

**WRITTEN COMMITMENT UNDERTAKEN BY PETITIONER IN CONNECTION WITH ORDINANCE
OF THE ST. JOSEPH COUNTY COUNCIL, ADOPTING BILL NO. 64-21, AMENDING THE ST.
JOSEPH COUNTY CODE TO REZONE CERTAIN PROPERTY IDENTIFIED HEREIN FROM A-
AGRICULTURAL TO I-INDUSTRIAL**

Petitioner, St. Joseph County Redevelopment Commission, pursuant to Indiana Code 36-7-4-1015, hereby commits 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 56458 Willow Road, New Carlisle, Indiana 46552;
31917 State Road 2, New Carlisle, Indiana 46552; and
56340 Willow Road, New Carlisle, Indiana 46552 (collectively, 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."

B. Preservation of Legally Delineated Wetland. To the extent the Property contains a legally delineated Wetland ("the Wetland"), the Wetland may not be used for any industrial use.



C. The Property will include an eighty (80) foot wide (as measured from the center of Willow Road) type 2 landscape buffer as defined by Title XV, Land Usage, Chapter 154, Planning and Zoning, of the St. Joseph County Code, as amended.

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

St. Joseph County Redevelopment Commission

By: [Signature]

Its: PRESIDENT

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

Before me, a Notary Public in and for said County and State, on Sept. 14, 2021, personally appeared Brian Paulauski as President of the St. Joseph County Redevelopment Commission who, being by me duly sworn, did attest to be the individual(s) described in this instrument and to have executed the foregoing instrument.

[Signature]
Notary Public
Francisco C. Folia
St. Joseph County

NOTARY SEAL



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, Thorne Grodnik, LLP, 420 Lincolnway West, Mishawaka, Indiana 46654, 574-256-5660.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

As Described in Commitment Number 791900255 Revision 2, Commitment Date December 10, 2019 – adapted from the public record as parenthetically noted.

(Instrument #2019-32435 in the Office of Recorder of St. Joseph County, Indiana)

A LOT OR PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 1 WEST, BOUNDED BY A LINE RUNNING AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE RUNNING NORTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 40 RODS; THENCE EAST 10 RODS; THENCE SOUTH 40 RODS; THENCE WEST 10 RODS TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING RIGHT OF WAY FOR STATE ROUTE 2 AS DESCRIBED IN DEED RECORD BOOK 332, PAGE 523 OF THE ST. JOSEPH COUNTY RECORDS.

SUBJECT TO LIMITED ACCESS RIGHTS FOR STATE ROUTE 2 AS DESCRIBED IN INSTRUMENT NUMBER 7802396 OF THE ST. JOSEPH COUNTY RECORDS.

PARCEL 2

As Described in Commitment Number 791900256 Revision 2, Commitment Date December 13, 2019 – adapted from the public record as parenthetically noted.

(Instrument #2019-32437 in the Office of Recorder of St. Joseph County, Indiana)

THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF SECTION TWELVE (12), TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE ONE (1) WEST EXCEPTING THEREFROM A LOT OR PARCEL OF LAND CONTAINING SIXTY, (60) ACRES, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE

NORTH END THEREOF, AND EXCEPTING FURTHER A LOT OR PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 12; THENCE RUNNING NORTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF FORTY (40) RODS; THENCE EAST TEN (10) RODS; THENCE SOUTH FORTY (40) RODS TO THE SOUTH LINE OF SAID NORTHWEST QUARTER (1/4) OF SECTION 12; THENCE WEST ON SAID SOUTH LINE TEN (10) RODS TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING RIGHT OF WAY FOR STATE ROUTE 2 AS DESCRIBED IN DEED RECORD BOOK 332, PAGE 523 OF THE ST. JOSEPH COUNTY RECORDS.

SUBJECT TO LIMITED ACCESS RIGHTS FOR STATE ROUTE 2 AS DESCRIBED IN INSTRUMENT NUMBER 7806445 OF THE ST. JOSEPH COUNTY RECORDS.

PARCEL 3

As Described in Commitment Number 791900239 Revision 1, Commitment Date December 10, 2019 – adapted from the public record as parenthetically noted.

(Instrument #2019-32420 in the Office of Recorder of St. Joseph County, Indiana)

LOT NUMBERED ONE (1) AS SOWN ON THE RECORDED PLAT OF FRONTCZAK MINOR SUBDIVISION, RECORDED MAY 17, 1991 AS DOCUMENT NUMBER 9112523 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

