

**ORDINANCE NO. FCO-2017-8**  
**ORDINANCE AMENDING THE ZONING**  
**ORDINANCE AND MAP OF**  
**FLOYD COUNTY, INDIANA**  
**MARCH 7, 2017**

WHEREAS, an application (Docket #08-16-23) was properly filed with the Floyd County Plan Commission by Christopher Didelot and Chad Didelot (1.6 acres) and Christopher Didelot, Chad Didelot Robert Didelot, Mary Ellen Didelot Koopman, Dorothy Didelot Krueer, Donald J. Didelot, Patricia C. King, David E. Didelot, Joseph M. Didelot, Mary A. Moberly, Francis A. Didelot and William P. Didelot (6.39 acres) by their legal representative and by their attorneys, Young, Lind, Endres & Kraft, by John A. Kraft, for the rezoning from Residential in the Highlander Point Gateway Overlay District to HS (Highway Service) in the Highlander Point Gateway Overlay District of certain real estate located in the County of Floyd, the legal description of which is more specifically described in Exhibit "A", attached hereto and becoming part of as if the same were set out herein (the "Real Estate"); and

WHEREAS, the time and place of the meeting of the Floyd County Plan Commission was properly noticed and advertised for a meeting to take place on December 19, 2016 at 6:00 p.m. at the Pineview Government Center in New Albany, Indiana; and

WHEREAS, the Plan Commission members present and voting on December 19, 2016 at the hour scheduled and noticed for said meeting, voted to send the matter to the Floyd County Commissioners with an unfavorable recommendation without any written commitments from the applicant; and

WHEREAS, the Real Estate is subject to the Development Standards of the Highway Service District and also the Highlander Pont Gateway District that require the approval of a Development Plan in accordance with Floyd County Zoning Ordinance (Article Nine, Section 9.02) and also the more stringent development standards of the Highlander Point Gateway Overlay District (Article 8, Section 8.05 *et seq.*); and

WHEREAS, since the meeting of the Floyd County Plan Commission on December 19, 2016, the applicant has agreed to a written commitments that any "Development Plan" presented to the Floyd County Plan Commission in accord with the Floyd County Zoning Ordinance would also include the Plan Commission's right to review the "motor vehicle circulation" plan (Section 8.06 (D)) not only within the bounds of the Real Estate but also review relating to access (both ingress and egress) to and from the above Real Estate to the public roads, including Highway 150, and improvements thereto in accord with the Indiana Department of Transportation ("InDOT").

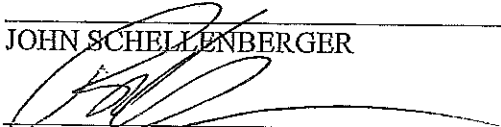
WHEREAS, the Commissioners of Floyd County, Indiana hereby, after careful consideration and with the inclusions of the applicant agreeing to the written commitment concerning motor vehicle circulation being part of the Plan Commission review of the Development Plan as required under the Floyd County Zoning Ordinance in the Highlander Point Gateway Overlay District above, hereby amend the Zoning Ordinance of the County of Floyd, to provide for said rezoning from Residential to HS (Highway Service) of the Real Estate in the Highlander Point Gateway Overlay District.

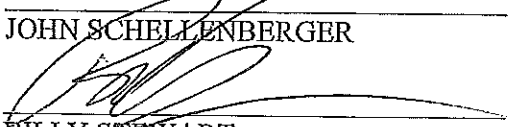
BE IT THEREFORE ORDAINED by the Commissioners of Floyd County, Indiana, that the Zoning Ordinance of Floyd County, Indiana, be, and it is hereby amended and further that the Zoning Map of Floyd County, Indiana, shall hereafter indicate the Real Estate described herein, which is more particularly described in Exhibit "A", attached hereto is hereby rezoned from Residential to HS (Highway Service), with the written commitment from the owners concerning motor vehicle circulation being part of the Plan Commission review of the Development Plan as required under the Floyd County Zoning Ordinance in the Highlander Point Gateway Overlay District not only within the bounds of the Real Estate but also review relating to access (both ingress and egress) to and from the above Real Estate to the public roads including Highway 150, and improvements thereto in accord with the Indiana Department of Transportation ("InDOT").

