

2006 011105

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AMENDED  
ORDINANCE NO. 1398

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

WHEREAS, BLB ST. JOHN, LLC; RMT FARMS, LLC; RST, LLC; BJ, LLC; and  
CORNELIUS A. KUIPER and KAREN S. KUIPER previously 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

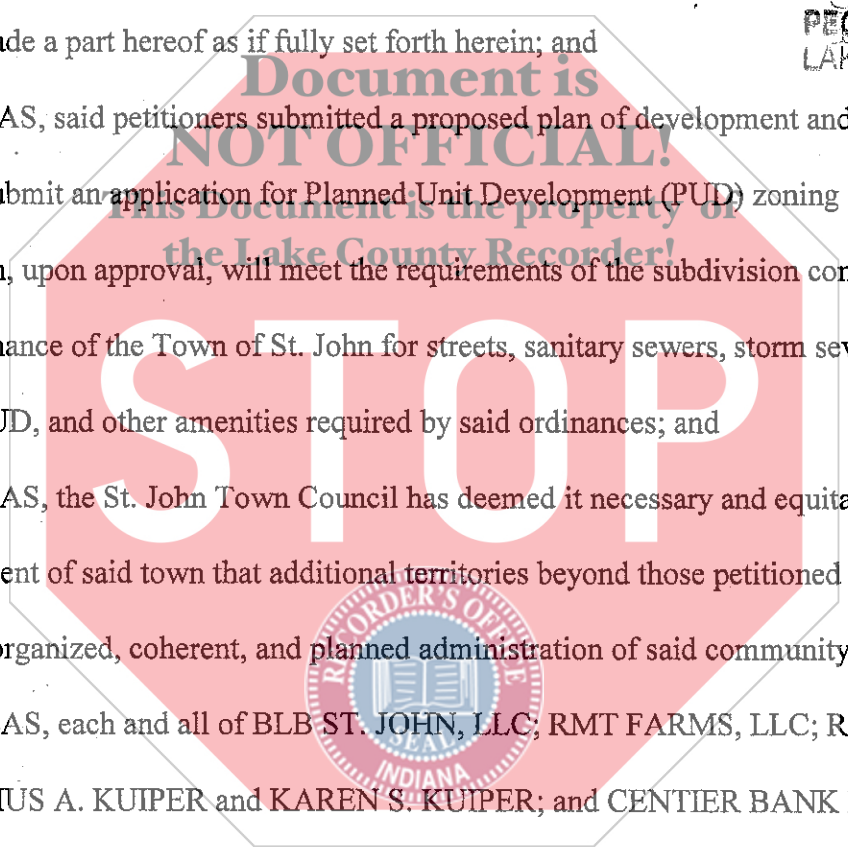
WHEREAS, said petitioners executed an Annexation Agreement and Zoning  
Commitment, a copy of which is attached to Ordinance No. 1396 and is incorporated by  
reference and made a part hereof as if fully set forth herein; and

WHEREAS, said petitioners submitted a proposed plan of development and, where  
necessary will submit an application for Planned Unit Development (PUD) zoning for said  
territories, which, upon approval, will meet the requirements of the subdivision control ordinance  
and zoning ordinance of the Town of St. John for streets, sanitary sewers, storm sewers, public  
water supply, PUD, and other amenities required by said ordinances; and

WHEREAS, the St. John Town Council has deemed it necessary and equitable for the  
future development of said town that additional territories beyond those petitioned be annexed to  
provide for the organized, coherent, and planned administration of said community; and

WHEREAS, each and all of BLB ST. JOHN, LLC; RMT FARMS, LLC; RST, LLC; BJ,  
LLC; CORNELIUS A. KUIPER and KAREN S. KUIPER; and CENTIER BANK have  
consented to this annexation as evidenced by their written consents attached hereto, made a part

DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER  
2006 FEB 10 10:06  
PEGGY KOENIG KATONA  
LAKE COUNTY AUDITOR



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CS  
[Signature]

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hereof, and marked as Group Exhibit "A" ; and

WHEREAS, State Zoning Statutes require the legislative body to "pay reasonable regard" to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth when incorporating additional real estate in the zoning map. I.C. §36-7-4-603; and

WHEREAS, owners of the parcels of land hereinafter described did previously petition the Town Council of the Town of St. John, Lake County, Indiana for the zoning of such parcels to be annexed to be classified as a mix of residential and commercial classifications with various options for Planned Unit Development each and all of which were approved as more particularly set forth in Ordinance 1396 as amended which Ordinance is incorporated herein by reference as if fully set out herein subject to the terms and conditions of the Annexation Agreement and Zoning Commitment; and

WHEREAS, the additional real estate annexed herein should be zoned as either R-1--Residential, B-3--Highway Commercial, or OS--Open Space (Agricultural); and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has introduced a Fiscal Plan and adopted same by Resolution No. 05-08-18B, dated August 24, 2005 as a definite policy showing:

1. The cost estimate of planned services to the subject parcel to be annexed;
2. The methods of financing the planned services;
3. The plan for the organization and extension of the services;
4. The furnishing of services of a non-capital nature, including police protection, fire

protection, and street and road maintenance to the territory within one (1) year from the effective date of the annexation, which service shall be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of St. John; and

5. The furnishing of services of a capital nature, including street construction, street lighting, sewer facilities, water utilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of annexation in the manner as those services are provided to areas within the municipal corporate boundaries of the Town.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana has duly considered said annexation petition and has determined that additional real estate should be included and that such additional annexation is advisable, appropriate and in the best interests of the residents of the Town of St. John as the annexation of the subject parcel is necessary for the present and future planned coherent growth of the Town; and

