

ORDINANCE NO. 2021-8

AMENDING THE ZONING MAP OF LA PORTE COUNTY, INDIANA
TO REZONE CERTAIN PROPERTY LOCATED IN
WASHINGTON TOWNSHIP FROM B2 TO M2

WHEREAS, Kingsbury Elevator, Inc. and Edgar K. and Yvonne L. Lindborg (collectively “Petitioner”) filed a Petition (the “Petition”) with the La Porte County Plan Commission (the “Commission”) on May 7, 2021 asking that certain property in Washington Township in La Porte County be rezoned from B2 to M2, namely, the property located at 5621 S Hwy 35, Kingsbury, IN 46345, Parcel ID 46-11-31-352-005.000-066, more particularly described as follows:

See Legal Description attached hereto as Exhibit 1

(hereafter the “Property”); and

WHEREAS, following the filing of the Petition the Commission scheduled a public hearing on the Petition for May 25, 2021; and

WHEREAS, at that public hearing the Commission found that the Petitioner properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner prescribed by Ind. Code § 5-3-1-1 *et. seq.*; and

WHEREAS, the Commission conducted the public hearing on the Petition and following said hearing, determined that the Property should be rezoned from B2 to M2, all as permitted by the Joint Zoning Ordinance and Indiana law, and provided a favorable recommendation to the Board of Commissioners to rezone the Property from B2 to M2.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of La Porte County, Indiana, pursuant to applicable laws, including Ind. Code § 36-7-4-608, that:

1. The Board of Commissioners find, based on all the evidence before it, that:
 - A. The requested change in zoning for the Property from B2 to M2 is compatible with the County’s comprehensive plan, the current conditions and

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the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the County; and responsible development and growth;

B. The requested change in zoning will provide for the most reasonable use for which the Property is adapted and the proposed land use will not have an adverse effect on surrounding land;

C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the County;

D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community;

E. The topography, soil condition, and other physical features of the land involved are suitable for the proposed use and zoning change;

F. The change in zoning is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and

G. The change in zoning will not disrupt or destroy any neighborhood plan.

2. The Board of Commissioners find that it is in the best interests of La Porte County and its residents that the Board of Commissioners accept and approve the recommendation of the Commission that the requested change in the County's zoning map be approved by the Board of Commissioners.

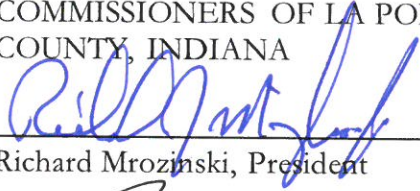
3. The zoning for the Property, situated at 5621 S Hwy 35, Kingsbury, IN 46345 in La Porte County, Parcel ID 46-11-31-352-005.000-066, is hereby changed from B2 to M2; and the zoning map of La Porte County, Indiana shall be amended to reflect this change; and the amended zoning map shall hereafter be available in the Planning Department office for review and copying by the public.


4. The Clerk shall furnish a certified copy of this Ordinance to the County Recorder for recording and to the County Auditor.

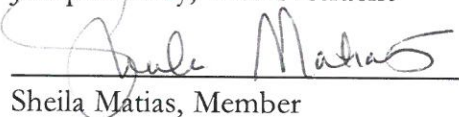
5. This Ordinance shall be in effect from and after its passage according to law.

PASSED AND ADOPTED this 2nd day of June, 2021.


COMMISSIONERS OF LA PORTE
COUNTY, INDIANA


Richard Mrozinski, President


Joseph Haney, Vice-President


Sheila Matias, Member

ATTEST:


Tim Stabosz, Auditor, La Porte County

Vaughn Galloway
Chief Deputy Auditor

1st Reading } June 2, 2021
2nd Reading }

A parcel of land lying South of the Grand Trunk and Western Railroad and East of U.S. Highway No. Thirty-five (35) situated in that portion of the Middle part (Gvmt. Lots No. four (4) and six (6)) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-one (31), Township Thirty-six (36) North, Range Two (2) West which lies East of U.S. Highway No. Thirty-five (35), being more particularly described as follows:

Commencing at a cast iron monument marking the Southwest corner of Section Thirty-one (31), Township Thirty-six (36) North, Range two (2) West, LaPorte County, Indiana; thence North eighty-eight degrees fifty-six minutes twenty-one seconds East (N88°56'21"E), along the South Line of said Section Thirty-one (31) a distance of two thousand four hundred sixty-six and fifty-six hundredths (2466.56) feet to a masonry nail marking the approximate Southeast corner of the Middle part (Gvmt. Lots No. four (4) and six (6)) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section; thence North zero degrees thirty-nine minutes thirty seconds West (N00°39'30"W), along the approximate East Line of said Middle part a distance of seven hundred fifty (750.00) feet to an iron pipe, for the point of beginning; thence South eighty-eight degrees fifty-six minutes twenty-one seconds West (S88°56'21"W), a distance of one thousand ninety-six and forty-eight hundredths (1096.48) feet to an iron pipe on the East right of way line of U.S. Highway No. Thirty-five (35); thence North eleven degrees thirty minutes eleven seconds West (N11°30'11"W), along said East right of way line, a distance of four hundred thirty-six and fifty-five hundredths (436.55) feet to a concrete highway right of way marker; thence North eight degrees fifty-six minutes twenty-four seconds West (N08°56'24"W), continuing along said East right of way line, a distance of two hundred fifty (250.00) feet to a concrete highway marker; thence North eight degrees forty-seven minutes seventeen seconds West (N08°47'17"W), continuing along said East right of way line, a distance of five hundred eighty-seven and fifty-nine hundredths (587.59) feet to a railroad spike on the Southerly right of way line of the Grand Trunk and Western Railroad; thence North sixty-three degrees forty-three minutes twenty-two seconds East (N63°43'22"E), along said Southerly right of way line, a distance of twenty-two and fifty hundredths (22.50) feet to a railroad spike; thence South eleven degrees twenty minutes thirty-one seconds East (S11°20'31"E), along the Westerly right of way line of said Railroad, a distance of fifty-one and eighty-five hundredths (51.85) feet to an iron pipe marking the intersection of said Westerly right of way line with the Southerly right of way line and marking the Northwest corner of a parcel of land as recorded in Micro-film Record No. 79-04062; thence South fifteen degrees fifty-two minutes twenty-two seconds East (S15°52'22"E), along the Westerly side of said parcel a distance of sixty-one and twenty-eight hundredths (61.28) feet to an iron pipe; thence South twenty-six degrees thirty-

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Exhibit "A"

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one minutes eighteen seconds East (S26°31'18"E), continuing along said Westerly side a distance of sixty-one and seventy hundredths (61.70) feet to an iron pipe marking the Southwest corner thereof; thence North seventy-five degrees twenty-five minutes fifty-two seconds East (N75°25'52"E), along the Southerly side thereof, a distance of two hundred thirty-six and twenty-seven hundredths (236.27) feet to an iron pipe; thence North one degree twenty-four minutes eight seconds West (N01°24'08"W), along the Easterly side thereof a distance of one hundred thirty-three and sixty-seven hundredths (133.67) feet to an iron pipe; thence North sixty-four degrees four minutes fifty-two seconds East (N64°04'52"E), along the Southerly side of said parcel and the Southerly side of a parcel of land as recorded in Micro-film Record No. 78-13310, a distance of six hundred twenty-two and eighty-three hundredths (622.83) feet to an iron pipe marking the Southeasterly corner thereof; thence North two degrees thirty-six minutes eight seconds West (N02°36'08"W), (South two degrees fifty-seven minutes thirty-eight seconds East (S02°57'38"E) record) along the Easterly side of said parcel, a distance of one hundred eleven and ninety hundredths (111.90) feet (one hundred thirteen and sixty-nine hundredths (113.69) feet record) to an iron pipe on the Southerly right of way line of the Grand Trunk and Western Railroad and the Northeasterly corner thereof; thence North sixty-three degrees forty-three minutes twenty-two seconds East (N63°43'22"E), along the Southerly right of way line of said Railroad, a distance of four hundred eighty-six and sixty-three hundredths (486.63) feet to an iron pipe on the approximate East Line of the Middle part (Gvmt. Lots No. four (4) and Six (6)) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section thirty-one (31); thence South zero degrees thirty-nine minutes thirty seconds East (S00°39'30"E), along said approximate East Line, a distance of one thousand eight hundred seventy-three and eight hundredths (1873.08) feet to point of beginning, containing forty-one and two hundred seventy-nine thousandths (41.279) acres, more or less.

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