

**ORDINANCE NO. 2014-1**

**AN ORDINANCE TO AMEND THE CITY OF ROCKPORT,  
INDIANA ZONING ORDINANCE BY REZONING  
CERTAIN REAL ESTATE IN ROCKPORT, INDIANA**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
ROCKPORT, INDIANA:

That the City of Rockport, Indiana, Zoning Ordinance, as amended, and the  
Zoning District Maps made a part of said Ordinance be and the same hereby are,  
amended as follows:

SECTION I: The following described real estate in the City of Rockport,  
Spencer County, Indiana to wit:

• See attached Exhibits A-1, A-2, and A-3  
was heretofore zoned and classified as R-1 (Single Family District) and is now all  
rezoned and all reclassified as C-3 (General Commercial District).

SECTION II: All Ordinances and parts of Ordinances in conflict herewith are  
hereby repealed.

SECTION III: The said Zoning Ordinance and Zoning District Maps are  
amended at the request of the Rockport City Plan Commission which recommends the  
same pursuant to its approval on the 5th day of February, 2014 of a petition granting said  
change on the petition of Obermeier Hardware & Rental, Inc., Michael R. Obermeier and  
Barbara F. Obermeier, a copy of which petition and approval are attached hereto and  
made a part hereof as Exhibit B.

SECTION IV: This Ordinance shall be in full force and effect from and after its  
passage by the Common Council of the City of Rockport, Indiana.

Passed and adopted by the Common Council of the City of Rockport, Indiana on the 4<sup>th</sup> day of March, 2014.

COMMON COUNCIL OF THE CITY OF  
ROCKPORT, INDIANA

Carol R Huff  
Council Member

Carrie L. Duggan  
Council Member

Chris Brown  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:

Janie Roberts  
Clerk-Treasurer

Presented by me to the Mayor of the City of Rockport on the 4<sup>th</sup> day of March, 2014 at the hour of 6:05 o'clock P.M.

Janie Roberts  
Clerk-Treasurer

This ordinance approved and signed by me on the 4<sup>th</sup> day of March, 2014 at the hour of 6:05 o'clock P.M.

Harold Goffinet  
Mayor, City of Rockport

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA BY LAWYERS. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES, MAY CONSTITUTE THE PRACTICE OF LAW WHICH SHOULD ONLY BE DONE BY A LAWYER.

Mail tax bills to:

Michael R. Obermeier  
True Value Hardware  
722 Old Plank Rd.  
Rockport, IN 47635

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That MILDRED IRENE GIBBS, unmarried,

("Grantor") of Spencer County in the State of Indiana  
CONVEYS AND WARRANTS TO MICHAEL R. OBERMEIER and BARBARA F. OBERMEIER,  
husband and wife, as tenants by the entireties,

of Spencer County in the State of Indiana  
in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Spencer County, in the State of Indiana:

A part of the Southeast Quarter of Section Twenty-two (22), Township Seven (7) South, Range Six (6) West, in the City of Rockport, better described as follows:  
Beginning at a point 31.5 feet South, 5 degrees East; 350 feet South 83 degrees and 30 minutes West; and 63 feet North 5 degrees West of a pin at the intersection of Lincoln Avenue and Sycamore Street in the City of Rockport, Indiana;  
thence running North to the South right-of-way line of Indiana State Highway 66;  
thence in a northwesterly direction along the South right-of-way of State Highway 66 for a distance of 60 feet; thence South to a point 60 feet West of the point of beginning;  
thence East 60 feet to the point of beginning.

Grantees assume and agree to pay the real estate taxes due and payable in November 1994, and all subsequent taxes and assessments.

The undersigned hereby represents that this real estate is not "property" as defined in Indiana Code 13-7-22.5-6, and is not, and has not been used as a landfill or dump, and contains no underground storage tanks or toxic or hazardous waste or materials, and that no disclosure statement under Indiana Code 13-7-22.5-1, et seq. (Indiana Responsible Transfer Law), is required for this transaction.

Dated this 20th day of September, 1994.