WHEREAS, the Town of St. John has held a public hearing the 20<sup>th</sup> day of October, 2005 upon the annexation and incorporated some of the comments as then expressed; and

WHEREAS, the Town of St. John has duly considered said additional 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 proprietary 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 Town Council 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 ONE

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, ALL IN SECTION 34, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

PARCEL TWO

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TOGETHER WITH THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH OF THE OLD JOLIET ROAD, IN SECTION 34, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

PARCEL THREE

THAT PART OF THE SOUTHEAST QUARTER (EXCEPT THE EAST 577.20 FEET THEREOF) OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER LYING SOUTH OF THE OLD JOLIET ROAD OF SECTION 34, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

PARCEL FOUR

SECTION 3, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA

PARCEL FIVE

THE NORTH 200.00 FEET OF SECTION 10, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA EXCEPT THEREFROM THAT PART LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

THE WEST 250.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 53 1/3 RODS; THENCE WEST 80 RODS; THENCE NORTH 53 1/3 RODS; THENCE EAST 80 RODS TO THE POINT OF BEGINNING.

PARCEL SIX

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 9, WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89 DEGREES 21 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2, 685.77 FEET TO THE EAST LINE OF THE WEST 20 ACRES OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 00 DEGREES 15 MINUTES 29 SECONDS WEST ALONG SAID EAST LINE, 1271.48 FEET; THENCE NORTH 89 DEGREES 09 MINUTES 11 SECONDS WEST, 685.78 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 15 MINUTES 29 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2, 1269.37 FEET TO THE POINT OF BEGINNING.

PARCEL SEVEN

THE WEST 25.00 FEET OF SECTION 2, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY INDIANA EXCEPT THEREFROM THAT PART LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 9, WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89 DEGREES 21 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2, 685.77 FEET TO THE EAST LINE OF THE WEST 20 ACRES OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 00 DEGREES 15 MINUTES 29 SECONDS WEST ALONG SAID EAST LINE, 1271.48 FEET; THENCE NORTH 89 DEGREES 09 MINUTES 11 SECONDS WEST, 685.78 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 15 MINUTES 29 SECONDS EAST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2, 1269.37 FEET TO THE POINT OF BEGINNING.



SAID PARCELS HAVING AN APPROXIMATE BOUNDARY OF 31,000 LINEAL FEET OF WHICH APPROXIMATELY 7,900 LINEAL FEET (25.5%) IS CONTIGUOUS WITH THE EXISTING CORPORATE LIMITS OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA AND CONTAINING EIGHT HUNDRED FORTY FIVE (845) ACRES MORE OR LESS

A map of which is attached hereto, made a part hereof, and marked as Exhibit "B".

Section 2. The zoning classifications for the individual portions of the annexed tract are set forth and described on the zoning map attached hereto, made a part hereof, and marked as Exhibit "C" and are legally described as follows:

PARCEL ONE:

PODS 1 THROUGH AND INCLUDING 18 to be classified as more particularly described and set forth in Ordinance 1396 incorporated herein by reference as if fully set out herein and any amendments thereto as may hereinafter be adopted by the Town Council of the Town of St. John all subject to the terms and conditions of the Annexation Agreement and Zoning Commitment.

PARCEL TWO:

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN (HUSEMAN)

ZONING: OS-OPEN SPACE (AGRICULTURAL)

PARCEL THREE:

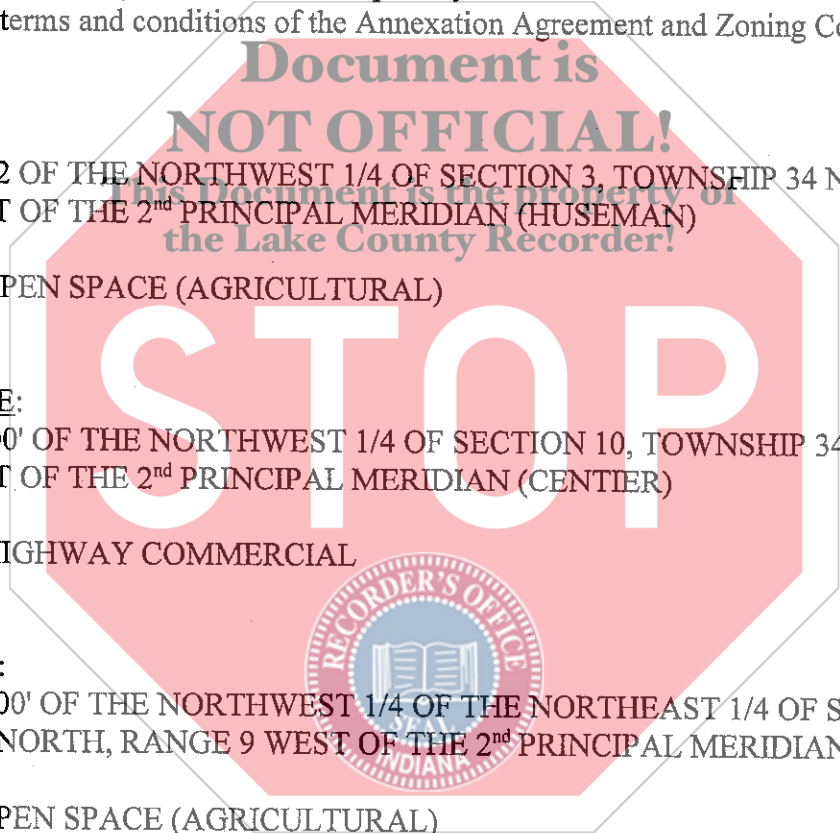
THE NORTH 200' OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN (CENTIER)

ZONING: B-3-HIGHWAY COMMERCIAL

PARCEL FOUR:

THE NORTH 200' OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN (KLEINE)

ZONING: OS-OPEN SPACE (AGRICULTURAL)



PARCEL FIVE:

THE NORTH 200' OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10,  
TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN,  
EXCEPTING THE WEST 250' THEREOF (BORSUK)

ZONING: B-3-HIGHWAY COMMERCIAL

PARCEL SIX:

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3,  
TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2<sup>nd</sup> PRINCIPAL MERIDIAN (BARMAN)

ZONING: OS-OPEN SPACE (AGRICULTURAL)

The remainder of the real estate as described and annexed in Section 1 above, not specifically classified in this Section 2, be and is hereby classified as R-1--Residential.

Section 3. This Annexation Ordinance shall become final ninety (90) days after the final publication thereof and the effective date of the annexation shall be in conformance with applicable law.

Section 4. That the Clerk-Treasurer of the Town is hereby directed to cause this Ordinance to be published one (1) time within thirty (30) days from the date of the adoption of this Ordinance in conformance with applicable law, as amended from time to time.

Section 5. That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

Section 6. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section 7. That this Ordinance shall take effect, and be in full force and effect, from and

after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law, subject expressly upon the conditions precedent set forth herein, as well as in the Petition for Annexation, Annexation Agreement and Zoning Commitment, and Consents to Annexation upon which the adoption of Ordinance 1396 and this Ordinance 1398 adoption is premised.

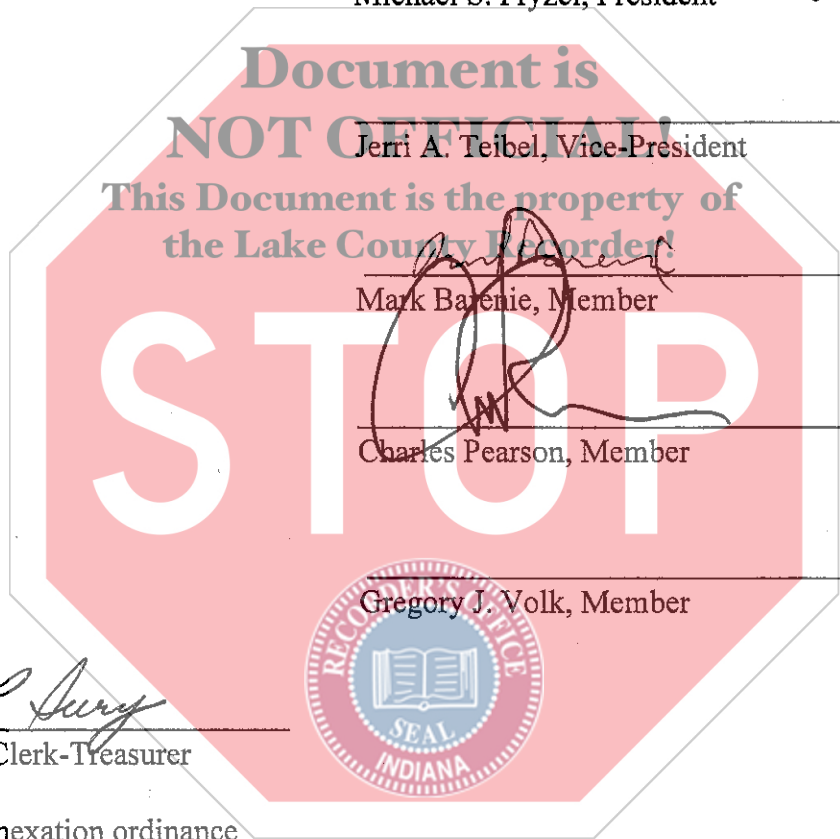
Section 8. Passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana this 15<sup>th</sup> day of December, 2005.

"Aye 3

Nay 1"

*Abstain 1*

  
Michael S. Fryzel, President



ATTEST:

  
Sherry P. Sury, Clerk-Treasurer

lotton/master annexation ordinance



STATE OF INDIANA )

COUNTY OF LAKE )

)  
)SS:  
)

BEFORE THE TOWN OF ST. JOHN  
LAKE COUNTY, INDIANA  
TOWN COUNCIL

IN RE APPLICATION OF BLB ST. JOHN, LLC; )  
RMT FARMS, LLC; RST, LLC; BJ, LLC; and )  
CORNELIUS A. KUIPER and KAREN S. KUIPER )  
OWNERS, FOR ANNEXATION OF CERTAIN )  
CONTIGUOUS TERRITORY TO THE TOWN OF )  
ST. JOHN, LAKE COUNTY, INDIANA, )  
PURSUANT TO THE PROVISIONS OF )  
I.C. 36-4-3-5.1 AND I.C. 36-7-4-615 )

OWNER/PETITIONER CONSENT TO TOWN'S ANNEXATION

Comes now BLB ST. JOHN, LLC ("Owner/Petitioners") and make the following consent to annexation by the Town of St. John, Indiana (the "Town"):

WHEREAS, Owner/Petitioner is the owner of parcels of real property located in Lake County, Indiana that are the subject of an Application for Annexation to the Town of St. John pending pursuant to the provisions of I.C. 36-4-3-5.1 (the "Section 5.1 Annexation") and Ordinance 1396.

WHEREAS, Owner/Petitioner acknowledges that in order to make the Section 5.1 Annexation equitable to the property owners and residents of the Town and the annexed territory and to provide equitably for the future management and improvement of the annexed territory and for the rendering of needed services, the Town has determined to annex additional territory;

WHEREAS, Owner/Petitioner and the Town admit that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed through the Section 4 Annexation coincide with the boundaries of the Town;

WHEREAS, Owner/Petitioner and the Town admit that the territory sought to be annexed through the Section 4 Annexation is needed and can be used by the Town for its development in the reasonably near future;

WHEREAS, Owner/Petitioner admits and agrees that the Town has developed and adopted a written fiscal plan and has established a definite policy showing itemized cost estimates of planned services, the method of financing the planned services, the plan for the organization and extension of services, that equivalent noncapital services will be provided to the Section 4 Annexation Territory within one year after the effective date of annexation, and that capital improvement services will be provided to the annexed territory within three years;

WHEREAS, Owner/Petitioner admits and agrees that police and fire protection and street and road maintenance are not currently adequately furnished to the Section 4 Annexation Territory by a provider other than the Town;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation will not have a significant negative financial impact on the residents or owners of land, including

EXHIBIT  
tabbles  
A

Owner/Petitioner;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation is in the best interests of the Town and in the best interest of owners of land in the Section 4 Annexation Territory, including Owner/Petitioner;

IT IS NOW THEREFORE AGREED, by Owner/Petitioner as follows:

1. Owner/Petitioner hereby consents to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398.

2. Owner/Petitioner hereby waives, and agrees not to raise, any remonstrance or objection to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398 so long as the terms and conditions for the Section 4 Annexation as adopted are consistent with the Annexation Agreement and Zoning Commitment between Owner/Petitioner and the Town dated August \_\_\_\_\_, 2005, and previously filed with the Town.

BLB ST. JOHN, LLC

BY: \_\_\_\_\_

ATTEST:

STATE OF INDIANA

COUNTY OF LAKE

Document is NOT OFFICIAL!

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Cotton to me known to be such Manager and Margaret Danner of said Limited Liability Company, and acknowledged the execution of the foregoing Annexation Agreement and Zoning Commitment for and on behalf of said BLB ST. JOHN, LLC and by its authority.

WITNESS my hand and Notarial seal this 24th day of August, 2005.

Linda Keene

Notary Public

My Commission Expires: 6/20/08 County of Residence: Will

THIS INSTRUMENT PREPARED BY: MICHAEL L. MUENICH, Attorney at Law  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141

OFFICIAL SEAL  
Linda L. Keene  
Notary Public, State of Illinois  
My Commission Expires June 20, 2008

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STATE OF INDIANA )  
 )SS: BEFORE THE TOWN OF ST. JOHN  
COUNTY OF LAKE ) LAKE COUNTY, INDIANA  
 TOWN COUNCIL

IN RE APPLICATION OF BLB ST. JOHN, LLC; )  
RMT FARMS, LLC; RST, LLC; BJ, LLC; and )  
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OWNERS, FOR ANNEXATION OF CERTAIN )  
CONTIGUOUS TERRITORY TO THE TOWN OF )  
ST. JOHN, LAKE COUNTY, INDIANA, )  
PURSUANT TO THE PROVISIONS OF )  
I.C. 36-4-3-5.1 AND I.C. 36-7-4-615 )

OWNER/PETITIONER CONSENT TO TOWN'S ANNEXATION

Comes now RMT FARMS, LLC ("Owner/Petitioners") and make the following consent to annexation by the Town of St. John, Indiana (the "Town"):

WHEREAS, Owner/Petitioner is the owner of parcels of real property located in Lake County, Indiana that are the subject of an Application for Annexation to the Town of St. John pending pursuant to the provisions of I.C. 36-4-3-5.1 (the "Section 5.1 Annexation") and Ordinance 1396.

WHEREAS, Owner/Petitioner acknowledges that in order to make the Section 5.1 Annexation equitable to the property owners and residents of the Town and the annexed territory and to provide equitably for the future management and improvement of the annexed territory and for the rendering of needed services, the Town has determined to annex additional territory;

WHEREAS, Owner/Petitioner and the Town admit that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed through the Section 4 Annexation coincide with the boundaries of the Town;

WHEREAS, Owner/Petitioner and the Town admit that the territory sought to be annexed through the Section 4 Annexation is needed and can be used by the Town for its development in the reasonably near future;

WHEREAS, Owner/Petitioner admits and agrees that the Town has developed and adopted a written fiscal plan and has established a definite policy showing itemized cost estimates of planned services, the method of financing the planned services, the plan for the organization and extension of services, that equivalent noncapital services will be provided to the Section 4 Annexation Territory within one year after the effective date of annexation, and that capital improvement services will be provided to the annexed territory within three years;

WHEREAS, Owner/Petitioner admits and agrees that police and fire protection and street and road maintenance are not currently adequately furnished to the Section 4 Annexation Territory by a provider other than the Town;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation will not have a significant negative financial impact on the residents or owners of land, including

Owner/Petitioner;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation is in the best interests of the Town and in the best interest of owners of land in the Section 4 Annexation Territory, including Owner/Petitioner;

IT IS NOW THEREFORE AGREED, by Owner/Petitioner as follows:

3. Owner/Petitioner hereby consents to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398.

4. Owner/Petitioner hereby waives, and agrees not to raise, any remonstrance or objection to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398 so long as the terms and conditions for the Section 4 Annexation as adopted are consistent with the Annexation Agreement and Zoning Commitment between Owner/Petitioner and the Town dated August \_\_\_\_\_, 2005, and previously filed with the Town.

RMT FARMS, LLC

BY: *John Tiebel, Manager*

ATTEST:

STATE OF INDIANA

COUNTY OF LAKE

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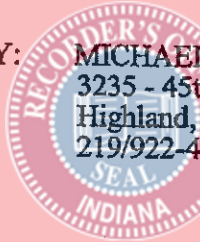
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Tiebel, to me known to be such Manager and of said Limited Liability Company, and acknowledged the execution of the foregoing Annexation Agreement and Zoning Commitment for and on behalf of said RMT FARMS, LLC and by its authority.

