

FCO 2010-XXIV

**Floyd County Board of Commissioners
Ordinance Pertaining to Establishment of Planned Unit Development
(PUD- Savannah Gardens)**

Whereas, the Floyd County Board of Commissioners met on October 19, 2010, in this matter pursuant to IC 36-7-4-1500; and

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation (7-0- of the proposed Planned Unit Development known as Knob Hill. The zoning classification has amended as follows:

1. The following parcel described as follows: Legal Description Exhibit A and B, see attached be changed from Residential Suburban to Planned Unit Development PD-RS-03 to permit a unified residential development on a 5.0 acre +/- in accordance with Exhibit C proposed Plan Unit Development Detail Plan, attached, and
2. The land use for this PD-RS-03 shall be limited to a unified residential development as described in the Proposed Plan Unit Development District.
 - i. The Planned Unit Development District PD-RS-03 shall be developed in conformance with the PUD plan, said plan presented and received a favorable recommendation at the Floyd County Plan Commission meeting on October 19, 2010, which was given a favorable recommendation.
3. The applicant has provided written commitments as part of the proposed development and those commitments will be recorded in the Floyd County Recorder's Office and listed as Exhibit D.

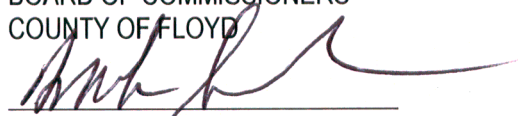
Whereas, the Plan Commission held a public hearing on the matter on August 16, 2010 and September 20, 2010 and heard from both proponents and opponents of the proposed Plan Unit Development to the zoning ordinance and zoning map.

NOW, THEREFORE,

BE IT RESOLVED that Floyd County Zoning Ordinance and Map is amended as indicated on the attached exhibits items.

SO RESOLVED this 19th day of Oct 2010.

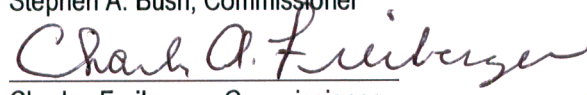
BOARD OF COMMISSIONERS
COUNTY OF FLOYD



D. Mark Seabrook, President

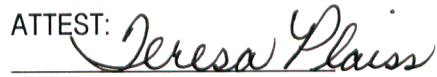


Stephen A. Bush, Commissioner



Charles Freiburger, Commissioner

ATTEST:



Teresa Plaiss, County Auditor

Exhibit B
Legal Description

See Attached Legal Description

Grantee's Address: 2709 Blackiston Mill Road, Clarksville, Indiana 47129
Tax Statement Mailing Address: 2709 Blackiston Mill Road, Clarksville, Indiana 47129
Key No.: 22-05-10-700-023.000-007 &
22-05-10-700-005.000-007

WARRANTY DEED

THIS INDENTURE WITNESSETH, that MITCHELL & LOMAX, LLC, an Indiana limited liability company, having its principal office at 7727 County Line Road, New Albany, Floyd County, Indiana 47150, as Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged,

CONVEYS AND WARRANTS

to SAVANNAH GARDENS LLC, an Indiana limited liability company, having an address of 2709 Blackiston Mill Road, Clarksville, Clark County, Indiana 47129, as Grantee, that certain real property located in Floyd County, Indiana, more particularly described as:

Being a 5.1407 acre part of Survey No. 107 of the Illinois Grant, situated in New Albany Township, Floyd County, Indiana and being more fully described as follows, to-wit:

Commencing at a found Road Nail at the corner common to Surveys No. 106 and No. 107 and also being in the line of Survey No. 85, all of the Illinois Grant; thence North 35° 55' 23" West along the line common to Surveys No. 107 and No. 106, a distance of 2097.03 feet to a set MAG Nail at the most westerly corner of Plat No. 973, said Mag Nail also being in the 30 foot public right-of-way of Chapel Lane, said Mag Nail also being at the most southerly corner of a tract of land conveyed by Lawrence E. Russell to Dorothy Russell by deed as recorded in Instrument No. 940003565 in the Floyd County, Indiana Recorder's Office and being the True Place of Beginning of land to be herein described:

Thence continuing North 35° 55' 23" West along said line dividing I.G. 106 and I.G. 107 and the southwesterly line of said Russell's tract, 199.80 feet to a Set Steel Pin with Surveyor's Cap (SPC) "Jordan", hereinafter described as Set SPC; thence North 53° 03' 47" East along the line dividing said Russell's tract of land from the Leslie G. Cole tract of land as recorded in Instrument No. 920004549, a

