

BROWN COUNTY ORDINANCE 2022-05-04-000

This ordinance amends the zoning maps of Brown County.

WHEREAS, Luke Neubauer petitioned the Board of Commissioners ("Commissioners") of the County of Brown ("County"), Indiana for the rezoning of certain lands owned by Mike Morris, Morris LLC, in Washington Township Brown County;

WHEREAS, said petition has been assigned Petition Number 22-RZ-01;

WHEREAS, the Brown County Area Plan Commission conducted a public hearing on the proposed rezoning and certified its recommendation thereon to the Commissioners;

WHEREAS, the Commissioners find that the approval of the proposed rezoning would promote the purposes of the Comprehensive Plan and the Brown County Zoning Ordinance and have given due consideration to, *inter alia*, the Comprehensive Plan, the current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners as follows:

Section 1. Petition Number 22-RZ-01 is hereby APPROVED. The property subject to that Petition more particularly described in "Exhibit A" affixed hereto and hereinafter referred to as "Neubauer Property" is hereby rezoned from Residential One to General Business Zoning under the Brown County Zoning Ordinance.

Section 2. Should any portion of this Ordinance be declared or determined illegal, unenforceable or invalid by a court of competent jurisdiction, then such illegal, unenforceable, or invalid provision(s) shall be severed from the remaining legal, valid and enforceable portions hereof, which shall continue to be in full force and effect.

Section 3. This ordinance shall take effect upon adoption.

SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Brown, Indiana, this 4th day of May, 2022.

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05/11/2022 01:25:38P 5 PGS
Mary E Smith
Brown County Recorder IN
Recorded as Presented



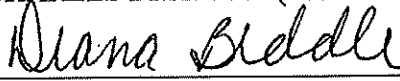
BOARD OF COMMISSIONERS

AYES:

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JERRY PITTMAN (President)


CHARLES BRADEN (Vice-President)


DIANA BIDDLE

NAYS:

JERRY PITTMAN (President)

CHARLES BRADEN (Vice-President)

DIANA BIDDLE

ATTEST:


JULIA REEVES, AUDITOR

WRITTEN COMMITMENT

Commitments concerning the use or development of real estate Made in connection with a re-zoning approval to General Business (GB)

In accordance with I.C. 36-7-4-615 and the Brown County Zoning Ordinance, Morris Group LLC, as the owner of the real estate ("Property") located in Brown County, Indiana, which is described below, makes the following written commitment ("Commitment") concerning the use and development of the Property:

- A. Description of Property: See warranty deed copy attached hereto as "Exhibit A."
- B. Statement of Commitments: Morris Group LLC, has petitioned the Board of Commissioners of the County of Brown, Indiana ("County") to re-zone the Property from Primary Residential (R1) to General Business (GB). The Approval has been assigned Petition Number 22-RZ-01 by the Brown County Plan Commission ("Plan Commission"). In the course of the re-zoning process, Morris Group LLC, has agreed and committed to undertake the following actions regarding the use and development of the Property:
- Use Restrictions: The owner shall be allowed to have no more than five (5) residential units on the property.
- C. Vacation or amendment. These Commitments may be vacated or modified by the County, acting in accordance with the regulations and procedures governing zoning amendments (e.g., notice to interested parties and Brown County Plan Commission hearing).
- D. Enforcement of Commitments. This Commitment may be enforced jointly or severally by:
1. The County
 2. The Plan Commission; and/or
 3. Any person who is specially injured by a violation of the Commitment.

In the enforcement of these Commitments, the prevailing party may be awarded any costs, expenses and damages authorized by law. Morris Group LLC, acknowledges and agrees that the County may revoke its approval of Petition Number 22-RZ-01 based on repeated violations of these Commitments. In the event the County revokes its approval of Petition Number 22-RZ-01, Morris Group LLC, acknowledges and agrees that the zoning designation of the Property shall revert to the pre-approval designations, unless the County specifies otherwise.

E. Recording. Morris Group LLC hereby authorizes the Brown County Planning Director to record these Commitments in the Office of the Recorder of Brown County, Indiana.

F. Time is of the essence. Morris Group LLC, as owner of the Property, acknowledges that time is of the essence to these Commitments and that failure to timely comply with these Commitments shall be a violation of the Commitments.

G. Voluntary action. Morris Group LLC, as owner of the Property, makes the Commitment of his own free will and acknowledges that he has read this and that he fully understands the Commitment.

H. Approval Conditions: Morris Group LLC, as owner of the Property, acknowledges that the County's approval of Petition Number 22-RZ-01 may be conditioned upon the making and recording of these Commitments and upon any other conditions or agreements set forth in the County's and the Plan Commission's records on Petition Number 22-RZ-01, which records are incorporated into these Commitments by reference.

I. Binding on successors and assigns. These Commitments shall be binding on Morris Group LLC, on subsequent owners of the Property, and on any persons acquiring an interest in the Property.

J. Effective date. These Commitments shall be effective upon the approval of Petition Number 22-RZ-01 by the County and shall continue until vacated or amended in accordance with law or the terms of these Commitments.

K. Construction. Morris Group LLC, acknowledges and agrees that this document was prepared by the County at its request and for its convenience. Accordingly, it is agreed that this document will not be construed against the County on the grounds that the County drafted the document.

IN WITNESS WHEREOF, Morris Group LLC, has executed this instrument this 05 day of May, 2022, by and through Michael P. Morris who has been duly authorized to execute this document on behalf of Morris, LLC.

By: Michael P. Morris

STATE OF INDIANA)
) SS:
COUNTY OF BROWN)

Before me, a Notary Public in and for said County and State, personally appeared Michael Paul Morris, who acknowledged the execution of the foregoing instrument and who, being first duly sworn, stated that any representations therein contained are true. Witness my hand and Notarial Seal this 5 day of May, 2022.



Diane Davern
Printed Name of Notary Public: Diane Davern
My Commission Expires: 8/13/23
My County of Residence: Brown

EXHIBIT "A"

PARCEL NO. 1:

A part of the North half of the Northeast quarter of Section 33, Township 9 North, Range 3 East, Brown County, Indiana, described as follows:

Beginning at the Northwest corner of the Northwest quarter of the Northeast quarter of Section 33, Township 9 North, Range 3 East;
running thence East 116-1/2 rods;
thence South 15 rods 12.5 feet;
thence North 61-3/4 degrees East 10 rods;
thence North 45-3/4 degrees East 10 rods to a point in the center of State Highway No. 135;
thence South following the center of State Highway to the center of the branch;
thence following the center of the branch South 57-1/4 degrees West 725 feet;
thence North 74-1/2 degrees West 107 feet;
thence North 12-3/4 degrees West 76 feet;
thence South 68-3/4 degrees West 404 feet;
thence South 79-3/4 degrees West 230 feet;
thence South 74 degrees West 240 feet;
thence South 67-1/4 degrees West 238 feet;
thence North 74 degrees West 230 feet;
thence South 78-3/4 degrees West 148 feet to a point on the West line of the Northwest quarter of the Northeast quarter of Section 33, Township 9 North, Range 3 East, 673 feet South of the Northwest corner of the Northeast quarter of said Section, Township and Range;
thence North 673 feet, more or less, to the Northwest corner of said described tract, being the place of beginning, containing 24 acres, more or less.