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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2011 045003

2011 AUG 19 AM 11:51

MICHELLE D. FAJMAN  
RECORDER

ORDINANCE NO. 2011-08

**AN ORDINANCE GRANTING RE-ZONE AND CHANGING ZONING MAP  
FROM OPEN SPACE (O-S) ZONING DISTRICT  
TO LIGHT INDUSTRIAL (L-I)**

**WHEREAS**, Petitioner has filed a Petition requesting a change in zoning district from Open Space (O-S) Zoning District to Light Industrial (L-I) at the following premises located within the corporate boundaries of the City of Lake Station, Indiana, and more particularly described as follows, to-wit:

**A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 23,  
TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL  
MERIDIAN, IN LAKE COUNTY, INDIANA, SAID PARCEL ALSO BEING A  
PORTION OF UNIMPROVED FLORIDA STREET, DESCRIBED AS  
FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 3, IN  
TOLLESTON ON THE HILL, AS PER PLAT THEREOF, RECORDED IN PLAT  
BOOK 2 PAGE 55, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY,  
INDIANA; THENCE NORTH, ALONG THE EAST LINE OF SAID BLOCK 3,  
SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF  
FLORIDA STREET, 50 FEET; THENCE EAST, AT RIGHT ANGLES TO THE  
EAST LINE OF SAID BLOCK 3, 60 FEET TO THE WEST LINE OF BLOCK 4  
IN SAID TOLLESTON ON THE HILL, SAID WEST LINE ALSO BEING THE  
EAST RIGHT-OF-WAY LINE OF FLORIDA STREET; THENCE SOUTH,  
ALONG THE WEST LINE OF SAID BLOCK 4, 50 FEET; THENCE WEST, 60  
FEET TO THE POINT OF BEGINNING.**

**CONTAINING 3000 SQUARE FEET, 0.069 ACRE, MORE OR LESS, AND  
SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.**

**WHEREAS**, this council, within ninety days of the said action of the Advisory Plan Commission, by motion duly made, seconded, passed, and adopted, approved a change of zone map classification for said described premises from Open Space (O-S) Zoning District to Light Industrial (L-I), subject however, to the following conditions, to-wit:

1. Restriction on Use and Development. The said described premises shall be restricted in use and as to development as follows: the real property shall be used for one (1) advertising billboard, and for no other use or development.

**FILED**

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PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

2. **Restricted Use Commitment.** The written Commitment of the Petitioner, attached hereto as an exhibit, reciting the terms and restrictions on the use and development of the said described premises, is hereby adopted by reference and incorporated herein as if set forth word by word. The restriction referred to herein, and that contained in paragraph "1," above, shall be monitored and enforced by the Building Commissioner of the City of Lake Station.
3. **Zone Map Change.** The zoning classification of the real property shall be Light Industrial (L-I), subject, however, to the above and foregoing permanent restriction on use and development, which is in addition to, and not in lieu of, all other zoning restrictions and limitations applicable to land located in Light Industrial (L-I) zoning classification in the City of Lake Station, Indiana; and

**WHEREAS,** to further memorialize the action of the Common Council regarding this matter, it is deemed fitting and proper to enact an ordinance codifying the same.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Lake Station that the zoning classification for the said described premises ought to be and is hereby changed from Open Space (O-S) Zoning District to Light Industrial(L-I), subject, however, to the following conditions, to-wit:


1. **Restriction on Use and Development.** The said described premises shall be restricted in use and as to development as follows: the real property shall be used for one (1) advertising billboard, and for no other use or development.
2. **Restricted Use Commitment.** The written Commitment of the Petitioner, attached hereto as an exhibit, reciting the terms and restrictions on the use and development of the said described premises, is hereby adopted by reference and incorporated herein as if set forth word by word. The restriction referred to herein, and that contained in paragraph "1," above, shall be monitored and enforced by the Building Commissioner of the City of Lake Station.
3. **Zone Map Change.** The zoning classification of the real property shall be Light Industrial (L-I), subject, however, to the above and foregoing permanent restriction on use and development, which is in addition to, and not in lieu of, all other zoning restrictions and limitations applicable to land located in Light Industrial (L-I) zoning classification in the City of Lake Station, Indiana; and

**BE IT FURTHER ORDAINED** that the zoning map of the City of Lake Station ought to be and is hereby changed to reflect said change of zone classification.

**ORDINANCE NO. 2011- 08**

**PASSED AND ADOPTED**, by the Common Council of the City of Lake Station, Lake  
County, Indiana, this 18<sup>th</sup> day of AUGUST, 2011.

