

**Rezoning Petition (Change zone map)**  
**Yorktown Plan Commission**  
**Yorktown, Indiana**

**Petitioner Information**

- A. Petitioner Name: Yorktown Real Equities LLC
- B. Petitioner Address: 17219 Foundation Pkwy Westfield IN 46077
- C. Petitioner Phone: (317) 509-1497

**Property Information**

- A. Property Address or Description of the Location: parcel ID # 1021276008000 + 1021276012000 known as: 9860 W Smith St Yorktown IN
- B. Size of Subject Property: 34.24 acres acres
- C. Request to change from M2 zoning classification to PD-M2 zoning classification.

**Supporting Information (Attach additional sheets if necessary)**

- A. Please explain the purpose of the rezone. Specifically, how will the property be used and developed? How will this proposal complement or enhance the character of adjacent structures and uses?

To allow for a permanent for rent community where as the Streets will remain with the owner + will be platted as one continuous lot.

- B. Please state how this request complies with the Yorktown Comprehensive Plan:

---

---

---

---

---

---

---

---

- C. Please attach the following additional information:

- 1. Legal Description
- 2. Plot Plan
- 3. Site Plan
- 4. Building Elevations

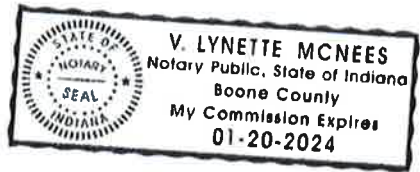
**Petitioner Affidavit**

I further state that if this request is granted, I will proceed with the approved use in accordance with the plans herewith submitted within six (6) months from date of filing this request, and that I am able from a financial, legal, and physical basis to do so.

  
\_\_\_\_\_  
(Signature of Petitioner)

Dated at Westfield, Indiana this 7<sup>th</sup> day of  
July, 2022.

*V. Lynette McNeese*



# *Thieneman Properties, LLC*

## CONTRACT SIGNING RESOLUTION

*I HEREBY CERTIFY*, that I am the a Managing Member of Thieneman Properties, LLC and that on the date of June 20, 2022 in accordance with the By-Laws, the Board of Directors of Thieneman Properties, LLC, a Limited Liability Corporation duly organized and existing under the laws of the State of Indiana, duly adopted a resolution that has not been rescinded or modified, and read as follows:

**RESOLVED THAT**, Arden Johnson may represent the project Daugherty Preserve located at Yorktown, IN on behalf of Thieneman Properties, LLC until the land, 9860 West Smith St. Yorktown, IN , Parcel 18-10-21-476-001.000-014, is transferred from Thieneman Properties, LLC to Yorktown Real Equities, LLC at closing.

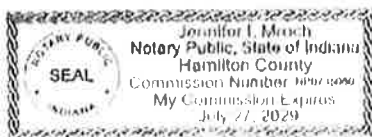
I FURTHER CERTIFY that the following named persons are the acting members of said LLC, duly qualified and now acting such:

MANAGING MEMBER  
MANAGING MEMBER

Kenneth D. Thieneman  
Shannon R. Thieneman

IN WITNESS THEREOF, I have hereunto subscribed my name and 20th day of June, 2022.

*Jennifer L. Mroch*  
*June 20, 22*



*Kenneth D. Thieneman*  
Kenneth D. Thieneman, Managing Member

**SPECIAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, That THIENEMAN PROPERTIES LLC, an Indiana limited liability company ("Grantor"), CONVEYS AND SPECIALLY WARRANTS to YORKTOWN REAL EQUITIES LLC, an Indiana limited liability company, whose mailing address is 17219 Foundation Parkway, Westfield, Indiana 46074 ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the real estate in Delaware County, in the State of Indiana described on Exhibit "A" attached hereto and made a part hereof (the "Real Estate"):

This conveyance is made, and the Real Estate, is subject to:

- (a) the lien of the real estate taxes and assessments for 2021, due and payable in November 2022, and all taxes and assessments subsequent thereto; and
- (b) all easements, covenants, conditions, restrictions and other matters of record, legal highways and rights-of-way; and
- (c) matters which would be disclosed by an accurate survey or inspection of the Real Estate; and
- (d) zoning ordinances, commitments and other related matters.

