

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 7-2016

**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 2-2016, (see Resolution 2-2016 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:

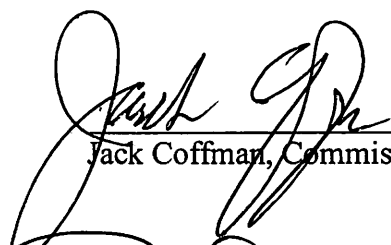
1. That the Clark County Plan Commission Resolution 2-2016, as attached hereto, is approved.
2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 20<sup>th</sup> day of April, 2016.


*Members voting "NO":*

*Members voting "YES":*

\_\_\_\_\_  
Jack Coffman, Commissioner

  
\_\_\_\_\_  
Jack Coffman, Commissioner

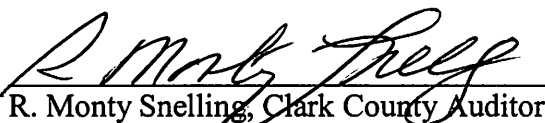
\_\_\_\_\_  
Rick Stephenson, Commissioner

  
\_\_\_\_\_  
Rick Stephenson, Commissioner

\_\_\_\_\_  
Bryan Glover, Commissioner

  
\_\_\_\_\_  
Bryan Glover, Commissioner

*Attested by:*

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY  
PLAN COMMISSION

RESOLUTION 2 -2016

**WHEREAS**, the Clark County Plan Commission met on April 13th, 2016 and heard the petition of Rita & James Hack, asking that the property in Exhibit A known by 8615 Highway 62, Charlestown, Indiana be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business with Statement of Commitments on 8615 Highway 62, 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 the real estate described in Exhibit A with Statement of Commitments 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, 8615 Highway 62, Charlestown, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business with Statement of Commitments.

The real estate described in Exhibit A, 8615 Highway 62, 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 13th day of April.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on April 13th, 2016.

ATTEST:

  
\_\_\_\_\_  
Secretary or Executive Director

**CERTIFICATION TO COMMISSIONERS ON APPLICATION  
FOR REZONING**

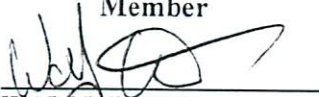
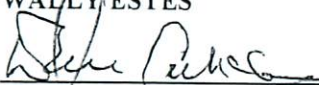



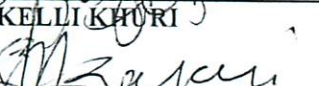



APPLICANT NAME: HACK HACK PETITION NO.: 2016-3-PC  
 REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

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-2 zone to a B-2 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
 WALLY ESTES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DAN CALLAHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MICHAEL KILLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN UHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KELLI KHURI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 SIMON KAFARI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DAVID BLANKENBEKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JACK COFFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KENT WITTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

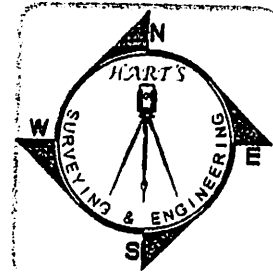
Attest:



Michael Tackett  
Executive Director

Exhibit     A    

*Hart's Surveying & Engineering, LLC*  
958 Water Street  
Charlestown, IN 47111  
812-256-7781



**DESCRIPTION**

That part of Survey Number 71 of the Illinois Grant, Clark County, Indiana being further described as follows:

Commencing at the intersection of the western right-of-way line of Indiana State Highway 62 and the line dividing Survey Numbers 71 and 72; Thence South 15 degrees 24 minutes 30 seconds West, 495.31 feet to the northeastern most corner of a tract of land conveyed to James Hack (Instrument 200311749); Thence along the northeastern line of said tract, North 74 degrees 35 minutes 36 seconds West, 229.93 feet; Thence South 15 degrees 22 minutes 10 seconds West, (being along a portion of the eastern perimeter of said tract) 176.38 feet to the True Point of Beginning;

Thence continuing along said eastern perimeter for the next two calls:

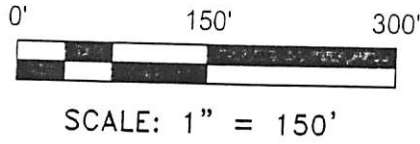
1. South 15 degrees 22 minutes 10 seconds West, 54.83 feet;
2. South 74 degrees 36 minutes 02 seconds East, 229.98 feet to the western right-of-way line of State Highway 62;

Thence along said right-of-way line, South 15 degrees 21 minutes 25 seconds West, 100.00 feet to the southeastern most corner of the above-mentioned tract; Thence along the southwestern line of said tract, North 74 degrees 36 minutes 02 seconds West, 705.05 feet to the western most corner of said tract; Thence along the northwestern line of said tract, North 22 degrees 59 minutes 53 seconds East, 283.16 feet; Thence along a line being 5 feet from and parallel to the southwestern edge of an existing pond, South 58 degrees 33 minutes 17 seconds East, 455.26 feet to the True Point of Beginning.

The above-described tract of land contains 2.836 acres.

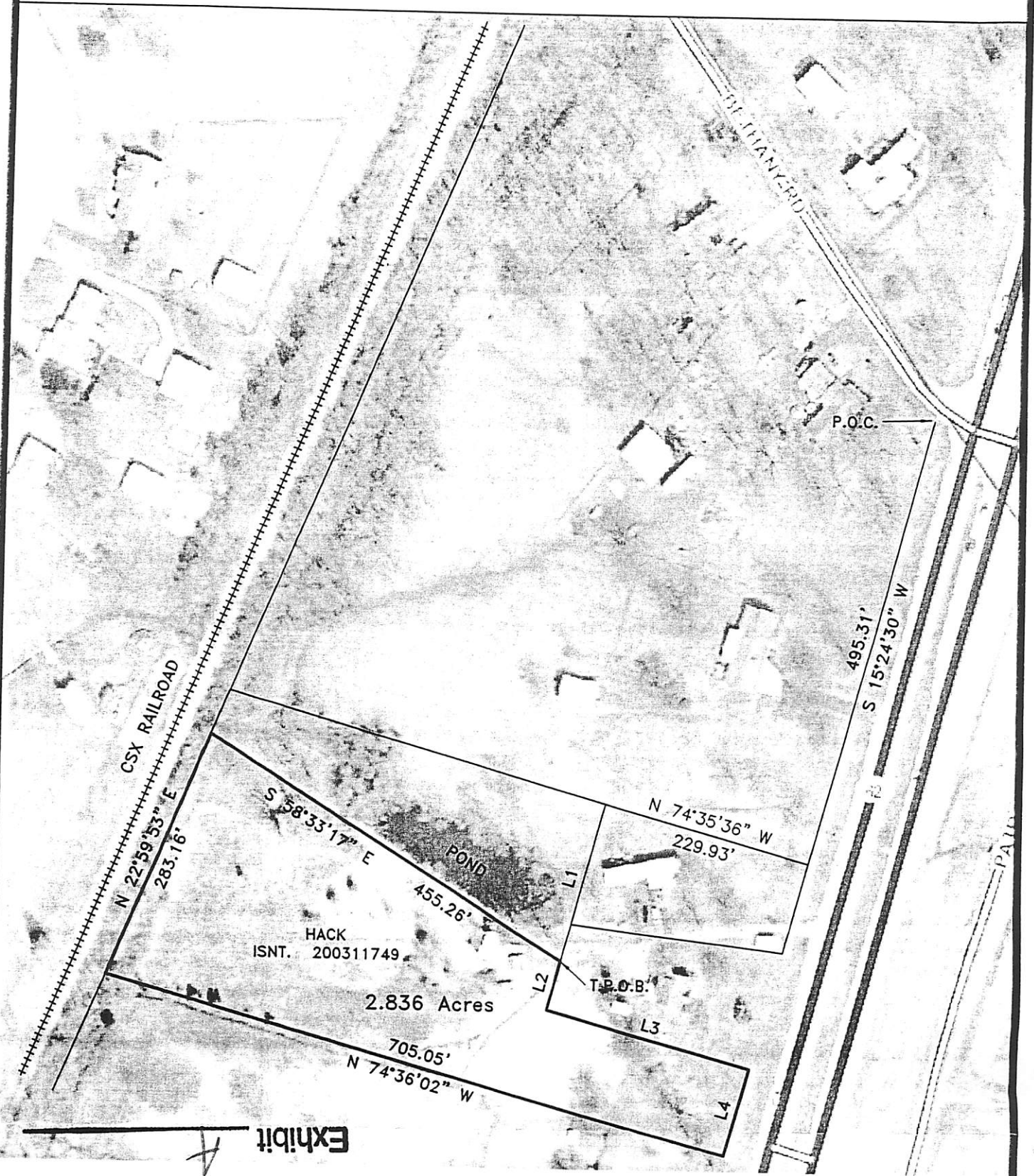
This description is to be used for zoning purposes only, and not to be used for the transfer of title.





**LEGEND**  
P.O.C. - POINT OF COMMENCEMENT  
T.P.O.B. - TRUE POINT OF BEGINNING

Exhibit     A    



LINE	BEARING	DISTANCE
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Exhibit     A

ACTION TAKEN BY BOARD OF COMMISSIONERS  
OF CLARK COUNTY, INDIANA

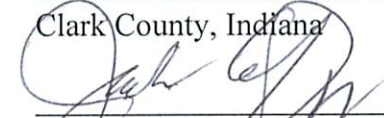
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on \_\_\_\_\_ the petition of Rita & James Hack to reclassify the real estate in Exhibit A, 8615 Highway 62, Charlestown, Indiana from A-1 Agricultural Zone to B-2 Community and Roadside Business with Statement of Commitments; 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 8615 Highway 62, Charlestown, Indiana described in Exhibit A should be reclassified on the zoning maps from A-1 Agricultural Zone to B-2 Community and Roadside Business with Statement of Commitments.

\_\_\_\_\_ The real estate at 8615 Highway 62, Charlestown, Indiana in Exhibit A SHOULD NOT be reclassified on the zoning maps.


Dated this 20th day of April, 2016.

Board of Commissioners of  
Clark County, Indiana

  
\_\_\_\_\_  
Jack Coffman, President

  
\_\_\_\_\_  
Bryan Glover, Commissioner





Rick Stephenson, Commissioner

Attest:

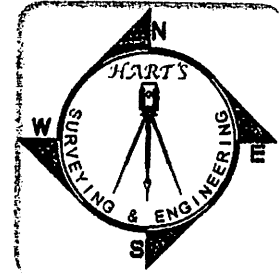


R. Monty Snelling, Clark County Auditor

Exhibit     A    

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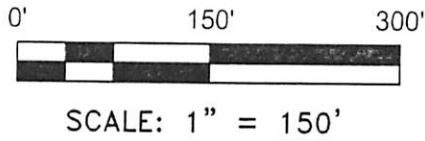
Thence continuing along said eastern perimeter for the next two calls:

1. South 15 degrees 22 minutes 10 seconds West, 54.83 feet;
2. South 74 degrees 36 minutes 02 seconds East, 229.98 feet to the western right-of-way line of State Highway 62;

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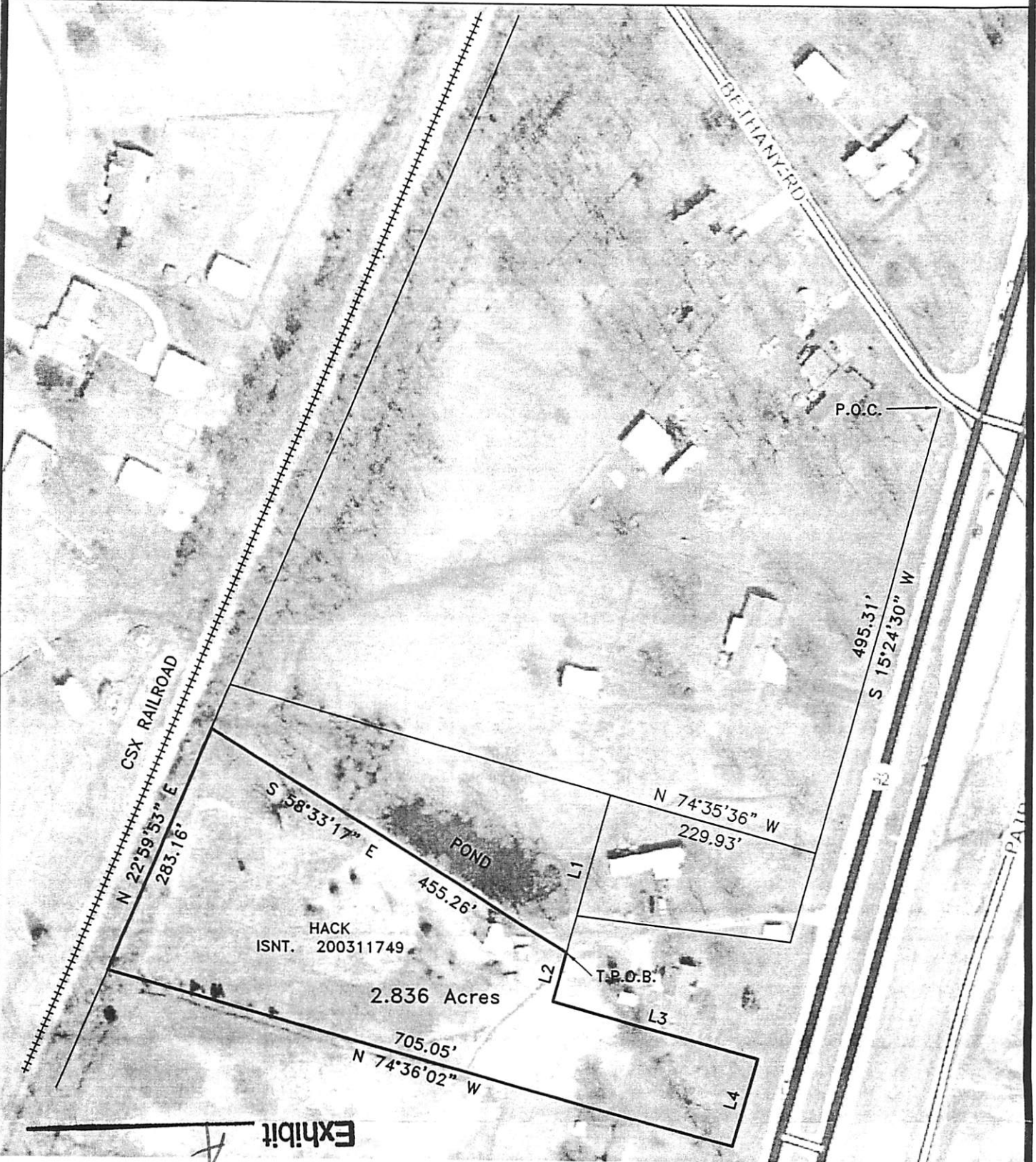
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P.O.C. - POINT OF COMMENCEMENT  
T.P.O.B. - TRUE POINT OF BEGINNING

Exhibit     A    



LINE	BEARING	DISTANCE
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STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on 4/13/2016 ("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 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:

All those permitted uses allowed in B2 Zoning except for the following uses: utility substations, distribution center, bus, police, fire stations, post offices, libraries, telephone exchanges, waterworks, pumping stations, assembly halls, vocational and special schools, night clubs, mortuaries, funeral parlors.

Additional commitments required by the office of Planning & Zoning for Clark County:

Buffering around property per Clark County Zoning Ordinance.

No carports

All vehicles for sale shall remain on crushed rock parking lot.

No salvage of vehicles or parts.

All existing salvaged/junk vehicles shall be removed from property.

All maintenance & repair of vehicles shall be conducted inside of building(s).

Used car lot shall conform to plan/layout presented at Plan Commission meeting on March 9th, 2016.

Ingress & Egress of car lot shall be from new driveway onto SR 62 as proposed.

All signage shall meet Clark County Zoning Ordinance.

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 30<sup>th</sup> day of March, 20 16

(Individual Signature Lines)

James Hack  
Rita J. Hack

(Or Company Signature Line)

(TYPE COMPANY NAME HERE)

BY: \_\_\_\_\_  
ITS: \_\_\_\_\_

(INDIVIDUAL NOTARY)

STATE OF Indiana  
COUNTY OF Clark §

Before me, the undersigned, a Notary Public in and for said County and State, this 30<sup>th</sup> day of March, 20 16, personally appeared James & Rita Hack and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

My commission expires:  
06-10-2022



Janie Renee Stewart  
Notary Public, Resident of  
Clark County, In.  
Janie Renee Stewart  
Printed Name