

STATE OF INDIANA
PORTER COUNTY
FILED FOR RECORD
09/28/2006 02:52PM
LINDA D. TRINKLER
RECORDER

I:\Clerk Documents\Council Ordinances\06-37.doc

ORDINANCE NO. 37-2006

REC FEE: \$61.00
PAGES: 25

AN ORDINANCE ANNEXING REAL ESTATE INTO THE CITY KNOWN AS THE ACADIA ANNEXATION AND AMENDING THE ZONING MAP REZONING LAND LOCATED ON THE NORTH SIDE OF JOLIET ROAD FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS ACADIA PLANNED UNIT DEVELOPMENT

WHEREAS, a petition was presented by Coolman and Coolman on Behalf of Lisa Gorski and Colleen Nielson of Ventura, CA on August 28, 2006 to annex real estate and to rezone approximately 81.37 acres located on the north side of Joliet Road between Sky Line Drive and Hayes Leonard Road to a Planned Unit Development (PUD) zoning; and

WHEREAS, a petition was presented by Annette Wellbourn, of Valparaiso, Indiana on August 28, 2006 to annex real estate of approximately 20 acres located on the north side of Joliet Road between Sky Line Drive and Hayes Leonard Road; 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 98 acres of land; and

WHEREAS, the petitioners are the owners of 100% 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 Plan Commission duly advertised and held a public hearing on the proposed PUD and annexation on May 9, 2006; and

WHEREAS, the general public was given an opportunity to comment on the proposed PUD and annexation; and

WHEREAS, the Plan Commission voted to recommend approval of the PUD and annexation by an 8- 0 vote.

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

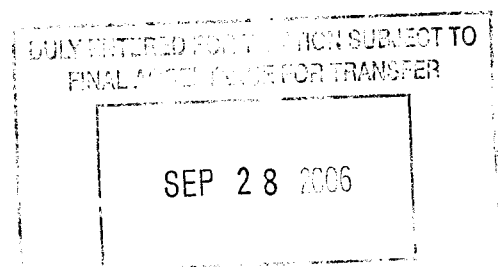
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso, Porter County, Indiana as follows:

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 B 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 B – Acadia Annexation Zoning and Legal Descriptions

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.

City of Valpo
166 Lincolnway
Valpo. In 46383



BE IT FURTHER ORDAINED by the Common Council of the City of Valparaiso as follows:

1) The following described real estate is hereby annexed in the City of Valparaiso and given the Planned Unit Development (PUD) zoning classification accompanied by the required development plan and concept plan pursuant to IC 36-7-4-1403 as **Exhibit C** to wit:

SEE ATTACHED EXHIBIT B - LEGAL AND ZONING DESCRIPTION

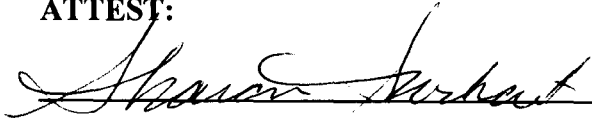
2) This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 17th day of September, 2006



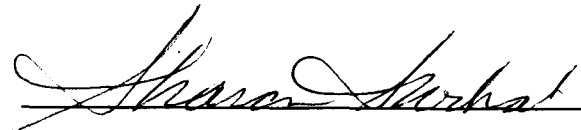
Jon Costas, Mayor

ATTEST:



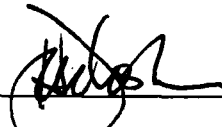
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 17th day of September, 2006, at 8:16 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 17th day of September, 2005, at 8:10 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."

NAME: Craig A. Phillips

Craig A. Phillips, Planning Director
for Clerk Treasurer Sharon Swihart

EXHIBIT B

PROPOSED ACADIA ANNEXATION AND ZONING LEGAL DESCRIPTION

Parcel #1 – To be zoned PUD Planned Unit Development upon annexation

A tract of land located in the Southwest Quarter of Section 15, Township 35 North, Range 6 West, in Porter County, the State of Indiana, more fully described as follows:

COMMENCING at an Iron Pipe situated in the Southwest corner of said Southwest Quarter, thence South 89°58'40" East (GPS Grid Basis of Bearings), a distance of 627.19 feet along the South line of said Southwest Quarter; thence North 53°49'57" West, a distance of 777.00 feet along the South right-of-way line of the Norfolk and Western Railroad; thence South 00°00'36" East, a distance of 458.30 feet along the West line of said Southwest Quarter to the PLACE OF COMMENCING, said tract containing 3.30 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record. A survey of said tract of land being represented by Plat of Survey #35-06-15 as prepared by D.A. Brown Engineering Consultants, Inc., 702 Goodwin Place, P.O. Box 128, Kendallville, Indiana 46755.

Parcel #2 – To be zoned PUD Planned Unit Development upon annexation

The West ½ of the Northwest ¼, Section 22, Township 35 North, Range 6 West, except that part taken by the right-of-way of the New York - Chicago & St. Louis R.R. also excepting therefrom that part lying north of said railroad right-of-way.

Parcel #3 – To remain zoned R-1 Single Family Residential District

A parcel of land in the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Thirty-five (35) North, Range Six (6) West, described as follows: Beginning at the Northeast corner of said Southwest Quarter (SW ¼) section; thence running South on East line quarter section 410.74 feet to the center line of State Road No. 330 (formerly known as Lincoln Highway); thence South 85 degrees 56-1/2 minutes West along the center line of said highway 475.88 feet; thence continuing along the said center line South 87 degrees 52-1/2 minutes West 725.05 feet; thence continuing along said highway North 67 degrees 15 minutes West 1213.38 feet to intersection with the North line of said Southwest Quarter (SW ¼) section; thence North 89 degrees 57 minutes East along said North line 2318.31 feet to the point of beginning, containing 20 acres, more or less; subject to the easement of existing public highways.

EXHIBIT C

Development Plan

Pursuant to Indiana Code 36-7-4-1403

and Article VIII, Section 800 *et seq.* Of the Valparaiso Zoning Ordinance

Acadia Planned Unit Development

1. Property. The property is approximately 81 +/- acres located on the north side of Joliet Road between Hayes Leonard Road and County Road 250 West, and is more particularly described as follows:

Parcel 1

A tract of land located in the Southwest Quarter of Section 15, Township 35 North, Range 6 West, in Porter County, the State of Indiana, more fully described as follows:

COMMENCING at an Iron Pipe situated in the Southwest corner of said Southwest Quarter, thence South 89° 58'40" East (GPS Grid Basis of Bearings), a distance of 627.19 feet along the South line of said Southwest Quarter; thence North 53° 49'57" West, a distance of 777.00 feet along the South right-of-way line of the Norfolk and Western Railroad; thence South 00° 00'36" East, a

distance of 458.30 feet along the West line of said Southwest Quarter to the PLACE OF COMMENCING, said tract containing 3.30 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record. A survey of said tract of land being represented by Plat of Survey #35-06-15 as prepared by D.A. Brown Engineering Consultants, Inc., 702 Goodwin Place, P.O. Box 128, Kendallville, Indiana 46755.

Parcel 2

The West 1/2 of the Northwest 1/4, Section 22, Township 35 North, Range 6 West, except that part taken by the right-of-way of the New York - Chicago & St. Louis R.R.

2. Current Zoning Of Property. The Property is currently zoned R-1 under the City's Zoning Ordinance.

3. Proposed Use of the Property. The proposed use of the Property is for residential occupancies comprising four (4) sections and one hundred thirty five (135) residential units.

A. Village. The Village area is the south twelve to fifteen acres located at the entrance to the development and along Joliet Road. The Village area will consist of twenty five (25) to thirty (30) single family detached lots fronted on a "mall". The lots shall be approximately sixty five (65) feet wide and approximately one hundred twenty five (125) feet deep.

B. Hillside. The Hillside area is the area adjoining Hatch Lake to the north and along the eastern and northern most property lines of the Property. The Hillside may consist of thirty five (35) to forty (40) single family detached lots. The lots will range in size from one quarter (1/4) acre to approximately one (1) acre. The lots may range in width from sixty (60) feet to approximately two hundred (200) feet and depth from approximately ninety (90) feet to in excess of two hundred (200) feet.

C. Meadow Cottages. The Meadow Cottages may consist of thirty five (35) single family detached home lots and/or condominium sites. The setbacks for the Meadows Cottages shall be as provided for in this Development Plan.

D. Wood Cabins. The Wood Cabins may consist of thirty five (35) single family detached home lots and/or condominium sites. The setbacks for the Wood Cabins shall be as provided for in this Development Plan.

4. Compatible With Adjoining Property Uses. The proposed use of the property is compatible with the uses of the adjoining parcels in that the adjoining parcel are developed and used as follows:

A. North. The property located north across the railroad crossing is developed as Creekside Golf Course owned and operated by the City of Valparaiso.

B. South. The property located to the south of the Property is developed as single family residential.

C. East. The property located east of the Property is developed as single family residential.

D. West. The property located west of the Property is currently agriculture but is the subject of potential residential development.

5. Availability and Coordination of Utilities.

A. Sewer. City of Valparaiso sanitary sewer service is available to the Property at its present terminus located in Shamrock Subdivision. The City has capacity to accept the volume

B. Water. City of Valparaiso water service is available to the Property at its present terminus located in Shamrock Subdivision. The City has sufficient water supply to provide acceptable water service for the proposed use.

C. Storm Water. The Property will have a storm water management system and will utilize the existing wetlands on the Property as part of its storm water management system. The storm water management system will be designed in accordance with the City's ordinances with detailed calculations and designs being submitted, reviewed and approved as part of the primary plat review process.

D. Other Utilities. NIPSCO, Verizon and other public utilities will be provided necessary and appropriate easements throughout the Property for the proposed use.

E. Garbage and Recycling. The City will provide garbage and recycling services for the Property. In the Wood Cabins, the developer shall coordinate with the City Sanitation Director an appropriate location or location for the pick-up of garbage and recyclables.

F. Snow Removal. The City shall provide snow removal services for all areas except for the Wood Cabins.

6. Traffic.

A. Entrance. The single entrance to the Property will be on Joliet Road. The entrance shall be located at a strategic curve in Joliet Road, so that sight distances to both the east and west meet or exceed the requirements under the City's ordinance. The entrance may be a divided entrance with low growth landscaping.

B. Streets. Except as otherwise stated herein, all streets shall be public streets.

I. Village. In the Village, there may be a divided street consisting of approximately one hundred fifty (150) feet of dedicated right of way. The street shall consist of traditional asphaltic surface and concrete curb. The street shall be eighteen (18) feet or wider.

II. Hillside. The street in the Hillside will consist of approximately fifty (50) feet of dedicated right of way. The street shall consist of traditional asphaltic surface and concrete curb. The street shall be twenty four (24) feet or wider. No parking on the street is permitted if the street width is less than twenty six (26) feet.

III. Meadows Cottages. The street in the Meadows Cottages will consist of approximately fifty (50) feet of dedicated right of way. The street shall consist of traditional asphaltic surface and concrete curb. The street shall be twenty four (24) feet or wider.

IV. Wood Cabins. The street in the Wood Cabins shall be a private road owned and maintained by the owners of the property located within the Wood Cabins area. The pavement width of the private road shall be a minimum of twelve (12) feet.

C. On Street Parking. No parking on the street is permitted if the street width is less than twenty six (26) feet, parking on one side if the street width is greater than twenty six (26) feet but less than twenty eight (28) feet, and parking on both sides shall be permitted if the street width is thirty (30) feet or greater.

D. Connectivity. There shall be no direct connection for vehicular access to Shamrock subdivision through the property, except for an area dedicated and reserved for emergency response vehicles. Connectivity to the parcel to the west, if any, would be located at the point most near the western property line as the public street goes around Hatch Lake.

7. Building Set Backs.

A. Village. The front yard setback shall be fifteen (15) feet. The aggregate side yard setback shall be twelve (12) feet of which neither side can be less than six (6) feet. The rear yard set back shall be twenty five (25) feet.

