

STATE OF INDIANA
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 25 -2025

**AN ORDINANCE APPROVING AN AMENDMENT TO THE
CLARK COUNTY ZONING MAP ON RECOMMENDATION
BY THE CLARK COUNTY PLAN COMMISSION**

WHEREAS, the Board of Commissioners of Clark County, Indiana (the “Board”), is the executive body of Clark County Government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, the Board is also the legislative body of Clark County Government pursuant to the provisions of Ind. Code 36-1-2-9; and,

WHEREAS, the Clark County Plan Commission has advisory authority regarding zoning pursuant to Ind. Code 36-7-4, *et al*; and,

WHEREAS, on the 10th day of September, 2025, the Clark County Plan Commission passed Resolution 2025-15 (see the said Resolution 2025-15 (attached hereto as **Exhibit “A”**) to reclassify certain property on the County’s zoning maps as identified in the said Resolution.

NOW, THEREFORE, BE IT ORDAINED by the Board of Clark County Commissioners as follows:

1. That the Clark County Plan Commission Resolution 2025-15, dated September 10, 2025, as attached hereto as **Exhibit “A”**, is hereby approved, and the County’s zoning maps are reclassified pursuant to the attached Resolution and subject to the Statement of Zoning Commitments attached hereto as **Exhibit “B”**.

2. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 25th day of September, 2025.

Members voting "NO":

Bryan Glover, Commissioner

Jack Coffman, Commissioner

David Decker, Commissioner

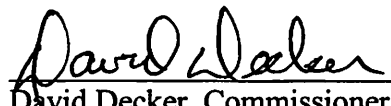
Members voting "YES":



Bryan Glover, Commissioner



Jack Coffman, Commissioner



David Decker, Commissioner

Attested by:



Danny Yost, Clark County Auditor

BY THE CLARK COUNTY PLAN COMMISSION

RESOLUTION 2025-15

WHEREAS, the Clark County Plan Commission met on September 10, 2025, and heard the Docket No. PC25-16, SAB Real Estate, LLC , One Indiana Square, Suite 3500 Indianapolis, IN, a request for a zone map amendment from M1 to M2 with commitments for parcel# 10-10-20-300-084.000-032, and #10-10-20-200-095.000-032;

WHEREAS, the Plan Commission heard the presentation of the Petitioner(s) and the objections, comments, remonstrations, and other relevant information presented by those in attendance at the hearing, if any:

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission as follows, after giving reasonable regard to the factors set forth in I.C. 36-7-4-603:

1. The Petition to rezone the real estate described in Exhibit A was heard after notice to interested persons was properly given in accordance with the ordinance and Indiana Law;
2. The Plan Commission heard and received the relevant evidence presented and deliberated on such evidence in a public meeting; and
3. The Plan Commission recommends to the Board of Commissioners of Clark County with a 7-0 vote as follows:

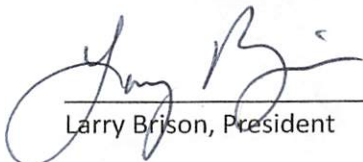
X FAVORABLE RECOMMENDATION: The real estate described in Exhibit A should be changed.

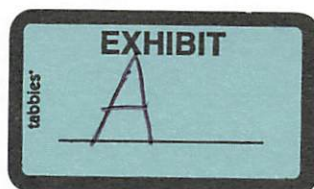
____ UNFAVORABLE RECOMMENDATION: The real estate described in Exhibit A should NOT be changed.

____ NO RECOMMENDATION: The Plan Commission sends the rezoning petition to the Clark County Commissioners WITHOUT A RECOMMENDATION.

X CONDITIONS: The Plan Commission sends the rezoning petition to the Clark County Commissioners WITH CONDITIONS TO INCLUDE: recording of the written commitment as presented. _____

I hereby certify that this is a true and correct copy of the Resolution passed by the Clark County Plan Commission on September 10, 2025.


Larry Brison, President




Eric M. Wise Executive Director

EXHIBIT A

Being a part of Surveys #202 and #203 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at a brass capped limestone monument on the West corner of said Survey #203; thence South 37 deg. 23' 50" East along the line dividing Surveys #203 and #219, 103.00 feet to a brass capped limestone monument on the North corner of said Survey #202; thence South 37 deg. 34' 10" East, along the line dividing said Surveys #202 and #203, 1050.17 feet to a concrete right-of-way marker on the East Right-of-Way line of I-65, THE TRUE PLACE OF BEGINNING.

Thence North 10 deg. 53' 46" West along said East Right-of-Way line, 114.63 feet to an iron pin; thence North 52 deg. 17' 45" East, 1601.40 feet to an iron pin, thence South 45 deg. 06' 15" East, 534.43 feet to an iron pin; thence North 47 deg. East, 210.02 feet to a railroad spike in the centerline of Memphis-Blue Lick Road; thence South 45 deg. 06' 15" East along said centerline, 60 feet to a railroad spike; thence South 47 deg. West, 857.78 feet to an iron pin; thence South 45 deg. 06' 15" East, 419.49 feet to an iron pin; thence North 72 deg. 12' 38" East, 877.33 feet to an iron pin on the West Right-of-Way line of State Highway #31; thence South 10 deg. 02' 35" West along said Right-of-Way line, 285.41 feet to an iron pin; thence South 9 deg. 48' West along said Right-of-Way line, 84.17 feet to an iron pin; thence South 3 deg. 26' 05" West along said Right-of-Way line, 32.29 feet to an iron pin; thence North 51 deg. 12' 15" West, 139.26 feet to an iron pin; thence South 38 deg. 44' 58" West, 179.80 feet to an iron pin; thence North 51 deg. 10' 56" West, 90.00 feet to an iron pin; thence South 38 deg. 49' 04" West, 140.00 feet to an iron pipe; thence South 51 deg. 10' 56" East, 269.88 feet to a railroad spike in the centerline of Ebenezer Church Road; thence South 38 deg. 46' 58" West along said centerline, 50.00 feet to a railroad spike; thence North 51 deg. 10' 56" West, 180.00 feet to an iron pin; thence South 38 deg. 46' 58" West, 155.00 feet to an iron pin; thence South 51 deg. 10' 56" East, 180.00 feet to a railroad spike in said centerline; thence South 38 deg. 36' 33" West along said centerline 647.66 feet to a railroad spike; thence South 51 deg. 34' 32" West along said centerline, 535.01 feet to a railroad spike on the line dividing said Surveys #202 and #203; thence South 51 deg. 35' 22" West, 884.52 feet to an iron pin in the East Right-of-Way line of I-65; thence North 9 deg. 35' 58" West along said Right-of-Way line, 221.06 feet to an iron pin; thence North 15 deg. 47' 23" West along said right of way line, 201.23 feet to an iron pin; thence North 11 deg. 52' 25" West along said right of way line, 500.00 feet to an iron pin; thence North 13 deg. 18' 20" West along said Right-of-Way line 200.06 feet to an iron pin; thence North 11 deg. 52' 25" West along said right-of-way line, 555.00 feet to a concrete Right-of-way marker; thence North 52 deg. 47' 05" East, 156.40 feet to a stone on the line dividing said Survey #202 and #203; thence North 37 deg. 17' 19" West along said dividing line, 355.78 feet to THE TRUE PLACE OF BEGINNING.

