

PETITION

FOR CHANGE OF ZONING ORDINANCE MAPS

76-86-

PC

ORDINANCE NO. R-76-64

Petitioner: Catholic Diocese of Evansville, Inc.
219 Northwest Third Street
Evansville, Indiana 47708

FILED

JUL 30 1976

Owner of Record: Same as above

Lessee: None

Nancy Worden
CITY CLERK

1. Petition is hereby made for the change of "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County pursuant to Section 52, Chapter 138, Acts 1957 (Burns' Section 53-1052) and Chapter 1187 of the Municipal Code of Evansville, Indiana, 1962.

2. The premises affected are composed of two separate tracts, the first of which (hereinafter designated as "Parcel A") is situated on the east side of First Avenue approximately 220.13 feet north of the northeast corner of the intersection of First Avenue and Fairway Drive in Evansville, Indiana, and the second of which (hereinafter designated as "Parcel B") is situated on the north side of Fairway Drive approximately 250 feet east of the northeast corner formed by the intersection of Fairway Drive and First Avenue in Evansville, Indiana, which tracts are more particularly described as follows, to-wit:

PARCEL A

A part of the West Half of the Southeast Quarter of Section Seven (7), Township Six (6) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said half quarter section and on First Avenue which lies South 00 degrees 22 minutes and 00 seconds West for a distance of 1196.03 feet from the Northwest corner of said half quarter section; from said place of beginning continue South 89 degrees, 16 minutes and 00 seconds East a distance of 300.00 feet; thence South 00 degrees, 22 minutes and 00 seconds West, parallel to the West line of said half quarter section for 140.0 feet; thence North 89 degrees, 16 minutes and 00 seconds West for 300.00 feet to a point on the West line of said half quarter section and on First Avenue; thence North 00 degrees, 22 minutes 00 seconds East along said West line and First Avenue for 140.0 feet to the place of beginning and containing a gross area of 0.964 acres and a net area of 0.836 acres.

Forty (40) feet is reserved off the West side of the above described real estate for First Avenue, also the above described real estate is subject to all easements of record.

PARCEL B

A part of the West Half of the Southeast Quarter of Section Seven (7), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, and more particularly described as follows:

Beginning at a point which is located by commencing at the Northwest corner of said half quarter section and measuring South 00 degrees, 22 minutes and 00 seconds West along the West line of said half quarter section for a distance of 1336.03 feet; thence South 89 degrees, 16 minutes and 00 seconds East a distance of 290.0 feet to the place of beginning; from said place of beginning continue South 89 degrees, 16 minutes and 00 seconds East for 469.96 feet; thence South 00 degrees, 15 minutes and 35 seconds West for 210.0 feet to a point on the North right-of-way line of Fairway Drive; thence North 89 degrees, 16 minutes and 00 seconds West along said North right-of-way line for 393.95 feet to the beginning of a 15.362 degree curve to the left; thence in a Southwesterly direction along the arc of said curve and said North right-of-way line for an arc length of 87.05 feet; thence North 00 degrees, 22 minutes and 00 seconds East, parallel to the West line of said half quarter section 220.13 feet to the place of beginning and containing a gross area of 2.272 acres.

The above described real estate is subject to all easements of record.

3. The commonly known address of the real estate described above as Parcel A is 3455 First Avenue; and the commonly known address of the real estate described above as Parcel B is 601 Fairway Drive.

4. All of the above described real estate is located in a Zone District designated as:

R-1 (1-Family Dwelling)

5. The requested change for all of the above described real estate is to:
C-1 (Neighborhood Commercial)

6. Parcel A and the improvements situated thereon were formerly a part of the Rex Mundi High School Complex in Evansville, Indiana. Since said high school ceased its operations, the real estate described as Parcel A and the improvements situated thereon have been vacant. The present existing land use for Parcel B is unimproved vacant land.

7. The proposed land use with respect to Parcel A is to convert the existing improvements situated thereon into a commercial office building. The proposed land use with respect to Parcel B is to develop said land for commercial purposes.

