



VisitEvansville.com

201 NW Third Street, Ste. 410 Evansville, Indiana 47709
Phone: 431-7623 Fax: 431-421-2207



November 18, 2022

**Via Certified Mail
Return Receipt Requested
And USPS Regular Mail**

**RE: Petition for Rezoning and Special Use Designation
Evansville-Vanderburgh Convention & Visitors Commission Building
Corporation (the “CVB”)**

Dear Neighbor:

Please excuse us for another impersonal legal notice, but the County’s zoning code also requires us to send you this notice letter by certified mail. Additionally, we are also trying to send you this same notice electronically, via the neighborhood association’s e-mail list, and by regular USPS “snail” mail to ensure the ease of a timely delivery. So, please know you may receive duplicate copies of this letter.

When we met with your Neighborhood Association on September 27 at Faith Bible Church, we were not aware of the Redwood Apartments prior Use and Development Commitments that had been placed on the property (collectively, “Redwood UDC”). We have since learned that it is now required that we remove and replace that Redwood UDC as they require specific apartment limitations, which do not fit with the planned expansion of the Deaconess Sports Park. This Park expansion is what we discussed at that neighborhood meeting in late September.

As a result, it is now necessary that we first petition the Vanderburgh County Area Plan Commission (the “APC”) so that we can remove this Redwood UDC and replace it with the Use and Development Commitment that you prior received in September. Once this Redwood UDC is removed and replaced with our attached Amended Use and Development Commitment (“Amended CVB UDC”), the CVB will then proceed again toward also obtaining the Special Use designation with said Amended CVB UDC that we originally sought. That Special Use is before the Vanderburgh County Board of Zoning Appeals (the “BZA”).

We realize that this dual and duplicative process might be confusing. In simplest terms, this process is required because of the nature of land use controls and the character of this planned park expansion. There cannot be two different use and development commitments on a tract of property. Because there was this prior undiscovered Redwood UDC on this property the

CVB is acquiring, it must first be removed and replaced with the Amended CVB UDC. This first step of the process must be done through the APC, a quasi-legislative body. After this first step of the process has been completed, since the CVB's planned use of the property is a recreational park, there also must be a special use permit. Special use permits must go through the BZA, a quasi-judicial body separate from the APC.

The properties that will be a part of this expansion are the same: 3808 Heckel Road, 3816 Heckel Road, 3824 Heckel Road, 3900 Heckel Road, 3908 Heckel Road, 3916 Heckel Road, 4404 Heckel Road, 6316 Vieth Lane, 6332 Vieth Lane, 6416 Vieth Lane, 6434 Vieth Lane, 6500 Vieth Lane, 6514 Vieth Lane, 6536 Vieth Lane, 6610 Vieth Lane, and 6630 Vieth Lane, Evansville, Indiana 47725. The APC petition uses the term rezoning, but note that there will be no changes to the use categories, just the substituted Amended CVB UDC.

Do please understand, even though it is not required for the CVB to again file and agree to be bound by said attached Amended CVB UDC, which legally limits how this expanded park complex can be used under the special use designation sought, the CVB would prefer, as stated prior, to offer your neighborhood said Amended CVB UDC with the same lighting, sound system, fence buffer, and curfew covenants and restrictions as was agreed to with the Keystone Homeowner's Association on the existing Deaconess Sports Park. Additionally, we have revised the Amended CVB UDC to incorporate the requested language from the September 27 neighborhood meeting and to add language regarding trash dumpsters' locations like what was in the Redwood UDC.

Enclosed are copies of the following documents the CVB has filed regarding the proposed Special Use designation of this property:

1. Verified Petition for County Rezoning, including Proposed Site Plan of the expanded park complex planned;
2. Said Amended CVB UDC extending said existing restrictions to this real estate expansion being acquired; and
3. The formal Notice of Public Hearing (APC Form)

In our discussions with neighborhood association leadership, since nothing has materially changed in the planned park expansion or any of the documents associated with it, including the Amended CVB UDC, there appears to be no need for another neighborhood meeting at said church to discuss this matter. Nevertheless, your commentary is always appreciated. Therefore, if you have any questions or concerns, please do not hesitate to reach out to any of us at the e-mail addresses or phone numbers below.

The Vanderburgh County Zoning Code requires that within this notice letter we provide you the following information as to the currently scheduled hearings. The hearing for our petition filed with the Area Plan Commission will be before the Area Plan Commission ("APC") at a hearing to be held on **Thursday, December 1, 2022, at 3:00p.m.** in Room 301 (County/City Council Chambers) of the City-County Administration Building, Civic Center Complex, Evansville, Indiana. Following that hearing, there will be a hearing before the Vanderburgh County Commission on **Tuesday, December 13, 2022, at 3:00p.m.** in Room 301 (County/City Council Chambers) of the City-County Administration Building, Civic Center Complex,

Evansville, Indiana. Finally, there will be a hearing for the Special Use designation before the Board of Zoning Appeals (“BZA”) on **Thursday, December 15, 2022, at 3:00p.m.** in Room 301 (County/City Council Chambers) of the City-County Administration Building, Civic Center Complex, Evansville, Indiana.

While you are not required to attend any of these public meetings, we do greatly value your opinion on this matter. Please do not hesitate to call or e-mail me at aberggren@visitevansville.com and (812) 435-5770 (ext. 204) or Tim Fulton at tfulton@evansvillesportscomplex.com and (812) 401-1890. Additionally, you may call our attorney Mike Schopmeyer at Kahn, Dees, Donovan & Kahn, LLP at (812) 423-3183 ext. 2210 or e-mail him at mschopmeyer@kddk.com. Each one of us on our CVB team will be glad to hear from you, and answer all your questions and hear your perspective on the proposed project and the land use issues relating thereto.

Your support of this project is genuinely sought and greatly appreciated.

Sincerely,

**EVANSVILLE-VANDERBURGH
CONVENTION AND VISITORS
COMMISSION BUILDING CORPORATION**



Alexis Berggren, President

Enclosur

NOTICE OF PUBLIC HEARING
FOR COUNTY REZONING AND AMENDMENT TO THE COMPREHENSIVE ZONING MAP

TO: **ADJOINING PROPERTY OWNER**
FROM: Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation c/o G Michael Schnepfner
(Printed Name Of Owner, Authorized Agent, Petitioner)
DATE: 11/17/2022
(Date Of This Letter)
SUBJECT: **PETITION FOR REZONING**
APC DOCKET NO.: REZ-2022-037

This letter will serve notice to you of scheduled hearings of a petition for amendment of the Comprehensive Zoning Map which has been filed with the Area Plan Commission of Evansville and Vanderburgh County.

This proposed amendment is to allow a change in zoning from R3 and C4 with Use and Development Commitment to R3 and C4 with Amended Use and Development Commitment on the property located at:

See attached Exhibit "A" which is made a part hereof
(Street Address)

See attached Exhibit "A" which is made a part hereof
(Legal Description Of Property Or Provide Attached Description)

_____, situated in Vanderburgh County, Indiana,

Notice is hereby given that the **Area Plan Commission**, on Thursday, the 1st day of December, 2022 at 3:00 p.m. in the City Council Chambers, Room 301 of the Civic Center Complex, Evansville Indiana, will hold a public hearing to consider the proposed amendment, at the location identified above.

Notice is also hereby given that the **Vanderburgh County Commission**, on Tuesday, the 3rd day of December, 2022 at 3:00 p.m. in the City Council Chambers, Room 301 of the Civic Center Complex, Evansville Indiana, will hold a public hearing to consider this same proposed amendment.

If you have any questions regarding this petition please contact the following:

Petitioner:

Alvin Berg 812-435-5770 (ext. 204) aberggren@visitevansville.com
(Signature Of Owner, Authorized Agent, Petitioner) (Phone Number) (E-mail Address)

NOTE: If you have comments or concerns regarding this petition and are unable to attend the meeting, you may send an email to the Area Plan Commission at contactus@evansvilleapc.com, or send a letter to the Area Plan Commission at 1 N.W. Martin Luther King Jr. Blvd, Room 312, Evansville, Indiana 47708 stating your concerns or comments and it will be made part of the record.

RECEIVED

NOV 04 2022

PETITION FOR COUNTY REZONING
(Page 1 of 2)

AREA PLAN COMMISSION

For office use only	Filing Date: _____
APC Docket No.: <u>Rez-2022-037</u>	Ordinance No.: <u>VC-6-2022 - REVISED</u>
APC Meeting Date: <u>December 1, 2022</u>	Meeting Date: <u>December 13, 2022</u>
	County Commission

Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation c/o G. Michael Schopmeyer	812-423-3183	mschopmeyer@kddk.com	
(Printed Name of Owner of Record) (Or Entity and Registered Agent)	(Phone Number)	(E-mail Address)	
<u>20 NW Third Street, Suite 401</u>	<u>Evansville</u>	<u>IN</u>	<u>47708</u>
(Mailing Address of Owner of Record)	(City)	(State)	(Zip Code)

PREMISES AFFECTED:

Address of Property to be Rezoned: See attached Exhibit "A", which is made a part hereof

Parcel Identification Number(s): See attached Exhibit "A", which is made a part hereof

Legal Description: See attached Exhibit "A", which is made a part hereof
(If not located in a subdivision, attach a copy of the FULL legal description on a separate sheet)

Subdivision: _____ Block No.: _____ Lot No.: _____

Current Land Use: Vacant lot; undeveloped
(Write brief description of current use of property)

Proposed Land Use: Public park and recreational facility, including baseball complex (SU-7)
(Write brief description of proposed use of property)

Current Zoning: R3 and C4 with Use and Development Commitment Proposed Zoning: R3 and C4 with Amended Use and Development Commitment Lot Size (acres): 34.424 total
(Include if current UDC) (Include if proposed UDC)

Registered Neighborhood Associations: Bluegrass/Pigeon Neighborhood Association, Oak Hill Neighborhood Association, Keystone Homeowner's Association
(Located in or adjacent to)

AVAILABLE UTILITIES:

EWSU Water: EWSU Sewer: Gas: Electric: Private Water: _____ Private Sewer: _____

German Township Water: _____

ADDITIONAL INFORMATION FOR COMMERCIAL OR MULTI-FAMILY RESIDENTIAL PROJECTS:

No. of Employees: _____ No. of Company Vehicles: _____ No. of Seats: _____

(On largest working shift)

VANDERBURGH COUNTY
REC'D

(For restaurant/bar/tavern)

No. of Units & Bedrooms per Unit: NOV 04 2022
(For multi-family dwelling)

PETITION FOR COUNTY REZONING

(Continued Page 2 of 2)

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Owner's Certificate:

I, the undersigned owner, hereby certify that I own 50% or more of the real estate described hereon, and do hereby make application to rezone said described land.

Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the **Indiana Administrative Code** and the **Evansville Municipal Code**.

I hereby affirm, under penalty of perjury, that the information and representations within this application are true and correct. All attachments are adopted by reference as part of this petition for rezoning.

Alexis Berggren
(Signature of Owner of Record)

11-2-22
(Date Signed)

Alexis Berggren, President and CEO
(Printed Name of Owner of Record/Registered Agent)

Owner's Acknowledge of Authorized Representative or Petitioner: (optional)

I do hereby further acknowledge that by signing this affidavit below, that the following named person will be my legal counsel or professional representative and has been authorized to act and engage with this petition on my behalf.

Alexis Berggren
(Signature of Owner of Record)

G. Michael Schopmeyer, Esq.
(Printed Name of Representative or Petitioner)

Kahn, Dees, Donovan & Kahn, LLP
(Name of Company/Business if applicable)

mschopmeyer@kddk.com
(Email Address of Representative or Petitioner)

(812) 423-3183
(Phone Number)

501 Main Street, Suite 305
(Mailing Address of Representative or Petitioner)

Evansville, Indiana 47708
(City) (State) (Zip Code)

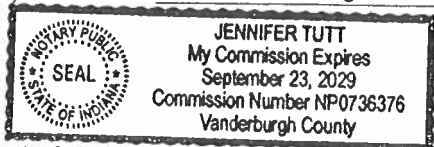
Notary Certificate: Subscribed and sworn to before me, a Notary Public in and for said County and State this

2nd day of November, 2022.

Jennifer Tutt
(Signature of Notary)

Jennifer Tutt
(Printed Name of Notary)

My Commission Expires: September 23, 2029 Notary Resides In Vanderburgh County, State of IN.



(Notary Seal)

DUTY TO DISCLOSE: The Area Plan Commission may rely on the truth of all representations in the petition. If any condition exists or arises or if any event occurs after filing the petition which makes any representation false, inaccurate, misleading or incomplete, and such fact is known by the owner, petitioner, his attorney or other representative, if any (collectively, the "petitioner"), it is the responsibility of the petitioner to disclose such fact promptly to the Area Plan Commission or its staff at or before the public hearing on the petition. Failure to make such disclosure shall result in denial of or delay in acting on the petition in addition to other consequences, and shall subject the petitioner to legal (including civil and criminal) remedies, penalties, and fines which the Area Plan Commission or other governmental agencies may pursue against the petitioner as provided by law.

Exhibit A
Parcel Addresses and Parcel ID Numbers
Legal Description

Parcel 1: 3808 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.016-019

Legal Description: A part of Lot 6 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southeast corner of said Lot 6. thence North 88 degrees 53 minutes 12 seconds West 89.88 feet along the south line of said lot to the southwest corner of the grantors' land; thence North 1 degree 10 minutes 15 seconds East 5.85 feet along the west line of the grantors' land to point "722" designated on said Right-of-Way Parcel Plat; thence South 88 degrees 55 minutes 14 seconds East 89.89 feet to the east line of said Lot 6; thence South 1 degree 12 minutes 42 seconds West 5.90 feet along the east line of said lot to the point of beginning and containing 528 square feet, more or less.

Parcel 2: 3816 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.007-019

Legal Description: A part of Lot 7 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 7; thence North 1 degree 12 minutes 42 seconds East 5.90 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 5.96 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 623 square feet, more or less.

Parcel 3: 3824 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.008-019

Legal Description: A part of Lot 8 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 8; thence North 1 degree 12 minutes 42 seconds East 5.96 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 6.03 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 630 square feet, more or less.

Parcel 4: 3900 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.009-019

Legal Description: A part of Lot 9 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 9; thence North 1 degree 12 minutes 42 seconds East 6.03 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 6.09 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 636 square feet, more or less.

Parcel 5: 3908 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.010-019

Legal Description: A part of Lot 10 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 10; thence North 1 degree 12 minutes 42 seconds East 6.09 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 6.15 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 643 square feet, more or less.

Parcel 6: 3916 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.011-019

Legal Description: A part of Lot 11 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 11; thence North 1 degree 12 minutes 42 seconds East 6.15 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 120.00 feet to point "728" designated on said Right-of-Way Parcel Plat, which point is on the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 6.22 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 120.00 feet along the south line of said lot to the point of beginning and containing 743 square feet, more or less.

Parcel 7: 4404 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-145.014-019

Legal Description: A part of the Southeast Quarter of Section 35, Township 5 South, Range 10 West, Center Township, Vanderburgh County, Indiana, and more particularly described as follows:

Commencing at the southeast corner of Section 35, Township 5 South, Range 10 West; thence North 88 degrees 56 minutes 12 seconds West 1471.92 feet along the south line of said quarter section; thence North 00 degrees 55 minutes 13 seconds East 40.00 feet to the POINT OF BEGINNING; being a point where the Owner's west line intersects the north right-of-way of Heckel Road; thence continue North 00 degrees 55 minutes 13 seconds East 1288.48 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence South 88 degrees 53 minutes 25 seconds East 516.59 feet along said quarter quarter section line; thence North 02 degrees 29 minutes 38 seconds West 204.39 feet; thence South 87 degrees 47 minutes 47 seconds East 328.15 feet; thence South 02 degrees 11 minutes 42 seconds West 197.75 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence North 88 degrees 53 minutes 25 seconds West 78.25 feet along the north line of said quarter quarter section; thence South 01 degrees 02 minutes 44 seconds West 1287.87 feet to a point on the north right-of-way of Heckel Road; thence North 88 degrees 56 minutes 12 seconds West 747.01 feet to the POINT OF BEGINNING.

Parcel 8: 6316 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.009-019

Legal Description: Lot Nine (9) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 9: 6332 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.010-019

Legal Description: Lot Ten (10) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 10: 6416 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.011-019

Legal Description: Lot Eleven (11) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 11: 6434 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002.886-012-019

Legal Description: Lot Twelve (12) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 12: 6500 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.013-019

Legal Description: Lot Thirteen (13) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 13: 6514 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.014-019

Legal Description: Lot Fourteen (14) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 14: 6536 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.015-019

Legal Description: Lot Fifteen (15) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 15: 6610 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.016-019

Legal Description: Lot Sixteen (16) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 16: 6630 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.017-019

Legal Description: Lot Seventeen (17) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Combined Legal Description for Heckel Road Properties:

Lots 7, 8, 9, 10, 11 and 90.00 feet off the East side of Lot 6 adjoining Lot 7 in Glynn Haven (or sometimes known as Glennhaven) Subdivision, as recorded in Plat Book J, Page 230 in the Office of the Recorder of Vanderburgh County, Indiana.

EXCEPTING THEREFROM, those portions of said lots described in a deed to the Board of Commissioners of Vanderburgh County, Indiana recorded as Document No. 2016R00000593 in the Office of said Recorder.

Combined Legal Description for Vieth Lane Properties

Parcel A

A part of the Southeast Quarter of Section 35, Township 5 South, Range 10 West, Center Township, Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the southeast corner of Section Thirty-five (35), Township Five (5) South, Range Ten (10) West; thence North 88 degrees 56 minutes 12 seconds West 1471.92 feet along the south line of said quarter section; thence North 00 degrees 55 minutes 13 seconds East 40.00 feet to the POINT OF BEGINNING, being a point where the Owner's west line intersects the north right-of-way of Heckel Road; thence continue North 00 degrees 55 minutes 13 seconds East 1288.48 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence South 88 degrees 53 minutes 25 seconds East 516.59 feet along said quarter section line; thence North 02 degrees 29 minutes 38 seconds West 204.39 feet; thence South 87 degrees 47 minutes 47 seconds East 328.15 feet; thence South 02 degrees 11 minutes 42 seconds West 197.75 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence North 88 degrees 53 minutes 25 seconds West 78.25 feet along the north line of said quarter quarter section; thence South 01 degree 02 minutes 44 seconds West 1287.87 feet to a point on the north right-of-way of Heckel Road; thence North 88 degrees 56 minutes 12 seconds West 747.01 feet to the POINT OF BEGINNING.

Parcel B

Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17 in Heckel Road Commercial Subdivision, the plat of which is recorded in Plat Book U, Page 45 (Instrument 2016R00022699) in the Office of the Recorder of Vanderburgh County, Indiana.

REZONE FROM R-3 & C-4 W/UDC TO R-3 & C-4 W/UDC

R-4

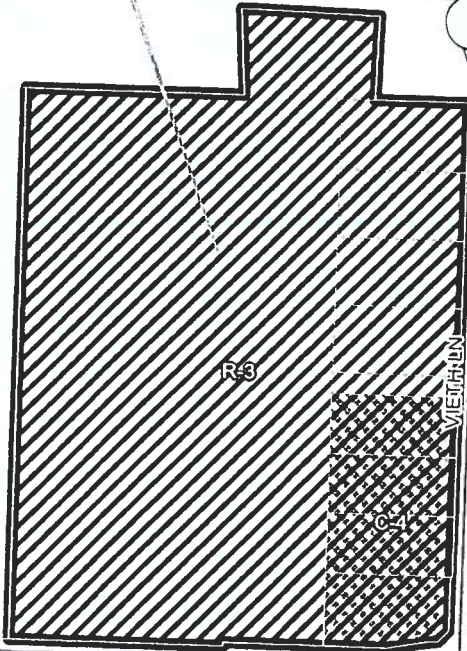
A

REZONE FROM R-3 W/UDC TO R-3 W/UDC

Text

N GREEN RIVER RD

KINWAY DR



R-3

VIET HIN

HANNIE UN

HECKEL RD

LANGLEY CT



BOSTON WAY

SHOREHAM DR

EASTBOURNE DR

DELK DR

MARSHFIELD DR

SAYBROOK DR

R-1

FLAGSTONE DR

LONG POND WAY

WINNETT DR

RIMRIDGE DR

PORTERFIELD DR

IRENE AVE

COBBLE FIELD DR

**COUNTY REZONING ORDINANCE
WITH USE AND DEVELOPMENT COMMITMENT**

(Page 1 of 2) 82-04-35-002-886 009-019 82-04-35-002-886 010-019 82-04-35-002-886 011-019
82-04-35-002-886 012-019 82-04-35-002-886 013-019 82-04-35-002-886 014-019
82-04-35-002-886 015-019 82-04-35-002-886 016-019 82-04-35-002-886 017-019
82-04-35-002-145 014-019 82-04-35-002-419 016-019 82-04-35-002-419 007-019
82-04-35-002-419 008-019 82-04-35-002-419 009-019 82-04-35-002-419 010-019

Ordinance No.: VC-6-2022 - REVISED

Tax Code ID No.: _____
(Parcel Identification Number: State PIN Only)

PROPERTY OWNER: Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation
(Printed Name Of Property Owner)

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS:

6316 Vieth Lane; 6332 Vieth Lane; 6416 Vieth Lane; 6434 Vieth Lane; 6500 Vieth Lane; 6514 Vieth Lane; 6536 Vieth Lane; 6610 Vieth Lane; 6630 Vieth Lane; 4404 Heckel Road; 3808 Heckel Road; 3816 Heckel Road; 3824 Heckel Road; 3900 Heckel Road; 3908 Heckel Road; 3916 Heckel Road (all addresses are in Evansville, IN with 47725 zip code)
(Street Address Of Property)

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That the official zoning maps of Vanderburgh County, Indiana, as amended, be amended with respect to the following described real estate:

See Attached Legal Description in Exhibit A which has been made a part hereof

(Insert Full Legal Description or Attach Separate Sheet)

by changing the zoning classification of the above described real estate from R3 and C4 with Use and Development Commitment to R3 and C4 with Amended Use and Development Commitment and said real estate is hereby so rezoned and reclassified.

Section 2: The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on the official zoning maps of Vanderburgh County as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the County Commissioners of Vanderburgh County, State of Indiana, and its publication as required by law, which publication is now ordered.

Section 4: The subject property herein zoned shall be used and developed only in accordance with the Use and Development Commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ at Instrument No: _____.

No improvement location permits shall be issued unless the proposed use is in compliance with said recorded Use and Development Commitment.

Approved and adopted by the County Commissioners of Vanderburgh County, State of Indiana, on the _____ day of _____, 20____.

VANDERBURGH COUNTY
REC'D
NOV 04 2022
Auditor's Office

**COUNTY REZONING ORDINANCE
WITH USE AND DEVELOPMENT COMMITMENT**
(Continued Page 2 of 2)

Ordinance No.: VC-6-2022 - REVISED

(Signature of President)

(Printed Name of President)

(Signature of Vice President)

(Printed Name of Vice President)

(Signature of Commissioner)

(Printed Name of Commissioner)

This instrument prepared by: G. Michael Schopmeyer, Kahn, Dees, Donovan & Kahn, LLP

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

G. Michael Schopmeyer
(Printed Name)

**USE AND DEVELOPMENT COMMITMENT
FOR COUNTY REZONING**

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Date: 11-02-2022
APC Docket No.: Rez-2022-037

WHEREAS, the undersigned, Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation, is the owner of certain real estate situated in Vanderburgh County, Indiana, commonly described as 4404 Heckel Road Evansville IN 47715, which is more particularly described as follows, to wit: See attached legal description in Exhibit A which is made a part hereof

WHEREAS, the real estate is currently classified as a/an R3 and C4 with Use and Development Commitment Zoning District under the Vanderburgh County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, the petitioner has requested that the real estate be reclassified as a/an R3 and C4 Zoning District with this Use and Development Commitment; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the real estate pursuant to I.C. 36-7-4-1015;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following: See attached Use and Development Commitment attached as Exhibit B which is made a part hereof

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in favor of the Area Plan Commission of Evansville-Vanderburgh County and all owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable, or special remedy, including specific performance, injunction, or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-1013, 36-7-4-1014, and 36-7-4-1015. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 2nd day of NOVEMBER, 2022 by Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation for the purposes set forth herein.

Alvin Bey
(Signature Of Owner Of Record)

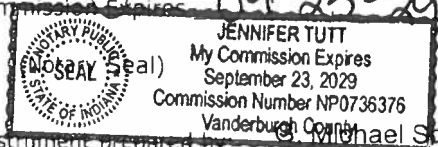
NOTARY CERTIFICATE:

Subscribed and sworn to before me, a Notary Public in and for said County and State this 2nd day of November, 2022.

Jennifer Tutt
(Signature Of Notary)

Jennifer Tutt
(Printed Name Of Notary)

My Commission Expires 09-23-29 Notary Resides in Vanderburgh County, State of Indiana.



This instrument prepared by: G. Michael Schopmeyer, Kahn, Dees, Donovan and Kahn

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

G. Michael Schopmeyer
(Printed Name)

Exhibit B

AMENDED USE AND DEVELOPMENT COMMITMENT

Evansville-Vanderburgh County Convention & Visitors Commission Building Corporation is the petitioner ("**Petitioner**") to apply for Special Use certain real estate situated in Evansville, Vanderburgh County, Indiana, more particularly described on Exhibit "A," attached hereto and by this reference made a part hereof (the "**Real Estate**"); and

WHEREAS, the Real Estate is currently classified as R-3 & C-4 with use and development commitment zoning districts under the Vanderburgh County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to R-3 & C-4 with this amended use and development commitment;

WHEREAS, Petitioner wish to accommodate possible concerns of surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-1015;

NOW, THEREFORE, in consideration of the foregoing, Petitioner and Owner make the following use and development commitments concerning the use of the Real Estate:

1. **Use**. This Use and Development Commitment shall not prevent or be construed to prevent future rezoning of the Real Estate or amendment of this Use and Development Commitment in the manner provided by law and after notice to the Keystone Homeowners Association in any case and with at least as much notice as would be given to the owner of property directly adjoining the Real Estate. Use of the Real Estate shall be limited to the following uses permitted in the SU-7 zoning districts, as described below effective as of the date of this Use and Development Commitment and as approved by the Vanderburgh County Area Plan Commission, and use of the Real Estate shall also include all other reasonable and necessary uses allowed in SU-7. The Petitioner covenants to the following:

(a) Shall construct and maintain the improvements upon the Real Estate in a design similar to that shown in the Project Summary attached hereto as Exhibit "B". Without limitation, the Petitioner shall maintain the existing park trail, and shall allow access to neighbors each day to and from the park trail and any green space and play areas (other than the softball/baseball play fields and surrounding areas that are shown as separately fenced on Exhibit "B") on the softball and baseball complex through a man gate accessible from Heckel Road from dawn to the later of dusk or the time that the lights for the fields are turned off, provided however, that during tournaments at the Real Estate vendors and team use of the green space and park trail may limit neighbors use. Further, the existing parking lots will be located to the north of the fields, provided however, any new parking lots may be located substantially as set forth in Exhibit "B".

(b) Shall abide by the following as it relates to lighting:

(1) Lighting for all field areas will be Musco Light-Structure Green with full shielding or similar lighting, but in any case, all field, parking lot area and other lighting shall be fully shielded and horizontal light trespass shall not exceed .5 foot candles along the north side of Heckel Road as that road exists as of September 18, 2013. Internal optics and external visors shall be used on all sports lights fixtures to reduce spill and glare issues and shall be as dark-skies friendly as technologically practical:

(2) No lighting shall be turned on more than thirty (30) minutes prior to dusk. Field Lighting shall be turned off by 10:30 PM and all lighting shall be turned off by 11:00 PM on any night for which school is scheduled to be in session on the following day in the Evansville Vanderburgh School Corporation (or any successor that serves students in what is the Oak Hill elementary school district at the time of the filing of this Use and Development Commitment) (a "School Night"). On nights other than School Nights, field lighting shall be turned off by 11:00 PM and all lighting shall be turned off by 11:30 PM. Despite the foregoing, the following exceptions shall exist. In the event that there is a delay in a game caused by weather (other than heat and/or heat index), the lights are permitted to remain on until the earlier of the conclusion of the game or one hour after the time that the lights would otherwise be required to be turned off. The Petitioner may from time to time designate up to a total of twenty-five (25) nights each year as a Permitted Late Tournament Night. Permitted Late Tournament Nights may only be on Friday or Saturday nights. During Permitted Late Tournament Nights, field lighting shall be turned off by 1:00 AM the next morning and all lighting shall be turned off by 1:30 AM the next morning. The Petitioner may also from time to time designate up to ten (10) School Nights as Late School Nights. During Late School Nights field lighting shall be turned off by 11:00 PM and all lighting shall be turned off by 11:30 PM.

(3) In order to keep game activity as far north as possible after dusk, during any time that field lights are permitted to be on, if at any time not all of the fields of play are required for game use, the Petitioner shall cause the fields to be taken out of play in a south to north order. When a field is not being played upon, the field lights on it shall be turned off.

(c) Shall install all stadium speakers to face inward toward the northeast direction within the complex, and all noise from any speaker or other amplified sound source shall not exceed seventy (70) decibels as measured from any point along the north side of Heckel Road as that road exists as of September 18, 2013. Access to the sound and speaker system shall be limited to tournament play, and no speakers or other sound amplification device shall be used after the time that field lights are required to be turned off above:

(d) Shall maintain a six foot (6') privacy fence along the entire south side of the complex: and

IN WITNESS WHEREOF, the parties have duly executed this instrument, and I have hereunto set my hand and official seal as of the 2 day of NOVEMBER, 2022

My Commission Expires:

September 23, 2023

My County and State of Residence is:

Vanderburgh County, Indiana

Jennifer Tutt

Signature of Notary Public

Jennifer Tutt

Printed Name of Notary



Commission Number: NP0736376

This Instrument Prepared by:

G. Michael Schopmeyer, Esq.
Kahn, Dees, Donovan & Kahn, LLP
501 Main Street, Suite 305
P.O. Box 3646
Evansville, Indiana 47735-3646
(812) 423-3183

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

[Signature]

EXHIBIT A TO
USE AND DEVELOPMENT COMMITMENT

Parcels Along Vieth Road

A part of the Southeast Quarter of Section 35, Township 5 South, Range 10 West, Center Township, Vanderburgh County, Indiana, and more particularly described as follows:

Commencing at the southeast corner of Section 35, Township 5 South, Range 10 West: thence North 88 degrees 56 minutes 12 seconds West 1471.92 feet along the south line of said quarter section: thence North 00 degrees 55 minutes 13 seconds East 40.00 feet to the POINT OF BEGINNING, being a point where the Owner's west line intersects the north right-of-way of Heckel Road: thence continue North 00 degrees 55 minutes 13 seconds East 1288.48 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section: thence South 88 degrees 53 minutes 25 seconds East 516.59 feet along said quarter quarter section line: thence North 02 degrees 29 minutes 38 seconds West 204.39 feet: thence South 87 degrees 47 minutes 47 seconds East 328.15 feet: thence South 02 degrees 11 minutes 42 seconds West 197.75 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section: thence North 88 degrees 53 minutes 25 seconds West 78.25 feet along the north line of said quarter quarter section: thence South 01 degree 02 minutes 44 seconds West 1287.87 feet to a point on the north right-of-way of Heckel Road: thence North 88 degrees 56 minutes 12 seconds West 747.01 feet to the POINT OF BEGINNING.

ALSO, Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17 in Heckel Road Commercial, the plat of which is recorded in Plat Book U, page 45 (Instrument 2016R00022699) in the office of the Recorder of Vanderburgh County.

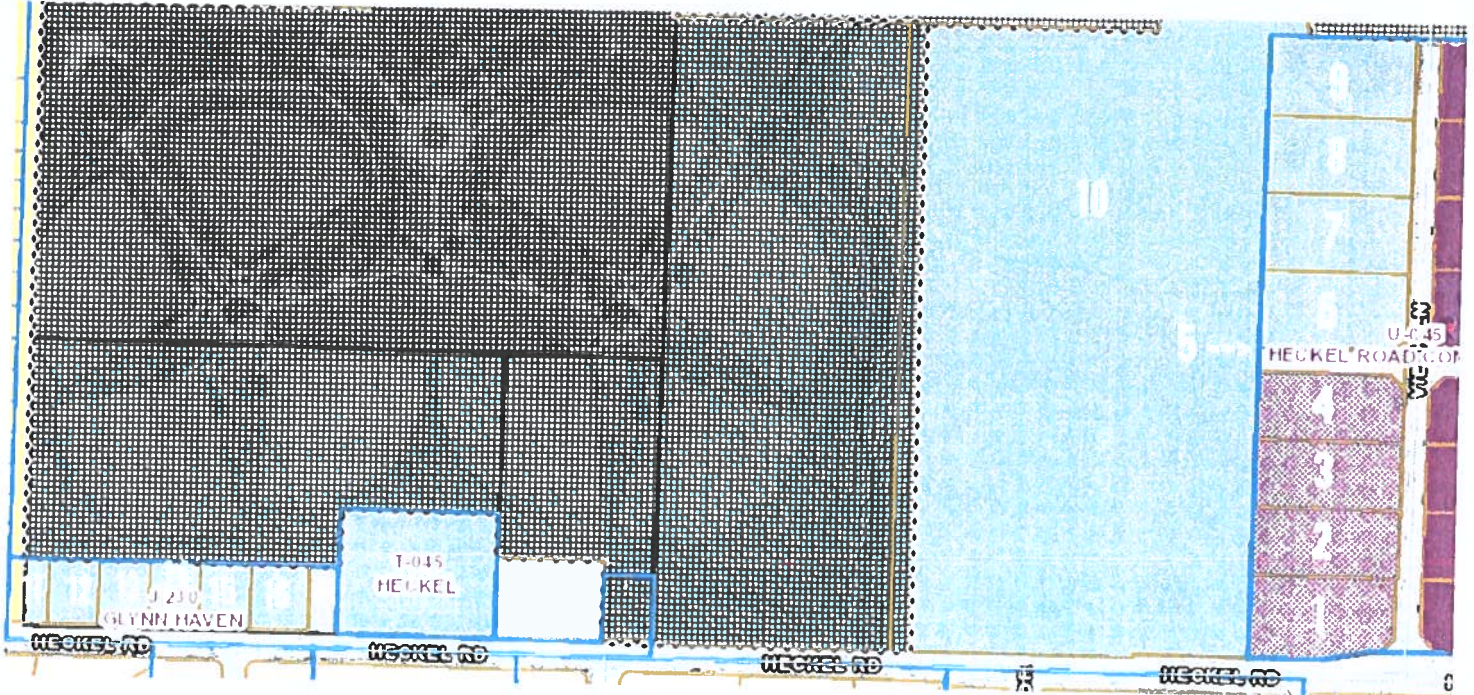
Parcels Along Heckel Road

Lots 7, 8, 9, 10, 11, and 90.00 feet off the east side of Lot 6 adjoining Lot 7 in Glynn Haven (or sometimes known as Glennhaven) Subdivision as recorded in Plat Book J, page 230 in the office of the Recorder of Vanderburgh County, Indiana.

Excepting therefrom those portions of said lots described in a deed to the Board of Commissioners of Vanderburgh County by Instrument 2016R00000593 in the office of said Recorder.

