

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 24 -2017

**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 August, 2017, the Clark County Plan Commission passed Resolution 14-2017, (see the said Resolution 14-2017 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 14-2017, dated August 9, 2017, as attached hereto, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution.

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 September, 2017.

Members voting "NO":

Jack Coffman, Commissioner

Bryan Glover, Commissioner

Connie Sellers, Commissioner

Members voting "YES":



Jack Coffman, Commissioner



Bryan Glover, Commissioner

- absent -

Connie Sellers, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 14 - 2017

WHEREAS, the Clark County Plan Commission met on August 09, 2017, and heard the Petition of 2017-08-PC: Nathan Grimes, asking the property known known by its street address/parcel no. as 1804 Perry Crossing Road, Sellersburg, Indiana, be reclassified from R-2 Two-Family Residential Zone to B-2 Community & Roadside Business Zone for a construction of a commercial building at 1804 Perry Crossing Road 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 1804 Perry Crossing Road, Sellersburg, Indiana should be reclassified from R-2 Two-Family Residential 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 _____, 2017.

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on August 09, 2017.

ATTEST:



Secretary or Executive Director

Clark County, IN

Property Assessment Detail Report
Parcel Number: 10-02-01-300-013.000-026
39°North- 855.GIS.3939



Parcel Information

Parcel Number: 10-02-01-300-013.000-026
Alt Parcel Number: 02-00009-004-0
Property Address: 1804 PERRY CROSSING ROAD
SELLERSBURG, IN 47172
Neighborhood: carr twp base res
Property Class: 1 Family Dwell - Platted Lot
Owner Name: GRIMES NATHAN R & PAULA LALTUS BANK
Owner Address: 1804 PERRY CROSSING ROAD
SELLERSBURG, IN 47172
Legal Description: SEC 13-1S-6E 1.326 AC

Taxing District

Township: CARR TOWNSHIP
Corporation: WEST CLARK COMMUNITY

Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
9Rr	1.0	
91Rr	0.65	



STATEMENT OF COMMITMENTS

These COMMITMENTS are given by and shall be binding on NATHAN R. & PAULA L. GRIMES ("owner"), subsequent owners of the Real Estate and any other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated only by 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
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 favorable 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.

An action to enforce a COMMITMENT may be brought in a Circuit or Superior 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 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 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 15th day of August, 2017.

Nathan R Grimes

Paula Grimes

Company Name: _____

BY: _____

ITS: _____

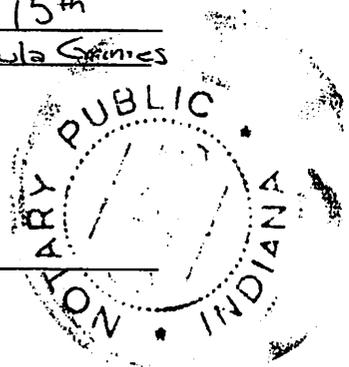
STATE OF Indiana

COUNTY OF Clark

Before me, the undersigned, a Notary Public in and for said County and State, this 15th day of August, 2017, personally appeared Nathan Grimes & Paula Grimes and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

Doreen M. Yost
Notary Public, Resident of
Indiana County, Clark



Doreen M. Yost
Printed Name

My commission expires:

5.28.2021

PREPARED BY:

Nathan & Paula Grimes
1804 Perry Crossing Road
Sellersburg, IN 47172

List of Excluded Uses for the above referenced Property Rezoning from R-2 to B-2

1. Children's Home
2. Nursing Home
3. Hotel
4. Taverns
5. Night Clubs
6. Auditorium
7. Theater
8. Bowling Alley
9. Billiard rooms
10. Automobile Service
11. Drive-in Restaurants
12. Golf Course
13. Amusement Parks
14. Drive-in Movies
15. Riding Stables
16. Model Home Displays
17. Food Locker

" 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."

NAME: Nathan R Grimes 8/15/2017

EXHIBIT "A"

A part of the South one half of Fractional Section 13, Township 1 South, Range 6 East, Clark County, Indiana, described as follows: Beginning at a stone the Northeast corner of said South one half of Fractional Section 13; thence South 06 deg. 20' West with the line dividing Section 13 and Survey 164 of the Illinois Grant 429.0 feet to a railroad spike in the center of the Perry Crossing Road; thence South 62 deg. 00' West with the center line of said Perry Crossing Road 330.0 feet to a railroad spike, the true place of beginning; thence South 55 deg. 50' East 307.85 feet to a point in the line dividing Section 13 and Survey 164; thence South 06 deg. 20' West with the line dividing Section 13 and Survey 164, 113.0 feet to a point; thence South 74 deg. 35' 02" West 228.8 feet to a point in the center line of State Road 60; thence North 34 deg. 21' West with the center line of said State Road 60, 197.0 feet to a point; thence North 26 deg. 00' E. with the center line of Perry Crossing Road 204.0 feet to the place of beginning, containing 1.65 acres.

EXCEPTING THEREFROM, a 0.324 acre tract conveyed to Eugene H. Burgan and Norma J. Burgan, husband and wife, by deed dated October 2, 1986 and recorded October 2, 1986 in Deed Dr. 18, Instr. #12149 of the Clark County, Indiana Records.

Leaving after said exception 1.326 acres, more or less.