

ORDINANCE NO. 2021-02

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, INDIANA, FROM **AGR: AGRICULTURAL DISTRICT**, TO **NB: NEIGHBORHOOD BUSINESS DISTRICT**. COMMONLY KNOWN AS **ZA-478/21: JC WILSON & COMPANY INC**; SECTION 5, TOWNSHIP 15 NORTH, RANGE 2 EAST, WASHINGTON TOWNSHIP, PARCEL TOTALING 0.94 OF AN ACRE, LOCATED APPROXIMATELY ONE-QUARTER MILE SOUTH OF COUNTY ROAD 100 NORTH (10TH STREET), ALONG THE EAST SIDE OF COUNTY ROAD 1050 EAST, AVON, INDIANA, TAX PARCEL NUMBER 32-09-05-200-039.000-022.

SECTION 1. Be it ordained by the Board of Commissioners of Hendricks County, 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 **NB: Neighborhood Business District**, the following described real estate located in the County of Hendricks, State of Indiana, namely: **ZA-478/21: J C Wilson & Company Inc**; Section 5, Township 15 North, Range 2 East, 0.94 of an acre, Washington Township, located approximately one-quarter mile south of County Road 100 North (10th Street), along the east side of County Road 1050 East, Avon, Indiana, Tax Parcel Number 32-09-05-200-039.000-022.

SECTION 2. As inducement for this Zoning Map Amendment, all terms and conditions found in the conditions for approval of **ZA-478/21: J C Wilson & Company Inc**, 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 "Development Commitment Recording Form" as a part of this Ordinance.

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

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

Approved by the Board of County Commissioners of Hendricks County, Indiana, this 9th day of February 2021.


BOARD OF COMMISSIONERS,
HENDRICKS COUNTY, INDIANA



Phyllis Palmer, President



Bob Gentry, Vice President



Dennis Dawes, Member

Attest:



Nancy Marsh, Auditor

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

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: J C WILSON & COMPANY INC

Deed Information: Book: _____ Page: _____ Instrument: _____

Legal Description:

See "Exhibit A"

Statement of COMMITMENTS:

1. The real estate shall not be used for cremation purposes.

2. The permitted uses shall be limited to Places of worship, Nature Preserve, Recreation (Passive), and Administrative/professional office, as defined by the 2008 Hendricks County Zoning Ordinance

3. The permitted special exceptions shall be limited to Community Center, Funeral home / mortuary, Publicly-owned Buildings and facilities, and Recreation (active) as defined by the 2008 Hendricks County Zoning Ordinance

These COMMITMENTS shall run with the lnd, 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 Plan Commission 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 478/21** and # **SE 01/21** 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:

- 1. The Hendricks County Area Plan Commission;
- 2. _____

_____ ; and
- 3. _____

_____.

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 478/21** and # **SE 01/21**.

IN WITNESS WHEREOF, owner has executed this instrument this ____ day of _____ 2021.

Signature _____ (Seal)	Signature _____ (Seal)
Printed Paul St.Pierre	Printed _____
Title Chairman	Title _____
Signature _____ (Seal)	Signature _____ (Seal)
Printed _____	Printed _____
Title _____	Title _____

(Individual Acknowledgment)

STATE OF _____)
_____) SS:
COUNTY OF _____)

Before me, Notary Public in and for said County and State, personally appeared _____, owners(s) 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 _____, _____.

Signature _____
Printed _____
County of Residence _____

My Commission expires:

(Organization Acknowledgment)

STATE OF)
) SS:
COUNTY OF)

Before me, Notary Public in and for said County and State, personally appeared

PAUL ST. PIERRE the Chairman of J C Wilson & Co Inc,
owners 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 _____, 2021.

Signature _____

Printed Andrew P. Kult

County of Residence _____

My Commission expires:

Redaction Statement

“I Affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.”

Andrew P. Kult

Printed Name

Approved for recording on this _____ day of _____ 2021.

Tim Dombrosky
Director, Planning & Building Department

This instrument was prepared by: Andrew P. Kult

Exhibit A

Legal Description:

Parcel No. 32-09-05-200-039.000-022

PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN IN WASHINGTON TOWNSHIP, HENDRICKS COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 1347.36 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS EAST 187.00 FEET ALONG SAID WEST LINE; THENCE SOUTH 89 DEGREES 55 MINUTES 18 SECONDS EAST 308.40 FEET TO THE EAST LINE OF REAL ESTATE DESCRIBED IN A WARRANTY DEED TO THE TRUSTEES OF SHILOH CHURCH, RECORDED IN BOOK 263, PAGE 501 IN THE OFFICE OF THE RECORDER OF HENDRICKS COUNTY; THENCE NORTH 00 DEGREES 08 MINUTES 00 SECONDS EAST 105.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89 DEGREES 55 MINUTES 18 SECONDS WEST 204.10 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 82.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 18 SECONDS WEST 105.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.94 ACRES, MORE OR LESS.