WITNESS my hand and Notarial seal this 24<sup>th</sup> day of Aug., 2005.

Linda L. Keene  
Notary Public

My Commission Expires: 6/20/08 County of Residence: Willk

THIS INSTRUMENT PREPARED BY:  
OFFICIAL SEAL  
Linda L. Keene  
Notary Public, State of Illinois  
My Commission Expires June 20, 2008



MICHAEL L. MUENICH, Attorney at Law  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141



STATE OF INDIANA )  
                          )SS:  
COUNTY OF LAKE   )

BEFORE THE TOWN OF ST. JOHN  
LAKE COUNTY, INDIANA  
TOWN COUNCIL

IN RE APPLICATION OF BLB ST. JOHN, LLC; )  
RMT FARMS, LLC; RST, LLC; BJ, LLC; and )  
CORNELIUS A. KUIPER and KAREN S. KUIPER )  
OWNERS, FOR ANNEXATION OF CERTAIN )  
CONTIGUOUS TERRITORY TO THE TOWN OF )  
ST. JOHN, LAKE COUNTY, INDIANA, )  
PURSUANT TO THE PROVISIONS OF )  
I.C. 36-4-3-5.1 AND I.C. 36-7-4-615 )

OWNER/PETITIONER CONSENT TO TOWN'S ANNEXATION

Comes now RST, LLC ("Owner/Petitioners") and make the following consent to annexation by the Town of St. John, Indiana (the "Town"):

WHEREAS, Owner/Petitioner is the owner of parcels of real property located in Lake County, Indiana that are the subject of an Application for Annexation to the Town of St. John pending pursuant to the provisions of I.C. 36-4-3-5.1 (the "Section 5.1 Annexation") and Ordinance 1396.

WHEREAS, Owner/Petitioner acknowledges that in order to make the Section 5.1 Annexation equitable to the property owners and residents of the Town and the annexed territory and to provide equitably for the future management and improvement of the annexed territory and for the rendering of needed services, the Town has determined to annex additional territory;

WHEREAS, Owner/Petitioner and the Town admit that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed through the Section 4 Annexation coincide with the boundaries of the Town;

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WHEREAS, Owner/Petitioner admits and agrees that police and fire protection and street and road maintenance are not currently adequately furnished to the Section 4 Annexation Territory by a provider other than the Town;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation will not have a significant negative financial impact on the residents or owners of land, including



Owner/Petitioner;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation is in the best interests of the Town and in the best interest of owners of land in the Section 4 Annexation Territory, including Owner/Petitioner;

IT IS NOW THEREFORE AGREED, by Owner/Petitioner as follows:

5. Owner/Petitioner hereby consents to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398.

6. Owner/Petitioner hereby waives, and agrees not to raise, any remonstrance or objection to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398 so long as the terms and conditions for the Section 4 Annexation as adopted are consistent with the Annexation Agreement and Zoning Commitment between Owner/Petitioner and the Town dated August \_\_\_\_\_, 2005, and previously filed with the Town.

RST LLC

BY: [Signature] Manager

ATTEST:

STATE OF INDIANA )  
COUNTY OF LAKE )

Document is NOT OFFICIAL!

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Tiebel, to me known to be such Manager and of said Limited Liability Company, and acknowledged the execution of the foregoing Annexation Agreement and Zoning Commitment for and on behalf of said RST, LLC and by its authority.

WITNESS my hand and Notarial seal this 24th day of Aug., 2005.

Linda L. Keene

My Commission Expires: 6-20-08

County of Residence: WV

Notary Public Seal  
Linda L. Keene  
Notary Public, State of Illinois  
My Commission Expires June 20, 2008

THIS INSTRUMENT PREPARED BY: MICHAEL L. MUENICH, Attorney at Law  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141

STATE OF INDIANA )  
 )SS:  
COUNTY OF LAKE )

BEFORE THE TOWN OF ST. JOHN  
LAKE COUNTY, INDIANA  
TOWN COUNCIL

IN RE APPLICATION OF BLB ST. JOHN, LLC; )  
RMT FARMS, LLC; RST, LLC; BJ, LLC; and )  
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OWNERS, FOR ANNEXATION OF CERTAIN )  
CONTIGUOUS TERRITORY TO THE TOWN OF )  
ST. JOHN, LAKE COUNTY, INDIANA, )  
PURSUANT TO THE PROVISIONS OF )  
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OWNER/PETITIONER CONSENT TO TOWN'S ANNEXATION

Comes now BJ, LLC ("Owner/Petitioners") and make the following consent to annexation by the Town of St. John, Indiana (the "Town"):

WHEREAS, Owner/Petitioner is the owner of parcels of real property located in Lake County, Indiana that are the subject of an Application for Annexation to the Town of St. John pending pursuant to the provisions of I.C. 36-4-3-5.1 (the "Section 5.1 Annexation") and Ordinance 1396.

