

ORDINANCE NO. 24-2006

AN ORDINANCE REZONING REAL ESTATE ON THE NORTH SIDE OF STATE ROAD 2 EAST OF STATE ROAD 49 FROM R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT, AND FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT, AND FROM C-3 GENERAL COMMERCIAL DISTRICT TO OS OPEN SPACE DISTRICT

WHEREAS, the petitioner, Lauth Property Group c/o Todd Leeth of Hoeppner, Wagner and Evans LLP, of 103 E. Lincolnway, Box 2357, Valparaiso, IN petition to rezone a parcel of land from R-3 to C-3, R-1 to C-3 and C-3 to OS and;

WHEREAS, said property is located on the north side of State Road 2 east of State Road 49 and;

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing and;

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

WHEREAS, the Plan Commission voted to recommend the approval of the zoning changes from R-3 to C-3, R-1 to C-3 and C-3 to OS by a 9-0 vote on July 12, 2005 and R-3 to C-3, R-1 to C-3 on June 13, 2006 by a 6-0 vote.

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

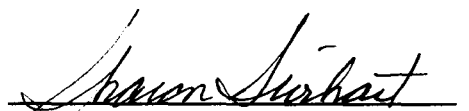
1. The following described real estate is hereby given the rezoning in the City of Valparaiso from R-3 to C-3, R-1 to C-3 and C-3 to OS. SEE ATTACHED LEGAL DESCRIPTIONS – EXHIBIT A
2. This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 26th day of July, 2006.

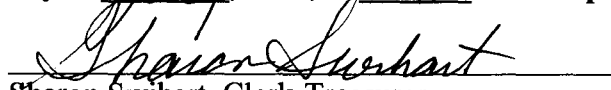


Jon Costas, Mayor

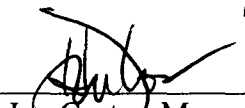
ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 26th day of July, 2006, at 8:10 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 26th day of July, 2006, at 8:10 o'clock p.m.


Jon Costas, Mayor

ORDINANCE 24-2006 ZONING LEGAL DESCRIPTIONS

The following parcels shall be rezoned from R-3 Multiple Family District to C-3 General Commercial District:

A part of the Northeast Quarter of Section 20, Township 35 North, Range 5 West, Porter County, Indiana, described as follows:

Commencing at the northwest corner of said northeast quarter; thence South 00 degrees 25 minutes 46 seconds West (assumed bearing) along the west line of said quarter section a distance of 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said point being 49.5 feet south (measured perpendicular) from the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line a distance of 27.65 feet; thence South 05 degrees 50 minutes 03 seconds East a distance of 821.22 feet; thence South 89 degrees 38 minutes 21 seconds East 883.96 feet; thence South 53 degrees 03 minutes 18 seconds East a distance of 18.42 feet to the Point of Beginning; thence North 00 degrees 02 minutes 03 seconds West a distance of 118.79 feet; thence South 58 degrees 15 minutes 54 seconds East a distance of 148.04 feet; thence South 89 degrees 37 minutes 10 seconds East a distance of 344.12 feet; thence South 00 degrees 00 minutes 46 seconds West a distance of 66.92 feet; thence South 47 degrees 17 minutes 21 seconds East a distance of 30.92 feet; thence South 30 degrees 42 minutes 49 seconds West a distance of 341.45 feet; thence South 00 degrees 22 minutes 50 seconds West a distance of 783.27 feet; thence North 65 degrees 30 minutes 29 seconds West a distance of 38.27 feet; thence North 00 degrees 21 minutes 39 seconds East a distance of 896.72 feet; thence North 53 degrees 03 minutes 18 seconds West a distance of 355.19 feet to the Point of Beginning, containing 2.90 acres, more or less.

A part of the Northeast Quarter of Section 20, Township 35 North, Range 5 West, Porter County, Indiana described as follows:

Commencing at the northwest corner of said northeast quarter; thence South 00 degrees 25 minutes 46 seconds West (assumed bearing) along the west line of said quarter section a distance of 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said point being 49.5 feet south (measured perpendicular) from the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line a distance of 27.65 feet to the Point of Beginning; thence continuing North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line a distance of 241.76 feet; thence South 00 degrees 45 minutes 40 seconds West a distance of 556.69 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 178.67 feet; thence North 05 degrees 50 minutes 03 seconds West a distance of 540.99 feet to the Point of Beginning, containing 2.64 acres, more or less.

