

ORDINANCE #17, 2012

AN ORDINANCE ANNEXING REAL ESTATE INTO THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA KNOWN AS THE "FETLA'S ANNEXATION" AND REZONING LAND FROM CH HIGH INTENSITY COMMERCIAL DISTRICT TO CG COMMERCIAL GENERAL DISTRICT

WHEREAS, Lisa M. Brinkley on behalf of Opportunity Enterprises, Burt Langer and Roger Gengo, own certain real estate located in Center Township requested at the **July 9, 2012**, City Council meeting that the real estate be annexed into the City of Valparaiso, Indiana and rezoned, which real estate is more particularly described as follows:

See Exhibit B – Fetla's Annexation Legal Description

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

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 5.73 acres of land; and

WHEREAS, the petitioners are the owner of 100% of the land sought to be annexed; and

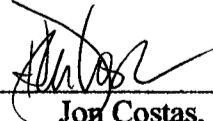
WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the real estate sought for annexation coincides with the present boundaries of the City of Valparaiso, Indiana; and

WHEREAS, the City of Valparaiso Plan Commission favorably voted (8-0) to recommend approval of the proposed annexation and rezoning at its June 12, 2012 meeting.

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. Certain real estate included in the annexation area shall be zoned CG Commercial General District.
2. 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.

Passed by the Common Council of the City of Valparaiso, Indiana by a 60 vote of all members present and voting this 23rd day of July, 2012.



Jon Costas, Mayor

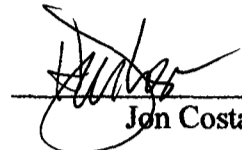
ATTEST:


Sharon Emerson Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 24th of July, 2012 at the hour of 2:10 o'clock P.M.


Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 24th day of July, 2012 at the hour of 2:00 o'clock P. M.


Jon Costas, Mayor

Legal Description (Fetla's 1457 S. State Road 2)

PARCEL 1: A parcel of real estate located in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:

BEGINNING at a point 2028.7 feet North and 200.0 feet West of the Southeast corner of said Section 26; thence South 110 feet; thence West 297.4 feet; thence North 110 feet; thence East 297.4 feet to the point of beginning.

PARCEL 2: A parcel of real estate in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as commencing at a point on the East line of said Section 26, being 2028.7 feet North of the Southeast corner of said Section 26; thence West 231 feet; thence North, parallel with the East line of said Section, 166.38 feet to the center line of the Old Hebron road (now vacated); thence Southwesterly, along the center line of Old Hebron Road (now vacated), a distance of 66.8 feet to the POINT OF BEGINNING; thence continuing Southwesterly, along the center line of said Old Hebron road (now vacated), and said center line extended, to its intersection with the center line of State Highway No. 2; thence Northeasterly, along said center line of State Highway No. 2, to a point which is 410.4 feet West of the East line of said Section 26, as measured along said center line of State Highway No. 2; thence South 29 degrees 45 minutes East 149.27 feet to the point of beginning.

PARCEL 3: A parcel of real estate located in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:

BEGINNING at an iron pipe 1625 feet North and 657.4 feet West of the Southeast corner of Section 26, Township 35 North, Range 6 West, and running thence West, on a line parallel to the South line of said Section, 332.6 feet, more or less, to an iron pipe; thence North 172.85 feet to the Southerly line of State Road 2; thence Northeasterly, along said Southerly line of State Road, 268.6 feet, more or less, to the center line of Old Hebron Road (now vacated); thence Easterly, along said center line of Old Hebron Road, 25.1 feet to an iron pipe; thence Southeasterly 388.5 feet to the point of beginning;

EXCEPTING THEREFROM the 2 parcels of real estate described as follows:

a) Part of the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the 2nd Principal Meridian, in Porter County, Indiana, referenced to the Southeast corner of said Southeast 1/4; thence South 89 degrees 54 minutes 00 seconds West 787.49 feet, along a line parallel with the South line of said Southeast 1/4, to the Southeast corner of lands conveyed to Eric A. Peters and described in Document Number 98-25742, in the Office of the Recorder of Porter County, Indiana; thence North 26 degrees 41 minutes 14 seconds West 78.27 feet (measured as North 26 degrees 40 minutes 51 seconds West, 78.27 feet), along the Easterly line of the Peter's land, to the POINT OF BEGINNING; thence continuing North 26 degrees 41 minutes 14 seconds West 208.94 feet (measured as North 26 degrees 40 minutes 51 seconds West 207.44 feet), along the

