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MAY 22 1998

Betty McFarland
PUTNAM COUNTY RECORDER

TOWN OF CLOVERDALE
ORDINANCE 1998-6

AN ORDINANCE AMENDING
THE CLOVERDALE PLANNING AND ZONING ORDINANCE
BY AMENDING THE ZONING MAP

WHEREAS, the Planning Commission of the Town of Cloverdale received a petition to amend the Cloverdale Zoning map; and

WHEREAS, the Cloverdale Plan Commission held a public hearing on April 2, 1998, after timely notice of the hearing was given by publication in the Banner-Graphic, Greencastle, Indiana, on or about March 13, 1998.

WHEREAS, the Cloverdale Plan Commission has reported that it paid reasonable regard to the following factors enumerated in I.C. 36-7-4-603 in consideration of the ordinance and determination of a recommendation to be made to the Town Council:

1. The most desirable use for which the land in each district is adapted;
2. The conservation of property values throughout the jurisdiction;
3. Responsible development and growth; and

WHEREAS, the Cloverdale Plan Commission has made ^{a favorable} ~~no~~ recommendation that such area be rezoned from A-1 to R-1 ; and

WHEREAS, the Town Council has considered the recommendation of the Cloverdale Plan Commission and has paid reasonable regard to the facts enumerated in I.C. 36-7-4-603 before acting on this ordinance; and

WHEREAS, the Town Council has determined that an ordinance should be adopted amending the Cloverdale Zoning map.

NOW THEREFORE be it ordained by the Town Council of the Town of Cloverdale as follows:

SECTION 1. REZONING

That the Town of Cloverdale Zoning map is hereby amended by changing the zoning classification for the following described real estate from A-1 to R-1:

Situated in the State of Indiana, County of Putnam, and being that part of the Northwest Quarter of section 2 in Township 12 North of Range 4 West, commencing at the Northwest Corner of said Fractional Quarter Section; thence South 2 chains and 70 links to a point in the Cloverdale Rock Road; thence south 37 degrees East in the Center of said Road 5 chains to a point; thence South 14 degrees East 8 chains and 96 links to a point in said Road which is 6 chains and 29 links due East of the West Line of said Quarter; thence East, parallel to the

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North Line of Said Quarter Section, a distance of 24 chains to a Stone, thence due North 15 chains to the North Line of said Quarter Section in the Center of the New Poplar Grove Road; thence West on the North Line of said Quarter and in the Center of said Road a distance of 30 chains and 26 links to the place of beginning, containing 40 acres, more or less; and,

Part of the West half of the West half of the Northeast quarter and part of the Northwest quarter of Section 2, Township 12 North, Range 4 West of the Second Principal Meridian, more particularly described, to-wit:

Beginning at an iron pin on the West line of the Northeast quarter of Section 2, Township 12 North, Range 4 West, which iron pin is 412.5 feet South of the Northwest corner of the aforesaid Northeast quarter; thence South 273.1 feet to a stone marking the southwest corner of the Northwest quarter of the Northwest quarter of the aforesaid Northeast quarter; thence East 176.3 feet (prior deed 132 feet) with the South line of said Northwest quarter quarter quarter to an iron pin; thence Southerly 1300.7 feet to an iron pin; thence South 82 degrees 11 minutes West 2030.72 feet to the center line of a public road; thence with the centerline of said Road North 14 degrees 52 minutes 40 seconds West 770.0 feet; thence North 11 degrees 49 minutes 30 seconds West 523.15 feet to the Southwest corner of a 40 acre parcel of land heretofore conveyed by William V. Delp and Leona Delp; thence leaving the centerline of the aforesaid road East 1592.6 feet (prior deed 1584 feet) parallel to the North line of said Section 2 to an iron pin marking the Southeast corner of the aforesaid 40 acre parcel; thence North 48 degrees 09 minutes East 882.9 feet to the point of beginning, containing 62.8 acres, more or less.

Subject to all easements, restrictions, reservations, and rights-of-way record. Subject to the restrictive covenants executed by Venice Morrison dated May 19, 1998.

This Ordinance shall have full force and effect upon passage of the Cloverdale Town Board.

The Clerk-Treasurer of the Town of Cloverdale is directed to publish this ordinance by inserting a copy of this ordinance in the official set(s) of the town of Cloverdale Code maintained on file for public inspection in the office of the Clerk-Treasurer and by noting zoning amendments on the zoning map.

PASSED AND ADOPTED by the Town Board of the Town of Cloverdale, Indiana, this 19th day of May, 1998.

ATTEST:

Patti Truax
Patti Truax, Clerk-Treasurer

Dan Johnson
Dan Johnson, Council President

Sandi Oliver
Sandi Oliver, Council Member

Lonnie Brumfield
Lonnie Brumfield, Council Member

Ann McCammack
Ann McCammack, Council Member

SYNOPSIS

This Ordinance amends the Cloverdale Zoning Map of the Town of Cloverdale Code to rezone the aforementioned real estate from A-1 (Agriculture) to R-1 (Residential).

RESTRICTIVE COVENANTS

WHEREAS, Venice Morrison owns approximately One Hundred Three (103) acres of real estate, originally zones A-1 and more particularly described on attached Exhibit "A"; and

WHEREAS, Venice Morrison has made an application to the Town of Cloverdale for a R-1 zoning amendment on said real estate; and

WHEREAS, the Town of Cloverdale approved said application on May 19, 1998, with certain conditions that were self-imposed by the applicant, one of which is that the applicant would record a restrictive covenant setting forth all conditions of the approval.

NOW THEREFORE, for and in consideration of the approval by the Town of Cloverdale, the undersigned does hereby covenant, restrict and encumber the above-referenced real estate as follows:

1. No homes shall be built under the Housing and Urban Development (HUD) code.
2. The roof pitch on homes shall be 6 / 12 on at least two-thirds (2/3) of the home.
3. The size of each home shall contain a minimum of 1,000 square feet.
4. Only vehicles on wheels will be allowed.
5. The property must be kept neat and tidy.
6. The Buyer will be responsible for water control on his individual property.
7. This covenant shall run with the land.

So covenanted this 19th day of May, 1998

Venice Morrison

By: Venice Morrison

Printed: Venice Morrison

STATE OF INDIANA)
) SS:
PUTNAM COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Venice Morrison the owner, who acknowledged the execution of the foregoing instrument, and who having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 19 day of May, 1998.

My Commission Expires:

10-6-98

Myrna L. Sutherland
Signature of Notary Public

County of Residence:

Putnam

MYRNA L. SUTHERLAND
Printed Name of Notary Public



This instrument was prepared by Richard W. Lorenz, Attorney,
2 S. Main Street, Cloverdale, Indiana 46120 (765-795-3237)