

ORDINANCE NO. 2022 - 11 D

AMENDING

HANCOCK COUNTY ZONING ORDINANCE NO. 2007-1B

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

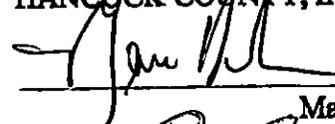
SECTION 1

Title XV Chapter 156 of the Hancock County Code, is amended as follows: The Zoning Map Referenced in Section 156.020 for Sugar Creek Township is hereby amended by rezoning the subject area from Residential (R2.5) 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 15th DAY OF NOVEMBER 2022

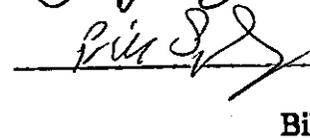
**BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA**



Marc Huber

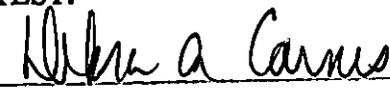


John Jessup



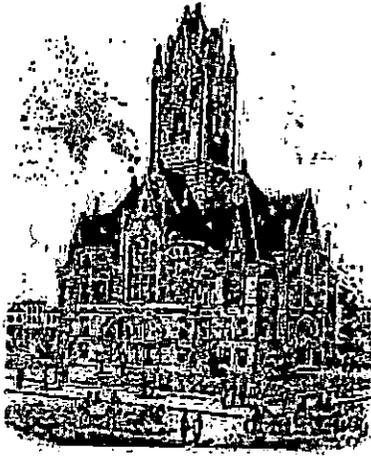
Bill Spalding

ATTEST:



Debra Carnes, Hancock County Auditor

Petitioner: Adrian Hood



*The Hancock County Area Plan Commission
Court House Annex
111 American Legion Place, Ste. 146
Greenfield, IN 46140
Phone: (317) 477-1134
Fax: (317) 477-1184*

CERTIFICATION

Hancock County Area Plan Commission

**Project Name: Adrian Hood
Petitioner: Adrian Hood
Project Location: 646 S 600 W New Palestine, IN 46163
Township: Sugar Creek
Certification Date: 4 November, 2022**

I, Wendell Hester, being the Secretary of the Hancock County Area Plan Commission of Hancock County, Indiana, do hereby certify that the attached rezoning ordinance and zoning commitment are true and accurate records of the meeting of the Plan Commission on day month year.

- **The proposal to rezone 4.107 acres from Residential (R2.5) to Commercial Regional (CR) received a favorable recommendation by a vote of Seven (7) ayes and Zero (0) nays.**
- **The zoning commitment as proposed by staff received a favorable recommendation by a vote of seven (7) ayes and zero (0) nays.**

The attached ordinance and zoning commitment are hereby certified to the Board of Commissioners, Hancock County, Indiana.

**HANCOCK COUNTY AREA PLAN COMMISSION
HANCOCK COUNTY, INDIANA**

Wendell A. Hester

Wendell Hester, Secretary

Exhibit A

A part of the Southeast Quarter of Section 1, Township 15 North, Range 5 East in Sugar Creek Township, Hancock County, Indiana, said part being more particularly described as follows:

Commencing at a brass monument marking the Southeast corner of said Quarter Section; thence North 00 degrees 34 minutes 56 seconds West (North American Datum of 1983, Indiana East Zone) along the East line of said Quarter Section 869.20 feet to the Southeast corner of a 5.11 acre tract of land per Instrument Number 140009411 in the Office of the Recorder of Hancock County, Indiana; thence South 89 degrees 10 minutes 59 seconds West along the South line of said 5.11 acre tract 215.00 feet to the POINT OF BEGINNING of this description; thence North 00 degrees 34 minutes 56 seconds West parallel with the East line of said Quarter Section 209.20 feet to the North line of said 5.11 acre tract; thence South 89 degrees 10 minutes 59 seconds West along said North line 856.35 feet to the center of an open ditch; thence following along the center of said open ditch South 00 degrees 54 minutes 52 seconds West 209.20 feet to the Southwest corner of said 5.11 acre tract; thence North 89 degrees 10 minutes 59 seconds East along the South line of said 5.11 acre tract 855.14 feet to the Point of Beginning, containing 4.107 acres, more or less.

EXHIBIT B

**IN THE HANCOCKCOUNTYA REA PLAN COMMISSION (THE ‘COMMISSION’) AND THE
HANCOCK COUNTY BOARD OF COMMISSIONERS (THE ‘COMMISSIONERS’)**

**RE: ADRIAN HOOD
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, Adrian Hood (‘Owner’) having heretofore agreed and consented to the Petition for Rezoning (the ‘Petition’) regarding the real estate located in Hancock County, Indiana at 446 S 600 W New Palestine, 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) The following uses will be prohibited: Farm Equipment Sales and Service, Parking lot as a primary use, Golf course and/or country club, RV sales/service, Auction Facility, Night Club, Mini-warehouse/self-storage, Assembly facility, Packaging Facility, and a Printing/publishing Facility.
- B) Adhere to the required Buffering standards.

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 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 21 day of November, 2022.

Adrian Hood

Signed Name
Authorized Representative of Adrian Hood

Adrian Hood

Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public, in and for said county and State, personally appeared Adrian Hood 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 21 day of November, 2022.

Corinne Shambaugh
Notary Public
Corinne Shambaugh

My Commission Expires: 9-7-2024

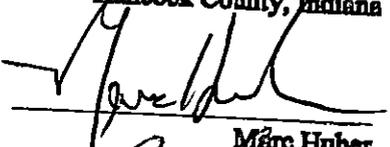
County of Residence: Hancock



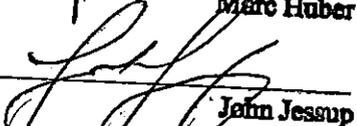
CORINNE SHAMBAUGH, Notary Public
Hancock County, State of Indiana
Commission Number 688101
My Commission Expires September 7, 2024

APPROVED THIS 15TH DAY OF NOVEMBER 2022

Board of Commissioners
Hancock County, Indiana



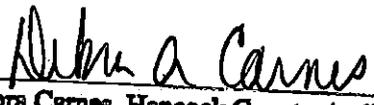
Marc Huber



John Jessup

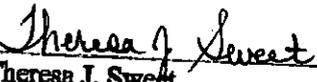


William Spalding

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