

**ORDINANCE NO. 2022 - 9E**

AMENDING  
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

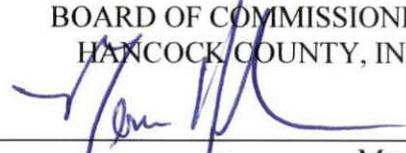
SECTION I

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 Institutional (IN) to Commercial Regional (CR). This amendment is hereby enacted subject to execution and recording of the attached zoning commitment.

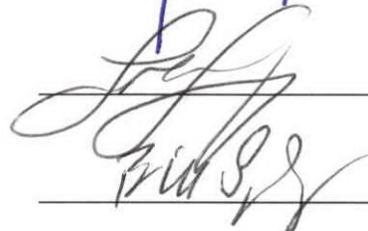
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

ADOPTED THIS 20<sup>th</sup> DAY OF SEPTEMBER 2022

BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA



Marc Huber



John Jessup



Bill Spalding

ATTEST:

CG



Debra Carnes, Hancock County Auditor

Petitioner: BDO, LLC

**Exhibit A**

**Legal Description of Real Estate**

A PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 6 EAST IN HANCOCK COUNTY, INDIANA. SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE EASTERLY, ON AND ALONG THE NORTH LINE OF SAID QUARTER SECTION 601.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, 380.00; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE 601.00 FEET TO A POINT ON SAID WEST LINE; THENCE NORTHERLY 380.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.2 ACRES, MORE OR LESS.

EXCEPTING THEREFROM THAT PORTION DEEDED TO HANCOCK COUNTY, INDIANA FOR PUBLIC ROAD PURPOSES BY WARRANTY DEED RECORDED AS DOCUMENT NO. 9309568, AS FOLLOWS:

A PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 6 EAST, HANCOCK COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH 0 DEGREES 04 MINUTES 40 SECONDS EAST 54.50 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE SOUTH 0 DEGREES 22 MINUTES 04 SECONDS EAST 325.50 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF THE OWNERS' LAND; THENCE NORTH 89 DEGREES 42 MINUTES 08 SECONDS EAST 20.00 FEET ALONG THE SOUTH LINE OF THE OWNERS' LAND TO THE EAST BOUNDARY OF COUNTY ROAD 600 WEST AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 0 DEGREES 22 MINUTES 4 SECONDS WEST 325.47 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 600 WEST; THENCE NORTH 0 DEGREES 04 MINUTES 40 SECONDS WEST 38.03 FEET ALONG SAID BOUNDARY OF COUNTY ROAD 500 NORTH; THENCE NORTH 89 DEGREES

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")  
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")  
RE: BDO, 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, BDO, LLC ("Owner") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at 4993 N 600 W, Greenfield, Indiana, which is described in Exhibit A makes the following commitment concerning the use and development of the parcel of 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) Only the land uses referenced in the rezoning petition shall be permitted, which may include:
  - 1. Gas station
  - 2. Restaurant
  - 3. Mixed-Use Development (residential & commercial)
- B) Plan Commission review and approval of a development plan prior to issuance of permits pursuant to Section 156.107 of the Hancock County code. Such review shall be initiated upon receipt of an application for development plan review and performed in conjunction with Technical Committee.

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 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 "Commercial Regional (CR)" 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.

\_\_\_\_\_  
Signed Name  
Authorized Representative of BDO LLC

\_\_\_\_\_  
Printed Name

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 Notarial Seal this \_\_\_\_ day of \_\_\_\_\_, 2022.

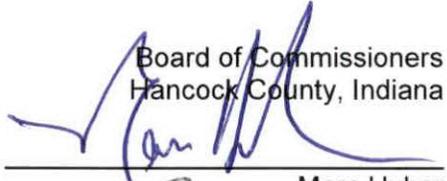
\_\_\_\_\_  
\_\_\_\_\_, Notary Public

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

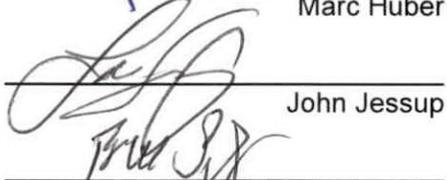
County of Residence: \_\_\_\_\_

APPROVED THIS 20<sup>th</sup> DAY OF SEPTEMBER 2022

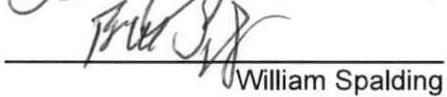
Board of Commissioners  
Hancock County, Indiana



Marc Huber



John Jessup



William Spalding

Attest:



CG

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.

\_\_\_\_\_  
Michael T. Dale

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