

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2020 – OR – 021

AN ORDINANCE CONSIDERING AN AMENDMENT TO THE ZONING MAPS OF THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of a town; and,

WHEREAS, on the 17th day of August, 2020 the Plan Commission of the Town of Sellersburg, Indiana (the “Commission”) adopted *Ordinance 2020-PC-003 – An Ordinance Making A Recommendation for Rezoning Certain Real Property Within the Corporate Limits of the Town of Sellersburg, Indiana*, which more specifically certified the Commission’s favorable recommendation to rezone 3214 Allentown Road, Sellersburg, IN 47172 from B-3 to R-1. (*See Attached Exhibit A*); and,

WHEREAS, pursuant to Ind. Code § 36-7-4-608, this Council may adopt or reject the certification from the Commission.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the recommendation by the Commission to rezone 3214 Allentown Road, Sellersburg, IN 47172 from B-3 to R-1 is hereby **Adopted / Rejected** (circle one).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 24 day of August, 2020

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 8/24/2020

MOTION: Mobley

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 8/24/2020

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

Jul 16 2020 - EE

Dany Gost

Auditor of Clark County

202014356 WD \$25.00
07/17/2020 08:51:46AM 4 PGS
Terry Conway
Clark County Recorder IN
Recorded as Presented



State ID: 10-45-16-500-040.000-043 and 10-45-16-500-041.000-043

WARRANTY DEED

THIS DEED is dated the 15th day of July, 2020, by and between **Sitting Bull LLC**, pursuant to a duly authorized operating agreement of the members, and acting herein by its duly authorized agent, with its principal office and business address located at PO Box 26, Sellersburg IN 47172, GRANTOR(S), and **Michael Anthony Peters and Kim Peters, husband and wife**, whose tax mailing address is 424 Reba Jackson Dr., Jeffersonville IN, 47130, GRANTEE(S);

WITNESSETH: That for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor conveys and warrants to the Grantee(s) a fee simple estate with covenants of GENERAL WARRANTY, as tenants by the entirety, in and to the following described real property, together with all improvements, located in Clark County, Indiana, to wit:

See the attached Exhibit "A" for the legal description of the property conveyed, which is incorporated herein by reference.

Pursuant to I.C. 32-21- 2-3(b), the mailing address for the Grantees' property tax statements is:
424 Reba Jackson Dr., Jeffersonville IN 47130

The Grantor further covenants that it is lawfully seized of the estate hereby conveyed; that it has full right and power to convey same; and that said property is free and clear of all encumbrances.

PROVIDED, HOWEVER, there is excepted from the foregoing warranty and covenants of title, and this conveyance is made subject to, any existing stipulations, easements, restrictions of record, and zoning regulations for Clark County, Indiana, affecting said property, which have been prorated pursuant to the parties' sales contract, and the Grantee(s) hereby assume and agree to pay all future tax bills or installment amounts owed.

IN TESTIMONY WHEREOF, the Grantor conveys on this date by and through the undersigned, Shane Daniel Stader, Member, who swears and affirms under oath and penalties of perjury, the authority to act as the fully authorized representative with respect to this conveyance, and that this authority is vested to the undersigned by operating agreement of all members of Grantor, Sitting Bull LLC.

GRANTOR:

Sitting Bull LLC

BY: 

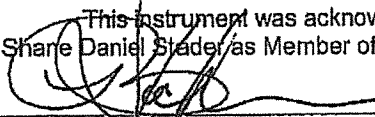
Shane Daniel Stader
Member

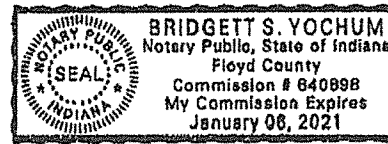
ACKNOWLEDGMENT NOTARIAL CERTIFICATE:

State of Indiana

County of Clark

This instrument was acknowledged before me, a notary public, on this 15th day of July, 2020, by Shane Daniel Stader as Member of Sitting Bull LLC, Seller(s).


Notary Public, State at Large, Indiana
Name Printed: Bridgett S. Yochum
My Commission Expires: January 6, 2021
County of Residence Floyd
Commission No.: 640898



PROOF OF EXECUTION CERTIFICATE BY WITNESS:

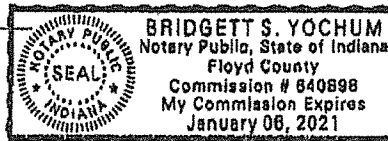
Burt Wilson
Burt Wilson
Witness Typed or Printed Name

State of Indiana)

County of Clark)

Before me, a notary public, on this 15th day of July, 2020, personally appeared the above-named WITNESS to the foregoing instrument, who, being duly sworn by me, did depose and say that he/she knows Shane Daniel Stader as Member of Sitting Bull LLC, Seller(s) and Michael Tony Peters and Kim Peters, husband and wife, Buyer(s), to be the individual(s) described in and who executed the foregoing instrument; that said WITNESS was present and saw said Seller(s) and Buyer(s) execute the same, and that said witness at the same time subscribed his/her name as a witness thereto.

[Signature]
Notary Public, State at Large, Indiana
Name Printed: Bridgett S. Yochum
My Commission Expires: January 6, 2021
County of Residence Floyd
Commission No.: 640898



Certification: I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Laurie Anne Kemp, Esq.

This instrument was prepared without title examination or other legal services based solely upon information provided by the Grantor, by: Kemp Law Office, LLC, By: Laurie Anne Kemp, Esq., 4206 Charlestown Road, Suite 100, New Albany, Indiana 47150. MTA File #IN-2020-3588-KW

EXHIBIT "A"

A part of Survey #165 of the Illinois Grant, Carr Township, Clark County, Indiana, and a part of the lands described in Barham D.R. 18-6497, described as follows:

Beginning at a P.K. Nail found at the Intersection of Perry Crossing Road and Allentown Road, Survey #165 of the Illinois Grant, Thence S 29° 41' 26" E, a distance of 266.53 feet along Allentown Rd. to a nail set the True Place of Beginning, Thence S 29° 41' 26" E, a distance of 125.00 feet along Allentown Rd. to a P.K. nail found,
Thence N 55° 00' 05" E, a distance of 462.50 feet to an iron pin set, Thence N 35° 10' 03" W, a distance of 112.29 feet to an iron pin found, Thence S 55° 03' 47" W, a distance of 258.29 feet to an iron pin set, Thence S 58° 32' 34" W, a distance of 192.69 feet to The True Place of Beginning,
Containing 1.2068 acres, subject to the County Road right-of-way and any easements of record.

Subject to any and all easements, agreements and restrictions of record that may apply to the above described real estate.

Being that same property conveyed to Sitting Bull LLC by Deed dated 03/27/2020 and recorded on 04/09/2020 as Instrument Number 202007472, of record in the Office of the Recorder for Clark County, Indiana.



