

ORDINANCE NO. 2022 - 7D

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

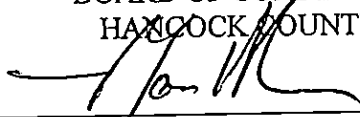
SECTION I

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 Agricultural (A) to Industrial Business Park (IBP). This amendment is hereby enacted subject to execution and recording of the attached zoning commitment.

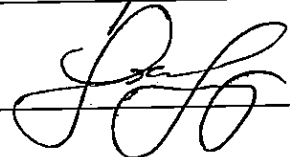
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 19th DAY OF JULY 2022

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Marc Huber



John Jessup

Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: RN Thompson Jr. & Associates, LLC

EXHIBIT A - LEGAL DESCRIPTION

A part of the East half of the Northwest Quarter of the Northeast Quarter of Section 16, Township 16 North, Range 6 East in Buck Creek Township, Hancock County, Indiana; said part being more particularly described as follows:

Commencing at a rebar marking the Northwest corner of said Northeast Quarter thence North 89 degrees 29 minutes 55 seconds East (assumed bearing) along the North line of said Northeast Quarter a distance of 896.76 feet to a P.K. nail marking the POINT OF BEGINNING of this description that is North 89 degrees 29 minutes 55 seconds East distance of 235.88 feet from the Northwest corner of the East half of the Northwest Quarter of said Northeast Quarter; thence from said point of beginning South 01 degrees 04 minutes 57 seconds East parallel with the West line of said East Half of the Northwest Quarter of said Northeast Quarter, a distance of 717.08 feet to a 5/8 inch capped rebar (ACCURA); thence South 70 degrees 43 minutes 56 seconds West a distance of 258.87 feet to a 5/8 inch capped rebar (ACCURA) on the West line of the East Half of the Northwest Quarter of said Northeast Quarter; thence South 00 degrees 21 minutes 48 seconds East along said West line a distance of 516.56 feet to the Southwest corner of the East Half of the Northwest Quarter of said Northeast Quarter; thence North 89 degrees 31 minutes 40 seconds East along the South line of the East half of said Quarter-Quarter section a distance of 661.39 feet to the Southeast corner of said Quarter-Quarter Section; thence North 00 degrees 23 minutes 06 seconds West along the East line of said Quarter-Quarter Section a distance of 1326.69 feet to the Northeast corner thereof; thence South 89 degrees 29 minutes 55 seconds West along the North line of said Northeast Quarter a distance of 425.01 feet to the point of beginning. Containing 15.891 acres, more or less.

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: RN THOMPSON JR. & ASSOCIATES, 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, Courtney Wiedenhaupt ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at 3301 W 400 N, McCordsville, 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 Business Park (IBP)" the Owners commit to the Commission and the Commissioners the following:

- A) The following types of land uses shall not be permitted
1. Parking lot/structure as a primary use
 2. Outdoor boat/RV storage
 3. Lumber yard
 4. Mini-warehouse self-storage

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 are 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 "Industrial Business Park (IBP)" by the Commissioners, the cost of which shall be paid by the Owner to the Commission prior to recording.

In Witness Whereof, the owner has executed this instrument this ____ day of _____, 2022.

Courtney Wiedenhaupt

STATE OF INDIANA)
)
COUNTY OF HANCOCK) SS:

Before me, a Notary Public, in and for said county and State, personally appeared _____ 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 Notorial Seal this ____ day of _____, 2022.

_____, Notary Public

My Commission Expires: _____

County of Residence: _____

APPROVED THIS ____ DAY OF JULY 2022

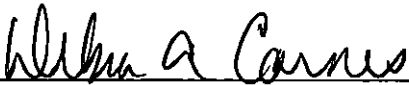
Board of Commissioners
Hancock County, Indiana

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.