EXHIBIT "A" TO
USE AND DEVELOPMENT COMMITMENT

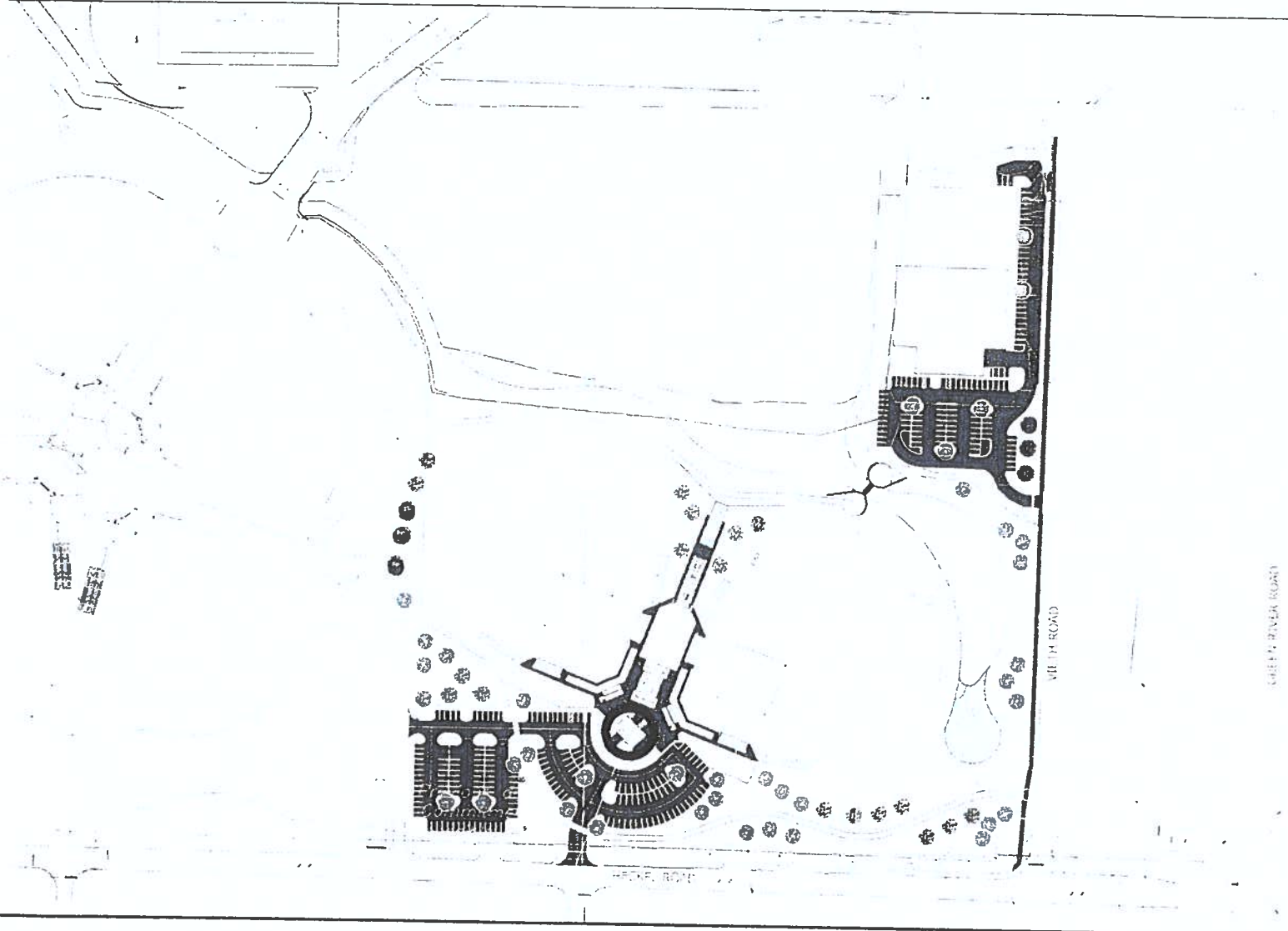
AERIAL PHOTO



Map Key

Number on Map	Color on Map	Zoning Classification	Property Address
1	Purple	C-4	6316 Vieth Lane
2	Purple	C-4	6332 Vieth Lane
3	Purple	C-4	6416 Vieth Lane
4	Purple	C-4	6434 Vieth Lane
5	Green	R-3	6500 Vieth Lane
6	Green	R-3	6514 Vieth Lane
7	Green	R-3	6536 Vieth Lane
8	Green	R-3	6610 Vieth Lane
9	Green	R-3	6630 Vieth Lane
10	Green	R-3	4404 Heckel Road
11	Green	R-3	3808 Heckel Road
12	Green	R-3	3816 Heckel Road
13	Green	R-3	3824 Heckel Road
14	Green	R-3	3900 Heckel Road
15	Green	R-3	3908 Heckel Road
16	Green	R-3	3916 Heckel Road

EXHIBIT "B" TO
USE AND DEVELOPMENT COMMITMENT



AMENDED

APPLICATION FOR SPECIAL USE

APC FORM 1101SPU

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Date: 11/02/2022
Special Use Docket No.: SPU2022-022 AMENDED
BZA Meeting Date: 12/15/2022

OWNER'S CERTIFICATE:

I, THE UNDERSIGNED OWNER, HEREBY CERTIFY that I own 50% or more of the real estate described hereon, and do hereby make application for a special use.

I HEREBY AFFIRM, under penalty of perjury, that the information and representations within this application are true and correct. All attachments are adopted by reference as part of the application for special use.

Evansville-Vanderburgh County Convention and Visitors
Commission Building Corporation c/o G. Michael Schopmeyer
812-423-3183
mschopmeyer@kddk.com
20 NW Third Street, Suite 401
Evansville IN 47708
Alexis Berg
11/02/2022

OWNER'S ACKNOWLEDGEMENT OF AUTHORIZED AGENT OR PETITIONER: (optional)

I DO HEREBY FURTHER ACKNOWLEDGE that by signing this affidavit below, that the following named person will be my legal council or professional representative and has been authorized to act and engage with this application on my behalf.

Alexis Berg
Kahn, Dees, Donovan & Kann, LLP
G. Michael Schopmeyer, Esq.
812-423-3183
mschopmeyer@kddk.com
501 Main Street, Suite 305
Evansville IN 47708

RECEIVED
NOV 04 2022
AREA PLAN COMMISSION

APPLICATION FOR SPECIAL USE
(Continued Page 2 of 2)

APC FORM 1101SPU

INFORMATION REGARDING THE AFFECTED PREMISES:

Address of property for the special use: See attached Exhibit "A", which is made a part hereof

82-04-35-002-886 014-019 82-04-35-002-886 015-019 82-04-35-002-886 016-019 82-04-35-002-886 017-019 82-04-35-002-419 016-019 82-04-35-002-419 007-019
82-04-35-002-145 014-019 82-04-35-002-886 009-019 82-04-35-002-886 010-019 82-04-35-002-886 011-019 82-04-35-002-886 012-019 82-04-35-002-886 013-019
82-04-35-002-419 008-019 82-04-35-002-419 009-019 82-04-35-002-419 010-019 82-04-35-002-419 011-019

Parcel Identification Number: _____

Subdivision: See attached Exhibit "A", which is made a part hereof Block No.: See Exhibit "A", which is made a part hereof Lot No.: See Exhibit "A", which is made a part hereof

Legal Description: See attached Exhibit "A", which is made a part hereof

_____, situated in Vanderburgh County, Indiana.

Current Zoning: See attached Exhibit "A", which is made a part hereof Lot Size: 34.42± total
(Square Feet)

