

**PASSED 6-12-06 BY A VOTE OF 6-0
ORDINANCE #7, 2006**

**AN ORDINANCE ANNEXING REAL ESTATE INTO THE
CITY OF VALPARAISO, PORTER COUNTY, INDIANA KNOWN AS THE
“WESTSIDE ANNEXATION”**

WHEREAS, the City of Valparaiso, on behalf of property owners of certain real estate located in Center Township requested at the **February 27, 2006**, 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 - Westside 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 1,132 acres of land; and

WHEREAS, the petitioners are the owner of at least 51% 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 unanimously voted (8-0) to recommend approval of the proposed annexation at its February 14, 2006 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.

2. Certain real estate included in the annexation area shall be rezoned upon the effective date of the annexation as follows:

See Exhibit C – Westside Annexation rezoning Descriptions

The remainder of real estate not described by the above description shall retain the equivalent of its existing Porter County zoning classification at the effective date of annexation.

3. 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, Indian by a _____ vote of all members present and voting this _____ day of _____, 2006.

Jon Costas, Mayor

ATTEST: _____
Sharon Emerson Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ of _____, 2006 at the hour of _____ o'clock P.M.

Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2006 at the hour of _____ o'clock P. M.

Jon Costas, Mayor

DESCRIPTION

PROPOSED WEST SIDE ANNEXATION

City of Valparaiso
2005/2006

Note: In several locations the following description is written along the rights-of-way line(s) of existing roads on the side opposite the lands to be annexed. In these instances, it is the intent to include the interest in the road in the annexation without impacting or affecting the underlying interests of property owners on that opposite side of the road.

An irregularly shaped parcel of land in Sections 3, 4, 9, 10, 11, and 15 of Township 35 North, Range 6 West of the Second Principal Meridian, the parcel in Porter County, Indiana and more particularly described as:

BEGINNING in the northeast quarter (NE $\frac{1}{4}$) of said Section 11 at the northwest (NW) corner of Harvest Country, a subdivision as shown on the recorded plat filed in plat file 17-B-2A in the Porter County Recorder's Office, said corner also being the NW corner of a tract annexed into the City of Valparaiso per Ordinance 5, 1989, said Ordinance recorded as instrument number 89-04308 in Book 120, Page 136 in said Recorder's Office; thence east along the north line of said Harvest Country to the east line of the existing right-of-way (ROW) of County Road 50 West, also known as Goodrich Road, as it runs to the north; thence north along said east ROW line(s) to the north line of said NE $\frac{1}{4}$ of Section 11; thence west along said north line to the NW corner of said NE $\frac{1}{4}$, the NE corner of the NW $\frac{1}{4}$ of said Section 11 and the NE corner of Greenfield Creek, Phase Two, Unit C, a subdivision as shown on the recorded plat filed in Plat File 20-D-1C in said Recorder's Office; thence west along the north line of said NW $\frac{1}{4}$ the following two courses:

1. 869.16 feet along the north line of said Unit C, and
2. 1027.79 feet along the north line of Greenfield Creek, Phase Two, Unit D, a subdivision as shown on the recorded plat filed in Plat File 20-D-1D in said Recorder's Office to the NW corner of said Unit D and the west line of the east 115 acres of said NW $\frac{1}{4}$ of said Section 11;

thence south along said west line of the east 115 acres the following three courses:

1. 928.15 feet along the west line of said Unit D;
2. 780.12 feet along the west line of Greenfield Creek, Phase Two, Unit B, a subdivision as shown on the recorded plat filed in Plat File 20-D-1B in said Recorder's Office;
3. 303.23 feet along the west line of a tract owned by Donald V. Nelson, said tract described in a Quit Claim Deed recorded as instrument number 98-09786 in Deed Record 488, Page 98 in said Recorder's Office, to the SW corner of said Nelson tract;

thence east, parallel with the south line of said NW $\frac{1}{4}$, the following three courses:

1. 619.72 feet along the south line of said Nelson tract;
2. 337.54 feet along the south line of a second tract owned by Donald V. Nelson, said second tract described in a Quit Claim Deed recorded as instrument number 98-09785 in Deed Record 488, Page 97 in said Recorder's Office;
3. 400.00 feet along a south line of a tract of land owned by Dennis L. Lewerke and Joann Lewerke, said tract described in a Warranty Deed recorded as instrument number 2004-037686 in said Recorder's Office;

thence continuing along the boundary of said Lewerke tract the following two courses:

1. south, 38.4 feet;
2. east, 44.8 feet, more-or-less, to the NW corner of a lot owned by James H. and Diana L. Overland, said lot described in a Warranty Deed recorded as instrument number 94-04538 in Deed Record 445, Page 98 in said Recorder's office, said NW corner on the west line of the east 490.2 feet of said NW $\frac{1}{4}$ of Section 11;

thence south along said west line of the east 490.2 feet the following four courses:

1. 115 feet along the west line of said Overland lot;
2. 100 feet along the west line of a lot owned by Vui Van Tran and Hai Thi Tran, said lot described in a Warranty Deed recorded as instrument number 91-19754 in Deed Record 421, Page 83 in said Recorder's Office;
3. 200 feet along the west line of a lot owned by Chris Jordan and Kathleen R. Paterson, said lot described in a Warranty Deed recorded as instrument number 97-21294 in Deed Record 482, Page 116 in said Recorder's Office;
4. 180 feet, more-or-less, along the west line of a lot owned by Gregory E. and Julia G. Kunz, said lot described in a Warranty Deed recorded as instrument number 2001-025749 in said Recorder's Office, to the north ROW line of County Road 450 North, also known as Ransom Road;

thence west along said north ROW line(s) in both the NW ¼ of said Section 11 and the NE ¼ of said Section 10 to the east ROW line of County Road 150 West, also known as Froberg Road; thence north along said east ROW line(s) into said Section 3 to the north ROW line of County Road 500 North; thence west along said north ROW line(s) through the SW ¼ of said Section 3 into Section 4 to an intersection with the northerly prolongation of the west line of a tract owned by Jennifer Betensley pursuant to a Warranty Deed recorded in Deed Record 357, Page 462 in said Recorder's Office; thence south along said prolongation to the

1. south line of said Section 4,
2. northwest corner of the E ½, NE ¼ of said Section 9, and
3. northwest corner of said J. Betensley tract;

thence south 2638.87 feet (deed) along the west line of said E ½, NE ¼ and the west line of said J. Betensley tract to the south line of said NE ¼ and the southwest corner of said J. Betensley tract; thence east along said south line E ½, NE ¼ the following three courses:

1. 330.35 feet along the south line of said J. Betensley tract;
2. 330.35 feet along the south line of a tract owned by Alan Betensley pursuant to a Warranty Deed recorded in Deed Record 357, Page 464 in said recorder's Office;
3. 660.69 feet along the south line of a tract owned by Rael Betensley and his successors in trust, as trustee of the Rael Betensley Revocable Trust, pursuant to a document recorded in Deed Record 485, Page 551 in said recorder's Office

to the

1. southeast corner of said NE ¼, Section 9,
2. northwest corner of the SW ¼ of said Section 10, and
3. northwest corner of Pepper Creek, a recorded subdivision as shown on the Secondary Plat filed in Plat File 49-A-2 in said recorder's Office;

thence south along the west line of said SW ¼, Section 10 the following two courses:

1. 1947.72 feet along the west line of said Pepper Creek to the southwest corner of said Pepper Creek and the northwest corner of a tract owned by V. Jacob Wagner and Rebecca S. Wagner pursuant to a Warranty Deed recorded as instrument number 2003-038933 in said Recorder's Office;
2. 690.01 feet along the west line of said Wagner tract

to the

1. southwest corner of said Section 10 and
2. northwest corner of said Section 15;

thence south along the west line of said Section 15 to the south ROW of County Road 400 North, also known as Vale Park Road; thence east along said ROW line(s) to the west line of a 38.99 acre tract owned by Florian T. Latek pursuant to a Porter Superior Court Order regarding cause number 64D01-0401-ES-80, said Order recorded as instrument number 2005-013068 in said Recorder's Office; thence south along said west line to the northerly ROW line of County Road 375 North; thence southeasterly along said northerly ROW to a point that is opposite, radial to the centerline of the centerline of said County Road 375 North, the intersection of the south ROW of said County Road 375 North with the north ROW line of State Road 130; thence southwesterly across said County Road along said radial line to said point of intersection; thence southeasterly and east along said south ROW of County Road 375 North to the west line of a tract owned by West Farm, LLC of Porter County, pursuant to Trustee's Deeds recorded as instrument numbers 1999-039497 and 1999-039499 in said Recorder's Office; thence south along said west line to the north line of the Grand Trunk, now Canadian National, Railroad; thence south on the prolongation of the preceding course to the south line of said railroad; thence northwesterly along said south line to the southwesterly ROW line of said State Road 130; thence southeasterly along said ROW line(s) through the SW ¼ of said Section 15 and into the SE ¼ of said Section 15 to the east line of the W ½ of said SE ¼; thence north along said east line to the south ROW line of County Road 150 North, also known as Harrison Blvd.; thence east along said south ROW line(s) to the east line of the SE ¼ of said Section 15, said east line being on the westerly corporate limits of the City of Valparaiso;

thence along said corporate limits to the Point of Beginning by way of the following courses:

thence north along said east line of said SE ¼ to the NE corner of said SE ¼; thence west along the north line of said SE ¼ the following two courses:

1. 265.46 feet along the south line of Manchester Meadows a subdivision as shown on the recorded plat filed in Plat File 18-F-1 in said Recorder's Office;
2. 1170.65 feet along the south line of Harrison West, a subdivision as shown on the recorded plat filed in Plat File 38-D-6 in said Recorder's Office, to the SW corner of said Harrison West;

thence along the west and northerly boundaries of said Harrison West the following three courses:

1. north, 1624.78 feet;
2. northeasterly, 575.32 feet to the north line of the S ¾ of said NE ¼ of said Section 15;
3. east, 728.89 feet to a NW corner of said Manchester Meadows;

thence continuing east along said north line of the S ¾ and the north line of said Manchester Meadows 265.24 feet to the east line of said NE ¼ and the west line of Manchester Meadows First Addition, a subdivision as per the

recorded plat filed in Plat File 18-F-1A in said Recorder's Office; thence north along said east line, NE $\frac{1}{4}$ and said west line of said First Addition, 664.58 feet to the NE corner of said NE $\frac{1}{4}$, Section 15 and the SW corner of the SW $\frac{1}{4}$ of said Section 11; thence east along the south line of said SW $\frac{1}{4}$ the following two courses:

1. 1893.58 feet along the north line of said First Addition;
2. 748.80 feet along the north line of said Manchester Meadows to the SE corner of said SW $\frac{1}{4}$;

thence north along the east line of said SW $\frac{1}{4}$ the following three courses:

1. 495.00 feet along the west line of a tract owned by the Valparaiso Multi-Schools Building Corporation, said tract as described in Corporate Deeds recorded as instrument numbers 92-11624 in Deed Record 426, Page 194, and, 92-11625 in Deed Record 426, Page 195, in said Recorder's Office,
2. 1,113.50 feet along the west line of Keystone Commons a subdivision as shown on the plat of "The Replat of Coachman Trail Unit - 2, Carriage Crossing Unit - 2 and carriage Crossing Unit - 3 in Keystone Commons" in Plat File 20-F-5A in said Recorder's Office,
3. 1029.19 feet along the west line of a tract owned by Steve S. Vitoux, said tract described in a Warranty Deed recorded as instrument number 2000-008822 in said Recorder's Office, to the center of said Section 11 and the approximate centerline of said County Roads 450 North and 50 West;

thence north along the east line of said NW $\frac{1}{4}$ of Section 11, and the west line of said NE $\frac{1}{4}$, Section 11 the following two courses:

1. 707.30 feet along the west boundary of Candlewood Trace, Unit 1, a subdivision as per recorded plat filed in Plat File 17-B-2 in said Recorder's office;
2. 584.50 feet along the west boundary of said Harvest Country to the point of beginning,

the parcel subject to field survey and all existing easements and rights-of-way.

Description prepared by:
David L. Pilz, P.L.S.
Engineering Director
City of Valparaiso
166 Lincolnway
Valparaiso, IN 46383
219-462-1161

December 19, 2005

Revised February 22, 2006, to add V. Jake Wagner parcel

EXHIBIT C

WESTSIDE ANNEXATION REZONING DESCRIPTIONS

PROPERTY REQUESTED BY CITY TO BE REZONED TO R-1 SINGLE FAMILY RESIDENTIAL DISTRICT:

1. The Southwest $\frac{1}{4}$ of Section 11, T 35 N, R 6 W of the Second Principal Meridian in Center Township, Porter County, Indiana

PROPERTY REQUESTED BY CITY TO BE REZONED TO R-2 TWO FAMILY RESIDENTIAL DISTRICT:

1. A parcel of real estate in the West $\frac{1}{2}$ of Section 15, T 35 N, R 6 W of the Second Principal Meridian, in Center Township, in Porter County, Indiana, described as follows:

Beginning at a point on the Old Chicago Road which is 1048 feet West of the North and South centerline of said Section 15; thence West to a North and South line running through a point located 20 and $\frac{3}{4}$ Rods West of the Southwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 15; thence South on said North and South line, to the North line of the right-of-way of the Grand Trunk Railroad; thence Southeasterly along the north line of said railroad to the North and South centerline of said Section 15; thence North along said Centerline to the North line of said Section 15; thence West along said North line, 1048 feet; thence South to the Place of Beginning.

Excepting therefrom the aforementioned parcel all that real estate lying north of the centerline of County Road 375 North.

2. The West 660.00 feet of the North 614.00 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 15, T 35 N, R 6 W of the Second Principal Meridian, in Center Township, in Porter County, Indiana, excepting therefrom the following:

The north 307 feet of the west 330 feet of the aforementioned real estate.

PROPERTY REQUESTED BY CITY TO BE REZONED TO C-2 COMMUNITY COMMERCIAL DISTRICT:

1. The West 660.00 feet of the North 614.00 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 15, T 35 N, R 6 W of the Second Principal Meridian, in Center Township, in Porter County, Indiana, excepting therefrom the following:

The East 330.00 Feet of the aforementioned real estate, AND further excepting therefrom;

The South 307.00 feet of the aforementioned real estate.

2. All that part of the West $\frac{1}{2}$ of Section 15; AND All that part of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 15, in T 35 N, R 6 W of the Second Principal Meridian, which lies South of the South right-of-way line of the Grand Trunk Railroad, and North of the Centerline of State Road No. 130 in Center Township, in Porter County, Indiana.

PROPERTY REQUESTED BY PROPERTY OWNER TO BE REZONED C-2 COMMUNITY

COMMERCIAL DISTRICT:

1. A parcel of land in the Northwest $\frac{1}{4}$ of Section 15, T 35 N, R 6 W of the Second Principal Meridian in Center Township, Porter County, Indiana, more particularly described as follows:

The east 435.00 feet of the north 250.00 feet of said Northwest $\frac{1}{4}$

Containing 2.5 Acres, more or less, and subject to all legal highways and easements.