

ORDINANCE NO. 2022 - 86

AMENDING
HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

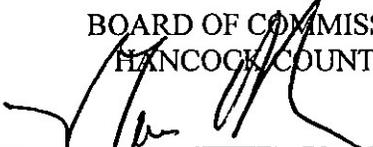
SECTION I

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 Residential (R2.5) 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 16th DAY OF AUGUST 2022

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA



Marc Huber

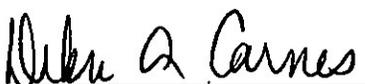


John Jessup



Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Diversified Land Acquisitions, LLC

Exhibit A
Legal Description

PARCEL 1

The South Half of the South Half of the Northwest Quarter of Section 14, Township 16 North, Range 5 East, Hancock County, Indiana.

EXCEPTING THEREFROM THE FOLLOWING:

A part of the Northwest Quarter of Section 14, Township 16 North, Range 5 East in Buck Creek Township, Hancock County, Indiana, being described as follows:

Beginning at a brass monument marking the Southwest corner of said Northwest 1/4, thence North 00 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of said Northwest 1/4 a distance of 463.93 feet to a P.K. nail, thence South 89 degrees 51 minutes 00 seconds East, parallel with the South line of said Northwest 1/4 a distance of 170.04 feet to a 5/8 inch capped rebar (ACCURA), thence South 00 degrees 00 minutes 00 seconds East, parallel with the West line of said Northwest 1/4 a distance of 337.00 feet to a 5/8 inch capped rebar (ACCURA); thence South 89 degrees 54 minutes 12 seconds East a distance of 66.00 feet to a 5/8 inch capped rebar in a fence (existing as of July 24, 1997); thence South 00 degrees 55 minutes 21 seconds West along said fence and along the Southerly extension thereof a distance of 127.00 feet to a P.K. nail on the South line of said Northwest Quarter; thence North 89 degrees 51 minutes 00 seconds West along said South line a distance of 234.00 feet to the Point of Beginning. Containing 2.00 acres more or less.

PARCEL 2.

A Northeast division of the Northwest Quarter and a Northwest division of the Northeast Quarter of Section 14, Township 16 North, Range 5 East, Hancock County, Indiana, more particularly described as follows:

Commencing at a point at the Northwest corner of the Northwest Quarter of said Section 14 and measuring East a distance of 2030 feet to the POINT OF BEGINNING of this survey, thence continuing East on the North line of said Quarter Section and the North line of said Northeast Quarter Section 790.17 feet to a point, there making a turn to the South and measuring a distance of 264 feet to a point, there making a turn to the West and measuring a distance of 23.17 feet, thence making a turn to the South and measuring a distance of 1752.5 feet, thence making a turn to the West and measuring a distance of 770 feet to a point, there making a turn to the North and measuring a distance of 2013 feet to the Point of Beginning. Containing 35.558 acres.

ALSO

Beginning at the Southwest corner of the South half of the South Half of the Northeast corner of Section 14, Township 16 North, Range 5 East and measuring North 670 feet; there making a right angle turn to the East and measuring a distance of 16.5 feet, thence making a right angle turn to the South and measuring a distance of 670 feet, there making a right angle turn to the West and measuring a distance of 16.5 feet to the Point of Beginning. Containing 0.254 acres.

PARCEL 3.

The North Half (1/2) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fourteen (14) in Township Sixteen (16) North Range Five (5) East, Hancock County, Indiana, containing Twenty (20) acres, more or less.

The Southwest Middle Division of the Northeast Quarter of Section 14, Township 16 North, Range 5 East, more particularly described as follows, to-wit:

BEGINNING on the South line of said Quarter Section at a point 1 rod East of the Southwest Corner of said Quarter Section; running thence North parallel with the West line of said Quarter Section 40 rods; thence East parallel with the South line of said Quarter Section 7 rods, 9 feet and 10 inches; thence North parallel with the West line of said Quarter Section 104 rods or within 16 rods of the North line of said Section; thence East parallel with the North line of said Section 1 rod 6 feet and 8 inches; thence North parallel with the West line of said Quarter Section 16 rods or to the North line of said Section; thence East on the North line of said Section 16 rods and 6 feet; thence South parallel with the West line of said Quarter Section 160 rods or to the South line of said Quarter Section; thence West on the South line of said Quarter Section 25 rods and 5 feet to the place of beginning. Containing 19 acres, more or less.

Subject, however, to all legal highways, rights of way, easements and restrictions of record.

EXHIBIT B

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE "COMMISSION")
AND THE HANCOCK COUNTY BOARD OF COMMISSIONERS (THE "COMMISSIONERS")
RE: DIVERSIFIED LAND ACQUISITION, 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, Timothy L. Cain & Donna K. Cain, James R. Pridgen & Gina M. Pridgen, ("Owners") having heretofore agreed and consented to the Petition for Rezoning (the "Petition") regarding the real estate located in Hancock County, Indiana, at the northeast corner of CR 350 N and CR 800W, 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 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
- B) Improvement of CR 800 W, CR 400 N, CR 350 N, and nearby road intersections to the satisfaction of the county highway department.

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

In Witness Whereof, the Owners have executed this instrument this ____ day of _____, 2022.

Timothy L. Cain

Donna K. Cain

James R. Pridgen

Gina M. Pridgen

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.

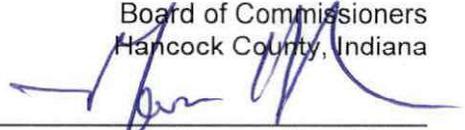
_____, Notary Public

My Commission Expires: _____

County of Residence: _____

APPROVED THIS 16th DAY OF AUGUST 2022

Board of Commissioners
Hancock County, Indiana



Marc Huber

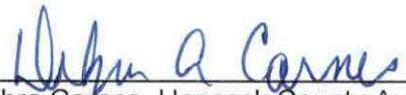


John Jessup



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.

Michael T. Dale