

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 18-2015

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

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County government pursuant to the provisions of Ind. Code 36-1-2-9; and,

WHEREAS, the Clark County Plan Commission has advisory authority regarding zoning pursuant to Ind. Code 36-7-4, *et al*; and,

WHEREAS, the Clark County Plan Commission has passed Resolution 5-2015, (see Resolution 5-2015 attached hereto as Exhibit “A”) to reclassify the property subject to that Resolution.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 5-2015, as attached hereto, is approved.
2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 5-2015

WHEREAS, the Clark County Plan Commission met on July 8th, 2015 and heard the petition of David A. Posante & Tamara J. Pierre Posante asking that the property in Exhibit A known by its street address as 5707 Bethany Rd., Charlestown, Indiana be reclassified from A-1 Agricultural Zone to B-1 Limited Business at 5707 Bethany Rd., Charlestown, Indiana.

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 a portion of 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 at 5707 Bethany Rd., Charlestown, Indiana should be reclassified from A-1 Agricultural Zone to B-1 Limited Business.

The portion of real estate described at 5707 Bethany Rd., Charlestown, Indiana 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 9th day of July.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 8th, 2015.

ATTEST:



Secretary or Executive Director

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 July 16th 2015 the petition of David A. Posante & Tamara J. Pierre Posante to reclassify the real estate at 5707 Bethany Rd., Charlestown, Indiana from A-1 Agricultural Zone to B-1 Limited Business; 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 at 5707 Bethany Rd., Charlestown, Indiana described in Exhibit A should be reclassified on the zoning maps from A-1 Agricultural Zone to B-1 Limited Business.

 The real estate at 5707 Bethany Rd., Charlestown, Indiana in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this _____ day of _____, 20__.

Board of Commissioners of
Clark County, Indiana

Jack Coffman, President

Bryan Glover, Commissioner

Rick Stephenson, Commissioner

Attest:

R. Monty Snelling, Clark County Auditor

Exhibit A QUIT-CLAIM DEED

06/08/2015 12:35:20P 1 PGS
Zachary Payne
Clark County Recorder IN
Recorded as Presented



THIS INDENTURE WITNESSETH, that David Posante, of Clark County, Indiana for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, The receipt whereof is hereby acknowledged.

CONVEYS AND WARRANTS

Unto David A. Posante and Tamara J. Pierce, Posante this instrument is to make a correction that David A. Posante and Tamara J. Pierce, Posante are married and making correction that Title is Community Property to the Title of David A. Posante to the following described real estate in the County of Clark and State of Indiana, to wit:

Physical Address: 5707 Bethany Road, Charlestown, IN 47111
Parcel ID # 10-11-07-100-333.000-033 Tax ID# 011-33-1770 DEED NO. 25-7759
Legal Description:

A PART OF SURVEY NO. 71 OF THE ILLINOIS GRANT TO CLARK COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF SURVEYS NOS. 71 AND 72 OF THE ILLINOIS GRANT TO CLARK COUNTY, INDIANA, SAID CORNER BEING THE SOUTHEAST CORNER OF SURVEY NO. 71 AND THE SOUTHWEST CORNER OF SURVEY NO. 72; THENCE NORTH 34 DEG. 44' 18" WEST ALONG SAID LINE DIVIDING SAID SURVEYS NOS. 71 AND 72, A DISTANCE OF 1450 FEET TO AN IRON PIPE ON THE WESTERN RIGHT OF WAY OF STATE ROAD NO. 62 AND SAID DIVIDING LINE, THE TRUE PLACE OF BEGINNING; THENCE SOUTH 15 DEG. 24' 30" WEST 225.19 FEET ALONG THE WESTERN RIGHT OF WAY LINE SAID STATE ROAD 62 TO AN IRON PIPE; THENCE NORTH 74 DEG. 34' 27" WEST 370.21 FEET TO AN IRON PIPE; THENCE NORTH 39 DEG. 45' 15" EAST 413.06 FEET TO A RAILROAD SPIKE ON THE LINE DIVIDING SURVEYS NOS. 71 AND 72; THENCE SOUTH 34 DEG. 44' 18" EAST ALONG SAID LINE DIVIDING SURVEYS NOS. 71 AND 72 A DISTANCE OF 258.0 FEET TO AN IRON PIPE, THE TRUE PLACE OF BEGINNING, CONTAINING 2.191 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID REAL ESTATE.

IN WITNESS WHEREOF, the Grantor have hereunto set their hand and seal this 15th day of June, 2015.

David A. Posante
David A. Posante, Grantor

Tamara J. Pierce Posante
Tamara Pierce, Posante, Grantee

STATE OF INDIANA
COUNTY OF CLARK

Before me, the undersigned, a Notary Public within and for said County and State, on June 1, 2015, personally appeared, and acknowledge the execution of the foregoing Quit-Claim Deed.

Witness my hand and Notarial Seal.

Dian Hackel, NOTARY PUBLIC
RESIDENT OF CLARK County., IN
MCE: MAY 11, 2016



ONLY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUN 08 2015

[Signature]
Auditor, Clark County

This Instrument Prepared by:
David A. Posante and Tamara J. Pierce, Posante

[Signature]

**CERTIFICATION TO COMMISSIONERS ON APPLICATION
FOR REZONING**

APPLICANT NAME: Posgate PETITION NO.: 2015-12-PC
 REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

The Clark County Plan Commission certifies that the above application for rezoning by the above named applicant regarding the real estate described in Exhibit "A" attached was duly heard and decided.

The Clark County Plan Commission's recommendation on the petition to rezone the property from a A-1 Agricultural Zone zone to a B-1 Limited Business zone is (favorable, unfavorable, no recommendation).

Recorded Commitment Required YES No If Yes, Requirements attached.

Clark County Plan Commission

Member	Voting for	Voting Against	Abstain
<u>ABSENT</u> RICK WARDLAW	_____	_____	_____ ✓
<u>[Signature]</u> DAN CALLAHAN	_____ ✓	_____	_____
<u>[Signature]</u> MICHAEL KILLEN	_____ ✓	_____	_____
<u>[Signature]</u> JOHN UHL	_____ ✓	_____	_____
<u>[Signature]</u> BARBARA BRATHCER-HAAS	_____ ✓	_____	_____
<u>[Signature]</u> SIMON KAFARI	_____ ✓	_____	_____
<u>[Signature]</u> DAVID BLANKENBEKER	_____ ✓	_____	_____
<u>[Signature]</u> JACK COFFMAN	_____ ✓	_____	_____
<u>[Signature]</u> MARTINA WEBSTER	_____ ✓	_____	_____

Attest:
[Signature]
 Michael Tackett
 Executive Director

So Ordained this 16TH day of July , 2015.

Members voting "NO":


Members voting "YES":

Jack Coffman, Commissioner




Jack Coffman, Commissioner

Rick Stephenson, Commissioner



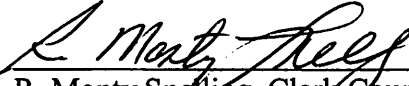
Rick Stephenson, Commissioner

Bryan Glover, Commissioner



Bryan Glover, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor