

RESOLUTION NO. 13, 2005

**A RESOLUTION ESTABLISHING A LIMITED MORATORIUM
ON THE ISSUANCE OF BUILDING PERMITS IN THE EASTGATE AREA
CITY OF VALPARAISO, PORTER COUNTY, INDIANA**

WHEREAS, the City of Valparaiso Redevelopment Commission ("Redevelopment Commission") has spent several years studying and formulating redevelopment plans for property towards the east side of Valparaiso on Lincolnway ("Eastgate Project");

WHEREAS, the City of Valparaiso ("City") in conjunction with the Redevelopment Commission has begun to institute portions of the Eastgate Project including, but not limited to, portions of Sturdy Road to the south of Lincolnway. In addition, work on LaPorte Avenue, as well as construction of the "roundabout" at the intersection of Lincolnway, LaPorte Avenue and Sturdy Road, are schedule to commence over the next few months;

WHEREAS, on or about June 1, 2005, the City entered into a Consulting Agreement with Bird Houk Collaborative for the purpose of studying and providing recommendations concerning a specific zoning overlay for the Eastgate area. Such proposed zoning overlay requirements would help implement and enhance the overall vision of Eastgate Project;

WHEREAS, it is anticipated that such overlay proposals will be submitted to the Valparaiso Plan Commission for its review and recommendation to the City Council prior to January 31, 2006;

WHEREAS, pursuant to Section 30.11 through 30.13 of the Valparaiso City Code, the Building Commissioner is authorized to issue Building Permits;

WHEREAS, it is the recommendation of the Executive Director of the Redevelopment Commission and the City Planner that a moratorium be placed on the issuance of Building Permits in the Eastgate area until January 31, 2006. The purpose of the moratorium on Building Permits is to maintain a status quo in this limited area of the City to allow appropriate study and recommendations for possible changes to the zoning code to compliment the extensive public works plan for the area;

WHEREAS, as a part of the adoption of this Ordinance, it is understood that there may be situations within the Eastgate area where the issuance of a Building Permit is necessary. Specifically, the Council is sensitive to the needs of property owners within the Eastgate area owning structures in need of minor maintenance or projects of a residential nature. As such, any affected property owner within the Eastgate area shall have the opportunity to petition the Valparaiso Board of Zoning Appeals ("BZA") to the extent that a Building Permit is needed within the dates of the moratorium.

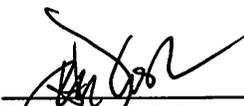
NOW THEREFORE, BE IT RESOLVED, by the common Council of the City of Valparaiso, Porter County, Indiana as follows:

1. Between the date of passage of this Ordinance and January 31, 2006, no Building Permits shall be issued for property that falls within the Eastgate area as such is defined in Exhibit "A" to this Ordinance. This moratorium shall not affect any proper requests for the issuance of any demolition permit (by way of Building Permit) within the Eastgate area.

2. Any property owner within the Eastgate area who desires a Building Permit within the term of the moratorium shall file a request consistent with Section 30 of the Building Code of Valparaiso. Such request shall be placed on the agenda of the BZA. For purposes of review, the matter shall be placed before the BZA as an administrative appeal consistent with Indiana Code Section 36-7-4-918.1.

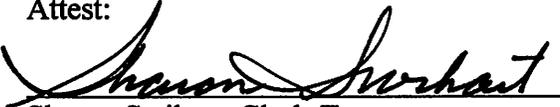
3. It is the intent of this Ordinance to maintain the status quo within the Eastgate area until January 31, 2006 when it is anticipated that amendments to the Valparaiso Zoning Code will be in place. The Council recognizes the property rights of those affected by this limited moratorium; however, in balancing the needs of an orderly review of the Zoning Code and the proposal of recommendations to complement the Eastgate Project, the Council concludes that a moratorium limited in both geographic area, as well as duration, best serves all residents.

Passed by the Common Council of the City of Valparaiso, Indiana by a 4-1 vote of all members present and voting this 27th day of June, 2005.



Jon Costas, Mayor

Attest:



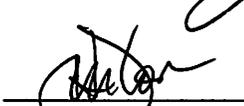
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 27th day of June, 2005, at 7:30 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

Resolution
This Ordinance approved and signed by me this 27th day of June, 2005, at 7:00 o'clock p.m.



