

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 10-2013

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

[See attached text of Ordinance]

ACTION TAKEN BY BOARD OF COMMISSIONERS
OF CLARK COUNTY, INDIANA

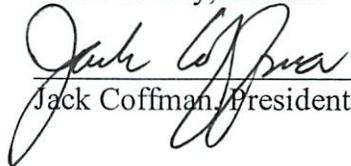
This matter having come before the Board of Commissioners of Clark County, Indiana (County Commissioners) on August 1, 2013 on the petition of Vernon Eicher to reclassify the real estate described in Exhibit A from A-1 Agricultural to B-3 General Business Zone with a Statement of Commitments uses; and 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 in Exhibit A should be reclassified on the zoning maps from A-1 Agricultural to B-3 General Business Zone w/ a statement of commitments uses.

The real estate described in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this 1st day of August, 2013.

Board of Commissioners of
Clark County, Indiana



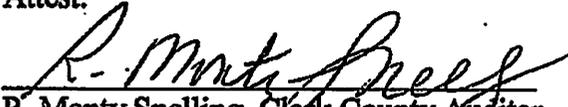
Jack Coffman, President

John Perkins, Commissioner



Rick Stephenson, Commissioner

Attest:



R. Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 5-2013

WHEREAS, the Clark County Plan Commission met on July 10th, 2013 and heard the Petition of Vernon Eicher, asking that the property known by its street as 10118 Zimmerman Road be reclassified from A-1 Agricultural Zone to B-3 General Business for 3.087 acres; and

WHEREAS, the real estate for which the rezoning is being requested is more particularly described in Exhibit A, attached herewith and made a part hereof; 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:

(Check One)

The real estate described in Exhibit A should be reclassified from A-1 Agricultural Zone to B-3 General Business Zone with Statement of Commitments uses.

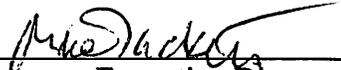
The real estate described in Exhibit A should NOT be reclassified from _____ to _____.

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 10th day of July.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on July 10th, 2013.

ATTEST:



Secretary or Executive Director

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

STATEMENT OF COMMITMENTS:

These COMMITMENTS are given by and shall be binding on **VERNON EICHER** ("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 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

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) The zoning change would expire upon change in owner(s) except for family members.
- b) The manufacturing activities at the site would only be conducted from sunrise to sunset, inside the building only and consist of manufacturing woodsheds, doghouses and similar structures.
- c) There will be no electric exterior lighting on the site
- d) Large truck delivery of wood or other supplies will be less than once a week
- e) There will be no public sales at this location, the wooden structures are to be marketed and displayed at other locations.
- f) There will be no heavy manufacturing equipment at the site.

- g) There will be no noxious odors, fumes or dust generated at this site.
- h) There will be no unusual noise generated at this site.
- i) Hauling of the sheds to sales locations will be with farm type trailers.

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 the action to enforce a COMMITMENT herein is successful, the then owner of the Real Estate shall reimburse all litigation expenses including reasonable attorney fees. 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 10TH day of June, 2013.

Vernon Eicher
VERNON EICHER

STATE OF INDIANA

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COUNTY OF CLARK

Before me, the undersigned, a Notary Public in and for said County and State, this 10TH day of June, 2013, personally appeared Vernon Eicher and acknowledged the execution of the above and foregoing instrument.

Witness my hand and notarial seal.

Tanya L. O'Kelley
Notary Public, Resident of
CLARK County, Indiana

My commission expires:
Aug 18, 2020

Tanya O'Kelley
Printed Name

THIS INSTRUMENT PREPARED BY:

Vernon Eicher
1018 Zimmerman Rd
Marysville IN 47141

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

mcr - c:\data\lawyers\dn\forms\zoning\statement of commitments.docx

Name Vernon Fischer Petition No. _____

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 10th day of July, 2013, by a 6-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
<u>David Hynes</u> David Hynes	✓	_____	_____	_____
<u>John Uhl</u> John Uhl	✓	_____	_____	_____
<u>Martina Webster</u> <u>MT</u>	_____	_____	_____	✓
<u>Paul E. Coffman</u> Paul Coffman	✓	_____	_____	_____
<u>David Blankenkemper</u> David Blankenkemper	✓	_____	_____	_____
<u>Jack Coffman</u> Jack Coffman	✓	_____	_____	_____
<u>Michael Killen</u> <u>Absent</u>	_____	_____	_____	_____
<u>Susan Popp</u> <u>Absent</u>	_____	_____	_____	_____
<u>Rick Wardlaw</u> Rick Wardlaw	✓	_____	_____	_____