

## AGENDA

### VALPARAISO PLAN COMMISSION

**Tuesday - April 10<sup>th</sup>, 2018**

**7:00 PM - City Hall Council Chambers**

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Minutes**
- IV. Old Business**

**None**

- V. New Business**

**VAC18-001** – Vacation of Platted Easements for Leisure Drive Immediately Adjacent to Lots 5 and 6 in Myrtlewood Addition in the City of Valparaiso.

**RP18-001** – A petition filed by The Lutheran University Association, Inc. d/b/a Valparaiso University, 1700 Chapel Drive, Valparaiso, IN 46383. The petitioner request approval of a plat amendment to Lots 1-8 in Block 1, Smith's Addition to the City of Valparaiso.

- VI. Staff Items**
- VII. Adjournment**

NEXT REGULAR PLAN COMMISSION MEETING:

MAY 8<sup>TH</sup> 2018 - 7:00 PM – CITY HALL COUNCIL CHAMBERS, 166 LINCOLNWAY

**\*\*Requests for alternate formats please contact  
Tyler Kent at [tkent@valpo.us](mailto:tkent@valpo.us) or 219-462-1161. \*\***

**VALPARAISO BOARD OF PLAN COMMISSION**  
**Regular Meeting Minutes**  
**January 9, 2018**

The regular meeting of the Valparaiso Plan Commission was held at 7:00 p.m. on Tuesday, January 9, 2018 in the Valparaiso City Hall Council Chambers. Bruce Berner presided.

Members present were: Jim Mooney, Matt Evans, Diane Worstell, Christa Emerson, Trista Hudson, Vic Ritter, Tim Burkman, and Bruce Berner. Also present were Attorney Scott Bozik, Tyler Kent, citizens, and representatives of the press.

**MINUTES:**

Jim Mooney made a motion to approve the December 12, 2017 regular meeting minutes as submitted. Trista Hudson seconded the motion. A voice vote was taken and unanimously carried.

**ELECTIONS:**

**President:**

Motion to nominate Bruce Berner President of the Plan Commission was made by Jim Mooney. Christa Emerson seconded the motion. A voice vote was taken and unanimously carried.

**Vice-President:**

Motion to nominate Matt Evans Vice-President of the Plan Commission was made by Jim Mooney. Christa Emerson seconded the motion. A voice vote was taken and unanimously carried.

**Secretary:**

Motion to appoint Helene Pierce Secretary of the Plan Commission was made by Bruce Berner. Trista Hudson seconded the motion. A voice vote was taken and unanimously carried.

**Attorney:**

Motion to appoint the Law Office of Blachly Tabor Bozik and Hartman Council for the Plan Commission was made by Christa Emerson. Trista Hudson seconded the motion. A voice vote was taken and unanimously carried.

*\*Note: 2018 commences Jim Mooney and Diane Worstell's 4<sup>th</sup> year.*

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

**RP17-004** – A petition filed by Pepper Cove Development, LLC, 8051 Wicker Avenue, Suite A, St. John, IN. The petitioner requests approval of a replat of lots 1 through 11 and Lots 27 through 33 in Pepper Grove Subdivision – Phase I. Mr. Greg Bower presented. The lots included are twin-home lots that the developer would like to split into two individual lots for individual sale and home ownership. Tyler Kent advised that in November 2017, the Board of Zoning Appeals approved the Developmental Standards variance to allow for additional twin home lots. Tim Burkman noted that he raised a question regarding site distance at Froberg Road from Kari Drive and Ed with Olthoff Homes is looking into the request.

**Motion:** Tim Burkman made a motion to approve RP17-004 subject to receipt of necessary site calculations from Kari Drive onto Froberg Road and any property engineering follow through as needed. Christa Emerson seconded the motion. A roll call vote was taken and unanimously carried.

**FAC18-001** – Façade Improvement Program (Brent Wagner/Thomas Calhoun) – Request to amend a façade renovation application for the building located at 203 Monroe Street, Valparaiso. Mr. Brent Wagner presented. Tom Calhoun plans to move his office for

steel distribution to 203 Monroe Street. He would like to showcase some steel materials such as small steel panels on stand offs in front of the structure, a steel pagoda in the rear, and horizontal steel panels on the side of the building all while keeping the character of the original building. Vic Ritter advised this is a nice renovation of the building and the materials suggested are appropriate for the building.

Q: Is the building all brick now?

A: No. The front and rear wing-walls are but the center section is concrete block and vinyl siding.

Q: How much grant match funding are you requesting?

A: \$25,000.

Motion: Vic Ritter made a motion to favorably recommend FAC18-001 to City Council as presented. Jim Mooney seconded the motion. A roll call vote was taken and unanimously carried.

**STAFF ITEMS:**

**2017 Meeting Dates:** Tyler Kent advised Members were provided a listing of the application deadline dates, 2018 meeting dates, and Instructions for filing a petition with an increased fee for Plat Committee review prior to the meeting. Tyler Kent proposed increasing the Plat Committee review fee to \$200.

Motion: Tim Burkman made a motion to approve the 2018 deadline dates, meeting dates and Instructions for filing a petition with a Plat Committee review fee of \$200. Jim Mooney seconded the motion. A voice vote was taken and unanimously carried.

**ADJOURNMENT:**

The January 9, 2018 Plan Commission meeting adjourned at 7:25 p.m.

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Tyler Kent, Executive Secretary

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Bruce Berner, President

FILED

MAR 02 2018 \$100.00 R# 44245 (H)

PETITION #: VAC 18-801  
(staff use only)

VALPARAISO PLAN COMMISSION  
PETITION FOR PUBLIC HEARING

*Shawn Emmons*  
Clerk-Treasurer

The undersigned applicant respectfully petitions the City of Valparaiso Plan Commission:

(CHECK ALL THAT APPLY)

PUBLIC HEARING REQUIRED – See Items #8 and #9 in Application Checklist

- To rezone said property from the \_\_\_\_\_ zoning district to \_\_\_\_\_ zoning district
- To approve a Primary Plat
- To approve a Planned Unit Development (PUD)
- To approve a Major Planned Unit Development Amendment
- To annex property into the City of Valparaiso, Indiana – Checklist item #10
- To vacate alley
- To appeal the decision of the Plat Committee

NO PUBLIC HEARING REQUIRED

- To approve a Minor Subdivision (Lot Split)
- To approve a Final Plat
- To approve a Plat Amendment
- Design/Architectural Approval in \_\_\_\_\_ Overlay District

Please provide the following information:  
(print or type)

<u>City of Valparaiso</u>	<u>166 Lincolnway, Valparaiso, IN</u>	<u>(219) 464-4273</u>
Owner of property	Address	Phone

<u>Tyler Kent</u>	<u>(219) 464-4273</u>	<u>tkent@valpo.us</u>
Contact person	Phone	Email

Applicant is (check one):  Sole Owner  Joint Owner  Tenant  Agent  Other

<u>McDonald's Corporation</u>	<u>1575 Adler Cir. Suite C Portage, IN 46368</u>	<u>(630) 623-3000</u>
Petitioner	Address	Phone

Address or description of location of property: On the south side of existing McDonald's

Parcel/Tax Duplicate Number Public R.O.W - No PIN number

Subdivision (if Applicable) Myrtle Wood 1st ADD.

This property is located on the East side of Calumet Ave. Street/Road

between (streets) McDonald Drive and Glendale BLVD.

Current Zoning of Property CG Proposed Zoning of Property CG

Zoning of Adjacent Properties: North CG South CG  
East CG West CG Other CG

Other information:

Dimensions of property: Frontage 20' Depth 235'

Property Area (sq. ft./acres) +/-4,700 sf

Present use of property:

Access drive for existing McDonald's restaurant.

Proposed use of property:

Access drive for existing McDonald's restaurant.

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Proposed Variances or Waivers (PUD or Subdivision Plats)

Legal description for property: (Exhibit #     )

See enclosed sheet.

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ALL OWNERS OF RECORD OF THE ABOVE-REFERENCED PROPERTY MUST SIGN THE PETITION FOR PUBLIC HEARING. The owner(s), by signing this Petition for Public Hearing, represent to the City of Valparaiso – Plan Commission, that he/she/it has the necessary legal authority to request action to be taken on the above-referenced property. If the name of the Petitioner is different from the property owner, the Plan Commission shall accept the requests and representations of the Petitioner and the property owner shall be bound by such requests and representations via the Attached Affidavit of Consent of Property Owner.

PETITION FEES (CHECK ALL THAT APPLY)

<input type="checkbox"/>	Rezoning:	\$150	
<input type="checkbox"/>	Subdivision Primary Plat:	\$150 + \$10 per lot	<input type="checkbox"/> Lots X \$10 = <input type="text"/>
<input type="checkbox"/>	Subdivision Amendment	\$100 + \$5 per lot	<input type="checkbox"/> Lots X \$5 = <input type="text"/>
<input type="checkbox"/>	Planned Unit Development (PUD):	\$500 + \$10 per lot	<input type="checkbox"/> Lots X \$10 = <input type="text"/>
<input type="checkbox"/>	Major PUD Amendment	\$250 + \$5 per lot	<input type="checkbox"/> Lots X \$5 = <input type="text"/>
<input type="checkbox"/>	Minor Subdivision (Lot Split)	\$150	
<input type="checkbox"/>	Subdivision Final Plat	\$100 + \$5 per lot	<input type="checkbox"/> Lots X \$5 = <input type="text"/>
<input type="checkbox"/>	Minor PUD Amendment	\$150	
<input type="checkbox"/>	Annexation:	\$500 + Cost of Fiscal Plan***	
<input type="checkbox"/>	Design/Architectural Approval	\$150	
<input type="checkbox"/>	Overlay District		
<input type="checkbox"/>	Special Meeting Fee	\$1500	
<input type="checkbox"/>	Text Amendment	\$250	
<input type="checkbox"/>	Comprehensive Plan Amendment	\$250	
<input checked="" type="checkbox"/>	Vacation	\$100	
<input type="checkbox"/>	Plat Committee Appeal	\$200	

TOTAL FEE   \$100  

\*\*\*The Plan Commission requires that all fiscal plans be prepared by a municipal advisor firm approved by the Planning Department. The applicant is solely responsible for the cost of the preparation of the fiscal plan. The fiscal plan must be submitted together with the applicant's petition for public hearing. The fiscal plan must comply with the requirements of Ind. Code § 36-4-3-13(d).

\_\_\_\_\_  
Signature of owner/Petitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

**STAFF USE ONLY**

Date received: \_\_\_\_\_

\_\_\_ Names and addresses of property owners within 300 feet provided

\_\_\_ Plot Plan attached

\_\_\_ Legal Description provided

\_\_\_ Petition filled out completely

Date approved for public hearing: \_\_\_\_\_ Date of public hearing: \_\_\_\_\_

Date legal notice mailed: \_\_\_\_\_ Date to be published: \_\_\_\_\_

Date property owner notices mailed: \_\_\_\_\_

Additional information: \_\_\_\_\_

**HEREBY VACATED LEISURE DRIVE:**

THAT PART OF LEISURE DRIVE RIGHT-OF-WAY LYING IMMEDIATELY ADJACENT TO LOTS 5 AND 6 IN MYRTLEWOOD ADDITION TO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, AS SHOWN ON PLAT IN MISCELLANEOUS RECORD "L", PAGE 368, IN THE RECORDER'S OFFICE OF PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 89 DEGREES 55 MINUTES 44 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 5 BEING ALSO THE NORTH LINE OF SAID LEISURE DRIVE, 235.00 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS WEST, 10.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 44 SECONDS WEST, 4.78 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 16 SECONDS WEST, 10.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE NORTH 89 DEGREES 55 MINUTES 44 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 6 BEING ALSO THE SOUTH LINE OF LEISURE DRIVE, 239.20 FEET TO THE NORTHWEST CORNER OF SAID LOT 6 BEING ON THE EAST RIGHT-OF-WAY LINE OF CALUMET AVENUE; THENCE NORTH 24 DEGREES 15 MINUTES 16 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE OF CALUMET AVENUE, 21.92 FEET TO THE PLACE OF BEGINNING.

THE VACATION OF THE ABOVE DESCRIBED PORTION OF LEISURE DRIVE SHALL NOT IN ANY RESPECTS REVOKE, ANNUL, OR DISCHARGE ANY EASEMENT WHICH DOES OR MAY EXIST OVER OR ALONG THE PROPERTY OVER WHICH THE STREET IS VACATED FOR ANY PUBLIC SEWER OR ANY PUBLIC UTILITY.

**LEGAL DESCRIPTIONS OF FINAL TWO LOTS AFTER VACATED LEISURE DRIVE:**

"LOT 5 IN MYRTLEWOOD FIRST ADDITION TO THE CITY OF VALPARAISO, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 6 WEST AND SECTION 18, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN PORTER COUNTY, INDIANA, AS SHOWN ON PLAT IN MISCELLANEOUS RECORD "L", PAGE 368, IN THE RECORDER'S OFFICE OF PORTER COUNTY, INDIANA."

"LOT 6 IN MYRTLEWOOD FIRST ADDITION TO THE CITY OF VALPARAISO, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 6 WEST AND SECTION 18, TOWNSHIP 35 NORTH, RANGE 5 WEST, IN PORTER COUNTY, INDIANA, AS SHOWN ON PLAT IN MISCELLANEOUS RECORD "L", PAGE 368, IN THE RECORDER'S OFFICE OF PORTER COUNTY, INDIANA."





