

ORDINANCE NO. 42-15

TO AMEND CERTAIN PORTIONS OF THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Ordinance No. 32-97 of the City of West Lafayette, Indiana, is hereby amended to rezone the following described real estate, to wit:

(See legal description attached hereto.)

Section 2: Said real estate is hereby rezoned as follows:

FROM: NB
TO: GB


Section 3: This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED ON FIRST READING ON THE 9 DAY OF November, 2015.

MOTION TO ADOPT MADE BY COUNCILOR Burch, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 9 DAY OF November, 2015, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen			✓	
Thomas	✓			



Presiding Officer

Attest:


Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON
THE 15 DAY OF November, 2015, AT THE HOUR OF 9:00 A.M.


Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 16 DAY OF
November, 2015, AT THE HOUR OF 2:30 P.M.


John R. Dennis, Mayor

Attest:


Judith C. Rhodes, Clerk-Treasurer

Ordinance No. 42-15 Legal Description

Situated in the State of Indiana, County of Tippecanoe and in the City of West Lafayette and being more particularly described as follows:

A part of the Northeast Quarter of Section Seven (7), Township Twenty-three (23) North, Range Four (4) West, City of West Lafayette, Indiana, described as follows:

Commencing at the Southeastern corner of the Northeast Quarter of said Section 7; thence North 00 degrees 40 minutes 00 seconds East, along the Eastern line of the Northeast Quarter of said Section Seven, 412.60 feet; thence North 89 degrees 10 minutes 00 second West, 360.00 feet to the point of beginning of this description; thence South 00 degrees 50 minutes 00 seconds West, 392.35 feet to the Northern right-of-way line of Sagamore Parkway; thence Northwesterly, along the Northern right-of-way line of Sagamore Parkway, on a curve to the right, having a radius of 11,509.15 feet, an arc distance of 100.38 feet; thence North 00 degrees 50 minutes 00 seconds East, 383.40 feet; thence South 89 degrees 10 minutes 00 seconds East, 100 feet to the point of beginning, containing 0.89 of an acre, more or less.

Key Number: 164-04900-1281
State Identification Number: 79-07-07-283-003.000-026

COMMITMENT

Commitment made on the 14th day of September, 2015, by Jackson-Polen Animal Hospital, P.C., d/b/a Creekside Animal Hospital (the "Petitioner"), pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Kidz Company, LLC, who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 180 Sagamore Pkwy. W., West Lafayette, Indiana 47906, and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

Petitioner has filed a request with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from NB to GB which request is pending before the APC as case no. Z- 2632.

2. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z- 2632 :

The following list of uses shall be excluded from the uses otherwise allowed by the Permitted Use Table of the Unified Zoning Ordinance of Tippecanoe County, Indiana for a GB classification:

SIC GROUP EXCLUDED PRIMARY USES

(See Exhibit B attached hereto)

3. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette, Indiana (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z- 2632. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z- 2632 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

4. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change

or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

5. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. the City of West Lafayette, Indiana

Jackson-Polen Animal Hospital, P.C.,
d/b/a Creekside Animal Hospital

By: *Pamela L Jackson*
Pamela L. Jackson, President

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me, the undersigned, a notary public, personally appeared Jackson-Polen Animal Hospital, P.C., d/b/a Creekside Animal Hospital, by Pamela L. Jackson, its President, and acknowledged the execution of the foregoing commitment on September 14, 2015.

Melisa M. Brooks
_____, notary public
Resident of _____ County



MELISA M. BROOKS
Resident of Tippecanoe County
My Commission Expires
April 6, 2023

My commission expires:

z-2632

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel A. Teder

This instrument prepared by Daniel A. Teder of the firm of REILING TEDER & SCHRIER, 250 Main Street, Suite 601, P. O. Box 280, Lafayette, Indiana 47902, Telephone: (765) 423-5333, Fax: (765) 423-4564, E-mail: dat@rtslawfirm.com

EXHIBIT A
LEGAL DESCRIPTION

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Excluded Primary Uses

≠ 2632

s.n	SIC GROUP	DESCRIPTION
1	major group 01	Agricultural Production Crops
2	major group 02	Agriculture production livestock and animal specialties
3	major group 07 (except 742 and 781)	Agricultural Services*
4	major group 15	Building construction general contractors and operative builders
5	major group 16	Heavy construction other than building construction contractors
6	major group 20 (except "winery")	food and kindred products
7	major group 42	Motor freight transportation and warehousing
8	major group 31	leather and leather products
9	326	pottery & related products
10	387	watches , clocks, clockwork operated devices and parts
11	major group 39	miscellaneous manufacturing industries
12	4953	Refuse systems
13	5047	medical , dental , and hospital equipment and supplies
14	5083	farm machinery and equipment (sales and service)
15	major group 51	wholesale trade non durable goods
16	521	lumber and other building material s dealers
17	527	Mobile home dealers
18	major group 55	Automotive dealers and gasoline service stations
19	5942 (except 5942 book stores)	"Adult Bookstores"
20	major group 58	Eating and drinking establishments
21	701	Hotels and motels
22	704	Organizational hotels and lodging houses , on membership basis
23	721	laundry , cleaning and garment services
24	7299	"massage establishments (parlors)"
25	7312	"outdoor advertising signs"
26	735	miscellaneous equipment rental and leasing
27	major group 75	automotive repair , services and parking
28	major group 76	miscellaneous repair services
29	7832	Motion picture theaters, except drive-ins "adult motion picture theaters and adult mini motion picture theaters, except drive-ins"
30	7833	Drive-in motion picture theaters "adult drive-in motion picture theaters"
31	7993	"adult motion picture arcade"
32	7999	"adult live entertainment arcade" & "adult cabaret"
33	8744	adult correctional facilities and jails; privately operated
34	9223	correctional institutions

*However, under SIC Group 742 there will be no boarding of animals as an accessory use unless the boarding is for patients of the clinic

