0-nay. Motion approved Regular meeting closed at 6:33 PM.

Nancy J. McDevitt moved to open a public hearing, seconded by Kenneth J. Alexander.. 4-aye 0-nay. Motion approved. Public hearing for petition #716-001 is open at 6:33 PM.

John Kraft and Kurtis Keeney spoke.

Kenneth J. Alexander moved to close the public hearing, seconded by Thomas M. McEwen. 4-aye 0-nay. Motion approved Public hearing closed at 6:47 PM.

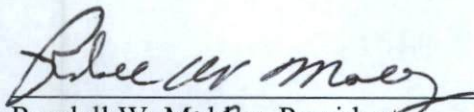
Kenneth J. Alexander moved to reopen the regular meeting, seconded by Nancy J. McDevitt. 4-aye 0-nay. Motion approved Regular meeting reopened at 6:47 PM.

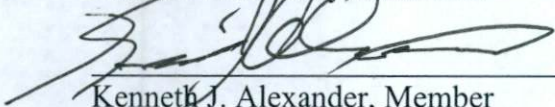
Kenneth J. Alexander moved to give a favorable recommendation to the Sellersburg Town Council for petition #716-001, seconded by Thomas M. McEwen. 4-aye 0-nay. Motion approved

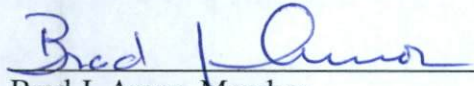
ADJOURNMENT:

Kenneth J. Alexander moved to adjourn the meeting. Seconded by Thomas M. McEwen. 4 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:53 PM.

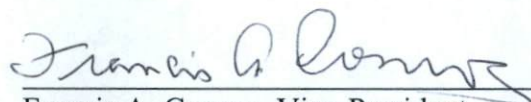
9/11-PASANT

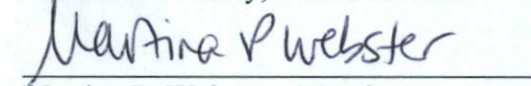

Randall W. Mobley, President

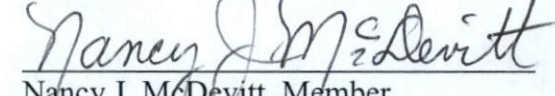

Kenneth J. Alexander, Member


Brad J. Amos, Member


Thomas M. McEwen, Member


Francis A. Conroy, Vice-President


Martina P. Webster, Member


Nancy J. McDevitt, Member

ATTEST

prock

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

August 15, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on August 15, 2016 at 6:17 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Brad J. Amos, Martina Webster, Nancy J. McDevitt and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Kenneth J. Alexander moved to approve the minutes of the July 18, 2016 minutes as presented. Seconded by Nancy J. McDevitt. 7-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

- 1) Kenneth J. Alexander moved to approve Resolution Number 2016-001 as presented. Seconded by Nancy J. McDevitt. 7-aye 0-nay. Motion approved.

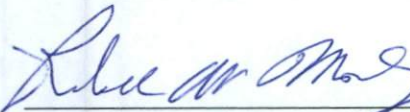
- 2) Updates to Subdivision Ordinance. Kenneth J. Alexander moved to accept the offer of the Building and Development Association of Southern Indiana and Indiana Home Builders Associations to prepare an updated subdivision ordinance for our consideration. Seconded by Nancy J. McDevitt. 7-aye 0-nay. Motion approved.

NEW BUSINESS:

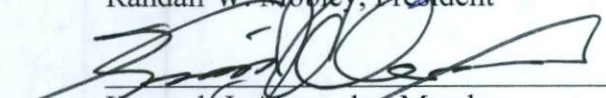
NONE

ADJOURNMENT:

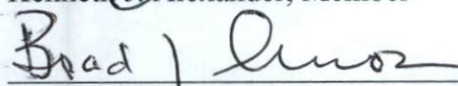
Thomas M. McEwen moved to adjourn the meeting. Seconded by Francis A. Conroy. 7 -aye 0-nay Motion Approved. Regular meeting adjourned at 6:56 PM.



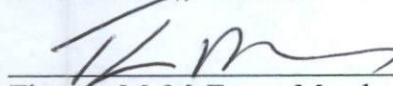
Randall W. Mobley, President



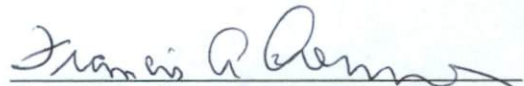
Kenneth J. Alexander, Member



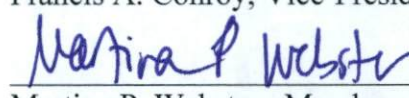
Brad J. Amos, Member



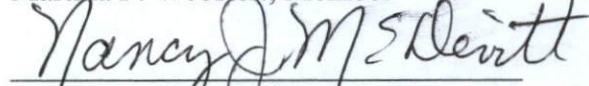
Thomas M. McEwen, Member



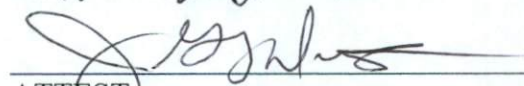
Francis A. Conroy, Vice-President



Martina P. Webster., Member



Nancy J. McDevitt, Member



ATTEST

RESOLUTION NUMBER: 2016-001

**A RESOLUTION TO RECOMMEND APPROVAL OF AN ORDINANCE
REZONING CERTAIN REAL ESTATE IN THE TOWN OF SELLERSBURG**

WHEREAS, Payne Koehler LLC / SSK Communities, LLC filed a Petition to amend the official zoning maps of Sellersburg, particularly the zoning classification of 1800 Jefferson Blvd., Sellersburg, Indiana, on or about June 7, 2016 (Petition #716-001); and

WHEREAS, the Petition specifically requests that the property be changed from the current classification, R-3, to allow for self-storage units under a new classification of GC; and

WHEREAS, the proposed amendment was reviewed by The Technical Review Board, as established under Sellersburg Town Ordinance 2004-1, and said Board recommended the approval of the Petition; and

WHEREAS, the Planning Commission of the Town of Sellersburg held a public meeting on the Petition on July 18, 2016.

NOW THEREFORE BE IT RESOLVED by the Planning Commission of the Town of Sellersburg that the proposed amendment will not be injurious to the health, safety, and welfare of the community;

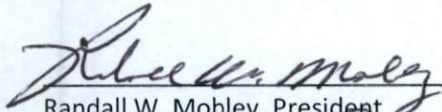
BE IT FURTHER RESOLVED that the proposed amendment will not have any substantial, adverse effect on any neighboring or adjacent property owners;

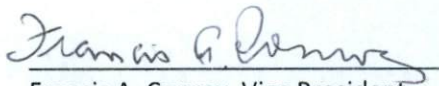
BE IT FURTHER RESOLVED that the need for the proposed amendment arises from some uncommon condition, particular to the property in question, and that the change requested is otherwise in compliance with Town Ordinance 4.3.1(3); and

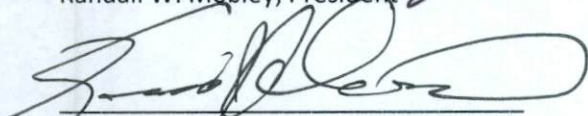
BE IT FURTHER RESOLVED, that the Planning Commission of the Town of Sellersburg approves Petition #716-001 for the purpose(s) set out therein, and recommends the passage of an Ordinance stating the same.

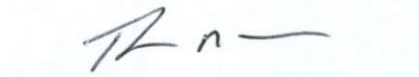
BE IT HEREBY RESOLVED THIS ___ DAY OF 8-15, 2016 by the

PLANNING COMMISSION of the TOWN OF SELLERSBURG:


Randall W. Mobley, President


Francis A. Conroy, Vice President


Kenneth J. Alexander, Member


Thomas M. McEwen, Member

Martina Webster

Martina Webster, Member

Nancy J. McDivitt

Nancy J. McDivitt, Member

Brad / Amos

Brad J. Amos, Member

Witness:

Brock

Brock A. Dawson



Michelle Miller <sellensburgclerk@gmail.com>

Resolution 2016-001

Michelle Miller <sellensburgclerk@gmail.com>

Wed, Aug 17, 2016 at 1:38 PM

To: Jacob Elder <jelder@elderlawoffice.us>, Brock Dawson <brockdawsonlaw@gmail.com>

Gentlemen:

I received the attached Resolution under my office door Monday evening.

I will place the original signed copy with the minutes from the meeting that it was passed for future reference.

I thought the two of you would like a copy of it.

Thanks,


Michelle D. Miller, Clerk Treasurer

Town of Sellersburg

www.sellensburgclerk.com

812-246-7049

sellensburgclerk@gmail.com

 **Resolution 2016-001.pdf**
83K

RESOLUTION NUMBER: 2016-001

**A RESOLUTION TO RECOMMEND APPROVAL OF AN ORDINANCE
REZONING CERTAIN REAL ESTATE IN THE TOWN OF SELLERSBURG**

WHEREAS, Payne Koehler LLC / SSK Communities, LLC filed a Petition to amend the official zoning maps of Sellersburg, particularly the zoning classification of 1800 Jefferson Blvd., Sellersburg, Indiana, on or about June 7, 2016 (Petition #716-001); and

WHEREAS, the Petition specifically requests that the property be changed from the current classification, R-3, to allow for self-storage units under a new classification of GC; and

WHEREAS, the proposed amendment was reviewed by The Technical Review Board, as established under Sellersburg Town Ordinance 2004-1, and said Board recommended the approval of the Petition; and

WHEREAS, the Planning Commission of the Town of Sellersburg held a public meeting on the Petition on July 18, 2016.

NOW THEREFORE BE IT RESOLVED by the Planning Commission of the Town of Sellersburg that the proposed amendment will not be injurious to the health, safety, and welfare of the community;

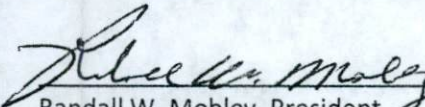
BE IT FURTHER RESOLVED that the proposed amendment will not have any substantial, adverse effect on any neighboring or adjacent property owners;

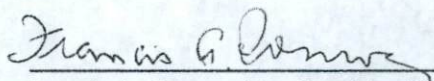
BE IT FURTHER RESOLVED that the need for the proposed amendment arises from some uncommon condition, particular to the property in question, and that the change requested is otherwise in compliance with Town Ordinance 4.3.1(3); and

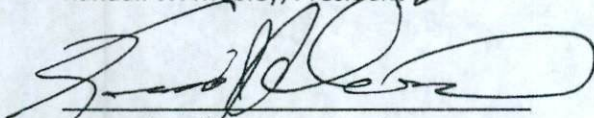
BE IT FURTHER RESOLVED, that the Planning Commission of the Town of Sellersburg approves Petition #716-001 for the purpose(s) set out therein, and recommends the passage of an Ordinance stating the same.

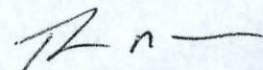
BE IT HEREBY RESOLVED THIS 8-15 **DAY OF** _____, 2016 by the

PLANNING COMMISSION of the TOWN OF SELLERSBURG:


Randall W. Mobley, President


Francis A. Conroy, Vice President


Kenneth J. Alexander, Member


Thomas M. McEwen, Member

Martina Webster

Martina Webster, Member

Nancy J. McDermitt

Nancy J. McDermitt, Member

Brad J. Amos

Brad J. Amos, Member

Witness: Brook A. Dawson
Brook A. Dawson



PETITION#: 716-001
FEE: \$100.00
RECEIPT# _____

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR:

BOARD OF ZONING APPEALS

PLANNING COMMISSION

Name of Applicant:

Payne Koehler, LLC/SSK Communities, LLC

Applicant's Address:

126 W. Spring Street, New Albany, IN 47150

Email Address:

johnk@ylek.com

Telephone Number:

812-945-2555

Fax Number: _____

Date of Application:

June 7, 2016

Township: _____

Address or Property Subject to This Petition:

1800 Jefferson Blvd, Sellersburg, IN

Grant: _____

or Section: _____

Congressional Township: _____

Range: _____

Municipal Township: _____

Zoning Classification: R-3

Subdivision (if applicable): _____

Please Check the Applicable Box:

Amendment to the Official
Zoning Maps of Sellersburg



Variance to the Zoning
Ordinance of Sellersburg



Special Exception as Required by the
Zoning Ordinance of Sellersburg



Other



Describe Detailed Use: Applicant desires to change the zoning to allow for self-storage instead of apartments and also allow for some outside storage.

(ATTACH MORE SHEETS IF NECESSARY)

Specific Reason for Requesting:

A Rezoning from R-3 to GC



A Variance to the Zoning Ordinance of Sellersburg



A Subdivision Plat as required by the Zoning Ordinance of Sellersburg



Special Exception as required by the Zoning Ordinance of Sellersburg



Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

This property was rezoned from (IB-1) Interchange Business in 2008 (Ordinance No. 2008-019) with hope of developing housing on the parcels. Not having materialized, the applicant desires to construct "you store it" type business at this location.

Multiple horizontal lines for providing additional details or explanation.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 7th day of June, 2016

By: Kurtis Keeney
Kurtis Keeney, Member

All Legal Owners (Named on Deed) Must Sign

Petition Prepared By (Signature)

- FOR OFFICE USE ONLY
- FOR RECOMMENDATION BY PLAN COMM TO COUNCIL
- FOR FINAL DECISION BY PLAN COMMISSION
- FOR FINAL DECISION BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED





Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: Kurtis P. Keeney Date: _____

Applicant's Name (printed): Kurtis P Keeney

Please complete and attach the Findings of Fact worksheets of this Petition before submitting to the Commission of Buildings and Code Enforcement, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

- 1.The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
- 2.Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
- 3.A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Commission of Buildings and Code Enforcement 7 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

EXHIBIT "A"

TRACT #1

The following is a legal description prepared this 30th day of May, 2008, of real property being a part of Survey #87 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, more particularly described as follows:

Commencing at the East corner of said Survey #87; thence along the Southeast line of said Survey #87 South 53° 44' 00" West 2544.20 feet to the point of beginning; thence continuing along said Southeast line South 53° 44' 00" West 283.01 feet; thence North 36° 16' 00" West 22.60 feet; thence North 24° 13' 00" East 153.48 feet; thence North 08° 30' 00" East 162.08 feet; thence North 22° 30' 00" West 201.48 feet; thence North 23° 38' 14" West 197.39 feet; thence North 53° 44' 00" East 246.40 feet; thence South 17° 42' 42" East 219.08 feet; thence North 76° 59' 00" East 53.00 feet to the right-of-way of the I-65 frontage road; thence along said right-of-way as follows: South 13° 01' 00" East 290.84 feet; thence South 27° 34' 00" West 181.80 feet; thence South 29° 09' 00" East 25.80 feet to the point of beginning, containing 3.594 Acres, more or less.

Being a part of that property conveyed to Payne Koehler Road, LLC, in Instrument #200608764 in the Office of the Recorder of Clark County, Indiana.

TRACT #2

The following is a legal description prepared this 30th day of May, 2008, of real property being a part of Survey #87 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, more particularly described as follows:

Commencing at the East corner of said Survey #87; thence along the Southeast line of said Survey #87 South 53° 44' 00" West 2544.20 feet to the right-of-way of the I-65 frontage road; thence along said right-of-way as follows: North 29° 09' 00" West 25.80 feet; thence North 27° 34' 00" East 181.80 feet; thence North 13° 01' 00" West 497.50 feet; thence North 04° 01' 00" West 102.55 feet to the point of beginning; thence leaving said right-of-way South 53° 44' 00" West 220.44 feet; thence North 36° 16' 00" West 131.39 feet; thence South 83° 44' 00" West 110.00 feet; thence North 06° 16' 00" West 23.00 feet; thence along a curve to the left (said curve having a radius of 60.00 feet, a chord bearing North 51° 15' 53" West, and a chord length of 84.85 feet) a distance of 94.25 feet; thence North 04° 35' 37" East 31.46 feet; thence North 22° 24' 47" West 84.69 feet; thence North 27° 17' 42" East 35.40 feet; thence North 46° 08' 30" West 45.46 feet; thence North 24° 03' 58" West 71.23 feet; thence North 53° 17' 45" West 29.90 feet; thence North 07° 34' 59" West 33.11 feet; thence North 41° 41' 35" East 43.67 feet to the right-of-way of the I-65 frontage road; thence along said right-of-way as follows: South 58° 45' 39" East 170.24 feet; thence South 80° 36' 38" East 102.61 feet; thence North 26° 57' 23" East 105.10 feet; thence North 80° 05' 43" East 46.61 feet; thence South 54° 10' 13" East 121.39 feet; thence South 31° 22' 07" East 104.19 feet; thence South 04° 01' 00" East 190.95 feet to the point of beginning, containing 3.589 Acres, more or less.

Being a part of that property conveyed to Payne Koehler Road, LLC, in Instrument #200608764 in the Office of the Recorder of Clark County, Indiana.

Proposed Ordinance

Ordinance No. 2016-___

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF SELLERSBURG, INDIANA

WHEREAS, an application was properly filed with the Sellersburg Plan Commission by PAYNE KOEHLER, LLC and SSK COMMUNITIES, LLC for the rezoning from Multi-Family Residential (R-3) to General Commercial (GC) of certain real estate located in the County of Clark, Town of Sellersburg, commonly known as 348 Highway 31/1800 Jefferson Blvd., Sellersburg, Indiana which said legal description is more specifically described as follows, to wit:

SEE ATTACHED EXHIBIT "A"

WHEREAS, the time and place of the meeting for the Plan Commission were properly noticed and advertised for a meeting to take place on July 18, 2016 at 6:00 o'clock p.m. at the Town Hall of the Town of Sellersburg, Indiana; and

WHEREAS, the Plan Commission Members present and voting on July 18, 2016 at the hour scheduled and noticed for said meeting, voted unanimously to approve said rezoning application and to recommend to the Town Board of Trustees the Zoning Ordinance of Sellersburg, Indiana, General Revisions, as now written, be amended to provide for said rezoning.

BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, that the Zoning Ordinance of Sellersburg, Indiana, General Revisions be, and hereby is amended such that the zoning map of the Town of Sellersburg

shall hereafter indicate the real estate located at 348 Highway 31/1800 Jefferson Blvd., Sellersburg, Indiana, which is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

is hereby rezoned from R-3 to GC.

PASSED AND ADOPTED by the Board of Trustees of the Town of Sellersburg, Indiana, on the ____ day of July, 2016.

**TOWN COUNCIL MEMBERS
TOWN OF SELLERSBURG, INDIANA**

ATTEST:

Clerk-Treasurer

Kh/SK2016.ordinance

Adjoiners – 1800 Jefferson Blvd,
Sellersburg, Indiana

Sellersburg, LLC
467 Erlanger Road
Erlanger, KY 41018

Atlas of Indiana, Inc.
P.O. Box 64110
St. Paul, MN 55164

Michael E. Hawn
7519 Hwy 60
Sellersburg, IN 47172

State of Indiana
100 N. Senate Ave,
Indianapolis, IN 46204

State of Indiana
601 State Office Building
Indianapolis, IN 46204

Gerald W. Elkin
2684 Balmer Fenwick Road
Floyds Knobs, IN 47119

Bulk Petroleum Indiana Prop., LLC
9635 N. Granville Road
Mequon, WI 53097

Robert L. Mohlenkamp
10517 Eagle Pines Lane
Louisville, KY 40223

Ballard Petroleum Corp.
10517 Eagle Pines Lane
Louisville, KY 40223

Randall L. Coultas
Jill L. Coultas
c/o Midwest Mortgage Services
P.O. Box 5018
Troy, MI 48007

Jody L. Dukes Kelley
1806 Payne Kohler Rd.
Sellersburg, IN 47172

David L. Jackel
Dacia C. Jackel
P.O. Box 456
Goshen, KY 40026

Keith R. Elowick
Deborah J. Elowick
2401 Harry Hughes Road
Charlestown, IN 47111

Robert L. Johnson
Carol H. Johnson
1906 Payne Kohler Road
Sellersburg, IN 47172

Corbett Properties, LLC
2709 Blackiston Mill Road
Clarksville, IN 47129

Backer Building, Inc.
12912 Covered Bridge Road
Sellersburg, IN 47172

**Affidavit of Notice of Public Hearing
Sellersburg, Indiana**



I [we] Payne Koehler, LLC certify that notice of public hearing to consider
 Petition # _____ pertaining to the _____ was sent by certified first class
 mail the last known address, as determined by records of the Clark County Auditors, to each of the following
 persons.

OWNER'S NAME	MAILING ADDRESS
See Attached	See Attached

Attach additional sheets if needed

And that such notice were mailed on the _____ day of _____, 20¹⁶ being at least 10 days prior to the
 scheduled public hearing and that timely proof of such first certified first class mailing[s] are attached hereto.

 Applicant, Attorney, or Authorized Signature

 Date

 Printed name.

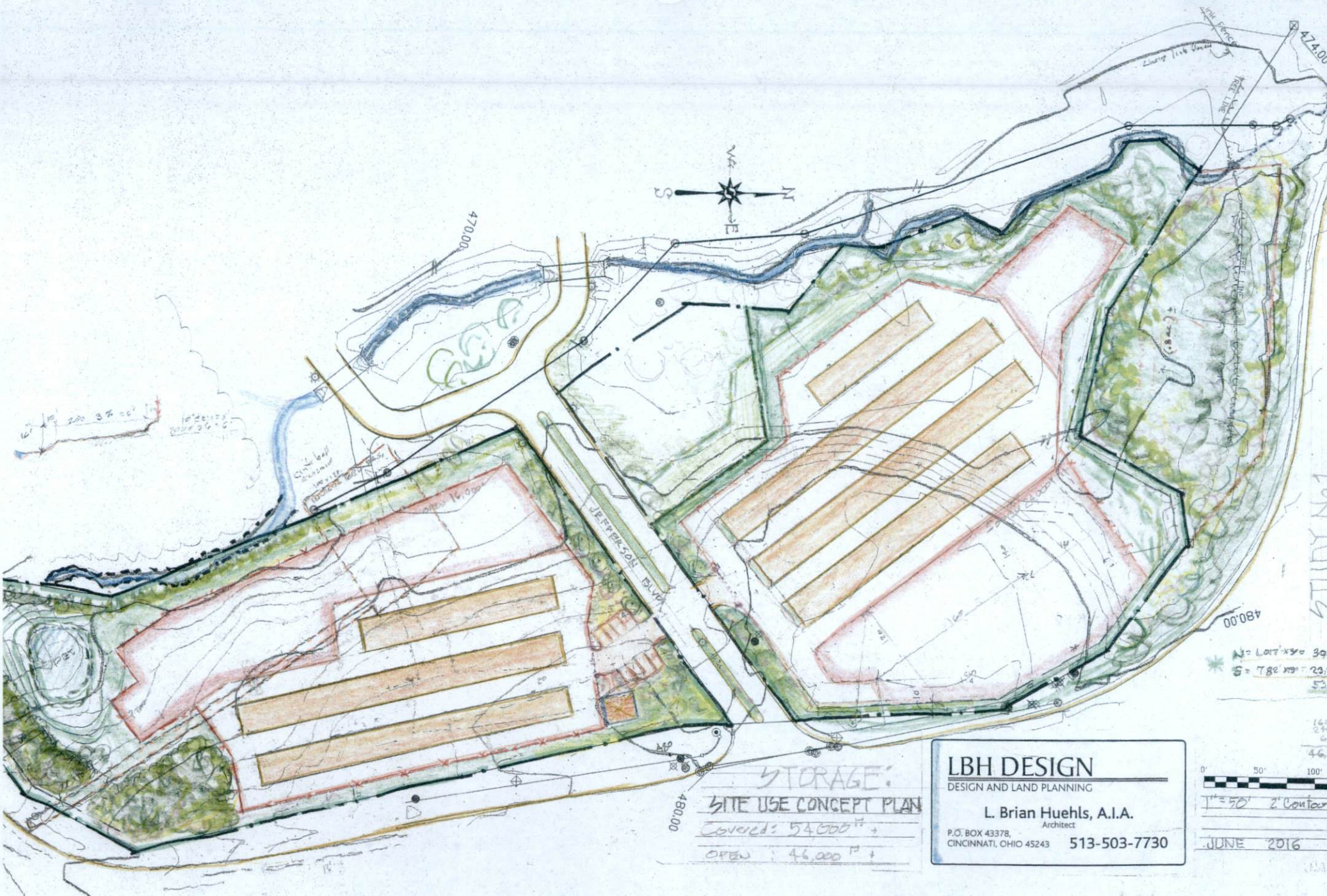
State of Indiana)

County of Clark)

Subscribed and sworn to before me this _____ day of _____, 20¹⁶

 Notary Public Resident of Clark County, Indiana

My commission expires: _____



STORAGE:
 SITE USE CONCEPT PLAN
 COVERED: 54,000^{sq ft} +
 OPEN: 46,000^{sq ft} +

LBH DESIGN
 DESIGN AND LAND PLANNING

L. Brian Huehls, A.I.A.
 Architect

P.O. BOX 43378,
 CINCINNATI, OHIO 45243 513-503-7730

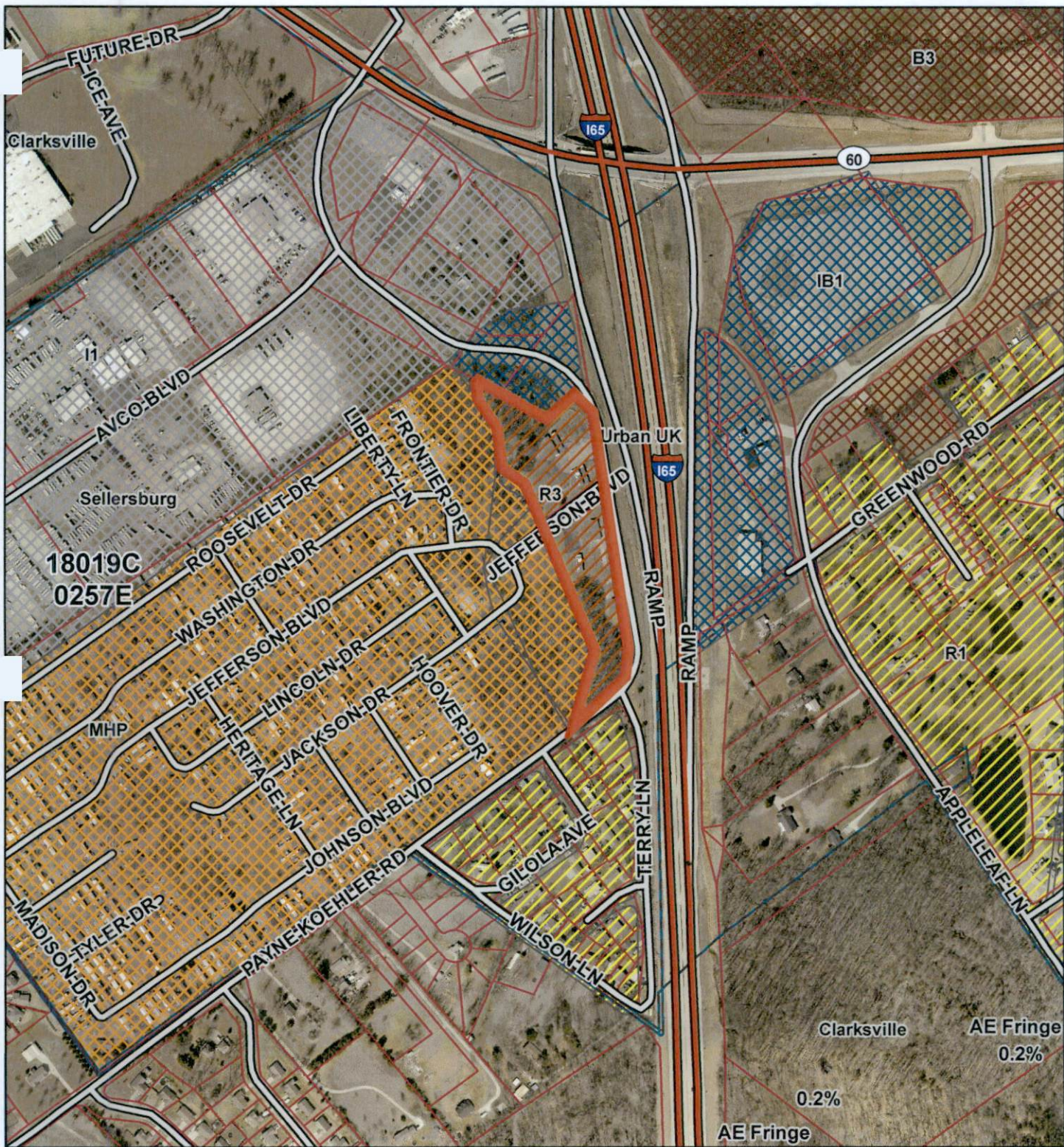
STUDY No 1

160
150
140
130
120
110
100
90
80
70
60
50
40
30
20
10
0

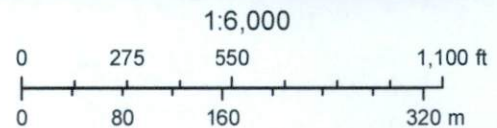
0' 50' 100'

1" = 50' 2' contour

JUNE 2016



July 11, 2016



In preparing and considering proposals under IC 36-7-4-603, the Plan Commission and the legislative body shall pay reasonable regard to:

The comprehensive plan;

Complies

Current conditions and the character of current structures and uses in each district;

Complies

The most desirable use for which the land in each district is adapted;

Complies

The conservation of property values throughout the jurisdiction; and

Complies

Responsible development and growth.

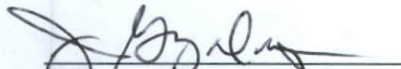
Complies

The Technical Review Board, being established under Sellersburg Town Ordinance 2004-01, presents the following advice or recommendation in regards to Petition # 716-001

Recommend for approval

Technical Committee Members Present

Ken Alexander, Lori Kearney, J. Greg Dietz, Karen Tweedy and Tiffany Dietz, Also present were John Kraft and Kurtis Keeney



J. Greg Dietz

Building Commissioner

Review Date 7-18-2016

**Proof of
Publication**

**Public Notice
Town of Sellersburg, Indiana
Plan Commission**

The Sellersburg Plan Commission will meet on 18th day of July, 2016 at 6:00 p.m. at 316 East Utica Street, Sellersburg, Indiana 47172 for the purpose of holding a public hearing to consider a petition by Payne Koehler, LLC/SSK Communities, LLC.

The applicant is requesting to re-zone the property located at 1800 Jefferson Blvd, Sellersburg, Indiana 47129 from R-3 to GC.

The docket file is available for public review at the Commission of Buildings and Code Enforcement, 103 South Albany Street, Sellersburg, IN 47172 between the hours 9:00 a.m. to 4:00 p.m. ten (10) days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be necessary.

J. Gregory Dietz
Building Commissioner
Sellersburg Plan Commission
hspaxlp

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Ginger Baxter on oath says that she is the bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

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 #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE

Dated: 07-06 2016

(X) Ginger Baxter

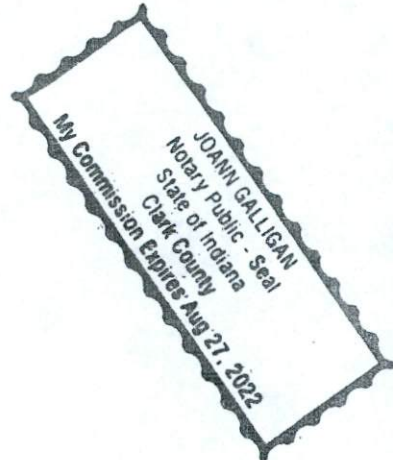
**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

12TH day of July 2016

(X) Joann Galligan
Joann Galligan

Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022)



**Publication
Fee \$ 103.23**

1210878

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877)253-7755

ORDER CONFIRMATION

Salesperson: GINGER BAXTER

Printed at 06/30/16 13:24 by gbaxt

Acct #: 179238

Ad #: 1210878

Status: N

YOUNG, LIND, ENDRES & KRAFT
126 W SPRING STREET
NEW ALBANY IN 47150

Start: 07/06/2016 Stop: 07/06/2016
Times Ord: 1 Times Run: ***
LEG 1.00 X 37.00 Words: 172
Total LEG 37.00
Class: 105 PUBLIC NOTICES
Rate: LMIS1 Cost: 103.23
Affidavits: 1

Contact:

Phone: (812)945-2555

Fax#:

Email:

Agency:

Ad Descrpt: S'BURG PLAN COMM MTG 7/18

Given by: *

Created: gbaxt 06/30/16 13:21

Last Changed: gbaxt 06/30/16 13:24

PUB ZONE EDT TP START INS STOP SMTWTFS
JEFF JEF 95 S 07/06
JNOL JEF 95 S 07/06

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607
(877) 253-7755

ORDER CONFIRMATION (CONTINUED)

Salesperson: GINGER BAXTER

Printed at 06/30/16 13:24 by gbaxt

Acct #: 179238

Ad #: 1210878

Status: N

Public Notice

**Town of Sellersburg, Indiana
Plan Commission**

The Sellersburg Plan Commission will meet on 18th day of July, 2016 at 6:00 p.m. at 316 East Utica Street, Sellersburg, Indiana 47172 for the purpose of holding a public hearing to consider a petition by Payne Koehler, LLC/SSK Communities, LLC.

The applicant is requesting to re-zone the property located at 1800 Jefferson Blvd, Sellersburg, Indiana 47129 from R-3 to GC.

The docket file is available for public review at the Commission of Buildings and Code Enforcement, 103 South Albany Street, Sellersburg, IN 47172 between the hours 9:00 a.m. to 4:00 p.m. ten (10) days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be necessary.

J. Gregory Dietz
Building Commissioner
Sellersburg Plan Commission
hspaxlp

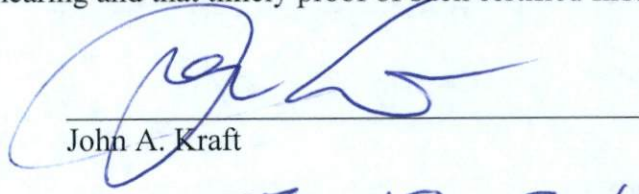
AFFIDAVIT OF NOTICE OF PUBLIC HEARING
TOWN OF SELLERSBURG, INDIANA

AFFIDAVIT

I, John A. Kraft, Young, Lind, Endres & Kraft certify that notice of public hearing to consider docket #716-001, pertaining to the rezoning of 1800 Jefferson Blvd, Sellersburg Indiana, was sent by certified first class mail to the last known address, as determined by the records of the Clark County, Indiana, Auditors, to each of the following persons:

See Attached

And that such notices were mailed on the 30th day of June, 2016, being at least ten (10) days prior to the scheduled public hearing and that timely proof of such certified first class mailings are attached hereto.



John A. Kraft

Date: 07-18-2016

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

Subscribed to and sworn before me, a Notary Public, this 18th day of July, 2016.

My Commission Expires:

November 6, 2022



Notary Public

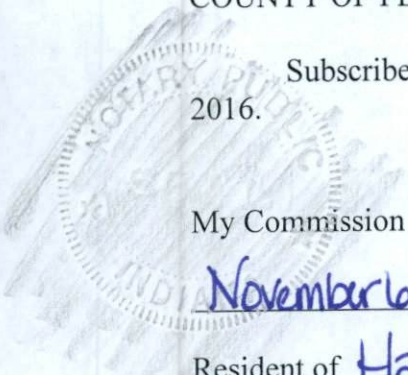
Resident of Harrison County

Karen S. Hughes

Printed Name

This Affidavit prepared by:

John A. Kraft
YOUNG, LIND, ENDRES & KRAFT
126 W. Spring Street
New Albany, IN 47150
(812) 945-2555
Attorney for Applicant



Notice of Public Hearing

The Sellersburg Plan Commission will meet on 18th day of July, 2016 at 6:00 p.m. at 316 East Ullica Street, Sellersburg, Indiana 47172 for the purpose of holding a public hearing to consider a petition by Payne Koehler, LLC/SSK Communities, LLC.

The applicant is requesting to rezone the property located at 1800 Jefferson Blvd, Sellersburg, Indiana 47129 from R-3 to B-3.

The docket file is available for public review at the Commission of Buildings and Code Enforcement, 103 South Albany Street, Sellersburg, IN 47172 between the hours 9:00 a.m. to 4:00 p.m. ten (10) days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be necessary.

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

September 17, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on September 17, 2016 at 6:20 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Brad J. Amos, Martina P. Webster, Nancy J. McDevitt and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the August 15, 2016 minutes as presented. Seconded by Francis A. Conroy. 7-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

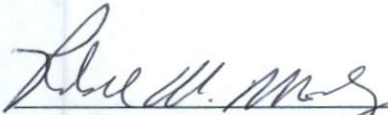
NONE

NEW BUSINESS:

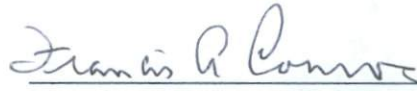
Brad J. Amos led a discussion about updating the Comprehensive Plan for the Town of Sellersburg. No action taken.

ADJOURNMENT:

Thomas M. McEwen moved to adjourn the meeting. Seconded by Francis A. Conroy. 7 -aye 0-nay Motion Approved. Regular meeting adjourned at 7:22 PM.

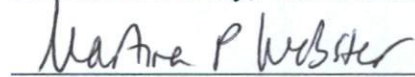


Randall W. Mobley, President



Francis A. Conroy, Vice-President

Kenneth J. Alexander, Member



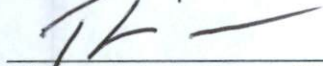
Martina P. Webster., Member



Brad J. Amos, Member



Nancy J. McDevitt, Member



Thomas M. McEwen, Member

ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

October 17, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on October 17, 2016 at 6:06 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Brad J. Amos, Martina P. Webster, and Nancy J. McDevitt. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the September 19, 2016 minutes as amended with the dates change from September 17 to September 19. Seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.

