

ORDINANCE NO. 2015-04

**AN ORDINANCE TO AMEND THE ZONING MAPS
OF LA PORTE COUNTY, INDIANA**

WHEREAS, IU Health La Porte Hospital, Inc., filed a petition with the La Porte County Plan Commission, asking that property described below and located in La Porte County, Indiana, be re-zoned from B1 (Neighborhood Commercial District) to B2 (General Commercial District), and that property is more particularly described as follows, to-wit:

A parcel of land situated in the West Half of the Southwest Quarter of Section 12, Township 37 North, Range 4 West, La Porte County, Indiana, being a part of a parcel of land described and recorded in Microfilm Record 2004R-20555 in the Office of the Recorder of La Porte County, Indiana, described as follows: Commencing at a found cast iron monument marking the Southwest corner of said Section 12; thence South 88° 40' 59" East, along the South line of the West Half of the Southwest Quarter, 145.90 feet to a point on the old centerline of Johnson Road, said point being the Point of Beginning; thence North 51° 17' 47" West, along the old centerline of said Johnson Road, 187.28 feet to a point on the West line of said Section 12, said point being North 00° 08' 43" West, 113.75 feet from the Southwest corner of said Section 12; thence North 00° 08' 43" West, along the West line of said Section 12, 346.25 feet to a point marking the Northwest corner of said parcel of land described in said Microfilm Record 2004R-20555; thence South 88° 40' 59" East, along the North line of said parcel, 429.00 feet to an iron rod; thence South 44° 24' 51" East, 71.61 feet to an iron rod; thence South 00° 08' 43" East, 410.00 feet to a point on the South line of the West Half of said Southwest Quarter; thence North 88° 40' 59" West, along the South line of said West Half, 333.10 feet to the Point of Beginning,

which property is more commonly known as 7007 Johnson Road, La Porte, Indiana; and

WHEREAS, within that same petition, IU Health La Porte Hospital, Inc., and the current owners, Norman L. Brinkman and Sandra L. Brinkman, have asked that property owned by them located in La Porte County, Indiana, be re-zoned from R1B (Residence District) to B2 (General Commercial District), and that property is more particularly described as follows, to-wit:

Part of the West 1/2 of the Southwest 1/4 of Section 12, Township 37 North, Range 4 West of the 2nd Principal Meridian, La Porte County, Indiana (being part of a parcel described in Instrument No. 2004R-20555), being more particularly described as follows: Commencing at a found cast iron monument marking the Southwest corner of said Section 12; thence South 88 degrees 40 minutes 59 seconds East along the South line of the West 1/2 of the Southwest 1/4 of said Section 12, a distance of 479.00 feet to a survey nail for the place of beginning; thence North 00 degrees 08 minutes 43 seconds West, a distance of 410.00 feet to an iron rod; thence North 44 degrees 24 minutes 51 seconds West, a distance of 71.61 feet to an iron rod on the North line of said parcel; thence South 88 degrees 40 minutes 59 seconds East along the North line of said parcel, a distance of 431.00 feet to a corner thereof; thence South 73 degrees 00 minutes 42 seconds East along the Northerly line of said parcel, a distance of 185.48 feet to a corner thereof, being also the Southwest corner of a parcel described in Instrument No. 95-05493; thence South 88 degrees 40 minutes 59 seconds East along the North line of said parcel and the South line and South Line extended of said parcel in Instrument No. 95-05493, a distance of 284.01 feet to a point on the East line of said West 1/2 of the Southwest 1/4; thence South 00 degrees 01 minute 00 seconds East along said East line, a distance of 409.86 feet to a found cast iron monument marking the Southeast corner of said West 1/2 of the Southwest 1/4; thence North 88 degrees 40 minutes 59 seconds West along the South line of said West 1/2, a distance of 841.39 feet to the place of beginning,

which property is identified as Parcel No. 460512351022000046; and,

WHEREAS, following the filing of this petition the La Porte County Plan Commission scheduled a public hearing on April 28, 2015; and,

WHEREAS, the Petitioner did give notice of the filing of this petition and of the hearing thereon by publication in the manner prescribed by I.C. 5-3-1-1 et seq; and,

WHEREAS, the Petitioner gave notice to the persons who own property that abuts the property which the Petitioner is requesting be re-zoned and who needed to be given notice of the filing of this petition and of the date and time of hearing thereon; and,

WHEREAS, the La Porte County Plan Commission conducted the public hearing on the petition to re-zone and has determined that the property described in Exhibit A should be re-zoned from B1 to B2, all as permitted by the Joint Zoning Ordinance, and following said hearing forwarded a favorable recommendation to the La Porte County Commissioners; and,

WHEREAS, the La Porte County Plan Commission conducted the public hearing on the petition to re-zone and has determined that the property described in Exhibit B should be re-zoned from R1B to B2, all as

permitted by the Joint Zoning Ordinance, and following said hearing forwarded a favorable recommendation to the La Porte County Commissioners; and,

WHEREAS, the requested changes in zoning will be consistent with the county land development plan, local community plans and any other applicable, adopted planning studies or reports; and,

WHEREAS, the requested changes in zoning will be compatible with the conditions and character of current structures and uses in the district or the character of the area under consideration has changed either through technological advances or developmental changes; and,

WHEREAS, the requested changes in zoning will provide for the most reasonable use for which the land is adapted and the proposed land use will not have an adverse effect on surrounding land; and,

WHEREAS, the requested changes in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the planning jurisdiction; and,

WHEREAS, the requested changes in zoning will promote for orderly and responsible community growth and development and will not adversely affect the community; and,

WHEREAS, the topography, soil condition, and other physical features of the land involved is suitable for the proposed use and zoning changes; and,

WHEREAS, the amendment is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and,

WHEREAS, the amendment will not disrupt or destroy any neighborhood plan.

