

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 8-2019

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 9th day of January, 2019, the Clark County Plan Commission passed Resolution 30-2019, (see the said Resolution 30-2019 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 30-2019, dated January 9, 2019, 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 7th day of February, 2019.

Members voting "NO":

Jack Coffman, Commissioner

Bryan Glover, Commissioner

Connie Sellers, Commissioner

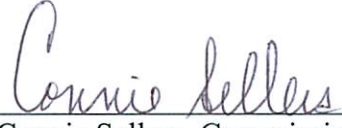
Members voting "YES":



Jack Coffman, Commissioner



Bryan Glover, Commissioner



Connie Sellers, Commissioner

Attested by:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 30 - 2019

WHEREAS, the Clark County Plan Commission met on January 09, 2019, and heard the Petition of 2019-02-PC:Steve Day, asking the property known known by its street address/parcel no. as 11415 SR 60, Sellersburg, Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a non-emergency medical transport garage and office at 11415 SR 60 Sellersburg, 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:

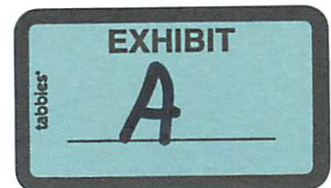
1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public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

X The real estate described at 11415 SR 60, Sellersburg, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone.

_____ The real estate described at _____, Indiana should NOT be reclassified from _____ to _____.

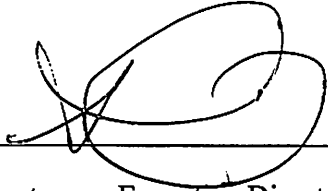
_____ The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this _____ day of _____, 2019.



I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on January 09, 2019.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

Secretary or Executive Director

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

201902294 MISC \$0.00
02/07/2019 01:39:40P 5 PGS
TERRY CONWAY
Clark County Recorder IN
Recorded as Presented



STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on Assisting Transport LLC ("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.

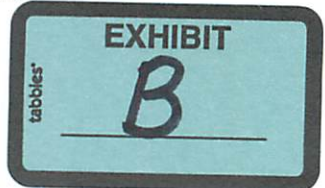
These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Board of the Owner's Petition/Application for all or any of the following related to all or part of the Real Estate.

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:

- a) We will not have a bar or Tavern on this property.
- b) ~~We will not have a Gentleman's Club/Adult Entertainment on this property.~~
- c) We will not conduct On-Site Retail Auto Sales on this property.
- d) We will not have a night club /dance club

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 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 7th day of February 2019.

(Individual Signature Lines)

Rachel Weisheit

(Or Company Signature Line)

(TYPE COMPANY NAME HERE)

Assisting Transport LLC

BY: _____

ITS: _____

(INDIVIDUAL NOTARY)

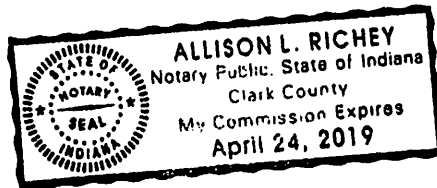
STATE OF Indiana

§

COUNTY OF Clark

Before me, the undersigned, a Notary Public in and for said County and State, this 7th day of February, 2019, personally appeared Rachel Weisheit and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.



Notary Public, Resident of Clark County, Indiana

My commission expires: April 24, 2019

Printed Name

Allison L. Richey

(OR CORPORATE NOTARY)

STATE OF INDIANA

§

COUNTY OF _____

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 20____, came _____, by _____, its _____ and by _____

_____, its _____, who acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

Notary Public, Resident of _____ County, Indiana

My commission expires: _____
_____ Printed Name

THIS INSTRUMENT PREPARED BY:

Rachel Weisheit

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

2 pgs
\$18

Parcel Number:
10-02-16-400-059.000-026
Alt. Parcel Number:
002-20-019-0
Grantees' Names, Address,
and Mail Tax Statements To:
Steven R. Day and
Jennifer Matthews
11550 Highway 31
Sellersburg, IN 47172

EM

Property Address:
11415 Highway 60
Sellersburg, IN 47172

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUN 09 2015

R. [Signature]
Auditor, Clark County

201509729 WD \$18.00
06/10/2015 09:29:02A 2 PGS
Zachary Payne
Clark County Recorder IN
Recorded as Presented



WARRANTY DEED

This indenture witnesseth that **LARRY D. SHEPHERD** and **FRANCES Y. SHEPHERD**, husband and wife, of Floyd County, Indiana, do hereby, for and in consideration of \$10.00 and other valuable considerations the receipt whereof is acknowledged, **CONVEY AND WARRANT** to **STEVEN R. DAY** and **JENNIFER MATTHEWS**, as **Joint Tenants with Rights of Survivorship**, of Clark County, Indiana, the following described real estate in Clark County, Indiana, to-wit:

Part of Survey No. 164 of the Illinois Grant, described as follows, to-wit: beginning at a stake in the center line of State Highway No. 60; said stake being at the Northeast corner of a certain 20.20 acre tract, of which this tract being conveyed is a part thereof, said 20.20 acre tract is fully described in a Deed, recorded in Deed Record No. 155, page 102 in the Recorder's Office of Clark County, Indiana; thence South 62 deg. 58' West 260.6 feet to a stone; thence South 72 deg. 48' West 48.9 feet to a stake; thence South 43 deg. 04' East, 198.33 feet to a stake; thence North 46 deg. 56' East, 294.4 feet to a stake in the center line of State Highway No. 60; thence North 43 deg. 04' West with the center line of said Highway 105.0 feet to the place of beginning, containing 1.00 acre, more or less, hereby conveyed.

Subject to the right of way of said State Highway No. 60.

Memoranda

1. This conveyance is made free and clear of all liens and encumbrances, except the Grantees are responsible to pay the real estate taxes and assessments beginning with the First installment of 2015 real estate taxes due and payable in 2016, and all real estate taxes and assessments due and payable thereafter.

[Handwritten Signature]

2. Being the same property acquired by Larry D. Shepherd and Frances Y. Shepherd, husband and wife, by Deed dated September 29, 2006, and recorded October 3, 2006, as Instr. No. 200620614, in the office of the Recorder of Clark County, Indiana.

3. This Deed is given, delivered, and accepted in full and complete satisfaction of a certain Real Estate Contract dated September 29, 2006, and recorded December 4, 2006, as Instr. No. 200624839, in the office of the Recorder of Clark County, Indiana.

In witness whereof, the said Larry D. Shepherd and Frances Y. Shepherd, executed this Deed on this 9th day of June, 2015.

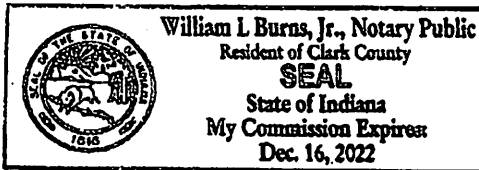
Larry D. Shepherd
Larry D. Shepherd

Frances Y. Shepherd
Frances Y. Shepherd

STATE OF INDIANA COUNTY OF CLARK)

Before me, a Notary Public in and for said County and State, this 9th day of June, 2015 personally appeared Larry D. Shepherd and Frances Y. Shepherd, who swore to the truth of the representations contained herein and who acknowledged the free and voluntary execution hereof.

William L Burns, Jr.
Notary Public
Printed Name: William L Burns, Jr
My Commission Expires: 12-16-22
Resident of Clark County, Indiana



Prepared without benefit of title search, based upon information provided by the Grantee and/or the Grantor, by Culler Law Office, LLC, Ronald D. Culler, Attorney, 2123 Veterans Parkway, Jeffersonville, Indiana 47130, phone 812-284-2685, at the specific request of the parties and is based solely on information supplied by one or more those parties and without examination for accuracy. This preparer assumes no liability for any errors, inaccuracy or omissions in this instrument resulting from the information provided. The parties accept this disclaimer by Grantor's execution of this document or Grantee's acceptance.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Larry D. Shepherd.
Person's name presenting for recording