

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 10-2017

**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 (this “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 12<sup>th</sup> day of April, 2017, the Clark County Plan Commission passed Resolution 9-2017, (see the said Resolution 9-2017 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 9-2017, dated April 12, 2017, as attached hereto, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution.

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 1st day of June, 2017.

*Members voting "NO":*

\_\_\_\_\_  
Jack Coffman, Commissioner

\_\_\_\_\_  
Bryan Glover, Commissioner

\_\_\_\_\_  
Connie Sellers, Commissioner

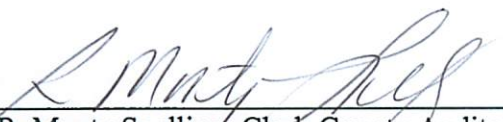
*Members voting "YES":*

  
\_\_\_\_\_  
Jack Coffman, Commissioner

  
\_\_\_\_\_  
Bryan Glover, Commissioner

  
\_\_\_\_\_  
Connie Sellers, Commissioner

*Attested by:*

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor

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 2017-03-PC: Matthan Schwartz to reclassify the real estate at 8905 Tunnel Mill Rd., Charlestown, Indiana, from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone ;

And the Plan Commission has adopted the foregoing 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 \_\_\_\_\_, Indiana, should be reclassified on the zoning maps.

\_\_\_\_\_ The real estate at \_\_\_\_\_, Indiana, SHOULD NOT be reclassified on the zoning maps.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Board of Commissioners of Clark County, Indiana

  
\_\_\_\_\_  
Jack Coffman, President

  
\_\_\_\_\_  
Connie Sellers, Commissioner

  
\_\_\_\_\_  
Brian Glover, Commissioner

ATTEST:

  
\_\_\_\_\_  
Monty Snelling, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 9 - 2017

**WHEREAS**, the Clark County Plan Commission met on April 12, 2017, and heard the Petition of 2017-03-PC: Matthan Schwartz, asking the property known known by its street address/parcel no. as 8905 Tunnel Mill Road, Charlestown, Indiana, be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business Zone for a General Store at 8905 Tunnel Mill Rd Charlestown, 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:

The real estate described at 8905 Tunnel Mill Rd, Charlestown, Indiana should be reclassified from A-1 Agricultural Zone to B-2 Community & Roadside Business

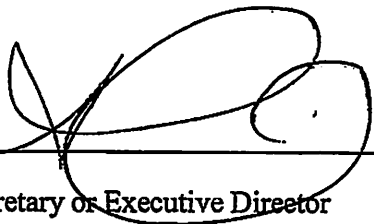
The real estate described at \_\_\_\_\_, Indiana should NOT be reclassified from \_\_\_\_\_ to \_\_\_\_\_.

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 \_\_\_\_\_, 2017.

I hereby certify this is a true and correct copy of the Resolution passed by the Clark County Plan Commission  
on 04/12, 2017.

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke that extends to the right, crossing a horizontal line.

Secretary of Executive Director

**CERTIFICATION TO COMMISSIONERS ON APPLICATION FOR REZONING**

APPLICANT NAME: Matthias Schwartze PETITION NO.: 2017-03-PC

REAL ESTATE DESCRIPTION: DESCRIBED ON EXHIBIT "A" ATTACHED.

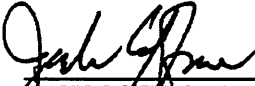


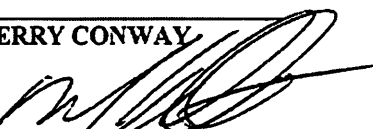
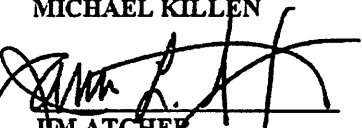
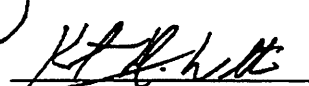
The Clark County Plan Commission certifies the above application for rezoning by the above-named applicant regarding the real estate described in Exhibit "A" attached was duly heard and decided.

The Clark County Plan Commission's recommendation on the petition to rezone the property from a A-1 zone to a B-2 zone is:

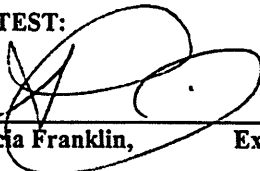
FAVORABLE    UNFAVORABLE    NO RECOMMENDATION

Recorded Commitment Required  YES     NO    (If YES, requirements attached.)

**Clark County Plan Commission**

<u>Member</u>	<u>Voting FOR</u>	<u>Voting AGAINST</u>	<u>Abstain</u>
 DAVID BLANKENBEKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ DAN CALLAHAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JACK COFFMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 WALLY ESTES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 SIMON KAFANI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ TERRY CONWAY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MICHAEL KILLEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JIM ATCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 KENT WITTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

  
\_\_\_\_\_  
Stacia Franklin,                      Executive Director

## STATEMENT OF COMMITMENTS

These COMMITMENTS are given by and shall be binding on <sup>Matthew Schwartz</sup>  
<sup>Naomi Schwartz</sup> James Schwartz, and Marlene Schwartz ("owner's"),  
subsequent owners of the Real Estate and any other persons acquiring an interest therein. These  
COMMITMENTS may be modified or terminated only by 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
2. Primary approval of a proposed subdivision plat
3. Approval of a vacation of all or part of the plat
4. Special Exception
5. Special Use
6. Contingent Use
7. Conditional Use
8. Variance

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.

All those permitted uses allowed in B-2 Zoning except for the following uses: *hotels, taverns, night clubs,  
Auditoriums, theaters, bowling Alley, billiard rooms, dance studios, Amusement facilities, Golf courses  
Amusement Parks, drive in movies,*

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 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 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 17 day of April, 2017.

James Schwartz Marlene Schwartz  
Naomi Schwartz

Company Name: \_\_\_\_\_

BY: Matthew Schwartz

ITS: \_\_\_\_\_

STATE OF Indiana

COUNTY OF Clark

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of April, 2017, personally appeared James Schwartz + Marlene Schwartz and acknowledged the execution of the above and foregoing instrument. Naomi Schwartz + Matthew Schwartz

Witness my hand and notarial seal.

Lisa O. Siewert  
Notary Public, Resident of  
Clark County, Indiana

Lisa O. SIEWERT  
Printed Name

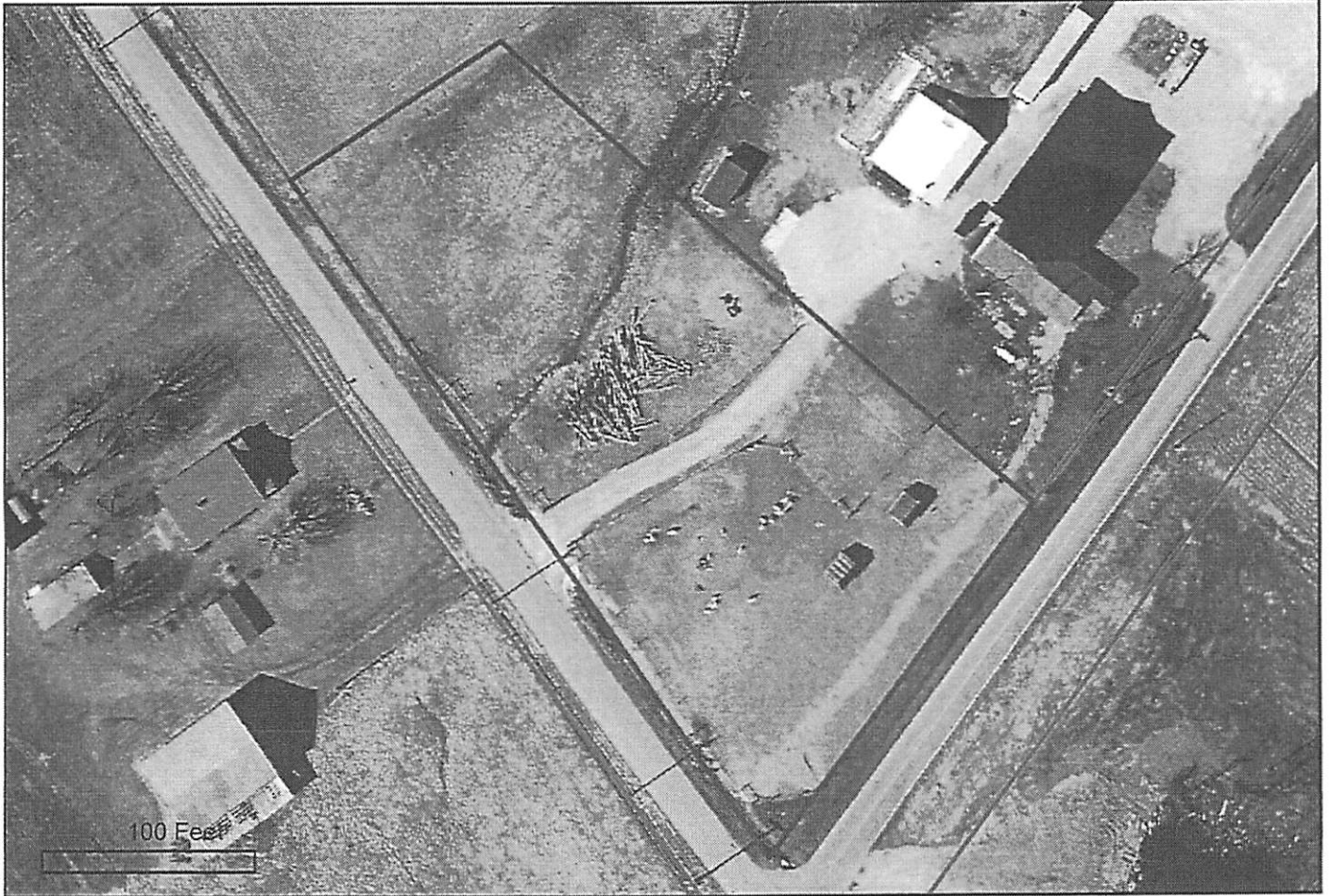
My commission expires:  
4-9-2025

Lisa O. Siewert  
My commission expires  
April 9, 2025



# Clark County, IN

Property Assessment Detail Report  
Parcel Number: 10-12-01-800-001.000-034  
39°North- 855.GIS.3939



## Parcel Information

Parcel Number: 10-12-01-800-001.000-034  
Alt Parcel Number: 12-00013-001-0  
Property Address: WESTPORT ROAD  
IN  
Neighborhood: washington twp base res - 034  
Property Class: Vacant Land  
Owner Name: Schwartz Matthan & Naomi  
Owner Address: 8905 Tunnel Mill Rd  
Marysville, IN 47141  
Legal Description: Sec 18-1n-9e 1.875 Ac

## Taxing District

Township: WASHINGTON TOWNSHIP  
Corporation: GREATER CLARK COUNTY

## Land Description

<u>Land Type</u>	<u>Acreage</u>	<u>Dimensions</u>
4	1.875	