Jon Costas, Mayor

EXHIBIT A (To Resolution 13, 2005)
Description - Proposed Eastgate Moratorium Area

A parcel of land in both the Southeast Quarter (SE ¼) and the Southwest Quarter (SW ¼) of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, and in the Southeast Quarter (SE ¼) of Section 24, Township 35 North, Range 6 west of the Second Principal Meridian, the parcel located in the City of Valparaiso, County of Porter, Indiana, and described as:

Beginning at the centerline intersection of Lincolnway (State Road 130) with LaPorte Avenue; thence westerly along the centerline of said LaPorte Avenue and the westerly prolongation of said centerline to the west line of Garfield Avenue; thence north or south, as required, along said west line to the SE corner of lot 5 in DeWolf's Subdivision of Block 32 in Woodhull's Addition to the Town (now City) of Valparaiso; thence west along the south lines of said lot 5 and lot 6 in said subdivision to the SW corner of said lot 6; thence north along the west line of said lot 6 and the northerly prolongation of said west line to the north line of said Lincolnway and the south line of lot 2 in Block 31 of said Woodhull's Addition; thence west along said south line of lot 2 to the SW corner of said lot 2; thence north along the west line of said lot 2 to the south line of the east-west

alley in said Block 31; thence east along said south line, and the easterly prolongation of said south line to the east line of said Garfield Avenue and the west line of lot 1 in Brown's Subdivision; thence north along said west line to the midpoint of said west line; thence easterly to the midpoint of the west line of lot 10 in said Brown's Subdivision; thence north along said west line and the northerly prolongation of said west line to the centerline of Jefferson Street; thence east along said centerline to the centerline of Roosevelt Road; thence north along said centerline to a point directly west of the NW corner of lot 5 in Mitzner's Addition to the City of Valparaiso, Indiana; thence east to said NW corner of lot 5; thence east along the north line of said lot 5 to the NE corner of said lot 5 and the east line of said Mitzner's Addition; thence north along said east line to

an intersection with the westerly prolongation of the south line of Meyer's Addition to the City of Valparaiso; thence easterly along said prolonged line to the SW corner of said Meyer's Addition; thence east 482.63 feet along said south line of Meyer's Addition to the SE corner of lot 6 in said Meyer's Addition; thence south 25.0 feet along the southerly prolongation of the east line of said lot 6; thence east 100.0 feet to a point on the west line of Caryer's Addition to the City of Valparaiso, said point 200.0 feet south of the north line of said SW ¼, Section 19; thence south along said west line to the SW corner of said Caryer's Addition; thence east along the south line of said Caryer's Addition, and the easterly prolongation of said south line to the centerline of Marks Road; thence north along said centerline to a point 170 feet south of the intersection of

said centerline with the centerline of Chicago Street from the West; thence easterly 295 feet, more-or-less, to a point on the west line of a lot described in a document recorded in Deed Record 406, Page 566, in the Porter County Recorder's Office, said point being 348.3 feet west of the east line of said SW ¼ Section 19; thence south parallel with said east line to the SW corner of a lot described in a document recorded as instrument number 01-203700 in said Recorder's Office; thence east along the south line of said lot, 348.3 feet to said east line, SW ¼ and the west line of Kaplan's Subdivision; thence north or south as required to a point on said west line that is on the westerly prolongation of the north line of lot 8 in said Kaplan's Subdivision; thence east along said prolongation and along said north line to the east line of said Kaplan's Subdivision; thence south along said east line, and the southerly prolongation of said east line to the south line of said LaPorte Avenue; thence northeasterly along said south line to an intersection with the right-of-way of the former State Road 49, said point of intersection also being the north corner of a tract containing a Dairy Queen Store; thence south 417.16 feet along the east line of said Dairy Queen tract to the SE corner of said tract;

thence continuing on the southerly prolongation of the preceding course to the centerline of Knode Creek; thence easterly and northeasterly along said centerline to the west line of Streamwood - Unit 1; thence south along said west line to the south line of said SE ¼, Section 19; thence west along said south line to the centerline of Sturdy Road; thence north along said centerline to its intersection with said centerline of Lincolnway; thence northerly and northwesterly along said Lincolnway centerline to its intersection with said centerline of LaPorte Avenue and the point of beginning

Prepared by:
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