**ATTEST:**

  
Brenda Samuels, Clerk/Treasurer

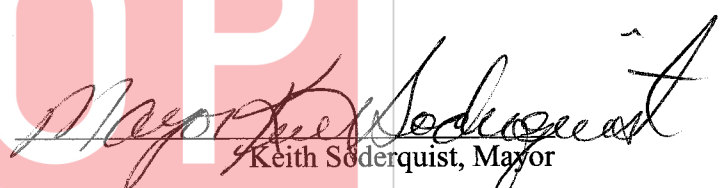
**PRESENTED BY ME**, to the Mayor of the City of Lake Station, Indiana,  
this 18<sup>th</sup> day of AUGUST, 2011.

**SIGNED, APPROVED AND RETURNED** to the Common Council by me  
this 18<sup>th</sup> day of AUGUST, 2011.

Document is  
**NOT OFFICIAL**  
  
Brenda Samuels, Clerk/Treasurer

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**STOP**

  
Keith Soderquist, Mayor



## COMMITMENT RESTRICTING THE USE OF PROPERTY

**THIS COMMITMENT** made this 19<sup>th</sup> day of August, 2011, by Louis H. O'Donnell IV, President of OUTDOOR ONE, Inc. as attorney-in-fact for the property owner (hereinafter, "the petitioner").

### WITNESSETH:

**WHEREAS**, Petitioner has filed a Petition requesting a change in zoning district from Open Space (O-S) Zoning District to Light Industrial (L-I) at the following premises located within the corporate boundaries of the City of Lake Station, Indiana, and more particularly described as follows, to-wit:

**A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, SAID PARCEL ALSO BEING A PORTION OF UNIMPROVED FLORIDA STREET, DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 3, IN TOLLESTON ON THE HILL, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2 PAGE 55, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE NORTH, ALONG THE EAST LINE OF SAID BLOCK 3, SAID EAST LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF FLORIDA STREET, 50 FEET; THENCE EAST, AT RIGHT ANGLES TO THE EAST LINE OF SAID BLOCK 3, 60 FEET TO THE WEST LINE OF BLOCK 4 IN SAID TOLLESTON ON THE HILL, SAID WEST LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF FLORIDA STREET; THENCE SOUTH, ALONG THE WEST LINE OF SAID BLOCK 4, 50 FEET; THENCE WEST, 60 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 3000 SQUARE FEET, 0.069 ACRE, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS AND EASEMENTS OF RECORD.**

**WHEREAS**, the real property is currently Open Space (R-2) Zoning District on the City of Lake Station Zoning Map; and

**WHEREAS**, the petitioner is willing to permanently limit the use and development of the real property to the use of one (1) advertising billboard if the zoning is changed to Light Industrial (L-I), under the conditions specified hereinafter; and

**WHEREAS**, the highest and best use of the real property could be achieved by changing the zoning classification to Light Industrial (L-I) if, and only if, the proposed use of the real property is limited in accordance with a written development commitment entered into by the petitioner to commit in writing to the use or development of the real property

pursuant to the provisions of Indiana Code Section 36-7-4-613, so as to be able to so use the real property under said specified conditions, and the petitioner is amenable thereto.

**NOW, THEREFORE**, in consideration of the premises, the petitioner agrees and commits as follows:

1. **Restriction on Use and Development.** The real property shall be used only for the installation of one (1) advertising billboard.
2. **Restriction of content to be displayed.** No adult entertainment or alcoholic beverages shall be displayed on said billboard.
3. **Restrictions requested by the Shirley Heinze Land Trust.** a) Tree canopy will be left in place with minimal disturbance; and b) Disturbed vegetation and soil will be restored with native material.
4. **Access route and tree removal.** the City Engineer shall oversee and advise if necessary during construction. Further, the access to the site will be secured upon completion of construction to prohibit possible vehicular traffic from accessing the area.
5. **Offset for base of foundation.** Offset shall be greater or equal to 36' of the 60' width of property rezoned.
6. **Zoning Classification.** The zoning classification of the real property shall be Light Industrial (L-I), subject, however, to the above and foregoing permanent restriction on use and development, which is in addition to, and not in lieu of, all other zoning restrictions and limitations applicable to land located in Light Industrial (L-I) zoning classification in the City of Lake Station, Indiana.
7. **Conditional upon approval by ordinance by the Common Council.** The entire commitment is conditioned upon its approval by the Common Council of the City of Lake Station, by duly passed and adopted ordinance incorporating this Commitment and its terms therein, in accordance with the laws of the State of Indiana regarding such matters. In the event said Common Council shall fail to so ordain, the said commitment shall, *ipso facto*, be and become null and void, and of no force or effect.
8. **Subsequent owners.** This commitment shall run with the land and be binding upon subsequent owners of the real estate, unless modified or terminated hereinafter.
9. **Duration and Termination.** This commitment shall commence and be in full force and effect as of the date of final approval of the Zone Map Change of the real property to the classification of Light Industrial (L-I) by the said Common Council, and shall continue in full force and effect unless and until modified or

