

ORDINANCE NO. 99.2

ORDINANCE TO REZONE CERTAIN REAL ESTATE
UNDER THE ZONING ORDINANCES OF LAPORTE COUNTY

WHEREAS, a petition was filed by Jason R. Wykoff, Steven H. Wykoff, Jay F. Seniff and Debra A. Seniff to rezone the following real estate situated in LaPorte County, Indiana, to-wit:

A parcel of land located in the Southwest 1/4 of Section 4, Township 37 North, Range 1 West, Wills Township, LaPorte County, Indiana, more particularly described as follows: Commencing at an iron pipe marking the Southwest corner of said Section 4; thence North 00°31'55" East, along the West line of said Section 4, a distance of 997.47 feet to an iron bar, the "Point of Beginning". thence North 00°31'55" East, along the West line of said Section 4, a distance of 341.00 feet to an iron bar; thence North 89°16'55" East, a distance of 1328.69 feet to an iron bar; thence North 00°31'55" East, a distance of 675.32 feet to an iron bar; thence North 89°16'55" East, a distance of 1295.36 feet to an iron bar on the North-South centerline of said Section 4; thence South 01°22'38" West, along said North-South centerline, a distance of 2014.66 feet to an iron bar marking the South 1/4 corner of said Section 4; thence South 89°16'55" West, along the South line of said Section 4, a distance of 1283.90 feet; thence North 00°31'55" East, a distance of 664.98 feet; thence South 89°16'55" West, a distance of 655.21 feet; thence North 00°31'55" East, a distance of 332.49 feet to an iron bar; thence South 89°16'55" West, a distance of 655.22 feet to the "Point of Beginning". Containing 75.00 acres, more or less.

ALSO, a parcel of land located in the Southwest 1/4 of Section 4, Township 37 North, Range 1 West, Wills Township, LaPorte County, Indiana, more particularly described as follows: Commencing at the Northwest corner of said Section 4; thence South 00°48'45" West, a distance of 2683.53 feet along the West line of said Section 4 to the West 1/4 corner of said Section 4; thence South 00°31'55" West, a distance of 1043.83 feet along the West line of said Section 4 to a spike, the point of beginning; thence North 89°16'55" East a distance of 1328.69 feet to an iron; thence South 00°31'55" West a distance of 327.92 feet to an iron; thence South 89°16'55" West a distance of 1328.69 feet to a spike on the West line of said Section 4; thence North 00°31'55" East a distance of 327.92 feet to the point of beginning, containing 10.00 acres, more or less.

WHEREAS, the petition to rezone the above described real estate from "A Agriculture" to "R1 Residential" was submitted to and favorably passed by the Plan Commission of LaPorte County, Indiana on the 23rd day of February, 1999.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of LaPorte County, Indiana:

Section 1: That the following described real estate in Wills Township, LaPorte County, Indiana as set forth on the LaPorte County Zoning Map be rezoned to "R1 Residential":

A parcel of land located in the Southwest 1/4 of Section 4, Township 37 North, Range 1 West, Wills Township, LaPorte County, Indiana, more particularly described as follows: Commencing at an iron pipe marking the Southwest corner of said Section 4; thence North 00°31'55" East, along the West line of said Section 4, a distance of 997.47 feet to an iron bar, the "Point of Beginning". thence North 00°31'55" East, along the West line of said Section 4, a distance of 341.00 feet to an iron bar; thence North 89°16'55" East, a distance of 1328.69 feet to an iron bar; thence North 00°31'55" East, a distance of 675.32 feet to an iron bar; thence North 89°16'55" East, a distance of 1295.36 feet to an iron bar on the North-South centerline of said Section 4; thence South 01°22'38" West, along said North-South centerline, a distance of 2014.66 feet to an iron bar marking the South 1/4 corner of said Section 4; thence South 89°16'55" West, along the South line of said Section 4, a distance of 1283.90 feet; thence North 00°31'55" East, a distance of 664.98 feet; thence South 89°16'55" West, a distance of 655.21 feet; thence North 00°31'55" East, a distance of 332.49 feet to an iron bar; thence South 89°16'55" West, a distance of 655.22 feet to the "Point of Beginning". Containing 75.00 acres, more or less.

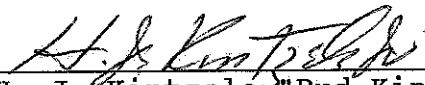
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Section 2: This ordinance shall be in full force and effect after its passage and signature by the Board of County Commissioners, LaPorte County, Indiana, including the presiding officer thereof.

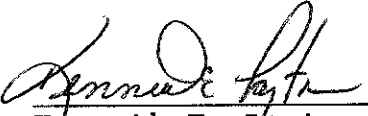
PASSED by the Board of County Commissioners of the County of LaPorte, Indiana, on the 9th day of MARCH, 1999.

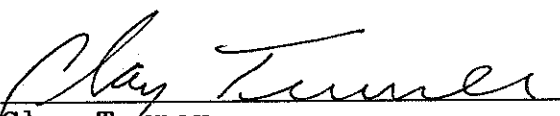
BOARD OF COUNTY COMMISSIONERS,
LAPORTE COUNTY, INDIANA


Marlow Harmon, President


H. J. Kintzele "Bud Kintzele, Jr."

ATTEST:


Kenneth E. Layton,
County Auditor


Clay Turner

Please publish two (2) times in the Michigan City News-Dispatch and LaPorte Herald Argus on _____ and _____.

By Ray Hamilton

STATE OF INDIANA)
)
) SS: PROPOSAL TO AMEND ~~ZONE MAPS~~
) AND TO REZONE REAL ESTATE
COUNTY OF LAPORTE)

TO: LAPORTE COUNTY PLAN COMMISSION
BOARD OF COUNTY COMMISSIONERS
OF LAPORTE COUNTY, INDIANA:

JASON R. WYKOFF, STEVEN H. WYKOFF, JAY F. SENIFF, AND DEBRA A. SENIFF petition and show to the Plan Commission and to the Board of County Commissioners of LaPorte County, that:

1. Jason R. Wykoff and Steven H. Wykoff are the owners of the following described real estate, to-wit:

A parcel of land located in the Southwest 1/4 of Section 4, Township 37 North, Range 1 West, Wills Township, LaPorte County, Indiana, more particularly described as follows: Commencing at an iron pipe marking the Southwest corner of said Section 4; thence North 00°31'55" East, along the West line of said Section 4, a distance of 997.47 feet to an iron bar, the "Point of Beginning". thence North 00°31'55" East, along the West line of said Section 4, a distance of 341.00 feet to an iron bar; thence North 89°16'55" East, a distance of 1328.69 feet to an iron bar; thence North 00°31'55" East, a distance of 675.32 feet to an iron bar; thence North 89°16'55" East, a distance of 1295.36 feet to an iron bar on the North-South centerline of said Section 4; thence South 01°22'38" West, along said North-South centerline, a distance of 2014.66 feet to an iron bar marking the South 1/4 corner of said Section 4; thence South 89°16'55" West, along the South line of said Section 4, a distance of 1283.90 feet; thence North 00°31'55" East, a distance of 664.98 feet; thence South 89°16'55" West, a distance of 655.21 feet; thence North 00°31'55" East, a distance of 332.49 feet to an iron bar; thence South 89°16'55" West, a distance of 655.22 feet to the "Point of Beginning". Containing 75.00 acres, more or less.

2. Jay F. & Debra A. Seniff are the owners of the following described real estate, to-wit:

A parcel of land located in the Southwest 1/4 of Section 4, Township 37 North, Range 1 West, Wills Township, LaPorte County, Indiana, more particularly described as follows: Commencing at the Northwest corner of said Section 4; thence South 00°48'45" West, a distance of 2683.53 feet along the West line of said Section 4 to the West 1/4 corner of said Section 4; thence South 00°31'55" West, a distance of 1043.83 feet along the West line of said Section 4 to a spike, the point of beginning; thence North 89°16'55" East a distance of 1328.69 feet to an iron; thence South 00°31'55" West a distance of 327.92 feet to an iron; thence South 89°16'55" West a distance of 1328.69 feet to a spike on the West line of said Section 4; thence North 00°31'55" East a distance of 327.92 feet to the point of beginning, containing 10.00 acres, more or less.