(Signature) \_\_\_\_\_  
DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER THIS 20th  
(Printed Name) DAY OF Sept 19 94  
(Signature) \_\_\_\_\_  
AUDITOR OF SPENCER COUNTY  
(Printed Name) \_\_\_\_\_

Mildred Irene Gibbs  
(Signature) \_\_\_\_\_  
Mildred Irene Gibbs  
(Printed Name) \_\_\_\_\_  
(Signature) \_\_\_\_\_  
INSTRUMENT # 94-350 Recorded this  
20 day of Sept, 1994, at  
Rockport, M. In Record No. 173  
(Printed Name) \_\_\_\_\_  
Page 611

STATE OF INDIANA  
COUNTY OF SPENCER SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of September, 1994, personally appeared MILDRED IRENE GIBBS, unmarried,

and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission expires: Dec. 4, 1997 Signature Margie L. Merrill  
Resident of Spencer County Printed Margie L. Merrill, Notary Public

ROCKPORT

THIS FORM HAS BEEN PREPARED FOR USE WITHIN THE STATE OF INDIANA. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTION OF SPECIAL CLAUSES, MAY CONSTITUTE THE PRACTICE OF LAW AND SHOULD ONLY BE DONE BY A LAWYER.

Mall tax bills to:  
Michael R. Obermeier  
c/o True Value Hardware  
722 Old Plank Rd.  
Rockport, IN 47635

Tax Key No.:

WARRANTY DEED

This indenture witnesseth that CLARA M. DAVIS, a widow,

of Spencer County in the State of Indiana

Conveys and warrants to MICHAEL R. OBERMEIER and BARBARA F. OBERMEIER,  
husband and wife, as tenants by the entireties,

of Spencer County in the State of Indiana  
for and in consideration of One Dollar (\$1.00) and other valuable consideration,  
the receipt whereof is hereby acknowledged, the following Real Estate in Spencer County  
in the State of Indiana, to wit:

15-22-401-042-91

TRACT I.

A part of Section Twenty-two (22), Township Seven (7) South, Range Six (6) West, commencing four hundred and five tenths (400.5) feet North of the Southwest corner of a certain tract of land heretofore deeded by H. C. Tranary and wife, to Christopher Carter, on the 5th day of April, 1900, and recorded in Deed Record Number 65, at page 145 in the Office of the Recorder of Spencer County, Indiana; thence running East fifty-three (53) feet; thence North one hundred (100) feet, more or less, to the right-of-way line of Indiana State Highway Number 66; thence in a Northwesterly direction along said right-of-way line sixty-one (61) feet; thence South one hundred thirty-four (134) feet to the place of beginning.

15-22-401-048-91

TRACT II.

A part of the Southeast quarter of Section 22, Township 7 South, Range 6 West, in the City of Rockport; better described as follows:  
Beginning North 5 degrees West 21 feet and South 83 degrees 30 minutes West 293 feet of a pin at the intersection of Lincoln Avenue and Sycamore Street in the City of Rockport; thence South 83 degrees 30 minutes West 53 feet; thence South 6 degrees 30 minutes East 113 feet; thence North 83 degrees 30 minutes East 53 feet; thence North 6 degrees 30 minutes West 113 feet to the place of beginning.

Subject to all legal highways, easements and rights-of-way.

Grantees assume and agree to pay the real estate taxes due and payable in Spring 1995, and all subsequent taxes and assessments.

State of Indiana, Spencer County, ss

Before me, the undersigned, a Notary Public in and for said County and State, this 18th day of February 1994 personally appeared:

CLARA M. DAVIS, a widow,

Dated this 18th Day of February 19 94

Clara M. Davis  
Clara M. Davis

ENTRY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER THIS 17  
DAY OF Feb 19 94  
J. B. Smith, Auditor  
AUDITOR OF SPENCER COUNTY

And acknowledged the execution of the foregoing deed, in witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 3-5 1994

Michael D. Miller  
Melodie H. Miller, Notary Public  
Resident of Spencer County.

This instrument prepared by John A. Hargis; Wagoner, Ayer and Hargis  
104 S. Third St., Rockport, IN, 47635 Attorney at Law

INSTRUMENT # 15-22-401-042-91  
18 day of Feb 19 94  
134 M. in Record No. 122  
Page 117  
Shirley A. Coy Rec

# WARRANT DEED

THIS INDENTURE WITNESSETH that IRA L. BUNCH, SR., IRA L. BUNCH, JR., DWAYNE E. BUNCH and ROGER D. BUNCH, all of Spencer County, Indiana, CONVEY and WARRANT to

**OBERMEIER HARDWARE & RENTAL, INC.,**  
an Indiana corporation,

of Spencer County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Spencer County, in the State of Indiana, to wit:

74-15-22-401-045.000-018

A part of Section 22, Township 7 South, Range 6 West, in the City of Rockport, better described as follows:

Beginning at a point north 5 degrees west 21 feet and south 83 degrees 30 minutes west 195 feet of an iron pin at the intersection of Lincoln Avenue and Sycamore Street in the City of Rockport, Indiana; thence north 00 degrees 26 minutes 13 seconds east 46.97 feet to an iron stake; thence north 60 degrees 41 minutes 49 seconds west 113.33 feet to an iron stake; thence south 00 degrees 17 minutes 35 seconds east 99.97 feet to an iron pin; thence north 88 degrees 33 minutes 15 seconds east 97.99 feet to the place of beginning, containing 0.17 acre more or less.

74-15-22-401-049.000-018

ALSO, a part of the Southeast quarter of Section 22, Township 7 South, Range 6 West, in the City of Rockport, better described as follows:

Beginning at a point north 5 degrees west 21 feet and south 83 degrees 30 minutes west 195 feet of an iron pipe at the intersection of Lincoln Avenue and Sycamore Street, in the City of Rockport, Indiana; thence south 00 degrees 26 minutes 13 seconds west 105.64 feet to an iron pin; thence south 89 degrees 10 minutes 11 seconds west 96.61 feet to an iron pin; thence north 00 degrees 17 minutes 35 seconds east 109.51 feet to an iron pin; thence south 88 degrees 33 minutes 15 seconds east 97.99 feet to the place of beginning, containing 0.24 acre more or less.

Subject to all legal highways, easements and rights of way.

Subject to the first installment of the 2013 real estate taxes due and payable on May 10, 2014 and all subsequent real estate taxes.

Dated the 31<sup>st</sup> day of December, 2013.

Ira L. Bunch Sr.      Dwayne E. Bunch  
Ira L. Bunch, Sr.      Dwayne E. Bunch

CITY OF ROCKPORT, INDIANA

PETITION FOR CHANGE IN THE ZONING ORDINANCE MAP

Petitioners and Owners of Record:

- |  |  |  |
|--|--|--|
| 1) Michael R. Obermeier<br>822 Sycamore Street<br>Rockport, In 47635 | 2) Barbara F. Obermeier<br>822 Sycamore Street<br>Rockport, IN 47635 | 3) Obermeier Hardware<br>& Rental, Inc.<br>822 Sycamore Street<br>Rockport, In 47635 |
|--|--|--|

1. Petition is hereby made for a change of the Zoning Map of the City of Rockport, Indiana, under authority vested in the Rockport City Plan Commission by Chapter 174, Section 63, Acts of the 1947 General Assembly of the State of Indiana and all acts amendatory thereto.

2. The legal description of the affected premises is as follows:

(See attached Exhibits A-1, A-2 and A-3)

and the common description is as follows:

816 Sycamore Street (State Hwy. 66) Rockport, IN 47635 and  
822 Sycamore Street (State Hwy. 66) Rockport, IN 47635

3. The present zoning of the affected area is believed to be the following:

Zoned R-1 (Single Family District)

4. Your petitioner requests that the zoning be changed as follows:

C-3 (General Commercial District)

5. The existing land use of the affected area is as follows:

R-1 Residential

6. The proposed land use is for Obermeier Hardware & Rental, Inc. business.

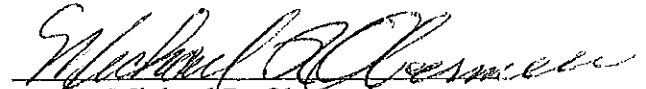
7. The owners hereby certify that they own one hundred percent of the above described real estate.

8. The following documents are submitted with this petition:

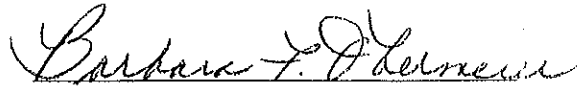
- (a) Surveys of affected area (Exhibits B-1 and B-2) showing areas to be rezoned and the dimensions of the same to the nearest foot;
- (b) Proposed Ordinance (Exhibit C); and

- (c) The present zoning of the affected area and the immediately surrounding area is shown on the zoning map attached hereto (Exhibit D).
- (d) List of names and addresses of adjoining land owners (Exhibit E).

