

ORDINANCE NO. 8, 2014

AN ORDINANCE AMENDING THE ZONING MAP REZONING LAND WITHIN THE CITY OF VALPARAISO, INDIANA FROM UR, URBAN RESIDENTIAL AND BP, BUSINESS PARK DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT, KNOWN AS "THE LAKES OF VALPARISO"

WHEREAS, a petition was presented by SJBZ Porter Holdings, LLC c/o Todd A. Leeth, Hoepfner, Wagner & Evan, LLP to rezone land located North of Evans Avenue, South of Vale Park Road, East of State Road 49 and West of Bartz Road from UR, URBAN RESIDENTIAL AND BP, BUSINESS PARK DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed rezoning on January 14th, 2014; and

WHEREAS, the general public was given an opportunity to comment on the proposed rezoning; and

WHEREAS, the Plan Commission voted to favorably recommend rezoning the property from UR, Urban Residential and BP, Business Park Districts to PUD, Planned Unit Development on January 14th, 2014 by a vote of 7-0.

NOW, THEREFORE, BE IT ORDAINED by the Common City of the City of Valparaiso, Indiana, as follows;

- a) City of Valparaiso's Comprehensive Plan;
- b) Current conditions and character of the current structures and structures and uses in each district;
- c) The most desirable use for which the land is adapted;
- d) The conservation of the property values throughout the jurisdiction; and
- e) Responsible development and growth.

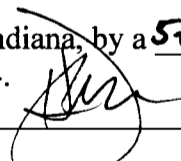
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1) The following described real estate in the City of Valparaiso, Indiana is hereby rezoned to PUD, Planned Unit Development zoning classification to wit:

See attached Legal Description - Exhibit A


2) This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 50 vote of all members present and voting this 29th day of February, 2014.

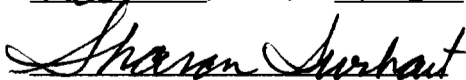


Jon Costas, Mayor

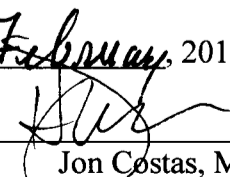
ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 29th day of Feb., 2014, at 7:15 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved/denied and signed by me this 29th day of February, 2014, at 7:15 o'clock p.m.



Jon Costas, Mayor

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PARCEL #1

Legal Description: A parcel of land being the West ½ of the Northwest Quarter of the Northeast Quarter and part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 35 North Range 5 West of the Second Principal Meridian, Porter County, Indiana, described as commencing at the Northeast corner of the Northwest Quarter, being the Point of Beginning; thence South 89 degrees 15 minutes 12 seconds East along the North Section line 668.42 feet; thence South 0 degrees 18 minutes 50 seconds West along the East line of the West ½ of the Northwest Quarter of the Northeast Quarter 1330.78 feet; thence North 89 degrees 20 minutes 28 seconds West along the South line of the Northwest Quarter of the Northeast Quarter 664.62 feet; thence North 89 degrees 29 minutes 07 seconds West along the South line of the Northeast Quarter of the Northwest Quarter 716.70 feet; thence 311.53 feet along a curve, being the East right-of-way line of Indiana Highway 49, having a radius of 8739.37 feet and a chord bearing North 7 degrees 42 minutes 43 seconds West 311.51 feet; thence North 5 degrees 11 minutes 06 seconds West along said right-of-way 204.10 feet; thence North 14 degrees 32 minutes 07 seconds West along said right-of-way 201.14 feet; thence North 10 degrees 16 minutes 30 seconds West along said right-of-way 550.00 feet; thence North 39 degrees 22 minutes 36 seconds East along said right-of-way 57.80 feet; thence South 89 degrees 32 minutes 30 seconds East along said right-of-way 100.00 feet; thence North 68 degrees 39 minutes 25 seconds East along said right-of-way 53.85 feet; thence North 0 degrees 27 minutes 30 seconds East 20.00 feet; thence South 89 degrees 32 minutes 30 seconds East along the North second line 485.64 feet; thence South 0 degrees 27 minutes 30 seconds West with the North Section line 214.53 feet; thence North 0 degrees 27 minutes 30 seconds East 203.05 feet; thence South 89 degrees 32 minutes 30 seconds East along the North section line 41.51 feet to the point of beginning.

Subject to all rights-of-way and easements of record and containing 43.759 acres after allowing for said right-of-way.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West, Porter County, Indiana, described as follows: Commencing at the Northeast corner of said Quarter Section; thence North 89 degrees 32 minutes 30 seconds West 256.04 feet along the North line of said Section to a corner of the owner's land; thence South 0 degrees 27 minutes 30 seconds West 20.00 feet to the South boundary of County Road 400 North and the point of beginning of this description; thence South 0 degrees 27 minutes 30 seconds West 183.05 feet along an East line of the owner's and; thence South 6 degrees 19 minutes 24 seconds West 348.78 feet; thence South 42 degrees 41 minutes 45 seconds West 292.65 feet; thence South 34 degrees 12

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minutes 36 seconds West 216.80 feet; thence South 11 degrees 02 minutes 13 seconds West 272.69 feet; thence South 4 degrees 16 minutes 02 seconds East 130.93 feet to the South line of said Quarter-Quarter Section; thence North 89 degrees 27 minutes 30 seconds West 59.27 feet along said South line to the Eastern boundary of S.R. 49; thence along the boundary of S.R. 49 Northwesterly 325.92 feet along an arc to the left and having a radius of 8,739.37 feet and subtended by a long chord having a bearing of North 7 degrees 39 minutes 52 seconds West and a length of 335.90 feet; thence North 5 degrees 11 minutes 06 seconds West 204.10 feet along said boundary; thence North 14 degrees 32 minutes 07 seconds West 201.14 feet along said boundary; thence North 10 degrees 16 minutes 30 second West 550.00 feet along said boundary to the Southeastern boundary of the intersection of said S.R. 49 and said County Road 400 North; thence North 39 degrees 22 minutes 36 seconds East 57.80 feet along the boundary of the intersection of said S.R. 49 and said County Road 400 North to the South boundary of said County Road 400 North; thence South 89 degrees 32 minutes 30 seconds East 100.00 feet along the boundary of said County Road 400 North; thence North 68 degrees 39 minutes 25 seconds East 53.85 feet along said boundary; thence South 89 degrees 32 minutes 30 seconds East 485.64 feet along said boundary to the point of beginning and containing 11.372 acres, more or less.

A part of the Northeast Quarter of the Northwest Quarter and a part of the Northwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 5 West, Porter County, Indiana, described as follows: Beginning at a point on the South boundary of County Road 400 North South 0 degrees 27 minutes 30 seconds West 20.00 feet from the Northwest corner of the Northeast Quarter of said Section; thence South 89 degrees 15 minutes 12 seconds East 458.27 feet along the boundary of said County Road 400 North; thence South 66 degrees 31 minutes 08 seconds West 109.66 feet; thence South 86 degrees 31 minutes 22 seconds West 400.44 feet to a West line of the owner's land; thence North 0 degrees 27 minutes 30 seconds East 74.29 feet along said West line to the South boundary of said County Road 400 North; thence South 89 degrees 32 minutes 30 seconds East 41.46 feet along the boundary of said County Road 400 North to the point of beginning and containing 0.600 acres, more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility (to be known as S.R. 49 and County Road 400 N. and as Project STP-089-1(001), to and from the owner's remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

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PARCEL #2

Legal Description: Business Park Parcel

A part of Parcel 2 and part of Parcel 3 as per Vansland, LLC, property described in Quit Claim Deed recorded as Document Number 2009-034179 on December 30, 2009 in the Porter County Recorder's Office being located in Section 17, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana, more particularly described as follows:

A parcel of land in Section 17, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana. More particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 17; Thence North 89°28'50" West, along the South line of said Quarter – Quarter, 440.0 feet; Thence continuing North 89°28'50" West, along said South line, 253.63 feet; Thence North 00°15'49" East, 208.0 feet; Thence North 89°28'50" West, 420.0 feet; Thence North 00°15'49" East, 95.0 feet; Thence North 89°28'50" West, 210.0 feet, to the Eastern line of Pine Creek Estates Subdivision, as per the plats of phase A, B and C, recorded in Documents 42-D-3, 42-D-3B and 42-D-3C, respectively, said line also being the East line of the Southwest Quarter of said Section 17; Thence North 00°15'49" East along said line, 2337.72 feet, to the Northern line of said Pine Creek Estates Subdivision, said Northern line also being the Northern line of the Southwest Quarter of said Section 17; Thence North 89°07'37" West 153.14 feet, along said North line to the Point of Beginning; Thence continuing North 89°07'37" West 511.78 feet to the Eastern right of way of State Road # 49; Thence North 00°18'53" East, 280.74 feet, along said Eastern right of way to the beginning of a curve, said curve being concave to the West, with a radius of 8594.37 feet and a chord distance of 1060.32 feet; Thence North and West along the length of said curve 1060.99 feet to the North line of the Southeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West; Thence South 89°22'23" East, 719.45 feet, along said North line to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 17; Thence South 89°31'09" East 1328.79 feet, along said North line to the Northeast corner of the Southwest Quarter of said Northeast Quarter; Thence South 00°30'40" West, 876.54 feet; thence North 89°31'43" West 1472.58 feet; thence South 00°00'00 West 463.88 feet to the Point of Beginning, containing 45.849 acres more or less.

Urban Residential Parcel

Parcel 1, Parcel 5, part of Parcel 2 and part of Parcel 3 as per Vansland, LLC, property described in Quit Claim Deed recorded as Document Number 2009-034179 on December 30, 2009 in the Porter County Recorder's Office being located in Section 17, Township 35 North,

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Range 5 West of the Second Principal Meridian in Porter County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 17; Thence North 89°28'50" West, along the South line of said Quarter – Quarter, 440.0 feet, to the Point of Beginning; Thence continuing North 89°28'50" West, along said South line, 253.63 feet; Thence North 00°15'49" East, 208.0 feet; Thence North 89°28'50" West, 420.0 feet; Thence North 00°15'49" East, 95.0 feet; Thence North 89°28'50" West, 210.0 feet, to the Eastern line of Pine Creek Estates Subdivision, as per the plats of phase A, B and C, recorded in Documents 42-D-3, 42-D-3B and 42-D-3C, respectively, said line also being the East line of the Southwest Quarter of said Section 17; Thence North 00°15'49" East along said line, 2337.72 feet, to the Northern line of said Pine Creek Estates Subdivision, said Northern line also being the Northern line of the Southwest Quarter of said Section 17; Thence North 89°07'37" West 153.14 feet; thence North 00°00'00 East 463.88 feet; thence South 89°31'43" East 1472.58 feet; Thence South 00°30'40" West, 453.17 feet to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 17; Thence South 00°04'46" West, 403.77 feet, along the east line of the Northwest quarter of the Southwest quarter of said section 17; Thence North 89°28'50" West, 220.0 feet; Thence South 00°04'46" East, 260.0 feet; Thence North 89°28'50" West 22.0 feet; Thence South 00°04'46" West 180.0 feet; Thence North 89°28'50" West, 198.0 feet; Thence South 00°04'46" West, 486.89 feet; Thence South 00°05'24" West, 1099.45; thence to the south line of property conveyed to Spencer by quit-claim deed recorded as Document Number 1993-011163 in said Recorder's Office; thence North 90°00'00" East along said Spencer property 202.0 feet; thence South 00°26'00" East 16 feet; thence South 90°00'00" West 202.0 feet; Thence South 00°05'24" West, 224.0 feet to the Point of Beginning, containing 71.720 acres more or less.