AGENDA AMENDED

Martina P. Webster moved to amend the agenda to include public comment. Seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.

PUBLIC COMMENT

Matt Czarnecki 4306 Silver Glade Trail spoke about the need for more strict property maintenance ordinances. No action taken.

UNFINISHED BUSINESS:

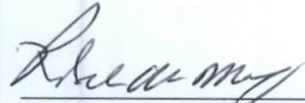
Brad J. Amos led a discussion about updating the Comprehensive Plan for the Town of Sellersburg. Thomas M. McEwen moved table till next meeting. Seconded by Francis A. Conroy. 6-aye 0-nay Motion Approved.

NEW BUSINESS:

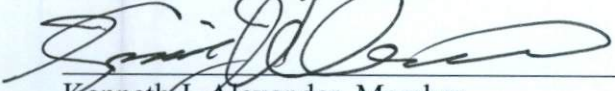
NONE

ADJOURNMENT:

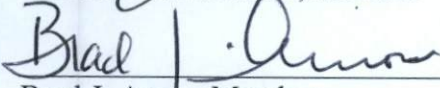
Thomas M. McEwen moved to adjourn the meeting. Seconded by Francis A. Conroy. 6-aye 0-nay Motion Approved. Regular meeting adjourned at 7:44 PM.



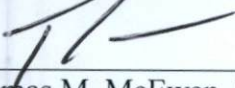
Randall W. Mobley, President



Kenneth J. Alexander, Member

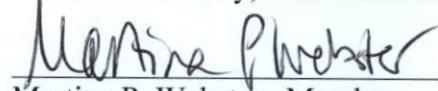


Brad J. Amos, Member



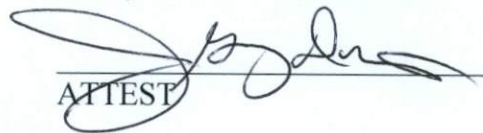
Thomas M. McEwen, Member

Francis A. Conroy, Vice-President



Martina P. Webster., Member

Nancy J. McDevitt, Member


ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

November 21, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on November 21, 2016 at 6:06 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Members, Thomas M. McEwen, Brad J. Amos, Martina P. Webster, and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the October 17, 2016 minutes as presented. Seconded by Thomas M. McEwen. 4-aye 0-nay. Motion approved.

UNFINISHED BUSINESS:

Martina P. Webster moved table comprehensive plan till next meeting. Seconded by Kenneth J. Alexander. 4-aye 0-nay Motion Approved.

NEW BUSINESS:

- 1) Petition 1116-001 MCO Properties requesting the rezoning from B-3 to R-3 the property know as A part of Survey #88 & 108 of the Illinois Grant, and a part the lands described in Rite Aid DD 30-16823 Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 1" steel pin at the South corner of Survey #108,

Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point,

Thence S 39°05'50" E a distance of 1 .26 feet to a 8"x8" Stone, said point being the TRUE POINT OF BEGINNING,

Thence North 39°05'50" West, a distance of 294.89 feet to a 5/8" rebar found,

Thence North 48°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,

Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,

Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF

BEGINNING. Containing 10.168 acres. Parcel Number 10-17-10-800-442.000-031

Kenneth J. Alexander moved to recess the regular meeting and open a public hearing to consider petition # 1116-001. Seconded by Thomas M. McEwen . 4-aye 0-nay.motion approved. Meeting recessed at 6:11 PM.

Kenneth J. Alexander moved to open a public hearing to consider petition # 1116-001. Seconded by Brad J. Amos . 4-aye- 0-nay. Motion approved. Public hearing was opened at 6:11 PM.

Jason Copperwaite of Paul Primavera Group gave a presentation of the area to be rezoned.

The following spoke in opposition of the petition.

Joey Rivera 1199 Plumb Woods Court

Chris Miller 8325 Plumb Valley Drive

Rebecca Gaskill 8505 Starview Court

Rick Barr 2304 Plumb Woods Drive

Aaron Stonecipher 8429 Plumb Run Drive

Amy Williams 7905 Hollowview Drive

Kimberly Perkins 3011 Plumb Woods Court

Patrick Ernstburger 8320 Plumb Valley Drive

Dan Preston 8329 Plumb Valley Drive

Sara Fisher 7070 Plumb Creek Drive

Stan Krol 105 Plumb Ridge Way

Martina P. Webster moved to close the public hearing and reopen the regular meeting. Seconded by Kenneth J. Alexander. 5-aye 0-nay. Motion approved. Hearing closed 6:57 PM

President Randall W. Mobley reopened the regular meeting. Meeting reopened at 7:03 PM

Martina P. Webster moved to recommend approval of petition # 1116-001. Seconded by Brad J. Amos. 3-aye 2-nay. Motion defeated.

Randall W. Mobley moved to table petition # 1116-001 until next meeting. Motion died due to lack of a second.

Martina P. Webster moved to forward petition # 1116-001 to the town council with no recommendation. Seconded by Kenneth J. Alexander. 4-aye 1-nay. Motion approved.

ADJOURNMENT:

Martina P. Webster moved to adjourn the meeting. Seconded by Thomas M. McEwen . 5-aye 0-nay Motion Approved. Regular meeting adjourned at 7:37 PM.

Randall W. Mobley, President

Francis A. Conroy, Vice-President

Kenneth J. Alexander, Member

Martina P. Webster., Member

Brad J. Amos, Member

Nancy J. McDevitt, Member

Thomas M. McEwen, Member

ATTEST

SELLERSBURG PLAN COMMISSION
(A.K.A. Sellersburg Planning and Zoning)

Special Meeting

November 28, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission special meeting to order at the Silver Creek Elementary School, 503 N. Indiana Ave, Sellersburg, IN on November 28, 2016 at 6:49 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Members, Brad J. Amos, Martina P. Webster, Nancy J. Hughes and Kenneth J. Alexander. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

UNFINISHED BUSINESS:

- 1) Resolution to ratify decision of Plan Commission concerning Petition #1116-001 by MCO Properties.

Martina P. Webster moved to adopt Resolution # 2016-001. Seconded by Brad J. Amos. 4-aye 1-nay. Motion approved.

NEW BUSINESS:

NONE

ADJOURNMENT:

Martina P. Webster moved to adjourn the meeting. Seconded by Nancy J. Hughes. 5-aye 0-nay Motion Approved. Regular meeting adjourned at 6:51 PM.

Randall W. Mobley, President

Francis A. Conroy, Vice-President

Kenneth J. Alexander, Member

Martina P. Webster., Member

Brad J. Amos, Member

Nancy J. Hughes, Member

Thomas M. McEwen, Member

ATTEST

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

December 19, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on December 19, 2016 at 6:05 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Brad J. Amos, Kenneth J. Alexander, and Nancy J. Hughes. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Kenneth J. Alexander moved to approve the minutes of the November 21, 2016 regular meeting as amended to have Brad J Amos seconded to open a public meeting for petition 1116-001. Seconded by Thomas M McEwen. 6-aye 0-nay. Motion approved.

Kenneth J. Alexander moved to approve the minutes of the November 28, 2016 special meeting as presented. Seconded by Brad J. Amos. 4-aye 0-nay 2 abstained. Motion approved.

UNFINISHED BUSINESS:

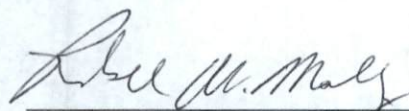
Brad J. Amos led a discussion about updating the Comprehensive Plan for the Town of Sellersburg. Kenneth J. Alexander moved to keep the Comprehensive Plan on the agenda until it is voted to remove it . Seconded by Francis A. Conroy. 6-aye 0-nay Motion Approved.

NEW BUSINESS:

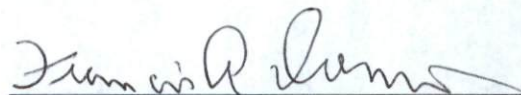
NONE

ADJOURNMENT:

Francis A. Conroy moved to adjourn the meeting. Seconded by Thomas M. McEwen. 6-aye 0-nay Motion Approved. Regular meeting adjourned at 7:23 PM.



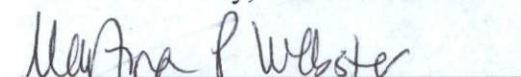
Randall W. Mobley, President



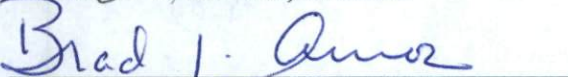
Francis A. Conroy, Vice-President



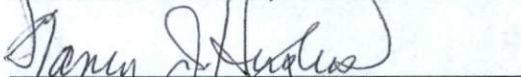
Kenneth J. Alexander, Member



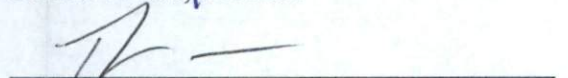
Martina P. Webster., Member



Brad J. Amos, Member



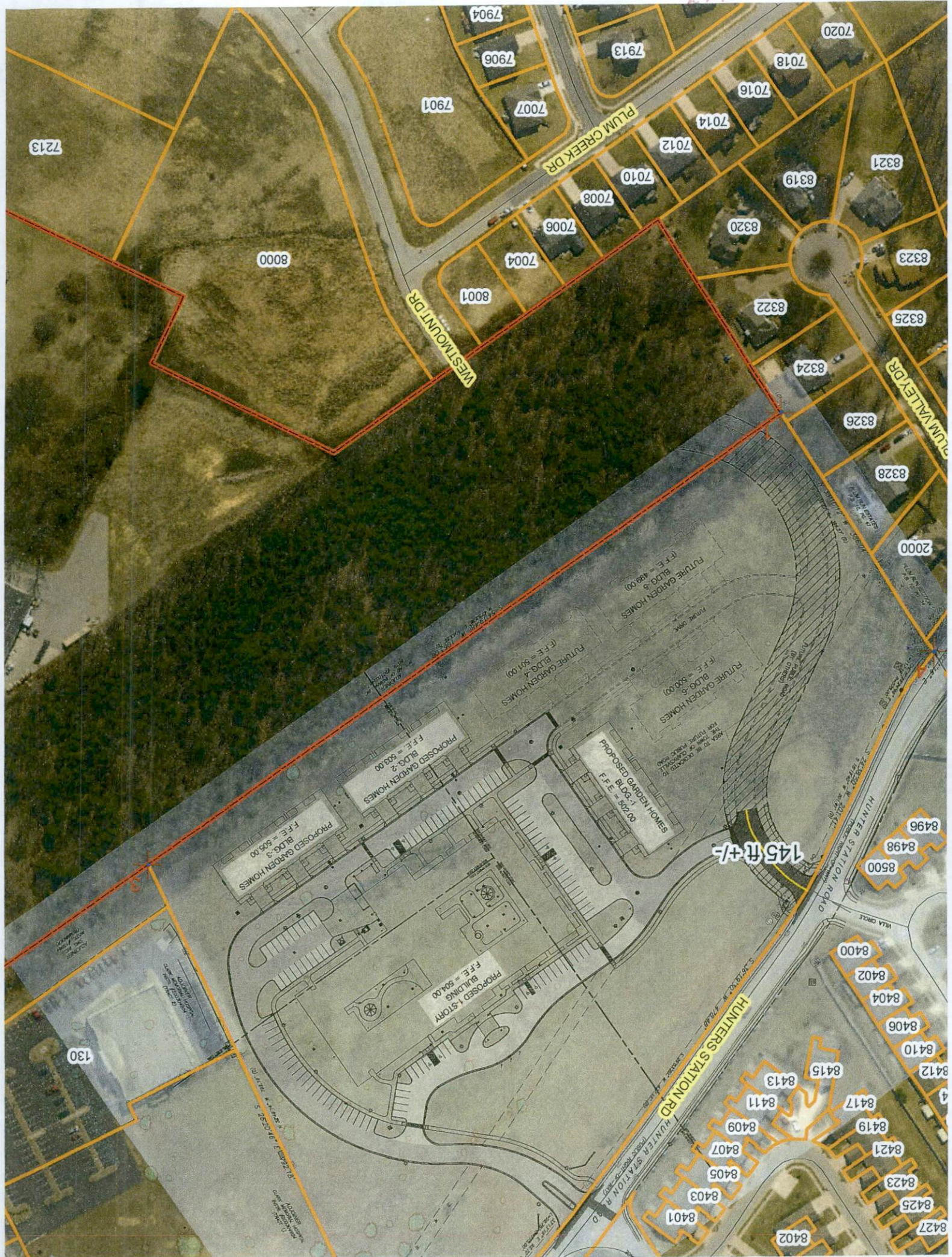
Nancy J. Hughes, Member



Thomas M. McEwen, Member



ATTEST





PETITION#: 1116-001
FEE: \$100.00
RECIPT# 5392

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION

Name of Applicant: MCO Propertjes, LLC
Applicant's Address: PO Box 1605 , Jeffersonville, IN 47131
Email Address: mattoakley@me.com
Telephone Number: 502-599-1251 Fax Number: _____
Date of Application: _____ Township: SilverCreek

Address or Property Subject to This Petition: _____
Grant: 100 or Section: N/A Congressional Township: N/A Range: N/A
Municipal Township: SilverCreek Zoning Classification: B2 Subdivision (if applicable): N/A

Please Check the Applicable Box:

Amendment to the Official Zoning Maps of Sellersburg	Variance to the Zoning Ordinance of Sellersburg	Special Exception as Required by the Zoning Ordinance of Sellersburg	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe Detailed Use: The property will be used for apartments.

(ATTACH MORE SHEETS IF NECESSARY)



Specific Reason for Requesting:



A Rezoning from B-2 to R-3

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Zoning Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg

Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

The proposal is to change the zone from B2 (commercial) to R-3 (multi-family) for an apartment development.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 30th day of September, 2016

[Signature] Member

M/O Properties, LLC

All Legal Owners (Named on Deed) Must Sign

Petition Prepared By (Signature)

FOR OFFICE USE ONLY

- FOR RECOMMENDATION BY PLAN COMM TO COUNCIL
- FOR FINAL DECISION BY PLAN COMMISSION
- FOR FINAL DECISION BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED



Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: See above Date: 9/30/16

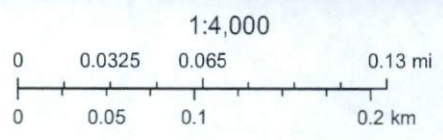
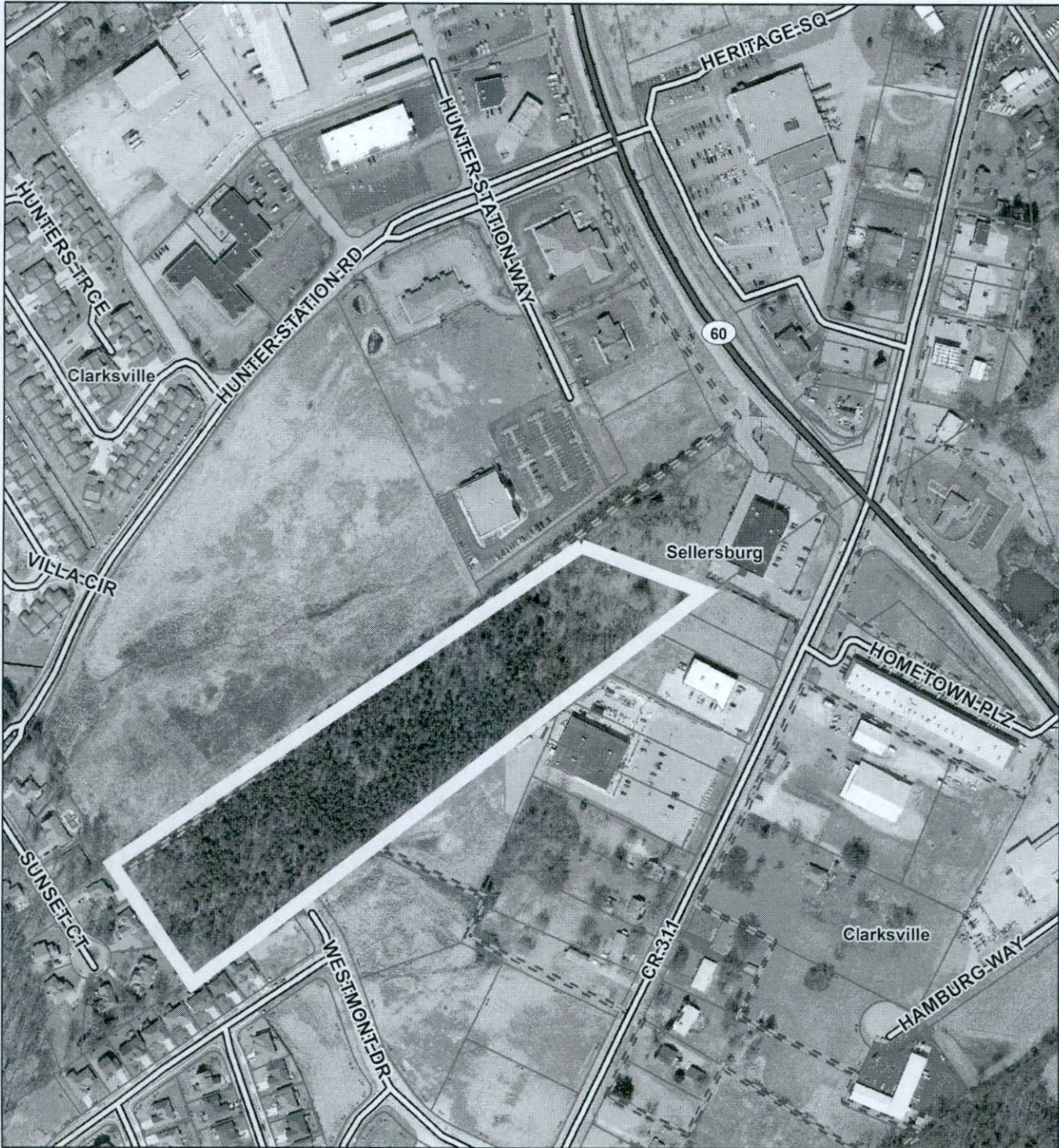
Applicant's Name (printed): Mattoakley/MCO Properties, LLC

Please complete and attach the Findings of Fact worksheets of this Petition before submitting to the Commission of Buildings and Code Enforcement, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

1. The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
2. Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
3. A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Commission of Buildings and Code Enforcement 7 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.



