

ORDINANCE NO.: 32-2021

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF VALPARAISO, PORTER COUNTY, INDIANA,
ANNEXING CERTAIN REAL ESTATE TO THE CITY OF
VALPARAISO, INDIANA**

WHEREAS, the City of Valparaiso, Porter County, Indiana (“City”), in accordance with Indiana Code 36-4-3-5.1, wishes to annex an area consisting of approximately 34.85 acres located outside of but contiguous to the City, more particularly described on Exhibit A attached hereto and incorporated herein (“Annexed Territory”); and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or about December 13, 2021, the Common Council held a duly noticed public hearing regarding the Annexed Territory; and

WHEREAS, the Common Council has determined, in accordance with Indiana Code §36-4-3-5.1, the petition requesting a super voluntary annexation is signed by 100% of the owners of land within the Annexed Territory; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City; and

WHEREAS, on or about December 13, 2021, and prior to holding the above-referenced public hearing, in accordance with Indiana Code §36-4-3-3.1 and §36-4-3-12, the Common Council adopted by resolution a written fiscal plan for the Annexed Territory; and

WHEREAS, in compliance with Valparaiso’s Unified Development Ordinance Sec. 1.305, Rural (RU) zoning district shall apply to all land that is annexed into the City, unless and until the City adopts an ordinance changing the zoning of the property; and

WHEREAS, the Common Council finds that the annexation and initial zoning of Rural (RU) of the Annexed Territory pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the Annexed Territory, is fair and equitable, and should be accomplished; and

WHEREAS, the Common Council now desires to annex the Annexed Territory.

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

Section 1. Incorporation of Recitals. The foregoing recitals are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 2. Contiguity. The petition requesting super voluntary annexation for the Annexed Territory is signed by 100% of the owners of land within the Annexed Territory and is

contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the existing boundaries of the City.

Section 3. Annexed Territory. The real estate containing approximately 34.85 acres more or less more particularly described in Exhibit A attached hereto and incorporated herein, is hereby annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

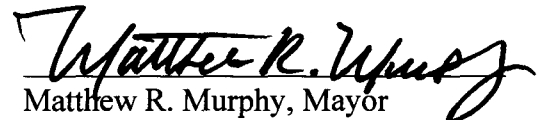
Section 4. Councilmatic District. The Annexed Territory is hereby assigned City Council District No. 3 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 5. Zoning. Upon the effective date of this Ordinance, the Annexed Territory shall be classified for zoning purposes Rural (RU) District.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Common Council and as provided by Indiana law.

Section 7. Severability. 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, clauses, and phrases of this Ordinance.

DULY PASSED AND ADOPTED this 10th day of January, 2022, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.


Matthew R. Murphy, Mayor

ATTEST:


Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10th day of January, 2022 at the hour of 6:19 o'clock p.m.



Holly Taylor, Clerk-Treasurer

EXHIBIT A
LEGAL DESCRIPTION

ALL OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 WEST, WHICH LIES SOUTH OF THE PUBLIC HIGHWAY RUNNING FROM VALPARAISO TO CHICAGO AND WHICH LIES NORTH OF THE RIGHT-OF-WAY OF THE GRAND TRUNK RAILROAD.

LESS AND EXPECT:

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE 2ND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

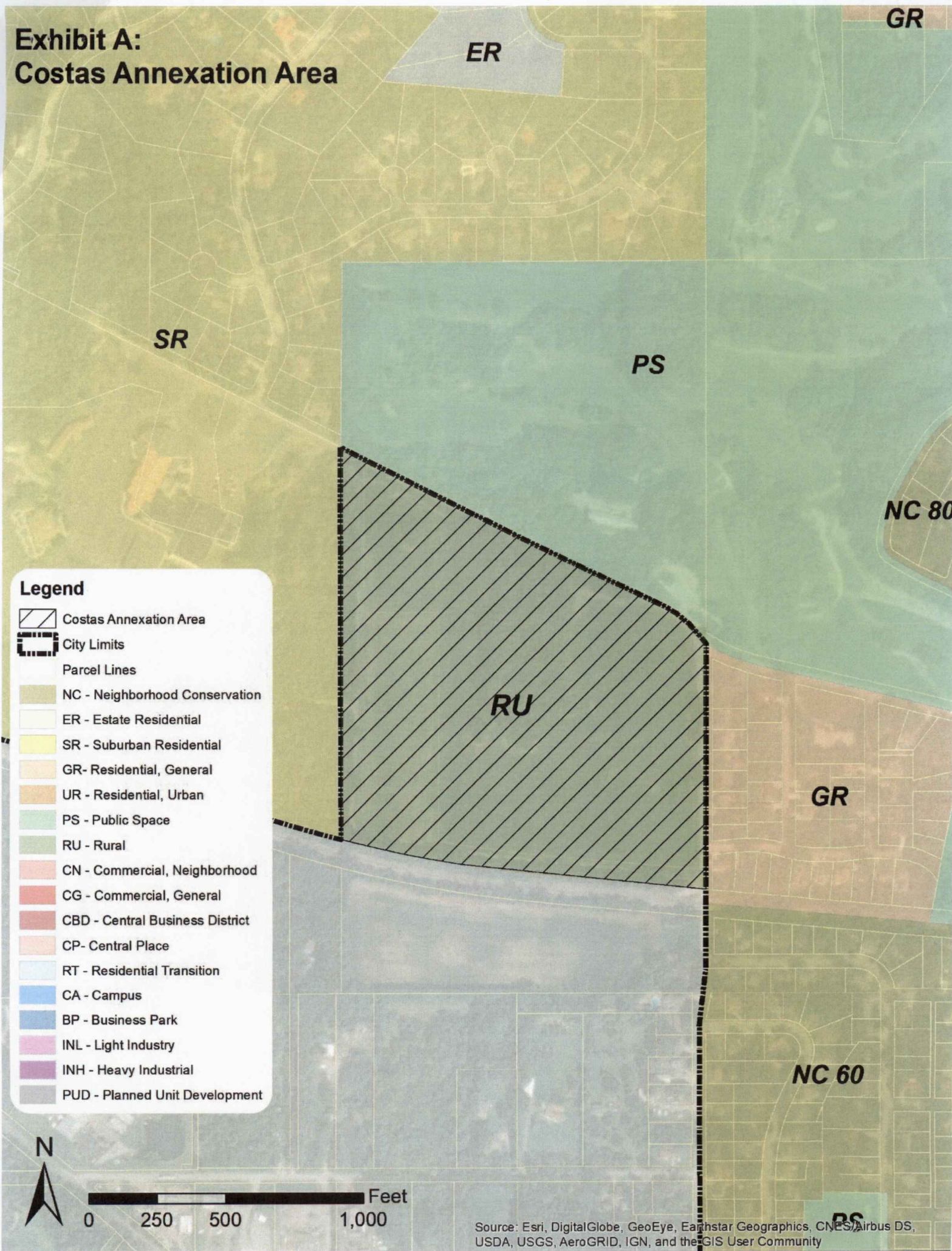
COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS WEST, (BASIS OF BEARINGS, INDIANA STATE PLANE, NAD 83 WEST ZONE) 376.24 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTH RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD AND THE POINT OF BEGINNING; THENCE NORTH 85 DEGREES 00 MINUTES 31 SECONDS WEST, 565.07 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE; 774.70 FEET ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 4,724.71 FEET AND A CHORD BEARING NORTH 80 DEGREES 18 MINUTES 41 SECONDS WEST, 773.84 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 1415.19 FEET ALONG SAID EAST LINE TO THE CENTER LINE OF HARRISON BOULEVARD; THENCE SOUTH 63 DEGREES 34 MINUTES 19 SECONDS EAST, 94.84 FEET ALONG SAID CENTER LINE TO A LINE 85 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 05 MINUTES 46 WEST, 557.10 FEET ALONG SAID LINE; THENCE NORTH 89 DEGREES 54 MINUTES 14 SECONDS EAST, 275.00 FEET TO A LINE 360 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST HALF; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, 826.94 FEET ALONG SAID LINE TO A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND TRUNK RAILROAD; THENCE EASTERLY 412.16 FEET ALONG SAID LINE BEING A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 4,659.71 FEET AND A CHORD BEARING SOUTH 82 DEGREES 28 MINUTES 29 SECONDS EAST, 412.02 FEET; THENCE SOUTH 85 DEGREES 00 MINUTES 31 SECONDS EAST, 559.33 FEET ALONG SAID LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 03 MINUTES 19 SECONDS EAST 65.25 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.66 ACRES, MORE OR LESS.

AND

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE 2ND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST COMER OF SAID SOUTHWEST QUARTER; THENCE NORTH $00^{\circ}03'19''$ WEST, (BASIS OF BEARINGS, INDIANA STATE PLANE, NAD 83 WEST ZONE) 376.24 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTH RIGHT-OF-WAY LINE OF THE GRAND TRUNK RAILROAD AND THE POINT OF BEGINNING; THENCE NORTH $85^{\circ}00'31''$ WEST, 565.07 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE; 774.70 FEET ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 4,724.71 FEET AND A CHORD BEARING NORTH $80^{\circ}18'14''$ WEST, 773.84 FEET TO THE WEST LINE OF SAID EAST HALF; THENCE NORTH $00^{\circ}05'46''$ EAST, 1415.19 FEET ALONG SAID EAST LINE TO THE CENTER LINE OF HARRISON BOULEVARD; THENCE SOUTH $63^{\circ}34'19''$ EAST, 94.84 FEET ALONG SAID CENTER LINE TO A LINE 85 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH $00^{\circ}05'46''$ WEST, 557.10 FEET ALONG SAID LINE; THENCE NORTH $89^{\circ}54'14''$ EAST, 275.00 FEET TO A LINE 360 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID EAST HALF; THENCE SOUTH $00^{\circ}05'46''$ EAST, 826.94 FEET ALONG SAID LINE TO A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF SAID GRAND TRUNK RAILROAD; THENCE EASTERLY 412.16 FEET ALONG SAID LINE BEING A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 4,659.71 FEET AND A CHORD BEARING SOUTH $82^{\circ}28'29''$ EAST, 412.02 FEET; THENCE SOUTH $85^{\circ}00'31''$ EAST, 559.33 FEET ALONG SAID LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH $00^{\circ}03'19''$ EAST 65.25 FEET TO THE POINT OF BEGINNING, AND CONTAINING 9.66 ACRES, MORE OR LESS.


Exhibit A: Costas Annexation Area



Legend

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

N



0 250 500 1,000 Feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community