Containing 81.949 acres, more or less, (18.036 acres in Survey #202 and 63.913 acres in Survey #203)

Excepting the following;

Being a 3.233-acre tract of land shown on a boundary survey performed by John G. Brinkworth III, dated July 25, 2024, situated in Survey Number 203 of the Illinois Grant, Clark County, Indiana and being more particularly described as follows, to-wit:

Commencing at a brass capped limestone monument on the West corner of said Survey 203; thence South $34^{\circ} 52' 44''$ East along the line dividing Surveys 203 and 219, a distance of 103.00 feet to a brass capped limestone monument on the North corner of Survey 202; thence South $34^{\circ} 52' 44''$ East along the Grant Line; 1 050.17 feet; thence North $06^{\circ} 43' 49''$ West, 116.52 feet; thence North $54^{\circ} 44' 55''$ East, 1601.40 feet; thence South $42^{\circ} 39' 05''$ East, 534.43 feet; thence North $49^{\circ} 27' 10''$ East, 210.02 feet to the centerline of Memphis-Blue Lick Road; thence South $42^{\circ} 39' 05''$ East along said centerline, 60.00 feet; thence South $49^{\circ} 27' 10''$ West, 857.78 feet to a set iron pin and cap at the true point of beginning of the land described herein: Thence South $42^{\circ} 39' 05''$ East, 419.49 feet to a set mag nail; thence North $74^{\circ} 39' 48''$ East, 489.08 feet to a set iron pin and cap; thence South $59^{\circ} 21' 31''$ West, 658.94 feet to a set iron pin and cap; thence North $42^{\circ} 44' 44''$ West, 514.55 feet to a set iron pin and cap; thence North $49^{\circ} 27' 10''$ East, 210.96 feet to the true point of beginning. Containing 3.233 acres.



STATEMENT OF ZONING COMMITMENTS

These COMMITMENTS are given by and shall be binding on **GREG L. BAGSHAW and BEVERLY A. BAGSHAW, husband and wife ("Owners")** subsequent owners of the Real Estate and any other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated only by a decision of the Clark County Plan Commission and/or the Clark County Commissioners (collectively the "Board") made at a public hearing after notice has been provided under the rules of the Board.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Board of the Owner's Petition/Application for all or any of the following related to all or part of the Real Estate.

1. Adoption of a rezoning proposal

These COMMITMENTS do not obligate the Board, as applicable to adopt, approve, or favorably recommend the Owner's Petition or Application to which this COMMITMENT relates.

These COMMITMENTS may be enforced jointly or severally by:

- a) The Clark County Plan Commission
- b) the Board of Clark County Commissioners
- c) the Clark County Board of Zoning Appeals
- d) Owners of all parcels of ground adjoining the Real Estate to a depth of two (2) ownerships, but not to exceed one thousand (1,000) feet from the perimeter of the Real Estate, and all owners of the Real Estate. Owners of real estate located entirely outside the Jurisdiction of the Board are not included, however. The identity of owners shall be determined from the records of the office of the Assessor of Clark County which lists the then current owners of record.

The Owner imposes and consents to the following COMMITMENTS for the use and/or development of the Real Estate:

1. Effectiveness of Commitment

The commitment set forth herein (the "Commitment") shall become effective and binding only upon the adoption of an ordinance by the Commissioners changing the current zoning classification of the Real Estate from M-1 to M-2 of the Real Estate Described in Exhibit A. This Commitment shall be null and void, if the Commissioners deny the rezoning of the Real Estate.

2. Duration of Commitment

The Commitment shall run with the Real Estate until such time as the County of Clark modifies or terminates them at a duly called and noticed public hearing.



3. Binding Effect

Upon effectiveness, the Commitment shall be binding upon Owners, Developer, the Developer's successors in interest, and any subsequent developer or owner of the Real Estate.

4. Restrictions

The following uses shall be explicitly prohibited on the Real Estate:

- Adult Entertainment Businesses
- Adult Services Establishment (Adult Uses)
- Alternative Financial Services Business (payday loan)
- Animal Slaughtering and Processing
- Bakery, Wholesale
- Blast Furnace, Steel Furnace, Blooming or Rolling Mill; Smelting of Copper, Iron, or Zinc Ore
- Commercial Boat/RV Storage Facility (outdoor)
- Campground/RV Park
- Coal and/or Gas Fired Commercial Generating Power Plant
- Commercial Breeding and Raising of Non-Farm Animals and Fowl
- Commercial Large-Scale/Industrial Composting
- Commercial Solar Power Farm, provided that, for clarity, solar power may be generated that is incidental to the facility's primary use as a Indiana National Guard Armory and Readiness Center.
- Crematory
- Fireworks Sales
- Junk Yards and Salvage Yards (Commercial)
- Kennels, Commercial
- Landfill Operation and Commercial Recycling Centers or Transfer Stations
- Natural Resource Extraction or Mining (coal, natural gas, oil, stone)
- Penal or Correctional Institution
- Production or Refining of Petroleum or Coal Products
- Raising and Breeding of Non-Farm Fowl and Animals, Commercial
- Solid Waste Commercial Collection, Combustion, or Incineration
- Steel Mills and Similar Heavy-Manufacturing Plants

5. Recording of Commitment

Upon approval of the Zone Map Change by the Commissioners, this Commitment shall become effective. If the rezoning is not approved, this Zoning Commitment shall be void and of no effect.

An action to enforce a COMMITMENT may be brought in a Circuit Court in Clark County, Indiana. A permitted party bringing an action to enforce a COMMITMENT may request mandatory or prohibitory injunctive relief through the granting of temporary restraining order, preliminary injunction or permanent injunction. If the action to enforce a COMMITMENT herein is successful, the respondent shall bear the costs of the action. A change of venue from the County shall not be granted in such an action and Owner herein waives all rights to a change of venue from the County.

The Owner hereby authorizes the Board, Clark County, Indiana or any of their agents or representatives to record this Statement of Commitments in the office of the Recorder of Clark County, Indiana, upon approval or adoption of Owner's Petition/Application.

IN WITNESS WHEREOF, the Owner has executed this instrument this 22 day of September, 2025.

GREG L. BAGSHAW
GREG L. BAGSHAW

BEVERLY A. BAGSHAW
BEVERLY A. BAGSHAW

STATE OF INDIANA)
COUNTY OF Ellettsville) SS:

Before me, a Notary Public, in and for said County and State, personally appeared **GREG L. BAGSHAW** and **BEVERLY A. BAGSHAW** and acknowledge the execution of the foregoing as their free and voluntary act and deed for the use and purposes mentioned herein.

Witness my hand and seal, this 22ND day of September, 2025

My Commission Expires:

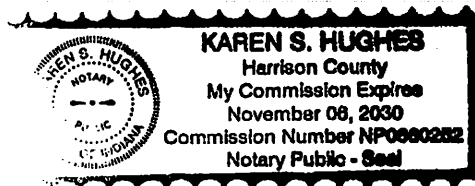
11-6-2030

Commission No. NPO 660252

Resident of Harrison Co., IN.

Karen S. Hughes
NOTARY PUBLIC

Karen S. Hughes
PRINTED NAME



Indiana Armory Board, LLC

GRUNDMAN.MICHAEL
L.PETER.1016633263
Digitally signed by GRUNDMAN.MICHAEL.PETER.10
16633263
Date: 2025.09.16 10:03:29 -0400

By: _____
SIGNATURE

Michael Grundman
PRINTED NAME AND TITLE

STATE OF INDIANA)
COUNTY OF Marion) SS:



Before me, a Notary Public, in and for said County and State, personally appeared INDIANA ARMORY BOARD, LLC, by its duly authorized member, Michael Grundman, and acknowledged the execution of the foregoing as its free and voluntary act and deed for the use and purposes mentioned herein.

Witness my hand and seal, this 16 day of Sept, 2025

My Commission Expires: Jan 20, 2033

TERRI LEVY
NOTARY PUBLIC

Terri Levy
PRINTED NAME

Commission No. NP0760990

Resident of Marion Co., IN.

THIS INSTRUMENT PREPARED BY:

CLARK COUNTY PLAN COMMISSION
WITH INFORMATION PROVIDED BY
YOUNG, LIND, ENDRES & KRAFT
JOHN A. KRAFT, ATTORNEY
126 W. SPRING STREET
NEW ALBANY, IN 47150

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.
Printed Name: Karen S. Hughes

EXHIBIT A

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