

**ORDINANCE #22, 2008**

**AN ORDINANCE ANNEXING REAL ESTATE INTO THE  
CITY OF VALPARAISO, PORTER COUNTY, INDIANA KNOWN AS THE  
"JKTM ANNEXATION"**

WHEREAS, JKTM LP, is the owner of certain real estate located in Center Township requested at the **May 12, 2008** City Council meeting that the real estate be annexed into the City of Valparaiso, Indiana, which real estate is more particularly described as follows:

**See Exhibit B - JKTM Annexation Legal Description**

**WHEREAS**, the Common Council of the City of Valparaiso, Indiana has heretofore considered and adopted a Fiscal Plan (**Exhibit A**) for such real estate as required by law; and

**WHEREAS**, the property sought to be annexed is situated outside the corporate boundaries of the municipal City of Valparaiso, Porter County, Indiana, and consists of approximately 1.14 acres of land; and

**WHEREAS**, the petitioners are the owner of 100% of the land sought to be annexed; and

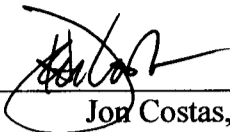
**WHEREAS**, at least one eighth (1/8) of the aggregate external boundaries of the real estate sought for annexation coincides with the present boundaries of the City of Valparaiso, Indiana; and

**WHEREAS**, the City of Valparaiso Plan Commission favorably voted (7-1) to recommend approval of the proposed annexation at its March 11, 2008 meeting.

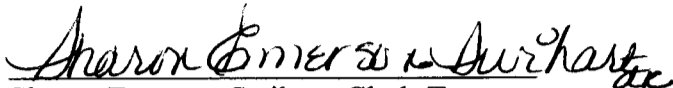
**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Valparaiso, Porter County, Indiana as follows:

1. By and through the powers vested in the Common Council of the City of Valparaiso, Porter County, Indiana, the real estate identified in Exhibit A which has been attached hereto and made a part of this Ordinance should be and the same is hereby annexed into the municipal boundaries of the City of Valparaiso. Certain real estate included in the annexation area shall be zoned C-3 General Business District
2. The Valparaiso Clerk-Treasurer is hereby authorized, instructed and empowered to take all actions necessary in order to implement the intention of this Ordinance by recording, filing and publishing pursuant to Indiana law.

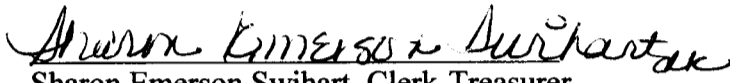
Passed by the Common Council of the City of Valparaiso, Indiana by a 60 vote of all members present and voting this 9<sup>th</sup> day of JUNE, 2008.

  
Jon Costas, Mayor

ATTEST:

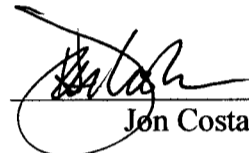
  
Sharon Emerson Swihart, Clerk-Treasurer

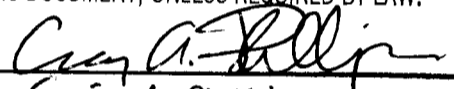
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 9<sup>th</sup> of JUNE, 2008 at the hour of 7:12 o'clock P.M.

  
Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 9<sup>th</sup> day of June, 2008 at the hour of 7:12 o'clock P. M.

"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."

