

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 10 -2018

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

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

**WHEREAS**, the 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**, on the 11<sup>th</sup> day of April, 2018, the Clark County Plan Commission passed Resolution 24-2018, (see the said Resolution 24-2018 attached hereto as **Exhibit “A”**) to reclassify certain property on the County’s zoning maps as identified in the said Resolution.

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

1. That the Clark County Plan Commission Resolution 24-2018, dated April 11, 2018, as attached hereto, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution and pursuant to the attached Statement of Commitments (attached hereto as **Exhibit “B”**).

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 2nd day of May, 2018.

*Members voting "NO":*

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

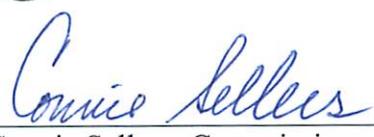
\_\_\_\_\_  
Bryan Glover, Commissioner

\_\_\_\_\_  
Connie Sellers, Commissioner

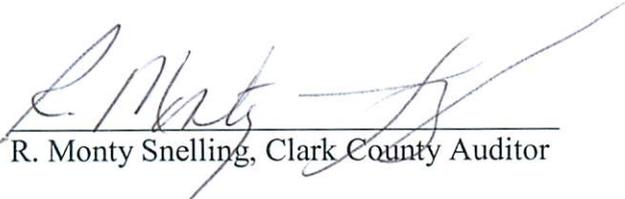
*Members voting "YES":*

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

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

  
\_\_\_\_\_  
Connie Sellers, Commissioner

*Attested by:*

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

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 24 - 2018

**WHEREAS**, the Clark County Plan Commission met on April 11, 2018, and heard the Petition of 2018-06-PC: Kendall & Demi Greene, asking the property known known by its street address/parcel no. as 10-06-26-800-023.000-027, Henryville, Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a development of commercial businesses at 10-06-26-800-023.000-027 Henryville, Indiana; 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:

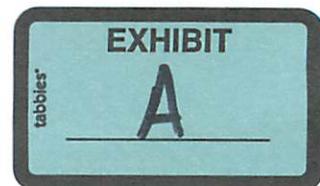
1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public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

X The real estate described at 10-06-26-800-023.000-027, Henryville, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business

       The real estate described at \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.



I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on April 11, 2018.

ATTEST:



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Secretary or Executive Director

Legal Description: See Exhibit A of Rezone Petition, 2018-06-PC  
(the "Real Estate")

STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on W. Kendall Greene and Domora Greene (the "Owners"), 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 Planning 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 Owners' Petition for the adoption of a rezoning proposal related to all or part of the Real Estate.

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

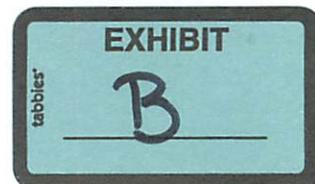
These COMMITMENTS may be enforced jointly or severally by:

- a) The Clark County Planning 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 Owners impose and consent to the following COMMITMENTS for the use and/or development of the Real Estate:

- a) The Real Estate's public entrances and exits will be located off of Highway 160 West and shall not be located off of Forestry Road, unless an entrance/exit off of Forestry Road is required by a fire department for emergency access.
- b) No liquor stores shall be operated on the premises.
- c) No taverns/night clubs shall be operated on the premises.
- d) No truck stops shall be operated on the premises.

An action to enforce a COMMITMENT may be brought in a Circuit 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 a 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 Owners herein waive all rights to a change of venue from the County.



The Owners hereby authorize 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 the Owners' Petition.

IN WITNESS WHEREOF, the Owners have executed this instrument on this 11th day of April, 2018.

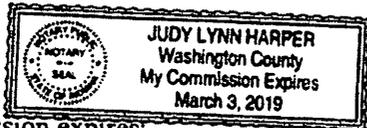
[Handwritten Signature]  
Signature of Owner of Real Estate

(INDIVIDUAL NOTARY)

STATE OF INDIANA  
COUNTY OF CLARK §

Before me, the undersigned, a Notary Public in and for said County and State, this 11<sup>th</sup> day of April, 2018, personally appeared KENDALL GREENE and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.



My commission expires:  
MARCH 3, 2019

Judy Harper  
Notary Public, Resident of  
WASHINGTON County, INDIANA

JUDY HARPER  
Printed Name

624730  
My Commission Number

THIS INSTRUMENT PREPARED BY:

Michael A. Gillenwater  
Ind. Sup. Ct. No. 8549-10  
Attorney for Petitioners  
411 Watt Street  
Jeffersonville, In 47130  
(812)288-4442

I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT SOCIAL SECURITY NUMBERS IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

[Handwritten Signature]  
Michael A. Gillenwater

The Owners hereby authorize 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 the Owners' Petition.

IN WITNESS WHEREOF, the Owners have executed this instrument on this 24 day of April, 2018.

Domora D. Greene  
Signature of Owner of Real Estate

(INDIVIDUAL NOTARY)

STATE OF Indiana  
COUNTY OF Clark §

Before me, the undersigned, a Notary Public in and for said County and State, this 24 day of April, 2018, personally appeared Domora Greene and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.



My commission expires:  
10.15.2022

Tracy C. Johnson  
Notary Public, Resident of  
Clark County, Indiana

Tracy C Johnson  
Printed Name  
658391  
My Commission Number

THIS INSTRUMENT PREPARED BY:

Michael A. Gillenwater  
Ind. Sup. Ct. No. 8549-10  
Attorney for Petitioners  
411 Watt Street  
Jeffersonville, In 47130  
(812)288-4442

I AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT SOCIAL SECURITY NUMBERS IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Michael A. Gillenwater  
Michael A. Gillenwater