

Transfer 46298
Taxing Unit Olive
Date 03/01/2021

**WRITTEN COMMITMENT UNDERTAKEN BY PETITIONERS IN CONNECTION 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**

Petitioner, 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 30750 W. Edison Road, New Carlisle, IN. (hereafter, "the Property")

Parcel No. 012-1021-0248

See legal description attached hereto as Exhibit A.

Vacant Land located at the intersection of Early Road, Spruce Road and Elderberry, in , New Carlisle, IN. (hereinafter, "the property")

Parcel No. 012-1007-0069

See legal description attached hereto as Exhibit B.

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.

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

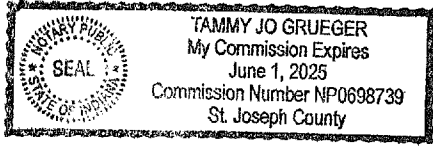
Kenneth E. Sebasty, Jr.
Kenneth E. Sebasty, Jr.
27920 U.S. 20
New Carlisle, Indiana 46552

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

Before me, a Notary Public in and for said County and State, on February ^{25th} 2021, personally appeared the above-named 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 nstrument.

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)

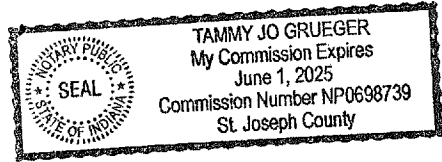
PROOF:

STATE OF INDIANA
COUNTY OF ST. JOSEPH

Before me, a Notary Public in and for said County and State, on February 25th, 2021, 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, 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.

Tammy Jo Grueger
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

AS A tract of land in St. Joseph County, Indiana, located in the Northwest Quarter of the Northwest Quarter of Section 6, Township 37 North, Range 1 East, described as beginning at the northwest corner of said Section 6; thence running east thirteen chains, fifty links; thence south twenty chains, thence west thirteen chains, fifty links; thence north to the place of beginning.

(Taken from Instrument No: 1304559)

EXHIBIT B

PARCEL VI: Sixty-five (65) acres, more or less, off from the West end of the South Half of the Northeast Quarter of Section 1, Township 37 North, Range 1 West, EXCEPT Forty (40) acres off the West end of 65 acres, more or less, off of the West end of the South Half of the Northeast Quarter of Section 1, Township 37 North, Range 1 West of the Second Principal Meridian, Olive Township, St. Joseph County, Indiana, said 40 acres being more particularly described as follows: Beginning at an iron pipe found at the center of Section 1; thence North 00 degrees 35' 50" West along the North-South centerline of Section 1, a distance of 1345.96 feet to an iron pipe found at the Northwest corner of the South Half of the Northeast Quarter of said Section 1; thence south 89 degrees 42' 11" East along the North line of the South Half of the Northeast Quarter of said Section 1 a distance of 1300.20 feet to an iron pin; thence South 00 degrees 36' 10" East a distance of 1334.27 feet to an iron pin on the East-West centerline of said Section 1; thence South 89 degrees 46' 54" West along with East-West centerline of said Section 1, a distance of 1300.20 feet to the point of beginning

PARCEL VIII: Nine and Seventy-five Hundredths (9.75) acres, more or less, in the South end of the West Half of the Northwest Quarter of Section 6, Township 37 North, Range 1 West, East of the Highway.

PARCEL IX: Six and Twenty-five Hundredths (6.25) acres, more or less off the South end of the East Half of the Northwest Quarter of Section 1, Township 37, North, Range 1 West, East of the Highway.

(Taken from Instrument No: 1412600)