8. The owner, or attorney for owner, hereby certifies that the owner of record named above owns all of the above described real estate.

DATED this 30 day of July, 1976.

CATHOLIC DIOCESE OF EVANSVILLE, INC.,
PETITIONER AND OWNER

By Francis R. Shea
Francis R. Shea, President

JAMES F. FLYNN
Trockman and Flynn
20 N. W. Sixth Street
Evansville, Indiana 47708
Attorney for Petitioner and Owner

PAUL ROSSI, Prespective Purchaser of
Parcel A

By Chen Foreca
His Attorney

BAMBERGER, FOREMAN, OSWALD AND HAHN
708 Hulman Building
Evansville, Indiana 47708
Telephone No. 425-1591
Attorneys for Paul Rossi

CITY ENGINEER CERTIFICATION

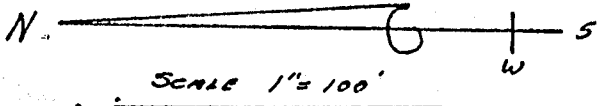
- 1. Legal Description correct: OK
- 2. Commonly known address correct: OK
- 3. Right-of-way required: NONE

Richard P. [Signature]
City Engineer

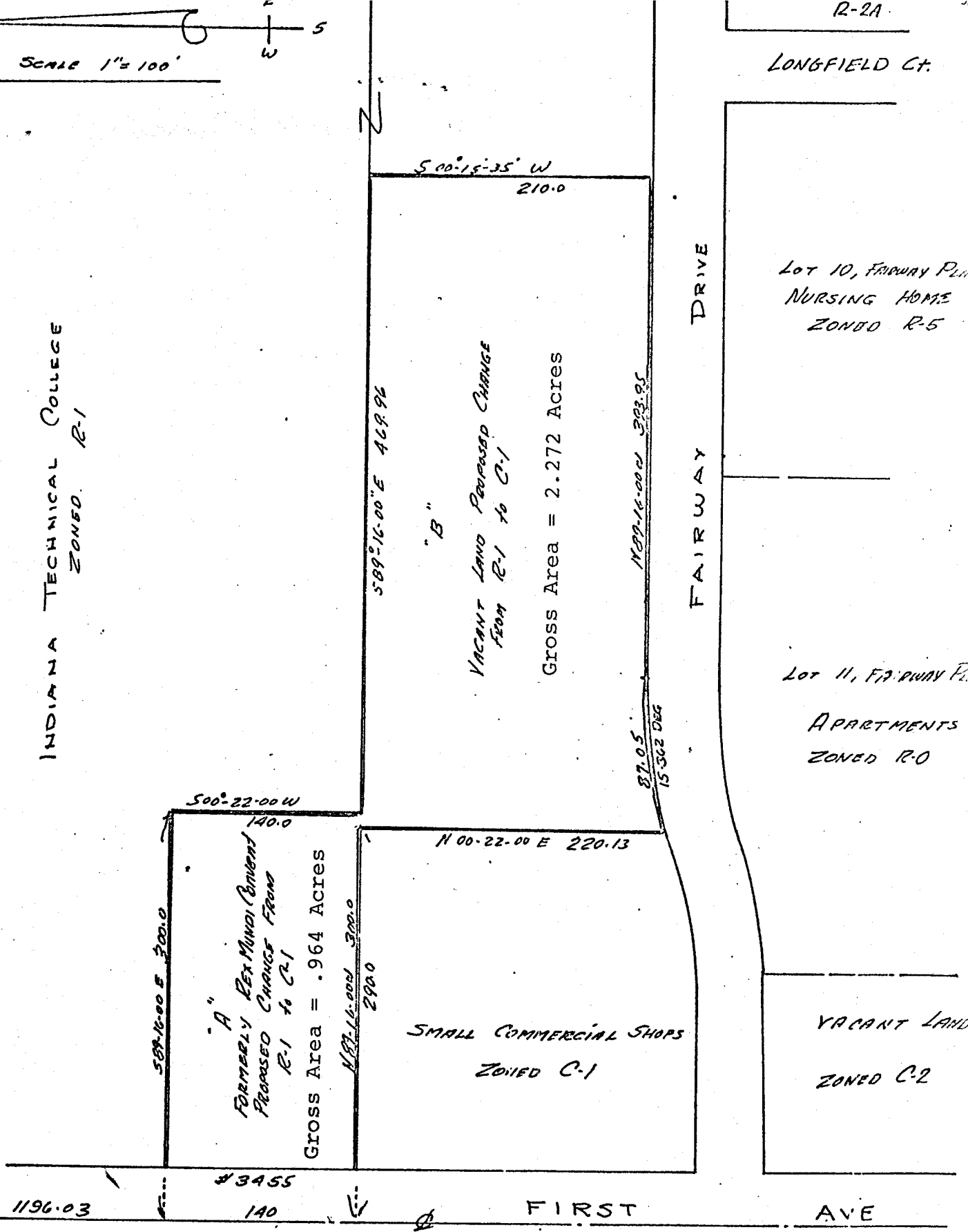
TRAFFIC ENGINEER CERTIFICATION

- 1. Approval of State Highway Commission required: _____
- 2. Traffic problems which will be caused by contemplated use: _____
- 3. Recommendations: A Traffic Study will be prepared.

Keith Fochmelle
Traffic Engineer



INDIANA TECHNICAL COLLEGE
ZONED R-1




N.W. COR. SE 1/4
SEC 7-5-10

ZONED R-1
RESIDENTIAL LOTS

Plat of existing Zone Classifications of real estate surrounding 3455 First Avenue and 601 Fairway Drive proposed change from R-1 to C-1 of subject real estate.

Bamberger, Foreman, Oswald and Hahn
3455 First Avenue (Former Rex Mundi Convent)
#96 July 27, 1976


 Sam Biggerstaff-LS
 Indiana Reg. No. 9838

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 3455 FIRST AVENUE AND 601 FAIRWAY DRIVE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS:, to-wit:

Section 1. That Ordinance No. 2551, as amended, being the Municipal Code of Evansville, Indiana, 1962, and particularly Part II, Chapter 1135, Section 1135.02, be and the same hereby is amended by making certain changes in Atlas I which is made a part of said section, as amended, with respect to the following described real estate located in the City of Evansville, County of Vanderburgh, State of Indiana:

PARCEL A

A part of the West Half of the Southeast Quarter of Section Seven (7), Township Six (6) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said half quarter section and on First Avenue which lies South 00 degrees 22 minutes and 00 seconds West for a distance of 1196.03 feet from the Northwest corner of said half quarter section; from said place of beginning continue South 89 degrees, 16 minutes and 00 seconds East a distance of 300.00 feet; thence South 00 degrees, 22 minutes and 00 seconds West, parallel to the West line of said half quarter section for 140.0 feet; thence North 89 degrees, 16 minutes and 00 seconds West for 300.00 feet to a point on the West line of said half quarter section and on First Avenue; thence North 00 degrees, 22 minutes 00 seconds East along said West line and First Avenue for 140.0 feet to the place of beginning and containing a gross area of 0.964 acres and a net area of 0.836 acres.

Forty (40) feet is reserved off the West side of the above described real estate for First Avenue, also the above described real estate is subject to all easements of record.

PARCEL B

A part of the West Half of the Southeast Quarter of Section Seven (7), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, and more particularly described as follows:

Beginning at a point which is located by commencing at the Northwest corner of said half quarter section and measuring South 00 degrees, 22 minutes and 00 seconds West along the West line of said half quarter section for a distance of 1336.03 feet; thence South 89 degrees, 16 minutes and 00 seconds East a distance of 290.0 feet to the place of beginning;

from said place of beginning continue South 89 degrees, 16 minutes and 00 seconds East for 469.96 feet; thence South 00 degrees, 15 minutes and 35 seconds West for 210.0 feet to a point on the North right-of-way line of Fairway Drive; thence North 89 degrees 16 minutes and 00 seconds West along said North right-of-way line for 393.95 feet to the beginning of a 15.362 degree curve to the left; thence in a Southwesterly direction along the arc of said curve and said North right-of-way line for an arc length of 87.05 feet; thence North 00 degrees 22 minutes and 00 seconds East, parallel to the West line of said half quarter section 220.13 feet to the place of beginning and containing a gross area of 2.272 acres.

The above described real estate is subject to all easements of record;

by changing the zoning classification of Parcel A described above from R-1 (One-family Dwelling) Zoning District to C-1 (Neighborhood Commercial) Zoning District and by changing the zoning classification of Parcel B described above from R-1 (One-Family Dwelling) Zoning District to C-1 (Neighborhood Commercial) Zoning District and said parcels of real estate are hereby so rezoned and reclassified.

Section 2. The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County hereby is authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas I as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of this amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor and its publication as required by law, which publication is now ordered.

* * *

PASSED by the Common Council of the City of Evansville, Indiana, on this _____ day of _____, 1976, and on said day signed by the President of said Common Council and attested by the City Clerk.

ATTEST:

President

City Clerk

Presented by me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the _____ day of _____, 1976.

City Clerk

Having examined the foregoing ordinance, I do now, as Mayor of said City of Evansville, Indiana, approve said ordinance, and return the same to the City Clerk this _____ day of _____, 1976, at _____ o'clock _____ M.

Mayor of the City of Evansville, Indiana

APPROVED AS TO FORM:

City Attorney



Evansville Urban Transportation Study

Room 312, Civic Center Complex • Evansville, Indiana 47708 • Telephone (812) 426-5230

Keith Lochmueller
Director

TO: City Council
County Commissioners
Plan Commission Members

TRAFFIC ENGINEERING REPORT

For a Zoning Petition

P. C. No. 76-86

Ordinance No. R-76-64

Petitioner Catholic Diocese of Evansville, Inc.

Address for rezoning 3455 First Avenue and 601 Fairway Drive

Present zoning R-1 Proposed zoning C-1

Present land use Formerly part of a High School. Now vacant

Proposed land use Office building and commercial purposes

The objective of the Traffic Engineering Report for a Zoning Petition is the following:

1. Determine the effects the proposed land use will have on the Transportation system.

2. Develop recommendations.

Existing Conditions: First Avenue is a major north-south arterial that carries approximately 20,000 vehicles per day. Fairway Drive is a local street that carries under 1000 vehicles per day.

Effects: There would be an increase of traffic on both First Avenue and Fairway Drive.

Recommendations: The proposed curb-cut for parcel "A" located on the northern boundary of the property is in a good location. The curb-cut should conform to the Evansville Urban Transportation Study's curb-cut standards. Any curb-cut constructed on Fairway Drive, for parcel "B", should conform to the Evansville Urban Transportation Study's curb-cut standards.

RECEIVED
FOR RECORD

OCT 1 8 52 AM '76

VOL 52 PAGE 154

RESTRICTIVE COVENANT AGREEMENT

76-19230

THIS INDENTURE WITNESSETH THAT:

LYNN BURTON COLE, JR.
RECORDER OF
VANDERBURGH COUNTY

FILED

SEP 27 1976

Nancy [Signature]

WHEREAS, the undersigned, CATHOLIC DIOCESE OF EVANSVILLE, INC., is the owner and the undersigned, PAUL ROSSI, ^{CLERK} the prospective purchaser of the following described real estate located on First Avenue in the City of Evansville, Indiana, and more particularly described as follows, to-wit:

A part of the West Half of the Southeast Quarter of Section Seven (7), Township Six (6) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at a point on the West line of said half quarter section and on First Avenue which lies South 00 degrees 22 minutes and 00 seconds West for a distance of 1196.03 feet from the Northwest corner of said half quarter section; from said place of beginning continue South 89 degrees, 16 minutes and 00 seconds East a distance of 300.00 feet; thence South 00 degrees, 22 minutes and 00 seconds West, parallel to the West line of said half quarter section for 140.0 feet; thence North 89 degrees, 16 minutes and 00 seconds West for 300.00 feet to a point on the West line of said half quarter section and on First Avenue; thence North 00 degrees, 22 minutes 00 seconds East along said West line and First Avenue 140.0 feet to the place of beginning and containing a gross area of 0.964 acres and a net area of 0.836 acres.

Forty (40) feet is reserved off the West side of the above described real estate for First Avenue, also the above described real estate is subject to all easements of record; and

WHEREAS, the undersigned have instituted a proceeding (76-86-P-C, R-76-64) requesting rezoning of said real estate into the C-1 (Neighborhood Commercial) zone as defined in the zoning ordinance for the City of Evansville, Indiana; and

WHEREAS, the undersigned have represented that notwithstanding classification of said real estate into the said C-1 (Neighborhood Commercial) zone the use thereof for the period of time hereinafter designated will be limited to the uses and for the purposes hereinafter specifically designated:

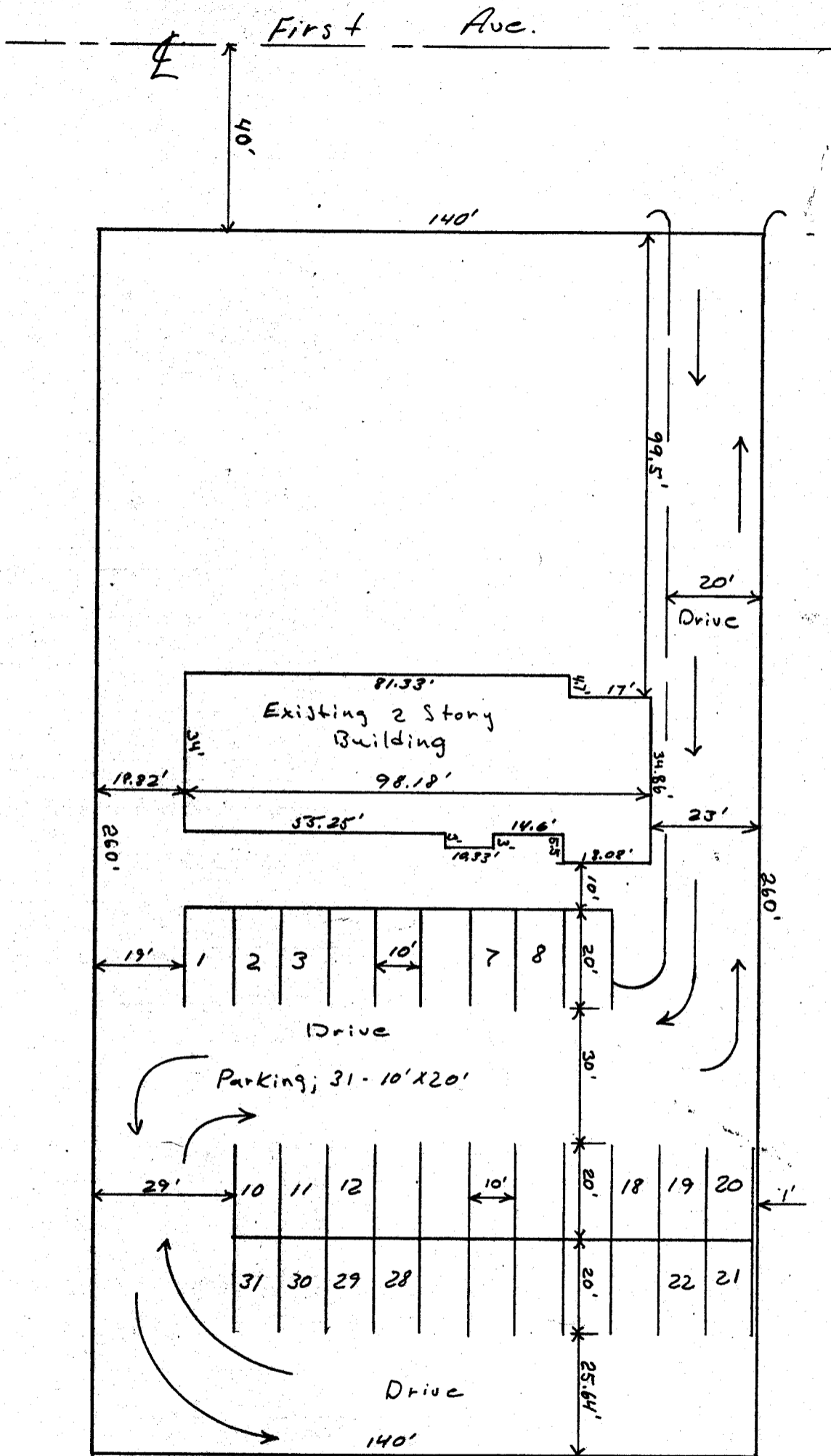
NOW, THEREFORE, in order to obtain said C-1 zoning district classification with respect to said real estate, the undersigned hereby covenant and agree as follows:

1. That notwithstanding that said real estate is reclassified into and becomes a part of the C-1 (Neighborhood Commercial) zone as defined and described in the Evansville Zoning Ordinances, the use thereof for not less than the period of time hereinafter specified shall not include all uses permissible within said C-1 (Neighborhood Commercial) zone, but shall be limited to one or more of the following:

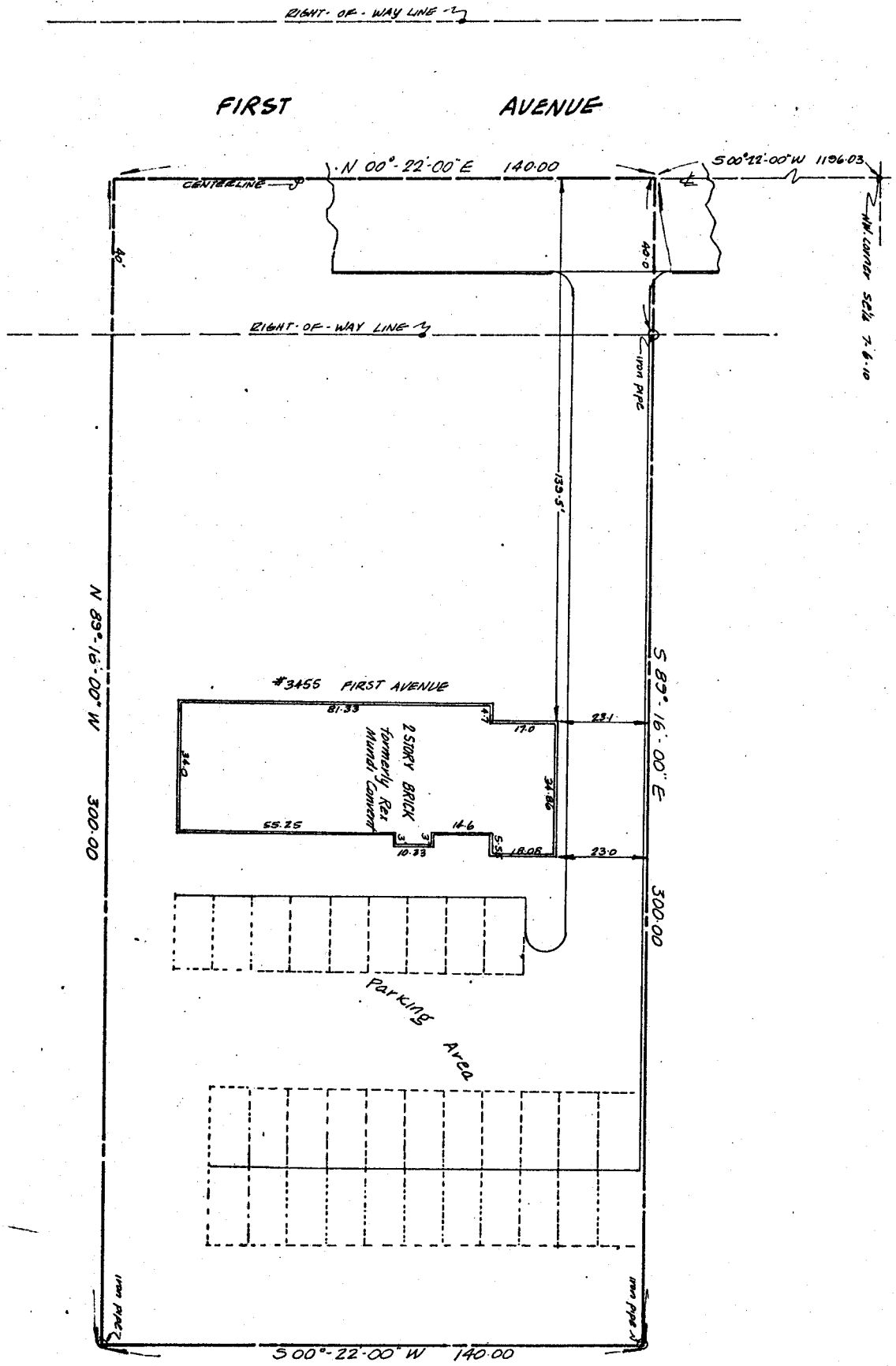
- A. Uses authorized and permitted within the R-0 Zone as described and defined in the applicable zoning ordinance,
- B. Photography studio,
- C. Hearing aid consultant, dealer or distributor,
- D. Sale of and services pertaining to optical goods - optometrist,
- E. Dressmaker or tailer shop,
- F. Interior decorator,
- G. Ticket or travel agency,
- H. Personal service shops, such as barber or beauty shop,
- I. Shop for repair or servicing of watches and jewelry,
- J. Sale of cosmetics or health and beauty aids,
- K. Pharmacy.