Parcel Number	Owner	Owner Address	Site Address
64-09-13-280-002.000-004	Ratnayake Tikiri & Angela/H&W	1910 Calumet Ave Valparaiso IN 46383	1910 N Calumet Ave Valparaiso IN 46383
64-09-13-280-003.000-004	Vet Properties LLC	1906 Calumet Ave Valparaiso IN 46383	1906 N Calumet Ave Valparaiso IN 46383
64-09-13-277-004.000-004	Infinitive 50 LLC	6418 Vista Pacifica Rancho Palos Verdes CA 90275	2101 N Calumet Ave Valparaiso IN 46383
64-09-13-280-005.000-004	Radosevich John M & Davis Judy L/H&	807 Glendale Blvd Valparaiso IN 46383	807 Glendale Blvd Valparaiso IN 46383
64-09-13-277-001.000-004	Frye Karrie A	802 Albert St Valparaiso IN 46383	802 Albert St Valparaiso IN 46383
64-09-13-280-007.000-004	1101 Glendale Boulevard LLC	1230 Ridgedale Rd South Bend IN 46614	1100 Glendale Ave Valparaiso IN 46383
64-09-13-277-008.000-004	CF Net Lease Portfolio VI DST	PO Box 1159 Reel Estate Tax Department Deerfield IL 60015	1903 Calumet Ave Valparaiso IN 46383
64-09-13-280-006.000-004	McDonald's Corporation %Rest Mgmt C	1575 Adler Cir Ste C Portage IN 46368	2002 N Calumet Ave Valparaiso IN 46383
64-09-13-277-006.000-004	Frederick Personal Trust	2005 Calumet Ave Valparaiso IN 46383	2003-05 N Calumet Ave Valparaiso IN 46383
64-09-13-277-007.000-004	Housing Opportunities Inc	2001 Calumet Ave Valparaiso IN 46383	2001 N Calumet Ave Valparaiso IN 46383
64-09-13-278-019.000-004	B & H Real Estate LLC	1852 Hampstead Ct Valparaiso IN 46385	2102 N Calumet Ave Valparaiso IN 46383
64-09-13-277-005.000-004	A H & K Llc	2056 Mill Creek Ct Valparaiso IN 46385	2007 N Calumet Ave Valparaiso IN 46383
64-09-13-280-004.000-004	Connors Gary H	803 Glendale Blvd Valparaiso IN 46383	803 Glendale Blvd Valparaiso IN 46383
64-09-13-280-001.000-004	Franchise Realty Corp %Rest Mgmt Co	1575 Adler Cir Sui Te C Portage IN 46368	2002 N Calumet Ave Valparaiso IN 46383
64-09-13-280-009.000-004	1101 Glendale Boulevard LLC	1230 Ridgedale Rd South Bend IN 46614	1101 Glendale Blvd Valparaiso IN 46383
64-09-13-278-007.000-004	R&H LLC	1852 Hampstead Ct Valparaiso IN 46385	2004 N Calumet Ave Valparaiso IN 46383
64-09-13-277-002.000-004	Frederick Personal Trust	2005 Calumet Ave Valparaiso IN 46383	Albert St Valparaiso IN 46383

## **Project Description**

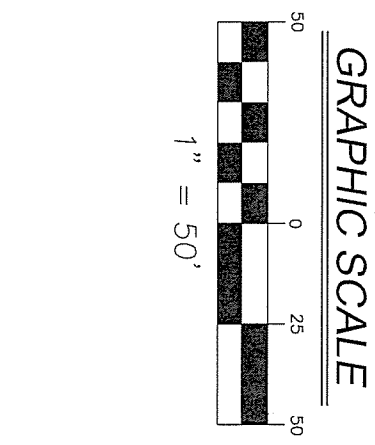
The McDonald's located at 2002 Calumet Ave was originally built in 1970, and the southern driveway and parking was built at that time. The McDonald's currently leases the parking on the south side of the alley from the owner of the property to the south. The intent of this alley vacation is to clean up the situation by legally granting the alley to neighboring properties.

# EXHIBIT FOR RIGHT-OF-WAY VACATION

## LEISURE DRIVE

VALPARAISO, INDIANA

MYRTLEWOOD 1ST ADDITION  
PAGE 09-13, PLATBOOK M.L368



CALUMET AVENUE (IN. ROUTE 49)  
E. RIGHT-OF-WAY LINE OF CALUMET AVE.  
N24°15'16"E (N24°11'E)  
133.74  
60.00'

P.O.B.  
SW. COR. OF LOT 5  
PIN: 64-09-13-280-001.000-004  
OWNER: McDONALD'S CORPORATION  
ADDRESS: 2002 CALUMET AVE.  
VALPARAISO, IN 46383  
SITE ID# 13-0044

MYRTLEWOOD 1ST ADDITION  
PAGE 09-13, PLATBOOK M.L368

LEISURE DRIVE HEREBY VACATED  
N. LINE OF LOT 6  
N24° 15' 16"E 21.92'  
S89° 55' 44"E 235.00'  
S. LINE OF LOT 5  
20.00'

6  
N89° 55' 44"W 239.20'  
S00° 04' 16"W 10.00'

9  
N89° 55' 44"W 4.78'

10

MYRTLEWOOD 1ST ADDITION  
PAGE 09-13, PLATBOOK M.L368

HERETOFORE VACATED LEISURE DRIVE  
PIN: 64-09-13-280-009.000-004  
OWNER: GLENDALE OFFICE GROUP, LLC.

N.W. COR. OF LOT 5  
PIN: 64-09-13-280-002.000-004  
OWNER: RATNAYAKE, TIKIRI & ANGELA

S89°55'44"E 216.17  
S00°04'16"W 8.50  
S89°55'44"E 139.04  
S00°04'16"W 123.50 (123.5')  
S00°04'16"W  
175.00 N89°55'44"W



Engineers  
Scientists  
Surveyors

7325 Janes Avenue, Suite 100  
Woodridge, IL 60517  
630.724.9200 voice  
630.724.0384 fax  
v3co.com

PREPARED FOR:  
**McDONALD'S USA**  
711 JORIE BLVD. - THIRD FLOOR  
OAK BROOK, ILLINOIS 60523  
630-623-3000

PROJECT NO. 14092.11MRP  
GROUP NO. LINE 7 VP041  
SCALE: 50'  
DATE: 01/09/18

PETITION #: RP18-001  
(staff use only)

**VALPARAISO PLAN COMMISSION  
PETITION FOR PUBLIC HEARING**

The undersigned applicant respectfully petitions the City of Valparaiso Plan Commission:

(CHECK ALL THAT APPLY)

PUBLIC HEARING REQUIRED – See Items #8 and #9 in Application Checklist

- To rezone said property from the \_\_\_\_\_ zoning district to \_\_\_\_\_ zoning district  
 To approve a Primary Plat  
 To approve a Planned Unit Development (PUD)  
 To approve a Major Planned Unit Development Amendment  
 To annex property into the City of Valparaiso, Indiana – Checklist item #10  
 To vacate alley

NO PUBLIC HEARING REQUIRED

- To approve a Minor Subdivision (Lot Split)  
 To approve a Final Plat  
 To approve a Plat Amendment  
 Design/Architectural Approval in \_\_\_\_\_ Overlay District

Please provide the following information:  
(print or type)

The Lutheran University Association, Inc d/b/a Valparaiso University	1700 Chapel Dr. Valparaiso, IN 46383	219.464.5215
Owner of property	Address	Phone
VP for Finance & Administration Susan D. Scroggins	219.464.5215	susan.scroggins@valpo.edu
Contact person	Phone	Email

Applicant is (check one):  Sole Owner  Joint Owner  Tenant  Agent  Other

The Lutheran University Association, Inc d/b/a Valparaiso University	1700 Chapel Dr. Valparaiso, IN 46383	219.464.5215
Petitioner	Address	Phone

Address or description of location of property: Approximately 225' of frontage real estate on Union St. between Greenwich St. and Garfield Ave.

Parcel/Tax Duplicate Number 64-09-25-204-008.000-004, 64-09-25-204-009.000-004, 64-09-25-204-010.000-004, 64-09-25-204-011.000-004, 64-09-25-204-005.000-004, 64-09-25-204-012.000-004, 64-09-25-204-013.000-004 Exhibit A

Subdivision (if Applicable) Smith's Addition

This property is located on the South side of Union St. Street/Road

between (streets) Garfield Ave and Greenwich St.

Last updated 12/10/15

PETITION FEES (CHECK ALL THAT APPLY)

<input type="checkbox"/>	Rezoning:	\$150	
<input type="checkbox"/>	Subdivision Primary Plat:	\$150 + \$10 per lot	<input type="checkbox"/> Lots X \$10 = <input type="checkbox"/>
<input checked="" type="checkbox"/>	Subdivision Amendment	\$100 + \$5 per lot	<u>1</u> Lots X \$5 = <u>\$105.00</u>
<input type="checkbox"/>	Planned Unit Development (PUD):	\$500 + \$10 per lot	<input type="checkbox"/> Lots X \$10 = <input type="checkbox"/>
<input type="checkbox"/>	Major PUD Amendment	\$250 + \$5 per lot	<input type="checkbox"/> Lots X \$5 = <input type="checkbox"/>
<input type="checkbox"/>	Minor Subdivision (Lot Split)	\$150	
<input type="checkbox"/>	Subdivision Final Plat	\$100 + \$5 per lot	<input type="checkbox"/> Lots X \$5 = <input type="checkbox"/>
<input type="checkbox"/>	Minor PUD Amendment	\$150	
<input type="checkbox"/>	Annexation:	\$500	
<input type="checkbox"/>	Design/Architectural Approval	\$150	
<input type="checkbox"/>	<input type="checkbox"/> Overlay District		
<input type="checkbox"/>	Special Meeting Fee	\$1500	
<input type="checkbox"/>	Text Amendment	\$250	
<input type="checkbox"/>	Comprehensive Plan Amendment	\$250	
<input type="checkbox"/>	Vacation	\$100	
TOTAL FEE		\$105.00	

Susan D. Scroggins February 7, 2018  
 Signature of owner/Petitioner Date

Susan D. Scroggins, Vice President for Finance and Administration  
 Printed name

Subscribed and sworn to before me this 7th day of February, 2018.

Rebekah Arevalo  
 Notary Public Rebekah Arevalo

REBEKAH AREVALO  
 Notary Public  
**SEAL**  
 Lake County, State of Indiana  
 My Commission Expires January 10, 2025  
 Commission #: 695173

My Commission Expires:  
January 10, 2025

**STAFF USE ONLY**

Date received: \_\_\_\_\_

- Names and addresses of property owners within 300 feet provided
- Plot Plan attached
- Legal Description provided
- Petition filled out completely

Date approved for public hearing: \_\_\_\_\_ Date of public hearing: \_\_\_\_\_

Date legal notice mailed: \_\_\_\_\_ Date to be published: \_\_\_\_\_

Date property owner notices mailed: \_\_\_\_\_

Additional information: \_\_\_\_\_

**Affidavit of Consent of Property Owner**

(To be presented with application for Plan Commission Action)

Susan D. Scroggins, being dully sworn upon his/her oath, being of sound mind and legal age deposes and states:

1. That he/she is the authorized Petitioner Agent / Treasurer (agent, attorney, other – Please indicate) of the property described in the attached notice which an application for a Plan Commission action has been filed before the Plan Commission of the City of Valparaiso, Indiana.

*Susan D. Scroggins*  
**Petitioner**

February 7, 2018

**Date**

Susan D. Scroggins, VP for Finance & Administration

Subscribed and sworn to before me this 7<sup>th</sup> day of February, 2018.

*Rebekah Arevalo*  
 Notary Public Rebekah Arevalo

My Commission Expires:

January 20, 2025

REBEKAH AREVALO  
Notary Public

**SEAL**

Lake County, State of Indiana  
My Commission Expires January 10, 2025  
Commission #: 695173

# EXHIBIT A

Subdivision: Smith's Add. | Section: 25-35N-06W | Political Township: Center Twp.

Plats / Parcel No.

204-008 - 64-09-25-204-008.000-004

204-009 - 64-09-25-204-009.000-004

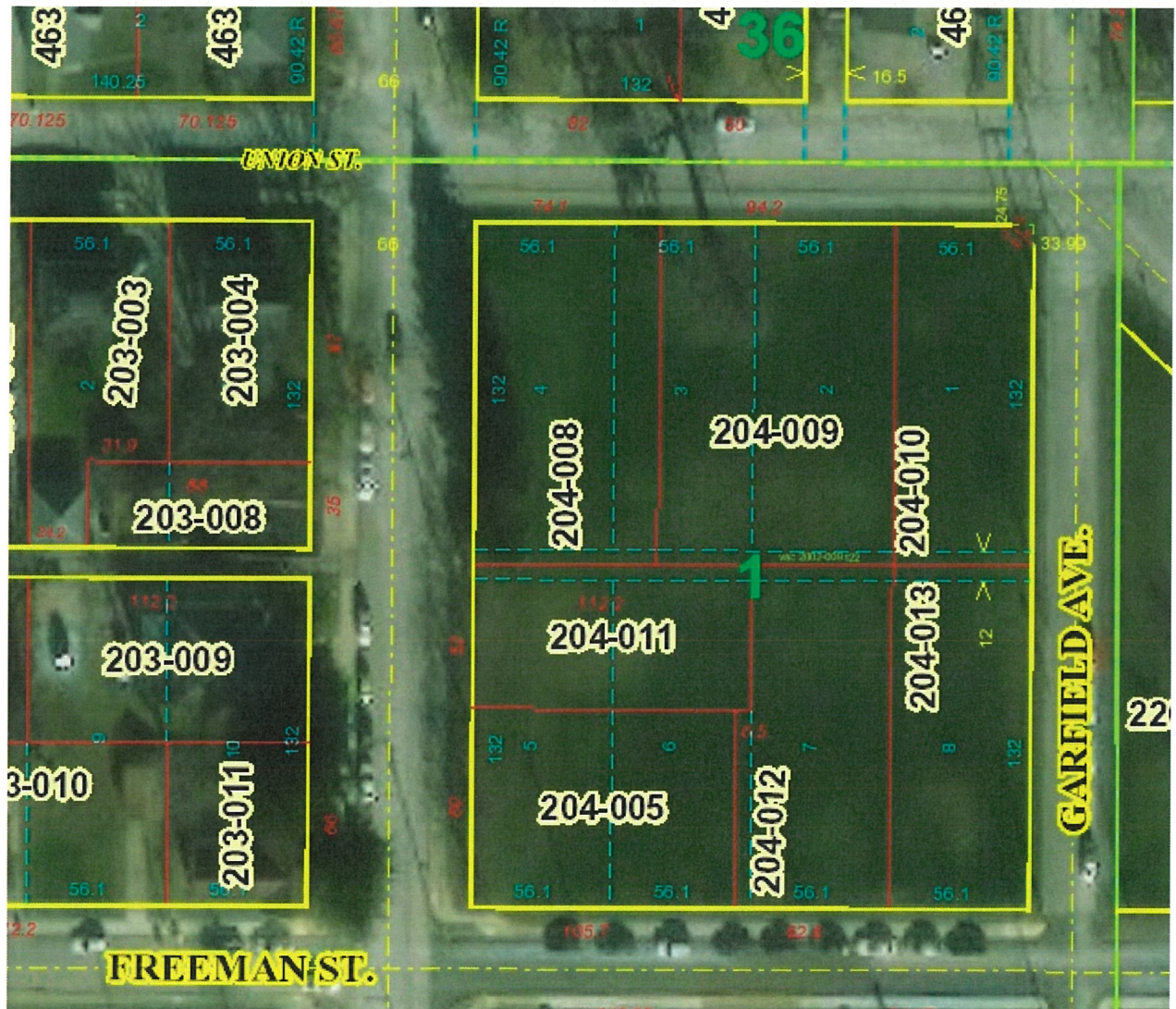
204-010 - 64-09-25-204-010.000-004

204-011 - 64-09-25-204-011.000-004

204-005 - 64-09-25-204-005.000-004

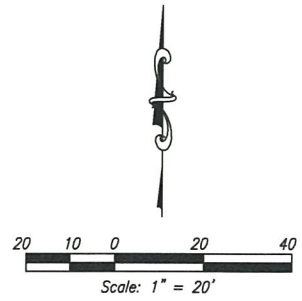
204-012 - 64-09-25-204-012.000-004

204-013 - 64-09-25-204-013.000-004

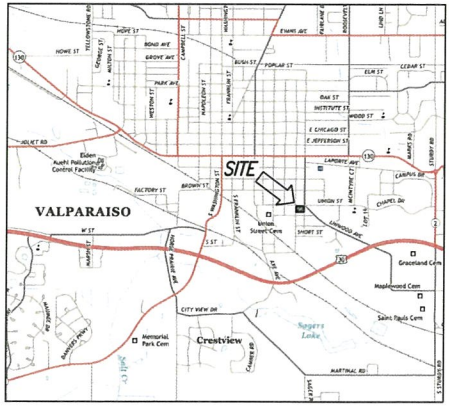




# RESUBDIVISION OF BLOCK 1 IN SMITH'S ADDITION



(123) Street Address  
RBS 5/8" Rebar Set w/yellow cap stamped "IRM #0058"



