

# PETITION FOR COUNTY REZONING

APC FORM 2101REZ

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VANDERBURGH )

Date: Nov 8, 2021

Ordinance No.: VC-9-2021

APC Docket No.: Rez-2021-032

APC Meeting Date: Dec 2, 2021

County  
Commission  
Meeting Date: Dec 14, 2021

## 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 from the current Zoning District of C-4 to R-3 W/UDC

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 Vanderburgh County Code of Ordinances.

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 petition for rezoning.

JJ BRODI, LLC 812-459-8526 jockieljohn@yahoo.com  
(Printed Name Of The Owner Of Record) (Phone Number) (Email Address)

6340 LINCOLN AVE EVANSVILLE IL 47715  
(Mailing Address Of The Owner) (City) (State) (Zip)

Jacqueline Johnson 11-3-2021  
(Signature Of Owner) (Date Signed)

## 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 petition on my behalf.

GREG THURMAN 513.458.9810 gthurman@byredwood.com  
(Printed Name Of Authorized Agent Or Petitioner) (Phone) (Email Address)  
7007 EAST PLEASANT VALLEY RD INDEPENDENCE OH 44131  
(Mailing Address Of Authorized Agent Or Petitioner) (City) (State) (Zip)

VANDERBURGH COUNTY  
**FILED**

NOV 08 2021

Auditor's Office

PETITION FOR COUNTY REZONING  
(Continued Page 2 of 2)

APC FORM 210IREZ

PREMISES:

Address of property to be rezoned: 4404 HECKEL RD, EVANSVILLE, IN 47725

Parcel Identification Number: 82-04-35-002-145.014-019, 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, 82-04-35-002-886.013-019

Subdivision: Heckel rd commercial Block No.: \_\_\_\_\_ Lot No.: 13-17

Legal Description: see attached. 4404 Heckel Road

\_\_\_\_\_, situated in Vanderburgh County, Indiana.

Current Land Use: agriculture

Proposed Land Use: multi-family residential

REGISTERED NEIGHBORHOOD ASSOCIATIONS: Oak Hill

AVAILABLE UTILITIES:

EWSU Water: ☒ EWSU Sewer: ☒ Private Water: \_\_\_\_\_ Private Septic: \_\_\_\_\_

Gas: ☒ Electric: ☒ German Township Water: \_\_\_\_\_

NOTARY CERTIFICATE:

Subscribed and sworn to before me, a Notary Public in and for said County and State this 3 day of November, 2021.

Josey McLaughlin  
(Signature Of Notary)

Josey McLaughlin  
(Printed Name Of Notary)

My Commission Expires 10-18-2028 Notary Resides in Warrick County, State of Indiana.

**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 beginning the public hearing on the petition. Failure to make such disclosure shall result in denial of or delay in action 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.



COUNTY REZONING ORDINANCE  
WITH USE AND DEVELOPMENT COMMITMENT

APC FORM 2202REZ

Ordinance No.: VC-9-2021 Tax Code ID No.: 82-04-35-002-886.014-019, 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, 82-04-35-002-886.018-019, 82-04-35-002-886.019-019  
(Parcel Identification Number: State PIN Only)

PETITIONER: Jacqueline Johnston  
(Printed Name of Petitioner)

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA, MORE  
COMMONLY KNOWN AS:

4404 Heckel Road Evansville, IN 47725  
(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:

Heckel Rd. Commercial Lots 13-17. See attached  
(Insert Legal Description)  
Legal description for 4404 Heckel Road.

by changing the zoning classification of the above described real estate from C-4 to R-3 w/WDC  
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 rezoned 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 by the County Commissioners of Vanderburgh County, State of Indiana, on this \_\_\_\_\_ day of \_\_\_\_\_.

VANDERBURGH COUNTY  
FILED

NOV - 6 2021

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

APC FORM 2202REZ

Ordinance No.: VC-9-2021

\_\_\_\_\_  
(Signature Of President)

Jeff Hatfield  
(Printed Name Of President)

\_\_\_\_\_  
(Signature Of Vice-President)

Ben Shoulders  
(Printed Name Of Vice-President)

\_\_\_\_\_  
(Signature Of Commissioner)

Cheryl Musgrave  
(Printed Name Of Commissioner)

This instrument prepared by:

Jacqueline L. Johnston

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.

