

ORDINANCE NO.: 6-2019

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,
PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE INTO THE
CITY OF VALPARAISO, INDIANA, KNOWN AS THE "TRUST 1907
ANNEXATION"**

WHEREAS, the City of Valparaiso, Porter County, Indiana ("City"), in accordance with Ind. Code § 36-4-3-5.1, wishes to annex an area consisting of approximately 1.613 acres located outside of but contiguous to the City, those areas being depicted in Exhibit A, attached hereto and incorporated herein and particularly described in Exhibit B, attached hereto and incorporated herein ("Annexed Territory"); and

WHEREAS, in accordance with Ind. Code § 36-4-3-5.1(e), on or around February 25th, 2019, the Common Council held a duly noticed public hearing regarding the Annexed Territory; and

WHEREAS, the Common Council has determined, in accordance with Ind. 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 Ind. 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 boundaries of the City; and

WHEREAS, on or around February 25th, 2019, and prior to holding the above-referenced public hearing, in accordance with Ind. 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, on or around January 12th, 2019, the City's Plan Commission held a duly noticed public hearing regarding the initial zoning of the Annexed Territory; and

WHEREAS, on or around February 12th, 2019, the City's Plan Commission voted by a vote of 7-0 to favorably recommend initially zoning the Annexed Territory as Commercial General (CG); and

WHEREAS, the Common Council finds that the annexation and initial zoning 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.

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as the "Trust 1907 Annexation."

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 (or "whereas clauses") 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, depicted in Exhibit A, attached hereto and incorporated herein, and particularly described in Exhibit B, attached hereto and incorporated herein, 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 boundaries of the City.

Section 3. *Annexed Territory.* The real estate containing approximately 1.613 acres more or less depicted in Exhibit A attached hereto and incorporated herein, and particularly described in Exhibit B, attached hereto and incorporated herein, generally to be known as the Trust 1907 Annexation, is hereby annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

Section 4. *Council District.* The Annexed Territory is hereby assigned City Council District No. 4 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 as Commercial General, (CG).

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, sentence, clauses and phrases of this Ordinance.

DULY PASSED AND ADOPTED this 11th day of March, 2019, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.



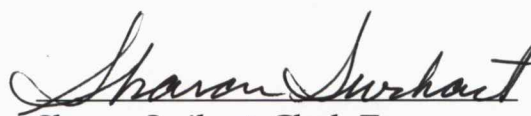
Jon Costas, Mayor

ATTEST:



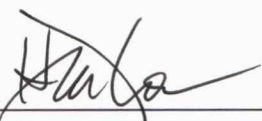
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11th day of March, 2019 at the hour of 8:25 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of March, 2019, at the hour of 8:25 o'clock p.m.



