

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 13 -2014

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

*[See attached text of Resolution]*

BY THE CLARK COUNTY  
PLAN COMMISSION

RESOLUTION 6-2014

**WHEREAS**, the Clark County Plan Commission met on March 12th, 2014 and heard the petition of Elaine V. McKim and New Cingular Wireless PSC, LLC, asking that a 100' x 100' subdivision tract at 1613 Edgewood Drive, Charlestown, Indiana be rezoned from R-2 Two-Family Residential to A-1 Agricultural for a new cell tower and wireless communications facility at 1613 Edgewood Drive, Charlestown, 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 1613 Edgewood Drive, Charlestown, Indiana should be reclassified from R-2 Two Family Residential to A-1 Agricultural.

\_\_\_\_\_ The real estate described at 1613 Edgewood Drive, Charlestown, 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 17<sup>th</sup> day of March.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on March 12th, 2014.

ATTEST:

  
\_\_\_\_\_  
Secretary or Executive Director

+ Name EDGEWOOD REZONING Petition No. 2014-8-PC  
CELL TOWER

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 12th day of March, 2014, by a 8-1 vote.

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

# EXHIBIT



Part of Key No.: 10-03-13-600-262.000-003 (003-47-0040)

## QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that Elaine V. McKim, individually ("Grantor"), for no consideration,

### CONVEYS AND QUITCLAIMS

unto Elaine V. McKim, individually ("Grantee") that certain real property together with all, appurtenances, mineral rights and other interests belonging or appertaining thereto, located in Clark County, Indiana, to wit:

#### **100' x 100' Subdivided Tract B**

A PART OF SURVEY NUMBERS 136 AND 137 OF THE ILLINOIS GRANT, CLARK COUNTY INDIANA AND ALSO BEING A PART OF PARCEL 10-03-13-600-262.000-003 PREVIOUSLY OWNED BY THE DONALD L. ENTEMAN ESTATE AND RECORDED IN DEED PAGE 5358, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERNMOST CORNER AND IN THE MIDDLE OF EDGEWOOD DRIVE OF THE ABOVE DESCRIBED; THENCE NORTH 35 DEGREES 51 MINUTES 32 SECONDS WEST 2.49 FEET; THENCE SOUTH 54 DEGREES 56 MINUTES 09 SECONDS WEST 439.22 FEET; THENCE NORTH 35 DEGREES 00 MINUTES 00 SECONDS WEST 85.29 FEET; THENCE SOUTH 55 DEGREES 00 MINUTES 00 SECONDS WEST 37.50 FEET; THENCE NORTH 35 DEGREES 00 MINUTES 00 SECONDS WEST 25.00 FEET TO THE SOUTHERNMOST LEASE CORNER AND BEING THE TRUE PLACE OF BEGINNING; THENCE CONTINUING NORTH 35 DEGREES 00 MINUTES 00 SECONDS WEST 100.00 FEET; THENCE NORTH 55 DEGREES 00 MINUTES 00 SECONDS EAST 100.00 FEET; THENCE SOUTH 35 DEGREES 00 MINUTES 00 SECONDS EAST 100.00 FEET; THENCE SOUTH 55 DEGREES 00 MINUTES 00 SECONDS WEST 100.00 FEET TO THE TRUE PLACE OF BEGINNING AND CONTAINING 10,000 SQUARE FEET, (0.23 ACRES), MORE OR LESS.

See Exhibit A which is a drawing that depicts the real estate being conveyed herein.

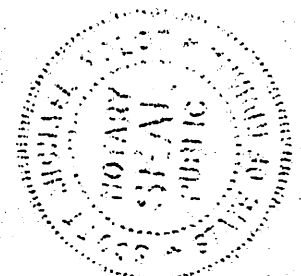
This conveyance is made for the purpose of obtaining a separately identifiable tax parcel number and is subject to all applicable easements, rights-of-way, covenants, restrictions and mineral interest reservations of record.

TO HAVE AND TO HOLD all of Grantor's said right, title and interest in and to the subject property, together with all and singular the rights, privileges and appurtenances thereto and in anywise belonging, if any, unto Grantee, and Grantee's successors, legal representatives and assigns so that Grantor and Grantor's successors, legal representatives and assigns shall not have, claim or demand any right or title to same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this Quitclaim Deed to be executed this 10 day of January, 2014.

GRANTOR:

Elaine V. McKim  
Elaine V. McKim, individually



STATE OF INDIANA            )  
  ) SS:  
COUNTY OF Clark            )

BEFORE ME, the undersigned, a Notary Public, in and for the above-named County and State, this 10<sup>th</sup> day of January, 2014, personally appeared Elaine V. McKim, individually, and acknowledged the execution of the foregoing Quitclaim Deed as her individual act and deed.

