

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 35-2012

AN ORDINANCE APPROVING AN AMENDMENT TO THE CLARK
COUNTY ZONING MAP ON RECOMMENDATION BY THE CLARK
COUNTY PLAN COMMISSION.

[See attached text of Ordinance]

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 4-2012

WHEREAS, the Clark County Plan Commission (Plan Commission) met on September 5, 2012 and heard the Petition of Tony Zollman, asking that the property known by its street as 22605 & 22609 Campbell Street be reclassified from A-1 Agricultural Zone to B-1 Limited Business Zone; and

WHEREAS, the real estate for which the rezoning is being requested is more particularly described in Exhibit A, attached herewith and made a part hereof; and

WHEREAS, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations and other relevant information presented by those in attendance at the hearing, if any;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows:

1. The petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting.
3. The Plan Commission recommends to the Board of Commissioners of Clark County as follows:

(Check One)

The real estate described in Exhibit A should be reclassified from A-1 Agricultural Zone to B-1 Limited Business Zone with Statement of Commitments uses.

The real estate described in Exhibit A should NOT be reclassified from _____ to _____.

The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this 17th day of September.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on September 12, 2012.

ATTEST:


Secretary or Executive Director

EXHIBIT "A"

A part of the Southwest Quarter of the Northwest Quarter of Section 20, Township 2 North of Range 7 East, described as follows, to-wit: Beginning at the Southeast corner of the Southwest quarter of the Northwest Quarter and running thence North with an old established fence line 200 feet; thence South 85 degrees and 08 minutes West with an old established fence line 808.7 feet to a point in the East right of way line of a public highway 30 feet in width adjoining and lying East of and parallel with the East right of way line of the Pennsylvania Railroad; thence South 25 degrees and 54 minutes East with the East right of way line of said Highway 146 feet to a steel post in the South line of the Southwest quarter of the Northwest Quarter of said Section 20; thence East with the quarter section line 742 feet to the point of beginning, containing 2.9 acres, more or less.

Legal Description: See Exhibit A attached hereto and by this reference incorporated herein (the "Real Estate")

STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on TONY ZOLLMAN (the "Owner"), subsequent owners of the Real Estate and any other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated only by a decision of the Clark County Plan Commission (the "Board") made at a public hearing after notice has been provided under the rules of the Board.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Board of the Owner's Petition/Application for all or any of the following related to all or part of the Real Estate.

1. Adoption of a rezoning proposal
2. Primary approval of a proposed subdivision plat
3. Approval of a vacation of all or part of the plat
4. Special exception (Pick as applicable)
5. Special use
6. Contingent use
7. Conditional use
8. Variance

These COMMITMENTS do not obligate the Board or the Clark County Commissioners, as applicable to adopt, approve, or favorably recommend the Owner's Petition or Application to which this COMMITMENT relates.

These COMMITMENTS may be enforced jointly or severally by:

- a) The Clark County Plan Commission
- b) the Board of Clark County Commissioners
- c) the Clark County Board of Zoning Appeals
- d) Owners of all parcels of ground adjoining the Real Estate to a depth of two
(2) ownerships, but not to exceed one thousand (1,000) feet from the perimeter of the Real Estate, and all owners of the Real Estate. Owners of real estate located entirely outside the Jurisdiction of the Board are not included, however. The identity of owners shall be determined from the records of the office of the Assessor of Clark County which lists the then current owners of record.

The Owner imposes and consents to the following COMMITMENTS for the use and/or development of the Real Estate:

In return for a Zoning of B-1, Food Service Industries, the Owner agrees to not use any of the other B-1 uses other than for the processing of deer taken by local hunters or cattle taken by organically farmed or hogs organically farmed from the local region.

This will not be a feeder lot or a slaughter house on a large basis, but a very limited proposal for a slaughtering facility.

An action to enforce a COMMITMENT may be brought in a Circuit or Superior Court in Clark County, Indiana. A permitted party bringing an action to enforce a COMMITMENT may request mandatory or prohibitory injunctive relief through the granting of temporary restraining order, preliminary injunction or permanent injunction. If the action to enforce a COMMITMENT herein is successful, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such an action and Owner herein waives all rights to a change of venue from the County.

The Owner hereby authorizes the Board, Clark County, Indiana or any of their agents or representatives to record this Statement of Commitments in the office of the Recorder of Clark County, Indiana, upon approval or adoption of Owner's Petition/Application.

IN WITNESS WHEREOF, the Owner has executed this instrument this 17th day of September, 2012.

Tony Zollman
Tony Zollman

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of September, 2012, personally appeared Tony Zollman and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

My commission expires:
1-8-17

Lisa K. Howard
Notary Public, State of Indiana
Residing in Ellettsville County

Lisa K. Howard
Printed Name

THIS INSTRUMENT PREPARED BY:

John R. Vissing, #624-10
Vissing & Grannan, LLC
432 E. Court Avenue
Jeffersonville, IN 47130
(812) 288-5141

I affirm, under penalties of perjury, that I have taken reasonable care to redact Social Security numbers in this document, unless required by law.

John R. Vissing

PAOPENLISA FORMBZONING\Statements of Commitments.docx

ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA

This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on _____ on the petition of Tony Zollman to reclassify the real estate described in Exhibit A from A-1 Agricultural to B-1 Limited Business Zone with a Statement of Commitments uses; and the Plan Commission has adopted the forgoing resolution in which it makes its recommendations to the County Commissioners and the County Commissioners having read the recommendation, having reviewed all available evidence, having considered the county's comprehensive plan, having balanced the competing interests of those in the area affected, if any, now, therefore, determines as follows:

_____ The real estate described in Exhibit A should be reclassified on the zoning maps from _____ to _____.

_____ The real estate described in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this _____ day of _____, 20__.

Board of Commissioners of
Clark County, Indiana

Les Young, President

Edward Meyer, Commissioner

John Perkins, Commissioner

Attest:

R. Monty Snelling, Clark County Auditor

So Ordained this 27th day of September, 2012.

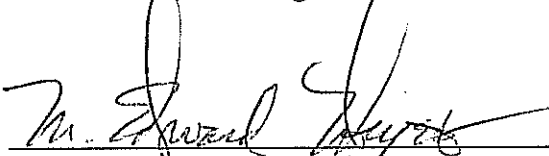
Members voting "NO":

M. Edward Meyer, Commissioner

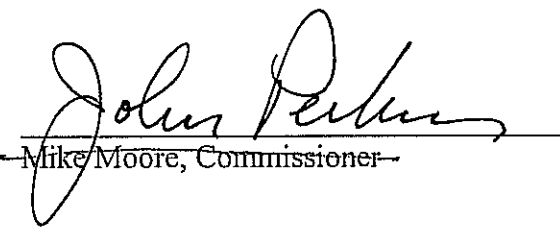
Mike Moore, Commissioner

Les Young, Commissioner

Members voting "YES":



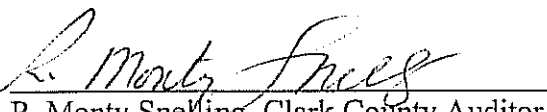
M. Edward Meyer, Commissioner


~~_____
Mike Moore, Commissioner~~



Les Young, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor