

ORDINANCE NO. 2022 - 5 B

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

AMENDING TITLE XV, CHAPTER 156, ZONING
OF THE HANCOCK COUNTY CODE OF ORDINANCES

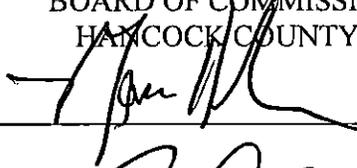
SECTION I

Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Buck Creek Township is hereby amended by rezoning the subject area from Industrial General (IG) to Commercial Regional (CR). This amendment is hereby enacted subject to execution and recording of the attached zoning commitment.

The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 17th DAY OF MAY 2022.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Marc Huber

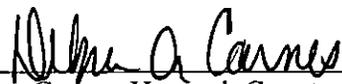


John Jessup



Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Bains Development, LLC

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: BAINS DEVELOPMENT, LLC
PETITION FOR REZONING**

**COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A PETITION FOR REZONING**

In accordance with I.C. 36-7-4-1015, Bains Development, LLC ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at the northwest corner of CR 400 N & CR 600 W, Greenfield, Indiana, which is described in Exhibit A make(s) the following commitment concerning the use and development of the parcel(s) of the real estate ("Real Estate"):

Statement of Commitment: If the Real Estate is rezoned to "Commercial Regional (CR)" the Owner commits to the Commission and the Commissioners the following:

- A) The following types of land uses shall not be permitted
 - a. Auto repair and body shop
 - b. Bar
 - c. Liquor store
 - d. Night club

This Commitment shall be binding on the Owner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein. This Commitment may be modified or terminated only in writing and only by a decision of the Commission following a public hearing for which proper notice has been given, which decision also has been approved by the Commissioners.

This Commitment may be enforced jointly or severally by:

1. The Commission, the Commissioners, the Hancock County Board of Zoning Appeals;
2. Property owners of the Real Estate; and
3. Any person who is aggrieved by a violation of this Commitment, including but not limited to all owners of real estate which are abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this Commitment in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this Commitment, the owner shall pay all reasonable costs in the enforcement of this Commitment, including attorney fees.

The undersigned hereby authorizes the Commission and the Commissioners to record this Commitment in the Office of the Recorder of Hancock County, Indiana upon final approval of the ordinance rezoning the property to "Commercial Regional (CR)" by the Commissioners, the cost of which shall be paid by the Owner(s) to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this 17 day of May 2022.

KAMALDEEP SINGH Kamaldeep Singh
Printed Name:
Duly Appointed Representative of Bains Development, LLC

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared Kamaldeep Singh who acknowledged the execution of the foregoing Commitment, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 17 day of May 2022.

Donna K Copeland
DONNA K Copeland Notary Public

My Commission Expires: 12-12-23

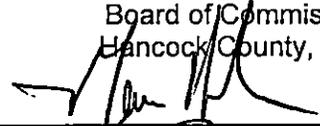
County of Residence: Hancock.



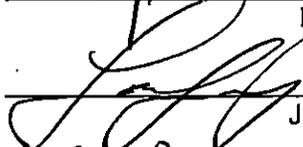
DONNA K. COPELAND, Notary Public
Hancock County, State of Indiana
Commission Number 675576
My Commission Expires December 12, 2023

APPROVED THIS 17th DAY OF MAY 2022.

Board of Commissioners
Hancock County, Indiana



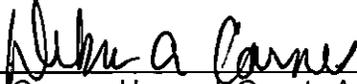
Marc Huber



John Jessup



William Spalding

Attest: 

Debra Carnes, Hancock County Auditor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. 

This instrument prepared by: Michael T. Dale, Executive Director, Hancock County Plan Commission.

Exhibit A

(PAGE 2 OF 2)

HANCOCK COUNTY
PLAN COMMISSION

Legal Description (CONTINUED)

EXCEPTION 3: A part of Lot 5 in Mount Comfort Industrial Park Section One, a subdivision in the Southeast Quarter of Section 12, Township 16 North, Range 5 East, the plat of which subdivision is recorded in Instrument 865912, Plat Cabinet A, Slides 365-366 in the Office of the Recorder of Hancock County, Indiana, and being that part of the grantor s' land lying within the right-of-way lines depicted on the Right-of-Way Parcel Plat, as shown in Warranty Deed recorded November 8, 2021 as Instrument No. 202118332, described as follows: Beginning at the northeast corner of said lot; thence South 00 degrees 28 minutes 35 seconds East (bearings based on the Location Control Route Survey Plat recorded in Instrument 100004410 Surv. in the Office of the Recorder of said county) 228.95 feet along the east line of said lot to the northwestern boundary of the intersection of County Road 600 West and County Road 400 North; thence South 34 degrees 41 minutes 07 seconds West 43.36 feet along the boundary of intersection of County Road 600 West and County Road 400 North to the south line of said lot; thence North 88 degrees 57 minutes 12 seconds West 25.04 feet along south line of said lot to the southwest corner of the grantor s' land; thence North 00 degrees 28 minutes 35 seconds West 41.25 feet along the west line of the grantor s' land to point "995" designated on said Parcel Plat; thence North 42 degrees 51 minutes 26 seconds East 39.34 feet to point "508" designated on said Parcel Plat; thence North 00 degrees 28 minutes 32 seconds West 194.48 feet to the north line of said lot; thence South 88 degrees 57 minutes 05 seconds East 23.01 feet along said north line to the point of beginning and containing 7,155 square feet, more or less. The above described land abuts the land described in Instr. #9411984, and any seeming bearing discrepancies result merely from the different bearing system on which they are based.