2. The covenants herein contained shall be binding upon the owner or owners and occupants of said above described real estate from time to time but neither of the undersigned or any successor in title shall have any liability or obligation on account of said covenants by reason of any use made of or activity upon said real estate during the period of time after he or it ceases to be an owner or occupant of said real estate, it being the intent hereof that no person, firm or corporation shall have any liability on account of a breach of any of said covenants by any other person, firm or corporation. Said covenants are intended to and shall run with the land and shall follow in the chain of title to said real estate, thereby following the land to and being binding upon all owners subsequent to the undersigned, and each of them.

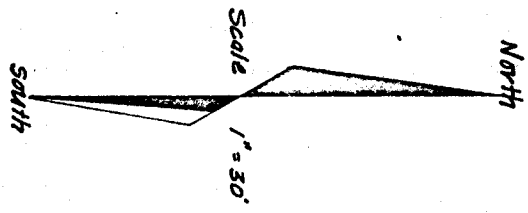
3. All covenants and agreements herein expressed shall be enforceable by Area Plan Commission of Evansville and Vanderburgh County, or its successors, or by any citizen or citizens of Vanderburgh County, Indiana who own real estate as a residence located within five hundred (500) feet of any boundary of the above described real estate sought to be rezoned.



Scale 1"=30'



NEW CORNER SET 7-6-10



REVISIONS		ASSOCIATED LAND SURVEYORS and CIVIL ENGINEERS, INC.	
NO.	DATE	BY	1323 DIVISION ST EVANSVILLE, INDIANA
1			PART OF THE SOUTHEAST QUARTER OF SEC. 7-6-10
2			
3			
4			

DRAWN BY PJB	SCALE 1" = 30'	MATERIAL
CHK'D	DATE 7/27/76	DRAWING NO.
TRACED	APP'D	