

**ORDINANCE NO. 2022 - 12-C**

**AMENDING**

**HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B**

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

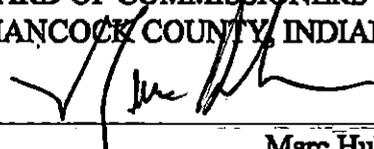
**SECTION 1**

Title XV Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map Referenced in Section 156.020 for Center Township is hereby amended by rezoning the subject area from Agricultural (A) Commercial Community (CC).

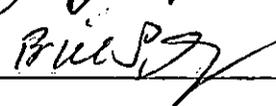
The subject area is described herein as Exhibit A. The zoning commitment is incorporated herein as Exhibit B.

**ADOPTED THIS 20th DAY OF DECEMBER 2022**

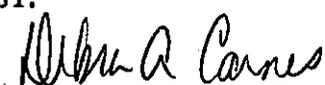
**BOARD OF COMMISSIONERS OF  
HANCOCK COUNTY, INDIANA**

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

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

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

**ATTEST:**

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

**Petitioner: Nicholas Fiano**

Exhibit A

The Northeast Quarter of the Northeast Quarter of Section 25, Township 16 North, Range 6 East, in Hancock County, Indiana, containing 40 acres, more or less.

**EXCEPT THEREFROM:** Twenty acres of uniform width off of the South side of the Northeast Quarter of the Northeast Quarter of Section 25, Township 16 North, Range 6 East, in Hancock County, Indiana.

**ALSO EXCEPT THEREFROM:** A part of the Northeast Quarter of the Northeast Quarter of Section 25, Township 16 North, Range 6 East, more particularly described as follows:

Beginning at a point on the North line of the Northeast Quarter of Section 25, Township 16 North, Range 6, said point being South 89 degrees 10 minutes West 596.0 feet from an existing monument (plug in concrete) marking the Northeast corner of said Northeast Quarter, and running thence South 00 degrees 00 minutes 00 seconds West 670.78 feet parallel with the East line of said Northeast Quarter; thence South 89 degrees 16 minutes West 736.1 feet to the West line of the Northeast Quarter of said Northeast Quarter; thence North 00 degrees 03 minutes West 669.5 feet to the Northwest corner of said Northeast Quarter of the Northeast Quarter; thence North 89 degrees 10 minutes East 736.7 feet to the point of beginning and containing 11.328 acres, more or less.

**ALSO EXCEPT THEREFROM:** Part of the Northeast Quarter of the Northeast Quarter of Section 25, Township 16 North, Range 6 East, Hancock County, more particularly described as follows:

Commencing at a found brass survey monument, which marks the Northeast corner of the above captioned quarter-quarter (for reference, a brass survey monument marking the Northwest corner of the Northeast Quarter was found 89 degrees 10 minutes 00 seconds West, 2665.03 feet, and that bearing is the assumed bearing for this description); thence South 00 degrees 00 minutes 26 seconds East, with the East line of the Northeast Quarter of the Northeast Quarter and in the county road, 421.82 feet to an iron survey nail with washer engraved "Larrison 20000230" and the Point of Beginning of the parcel herein described; thence continuing South 00 degrees 00 minutes 26 seconds East, with said East line and in the county road, 250.00 feet to a found iron survey nail; thence South 89 degrees 16 minutes 00 seconds West, 596.00 feet to an iron pin with cap engraved "Larrison 20000230" which marks the Southeast corner of a 11.328 acre parcel described in Instrument Number 04-9730; thence North 00 degrees 00 minutes 22 seconds West with the East line of said 11.328 acre parcel; 250.00 feet to an iron pin with cap engraved "Larrison 20000230"; thence North 89 degrees 16 minutes 00 seconds East 596.00 feet to the point of beginning, containing 3.420 acres, more or less. Also known as Lot 1 of Picket/Broadway Minor Subdivision.

Commonly known as 1990 N. Meridian Road, Greenfield, Indiana 46140  
Parcel Number: 30-06-25-100-002.000-008

**EXHIBIT B**

**IN THE HANCOCK COUNTY AREA PLAN COMMISSION (THE 'COMMISSION') AND THE  
HANCOCK COUNTY BOARD OF COMMISSIONERS (THE 'COMMISSIONERS')**

**RE: NICHOLAS FIANO  
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, Nicholas Fiano ('Owner') having heretofore agreed and consented to the Petition for Rezoning (the 'Petition') regarding the real estate located in Hancock County, Indiana at 1990 N Meridian, 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 Community (CC) the Owner commits to the Commission and the Commissioners the following:

- A) The following uses will be prohibited: Parking lot/structure as a primary use, Microbrewery/brewpub, Auto repair and body shop, Automobile/motorcycle sales and service, Banquet or assembly hall, Bowling alleys, Car wash, Restaurant, Skating rink, swimming pool, and Theater.

The 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 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 Community (CC)' 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 Nicholas Fiano

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

STATE OF INDIANA        )  
                                  )        SS:  
COUNTY OF HANCOCK    )

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.

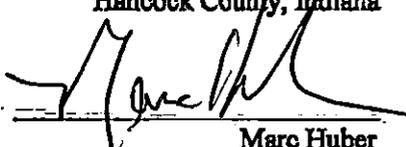
\_\_\_\_\_  
Notary Public

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

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

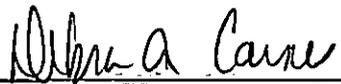
APPROVED THIS 20<sup>th</sup> DAY OF DECEMBER, 2022

Board of Commissioners  
Hancock County, Indiana

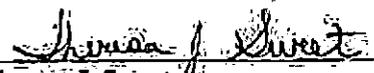
  
\_\_\_\_\_  
Marc Huber

  
\_\_\_\_\_  
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 law.

  
\_\_\_\_\_  
Theresa J. Sweet

This instrument prepared by: Theresa J Sweet, Office Manager, Hancock County Plan Commission.