

ORDINANCE NO.: 15-2023

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF VALPARAISO, PORTER COUNTY, INDIANA,
ANNEXING CERTAIN REAL ESTATE TO THE CITY OF
VALPARAISO, INDIANA (THE “FRANCISCAN ALLIANCE
ANNEXATION”)**

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 26.37 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 April 10, 2023, 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 April 10, 2023, 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, on or about January 3, 2023, the City’s Plan Commission at a public meeting considered the initial zoning of the Annexed Territory; and

WHEREAS, on or about January 3, 2023, the City’s Plan Commission voted of 7-0 to favorably recommend the Annexation Territory be assigned the zoning district Business Park (BP); and

WHEREAS, the Common Council finds that the annexation and initial zoning of Business Park (BP) 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 26.37 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.

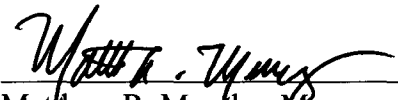
Section 4. Councilmatic District. The Annexed Territory is hereby assigned City Council District No. 1 and shall become a part thereof immediately upon the effective date of this Ordinance.

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

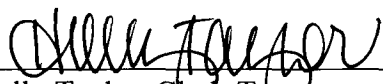
Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Common Council and as provided by Indiana law.

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 24th day of April, 2023, 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.


Matthew R. Murphy, Mayor

ATTEST:


Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 24th day of April, 2023 at the hour of 6:20 o'clock p.m.

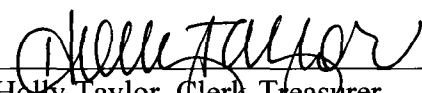

Holly Taylor, Clerk-Treasurer

Exhibit A-1

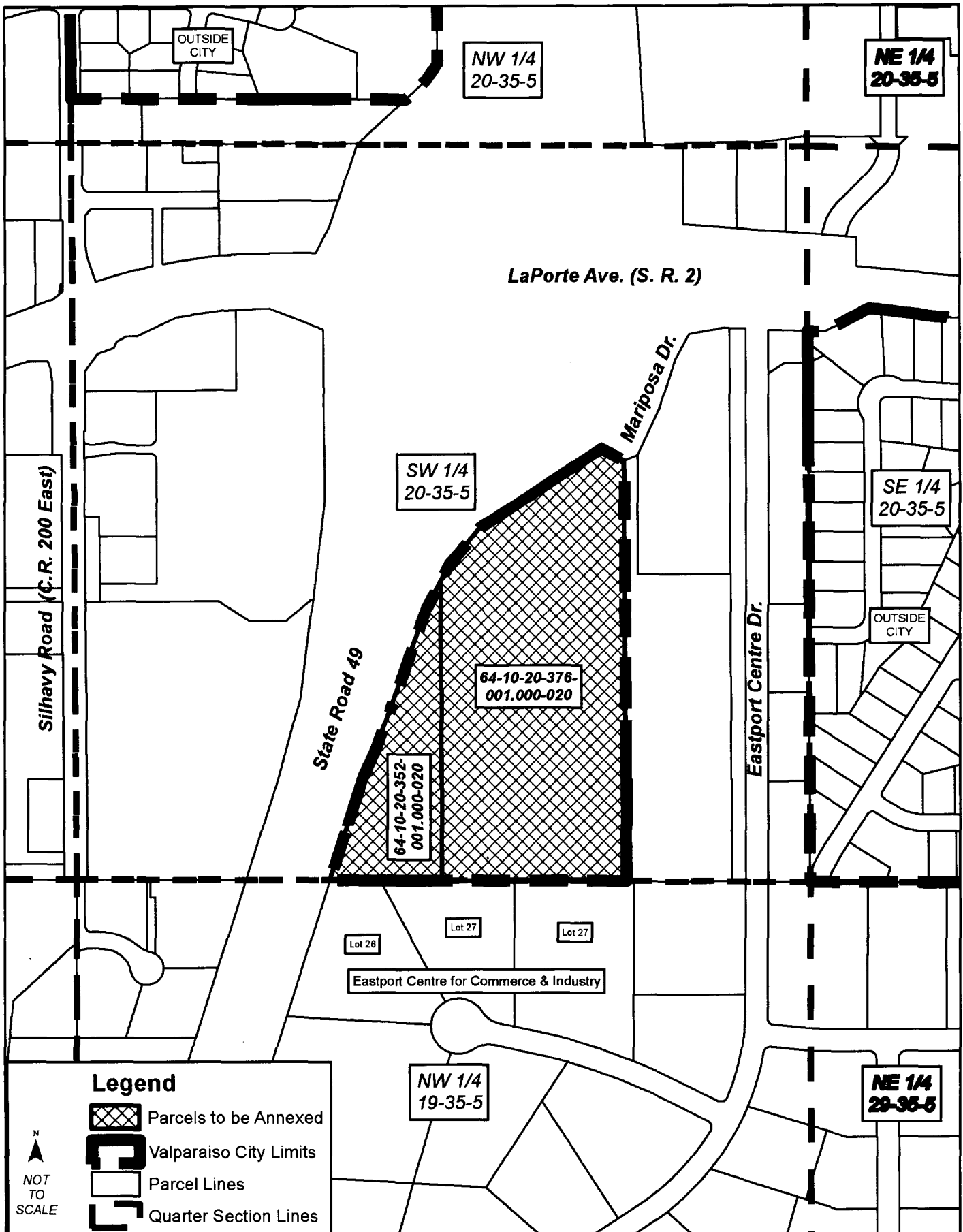


EXHIBIT A-2
LEGAL DESCRIPTION

AN IRREGULARLY SHAPED PARCEL OF LAND OF APPROXIMATELY 26 ACRES CONTAINING TWO PROPERTIES LOCATED EAST OF STATE ROAD 49, SOUTH OF LAPORTE AVENUE, WEST OF EASTPORT CENTRE DRIVE AND NORTH OF LOTS 26-28 IN THE EASTPORT CENTRE FOR COMMERCE & INDUSTRY SUBDIVISION; SAID PARCEL IS LOCATED WITHIN SW ¼ OF SECTION 20, IN TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, AND IS MORE PARTICULARLY DESCRIBED AS:

PORTER COUNTY PARCELS 64-10-20-376-001.000-020 & 64-10-20-352-001.000-020

SAID FRANCISCAN ALLIANCE, INC. DEED FOR PORTER COUNTY PARCEL 64-10-20-376-001.000-020 IS DESCRIBED HEREIN PURSUANT TO A WARRANTY DEED, RECORDED ON OCTOBER 30TH, 2020, AS DOCUMENT NUMBER 2020-029286 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA,

SAID FRANCISCAN ALLIANCE, INC. DEEDS FOR PORTER COUNTY PARCEL 64-10-20-352-001.000-020 ARE DESCRIBED HEREIN PURSUANT TO THREE WARRANTY DEEDS, ALL RECORDED ON JUNE 16TH, 2022, AS DOCUMENT NUMBERS 2022-013341, 2022-013342, 2022-013343 IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

SAID ANNEXATION CONTAINS APPROXIMATELY 26.37 ACRES, MORE-OR-LESS.