

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 22 -2014

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

[See attached text of Ordinance]

ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA

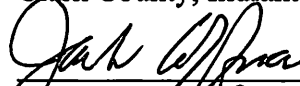
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on July 17, 2014 the petition of Anytime Storage, LLC, asking that the property known by its street address as 1012 Applegate Lane, Clarksville, Indiana be rezoned from R-2 Two-Family Residential to B-2 Community and Roadside Business with a 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 described at 1012 Applegate Lane, Clarksville, Indiana be rezoned from R-2 Two-Family Residential to B-2 Community and Roadside Business.

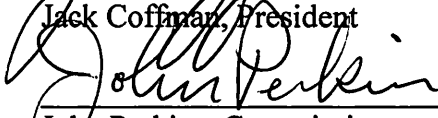
The real estate described at 1012 Applegate Lane, Clarksville, Indiana SHOULD NOT be rezoned from R-2 Two-Family Residential to B-2 Community and Roadside Business.

Dated this 17th day of July, 2014.

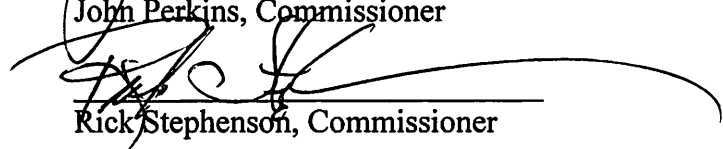
Board of Commissioners of
Clark County, Indiana



Jack Coffman, President



John Perkins, Commissioner



Rick Stephenson, Commissioner

Attest:



R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 8-2014

WHEREAS, the Clark County Plan Commission met on July 9th, 2014 and heard the petition of Anytime Storage, LLC, asking that the property known by its street address as 1012 Applegate Lane, Clarksville, Indiana be rezoned from R-2 Two-Family Residential to B-2 Community and Roadside Business for (4 buildings) 30,700 sq. ft. of mini-storage warehouse on 3.498 acres with the applicants agreement to a statement of commitments described in Exhibit A limiting the property to mini-warehouses and storage of all vehicles inside of buildings at 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 at 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 at 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 16th day of July.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 9th, 2014.

ATTEST:



Secretary or Executive Director

EXHIBIT A

STATEMENT OF ZONING COMMITMENTS

These COMMITMENTS are given by and shall be binding on ANYTIME STORAGE, LLC, an Indiana limited liability company, ("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 and/or the Clark County Commissioners (hereinafter referred to collectively as "Board"), made at a public hearing only after proper notice has been provided under Indiana law and 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 for Rezoning related to the Real Estate, all of which is described as follows, to wit:

See attached Exhibit "A"

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 the Clark County Plan Commission; the Board of Clark County Commissioners; any municipality that annexes the subject real estate; and/or owners of parcels of ground adjoining the Real Estate, who, having been given notice of the Petition for Rezoning, as would be reflected in the records of the Clark County Plan Commission. Owners of Real Estate located entirely outside the jurisdiction of the Board are not included, however. The identity of subsequent owners shall be determined from the records of the office of the Assessor of Clark County, Indiana, 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) to only use the Real Estate for that specific use set out in the Clark County Zoning Ordinance under a B-2 Zoning Ordinance, specifically item (p), allowing the use of mini warehouses, which may include, but not be limited to, storage of automobiles, campers and recreational vehicles, provided the same are within the confines of the storage buildings built on the Real Estate.

An action to enforce a COMMITMENT may be brought in any 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 Owner shall bear the cost of the action. In the event the enforcement action is not successful, the party bringing such action shall bear the cost of the

action. A change of venue from the County shall not be granted in any such action and the Owner herein waives all rights to a change of venue from County. This provision does not prohibit an automatic motion for change of venue from judge under the Rules of Indiana Trial Procedure.

The Owner hereby authorizes the Board, Clark County, Indiana or any of their respective agents or representatives to record these COMMITMENTS in the office of the Recorder of Clark County, Indiana, upon approval or adoption of the Owner's Petition to Rezone.

IN WITNESS WHEREOF, the Owner has executed this instrument this 17th day of July, 2014.

ANYTIME STORAGE, LLC

BY: Victor O Unruh

Victor O. Unruh, Member
PRINTED NAME AND TITLE

STATE OF INDIANA)
) SS:
COUNTY OF Floyd)

Before me, a Notary Public, in and for said County and State, personally appeared ANYTIME STORAGE, LLC, by and through its duly authorized member, Victor O Unruh, and acknowledged the execution of the foregoing as its free and voluntary act and deed for the use and purposes mentioned herein.

Witness my hand and seal, this 17th day of July, 2014.

My Commission Expires
October 7, 2021

Lesley Andres
Notary Public

Resident of Floyd Co., IN.

Lesley Andres
Printed Name

THIS INSTRUMENT PREPARED BY:
JOHN A. KRAFT, ATTY.
126 WEST SPRING STREET
NEW ALBANY, INDIANA 47150

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.

By: _____
Printed Name

Exhibit A

TRACT 1

LOT NO. FIFTY-FOUR (54) OF PLAINVIEW SUBDIVISION OF PART OF SURVEY NO. 19 OF THE ILLINOIS GRANT, A PLAT OF WHICH SUBDIVISION WAS FILED IN THE OFFICE OF THE RECORDER OF CLARK COUNTY, INDIANA, ON THE 29TH DAY OF JUNE, 1928, AND RECORDED IN PLAT BOOK 5, PAGE 11.

SUBJECT TO ANY AND ALL EASEMENTS , RIGHTS-OF-WAY, RESTRICTIONS OF RECORD.

TRACT 2

LOT NOS. 55, 56, 57 AND 58 IN PLAINVIEW SUBDIVISION A PART OF SURVEY NO. 19 OF THE ILLINOIS GRANT, AS THE SAME APPEARS OF RECORD IN PLAT BOOK NO. 5, PAGE 11, IN THE OFFICE OF THE RECORDER OF CLARK COUNTY, INDIANA.

SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

+ Name Anytime Storage LLC. Petition No. 2014-15-PC

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 9th day of July, 2014, by a 7-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
<u>David Hynes</u> David Hynes	✓	—	—	—
<u>John Uhl</u> John Uhl	✓	—	—	—
<u>ABSENT</u> Martina Webster	—	—	—	—
<u>Paul E. Coffman</u> Paul Coffman	✓	—	—	—
<u>David Blankenkoper</u> David Blankenkoper	✓	—	—	—
<u>Jack Coffman</u> Jack Coffman	✓	—	—	—
<u>Michael Killen</u> Michael Killen	✓	—	—	—
<u>ABSENT</u> Susan Popp	—	—	—	—
<u>Rick Wardlaw</u> Rick Wardlaw	✓	—	—	—