Jon Costas, Mayor

Exhibit A

Trust 1907 Annexation Territory

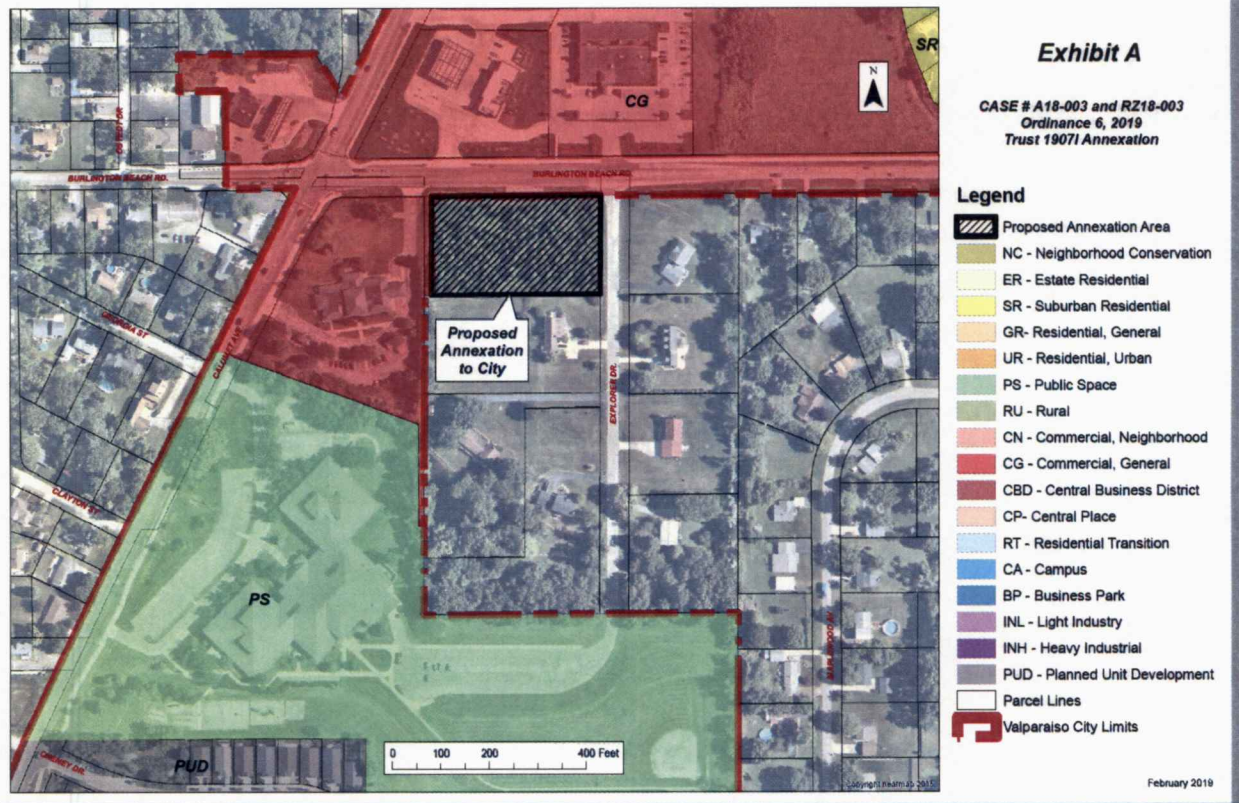


Exhibit B

Legal Description of land to be Annexed

Parcel 1:

A parcel of land in the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, Township 35 North, Range 5 West of the 2nd P.M., in Porter County, Indiana, bounded and described as follows:

Commencing at the Northeast corner of said West $\frac{1}{2}$; thence South 89 degrees 26 minutes 28 seconds West 287.48 feet along the North line of said West $\frac{1}{2}$; thence South 00 degrees 03 minutes 19 seconds East 40.0 feet; parallel to the East line of said West $\frac{1}{2}$, to the true Point of Beginning for said parcel; thence continuing South 00 degrees 03 minutes 19 seconds East 202.5 feet; thence South 89 degrees 26 minutes 28 seconds West, parallel with said North line, 362.06 feet to an intersection with a line parallel with and 10.75 feet East of the West line of said West $\frac{1}{2}$, thence North 00 degrees 00 minutes 00 seconds East along said parallel line 202.5 feet; thence North 89 degrees 26 minutes 28 seconds East, parallel with said North line, 361.87 feet to the true Point of Beginning, excepting therefrom the West 15 feet of said property, also excepting therefrom, that part conveyed to the City of Valparaiso, Indiana in Trustee's Deed recorded October 28, 2015 as Document Number 2015-025955, described as follows: A part of the West Half of the Northwest Quarter of the Northeast Quarter of Section 7, Township 35 North, Range 5 West, Porter County, Indiana, and being that part of the grantor's land, described as follows: Commencing at the Northeast corner of said West Half; thence South 89 degrees 37 minutes 07 seconds West 287.48 feet (distance quoted from Instrument 2013-004037) along the North line of said section to the East line of the grantor's land prolonged; thence South 0 degrees 07 minutes 20 seconds West 20.00 feet along said East line prolonged to the South boundary of Burlington Beach Road and the Point of Beginning of this description; thence South 0 degrees 07 minutes 20 seconds West 20.00 feet along the East line of the grantor's land; thence South 89 degrees 37 minutes 07 seconds West 346.87 feet to the West line of the Grantor's land; thence North 0 degrees 10 minutes 39 seconds East 20.00 feet along said East line to the South boundary of said Burlington Beach Road; thence North 89 degrees 37 minutes 07 seconds East 346.85 feet along said boundary to the Point of Beginning.

Parcel 2:

A non-exclusive easement for ingress and egress for the benefit of Parcel 1 as set forth in Declaration of Covenants and Restrictions dated December 21, 1994 and recorded December 22, 1994 in Miscellaneous Record 147 Page 559, amended by Amendment to Declaration of Covenants and Restrictions as set forth in Instrument dated December 21, 1994, and recorded December 22, 1994, in Miscellaneous Record 147 Page 560 as Instrument No. 94-32537. Second Amendment to Declaration of Covenants and Restrictions dated July 15, 1999 and recorded August 3, 1999 as Instrument No. 1999-024448. Third Amendment to Declaration of Covenants

and Restrictions dated April 10, 2003 and recorded April 10, 2003 as Instrument No. 2003-014625, and re-recorded on June 11, 2003 as Instrument No. 2003-024915, and amendments thereof, in the Office of the Recorder of Lake County, Indiana over and across the following land: the West 60 feet of the East 287.48 feet of the North 54.2 Rods of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 7, Township 35 North, Range 7 West of the Second Principal Meridian, in Porter County, Indiana.