

This document is being recorded in order to correct and replace the legal description set forth in Ordinance 29-2014 which Ordinance was recorded as Instrument No. 2014-02419^{✓ 024619} in the Office of the Recorder of Porter County, Indiana.



2015-002681
STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
02/05/2015 2:50 PM
JON MILLER, RECORDER
REC FEE: 27.00
PAGES: 8

2014-024619
STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
12/03/2014 09:06 AM
JON MILLER, RECORDER
REC FEE: 24.00
PAGES: 7

ORDINANCE NO. 29, 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 "SOUTHEAST ANNEXATION PHASE II"**

PASSED 10/13/14 7-0 VOTE

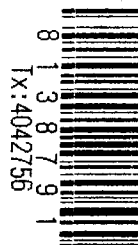
DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

FEB -5 2015

**VICKI URBANIK
AUDITOR PORTER COUNTY**

NC

00/NB



ORDINANCE NO. 29, 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 "SOUTHEAST ANNEXATION PHASE II"**

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 160.55 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

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

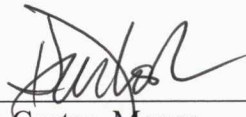
Section 3. The foregoing recitals (or "whereas clauses") are findings of fact by the Common Council and are incorporated into this Ordinance by reference.

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

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.

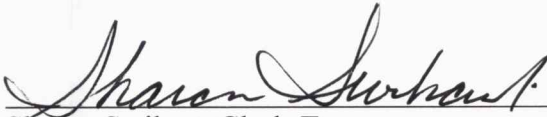
Section 5. This Ordinance shall become effective as soon as allowed by law.

DULY PASSED AND ADOPTED this 13th day of October, 2014, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 7~~14~~ 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 13th day of October, 2014 at the hour of 7:50 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 13th day of October, 2014, at the hour of 7:50 o'clock p.m.

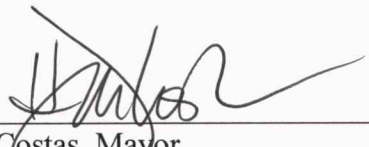
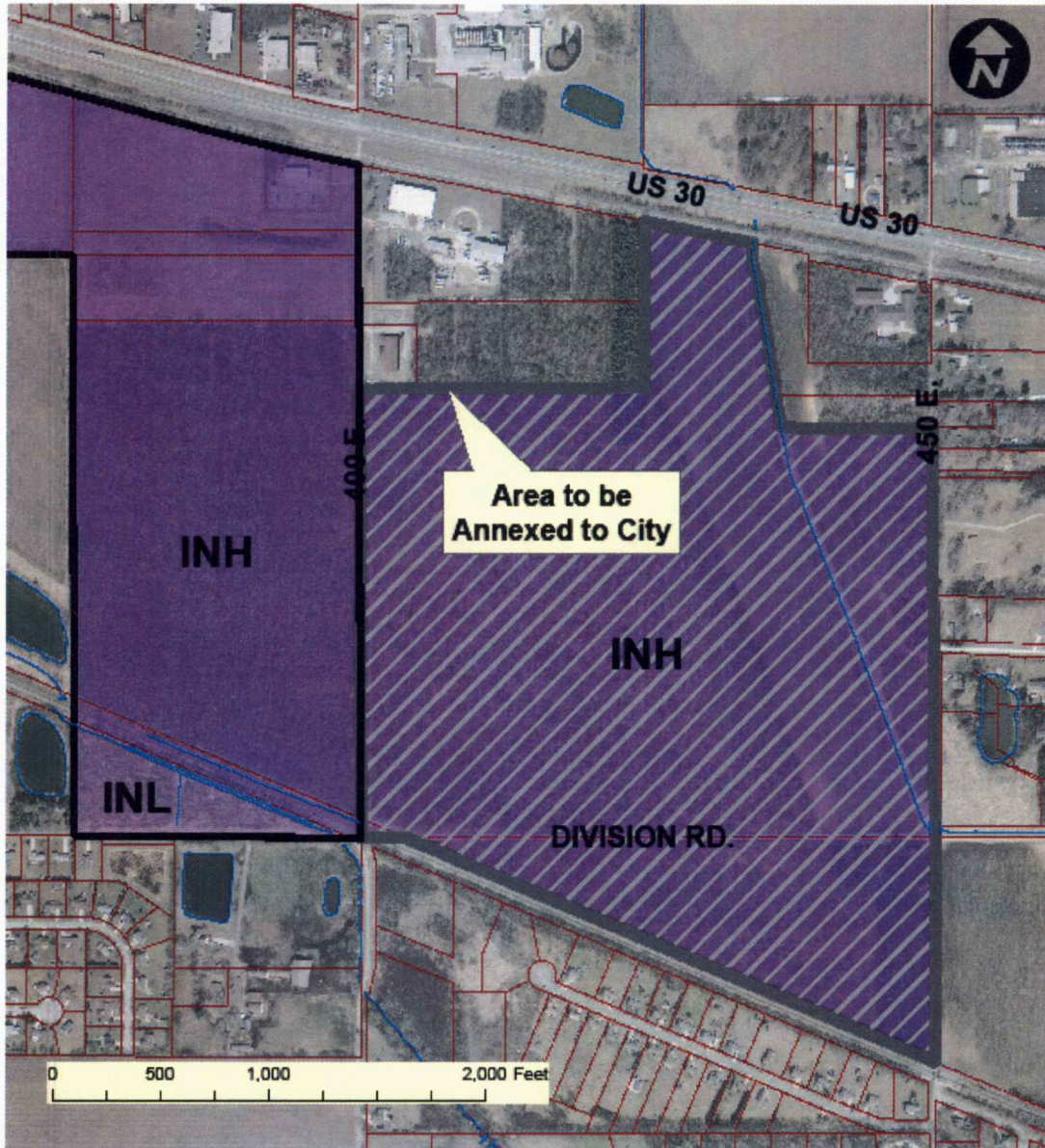

