

Co. Ordinance # 2-2011

BY THE CLARK COUNTY
PLAN COMMISSION

RESOLUTION 3-2010

WHEREAS, the Clark County Plan Commission (Plan Commission) met on January 12, 2011 and heard the petition of Ty L. Yeager asking that the property known by its street address as 7620 Highway 60 be reclassified from B-3 General Business Zone to M-1 Light Industrial Zone; 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; John Kraft, Attorney, represented Ken Bell who was opposed, and explained reasons for opposition. Also, there are letters of opposition in the file.

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 _____ to _____.

The real estate described in Exhibit A should NOT be reclassified from B-3 General Business Zone to M-1 Light Industrial Zone.

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 13th day of January, 2011.

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on January 12, 2011.

ATTEST:

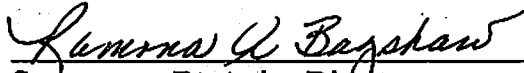

Secretary or Executive Director

EXHIBIT A

HYPOTHECATION AGREEMENT

L. RAY YEAGER AND PHYLLIS L. YEAGER, husband and wife (hereinafter referred to, whether one or more, as "Pledgor"), hereby pledge and hypothecate, as collateral security for the payment of a certain promissory note dated June 27, 2008, representing an indebtedness in the amount of \$500,000.00 (hereinafter referred to as the "Loan") from On-Site Fleet Services LLC, an Indiana limited liability company (hereinafter referred to as "Borrower"), to River Valley Financial Bank, 430 Clifty Drive, P.O. Box 1590, Madison, Jefferson County, Indiana 47250-0590 (hereinafter referred to as "Bank"), the collateral being that certain real property located in Jefferson County, Kentucky, more particularly described as follows:

Being a 3.0993 acre part of a 6.837 acre parcel of land heretofore conveyed to L. Ray and Phyllis L. Yeager by deed as recorded in Deed Drawer 15, Instrument No. 2978 of the Clark County, Indiana Record of Deeds, being a part of Survey No. 87 of the Illinois Grant, Clark County, Indiana and more fully described as follows, to-wit:

Commencing at the North corner of said Survey No. 87, being the East corner of Survey No. 88 and in the line of Survey No. 89; thence South 52 deg. 19' West along the line dividing said Surveys No. 87 and 88, a distance of 1750 feet, more or less, to the northeasterly right-of-way line of Old State Road No. 60; thence South 36 deg. 27' East along said northeasterly right-of-way line, 626.2 feet, more or less, to an iron pipe on the West corner of the land of said Yeager and being the true place of beginning of land to be herein described:

Thence North 53 deg. 33' 00" East, 513.02 feet to an iron pin; thence North 13 deg. 42' 37" West, 243.05 feet to an iron pin; thence North 53 deg. 33' 00" East, 162.64 feet to an Iron Pipe on the west right-of-way line of Interstate No. 65; thence South 13 deg. 42' 37" East along said west line, 243.05 feet to an Iron Pipe; thence continuing South 13 deg. 42' 37" East along said West right-of-way line, 161.32 feet to an iron pin; thence South 52 deg. 42' 20" West, 490.35 feet to an iron pin; thence South 53 deg. 33' 00" West, 123.00 feet to an iron pin on the northeasterly right-of-way line of said Old State Road No. 60; thence North 36 deg. 27' 00" West along said northeasterly right-of-way line, 156.00 feet to the place of beginning and containing 3.0993 acres of land.

Subject, however, to all easements of record.

EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED REAL ESTATE:

A part of Survey No. 87 of the Illinois Grant, Clark County, Indiana, described as follows: Commencing the northernmost corner of said survey; thence South 55 degrees 24 minutes 29 seconds West 533.381 meters (1,749.94 feet) (1,750 feet by Deed Drawer 29, Instrument 8147) along the northwestern line of said survey

to the northeastern boundary of Old State Road 60; thence South 35 degrees 28 minutes 01 seconds East 238.550 meters (782.64 feet) (782.2 feet deduced from Deed Drawer 29, Instrument 8147) along the boundary of Old State Road 60 to a prolonged southeastern line of the owners' land; thence North 53 degrees 33 minutes 29 seconds East 181.511 meters (595.51 feet) along said prolonged southeastern line and the southeastern line of the owners' land to the point of beginning of this description; thence North 10 degrees 27 minutes 44 seconds West 112.877 meters (370.33 feet) to the western boundary of I-65; thence South 12 degrees 42 minutes 02 seconds East 110.852 meters (363.69 feet) along said western boundary of I-65 to the southeastern line of the owners' land; thence South 53 degrees 33 minutes 29 seconds West 4.816 meters (15.80 feet) along said southeastern line to the point of beginning and containing 0.0244 hectares (0.060 acres), more or less.

(hereinafter referred to as the "Property"). As further evidence and in consummation of the pledge and hypothecation made hereby, Pledgor, as Mortgagor, has executed, simultaneously herewith, a certain Mortgage, Assignment of Leases and Rents, Security Agreement, and Fixture Financing Statement with respect to the Property in favor of Bank (hereinafter referred to as the "Mortgage"). It is understood that the Loan and Mortgage could be construed as solely benefiting Borrower, but Pledgor agrees that the Loan and Mortgage are made and given for Pledgor's benefit as well.

Pledgor hereby gives Bank the same powers with respect to the Property as are contained in the Mortgage, the underlying notes or agreements the Mortgage secures, and any Loan documents executed by Borrower or Pledgor in favor of Bank, hereby authorizing Bank to deal with the Property in the same way and with the same force and effect as if the Property pledged by Pledgor as collateral security therefor had belonged to Borrower. Pledgor represents that all of the Property is unencumbered and free of any restrictions.

Executed this 27th day of June, 2008.

PLEDGOR:

L. Ray Yeager

Phyllis L. Yeager

**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 January 20, 2011 on the petition of Ty L. Yeager to reclassify the real estate described in Exhibit A from B-3 General Business Zone to M-1 Light Industrial Zone; and the Plan Commission has adopted the foregoing resolution in which it makes its recommendations to the County Commissioner 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 _____ to _____.

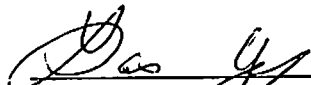
 X The real estate described in Exhibit A SHOULD NOT be reclassified on the zoning maps.

Dated this 20th day of January, 2011.

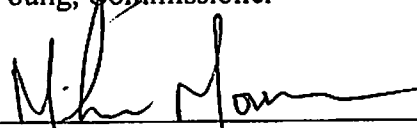
Board of Commissioners of
Clark County, Indiana



Edward Meyer, President



Les Young, Commissioner



Mike Moore, Commissioner

ATTEST:



Keith Groth, Clark County Auditor

Name Leg & Yeager

Petition No. 3-2010

The Clark County Plan Commission does hereby recommend approval, denial or no recommendation of said petition on this 13th day of January, 2011, by a 5-0 vote.

MEMBER	APPROVED	DENIED	NO RECOMMENDATION	ABSTAIN
<u>David Trotter, County Ag Agent</u>				
<u>John Uhl</u>				
<u>Ashlea Meyer</u>				
<u>Paul S. Coffman</u> Paul Coffman		✓		
<u>Brian Lenfert</u> Brian Lenfert, County Council		✓		
<u>David Blankenbeker</u> David Blankenbeker, County Surveyor		✓		
<u>Edward Meyer</u> Edward Meyer, Co. Commissioner		✓		
<u>Dave Porter</u>				
<u>Rick Wardlaw</u> Rick Wardlaw		✓		