Current Land Use: Vacant lot, undeveloped

A site plan, drawn to scale, has been submitted with this application: Yes No

REGISTERED NEIGHBORHOOD ASSOCIATIONS: None, but the Bluegrass/Pigeon Neighborhood Association, Oak Hill Neighborhood Association, Keystone Homeowner's Association
are nearby

APPLICATION IS HEREBY MADE FOR SPECIAL USE:

Special Use Ordinance Number: _____

Description of special use request: SU-7, for expansion of the existing Owner's Deaconess Sports Park. In conjunction, this special use request is subject to the Use and Development Commitment ("UDC"), which is attached to Exhibit "B" and made a part hereof. This UDC is virtually identical to the existing UDC on Owner's adjoining Deaconess Sports Park

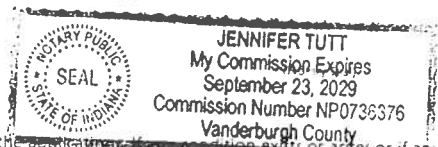
NOTARY CERTIFICATE:

Subscribed and sworn to before me, a Notary Public in and for said County and State this 2nd day of November, 2022

Jennifer Tutt
(Signature of Notary)

Jennifer Tutt
(Printed Name of Notary)

My Commission Expires 9/23/29 Notary Resides in Vanderburgh County, State of Indiana



DUTY TO DISCLOSE: the Area Plan Commission may rely on the truth of all representations in the application. If, at any time after filing the application, the applicant becomes aware of any fact which, if true, would render any representation made in the application false, inaccurate, misleading or incomplete, and such fact is known by the owner, applicant, his attorney or other representative, if any (collectively, the "applicant"), it is the responsibility of the applicant to disclose such fact promptly to the Area Plan Commission or its staff at or before beginning the public hearing on the application. Failure to make such disclosure shall result in denial of or delay in acting on the application in addition to other consequences, and shall subject the applicant to legal (including civil and criminal) remedies, penalties, and fines which the Area Plan Commission or other governmental agencies may pursue against the applicant as provided by law.

Exhibit A
Parcel Addresses and Parcel ID Numbers
Legal Description

Parcel 1: 3808 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.016-019

Legal Description: A part of Lot 6 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southeast corner of said Lot 6, thence North 88 degrees 53 minutes 12 seconds West 89.88 feet along the south line of said lot to the southwest corner of the grantors' land; thence North 1 degree 10 minutes 15 seconds East 5.85 feet along the west line of the grantors' land to point "722" designated on said Right-of-Way Parcel Plat; thence South 88 degrees 55 minutes 14 seconds East 89.89 feet to the east line of said Lot 6; thence South 1 degree 12 minutes 42 seconds West 5.90 feet along the east line of said lot to the point of beginning and containing 528 square feet, more or less.

Parcel 2: 3816 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.007-019

Legal Description: A part of Lot 7 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 7; thence North 1 degree 12 minutes 42 seconds East 5.90 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 5.96 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 623 square feet, more or less.

Parcel 3: 3824 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.008-019

Legal Description: A part of Lot 8 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 8; thence North 1 degree 12 minutes 42 seconds East 5.96 feet along the west line of said lot; thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot; thence South 1 degree 12 minutes 42 seconds West 6.03 feet along said east line to the southeast corner of said lot; thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 630 square feet, more or less.

Parcel 4: 3900 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.009-019

Legal Description: A part of Lot 9 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 9: thence North 1 degree 12 minutes 42 seconds East 6.03 feet along the west line of said lot: thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot: thence South 1 degree 12 minutes 42 seconds West 6.09 feet along said east line to the southeast corner of said lot: thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 636 square feet, more or less.

Parcel 5: 3908 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.010-019

Legal Description: A part of Lot 10 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 10: thence North 1 degree 12 minutes 42 seconds East 6.09 feet along the west line of said lot: thence South 88 degrees 55 minutes 14 seconds East 105.00 feet to the east line of said lot: thence South 1 degree 12 minutes 42 seconds West 6.15 feet along said east line to the southeast corner of said lot: thence North 88 degrees 53 minutes 12 seconds West 105.00 feet along the south line of said lot to the point of beginning and containing 643 square feet, more or less.

Parcel 6: 3916 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-419.011-019

Legal Description: A part of Lot 11 of Glynn Haven, the plat of which is recorded in Plat Book J, page 230 in the Office of the Recorder of Vanderburgh County, Indiana, and being all that part of the grantors' land lying within the right-of-way lines as depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", also described as follows:

Beginning at the southwest corner of said Lot 11: thence North 1 degree 12 minutes 42 seconds East 6.15 feet along the west line of said lot: thence South 88 degrees 55 minutes 14 seconds East 120.00 feet to point "728" designated on said Right-of-Way Parcel Plat, which point is on the east line of said lot: thence South 1 degree 12 minutes 42 seconds West 6.22 feet along said east line to the southeast corner of said lot: thence North 88 degrees 53 minutes 12 seconds West 120.00 feet along the south line of said lot to the point of beginning and containing 743 square feet, more or less.

Parcel 7: 4404 Heckel Road, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-145.014-019

Legal Description: A part of the Southeast Quarter of Section 35, Township 5 South, Range 10 West, Center Township, Vanderburgh County, Indiana, and more particularly described as follows:

Commencing at the southeast corner of Section 35, Township 5 South, Range 10 West; thence North 88 degrees 56 minutes 12 seconds West 1471.92 feet along the south line of said quarter section; thence North 00 degrees 55 minutes 13 seconds East 40.00 feet to the POINT OF BEGINNING; being a point where the Owner's west line intersects the north right-of-way of Heckel Road; thence continue North 00 degrees 55 minutes 13 seconds East 1288.48 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence South 88 degrees 53 minutes 25 seconds East 516.59 feet along said quarter quarter section line; thence North 02 degrees 29 minutes 38 seconds West 204.39 feet; thence South 87 degrees 47 minutes 47 seconds East 328.15 feet; thence South 02 degrees 11 minutes 42 seconds West 197.75 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section; thence North 88 degrees 53 minutes 25 seconds West 78.25 feet along the north line of said quarter quarter section; thence South 01 degrees 02 minutes 44 seconds West 1287.87 feet to a point on the north right-of-way of Heckel Road; thence North 88 degrees 56 minutes 12 seconds West 747.01 feet to the POINT OF BEGINNING.

Parcel 8: 6316 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.009-019

Legal Description: Lot Nine (9) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 9: 6332 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.010-019

Legal Description: Lot Ten (10) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 10: 6416 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002-886.011-019

Legal Description: Lot Eleven (11) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 11: 6434 Vieth Lane, Evansville, IN 47725

Tax Parcel ID #: 82-04-35-002.886-012-019

Legal Description: Lot Twelve (12) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 12: **6500 Vieth Lane, Evansville, IN 47725**

Tax Parcel ID #: 82-04-35-002-886.013-019

Legal Description: Lot Thirteen (13) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 13: **6514 Vieth Lane, Evansville, IN 47725**

Tax Parcel ID #: 82-04-35-002-886.014-019

Legal Description: Lot Fourteen (14) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 14: **6536 Vieth Lane, Evansville, IN 47725**

Tax Parcel ID #: 82-04-35-002-886.015-019

Legal Description: Lot Fifteen (15) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 15: **6610 Vieth Lane, Evansville, IN 47725**

Tax Parcel ID #: 82-04-35-002-886.016-019

Legal Description: Lot Sixteen (16) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Parcel 16: **6630 Vieth Lane, Evansville, IN 47725**

Tax Parcel ID #: 82-04-35-002-886.017-019

Legal Description: Lot Seventeen (17) in Heckel Road Commercial Subdivision, as per plat thereof, recorded in Plat Book U, Page 045, in the Office of the Recorder of Vanderburgh County, Indiana.

