

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 11 -2015

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

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, this 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, the Clark County Plan Commission has passed Resolutions 1-2015, (see Resolution 1-2015 attached hereto as Exhibit "A") to reclassify the property subject to that Resolution.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 1-2015, as attached hereto, is approved.
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 26th day of March, 2015.

Members voting "NO":

Jack Coffman, Commissioner

Rick Stephenson, Commissioner

John Perkins, Commissioner

Members voting "YES":



Jack Coffman, Commissioner

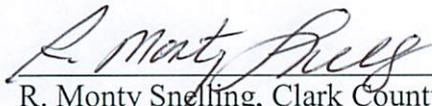


Rick Stephenson, Commissioner



~~John Perkins, Commissioner~~
Bryan Glover

Attested by:



R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 1-2015

WHEREAS, the Clark County Plan Commission met on January 14th, 2015 and heard the Petition of Dennis Windell, asking that the property known by its street address as 105 Ebenezer Church Rd, Memphis, Indiana be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business for a used car lot at 105 Ebenezer Church Rd, Memphis, 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 105 Ebenezer Church Rd, Memphis, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community and Roadside Business.

The real estate described at 105 Ebenezer Church Rd, Memphis, 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 24th day of February.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on January 14th, 2015.

ATTEST:



Secretary or Executive Director

ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA

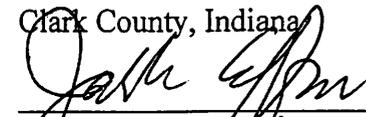
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on _____ the petition of Dennis Windell to reclassify the real estate at 105 Ebenezer Church Rd, Memphis, Indiana from A-1 Agricultural Zone to B-2 Community and Roadside Business; and the Plan Commission 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 at 105 Ebenezer Church Rd, Memphis, Indiana should be reclassified on the zoning maps from A-1 Agricultural Zone to B-1 Community and Roadside Business.

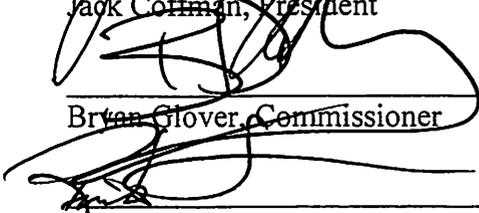
_____ The real estate at 105 Ebenezer Church Rd, Memphis, Indiana SHOULD NOT be reclassified on the zoning maps.

Dated this 26 day of February, 2015.

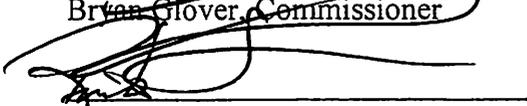
Board of Commissioners of
Clark County, Indiana



Jack Coffman, President

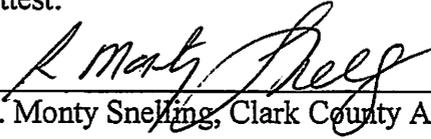


Bryan Glover, Commissioner



Rick Stephenson, Commissioner

Attest:



R. Monty Snelling, Clark County Auditor

CLARK COUNTY PLAN COMMISSION

Name Windell, Dennis Petition No. 2015-1-PC

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 14th day of January, 2015, by a 5-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
<u>Absent</u> Wally Estes	_____	_____	_____	_____
<u>John Uhl</u> John Uhl	_____✓	_____	_____	_____
<u>Martina Webster</u> Martina Webster	_____✓	_____	_____	_____
<u>Absent</u> Paul Coffman	_____	_____	_____	_____
<u>Absent</u> David Blankenbeker	_____	_____	_____	_____
<u>Jack Coffman</u> Jack Coffman	_____✓	_____	_____	_____
<u>Absent</u> Michael Killen	_____	_____	_____	_____
<u>Barbara Bratcher-Haas</u> Barbara Bratcher-Haas	_____✓	_____	_____	_____
<u>R. Wardlaw</u> Rick Wardlaw	_____✓	_____	_____	_____

3 Pgs
HA
20

EXHIBIT A

Parcel No. Part of 10-10-20-300-096.000-032 (010-9-0790)
Part of 10-10-20-300-099.000-032 (010-9-0570)

WARRANTY DEED

THIS INDENTURE WITNESSETH that **Albert Stumpf and Juanita Stumpf**, husband and wife, Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged,

CONVEY AND WARRANT

unto **MAGNUM REALTY, INC.**, an Indiana Corporation, Grantee, the following described real estate situated in the County of Clark, State of Indiana, to-wit:

A part of Survey No. 203 of the Illinois Grant, Clark County, Indiana and more particularly described as follows: Beginning at the west corner of said Survey No. 203, thence southeasterly with the line dividing Survey Nos. 202 and 203 a distance of 3126.9 feet to a point in the Ebenezer Road; thence, with the center of said road, N. 52 deg. 56' E., 528.0 feet to a point; continuing with said road N. 39 deg. 04' 33" E., 958.2 feet to a set mag nail, the true point of beginning of said tract; continuing, with said road, N. 39 deg. 04' 33" E., 121.00 feet to a set mag nail; thence N. 50 deg 55' 27" W., 180.0 feet a set rebar w/cap; thence S. 39 deg. 04' 33" W., passing a rebar w/cap at 52.0 feet, a distance of 121.00 feet to a found iron pipe; thence S. 50 deg. 55' 27" E., 180.00 feet to the true point of beginning, containing 0.50 acre, subject to the R/W of the county road, a six foot utility easement along real line and all other easements, apparent or of record.

Subject to any and all easements, protective covenants, and/or restrictions of public record that may apply to the above described real estate.

The grantee, herein, assumes and agrees to pay the 2014 taxes payable in 2015 and all subsequent taxes.

IN WITNESS WHEREOF, the Grantors have hereto set their hands this 30th day of January, 2014.

Richard P. Jones 3P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201402689 Page 1 of 3
C2 Date 02/06/2014 Time 13:29:48