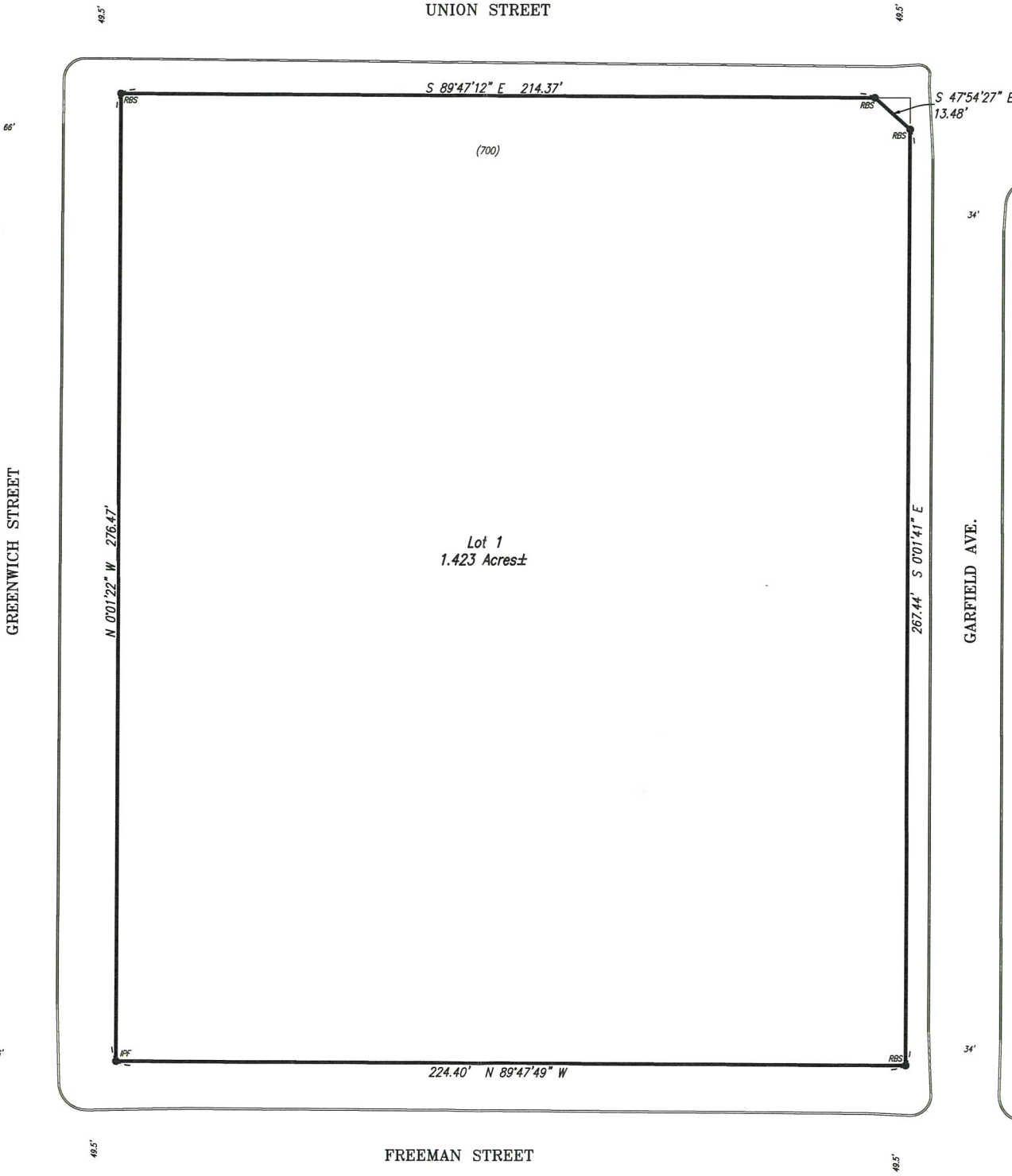
**Vicinity Map**  
Not to Scale

**Legal Description**

Part of Block 1, Smith's Addition to the City of Valparaiso, according to the plat thereof, recorded in Book A, page 198, in the Office of the Recorder of Porter County, Indiana, being part of the Northeast Quarter of Section 25, Township 35 North, Range 6 West of the 2nd Principal Meridian, Porter County, Indiana, more particularly described as follows:

Beginning at the northwest corner of said Block 1; thence South 89°47'12" East (this and all subsequent bearings based on the Indiana Coordinate System of 1983, West zone), 214.37 feet to a point 10 feet west of the northeast corner of said Block 1; thence South 47°54'27" East, 13.48 feet to a point on the east line of said Block 1; thence South 47°54'27" East, 13.48 feet to a point on the east line of said Block 1; thence South 0°01'41" East, 267.44 feet along the east line of said Block 1 to the south line of said Block; thence North 89°47'49" West, 224.40 feet along said south line to the west line of said Block 1; thence North 0°01'22" West, 276.47 feet along said west line to the Point of Beginning, containing 1.423 acres, more or less.

- Notes**
- All dimensions are in feet and decimal portions thereof.
  - Cross reference is hereby made to a Plat of Survey prepared by DLZ Indiana, LLC, recorded in 2017 as document number 2017- in the Office of the Recorder of Porter County, Indiana. There has been no change from the matters of survey revealed by the cross-referenced survey.
  - I, Steven A. Jones, have prepared this instrument and affirm under the penalties for perjury, that I have taken care to redact each social security number in this document, as required by law.



**Owner and Subdivider:**  
Lutheran University Association, Inc.  
610 Don Hovey Drive  
Valparaiso, IN 46383

**Plan Commission Certificate**  
Under authority provided by Indiana Code 36-7-4, et seq., enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, this plat was given approval by the City as follows:  
Approved by the Valparaiso Plan Commission (or Plat Committee) at a regular meeting held on \_\_\_\_\_, 2017.

Valparaiso Plan Commission (or Plat Committee)

President - Bruce Berner

Executive Director - Tyler Kent

**Deed of Dedication**  
We, the undersigned Lutheran University Association, Inc., owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided said real estate in accordance with the attached plat.  
This subdivision shall be known and designated as "Resubdivision of Block 1 in Smith's Addition". All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. There are strips of ground of various widths shown on this plat and labeled as easements for various purposes. Utility easements are reserved for the use of public utilities for the installation of mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. Drainage easements are reserved for the use of the City, homeowners, and/or the property owners' association to provide for the construction, maintenance, and operation of drainage conduits, swales, channels, overflows, detention basins, or other runoff management facilities. No permanent or other structures are to be erected or maintained upon said easements. Owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and to the rights of the owners of other lots in this subdivision.

Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Mark A. Heckler, President

Susan D. Scroggins, Vice President for Finance and Administration

Mark L. Biermann, Provost and Executive Vice President for Academic Affairs

Darron C. Farah, University General Counsel

State of Indiana )  
ss: County of Porter )  
Before me, a Notary Public, in and for the said County and State, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing as his voluntary act and deed on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public

Printed Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Board of Public Works and Safety Certification**  
This plat was examined by the Board of Public Works and Safety of the City of Valparaiso for compliance with the Standards Manual, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_, Mayor

\_\_\_\_\_, member

\_\_\_\_\_, member

ATTEST: \_\_\_\_\_, Clerk-Treasurer

**Surveyor's Certificate**  
I, Steven A. Jones, hereby certify that I am a Professional Surveyor licensed in compliance with the laws of the State of Indiana, and that to the best of my knowledge, this plat conforms to the requirements of the City of Valparaiso Unified Development Ordinance, and the Standards Manual; that the markers and monuments shown on the plat actually exist; and that their location, size, type and material are accurately shown.

**FOR REVIEW**

Steven A. Jones  
Indiana Professional Surveyor No. LS2020010

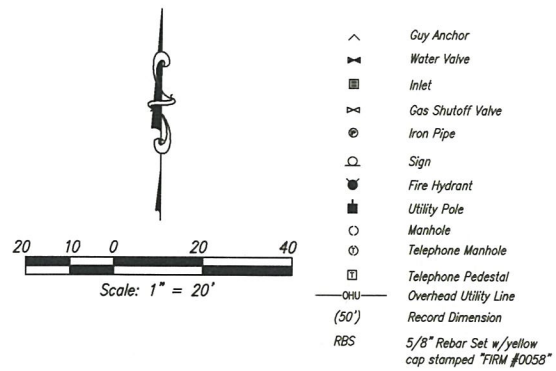


EXHIBIT B

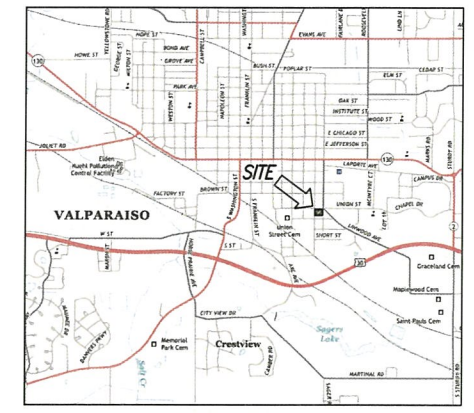
 <b>DLZ</b> DLZ INDIANA, LLC <small>316 TECH DRIVE, BURNS HARBOR, INDIANA 46304          TELEPHONE (219) 764-4700 FAX (219) 764-4156</small>	VALPARAISO <b>VALPARAISO UNIVERSITY          SECONDARY PLAT</b>	INDIANA	DRAWN: CHK'D: AJT NO. DESIGNED: APPR'D: SAJ DATE: 10/3/17 SCALE: 1" = 20' PROJECT NUMBER <b>1264-1192-70</b>	REVISION <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>																															BY DATE <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																					SHEET 1 OF 1 DRAWING NUMBER <b>11921022PL2</b>
<b>RESUBDIVISION OF BLOCK 1, SMITH'S ADDITION          NE 1/4 SEC. 25, T35N, R6W</b>																																																								



EXHIBIT C



# PLAT OF SURVEY



**Record Descriptions**  
(Deed Record 250, page 84)  
Lots 1, 2 and 3 in Block 1, Smith's Addition to the City of Valparaiso, EXCEPT that portion of Lot 3 described as follows: Beginning at the Northwest corner of said Lot 3; thence Easterly along the Northern line of said Lot 3, a distance of 18 feet; thence at a right angle in a Southerly direction, a distance 53.5 feet; thence at a right angle in a Westerly direction, a distance of 14.5 feet; thence at right angles in a Southerly direction, a distance of 12.1 feet; thence at right angles in a Westerly direction, a distance of 3.5 feet to a point on the West boundary of said Lot 3; thence Northerly along said Westerly line of said Lot 3, a distance of 65.6 feet, more or less, to the point of beginning; EXCEPTING that portion of Lot 1 described as follows: Commencing 9 feet South of the Northeast corner of said Lot 1; thence North 9 feet; thence West 10 feet; thence Southeast to the point of beginning.

(Deed Record 130, page 484)  
Lot 4 in Block 1, in Smith's Addition to the Town (now City) of Valparaiso, ALSO a portion of Lot 3 Block 1, in Smith's Addition to the Town (now City) of Valparaiso, described and bounded as follows: Beginning at a point which is 32.5 feet South of the Northwest corner of said Lot 3; thence running South along the West line of said Lot 3, 33.1 feet; thence East 3.5 feet; thence North 12.1 feet; thence West 2 feet; thence North 21 feet; thence West 1.5 feet to the point of beginning. ALSO an easement for the purpose of ingress and egress over the following portion of Lot 3 in Block 1, in Smith's Addition to the Town (now City) of Valparaiso, described and bounded as follows: Beginning at the Northwest corner of said Lot 3; thence running East 20 feet; thence South 32.5 feet; thence West 8.5 feet; thence South 21 feet; thence West 10 feet; thence North 21 feet; thence West 1.5 feet; thence North 32.5 feet, to the point of beginning, together with the privilege of use of the North 1/2 of Lots 2 and 3, in Block 1, in Smith's Addition to the Town (now City) of Valparaiso, as a court for purposes of relaxation and lawful enjoyment of the said The Lutheran University association and their tenants, said easement to continue so long as there shall be a building located upon said Lot 4 above described. Together with the vacated alley lying South of said Lots pursuant to Instrumental No. 2002-009122.

(Deed Record 180, page 515)  
That portion of Lot 3, in Block 1, Smith's Addition to the City of Valparaiso, Beginning at the Northwest corner of said Lot 3, thence due East along the Northern line of said Lot 3, a distance of Eighteen (18) feet; thence at a right angle in a Southerly direction a distance of Fifty-three and five-tenths (53.5) feet; thence at a right angle in a Westerly direction a distance of Eighteen (18) feet to a point on the Westerly line of said Lot 3; thence Northerly along the Western boundary of said Lot 3; Fifty-three and five-tenths (53.5) feet to the point of beginning. All according to that certain plat on file and of record in said Porter County, Indiana.

(Deed Record 129, page 562)  
The North 52 feet of Lots 5 and 6, in Block 1, Smith's Addition to the Town, now City of Valparaiso.

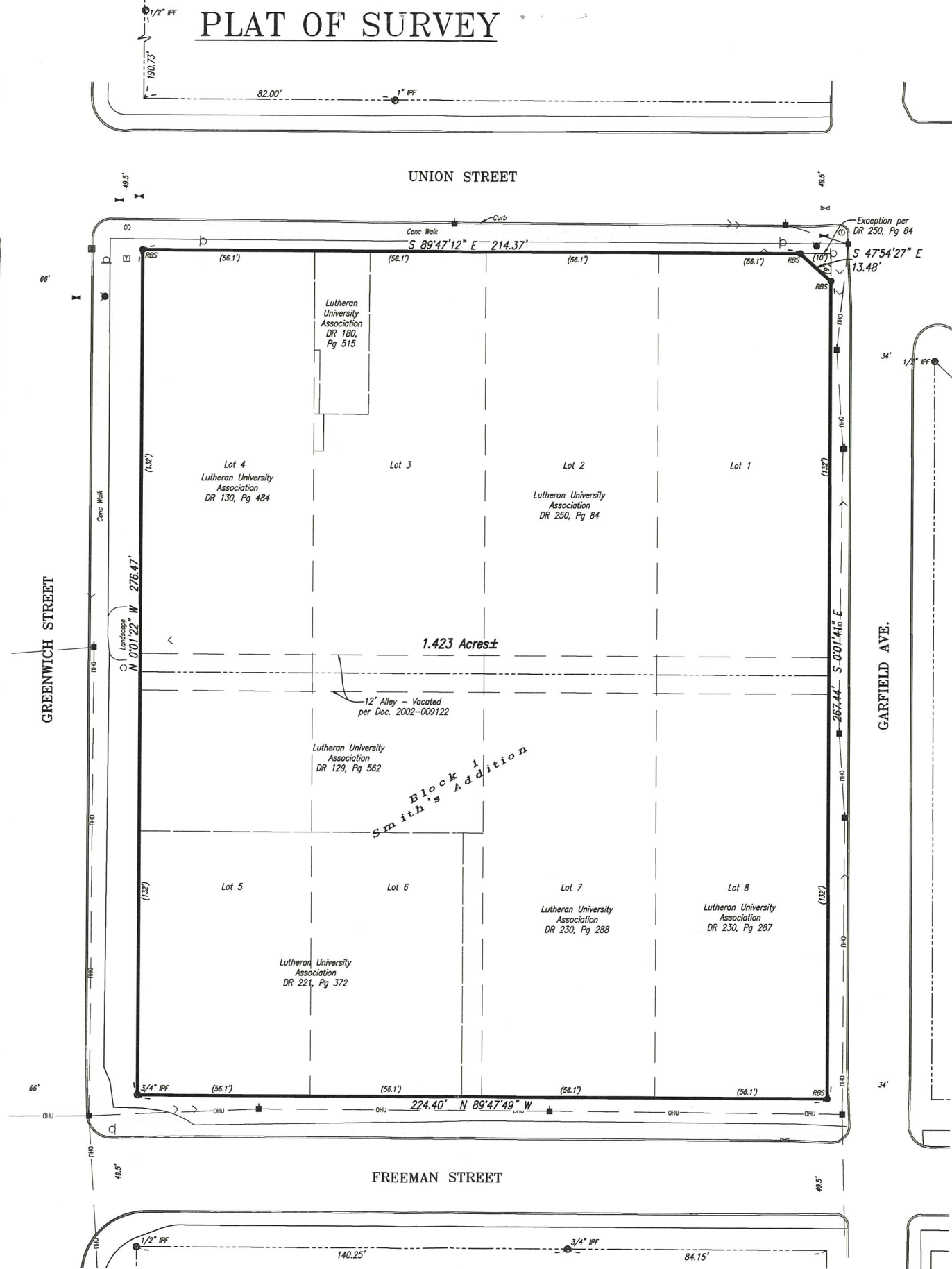
(Deed Record 221, page 372)  
The South 80 feet of Lots 5 and 6, in Block 1, in Smith's Addition to the Town, now City, of Valparaiso, EXCEPTING THEREFROM the East 6 1/2 feet of the South 80 feet of Lot 6, as shown on plat in Miscellaneous Record "A" page 198, in the Office of the Recorder of Porter County, Indiana.

(Deed Record 230, page 288)  
The East 6 1/2 feet of the South 80 feet of Lot 6, in Block 1, in Smith's Addition to the Town, now City of Valparaiso, Indiana; also Lot 7, in Block 1, in Smith's Addition to the Town, now City, of Valparaiso, Porter County, Indiana.

(Deed Record 230, page 287)  
Lot 8, in Block 1, in Smith's Addition to the Town, now City, of Valparaiso.

**Surveyed Description**  
Part of Block 1, Smith's Addition to the City of Valparaiso, according to the plat thereof, recorded in Book A, page 198, in the Office of the Recorder of Porter County, Indiana, being part of the Northeast Quarter of Section 25, Township 35 North, Range 6 West of the 2nd Principal Meridian, Porter County, Indiana, more particularly described as follows:

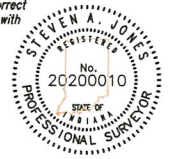
Beginning at the northwest corner of said Block 1; thence South 89°47'12" East (this and all subsequent bearings based on the Indiana Coordinate System of 1983, West zone), 214.37 feet to a point 10 feet west of the northeast corner of said Block 1; thence South 47°54'27" East, 13.48 feet to a point on the east line of said Block lying 9 feet south of said northeast corner; thence South 0°01'41" East, 267.44 feet along the east line of said Block 1 to the south line of said Block; thence North 89°47'49" West, 224.40 feet along said south line to the west line of said Block 1; thence North 0°01'22" West, 276.47 feet along said west line to the Point of Beginning, containing 1.423 acres, more or less.



**Surveyor's Report**  
Survey date: September 28, 2017  
Survey prepared for: Valparaiso University  
Basis of bearings: Indiana Coordinate System of 1983, West Zone  
This retracement survey is intended to be used as the basis for a resubdivision of Block 1. The legal description has been rewritten to more concisely describe the property to be subdivided.  
**Theory of Location**  
The right of way of Union Street was established by holding the 1" iron pipe found along the north line and the monumentation previously found along the north and south right of way lines, east of Linwood Ave., as shown on surveys prepared by DLZ, recorded February 9, 2015, as documents 2015-002818 and 2015-002819, in the Office of the recorder of Porter County.  
The right of way of Greenwich Street was established by holding the 3/4" iron pipe found at the southwest corner of Block 1 and the record distance of 82.00 feet from the 1" iron pipe found along the north line of Union Street. The solution agrees with the pipes found along the east right of way line of Greenwich St. north of Union Street and south of Freeman Street.  
The right of way of Freeman Street was established by holding the right of way width, together with the 3/4" iron pipe found at the southwest corner of Block 1 and the 3/4" iron pipe found along the south right of way line.  
The right of way of Garfield Ave. was established by holding the right of way width, together with the 1/2" iron pipe found along the east right of way line and the record distance of 84.15' from the 3/4" iron pipe found along the south right of way line of Freeman Street.  
The following information and opinions are submitted regarding the cause and amount of uncertainty in the lines and corners found and/or established by this survey because of the following:  
A). Availability and condition of reference monuments:  
There is up to 1 foot of uncertainty in this location based on the location of the building, shown hereon, on the west side of Greenwich, north of the alley, and a line notch found in the old curb located at the south side of the alley.  
All monumentation was found at or near grade, in good condition, and is of unknown origin, unless noted otherwise. Resulting uncertainties are shown hereon.  
B). Occupation or possession lines:  
There is a guy anchor, located near the southwest corner of Lot 4, that lies 9' east of the west property line.  
C). Clarity or ambiguity of record descriptions:  
There is an apparent overlap of the parcel described in Deed Record 180, page 515, and the parcel described in Deed Record 130, page 484.  
D). Relative Positional Accuracy (Due to random errors in measurements):  
This survey does not exceed the relative positional accuracy for an Urban class survey.  
This survey was prepared with the benefit of title commitments prepared by Meridian Title Corporation, as File No. 15-20996, effective date May 12, 2015, and File No. 15-46318, effective date December 14, 2015.

I, Steven A. Jones, have prepared this instrument and affirm under the penalties for perjury, that I have taken care to redact each social security number in this document, as required by law.

**Surveyor's Certificate**  
I, Steven A. Jones, being a Professional Surveyor in the State of Indiana, do hereby attest that I have supervised the survey of and have assembled the plat of the hereon shown and described Parcel and to the best of my knowledge and belief, said plat is a correct representation of said survey. This survey has been performed in accordance with IAC-865-Rule 12.  
Steven A. Jones  
Indiana Professional Surveyor No. LS20200010  
10/3/17



**DLZ**  
DLZ INDIANA, LLC  
316 TECH DRIVE, BURNS HARBOR, INDIANA 46304  
TELEPHONE (219) 764-4700 FAX (219) 764-4156

VALPARAISO INDIANA  
**VALPARAISO UNIVERSITY  
PLAT OF SURVEY**  
BLOCK 1, SMITH'S ADDITION  
NE 1/4 SEC. 25, T35N, R6W

DRAWN:	CHK'D:	AJT	NO.	REVISION	BY	DATE
DESIGNED:	APPR'D:	SAJ				
DATE:						
SCALE:						
PROJECT NUMBER						
1264-1192-70						

SHEET 1  
OF 1  
DRAWING NUMBER  
**11921022PL**



