

EXHIBIT B

August 17, 2021

To: Griffith Town Council

Re: Petition 2021-_____

On April 16th, 2021, the Plan Commission held a public hearing on the petition of Austgen Properties Inc., by Jeff Austgen to create a B3 Zoning District for the property consisting of 2.21 acres located in the area bounded by 140 N. Colfax which was never given a zoning designation

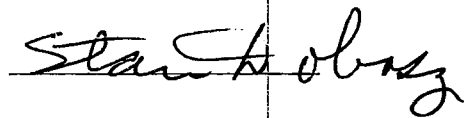
The legal description for the subject property is:

See attached Exhibit A

After hearing all remonstrances the Plan Commission made the following Findings:

1. IC 36-1-3-2 confers on all local units the powers they need for the effective operation of government as to local affairs which includes updating its Zoning Ordinance and Zoning Map.
2. Designating the subject property will not be detrimental to the surrounding property owners as a B3 Zoning District fits into the Master Plan and the present use of the general area.
3. The amendment to the zoning ordinance is warranted since the subject property has never been given a zoning designation.
4. Further the subject property as well as the surrounding property fits the description and requirements of an B3 Zoning District.

Therefore, The Plan Commission makes a FAVORABLE RECOMMENDATION to the Town Council to grant the petition and give the subject property consisting of 2.21 acres located in the area bounded by 140 N. Colfax the zoning designation of a B3 Zoning District.



Respectfully Submitted,
Stan Dobosz, Secretary

EXHIBIT A

An area bounded by:
140 N. Colfax consisting of
approximately 2.21 acres
legally described as follows:

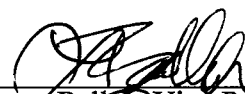
A PARCEL OF LAND BEING PART OF THE ABANDONED ELGIN, JOLETT AND EASTERN RAILWAY COMPANY PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35, THENCE NORTH 00°00'00" WEST ALONG THE EAST SECTION LINE, 426.89 FEET TO THE POINT OF BEGINNING, THENCE 676.19 FEET ALONG A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 6872.85 FEET AND A CHORD THAT BEARS SOUTH 70°34'45" WEST, 974.73 FEET, THENCE SOUTH 70°30'45", 668.87 FEET, THENCE NORTH 88°59'21" WEST ALONG THE SOUTH SECTION LINE, 426.17 FEET, THENCE NORTH 85°53'17" EAST, 1806.77 FEET, THENCE SOUTH 00°00'00" EAST ALONG THE EAST SECTION LINE, 221.61 FEET TO THE POINT OF BEGINNING, CONTAINING 5.001 ACRES.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA, LYING WEST OF THE RIGHT OF WAY 60 FOOT WIDE COLFAX STREET, AND LYING SOUTHEASTERLY OF THE SOUTHEASTLY RIGHT OF WAY LINE OF THE ELGIN, JOLETT AND EASTERN RAILWAY (ABANDONED), AND LYING NORTH OF THE RIGHT OF WAY 50 FEET WIDE MAIN STREET. SAID TRACT INCLUDED THE RESUBDIVIDING OF PART OF LOTS 1 TO 6, BOTH INCLUSIVE, IN BLOCK 8 OF BALLARD'S ADDITION, AS SAME WAS RECORDED IN PLAT BOOK 2, PAGE 82, IN THE RECORDER'S OFFICE OF LAKE COUNTY, INDIANA, SAID TRACT MORE PARTICULARLY DESCRIBED, AS COMMENCING AT A POINT 39 FEET WEST AND 40 FEET NORTH OF THE SOUTHEAST CORNER OF AFORE DESCRIBED SECTION 35, THENCE NORTH 88°59'21" WEST, ALONG THE NORTH LINE OF MAIN STREET 40 FEET NORTH OF SECTION LINE, A DISTANCE OF 1,130.03 FEET, 1,148.00 FEET RECORDED IN ALSTON FOURTH ADDITION PLAT TO THE INTERSECTION OF THE NORTHEAST RIGHT OF WAY LINE OF THE ELGIN, JOLETT AND EASTERN RAILWAY (ABANDONED), THENCE NORTH 70°34'45" EAST ALONG SAID ABANDONED ELGIN, JOLETT AND EASTERN RAILWAY RIGHT OF WAY, A DISTANCE OF 543.75 FEET TO THE POINT OF CURVE, CURVE 1.05 CONCAVE TO THE RIGHT, RADIUS OF 5,672.85 FEET, THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 5,672.85 FEET, AN ARC DISTANCE OF 91.20 FEET FOR THE POINT OF BEGINNING, THENCE NORTH 18°34'45" WEST, RADIAL TO THE CURVE, A DISTANCE OF 3.90 FEET, THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 5,672.85 FEET, AN ARC DISTANCE OF 86.50 FEET, THENCE SOUTH 17°42'21" EAST, RADIAL TO THE AFOREMENTIONED CURVE, A DISTANCE OF 3.90 FEET, THENCE SOUTHWESTERLY ALONG A CURVE WITH A RADIUS OF 5,672.85 FEET, AN ARC DISTANCE OF 86.48 FEET TO THE POINT OF BEGINNING, CONTAINING 0.006 ACRES, MORE OR LESS.

ALSO EXCEPT: LOT 4 IN FINAL PLAT IN E J & E ADDITION AS PER PLAT THEREOF RECORDED DECEMBER 7, 2018 AS INSTRUMENT NO. 2018-08463 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

ALSO EXCEPT: THE EAST 210.00 FEET THEREOF.

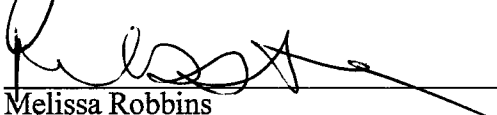
ORDINANCE NO. 2021- 40



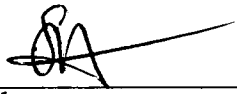
Larry Ballan, Vice-President



James Marker

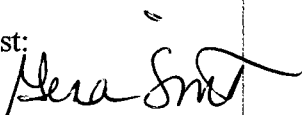


Melissa Robbins



Tony Hobson

Attest:



Gina Smith
Clerk-Treasurer

AN ORDINANCE DESIGNATING CERTAIN REAL ESTATE WITHIN THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA, AS B3 GENERAL BUSINESS DISTRICTS AMENDING THE TOWN OF GRIFFITH ZONING ORDINANCES AND ZONING MAP

WHEREAS, IC § 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, the Town Council of the Town of Griffith, Lake County, Indiana, sees fit to update and revise its Zoning Ordinance and Zoning Map pursuant to recommendation by its Planning Commission; and

WHEREAS, Austgen Properties Inc., by Jeff Austgen has filed a petition with the Plan Commission of the Town of Griffith, Indiana (hereinafter the "Commission"), to cause the property consisting of 2.21 acres located in the area bounded by 140 N. Colfax be given a zoning designation of B3 General Business Districts which real estate (hereinafter the "Real Estate") is more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, the Plan Commission, after public hearing, has recommended that the Zoning Ordinance be amended, and, has certified said recommendation to the Council pursuant to Indiana Code Section § 36-7-4-605, as required by Indiana Code § 36-7-4-608(b), so as to provide that the Real Estate be designated B3 General Business Districts that and has made Findings, as required by said Chapter 86 of the Zoning Ordinance:

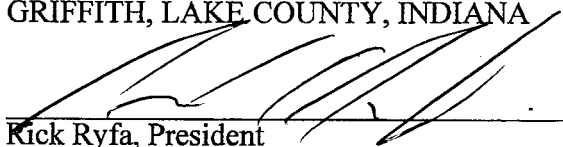
SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that the findings of the Plan Commission are hereby adopted that its Zoning Ordinance is hereby amended and modified and that the Real Estate, all lying within the municipal corporate limits of the Town of Griffith, Lake County, Indiana, to wit: the Real Estate consisting of 2.21 acres located in the area bounded by 140 N. Colfax be given the zoning designation of B3 General Business Districts and the Town's Zoning Ordinances and Zoning Map should be amended accordingly.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect after is passage and posting in accordance with IC 36-5-2-10.

PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this day of Aug, 2021.

COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA

Rick Ryfa, President