

ORDINANCE NO. 2022 - 1A

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 Business Park (IBP) to Industrial General (IG). 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 ^{5th} ^{July} DAY OF ~~JUNE~~ 2022

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA

Marc Huber

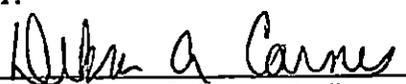


John Jessup



Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: John P & Michelle R McCarty

EXHIBIT A
LEGAL DESCRIPTION

Land situated in the County of Hancock, State of Indiana, is described as follows:

A part of the East Half of the Northeast Quarter of Section 23, Township 16 North, Range 5 East, in Hancock County, Indiana, described as follows:

Beginning at a point on the East line of the East Half of the Northeast Quarter Section 1,973.82 feet North of the Southeast Corner of the Northeast Quarter of the Southeast Quarter Section; thence North on said East line 165.75 feet; thence West parallel with the South line of the Northeast Quarter Section 1,313 feet to the West line of the East Half of the Northeast Quarter Section; thence South on said West line 165.75 feet; thence East 1,314.75 feet to the place of beginning, containing Five (5) acres, more or less.

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FILED

JUN 23 2022

Debra A. Carnes
Auditor of Hancock County

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: JOHN P & MICHELLE R MCCARTY
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, John P & Michelle R McCarty ("Owners") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at 2642 N 700 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 "Industrial General (IG)" the Owners commit to the Commission and the Commissioners the following:

- A) The following types of land uses shall not be permitted
 1. Equipment sales and rental
 2. Contractor's storage yard
 3. Food & beverage production
- B) The facility entrance and exit shall be gated; the gates shall remain closed except when temporarily activated to allow vehicles to enter and exit the site.
- C) Vehicles that park at the site shall be owned and operated by the landowner. Vehicles that are not owned and operated by the landowner shall not be permitted to park at the site.

This Commitment shall be binding on the Owners, 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 owners of the Real Estate are found to be in violation of this Commitment, the owners 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 "Industrial General (IG)" by the Commissioners, the cost of which shall be paid by the Owners to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this 23 day of JUNE, 2022.

John P. McCarty
Printed Name: John P McCarty

Michelle R. McCarty
Printed Name: Michelle R McCarty

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared John P. McCarty Michelle R. McCarty 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 23 day of JUNE, 2022.

Kathryne D. Faenzi
Kathryne D. Faenzi Notary Public

My Commission Expires: 11-27-2022

County of Residence: HANCOCK



APPROVED THIS 5th DAY OF JULY 2022

Board of Commissioners
Hancock County, Indiana

Marc Huber

John Jessup

William Spalding

Attest: Debra A Carnes
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.