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

APR 03 2008

Jeanne D. Plais
AUDITOR FLOYD CO. IND.

distance of 200.00 feet to a Set SPC; running thence North 35° 55' 23" West along the northeasterly line of said Cole and through the land heretofore conveyed to William C. Bline, Sr. and Sharon E. Bline as Trustees of the Bline Living Trust by deed as recorded in Inst. No. 200207592, a distance of 200.20 feet to a set SPC on the southeasterly line of a 0.976 acre parcel of land heretofore conveyed to William and Sharon Inzer by deed as recorded in Deed Record 163, Page 84 of said Floyd County Records; thence North 53° 03' 47" East along the southeasterly line of said 0.976 acre parcel and an 8.6675 acre tract of land heretofore conveyed to said William and Sharon Inzer by deed as recorded in Deed Drawer 10, Instrument No. 5121 of said Floyd County Records, 460.00 feet to a Set SPC at the most westerly corner of Lot No. 27 of Chapel Creek Subdivision, Section Two, Plat No. 980 of the Floyd County Record of Plats; thence South 35° 55' 23" East along a southwesterly line of said Plat No. 980, a distance of 400.00 feet to a Set SPC at Russell's most easterly corner and being at the most northerly corner of Lot No. 10 of Chapel Creek Subdivision, Section One, Plat No. 973; thence South 53° 03' 47" West along Russell's southeasterly line and a northwesterly line of said Plat No. 973, a distance of 660.00 feet to the Place of Beginning and containing 5.1407 acres of land.

Subject, however, to the right of way of said Chapel Lane Road and also being subject to any other easements and rights-of-way, whether recorded or not.

TAX IDENTIFICATION NOS.: 22-05-10-700-023.000-007 and 22-05-10-700-005.000-007;

This conveyance is made subject to all applicable easements, rights-of-way, restrictions, and agreements of record.

Real estate taxes having been apportioned between Grantor and Grantee herein, Grantee hereby assumes and agrees to pay the first (Spring/May) installment of real estate taxes for the year 2007, payable in 2008, and all subsequent real estate taxes.

The undersigned person executing this deed represents and certifies on behalf of Grantor that he/she is fully empowered and authorized by the Operating Agreement and/or resolution or member consent of Grantor to execute and deliver this Warranty Deed; that Grantor is a limited liability company in good standing in the State of Indiana; that Grantor has full capacity to convey the real estate described; and that all necessary company or member action necessary for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 1st day of

April, 2008.

MITCHELL & LOMAX, LLC,
an Indiana limited liability company

By: *D Mitchell*
Dale Mitchell, Member

By: *Suzann Mitchell*
Suzann Mitchell, Member

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

BEFORE ME, the undersigned, a Notary Public in and for the above-named County and State, this 1st day of April, 2008, personally appeared Dale Mitchell and Suzann Mitchell, as Members of Mitchell & Lomax, LLC, an Indiana limited liability company, and being duly sworn, acknowledged the execution of the foregoing Warranty Deed on behalf of said company.

WITNESS my hand and notarial seal.

Keith D. Mull
Keith D. Mull, Notary Public

My commission expires:
March 21, 2015

Resident of Floyd County, Indiana

This instrument prepared by:
Keith D. Mull
MULL & HEINZ, LLC
2867 Charlestown Road
New Albany, Indiana 47150
(812) 206-2315



* 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. Keith D. Mull

Exhibit C - Development Standards

1. The Planned Unit Development incorporates all of the Floyd County Zoning Ordinance requirements set forth in Floyd County Zoning Ordinance (FCO 2006-6 amended March 15, 2010) with the following exceptions.

Residential Phase District (RS) Development Standards:

Residential Phase (RS) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	.09 Acre
Minimum Lot Width (See 5.02 for additional standards)	52 Feet – Subdivision Street
Minimum Lot Frontage (See 5.02 for additional standards)	52 Feet - Subdivision Street
Primary Structure Height	30 Feet
Accessory Structure Height	N/A
Water	Requires connection to public water
Sanitary Sewer	May requires connected to sanitary sewer system
Primary Structure Front Yard Setback	19 Feet Subdivision Street
Primary and Accessory Structure Side Yard Setback	0 Feet
Primary Structure Rear Yard Setback	20 Feet
Accessory Structure Rear Yard Setback	NA
Maximum Primary Structure(s) per Lot	1
Minimum Ground Floor Area	1,400 Square feet
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	60 Percent

Additional Development and Performance Standards

Residential Phase Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03,
Accessory Uses/Structures	5.04, 5.08
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	
Loading	
Manufactured Housing	
Parking	5.18,
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26,
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36,
Temporary Uses	5.38

Exhibit D
Written Commitments

COPY

Certification of Action

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-608, and hereby certifies that the attached resolution is a true and accurate copy of a Resolution regarding an amendment to the Floyd County Zoning Map as part of its meeting on October 18, 2010. The attached Resolution is available for review in the Office of the Floyd County Plan Commission and accurately reflects the vote of the Floyd County Plan Commission approving the map amendment.



