

ORDINANCE NO. 2022 - 7E

AMENDING  
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

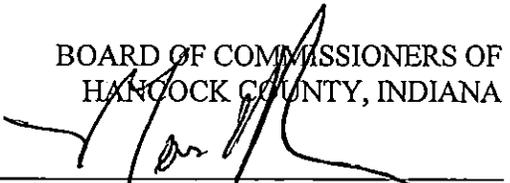
SECTION I

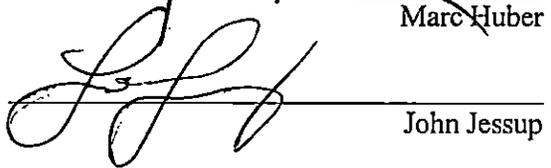
Title XV, Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map referenced in Section 156.020 for Buck Creek Township is hereby amended by rezoning the subject area from Agricultural (A) to Industrial General (IG). This amendment is hereby enacted subject to execution and recording 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 19<sup>th</sup> DAY OF JULY 2022

BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA

  
\_\_\_\_\_  
Marc Huber

  
\_\_\_\_\_  
John Jessup

\_\_\_\_\_  
Bill Spalding

ATTEST:

  
\_\_\_\_\_  
Debra Carnes, Hancock County Auditor

Petitioner: Milestone Contractors, LP

**Exhibit "A"**  
**Legal Description**

Tract I:

Part of the Northeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, more particularly described as follows:

Considering the East line of the Northeast Quarter of Section 22, Township 16 North, Range 6 East as bearing South 00 degrees 33 minutes 49 seconds East with all other bearings herein contained relative thereto; Commencing at the Northeast corner of said Northeast Quarter, marked by a Hancock County Section Corner Monument; thence South 00 degrees 33 minutes 49 seconds East on the East line of said Northeast Quarter a distance of 1721.09 feet to the PLACE OF BEGINNING, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 89 degrees 23 minutes 50 seconds West a distance of 995.10 feet to the West line of the land described in Instrument #201700136, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 00 degrees 36 minutes 06 seconds East on said West line a distance of 916.20 feet to the North limited access right of way line for Interstate 70, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 23 minutes 50 seconds East on said limited access right of way line a distance of 294.14 feet to the point of curvature of a tangent curve with an interior angle of 00 degrees 06 minutes 15 seconds and a radius of 343643.72 feet, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence on the arc of said curve to the left a distance of 624.72 feet continuing on said limited access right of way line and being subtended by a chord bearing North 89 degrees 20 minutes 42 seconds East and a chord distance of 624.72 feet to the point of tangency, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 03 degrees 19 minutes 32 seconds East on the limited access right of way line a distance of 871.57 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 26 minutes 20 seconds East on said right of way line a distance of 16.52 feet to the East line of said Northeast Quarter, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence North 00 degrees 33 minutes 49 seconds West on the East line of said Northeast Quarter a distance of 46.12 feet to the PLACE OF BEGINNING.

Being a part of the Northeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, containing 20.00 acres, more or less.

Commonly known as 2770 North 200 West, Greenfield, IN 46140  
Tax Parent Parcel #30-06-22-100-018.000-006

Tract II:

Part of the Southeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, more particularly described as follows:

NWC

**Exhibit "A"**  
**Legal Description**

Considering the East line of the Southeast Quarter of Section 22, Township 16 North, Range 6 East as bearing North 00 degrees 27 minutes 31 seconds West with all other bearings herein containing relative thereto; Commencing at the Southeast corner of said Southeast Quarter, marked by a Hancock County Section Corner Monument; thence North 00 degrees 27 minutes 31 seconds West on the East line of said Southeast Quarter a distance of 1325.35 feet to the Southeast corner of the land described in Instrument #201700136 and the PLACE OF BEGINNING, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 89 degrees 25 minutes 56 seconds West on said South line, a distance of 1002.01 feet to the Southwest corner of the land described in said Instrument #201700136, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 00 degrees 07 minutes 58 seconds West on said West line a distance of 1079.88 feet to the South limited access right of way line for Interstate 70, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 23 minutes 50 seconds East on said limited access right of way line a distance of 296.14 feet to the point of curvature of a tangent curve with an interior angle of 00 degrees 05 minutes 57 seconds and a radius of 343903.72 feet, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence on the arc of said curve to the left a distance of 595.07 feet continuing on said limited access right of way line and being subtended by a chord bearing North 89 degrees 20 minutes 51 seconds East and a chord distance of 595.07 feet to the point of tangency, marked by a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 04 degrees 40 minutes 13 seconds East on the limited access right of way line a distance of 471.53 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 04 degrees 29 minutes 56 seconds East on said right of way line a distance of 426.06 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence South 17 degrees 51 minutes 31 seconds East on said right of way line a distance of 78.60 feet to a 5/8 inch diameter steel rebar with a plastic identification cap stamped "RMA Firm #0074"; thence North 89 degrees 32 minutes 20 seconds East on said right of way line a distance of 16.50 feet to the East line of said Southeast Quarter, marked by a Mag Nail with a metal identification washer stamped "RMA Firm #0074"; thence South 00 degrees 27 minutes 31 seconds East on the East line of said Southeast Quarter a distance of 110.46 feet to the PLACE OF BEGINNING.

Being a part of the Southeast Quarter of Section 22, Township 16 North, Range 6 East of the Second Principal Meridian in Hancock County, Indiana, containing 23.25 acres, more or less.

Commonly known as West 200 North, Greenfield, IN 46140  
Tax Parcel #30-06-22-400-025.000-006

*SWC*

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")  
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")  
RE: MILESTONE CONTRACTORS, LP  
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, Stoneland, 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 and southwest corners of Interstate-70 and CR 200 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 Owner commits to the Commission and the Commissioners the following:

- A) Only the following type of land uses shall be permitted at the location subject to BZA approval of a special exception: Temporary concrete mixer plant and activities related to operations of such temporary plant for Owner's construction project along Interstate 70 that Owner is performing on behalf of the Indiana Department of Transportation as more particularly described in Owner's Statement of Intent as filed with the Commission on May 27, 2022 ~~and stockpile area; access for construction vehicles; unloading and storage areas for construction materials, equipment, personnel and employee parking areas; and temporary access for emergency responders.~~
- B) Operation of the specific and above-referenced land use shall terminate at the end of Owner's project and in any event, no later than 31 December 2024 unless extended by the Commissioners:
- C) The Owner shall petition to rezone the site to Agricultural (A) upon termination of the land use set forth above or as otherwise directed by the board of commissioners.
- D) Upon termination of the land use set forth above, the Owner shall restore the property for agricultural purposes. Sampling of the soils shall be performed to ensure the soils are not contaminated; provided, however, that the Commission and the Commissioners acknowledge and agree that the soils of the Real Estate, by virtue of being used for agricultural purposes prior to Owner's ownership and operation of it, are likely to contain levels of pesticides and other agricultural/farming chemicals not used in Owner's operations described herein and as such, sampling will be limited to determine whether

there is Diesel fuel contamination in violation of applicable laws.

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 General (IG)" 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.

\_\_\_\_\_  
Authorized Representative of Stoneland, LLC

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.

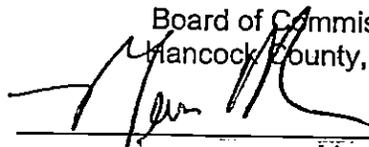
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, Notary Public

County of Residence: \_\_\_\_\_

APPROVED THIS 19<sup>TH</sup> DAY OF JULY 2022

Board of Commissioners  
Hancock County, Indiana

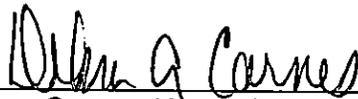


Marc Huber



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.