Jon Costas, Mayor

Exhibit A
 Drawings/Photos of the "Southeast Annexation Phase II" Territory



CASE # A14-002 and RZ14-007
 Southeast Annexation - Phase 2

25 North, 400 East

LEGEND

NC - Neighborhood Conservation	CG - Commerce, 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	IL - Light Industry
CN - Commercial, Neighborhood	HI - Heavy Industrial
	PUD - Planned Unit Development



ParcelPoly
 CityLimits

August 2014

**REVISED DESCRIPTION
SOUTHEAST ANNEXATION – PHASE 2**

PARCEL 1: All that part of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 3, Township 34 North, Range 5 West in Morgan Township, Porter County, Indiana, lying north of the Northerly Right-of-way of the Nickel Plate Railroad.

AND

PARCEL 2: All that part of the West $\frac{1}{2}$ of Section 34, Township 35 North, Range 5 West in Washington Township, Porter County, Indiana, lying South of the Southerly Right of Way line of the Pennsylvania Railroad,

EXCEPTING THEREFROM the following described parcel; Commencing at the intersection of the Pennsylvania Railroad and the West line of said West $\frac{1}{2}$, thence South along said West Line 1030.00 feet, thence East 90 degrees to said West line 1320.00 feet, thence North parallel to said West line 764.21 feet to the Southerly Right of Way line of said Railroad, thence Northwesterly along said Railroad 1346.49 feet to the Point of Commencement of said exception.

ALSO EXCEPTING THEREFROM the following described parcel:

A parcel of land in the Southwest $\frac{1}{4}$ of Section 34, Township 35 North, Range 5 West of the Second Principal Meridian, Porter County, Indiana, more particularly described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence N 00° 39' 54" W along the East line of said Southwest Quarter 1919.36 feet to the POINT OF BEGINNING for said exception; thence S 89° 20' 06" W to the centerline of the Cain Ditch; thence Northwesterly along said centerline to the Southerly right of way line of the Pennsylvania Railroad; thence S 79° 02' 35" E along said Southerly right of way line to the East line of said Southwest Quarter; thence S 00° 39' 54" E along said East line 645 feet to the point of beginning.