WHEREAS, Owner/Petitioner acknowledges that in order to make the Section 5.1 Annexation equitable to the property owners and residents of the Town and the annexed territory and to provide equitably for the future management and improvement of the annexed territory and for the rendering of needed services, the Town has determined to annex additional territory;

WHEREAS, Owner/Petitioner and the Town admit that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed through the Section 4 Annexation coincide with the boundaries of the Town;

WHEREAS, Owner/Petitioner and the Town admit that the territory sought to be annexed through the Section 4 Annexation is needed and can be used by the Town for its development in the reasonably near future;

WHEREAS, Owner/Petitioner admits and agrees that the Town has developed and adopted a written fiscal plan and has established a definite policy showing itemized cost estimates of planned services, the method of financing the planned services, the plan for the organization and extension of services, that equivalent noncapital services will be provided to the Section 4 Annexation Territory within one year after the effective date of annexation, and that capital improvement services will be provided to the annexed territory within three years;

WHEREAS, Owner/Petitioner admits and agrees that police and fire protection and street and road maintenance are not currently adequately furnished to the Section 4 Annexation Territory by a provider other than the Town;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation will not have

a significant negative financial impact on the residents or owners of land, including Owner/Petitioner;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation is in the best interests of the Town and in the best interest of owners of land in the Section 4 Annexation Territory, including Owner/Petitioner;

IT IS NOW THEREFORE AGREED, by Owner/Petitioner as follows:

7. Owner/Petitioner hereby consents to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398.

8. Owner/Petitioner hereby waives, and agrees not to raise, any remonstrance or objection to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398 so long as the terms and conditions for the Section 4 Annexation as adopted are consistent with the Annexation Agreement and Zoning Commitment between Owner/Petitioner and the Town dated August \_\_\_\_, 2005, and previously filed with the Town.

BJ, LLC

BY: [Signature]

ATTEST: \_\_\_\_\_

STATE OF INDIANA }  
COUNTY OF LAKE } SS:

Document is NOT OFFICIAL!  
This Document is the property of the Lake County Recorder!

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John Tiebel, to me known to be such Manager and of said Limited Liability Company, and acknowledged the execution of the foregoing Annexation Agreement and Zoning Commitment for and on behalf of said BJ, LLC and by its authority.

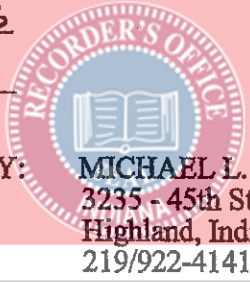
WITNESS my hand and Notarial seal this 24th day of Aug., 2005.

Linda L. Keene

My Commission Expires: 6/20/08

County of Residence: Will

Notary Public  
OFFICIAL SEAL  
Linda L. Keene  
Notary Public, State of Illinois  
My Commission Expires June 20, 2008



THIS INSTRUMENT PREPARED BY: **MICHAEL L. MUENICH, Attorney at Law**  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141

STATE OF INDIANA )  
                          )SS:  
COUNTY OF LAKE   )

BEFORE THE TOWN OF ST. JOHN  
LAKE COUNTY, INDIANA  
TOWN COUNCIL

IN RE APPLICATION OF BLB ST. JOHN, LLC; )  
RMT FARMS, LLC; RST, LLC; BJ, LLC; and )  
CORNELIUS A. KUIPER and KAREN S. KUIPER )  
OWNERS, FOR ANNEXATION OF CERTAIN )  
CONTIGUOUS TERRITORY TO THE TOWN OF )  
ST. JOHN, LAKE COUNTY, INDIANA, )  
PURSUANT TO THE PROVISIONS OF )  
I.C. 36-4-3-5.1 AND I.C. 36-7-4-615 )

OWNER/PETITIONER CONSENT TO TOWN'S ANNEXATION

Come now CORNELIUS A. KUIPER and KAREN S. KUIPER ("Owner/Petitioners") and make the following consent to annexation by the Town of St. John, Indiana (the "Town"):

WHEREAS, Owner/Petitioner is the owner of parcels of real property located in Lake County, Indiana that are the subject of an Application for Annexation to the Town of St. John pending pursuant to the provisions of I.C. 36-4-3-5.1 (the "Section 5.1 Annexation") and Ordinance 1396.

WHEREAS, Owner/Petitioner acknowledges that in order to make the Section 5.1 Annexation equitable to the property owners and residents of the Town and the annexed territory and to provide equitably for the future management and improvement of the annexed territory and for the rendering of needed services, the Town has determined to annex additional territory;

WHEREAS, Owner/Petitioner and the Town admit that at least one-fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed through the Section 4 Annexation coincide with the boundaries of the Town;

WHEREAS, Owner/Petitioner and the Town admit that the territory sought to be annexed through the Section 4 Annexation is needed and can be used by the Town for its development in the reasonably near future;

WHEREAS, Owner/Petitioner admits and agrees that the Town has developed and adopted a written fiscal plan and has established a definite policy showing itemized cost estimates of planned services, the method of financing the planned services, the plan for the organization and extension of services, that equivalent noncapital services will be provided to the Section 4 Annexation Territory within one year after the effective date of annexation, and that capital improvement services will be provided to the annexed territory within three years;

WHEREAS, Owner/Petitioner admits and agrees that police and fire protection and street and road maintenance are not currently adequately furnished to the Section 4 Annexation Territory by a provider other than the Town;

WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation will not have

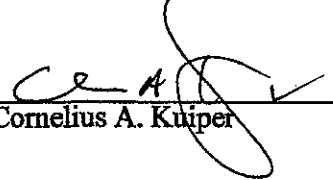
a significant negative financial impact on the residents or owners of land, including Owner/Petitioner;

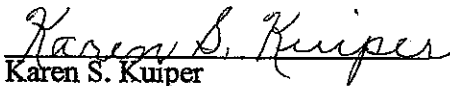
WHEREAS, Owner/Petitioner admits and agrees that the Section 4 Annexation is in the best interests of the Town and in the best interest of owners of land in the Section 4 Annexation Territory, including Owner/Petitioner;

IT IS NOW THEREFORE AGREED, by Owner/Petitioner as follows:

9. Owner/Petitioner hereby consents to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398.

10. Owner/Petitioner hereby waives, and agrees not to raise, any remonstrance or objection to the Section 4 Annexation as proposed in the Annexation Ordinance No. 1398 so long as the terms and conditions for the Section 4 Annexation as adopted are consistent with the Annexation Agreement and Zoning Commitment between Owner/Petitioner and the Town dated August \_\_\_\_\_, 2005, and previously filed with the Town.

  
\_\_\_\_\_  
Cornelius A. Kuiper

  
\_\_\_\_\_  
Karen S. Kuiper

STATE OF INDIANA

COUNTY OF LAKE

Document is  
NOT OFFICIAL!

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Cornelius A. Kuiper and Karen S. Kuiper and acknowledged the execution of the foregoing Annexation Agreement and Zoning Commitment.

WITNESS my hand and Notarial seal this 24<sup>th</sup> day of Aug., 2005.

My Commission Expires: 6/20/08

County of Residence: WILL

  
\_\_\_\_\_  
Linda L. Keene

Notary Public  
"OFFICIAL SEAL"  
Linda L. Keene  
Notary Public, State of Illinois  
My Commission Expires June 20, 2008

THIS INSTRUMENT PREPARED BY: MICHAEL L. MUENICH, Attorney at Law  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141







1914 E. Commercial Avenue  
Lowell, IN 46356-2114  
219.896.6421

November 10, 2005

Mr. Steve Kil  
St. John Town Manager  
10955 West 93<sup>rd</sup> Street  
St. John, Indiana 46373


RE: Annexation of Niemeyer Property

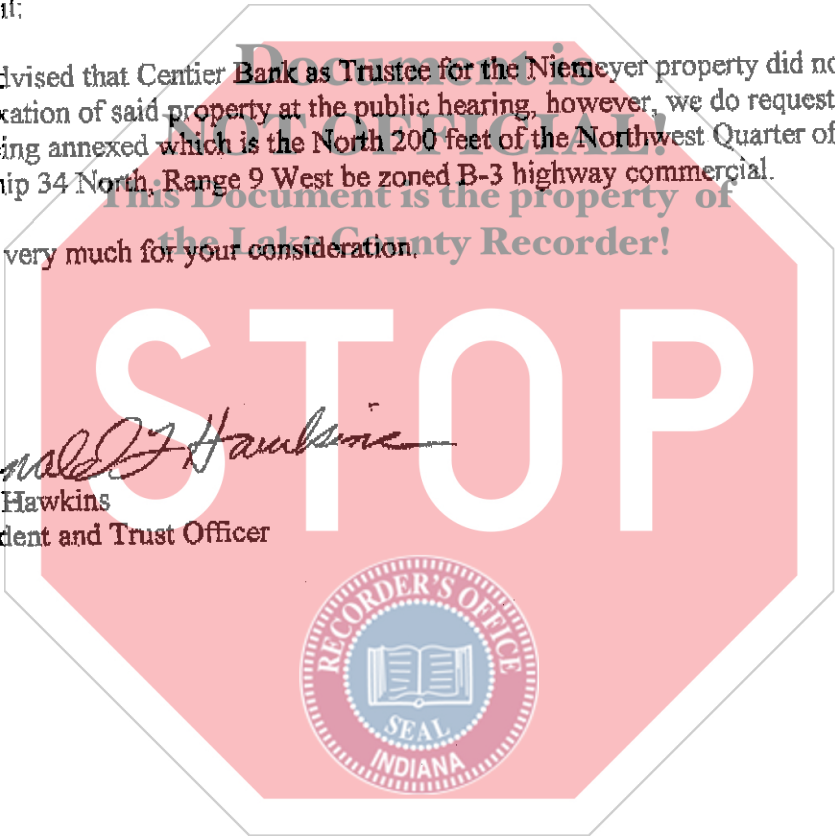
Dear Mr. Kil:

Please be advised that Centier Bank as Trustee for the Niemeyer property did not object to the annexation of said property at the public hearing, however, we do request that the property being annexed which is the North 200 feet of the Northwest Quarter of Section 10, Township 34 North, Range 9 West be zoned B-3 highway commercial.

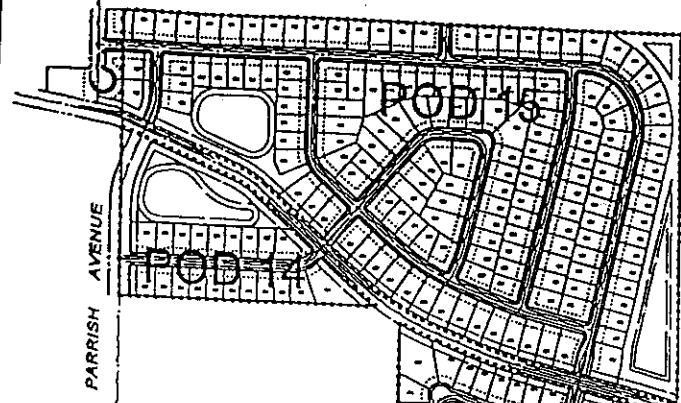
Thank you very much for your consideration.

Sincerely,

  
Donald L. Hawkins  
Vice President and Trust Officer







**UNIT COUNT**

SINGLE FAMILY DETACHED - 87 WIDE	864
SINGLE FAMILY LUXURY - 107 FT WIDE (*N - 87 WIDE LOTS)	148
SINGLE FAMILY 87 X 107	27
SINGLE FAMILY OUTSTANDING	213
<b>TOTAL SINGLE FAMILY UNITS</b>	<b>1252</b>
<b>TOTAL TOWNHOME UNITS</b>	<b>244</b>
<b>TOTAL UNITS</b>	<b>1496</b>

**RETRACT REQUIREMENTS**

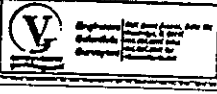
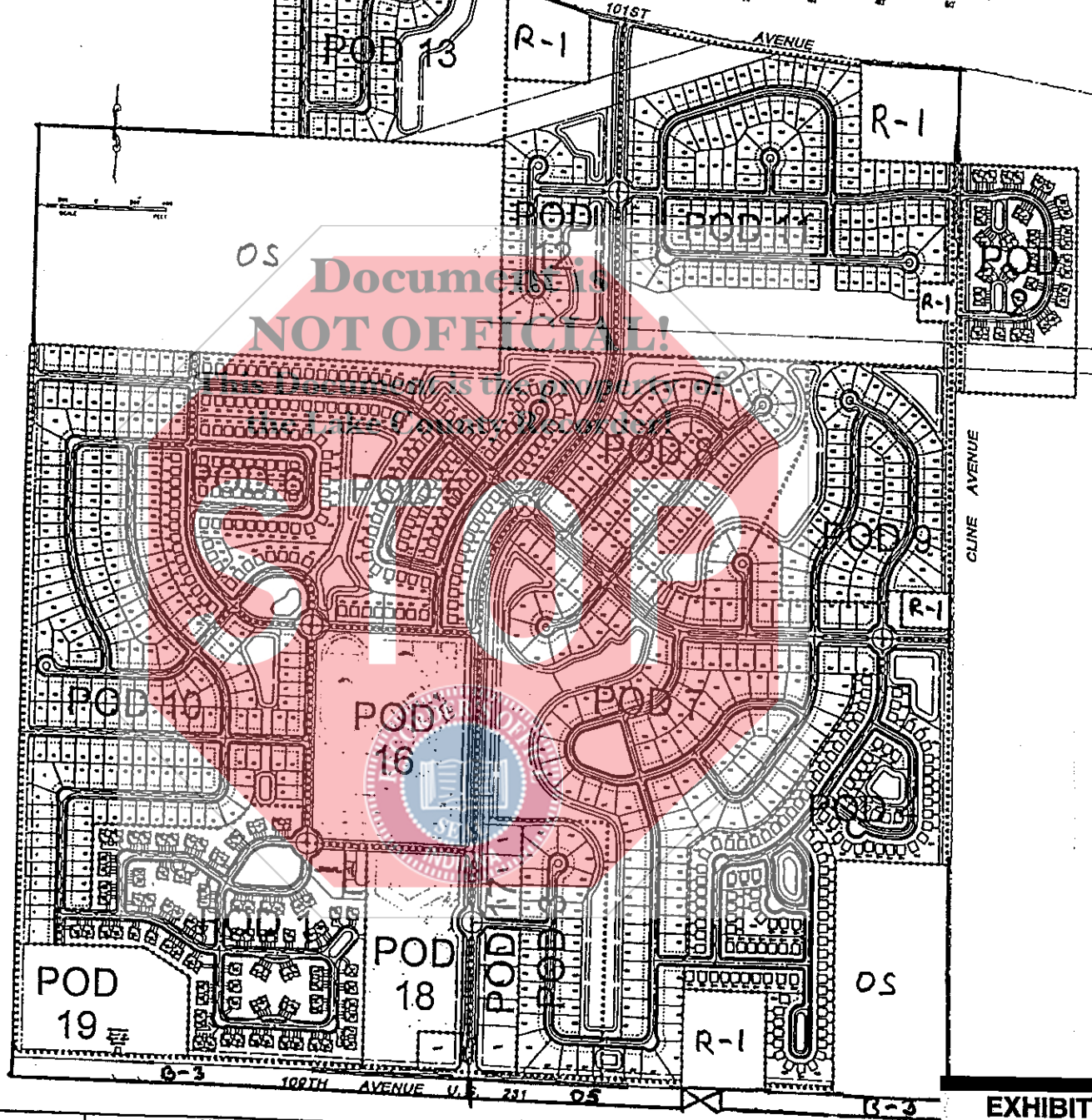
PODS	FRONT YARD	REAR YARD	SIDE YARD	SIDE YARD ON STREET (CORNER LOTS)
1 & 2	30'	30'	5'	5'
3	30'	30'	5'	30'
4, 6 & 8	30'	30'	5'	15'
7 THROUGH 10	30'	30'	5'	30'

\* CALCULATED FROM BUILDING FOOT INCLUDING DECKS TO REAR LOT LINE. DECKS MAY ENCRoACH  
 - MINIMUM 12' BETWEEN HOMES  
 - MAXIMUM 42' FRONT YARD RETRACK  
 - INTERIOR SIDE YARD RETRACK AND SIDE YARD RETRACK FOR YARDS ADJACENT TO DETENTION AND OPEN SPACE

NOTES:  
 1. DETENTION POND HIGH WATER LEVEL SHALL BE MINIMUM 1' FROM PROPERTY LINE. NO OTHER RETRACKS SHALL APPLY.  
 2. CUL-DE-SAC LENGTHS SHALL BE ALLOWED AS SHOWN ON THIS PLAN.

**BUILDING SETBACK REQUIREMENTS**

PODS	SIDE TO SIDE	SIDE TO FRONT	SIDE TO REAR	REAR TO REAR
1 & 2	10'	20'	20'	30'



**REVISIONS**

NO.	DATE	DESCRIPTION


THE GATES

OVERALL SITE #

**EXHIBIT**

C



Prescribed by the  
State Board of Accounts  
(2005)

County form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security number in attached document.
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



*Sherry P. Sury*  
Signature of Declarant

*Sherry P. Sury*  
Printed Name of Declarant



**Ms. Sherry P. Sury**  
Clerk-Treasurer's Office  
10955 West 93<sup>rd</sup> Avenue  
St. John, Indiana 46373

