

ORDINANCE NO. 4, 2024

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, ANNEXING CERTAIN REAL ESTATE TO THE CITY OF VALPARAISO (FAMILY EXPRESS, NIPSCO, AND MAXWELL)

WHEREAS, on **June 9, 2023**, in accordance with Indiana Code §36-4-3-5.1, **Family Express Corporation** filed a Petition for Annexation to annex an area consisting of approximately **21.6 Acres** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Territory 1”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, on **November 14, 2023**, in accordance with Indiana Code §36-4-3-5.1, **NIPSCO** filed a Petition for Annexation to annex an area consisting of approximately **20 Acres** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Territory 2-3”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, on **September 3, 2023**, in accordance with Indiana Code §36-4-3-5.1, **Maxwell Realty, LLC** filed a Petition for Annexation to annex an area consisting of approximately **57 Acres** located outside but contiguous to the City, more particularly described in **Exhibit A** as “Annexed Territory 4-6”. Such petition is incorporated by reference into this Ordinance; and

WHEREAS, the City of Valparaiso, Porter County, Indiana (“City”), wishes to annex Annexed Territory 1-6 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 Territory 1-6; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the Annexed Territory 1-6 is contiguous, as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory 1-6 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 Territory 1-6; and

WHEREAS, on or about **July 11, 2023**, the City’s Plan Commission held a duly noticed public hearing regarding the initial Zoning of the Annexed Territory 1. The City’s Plan Commission voted 6-0 (with two abstentions) to favorably recommend that the Annexed Territory A be initially zoned as Light Industrial (INL). Certain conditions were placed on the annexation, and such will be reflected in a separate Annexation Agreement; 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 Territory 2-6. The City’s Plan Commission voted 8-0 to favorably recommend that the Annexed Territory 2-6 be initially zoned

as Light Industrial (INH). Certain conditions were placed on the annexation, and such will be reflected in a separate Annexation Agreement; and

WHEREAS, after completion of the public hearing on **February 12, 2024**, and listening to the concerns of an adjacent property owner, the Common Council determined that Annexed Territory 5-6 should be zoned Rural (RU); and

WHEREAS, the Common Council finds that the annexation of the Annexed Territory 1-6 pursuant to the terms and conditions of this Ordinance is in the best interest of all owners of land in the Annexed Territory 1-6, is fair and equitable, and should be accomplished; and

WHEREAS, the Common Council now desires to annex the Annexed Territory 1-6.

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 Territory 1-6 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 collectively approximately **89 Acres** more or less, as more particularly described in **Exhibit A** is annexed to and declared part of the City of Valparaiso, Porter County, Indiana.

SECTION 4. Council District. Annexed Territory 1-6 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 1-3 shall be classified for zoning purposes as Light Industrial (INL) and Rural (RU) as shown on **Exhibit A**.

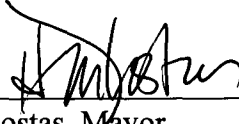
SECTION 6. Effective Date. Consistent with Indiana Code §36-4-3-5.1(J), this Ordinance shall be in full force and effect **thirty (30) days** after its passage by the Common Council and as provided by Indiana law.

SECTION 7. Tax Abatement. Consistent with Indiana Code 36-4-3-8.5(b)(2), Annexed Territory 2-3 shall receive a three-year scaled tax abatement of **75%** in Year 1, **50%** in Year 2 and **25%** in Year 3 **limited to** the portion of the property tax liability under IC 6-1.1 for municipal purposes.

SECTION 8. 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,

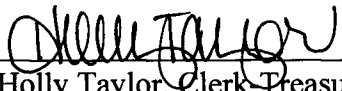
or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance.

DULY PASSED AND ADOPTED this 11th day of March, 2024, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 6 in favor and 1 opposed.



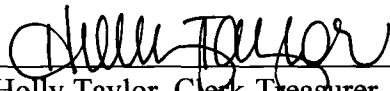
Jon Costas, Mayor

ATTEST:



Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11th day of March, 2024 at the hour of 6:15 o'clock P.M.



Holly Taylor, Clerk-Treasurer

“EXHIBIT A – Annexation Area Legal Description”

Family Express, NIPSCO and Maxwell Annexation

An irregularly shaped parcel land containing six properties located west of State Road 49, south of Division Road and east of County Road 150 East proposed for annexation by the City of Valparaiso; said parcel is located within the East ½ of Section 6, in Township 34 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, and is more particularly described as:

The E ½ of the of the NE ¼ of Section 6 Township 34 North, Range 5 West excepting therefrom the south 270' of the east 484' of the NE ¼ of said Section 6 and the North ½ of the NE ¼ of the SE ¼ of said Section 6.

See attached Annexation Area Map.

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

1. 64-13-06-226-001.000-008 (21.69 Acres) owned by Family Express Corporation and described in Special Warranty Deed 2023-016418
2. 64-13-06-200-006.000-008 (0.091 Acres) owned by NIPSCO and described in Warranty Deed, Book 324, Page 575 with two exceptions.
3. 64-13-06-200-008.000-008 (20 Acres) owned by NIPSCO and described as Warranty Deed, Book 312, Page 542 with one exception.
4. 64-13-06-200-009.000-008 (30 Acres) owned by Maxwell Realty, LLC and described in Quit Claim Deed 2007-009876.
5. 64-13-06-200-010.000-008 (7 Acres) owned by Maxwell Realty, LLC and is described together with 64-13-06-400-003.000-008 in Quit Claim Deed 2023-014213.
6. 64-13-06-400-003.000-008 (20 Acres) owned by Maxwell Realty, LLC and is described together with 64-13-06-200-010.000-008 in Quit Claim Deed 2023-014213.

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

Said annexation contains approximately 100 Acres, more-or-less, and is subject to all existing easements, restrictions, assessments, and rights-of-way of record.

Prepared by:
City Engineer's Office
City of Valparaiso
February 2024

"EXHIBIT A - Annexation Area Map"

