

Judith Companik
TOWN OF ST. JOHN
10955 W. 93RD STREET
ST. JOHN, INDIANA 46373

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

ORDINANCE NO. 1034
97 APR 17 11 AM 1997

FILED 023797

APR 17 1997

BEING AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS TERRITORIES TO THE TOWN OF ST. JOHN, PURSUANT TO THE PROVISIONS OF I.C.C. 36-4-3 et. seq.

SAM ORLICH
AUDITOR LAKE COUNTY

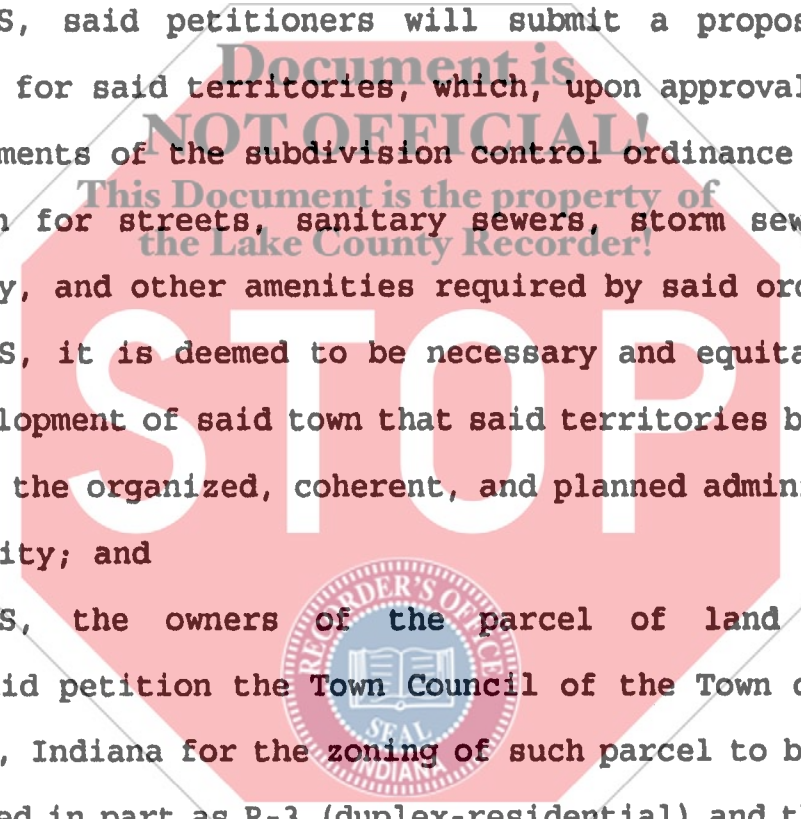
Rueth Development, LLC and John Malas have petitioned the Town of St. John to annex certain contiguous territories to the Town of St. John, pursuant to the provisions of I.C. 36-4-3 et. seq.; and

WHEREAS, said petitioners will submit a proposed plan of subdivision for said territories, which, upon approval, will meet the requirements of the subdivision control ordinance of the Town of St. John for streets, sanitary sewers, storm sewers, public water supply, and other amenities required by said ordinance; and

WHEREAS, it is deemed to be necessary and equitable for the future development of said town that said territories be annexed to provide for the organized, coherent, and planned administration of said community; and

WHEREAS, the owners of the parcel of land hereinafter described did petition the Town Council of the Town of St. John, Lake County, Indiana for the zoning of such parcel to be annexed to be classified in part as R-3 (duplex-residential) and the remainder R-2 (single-family residential) subject to the execution of a contractual zoning commitment; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana has heretofore on the 5th day of February, 1997 recommended to the Town Council of the Town of St. John that the requested zoning upon the tract to be annexed be approved, that the



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zoning commitment be executed and made a part of the records of the Town and that the zoning ordinance of the Town of St. John and zoning map be amended to reflect such zoning upon annexation; and

WHEREAS, the Town of St. John has duly considered said annexation and has determined said annexation to be in the best interest of the health, safety and welfare of the Town and said land is necessary for the present and future growth of the Town of St. John, Indiana; and

WHEREAS, the territory sought to be annexed will within the prescribed time limits be provided with governmental and propriety services by said petitioners in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density consistent with applicable federal, state, and local laws, procedures, and planning criteria;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of St. John, Lake County, Indiana as follows:

Section 1. The following described real estate be and it is hereby annexed to and made a part of the Town of St. John, Lake County, Indiana, to-wit:

PARCEL #1

DESCRIPTION: Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20; thence West along the North line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is

997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street.

PARCEL #2

Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian more particularly described as follows: Beginning at a point 839.49 feet South of the Northwest corner of said East half of the Southwest Quarter; thence East 144.0 feet; thence Southwesterly a distance of 209.86 feet to a point that lies 997.38 feet South of the Northwest corner of said East half of the Southwest Quarter; thence North on the West line of said East half of the Southwest Quarter a distance of 157.89 feet to the point of beginning, containing .262 acres, more or less, all in the Town of St. John, Lake County, Indiana.

Section 2. That pursuant to and in reliance upon the zoning commitment attached hereto, made a part hereof, and marked as Exhibit "A" and the recommendation of the St. John Planning Commission that the zoning of such territory be and it is hereby determined to be R-2 (single-family residential) and R-3 (duplex-residential) as set forth and described on the proposed zoning map, a copy of which is attached hereto, made a part hereof, and marked as Exhibit "A" and legally described as follows:

R-2 ZONING

DESCRIPTION: Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20; thence West along

the North line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is 997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street, and the Southwesterly 150.00 feet as measured perpendicular to the Northerly 100 foot right of way of the Old Monon Railroad.

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R-3 ZONING

DESCRIPTION: The Southwesterly 150.00 feet as measured perpendicular to the Northerly 100 foot right of way of the Old Monon Railroad of the following described parcel of land:

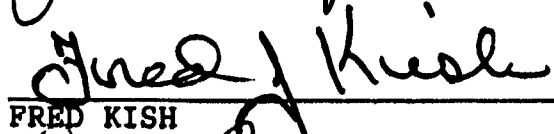
Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20, thence West along the north line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is 997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street.

Section 3. This Ordinance shall be in full force and effect from and after the passage and publication thereof according to law.

Section 4. Passed and adopted by the Board of Trustees of the
Town of St. John, Lake County, Indiana this 27th day of February,
1997.



JOHN TAYLOR



FRED KISH



DOUGLAS PATTERSON

ATTEST:



JUDITH A. COMPANEK
Clerk/Treasurer



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ZONING COMMITMENT

Comes now Rueth Development Company, LLC and pursuant to the provisions of I.C. 1971, 36-7-4-615, the rules and regulations of the St. John Plan Commission revised July 1, 1992, Article V(6), and Ordinance 1030 of the Town of St. John adopted December 31, 1996 and makes the following zoning commitment in consideration of the zoning of certain tracts of real estate as part of annexation proceedings before the St. John Town Council and legally described as follows, to-wit:

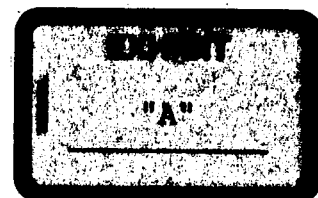
PARCEL ZONED R-2 (SINGLE-FAMILY RESIDENTIAL)

DESCRIPTION: Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20; thence West along the North line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is 997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street, and the Southwesterly 150.00 feet as measured perpendicular to the Northerly 100 foot right of way of the Old Monon Railroad.

PARCEL ZONED R-3 (DUPLEX RESIDENTIAL)

DESCRIPTION: The Southwesterly 150.00 feet as measured perpendicular to the Northerly 100 foot right of way of the Old Monon Railroad of the following described parcel of land:

Part of the East Half of the Southwest Quarter of Section



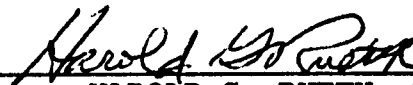
20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20, thence West along the north line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is 997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street.

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1. That the density, i.e. the number of units to be erected on lots 1 through 10 of the tract zoned as R-3 shall be equal to or less than 20.
2. That each residential unit erected on the tract zoned as R-3 shall have a two car garage.
3. That each set of residential units (i.e. one duplex) erected on each lot of the tract zoned as R-3, shall be occupied by at least one owner.
4. That the approximate value of each dwelling unit erected in the tract zoned as R-3 shall have a market value equal to or greater than \$105,000.00 per unit.
5. That the square footage of each dwelling unit erected in the tract zoned as R-3 shall be equal to or greater than 1,000 square feet.

