

ORDINANCE NO. 2020-06-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE
COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE
FROM R1A TO R1B

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE
COUNTY, INDIANA:

Section 1: The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana

SEE ATTACHED

Section 2: The above-described real estate should be and the same is hereby rezoned from R1A TO R1B.

Section 3: This ordinance shall be in full force and effect from and after its adoption.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 1st day of June, 2020.

VOTE:

Yes


David Byers, President

Yes


Tracy Brown, Vice President

Yes


Thomas Murtaugh, Member

ATTEST:

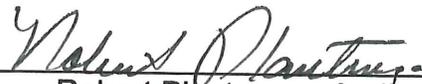

Robert Plantenga, Auditor

EXHIBIT A

A part of the Southwest Quarter of the Southeast Quarter of Section Twenty (20), Township Twenty-four (24) North, Range Four (4) West, Tippecanoe Township, Tippecanoe County, Indiana, being part of the CB2, LLC property as described in Document Number 201818002753 in the Office of the Recorder of Tippecanoe County, being more completely described as follows:

BEGINNING at the southwest corner of the southeast quarter of said Section 20-24-4; thence along the south line of said southeast quarter, South $88^{\circ}51'21''$ East, 1342.36 feet to the southeast corner of the west half of said southeast quarter; thence along the east line of said west half, North $00^{\circ}33'19''$ West, 868.13 feet; thence North $89^{\circ}30'14''$ West, 813.52 feet; thence North $68^{\circ}38'00''$ West, 554.22 feet to the west line of said southeast quarter; thence along said west line, South $00^{\circ}13'19''$ West, 1050.26 feet to the point of beginning, containing 27.57 acre, more or less.

ACKNOWLEDGEMENT OF ADMINISTRATIVE OFFICER

I acknowledge that on 4-13-20 I received a signed and
Date

notarized copy of the Commitment filed by K & K Homes, LLC
Petitioner(s)

for a rezoning petition from R1A to R1B. The property included in the

rezoning petition is located at E 600 N, West Lafayette, Indiana
Street Address or Common Description

more particularly described in Exhibit A attached.

M. Wolf
Signature of Administrative Officer or Authorized Designee

State Identification Number 79-03-20-400-016.000-017

COMMITMENT

Commitment made on April 20, 2020, by K & K Homes, LLC (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Whiskir, LLC who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 27.57 acres on E 600 N in West Lafayette, Indiana and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.
2. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R1A to R1B which request is pending before the APC as case no. Z-_____.
3. Petitioner hereby agrees and makes the following commitments in connection with the rezoning request in case no. Z-_____:

All lots which shall be platted on the real estate shall have the following requirements:

- a. minimum lot area of 7500 square feet;
- b. minimum lot width of 60 feet;
- c. minimum vegetation coverage of 40%;
- d. minimum side setback not along street frontage - 6 feet.

4. Petitioner understands and agrees that this commitment is given to the APC and the Tippecanoe County Board of Commissioners (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z-_____. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-_____ by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

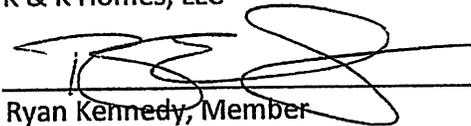
6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior

Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana
- d. Tippecanoe County Board of Commissioners

PETITIONER

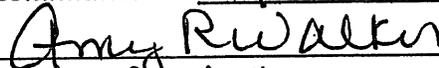
K & K Homes, LLC



 Ryan Kennedy, Member

STATE OF INDIANA)
)
 COUNTY OF TIPPECANOE) SS:

Before me, the undersigned, a notary public, personally appeared Ryan Kennedy and acknowledged the execution of the foregoing commitment on 4-11, 2020.



 Amy R. Walker, notary public
 Resident of Tippecanoe County

My commission expires:
9-21-2026



This instrument prepared by: Daniel A. Teder of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, P.O. Box 280, Lafayette, Indiana 47902. Telephone: (765) 423-5333. E-mail: dat@rtslawfirm.com

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

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