Passed and adopted by the Commissioners of Floyd County, Indiana on the 7th day of March, 2017.


FLOYD COUNTY COMMISSIONERS:

  
D. MARK SEABROOK, President

  
JOHN SCHELLENBERGER


  
BILLY STEWART


ATTEST:

  
SCOTT CLARK, AUDITOR

7.47 +/- acres, in a Planned Unit Development-Neighborhood Commercial (PD-NC) zone. Georgetown Township, Section 1, Township 3 South, Range 5 East.

Tabled at the request of the applicant

 **Docket FC-08-16-22:** Request for a **Zoning Amendment** by **Didelot Family Members** to change the property zoning from Agricultural Residential (AR) to Highway Services (HS). The property is located immediately south of the crossover of I-64 and IN-150 on .73 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

 John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft stated that DOCKET FC-08-16-22 is requested to be tabled until such time that Docket FC-08-16- 23 and Docket FC-08-16- 24 have been dealt with.

**Docket FC-08-16- 23:** Request for a **Zoning Amendment** by **Didelot Family Members** to change the zoning of the properties from Residential Suburban (RS) to Highway Services (HS). The properties are located at 4511 Old Vincennes Road 7.84 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft requested to table until the December 19<sup>th</sup> meeting.

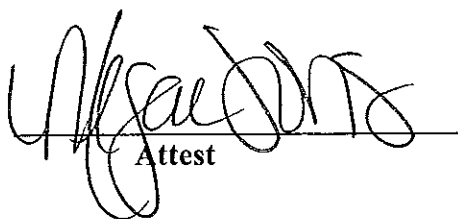
**Docket FC-08-16- 24:** Request for a **Zoning Amendment** by **Didelot Family Members** to change the zoning of the properties from Park/Recreation (PR) to Highway Services (HS). Properties are located near Old Vincennes Road and Highway 150 on 22 +/- acres in Lafayette Township, Section 30, Township 2 South, Range 6 East.

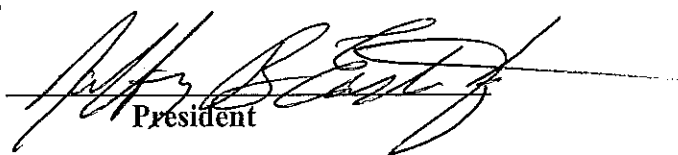
John Kraft represented the applicant and answered questions directed by the Board.

Mr. Kraft requested to table until the December 19<sup>th</sup> meeting.

**Motion:** 6:07 pm, **Action:** Adjourn, **Moved** by John Schellenberger, **Seconded** by Jeff Eastridge. Motion passed unanimously.

Adopted this 19<sup>th</sup> day of December, 2016

  
Attest

  
President

# FLOYD COUNTY PLAN COMMISSION

## ZONING AMENDMENT BALLOT

Docket No. FC-08-16-24

Petitioner's Name: John Kraft for The Didelot Family

STATUTORY AUTHORITY:

Indiana Code § 36-7-4-608

ORDINANCE AUTHORITY:

Floyd County Zoning Ordinance 2006

In reviewing the zoning amendment petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following: (1) The Floyd County Comprehensive Plan and any other applicable, adopted planning studies or reports; (2) The current conditions and the character of current structures and uses in each district; (3) The most desirable use of which the land in each district is adapted; (4) The conservation of property values throughout Floyd County; and (5) Responsible growth and development.

DECISION:

After careful review, the Floyd County Plan Commission finds that:

1. The re-zoning of the subject property (IS IS NOT) consistent with the Floyd County Comprehensive Plan because:

*of location*

2. The re-zoning of the subject property (IS IS NOT) consistent with the current conditions and the character of current structures and uses in the area because:

*the existing infrastructure will not support the change.*

3. The re-zoning of the subject property (IS / IS NOT) necessary for the most desirable use of the land because:

*of the undesirable effects ~~of the~~ from the property to be developed.*

4. The re-zoning of the subject property (WILL NOT WILL) be injurious to the value of other properties in the area because:

*of the buffered area*

5. The re-zoning of the subject property (WILL / WILL NOT) support responsible growth and development in the area because:

*of the safety issues to the public*

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 Zoning Amendment Application at the meeting held on the 19 day of DEC, 2016.

A favorable recommendation is made based on the following written commitments:

1. \_\_\_\_\_  
\_\_\_\_\_
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\_\_\_\_\_



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

WHEREAS, the Floyd County Plan Commission met on December 19, 2016 and conducted a public hearing on this matter, Docket FC-08-16-24 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 Recommendation  
 Unfavorable Recommendation  
 No Recommendation

For the project known as *Didelot Family Members by John Kraft* by a vote of 6 - 2.  
1 Abstained


NOW THEREFORE,

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 19 day of December, 2016.

  
\_\_\_\_\_  
Paul Maymon, President  
Floyd County Plan Commission

Attest:

  
\_\_\_\_\_  
Linda Barksdale, Executive Plan Director  
Floyd County Plan Commission

Delivered to  
Teresa 11/3/17 9:13 AM



Floyd County Government  
Floyd County, Indiana



## FLOYD COUNTY PLAN COMMISSION

Linda Barksdale, *Executive Plan Director*

Pine View Government Center • 2524 Corydon Pike, Suite 203 • New Albany, IN 47150

Phone: (812) 948-5441 • Fax: (812) 941-4571 • [lbarksdale@floydcounty.in.gov](mailto:lbarksdale@floydcounty.in.gov)

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December 27, 2016

John Kraft  
126 W. Spring Street  
New Albany, IN 47150

RE: Docket FC-08-16-23  
FC-08-16-24

Mr. Kraft,

On **December 19, 2016** the Floyd County Plan Commission provided an unfavorable recommendation for your project being sent to the Commissioners.

For additional information regarding the Commissioners meeting please contact their office, 812-948-5466.

Should you have any questions, please feel free to contact the office.

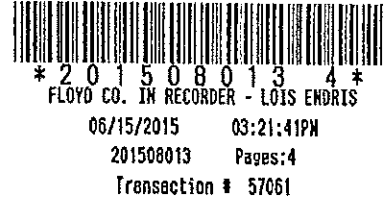
Sincerely,

A handwritten signature in cursive script that reads "Linda Barksdale".

Linda Barksdale  
Executive Director

LSB/mj





FLOYD COUNTY ASSESSOR

JUN 15 2015

PARCEL NO. 22-04-03-000-324.000-006 and  
22-04-03-000-265.000-006

**PERSONAL REPRESENTATIVE'S DEED**

THIS INDENTURE WITNESSETH, that MARY I. DIDELOT is the Personal Representative of the Estate of JAMES E. DIDELOT, who died on December 26, 2014. This estate is pending as Case Number 22C01-1503-EU-000040 in Floyd County, Indiana. The Personal Representative, pursuant to the Last Will and Testament of James E. Didelot and by virtue of the power given a Personal Representative under Indiana law, hereby

DISTRIBUTES TO

Donald J. Didelot, Patricia C. King, David E. Didelot, Joseph M. Didelot, Mary A. Moberly, Francis A. Didelot and William P. Didelot, the decedent's undivided one-fifth (1/5) interest in the following described real estate situated in Floyd County, Indiana:

Being a 6.39 acre parcel of land lying in Section 30, Township 2 South, Range 6 East, Lafayette Township, Floyd County, Indiana, same being part of those same lands conveyed to Frank Didelot as described in Deed Record 82, Page 475 and Deed Record 200, Page 477, same being bounded as follows: Commencing at a stone at the center of said Section 30; thence South 00 deg. 11'44" West a distance of 377.84 feet to a point, being the true place of beginning herein; thence South 83 deg. 37'13" East with the South right of way of Old Vincennes Road, a distance of 23.62 feet to an existing iron pin; thence South 69 deg. 20'53" East with said R/W a distance of 154.67 feet to a stone; thence South 40 deg. 34'20" West leaving said road, a distance of 110.80 feet to an existing iron pin; thence South 00 deg. 13'11" West with the Didelot East line, a distance of 702.18 feet to a point; thence South 44 deg. 03'37" East a distance of 408.70 feet to a point; thence South 44 deg. 34'00" East a distance of 280.80 feet to a point; thence

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For Transfer

JUN 15 2015

  
AUDITOR FLOYD CO. IND.

South 00 deg. 00'00" East a distance of 28.50 feet to a point; thence North 44 deg. 34'00" West with the North R/W of I-64, a distance of 241.10 feet to a point; thence North 44 deg. 03'37" West with said R/W, a distance of 408.70 feet to a stone; thence North 43 deg. 56'48" West with said R/W, a distance of 288.92 feet to a set 5/8" steel pin and cap; thence North 28 deg. 17'58" West with said R/W, a distance of 415.69 feet to an existing iron pin; thence North 00 deg. 01'35" West with Ed Didelot's East line, a distance of 406.58 feet to a stone; thence South 63 Deg. 33'25" East with the South R/W of said Old Vincennes Road, a distance of 215.58 feet to a stone; thence South 83 deg. 37'13" East with said R/W, a distance of 112.09 feet to the place of beginning.

ALSO, being a 0.73 acre parcel of land lying in Section 30, Township 2 South, Range 6 East, Lafayette Township, Floyd County, Indiana. Beginning at the South quarter corner of said Section 30; thence North 88 deg. 41'57" East a distance of 96.00 feet to a found stone, point being the true place of beginning; thence North 46 deg. 27'02" East a distance of 4.80 feet to a point in the South right of way of I-64; thence North 67 deg. 37'51" East with said right of way fence, a distance of 366.87 feet to a point; thence South 74 deg. 50'33" East with said right of way, a distance of 120.46 feet to a set 5/8" steel pin and cap in the East line of Didelot; thence South 00 deg. 13'11" West a distance of 78.29 feet to a found stone; thence South 85 deg. 52'04" West a distance of 459.91 feet to the place of beginning.

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

Being the same undivided one-fifth (1/5) interest in the real estate conveyed to James E. Didelot by Personal Representative's Deed dated February 14, 2001 and recorded on February 16, 2001, as Instrument No. 200102031 in the Floyd County Recorder's Office.

TO HAVE AND TO HOLD the same unto the Grantees, in fee simple forever as tenants in common.

IN WITNESS WHEREOF, the said Personal Representative, MARY I. DIDELOT, has hereunto signed her name this 3 day of JUNE, 2015.

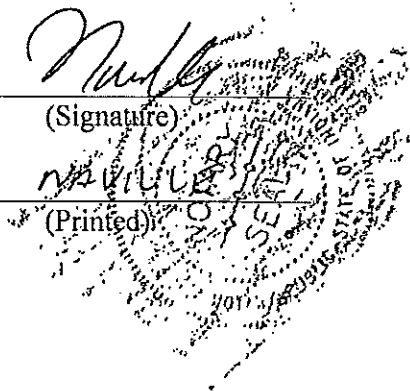
Mary I. Didelot  
MARY I. DIDELOT  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF JAMES E. DIDELOT

STATE OF INDIANA )  
  ) :SS  
COUNTY OF FLOYD)

BEFORE me, the undersigned, a Notary Public for FLOYD County, State of Indiana, personally appeared MARY I. DIDELOT, and acknowledged the execution of this instrument this 3 day of JUNE, 2015.

County of Residence: FLOYD

My Commission Expires:  
SEP. 7, 2022

Timothy J. Maxwell  
NOTARY PUBLIC (Signature)  
TIMOTHY J. MAXWELL  
NOTARY PUBLIC (Printed)  


Grantees' Present Mailing address:

Donald J. Didelot  
2074 N. Luther Rd.  
Georgetown, IN 47122

Patricia C. King  
6100 Buttontown Rd.  
Greenville, IN 47124

David E. Didelot  
2358 Spickert Knob Rd.  
Floyds Knobs, IN 47119

Joseph M. Didelot  
3830 Edwardsville-Galena Rd.  
Georgetown, IN 47122

Mary A. Moberly  
P.O. Box 102  
Floyds Knobs, IN 47119

Francis A. Didelot  
7898 Dutch Court  
Avon, IN 46123

William P. Didelot  
7290 W. 600 S.  
New Palestine, IN 46163

Address of Property conveyed:  
4511 Old Vincennes Road  
Floyds Knobs, IN 47119

THIS INSTRUMENT PREPARED BY:

Timothy J. Naville  
Indiana Attorney No. 15516-22  
LORCH NAVILLE WARD, LLC  
P.O. Box 1343, 506 State Street  
New Albany, IN 47151-1343  
(812) 949-1000  
FAX (812) 949-3773

I AFFIRM UNDER THE PENALTIES OF PERJURY THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THE DOCUMENT UNLESS REQUIRED BY LAW. TIMOTHY J. NAVILLE

Tjn/mad/41403



Township 2 South, Range 6 East, Lafayette Township, Floyd County, Indiana. Beginning at the South quarter corner of said Section 30; thence North 88 deg. 41' 57" East a distance of 96.00 feet to a found stone, point being the true place of beginning; thence North 46 deg. 27' 02" East a distance of 4.80 feet to a point in the South right of way of I-64; thence North 67 deg. 37' 51" East with said right of way fence, a distance of 366.87 feet to a point; thence South 74 deg. 50' 33" East with said right of way, a distance of 120.46 feet to a set 5/8" steel pin and cap in the East line of Didelot; thence South 00 deg. 13' 11" West a distance of 78.29 feet to a found stone; thence South 85 deg. 52' 04" West a distance of 459.91 feet to the place of beginning.

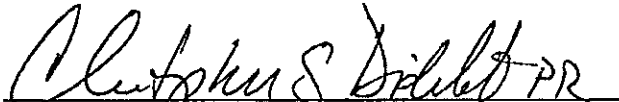
Subject to any and all liens, zoning, conditions, reservations, easements and/or restrictions of public record that may apply to the above described real estate.

Being the same one-fifth (1/5) interest conveyed to Edward L. Didelot by a Personal Representative's Deed dated February 14, 2001 and recorded in the office of the Floyd County Recorder as Instrument No. 200102031 on February 16, 2001.

TO HAVE AND TO HOLD, the same unto said grantees, their heirs and assigns, in fee simple forever, as tenants in common, and not as joint tenants.

IN WITNESS WHEREOF, said Christopher Didelot, being the duly appointed personal representative for the estate of Edward L. Didelot, has hereunto set his hand and seal this

January 15, 2014.

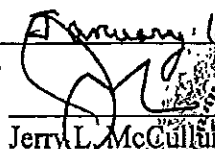

  
Christopher Didelot, personal representative for the estate of Edward L. Didelot

STATE OF INDIANA        }  
  }  
  }        SS:  
COUNTY OF FLOYD        }

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Christopher Didelot, as the duly appointed personal representative for the estate of Edward L. Didelot, and acknowledged the execution of said deed to be his voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this January 15, 2014

My Commission expires: July 16, 2017  
County of residence: Floyd County, IN


  
Jerry L. McCullum  
Notary Public  


**This Instrument Prepared by:**  
Jerry L. McCullum, No 21261-22  
McCullum Law Office LLC  
1811 State Street  
New Albany, IN 47150  
812-945-9225

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

*mccl*

JAN 23 2014

  
 \* 2 0 1 4 0 0 5 8 3 3 \*  
 FLOYD CO. IN RECORDER - LOTS ENDRIS  
 01/23/2014 11:19:12AM  
 201400583 Pages:3  
 Transaction # 43402

Mail Tax Statements To:  
 Christopher Didelot  
 7149 Navilleton Road  
 Floyds Knobs, IN 47119

State ID. 22-04-03-000-098.000-006

**PERSONAL REPRESENTATIVE'S DEED**

Christopher Didelot, being the duly appointed Personal Representative for the estate of Edward L. Didelot, which estate is pending in the Floyd County Circuit Court under Cause Number 22C01-0505-EU-84, by virtue of the power and authority granted to a personal representative under the Indiana Code proceeding under Unsupervised Administration, hereby distributes to:

CHRISTOPHER DIDELOT AND CHAD DIDELOT

with respective addresses at 7149 Navilleton Road, Floyds Knobs, Indiana 47119 and 3608 Sunrise Circle, Jeffersonville, IN 47130, the estate's undivided one-half (1/2) interest in the following described real estate in Floyd county, State of Indiana, to-wit:

Part of the Southwest quarter of Section 30, Township 2 South, Range 6 East, more particularly described as follows: Beginning at the Southeast corner of the Southwest quarter of Section 30, Township 2 South, Range 6 East, thence Eastwardly along the South line of said Section 96 feet to a point in the east property line of grantors; thence northwardly with said east property line, and parallel to the east line of said quarter section to a point 147 feet south of the center line of the relocated Old Vincennes Road, said point being where said property line diverges eastwardly; thence continuing north and parallel with said quarter section line 147.0 feet to a point in the center of the Old Vincennes Road; thence northwestwardly along the center line of the relocated Old Vincennes Road 457.2 feet to a point, which is the true place of beginning of the tract to be herein described; thence South (parallel with and 400 feet west of the grantor's East property line) 499.5 feet to a stone on the northeasterly right-of-way line of U.S. No. 150; thence Northwestery along said U.S. 150 right-of-way line to the North line of the Southwest quarter of said section No. 30; thence East along said quarter section line to the center line of the relocated Old Vincennes Road, thence Southeastwardly along the center line of said Old Vincennes Road to the true place of beginning, containing 1.6 acres, more or less.

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 For Transfer

JAN 23 2014

  
 AUDITOR FLOYD CO. IND.

Excepting therefrom so much thereof as is included in the tract of



land conveyed by Markus Rouck and wife, to Sophia C. Behmer, wife of Henry Behmer by deed dated May 7, 1900, and recorded in Deed Book 49 page 370 of the records in the office of the Recorder of Floyd County, Indiana, and later described in the warranty deed from Laura J. Buerk and Harry A. Buerk, her husband, to Frank E. Didelot dated February 8, 1930, recorded in Deed Record 88 Page 475 of the Floyd County, Indiana Records.

This conveyance is subject to the right-of-way appropriated by the Indiana State Highway Commission in an action in the Floyd Circuit Court, Cause #34726, dated June 13, 1966 and recorded in Order Book 93 page 341.

The grantor hereby also quit-claims to the grantees, all of its right, title and interest, if any, in and to a strip of land 70 feet wide adjoining the westerly property line of the tract herein conveyed, which lies within the U.S. 150 Highway right-of-way appropriation.

The grantor also conveys unto the grantees herein, the non-exclusive use of a 60 foot right-of-way for ingress and egress from the Old Vincennes Road, lying on the north side of a line described as follows: Beginning on the East line of the above 1.6 acre tract at a stone 192.9 feet south of the center line of the relocated Old Vincennes Road (described above in this conveyance as the true place of beginning), thence running East 193 feet to a stone, thence South 83° East, 130.0 feet to a stone thence northeasterly 34 feet to the center line of the Old Vincennes Road.

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

Being the same real estate conveyed by Frank E. Didelot and Emma B. Didelot, husband and wife, to Edward L. Didelot and Brenda J. Didelot, husband and wife, by Warranty Deed dated December 16, 1975 and of record in the office of the Floyd County Recorder in Drawer No. 2 with Instrument No. 7195. Being ½ of the grantees' interest under Grund vs. Grund, 648 N.E. 2d 1182 (IN Court of Appeals 1995)

TO HAVE AND TO HOLD, the same unto said grantees, their heirs and assigns, in fee simple forever, as tenants in common, and not as joint tenants.

**IN WITNESS WHEREOF**, said Christopher Didelot, being the duly appointed personal

representative for the estate of Edward L. Didelot, has hereunto set his hand and seal this

January 15, 2014.

Christopher Didelot  
Christopher Didelot, personal representative for the  
estate of Edward L. Didelot

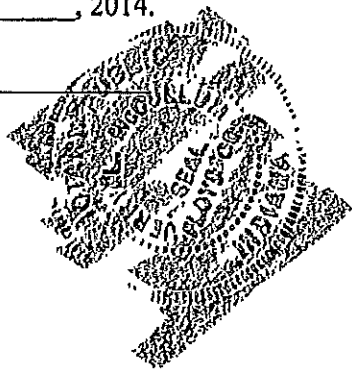
STATE OF INDIANA     }  
                                  }     SS:  
COUNTY OF FLOYD    }

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Christopher Didelot, as the duly appointed personal representative for the estate of Edward L. Didelot, and acknowledged the execution of said deed to be his voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL this January 15, 2014.

My Commission expires: July 16, 2017  
County of residence: Floyd County, IN

Jerry L. McCullum  
Jerry L. McCullum  
Notary Public



This Instrument Prepared by:  
Jerry L. McCullum, No 21261-22  
McCullum Law Office LLC  
1811 State Street  
New Albany, IN 47150  
812-945-9225

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