WHEREFORE, petitioner requests that the affected land be rezoned to C-3 (General Commercial District).

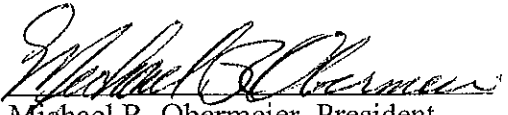


Michael R. Obermeier,  
as a Tenant by Entireties with  
Barbara F. Obermeier



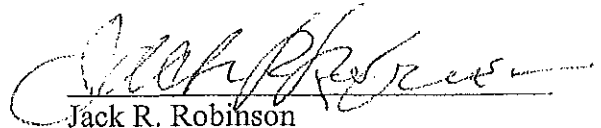
Barbara F. Obermeier  
as a Tenant by Entireties with  
Michael R. Obermeier

OBERMEIER HARDWARE &  
RENTAL, INC.



Michael R. Obermeier, President

Petitioners and Owners are  
Represented by:



Jack R. Robinson  
Attorney at Law  
122 S. 3<sup>rd</sup> Street, P. O. Box 61  
Rockport, IN 47635-0061

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Mail tax bills to:

Michael R. Obermeier  
True Value Hardware  
Old Plank Rd. 47635  
Rockport, IN

# WARRANTY DEED

THIS INDENTURE WITNESSETH, That MILDRED IRENE GIBBS, unmarried,

("Grantor") of Spencer County in the State of Indiana  
CONVEYS AND WARRANTS TO MICHAEL R. OBERMEIER and BARBARA F. OBERMEIER,  
husband and wife, as tenants by the entireties,

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in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Spencer County, in the State of Indiana:

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Dated this 20th day of September, 1994.

(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_  
(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_

Mildred Irene Gibbs  
(Signature) \_\_\_\_\_  
(Printed Name) Mildred Irene Gibbs  
(Signature) \_\_\_\_\_  
(Printed Name) \_\_\_\_\_

STATE OF INDIANA  
COUNTY OF SPENCER SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of September, 1994, personally appeared MILDRED IRENE GIBBS, unmarried,

and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission expires Dec. 4, 1997 Signature Margie L. Merrill  
Resident of Spencer County Printed Margie L. Merrill, Notary Public

INSTRUMENT # 94-350 Recorded this  
20 day of Sept., 1994, at  
7:43 P. M. in Record No. 173  
Page 611

Annora D. Coy Rec.



ROCKPORT

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Mail tax bills to: Michael R. Obermeier c/o True Value Hardware 722 Old Plank Rd. Rockport, IN 47635

Tax Key No.:

WARRANTY DEED

This indenture witnesseth that CLARA M. DAVIS, a widow,

of Spencer County in the State of Indiana

Conveys and warrants to MICHAEL R. OBERMEIER and BARBARA F. OBERMEIER, husband and wife, as tenants by the entireties,

of Spencer County in the State of Indiana for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Spencer County in the State of Indiana, to wit:

15-22-401-042-91

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Subject to all legal highways, easements and rights-of-way.

Grantees assume and agree to pay the real estate taxes due and payable in Spring 1995, and all subsequent taxes and assessments.

State of Indiana, Spencer County, ss: Before me, the undersigned, a Notary Public in and for said County and State, this 18th day of February 1994 personally appeared:

CLARA M. DAVIS, a widow,

Dated this 18th Day of February 19 94

Clara M Davis Clara M. Davis

ONLY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE, 77. FOR TRANSFER THIS DAY OF FEBRUARY 1994

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 3-5 1994

Melba Dee H. Miller, Notary Public Resident of Spencer County.

This instrument prepared by John A. Hargis; Wagoner, Ayer and Hargis 104 S. Third St., Rockport, IN, 47635 Attorney at Law

INSTRUMENT # 94-044 Recorded this 18 day of February 1994 at 1:34 P.M. in Record No. 172 Page 111 Answer S. Coy Rec

# WARRANT DEED

THIS INDENTURE WITNESSETH that IRA L. BUNCH, SR., IRA L. BUNCH, JR., DWAYNE E. BUNCH and ROGER D. BUNCH, all of Spencer County, Indiana, CONVEY and WARRANT to

**OBERMEIER HARDWARE & RENTAL, INC.,**  
an Indiana corporation,

of Spencer County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Spencer County, in the State of Indiana, to wit:

74-15-22-401-045.000-018

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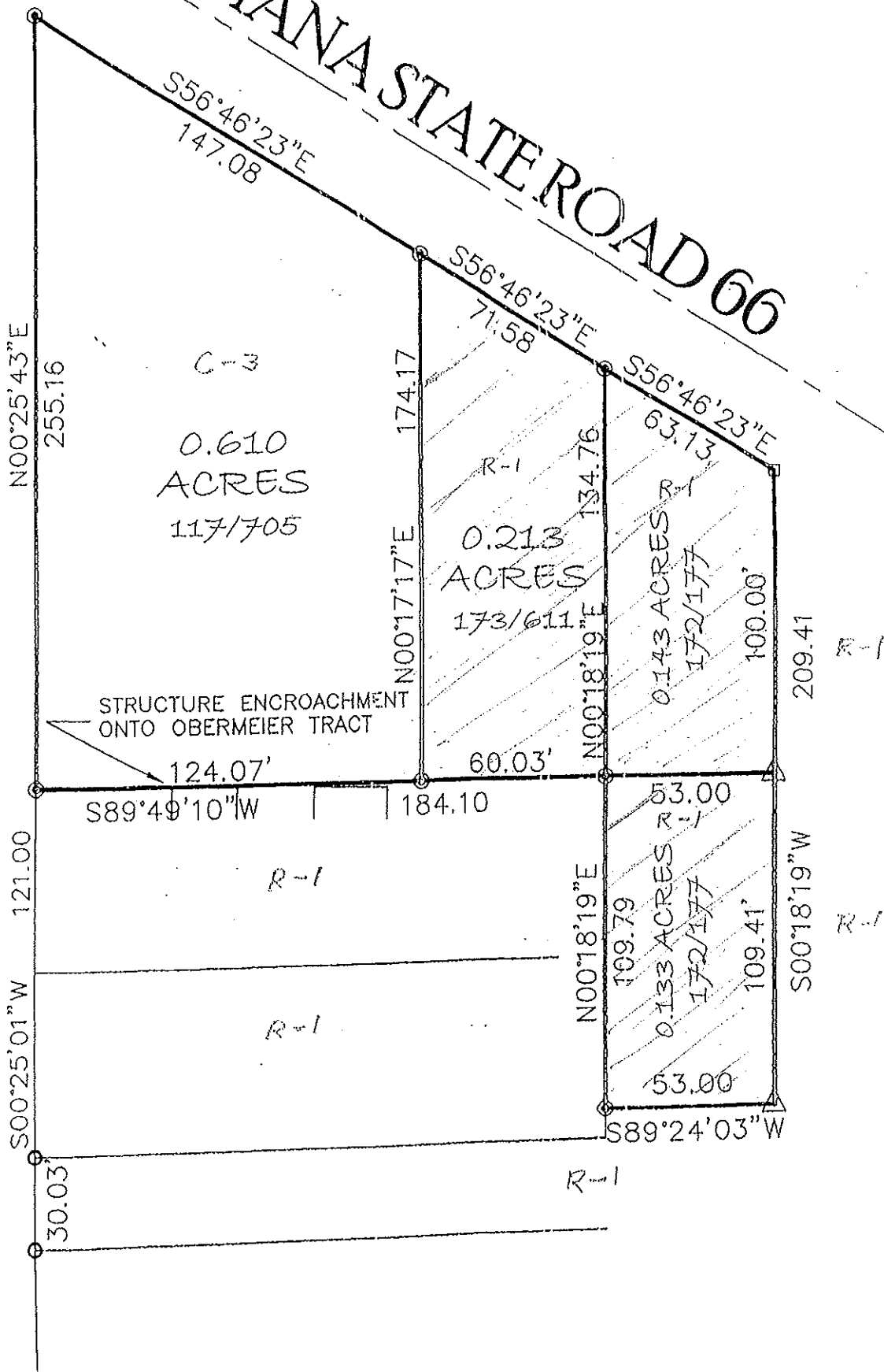
Subject to the first installment of the 2013 real estate taxes due and payable on May 10, 2014 and all subsequent real estate taxes.

