

ORDINANCE NO. 7, 2014**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 "LAKES OF VALPARAISO"**

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 32.336 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. 5

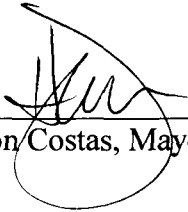
Section 3. The foregoing recitals (or "whereas clauses") are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

Section 4. Upon the effective date of this ordinance, the Annexation Territory shall be classified for zoning purposes as PUD, Planned Unit Development.

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 24th day of February, 2014, 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.



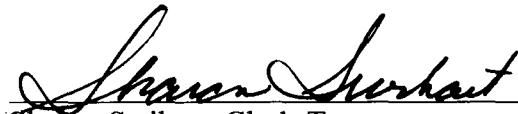
Jon Costas, Mayor

ATTEST:

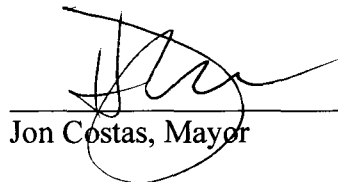


Sharon Swihart, Clerk-Treasurer

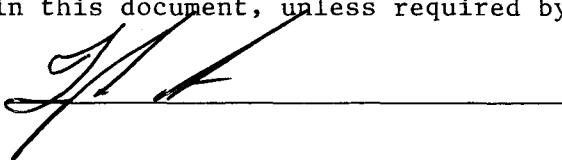
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 24th day of Feb., 2014 at the hour of 7:08 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 24th day of Feb., 2014, at the hour of 7:08 o'clock p.m.


Jon Costas, Mayor

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.



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

ORDINANCE NO. 7 2014 EXHIBIT B

A PARCEL OF LAND BEING THE WEST ½ OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, PORTER COUNTY, INDIANA, DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, BEING THE POINT OF BEGINNING; THENCE SOUTH 89° 15' 12" EAST ALONG THE NORTH SECTION LINE 668.42 FEET; THENCE SOUTH 0°18'50" WEST ALONG THE EAST LINE OF THE WEST ½ OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER 1330.78 FEET; THENCE NORTH 89°20'28" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER 664.62 FEET; THENCE NORTH 89°29'07" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER 716.70 FEET; THENCE 311.53 FEET ALONG A CURVE, BEING THE EAST RIGHT-OF-WAY LINE OF INDIANA HIGHWAY 49, HAVING A RADIUS OF 8739.37 FEET AND A CHORD BEARING NORTH 7°42'43" SECONDS WEST 311.51 FEET; THENCE NORTH 5°11'06" WEST ALONG SAID RIGHT-OF-WAY 204.10 FEET; THENCE NORTH 14°32'07" WEST ALONG SAID RIGHT-OF-WAY 201.14 FEET; THENCE NORTH 10°16'30" WEST ALONG SAID RIGHT-OF-WAY 550.00 FEET; THENCE NORTH 39°22'36" EAST ALONG SAID RIGHT-OF-WAY 57.80 FEET; THENCE SOUTH 89°32'30" EAST ALONG SAID RIGHT-OF-WAY 100.00 FEET; THENCE NORTH 68°39'25" EAST ALONG SAID RIGHT-OF-WAY 53.85 FEET; THENCE NORTH 0°27'30" EAST 20.00 FEET; THENCE SOUTH 89°32'30" EAST ALONG THE NORTH SECTION LINE 485.64 FEET; THENCE SOUTH 0°27'30" WEST 203.05 FEET; THENCE EAST PARALLEL WITH THE NORTH SECTION LINE 214.53 FEET; THENCE NORTH 0°27'30" EAST 203.05 FEET; THENCE SOUTH 89°32'30" EAST ALONG THE NORTH SECTION LINE 41.51 FEET TO THE POINT OF BEGINNING, CONTAINING 43.759 ACRES MORE OR LESS;

EXCEPT PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89°32'30" WEST 256.04 FEET ALONG THE NORTH LINE OF SAID SECTION TO A CORNER OF THE OWNER'S LAND; THENCE SOUTH 0°27'30" WEST 20.00 FEET TO THE SOUTH BOUNDARY OF COUNTY ROAD 400 NORTH AND THE POINT OF BEGINNING OF THIS EXCEPTION: THENCE SOUTH 0°27'30" WEST 183.05 FEET ALONG AN EAST LINE OF THE OWNER'S LAND; THENCE SOUTH 6°19'24" WEST 348.78 FEET; THENCE SOUTH 42°41'45" WEST 292.65 FEET; THENCE SOUTH 34°12'36" WEST 216.80 FEET; THENCE SOUTH 11°02'13" WEST 272.69 FEET; THENCE SOUTH 4°16'02" EAST 130.93 FEET TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 89°27'30" WEST 59.27 FEET ALONG SAID SOUTH LINE TO THE EASTERN BOUNDARY OF S.R. 49; THENCE ALONG THE BOUNDARY OF S.R. 49 NORTHWESTERLY 325.92 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 8739.37 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 7°39'52" WEST AND A LENGTH OF 325.90 FEET; THENCE NORTH 5° 11'06" WEST 204.10 FEET ALONG SAID BOUNDARY; THENCE NORTH 14°32'07" WEST 201.14 FEET ALONG SAID BOUNDARY; THENCE NORTH 10°16'30" WEST 550.00 FEET ALONG SAID BOUNDARY TO THE SOUTHEASTERN BOUNDARY OF THE INTERSECTION OF SAID S.R. 49 AND SAID COUNTY ROAD 400 NORTH; THENCE NORTH

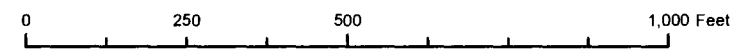
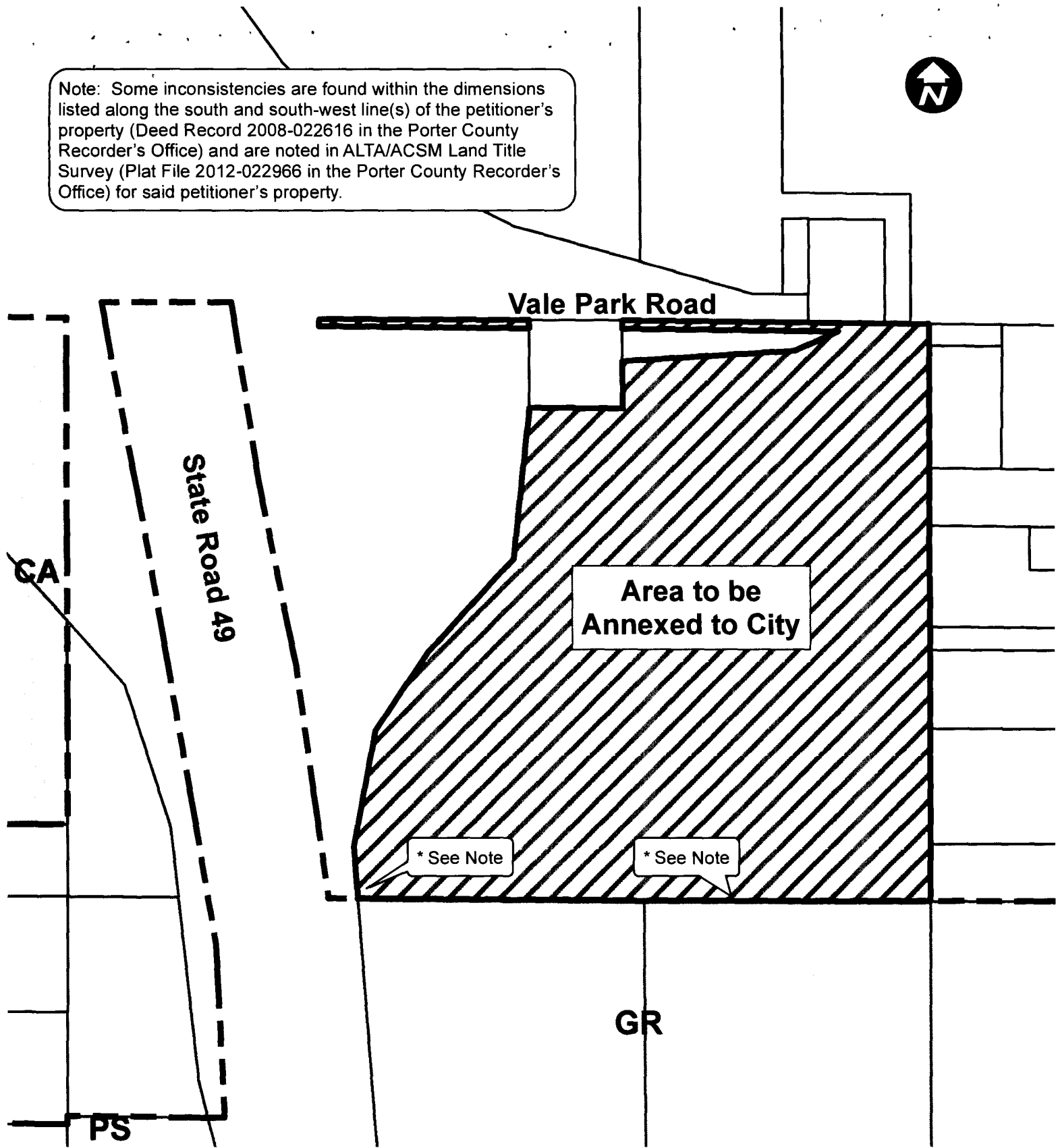
ORDINANCE NO. 7 2014 EXHIBIT B