Jacqueline L Johnston  
(Printed Name)

WARRANTY DEED

THIS INDENTURE WITNESSETH: THAT the undersigned, VERA H. DREMSTEDT and GLENN W. DREMSTEDT, SR. ("GRANTORS"), of Vanderburgh County, State of Indiana,

## CONVEY AND WARRANT

to J. J. BRODI, LLC ("GRANTEE"), of Vanderburgh County, State of Indiana, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate ("Real Estate") lying and being situated in Vanderburgh County, in the State of Indiana, to wit:

Part of the South Half of the Southeast Quarter of Section 35, Township 5 South, Range 10 West in Vanderburgh County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said section; thence along the south line of said Section South 90 degrees 00 minutes 00 seconds West 1963.61 feet to the Southwest corner of the East Half of the Southwest Quarter of the Southeast Quarter of said section and being the true point of beginning; thence along the West line of the East Half of the Southwest Quarter of the Southeast Quarter of said Section North 00 degrees 09 minutes 26 seconds West 1328.47 feet to the Northwest corner of the East Half of the Southwest Quarter of the Southeast Quarter of said section; thence along the North line of the South Half of the Southeast Quarter of said section South 89 degrees 58 minutes 01 seconds East 1008.41 feet; thence parallel with the East line of said section South 00 degrees 01 minutes 49 seconds East 1327.88 feet to a point on the South line of said Section; thence along the South line of said section, South 90 degrees 00 minutes 00 seconds West 1005.47 feet to the true point of beginning, and containing a gross area of 30.70 acres.

This conveyance is made subject to zoning and use restrictions, existing roadways and all easements and rights-of-way in any way burdening the Real Estate.

This conveyance is made in fulfillment of Option Agreement dated June 22, 1995, a memorandum of which was recorded on June 23, 1995 in Miscellaneous Drawer 4, card 6089 in the office of the Recorder of Vanderburgh County, Indiana. GLENN W. DREMSTEDT, SR. executes this deed from the purpose of releasing and quitclaiming any right, title or interest in and to the Real Estate to GRANTEE.

This conveyance is further made subject to the lien of real estate taxes assessed against the Real Estate for the year 1995, due and payable November 10, 1996, together with all subsequent taxes and assessments, all of which the GRANTEE assumes and agrees to pay.

IN WITNESS WHEREOF, the said Vera H. Dremstedt and Glenn W. Dremstedt, Sr. have hereunto set their hands and seals this 20th day of February, 1996.

Vera H. Dremstedt  
Vera H. Dremstedt

Glenn W. Dremstedt, Sr.  
Glenn W. Dremstedt, Sr.

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BETTY J. HERMAN, RECORDER  
VANDERBURGH CO.

USE AND DEVELOPMENT COMMITMENT  
FOR COUNTY REZONING

APC FORM 2501REZ

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VANDERBURGH )

Date: Nov. 8, 2021

APC Docket No.: Rez-2021-032

WHEREAS, the undersigned, Jacqueline L. Johnston, is the owner of certain real estate situated in the County of Vanderburgh, Indiana, commonly described as Heckel Rd ~~Sub~~ Commercial, which is more particularly described as follows, to wit: Lot NO 13-17 see attached legal description for 4404 Heckel Rd.

WHEREAS, as the real estate is currently classified as a/an R-3 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, 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 EXHIBIT "A"

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 the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking and 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 8 day of Nov., 2021 by Jacqueline L. Johnston for the purposes set forth herein.

NOTARY CERTIFICATE:

Subscribed and sworn to before me, a Notary Public in and for said County and State this 12 day of November, 2021.

Josely McLaughlin  
(Signature Of Notary)

Josely McLaughlin  
(Printed Name Of Notary)

My Commission Expires 10-18-2028 Notary Resides in Warrick County, State of Indiana

This instrument prepared by: Jacqueline L. Johnston

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.

Josely McLaughlin  
(Printed Name)

Amended Deadline Nov. 15<sup>th</sup>

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Vera H. Dremstedt  
Vera H. Dremstedt

Glenn W. Dremstedt, Sr.  
Glenn W. Dremstedt, Sr.

RECEIVED FOR RECORD Feb 14 1996 13:19 P.

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BETTY J. PERMAN RECORDER  
VANDERBURGH CO.



# Exhibit "A"

## Redwood Heckel Road UDC commitments

1. All units shall be 1200+ square feet + two car garage.
2. All units shall be 2 bedroom, 2 full baths, with washer & dryer hook-ups.
3. All units shall be single story with a maximum height of approximately 20' at the tallest gable.
4. All drives shall be made of concrete and be privately maintained by Redwood.
5. All drives shall have a 4' color differentiated sidewalk on one side.
6. No dumpster pads. Every dwelling shall control its trash as a single-family unit with rolling trash bins. Trash bins shall be stored inside. Redwood contracts trash collection service for entire neighborhood.
7. Redwood shall submit a lighting plan that demonstrates that 0-1 foot-candles will be achieved at the property lines.
8. Total dwelling units shall be approximately 100 units with access to Vieth Drive and Heckel Road.
9. Parking on drives is prohibited and is monitored by Neighborhood Manager and Service Technician.
10. All landscaping shall be irrigated for maximum growth opportunity.
11. All exteriors of all units shall be pressure washed annually to maintain visual and product quality control.
12. Redwood shall handle all snow removal.
13. The majority of driveways shall be 25' deep with exceptions where geometry requires less but in all cases shall be greater than 21'.