

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 10-2014

**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 4-2014

WHEREAS, the Clark County Plan Commission met on March 12th, 2014 and heard the petition of Dr. Joselito & Carla Millan, asking that the property known by its street address as 10001 Highway 60, Sellersburg, Indiana be rezoned from A-1 Agricultural to R-1 Single-Family Residential at 10001 Highway 60, Sellersburg, 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 10001 Highway 60, Sellersburg, Indiana should be reclassified from A-1 Agricultural to R-1 Single-Family Residential.

The real estate described at 10001 Highway 60, Sellersburg, 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 18th 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 100% Highway 60 Petition No. 2014-6-PC
WATERS OF MILLAN

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 8-0 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>R. Wardlaw</u> Rick Wardlaw	✓	—	—	—

20-ETUV.

MTC EIKHART

(9) E (44)

Richard P. Jones
CLARK COUNTY RECORDER 3P
Filed for Record as Presented
I 201224802 Page 1 of 3
C1 Date 12/12/2012 Time 14:56:15

EXHIBIT A

1 OF 2

SEE 2012/24601

QUITCLAIM DEED

009-11-0440

Metropolitan Title

Parcel No. 10-09-12-800-009.000-030
and 10-09-12-800-055.000-030
009-11-0090

THIS INDENTURE WITNESSETH, that **JOSELITO L. MILLAN** and **CARLA MILLAN**, husband and wife, each over the age of eighteen (18) years of Clark County in the State of Indiana ("Grantors"), **RELEASE AND QUITCLAIM UNTO JOSELITO L. MILLAN AND CARLA MILLAN, CO-TRUSTEES OF THE JOSELITO L. MILLAN LIVING TRUST, DATED APRIL 20, 2004**, of Clark County in the State of Indiana ("Grantee"), in consideration of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, real estate located in Clark County, Indiana, more particularly described as follows, to-wit:

A part of Survey #128 of the Illinois Grant, Clark County, Indiana, described as follows: Beginning at a stone at the east corner of Survey #128, thence South 49 degrees 33' West with the line dividing Surveys Nos. 128 and 109, 1782.6 feet to a drill hole in the center of State Road #60; thence continuing South 49 degrees 33' West with the line dividing Surveys Nos. 128 and 109, 939.9 feet to a stone; thence North 40 degrees 49' 18" West 1550 feet to a point, the True Place of Beginning; thence continuing North 40 degrees 49' 18" West, 350 feet to a point, thence South 49 degrees 02' 38" West, 338.95 feet to a point; thence South 40 degrees 57' 22" East, 350 feet to a point; thence North 49 degrees 02' 38" East, 338.95 feet to the True Place of Beginning said in previous deeds to contain 2.72 Acres, more or less.

Together with a 50-foot wide non-exclusive easement as set forth in Deed Drawer 8, Instrument No. 11773 of the Office of the Recorder of Clark County, Indiana, the centerline of which is described as follows: A part of Survey 128 of the Illinois Grant, Clark County, Indiana, beginning at a concrete monument, the east corner of said Survey 128, thence South 49 degrees 33' West with the line dividing surveys 109 and 128, 1782.6 feet to a drill hole in the center of Indiana Highway 60; thence continuing South 49 degrees 33' West, 939.9 feet to a concrete monument at the east corner of Joselito Milan's real estate; thence continuing South 49 degrees 33' West, 338.95 feet to a concrete monument, thence N. 40 degrees 56' 55" W., 1756.00 feet to an iron pin, the true place of beginning of the center line of said 50 foot easement. Thence S. 49 degrees 03' 05" W., 83.0 feet to an iron pin; thence North 49 degrees 40' 27" West, 121.57 feet to an iron pin; thence North 10 degrees 41' 25" West, 55.31 feet to an iron pin; thence North 15 degrees 47' 05" East, 88.00 feet to a railroad spike; thence North 21 degrees 15' 05" East, 125.7 feet to a railroad spike; thence North 28 degrees 10 feet 36" East, 216.73 feet to a railroad spike, thence North 46 degrees 25' 15" East, 906.70 feet to a road nail in the center of said Highway 60.

34404

JULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

DEC 12 2012

R. [Signature]
Auditor, Clark County

[Signature]

Above easement subject to all prior easements that may exist.

Also,

Part of Survey No. 128 of the Illinois Grant, described as follows, to-wit: Beginning at a point in the center line of State Highway No. 60 where the line dividing Surveys Nos. 128 and 146 crosses said center line, said point being South 50 degrees 00' West 1854.0 feet more or less, from the north corner of Survey No. 128; Thence South 40 degrees 00' East with the center line of said Highway 1087.0 feet to a stake in said center line at Zipp's north corner; Thence South 50 degrees 39" West with Zipp's northwest line, 868.5 feet to a stone at Zipp's west corner; Thence South 39 degrees 29' East with Zipp's and Beavin's southwest lines 2079.5 feet to a stake in the line dividing Surveys Nos. 128 and 109; Thence South 51 degrees 17' West with said dividing line, 679.0 feet to a stake; Thence North 39 degrees 52' West with Renn's northeast line, 3141.0 feet to a stake in the line dividing Surveys Nos. 128 and 146; Thence North 50 degrees 00' East with said dividing line and center line of the St. Joe Road, 1558.5 feet to the place of beginning, said in previous deeds to contain 71.28 acres, more or less.

Excepting therefrom 5.45 acres conveyed by Jacob J. Yochem and Agnes M. Yochem to Anna J. Yochem, by a deed recorded as Deed Record 163 page 358 in the Office of the Recorder of Clark County, Indiana.

Also excepting therefrom 3.48 acres conveyed by Agnes M. Yochem, unmarried, the surviving widow of Jacob J. Yochem, deceased, to Joseph W. Yochem and Anna J. Yochem, husband and wife, by a deed recorded as Deed Record 265 page 315 in the Office of the Recorder of Clark County, Indiana.

Also excepting therefrom 1.44 acres conveyed by Agnes M. Yochem, unmarried, the surviving widow of Jacob J. Yochem, deceased, to Victor L. Blessinger and Helen M. Blessinger, husband and wife, by deed recorded as Deed Record 267 page 247 in the Office of the Recorder of Clark County, Indiana.

Also excepting therefrom 1.1 acres conveyed by Agnes M. Yochem, unremarried widow of Jacob J. Yochem, to Victor L. Blessinger and Helen M. Blessinger, husband and wife, by deed recorded as Deed Drawer 6 Instrument 1804 in the Office of the Recorder of Clark County, Indiana.

Being the same property conveyed in a Warranty Deed recorded August 5, 2004 in the Office of the Recorder of Clark County, Indiana as Instrument No. 200419140.

SUBJECT to all conditions, easements, restrictions, and limitations of record, as well as all applicable zoning ordinances.

Full power and authority is granted to the Trustee to lease, sell and convey the title (including the power to warrant the title) and to grant possession of the aforescribed real estate, as well as to otherwise deal with it, including purchasing insurance thereon, making repairs, borrowing money, and mortgaging the title to secure the same, all by way of example and not by way of limitation. No party dealing with the Trustee in relation to the said real estate and the improvements thereon, or to whom the said real estate shall be conveyed or contracted to be conveyed, or mortgaged shall be obliged to see to the application of the purchase money, rent or money advanced or loaned, or obliged to inquire as to the terms of the trust. Every act of the Trustee with regard to the aforescribed real estate including execution and delivery of deeds, leases and mortgages and any

other documents and instruments shall be conclusive evidence for the recipient and all other persons, firms and corporations interested in the title thereto that the Trustee has the full and unrestricted power and authority to do such act.

DATED: Nov. 15, 2012.

[Signature]
(Signature)

Carla Millan
(Signature)

JOSELITO L. MILLAN
(Printed Name)

CARLA MILLAN
(Printed Name)

STATE OF INDIANA)
) SS:
COUNTY OF CLARK)

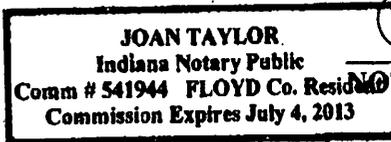
Before me, a Notary Public in and for said County and State, this 15 day of Nov., 2012, appeared JOSELITO L. MILLAN and CARLA MILLAN, husband and wife, each over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing Quitclaim Deed. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires:

7-4-13

Resident of:

Floyd Co.



[Signature]
NOTARY PUBLIC

This instrument prepared by VINCENT J. HEINY (I.D. #7638-02), Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802; telephone: (260) 426-0444; fax: (260) 422-0274. 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. Vincent J. Heiny

M:\Docs\Items\1097001\00138297.WPD (10/31/12 3:35PM)

Grantee mailing address:

Mail tax bills to:

ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA

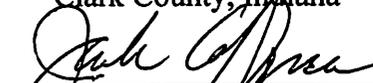
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on MARCH 27, 2014 the petition of Dr. Joselito & Carla Millan to rezone the described real estate at 10001 Highway 60, Sellersburg, Indiana from A-1 Agricultural to R-1 Single-Family Residential; 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 10001 Highway 60, Sellersburg, Indiana should be reclassified on the zoning maps from A-1 Agricultural to R-1 Single-Family Residential.

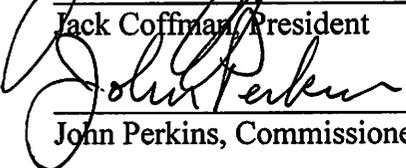
The real estate described at 10001 Highway 60, Sellersburg, Indiana SHOULD NOT be reclassified on the zoning maps.

Dated this 27th day of March, 2014

Board of Commissioners of
Clark County, Indiana



Jack Coffman, President

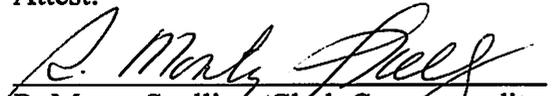


John Perkins, Commissioner



Rick Stephenson, Commissioner

Attest:



R. Monty Snelling, Clark County Auditor