Easterly line, to the Southerly right of way line of State Route 2, which right of way line lies parallel with and 30 feet Southeasterly from the centerline of said S.R. 2; thence Northeasterly 90.39 feet, along said Southerly right of way line, on a curve to the right whose radius is 1607.01 feet and whose chord bears North 45 degrees 53 minutes 38 seconds East 90.37 feet; thence South 25 degrees 50 minutes 08 seconds East 275.64 feet; thence South 89 degrees 54 minutes 00 seconds West 91.87 feet to the point of beginning.

b) A parcel of real estate in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Center Township, Porter County, Indiana, being more particularly described as follows:

Commencing at the Southeast corner of said Southeast 1/4 of Section 26; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing), along the East line of said Southeast 1/4, a distance of 1625.00 feet; thence South (by Deed North) 89 degrees 54 minutes 00 seconds West, parallel with the South line of said Southeast 1/4, a distance of 787.49 feet to the POINT OF BEGINNING; thence continuing South (by Deed North) 89 degrees 54 minutes 00 seconds West, parallel with said South line, a distance of 202.51 feet to the West line of the East 990.00 feet of said Southeast 1/4; thence North 00 degrees 00 minutes 00 seconds East, along said West line, a distance of 174.89 feet by measurement (172.85 feet by old deeds), to the Southerly right-of-way line (30 feet by radical measurement from centerline) of State Road No. 2; thence Northeasterly, along a curve concave to the South, having a radius of 1600 feet, a length of 110.21 feet, and a chord bearing of North 41 degrees 51 minutes 08 seconds East, for a chord distance of 110.19 feet; thence South 26 degrees 41 minutes 14 seconds East a distance of 287.21 feet to the point of beginning.

PARCEL 4: A parcel or real estate located in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:

BEGINNING at an iron pipe 1625 feet North and 657.4 feet West of the Southeast corner of Section 26 and running thence East 160 feet; thence North, parallel with the East line of said Section 26, 403.7 feet; thence West 170 feet, more or less, to an intersection with the center line of Old Hebron Road; thence Southwesterly, along the center line of Old Hebron Road, 107.2 feet, more or less, to a point 25.1 feet Easterly, along said center line of Old Hebron Road, from the Southeasterly line of State Road No. 2; thence Southeasterly 388.5 feet, more or less, to the point of beginning.

PARCEL 5: A parcel of real estate in the Southeast 1/4 of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:

BEGINNING at an iron pipe which is 2028.7 feet North and 231 feet West of the Southeast corner of said Section 26; thence South 89 degrees 54 minutes West 499.37 feet to the center line of the Old Hebron Road; thence North 70 degrees 07 minutes East, along said center line, 488.5 feet; thence South, parallel with the East line of said Section 26, 166.38 feet to the point of beginning.

Legal Description (Gengo)

Part of the Southeast quarter of Section 26, Township 35 North, Range 6 West of the 2nd Principal Meridian in Porter County, Indiana, referenced to the Southeast corner of said SE 1/4; thence N00°00'00" E 1625.00 feet along the East line of said SE 1/4; thence S89°54'00"W 787.49 feet along a line parallel to the South line of said SE 1/4 to the Southeast corner of lands belonging to Eric A. Peters and described in Document Number 98-25742 in the Recorder's Office of Porter County; thence N26°41'14"W 78.27 feet (measured as N26°40'51"W 78.27 feet) along the Easterly line of said Peter's land to the point of beginning; thence continuing N26°41'14"W 208.94 feet (measured as N26°40'51"W 207.44 feet) along said Easterly line to the Southerly right-of-way line of State Route 2, which right-of-way line lies parallel to and 30 feet Southeasterly from the centerline of said S.R. 2; thence Northeasterly 90.39 feet along said Southerly right-of-way line on a curve to the right whose radius is 1607.01 feet, and whose chord bears N45°53'38"E 90.37 feet; thence S25°50'08"E 275.64 feet; thence S89°54'00"W 91.87 feet to the point of beginning, containing 0.468 acres, more or less.

Legal Description (Langer)

A parcel of land in the Southeast Quarter (SE 1/4) of Section 26, Township 35 North, Range 6 West of the Second Principal Meridian in Porter County, Indiana, described as beginning at a point in the center of State Road Number 2 as now located and 344.4 feet Southwesterly from the East line of said Section as measured along the center line of said highway, said point of beginning being 286.4 feet South and 297.8 feet West of the Northeast corner of said Southeast Quarter (SE 1/4) Section; thence running South 60 degrees 15 minutes West along the center line of said highway 66 feet; thence South 29 degrees 45 minutes East 149.3 feet; thence North 69 degrees 19 minutes East 66.8 feet; thence North 29 degrees 45 minutes West 159.8 feet to the point of beginning.