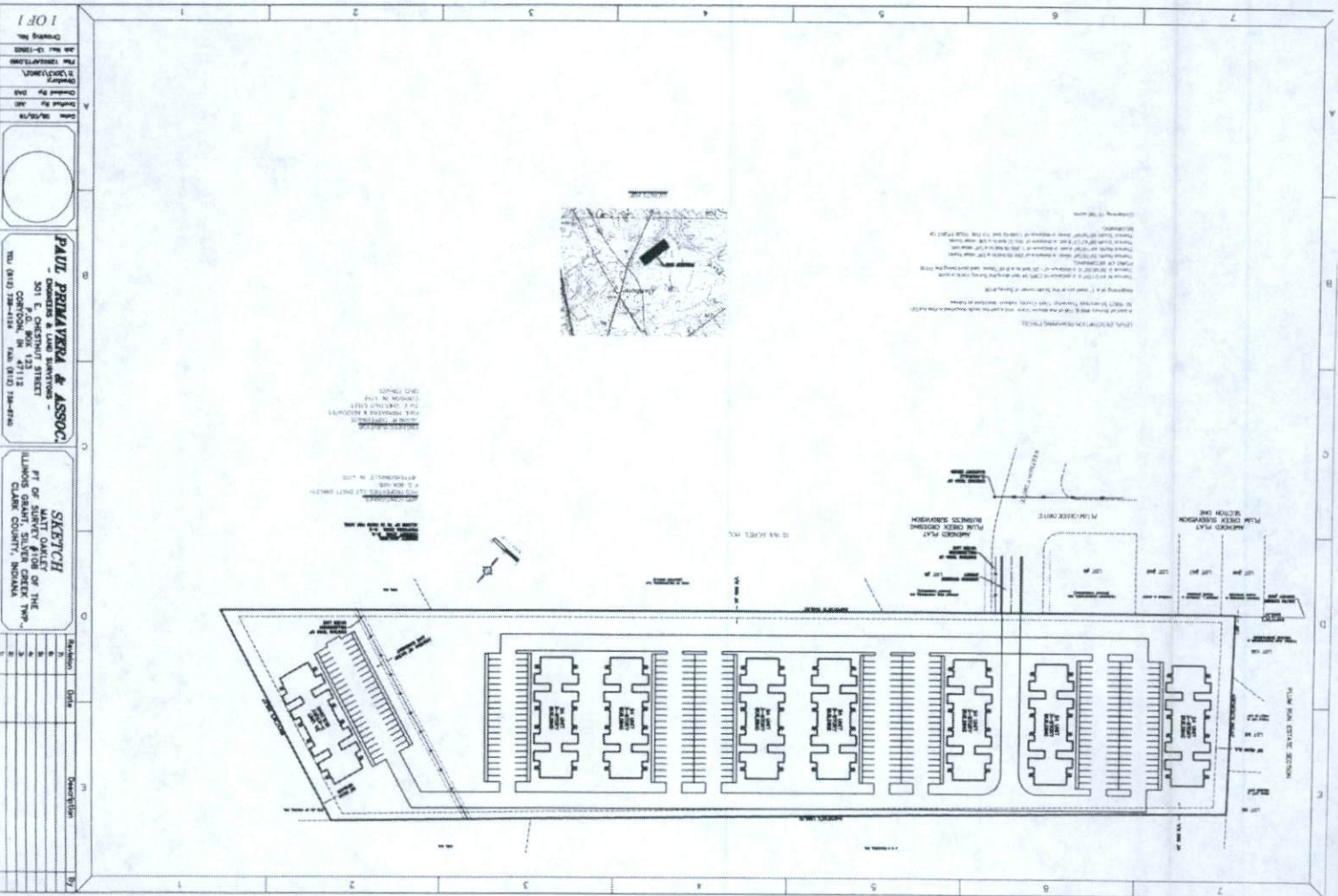
LEGAL DESCRIPTION REMAINING PARCEL

A part of Survey #88 & 108 of the Illinois Grant, and a part the lands described in Rite Aid DD 30-16823 Silvercreek Township, Clark County, Indiana, described as follows:

Beginning at a 1" steel pin at the South corner of Survey #108,

Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point,
Thence S 39°05'50" E a distance of 1.26 feet to a 8"x8" Stone, said point being the TRUE
POINT OF BEGINNING,
Thence North 39°05'50" West, a distance of 294.89 feet to a 5/8" rebar found,
Thence North 48°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,
Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF
BEGINNING.

Containing 10.168 acres.



1. THIS PLAN IS THE PROPERTY OF PAUL PRIMAVERA & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PAUL PRIMAVERA & ASSOCIATES, INC.

2. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR CONTRACT.

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEYING INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.



1. THIS PLAN IS THE PROPERTY OF PAUL PRIMAVERA & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PAUL PRIMAVERA & ASSOCIATES, INC.

2. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR CONTRACT.

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEYING INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL INFORMATION AND FOR PROVIDING THE SAME TO THE ARCHITECT.

1 OF 1
 Drawing No. 100-10-1000
 Date 10/13/2000
 Project 100-10-1000
 Client PAUL PRIMAVERA & ASSOCIATES, INC.
 Designer PAUL PRIMAVERA & ASSOCIATES, INC.
 Checked By PAUL PRIMAVERA & ASSOCIATES, INC.
 Scale 1/8" = 1'-0"
 Title SHEET 1 OF 1

PAUL PRIMAVERA & ASSOC.
 ARCHITECTS
 301 E. CHESTNUT STREET
 F.O. BOX 1315
 COOK COUNTY, ILL. 60015
 TEL: (815) 758-1100 FAX: (815) 758-4700

SKETCH
 PART QUALITY OF THE
 LUMINOUS QUALITY OF THE
 CLARK COUNTY, INDIANA

Revision	Date	Description
1		
2		
3		
4		
5		
6		
7		

In preparing and considering proposals under IC 36-7-4-603, the Plan Commission and the legislative body shall pay reasonable regard to:

The comprehensive plan;

Compliant

Current conditions and the character of current structures and uses in each district;

Compliant

The most desirable use for which the land in each district is adapted;

Compliant

The conservation of property values throughout the jurisdiction; and

Compliant

Responsible development and growth.

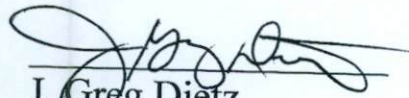
Compliant

The Technical Review Board, being established under Sellersburg Town Ordinance 2004-01, presents the following advice or recommendation in regards to Petition # 1116-001

Approval

Technical Committee Members Present

Ken Alexander, J Greg Dietz Jason Coperwaite, Matt Oakley, Paul Wheatly


J. Greg Dietz
Building Commissioner

Review Date 11-21-2016

SELLERSBURG PLAN COMMISSION
AGENDA

November 21, 2016

1. Roll Call.

Approve the minutes from the October 17, 2016 meeting.

2. Unfinished Business

1) Comprehensive Plan (Brad Amos) Tabled from last meeting.

3. New Business

1) Petition 1116-001 MCO Properties requesting the rezoning from B-3 to R-3 the property know as A part of Survey #88 & 108 of the Illinois Grant, and a part the lands described in Rite Aid DD 30-16823 Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at a 1" steel pin at the South corner of Survey #108,
Thence N 49°01 '00" E a distance of 2,965.34 feet along the Survey line to a point,
Thence S 39°05'50" E a distance of 1 .26 feet to a 8"x8" Stone, said point being the
TRUE POINT OF BEGINNING,
Thence North 39°05'50" West, a distance of 294.89 feet to a 5/8" rebar found,
Thence North 48°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,
Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF
BEGINNING. Containing 10.168 acres. Parcel Number 10-17-10-800-442.000-031

4. Adjourn

Respectfully Submitted

J. Greg Dietz
Building Commissioner,
Town of Sellersburg

SELLERSBURG PLAN COMMISSION

(A.K.A. Sellersburg Planning and Zoning)

October 17, 2016

The minutes as written are not verbatim from the meeting

CALL TO ORDER:

President Randall W. Mobley called the Sellersburg Plan Commission meeting to order at the Sellersburg Town Hall, 316 East Utica Street on October 17, 2016 at 6:06 PM.

ROLL CALL:

Members present were President Randall W. Mobley, Vice-President Francis A. Conroy, Members, Thomas M. McEwen, Brad J. Amos, Martina P. Webster, and Nancy J. McDevitt. Also present was J. Greg Dietz, Building Commissioner and Attorney Brock Dawson.

APPROVAL OF MINUTES:

Martina P. Webster moved to approve the minutes of the September 19, 2016 minutes as amended with the dates change from September 17 to September 19. Seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.

AGENDA AMENDED

Martina P. Webster moved to amend the agenda to include public comment. Seconded by Nancy J. McDevitt. 6-aye 0-nay. Motion approved.

PUBLIC COMMENT

Matt Czarnecki 4306 Silver Glade Trail spoke about the need for more strict property maintenance ordinances. No action taken.

UNFINISHED BUSINESS:

Brad J. Amos led a discussion about updating the Comprehensive Plan for the Town of Sellersburg. Thomas M. McEwen moved table till next meeting. Seconded by Francis A. Conroy. 6-aye 0-nay Motion Approved.

NEW BUSINESS:

NONE

ADJOURNMENT:

Thomas M. McEwen moved to adjourn the meeting. Seconded by Francis A. Conroy. 6-aye 0-nay Motion Approved. Regular meeting adjourned at 7:44 PM.

Randall W. Mobley, President

Francis A. Conroy, Vice-President

Kenneth J. Alexander, Member

Martina P. Webster., Member

Brad J. Amos, Member

Nancy J. McDevitt, Member

Thomas M. McEwen, Member

ATTEST



PETITION#: 1116-001
FEE: \$100.00
RECIPT# 5392

PETITION

PLEASE PRINT LEGIBLY

SELLERSBURG, INDIANA

PETITION FOR: BOARD OF ZONING APPEALS PLANNING COMMISSION

Name of Applicant: MCO Propertjes, LLC
Applicant's Address: PO Box 1605 , Jeffersonville, IN 47131
Email Address: mattoakley@me.com
Telephone Number: 502-599-1251 Fax Number: _____
Date of Application: _____ Township: SilverCreek

Address or Property Subject to This Petition: _____
Grant: 108 or Section: N/A Congressional Township: N/A Range: N/A
Municipal Township: SilverCreek Zoning Classification: B2 Subdivision (if applicable): N/A

Please Check the Applicable Box:

Amendment to the Official Zoning Maps of Sellersburg	Variance to the Zoning Ordinance of Sellersburg	Special Exception as Required by the Zoning Ordinance of Sellersburg	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Describe Detailed Use: The property will be used for apartments.

(ATTACH MORE SHEETS IF NECESSARY)

Specific Reason for Requesting:



A Rezoning from B-3 to R-3

A Variance to the Zoning Ordinance of Sellersburg

A Subdivision Plat as required by the Zoning Ordinance of Sellersburg

Special Exception as required by the Zoning Ordinance of Sellersburg

Please Explain (BE SPECIFIC AND INCLUDE DETAILS):

The proposal is to change the zone from B3 (Commercial) to R-3 (multi-family) for a apartment development.

Dated and signed by petitioner(s) in the county of Clark, State of Indiana, this 30th day of September, 2016

[Signature] Member

MCO Properties, LLC

All Legal Owners (Named on Deed) Must Sign

Petition Prepared By (Signature)

FOR OFFICE USE ONLY

- FOR **RECOMMENDATION** BY PLAN COMM TO COUNCIL
- FOR **FINAL DECISION** BY PLAN COMMISSION
- FOR **FINAL DECISION** BY BOARD OF ZONING APPEALS

DRAWING ATTACHED OR UNDER SEPARATE COVER
REQUIRED



Please Provide the Following:

1. Attach the legal description of the property.
2. Attach a development plan depicting all information required and information the applicant believes necessary for review by the Board or Commission; including, as applicable: parcel dimensions, locations of streets, driveways, location and number of parking spaces, sewer and water lines, and other appropriate information.
3. Proof of Zoning (1993 zoning map will apply without recorded proof of zoning)
4. Include any additional evidence necessary to support the petition.

I affirm, under the penalties of perjury that the foregoing representations are true.

Applicant's Signature: See above Date: 9/30/16

Applicant's Name (printed): Mattoakley/MCO Properties, LLC

Please complete and attach the Findings of Fact worksheets of this Petition before submitting to the Commission of Buildings and Code Enforcement, as well as the Affidavit of Notice of Public Hearing found within this Petition application. Please note the following requirements regarding time-sensitive notices, required by IC 36-7-4-604 and IC 5-3-2, and read in the Sellersburg Zoning Ordinance as follows:

1. The petitioner must mail a notice of hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the hearing.
2. Notice of public hearing shall be published one time at least ten (10) days before the date of the hearing.
3. A sign depicting the Notice of a Public Hearing must be posted in a conspicuous space on the subject property, along all road frontage of the subject property, at least ten (10) days prior to the hearing.

Please submit proof of mailings and proof of publication from the newspaper to the Commission of Buildings and Code Enforcement 7 days prior to the hearing of the Petition.

Please use the Public Notice templates within this Petition application for the mailings and publication. DO NOT ALTER ANY WORDING IN THIS TEMPLATE, ONLY FILL IN THE BLANKS WITH THE APPROPRIATE INFORMATION.

Public Notice
Sellersburg, Indiana
Plan Commission

The Plan Commission will meet on 21st day of November, 2016 at 6 p.m. at 316 East Utica Street Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a Zone Change from B-2 to R-3 to allow for multi-family residential development.

At the following commonly known address: behind 7505 County Road 311, Sellersburg, Indiana 47172.

The petition is available for public review at the Commission of Buildings and Code Enforcement 103 South New Albany Street Sellersburg, Indiana 47172 between the hours 9 a.m. to 4 p.m. 10 days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary.

16-13525
MCO Prop (Matt Oakley)
Zone Change-Sellersburg

MCO Properties LLC
P. O. Box 1605
Jeffersonville, IN 47131

Clarksville Senior Partners LLC
802 E 86th Street
Indianapolis, IN 46240

WHM Enterprises LLC
130 Hunters Station Way
Sellersburg, IN 47172

First Federal Savings & Loan Assoc
125 Hunter Station Road
Sellersburg, IN 47172

Rite Aid of Indiana
P. O. Box 3165
Harrisburg, PA 17105

SWD Inc
306 Janie Lane
New Albany, IN 47150

Autozone Development Corp
P. O. Box 2198, Dept 8088
Memphis, TN 38101

Cole TS Sellersburg IN LLC
5401 Virginia Way
Brentwood, TN 37027

Midwest Real Properties Inc
1420 South Jackson Street
Louisville, KY 40208

Foursight Dev Co Inc
4206 Charlestown Rd, Ste 200
New Albany, IN 47150

Danielle S Casey
7006 Plum Creek Drive
Sellersburg, IN 47172

Christopher S & Tamara R Shaver
7008 Plum Creek Drive
Sellersburg, IN 47172

Richard & Susan Crabtree
7010 Plum Creek Drive
Sellersburg, IN 47172

Patrick A & Deborah Ernestberger
8320 Plum Valley Drive
Sellersburg, IN 47172

Paul A & Polly M Loy
8322 Plum Valley Drive
Sellersburg, IN 47172

Kari L & Christopher Miller
8324 Plum Valley Drive
Sellersburg, IN 47172

Jesse L & Catherine M Eichhorn
8326 Plum Valley Drive
Sellersburg, IN 47172

**Proof of
Publication**

**Public Notice
Sellersburg, Indiana
Plan Commission**

The Plan Commission will meet on 21st day of November, 2016 at 6 p.m. at 316 East Ullica Street Sellersburg, Indiana 47172 for the purpose of holding a public hearing and acting on the following:

Requested Action: The applicant is requesting a Zone Change from B-2 to R-3 to allow for multi-family residential development.

At the following commonly known address: behind 7505 County Road 311, Sellersburg, Indiana 47172.

The petition is available for public review at the Commission of Buildings and Code Enforcement 103 South New Albany Street Sellersburg, Indiana 47172 between the hours 9 a.m. to 4 p.m. 10 days prior to the meeting.

Interested persons desiring to present comments either in writing or verbally will be given the opportunity to be heard at the aforementioned time and place. Written comments to the proposal that are filed with the Building Commissioner before the hearing will be considered. The hearing may be continued from time to time, as may be found necessary. hspaxlp

**STATE OF INDIANA
COUNTY OF CLARK -SS**

Ginger Baxter on oath says that she is the bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

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 #(1) time(s) to-wit: In issue of said NEWS AND TRIBUNE

Dated: 11-07 2016

(X) Ginger Baxter

**STATE OF INDIANA
COUNTY OF CLARK**

Subscribed and sworn to before me this

9TH day of November 2016

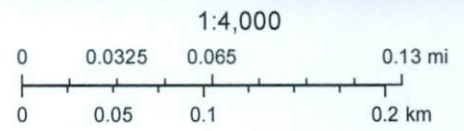
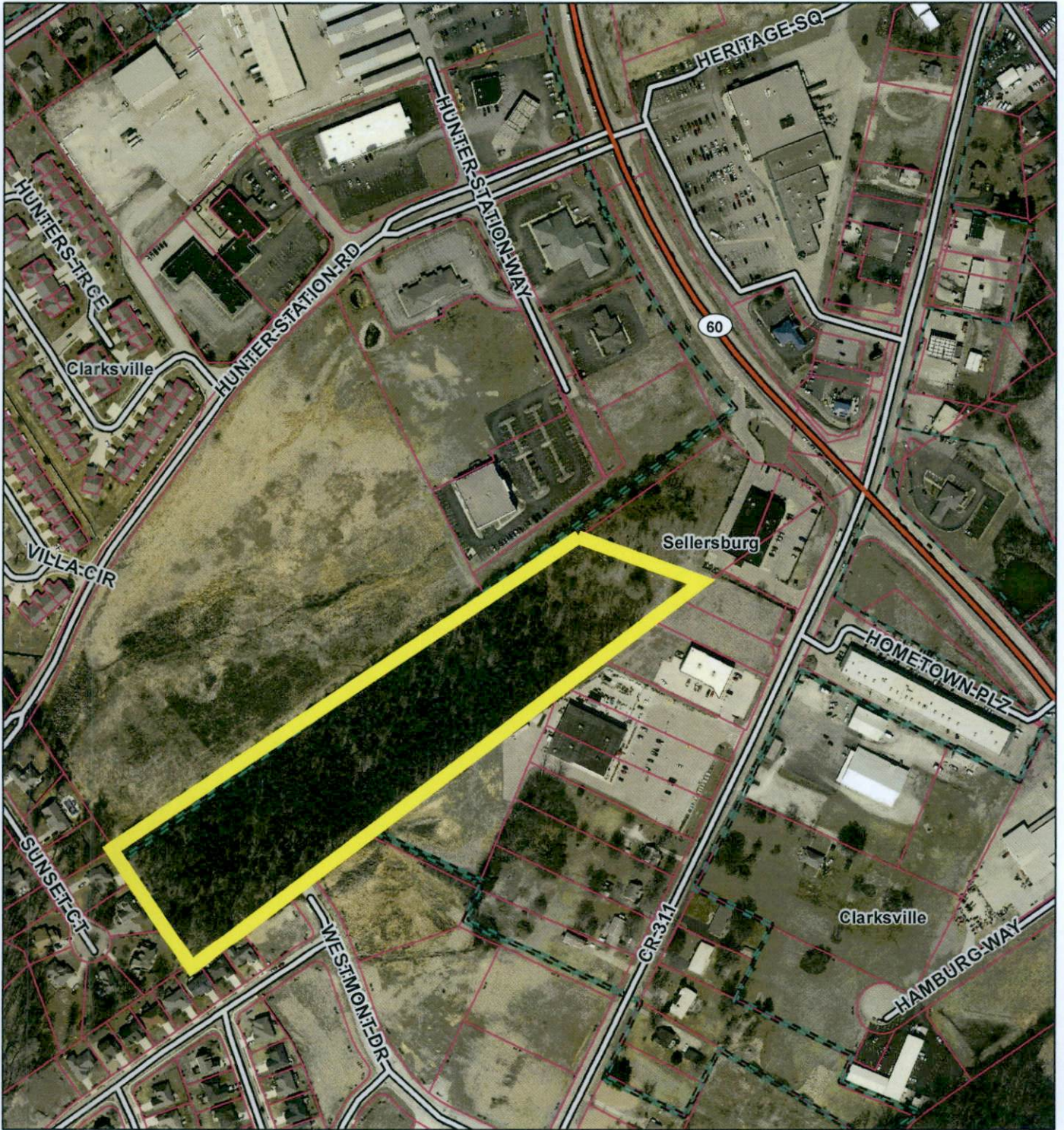
(X) Joann Galligan
Joann Galligan

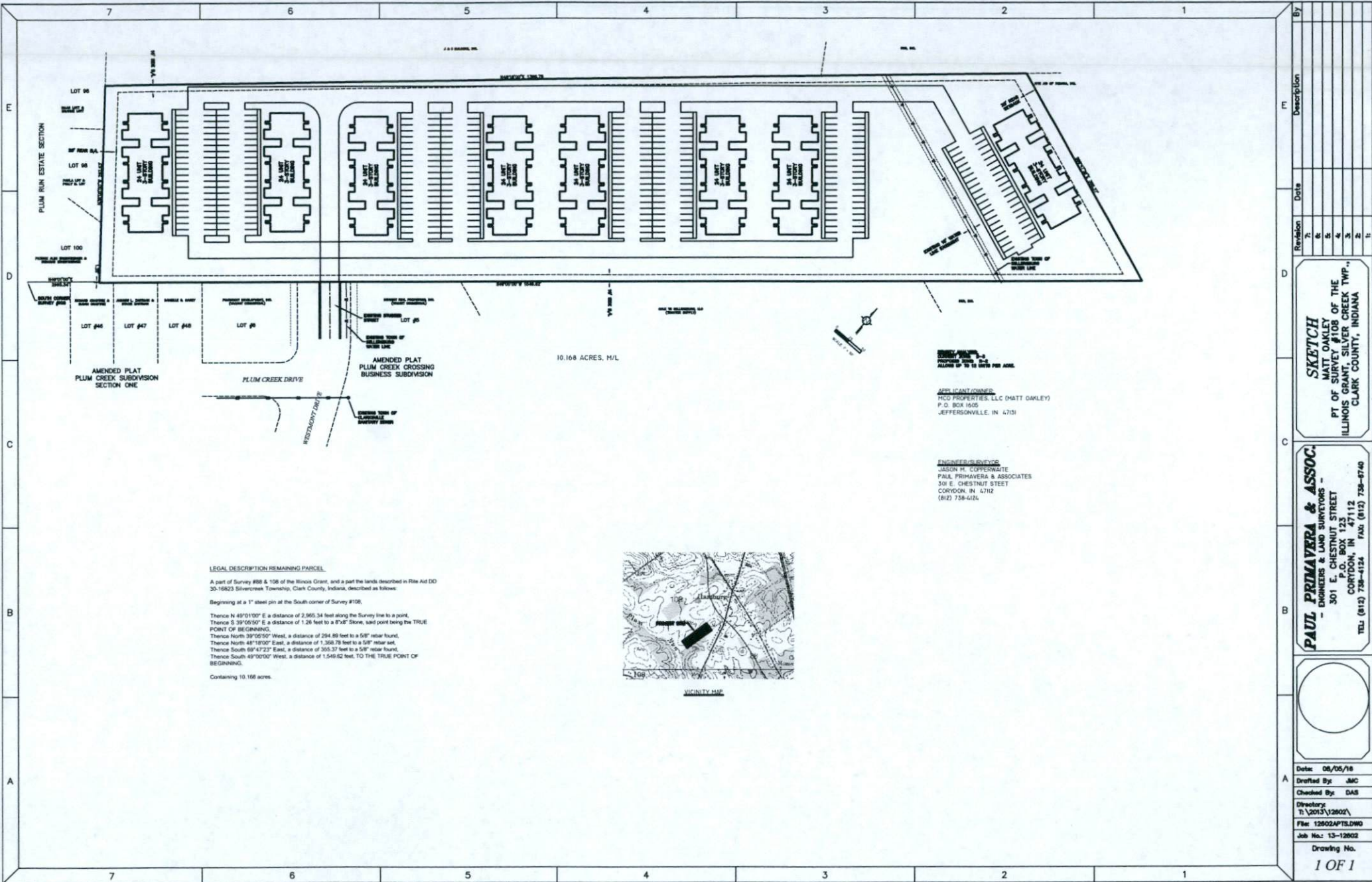
Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2022)



**Publication
Fee \$ 97.65**

1260319





10.168 ACRES, H/L

OWNER:
 TRC PROPERTIES, LLC (MATT OAKLEY)
 P.O. BOX 1605
 JEFFERSONVILLE, IN 47131

ENGINEER/SURVEYOR:
 JASON H. COPPERWATE
 PAUL PRIMAVERA & ASSOCIATES
 301 E. CHESTNUT STREET
 CORYDON, IN 47112
 (812) 738-4124

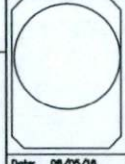
LEGAL DESCRIPTION REMAINING PARCEL
 A part of Survey #98 & 136 of the Illinois Grant, and a part of the lands described in Rite Aid DO 30-15823 Silvercreek, Tompkins, Clark County, Indiana, described as follows:
 Beginning at a 1" steel pin at the South corner of Survey #108,
 Thence N 49°01'10" E a distance of 2,965.34 feet along the Survey line to a point,
 Thence S 39°05'50" E a distance of 1.29 feet to a 6"x8" Stake, said point being the TRUE POINT OF BEGINNING,
 Thence North 39°05'50" West, a distance of 294.89 feet to a 5/8" rebar found,
 Thence North 45°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,
 Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
 Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF BEGINNING.
 Containing 10.168 acres.



Revision	Date	Description
1		
2		
3		
4		
5		
6		
7		

SKETCH
 MATT OAKLEY
 PT OF SURVEY #108 OF THE
 ILLINOIS GRANT, SILVER CREEK TWP.,
 CLARK COUNTY, INDIANA

PAUL PRIMAVERA & ASSOC.
 ENGINEERS & LAND SURVEYORS -
 301 E. CHESTNUT STREET
 P.O. BOX 123
 CORYDON, IN 47112
 TEL: (812) 738-4124 FAX: (812) 738-4740



Date: 08/06/18
 Drafted By: JMC
 Checked By: DAS
 Directory:
 T:\2003\12802\
 File: 12802\PTLDWD
 Job No.: 13-12802
 Drawing No.
 1 OF 1

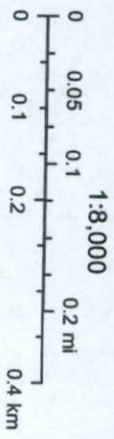
LEGAL DESCRIPTION REMAINING PARCEL

A part of Survey #88 & 108 of the Illinois Grant, and a part the lands described in Rite Aid DD 30-16823 Silvercreek Township, Clark County, Indiana, described as follows:

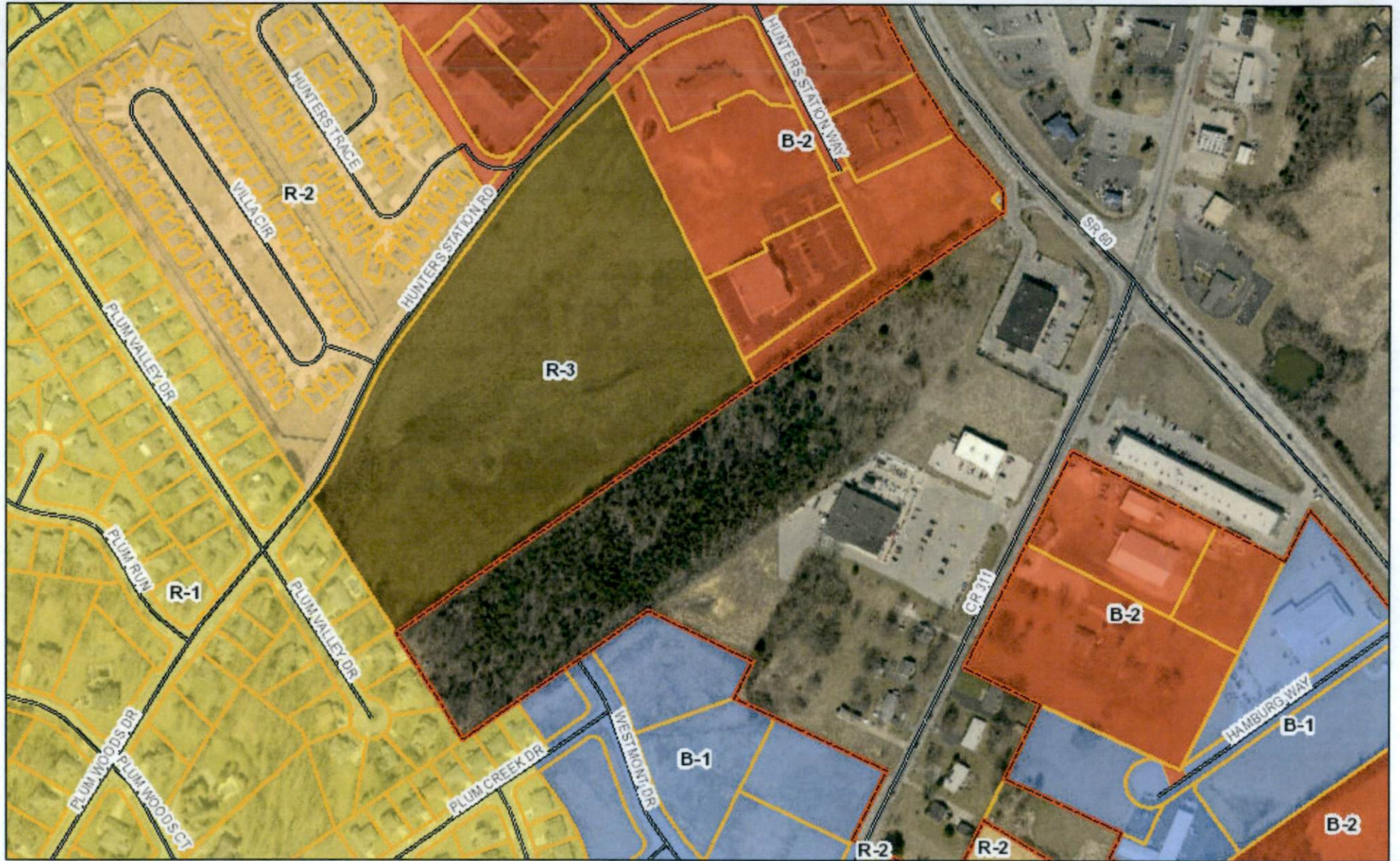
Beginning at a 1" steel pin at the South corner of Survey #108,

Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point,
Thence S 39°05'50" E a distance of 1.26 feet to a 8"x8" Stone, said point being the TRUE
POINT OF BEGINNING,
Thence North 39°05'50" West, a distance of 294.89 feet to a 5/8" rebar found,
Thence North 48°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,
Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF
BEGINNING.

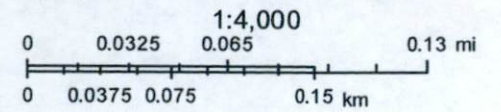
Containing 10.168 acres.



Town of Clarksville



November 21, 2016



November 21, 2016

To Whom It May Concern:

I am a resident of Plum Creek Subdivision. The proposed zoning change from B-2 to R-3 on the wooded property behind Plum Creek, Tractor Supply and Auto Zone could create additional burdens for the surrounding property owners in Sellersburg and Clarksville. Understanding local development trends and demands, I would request the proposed zoning change with the following commitments to maintain property values:

- Westmont Drive Extension / Traffic Impact – With an additional 140 apartments, a significant burden would be placed on Westmont Drive if no other access points are used. To alienate this, the right-of-way for the extension of Westmont Drive to Hunter Station Road needs to be dedicated and a new road needs to be constructed. Additionally, the apartments should also be required to gain access to IN-60 directly through the adjacent development.
- Drainage – With potential runoff impacting Plum Creek Subdivision, site drainage should not increase from the existing site conditions.
- Light – The lighting should not have spillover to adjacent residential uses in Plum Creek Subdivision and dark sky compliant.
- Building Materials – All building materials for the structure(s) facing Plum Creek Subdivision shall include brick, tile masonry, native stone, or Hardy board. Any outbuildings shall be consistent with the building material of the primary structure in color, character and texture.
- Landscaping – In addition to the minimum of 1 Large Shade Trees (as defined by Group A in the Plant List of the Sellersburg Zoning Ordinance) per 50 linear feet, 2 additional understory (or additional Large Shade Trees if preferred) shall be required per 50 linear feet for areas adjacent to Plum Creek Subdivision. This requirement is in addition to the standard requirement for a continuous hedge, wall, solid fence or earthen berm (Section 2.16.5). The Continuous Hedge, Wall, Solid Fence or Earthen Berm required by Section 2.16.5 for a fence or wall (if used lieu of a hedge or berm) shall only include building materials that are consistent with the building material of the primary structure in color, character and texture and not include chain link or vinyl.
- Trash/Dumpster – Dumpsters shall not be visible from any public street in Plum Creek Subdivision or adjacent residential use during any time of the year. The building material shall be completely screened with a solid building material that is consistent with the building material of the primary structure in color, character and texture.
- Height and Setback – No variance for the height and setback requirements set forth for the R-3 district should be granted. Additionally, the required Landscape Buffer Area of 10 feet (Section 2.16.2) should be maintained along the Plum Creek Subdivision.

Thank you for your consideration of my requests for the proposed zoning change from B-2 to R-3.

Sincerely,

Amy Williams
7905 Hollowview Drive
Sellersburg, IN 47172
502.595.7432

STATE OF INDIANA

BEFORE THE SELLERSBURG TOWN COUNCIL

PROPOSED REZONING OF A 10.168
ACRE PARCEL FROM B-2 (CENTRAL
BUSINESS) TO R-3 (SINGLE, TWO
AND MULTI-FAMILY RESIDENCES),

MCO PROPERTIES, LLC, Applicant.

Docket No. _____

**OUTLINE OF LEGAL CONCERNS OF PLUM LAKE, *AND*
PLUM RUN, ~~AND PLUM WOODS~~ NEIGHBORHOOD ASSOCIATIONS**

1. B-2 District Uses and Development Standards (Section 2.9 of the Town Zoning Ordinance).
 - a. Section 2.9.2.1(27) permits multi-family dwelling units are permitted in this district by-right.
 - b. Section 2.9.3(2) limits the density of a multi-family development to twelve (12) units per acre.
 - c. Per Section 2.9.6, the lot and buildings can cover 95% of the land, provided that the buildings cannot exceed 40%.
 - d. Section 2.9.9.2 establishes buffering requirements, particularly the 25' wide planting area along the side or rear property lines that produces "total visual screening" in subsection (1).
 - e. Section 2.9.5 establishes 35' height limitation.
2. R-3 District Uses and Development Standards (Section 2.4).
 - a. Section 2.4.2.1(5) permits multi-family dwellings as a by-right use.
 - b. Section 2.4.3 limits density to eighteen (18) units per acre.
 - c. Section 2.4.6 establishes the minimum floor area for apartments at 768 sf for 1-BR, 900 sf for 2-BR, and 1000 sf for 3-BR (no similar regulation in B-2).
 - d. Section 2.4.7 limits the maximum lot coverage of the building (excluding parking area) to 35%.

Trathie impa

- e. Section 2.4.11 requires usable open space of at least 600 sf per dwelling unit (no similar requirement in B-2).
 - f. Section 2.4.10 incorporates the landscaping requirements in Section 2.16 (again not similarly incorporated into the B-2 regulations).
 - g. Section 1.16.2.1 requires 10' wide landscape buffer along the rear and abutting sides where multifamily use abuts single-family or two-family uses.
 - h. Section 2.4.5 establishes 35' height limitation.
 - i. Section 2.4.11 requires minimum useable open space of 600 sf per dwelling unit.
3. Section 3.7 establishes District Development Plan Requirements (copy attached).
- a. Section 3.7.2(1) states that “**District Development Plans are required for all Districts involving a petition for rezoning**, contingent uses, special exceptions, variances, and/or parking waivers.” (*Emphasis added*).
 - b. Section 3.7.3(1)(e) requires the plan to show the “[l]ot size and location, height, floor area, and arrangement of proposed and existing buildings.”
 - c. Section 3.7.3(1) requires the plan to show “[p]rovisions for screening and buffering, landscaping, recreational, and open space area.”
 - d. Section 3.7.3(1)(j) requires the plan to show “[p]rovisions for handling surface water drainage...”.
 - e. Section 3.7.3(1)(k) requires the plan to demonstrate “compliance with land use intensity requirements.”
 - f. Section 3.7.3(1)(o) requires the plan to show “[o]ther such information the Plan Commission deems appropriate.”
 - g. Section 3.7.2(b) requires in the review of a development plan that the Plan Commission to consider “[t]he provisions for save and efficient vehicular and pedestrian transportation both within the development and the community.”
 - h. Section 3.7.2(c) requires in the review of a development plan that the Plan Commission to consider “[t]he provision of opens space (scenic and recreation) to meet the needs of the proposed development.”
 - i. Section 3.7.2(d) requires in the review of a development plan that the Plan Commission to consider “[t]he provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.”

- j. Section 3.7.2(e) requires in the review of a development plan that the Plan Commission to consider “[t]he compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area.”
 - k. Section 3.7.2(f) requires in the review of a development plan that the Plan Commission to consider “[c]onformance of the development plan with the Comprehensive Plan and Zoning District Regulations.”
4. Section 3.4.4(5) incorporates the provisions of IC 36-7-4-603 (copy attached), which requires the Plan Commission and the Town Council to pay reasonable regard to:
- (i) the Town’s comprehensive plan (which is not published on their website – you should send someone to Town Hall to obtain a copy today or tomorrow – if you obtain please email me a copy),
 - (ii) current conditions and the character of structures and uses in each district,
 - (iii) the most desirable use for which the land in each district is adapted,
 - (iv) the conservation of property values throughout the jurisdiction, and
 - (v) responsible development and growth.
5. The Town’s Comprehensive Plan includes the following that are applicable to this application:
- a. Chapter 1, “Review of Land Use Change Proposals”, page 12:

As stated previously, **the primary purpose of the plan is to guide land use development in Sellersburg. In particular, the plan is used to determine approval of requested zoning changes.** For example, if a developer wishes to build a gas station on a lot zoned residential, he must get a building permit. He cannot get a building permit unless the lot is zoned commercial. So, he must apply for a zoning change, or exception to the current zoning. He can apply directly to the Plan Commission or to the Board of Zoning Appeals. **Approval or rejection of the developer's proposed land use change is based on the conformance of the proposed change with the guidelines in the plan.** However, as discussed below, there are exceptions. **The guiding rule is that the proposal does not "substantially" violate an applicable guideline or the impact of the proposal on the community is minimal or non-existent.** (*Emphasis added*).

- (i) Chapter 2, "Goals and Objectives", Overall Land Use Development Goal, Objective 3, page 39:

Encourage the development of new affordable housing.

- a) Encourage the development of a wide range of housing including low-cost, medium and upper medium single-family units, and low to moderate income apartments.

- b) **Higher density cluster housing (not to exceed 12 units per acre) can be developed at lower costs** than single units per 1 acre lots. (*Emphasis added*).

- (ii) Chapter 2, "Goals and Objectives", Transportation Goal, Objective 3, page 43:

Ensure that roads have adequate capacity to accommodate traffic generated by new development.

- (iii) Chapter 2, "Goals and Objectives", Transportation Goal, Objective 6, page 43:

Determine the adequacy of 311 to accommodate additional traffic generated by new development and a new bridge over the Ohio River.

- (iv) Chapter 2, "Goals and Objectives", Infrastructure Goal, page 43:

Sellersburg wants to ensure that the community's infrastructure is adequate to accommodate the needs of development at the time of occupancy.

- (v) Chapter 2, "Goals and Objectives", Infrastructure Goal, Objective 1, page 43:

Ensure that the capacity of roads and streets used by residents, patrons, and employees have the capacity to accommodate traffic generated by the development.

- (vi) Chapter 3, "Land Use", Residential Guideline R-1, page 52:

Protect residential neighborhoods from adverse impacts of proposed development and land use changes.

- (vii) Chapter 3, "Land Use", Residential Guideline R-3, page 53:

Provide adequate buffering, screening, or other techniques that mitigate nuisances when a residential development will be next to a land use that produces nuisances.

- (viii) Chapter 3, "Land Use", Residential Guideline R-4, page 53:

Avoid residential development that has a significantly different size, height, mass, or scale from adjacent development.

- (ix) Chapter 3, "Land Use", Residential Guideline R-5, page 54:

Develop residential densities that are compatible with adjacent resident areas and other adjacent land uses.

- (x) Chapter 3, "Land Use", Residential Guideline R-6, page 54:

Evaluate residential development on the basis of the following net density categories:

Low	Up to five dwelling units/acre
Medium	Greater than five and up to twelve dwelling units per acre
High	Greater than twelve dwelling units/acre

- (xi) Chapter 3, "Land Use", Residential Guideline R-9, page 58:

Locate residential developments of the high density category only where:

- a) There is a major access point of the high density category on or very near an arterial street:

- (xii) Table 4-1, List of Arterials and Collector [Streets] in Sellersburg, page 76:

SR 311 from US 31 west to Town boundary – 4-2D

- (xiii) Arterial Construction Types, page 77:

A "Type '4-2-D'" Arterial is an arterial street having a minimum right-of-way width of 120 feet wherever possible. Such arterial streets shall, wherever possible, be designed to accommodate in each direction, 2 moving lands of 12 feet width, auxiliary lands of 14 feet width for separate left or right turn lanes, 2 feet curb and gutter section on either side of the pavement, and a minimum median of twenty feet (which may include an auxiliary lane) at intersections.

- (xiv) Chapter 3, "Land Use", Transportation Guideline T-2, page 83:

Ensure that new development and changes in land uses are served by adequate street facilities which have the capacity to accommodate the traffic generated by these uses.

- (xv) Chapter 3, "Land Use", Transportation Guideline T-3, page 83:

Locate high intensity uses along arterial streets or in close proximity to arterial streets.

(xvi) Chapter 3, "Land Use", Transportation Guideline T-4, page 83:

Preserve the through traffic capacity of the expressway and arterial street systems by: ...

c) Spacing intersections along major arterials with enough distance in between intersections to generate a smooth traffic flow with no or minimal waiting at traffic lights.

(xvii) Chapter 3, "Land Use", Transportation Guideline T-5, page 83:

Design internal circulation systems within developments to promote the safe and efficient travel movement by vehicles, bicycles, and pedestrians.

(xviii) Chapter 3, "Land Use", Transportation Guideline T-6, page 84:

Design street systems which carry traffic generated by high intensity land uses on arterial streets rather than through areas with significantly lower intensity or density development.

(xix) Chapter 3, "Land Use", Transportation Guideline T-8, page 84:

Provide for the safe movement of pedestrians through the use of walkways from residential area to recreation facilities, schools and shopping areas located in the neighborhood.

★ 6. IC 36-7-4-1015(a)(1) (copy attached) provides in pertinent part: ★

As a condition to the: (1) adoption of a rezoning proposal, ... the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel.

*S. Amy
Scientific
Planner*

- o lighting
- o building materials
- o landscaping
 - o vinyl
 - o not allowing

Section 3.7 - District Development Plan Requirements

3.7.1 - Purpose

The District Development Plan is necessary to determine and demonstrate compliance with the zoning regulations per IC 36-7-4-601(d)(3), IC 36-7-4-613 and IC 36-7-4-921.

3.7.2 - Application

- ✓ (1) District Development Plans are required for all Districts involving a petition for rezoning, contingent uses, special exceptions, variances, and /or parking waivers.
- (2) District development plans are required for all uses in the RPO, GO, "B", MHI and "I" Districts involving an application for an Improvement Location Permit in accordance with Section 3.1.
- (3) Section 2.4 defines the site plan requirements for the Mobile Home Park (MHP) District.

3.7.3 - Requirements

- (1) Elements of District Development Plan

The Plan Commission may require the District Development Plan to contain one or more of the following elements in graphic or written form as are applicable to the property in question and appropriate for adequate public review.

- (a) Existing topography, with a contour interval of two (2) feet and not greater than five (5) feet on steep slopes unless specifically waived by the Plan Commission. Existing topography with a contour interval less than two (2) feet based on field survey may be required by the Commission for all or part of the subject property as existing topographic conditions warrant. Proposed contours with the same contour interval and finished grade spot elevations are also required,
- (b) Vicinity map with measurements to existing streets;
- (c) Boundary description, including area and bearings and dimensions of all property lines;
- (d) Names of all adjoining property owners;
- (e) Lot size and location, height, floor area, and arrangement of proposed and existing buildings;
- (f) Proposed use of structures on the subject property, or, at the Plan Commission's discretion, the categories of uses proposed for the subject property;
- (g) Existing tree masses, significant rock out-cropping, streams, flood plains, and other natural features;

- (h) Provisions for screening and buffering, landscaping, recreational, and open space area;
- (i) The location, arrangement, and dimensions of existing and proposed streets and driveways, adjacent streets, sidewalks, parking areas (including number of off-street parking spaces), points of ingress and egress, off street loading areas, and other vehicular, bicycle, or pedestrian right-of-ways;
- (j) Provisions for handling surface water drainage and utilities information, where appropriate, such as proposals for gas, water, electricity, telephone service, sewage lines, fire hydrants, and similar information, and the location and dimensions of other existing or proposed easements;
- (k) Demonstration of compliance With land use intensity requirements;
- (l) Proposed stages of development, if applicable, and the anticipated time required to develop each stage;
- (m) The location of any burial grounds or cemeteries; wetlands, or hazardous material dumpsites;
- (n) North Arrow,
- (o) Other such information the Plan Commission deems appropriate;
- (p) All site plans shall be drawn to a sufficient scale to clearly delineate the applicant's proposed use and development of the subject property. Such scale shall be indicated on the development plan.
- (q) Sanitary sewer facilities shall be designed to the latest Indiana Department of Environmental Management and Ten States Standards, and storm drainage facilities shall be designed to the latest Storm Water System Design Criteria adopted by the town. Engineering computations must be submitted.

✓ (2) Scope of Plan Commission Review

The Plan Commission shall consider, but not be limited to, the following factors in review of a site plan:

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;
- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
- (c) The provision of sufficient open space (scenic and recreation) to meet the needs of the proposed development;
- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;
 - (f) Conformance of the development plan with the Comprehensive Plan and Zoning District Regulations.
- (3) Developer Commitment

In accordance with IC 36-7-4-613 and IC 36-7-4-921, the Plan Commission (or Board of Zoning Appeals) may require the owner of a parcel of property to make a written commitment concerning the use and development of the subject property.

SECTION FOUR

BOARD OF ZONING APPEALS

Section 4.1 - Establishment: Membership: Term

- (1) The Board of Zoning Appeals is hereby established as a part of the Sellersburg Plan Commission, under the provisions of IC 36-7-4-902(a).
- (2) The Board of Zoning Appeals consist of five (5) members, as follows:
 - (a) Three (3) citizen members appointed by the Town Council President of Sellersburg, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
 - (b) One (1) appointed by the Town Council of Sellersburg, who must not be a member of the Plan Commission.
 - (c) One (1) citizen member appointed by the Plan Commission, who must be a member of the Plan Commission other than the member appointed under the subsection (a).
- (3) The terms of the office shall be as follows:
 - (a) One (1) member for a term of one (1) year. One (1) member for a term of two (2) years. One (1) member for a term of three (3) years. Two (2) members for a term of four (4) years.
 - (b) Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.
 - (c) Thereafter, as a term expires, each new member shall be appointed for a term of four (4) years. Each member is eligible for reappointment.

West's Annotated Indiana Code
Title 36. Local Government (Refs & Annos)
Article 7. Planning and Development
Chapter 4. Local Planning and Zoning

IC 36-7-4-603

36-7-4-603 Zoning ordinance; preparation and consideration of proposals

Currentness

Sec. 603. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

Credits

As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.335-1985, SEC.17; P.L.220-1986, SEC.17.

Notes of Decisions (8)

I.C. 36-7-4-603, IN ST 36-7-4-603

The statutes and Constitution are current with all legislation of the 2016 Second Regular Session of the 119th General Assembly.

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Indiana Code
Title 36. Local Government (Refs & Annos)
Article 7. Planning and Development
Chapter 4. Local Planning and Zoning

IC 36-7-4-1015

Formerly cited as IN ST 36-7-4-613; IN ST 36-7-4-614; IN ST 36-7-4-615; IN ST 36-7-4-921

36-7-4-1015 Remedies and enforcement; commitments; injunctive relief; costs; venue; defenses; exclusions

Effective: July 1, 2014

Currentness

Sec. 1015. (a) As a condition to the:

- (1) adoption of a rezoning proposal;
- (2) primary approval of a proposed subdivision plat or development plan;
- (3) approval of a vacation of all or part of the plat; or
- (4) approval of an application for a:
 - (A) special exception;
 - (B) special use;
 - (C) contingent use;
 - (D) conditional use; or
 - (E) variance;

the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel.

(b) Commitments are subject to the following provisions:

- (1) A commitment must be in writing.

(2) Unless the written commitment is modified or terminated in accordance with this subsection, a written commitment is binding on the owner of the parcel.

(3) A commitment shall be recorded in the office of the county recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who acquires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(4) A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

(A) if the zoning district or classification applicable to the parcel is changed;

(B) if the land use to which the commitment relates is changed; or

(C) otherwise in accordance with the rules of the plan commission, board of zoning appeals, or legislative body to which the commitment is made.

(5) Except for a commitment that expires or automatically terminates under subdivision (4), or except as provided in subdivision (10), a commitment may be modified or terminated:

(A) by a decision of the plan commission or board of zoning appeals to which the commitment was made; or

(B) by the decision of the legislative body, if the commitment is made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter.

A decision by a plan commission or board of zoning appeals must be made at a public hearing after notice of the hearing has been provided under the rules of the plan commission or board of zoning appeals, as the case may be.

(6) During the time a rezoning proposal is being considered by the legislative body under the 600 or 1500 series of this chapter, the owner may make a new commitment to the legislative body or modify the terms of a commitment that was made when the proposal was being considered by the plan commission. This subdivision does not apply to a commitment to which subdivision (10) applies.

(7) Except as provided in subdivision (8), no further action of the plan commission is required for an action taken by the legislative body under subdivision (6) to be effective.

(8) If a commitment is modified under subdivision (6) and the effect of the modification is to make the commitment less stringent, the modified commitment shall be referred to the plan commission for further review. The plan commission shall, not later than forty-five (45) days after referral of the modified commitment:

(A) ratify the modified commitment; or

(B) certify a recommendation to the legislative body that the commitment be further modified.

After considering the recommendation of the plan commission, the legislative body shall then make the final decision on the terms of the modified commitment.

(9) Requiring or allowing a commitment to be made does not obligate the plan commission, board of zoning appeals, or legislative body, as applicable, to adopt, approve, or favorably recommend the proposal or application to which the commitment relates.

(10) This subdivision applies only to a commitment that is made before the parcel subject to the commitment is annexed by a municipality and after the annexation, the parcel becomes subject to the jurisdiction of a plan commission, board of zoning appeals, or legislative body other than the plan commission, board of zoning appeals, or legislative body to which the commitment was made. A commitment may be modified or terminated only by a decision of the legislative body of the annexing municipality. The decision must be made by the legislative body of the annexing municipality after considering the recommendation of the municipal plan commission certified to the legislative body after a public hearing held by the plan commission in accordance with the commission's rules. The rules of the municipal plan commission must include a provision requiring notice to be sent by certified mail at least ten (10) days before the date of the hearing to the following:

(A) The plan commission, board of zoning appeals, or legislative body to which the commitment was made.

(B) Each owner of real property, as shown on the county auditor's current tax list, whose real property is located within three hundred (300) feet of the parcel subject to the commitment.

(c) The plan commission or board of zoning appeals may adopt rules:

(1) governing the creation, form, recording, effectiveness, modification, and termination of commitments that are made before the plan commission or board of zoning appeals; and

(2) designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

(d) An action to enforce a commitment may be brought in the circuit or superior court of the county by:

(1) the plan commission, the board of zoning appeals, or the legislative body before which the commitment was made;

(2) in the case of a commitment:

(A) modified under subsection (b)(10); or

(B) continued in effect upon annexation;

the legislative body of the municipality that annexed the real property subject to the commitment, if the annexation is effective after the date the commitment was made;

(3) any person who was entitled to enforce a commitment under the rules of the plan commission or board of zoning appeals in force at the time the commitment was made; or

(4) any other specially affected person who was designated in the commitment.

(e) A person bringing an action to enforce a commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action.

(f) In an action to enforce a commitment, it is not a defense that:

(1) no consideration was given for the commitment;

(2) the commitment does not benefit any designated parcel of property;

(3) the document setting forth the commitment lacks a seal;

(4) there is no privity of estate;

(5) there is not privity of contract; or

(6) there is no proof of damages.

(g) The following types of conditions, as authorized by this chapter, are not considered commitments and are not subject to subsection (b):

(1) A condition imposed upon primary approval of a plat that must be met before secondary approval of the plat may be granted under the 700 series of this chapter.

- (2) A condition imposed upon the approval of an exception, a use, a variance, or a development plan that must be met before an improvement location permit may be issued under the 800 series of this chapter.
- (3) A condition imposed upon an approval relative to any other development requirement that must be met before any other secondary approval may be granted or building permit may be issued under this chapter.
- (4) A condition that was imposed before July 1, 2011, on an approval relative to any development requirement. However, this subdivision applies only if a copy of the condition has been filed and permanently maintained as a public record in the office of the plan commission or board of zoning appeals that imposed the condition.
- (h) Covenants, easements, equitable servitudes, and other land use restrictions created in accordance with law are not considered commitments and are not subject to subsection (b).
- (i) This subsection applies only to a commitment made as part of a rezoning proposal being considered by the legislative body under the 600 or 1500 series of this chapter. A written commitment may not abrogate the authority of a legislative body to modify or terminate a commitment under this section.

Credits

As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.320-1995, SEC.20; P.L.126-2011, SEC.36; P.L.130-2014, SEC.1, eff. July 1, 2014.

Notes of Decisions (16)

I.C. 36-7-4-1015, IN ST 36-7-4-1015

The statutes and Constitution are current with all legislation of the 2016 Second Regular Session of the 119th General Assembly.

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.

In preparing and considering proposals under IC 36-7-4-603, the Plan Commission and the legislative body shall pay reasonable regard to:

The comprehensive plan;

Current conditions and the character of current structures and uses in each district;

The most desirable use for which the land in each district is adapted;

The conservation of property values throughout the jurisdiction; and

Responsible development and growth.