Linda Barksdale, Executive Plan Director
Floyd County Plan Commission

COPY

**Floyd County Plan Commission
Resolution Pertaining to Amendment to the Floyd County Zoning Map**

WHEREAS, the Floyd County Plan Commission met on October 18, 2010, and conducted a public hearing on this matter pursuant to I.C. 36-7-4-608; and

WHEREAS, the Plan Commission heard from both proponents and opponents of the zoning map amendment and voted to forward a/an:

- Favorable
- Unfavorable
- No Recommendation

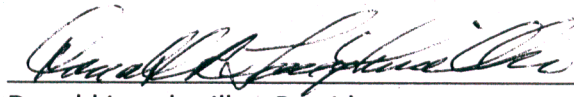
for the project know as *Savannah Gardens* by a vote of 7 - 0; 0 abstaining.

NOW THEREFORE,

BE IT RESOLVED that the Floyd County Zoning Map is amended as indicated on Exhibit "A"

BE IT FURTHER RESOLVED that the staff of the Floyd County Plan Commission shall forward a certified copy of this resolution to the Floyd County Commissioners for any further action which they may desire.

SO RESOLVED this 18th day of October, 2010.



Donald Loughmiller, President
Floyd County Plan Commission

Attest:



Linda Barksdale, Executive Plan Director
Floyd County Plan Commission

DECISION:

Upon careful review, The Floyd County Plan Commission hereby makes:

- A Favorable Recommendation
- An Unfavorable Recommendation
- No Recommendation

to the County Commissioners concerning the Petitioner's Planned Unit Development Application

at the meeting held on the 18th day of October, 2010.

Commission Members in Favor:

Charles L. Zipp
Charles A. Freiberger
Chris Lane
John Schell
Calvin Kelly
Mark Kelly

Commission Members Opposed:

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission and hereby certifies that the attached Recommendation on PUD is a true and accurate copy of the Recommendation as made at its regularly scheduled meeting on the 18 day of OCTOBER, 2010. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: Oct. 18, 2010

Linda Barksdale


 Linda Barksdale, Director
 Floyd County Plan Commission

Savannah Gardens, LLC
2709 Blackiston Mill Road
Clarksville, IN 47129
Office 812-944-5961
Fax 812- 941-5579

BE IT KNOWN, this letters acknowledges the agreement to build 6 ft. ~~tall walls~~, ^{tall brick walls JWC}
measuring from the Savannah Gardens side, behind lot 1 through 9 and lot 24 through
30, with lot 1 through 9 being built first.

The walls will be built as the units are constructed. Lot 1 through 4 will be one
building and 5 through 9 will be one building, with no gaps being left in the wall. For
example, if the wall for lot 5 through 9 is built first then the wall for lot 1-4 will be built
at the same time.

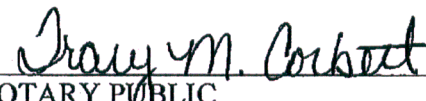
Any tree buffering needed along the north side will be done with the approval of
the Plan Commission.



Jeffery A. Corbett

Before me, a Notary Public, in and for said County and State, personally
appeared, Savannah Gardens LLC, by and through its member,
Jeffery A. Corbett, and by his signature on this instrument acknowledges
the execution of this agreement.

WITNESS my hand and seal, this 27 day of September, 2010



NOTARY PUBLIC

Tracy M. Corbett

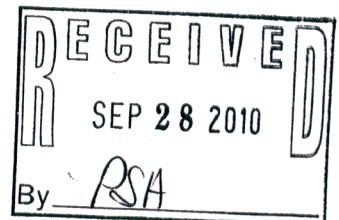
PRINTED NAME

My Commission Expires:

02-18-11

Resident of Clark Co., Indiana

THIS INSTRUMENT PREPARED BY:
Jeffery A. Corbett



hand delivered by