B. Hillside. The front yard setback shall be twenty (20) feet. The aggregate side yard setback shall be twelve (12) feet of which neither side can be less than six (6) feet. The rear yard set back shall be twenty five (25) feet. The residence on each lot shall be built as near as practical to the top of the hill on such lot in an effort to preserve the tree canopy on the lot

C. Meadow Cottages. The front yard setback shall be twenty (20) feet. The aggregate side yard setback shall be twelve (12) feet of which neither side can be less than six (6) feet. The rear yard set back shall be twenty five (25) feet. This area may be developed as a condominium regime, and in such event, although no property lines will be established, the structures shall be situated such that the above-referenced setbacks shall be maintained.

D. Wood Cabins. The front yard setback shall be twenty (20) feet. The aggregate side yard setback shall be twelve (12) feet of which neither side can be less than six (6) feet. The rear yard set back shall be twenty five (25) feet. This area may be developed as a condominium regime, and in such event, although no property lines will be established, the structures shall be situated such that the above-referenced setbacks shall be maintained.

8. Pedestrian Circulation. Sidewalks shall be provided throughout along the road frontage of the Village and Hillside. Within the Meadows, a sidewalk shall be provided around the internal common area of the Meadows. Within the Wood Cabins, sidewalks and other pathways shall be provided on an as-needed basis determined by the developer of the Property in and along the private roads and drives or other such areas deemed appropriate by the developer.

9. Landscaping.

A. Overall Site Landscaping. The Developer shall submit a landscape plan in compliance with City ordinances to the City for review and approval prior to issuance of building permits for the Property. The overall site landscaping plan while in compliance with City ordinance shall be determined by the Developer. A tree survey and replacement schedule shall be provided in accordance with City ordinance.

10. Improvements. The proposed use of the Property as set forth above is comprised of a variety of different building products and shall be determined by the developer based on the developer's understanding of demand for certain types of unit.

A. Type and Size.

I. Village. Single family detached residences.

II. Hillside. Single family detached residences. Maximum building footprint for house is one thousand six hundred (1,600) square feet, exclusive of garage. Three car garages are permitted.

III. Meadow Cottages. Single family detached residences and/or single family

detached condominium sites. Maximum building footprint for house is one thousand two hundred (1,200) square feet and the garage four hundred eighty four (484) square feet.

IV. Wood Cabins. Single family detached residences and/or single family detached condominium sites. Maximum building footprint for house is one thousand four hundred (1,400) square feet and the garage four hundred (400) square feet.

B. Off Street Parking. The development shall provide each residential unit with off-street parking for no less than two (2) passenger automobiles. Shared common driveways are permitted.

11. Sigange. The development will have an entrance subdivision sign located on Joliet Road in accordance with the City's sign ordinance. Other directional and similar types of signage in and about the development may be installed on an as needed basis for traffic safety and similar protection in accordance with City ordinance.

12. Recreation Space.

A. Hatch Lake. The development will retain the existing Hatch Lake wetland as open space. A walking path community access shall be provided to the existing "boat house" and pier along the northern portion of the lake.

B. Village. A picnic area at the eastern end with community access shall be provided. A community center area and recreation area shall be provided near the western edge of the Property.

C. Hillside. Along the eastern property line, an open space area incorporating the existing wetlands shall be preserved.

D. Meadows Cottages. A common area of open space shall be provided within the internal area of the Meadows Cottages. The open space shall incorporate the existing wetlands which shall be preserved.

13. Outdoor Lighting. Traditional outdoor lighting associated with residential dwelling units may be included as part of the development. Reasonable and appropriate lighting shall be provided for the open space areas as determined by the developer to protect the health, safety and welfare of the residents and guests of the Property.

14. Fire Safety. There shall be suitable and sufficient fire hydrant connections for the City of Valparaiso Fire Department to serve all units to be located in the development. The location, number and suitability of fire hydrants shall be approved by the City of Valparaiso Fire Department.

15. Construction Schedule. It is anticipated that the infrastructure may commence in the fall of 2006 or spring of 2007, with the first units for occupancy expected in summer of 2007.

16. Ownership. The ownership of units in the Development shall be single family detached, townhome and/or condominium. The Development shall be subjected to covenants, restrictions,

conditions, reservations, easements, charges and liens that shall provide for the establishment of an organization of the homeowners with direct responsibility to, and control by, the property owners in the Property for the operation and maintenance of any and all private common facilities jointly owned and/or shared by such property owners all of which is and are for the benefit of the individual lots and real estate comprising the development.

This Development Plan is agreed upon and approved this ____ day of _____, 2006.

Developer:

Valparaiso Plan Commission:

Capstone Development, LLC

By: _____

By: _____

Printed: _____

Printed: _____

Title: _____

Title: _____

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STATE OF INDIANA)
)SS:
 COUNTY OF PORTER)

STATE OF INDIANA
 PORTER COUNTY
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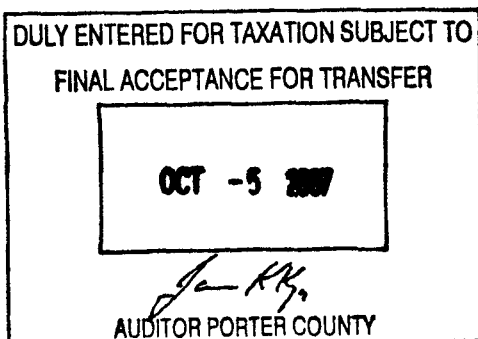
REC FEE: \$15.00
 PAGES: 2

**AFFIDAVIT OF CRAIG A. PHILLIPS CORRECTING
 NAME OF PETITIONER FOR ANNEXATION**

COMES NOW, Craig A. Phillips, and after being duly sworn under oath under the penalties of perjury, hereby states from his own personal knowledge the following:

1. I am the Planning Director for the City of Valparaiso, Indiana.
2. On September 11, 2006, the city council of the City of Valparaiso, Indiana, unanimously passed Ordinance No. 37-2006, An Ordinance Annexing Real Estate into the City Known as the Acadia Annexation and Amending the Zoning Map Rezoning Land Located on the North Side of Joliet Road from R-1 Single Family Residential District to PUD Planned Unit Development District to be Known as Acadia Planned Unit Development.
3. Ordinance No. 37-2006, incorrectly refers to one of the petitioners for annexation as Annette Wellbourn, of Valparaiso, Indiana. *2006-029470*
4. The petitioner's true and correct legal name is Annette J. Welbourn.
5. This affidavit is being recorded at the request of the Porter County Auditor's Office so that their records can properly reflect the true and correct legal name of the petitioner, Annette J. Welbourn.

WHEREFORE, the affiant herein hereby requests that the Auditor of Porter County, Indiana, record this affidavit and change its records so as to show the correct name of the petitioner as Annette J. Welbourn.



Craig A. Phillips, Affiant

*City of Valpo
 Sharon Swickart, Clerk Treas.
 166 Lincolnway
 Valpo*

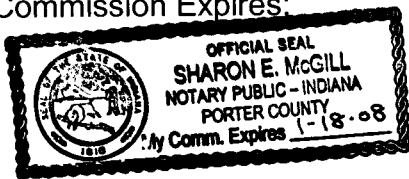
STATE OF INDIANA)
)SS.
COUNTY OF PORTER)

Before me, the undersigned, a Notary Public, in and for said County and State, this 5 day of October, 2007, personally appeared Craig A. Phillips and acknowledged the execution of the above mentioned document.

In witness whereof, I have subscribed my name and affixed my official seal.

Sharon E. McGill
Sharon E McGill, Notary Public
Resident of Porter County

My Commission Expires:



Document Prepared By:

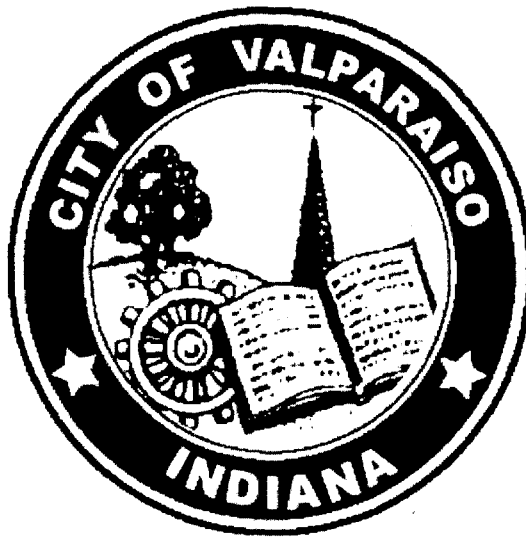
Patrick Lyp, Attorney
Blachly, Taber, Bozick + Hartman

"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."

NAME:

Craig A. Phillips

Ordinance 37-2006 Exhibit "A"
Plan Commission Case 06-A-PUD-12



ACADIA ANNEXATION
FISCAL PLAN

DRAFT

Prepared by:
Craig A. Phillips, AICP
City of Valparaiso
Planning Department
August 2006

ACADIA ANNEXATION FISCAL PLAN

SUBJECT: 06-A-PUD-12 – Coolman and Coolman c/o William Ferngren – Request to annex property known as Acadia Annexation, Center Township (Section 22, T35N, R6W)

DATE: August 28, 2006

The Planning and Building Department and the Clerk/Treasurer, Sharon Emerson-Swihart prepared this fiscal plan, with the cooperation and assistance from the following departments:

Engineering Department	Fire Department	Park and Recreation Department
Police Department	Public Works Department	Utilities Department

This report contains projected revenues and expenditures as well as a description of services to be provided to the newly annexed area, as required by law. While the City is committed to providing services in the same manner as similar areas within the city limits, dollar figures presented are estimates and are subject to some change. Variations are dependent upon the rate and extent of future development, future property assessments, and changes in the cost of providing services. Since this is a developing area, revenues and costs have been estimated based on a forecasted buildout of the areas in the proposed annexation. Assumptions were made with respect to assessed valuation and were based on estimates from developers of the property or existing comparable values. This report also assumes that property will develop substantially in accordance with the City of Valparaiso Growth Management Plan.

POLICY FOR PROVISION OF CAPITAL AND NON-CAPITAL SERVICES

Non-Capital Services

As required by IC 36-4-3-13 (d) (4), all non-capital services of the City including police protection, fire protection, street and road maintenance, and all other non-capital services normally provided within the corporate limits of the City of Valparaiso, will be provided to the annexed territory within one (1) year after the effective date of the annexation and they will be provided in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

Capital Services

As required by IC 36-4-3-13 (d) (4), all capital services of the City including street construction, street lighting, sewer facilities, water facilities, and stormwater facilities will be provided to the annexed territory within three (3) years after the effective date of the annexation and they will be provided in a manner equivalent in standard and scope to those capital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

GENERAL INFORMATION

Location

The area included in this annexation consists of property located in Center Township west of the current city limits. The land is located along the north side of Joliet Road between County Road 250 West (Tower Road) and County Road 150 West (Hayes Leonard Road), more particularly described as the following:

See attached description

Development Summary

Total Acreage	98 acres
Number of Residential Units	2
Number of Non-Residential Units	0
Proposed Residential Units	135 Total
Percent Contiguous	35%
Existing Zoning (County)	R-1 Single Family (County)
Proposed Zoning	PUD Planned Unit Development and R-1 Single Family Residential District

The land included in the annexation area is currently undeveloped, and includes a small lake (Hatch Lake) in the center as well as a parcel of land currently owned by Mrs. Annette Wellbourn. The land included in the Acadia proposal is generally rolling except for a meadow that is relatively flat, and the south portion of the property is primarily an open field of relatively flat topography. The Wellbourn property is relatively flat to gently rolling. The development proposal for the annexation area includes planned unit development of a single-family neighborhood of varying density to be designed to take advantage of the natural features of the land otherwise known as a conservation subdivision design. Specifically, the development consists of four major parts all corresponding with a particular residential placement and design, and a certain proposed density designed to be compatible with and minimally invasive to the natural features of the land. These include a small residential area facing a common green exhibiting traditional styles of residences such as bungalow or craftsman in design, a hillside development area around the lake and along the north and east sides of the property, a collection of patio-style homes around the open meadow in the north part of the property, and a set of woodland cabin clusters along the west side of the property. There are no current plans for development of the Wellbourn property. The proposal is consistent with the City of Valparaiso Growth Management Plan in that it includes cluster low density residential development.

Contiguity

The Acadia Annexation area is 35% contiguous to the existing City limits.

Population Density

The estimated density of the annexation area is approximately 4.1 homes per acre for the residential component of the development. The estimated population at proposed

buildout of Acadia is 338 persons and the total population estimate is 343 persons including the Wellbourn property (2.5 per dwelling unit average).

“Needed & Can Be Used”

The Acadia Annexation area is ‘needed and can be used by the City for its development’ at this time. The City of Valparaiso has taken steps to demonstrate this need and the intent to annex this land in the form of adopted city planning documents such as the Growth Management Plan. As the plans indicate, the areas included in this annexation are of vital importance to the positive development of the City as it continues to grow in the future. The inclusion of these areas within the city limits is crucial to protecting the character of the City, including existing commercial areas and downtown.

City Established Planning Jurisdiction/Influence

In agreement with Porter County government, any time a development is proposed that lies outside the official corporate boundaries of the City of Valparaiso, and the developer is seeking connection to municipal utilities the project is required to go through a joint city-county site review/TAC process. In this petition, the developers wish to proceed with the planning of the development simultaneously to the annexation of the land.

City of Valparaiso Growth Management Plan (2000)

The Growth Management Plan is a component of the Valparaiso Comprehensive Plan. The plan identifies the future land use goals for the areas outside of the corporate limits that the City sees as within its sphere of influence, and will eventually annex. Furthermore, the areas included in the plan are closely tied to the corporate boundaries, and thus more accurately describe the limits of the Valparaiso “community”. The plan details future land use goals within the Acadia Annexation area. It indicates that the majority of area falls within a 5-year annexation boundary.

Council District

It is recommended that the annexation area be assigned to the 3rd Councilmanic District.

ESTIMATED ANNUAL REVENUES

Property-Based Tax Revenues

The principal source of revenue for the City is through local property tax. True Tax Valuations (TTV) are based on information provided by the Porter County Auditor's Office. The 2005 payable in 2006 City net tax rate of \$.658900918/100 TTV will be used for revenue estimates. This net rate is arrived at by taking the total state certified tax rate of .8411 and subtracting the percentage attributed to PTRF% of .216620 (Property Tax Replacement Factor).

Total True Tax Value

Existing (Land and Improvements):	\$284,600.00*
Proposed Development + Existing:	\$35,909,600.00**
City Net Tax Rate	.658900918/100 TTV

Total property tax revenue

Existing (Land and Improvements):	\$1,875.00*
Proposed Development:	\$236,608.00**

* Projected revenue and values of land and improvements are based on current assessed values. **Projected revenue and values of land and improvements are based on expected average values. According to the developers, the expected buildout of the undeveloped land is within one to ten years of commencement.

Product Type and Average Value (AV) – Proposed Residential

Village Homes	\$225,000.00 AV X 30 lots = \$6,750,000.00
Meadows Cottages	\$250,000.00 AV X 35 lots = \$8,750,000.00
Woods Cabins	\$275,000.00 AV X 35 lots = \$9,625,000.00
Hillside Homes	\$300,000.00 AV X 35 lots = \$10,500,000.00
TOTAL	135 UNITS \$35,625,000

Total Estimated Annual Tax Revenues (Property) **EXISTING \$1,875.00**

AS PROPOSED \$236,608.00

Population-Based Tax Revenues

Another method by which various City functions are funded is population-based tax revenues. These revenues are paid in various ways, including through individual paycheck deductions and through the purchase of products such as cigarettes and alcohol. Revenues are also available to the City by State distribution through riverboat gaming revenues in locations throughout Indiana. It is reasonable to assume that as the City's population grows, including by way of annexation, that the City stands to benefit from the additional tax revenue from these sources. It is important to note that these revenues are based on population as certified by a decennial census or special census only, and do not automatically adjust annually. The following describes the population based tax revenues the City may collect. The City is eligible for increases to these funds based on the upcoming 2010 Census, or upon an accepted special census.

CEDIT Funds

CEDIT Funds, or County Economic Development Income Taxes otherwise known as EDIT funds, are collected via individual paycheck deductions or personal income tax, and may be used for funding projects or other activities or programs considered to be related to economic development. The current EDIT tax rate is 0.25% of total personal income. Any increase in population is a direct positive influence on the amount of EDIT funding available for the municipality. The city currently collects \$1.4 Million annually in EDIT funds. This annexation will result in the collection of additional EDIT funds distributed to the City based on a rate of \$31.00 per capita (City is currently 18.68% of county population), at an annual estimate of **\$10,633.00** from the addition of the proposed 135 homes and two existing homes based on a median family income of \$66,457 per household for Center Township Unincorporated from the 2000 Census.

Cigarette Tax and ABC Gallonage Tax Revenues

Like CEDIT funds, cigarette tax and ABC (Alcoholic Beverage Commission) Gallonage Tax revenues are collected and distributed by the State based on city population. These funds are determined by the total cigarette and alcohol sales in the State and the distribution to cities proportionally based on a formula including total population. Based on the estimated population numbers in this annexation (approximately 338), the city should expect to generate an increase in funds in annual cigarette taxes based on a formula of a total \$4.43 per capita or an estimated **\$1,520.00** increase from the proposed 135 homes and two existing homes. Alcohol tax revenues generated by the annexation based on a formula of \$2.01 per capita are estimated to be an additional **\$689.00**.

Riverboat Gaming Fund revenues

Riverboat gaming money is a method of funding for communities that are located within a county that does not contain a casino, and therefore is less likely to derive direct financial benefit from a casino. This money is distributed to municipalities by the State, and is based on population of the municipality. Communities receiving this money may use it as they wish, and its use is subject to Council appropriation and approval. Currently, the City of Valparaiso receives \$172,000.00 in Riverboat gaming money from the State. This annexation and the population increase should result in additional

money to the City. It is estimated that this annexation could result in an increase of **\$2,144.00** from the addition of the proposed 135 homes based on current population ratios based on a current intake rate of \$6.25 per capita.

