

ORDINANCE NO. 15, 2013

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ANNEXING CERTAIN REAL ESTATE INTO THE CITY OF VALPARAISO, INDIANA, KNOWN AS THE "ALDI ANNEXATION"

WHEREAS, the Common Council of the City of Valparaiso, Indiana, believes that annexation of the Annexation Territory (as hereinafter defined) into the City of Valparaiso, Indiana ("City"), is in the best interest of the residents and property owners of the Annexation Territory and the City; and

WHEREAS, maps depicting the boundaries of the Annexation Territory, which consists of approximately 96 acres, are attached hereto and incorporated into this Ordinance as Exhibit A; and

WHEREAS, a legal description of the Annexation Territory is attached hereto and incorporated into this Ordinance as Exhibit B; and

WHEREAS, to the extent the Annexation Territory includes land contiguous to a public highway, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the Annexation Territory are contiguous to the corporate boundaries of the City; and

WHEREAS, it is the intent of this Council to adopt for the Annexation Territory the current City zoning classification that most closely corresponds to the current County zoning classification for the property; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and policy for the provision of certain services to the Annexation Territory; and

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

APR 14 2014

ROBERT J. WICHLINSKI
AUDITOR PORTER COUNTY

WHEREAS, contemporaneously with the introduction of this Ordinance, and prior to the publication and issuance of notice of public hearing on the annexation, the Common Council of the City of Valparaiso, Indiana, by resolution has adopted a written fiscal plan and policy for the provision of noncapital and capital services to the Annexation Territory; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution includes the provision of services of a non-capital nature within one (1) year after the effective date of the annexation under this Ordinance in a manner equivalent in standard and scope to those non-capital services provided to areas within the present corporate boundaries of the City, regardless of similar topography, patterns of land use and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution includes the provision of services of a capital nature to the Annexation Territory within three (3) years after the effective date of the Annexation under this Ordinance in the same manner as those services are provided to areas within the present corporate boundaries of the city, regardless of similar topography, patterns of land use and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria; and

WHEREAS, prior to the adoption of this Ordinance, the Common Council of the City of Valparaiso, Indiana, will conduct a public hearing pursuant to notice published and mailed in accordance with the applicable provisions of Indiana law; and

WHEREAS, the Common Council finds that the annexation of the Annexation Territory pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the annexation territory, is fair and equitable, and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT;

Section 1. In accordance with Indiana law, the Annexation Territory is hereby annexed to the City of Valparaiso, Indiana, and included within the City's corporate boundaries pursuant to the terms and conditions of this Ordinance.

Section 2. The Annexation Territory is assigned to City Council District No. 1

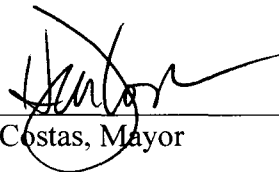
Section 3. The foregoing recitals (or "whereas clauses") are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 4. Upon the effective date of this ordinance, the Annexation Territory shall be classified for zoning purposes as Light Industrial, INL.

Section 5. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clause and phrases of this Ordinance.

Section 5. This Ordinance shall become effective as soon as allowed by law.

DULY PASSED AND ADOPTED this 28th day of Oct, 2013, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.



Jon Costas, Mayor

ATTEST:




Sharon Swihart, Clerk-Treasurer

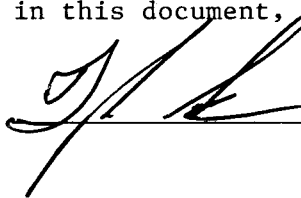
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 28th day of Oct, 2013 at the hour of 7:10 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 28th day of Oct, 2013, at the hour of 7:10 o'clock p.m.


Jon Costas, Mayor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



This document has been prepared for the City of Valparaiso by the Planning Director, Tyler Kent, 166 Lincolnway, Valparaiso, IN 46383.

EXHIBIT B

LEGAL DESCRIPTION OF THE ALDI ANNEXATION TERRITORY

A parcel of land located in the Southeast Quarter (SE ¼) of Section 31, Township 35 North, Range 5 West, and said parcel also located in the civil township of Center in Porter County, Indiana, and more particularly described as:

BEGINNING at the Southwest (SW) corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of said Section 31, said point being the Southwest corner of lands previously annexed into the City of Valparaiso per Ordinance No. 29, 2000, said Ordinance recorded 11/29/2000 as document number 2000-029666 in the Office of the Recorder of Porter County, Indiana; thence East along the South line of said Quarter Quarter, said line being the North line of the Southeast Quarter of said Section 31 and also being the South line of said annexation, to the centerline of State Road 49 (SR49), said centerline being the West line of lands previously annexed into the City of Valparaiso per Ordinance No. 5, 1996, said Ordinance recorded 04/01/1996 as document number 96-07765 in the Office of the Recorder of Porter County, Indiana; thence South along said centerline and along the West line of said annexation to the existing southern corporation limits per said ordinance; thence continuing South along said centerline, to the South line of the Southeast Quarter of said Section 31; thence West along said South line to the Southwest corner of a tract of land described to Aldi (Indiana) L.P. per a Corporate Warranty deed dated 12/31/1998 and recorded 01/09/1999 as document number 99-00271 in the Office of the Recorder of Porter County, Indiana; thence North along the West line of said Aldi tract to the Northwest corner of said Aldi tract, said point being on the North line of said Southeast Quarter; thence East along said North line to the point of beginning; Containing 96 Acres, more or less, said parcel subject to all easements and rights-of-way.

Area to be Annexed to City

INL

150'E (STURDY RD.)

PRAIRIE RIDGE DR.

MOCKINGBIRD LN.

FIELD HAWK DR.

BADGER CT.

ARROW LEAF LN.



0 250 500 1,000 Feet

SR 49

LEGEND

- | | |
|--------------------------------|---------------------------------|
| NC - Neighborhood Conservation | CG - Commercial, General |
| ER - Estate Residential | CBD - Central Business District |
| SR - Suburban Residential | CP - Central Place |
| GR - Residential, General | RT - Residential Transition |
| UR - Residential, Urban | CA - Campus |
| PS - Public Space | BP - Business Park |
| RU - Rural | INL - Light Industry |
| CN - Commercial, Neighborhood | INH - Heavy Industrial |
| | PUD - Planned Unit Development |



- ParcelPoly
- CityLimits

CASE # A13-002 and RZ13-002
Aldi Annexation

197 E Division Road