

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 3 -2018

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 10<sup>th</sup> day of January, 2018, the Clark County Plan Commission passed Resolution 20-2018, (see the said Resolution 20-2018 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 20-2018, dated January 10, 2018, 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 8th day of February 8, 2018.

*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:*

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

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 20 - 2018



**WHEREAS**, the Clark County Plan Commission met on January 10, 2018, and heard the Petition of 2018-01-PC: Alex's Meadery, asking the property known known by its street address/parcel no. as 10-12-03-400-062.000-034/10-12-03-400-059.000-034 Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a Meadery with wine tasting room at Bethlehem New Washington Rd, New Washington, 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 Bethlehem New Washington Rd, Indiana should be reclassified from A-1 Agricultural to B-2 Community & Roadside Business

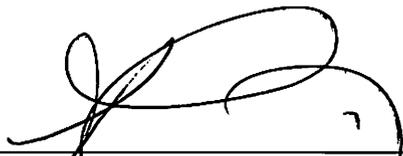
         The real estate described at \_\_\_\_\_, Indiana should NOT be reclassified from \_\_\_\_\_ to \_\_\_\_\_

         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 \_\_\_\_\_, 2018.

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on January 10, 2018.

ATTEST:



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a horizontal line. The signature is partially enclosed by a large, hand-drawn oval.

Secretary or Executive Director



### STATEMENT OF COMMITMENTS

These COMMITMENTS are given by and shall be binding on Alex Houchens ("owner"), subsequent owners of the Real Estate described on Exhibit A attached (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 and approved by the County Commissioners.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the County Commissioners of the Owner's Petition/Application for adoption for a rezoning proposal for the Real Estate.

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) 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.

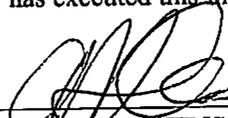
The Owner imposes and consents to the following COMMITMENTS for the use and/or development of the Real Estate. The only permitted uses on the Real Estate are:

- 1) Meadery (production of Honey Wine) and a tasting room with sufficient parking area on the Real Estate
- 2) Residence
- 3) Fruit orchard
- 4) Bee Hives

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 adoption of Owner's Petition/Application.

IN WITNESS WHEREOF, the Owner has executed this instrument this 15<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
ALEX HOUCHENS

STATE OF INDIANA

§

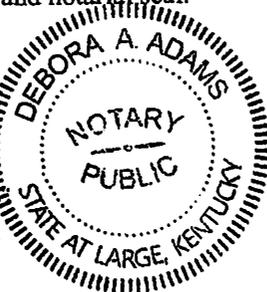
COUNTY OF CLARK

15<sup>th</sup> Before me, the undersigned, a Notary Public in and for said County and State, this day of January, 2018 personally appeared Alex Houchens, who is personally known by me or who I have confirmed the identity of to the extent required by law and that person then acknowledged the execution of the above instrument.

Witness my hand and notarial seal.

My Commission Expires  
01-18-2021

My Commission Number  
571714



  
\_\_\_\_\_  
Notary Public, Resident of Jefferson  
County, ~~Indiana~~ Kentucky (21)

Printed Name: Debora A Adams

THIS INSTRUMENT PREPARED BY:

ALEX HOUCHENS

I AFFIRM, UNDER PENALTIES OF PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT SOCIAL SECURITY NUMBERS IN THIS DOCUMENT, UNLESS REQUIRED BY LAW. ALEX HOUCHENS