Vehicle Excise Tax

Based on a formula of \$100.00 per new or transfer vehicle registration, this annexation is expected to generate an additional **\$27,400.00** in revenue to the City.

Other Income Tax revenues (future)

Other income tax revenue possibilities exist, including either CAGIT or COIT but not both. These funding mechanisms are also distributed based on population if they are collected. CAGIT stands for County Adjusted Gross Income Tax and is collected through personal paycheck deductions then redistributed by the State, and COIT, or County Option Income Tax is a second option collected in the same manner.

Other State Distributed Revenues

Local Road and Streets

Based on a formula of \$2,761.48 per mile (LRS receipts divided by 120 certified lane miles in City), this annexation is expected to generate an additional **\$4,556.00** in LRS funds.

Motor Vehicle Highway

Based on a formula of \$7,200.86 per mile (MVH receipts divided by 120 certified lane miles in City), this annexation is expected to generate an additional **\$11,482.00** in MVH funds.

<u>Total Estimated Annual Tax Revenues (Population)</u>	\$58,424.00
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TOTAL Estimated Annual Tax Revenues (All Sources)	\$295,032.00
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Utility-Based Revenues

The following utility-based revenues are not part of the general fund or civil city budget, and are derived from sewer and water monthly billing for user fees. The total revenues generated from these fees are based upon total buildout of the development.

Minimum Annual Water Revenues

Residential (137 SFR estimated)

\$13.02/month minimum (0.75" meter) per residence (\$156.24/year) \$21,092.00

TOTAL Minimum Annual Water Revenues **\$21,405.00**

Minimum Annual Sewer Revenues

Residential (137 SFR estimated)

\$11.35/month minimum (0.75" meter) per residence (\$136.20/year) \$18,387.00

TOTAL Minimum Annual Sewer Revenues **\$18,659.00**

Total Estimated Annual Revenues (Utilities) **\$40,065.00**

Garbage Collection Fee

The current \$9.00 per month per property garbage collection fee brings the City \$108.00 annually per property. The proposed 137 residential properties will bring the City a total of **\$14,796.00** annually.

TOTAL ESTIMATED ANNUAL REVENUES **\$349,893.00**

ESTIMATED ONE-TIME REVENUES

Utility Connection Revenues

These revenues are generated at the time a particular property is connected to the municipal sewer and water systems. The total revenues generated from these fees are based upon total buildout of the development. Each home and business will connect upon occupancy of the units as they are developed.

Water Connection Fees

Residential (137 SFR estimated) \$1300 minimum per principal structure (1" service)	\$178,100.00
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Sewer Connection Fees

Residential (135 SFR estimated) \$2024 minimum per principal structure (1" service)	\$277,288.00
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<u>Total Minimum One-time Revenues (Utilities)</u>	\$455,388.00
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Building and Engineering Permit Fees

Residential (135 SFR estimated) \$694 per average 2500 square foot home	\$93,690.00
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<u>Total Minimum One-time Revenues (Permit Fees)</u>	\$93,690.00
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Recreation Impact Fee

The City currently has a recreation impact fee of \$931.00 per new residential unit. The proposed 135 homes in this annexation will bring the City **\$125,685.00** over the course of development of the areas included in the annexation.

TOTAL ESTIMATED ONE-TIME REVENUES	\$674,763.00
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ANTICIPATED ANNUAL COSTS AND IMPACT ON CITY SERVICES

Administrative Services

Administrative functions of the City, including Mayor's Office, Clerk-Treasurer, Economic Development, Human Resources, Project Management, and Information Technology, and Legal services affected by this annexation will be handled with current staffing levels and resources funded by the current and future City General Fund revenues generated by the tax levy.

Inspection Services

Zoning, building, and engineering inspection services within this annexation area are capable of being handled by the present staff of inspectors and with current levels of resources. These services will be provided upon the effective date of annexation. The additional fees generated will offset added costs for additional inspections generated.

Refuse Collection

Trash and recycling pick up for residential properties is the responsibility of the city and will be provided by the City of Valparaiso Solid Waste Department within one year of the effective date of annexation. The current waste collection and recycling cost to the city is \$238.10 annually per property based on dividing the 2006 budget of \$1,768,856 including vehicle maintenance of \$216,585.30 by the number of homes serviced (7,429). Therefore, the anticipated cost to the city will be **\$32,620.00** annually within five to ten years of annexation for operational costs.

Based on a standard of maintaining a current level of service (1 employee per 248 homes) and current service thresholds, it is estimated that this annexation will require the addition of 0.5 employees for a total cost of **\$20,883.00** to the City.

Based on current levels of service (one truck per 929 homes), it is estimated that this annexation will not require the purchase of a truck for a total equipment cost of **\$0** for equipment.

The annexation area's 137 homes will require new trash carts at a cost of \$50.00 each for a total cost of **\$6,850.00**.

These costs will be handled by way of additional general fund tax revenues generated by the annexation area with collection anticipated to begin in Spring 2008.

The total annual cost to the City for refuse collection for this annexation is **\$60,353.00** upon buildout.

Police Protection

Police protection will be furnished by the Valparaiso Police Department within one year of the effective date of annexation as required by law. For the purposes of estimating the number of calls expected in the annexation area the number of calls (50) to another neighborhood (Greenfield Creek) is used for comparison purposes. This results in total annual costs of **\$6,050.00** for the provision of police service to the annexation area. This figure is calculated by dividing the total 2005 Police Department Budget of \$3,092,777.00 by the number of calls in 2005 (23,004), for a value of \$134.45 per call.

In order to maintain high levels of service, it will be necessary to add staffing and equipment to cover the proposed growth in the annexation area over the next ten years. The projected population upon buildout for this area is 338 persons. Based on recommended FBI and Criminal Justice Department staffing levels of 2.1 officers per 1000 persons, it will be necessary to add a total of one (1) officer to the Valparaiso Police Force over that period. The current total salary, benefits, and equipment (including vehicle lease based on 5 year payout) package per non-probationary officer is **\$61,046** per year.

The ultimate cost for providing police service to this area within ten years is **\$67,096.00** annually upon buildout.

Fire Protection Services

Fire protection will be furnished by the Valparaiso Fire Department within one year of the effective date of annexation as required by law. The annexation area will be served by the new station three located on Tower Road/250 W between Joliet Road and US 30. The area is estimated to produce approximately 3 calls per year based on calls received within a comparison neighborhood, Greenfield Creek which received four calls in 2005. The annual cost is anticipated to be **\$3,931.00** per year at buildout for the development. This figure is calculated by dividing the total 2005 Fire Department Budget of \$2,568,243 by the number of calls in 2004 (1,960), for a value of \$1,310.33 per call.

The ultimate cost for providing fire service to this area within ten years is **\$3,931.00** annually upon buildout.

Street and Road Maintenance

Street maintenance, street reconstruction, snowplowing, and similar services will be provided by the Street Department. The annexation will result in the addition of approximately 1.65 centerline miles to the City street system. Currently there are 120 State certified centerline miles in the city. The annual maintenance cost per mile is \$14,288.00. This will result in an additional annual maintenance cost of **\$23,575.20** upon buildout. This value is based on a formula in which the 2005 Motor Vehicle Highway Budget of \$1,497,983 plus \$216,585 in annual maintenance costs or a total of \$1,714,568 is divided by the 120 existing certified miles in the City.

The annual cost of road surface replacement based on a 15-year resurfacing schedule is \$100,188 per centerline mile per year. With 1.65 centerline miles included at a total of \$165,310.20 divided by a 15-year replacement schedule, the road replacement cost is **\$11,020.00** annually upon buildout.

The yearly cost of salt for 1.65 centerline miles is based on a cost of \$41.62 per ton. Requiring 41.66 tons per mile, the cost to the city would be approximately **\$2,861.00** annually upon buildout.

Based on a standard of maintaining a current level of service (1 employee per 7.1 centerline miles) and current service thresholds, it is estimated that this annexation will not require the addition of any employees.

Based on current levels of service, no additional street department trucks will be needed based on this annexation.

These costs will be handled by way of additional general fund tax revenues generated by the annexation area with collection anticipated to begin in Spring 2008.

In total, the overall cost to the City for streets and roads for this annexation is **\$37,456.00** annually upon buildout.

TOTAL ANNUAL COSTS FOR SERVICES	\$168,836.00
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ANTICIPATED ONE-TIME COSTS

Water Utility Service

The Valparaiso City Utilities owns and operates the water department that will serve this area with potable water. The policy of the Valparaiso City Utilities with respect to water service is and shall be to provide areas within the city with access to city potable water. However, this "access" does not include direct connection and/or construction of water lines in front of every residence and business. Valparaiso City Utilities will construct water lines for new developments at the expense of the developer. In the case of off site water mains for such developments, Valparaiso City Utilities will allow the developer to recoup off site water main expenses from those who directly connect to said off site water main¹.

Municipal water service is available to the annexation area at this time via a main on County Road 500 North (Burlington Beach Road) west of State Road 49. The developers will provide water infrastructure to and throughout the development at their cost. The homes and businesses will connect upon occupancy of the units as they are developed. The city cost of providing water service to this area is **\$0**.

Sewer Utility Service

The Valparaiso City Utilities owns and operates the water reclamation department that will serve this area with sanitary sewers. The policy of the Valparaiso City Utilities with respect to sewer service is and shall be to provide areas within the city with access to city sewer. However, this "access" does not include direct connection and/or construction of sewer lines in front of every residence and business. Valparaiso City Utilities will construct sewer lines for new developments at the expense of the developer. In the case of off-site sewer mains for such developments, Valparaiso City Utilities will allow the developer to recoup off-site sewer main expenses from those who directly connect to said off site sewer main.²

Municipal sanitary sewer service is available at this time to the site. Both the utility and city engineer are reviewing the location of the new lift station. The developers will provide extension of the sewer utility to and throughout the development at their cost. The homes and businesses will connect upon occupancy of the units as they are developed. The city cost of providing water service to this area is **\$0**.

TOTAL One-Time Costs (Utilities)

\$0

¹ Assessment will include one-half of the cost of the off-site main for the frontage of the connector's frontage. Reimbursement period is limited to 10 years.

² A developer may be given a sewer reimbursement district contract in order to recoup the costs of the off-site sewer expenses. The City Engineering Dept. will determine the amount of area, which could reasonably connect directly and/or indirectly into the said off-site sewer and create a district. District fees will be calculated by the Engineering Dept. for said district.

Parks and Recreation

The proposed annexation will result in the need for additions to existing City recreation facilities and will necessitate the addition of a new City parks and additional links to the city pathway system. Based on accepted community standards from the recreation impact fee process, expected needs for this area are as follows:

Land Needs – 24 AC/1000 persons –Total residential buildout proposed, 343 persons = 8.2 Acres **(\$246,000.00)**

It is anticipated that impact fees will pay for 40% of the land needs due to growth and annexation based on impact fee ordinance standards and the remaining 60% of land costs will be covered by a combination of the Valparaiso Parks Foundation and other benefactors.

<u>Total One-time Costs (Parks and Recreation**)</u>	\$246,000.00
TOTAL ONE-TIME COSTS	\$246,000.00

ACADIA ANNEXATION FISCAL PLAN SUMMARY

Location

The area included in this annexation consists of property located in Center Township west of the current city limits. The land is located along the north side of Joliet Road between County Road 250 West (Tower Road) and County Road 150 West (Hayes Leonard Road), more particularly described as the following:

See attached map and description

Development Summary

Total Acreage	98 acres
Percent Contiguous	35%
Number of Residential Units	2
Number of Non-Residential Units	0
Proposed Residential Units	135 Total
Existing Zoning (County)	R-1 Single Family Residential - County
Proposed Zoning	PUD Planned Unit Development and R-1 Single Family

The proposed annexation complies with the following criteria:

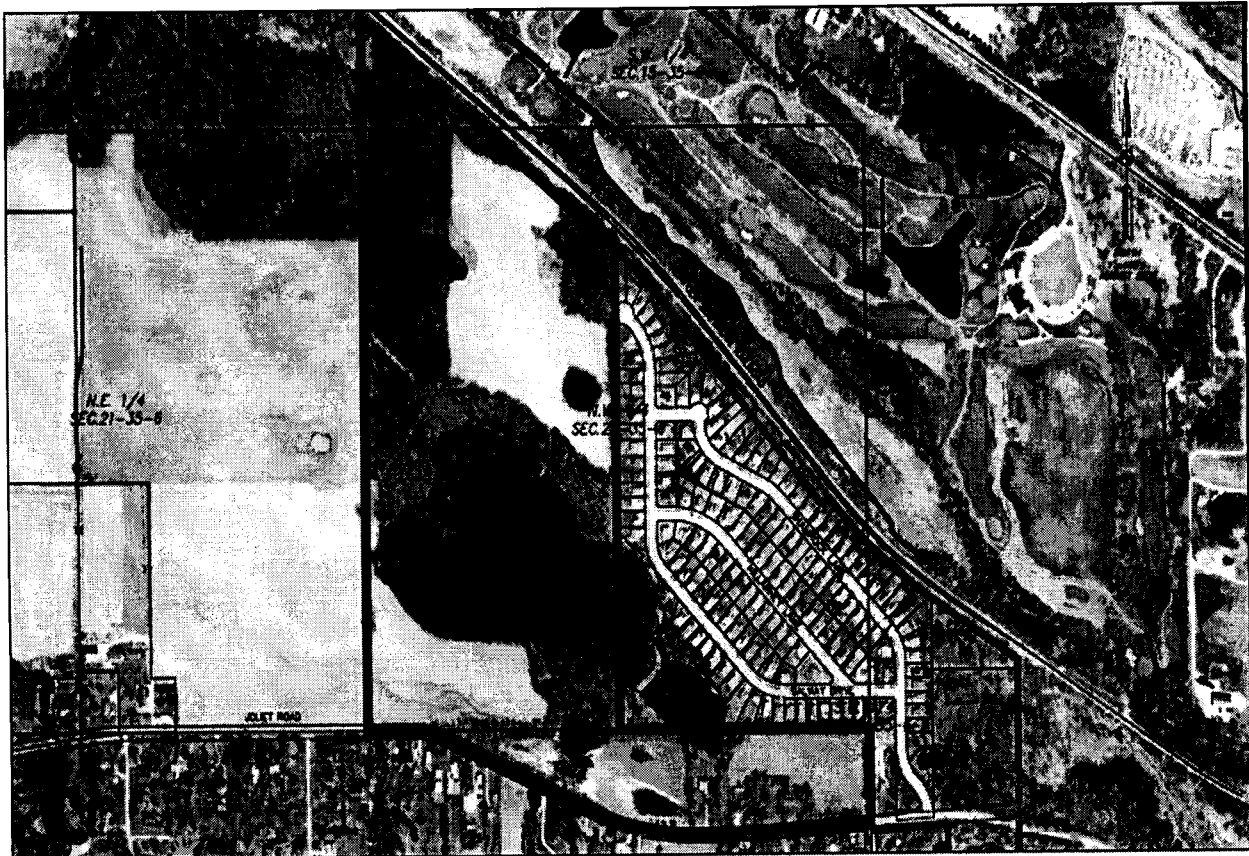
- (1) *Ability to meet State contiguity requirements*
The area is 35% contiguous to the corporate limits of the City, exceeding the minimum 12.5% contiguity requirement of the State annexation law.
- (2) *Infrastructure capacities and feasibility of provision of services*
The extension of utilities will be at the cost of the developer.
- (3) *Exploration of cost/benefit ratio through a detailed fiscal plan*
The area has an acceptable cost/benefit ratio for buildout of the development as proposed.

Estimated Revenues

Annual	\$349,893.00
One-Time	\$674,763.00

Anticipated Costs

Annual	\$168,836.00
One-Time	\$243,000.00



PROPOSED ACADIA ANNEXATION

**98± ACRES
34% CONTIGUOUS**

PROPOSED ACADIA ANNEXATION LEGAL DESCRIPTION

Parcel #1

A tract of land located in the Southwest Quarter of Section 15, Township 35 North, Range 6 West, in Porter County, the State of Indiana, more fully described as follows:

COMMENCING at an Iron Pipe situated in the Southwest corner of said Southwest Quarter, thence South 89°58'40" East (GPS Grid Basis of Bearings), a distance of 627.19 feet along the South line of said Southwest Quarter; thence North 53°49'57" West, a distance of 777.00 feet along the South right-of-way line of the Norfolk and Western Railroad; thence South 00°00'36" East, a distance of 458.30 feet along the West line of said Southwest Quarter to the PLACE OF COMMENCING, said tract containing 3.30 Acres, more or less, and being subject to all public road rights-of-way and to all easements of record. A survey of said tract of land being represented by Plat of Survey #35-06-15 as prepared by D.A. Brown Engineering Consultants, Inc., 702 Goodwin Place, P.O. Box 128, Kendallville, Indiana 46755.

Parcel #2

The West ½ of the Northwest ¼, Section 22, Township 35 North, Range 6 West, except that part taken by the right-of-way of the New York - Chicago & St. Louis R.R.

Parcel #3

A parcel of land in the Southwest Quarter (SW ¼) of Section Twenty-two (22), Township Thirty-five (35) North, Range Six (6) West, described as follows: Beginning at the Northeast corner of said Southwest Quarter (SW ¼) section; thence running South on East line quarter section 410.74 feet to the center line of State Road No. 330 (formerly known as Lincoln Highway); thence South 85 degrees 56-1/2 minutes West along the center line of said highway 475.88 feet; thence continuing along the said center line South 87 degrees 52-1/2 minutes West 725.05 feet; thence continuing along said highway North 67 degrees 15 minutes West 1213.38 feet to intersection with the North line of said Southwest Quarter (SW ¼) section; thence North 89 degrees 57 minutes East along said North line 2318.31 feet to the point of beginning, containing 20 acres, more or less; subject to the easement of existing public highways.