The warranties of Grantor hereunder are limited to its own acts and deeds and those of persons claiming by, through and under Grantor, and not otherwise.

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly authorized officer of Grantor and has been fully empowered to execute and deliver this deed; that Grantor has full capacity to convey the Real Estate; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 29<sup>th</sup> day of June, 2022.

**THIENEMAN PROPERTIES, LLC**, an Indiana limited liability company

By: *Kenneth D. Thieneman*  
Kenneth D. Thieneman, Member

("Grantor")

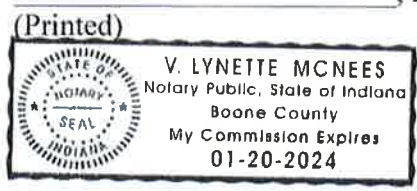
STATE OF INDIANA        )  
  ) SS:  
COUNTY OF Hamilton

Before me, a Notary Public in and for said County and State, personally appeared Kenneth D. Thieneman, Member of Thieneman Properties LLC, an Indiana limited liability company, who acknowledged execution of the foregoing Special Warranty Deed for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this 29<sup>th</sup> day of June, 2022.

*V. Lynette McNeess*  
\_\_\_\_\_, Notary Public

My Commission Expires:  
01/20/2024  
My County of Residence is:  
Boone



The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is Yorktown Equities LLC, 17219 Foundation Parkway, Westfield, Indiana 46074

The mailing address of the grantee is Yorktown Equities LLC, 17219 Foundation Parkway, Westfield, Indiana 46074

This Instrument was prepared by Andrew A. Kleiman, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Andrew A. Kleiman

## EXHIBIT "A"

### Legal Description

Parcel I: (18-10-21-276-008.000-017)

Part of the Northeast Quarter and part of the Southeast Quarter of Section 21, Township 20 North, Range 9 East of the Second Principal Meridian, Mount Pleasant Township, Delaware County, Indiana, based upon a survey prepared by Michael G. Judi, Professional Surveyor Number 21500017, HWC Engineering Job Number 2019-214, dated September 4, 2019, more particularly described as follows: COMMENCING at the southeast corner of said Northeast Quarter, said point being marked by a Harrison monument; thence South 89 degrees 56 minutes 48 seconds West (grid bearing based upon Indiana Geospatial Coordinate System (InGCS) - "Delaware" Zone, NAD83, 2011, EPOCH 2010.0000) along the south line of the East Half of the East Half of said Northeast Quarter a distance of 663.78 feet to the southeast corner of the West Half of the East Half of said Northeast Quarter and the POINT OF BEGINNING, said point being marked by a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114", said point being also the southwest corner of a tract of land conveyed to Kevin C. Swain and Trudy L. Swain, husband and wife, as described in Instrument Number 1998R26566 in the Office of the Recorder of Delaware County, Indiana, the following three (3) courses being along the westerly lines of said tract; (1) thence North 01 degree 29 minutes 29 seconds East along the east line of said West Half of said East Half of said Northeast Quarter a distance of 43.00 feet; (2) thence North 32 degrees 35 minutes 43 seconds West a distance of 474.09 feet (472.25 feet per deed); (3) thence North 57 degrees 27 minutes 08 seconds East parallel with the northwest right-of-way of State Road 32 a distance of 320.64 feet to said east line; thence North 01 degree 29 minutes 29 seconds East along said east line a distance of 354.73 feet to the southeast corner of a tract of land conveyed to the Town of Yorktown as described in Instrument Number 2014R02422 in said Recorder's Office, said corner lying North 01 degree 29 minutes 29 seconds East a distance of 969.85 feet from said southeast corner of said West Half of said East Half of said Northeast Quarter, the following three (3) courses being along the south lines of said Town of Yorktown tract; (1) thence North 86 degrees 33 minutes 07 seconds West a distance of 497.98 feet; (2) thence North 01 degree 29 minutes 29 seconds East a distance of 55.00 feet; (3) thence South 85 degrees 58 minutes 59 seconds West a distance of 783.81 feet (773.96 feet per deed) to a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114" on the west line of a tract of land described in Deed Record 307, Page 84 in said Recorder's Office; thence South 00 degrees 03 minutes 49 seconds East along having a radius of 2,864.79 feet; thence northeasterly along said centerline and said curve an arc distance of 317.70 feet, said curve being subtended by a chord bearing North 60 degrees 37 minutes 4.5 seconds East, a chord distance of 317.54 feet; thence continuing along said centerline North 57 degrees 27 minutes 08 seconds East a distance of 578.42 feet to the intersection of said centerline with the south line of the East Half of the East Half of said Northeast Quarter, thence South 89 degrees 56 minutes 48 seconds West along said south line a distance of 103.69 feet to the POINT OF BEGINNING, containing 31.861 acres, more or less. Containing 31.362 acres, more or less.

Parcel II: (18-10-21-276-012.000-017)

Part of the Northeast Quarter of Section 21, Township 20 North, Range 9 East of the Second Principal Meridian, Mount Pleasant Township, Delaware County, Indiana, based upon a survey prepared by Michael G. Judi, Professional Surveyor Number 21500017, HWC Engineering Job Number 2019-214-S, dated September 4, 2019, more particularly described as follows: COMMENCING at the southeast corner of said Northeast Quarter, said point being marked by a Harrison

monument; thence South 89 degrees 56 minutes 48 seconds West (grid bearing based upon Indiana Geospatial Coordinate System (InGCS) - "Delaware" Zone, NAD83, 2011, EPOCH 2010.0000) along the south line of the East Half of the East Half of said Northeast Quarter a distance of 663.78 feet to the southeast corner of the West Half of the East Half of said Northeast Quarter and the POINT OF BEGINNING, said point being marked by a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114"; thence North 01 degrees 29 minutes 29 seconds East along the east line of said West Half of said East Half of said Northeast Quarter a distance of 43.00 feet; thence North 32 degrees 35 minutes 43 seconds West a distance of 474.09 feet (474.25 feet per deed); thence North 57 degrees 27 minutes 08 seconds East parallel with the northwest right-of-way of State Road 32 a distance of 320.64 feet to a point in said east line; thence South 32 degrees 32 minutes 52 seconds East a distance of 253.42 feet; thence South 56 degrees 17 minutes 48 seconds West a distance of 235.90 feet; thence South 29 degrees 43 minutes 37 seconds East a distance of 267.57 feet (272.88 feet per deed) to said northwest right-of-way of said State Road 32; thence South 57 degrees 27 minutes 08 seconds West along said right-of-way a distance of 70.64 feet (71.62 feet per deed) to said south line of said East half of said East Half of said Northwest Quarter; thence South 89 degrees 56 minutes 48 seconds West along said south line a distance of 29.23 feet (28.7 feet per deed) to the POINT OF BEGINNING, containing 2.379 acres, more or less

Parcel III (18-10-21-476-001,000-014)