Dated the 30<sup>th</sup> day of December, 2013.

Ira L. Bunch Sr.      Dwayne E. Bunch  
Ira L. Bunch, Sr.      Dwayne E. Bunch.

BILL EVANS AVENUE

INDIANA STATE ROAD 66



THE BASIS OF BEARINGS SHOWN  
HEREON WERE ASSUMED.

ALL DIMENSIONS SHOWN HEREON ARE  
AS MEASURED IN THE FIELD UNLESS  
NOTED AS RECORD MEASUREMENT.  
I.E. (REC.)

RECORD SOURCES:

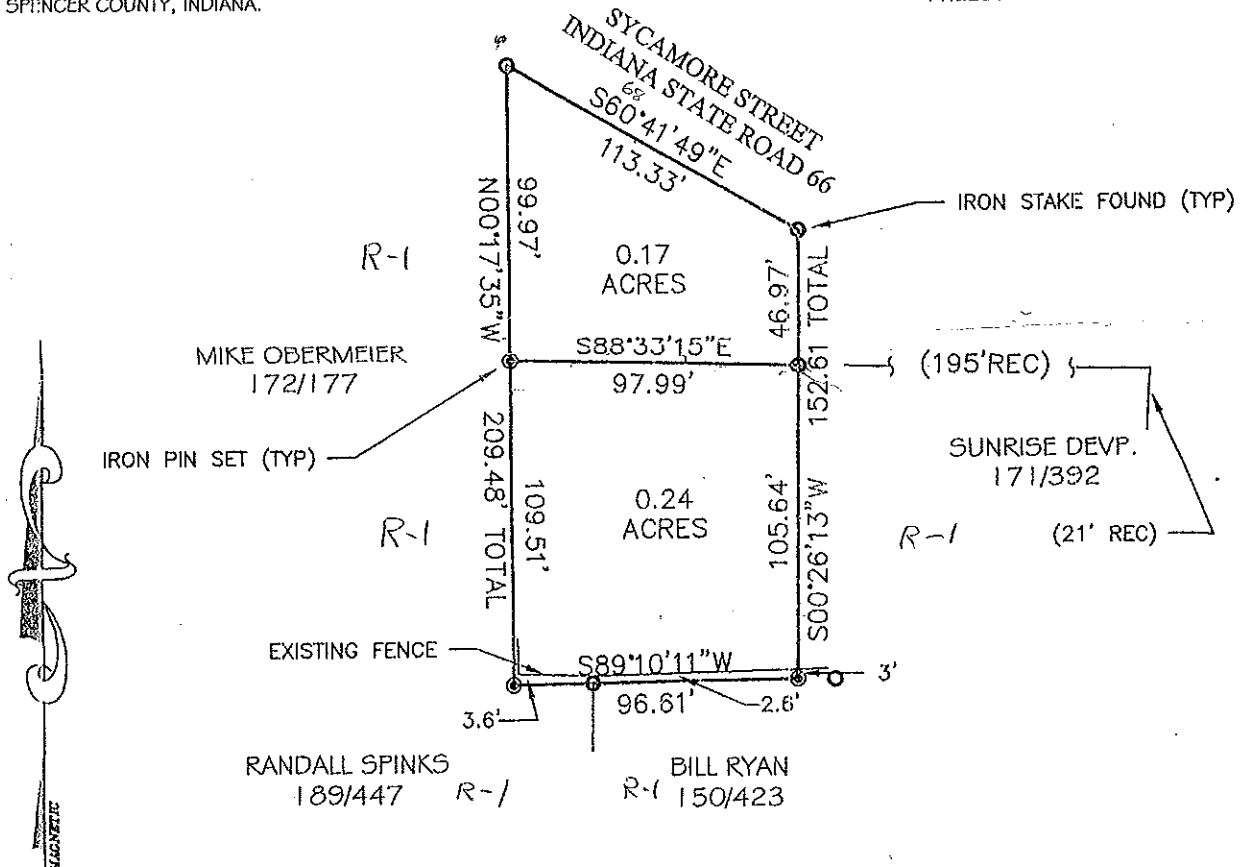
DEED BOOK 162, PAGE 472 IN THE  
OFFICE OF THE RECORDER OF  
SPENCER COUNTY, INDIANA.



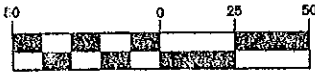
\* 2013 R - 04042 1 \*  
2013R-04042

Exhibit B-2

SHARON DUGAS  
SPENCER COUNTY RECORDER  
ROCKPORT, IN  
RECORDED ON  
12/30/2013 12:36PM  
REC FEE: \$20.00  
PAGES: 1



GRAPHIC SCALE



1 inch = 50 ft.

SURVEYORS CERTIFICATE

I, HEREBY CERTIFY THAT THIS SURVEY WAS  
PERFORMED UNDER MY DIRECTION TO THE  
BEST OF MY KNOWLEDGE AND BELIEF AND  
WAS EXECUTED ACCORDING TO THE SURVEY  
REQUIREMENTS CONTAINED IN THE INDIANA  
ADMINISTRATIVE CODE 865 SECTION 1-12-1  
THRU 1-12-29.

*Mark A. Chamness* 9-7-2000  
MARK A. CHAMNESS, PLS NO. 9600020  
DATE



IRA BUNCH  
SUSAN BUNCH  
RETRACEMENT SURVEY

PART OF SECTION 22, T-7-S, R-6-W IN THE  
CITY OF ROCKPORT, SPENCER COUNTY,  
INDIANA

AUGUST 7, 2000

IRA\_BUNCH.DWG

CHAMNESS LAND SURVEYING

7803 WEST, STATE ROAD 66  
P.O. BOX 306  
HATFIELD, INDIANA 47617

PHONE: (812) 359-5729 FAX: (812) 359-5733

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CITY OF ROCKPORT,  
INDIANA ZONING ORDINANCE BY REZONING  
CERTAIN REAL ESTATE IN ROCKPORT, INDIANA**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
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Zoning District Maps made a part of said Ordinance be and the same hereby are,  
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petition granting said change on the petition of Obermeier Hardware & Rental, Inc.,  
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SECTION IV: This Ordinance shall be in full force and effect from and after its  
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Passed and adopted by the Common Council of the City of Rockport, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 2014.

COMMON COUNCIL OF THE CITY OF  
ROCKPORT, INDIANA

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer

Presented by me to the Mayor of the City of Rockport on the \_\_\_\_ day of \_\_\_\_\_, 2014 at the hour of \_\_\_\_ o'clock P.M.

