

ORDINANCE NO. 34, 2005

AN ORDINANCE REZONING AND APPROVING A PLANNED UNIT DEVELOPMENT FOR
214 E COUNTY ROAD 500 N LLC TO BE KNOWN AS EXECUTIVE PARK PUD

WHEREAS, a petition was presented by 214 E County Road 500 N LLC, of 502 Garden Gateway, Valparaiso, Indiana to rezone approximately 25.39 acres located at the southwest corner of County Road 500 N and State Road 49 to a Planned Unit Development (PUD) zoning; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed PUD annexation on June 14, 2005; and

WHEREAS, the general public was given an opportunity to comment on the proposed PUD; and

WHEREAS, the Plan Commission voted to recommend approval of the PUD annexation by a 6-1 vote.

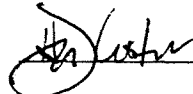
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1) The following described real estate is hereby annexed in the City of Valparaiso and given the Planned Unit Development (PUD) zoning classification to wit:

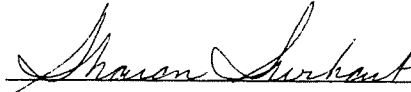
SEE ATTACHED LEGAL DESCRIPTION

2) This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a ⁷⁻⁰ vote of all members present and voting this 11th day of July, 2005.


Jon Costas, Mayor

ATTEST:

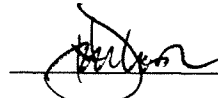


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11th day of July, 2005, at 7:30 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of July, 2005, at 7:30 o'clock p.m.


Jon Costas, Mayor

214 EAST COUNTY ROAD 500 NORTH, LLC PROPERTY DESCRIPTION

(Parent parcel ref. D.R. 433, pg. 206)

A parcel of land in the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 8, Township 35 North, Range 5 West of the Second Principal Meridian in Washington Township, Porter County, Indiana, being more particularly described as follows (bearings based on an assumed direction of North 00°-00'-00" East along the West line of said NW 1/4 of the NW 1/4):

Commencing at the Northwest corner of said NW 1/4 of the NW 1/4; thence South 89°-27'-32" East along the North line of said NW 1/4 of the NW 1/4, a distance of 127.4 feet, more or less (128.56 feet, by survey), to the Northeast corner of the Biggerstaff Tract, as described in Deed Record 476, page 236 in the Office of the recorder of Porter County, Indiana, said corner being the Point of Beginning of the herein described parcel;

thence continuing South 89°-27'-32" East along said North line, a distance of 702.8 feet (701.64 feet, by survey) to a point being 830.20 feet East (as measured along said North line) of the Northwest corner of said NW 1/4 of the NW 1/4;

thence South 00°-32'-28" West, a distance of 20.00 feet to the Northwest corner of the State of Indiana Tract, as described in Deed Record 337, page 202 in said Office of the County Recorder;

thence South 72°-45'-35" East along the Westerly line of said State of Indiana Tract, a distance of 52.20 feet;

thence South 86°-35'-47" East continuing along said Westerly line, a distance of 100.12 feet;

thence South 52°-30'-01" East continuing along said Westerly line, a distance of 69.82 feet (69.87 feet, by survey);

thence South 00°-02'-00" East continuing along said Westerly line, a distance of 1250.28 feet (1250.44 feet, by survey) to a point on the South line of said NW 1/4 of the NW 1/4, said point being the Southwest corner of said State of Indiana Tract;

thence North 89°-33'-26" West along the South line of said NW 1/4 of the NW 1/4, a distance of 1035 feet, more or less (1035.96 feet, by survey), to the Southwest corner of said NW 1/4 of the NW 1/4;

thence North 00°-00'-00" East (assumed bearing) along the West line of said NW 1/4 of the NW 1/4, a distance of 30.00 feet to the Southwest corner of the Mitchell Tract, as described in D.R. 302, page 156, in the Office of the Recorder of Porter County, Indiana;

thence South 89°-33'-26" East along the South line of said Mitchell Tract, said line being parallel with the South line of said NW 1/4 of the NW 1/4, a distance of 223.54 feet, more or less (223.55 feet, by survey), to the Southeast corner of said Mitchell Tract;

thence North 00°-00'-00" East along the East line of said Mitchell Tract, a distance of 2 feet, more or less (1.73 feet, by survey), to the Southwest corner of the Barraza Tract, as described in D.R. 415, page 338, in the Office of the Recorder of Porter County, Indiana;

thence North 90°-00'-00" East along the South line of said Barraza Tract, a distance of 156.6 feet, more or less (162.72 feet, by survey), to the Southeast corner of said Barraza Tract;

thence North 00°-00'-00" W along the East line of said Barraza Tract, a distance of 108.00 feet to the Northeast corner of said Barraza Tract;

thence North 90°-00'-00" West along the North line of said Barraza Tract, a distance of 156.6 feet, more or less (162.72 feet, by survey) to the East line of said Mitchell Tract;

thence North 00°-00'-00" West along the East line of said Mitchell Tract, a distance of 245.90 feet to the Northeast corner of said Mitchell Tract;

thence North 90°-00'-00" West along the North line of said Mitchell Tract, a distance of 223.54 feet to said West line of the NW 1/4 of the NW 1/4, said point being 950.32 feet South (as measured along said West line) of said Northwest corner of the NW 1/4 of the NW 1/4;

thence North 00°-00'-00" East along said West line, a distance of 173.40 feet to the Southwest corner of the Beezhold Tract, as described in Deed Record 457, page 409 in said Office of the County Recorder;

thence North 90°-00'-00" East along the South line of said Beezhold Tract, a distance of 223.54 feet to the Southeast corner of said Beezhold Tract;

thence North 00°-00'-00" West along the East line of said Beezhold Tract and it's Northerly prolongation, a distance of 686.60 feet to a point being 140.00 feet North (as measured along said East line and it's Northerly prolongation) of the Southeast corner of said Biggerstaff Tract;

thence North 46°-49'-50" West along the Easterly line of said Biggerstaff Tract, a distance of 131.76 feet, more or less (130.24 feet, by survey) to the Point of Beginning. Contains 25.39 acres, more or less.

Note: Measurements of "by survey" are based on a survey of the herein described parcel by Emil Beeg, Land Surveyor, Inc., dated 28 March, 2000.

**CITY OF VALPARAISO DEVELOPMENT PLAN
FOR**

Executive Park P.U.D.

(214 East County Road 500 North LLC.)

Commercial/Residential

The Executive Park P.U.D. Development Plan is consistent with the Valparaiso community goals for the growth and development of Valparaiso, which are:

1. To preserve the community's heritage and small city character while accommodating change that meets the needs of residents.
2. To create a better living environment for the residents.
3. To ensure the community's resources are beneficially used to satisfy the current and future needs of residents.
4. To promote the economic role of Valparaiso through the use of growth management strategies aimed at establishing a favorable base of business and industry.
5. To develop and promote guidelines for development directly outside the city limits.
6. To continue to develop the financial resources necessary to improve the Valparaiso quality of life.

This Development Plan for Executive Park Planned Unit Development has been written per 1C 36-7-4-1403. Development Plans are required for all Planned Unit Developments (PUDs) and subdivisions created in the City of Valparaiso.

The Development Plan includes resolution to all issues regarding infrastructure, environmental, density, and other specific development issues raised in the concept stage of development. Once the Development Plan has been approved by the Plan Commission it cannot be amended without developer and City approval. Development Plans for PUDs will be part of the presentation to the Plan Commission of a PUD concept site plan. When the Plan Commission recommends approval of both the concept site plan and Development Plan to the City Council, then both will be presented to the Council. Once the concept site plan and Development Plan have been approved or amended and approved by the Council, then the developer can proceed with a primary plat. Development Plans for subdivisions will be presented with the Primary Plat.

GENERAL

Executive Park P.U.D. will include Professional/Office buildings, single-family houses and paired patio homes, and is compatible with the existing neighborhood, which includes single-family and multi-family uses, as well as a country club golf course. The developer of Executive Park P.U.D. agrees to follow all of the City's existing ordinances regarding public infrastructure.

The permitted uses in the commercial section are professional offices, medical and dental offices, financial institutions and governmental offices, services and uses. The existing covenant in favor of the Porter County Board of Commissioners dated June 15, 1972 and recorded in Book 54, page 335 shall be extinguished and vacated.

DENSITY

Executive Park P.U.D. will have a total density of 28 single-family residential lots (5.66 acres or 22.3%), two paired patio residential lots (0.89 acres or 3.5%) and six Professional/Office buildings (8.89 acres or 35%) on 25.39 acres. The remaining property (9.95 acres or 39.2%) is either public right-of-way, or open space.

The residential section shall contain 30 lots. Each residential lot shall have an area or size between 8,400 and 12,000 square feet. The following developmental standards shall apply to the residential lots:

Lots	Road Width (Feet)	Right-of-Way (Feet)	Front Building Setbacks (Feet)	Minimum Sideyard Setback (Feet)	Rear Yard Setback (Feet)	Permitted Lot Coverage (Percent)	Minimum Lot (Square Footages)
1 - 28	30	60	25	0*	25	40%	8,400
29,30	20	80	25	6	25	40%	19,000

*The total side yard setback for each lot must be maintained on one side yard.

The commercial section, consisting of six (6) lots, shall have the following developmental standards:

Lots	Road Width (Feet)	Right-of-Way (Feet)	Front Building Setbacks (Feet)	Minimum Sideyard Setback (Feet)	Rear Yard Setback Facing SR 49 (Feet)	Permitted Lot Coverage (Percent)	Minimum Lot (Square Footages)
31-37	30	60	20	6	50	75%	50,000

COMMERCIAL BUILDINGS

The commercial buildings proposed for the Executive Park P.U.D. will be in harmony with each other. The materials, colors and placement of the buildings will be reviewed by the developer to ensure consistency throughout the development.

The parking lots may be shared for each building to allow for greater parking in event situations. The parking requirements will meet or exceed the off-street parking requirements of the Valparaiso Standards.

SITE PLANNING – COMMERCIAL

- A. Minimum Building Size - The minimum size is 4000 sq. ft. of heated space.
- B. Maximum Building Size – The maximum size is two floors over the basement.
- C. Maximum Building Height – The maximum height is two stories or 36 feet.
- D. Maximum Lot Coverage – The maximum lot coverage is 75% with parking.
- E. Minimum Lot Size – The Minimum lot size is greater than one-acre.
- F. Buildings over one story may occupy more than one lot. Various lots and configurations are allowed in order to encourage efficient commercial use, accommodate parking area designs that may serve multiple properties and uses, and encourage designs that locate buildings and parking in a way that the pedestrian and SR 49 streetscape are best served.

OUT BUILDINGS

Not Permitted.

AUXILIARY LIVING SPACE

Living above the offices is not permitted.

PARKING

- A. Parking shall be provided at the ratios required by and in conformance with the City of Valparaiso Ordinances.
- B. On-street parking will not be allowed.
- C. No parking will be allowed in the 90-foot building setback from State Road 49.
- D. Parking may be located in side yards with Architectural Review Board (ARB) approval.
- E. Parking spaces shall be a minimum of 10-foot wide for 90° parking.
- F. Parking shall be screened or landscaped when parking is next to a building on another lot.



- G. A setback of 5-feet from the property line is required for all parking lots except when the parking lots are shared with parking from adjacent buildings.

MISCELLANEOUS

All site plans are to be reviewed by the Architecture Review Board (ARB) before being submitted to the City of Valparaiso.

MATERIALS & ARCHITECTURE

The purpose of these standards and guidelines are to encourage the use of historic patterns as the basis for office design but adapt themselves to the 21st century.



The standards contained herein specify basic proportions and detailing, while avoiding strict discussion of prescribed styles. Only described materials and architecture are permitted in conformance with the standards set forth in this section. The ARB may, at its sole discretion, approve other materials or architecture provided that such materials and architecture are consistent with the goals of:

- A. Constructing with materials that will wear well over time and, if properly maintained, age without adverse aesthetic impacts.
- B. Constructing with materials having no unusual adverse environmental consequences.
- C. Using architectural approaches that contribute positively to streetscape.
- D. Using architectural approaches that discourage unnecessary complexity and design.
- E. Using architectural approaches that provide appropriate design detail to all sides of buildings, especially those facing State Route 49, without requiring that all sides be equivalent.

FREESTANDING WALLS & FENCES

- A. The fences should be made of brick, stone, wrought iron or landscaped.
- B. Fences shall be no taller than 24-inches in height if a solid wall or fence.
- C. Piers located at entry points may be up to 36-inches in height.

ROOFS

- A. Roofs of buildings shall be:
 - 1) Painted steel standing seam.
 - 2) Slate and artificial slate
 - 3) Copper

B. Architecture:

- 1) Simple gabled roofs symmetrical pitch - minimum 6/12
- 2) Simple hip roofs symmetrical pitch - minimum 4/12
- 3) Simple shed roofs asymmetric pitch - minimum 4/12, maximum 8/12, used against a main structure wall or as a dormer only.
- 4) Dormers shall be minimum 36-inches from end gable
- 5) Eyebrow windows shall be a minimum 48-inches wide.
- 6) Skylights (other than light tubes) shall be flat.
- 7) Vent stacks and other fenestration shall be consistent with the roof color.
- 8) Gutters and downspouts are encouraged and shall be located at building corners.
- 9) Soffit, fascia, and eaves fascia shall be vinyl, aluminum or cementitious wood fiber product.
- 10) When downspouts are placed at the building corners to convey stormwater to the lawn, gutter or storm drain, they shall not sheet flow across the sidewalk.

MATERIALS

The materials shall be of the following:

- A. Brick
- B. Stone:
 - 1) Limestone (5-inch min. vertical dimension)
 - 2) Synthetic stucco
- C. Windows shall be:
 - 1) Aluminum clad wood
 - 2) Vinyl
 - 3) Vinyl-clad.
- D. Trim shall be:
 - 1) Painted or stained hardwood or cedar
 - 2) Architectural in vinyl, wood/plastic composite or fiberglass
- E. Doors shall be:
 - 1) Stained or painted hardwood doors
 - 2) Steel clad doors
 - 3) Glass doors

COLORS

All colors must conform to the style of the architecture and must be submitted to and approved by the ARB.

LANDSCAPING

A. Entry Walks

- 1) Each building shall have an entry walk with a landscaped area between the building and walk.
- 2) The walk, whether of permeable or non-permeable materials must be level enough to be cleared of snow in winter.

B. Front Property Line – A vertical element shall be provided continuously along the front property line of each building to shield parking and shall meet the requirements of the fencing standards set forth herein.

C. Screening

- 1) Trash receptacle storage, dumpsters shall be located at the side on a level surface screened from passersby with a structure or plantings.
- 2) HVAC equipment, power facilities, and satellite dishes shall be screened or enclosed and not be visible from State Route 49.



D. Landscape Plan – Before starting construction of any structure on a lot, a landscape plan describing all outdoor aspects of the lot must be submitted to and approved by the ARB. Such plan shall provide all necessary information on the existing conditions such as topography and existing trees, as well as necessary information on the proposed conditions, including (but not limited to) topography, plantings, paving areas, screening, materials and design, as well as plans to deal with existing trees and stormwater runoff.