Combined Legal Description for Heckel Road Properties:

Lots 7, 8, 9, 10, 11 and 90.00 feet off the East side of Lot 6 adjoining Lot 7 in Glynn Haven (or sometimes known as Glennhaven) Subdivision, as recorded in Plat Book J, Page 230 in the Office of the Recorder of Vanderburgh County, Indiana.

EXCEPTING THEREFROM, those portions of said lots described in a deed to the Board of Commissioners of Vanderburgh County, Indiana recorded as Document No. 2016R00000593 in the Office of said Recorder.

Combined Legal Description for Vieth Lane Properties

Parcel A

A part of the Southeast Quarter of Section 35, Township 5 South, Range 10 West, Center Township, Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the southeast corner of Section Thirty-five (35), Township Five (5) South, Range Ten (10) West: thence North 88 degrees 56 minutes 12 seconds West 1471.92 feet along the south line of said quarter section: thence North 00 degrees 55 minutes 13 seconds East 40.00 feet to the POINT OF BEGINNING, being a point where the Owner's west line intersects the north right-of-way of Heckel Road: thence continue North 00 degrees 55 minutes 13 seconds East 1288.48 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section: thence South 88 degrees 53 minutes 25 seconds East 516.59 feet along said quarter section line: thence North 02 degrees 29 minutes 38 seconds West 204.39 feet: thence South 87 degrees 47 minutes 47 seconds East 328.15 feet: thence South 02 degrees 11 minutes 42 seconds West 197.75 feet to a point on the north line of the Southeast Quarter of the Southeast Quarter of said section: thence North 88 degrees 53 minutes 25 seconds West 78.25 feet along the north line of said quarter section: thence South 01 degree 02 minutes 44 seconds West 1287.87 feet to a point on the north right-of-way of Heckel Road: thence North 88 degrees 56 minutes 12 seconds West 747.01 feet to the POINT OF BEGINNING.

Parcel B

Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17 in Heckel Road Commercial Subdivision, the plat of which is recorded in Plat Book U, Page 45 (Instrument 2016R00022699) in the Office of the Recorder of Vanderburgh County, Indiana.

NOTICE OF PUBLIC HEARING FOR A SPECIAL USE

APC FORM 13015PU

TO: ADJOINING PROPERTY OWNER
FROM: Evansville-Vanderburgh County Convention and Visitors Commission Building Corporation c/o G. Michael Schoppmeyer
DATE: 11/17/2022
SUBJECT: APPLICATION FOR A SPECIAL USE
SPECIAL USE DOCKET NO.: SPU 2022-022

This letter will serve notice to you of scheduled hearing of an application for a special use which has been filed with the Area Plan Commission of Evansville and Vanderburgh County to be heard by the Board of Zoning Appeals.

Address of property for the special use: See attached Exhibit A, which is made a part hereof

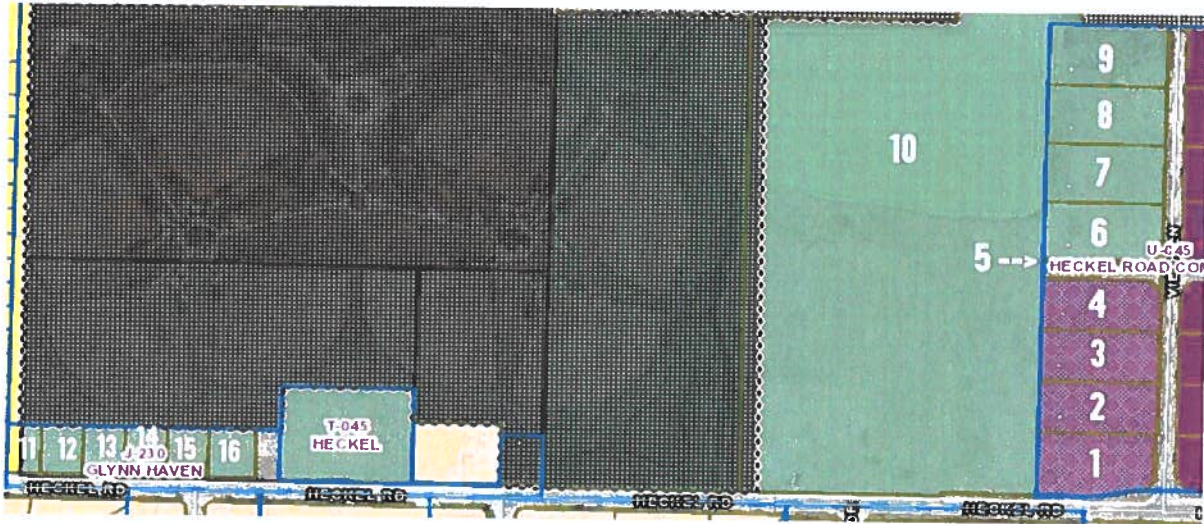
Description of special use request: SU-7, for expansion of the existing Owner's Deaconess Sports Park. In conjunction, this special use request is subject to the Use and Development Commitment ("UDC"), which is attached as Exhibit "B" and made a part hereof. This UDC is virtually identical to the existing UDC on Owner's adjoining Deaconess Sports Park.

Notice is hereby given that the Board of Zoning Appeals, on Thursday, the 15th day of December, 2022 at 3:00 p.m. in the City Council Chambers, Room 301 of the Civic Center Complex, Evansville Indiana, will hold a public hearing to consider the proposed application for a special use, at the location identified above.

If you have any questions regarding this application please contact the following:

Applicant: [Signature]
812-435-5770 (ext. 204)
aberggren@visitevansville.com

NOTE: If you have comments or concerns regarding this application and are unable to attend the meeting, you may send an email to the Area Plan Commission at contactus@evansvilleapc.com, or send a letter to the Area Plan Commission at 1 N.W. Martin Luther King Jr. Blvd, Room 312, Evansville, Indiana 47708 stating your concerns or comments and it will be made part of the record.



Map Key

Number on Map	Color on Map	Zoning Classification	Property Address
1	Purple	C-4	6316 Vieth Lane
2	Purple	C-4	6332 Vieth Lane
3	Purple	C-4	6416 Vieth Lane
4	Purple	C-4	6434 Vieth Lane
5	Green	R-3	6500 Vieth Lane
6	Green	R-3	6514 Vieth Lane
7	Green	R-3	6536 Vieth Lane
8	Green	R-3	6610 Vieth Lane
9	Green	R-3	6630 Vieth Lane
10	Green	R-3	4404 Heckel Road
11	Green	R-3	3808 Heckel Road
12	Green	R-3	3816 Heckel Road
13	Green	R-3	3824 Heckel Road
14	Green	R-3	3900 Heckel Road
15	Green	R-3	3908 Heckel Road
16	Green	R-3	3916 Heckel Road