

ORDINANCE NO. 2006-02
AN ORDINANCE GRANTING SPECIAL EXCEPTION
MICROWAVE RELAY TOWER (PERSONAL COMMUNICATION SERVICE FACILITY) (PCS)

WHEREAS, East Gary Parks and Recreation Board, as owner and New Cingular Wireless PCS, LLC (Cingular), as tenant, petitioner(s) for a special exception – Microwave Relay Tower (Personal Communication Service Facility) at 2700 Marquette Road, Lake Station, Indiana which real property is more particularly described as follows, to wit:

The following described Real Estate in Lake County, in State of Indiana, to-wit:

That part of the East 1/2 of the Northwest 1/4 of Section 17, Township 36 North, Range 7 West of the 2nd Principal Meridian, in the City of East Gary, Lake County, Indiana, lying North of Penn Central Railroad (formerly the Michigan Central Railroad) right of way, excepting the West 33 acres hereof, also excepting the East 12 feet thereof, and also excepting 1.202 acres contain a residence and an automobile garage, said tract of land more particularly described as follows: BEGINNING at a point in the North line of the 100-foot wide Penn Central Railroad right of way where said North right of way line is intersected by a line 182 feet West of and parallel to the East line of said Northwest, said point being 188.55 feet Southwesterly of the East line of said Northwest, measured along said North line of the Penn Central Railroad right of way; thence continuing Southwesterly along said North line 197.79 feet, more or less, to the East line of a 4 acre tract of land conveyed to Edmund Bartos and Henrietta Bartos, husband and wife, by a Warranty Deed recorded in Deed Record 1038, page 518, in the Recorder's Office of Lake County, Indiana; thence North on said East line 470 feet to the Northeast corner of said 4 acre tract; thence West on the North line of said 4 acre tract 337.84 feet to the East line of the West 33 acres of the East 1/2 of said Northwest; thence North on the East line of said West 33 acres 1364.20 feet, more or less, to the South line of the right of way of the 300-foot wide Tri-State Highway right of way, presently called The Boreman Expressway; thence Northeasterly along said South line of the Boreman Expressway 736.34 feet, more or less, to a line parallel to and 12 feet West of the East line of said Northwest 1/2; thence South on said 12-foot parallel line 1692.46 feet, more or less, to a point that is 308.04 feet northerly of the North line of said Penn Central Railroad right of way; thence Southwesterly parallel to said North line of the right of way of the Penn Central Railroad, 176.21 feet, more or less, to a line parallel to and 182 feet West of the East line of said Northwest 1/4; thence South on said 182-foot parallel line 308.04 feet to the place of beginning, containing 26.70 acres, more or less.

WHEREAS, the proposed Special Exception is to allow the construction of a PCS facility consisting of antennas mounted to a one hundred and fifty (150') monopole antenna structure with an 8' lightning rod for an overall height of 158' and an 11'5" x 20' equipment shelter located near the base of the tower in a fenced 50' x 50' leased compound by reason of a Lake Station Zoning Ordinance, Title XI, Section B2q, and,

WHEREAS, the Board of Zoning Appeals held a duly advertised public hearing on the 23rd day of November, 2005, which was tabled until December 28, 2005. On December 28th the Zoning Board of Appeals certified its recommendations to the Common Council that said Special Exception be granted subject, however, to the conditions outlines hereinafter.

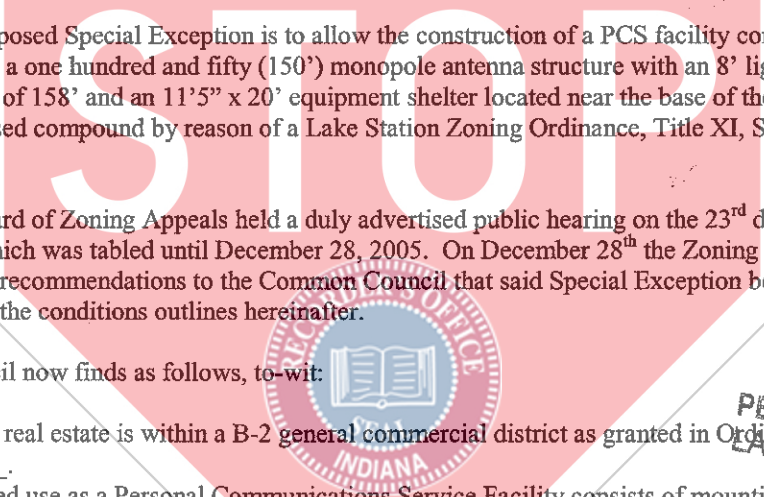
The Common Council now finds as follows, to-wit:

- a) The subject real estate is within a B-2 general commercial district as granted in Ordinance _____
- b) The proposed use as a Personal Communications Service Facility consists of mounting antennas at the 150' level of a one hundred and fifty eight (158') monopole antenna structure with it's accompanying electric equipment shelter located on a cement slab at ground level all contained within a fenced in area, pursuant to the plan's submitted with the zoning application and that the proposed use substantially conforms with the definition of a microwave relay tower, as a use allowed by special exception in a B-2 general commercial district by reason of Lake Station Zoning Ordinance, Title X1, Section B2q;

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STATE OF INDIANA
LAKE COUNTY
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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

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→ Richard Connor Riley & Associates, LLC
7600 S. County Line Rd
Burr Ridge IL 60527

ck # 23065
1600
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- c) The approval of the special exception for a microwave relay tower (Personal Communications Facility) would not be injurious to the public health, safety, morals, or general welfare of the community.
- d) The need for said special exception arises from a condition peculiar to the property involved, namely existing tall structure;
- e) The value of the areas adjacent to the subject property would not be materially affected in any adverse manner by the approval of the special exception for a microwave relay tower (Personal Communications Facility)
- f) The strict application of the terms of the zoning ordinance constitutes an unnecessary hardship for the subject real estate;
- g) The need for the proposed use arises from the fact that the property surrounding the subject real estate is used for purposes compatible with the proposed use, and that the permitted requirements of a B-2 zoning district should not be imposed exclusively upon the subject premises so long as it is used solely for the proposed use and so long as the conditions of this grant of approval are compiled with strictly, which conditions are as follows, to-wit;
 - a) petitioner(s) shall obtain any required construction releases from the applicable agencies of the State of Indiana prior to commencing any construction; and,
 - b) petitioner(s) shall comply with all municipal building requirements, including the application for the obtaining of applicable building permits, inspections, site plan and occupancy permit.

NOW THEREFORE, BE IT ORDAINED by the Common Council that a Special Exception – Microwave Relay Tower (personal Communications Service Facility) is hereby granted to East Gary Parks and Recreation Board and New Cingular Wireless PCS, LLC, for the subject real estate located at the common address of 2700 Marquette Road, Lake Station, Indiana, which is more particularly described hereinabove, in accordance with the plans submitted in the Advisory Board of Zoning Appeals proceedings, provided, however, that the grant herein is subject to satisfaction of all the conditions recited above.

BE IT FURTHER ORDAINED that the zoning map of the City of Lake Station be amended to reflect the approval of said special exception.

PASSED AND ADOPTED by the Common Council of the City of Lake Station, Indiana, this 19th day of Jan, 2006.

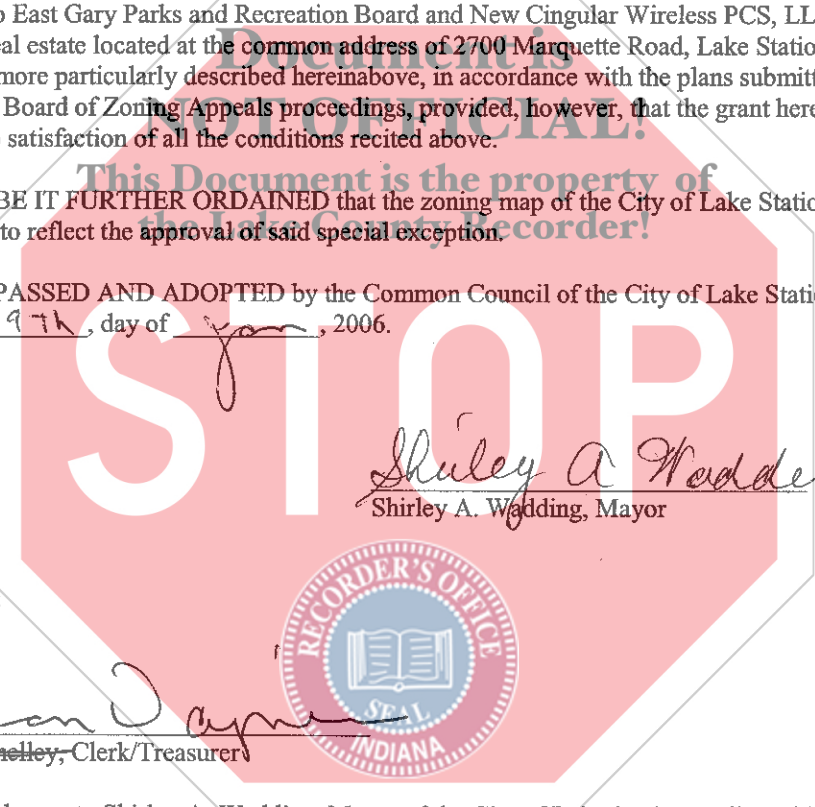
Shirley A. Wadding
 Shirley A. Wadding, Mayor