WITNESS my hand and notarial seal.

My Commission expires:  
7-10-19

Scott Michael Nolot  
Notary Public  
Scott Michael Nolot  
Printed Name  
Resident of Clark County

**SCOTT MICHAEL NOLOT**  
Notary Public, State of Indiana  
**SEAL**  
My Commission Expires 7/10/2019

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. Alan M. Applegate

This instrument prepared by:  
Alan M. Applegate  
**APPLEGATE FIFER PULLIAM LLC**  
P. O. Box 1418  
Jeffersonville, Indiana 47131-1418  
(812) 284-9499

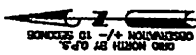
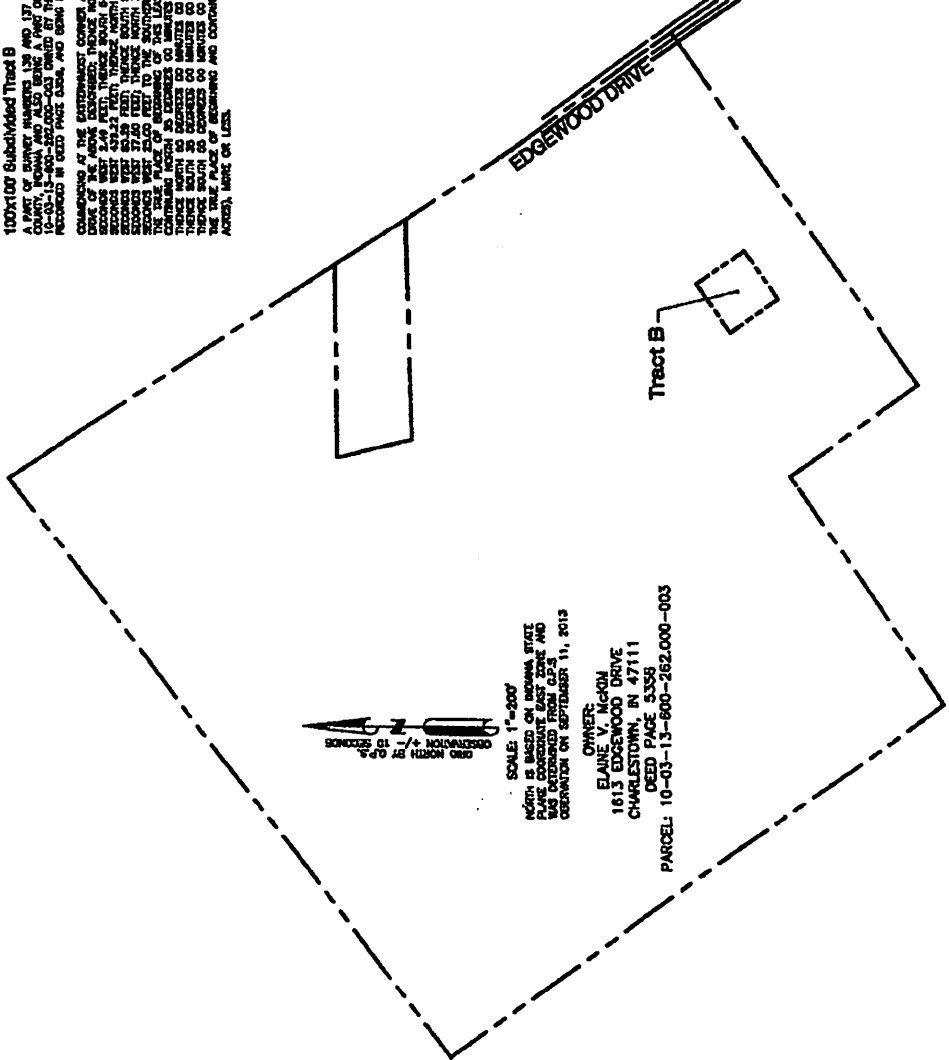
**Tax Statement Mailing Address:**  
7804 Tunnel Mill Road  
Charlestown, IN 47111



**BENCHMARK SERVICES, INC.**  
 Company Engineers  
 Land Surveyors  
 318 North Main Street  
 Indianapolis, IN 46204  
 Phone: 317-552-2000  
 e-mail: benchmark@benchmark.com

<b>SITE NUMBER</b>	
<b>SITE NAME</b>	MARKET STREET
<b>SITE ADDRESS</b>	1913 EDGEWOOD DRIVE CHARLESTOWN, IN 47111
<b>LEASE AREA</b>	10000 SQ. FT.
<b>PROPERTY OWNER</b>	ELAINE V. NICHOL 1813 EDGEWOOD DRIVE CHARLESTOWN, IN 47111
<b>MISC#1</b>	10-03-13-600-262,000-003
<b>COUNTY</b>	CLARK COUNTY
<b>SOURCE OF TITLE</b>	DEED PAGE 5386
<b>APPROX. COORDINATES</b>	N 88°27'45.97222" E 10000.00000' W
<b>DATE</b>	11/16/13
<b>BY</b>	CHP/RS
<b>DATE</b>	11/16/13
<b>SCALE</b>	AS SHOWN
<b>TITLE</b>	Tract B
<b>SHEET</b>	S-3

100X100 Subdivided Tract B  
 A PART OF SURVEY NUMBERS 128 AND 127 OF THE BLUNDS GRANT, CLARK COUNTY, INDIANA AND ALSO BEING A PART OF PARCELS 10-03-13-600-262,000-003 AND 10-03-13-600-262,000-004, CLARK COUNTY, INDIANA, AS SHOWN ON THE PLAT THEREOF, IS HEREBY DIVIDED AS FOLLOWS:  
 COMMENCE AT THE CORNER POINT AND IS THE CORNER OF PARCELS 10-03-13-600-262,000-003 AND 10-03-13-600-262,000-004, CLARK COUNTY, INDIANA, AS SHOWN ON THE PLAT THEREOF, THENCE NORTH 88 DEGREES 27 MINUTES 45 SECONDS WEST 10000 FEET TO THE CORNER OF PARCELS 10-03-13-600-262,000-003 AND 10-03-13-600-262,000-004, CLARK COUNTY, INDIANA, AS SHOWN ON THE PLAT THEREOF, THENCE NORTH 88 DEGREES 27 MINUTES 45 SECONDS WEST 10000 FEET TO THE CORNER OF PARCELS 10-03-13-600-262,000-003 AND 10-03-13-600-262,000-004, CLARK COUNTY, INDIANA, AS SHOWN ON THE PLAT THEREOF, THENCE NORTH 88 DEGREES 27 MINUTES 45 SECONDS WEST 10000 FEET TO THE CORNER OF PARCELS 10-03-13-600-262,000-003 AND 10-03-13-600-262,000-004, CLARK COUNTY, INDIANA, AS SHOWN ON THE PLAT THEREOF, THENCE SOUTH 88 DEGREES 27 MINUTES 45 SECONDS WEST 10000 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10,000 SQUARE FEET, (0.23 ACRES), MORE OR LESS.



SCALE: 1"=200'  
 NORTH IS BASED ON INDIANA STATE PLAT CORNER SURVEY AND HAS BEEN DETERMINED FROM GPS OBSERVATION ON SEPTEMBER 11, 2013  
 CHARTER:  
 ELAINE V. NICHOL  
 1813 EDGEWOOD DRIVE  
 CHARLESTOWN, IN 47111  
 DEED PAGE 5386  
 PARCEL: 10-03-13-600-262,000-003



NOTE: THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.



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 March 27, 2014 the petition of Elaine V. McKim and New Cingular Wireless PSC, LLC to reclassify a 100' x 100' subdivision tract at 1613 Edgewood Drive, Charlestown, Indiana from R-2 Two Family Residential to A-1 Agricultural; 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:

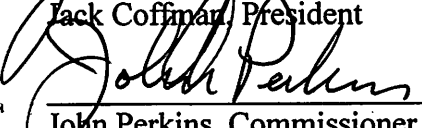
The real estate described at 1613 Edgewood Drive, Charlestown, Indiana should be reclassified on the zoning maps from R-2 Two Family Residential to A-1 Agricultural.

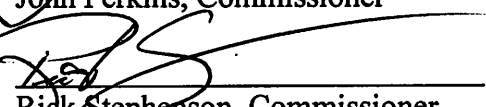
The real estate at 1613 Edgewood Drive, Charlestown, Indiana SHOULD NOT be reclassified on the zoning maps.

Dated this 27<sup>th</sup> day of March, 2014.

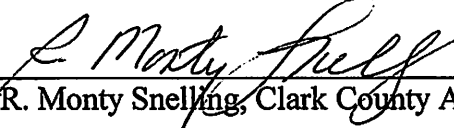
Board of Commissioners of  
Clark County, Indiana

  
\_\_\_\_\_  
Jack Coffman, President

  
\_\_\_\_\_  
John Perkins, Commissioner

  
\_\_\_\_\_  
Rick Stephenson, Commissioner

Attest:

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