

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 9-2018

**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 11<sup>th</sup> day of April, 2018, the Clark County Plan Commission passed Resolution 23-2018, (see the said Resolution 23-2018 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 23-2018, dated April 11, 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 2nd day of May, 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 23 - 2018

**WHEREAS**, the Clark County Plan Commission met on April 11, 2018, and heard the Petition of 2018-09-PC: Jacob Schuler, asking the property known known by its street address/parcel no. as 1721 West St. Joe Rd, Sellersburg, Indiana, be reclassified from A-1 Agricultural Zone to B-3 General Business Zone for a trucking company and limited auto sales at 1721 West St. Joe Rd 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:

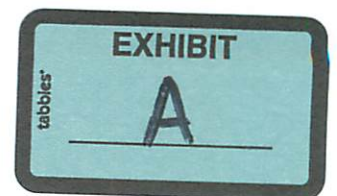
1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana law; and
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting.
3. The Plan Commission recommends to the Board of Commissioners of Clark County as follows:

X The real estate described at 1721 West St. Joe Rd, Sellersburg, Indiana should be reclassified from A-1 Agricultural to B-3 General 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 \_\_\_\_\_, 2018.



I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on April 11, 2018.

ATTEST:



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Secretary or Executive Director

Visiting  
5  
\$25

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

201807341 MISC \$25.00  
04/27/2018 02:13:20P 5 PGS  
Zachary Payne  
Clark County Recorder IN  
Recorded as Presented

**STATEMENT OF COMMITMENTS:**



These COMMITMENTS are given by and shall be binding on Jacob Schuler ("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 Board of Commissioners (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

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.

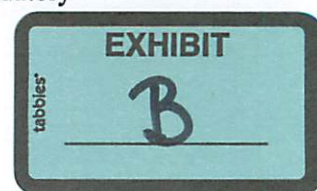
These COMMITMENTS may be enforced jointly or severally by:

- 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) *That the property shall primarily remain a farm with livestock and related agricultural services.*
- b) *No roadside sales or display of automobiles.*
- c) *No repair services or inoperable vehicles.*
- d) *That the potential purchasers shall perform inspections of vehicles by appointment only.*
- e) *No additional structures and only necessary modifications to existing structures.*
- f) *Maximum stored cars for sale at one time will be six (6) vehicles.*
- g) *No large signage or unnecessary lighting.*
- h) *No large semi-trucks delivering vehicles.*
- i) *All advertising to be done online.*
- j) *There will be no other B-2 usage.*

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.

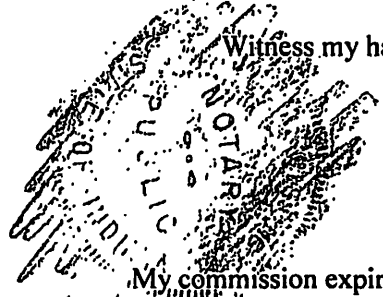
IN WITNESS WHEREOF, the Owner has executed this instrument this 26 day of April, 2018.

Jacob Schuler  
Jacob Schuler

STATE OF Indiana  
COUNTY OF Clark §

Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_\_\_ day of April, 2018, personally appeared Jacob Schuler and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.



My commission expires:  
6/20/20

John R. Vissing  
Notary Public,  
Resident of Clark  
County, Indiana

John R. Vissing  
Printed Name

THIS INSTRUMENT PREPARED BY:

John R. Vissing  
VISSING LAW, LLC  
432 E. Court Avenue  
Jeffersonville, IN 47130

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