A part of the Northeast Quarter of Section 20, Township 35 North, Range 5 West, Porter County, Indiana, described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 0 degrees 25 minutes 46 seconds West (bearing assumed) along the west line of said Northeast Quarter 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said line being 49.5 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 27.65 feet; thence South 5 degrees 50 minutes 03 seconds East 540.99 feet to the point of beginning of this description: thence North 90 degrees 00 minutes 00 seconds East 189.14 feet; thence South 0 degrees 00 minutes 00 seconds West 5.94 feet to the point of curvature of a curve concave northeasterly, the radius point of which lies North 90 degrees 00 minutes 00 seconds East 40.00 feet from said point; thence Southerly, Southeasterly and Easterly along said curve on arc distance of 62.83 feet to the point of tangency of said curve, said point lying South 0 degrees 00 minutes 00 seconds West 40.00 feet from said radius point; thence North 90 degrees 00 minutes 00 seconds East 469.57 feet; thence South 65 degrees 02 minutes 17 seconds East 251.88 feet; thence South 0 degrees 02 minutes 03 seconds East 143.18 feet; thence North 53 degrees 03 minutes 18 seconds West 18.42 feet; thence North 89 degrees 38 minutes 21 seconds

West 883.96 feet; thence North 5 degrees 50 minutes 03 seconds West 280.23 feet to the point of beginning and containing 4.853 acres, more or less.

The following parcel shall be rezoned from R-1 Single Family Residential to C-3 General Commercial District:

A part of the Southeast Quarter of Section 20 and a part of the Southwest Quarter of Section 21, all in Township 35 North, Range 5 West, Porter County, Indiana, described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 20; thence South 0 degrees 25 minutes 46 seconds West (bearing assumed) along the west line of said Northeast Quarter 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said line being 49.5 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 1328.85 feet to the west line of the East Half at said Northeast Quarter; thence South 0 degrees 21 minutes 58 seconds West along said west line 0.50 feet to the southern right-of-way line of said Grand Trunk Western Railroad, said line being 50 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 1328.96 feet to the east line of said Northeast Quarter; thence continuing North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 66.18 feet to the east line of the west 4 rods of the Northwest Quarter of said Section 21; thence South 0 degrees 18 minutes 45 seconds West along said east line 2317.26 feet to the south line of said Northwest Quarter and the point of beginning of this description: thence South 89 degrees 39 minutes 06 seconds East along said south line which is the north line of said Southwest Quarter 38.20 feet to 4* diameter by 26* monument; thence South 0 degrees 27 minutes 32 seconds West 213.30 feet to a 4* diameter by 26* monument; thence South 82 degrees 43 minutes 39 seconds West 104.65 feet to the west line of said Southwest Quarter; thence South 0 degrees 20 minutes 37 seconds West along said west line 95.88 feet; thence South 82 degrees 19 minutes 46 seconds West 140.33 feet; thence South 0 degrees 00 minutes 00 seconds West 73.30 feet to the centerline of State Road 2; thence South 82 degrees 19 minutes 46 seconds West along said centerline 492.03 feet to a point on a curve concave northerly, the radius point of which lies North 7 degrees 40 minutes 17 seconds West 2864.90 feet from said point; thence along said centerline Westerly along said curve an arc distance of 220.18 feet to the east line of a tract of land described in Deed Record 356, page 599 in the Office of the Recorder of Porter County, Indiana, said point lying South 3 degrees 16 minutes 05 seconds East 2864.90 feet from said radius point; thence North 0 degrees 02 minutes 40 seconds East along said east line and said east line prolonged northerly 515.05 feet to the north line of said Southeast Quarter; thence South 89 degrees 06 minutes 00 seconds East along said north line 847.46 feet to the northeast corner of said Southeast Quarter which is the northwest corner of said Southwest Quarter; thence South 89 degrees 39 minutes 06 seconds East along the north line of said Southwest Quarter 65.96 feet to the point of beginning and containing 9.214 acres, more or less.

The following parcel shall be rezoned from R-1 Single Family Residential District and R-3 Multiple Family District to C-3 General Commercial District:

A part of the Northeast and Southeast Quarters of Section 20, Township 35 North, Range 5 West, Porter County, Indiana, described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 0 degrees 25 minutes 46 seconds West (bearing assumed) along the west line of said Northeast Quarter 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said line being 49.5 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 27.65 feet; thence South 5 degrees 50 minutes 03 seconds East 540.99 feet; thence North 90 degrees 00 minutes 00 seconds East 189.14 feet; thence South 0 degrees 00 minutes 00 seconds West 5.94 feet to the point of curvature of a curve concave northeasterly, the radius point of which lies North 90 degrees 00 minutes 00 seconds East 40.00 feet from said point; thence Southerly, Southeasterly and Easterly along said curve on arc distance of 62.83 feet to the point of tangency of said curve, said point lying South 0 degrees 00 minutes 00 seconds West 40.00 feet from said radius point; thence North 90 degrees 00 minutes 00 seconds East 469.57 feet; thence South 65 degrees 02 minutes 17 seconds East 251.88 feet;

thence South 0 degrees 02 minutes 03 seconds East 349.94 feet; thence South 0 degrees 22 minutes 50 seconds West 106.13 feet to the point of curvature of a curve concave northeasterly, the radius point of which lies South 89 degrees 37 minutes 10 seconds East 50.00 feet from said point; thence Southerly, Southeasterly and Easterly along said curve on arc distance of 78.60 feet to the point of tangency of said curve, said point lying South 0 degrees 18 minutes 59 seconds West 50.00 feet from said radius point; thence South 89 degrees 41 minutes 01 second East 233.79 feet; thence South 0 degrees 21 minutes 39 seconds West 745.70 feet to the point of beginning of this description: thence South 66 degrees 19 minutes 43 seconds East 439.09 feet; thence South 0 degrees 02 minutes 40 seconds West 41.90 feet; thence North 65 degrees 55 minutes 09 seconds West 440.71 feet; thence North 0 degrees 21 minutes 39 seconds East 38.37 feet to the point of beginning and containing 0.371 acres, more or less.

The following parcel shall be rezoned from C-3 General Commercial District to OS Open Space District:

A part of the Southeast Quarter of Section 20 and a part of the Southwest Quarter of Section 21, all in Township 35 North, Range 5 West, Porter County, Indiana, described as follows:

Commencing at the northwest corner of the Northeast Quarter of said Section 20; thence South 0 degrees 25 minutes 46 seconds West (bearing assumed) along the west line of said Northeast Quarter 588.47 feet to the southern right-of-way line of the Grand Trunk Western Railroad, said line being 49.5 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 1328.85 feet to the west line of the East Half of said Northeast Quarter; thence South 0 degrees 21 minutes 58 seconds West along said west line 0.50 feet to the southern right-of-way line of said Grand Trunk Western Railroad, said line being 50 feet south of, as measured normal to, the centerline of said right-of-way; thence North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 1328.96 feet to the east line of said Northeast Quarter; thence continuing North 85 degrees 37 minutes 22 seconds East along said southern right-of-way line 66.18 feet to the east line of the west 4 rods of the Northwest Quarter of said Section 21; thence South 0 degrees 18 minutes 45 seconds West along said east line 2317.26 feet to the south line of said Northwest Quarter, thence South 89 degrees 39 minutes 06 seconds East along said south line which is the north line of said Southwest Quarter 38.20 feet to a 4* diameter by 26* monument; thence South 0 degrees 27 minutes 32 seconds West 213.30 feet to a 4* diameter by 26* monument; thence South 82 degrees 43 minutes 39 second West 104.65 feet to the west line of said Southwest Quarter; thence South 0 degrees 20 minutes 37 seconds West along said west line 95.88 feet to the POINT OF BEGINNING; thence South 00 degrees 20 minutes 37 seconds West 73.36 feet along said west line to the centerline of State Road 2; thence South 82 degrees 19 minutes 46 seconds West 139.88 feet along the centerline of State Road 2; thence North 00 degrees 00 minutes 00 East 73.30 feet; thence North 82 degrees 19 minutes 46 seconds East 140.33 feet to the POINT OF BEGINNING 0.234 acres, more or less.