

Passed 1-26-09 by a vote of 7-0

RESOLUTION NO. 01-2009

A RESOLUTION GRANTING AN EXTENSION OF THE MAXIMUM TIME FOR SUBMITTAL OF A CONCEPT PLAN FOR THE MEDICAL, OFFICE AND TECHNOLOGY DISTRICT

WHEREAS, the Common Council of the City of Valparaiso, Indiana amended the Zoning Ordinance of the City of Valparaiso in the form of Ordinance 29-2007 to create a new Article XL Entitled “Medical, Office and Technology District on August 13, 2007; and

WHEREAS, the Common Council of the City of Valparaiso, Indiana rezoned certain real estate within the City of Valparaiso, Indiana owned by Patko, LLC and now portions owned by Memorial Health Systems, in the form of Ordinance 30-2007; and

WHEREAS, Section 4010 B 2 states “Rezoning ordinances that designate property as MOT shall become effective upon adoption of the map amendment designating the MOT by the City Council.; and

WHEREAS, Section 4010 B 2 further states that the map amendment and shall terminate “If no concept plan is filed pursuant to Section 4030 within 18 months from the date the map amendment was adopted and subsequently approved thereafter, then the map amendment shall terminate and the zoning designation of the land shall revert to its previous designation unless the City Council grants an extension; and

WHEREAS, the City Clerk-Treasurer received a letter from legal counsel on behalf of Memorial Health Systems requesting such an extension of the timeframe allowed for filing the required concept plan of two (2) years; and

WHEREAS, economic conditions have existed since the adoption of Ordinance 30-2007 which made it difficult to develop the property on the anticipated schedule under the required concept plan; and

WHEREAS, the owners and developers believe that development of the property based on the standards of the Medical, Office and Technology District and the required concept plan are likely in 2009 and 2010.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Valparaiso hereby grants the requested extension as follows:

- (1) The extension for submittal of the concept plan as required by Section 4010 B 2 of the City of Valparaiso Zoning Ordinance is for a period of two (2) years from the adoption date of this Resolution.
- (2) In the event that the required concept plan is not submitted within the required time frame, the map amendment to Medical, Office and Technology District shall terminate and the zoning designation of the land shall revert to its previous designation.
- (3) The Common Council may at its discretion, upon receipt of a request in writing, vote to extend this request for a period of its determination.

ADOPTED this 26th day of January 2009 by a vote of all members present and voting.

John Bowker

Jan Dick

Joey Larr

Bob Taylor

Kelly Ward

Al Eisenmenger

Art Elwood

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer