

**FLOYD COUNTY BOARD OF COMMISSIONERS
ORDINANCE PERTAINING TO MAP AMENDMENTS TO THE
FLOYD COUNTY ZONING ORDINANCE**

WHEREAS, the Floyd County Board of Commissioners met on March 18th, 2025, on this matter pursuant to IC 36-7-4-608; and

WHEREAS, the Board received from the Floyd County Plan Commission no recommendation on the proposed zoning map amendment from General Commercial (GC) to Multi-family Residential (MF) (Exhibit A – Location Map; Exhibit B - Legal Descriptions; Exhibit C – Plan Commission Action Certification); and

WHEREAS, the Plan Commission heard from both proponents and opponents of the map amendments to the zoning ordinance in accordance with IC 36-7-4-604.

NOW, THEREFORE, BE IT ORDAINED that the Floyd County Zoning Ordinance Map is amended as indicated on the attached exhibits.

Adopted and passed this 1st day of April 2025.

BOARD OF COMMISSIONERS,
COUNTY OF FLOYD



Al Knable, President



Jason Sharp, Commissioner



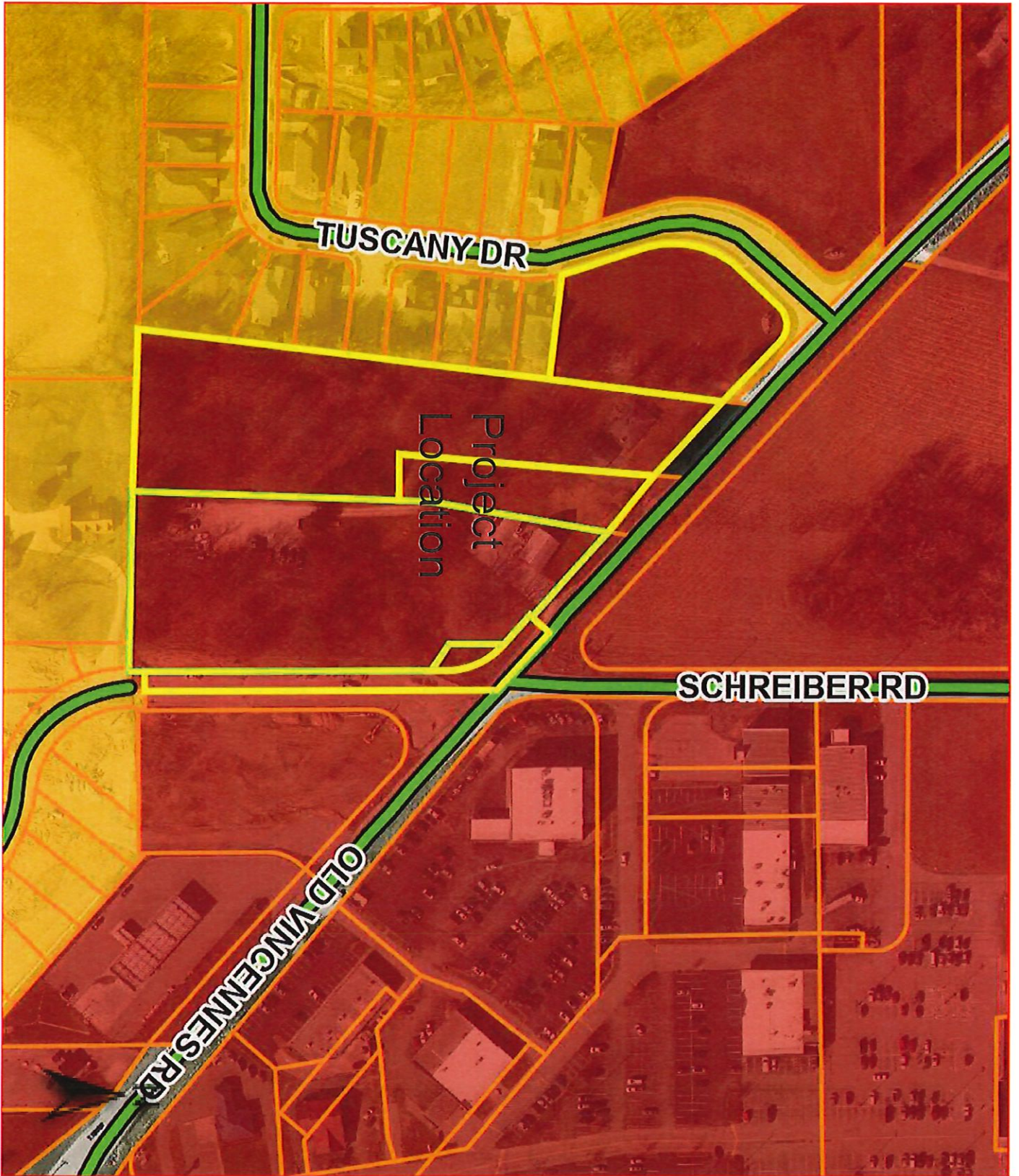
Frank Loop, Commissioner

ATTEST:



Diana Topping, County Auditor

Exhibit A: Location Map



- Parcels
- County Zone Map
- AR - Agriculture
 - RR - Rural Residential
 - RS - Residential Suburban
 - RU - Residential Urban
 - MF - Multi-Family
 - NC - Neighborhood Commercial
 - HS - Highway Service
 - GC - General Commercial
 - PR - Park
 - GI - General Industrial
 - OB - Office Business
 - PU - Plan Unit
 - Other Values

Key Nos.: 22-02-02-500-043.000-002 (002-05000-42)
22-02-02-400-021.000-002 (002-04400-22)

Page 1

7, A DISTANCE OF 253.21 FEET TO AN IRON PIPE; THENCE NORTH 0 DEG. 39' 42" EAST, 379.49 FEET TO AN IRON PIPE; THENCE NORTH 8 DEG. 36' 20" EAST, 262.07 FEET TO AN IRON PIN IN THE CENTERLINE OF THE OLD VINCENNES ROAD; THENCE SOUTH 49 DEG. 08' 50" EAST, ALONG SAID CENTERLINE, 260.95 FEET TO AN IRON PIN ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION NO. 25, TOWNSHIP 2 SOUTH, RANGE 5 EAST; THENCE SOUTH 1 DEG. 30' EAST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID LOT NO. 7, A DISTANCE OF 469.14 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.0527 ACRES OF LAND.

TRACT 2:

Being a 19.4306 acre part of Lots 6 and 7, Partition Plat No. 370 of the Floyd County, Indiana Record of Plats and being a part of the land heretofore conveyed to Kenneth P. and Lillian S. Wells by deed as recorded in Deed Record 206, Page 546 of the Floyd County, Indiana Record of Deeds and being a part of the Northeast Quarter of Section No. 25, Township 2 South, Range 5 East and a part of the Southeast Quarter of Section No. 24, Township 2 South, Range 5 East, situated in Georgetown Township, Floyd County, Indiana and being more fully described as follows, to-wit:

Commencing at an iron pin at the southeast corner of Lot No. 7 of said Plat 370 and running thence North 89° 44' 37" West along the south line of said Lot No. 7, a distance of 457.00 feet to an iron pipe, the true place of beginning of land to be herein described:

Thence continuing North 89° 44' 37" West along said south line of Lot No. 7, a distance of 864.83 feet to an iron pipe; thence North 1° 07' 06" West along the west line of said Plat No. 370 a distance of 924.08 feet to an iron pipe; thence North 88° 43' 16" East, 787.03 feet to a Railroad Spike in the center of the Old Vincennes Road (30 foot RJW); thence South 47° 11' 07" East along the centerline of the Old Vincennes Road, 236.13 feet to an iron pin; thence South 5° 37' 03" West 788.64 feet to the place of beginning and containing 19.4306 acres of land.

This conveyance is made subject to all easements, rights-of-way, restrictions, and agreements of record, including without limitation, that certain Real Estate Contract (the "Contract") between the Grantor, as Buyer, and D. Brown Roll Revocable Living Trust dated February 16, 1998, D. Brown Roll, Trustee (the "Seller"), dated May 19, 2000, recorded as Instrument No. 200006638 in the Office of the Recorder of Floyd County, Indiana, and also subject to the term of years retained by the Seller pursuant to Paragraph 7 of the Contract, which provides as follows:

SELLER'S RETENTION OF TERM OF YEARS IN RESIDENCE.

Notwithstanding anything else contained herein to the contrary, Seller retains the right to use and benefit from the residence and garage, and one (1) acre, more or less (as determined by Seller in his discretion) immediate surround the same, until the happening of the earliest of the following events:

- a. The death of Seller and his spouse, if any;
- b. The permanent departure from the premises by Seller and his spouse, if any, i.e., departure for a period of at least six (6) consecutive months intending not to return to the premises;
- c. Written notification by Seller and/or his spouse, if any, of their readiness to terminate their rights of possession under this paragraph 7.

The Grantee hereby assumes and agrees to pay real estate taxes for the year 2009, payable in 2010, and all subsequent real estate taxes.

IN WITNESS WHEREOF, the Grantor hereby executes this Warranty Deed as of the 31st day of October, 2008.

SDR DEVELOPMENT, INC.,
an Indiana corporation

By: Steven L. Thieneman
Steven L. Thieneman, President

By: Donald J. Thieneman
Donald J. Thieneman, Secretary

STATE OF INDIANA)

COUNTY OF CLARK)

) SS:
)

2009 BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this day of April, 2009, personally appeared Steven L. Thieneman and Donald J. Thieneman, the President and Secretary, respectively, of SDR Development, Inc., an Indiana corporation, who acknowledged the execution of the foregoing Warranty Deed for and on behalf of said corporation.

WITNESS my hand and notarial seal.

My Commission expires:
August 4, 2009

Alan M. Applegate
Alan M. Applegate, Notary Public
Resident of Clark County



This Warranty Deed was prepared without the benefit of title work.
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
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

**THIS
STAMP FOR
SCANNING
PURPOSES
ONLY**

FLOYD COUNTY ASSESSOR

OCT 22 2015


* 2 0 1 5 1 4 5 1 4 3 *
FLOYD CO. IN RECORDER - LOIS ENDRIE
10/22/2015 11:05:58AM
201514514 Pages:3
Transaction # 65504

Key No.: 22-02-02-400-021.000-002

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that D. Brown Roll, individually ("Grantor"), for no consideration, for the purpose of extinguishing Grantor's life estate retained by Grantor in that certain Warranty Deed recorded July 6, 2009, in the recorder's office of Floyd County, Indiana, as Instrument No. 200907899,

CONVEYS AND QUITCLAIMS

unto Thieneman Group, LLC, an Indiana limited liability company ("Grantee") that certain real property together with all improvements, appurtenances, mineral rights and other interests belonging or appertaining thereto, located in Floyd County, Indiana, to wit:

See Exhibit A attached hereto and made a part hereof.

This conveyance is made subject to all applicable easements, rights-of-way, covenants, restrictions and mineral interest reservations of record.

TO HAVE AND TO HOLD all of Grantor's said right, title and interest in and to the subject property, together with all and singular the rights, privileges and appurtenances thereto and in anywise belonging, if any, unto Grantee, and Grantee's successors, legal representatives and assigns so that Grantor and Grantor's successors, legal representatives and assigns shall not have, claim or demand any right or title to same or any part thereof.

[SIGNATURE PAGE FOLLOWS]

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

OCT 22 2015


AUDITOR FLOYD CO. IND.

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed this 15
day of October, 2015.

GRANTOR:

D. Brown Roll
D. Brown Roll, individually

STATE OF FLORIDA)

COUNTY OF Lee)

The foregoing instrument was acknowledged, sworn to and subscribed before me this 15 day of October, 2015, by D. Brown Roll, individually.



M. P. Muldoon, II
Signature of Notary Public
M. Patrick Muldoon II
Name of Notary Public

Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

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 LLC
P. O. Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

Tax Statement Mailing Address:
5031 Old Vincennes Road
Floyds Knobs, Indiana 47119

233237

EXHIBIT A
LEGAL DESCRIPTION

Being a 19.4306 acre part of Lots 6 and 7, Partition Plat No. 370 of the Floyd County, Indiana Record of Plats and being a part of the land heretofore conveyed to Kenneth P. and Lillian S. Wells by deed as recorded in Deed Record 206, Page 546 of the Floyd County, Indiana Record of Deeds and being a part of the Northeast Quarter of Section No. 25, Township 2 South, Range 5 East and a part of the Southeast Quarter of Section No. 24, Township 2 South, Range 5 East situated in Georgetown Township, Floyd County, Indiana and being more fully described as follows, to-wit:

Commencing at an iron pin at the Southeast corner of Lot No. 7 of said Plat 370 and running thence North 89 degrees 44 minutes 37 Seconds West along the South line of said Lot No. 7, a distance of 457.00 feet to an iron pipe, the true place of beginning of land to be herein described.

Thence continuing North 89 degrees 44 minutes 37 seconds West along said South line of Lot No. 7, a distance of 864.83 feet to an iron pipe; thence North 1 degrees 07 minutes 06 seconds West along the West line of said Plat No. 370 a distance of 924.08 feet to an iron pipe; thence North 88 degrees 43 minutes 16 seconds East, 787.03 feet to a Railroad Spike in the center of the Old Vincennes Road (30 foot RJW); thence South 47 degrees 11 minutes 07 seconds East along the centerline of the Old Vincennes Road, 236.13 feet to an iron pin; thence South 5 degrees 37 minutes 03 seconds West 788.64 feet to the place of beginning and containing 19.4306 acres of land.

233237

**FLOYD COUNTY
ASSESSOR**

Jun/13/2024

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer
Jun 13 2024 - AM

Diana M. Zipping

AUDITOR FLOYD CO. IND.

E-RECORDED

202406240

FLOYD CO. IN RECORDER
LOIS ENDRIS

06/13/2024 08:18 AM

202406240 Pages: 5

Transaction # 4079952

WARRANTY DEED

GRANTEE'S ADDRESS: 5053 Old Vincennes Road
Floyds Knobs, IN 47119

MAIL TAX STATEMENTS TO: 5031 Old Vincennes Road
Floyds Knobs IN 47119

Key #002-05000-40 Parcel #22-02-02-500-041.000-002

Key #002-05000-41 Parcel #22-02-02-500-042.000-002

THIS INDENTURE WITNESSETH: That **TIMOTHY L. DETRICK** and
LANA F. DETRICK, husband and wife, of the County of Floyd, State of Indiana

CONVEY AND WARRANT

unto **THIENEMAN GROUP, LLC**, an Indiana limited liability company, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate situated in the County of Floyd, State of Indiana, and described as follows, to-wit:

BEING A 3.0000 ACRE PART OF LOTS 6 AND 7, PARTITION PLAT NO. 370 OF THE FLOYD COUNTY, INDIANA RECORD OF PLATS, AND BEING A PART OF THE LAND HERETOFORE CONVEYED TO KENNETH P. AND LILLIAN S. WELLS BY DEED AS RECORDED IN DEED RECORD 206, PAGE 546 OF THE FLOYD COUNTY, INDIANA RECORD OF DEEDS, AND BEING A PART OF THE NORTHEAST QUARTER OF SECTION NO. 25, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SITUATED IN GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE FULLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT AN IRON PIN AT THE SOUTHEAST CORNER OF LOT NO. 7 OF SAID PLAT NO. 370 AND RUNNING THENCE NORTH 89 DEG. 44' 37" WEST, ALONG THE SOUTH LINE OF SAID LOT NO. 7, A DISTANCE OF 253.21 FEET TO AN IRON PIPE, THE TRUE PLACE OF BEGINNING OF THE LAND TO BE HEREIN DESCRIBED: THENCE CONTINUING NORTH 89 DEG. 44' 37" WEST, ALONG THE

SOUTH LINE OF SAID LOT NO. 7, A DISTANCE OF 203.79 FEET TO AN IRON PIPE; THENCE NORTH 5 DEG. 37' 03" EAST, 788.64 FEET TO AN IRON PIN IN THE CENTERLINE OF THE OLD VINCENNES ROAD; THENCE SOUTH 49 DEG. 08' 50" EAST, ALONG SAID CENTERLINE, 225.00 FEET TO AN IRON PIN; THENCE SOUTH 8 DEG. 36' 20" WEST, 262.07 FEET TO AN IRON PIPE; THENCE SOUTH 0 DEG. 39' 42" WEST, 379.49 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.0000 ACRES OF LAND.

SUBJECT, HOWEVER, TO THE RIGHT-OF-WAY OF THE OLD VINCENNES ROAD.

EXCEPTING THEREFROM: A PART OF LOT NO. 6 OF PARTITION PLAT NO. 370 AS RECORDED IN THE RECORDER'S OFFICE OF FLOYD COUNTY, INDIANA, AND A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FLOYD COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT (I202400219), MARKED "EXHIBIT "B", DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT NO. 7 OF SAID PARTITION PLAT NO. 370, SAID POINT ALSO BEING ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEG. 30' 48" WEST 457.00 FEET ALONG THE SOUTH LINE OF SAID LOT NO. 7 TO THE SOUTHWEST CORNER OF THE GRANTORS' LAND; THENCE NORTH 6 DEG. 50' 52" EAST 751.01 FEET ALONG THE WESTERN LINE OF THE GRANTORS' LAND TO THE NORTHEAST CORNER OF COMMERCIAL LOT NO. 2 AS PLATTED IN THE VILLAS OF FLOYD KNOBS SUBDIVISION, RECORDED AS PLAT NO. 1437 IN SAID RECORDER'S OFFICE, AND TO POINT "518" AS DESIGNATED ON SAID PARCEL PLAT AND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID WESTERN LINE NORTH 6 DEG. 50' 52" EAST 37.63 FEET TO THE NORTHWEST CORNER OF THE GRANTORS' LAND AND THE CENTER LINE OF OLD VINCENNES ROAD; THENCE SOUTH 47 DEG. 55' 01" EAST 125.00 FEET ALONG SAID CENTERLINE; THENCE SOUTH 4 DEG.

