

ORDINANCE NO. 3–2024

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE TO THE CITY OF VALPARAISO

Werner

WHEREAS, on **August 30, 2023**, in accordance with Indiana Code §36-4-3-5.1, **Lona R. Werner Revocable Living Trust** filed a Petition for Annexation to annex an area consisting of approximately **1 Acre** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Property 1”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, on **August 30, 2023**, in accordance with Indiana Code §36-4-3-5.1, **Werner Property, LLC** filed a Petition for Annexation to annex an area consisting of approximately **85 Acres** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Property 2”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, on **August 30, 2023**, in accordance with Indiana Code §36-4-3-5.1, **Denis D. Werner Revocable Living Trust, Alan D. Werner and Mejella R. Werner Revocable Trust** and **Cindy R. Robertson Trust** collectively filed a Petition for Annexation to annex an area consisting of approximately **3 Acres** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Property 3”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, the City of Valparaiso, Porter County, Indiana (“City”), wishes to annex Annexed Property 1-3 as identified above; and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or about **February 12, 2024**, the Common Council held a duly noticed public hearing regarding the Annexed Property 1-3; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the Annexed Property 1-3 is contiguous, as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Property 1-3 coincides with the existing boundaries of the City; and

WHEREAS, on or about **February 12, 2024**, and prior to holding the above-referenced public hearing, in accordance with Indiana Code §36-4-3-3.1, the Common Council adopted by resolution a written fiscal plan for the Annexed Property 1-3; and

WHEREAS, on or about **January 10, 2024**, the City’s Plan Commission held a duly noticed public hearing regarding the initial Zoning of the Annexed Property 1-3; and

WHEREAS, on or about **January 10, 2024**, the City’s Plan Commission voted **8-0** to favorably recommend that the Annexed Property 1-3 be initially zoned as **Heavy Industrial (INH)**; and

WHEREAS, the Common Council finds that the annexation and initial zoning of the Annexed Property 1-3 pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the Annexed Property 1-3, is fair and equitable, and should be accomplished; and

WHEREAS, the Common Council now desires to annex the Annexed Property 1-3.

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.** Annexed Property 1-3 is contiguous to the City Boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Property coincides with the existing boundaries of the City.

SECTION 3. **Annexed Property.** The real estate containing collectively approximately **89 Acres** more or less, as more particularly described in **Exhibits A** is annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

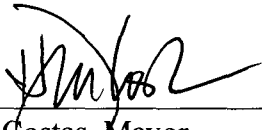
SECTION 4. **Council District.** The Annexed Property 1-3 is hereby assigned **City Council District No. 1** and shall become a part thereof immediately upon the effective date of this ordinance.

SECTION 5. **Zoning.** Upon the effective date of this Ordinance, the Annexed Property 1-3 shall be classified for zoning purposes as **Heavy Industrial (INH)**. See Exhibit A.

SECTION 6. **Effective Date.** Consistent with Indiana Code §36-4-3-5.1(J), this Ordinance shall be in full force and effect **thirty (30) days** after its passage by the Common Council and as provided by Indiana law.

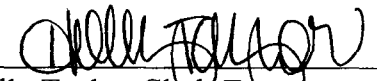
SECTION 7. **Severability.** The sections, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionally, 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 26th day of February, 2024, 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.



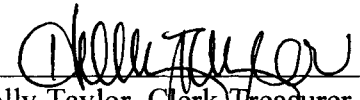
Jon Costas, Mayor

ATTEST:



Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 26th day of February, 2024 at the hour of 6:00 o'clock P.M.



Holly Taylor, Clerk-Treasurer

Exhibit A

“EXHIBIT A – Annexation Area Legal Description”

WERNER ANNEXATION

An irregularly shaped parcel land containing three properties located east of Slover Road, north of the Norfolk Southern Railroad, west of County Road 400 East and south of the Chicago, Fort Wayne & Eastern Railroad, proposed for annexation by the City of Valparaiso; said parcel is located within South ½ of Section 33, in Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, and is more particularly described as:

See attached Annexation Area Map.

The E ½ of the of the SW ¼ of Section 33 Township 35 North, Range 5 West located north of the Norfolk Southern Railroad & the West ½ of the SE ¼ of Section 33 Township 35 North, Range 5 West located north of the Norfolk Southern Railroad.

Said three properties are more particularly described below and are referenced by number on the attached Annexation Area Map:

1. 64-10-33-300-004.000-020 (1 Acre) owned by the Lona R. Werner Revocable Living Trust and described within Deed in Trust 2009-028930.
2. 64-10-33-400-001.000-020 (85 Acres) owned by Werner Property, LLC and described within Quit Claim Deed 2001-000795.
3. 64-10-33-400-002.000-020 (3 Acres) owned as proportioned in three separate Werner Trusts as described within Trustee’s Deed 2020-026422.

Said Werner Annexation also includes any adjacent public highway lands as required by IC 36-4-3-2.5(b).

Said annexation contains approximately 89 Acres, more-or-less.

Prepared by:

City Engineer’s Office
City of Valparaiso
February 2024

"EXHIBIT A - Annexation Area Map"