3. The parcels are bounded on the West by County Road 800 East and the land of Walter & Amanda Funk, on the North by the lands of John D. & Kathleen R. Sams and Kevin T. Rafferty & Lynn Ann Biggerstaff, on the East by the land of Edward L. & Mary C. Feikes, and on the South by the lands owned by Thomas Neil & Angelita M. Thorla, Stephan Vande Zande, Herbert F. & Irene Scofield, and William C. DeGroote Life Estate. A perimeter drawing of the parcel is attached hereto.

4. The above described parcels are zoned A Agriculture and may eventually be developed for residential use into lots exceeding 40,000 square feet.

5. Although a residential subdivision is currently allowed in A Agriculture Zoning, it is the intention of the Petitioners to comply with the proposed new LaPorte County Master Plan which will require Residential Zoning for Residential Subdivisions.

6. In order that the petitioners may plan for the future residential subdivision, they are requesting that the Plan Commission recommend to the Board of County Commissioners that this real estate be rezoned from A Agriculture to R1 Residential.

7. The immediate and general area surrounding the subject real estate is either being used for agricultural purposes or has developed into an area of attractive low-density single family residences.

8. To amend the Zone Maps, as herein requested, would not be injurious to the public health, safety, morals, or general welfare of the community.

9. Because of the present pattern of development of the area, a rezoning for Residential usage would enhance the neighborhood by harmonizing with existing residential dwellings and existing agricultural uses.

10. Such a rezoning would not substantially interfere with the Master Plan, because it would properly confirm what is in fact the developmental preference for the area.

11. Those persons or organizations who own real estate adjoining the parcel of real estate described above, or across County Road 800 East are:

John D. & Kathleen R. Sams
6059 Everett Street
Naples, Florida 34112

Joseph E. & Mona D. Colglazier
26240 Kenmore Drive
South Bend, IN 46628

Kevin T. Rafferty
Lynn Ann Biggerstaff
727 Potawattomi Dr.
New Carlisle, IN 46552

Edward L. & Mary C. Feikes
5206 N. 900 E.
RR2, Box 240
New Carlisle, IN 46552

Herbert F. & Irene Scofield
8306 E. State Road No. 2
New Carlisle, IN 46552

William C. DeGroote Life Estate
8401 E. St. Rd. No. 2
New Carlisle, IN 46552

John M. & Lisa J. Kovach
119 LaPorte Ave.
South Bend, IN 466

Colsen Construction Co.
P.O. Box 1066
New Carlisle, IN 46552

James D. Sr. & Myrva A. Hobbs
6930 Birch Ave.
Gary, IN 46403

Thomas Neil & Angelita M. Thorla
5155 N. 800 E.
New Carlisle, IN 46552

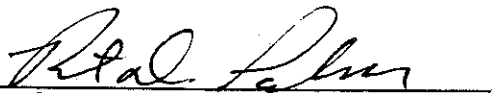
Stephan Vande Zande
53490 Juniper Road
South Bend, IN 46637

Walter & Amanda Funk
5024 N. 800 E.
New Carlisle, IN 46552

Albert P. & Sandra Papai
5013 N. 800 E.
New Carlisle, IN 46552

and the petitioners will present evidence at the public hearing that notice of the filing of this petition and this public hearing was sent to each of these persons or organizations by certified mail at least 10 days prior to the hearing date.

WHEREFORE, the petitioners request that the LaPorte County Plan Commission conduct a public hearing on their proposal to amend the Zone Maps of LaPorte County, and following the public hearing, recommend to the Board of County Commissioners of LaPorte County that the parcel of real estate described above be rezoned from A Agriculture to R1 Residential, and that the Zone Maps of LaPorte County be amended to reflect this rezoning. The petitioners then request that the Board of County Commissioners of LaPorte County, Indiana, will adopt an ordinance amending the Zone Maps of LaPorte County, Indiana, so as to rezone the parcel of real estate as above requested.

By: 
Robert D. Palm, LS PE
Surveyor for the Petitioners
P.O. Box 960
New Carlisle, IN 46552-0960
219/654-3450