57' 24" WEST 39.97 FEET; THENCE NORTH 47 DEG. 46' 33" WEST, 115.98 FEET TO A POINT "517" AS DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 43 DEG. 39' 51" WEST 11.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.091 ACRES, MORE OR LESS.

FURTHER EXCEPTING THEREFROM: A PART OF LOT NO. 6 OF PARTITION PLAT NO. 370 AS RECORDED IN THE RECORDER'S OFFICE OF FLOYD COUNTY, INDIANA, AND A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FLOYD COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTORS' LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT, MARKED EXHIBIT "B" (DEED I202400219) DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT NO. 7 OF SAID PARTITION PLAT NO. 370, SAID POINT ALSO BEING ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEG. 30' 48" WEST 253.21 FEET ALONG THE SOUTH LINE OF SAID LOT NO. 7; THENCE ALONG AN EAST LINE PROLONGED AND EAST LINE OF GRANTORS' LAND NORTH 1 DEG. 53' 32" EAST 379.49 FEET TO AN EAST CORNER OF THE GRANTORS' LAND; THENCE NORTH 9 DEG. 50' 09" EAST 224.19 FEET ALONG AN EASTERN LINE OF THE GRANTORS' LAND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 48 DEG. 07' 34" WEST 11.61 FEET TO POINT "516" AS DESIGNATED ON SAID PARCEL PLAT; THENCE NORTH 47 DEG. 46' 33" WEST 84.48 FEET; THENCE NORTH 4 DEG. 57' 24" EAST 39.97 FEET TO THE CENTERLINE OF OLD VINCENNES ROAD; THENCE SOUTH 47 DEG. 55' 01" EAST 100.00 FEET TO THE NORTHEAST CORNER OF THE GRANTORS' LAND; THENCE SOUTH 9 DEG. 50' 09" WEST 37.88 FEET ALONG SAID EASTERN LINE TO THE POINT OF BEGINNING AND CONTAINING 0.072 ACRES, MORE OR LESS.

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

TO HAVE AND TO HOLD, the same unto said Grantee, its heirs and assigns, in fee simple forever.

The above-described real estate is conveyed free and clear of all liens and encumbrances, except the real estate taxes, which having been prorated to the date of closing, the Grantee hereby assumes and agrees to pay all taxes hereafter.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, this 12th day of JUNE, 2024.

Timothy L. Detrick (Seal)
Timothy L. Detrick

Lana F. Detrick (Seal)
Lana F. Detrick

STATE OF INDIANA)
COUNTY OF FLOYD) SS:

Before me, a Notary Public, in and for said County and State, personally appeared Timothy L. Detrick and Lana F. Detrick, husband and wife, and acknowledge the execution of the foregoing Deed to be their free and voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal, this 12th day of June, 2024.

My Commission Expires:

12-27-2025


Notary Public

John A. Kraft
Printed Name

Resident of Floyd County, IN

This Instrument prepared by:
YOUNG, LIND, ENDRES & KRAFT
JOHN A. KRAFT, Attorney
126 W. SPRING STREET
NEW ALBANY, INDIANA 47150
812-945-2555



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.

John A. Kraft



Floyd County
Department of Building & Development Services
2524 Corydon Pike Suite 203
New Albany, IN 47150
Phone: (812) 981-7611
Fax: (812) 948-4744
Building@floydcounty.in.gov

Exhibit C: Plan Commission Vote
and Certification

February 18, 2025

Re: FC-01-25-02

On February 10th, 2025 the Floyd County Plan Commission voted for no recommendation on the Docket number FC-01-25-02, Zoning Map Amendment request. Below is a summary of the vote with 5 in favor of the no recommendation and 3 against.

Motion: No Recommendation

Moved by: Frank Loop

Seconded by: Jeremy Shumate

Motion passed.

Yes- Gina Anderson, Jeremy Shumate, John Brinkworth, Victor Unruh, Frank Loop

No- Larry Bibelhauser, Jim Freiburger, Bruce Morris

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-608, and hereby certifies that the above referenced Recommendation on Zoning Amendment is a true and accurate copy of the Recommendation as made at its regularly scheduled meeting on the 10th day of February, 2025.

Date: 02/18/2025


Nicholas Creevy, Executive Plan Director
Floyd County Plan Commission