

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 6-2016

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 1-2016, (see Resolution 1-2016 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 1-2016, 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 20th 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 _1_-2016

WHEREAS, the Clark County Plan Commission met on April 13th, 2016 and heard the petition of Anytime Storage, LLC., asking that the property in Exhibit A known by 1012 Applegate Lane, Clarksville, Indiana be reclassified from R-2 Two-Family Residential to B-2 Community and Roadside Business on 1012 Applegate Lane, Clarksville, 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 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, 1012 Applegate Lane, Clarksville, Indiana should be reclassified from R-2 Two-Family Residential to B-2 Community and Roadside Business.

The real estate described in Exhibit A, 1012 Applegate Lane, Clarksville, 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

4/13/2016

CERTIFICATION TO COMMISSIONERS ON APPLICATION FOR REZONING

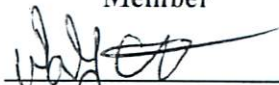
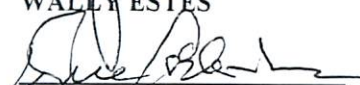
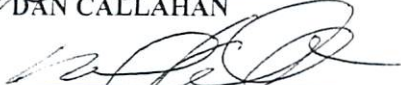


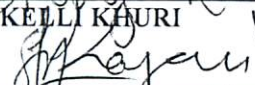
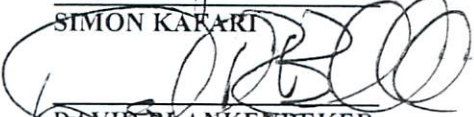
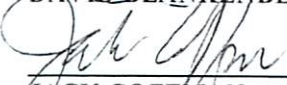
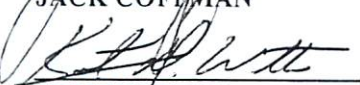
APPLICANT NAME: Anytime Storage PETITION NO.: 2016-9-PC
REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

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.

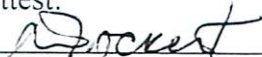
The Clark County Plan Commission's recommendation on the petition to rezone the property from a R-2 zone to a B-2 zone is (favorable, unfavorable, no recommendation).

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

CCA
2
7/8

Exhibit

Key No. 040-34-0131

Richard P. Jones 2P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 200705523 Page 1 of 2
C2 Date 03/13/2007 Time 09:50:42

WARRANTY DEED

THIS INDENTURE WITNESSETH: That THE NEW WASHINGTON STATE BANK, an Indiana Banking Corporation, Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged

CONVEY(S) AND WARRANT(S) UNTO

B & T EQUITY VENTURES, LLC, an Indiana Limited Liability Company, Grantee(s) whose tax mailing address is 101 Doe Run Road, Sellersburg, IN 47172 all of the Grantor's right, title and interest in and to the following described real estate situate in the County of Clark and in the State of Indiana, to-wit:

Being a part of Lot 59 in Plainview Subdivision, as shown in Plat Book 5, Page 11 of the Clark County, Indiana records, and being further described as follows: Beginning at the Northwest corner of said Lot 59 on the Eastern right-of-way line of Applegate Lane; thence N. 50 deg. E., along the Northern most line of said lot, 233 feet to the true place of beginning; thence continuing N. 50 deg. E., along said line, 377.8 feet to the Northeast corner of said lot; thence S. 40 deg. 34' 45" E., 50 feet to the Southeast corner of said lot; thence S. 50 deg. W., along Southern most line of said Lot, 357.87 feet; thence N. 62 deg. 13' 31" W., 54.01 feet to the place of beginning. Containing 0.422 acre, more or less.

Also, a 10' wide Ingress-egress and utility easement along and adjoining the entire Northwest lines of the adjoining tracts as shown in deeds recorded as Instrument #200124949 and Instrument #200124947, said easement extends from the Southwest corner of the above described real estate to the Eastern right-of-way line of Applegate Lane.

Subject to any and all easements and/or restrictions of record relative to above described real estate.

Grantee by acceptance of this deed assumes and agrees to pay the 2006 real estate taxes due and payable in 2007, and all subsequent taxes.

The undersigned person executing this deed represents and certifies on behalf of the grantor, that the undersigned is a duly elected officer of the grantor and has been fully empowered by proper resolution, or the by-laws of the grantor, to execute and deliver this deed; that the grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situated; that the grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.


NOT ENTERED FOR PAYMENT
SUBJECT TO FINAL ACCEPTANCE
AND TAXES

MAR 13 2007

Barbara Haas
AUDITOR CLARK COUNTY

IN WITNESS WHEREOF, the said grantor has caused the execution hereof by its
duly authorized officer, this 9 day of MARCH, 2007.

THE NEW WASHINGTON STATE BANK, an Indiana
Banking Corporation

BY: 
JAMES R. DRAKE
Senior Vice President


STATE OF INDIANA
SS:
COUNTY OF CLARK

Before me, the undersigned, a Notary Public, within and for said County and State, this
9 day of MARCH, 2007 personally appeared JAMES R. DRAKE, Senior Vice
President, of THE NEW WASHINGTON STATE BANK, an Indiana Banking Corporation, who
acknowledged the execution of the foregoing Deed for and on behalf of said corporation, and who
having been duly sworn, states that the representations therein contained are true.

WITNESS my hand and Notarial Seal

My Commission Expires:

3-7-2012


Notary Public
Printed: J. Chris Crossen
Residing in Floyd County, Indiana

THIS INSTRUMENT PREPARED BY ANNE MARIE KEMPF ATTORNEY
326 E. Court Ave., Jeffersonville, IN 47130

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security
number in this document, unless required by law. Anne Marie Kempf

**ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA**

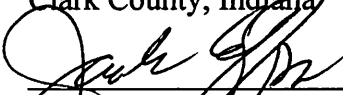
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on _____ the petition of Anytime Storage LLC., to reclassify the real estate in Exhibit A, 1012 Applegate Lane, Clarksville, Indiana from R-2 Two-Family Residential to B-2 Community and Roadside 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 1012 Applegate Lane, Clarksville, Indiana described in Exhibit A should be reclassified on the zoning maps from R-2 Two-Family Residential to B-2 Community and Roadside Business.

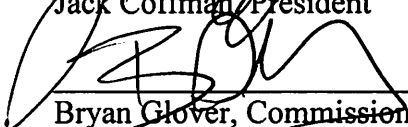
_____ The real estate at 1012 Applegate Lane, Clarksville, Indiana in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this _____ day of _____, 20__.

Board of Commissioners of
Clark County, Indiana



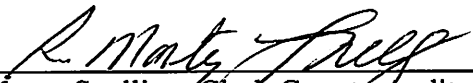
Jack Coffman, President



Bryan Glover, Commissioner


Rick Stephensen, Commissioner

Attest:


R. Monty Snelling, Clark County Auditor

CCA
2
7/8

Exhibit

A

Key No. 040-34-0131

Richard P. Jones 2P
CLARK COUNTY RECORDER
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CONVEY(S) AND WARRANT(S) UNTO

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Grantee by acceptance of this deed assumes and agrees to pay the 2006 real estate taxes due and payable in 2007, and all subsequent taxes.

The undersigned person executing this deed represents and certifies on behalf of the grantor, that the undersigned is a duly elected officer of the grantor and has been fully empowered by proper resolution, or the by-laws of the grantor, to execute and deliver this deed; that the grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situated; that the grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

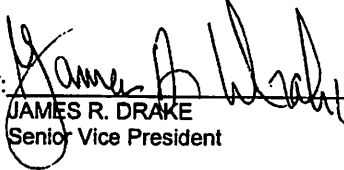
FILED FOR INFORMATION
SUBJECT TO FINAL ACCEPTANCE
BY GRANTEE

MAR 13 2007

Barbara Haas
AUDITOR CLARK COUNTY

IN WITNESS WHEREOF, the said grantor has caused the execution hereof by its
duly authorized officer, this 9 day of MARCH, 2007.

THE NEW WASHINGTON STATE BANK, an Indiana
Banking Corporation

BY: 
JAMES R. DRAKE
Senior Vice President


STATE OF INDIANA
SS:
COUNTY OF CLARK

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9 day of MARCH, 2007 personally appeared JAMES R. DRAKE, Senior Vice
President, of THE NEW WASHINGTON STATE BANK, an Indiana Banking Corporation, who
acknowledged the execution of the foregoing Deed for and on behalf of said corporation, and who
having been duly sworn, states that the representations therein contained are true.

WITNESS my hand and Notarial Seal.

My Commission Expires:

3-7-2012


Notary Public
Printed: J. Chris Cross
Residing in Floyd County, Indiana

THIS INSTRUMENT PREPARED BY ANNE MARIE KEMPF ATTORNEY
326 E. Court Ave., Jeffersonville, IN 47130

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security
number in this document, unless required by law. Anne Marie Kempf