

2020-061406

2020 Sep 3

11:03 AM

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
MICHAEL B BROWN
RECORDER

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO: 1710

AN ORDINANCE CLARIFYING AND DESIGNATING THE ZONING/ZONING MAP OF CERTAIN REAL ESTATE CONSISTING OF 111.62 ACRES AND 40.33 ACRES

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, hereinafter referred to as "Town Council" is a duly elected legislative body of the Town empowered by applicable law with the conduct of a legislative business of the Town; and

WHEREAS, the Town Council, as required by applicable law, schedules and conducts its business and lawfully schedules public meetings, except as otherwise permitted or required, each conducted in conformance with applicable law; and

WHEREAS, the Town of St. John previously annexed, certain real estate consisting of 111.62 acres (legally described in Exhibit "A") and 40.33 acres (legally described in Exhibit "B") via ordinance taking effect on January 1, 2020, with the alleged zoning classifications of R-2 PUD and RC-2 PUD respectively by a vote of four (4) in favor and one (1) opposed; and

WHEREAS, Section 24-42 of the Town of St. John Municipal Code provides that "all land shall be annexed to the Town with an R-1 residential single family zoning designation unless the Town Council unanimously assigns the annexed land to a different zoning district at the time of annexation"; and

WHEREAS, litigation has ensued with regard to the proper zoning classification of the real estate consisting of 111.62 acres and 40.33 acres; and

WHEREAS, on June 12, 2020, the Lake Superior Court, Room Number 6, sitting in Crown Point, Indiana issued its Order in Cause Number: 45D10-1802-PL-00013, which provided, among other things as follows:

"... section 24-42 is a valid and enforceable ordinance. The 111 -acre property at issue in Ordinance 1691 shall be designated with an R-1 single family residential zoning classification."

Further, the Court ordered that "... the 40 acre parcel, annexed pursuant to Ordinance 1693, shall be designated with an R-1 single family residential zoning classification." Exhibit "C"; and

WHEREAS, the Town Council, having considered the Order of the Lake Superior Court now desires to clarify the zoning classification for the 111 acre parcel and the 40 acre parcel.

FILED

SEP 03 2020

**JOHN E. PETALAS
LAKE COUNTY AUDITOR**

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THAT:

SECTION ONE:

The zone map for the property described in Exhibit "A" (111 acre parcel) shall be designated with an R-1 single family residential zoning classification, and the same shall be incorporated into the Zoning Ordinance.

SECTION TWO:

The zone map for the property described in Exhibit "B" (40 acre parcel) shall be designated with an R-1 single family residential zoning classification, and the same shall be incorporated into the Zoning Ordinance.

SECTION THREE:

The Town Council hereby directs staff to make all necessary corrections to the zone maps to implement this Ordinance.

SECTION FOUR:

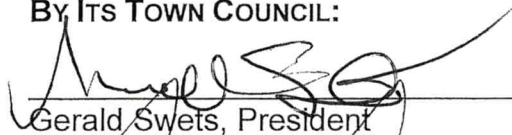
That all Town Ordinances and Town Code sections, or parts thereof, in conflict with the provisions of this Ordinance are hereby deemed null, void, and have no legal effect, and are specifically repealed.

SECTION FIVE:

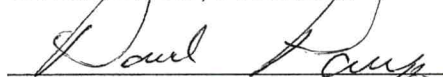
That this Ordinance shall take effect, and be in full force and effect, from and after its passage by Town Council of the Town of St. John, and its publication in accordance with applicable laws.

ALL OF WHICH IS PASSED AND ADOPTED THIS 26 DAY OF AUGUST, 2020, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL:



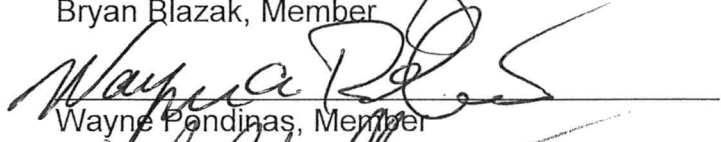
Gerald Swets, President



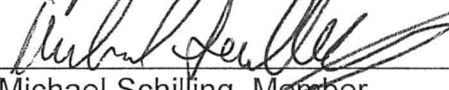
Paul Panczuk, Vice President



Bryan Blazak, Member



Wayne Pondinas, Member



Michael Schilling, Member

ATTEST:



Beth R. Hernandez, Clerk-Treasurer