ATTEST:

Donna Smalley
 Donna Smalley, Clerk/Treasurer

Presented by me to Shirley A. Wadding, Mayor of the City of Lake Station, Indiana this 19th day of Jan, 2006

Shirley A. Wadding



SEAN Vajner *Sean Vajner*
Donna Smalley, Clerk/Treasurer

Approved, signed and returned by me to the Common Council of the City of Lake Station,
Indiana, this 19th day of Jan, 2006

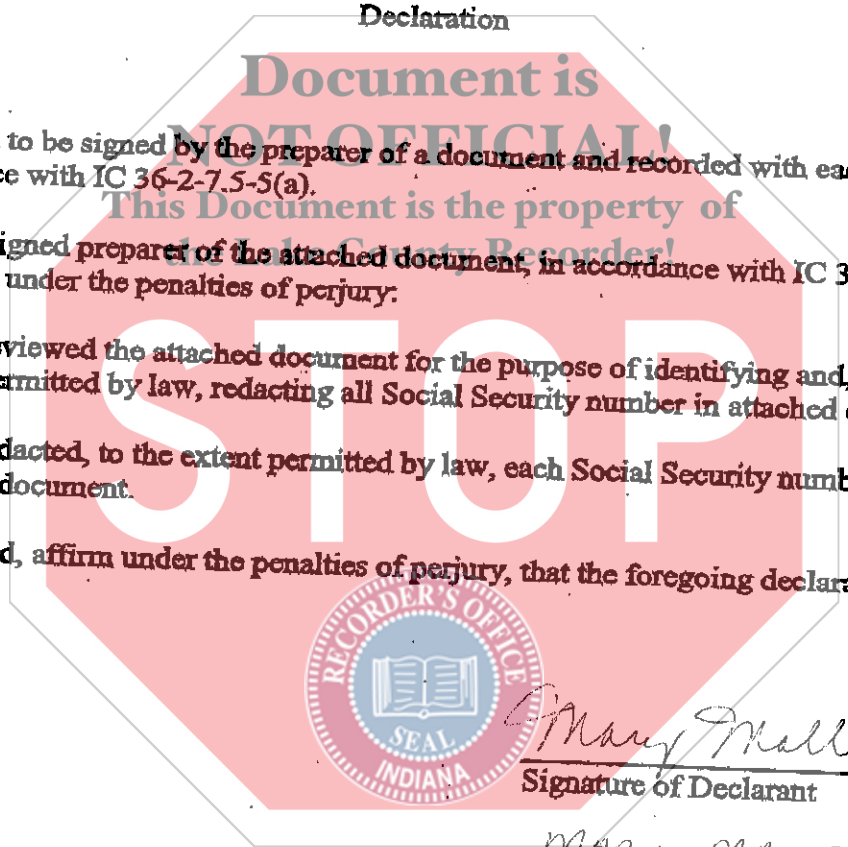
Shirley A. Wadling
Shirley A. Wadling, Mayor



Prescribed by the
State Board of Accounts
(2005)

County form 170

Declaration

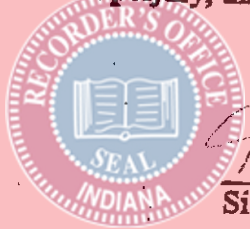


This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

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.



Mary Malcen

Signature of Declarant

MARY MALCEN

Printed Name of Declarant