

LS

2020-39678

RECORDED AS PRESENTED ON

12/18/2020 11:09 AM

MARY BETH WISNIEWSKI

ST. JOSEPH COUNTY

RECORDER

PGS: 6 FEES: 25.00

**CORRECTED**

**WRITTEN COMMITMENT UNDERTAKEN BY PETITIONERS IN CONNECTON WITH ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL, ADOPTING BILL NO. 27-20, AMENDING THE ST. JOSEPH COUNTY CODE TO REZONE CERTAIN PROPERTY IDENTIFIED HEREIN FROM AGRICULTURAL TO I-INDUSTRIAL**

Petitioners, Kenneth Sebasto, Sr., Elaine Sebasto, and Kenneth Sebasto, Jr., pursuant to Indiana Code 36-7-4-1015, hereby commit to the following restrictions with respect to the following property which has been rezoned to I-Industrial, by amendment to Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as Amended:

PROPERTY LOCATED AT 56000 WILLOW ROAD, 31751 FILLMORE ROAD, VACANT LAND EARLY ROAD, 31540 FILLMORE ROAD, VACANT LAND FILLMORE ROAD, 31443 FILLMORE ROAD, AND 31333 FILLMORE ROAD (hereafter, "the Property")

**Parcel No. 012-1007-008101, et al.**

See legal description attached hereto as Exhibit A.

The Restrictions are as follows:

A. The Property may not be used for any of the following uses:

1. Mining operations;
2. Metal and metal scrap shredder operations;
3. Junkyard operations;
4. Slaughterhouse operations;
5. Sewage treatment plant;
6. Sanitary landfill;
7. "Heavy Industrial Uses" as that term is defined in the Comprehensive Plan for South Bend and St. Joseph County, Indiana (April 2002) , and any subsequent amendment:  
 "Heavy uses are those industrial uses that incorporate outdoor activities and/or emit relatively high impacts on surrounding properties, including noise, vibration, odor, light, glare, air emissions, and/or heat."

B. Preservation of Two Identified Forested Wetlands. The two identified forested wetlands will remain agricultural.

In Witness Whereof, the undersigned hereby execute this Written Commitment as owners of the Property, intending the same to be recorded with the Office of the Recorder for St. Joseph County, Indiana, and to bind any owner from using the Property in any manner outside these restrictions.

***This instrument supersedes the written commitments previously recorded with the Office of Recorder on October 21, 2020, as document number 2020-32444.***

Kenneth E. Sebasty Sr

Kenneth E. Sebasty, Sr.  
P.O. Box 178  
New Carlisle, IN 46552

Elaine A. Sebasty

Elaine A. Sebasty  
P.O. Box 178  
New Carlisle, IN 46552

Kenneth E. Sebasty Jr.

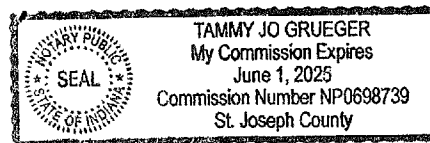
Kenneth E. Sebasty, Jr.  
27920 U.S. 20  
New Carlisle, Indiana 46552

STATE OF INDIANA            )  
COUNTY OF ST. JOSEPH ) SS:

Before me, a Notary Public in and for said County and State, on December 15, 2020, personally appeared the above-named Kenneth E. Sebasty, Sr., Elaine A. Sebasty, and Kenneth E. Sebasty, Jr. who, being by me duly sworn, did attest to be the individual(s) described in this instrument and to have executed the foregoing instrument.

Tammy Jo Grueger  
Notary Public

NOTARY SEAL / STAMP



**CERTIFICATE OF PROOF**

WITNESS to the signature(s) on the foregoing instrument to which this Proof is attached:

*[Handwritten Signature]*  
Witness Signature

PETER J. AGOSTINO  
Witness Name (must be typed / printed)

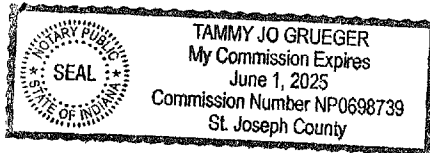
**PROOF:**

STATE OF INDIANA  
COUNTY OF ST. JOSEPH

Before me, a Notary Public in and for said County and State, on December 15, 2020, personally appeared the above named WITNESS to the foregoing instrument, who, being by me duly sworn, did depose and say that he/she knows Kenneth E. Sebasty, Sr., Elaine A. Sebasty, and Kenneth E. Sebasty, Jr. to be the individual(s) described in and who executed the foregoing instrument; that said WITNESS was present and saw said individuals the same; and that said WITNESS at the same time subscribed his/her name as a witness thereto.

*[Handwritten Signature]*  
Notary Public

NOTARY SEAL / STAMP



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. Peter J. Agostino

Instrument prepared by: Peter J. Agostino, Anderson, Agostino & Keller, P.C., 131 S. Taylor St., South Bend, Indiana 46601, 574-288-1510.

**EXHIBIT A**

**PARCEL I – Tract 1**

(Taken from Instrument #1412600 as recorded in the Office of Recorder of St. Joseph County, Indiana, described as Parcel III, Tract IV.)

SEVENTY (70) ACRES, MORE OR LESS OFF FROM THE EAST END OF THE SOUTH 80 ACRES OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 1 WEST.

And

**PARCEL I – Tract 2**

(Taken from Instrument #1412600 as recorded in the Office of Recorder of St. Joseph County, Indiana, described as Parcel III, Tract V.)

FORTY (40) ACRES, BEING THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 1 WEST.

**PARCEL II**

(Taken from Instrument #8904614 as recorded in the Office of Recorder of St. Joseph County, Indiana.)

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 1 WEST, OLIVE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 296.00 FEET SOUTHEASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE SOUTH 89 DEGREES 45' EAST, 1015.40 FEET;

THENCE NORTH 0 DEGREES 48' WEST, 2103.5 FEET TO AN IRON 44 FEET SOUTH OF THE CENTERLINE OF A DITCH; THENCE SOUTH 78 DEGREES 55' WEST, 670.6 FEET TO A MONUMENT; THENCE SOUTH 69 DEGREES 15' WEST,

382.09 FEET TO A POINT 44 FEET SOUTH OF THE CENTERLINE OF SAID DITCH; THENCE SOUTH 0 DEGREES 48' EAST, 1829.22 FEET TO THE POINT OF BEGINNING.

**PARCEL III**

(Taken from Instrument #8203430 as recorded in the Office of Recorder of St. Joseph County, Indiana.)

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1,  
TOWNSHIP 37 NORTH, RANGE 1 WEST.

ALSO, THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF  
THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 1 WEST.

LESS AND EXCEPTING RIGHT OF WAY FOR STATE ROUTE 2 AS DESCRIBED IN  
DEED RECORD BOOK 339, PAGE 275 OF THE ST. JOSEPH COUNTY RECORDS.

SUBJECT TO LIMITED ACCESS RIGHTS FOR STATE ROUTE 2 DESCRIBED IN  
AGREED FINDING AND JUDGEMENT, INSTRUMENT NUMBER 8311283 OF THE ST.  
JOSEPH COUNTY RECORDS.

**PARCEL IV**

(Taken from Instrument #1412600 as recorded in the Office of Recorder of St. Joseph County, Indiana, described a Parcel III, Tracts I & II.)

TRACT 1:

A STRIP OF LAND 27 1/2 RODS WIDE EAST AND WEST TAKEN OFF OF AND FROM  
THE ENTIRE LENGTH OF THE EAST SIDE OF THE WEST HALF OF THE SOUTHEAST  
QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 1 WEST.

TRACT 2:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 37  
NORTH, RANGE 1 WEST.

**PARCEL V      012-1007-008101**

(Taken from Instrument #1412600 as recorded in the Office of Recorder of St. Joseph County, Indiana, described as Parcel II)

LOT 1 IN THE RECORDED PLAT OF WROBLESKI FILLMORE ROAD MINOR  
SUBDIVISION, RECORDED SEPTEMBER 19, 2013 AS INSTRUMENT NUMBER 1329106  
OF THE ST. JOSEPH COUNTY RECORDS.

SUBJECT TO A LEASE FOR THE LIFE OF THE TENANT AS DESCRIBED IN  
INSTRUMENT NUMBER 1412601 OF THE ST. JOSEPH COUNTY RECORDS

**PARCEL VI**

(Taken from Instrument #1412600 as recorded in the Office of Recorder of St. Joseph County, Indiana, described as Parcel 1.)

THE WEST HALF (1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, EXCEPTING THEREFROM A STRIP OF LAND 27 1/2 RODS IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE LENGTH OF THE EAST SIDE THEREOF, IN TOWNSHIP NUMBER 37 NORTH, RANGE NUMBER 1 WEST.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

THE RECORDED PLAT OF WROBLESKI FILLMORE ROAD MINOR SUBDIVISION, RECORDED SEPTEMBER 19, 2013 AS INSTRUMENT NUMBER 1329106 OF THE ST. JOSEPH COUNTY RECORDS.

**PARCEL VII – 56000 Willow Road, New Carlisle, Indiana 46552**

(Taken from Instrument #9832043 as recorded in the Office. of Recorder of St. Joseph County, Indiana)

SIXTY (60) ACRES OF LAND OFF OF THE NORTH. END OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 1 WEST, ST. JOSEPH COUNTY, IND.IANA.

LESS AND EXCEPTING, A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 1 WEST, OLIVE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) ALONG THE WEST LINE OF SECTION 12 A DISTANCE OF 710.70 FEET (CITED IN PRIOR DEED AS 40 RODS AND CITED IN PRIOR SURVEY AS 709.8 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 223.00 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 57 SECONDS EAST, 290.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 223.00 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 57 SECONDS WEST, 290.00 FEET TO THE POINT OF BEGINNING, NOW KNOWN AS LOT NUMBERED ONE (1) AS SHOWN ON THE RECORDED PLAT OF.FRONTCZAK MINOR SUBDIVISION.