

5065  
ORDINANCE NO. 15

**AN ORDINANCE REZONING REAL PROPERTY**

WHEREAS, Norman J. Wagner, an Indiana resident, (hereinafter referred to as the "Petitioner") owns 42.79 acres of real property located in LaPorte County, Indiana as described herein (hereinafter referred to as the "Property"),

WHEREAS, Petitioner filed a "Proposal to Amend Zone Maps and Rezone Real Estate" with the LaPorte County Board of Commissioners on January 3, 2002 (hereinafter referred to as the "Proposal"), to amend and change the zoning designation of the Property from agricultural "Ag" to "R-1" residential use for single family dwellings;

WHEREAS, after a lengthy administrative and legislative consideration of Petitioner's Proposal, the LaPorte County Board of Commissioners denied the Proposal in July of 2003,

WHEREAS, on July 31, 2003, Petitioner filed a Complaint for Declaratory Judgment in LaPorte Superior Court No. 2, under cause number 46D02-0307-PL-127, requesting that the court order the Property be rezoned from agricultural "Ag" to "R-1" residential zoning classification under the LaPorte County Zoning Ordinance and that the LaPorte County zoning maps be updated accordingly, and

WHEREAS, after conducting a bench trial on the issues, on February 23, 2005, the LaPorte County Superior Court No 2 ordered that the Property be rezoned from agricultural to an "R-1" residential designation provided certain conditions are met and ordered that the LaPorte County zoning maps be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners as follows

1. The following described Property is hereby rezoned from agricultural to "R-1" residential

A parcel of land located in the South  $\frac{1}{2}$  of Section 20, Township 38 North, Range 2 West, Galena Township, LaPorte County, Indiana, more particularly described as follows: Commencing at a spike marking the South  $\frac{1}{4}$  corner of said Section 20; thence South  $89^{\circ}36'27''$  West, along the South line of Section 20 and the centerline of County Road 800 North, a distance of 884.75 feet to a nail with disc on the centerline of County Road 125 East; thence North  $07^{\circ}21'59''$  West, along the centerline of existing pavement of County Road No. 125 East, a distance of 519.27 feet to a nail with disc, the "Point of Beginning" of said parcel of land herein described, said "Point of Beginning" being the Northwest corner of the parcel of land described in Recorded Instrument No. 97-12491; thence North  $09^{\circ}31'57''$  West, along said centerline a distance of 800.23 feet to a bolt marking the Southwest corner of the parcel of land described in Recorded Instrument No. 96-00621; thence Easterly a distance of 549.41 feet to the Southeast corner of said parcel of land described in Recorded Instrument No. 96-00621, thence Northerly, along the East lines of the parcels of land described in Recorded Instruments No. 96-00621 and 91-10596 a distance of 699.60 feet to the North line of the parcel of land described in Recorded Instrument No. 71-00162; thence Easterly along said North line and the North line of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 20 a distance of 972.94 feet, more or less, to the Northwest corner of Wagner Estates which is recorded in Plat Book 21, Page 19 in the Office of the Recorder of LaPorte County, Indiana; thence South  $00^{\circ}11'17''$  East, along the West line of Wagner Estates a distance of 1553.50 feet to the Southwest corner of Lot 24 of Wagner Estates; thence South  $90^{\circ}00'00''$  West a distance of 439.07 feet; thence South  $89^{\circ}36'27''$  West a distance of 307.72 feet to the Northwest corner of the parcel of land described in Recorded Instrument No. 93-11818; thence North  $00^{\circ}23'33''$  West a distance of 91.98 feet to the Northeast corner of the parcel of land described in Recorded Instrument No. 97-12491; thence South  $88^{\circ}31'22''$  West, a distance of 641.67 feet to the "Point of Beginning" Containing approximately 42.79 acres, more or less.

2. The rezoning of the above described Property is expressly conditioned upon the Petitioner satisfying the stipulations certified by the LaPorte County Plan Commission on the 5<sup>th</sup>

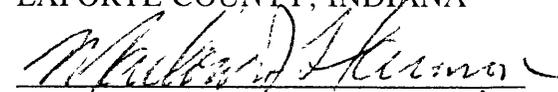
day of April, 2002, which provide that the subdivision contemplated to be built upon the Property "will not be any different than what is proposed now; no more than 32 lots with a minimum of 40,000 square feet per lot "

3. This Ordinance shall be in full force and effect immediately upon its adoption

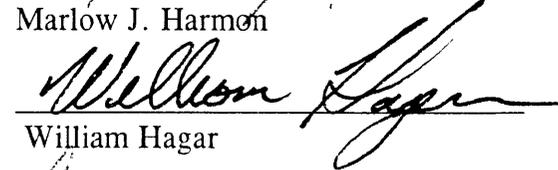
Adopted this 5<sup>th</sup> day of April, 2005.

BOARD OF COUNTY COMMISSIONERS

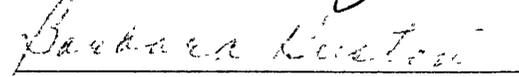
LAPORTE COUNTY, INDIANA



Marlow J. Harmon

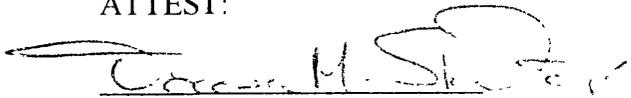


William Hagar



Barbara Huston

ATTEST:



Teresa Shuter  
Auditor