RUETH DEVELOPMENT COMPANY, LLC
BY ITS MANAGER
RUETH DEVELOPMENT COMPANY, INC.

BY:



HAROLD G. RUETH, President

PETITION FOR ANNEXATION

Come now Rueth Development, LLC and John Mal^{LM}as by counsel, Michael L. Muenich, and petition the Town of St. John, its Sanitary and Waterworks Districts, for annexation of certain contiguous unimproved real estate and in support thereof allege and say::

1. That your petitioners have entered into an agreement to purchase real estate legally described as follows:

PARCEL #1

DESCRIPTION: Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, described as beginning at the Northeast corner of said Southwest Quarter of said Section 20; thence West along the North line thereof, 442.44 feet to an iron pipe which is 887.5 feet East of the Northwest corner of the East Half of said Southwest Quarter; thence Southwesterly, 1305.5 feet more or less to a point on the West line of the East Half of said Southwest Quarter, which point is 997.38 feet South of the Northwest corner thereof, thence South along said West line, 4.87 feet to the Northerly 100 foot right of way of the Old Monon Railroad; thence Southeasterly along the curved right of way line of said railroad, convex to the Northeast, a distance of 1964.7 feet more or less to the East line of said Southwest Quarter; thence North along said East line, 2407.66 feet to the place of beginning, excepting that part of the West side thereof lying within Patterson Street.

PARCEL #2

Part of the East Half of the Southwest Quarter of Section 20, Township 35 North, Range 9 West of the Second Principal Meridian more particularly described as follows: Beginning at a point 839.49 feet South of the Northwest corner of said East half of the Southwest Quarter; thence East 144.0 feet; thence Southwesterly a distance of 209.86 feet to a point that lies 997.38 feet South of the Northwest corner of said East half of the Southwest Quarter; thence North on the West line of said East half of the Southwest Quarter a distance of 157.89 feet to the point of beginning, containing .262 acres, more or less, all in the Town of St. John, Lake County, Indiana.

2. That a condition of such agreement is the development of said real estate to the Town of St. John, Lake County, Indiana, together with its Sanitary and Waterworks Districts, which development requires access to St. John water and sewer utility services.

3. That the real estate consist of approximately 33 acres more or less lying immediately north of the CSX railroad right-of-way, east of Patterson Street, south of 81st Avenue if extended east and west of Heron Lake Addition, and that more than one quarter of the boundary of the parcel to be annexed is contiguous to the Town of St. John.

4. That essential municipal services and facilities can be provided to the real estate, to-wit: sewer, water, police, fire, planning and zoning, garbage collection, and other services can be made available to the subject real estate.

5. That a condition for this petition for annexation be that the real estate be zoned R-2 (single-family residential) and R-3 (duplex-residential) under the terms and conditions of the planning and zoning ordinance of the Town of St. John, the same being ordinance number 433 as amended as set forth and described on the proposed zoning map, a copy of which is attached hereto, made a part hereof, and marked as Exhibit "A".

6. That as part of the development of said real estate the petitioners or their successors in interest will extend sewer and water service to the subject real estate.

7. That your petitioners intend, upon annexation, to begin

the immediate development of such real estate and that as a result thereof the real estate can be used by the municipality for its development in the reasonably near future.

WHEREFORE, your petitioners respectfully request that the Town of St. John annex the real estate identified above, that such real estate be zoned R-2 (single-family residential) and R-3 (duplex-residential), as set forth and described on the proposed zoning map, a copy of which is attached hereto, made a part hereof, and marked as Exhibit "A", and for all the relief just and proper in the premises.



Respectfully submitted,

[Handwritten Signature]
MICHAEL L. MUENICH
Attorney for Petitioners
3235 - 45th Street, Suite 103
Highland, Indiana 46322
219/922-4141



RUETH DEVELOPMENT, LLC

[Handwritten Signature]

JOHN MAIAS

BY: *[Handwritten Signature]*

HAROLD G. RUETH