Part of the Southeast Quarter of Section 21, Township 20 North, Range 9 East of the Second Principal Meridian, Mount Pleasant Township, Delaware County, Indiana, based upon a survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering, Job Number 2019-214, dated September 4, 2019, more particularly described as follows: COMMENCING at the northeast corner of said Southeast Quarter, said point being marked by a Harrison monument; thence South 00 degrees 16 minutes 25 seconds East (grid bearing based upon Indiana Geospatial Coordinate System (InGCS) - "Delaware" Zone, NAD83, 2011, EPOCH 2010.0000) along the east line of said Southeast Quarter a distance of 319.00 feet to the northeast corner of a tract of land conveyed to Yorktown Grocery Management LLC as described in Instrument Number 2012R12288 in the Office of the Recorder of Delaware County, Indiana, the following two (2) courses being along the north and west lines of said tract; (1) thence South 77 degrees 55 minutes 50 seconds West a distance of 892.42 feet to the POINT OF BEGINNING; (2) thence South 12 degrees 09 minutes 48 seconds East a distance of 1817.30 feet to the northwesterly right-of-way of the CSX Railroad; thence South 44 degrees 20 minutes 02 seconds West along said right-of-way a distance of 513.88 feet to the south line of the East Half of said Southeast Quarter; thence North 89 degrees 56 minutes 37 seconds West along said south line a distance of 462.22 feet to the southwest corner of said East Half of said Southeast Quarter, marked by a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114"; thence North 00 degrees 23 minutes 18 seconds West along the west line of said East Half of said Southeast Quarter a distance of 1294.39 feet to the southwest corner of a tract of land conveyed to Yorktown Christian Church as described in Instrument Number 2000R00129 in said Recorder's Office, the following three (3) courses being along the south and east lines of said tract; (1) thence North 89 degrees 36 minutes 42 seconds East a distance of 243.14 feet; (2) thence North 00 degrees 23 minutes 18 seconds West a distance of 826.25 feet; (3) thence North 30 degrees 22 minutes 12 seconds West a distance of 167.01 feet to a point in the centerline of State Road 32 as shown per Indiana Department of Transportation FA Project No. 72-Sec. "B" plans dated 1923, said point being on a non tangent curve to the left having a radius of 2,864.79 feet; thence northeasterly along said curve an arc distance of 50.46 feet, said curve being subtended by a chord bearing North 59 degrees 41 minutes 50 seconds East, a chord distance of 50.46 feet, to the northwest corner of a tract of land conveyed to Michael J. Condon and Constance Condon, husband and wife, as

described in Instrument Number 1987R06759 in said Recorder's Office, the following two (2) courses being along the west and south lines of said tract, (1) thence South 29 degrees 58 minutes 39 seconds East a distance of 171.60 feet; (2) thence North 67 degrees 48 minutes 31 seconds East a distance of 157.60 feet to the west line of a tract of land conveyed to Robert M. Gamble, Jr. as described in Instrument Number 2014R02621 in said Recorder's Office, the following two (2) courses being along the west lines of said tract, (1) thence South 22 degrees 46 minutes 52 seconds East a distance of 32.70 feet; (2) thence South 12 degrees 09 minutes 48 seconds East a distance of 29.58 feet (30.0 feet per deed) to the POINT OF BEGINNING, containing 27.019 acres, more or less. Containing 20.990 acres, more or less.



August 10, 2022



Mr. Matt Ray  
Zoning & Building Commissioner  
9800 W Smith Street  
Yorktown, Indiana 47396

RE: Daugherty Preserve, Phase 1 - Yorktown, Indiana

Dear Mr. Ray,

On behalf of the Town of Yorktown we have completed the review of the Drawings and Drainage Report prepared and Certified by Weihe Engineers for the subject project. The proposed development consists of new Apartment Buildings, Townhouse Buildings, Vehicle Garages, Single Family Houses, a Development Office, and associated Storm Sewer, Sanitary Sewer, Drinking Water, and Roadway infrastructure. The site is on 34 acres north of State Road 32 (W. Smith Street), west of the Dollar General. The current land use is primarily agricultural.

The Drawings indicate that the entrance to the Development from State Road 32 is being coordinated with the Indiana Department of Transportation. As such BF&S has not reviewed access to the parcel. It is recommended that Yorktown Fire and Police review access and interior roadway layout to allow for proper future emergency responses.

The Yorktown Standards shall be made part of the Construction Drawings and be adhered to. It should be noted that the Town is currently in the process of updating its Construction Standards and the most up to date set at the time of construction should be utilized. It is recommended that the Town be notified prior to construction to facilitate the inspection of the new infrastructure that we understand will be maintained in the future by the Town of Yorktown.

We would recommend approval as submitted with the above noted conditions.

We appreciate the opportunity to review the subject project on behalf of the Town. If you have any comments or concerns, please contact the undersigned.

Very truly yours,

BUTLER, FAIRMAN and SEUFERT, INC.

Matthew L. Spidel, P.E.  
mspidel@bfsengr.com

c: Pete Olson, Town Manager