

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 11 -2020

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 3rd day of June, 2020, the Clark County Plan Commission passed Resolution 39-2020, (see the said Resolution 39-2020 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 39-2020, dated June 3, 2020, 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 9th day of July, 2020.

Members voting "NO":

Jack Coffman, Commissioner

Bryan Glover, Commissioner

Connie Sellers, Commissioner

Members voting "YES":



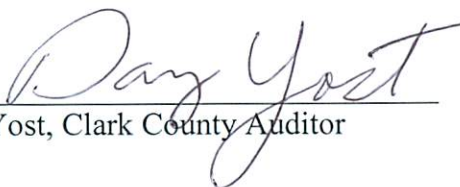
Jack Coffman, Commissioner

Bryan Glover, Commissioner



Connie Sellers, Commissioner

Attested by:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 39 - 2020

WHEREAS, the Clark County Plan Commission met on June 03, 2020, and heard the Petition of 2020-05-PC: William Monroe, asking the property known known by its street address/parcel no. as 910 E. Railroad St, Otisco, Indiana, be reclassified from R-2 Two Family Residential to B-2 Community & Roadside Business for a furniture shop at 910 E. Railroad St, Otisco, 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:

The real estate described at 910 E. Railroad St, Otisco, Indiana should be reclassified from R-2 Two Family Residential to B-2 Community & Roadside Business

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

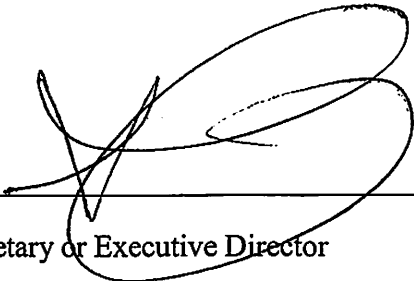
The Plan Commission was unable to reach consensus as required by law, and therefore sends the rezoning petition to the Clark County Commissioners WITHOUT RECOMMENDATION.

Dated this _____ day of _____, 2020.



I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on June 03, 2020.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a vertical stroke, positioned above a horizontal line.

Secretary or Executive Director

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

STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on William Monroe ("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 _____ (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

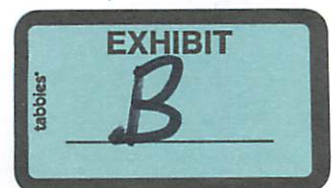
These COMMITMENTS do not obligate the Board or the Clark County Commissioners, as applicable to adopt, approve, or favorably recommend the Owner's Petition or Application to which this COMMITMENT relates.

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) NO TAVERNS, NIGHT CLUBS, AUDITORIUMS, BOWLING ALLEYS
- b) DANCE STUDIOS, AMMUSEMENT FACILITIES,
- c) NO AMMUSEMENT PARKS, DRIVE IN THEATERS
- d)



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 _____ day of _____, 20__.

(Individual Signature Lines)

William A. Monroe

William A. Monroe

(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 9 day of June, 2020, personally appeared William Monroe and acknowledged the execution of the above and foregoing instrument.

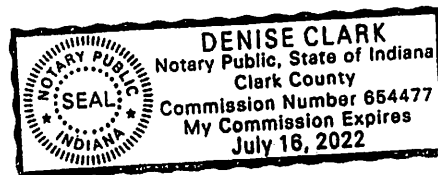
Witness my hand and notarial seal.

Denise Clark
Notary Public, Resident of
Put County, Clark

My commission expires:
July 16, 2022

Denise Clark
Printed Name

(OR CORPORATE NOTARY)



Clark County, IN
 910 RAILROAD STREET, OTISCO, IN 47163
 10-03-21-000-126.000-003



Parcel Information

Parcel Number: 10-03-21-000-126.000-003
 Alt Parcel Number: 03-00070-041-0
 Property Address: 910 RAILROAD STREET
 OTISCO, IN 47163
 Neighborhood: chas comm twp base dist 03
 Property Class: Office Bldg (1 or 2 Story)
 Owner Name: Monroe William Anthony
 Owner Address: 1015 Harry Hughes Rd
 Charlestown, IN 47111
 Legal Description: GT 210 LOTS 15-16 0.48 AC

Taxing District

Township: CHARLESTOWN TOWNSHIP
 Corporation: GREATER CLARK COUNTY

Land Description

Land Type: 13
 Acreage: 0.48
 Dimensions: