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Tx:4133384

2020-39209

RECORDED AS PRESENTED ON

12/15/2020 02:29 PM

MARY BETH WISNIEWSKI

ST. JOSEPH COUNTY

RECORDER

PGS: 6 FEES: 25.00

WRITTEN COMMITMENT UNDERTAKEN BY PETITIONERS IN CONNECTION WITH ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL, ADOPTING BILL NO. 33-20, AMENDING THE ST. JOSEPH COUNTY CODE TO REZONE CERTAIN PROPERTY IDENTIFIED HEREIN FROM AGRICULTURAL TO I-INDUSTRIAL

Petitioners, Todd L. Kaminski, Jill F. Oudhuis, and Tim V. Kaminski, 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 31000 Fillmore Road, New Carlisle, Indiana 46552 (hereafter, "the Property")

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."

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.

[signatures follow]

Todd L. Kaminski

Todd L. Kaminski
29255 Filmore Road
New Carlisle, IN 46552

Jill F. Oudhuis

Jill F. Oudhuis
32837 Early Road
New Carlisle, IN 46552

Tim V. Kaminski

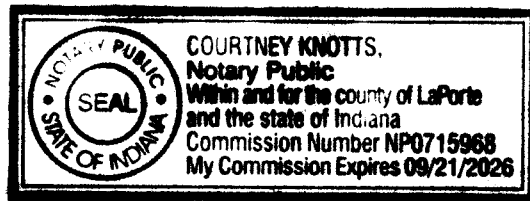
Tim V. Kaminski
408 Lakeside Drive
Walkerton, Indiana 46574

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

Before me, a Notary Public in and for said County and State, on December 11, 2020, personally appeared the above-named Todd L. Kaminski, Jill F. Oudhuis, and Tim V. Kaminski who, being by me duly sworn, did attest to be the individual(s) described in this instrument and to have executed the foregoing instrument.

Courtney Knotts
Notary Public

NOTARY SEAL / STAMP



CERTIFICATE OF PROOF

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

Abby E. Row
Witness Signature

Abby Row
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 11, 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 Todd L. Kaminski, Jill F. Oudhuis, and Tim V. Kaminski 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.

Courtney Knotts
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. Jamie C. Woods.

Instrument prepared by: Jamie C. Woods, Thome Grodnik, LLP, 420 Lincolnway West, Mishawaka, Indiana 46654, 574-256-5660.

EXHIBIT "A"

LEGAL DESCRIPTION

THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWELVE (12), IN TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ONE (1) WEST.

ALSO, THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (1/4) OF SECTION SEVEN (7) IN TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ONE (1) EAST.

LESS AND EXCEPTING RIGHT OF WAY FOR STATE ROUTE 2 AS DESCRIBED IN DEED RECORD BOOK 337, PAGE 342 OF THE ST. JOSEPH COUNTY RECORDS.

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 AS DESCRIBED IN INSTRUMENT NUMBER 7806446 OF THE ST. JOSEPH COUNTY RECORDS.

LESS AND EXCEPTING RIGHT OF WAY FOR STATE ROUTE 2 AND LARRISON BOULEVARD AS DESCRIBED IN INSTRUMENT NUMBER 8905311 OF THE ST. JOSEPH COUNTY RECORDS.