  
Jon Costas, Mayor

NAME:   
Craig A. Phillips

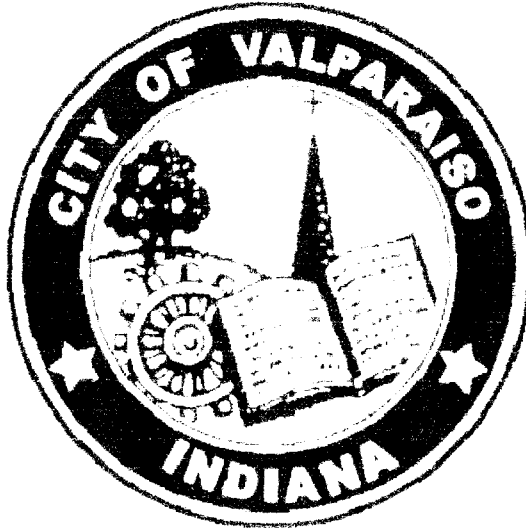
## ORDINANCE 22-2008, EXHIBIT B

### LEGAL DESCRIPTION

#### PROPOSED JKTM ANNEXATION

A part of Blocks 3 and 4 and portions of the vacated streets and alleys in Emmetsburg, as per plat thereof, recorded in Miscellaneous Record "B", page 242 in The Office of the Recorder of Porter County, Indiana, subdivision of the N.W. ¼ of Section 23, Township 35 North, Range 6 West of the 2<sup>nd</sup> P.M. In Center Township, Porter County, Indiana, more particularly described as follows: Commencing at the S.W. corner of Lot 1 in Amstutz Subdivision, as per plat thereof, Recorded in Miscellaneous Record 16, page 114 in the Office of the Recorder of Porter County, Indiana, said corner being the intersection of the Centerline of the vacated O'Connor Street in said Emmetsburg Subdivision, and the Northerly Right-of-Way line of State Highway No. 130, as shown on the Plan and Profile of the Proposed State Highway F.A. Project No. 286, Hobart-Valparaiso Road, Sheets 19 and 20, dated Fiscal Year 1932; thence S 00°07'40" W along said centerline of the vacated O'Connor Street, 171.25 feet, more or less, to the Northerly Right-of-Way line, being 66 feet north of the Centerline, of the Conrail Railroad, as shown on the Station Map for Pittsburgh, Fort Wayne, and Chicago Railway, Station 22425+50 to 22478+30, dated June 30, 1916; thence N 58°34'05" W, along said Northerly Right-of-Way line, 350.00 feet; thence N 31°25'55" E, 114.62 feet to the Southerly Right-of-Way line of State Highway No. 130; thence continuing north along the northerly prolongation of said line 70.78 feet, more or less, to the Northerly Right-of-Way line of State Highway No. 130; thence S 50°03'09" E along the Northerly Right-of-Way line, 263.95 feet, more or less, to the Point of Beginning Containing 1.14 Acres, more or less, and subject to all Legal Highways and Easements.

**Ordinance 22-2008 Exhibit "A"**  
**Plan Commission Case A07-001**



**JKTM ANNEXATION**  
**FISCAL PLAN**

***DRAFT***

Prepared by:  
Craig A. Phillips, AICP  
City of Valparaiso  
Planning Department  
April 2008

## **JKTM ANNEXATION FISCAL PLAN**

**SUBJECT: A07-001 – JKTM LP – Request to annex property known as JKTM Annexation, Center Township, T 35N, R6W.**

**DATE: November 7, 2007**

The Planning and Building Department and the Clerk/Treasurer, Sharon Emerson-Swihart prepared this fiscal plan, with the cooperation and assistance from the following departments:

Engineering Department      Fire Department                      Park and Recreation Department  
Police Department              Public Works Department      Utilities Department

This report contains projected revenues and expenditures as well as a description of services to be provided to the newly annexed area, as required by law. While the City is committed to providing services in the same manner as similar areas within the city limits, dollar figures presented are estimates and are subject to some change. Variations are dependent upon the rate and extent of future development, future property assessments, and changes in the cost of providing services. Since this is a developing area, revenues and costs have been estimated based on a forecasted buildout of the areas in the proposed annexation. Assumptions were made with respect to assessed valuation and were based on estimates from developers of the property or existing comparable values. This report also assumes that property will develop substantially in accordance with the City of Valparaiso Growth Management Plan.

### **POLICY FOR PROVISION OF CAPITAL AND NON-CAPITAL SERVICES**

#### **Non-Capital Services**

As required by IC 36-4-3-13 (d) (4), all non-capital services of the City including police protection, fire protection, street and road maintenance, and all other non-capital services normally provided within the corporate limits of the City of Valparaiso, will be provided to the annexed territory within one (1) year after the effective date of the annexation and they will be provided in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

#### **Capital Services**

As required by IC 36-4-3-13 (d) (4), all capital services of the City including street construction, street lighting, sewer facilities, water facilities, and stormwater facilities will be provided to the annexed territory within three (3) years after the effective date of the annexation and they will be provided in a manner equivalent in standard and scope to those capital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

