

Passed 5-10-10 by a vote of 6-0
ORDINANCE NO. 17-2010

**AN ORDINANCE AMENDING ORDINANCE 36-2009, PROVIDING FOR REVISION
TO WRITTEN COMMITMENTS ASSOCIATED WITH SAID ORDINANCE**

WHEREAS, on or about October 13, 2008, the City of Valparaiso City Council did consider and adopt Ordinance 33-2008, AN ORDINANCE ANNEXING REAL ESTATE INTO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA KNOWN AS THE “RAMSEY/TRILOGY ANNEXATION” by a vote of 7-0, including all exhibits written commitments and attachments; and

WHEREAS, said written commitments (Exhibit B) did specify that in the event that the developer associated with the petition (Ramsey Real Estate) did not develop the property (Exhibit A), that all land associated with the ordinance would revert to its previously assigned zoning district or most similar; and

WHEREAS, according to testimony given at the Public Hearing, the operator of the proposed senior living facility, was to be Trilogy Health Services; and

WHEREAS, according to information submitted in conjunction with the petition to amend Ordinance 33-2008, although the developer of the property included in Ordinance 33-2008 was not Ramsey Real Estate, the operator of said facility continued to be Trilogy Health Services; and

WHEREAS, according to information submitted in conjunction with the petition to amend Ordinance 33-2008, the proposed developer of the property does not intend to substantially change or alter the plans submitted as part of Ordinance 33-2008; and

WHEREAS, as a result of the amendments included in Ordinance 36-2009, the name of the developer associated with said written commitments was changed from Ramsey Real Estate to MS Valparaiso, LLC as indicated on the attached Exhibit C Agreement for Written Commitments, and

WHEREAS, the original owners of land described in Exhibit A desire to sell a portion of the original parcel to the intended buyers, MS Valparaiso LLC, of which MPG I LLC is the sole member, while retaining ownership of a portion of the parcel as described in Exhibit E Legal Descriptions and have granted permission for MS Valparaiso LLC to represent these interests in the form of this petition; and

WHEREAS, the petitioner desires to amend the written commitments as described above in order to reflect these changes in the form of Exhibit D Revised Agreement for Written Commitments.

NOW THEREFORE, be it ordained by the common Council of the City of Valparaiso, Porter County, Indiana as follows:

1. Ordinance 36-2009 is hereby amended according to the language included in Exhibit D Revised Agreement for Written Commitments with ownership of the parcels included as per the attached Exhibit E Legal Descriptions..

Passed by the Common Council of the City of Valparaiso, Indiana by a _____ vote of all members present and voting this _____ day of _____, 2010.

Jon Costas, Mayor

Attest:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2010, at _____ o'clock __.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2010, at _____ o'clock __.m.

Jon Costas, Mayor