39°22'36" EAST 57.80 FEET ALONG THE BOUNDARY OF THE INTERSECTION OF SAID S.R. 49 AND SAID COUNTY ROAD 400 NORTH TO THE SOUTH BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE SOUTH 89°32'30" EAST 100.00 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE NORTH 68°39'25" EAST 53.85 FEET ALONG SAID BOUNDARY; THENCE SOUTH 89°32'30" EAST 485.64 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 11.372 ACRES, MORE OR LESS;

ALSO EXCEPT, A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF COUNTY ROAD 400 NORTH SOUTH 0°27'30" WEST 20.00 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 89°15'12" EAST 458.27 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE SOUTH 66°31'08" WEST 109.66 FEET; THENCE SOUTH 86°31'22" WEST 400.44 FEET TO A WEST LINE OF THE OWNER'S LAND; THENCE NORTH 0°27'30" EAST 74.29 FEET ALONG SAID WEST LINE TO THE SOUTH BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE SOUTH 89°32'30" EAST 41.46 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 400 NORTH TO THE POINT OF BEGINNING AND CONTAINING 0.600 ACRES, MORE OR LESS.

TOGETHER WITH THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM AND ACROSS THE LIMITED ACCESS FACILITY (TO BE KNOWN AS S.R. 49 AND COUNTY ROAD 400 N. AND AS PROJECT STP-089-1(001), TO AND FROM THE OWNER'S REMAINING LANDS WHERE THEY ABUT THE ABOVE-DESCRIBED REAL ESTATE. THIS RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

Note: Some inconsistencies are found within the dimensions listed along the south and south-west line(s) of the petitioner's property (Deed Record 2008-022616 in the Porter County Recorder's Office) and are noted in ALTA/ACSM Land Title Survey (Plat File 2012-022966 in the Porter County Recorder's Office) for said petitioner's property.



CASE # A13-003 and PUD13-001

**Southeast corner
of State Road 49 and 400 North**

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

