



ORDINANCE NO. 1212

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, Frank Schilling and James Schilling 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, James Schilling is deceased and Frank E. Schilling and Shirley M. Schilling are successors in interest and owners of the contiguous territories; and

WHEREAS, said petitioners have executed a zoning commitment, a copy of which is attached hereto, made a part hereof, and marked as Exhibit "1"; 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-1 (single-family detached residential), R-2 (single-family detached residential), R-4 (single-family attached residential), and B-3 (highway commercial) subject to the terms and conditions of a contractual zoning commitment; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana has heretofore on the 2nd day of July, 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 zoning commitment be approved 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 held a public hearing this 28th day of June, 2001 upon the 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 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:

That portion of the south one-half of Section 4, Township 34 North, Range 9

West of the 2nd P.M., lying between the existing eastern boundary of the Town of St. John and the centerline of the CSX (Monon or L&N) right-of-way, containing 150 acres more or less.

Section 2. That pursuant to and in reliance upon the zoning commitment attached hereto, made a part hereof, and marked as Exhibit "1" and the recommendation of the St. John Planning Commission that the zoning of such territory be and it is hereby determined to be R-1 (single-family detached residential), R-2 (single-family detached residential), R-4 (single-family attached residential), and B-3 (highway commercial) as set forth and described on the proposed development map, a copy of which is attached hereto, made a part hereof, and marked as Exhibit "A" to Exhibit "1" and legally described as follows:

That portion of the south one-half of Section 4, Township 34 North, Range 9 West of the Second P.M. lying between the existing eastern boundary of the Town of St. John and the centerline of the CSX (Monon or L&N) right-of-way, containing 150 acres more or less.

Section 3. The zoning classification 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 "2" and are legally described as follows:

ZONE B3

That part of the South half of Section 4, Township 34 North, Range 9 West of the Second Principal Meridian, described as follows: beginning at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence westerly, along said South line, 2230.00 feet; thence Northerly to a point that is 2282.52 feet, at a bearing of North 77 degrees 2 minutes 12 seconds west, from the point of beginning; thence South 89 degrees 21 minutes 8 seconds East 1205.56 feet; thence North 34 degrees 52 minutes 53 seconds East 209.11 feet; thence South 89 degrees 21 minutes 8 seconds East 591.83 feet to a point on aforesaid center line of railroad; thence South 24 degrees 52 minutes 24 seconds East, along said center line, 731.07 feet to the point of beginning; all in Lake County, Indiana.

ZONE R4

That part of the South half of Section 4, Township 34 North, Range 9 West of the Second Principal Meridian, described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence westerly, along said South line, 2230.00 feet; thence Northerly to a point that is 2282.52 feet, at a bearing of North 77 degrees 2 minutes 12 seconds west, from the point of commencement; thence South 89 degrees 21 minutes 8 seconds East 125.00 feet to a point of beginning; thence continuing South 89 degrees 21 minutes 8 seconds East 1080.56 feet; thence North 34 degrees 52 minutes 53 seconds East 209.11 feet; thence South 89 degrees 21 minutes 8 seconds East 591.83 feet to a point on aforesaid center line of railroad; thence North 24 degrees 52 minutes 24 seconds west, along said center line, 856.93 feet to a point that is 1588.00 feet (measured along said center line) Northwest of the point of commencement; thence South 51 degrees 0 minutes 3 seconds West 214.29 feet to a point that is 1549.70 feet, at a bearing of North 32 degrees 34 minutes 47 seconds west, from the point of commencement; thence continuing South 51 degrees 0 minutes 3 seconds West 182.24 feet; thence South 89 degrees 14 minutes 48 seconds West 1391.27 feet; thence southeasterly, along a curve convex to the southwest and having a radius of 650.00 feet and a 521.08 foot chord bearing South 46 degrees 27 minutes 41 seconds East, an arc distance of 536.15 feet to a point that is 2149.57 feet, at a bearing of North 67 degrees 45 minutes 1 second west, from the point of commencement; thence South 19 degrees 54 minutes 31 seconds West 322.58 feet to the point of beginning; all in Lake County, Indiana.

SOUTH ZONE R1

That part of the South half of Section 4, Township 34 North, Range 9 West of the Second Principal Meridian, described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence North 24 degrees 52 minutes 24 seconds west, along said center line, 1588.00 feet; thence South 51 degrees 0 minutes 3 seconds West 214.29 feet to a point of beginning that is 1549.70 feet, at a bearing of North 32 degrees 34 minutes 47 seconds west, from the point of commencement; thence continuing South 51 degrees 0 minutes 3 seconds West 182.24 feet; thence South 89 degrees 14 minutes 48 seconds West 1391.27 feet; thence Northwesterly, along a curve convex to the West and having a radius of 650.00 feet and a 301.70 foot chord bearing North 9 degrees 24 minutes 43 seconds west, an arc distance of 304.47 feet to a point of tangency; thence North 4 degrees 0 minutes 26 seconds East 303.78 feet; thence South 67 degrees 43 minutes 14 seconds East 227.88 to a point of curvature; thence Northeasterly, along a curve convex to the South and having a radius of 400.00 feet and a 395.04 foot chord bearing North 82 degrees 41 minutes 19 seconds East, an arc distance of 413.16 feet to a point of reverse curvature; thence Northeasterly, along a curve convex to the North and having a radius of 481.31 feet and a 271.85 foot chord bearing North 69 degrees 30 minutes 6 seconds East, an arc distance of 275.60 feet to a point of reverse curvature; thence Northeasterly, along a curve convex to the southeast and having a radius of 376.17 feet and a 322.82 foot chord bearing North 60 degrees 29 minutes 45 seconds East, an arc distance of 333.65 feet; thence South 54 degrees 54 minutes 50 seconds East 128.82 feet to a point of curvature; thence southeasterly, along a curve convex to the

Northeast and having a radius of 211.46 feet and a 184.72 foot chord bearing South 29 degrees 1 minute 0 seconds East, an arc distance of 191.16 feet to a point of tangency; thence South 3 degrees 7 minutes 11 seconds East 100.28 feet to a point of curvature; thence southeasterly, along a curve convex to the southwest and having a radius of 416.27 feet and a 381.00 foot chord bearing South 30 degrees 21 minutes 15 seconds East, an arc distance of 395.73 feet to a point of reverse curvature; thence southeasterly, along a curve convex to the Northeast and having a radius of 315.16 feet and a 36.45 foot chord bearing South 54 degrees 16 minutes 24 seconds East, an arc distance of 36.47 feet to the point of beginning; all in Lake County, Indiana.

MAIN ZONE R2

That part of the South half of Section 4, Township 34 North, Range 9 West of the Second Principal Meridian, described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence North 24 degrees 52 minutes 24 seconds west, along said center line, 1588.00 feet; thence South 51 degrees 0 minutes 3 seconds West 214.29 feet to a point that is 1549.70 feet, at a bearing of North 32 degrees 34 minutes 47 seconds west, from the point of commencement; thence continuing South 51 degrees 0 minutes 3 seconds West 182.24 feet; thence South 89 degrees 14 minutes 48 seconds West 1391.27 feet to a point of beginning; thence Northwesterly, along a curve convex to the West and having a radius of 650.00 feet and a 301.70 foot chord bearing North 9 degrees 24 minutes 43 seconds west, an arc distance of 304.47 feet to a point of tangency; thence North 4 degrees 0 minutes 26 seconds East 303.78 feet; thence South 67 degrees 43 minutes 14 seconds East 227.88 to a point of curvature; thence Northeasterly, along a curve convex to the South and having a radius of 400.00 feet and a 395.04 foot chord bearing North 82 degrees 41 minutes 19 seconds East, an arc distance of 413.16 feet to a point of reverse curvature; thence Northeasterly, along a curve convex to the North and having a radius of 481.31 feet and a 271.85 foot chord bearing North 69 degrees 30 minutes 6 seconds East, an arc distance of 275.60 feet to a point of reverse curvature; thence Northeasterly, along a curve convex to the southeast and having a radius of 376.17 feet and a 322.82 foot chord bearing North 60 degrees 29 minutes 45 seconds East, an arc distance of 333.65 feet; thence South 54 degrees 54 minutes 50 seconds East 128.82 feet to a point of curvature; thence southeasterly, along a curve convex to the Northeast and having a radius of 211.46 feet and a 184.72 foot chord bearing South 29 degrees 1 minute 0 seconds East, an arc distance of 191.16 feet to a point of tangency; thence South 3 degrees 7 minutes 11 seconds East 100.28 feet to a point of curvature; thence southeasterly, along a curve convex to the southwest and having a radius of 416.27 feet and a 381.00 foot chord bearing South 30 degrees 21 minutes 15 seconds East, an arc distance of 395.73 feet to a point of reverse curvature; thence southeasterly, along a curve convex to the Northeast and having a radius of 315.16 feet and a 36.45 foot chord bearing South 54 degrees 16 minutes 24 seconds East, an arc distance of 36.47 feet to aforesaid point that is 1549.70 feet, at a bearing of North 32 degrees 34 minutes 47 seconds west, from the point of commencement; thence North 51 degrees 0 minutes 3 seconds East 214.29 feet to aforesaid point on the center line of railroad that is 1588.00 feet (measured along said center line) Northwest of the point of

commencement; thence Northwesterly, along said center line, to its intersection with the North line of said South half; thence westerly, along said North line, 689.89 feet; thence southeasterly to a point that is 3090.29 feet, at a bearing of North 34 degrees 32 minutes 2 seconds west, from the point of commencement; thence southwesterly, along a curve convex to the Northwest and having a radius of 383.15 feet and a 291.43 foot chord bearing South 53 degrees 8 minutes 7 seconds west, an arc distance of 298.96 feet to a point of tangency; thence South 30 degrees 46 minutes 55 seconds West 188.98 feet to a point of curvature; thence southwesterly, along a curve convex to the southeast and having a radius of 420.53 feet and a 196.67 foot chord bearing South 44 degrees 18 minutes 18 seconds west, an arc distance of 198.51 feet to a point of reverse curvature; thence southwesterly, along a curve convex to the Northwest and having a radius of 378.94 feet and a 192.58 foot chord bearing South 43 degrees 6 minutes 27 seconds west, an arc distance of 194.72 feet; thence North 79 degrees 28 minutes 13 seconds West 227.52 feet; thence 65 degrees 20 minutes 5 seconds West 125.11 feet; thence South 12 degrees 17 minutes 41 seconds West 172.21 feet; thence South 23 degrees 1 minute 56 seconds East 165.70 feet; thence South 88 degrees 54 minutes 17 seconds East 81.63 feet; thence South 4 degrees 0 minutes 26 seconds West 112.16 feet to a point of curvature; thence southeasterly, along a curve convex to the West and having a radius of 820.00 feet and a 314.26 foot chord bearing South 7 degrees 2 minutes 24 seconds East, an arc distance of 316.21 feet; thence South 89 degrees 14 minutes 48 seconds West to a point on the West line of the East half of the southwest quarter of said Section 4; thence southerly, along said West line, to a point on the South line of said Section 4; thence Easterly, along said South line, to a point that is 2230.00 feet West of the point of commencement; thence Northerly to a point that is 2282.52 feet, at a bearing of North 77 degrees 2 minutes 12 seconds west, from the point of commencement; thence South 89 degrees 21 minutes 8 seconds East 125.00 feet; thence North 19 degrees 54 minutes 31 seconds East 322.58 feet to a point that is 2149.57 feet, at a bearing of North 67 degrees 45 minutes 1 second west, from the point of commencement; thence Northwesterly, along a curve convex to the southwest and having a radius of 650.00 feet and a 521.08 foot chord bearing North 46 degrees 27 minutes 41 seconds west, an arc distance of 536.15 feet to the point of beginning; all in Lake County, Indiana.

NORTHWEST ZONE R1

That part of the South half of Section 4, Township 34 North, Range 9 West of the Second Principal Meridian, described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence Northwesterly, along said center line to its intersection with the North line of said South half; thence westerly, along said North line, 689.89 feet to a point of beginning; thence southeasterly to a point that is 3090.29 feet, at a bearing of North 34 degrees 32 minutes 2 seconds west, from the point of commencement; thence southwesterly, along a curve convex to the Northwest and having a radius of 383.15 feet and a 291.43 foot chord bearing South 53 degrees 8 minutes 7 seconds west, an arc distance of 298.96 feet to a point of tangency; thence South 30 degrees 46 minutes 55 seconds West 188.98 feet to a point of curvature; thence southwesterly, along a curve convex

to the southeast and having a radius of 420.53 feet and a 196.67 foot chord bearing South 44 degrees 18 minutes 18 seconds west, an arc distance of 198.51 feet to a point of reverse curvature; thence southwesterly, along a curve convex to the Northwest and having a radius of 378.94 feet and a 192.58 foot chord bearing South 43 degrees 6 minutes 27 seconds west, an arc distance of 194.72 feet; thence North 79 degrees 28 minutes 13 seconds West 227.52 feet; thence South 65 degrees 20 minutes 5 seconds West 125.11 feet; thence South 12 degrees 17 minutes 41 seconds West 172.21 feet; thence South 23 degrees 1 minute 56 seconds East 165.70 feet; thence South 88 degrees 54 minutes 17 seconds East 81.63 feet; thence South 4 degrees 0 minutes 26 seconds West 112.16 feet to a point of curvature; thence southeasterly, along a curve convex to the West and having a radius of 820.00 feet and a 314.26 foot chord bearing South 7 degrees 2 minutes 24 seconds East, an arc distance of 316.21 feet; thence South 89 degrees 14 minutes 48 seconds West to a point on the West line of the East half of the southwest quarter of said Section 4; thence Northerly, along said West line, to a point on the North line of said South half; thence Easterly, along said North line, to the point of beginning (excepting therefrom that part described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence Northwesterly, along said center line to its intersection with the North line of said South half; thence westerly, along said North line, 1350.00 feet to a point of beginning; thence southeasterly to a point that is 3589.86 feet, at a bearing of North 42 degrees 26 minutes 12 seconds west, from the point of commencement; thence South 26 degrees 8 minutes 24 seconds West 209.57 feet; thence Northwesterly, along a curve convex to the southwest and having a radius of 205.59 feet and a 222.31 foot chord bearing North 31 degrees 51 minutes 5 seconds west, an arc distance of 234.87 feet to a point of tangency; thence North 0 degrees 52 minutes 37 seconds East to a point on the North line of said South half; thence Easterly, along said North line, to the point of beginning); all in Lake County, Indiana.

