

ORDINANCE NO. 2015-06

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM RB/SINGLE FAMILY RESIDENTIAL DISTRICT TO AGR/AGRICULTURE RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 428/15: JAMES D. & DARINDA D. DRAGON, S35-T16N-R1E, WASHINGTON TOWNSHIP, PARCEL TOTALING 5.377 ACRES, LOCATED ON THE NORTH SIDE OF COUNTY ROAD 100 NORTH, BETWEEN STATE ROAD 267 AND COUNTY ROAD 800 EAST.

SECTION 1. Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the AGR/Agriculture Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 428/15: James D. & Darinda D. Dragon, S35-T16N-R1E, 5.377 acres, Washington Township, located on the north side of County Road 100 North, between State Road 267 and County Road 800 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 428/15: James D. & Darinda D. Dragon, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

SECTION 3. All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 10<sup>th</sup> day of MARCH, 2015.

Board of Commissioners

Bob Gentry  
Bob Gentry, President

Phyllis A. Palmer, Vice-President

Matthew D. Whetstone  
Matthew D. Whetstone, Member

Attest:

Cinda Kattau  
Cinda Kattau, Auditor

**ZA 428/15**

**Avon Wedding Barn**

Date Created: 2/3/2015



<b>Parcel ID</b>	32-07-35-300-011.000-022	<b>Alternate ID</b>	12-1-35-61E 300-011	<b>Owner Address</b>	DRAGON JAMES D & DARINDA D
<b>Sec/Twp/Rng</b>	35-16-1	<b>Class</b>	RESIDENTIAL ONE FAMILY DWELLING ON UNPLATTED LAND OF 0-9.99 ACRES		7424 E COUNTY ROAD 100 N
<b>Property Address</b>	7424 E COUNTY ROAD 100 N	<b>Acreage</b>	5.377		Avon, IN 46123
<b>District</b>	Washington Township				
<b>Brief Tax Description</b>	Pt SW 1/4 35-16-1e 5.377 ac From 300-002,004 CONSERVANCY 12/13 SPLIT PT TO 012-135611-300014				
	(Note: Not to be used on legal documents)				

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**Section 12.04 of the Zoning Ordinance for Hendricks County, Indiana, requires the use of this form in recording commitments made with any Area Plan Commission approval, in accordance with Chapter 12, and I.C. 36-7-4-1015.**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Property Owner: James D. Dragon and Darinda D. Dragon

Deed Information: 2005-12790

Legal Description: See "Exhibit A"

**Statement of COMMITMENTS:**

1. No livestock shall be permitted on the subject real estate so long as a wedding/event facility is operated on the subject real estate.
2. Agricultural processing – minor uses and Agricultural entertainment shall not be permitted on the subject real estate.
3. These commitments may be released of record with the Hendricks County Recorder upon an affidavit signed by the Director of Planning & Building for Hendricks County that a wedding/event facility is no longer operated on the subject real estate after an inspection of said real estate.

These COMMITMENTS shall run with the land, be binding on the owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Hendricks County Area Plan Commission made at a public hearing after the proper notice has been given.

With acceptance of these COMMITMENTS, the Hendricks County Area Board of Zoning Appeals does not relinquish its right to change certain uses and conditions if the public's health or safety is at immediate risk.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition #ZA 428-15 pursuant to the Zoning Ordinance, and shall continue in effect or until modified or terminated by the Hendricks County Area Plan Commission.

These COMMITMENTS may be enforced jointly or severally by the Hendricks County Area Plan Commission.

The undersigned hereby authorizes the Planning & Building Department of Hendricks County, Indiana, to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon approval of petition #ZA 428-15.

IN WITNESS WHEREOF, owner has executed this instrument this \_\_\_\_ day of February, 2015.

\_\_\_\_\_  
James D. Dragon

\_\_\_\_\_  
Darinda D. Dragon

STATE OF INDIANA        )  
                                  )  
HENDRICKS COUNTY        )

Before me, Notary Public in and for said County and State, personally appeared James D. Dragon and Darinda D. Dragon, owner of the real estate who acknowledged the execution foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this \_\_\_\_ day of February, 2015.

My Commission expires:

Signature \_\_\_\_\_

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

Printed \_\_\_\_\_

Approved for recording on this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Don F. Reitz, AICP  
Director, Planning & Building Department

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Amy Comer Elliott.

This instrument was prepared by: Amy Comer Elliott, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, IN 46122, telephone: (317) 745-4300.

## ***Exhibit A***

### **Legal Description:**

Part of the Southwest quarter of Section 35, Township 16 North, Range 1 East of the Second Principal Meridian in Washington Township, Hendricks County, Indiana, more particularly described as follows, to-wit:

Commencing at the Southeast corner of said quarter section; thence North 89 degrees 56 minutes 20 seconds West (assumed bearing) along the South line of said quarter section 86.44 feet to the Point of Beginning; thence continue along the last described course North 89 degrees 56 minutes 20 seconds West 324.99 feet; thence North 00 degrees 53 minutes 00 seconds East 770.12 feet; thence South 89 degrees 56 minutes 20 seconds East 324.99 feet; thence South 00 degrees 53 minutes 00 seconds West 770.12 feet to the Point of Beginning.

### **EXCEPTING THEREFROM:**

Fifty (50) feet, taken by parallel lines off the entire South side of the above described real estate. Containing 0.373 acres (16,249.5 sq. ft.), more or less.