- E. Plant Lists – Use of any species of tree, shrub, or plant not listed on the list of approved species must be approved by the ARB. The species on the list were chosen for their hardiness in this region (and, thus, their need for less water, fertilizer and chemical treatment than other species).
- F. Trees - Unless precluded by lot conditions, each lot shall have at least three trees planted somewhere on the lot. Such trees may be in the front, rear or side of the main structure.

SIGNS

- A. All signs shall conform to the requirements set forth in this section and to those in the City of Valparaiso Zoning Ordinance, which ever is most restrictive.
- B. Signs are allowed on:
 - 1) Yards
 - 2) Facades
 - 3) Windows
- C. Signs are prohibited on:
 - 1) Roofs
 - 2) Beyond property lines
 - 3) No sign may extend above the bottom of the eve or the top of the parapet line.
- D. A sign in any material not specifically prohibited by Valparaiso City Code is allowed for signs.
- E. Freestanding Signs must be monument.
- F. Facade Signs
 - 1) Mounted
 - 2) Window Graphics
- G. Temporary signs are limited to construction only.

CONFIGURATION

- A. Monument Signs:
 - 1) Maximum one monument sign per building.
 - 2) Setbacks shall match those of the principal building
 - 3) The sign size shall not exceed 36 sq. ft.
 - 4) The maximum height is 6'6" (measured from the grade from the sign location to the top of the highest point on the sign).



- B. Facade Signs
 - 1) For multi-tenant buildings, one marquee sign is permitted for each facade visible from a dedicated right-of-way.
 - 2) Facade signs shall be used primarily to list tenants and/or occupants of the building to which it is applied.



- 3) Marquee signs shall be applied flat to a façade and shall be located at or near building corners or at the entrance of a building such as a stone fence.
- 4) Marquee signs shall not obscure transom windows, any upper floor window, piers, or architectural features, except those specifically designed to receive signs.
- 5) Sign size is not to exceed 15 sq. ft.

INDEPENDENT SIGNS

Flags and flagpoles shall be permitted only after review the ARB.

TEMPORARY SIGNS

A. Construction Signs

- 1) Sign may be mounted on a post set in the ground or on skids.
- 2) Only one sign per construction site
- 3) Signs shall be removed within seven days after substantial completion of the construction work.
- 4) One non-illuminated temporary sign bearing only the street number of a new or remodeled structure and the names, phone numbers and logos of the general contractor, subcontractors, owner and/or tenant, during construction work on the premises which they are placed, not exceeding 6 sq. ft. in gross surface area is permitted.

OTHER SIGNS

Other signs may be permitted upon review of the ARB.

LAND PLANNING

A. Parking Lot Lights

- 1) Parking lot lights shall be installed in accordance with the requirements of the Valparaiso City Code and PUD ordinances.

INFRASTRUCTURE

Executive Park P.U.D. will have 4-foot sidewalks along both sides of all public streets, and along the south side of County Road 500 North.

Executive Park P.U.D. will have 30' minimum width public streets including curb and gutter, and is consistent with the City Thoroughfare Plan. The road access to the development will be from County Road 500 North.

Executive Park P.U.D. will have all public water lines extended from the existing waterline at Silhavy Road and County Road 500 North. It will have all public sanitary sewer lines extended from the lift station located along County Road 500 North in the Hawthorne Subdivision.

Executive Park P.U.D. will have a complete storm water drainage system meeting the requirements of the City Ordinances. Storm water will be controlled by a system of storm sewers independent of the sanitary sewers. The storm water will be routed into a detention pond and released into Flint Lake Garden Terrace Drain with the City Engineer's recommendation. The storm water system will meet or exceed the IDEM Phase 2 requirements. Detailed calculations and designs will be submitted during primary plat review.

Executive Park P.U.D. will submit a landscaping plan that will require city approval before building permits are issued. The developers will maintain a preservation easement along the regulated ditch. Open space buffers, and tree preservation easements will separate the commercial section and the residential section. A preservation easement separates Lots 1 – 28 from the existing residential houses along Silhavy Road.

Provided that the right-of-way is sufficient in size, a passing blister shall be installed on the north side of Burlington Beach Road to permit westbound traffic to safely pass traffic stopped to turn southerly into the development.

ENVIRONMENTAL

Executive Park P.U.D. will have 5.9 acres or 23.3% of open space maintained by the POA, and 0 acres will be dedicated to the Valparaiso Park District.

Executive Park P.U.D. has 0.14 acres of wetlands. The development does not intend to disturb the delineated wetland with exception of minimal impacts for the road crossings and the wetland encroachment onto one commercial lot. The developer shall determine all appropriate permits required for this work (from the Department of the Army, Indiana Department of Environmental Management or others) and apply and prosecute such required permits prior to the commencement of any disturbance of the wetland.

Executive Park P.U.D. is in the Flint Lake Garden Terrace Drain Floodway. The Porter County Drainage Board has accepted the ditch as a legal regulated drain. The developer intends on leaving the area within the regulated drain easement in its natural state for open space and a buffer between the development and the existing residential along County Road 200 East.

Executive Park P.U.D. will not negatively impact the water quality of the City of Valparaiso.

Executive Park P.U.D. shall have tree preservation easements prohibiting the removal of mature trees from the areas shown and denoted for this purpose on the Concept Plan. The developer shall provide for penalties for removal of trees from the preservation easements in the restrictive covenants for the residential lots.

CONSTRUCTION SCHEDULE

It is anticipated that the Executive Park P.U.D. will be constructed over four years, commencing in the spring of 2006.

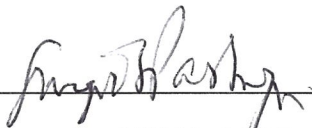
The developer of Executive Park P.U.D. agrees to provide the City with copies of as-builts for all public utilities, and covenants and restrictions as recorded.

The City of Valparaiso agrees to process requests for Executive Park P.U.D. as efficiently as possible. This includes requests for site review, landscaping approval, and permits. The City agrees to this Development Plan and the PUD as submitted in the primary plat.

VARIANCES REQUESTED

The following variances for each lot are requested:

1. Street pavement width through the commercial section reduced from 36' to 30'.
2. Minimum lot area in commercial area reduced from 2 acres to 1.2 acres within the State Route 49 overlay area. (State Highway 49 Overlay Ordinance)
3. Reduction of the Section 2935 setback for State Highway 49 from 90' to 50'. (State Highway 49 Overlay Ordinance)
4. Sidewalks shall not be required on the west side of the commercial street (eastern most street).
5. Only one access point shall be required for the development.
6. Lots 29 and 30 shall not be required to have a 25' planted greenbelt abutting the PUD boundaries.



214 East County Road 500 North LLC.

Surjit Patheja, Member



Plan Commission President

FOR RECORDED COVENANTS AND RESTRICTIONS, SEE DOCUMENT NO. _____

SECONDARY PLAT EXECUTIVE PARK P.U.D.