NORTH ZONE R2

That part of the South half of Section 4, Township 34 North, Range 9 west of the Second Principal Meridian, described as follows: commencing at the intersection of the center line of the Louisville and Nashville railroad with the South line of said Section 4; thence Northwesterly, along said center line to its intersection with the North line of said South half; thence westerly, along said North line, 1350.00 feet to a point of beginning; thence southeasterly to a point that is 3589.86 feet, at a bearing of North 42 degrees 26 minutes 12 seconds west, from the point of commencement; thence South 26 degrees 8 minutes 24 seconds west 209.57 feet; thence Northwesterly, along a curve convex to the southwest and having a radius of 205.59 feet and a 222.31 foot chord bearing North 31 degrees 51 minutes 5 seconds west, an arc distance of 234.87 feet to a point of tangency; thence North 0 degrees 52 minutes 37 seconds East to a point on the North line of said South half; thence Easterly, along said North line, to the point of beginning; all in Lake County, Indiana.

Section 4. This Ordinance shall be in full force and effect from and after the passage and publication thereof according to law.

Section 5. Passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana this 13th day of August 2001.

Aye 4 Nay 1

Kathy Willman
KATHY WILLMAN

Jerome Rudy
JEROME RUDY

Kristie Aldridge
KRISTIE ALDRIDGE

Michael Forbes
MICHAEL FORBES

Wm Winterhaler
WILLIAM WINTERHALER

ATTEST:

Judith L. Companik
JUDITH L. COMPANIK
Clerk/Treasurer

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ZONING COMMITMENT

Come now Frank E. Schilling and Shirley M. Schilling, husband and wife, 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 make 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.

1. That Frank E. Schilling and Shirley M. Schilling are successors to the interest of James J. Schilling and hereby amends that Zoning Commitment issued May 6, 1997 and previously submitted to the Town of St. John.

2. That development shall be generally consistent with the conceptual development plan prepared by Earth Source, Inc. and dated April 25, 1997, a copy of which was attached to the original Zoning Commitment dated May 6, 1997 and is made part hereof as if fully set out herein.

3. That the density, i.e. the number of units to be erected on tracts to be zoned as R-1 shall be equal to or greater than 39.

4. That the density, i.e. the number of units to be erected on tracts to be zoned as R-2 shall be equal to or less than 87.

5. That the density, i.e. the number of units to be erected

on tracts to be zoned as R-4 shall be equal to or less than 85.

6. That a buffer zone conforming at a minimum with the side yard requirements of Title XIV-Highway Commercial (B-3) District paragraph 3(b) for lots abutting Residential Zoning Districts shall be maintained between any commercial and residential districts.

7. That not more than fourteen acres shall be developed as B-1, B-2, or B-3 commercial.

8. That each residential unit erected on the tract zoned as R-4 shall have a one car garage.

9. That each residential unit erected on the tract zoned as R-1 or R-2 shall have a two car garage.

10. That not less than one hundred percent (100%) of each group of residential units erected on each lot of the tract zoned as R-4, shall be owner occupied.

11. That the approximate value of each dwelling unit erected in the tract zoned as R-4 shall have a market value equal to or greater than One Hundred Dollars (\$100.00) per square foot.

12. That the square footage of seventy-five percent (75%) of the dwelling units erected in the tract zoned as R-4 shall be equal to or greater than 1,200 square feet and the remaining twenty-five percent (25%) of the dwelling units erected in the tract zoned as R-4 shall be equal to or greater than 1,000 square feet.

13. That none of the dwelling units erected in the tract zoned as R-4 shall be greater than two stories in height.

14. That no one building erected in the tract zoned as R-4 shall contain more than eight units per building. Notwithstanding Title XI -- Residential (R-4) District paragraph 7(b) the developer shall not seek a variance from, nor submit a Planned Unit Development for the area to be zoned R-4, which provides for a building density in excess of eight units per building.

15. That this commitment shall be binding upon the heirs, successors and assigns of the owner.


FRANK E. SCHILLING


SHIRLEY M. SCHILLING

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me, the undersigned, a Notary Public in and for said County and State, this 27th day of June, 2001 personally appeared: FRANK E. SCHILLING and SHIRLEY M. SCHILLING and acknowledged the execution of the foregoing Zoning Commitment.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.


Michael L. Muenich, Notary Public

My Commission Expires: 09/17/2007
County of Residence: Lake

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