## **GENERAL INFORMATION**

### Location

The area included in this annexation consists of property located in Center Township west of the current city limits at the southwest corner of SR 130 and Clifford Road more particularly described as follows:

See attached description

Total Acreage	1.14 Acres
Number of Dwelling Units	0 Proposed
Number of Non-Residential Units	1 Proposed
Percent Contiguous	17.6%
Existing Zoning (County)	I-2 General Industrial (County)
Proposed Zoning	C-3

The annexation area consists of vacant land previously occupied by a trucking company. The land included in the annexation petition is under a single ownership, JKTM LP. The developer has indicated that the development will be constructed in one phase. The proposal includes one approximately 7400 SF commercial building on the western end of the property.

## **CONTIGUITY**

The northeast annexation area is 17.60% contiguous to the existing City limits

### **"Needed & Can Be Used"**

The JKTM Annexation area is 'needed and can be used by the City for its development at this time. The City of Valparaiso has taken steps to demonstrate this need and the intent to annex this land in the form of adopted city planning documents such as the Growth Management Plan. As the plans indicate, the areas included in this annexation are of vital importance to the positive development of the City as it continues to grow in the future. The inclusion of these areas within the city limits is crucial to protecting the character of the City, including existing commercial areas and downtown.

### **City Established Planning Jurisdiction/Influence**

In agreement with Porter County government, any time a development is proposed that lies outside the official corporate boundaries of the City of Valparaiso, and the developer is seeking connection to municipal utilities the project is required to go through a joint city-county site review/DRC process. In this case however, the developer wishes to wait until annexation of the land is complete in order to develop or obtain building permits. In this case, the City development or site improvement standards apply as a condition of receipt of municipal utilities.

City of Valparaiso Growth Management Plan (2000)

The Growth Management Plan is a component of the Valparaiso Comprehensive Plan. The plan identifies the future land use goals for the areas outside of the corporate limits that the City sees as within its sphere of influence, and will eventually annex.

Furthermore, the areas included in the plan are closely tied to the corporate boundaries, and thus more accurately describe the limits of the Valparaiso "community". The plan details future land use goals within the JKTM Annexation Area, and indicates that the area falls within a five-year annexation boundary.

Council District

It is recommended that the annexation area be assigned to the 3<sup>rd</sup> Councilmanic District until the next redistricting.

## **ESTIMATED ANNUAL REVENUES**

The principal source of revenue for the City is through local property tax. True Tax Valuations (TTV) are based on information provided by the Porter County Auditor's Office. The 2005 payable in 2006 City tax rate of \$1.0242/100 TTV will be used for revenue estimates. This rate is now subject to a tax cap known as a circuit breaker. In the case of Commercial property, the cap is 3.0%, or the maximum tax that is paid on the property is 3.0% of the Assessed Value (AV).

Total True Tax Value (AV)**	\$16,500.00 Existing AV \$ 600,000.00 AV as proposed
Total Tax Rate (Valparaiso)	\$3.2657/100 AV
City Net Tax Rate	\$0.9689 (w/o HC) /100 AV
City % of total tax	29.7%
Total Tax before cap	\$(538.84) \$19,594.20
City portion of total tax before cap	\$(159.86) \$5,813.40
Maximum Tax Rate (Circuit Breaker)	3.0% commercial
Maximum tax after circuit breaker	\$(495.00) \$18,000.00
Total property tax revenue **	\$ 147.00 Existing AV \$ 5,346.00 As proposed
<b>Total Estimated Annual Revenues</b>	<b>\$147.00 Existing AV \$5,346.00 As proposed</b>

### **Other State Distributed Revenues**

#### Local Road and Streets

Based on a formula of \$2,282.44 per mile (LRS receipts divided by 136 certified lane miles in City), this annexation is expected to generate an additional \$0 in LRS funds due to the fact that the property is only served via State Road 130, which is maintained by the Indiana Department of Transportation.

#### Motor Vehicle Highway

Based on a formula of \$6,023.25 per mile (MVH receipts divided by 136 certified lane miles in City), this annexation is expected to generate an additional \$0 in MVH funds due to the fact that the property is only served via State Road 130, which is maintained by the Indiana Department of Transportation.

<b>Total Estimated Annual Revenues (All Sources)</b>	<b>\$147.00 Existing \$5,346.00 as proposed</b>
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Utility-Based Revenues

The following utility-based revenues are not part of the general fund or civil city budget, and are derived from sewer and water monthly billing for user fees.

Minimum Monthly Water Revenues

\$27.30/month minimum per meter– 1 commercial building w/ 1 meters =  
\$327.60/yr

Minimum Monthly Sewer Revenues

\$26.35/month minimum per meter – 1 commercial building w/ 1 meters =  
\$316.20/yr

**Total Minimum Annual Utility Revenues**

**\$0 Existing**  
**\$643.80 as proposed**

ONE TIME REVENUES

These revenues are generated at the time a particular property is connected to the municipal sewer or water system or both. The revenues generated from these fees are dependent upon connection of homes and businesses to these systems.

Water - New Service Construction Cost

Minimum \$1,700.00 per principal structure. This annexation request includes 1 proposed commercial building at a total revenue of \$1,700.00.

Sewer Connection Fees

Minimum of \$3,238.00 per principal structure. This annexation request includes 1 proposed commercial building at a total revenue of \$3,238.00.

**Total One Time Utility Revenues - \$4,938.00**

Building and Engineering Permit Fees

The construction of the proposed 7400 SF commercial building will bring the City \$10,824.00 in revenues based on a total permit fee.

**Total One Time CITY Revenues \$10,824.00**

## **ANTICIPATED ANNUAL COSTS AND IMPACT ON CITY SERVICES**

### **Administrative Services:**

Administrative functions of the City, including Mayor's Office, Clerk-Treasurer, Economic Development, Human Resources, Project Management, and Information Technology, and Legal services affected by this annexation will be handled with current staffing levels and resources funded by the current and future City General Fund revenues generated by the tax levy.

### **Inspection Services:**

Zoning, building, and engineering inspection services within this annexation area as well as other annexation areas are not expected to require additional resources based on expected growth in this area over the next five to ten years.

### **Refuse Collection:**

Trash and recycling pick up for residential properties is the responsibility of the commercial building owner. Therefore, the expected cost of the proposed development is **\$0** annually.

### **Police Protection:**

Police protection will be furnished by the Valparaiso Police Department within one year of the effective date of annexation as required by law. For the purposes of estimating the number of calls expected in the annexation area, the number of calls to a comparison development will be used. In 2006 the comparison structure (901 Calumet) received 11 calls, for an anticipated cost to the city of approximately **\$1,290.19** per year as proposed. This figure is calculated by dividing the total 2006 department budget of \$3,092,777.00 by the number of calls in 2006 (26,368), for a value of \$117.29 per call.

### **Fire Protection Services:**

The Valparaiso Fire Department currently provides fire protection service to the area included in the annexation. The area is estimated to produce approximately one (1) call per year based on calls received to a similar facility located at 901 Calumet Avenue – 1 call. The annexation area will be served by Station No. 1, located at 205 Indiana Avenue. The annual cost is anticipated to be **\$1,362.00** per year for the proposed development. This figure is calculated by dividing the total Fire/EMS Department Budget of \$2,733,016.00 by the number of calls in 2006 (2,007), for a value of \$1,362.00 per call.



For developed areas, Valparaiso City Utilities will develop a project to serve those property owners who request water service, to the extent enough property owners request such service. Typically, fifty-one percent of the property owners must request the service and commit to the payment of the service. However, if the cost of the project to serve an developed area is excessively high, such as the need to extend a long length of off-site main, the board of Directors may require a commitment from a larger percentage of property owners. In each case, the Board of Directors makes the final determination.

### Sewer Service Extensions

The Valparaiso City Utilities owns and operates the water reclamation department that will serve this area with sanitary sewers. The policy of the Valparaiso City Utilities with respect to sewer service is and shall be to provide areas within the city with access to city sewer. However, this "access" does not include direct connection and/or construction of sewer lines in front of every residential and business parcel. Valparaiso City Utilities will construct sewer lines for new developments at the expense of the developer. In the case of off-site sewer mains for such developments, Valparaiso City Utilities will allow the developer to recoup off-site sewer main expenses from those who directly connect to said off site sewer main.<sup>2</sup>

For developed areas, Valparaiso City Utilities will develop a project to serve those property owners who request sewer service, to the extent enough property owners request such service. Typically, fifty-one percent of the property owners must request the service. However, if the cost of the project to serve an developed area is excessively high, such as the need to extend a long length of off-site main, the Board of Directors may require a commitment from a larger percentage of property owners. In each case, the Board of Directors makes the final determination. If the sewer service is requested and the Board directs it, an assessment roll will be created to assess each property owner an equitable share of the project. Valparaiso City Utilities will then use Barrett Law to construct the project and assess each property owner a share the cost. Payment will be made per provisions of Barrett Law.

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<sup>2</sup> A developer may be given a sewer reimbursement district contract in order to recoup the costs of the off-site sewer expenses. The City Engineering Dept. will determine the amount of area, which could reasonably connect directly and/or indirectly into the said off-site sewer and create a district. District fees will be calculated by the Engineering Dept. for said district.

**JKTM ANNEXATION FISCAL PLAN SUMMARY**

Location

The area included in this annexation consists of property located in Center Township west of the current city limits at the southwest corner of State Road 130 and Clifford Road more particularly described as follows:

See attached description

Total Acreage	1.14 Acres
Number of Dwelling Units	0 Proposed
Number of Non-Residential Units	1 Proposed
Percent Contiguous	17.60%
Existing Zoning (County)	I-2 General Industrial
Proposed Zoning	C-3

The proposed annexation complies with the following criteria:

- (1) The area is 17.6% contiguous to the corporate limits of the City, exceeding the minimum 12.5% contiguity requirement of the State annexation law.
- (2) The site lies within a Priority Annexation Area as outlined in the City of Valparaiso Annexation Policy.
- (3) The area does not have an acceptable cost/benefit ratio over the short term, but is more favorable over the long term due to the proposed development within one year as proposed by the petitioner.

**Total Estimated Annual Revenues (All Sources)    \$5,346.00 as proposed**  
**vs.**

**Total Annual Costs to City and Services                    \$2,652.00 as proposed**

	Existing	As proposed
Annual City Revenues**	\$147.00	\$5,346.00
Annual Utility Revenues	\$0	\$643.80
Annual City Costs	\$	\$2,652.19
One Time City Revenues	\$0	\$10,284.00
One Time Utility Revenues	\$0	\$4,938.00
One Time Utility Costs	\$0	\$0

## LEGAL DESCRIPTION

### PROPOSED JKTM ANNEXATION

A part of Blocks 3 and 4 and portions of the vacated streets and alleys in Emmetsburg, as per plat thereof, recorded in Miscellaneous Record "B", page 242 in The Office of the Recorder of Porter County, Indiana, subdivision of the N.W.  $\frac{1}{4}$  of Section 23, Township 35 North, Range 6 West of the 2<sup>nd</sup> P.M. In Center Township, Porter County, Indiana, more particularly described as follows: Commencing at the S.W. corner of Lot 1 in Amstutz Subdivision, as per plat thereof, Recorded in Miscellaneous Record 16, page 114 in the Office of the Recorder of Porter County, Indiana, said corner being the intersection of the Centerline of the vacated O'Connor Street in said Emmetsburg Subdivision, and the Northerly Right-of-Way line of State Highway No. 130, as shown on the Plan and Profile of the Proposed State Highway F.A. Project No. 286, Hobart-Valparaiso Road, Sheets 19 and 20, dated Fiscal Year 1932; thence S 00°07'40" W along said centerline of the vacated O'Connor Street, 171.25 feet, more or less, to the Northerly Right-of-Way line, being 66 feet north of the Centerline, of the Conrail Railroad, as shown on the Station Map for Pittsburgh, Fort Wayne, and Chicago Railway, Station 22425+50 to 22478+30, dated June 30, 1916; thence N 58°34'05" W, along said Northerly Right-of-Way line, 350.00 feet; thence N 31°25'55" E, 114.62 feet to the Southerly Right-of-Way line of State Highway No. 130; thence continuing north along the northerly prolongation of said line 70.78 feet, more or less, to the Northerly Right-of-Way line of State Highway No. 130; thence S 50°03'09" E along the Northerly Right-of-Way line, 263.95 feet, more or less, to the Point of Beginning Containing 1.14 Acres, more or less, and subject to all Legal Highways and Easements.