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Lawson Fisher

2021-18619

RECORDED AS PRESENTED ON

06/04/2021 01:39 PM

MARY BETH WISNIEWSKI

ST. JOSEPH COUNTY

RECORDER

PGS: 4 FEES: 25.00



WRITTEN COMMITMENT UNDERTAKEN BY PETITIONERS IN CONNECTION WITH ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL, ADOPTING BILL NO. 42-21, AMENDING THE ST. JOSEPH COUNTY CODE TO REZONE CERTAIN PROPERTY IDENTIFIED HEREIN FROM A-AGRICULTURAL TO I-INDUSTRIAL

Petitioners, Thelma J. Truex and Laurel L. Kublick, as Co-Trustees of the Ward Living Trust dated August 14, 1998, 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 55600 Spruce Road, New Carlisle, IN 46522 and associated vacant land at the southeast quadrant of Edison Road and Elderberry Road (the "Property").

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.

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]

Laurel L. Kublick - Co-trustee

Laurel L. Kublick, as Co-Trustee of the Ward Living Trust dated August 14, 1998
55600 Spruce Road
New Carlisle, Indiana 46552

Thelma Truex Co-trustee

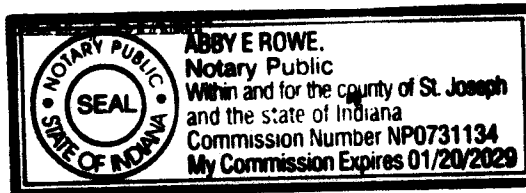
Thelma Truex, as Co-Trustees of the Ward Living Trust dated August 14, 1998
7955 North La Porte Blvd.
New Carlisle, IN 46552

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

Before me, a Notary Public in and for said County and State, on March 18, 2021, personally appeared the above-named Laurel L. Kublick, as Co-Trustee of the Ward Living Trust dated August 14, 1998 who, being by me duly sworn, did attest to be the individual(s) described in this instrument and to have executed the foregoing instrument.

Abby E. Rowe
Notary Public

NOTARY

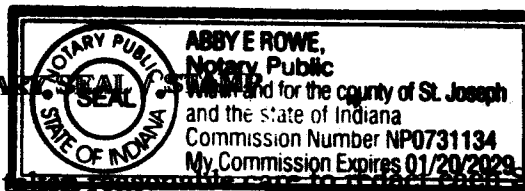


STATE OF INDIANA)
COUNTY OF ST. JOSEPH) SS:

Before me, a Notary Public in and for said County and State, on March 18, 2021, personally appeared the above-named Thelma Truex, as Co-Trustee of the Ward Living Trust dated August 14, 1998 who, being by me duly sworn, did attest to be the individual(s) described in this instrument and to have executed the foregoing instrument.

Abby E. Rowe
Notary Public

NOTARY



I affirm, under the penalties for perjury, that I have ~~used reasonable care to identify 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

FROM INSTRUMENT NUMBER 1334516, RE-RECORDED AS INSTRUMENT NUMBER 1407816, BOTH RECORDED IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA:

A PART OF THE NORTHWEST QUARTER OF SECTION NO. 6, TOWNSHIP NO. 37 NORTH, RANGE NO. 1 EAST, AND A PART OF THE NORTHEAST QUARTER OF SECTION NO. 1, TOWNSHIP NO. 37 NORTH, RANGE NO. 1 WEST, WHICH PART IS KNOWN AS LOTS NUMBERED 15 AND 16 OF THE PARTITION PLAT OF MORRIS JARRITT ESTATE, CONTAINING 39.78 ACRES, AS SHOWN IN COMPLETE RECORD CIVIL 15, PAGE 171, OF ST. JOSEPH COUNTY CIRCUIT COURT.

ALSO, THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NO. 1, TOWNSHIP NO. 37 NORTH, RANGE NO. 1 WEST, CONTAINING 20 ACRES, MORE OR LESS.

ALSO, THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6, TOWNSHIP NO. 37 NORTH, RANGE NO. 1 EAST;

EXCEPT: A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6, TOWNSHIP 37 NORTH, RANGE 1 EAST, OLIVE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6 MARKED WITH A BRASS PLUG IN A CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 53 MINUTES 22 SECONDS EAST, ON THE SOUTH LINE OF SECTION NO. 6 AND THE CENTERLINE OF FILLMORE ROAD, 1142.62 FEET TO A POINT 179.85 FEET WEST OF THE SOUTHEAST CORNER OF THE WEST HALF OF SOUTHWEST QUARTER OF SECTION NO. 6 MARKED WITH AN IRON PIN; THENCE NORTH 00 DEGREES 06 MINUTES 38 SECONDS EAST, 19.93 FEET TO A POINT 180 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6; THENCE NORTH 67 DEGREES 32 MINUTES 09 SECONDS EAST, 65.18 FEET TO A POINT 45 FEET NORTH OF THE SOUTH LINE OF SECTION NO. 6 AND 120 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6; THENCE NORTH 16 DEGREES 27 MINUTES 01 SECONDS EAST, 36.48 FEET TO A POINT 80 FEET NORTH OF THE SOUTH LINE OF SECTION NO. 6 AND 110 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6; THENCE NORTH 00 DEGREES 32 MINUTES 21 SECONDS EAST 1764.35 FEET PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6; THENCE NORTH 89 DEGREES 24 MINUTES 55 SECONDS WEST, 1210.96 FEET TO THE WEST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION NO. 6; THENCE SOUTH 00 DEGREES 35 MINUTES 05 SECONDS WEST ON THE WEST LINE OF THE WEST HALF OF SOUTHWEST QUARTER OF SECTION NO. 6 1854.35 FEET, TO THE POINT OF BEGINNING.

ALSO EXCEPT (FROM INSTRUMENT NUMBER 8827840, AS RECORDED IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA):

A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 1 EAST, OLIVE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION MARKED WITH AN IRON PIN; THENCE NORTH $1^{\circ}14'41''$ WEST ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER, 20.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $88^{\circ}18'16''$ WEST, PARALLEL TO THE SOUTH LINE OF SAID SECTION TO A POINT 180 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH $65^{\circ}45'07''$ EAST, 65.18 FEET TO A POINT 45 FEET NORTH OF THE SOUTH LINE OF SAID SECTION AND 120 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH $14^{\circ}39'59''$ EAST, 36.48 FEET TO A POINT 80 FEET NORTH OF THE SOUTH LINE OF SAID SECTION AND 110 FEET WEST OF THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH $1^{\circ}14'41''$ WEST 1885.93 FEET PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE NORTH $88^{\circ}45'19''$ EAST, 110.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH $1^{\circ}14'41''$ EAST ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION, 1945.07 FEET TO THE POINT OF BEGINNING.

NET ACREAGE BASED ON RECORD DOCUMENTS BEING 83.42 ACRES, MORE OR LESS.