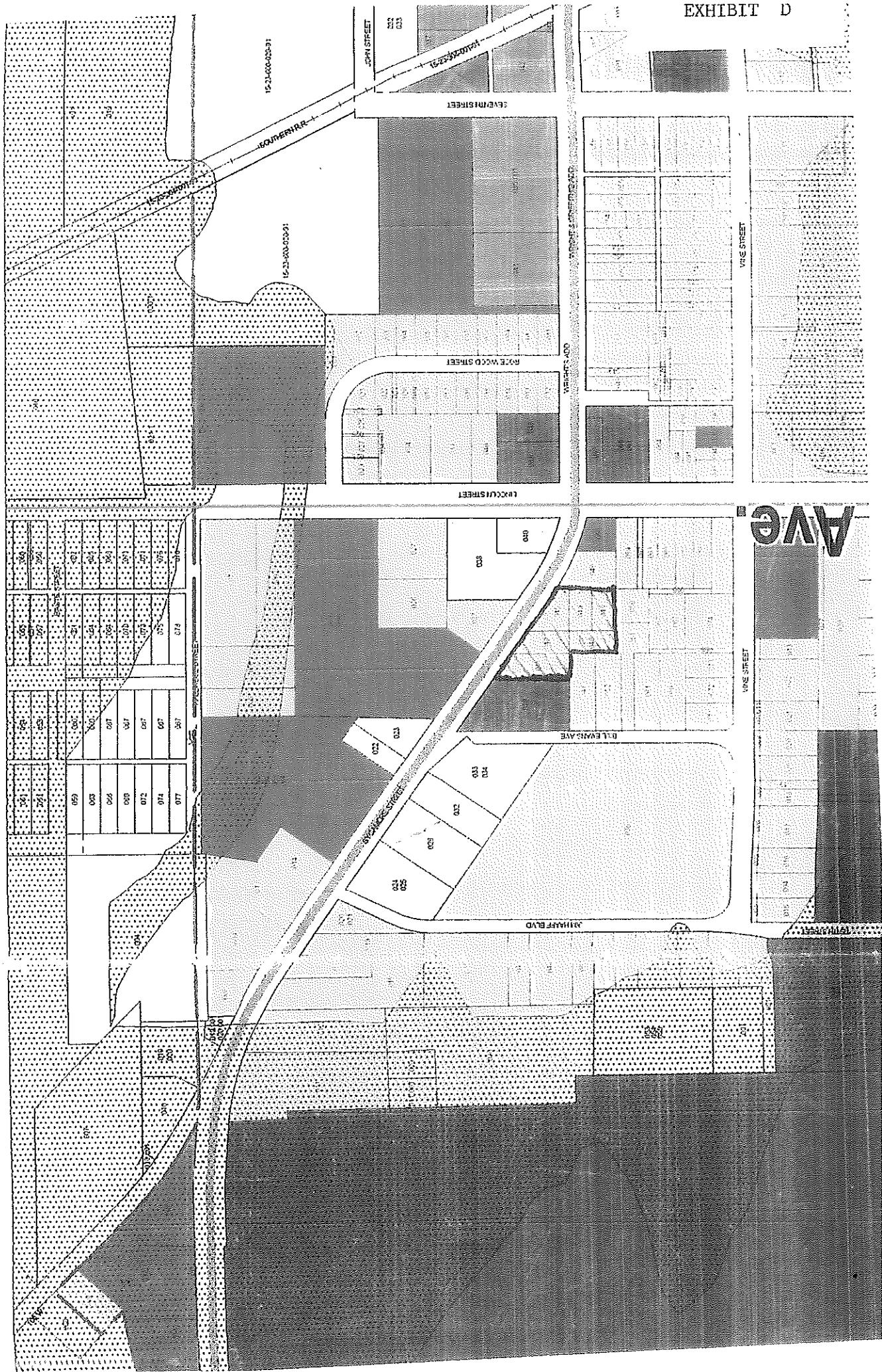
\_\_\_\_\_  
Clerk-Treasurer

This ordinance approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2014 at the hour of \_\_\_\_ o'clock P.M.

\_\_\_\_\_  
Mayor, City of Rockport

EXHIBIT D

- C-3 - General Commercial (dark purple)
- R-1 - Residential (yellow)
- R-3 - Multiple Family (orange)
- C-1 - Tourist Commercial (light purple)



Adjoining Land Owners, Names and Addresses

1. Sunrise Development Corporation  
Attention: Donald R. Schulte  
P. O. Box 23  
Rockport, Indiana 47635-0023
2. Spencer County Republican Central Committee  
P. O. Box 273  
Rockport, IN 47635-0273
3. Billy & Barbara S. Ryan  
718 N. Lincoln Avenue  
Rockport, IN 47635
4. Wymond L. & Judy D. Myers  
557 N. County Road 200 W.  
Rockport, IN 47635
5. Larry W. Donoho Irrevocable Trust  
213 S. Fourth Street  
Rockport, IN 47635
6. Marilyn Lavonne Neal  
329 S. Lincoln Avenue  
Rockport, IN 47635
7. Pamela S. Duley Revocable Living Trust  
533 Elm Street  
Rockport, IN 47635
8. Wanda M. Lauer  
814 N. Lincoln Avenue  
Rockport, IN 47635
9. Bissey Investments, LLC  
P. O. Box 757  
Washington, IN 47501-0757
10. B. R. Associates, Inc.  
4201 Mannheim Rd., Suite A.  
Jasper, IN 47546



TO: Common Council of  
City of Rockport, Indiana  
City Hall  
426 Main Street  
Rockport, Indiana 47635

RE: Application of Obermeier Hardware & Rental, Inc.  
Michael R. Obermeier and Barbara F. Obermeier  
to Rezone certain real estate on Sycamore Street  
to C-3 (General Commercial District)

The Rockport Advisory Plan Commission on February 5, 2014 unanimously approved the above rezoning application and recommends to the Common Council of the City of Rockport, Indiana, that the real estate described in said application be rezoned as requested.

Dated: February 8, 2014

ROCKPORT ADVISORY PLAN COMMISSION

By: Phillip Forche  
PHILLIP FORCHE, President

ROCKPORT ADVISORY PLAN COMMISSION