NOW THEREFORE,

Section 1. BE IT, AND IT IS, HEREBY ORDAINED by the La Porte County Plan Commission, that the following described real estate situated in LaPorte County, State of Indiana, to-wit:

A parcel of land situated in the West Half of the Southwest Quarter of Section 12, Township 37 North, Range 4 West, La Porte County, Indiana, being a part of a parcel of land described and recorded in Microfilm Record 2004R-20555 in the Office of the Recorder of La Porte County, Indiana, described as follows: Commencing at a found cast iron monument marking the Southwest corner of said Section 12; thence South 88° 40' 59" East, along the South line of the West Half of the Southwest Quarter, 145.90 feet to a point on the old centerline of Johnson Road, said point being the Point of Beginning; thence North 51° 17' 47" West, along the old centerline of said Johnson Road, 187.28 feet to a point on the West line of said Section

12, said point being North 00° 08' 43" West, 113.75 feet from the Southwest corner of said Section 12; thence North 00° 08' 43" West, along the West line of said Section 12, 346.25 feet to a point marking the Northwest corner of said parcel of land described in said Microfilm Record 2004R-20555; thence South 88° 40' 59" East, along the North line of said parcel, 429.00 feet to an iron rod; thence South 44° 24' 51" East, 71.61 feet to an iron rod; thence South 00° 08' 43" East, 410.00 feet to a point on the South line of the West Half of said Southwest Quarter; thence North 88° 40' 59" West, along the South line of said West Half, 333.10 feet to the Point of Beginning,

which property is more commonly known as 7007 Johnson Road, La Porte, Indiana, be re-zoned from B1 to B2, and that the zoning maps of La Porte County, Indiana, be amended to reflect this change.

Section 2. That the following described real estate located immediately to the East of 7007 Johnson Road situated in La Porte County, State of Indiana, consisting of approximately 8.448 acres, more or less, to-wit:

Part of the West 1/2 of the Southwest 1/4 of Section 12, Township 37 North, Range 4 West of the 2nd Principal Meridian, La Porte County, Indiana (being part of a parcel described in Instrument No. 2004R-20555), being more particularly described as follows: Commencing at a found cast iron monument marking the Southwest corner of said Section 12; thence South 88 degrees 40 minutes 59 seconds East along the South line of the West 1/2 of the Southwest 1/4 of said Section 12, a distance of 479.00 feet to a survey nail for the place of beginning; thence North 00 degrees 08 minutes 43 seconds West, a distance of 410.00 feet to an iron rod; thence North 44 degrees 24 minutes 51 seconds West, a distance of 71.61 feet to an iron rod on the North line of said parcel; thence South 88 degrees 40 minutes 59 seconds East along the North line of said parcel, a distance of 431.00 feet to a corner thereof; thence South 73 degrees 00 minutes 42 seconds East along the Northerly line of said parcel, a distance of 185.48 feet to a corner thereof, being also the Southwest corner of a parcel described in Instrument No. 95-05493; thence South 88 degrees 40 minutes 59 seconds East along the North line of said parcel and the South line and South Line extended of said parcel in Instrument No. 95-05493, a distance of 284.01 feet to a point on the East line of said West 1/2 of the Southwest 1/4; thence South 00 degrees 01 minute 00 seconds East along said East line, a distance of 409.86 feet to a found cast iron monument marking the Southeast corner of said West 1/2 of the Southwest 1/4; thence North 88 degrees 40 minutes 59 seconds West along the South line of said West 1/2, a distance of 841.39 feet to the place of beginning,

which property is identified as Parcel No. 460512351022000046, be re-zoned from R1B to B2, and that the zoning maps of La Porte County, Indiana, be amended to reflect this change.


Section 3. The Clerk of the La Porte County Board of Commissioners shall furnish a copy of this Ordinance to the La Porte County Recorder in order that the same may be placed of record in the records of the La Porte County Recorder's Office.

APPROVED, this 3rd day of June, 2015.


LA PORTE COUNTY BOARD OF COMMISSIONERS



David L. Dekker, President

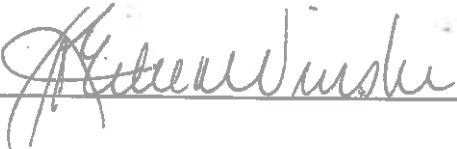


Dr. Vidya Kora



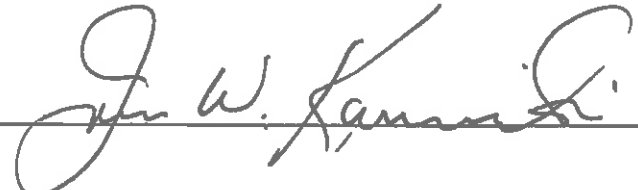
Michael Bohacek

ATTEST:



DECLARATION

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.



THIS INSTRUMENT PREPARED BY: James W. Kaminski, Newby, Lewis, Kaminski & Jones, LLP, 916 Lincolnway, Post Office Box 1816, La Porte, Indiana 46352-1816.