

**Floyd County Board of Commissioners
Ordinance Pertaining to Zoning Amendments to the Floyd County Zoning Ordinance 2006-6**

Whereas, the Floyd County Board of Commissioners met on July 18, 2011 on this matter pursuant to IC 36-7-4-607;

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed zoning map changes to Exhibit A on 7-0


Whereas, the Plan Commission held a public hearing on the matter and heard from both proponents and opponents of the text amendments to the zoning ordinance.

NOW, THEREFORE,

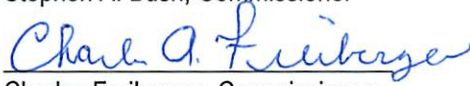
BE IT ORDAINED that Floyd County Zoning Ordinance is amended.

SO ORDAINED this 2 day of August 2, 2011.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD


Mark Seabrook, President


Stephen A. Bush, Commissioner


Charles Freiberger, Commissioner

ATTEST:


Darin Coddington, County Auditor

ZONING COMMITMENT

This Zoning Commitment made in accordance with the provisions of Indiana Code 36-7-4-615 by and between:

Floyd County, Indiana and the Floyd County Advisor Plan Commission (hereinafter collectively "Floyd County"), with an address of 311 Hauss Square, City-County Building, Room B-022, New Albany, Indiana 47150; and,

Hilltop Estates Georgetown, LLC (The "Landowner"), an Indiana limited liability company with an address of 2210 Green Valley Road, New Albany, Indiana 47150.

RECITALS:

WHEREAS, pursuant to deed recorded as Instrument 2006046921; the Landowner owns approximately 21.243-acre tract of real estate in Floyd County, Indiana (the "Real Estate") which is more particular described in as follows, to-wit:

ATTACHED EXHIBIT A

And

WHEREAS, the Real Estate is within the unincorporated territory of Floyd County, and is therefore subject to the zoning jurisdiction of the Floyd County Advisory Plan Commission, and,

WHEREAS, Floyd County has previously assigned a zoning designation of "MH, Manufactured Home Park" to the Real estate pursuant to the provisions of its Zoning Ordinance and Zone Map; and,

WHEREAS, About December 2007 the Landowner, by the undersigned as it's duly authorized member, filed an application with Floyd County to change the zoning designation of the Real Estate to "RS, Residential I Suburban" as a required preliminary step in seeking approval of a Planned Unit Development for property that included the Real Estate; and,

WHEREAS, following notice and public hearing as required by Indiana law, the Floyd County Plan Commission at its regular meeting on Feb. 20, 2008, by majority vote of its entire membership gave favorable recommendation of Landowner's application for change of zoning designation to the Board of Floyd County Commissioner's subject only to Landowner's voluntarily tendered commitment that no current resident of the mobile home park on the Real Estate will be required to vacate the premises to enable construction of Landowner's planned improvements on the Real Estate during the period of two (2) years following the date on which Floyd County first changes the zoning designation of the Real Estate to "RS, Residential Suburban" as requested by Landowner, provided only that all such tenants fully comply with all other contractual and legal requirements related to such tenancy (the "Commitment"), and,

WHEREAS, the Commissioners agreed to a revision of the Commitment at its August 2, 2011 meeting.

WHEREAS, at its regular meeting on March 4, 2008, the Floyd County Board of County Commissioners considered Landowner's application and determined that approval of Landowner's application for change of zoning designation is in the best interest of Floyd County, and that such zoning designation change should be effected by adoption of an ordinance, subject only to Landowner's tendering of an instrument incorporating the terms of the commitment in a form that is reasonable acceptable to Floyd County; and ,

WHEREAS, Landowner tendered this instrument in unexecuted form at the regular meeting of the Floyd County Board of County Commissioners on July 18, 2011 and Landowner, by its counsel, further reaffirmed its willingness to execute this instrument upon approval of the Commissioners, and.

WHEREAS, at its regular meeting on April 2, 2011, the Floyd County Board of County Commissioners then fully and finally approved the Revised Zoning Commitment.

WHEREAS, this written Revised Zoning Commitment is now tendered by Landowner to Floyd County.

NOW, THEREFORE, in consideration of the previous adoption of the Re-zoning Ordinance, and the revisions as stated herein, Landowner hereby expressly commits to the following:

1. No current resident of the mobile home park presently located on the Real estate will be required to vacate the premises prior to March 4, 2010, to enable construction of Landowner's planned improvements on the Real Estate, provided only that all such tenants fully comply with all other contractual and legal requirements related to such tenants.
2. The current residents will be given at least one year (1) notice prior to the shutdown of the mobile home park. Notice shall be given by certified mail with a copy of such notifications to be provided to Floyd County Commissioners and the Floyd County Plan Commission.
3. Prior to the shutdown of the mobile home part, it shall be allowed to operate in the same manner and under the same zoning rules as prior to the re-zoning designation with the exception that no new pads with tenants shall be allowed. The total number of pads that will be allowed (which is the present numbers of pads) is Sixty-Four (64).
4. The terms and conditions of this Zoning Commitment shall run with the Real Estate and binding on and enforceable against, Landowner or its successors or assigns.
5. The terms and conditions of this Zoning Commitment may only be modified or amended by subsequent (i) change of zoning designation of the Real Estate by Floyd County in the manner preserved by law, or (ii) approval by the Floyd County Plan Commission and the Board of County Commissioners of Floyd County following notice and public hearing pursuant to the provisions of Indiana Code 5-3-1-2.

In Witness Whereof, this Zoning Commitment is voluntarily made, undertaken, and tendered to Floyd County for its acceptance in consideration of the Recitals as contained herein, this _____ day of August, 2011.

Landowner
Hilltop Estates Georgetown, LLC
By: _____
Aftab A. Chaudhry, Member

STATE OF INDIANA)
) SS:
COUNTY OF Floyd)

Subscribed and sworn before me by Aftab A. Chaudhry, who acknowledged execution of the foregoing instrument to be his voluntary act and deed this ____ day of August, 2011.

NOTARY PUBLIC
Printed Name: Charles R. Murphy
RESIDENT OF Floyd COUNTY, IN

MY COMMISSION EXPIRES:
2/15/11

THIS INSTRUMENT PREPARED BY:
Charles R. Murphy, Attorney
430 W. First Street
New Albany, IN 47150
812-944-0515

"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." Charles R. Murphy, Attorney