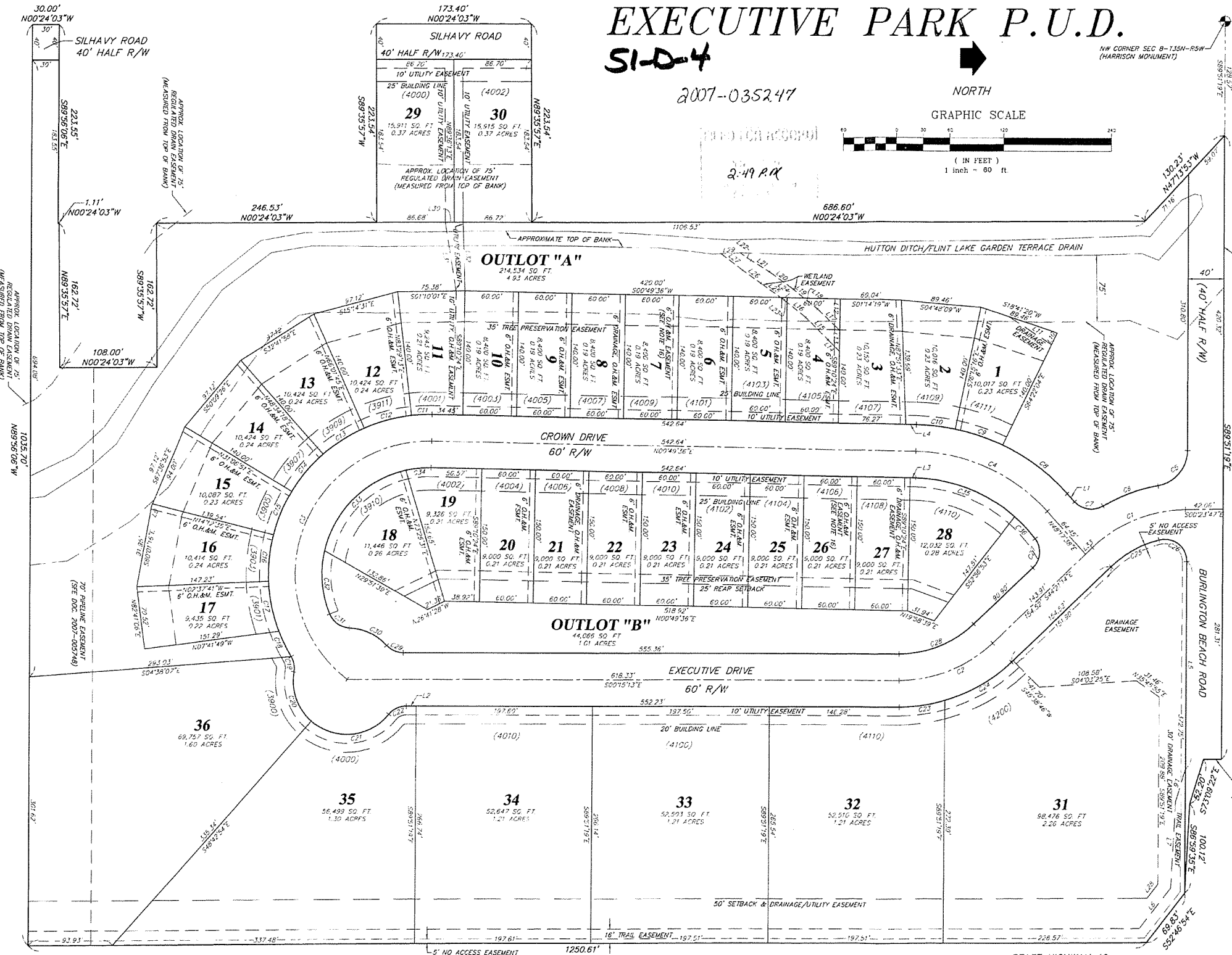
SI-D-4

2007-035247

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft



LEGAL DESCRIPTION

Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 35 North, Range 5 West of the Second Principal Meridian, Porter County, Indiana, and being more particularly described as follows:

Commencing at the Northwest corner of said Section 8 being monumented by a Harrison monument, thence South 89 degrees 51 minutes 19 seconds East (record bearing of the parent survey by Duneland Group, Inc. recorded as Document Number 2005-011743 in the Office of the Recorder of Porter County, Indiana and being the basis of all bearings in this description), 128.57 feet on and along the North line of the Northwest Quarter of said Section 8 to the northeast corner of a tract of land described to Keith B. Biggerstaff in Deed Record 476, page 236 in said Office of the Recorder, and being the point of beginning of this description; thence continuing South 89 degrees 51 minutes 19 seconds East, 701.63 feet on and along the North line of said Northwest Quarter to a point lying 830.20 feet from the Northwest corner of said Section 8, as measured along the North line of said Northwest Quarter; thence South 00 degrees 08 minutes 41 seconds West, 20.00 feet to the northwest corner of a tract of land described to the State of Indiana in Deed Record 337, page 202 in said Office of the Recorder; thence on and along the line of said State of Indiana tract the following four courses and distances: 1) South 73 degrees 09 minutes 22 seconds East, 52.20 feet; 2) thence South 86 degrees 55 minutes 35 seconds East, 100.12 feet; 3) thence South 52 degrees 45 minutes 44 seconds East, 69.83 feet; 4) thence South 00 degrees 25 minutes 56 seconds East, 223.55 feet on and along the south line of said Mitchell tract to the southeast corner of said Mitchell tract; thence North 00 degrees 03 seconds West, 1035.70 feet on and along the east line of said Mitchell tract to the southwest corner of a tract of land described to Maria E. Barroza in Deed Record 415, page 338 in said Office of the Recorder; thence North 89 degrees 35 minutes 57 seconds East, 162.72 feet on and along the south line of said Barroza tract to the southeast corner of said Barroza tract; thence North 00 degrees 24 minutes 03 seconds West, 108.00 feet on and along the east line of said Barroza tract to the northeast corner of said Barroza tract; thence South 88 degrees 35 minutes 57 seconds West, 162.72 feet on and along the north line of said Barroza tract to the intersection with the east line of said Mitchell tract; thence North 00 degrees 24 minutes 03 seconds West, 246.53 feet on and along the east line of said Mitchell tract to the intersection with the West line of said Northwest Quarter, said intersection being 950.32 feet south of the Northwest corner of said Section 8, as measured along the West line of said Northwest Quarter; thence North 00 degrees 24 minutes 03 seconds West, 173.40 feet on and along the West line of said Northwest Quarter to the southwest corner of a tract of land described to Christine G. Beezhold and Judith A. Beezhold in Deed Record 457, page 409 in said Office of the Recorder, thence North 89 degrees 35 minutes 57 seconds East, 223.54 feet on and along the south line of said Beezhold tract to the southeast corner of said Beezhold tract; thence North 00 degrees 24 minutes 03 seconds West, 686.60 feet on and along the east line of said Beezhold tract and its northerly prolongation to a point being 140.00 feet north of the southeast corner of said Beezhold tract; thence North 47 degrees 13 minutes 53 seconds West, 130.23 feet on and along the northeastern line of said Biggerstaff tract to the point of beginning, containing 25.39 acres, more or less, and subject to all legal rights-of-way and easements.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DELTA
C1	115.08	150.00	522.2231°E	112.28°
C2	115.45	150.00	522.2231°E	112.28°
C3	325.16	150.00	522.2231°E	284.25°
C4	165.69	200.00	524.4131°W	100.89°
C5	58.64	40.00	524.4131°W	51.26°
C6	26.02	180.00	524.4131°W	11.98°
C7	34.67	25.00	524.4131°W	51.98°
C8	40.91	240.00	536.7242°W	50.18°
C9	55.74	230.00	536.7242°W	55.61°
C10	43.83	230.00	536.7242°W	43.71°
C11	23.68	180.00	536.7242°W	21.04°
C12	54.84	180.00	536.7242°W	54.84°
C13	54.84	180.00	536.7242°W	54.84°
C14	54.84	180.00	536.7242°W	54.84°
C15	53.11	180.00	536.7242°W	52.91°
C16	52.90	180.00	536.7242°W	52.91°
C17	52.91	180.00	536.7242°W	52.91°
C18	31.89	180.00	536.7242°W	31.89°
C19	17.91	25.00	536.7242°W	17.91°
C20	61.35	60.00	536.7242°W	58.21°

STATE HIGHWAY 49

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DELTA
C21	97.21	60.00	405.0740°W	86.92°
C22	22.38	25.00	405.0740°W	21.64°
C23	52.09	180.00	405.0740°W	51.82°
C24	86.55	180.00	405.0740°W	65.72°
C25	62.09	120.00	405.0740°W	61.40°
C26	45.75	25.00	405.0740°W	39.61°
C27	36.05	25.00	405.0740°W	31.01°
C28	92.36	120.00	405.0740°W	90.10°
C29	20.56	25.00	405.0740°W	20.35°
C30	47.48	60.00	405.0740°W	46.25°
C31	26.58	25.00	405.0740°W	27.09°
C32	22.99	120.00	405.0740°W	21.87°
C33	135.19	120.00	405.0740°W	128.56°
C34	28.59	120.00	405.0740°W	28.45°
C35	121.32	120.00	405.0740°W	118.76°
C36	33.55	120.00	405.0740°W	33.55°

NOTES:

- Owner/Subdivider: 214 East County Road 500 North, LLC
C/O Surjit S. Pathija
712 Brandenburg Drive
Valparaiso, IN 46383
- Engineer/Surveyor: Duneland Group, Inc.
1498 Pope Court
Chesterton, IN 46304
- This plat is based upon a parent survey by Duneland Group, Inc. which is recorded as Document Number 2005-011743 in the Office of the Recorder of Porter County, Indiana.
- Survey Monuments: 5/8-inch diameter by 24-inch long re-rod with a red plastic cap inscribed with "TD SMITH L&S 20200047", and where practical 1/4-inch diameter by 2-inch long MAG-nails with a metal tag inscribed with "TD SMITH L&S 20200047" will be set as construction is completed at the following locations: at all lot corners and at angle points of lot lines, at block corners, at all points of curve of street right-of-way lines, and on street centerlines at all points of curve, centers of all cul-de-sacs, and street intersections, as construction is complete.
- Addresses shall be known as follows:
- In accordance with the FEMA Flood Insurance Rate Map Panel No. 180425 D100 B (panel not printed), this parcel lies in Flood Zone C.
- The source of title of this plat is Document No. 2002-003265 in the Office of the Recorder of Porter County, Indiana.
- Outlot "A" shall be known and dedicated as a Tree Preservation, Open Space and Drainage Easement. Outlot "B" shall be known and dedicated as a Tree Preservation and Open Space Easement.
- Residents shall have access to Valparaiso Community Parks.
- Outlets shall be owned and maintained by a Property Owners Association.
- Lots 29 through 36 shall have 6 foot sideyard setbacks. Lots 1 through 28 shall have 0 foot sideyard setbacks, but the total sideyard setback for each lot shall be maintained on one side yard. Rear yard setback shall be 25 feet for Lots 1 through 30. All other building lines are as shown on this plat.
- Executive Park P.U.D. shall be governed and will comply with the written commitments as approved by the City of Valparaiso.
- A Tree Easement of 16' wide shall be reserved as shown on this plat.
- Each lot shall have a minimum of two trees per lot per the Valparaiso Tree Ordinance.
- Area of Executive Park P.U.D. = 25.39 Acres
Area of Right-of-Way = 3.88 Acres
- Residential lots 1 through 28 shall have a 6' overhang & maintenance easement as shown on the plat.

DEED OF DEDICATION

We, the undersigned 214 EAST COUNTY ROAD 500 NORTH, LLC, owners of the real estate shown and described herein, do hereby certify that we have laid off and subdivided said real estate in accordance with the attached plat. This subdivision shall be known and designed as EXECUTIVE PARK P.U.D. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. Front and some rear yard building setback lines are hereby established as shown on this plat. There are strips of ground 6, 10, 30, 50 and 100 feet in width as shown on this plat and marked "easement" reserved for the use of public utilities for the installation of mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easements herein reserved. There is a 16 foot wide utility easement reserved for the installation of a "flood" as shown on the plat. Additionally, a 35 foot tree preservation easement shall be reserved as shown on the plat. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take the title subject to the rights of the public utilities and to the rights of the owners of other lots in this subdivision. Property Owners Associations (P.O.A.) will be formed which includes all owners of the lots shown on the plat of Executive Park P.U.D., with the exception of Lots 29 and 36, being a part of the Association. The P.O.A. will own and maintain the detention basins located on Outlot A and on Lot 31, as well as the vegetated drainage swale located on the east side of Lot 31 through 36. Should the City of Valparaiso or any of its Departments determine that the P.O.A. is not fulfilling its obligations with respect to said drainage facilities, the City shall notify the Association in writing of the alleged deficiencies and the Association shall have 30 days to remedy the deficiencies by the City to correct any such alleged deficiency. The Association shall inspect said facilities to verify the items listed in the City's writings and shall in good faith proceed with correcting the same. Should the Association fail to remedy the items listed, the City shall have the right, after written notice to the Association, to enter said properties to perform the necessary maintenance for which the City shall be entitled to recover from the owners of the lots in the P.O.A. its actual costs incurred in performing such work, including administrative, legal and engineering fees, and interest costs. The City may utilize an assessment process or litigation to recover said costs directly from the lot owners. The costs recoverable shall be determined by multiplying the total costs incurred by the City by a fraction of which the numerator is the acreage of the lots owned by an owner and the denominator is the total acreage of the lots in the P.O.A.

Witness our Hands and Seals this 8th day of November, 2007.

STATE OF INDIANA)

COUNTY OF PORTER)

Before me, a Notary Public, in and for the said County and State, personally appeared Surjit S. Pathija and acknowledged the execution of the foregoing voluntary act and deed on this 8th day of November, 2007.

Notary Public Kimberly A. Wilson

Printed Name Kimberly A. Wilson

My Commission Expires 05-05-2014

DRAINAGE BOARD CERTIFICATE

The Porter County Drainage Board has approved the subdivision's drainage system, OUTLET, as shown on the plat of Executive Park P.U.D., recorded as Document Number 2007-035247 in the Office of the Recorder of Porter County, Indiana, and being more particularly described as follows:

Action taken on 9 JANUARY 2008

Joe Harrison

Chairman of Porter County Drainage Board

ATTEST: Kevin D. Brehm, P.E., L.S.

Porter County Surveyor

BOARD OF PUBLIC WORKS AND SAFETY CERTIFICATION

Under the authority of Ordinance 18, 1974, as amended, the plan was examined by the Board of Public Works and Safety of the City of Valparaiso and approved this 8th day of November, 2007.

ATTEST: John Hardwick

Mayor, City of Valparaiso

Sharon Swihart

Clerk-Treasurer

PLAN COMMISSIONER CERTIFICATE

Under authority provided by Indiana Code 35-7-4-etc, enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, this plat was given approval by the City as follows:

Approved by the Valparaiso Plan Commission at a regular meeting held on July 10, 2007.

Cam J. Zeff

Executive Director

Valparaiso Plan Commission

John Hardwick

President

Valparaiso Plan Commission

LAND SURVEYOR CERTIFICATE

I, Troy D. Smith, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana and that to the best of my knowledge, this plat conforms to the requirements of Part IV, Article XXVII of the City of Valparaiso Zoning Ordinance, and Ordinance No. 18, 1974 as amended; that the markers and monuments shown on the plat actually exist; and that their location, size, type and material are accurately shown.

Troy D. Smith

Professional Land Surveyor #20200047

Date: 11-07-2007

2129

Job No. 1875

Drawn: ART/TDS

Sheet 1

of ONE

DUNELAND GROUP

ENGINEERING & SURVEYING

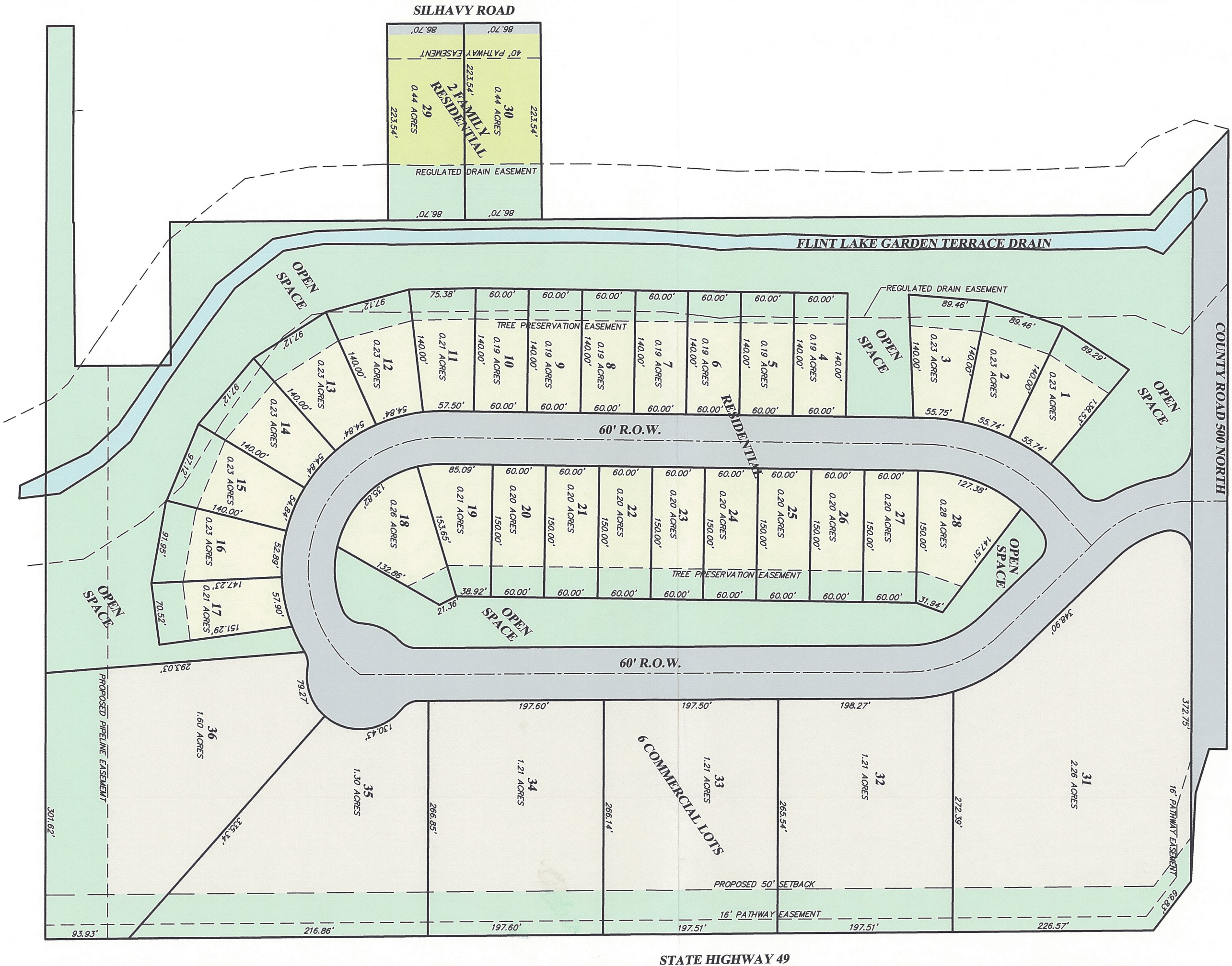
1498 POPE COURT

CHESTERTON, INDIANA 46304

219-928-1007 fax 219-928-1544

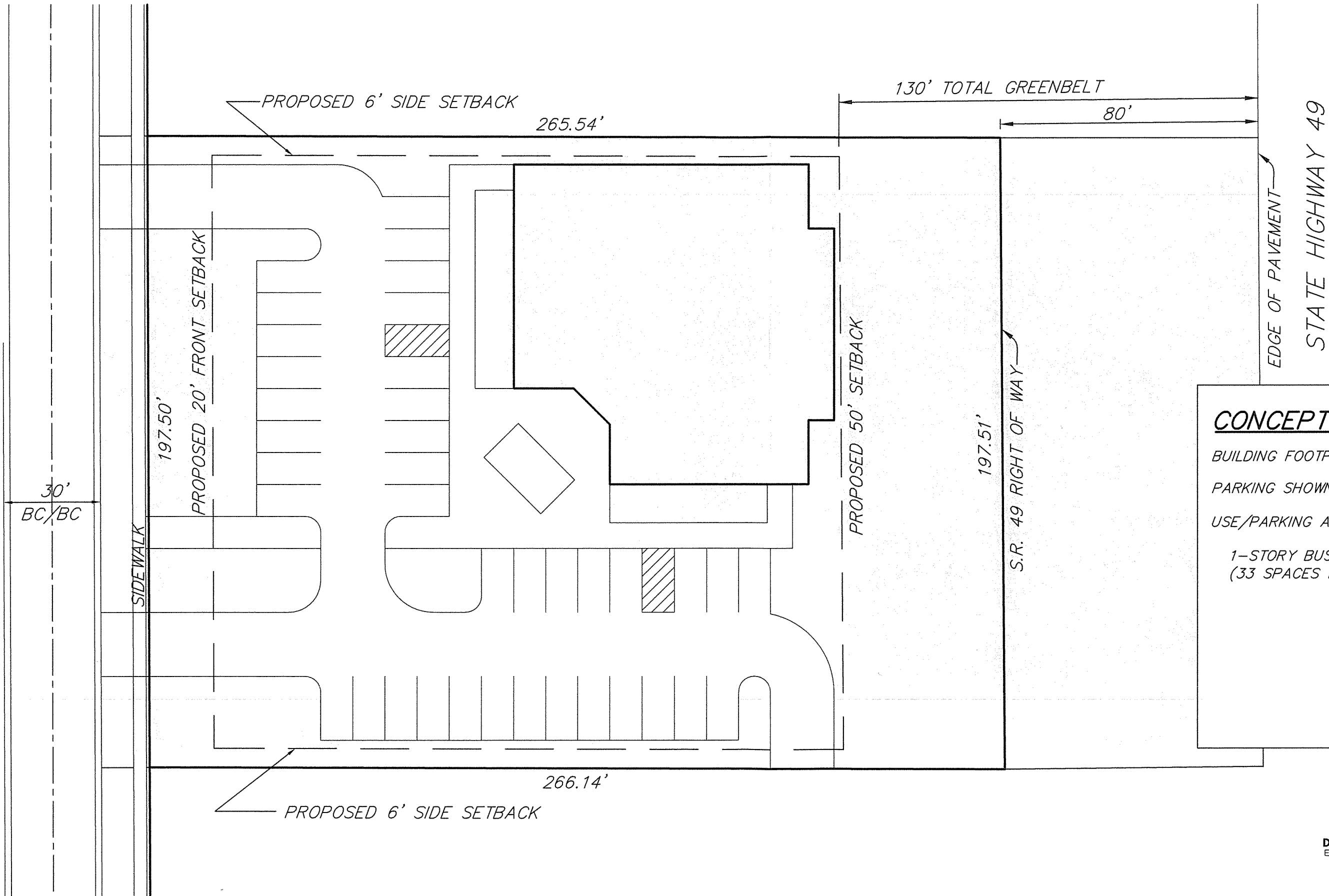
E-MAIL: dg@dunelandgroup.com

Executive Park Planned Unit Development Concept Plan



"LOT 33 - CONCEPT A"

NORTH
SCALE: 1"=30'



CONCEPT A

BUILDING FOOTPRINT: 8844 SQ. FT.

PARKING SHOWN: 38 SPACES

USE/PARKING ALLOWANCES:

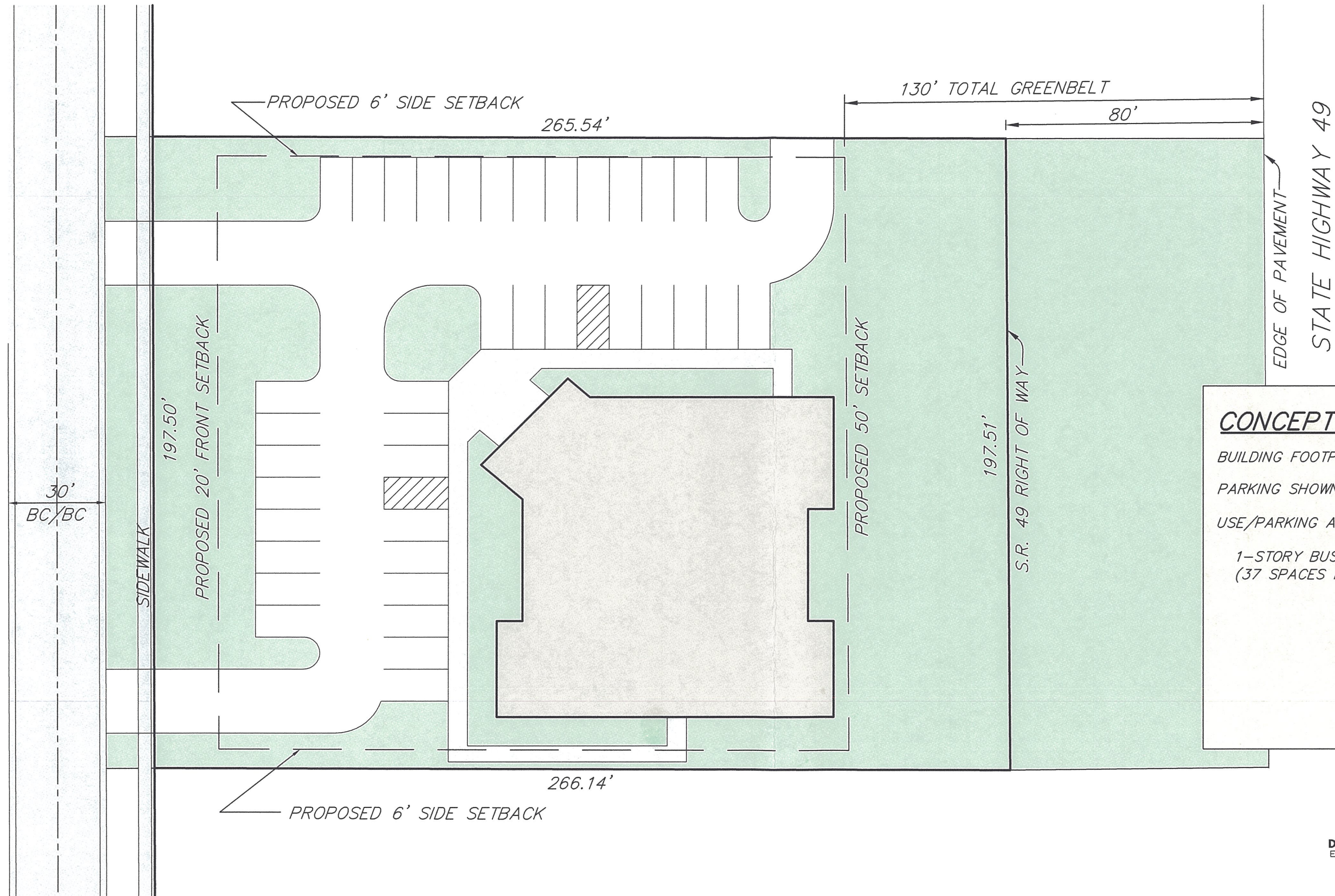
1-STORY BUS./PROF. OFFICE
(33 SPACES REQUIRED)



DUNELAND GROUP
ENGINEERING & SURVEYING
1498 POPE COURT
CHESTERTON, INDIANA 46304
219-926-1007 fax 219-926-1544
E-MAIL dgi@dunelandgroup.com

"LOT 33 - CONCEPT B"

NORTH
SCALE: 1"=30'



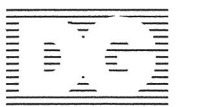
CONCEPT B

BUILDING FOOTPRINT: 9815 SQ. FT.

PARKING SHOWN: 38 SPACES

USE/PARKING ALLOWANCES:

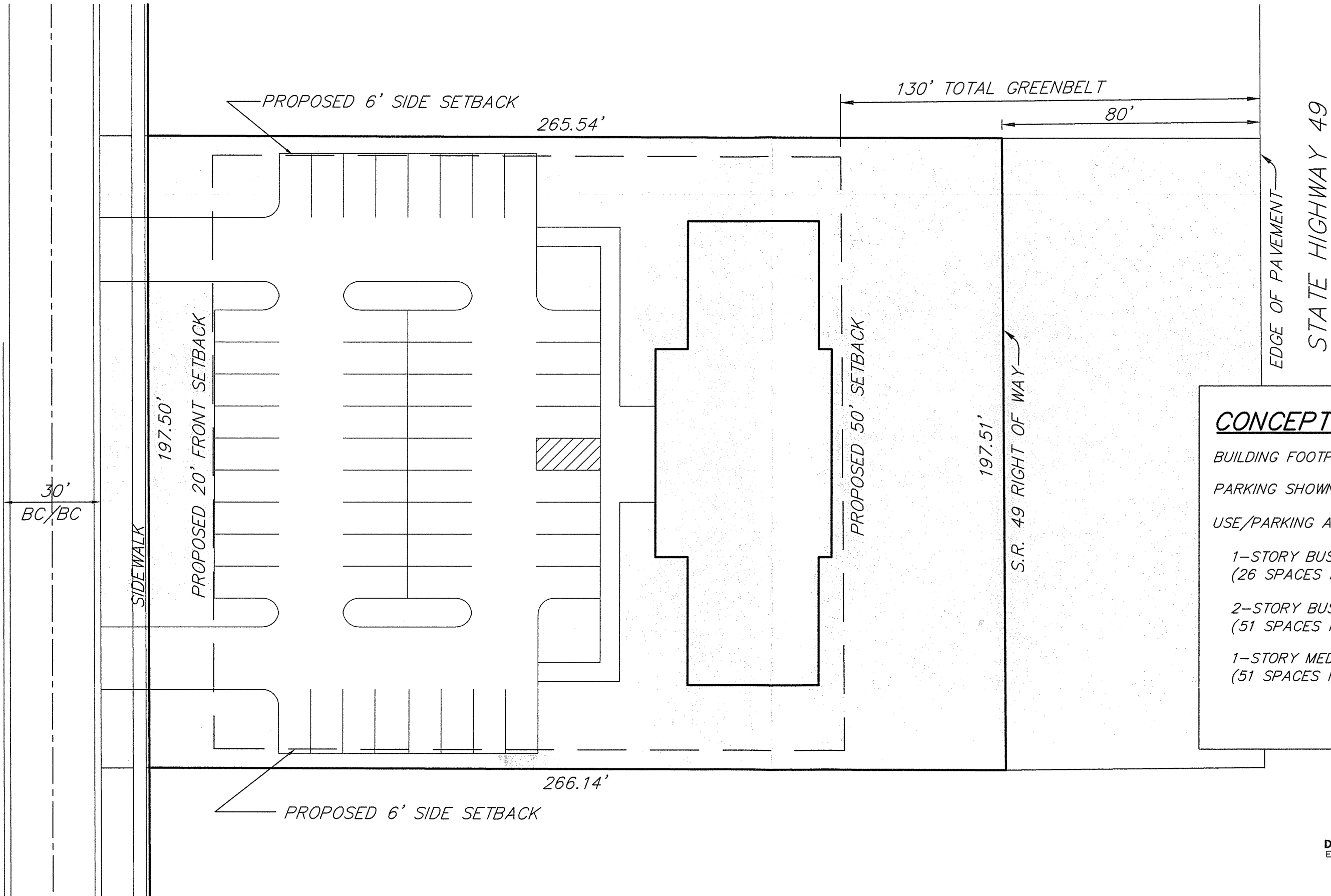
1-STORY BUS./PROF. OFFICE
(37 SPACES REQUIRED)



DUNELAND GROUP
ENGINEERING & SURVEYING
1498 POPE COURT
CHESTERTON, INDIANA 46304
219-926-1007 fax 219-926-1544
E-MAIL: dgi@dunelandgroup.com

"LOT 33 - CONCEPT C"

NORTH
SCALE: 1"=30'



CONCEPT C

BUILDING FOOTPRINT: 6855 SQ. FT.

PARKING SHOWN: 51 SPACES

USE/PARKING ALLOWANCES:

1-STORY BUS./PROF. OFFICE
(26 SPACES REQUIRED)

2-STORY BUS./PROF. OFFICE
(51 SPACES REQUIRED)

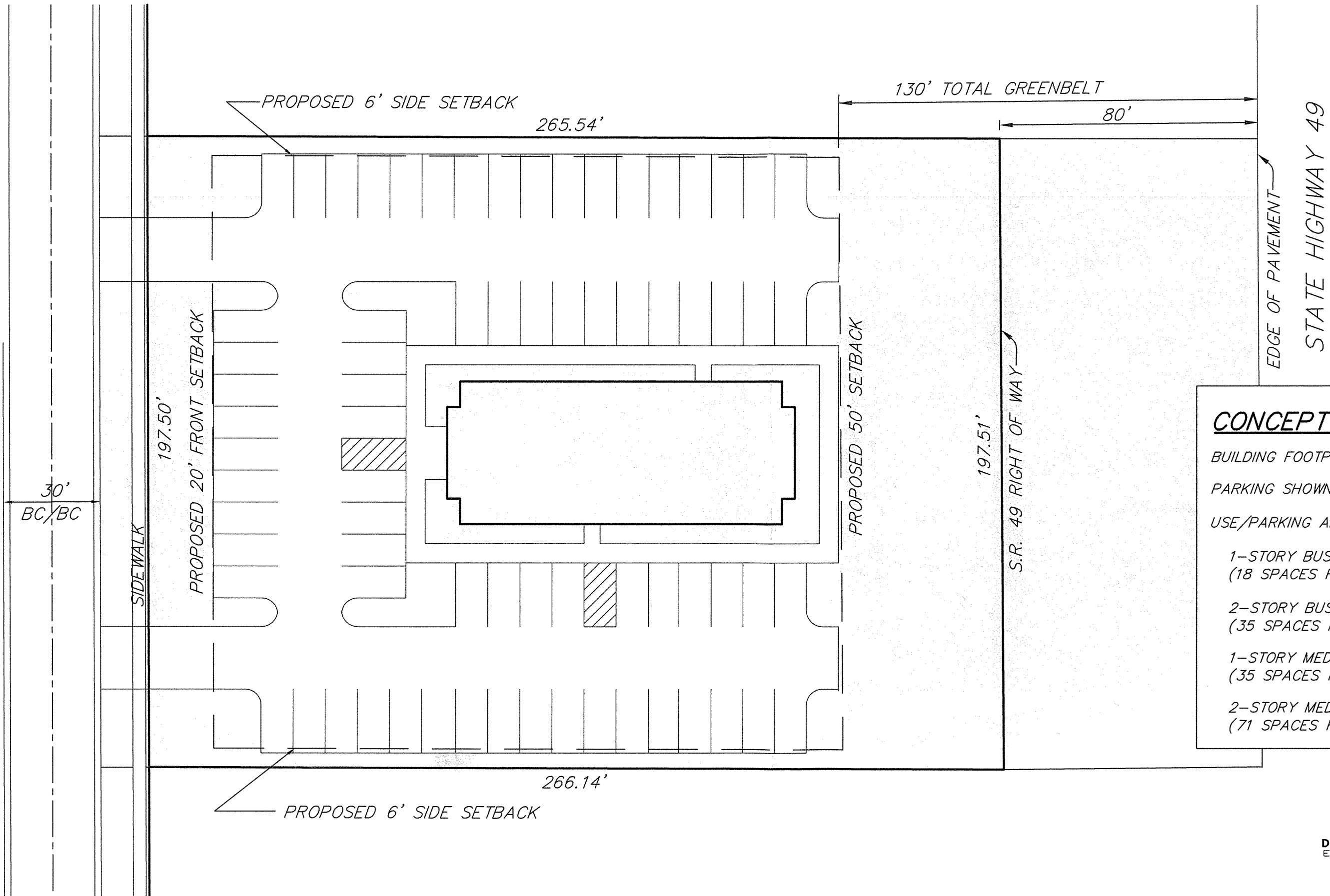
1-STORY MEDICAL OFFICE
(51 SPACES REQUIRED)



DUNELAND GROUP
ENGINEERING & SURVEYING
1498 POPE COURT
CHESTERTON, INDIANA 46304
219-926-1007 fax 219-926-1544
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"LOT 33 - CONCEPT D"

NORTH
SCALE: 1"=30'



CONCEPT D

BUILDING FOOTPRINT: 4712 SQ. FT.

PARKING SHOWN: 72 SPACES

USE/PARKING ALLOWANCES:

1-STORY BUS./PROF. OFFICE
(18 SPACES REQUIRED)

2-STORY BUS./PROF. OFFICE
(35 SPACES REQUIRED)

1-STORY MEDICAL OFFICE
(35 SPACES REQUIRED)

2-STORY MEDICAL OFFICE
(71 SPACES REQUIRED)

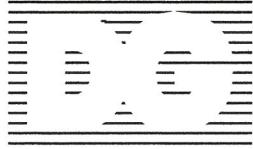


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CHESTERTON, INDIANA 46304
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E-MAIL dgi@dunelandgroup.com

Executive Park P.U.D. Setback Illustration



VIEW OF EXISTING STATE ROAD 49 RIGHT-OF-WAY GREENBELT WITH PROPOSED AND EXISTING SETBACK REQUIREMENTS FACING SOUTH FROM THE INTERSECTION OF S.R. 49 AND BURLINGTON BEACH ROAD



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DATE	6/01/2005
DRAWN	ART / DGI
PROJECT	1875
SHEET	1 OF 3

"LOT 33 - TYPICAL COMERCIAL LOT"



NORTH
SCALE: 1"=30'

32

1.21 ACRES

265.54'

80'

PROPOSED 6' SIDE SETBACK

PROPOSED 50' SETBACK

33

1.21 ACRES

197.50'

PROPOSED 20' FRONT SETBACK

197.51'

S.R. 49 RIGHT OF WAY

EDGE OF PAVEMENT

STATE HIGHWAY 49

130' TOTAL GREENBELT

80'

PROPOSED 6' SIDE SETBACK

266.14'

34

1.21 ACRES

60' R.O.W.

30'
BC/BC

SIDEWALK