The Technical Review Board, being established under Sellersburg Town Ordinance 2004-01, presents the following advice or recommendation in regards to Petition #

Technical Committee Members Present

Review Date _____

J. Greg Dietz
Building Commissioner

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2789 91

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Autozone Development Corp
 P. O. Box 2198, Dept 8088
 Memphis, TN 38101



9590 9403 0270 5155 2769 91

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7380

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

 113525
 11

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

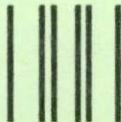
 Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation™ Signature Confirmation Restricted Delivery

Restricted Delivery

UNITED STATES POSTAL SERVICE

15 NOV '16

PM 4 L



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 42

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Cole TS Sellersburg IN LLC
 5401 Virginia Way
 Brentwood, TN 37027



9590 9403 0270 5155 2770 42

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7434

Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No

3. Service Type

 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation™ Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 04

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kari L & Christopher Miller
 8324 Plum Valley Drive
 Sellersburg, IN 47172



9590 9403 0270 5155 2770 04

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7397

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

Chris Miller

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

13525-1

3. Service Type

- Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
- Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

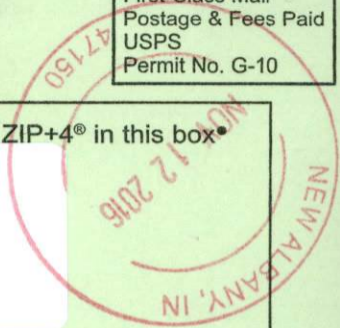
UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112



USPS TRACKING#



9590 9403 0270 5155 2769 15

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SWD Inc
306 Janie Lane
New Albany, IN 47150



9590 9403 0270 5155 2769 15

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7472

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

13525

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 59

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Danielle S Casey
 7006 Plum Creek Drive
 Sellersburg, IN 47172



9590 9403 0270 5155 2770 59

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7441

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X
 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

13525-7

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 28

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard & Susan Crabtree
7010 Plum Creek Drive
Sellersburg, IN 47172



9590 9403 0270 5155 2770 28

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7410

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

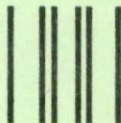
- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

13575

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 11

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jesse L & Catherine M Eichhorn
 8326 Plum Valley Drive
 Sellersburg, IN 47172



9590 9403 0270 5155 2770 11

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7403 Adult Restricted Delivery**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

Jesse Eichhorn

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

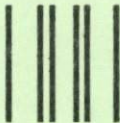
13525-2

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

UNITED STATES POSTAL SERVICE

LOUISVILLE
KY 400
14 NOV '85
EN 31



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 35

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Foursight Dev Co Inc
 4206 Charlestown Rd, Ste 200
 New Albany, IN 47150



9590 9403 0270 5155 2770 35

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7427

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Rose Dietrich* Agent
 Addressee

B. Received by (Printed Name)

Rose Dietrich

C. Date of Delivery

11-14-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Mail | |
| <input type="checkbox"/> Mail Restricted Delivery | |
| <input type="checkbox"/> (0) | |

UNITED STATES POSTAL SERVICE

INDIANAPOLIS IN 46201
14 NOV 2006 PM 4

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Clarksville Senior Partners LLC
 802 E 86th Street
 Indianapolis, IN 46240



9590 9403 0270 5155 2769 77

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7366

Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/19/16

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

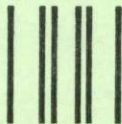
73525

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2769 46

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Paul A & Polly M Loy
 8322 Plum Valley Drive
 Sellersburg, IN 47172



9590 9403 0270 5155 2769 46

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7502

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Paul A. Loy

- Agent
 Addressee

B. Received by (Printed Name)

PAUL A. LOY

C. Date of Delivery

13525-1

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

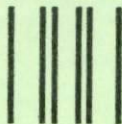
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE

KY 402

10 NOV '85

PM 31



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2769 22

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Midwest Real Properties Inc
 1420 South Jackson Street
 Louisville, KY 40208



9590 9403 0270 5155 2769 22

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7489

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Emily Hall

 Agent Addressee

B. Received by (Printed Name)

Emily Hall

C. Date of Delivery

11-10-16

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

13525

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2769 60

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

First Federal Savings & Loan Assoc
 125 Hunter Station Road
 Sellersburg, IN 47172



9590 9403 0270 5155 2769 60

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7533

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Debbie Morphis* Agent
 Addressee

B. Received by (Printed Name)

Debbie Morphis

C. Date of Delivery

11-14-16

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

113525

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail Restricted Delivery | |

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2769 53

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MCO Properties LLC
 P. O. Box 1605
 Jeffersonville, IN 47131



9590 9403 0270 5155 2769 53

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7526

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1?
 If YES, enter delivery address below:

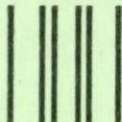
-
- Yes
-
-
- No


 525
 43525

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

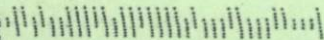
• Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5195 2769 08



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WHM Enterprises LLC
 130 Hunters Station Way
 Sellersburg, IN 47172



9590 9403 0270 5155 2769 08

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7465

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Received by: Kelly K...
 Date of Delivery: 9/11-14-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

13525

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2770 66

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Patrick A & Deborah Ernestberger
 8320 Plum Valley Drive
 Sellersburg, IN 47172



9590 9403 0270 5155 2770 66

2. Article Number (Transfer from service label)

7015 0640 0004 8243 7458

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Addressee

B. Received by (Printed Name)

Patrick A Ernestberger

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

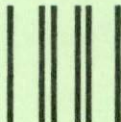
13525-3

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Paul Primavera & Associates
301 E. Chestnut Street
Corydon, Indiana 47112

USPS TRACKING#



9590 9403 0270 5155 2769 84

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Rite Aid of Indiana
 P. O. Box 3165
 Harrisburg, PA 17105



9590 9403 0270 5155 2769 84

2. Article Number (Transfer from service label)

7015 0640 0004 0243 7273

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

Randy Repley

C. Date of Delivery

NOV 14 2016

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation

Restricted Delivery

Mail

Restricted Delivery

13575

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Post

\$

Sent To

Street and

City, State,

Christopher S & Tamara R Shaver

7008 Plum Creek Drive

Sellersburg, IN 47172



13525-1

7015 0640 0004 8243 7496

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

- for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$

Total P

\$

Sent To

Street

City, St

Rite Aid of Indiana

P. O. Box 3165

Harrisburg, PA 17105



113525-1

7015 0640 0004 8243 7373

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$ _____

Total Po

\$ _____

Sent To

Autozone Development Corp

P. O. Box 2198, Dept 8088

Street a

Memphis, TN 38101

City, Sta



935254

7015 0640 0004 8243 7380

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total P

\$

Sent To

Street

City, St

Cole TS Sellersburg IN LLC

5401 Virginia Way

Brentwood, TN 37027

CORYDON, IN 47112

NOV 09 2016

793525-7

7015 0640 0004 0000 4000 7434

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total F

\$

Sent To

Street

City, St

Kari L & Christopher Miller

8324 Plum Valley Drive

Sellersburg, IN 47172



193525-1

7015 0640 0004 8243 7397

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$ _____

Total

\$ _____

Sent to

Street

City, State

SWD Inc

306 Janie Lane

New Albany, IN 47150



193525-7

7015 0640 0004 8243 7472

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Pos

\$

Sent To

Street and

City, State

CORYDON, IA 47112
NOV 9 2016
USPS
Danielle S Casey
7006 Plum Creek Drive
Sellersburg, IN 47172

13525-2

7015 0640 8242 7447

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail Items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Po

\$

Sent To

Street or

City, Sta

Richard & Susan Crabtree

7010 Plum Creek Drive

Sellersburg, IN 47172



113525-1

7015 0640 0004 8243 7410

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Po

\$

Sent To

Street a

City, Sta

Jesse L & Catherine M Eichhorn

8326 Plum Valley Drive

Sellersburg, IN 47172



13525-1

2015 0640 0004 8249 4000 0490 04702

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here



Postage

\$ _____

Total Post

\$ _____

Sent To

Foursight Dev Co Inc
 4206 Charlestown Rd, Ste 200
 New Albany, IN 47150

Street and

City, State

93525-1

7015 0640 0004 8243 7427

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

- for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$ _____

Total Fee

\$ _____

Sent To

Street

City, S

Clarksville Senior Partners LLC

802 E 86th Street

Indianapolis, IN 46240



93525-7

7015 0640 8243 7366
9962 3429 4000 0490 5102

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$ _____

Total Payment

\$ _____

Sent To

Street address

City, State

Paul A & Polly M Loy

8322 Plum Valley Drive

Sellersburg, IN 47172



93525-1

2052 E429 4000 0490 5T02
7015 0640 8249

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$ _____

Total

\$ _____

Sent to

Street

City, State

Midwest Real Properties Inc

1420 South Jackson Street

Louisville, KY 40208



93525-1

7015 0640 0004 8243 7489

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
 - A unique identifier for your mailpiece.
 - Electronic verification of delivery or attempted delivery.
 - A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.
- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
 - Certified Mail service is *not* available for international mail.
 - Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
 - For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.
- IMPORTANT: Save this receipt for your records.**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$

Total

\$

Sent

Street

City

First Federal Savings & Loan Assoc

125 Hunter Station Road

Sellersburg, IN 47172

CORYDON, IN 47112

NOV 09 2015

USPS

113525-1

7015 0640 0004 8243 7533

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;
 - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
 - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
 - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ _____
- Return Receipt (electronic) \$ _____
- Certified Mail Restricted Delivery \$ _____
- Adult Signature Required \$ _____
- Adult Signature Restricted Delivery \$ _____

Postmark
Here

Postage

\$

Total Price

\$

Sent To

Street &

City, St.

MCO Properties LLC

P. O. Box 1605

Jeffersonville, IN 47131



113525-1

7015 0640 0004 8243 7526

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ _____

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postage

\$ _____

Total Postage

\$ _____

Sent To

Street and A

City, State, .

WHM Enterprises LLC

130 Hunters Station Way

Sellersburg, IN 47172



Postmark
Here

93525-1

7015 0640 0004 8243 7465

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy)

Return Receipt (electronic)

Certified Mail Restricted Delivery

Adult Signature Required

Adult Signature Restricted Delivery

Postage

Total Pos

\$

Sent To

Street and

City, State

Patrick A & Deborah Ernestberger

8320 Plum Valley Drive

Sellersburg, IN 47172

Postmark
Here

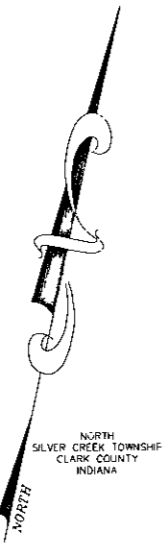
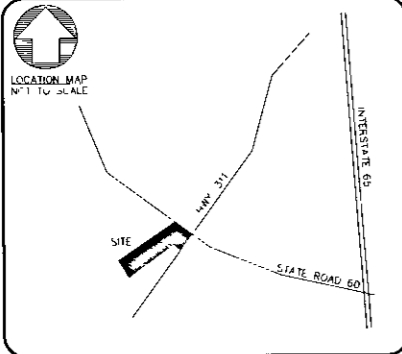
13525-1

See Reverse for Instructions

PS Form 3800, April 2015 PSN 7530-02-000-9047

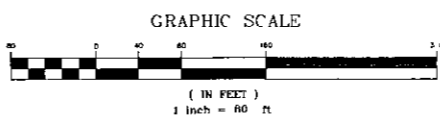
7015 0640 0004 8243 7458





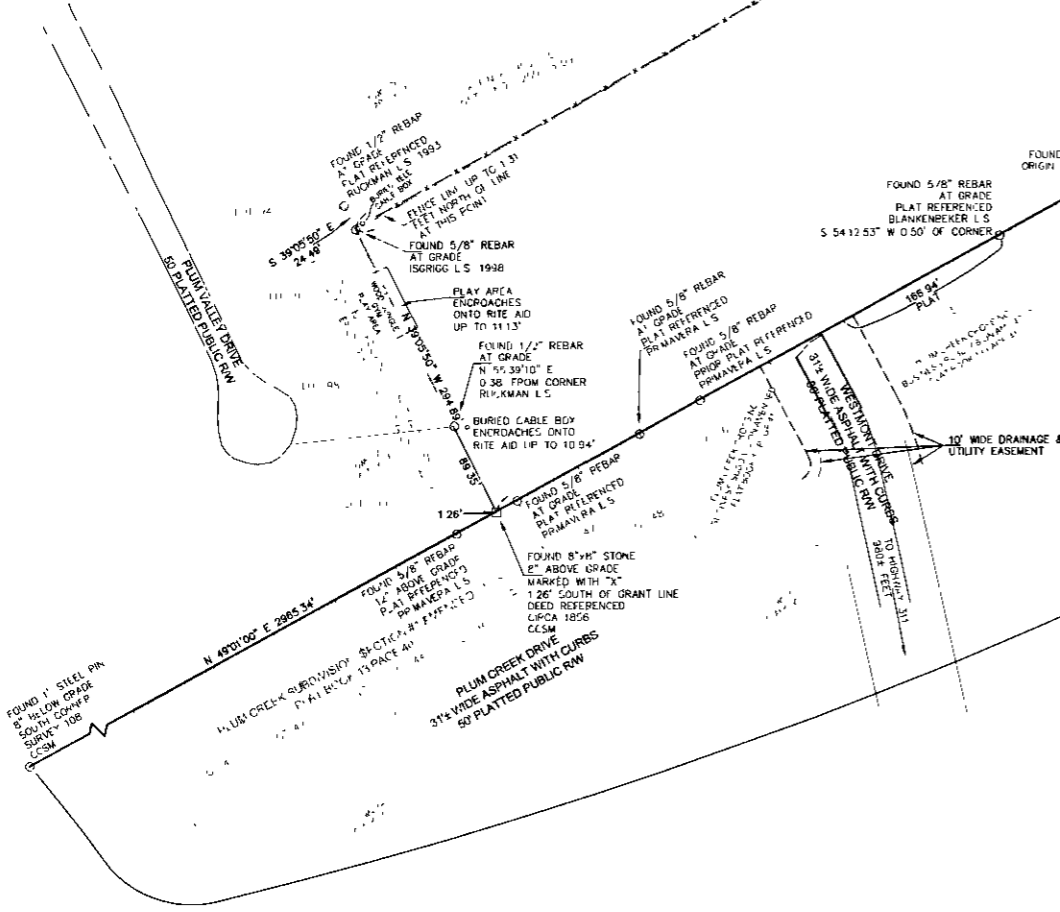
SURVEYORS REPORT

1. This is a retracement survey of Johnson 24-18552 and Wells 21-12893 now conveyed to Rite-Aid DD 30-16823 with a consolidated description created by this surveyor and hereby updated to show an as-built condition and a subdivision into two parcels with proposed descriptions shown hereon. The Wells deed calls for a 13 acre parcel along the grant line and lots in the original Town of Hamburg. The deed has an error of closure of 0.17 feet. The stone monument was set on this stone and the line to the real corner monument of Survey 108, as called for in the deed condition. No uncertainty is identified with these corners.
2. The Town of Hamburg is located adjacent to the 13 acre parcel by deed and in this survey. No original monumentation is found but this has little effect on this parcel due to the fact that Wells clearly owns the land between the 13 acre parcel and the State Road Right-of-Way setoff which is located from the Right-of-Way fence posts. The State Highway deed has significant gaps with the Grant line and Wells Northwest line although it specifically calls for these. Other than that the deed fits the Right-of-Way posts exactly in between. This was obviously due to the Surveyor not being able to locate or approximate these lines.
3. The SWD deed simply excepts the Wells description. The plat of Plum Run overlaps the Wells deed up to 0.53 feet due to the surveyor, Ruckman L.S. using a fence line of possession to establish the line. This line is also honored in this survey. All the Deeds adjoining Wells along the Grant line are consistent calling for the grant line.
4. The Johnson deed describes a parcel between the grant line and S.R. 31W. It has a start distance which varies approximately 43 feet long from the North line of Survey 88. As established by a stone found on the line between Johnson and Pinsky which is an obvious line of possession and has a State Road right-of-way monument at the South end as shown on the plat. The Pinsky deed is consistent with Johnson as is Knight, Casey, Vick and Schmitt.
5. The Johnson deed has an error of closure of 24.45 feet which appears to be an error in the 1195.3 foot more or less call. A 1/2" iron pin found near Wells North corner is, I believe, a Ruckman L.S. monument for the adjoining development but is not mentioned in the deed or any plat of record. It varied 3.84 feet from Wells corner and 1.53 feet encroaching on Wells. There is however an old fence line along this line which encroaches up to 1.53 feet on Wells. The new Consolidated description resolved these issues with the prior deeds.
6. The fence along the Northwest line varied off line up to 1.31 feet as shown. A play area encroaches into Rite Aid up to 11.13 feet as shown. These may create issues of adverse possession, use or acquiescence that you may wish to discuss with an attorney. This surveyor does not know the age and or origin of these.
7. Topcon GTS 3D total station TU#0 Q338 FT/1100 FT.
8. Class "C" survey 0.5a.
9. Date of Field Work 3/22/09, September 2008, and 8/08/2008. Date of Court House Research 6/08/2008.
10. The Maximum RPA between any two points on this survey is 0.247 feet satisfying the Indiana Rule 12 requirements for an Urban Survey.
11. It is my professional opinion that the uncertainty with the corners and lines of this survey, based upon weighted assessment of the evidence discussed and/or illustrated hereon, is 0.247 feet.
12. This survey is performed without the benefit of review of a title search. Therefore this site may be subject to restrictions and or easements of record not shown. This site may also contain buried structures or utilities, which are not identifiable within the context of this survey, which may constitute easements or other liabilities.
13. Bearings and distances are record and measured unless otherwise noted.

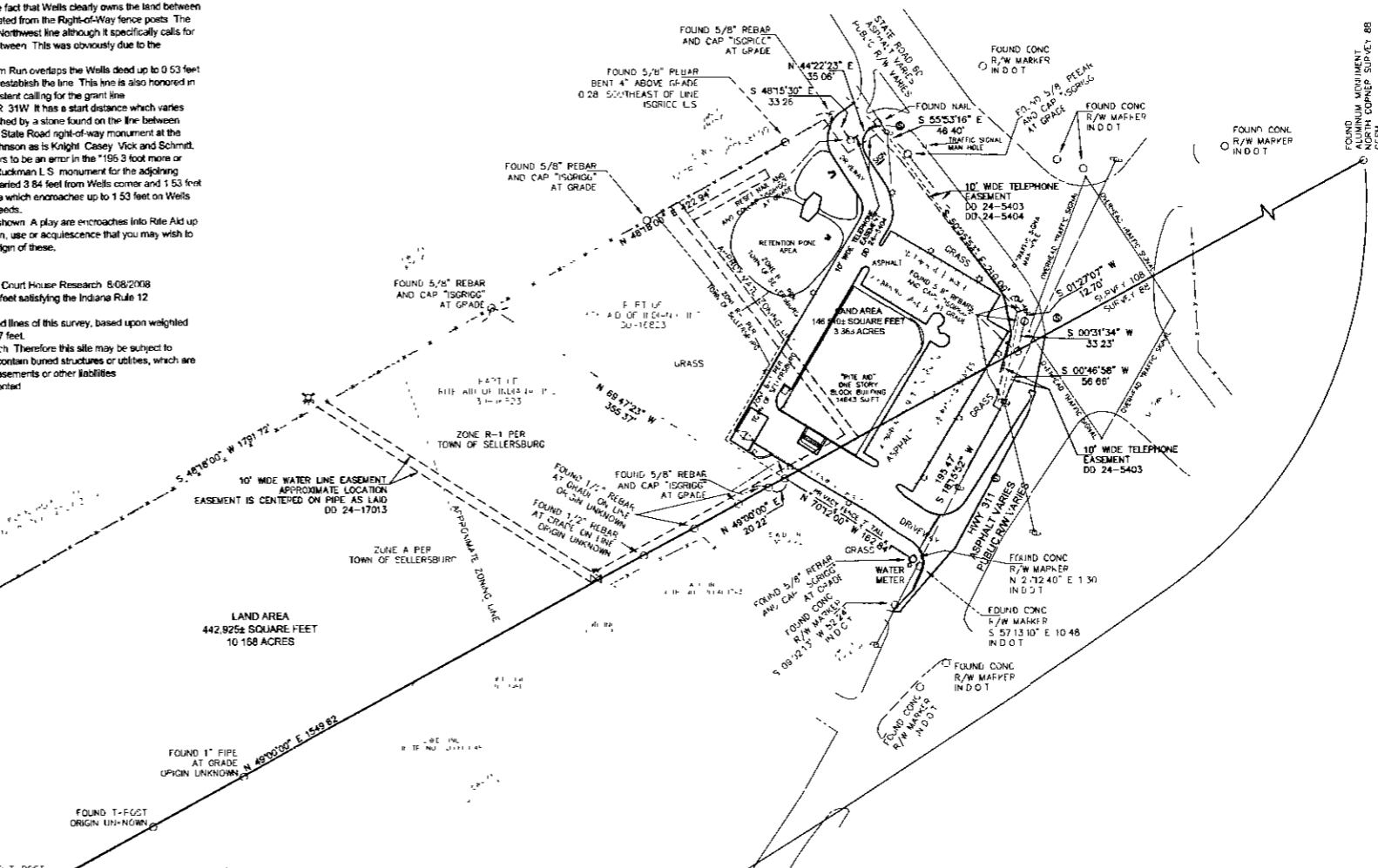


THIS SITE IS LOCATED IN A ZONE C FIRM MAP # 180426 0125 C FEB 18, 1983

SYMBOL LEGEND	
	UTILITY POLE
	LIGHT POLE
	CATCH BASIN
	GAS VALVE
	SANITARY SEWER MAN HOLE
	GUY WIRE ANCHOR
	STORM SEWER MAN HOLE
	HANDICAP PARKING
	WATER VALVE
	FIRE HYDRANT



LEGAL DESCRIPTION REMAINING PARCEL
 A part of Survey #88 & 108 of the Illinois Grant, and a part of the lands described in Rite Aid DD 30-16823 Silvercreek Township, Clark County, Indiana, described as follows:
 Beginning at a 1" steel pin at the South corner of Survey #108
 Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point
 Thence S 39°05'50" E a distance of 1.26 feet to a 5/8" Stone, said point being the TRUE POINT OF BEGINNING,
 Thence North 69°47'23" East, a distance of 294.88 feet to a 5/8" rebar found,
 Thence North 68°47'23" East, a distance of 1,368.78 feet to a 5/8" rebar set
 Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
 Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF BEGINNING
 Containing 10.168 acres.



APPROVED BY THE TOWN OF SELLERSBURG
 DATE _____
 BY _____

LEGAL DESCRIPTION RITE AID STORE SITE
 A part of Survey #88 & 108 of the Illinois Grant line and a part of Lots #30 & 31 of the Town of Hamburg as recorded in Plat Book 3 Page 49, Silvercreek Township, Clark County, and a part of the lands described in Rite Aid DD 30-16823, Indiana, described as follows:
 Beginning at a 1" steel pin at the South corner of Survey #108,
 Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point,
 Thence S 39°05'50" E a distance of 1.26 feet to a 5/8" Stone,
 Thence North 69°47'23" East, a distance of 1,549.62 feet to a 5/8" rebar set, THE TRUE POINT OF BEGINNING,
 Thence North 69°47'23" West, a distance of 355.37 feet to a 5/8" rebar set,
 Thence North 48°18'00" East, a distance of 422.94 feet to a 5/8" rebar set,
 Thence South 48°15'30" East, a distance of 33.26 feet to a nail and collar set,
 Thence North 44°22'23" East, a distance of 35.05 feet to a nail and collar,
 Thence South 55°53'18" East, a distance of 46.40 feet to a 5/8" rebar set,
 Thence South 50°05'53" East, a distance of 210.00 feet to a 5/8" rebar set,
 Thence South 01°27'07" West, a distance of 12.70 feet to a 5/8" rebar set,
 Thence South 00°31'34" West, a distance of 33.23 feet to a 5/8" rebar set,
 Thence South 00°46'58" West, a distance of 56.66 feet to a 5/8" rebar set,
 Thence South 18°15'52" West, a distance of 195.47 feet to a 5/8" rebar set,
 Thence North 70°12'00" West, a distance of 162.84 feet to a 5/8" rebar set,
 Thence South 49°00'00" West, a distance of 20.22 feet, TO THE TRUE POINT OF BEGINNING
 Containing 3.363 acres.

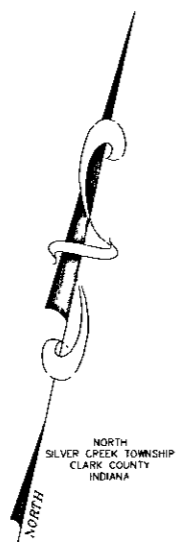
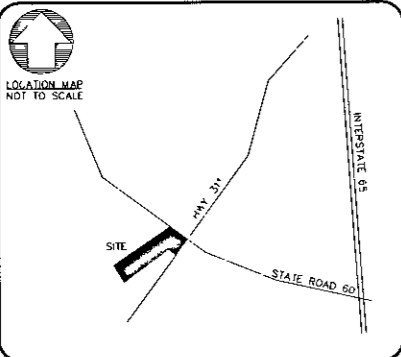
BOB ISGRIGG & ASSOCIATES
 CIVIL ENGINEERS / LAND SURVEYORS
 518 E. COURT AVENUE, JEFFERSONVILLE, IN 47130
 (812) 295-1011 Phone | (812) 285-1012 Fax
 http://www.InkyLandSurvey.com

MINOR PLAT FOR: RITE AID (HAMBURG, INDIANA)

PROFORMA

DRAWN BY: BKN
 CHECKED BY: RLI
 SCALE: 1"=60'
 DATE: 3/22/2009
 REVISIONS: 1/15/2009
 JOB NO.: 0501-30-15

SHEET NO. 1 of 1



SURVEYORS REPORT

1. This is a replacement survey of Johnson 24-1952 and Wells 21-12863 now conveyed to Rite-Aid DD 30-16823 with a consolidated description created by this surveyor and hereby updated to show an as-built condition and a subdivision into two parcels with proposed descriptions shown hereon. The Wells deed calls for a 13 acre parcel along the grant line and lots in the original Town of Hamburg. The deed has an error of closure of 0.17 feet. The stone called for at the South corner was found as shown on a Legal Survey by McDaniel County Surveyor 1856. The 13 acre parcel was set on this stone and the line to the east corner monument of Survey 106, as called for in the deed. This stone varies 1.26 feet off the original grant line between the County Surveyor referenced corners found in good condition. No uncertainty is identified with these corners.

2. The Town of Hamburg is located adjacent to the 13 acre parcel by deed and in this survey. No original monumentation is found but this has little effect on this parcel due to the fact that Wells clearly owns the land between the 13 acre parcel and the State Road Right-of-Way setback which is located from the Right-of-Way fence posts. The State Highway deed has significant gaps with the Grant line and Wells Northwest line although it specifically calls for the Surveyor not being able to locate or approximate these lines.

3. The SWD deed simply excepts the Wells description. The plat of Plum Run overlaps the Wells deed up to 0.53 feet due to the surveyor, Ruckman L.S., using a fence line of possession to establish the line. This line is also honored in this survey. All the Deeds adjoining Wells along the Grant line are consistent calling for the grant line.

4. The Johnson deed describes a parcel between the grant line and S.R. 31W. It has a start distance which varies approximately 43 feet long from the North line of Survey 58. As established by a stone found on the line between Johnson and Pinkley which is an obvious line of possession and has a State Road right-of-way monument at the South end as shown on the plat. The Pinkley deed is consistent with Johnson as is Knight, Casey, Vok and Schmitt.

5. The Johnson deed has an error of closure of 24.45 feet which appears to be an error in the "196.3 foot more or less" call. A 1/2" iron pin found near Wells North corner is, I believe, a Ruckman L.S. monument for the adjoining development but is not mentioned in the deed or any plat of record. It varied 3.84 feet from Wells corner and 1.53 feet encroaching on Wells. There is however an old fence line along this line which encroaches up to 1.53 feet on Wells. The new Consolidated description resolved these issues with the prior deeds.

6. The fence along the Northwest line varied off line up to 1.31 feet as shown. A clay jar encroaches into Rite Aid up to 11.13 feet as shown. These may create issues of adverse possession, use or acquiescence that you may wish to discuss with an attorney. This surveyor does not know the age and or origin of these.

7. Topcon GTS 3D total station TU-0 0338 FT/1000 FT

8. Class "C" survey 0.5s.

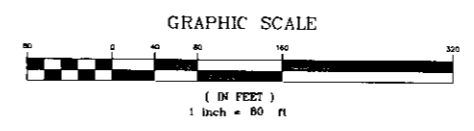
9. Date of Field Work: 3/2/08, September 2006, and 8/08/2008. Date of Court House Research: 8/08/2008

10. The Maximum RPA between any two points on this survey is 0.247 feet satisfying the Indiana Rule 12 requirements for an Urban Survey.

11. It is my professional opinion that the uncertainty with the corners and lines of this survey, based upon weighted assessment of the evidence discussed and/or illustrated hereon, is 0.247 feet.

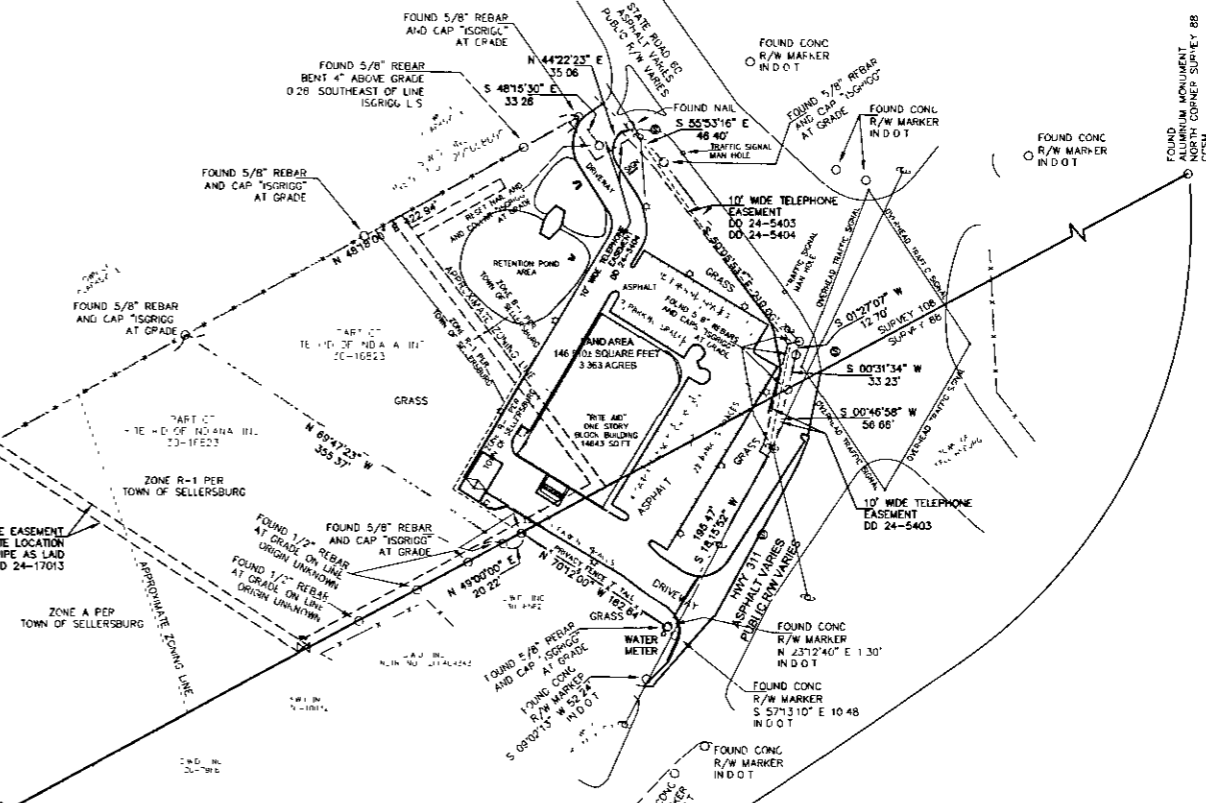
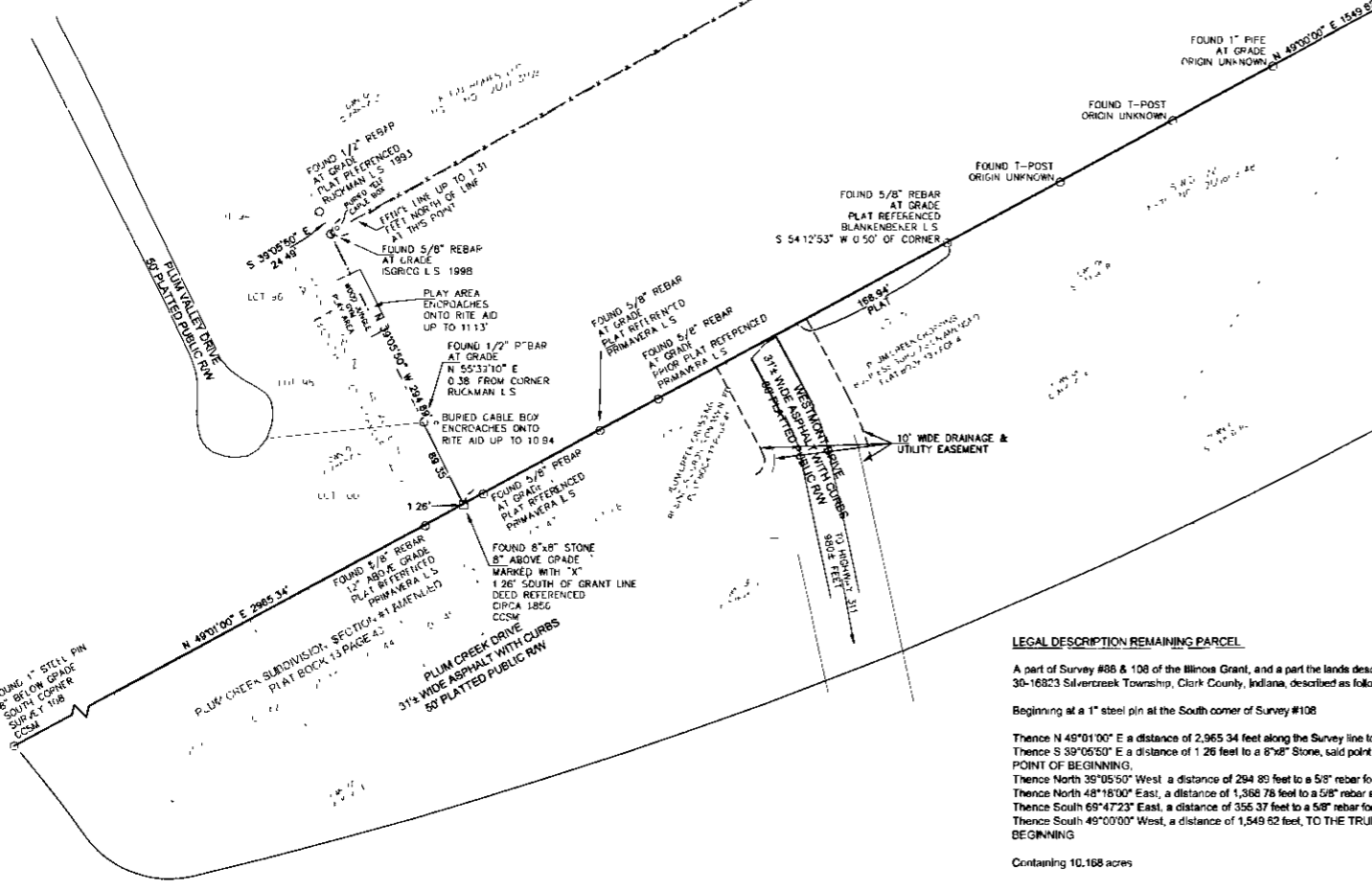
12. This survey is performed without the benefit of review of a title search. Therefore this site may be subject to restrictions and or easements of record not shown. This site may also contain buried structures or utilities which are not identifiable within the context of this survey, which may constitute easements or other liabilities.

13. Bearings and distances are record and measured unless otherwise noted.



THIS SITE IS LOCATED IN A ZONE C FIRM MAP # 180426 0125 C FEB 18, 1983

SYMBOL LEGEND	
	UTILITY POLE
	LIGHT POLE
	CATCH BASIN
	GAS VALVE
	SANITARY SEWER MAN HOLE
	GUY WIRE ANCHOR
	STORM SEWER MAN HOLE
	HANDICAP PARKING
	WATER VALVE
	FIRE HYDRANT



APPROVED BY THE TOWN OF SELLERSBURG
 DATE _____
 BY _____

LEGAL DESCRIPTION RITE AID STORE SITE

A part of Survey #88 & 108 of the Illinois Grant line and a part of Lots #30 & 31 of the Town of Hamburg as recorded in Plat Book 3 Page 49, Silvercreek Township, Clark County, and a part of the lands described in Rite Aid DD 30-16823, Indiana, described as follows:

Beginning at a 1" steel pin at the South corner of Survey #108,

Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point
 Thence S 39°05'50" E a distance of 1.26 feet to a 5/8" Stone,
 Thence North 49°00'00" East, a distance of 1,549.62 feet to a 5/8" rebar set, THE TRUE POINT OF BEGINNING,
 Thence North 69°47'23" West, a distance of 355.37 feet to a 5/8" rebar set,
 Thence North 48°18'00" East, a distance of 422.94 feet to a 5/8" rebar set,
 Thence South 48°15'52" East, a distance of 33.26 feet to a nail and collar set,
 Thence North 44°22'23" East, a distance of 35.06 feet to a nail and collar,
 Thence South 55°53'16" East, a distance of 46.40 feet to a 5/8" rebar set,
 Thence South 00°05'53" East, a distance of 210.00 feet to a 5/8" rebar set,
 Thence South 01°27'07" West, a distance of 12.70 feet to a 5/8" rebar set,
 Thence South 00°31'34" West, a distance of 33.23 feet to a 5/8" rebar set,
 Thence South 00°46'58" West, a distance of 56.65 feet to a 5/8" rebar set,
 Thence South 18°15'52" West, a distance of 196.47 feet to a 5/8" rebar set,
 Thence North 70°12'00" West, a distance of 162.84 feet to a 5/8" rebar set,
 Thence South 49°00'00" West, a distance of 20.22 feet, TO THE TRUE POINT OF BEGINNING

Containing 3.363 acres

LEGAL DESCRIPTION REMAINING PARCEL

A part of Survey #88 & 108 of the Illinois Grant, and a part of the lands described in Rite Aid DD 30-16823 Silvercreek Township, Clark County, Indiana, described as follows:

Beginning at a 1" steel pin at the South corner of Survey #108

Thence N 49°01'00" E a distance of 2,965.34 feet along the Survey line to a point,
 Thence S 39°05'50" E a distance of 1.26 feet to a 5/8" Stone, said point being the TRUE POINT OF BEGINNING,
 Thence North 39°05'50" West a distance of 294.89 feet to a 5/8" rebar found
 Thence North 48°18'00" East, a distance of 1,368.78 feet to a 5/8" rebar set,
 Thence South 69°47'23" East, a distance of 355.37 feet to a 5/8" rebar found,
 Thence South 49°00'00" West, a distance of 1,549.62 feet, TO THE TRUE POINT OF BEGINNING

Containing 10.168 acres

BOB ISGRIGG & ASSOCIATES
 CIVIL ENGINEERS / LAND SURVEYORS
 518 E. COURT AVENUE | JEFFERSONVILLE, IN 47130
 (812) 285-1011 | Phone | (812) 285-1012 | Fax
 http://www.InkyLandSurvey.com

MINOR PLAT FOR: RITE AID (HAMBURG, INDIANA)

THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION ACCORDING TO THE REQUIREMENTS OF TITLE 985 I.A.C. 1-2

PROFORMA

DRAWN BY	BKN
CHECKED BY	R.L.I.
SCALE	1"=80'
DATE	3/22/2008
REVISION	1/15/2009
JOB NO	0601-30-5