

**ORDINANCE #26, 2022**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF VALPARAISO,  
INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEROF  
AND MAKING THE SAME A PART OF THE CITY OF VALPARAISO, INDIANA  
(THE "IN-49 & VALE PARK RD ANNEXATION")**

**PASSED 2/27/23**

**6-0**

**PETERSON ABSENT**

DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER

**JUL 25 2023**

**KAREN M. MARTIN  
AUDITOR PORTER COUNTY**



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**ORDINANCE NO. 26, 2022**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF VALPARAISO, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF VALPARAISO, INDIANA (THE "IN-49 & VALE PARK RD ANNEXATION")**

WHEREAS, the Common Council (the "Council") of the City of Valparaiso, Indiana (the "City") has investigated annexation of property east of its existing border; and

WHEREAS, pursuant to IC 36-4-3-5, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations; and

WHEREAS, pursuant to IC 36-4-3-1.7, a municipality must conduct an outreach program consisting of at least three (3) public information meetings to provide citizens with information regarding the proposed annexation; and

WHEREAS, City officials have conducted such outreach meetings and have provided citizens with information regarding the proposed annexation as required by IC 36-4-3-1.7; and

WHEREAS, responsible planning and State law require adoption of a written fiscal plan and a definite policy for the provision of services to the annexed areas; and

WHEREAS, this Council has previously adopted by resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 19, 2022 (the "Fiscal Plan"); and

WHEREAS, Exhibit A is a legal description of the territory to be annexed, which territory consists of approximately 203 acres ("Annexation Territory"); and

WHEREAS, Exhibit B-1 also includes a map of the Annexation Territory; and

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the City; and

WHEREAS, on or about November 1, 2022, the City's Plan Commission at a public meeting considered the initial zoning of the Annexation Territory; and

WHEREAS, on or about November 1, 2022, the City's Plan Commission voted of 9-0 to favorably recommend the Annexation Territory be assigned the zoning districts as shown on Exhibit B-2; and

WHEREAS, this Ordinance has been adopted following a duly noticed public hearing; and

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to

DULY ENTERED FOR TAXATION SUBJECT TO  
FINAL ACCEPTANCE FOR TRANSFER

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JUL 25 2023

KAREN M. MARTIN  
AUDITOR PORTER COUNTY

the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, as follows:

, B-1 and B-2 (PL)

1. The above recitals, including Exhibit A, are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk for public inspection.

2. In accordance with IC 36-4-3-5, the Annexation Territory is hereby annexed to the City of Valparaiso and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

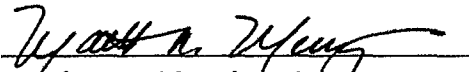
3. To the extent the Annexation Territory includes land contiguous to public highways, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by IC 36-4-3-2.5.

4. The Annexation Territory is hereby assigned to Common Council District No. 5.

5. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

6. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

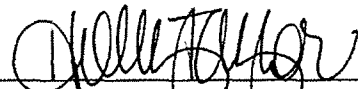
DULY PASSED AND ADOPTED this 27<sup>th</sup> day of February, 2023, by the Common Council of the City of Valparaiso, Porter County, Indiana, having been passed by a vote of 6 in favor and 0 opposed; PETERSON ABSENT.

  
Matthew R. Murphy, Mayor

ATTEST:

  
Holly Taylor, Clerk-Treasurer

(H) Presented by me to the Mayor of the City of Valparaiso, Indiana, this 27<sup>th</sup> day of February 2023 at the hour of 6:10 o'clock P.M.

  
Holly Taylor, Clerk-Treasurer

**“EXHIBIT A – Annexation Territory”**

**LEGAL DESCRIPTION  
STATE ROAD 49 & VALE PARK ROAD INTERCHANGE ANNEXATION**

An irregularly shaped parcel land in and around the State Road 49 Vale Park Road interchange proposed for annexation by the City of Valparaiso; said parcel is located within Sections 8 and 17, all in Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, and is more particularly described as:

See Attached “Exhibit B-1” for Annexation Map.

The SE ¼ of the SW ¼ of Section 8 Township 35 North, Range 5 West:

The SE ¼ of Section 8 Township 35 North, Range 5 West EXCEPTING therefrom:

- (1) the East 40 Acres of said SE ¼, also known as Meadowbrook Subdivision (Plat Book 39-F-4 / Doc. #2001-005129).

Three Vansland LLC properties located in the NW ¼ of Section 17 Township 35 North, Range 5 West, and more particularly described as Porter County Parcels:

- (1) 64-10-17-101-002.000-020 (5 Acres) and described as Parcel 9 of Quit Claim Deed 2009-034179. (See Exhibit C)
- (2) 64-10-17-176-001.000-020 (3.337 Acres) and described as Parcel 10 of Quit Claim Deed 2009-034179. (See Exhibit C)
- (3) 64-10-17-126-001.000-020 (1.552 Acres) and described as Parcel 11 of Quit Claim Deed 2009-034179. (See Exhibit C)

As a point of clarification to existing Valparaiso Corporate Limits, this annexation also includes all the state-owned parcels, state rights-of-way and all of Vale Park Road (C.R. 400 North) rights-of-way located within:

- (1) The SW ¼ of Section 8 Township 35 North, Range 5 West.
- (2) The SW ¼ of the SW ¼ of the SE ¼ of said Section 8.
- (3) The NW ¼ of Section 17 Township 35 North, Range 5 West.
- (4) The NW ¼ of the NW ¼ of the NE ¼ in said Section 17.

that were not previously annexed to the City of Valparaiso from the eight prior annexation ordinances listed and more particularly described below:

- (1) Ordinance 46, 1989 (Deed Book 123 Page 341) in said Recorder's Office.
- (2) Ordinance 3, 2000 (Document 2000-0017138) in said Recorder's Office
- (3) Ordinance 10, 2000 (Document 2000-019984) in said Recorder's Office
- (4) Ordinance 59, 2005 (Document 2005-001527) in said Recorder's Office
- (5) Ordinance 19, 2006 (Document 2006-013745) in said Recorder's Office
- (6) Ordinance 33, 2008 (Document 2008-031905) in said Recorder's Office
- (7) Ordinance 7, 2014 (Document 2014-006758) in said Recorder's Office
- (8) Ordinance 26, 2015 (Document 2016-005848) in said Recorder's Office

As a second point of clarification to said corporate limits, this annexation also includes any additional property(s) and right-of-way(s) within NW ¼, of the NW ¼ of Section 17, Township 35 North, Range West that were not previously annexed to the City of Valparaiso in said Ordinance 33, 2008.

Said annexation contains approximately 203 Acres, more-or-less.

Prepared by:

City Engineer's Office  
City of Valparaiso  
September 2022

**Exhibit B-1:  
Annexation Territory**

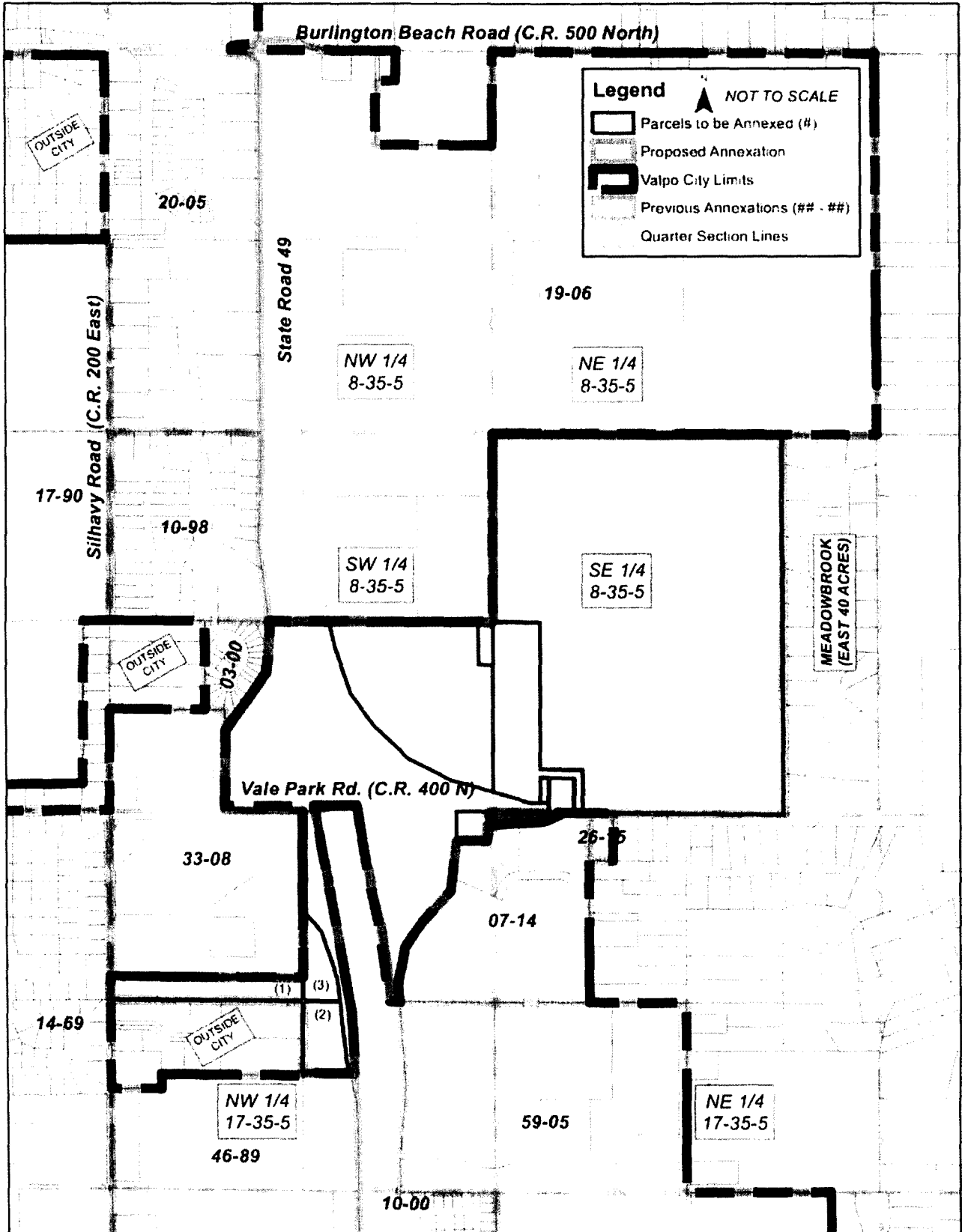




Exhibit C

5

2009-034179

STATE OF INDIANA  
PORTER COUNTY  
FILED FOR RECORD  
12/30/2009 10:46AM  
LYNDA D. TRINKLER  
RECORDER

REC FEE: \$24.00  
PAGES: 5

Mail Tax Bills To:  
Vansland LLC  
c/o James Bozik  
56 S Washington Street  
Suite 401  
Valparaiso, IN 46383

QUITCLAIM DEED

THIS INDENTURE WITNESSETH that DONALD J. VANDERTOLL and JEANETTE E. VANDERTOLL, as their interests may appear, of 13901 River Glen Lane, City of Prospect, State of Kentucky;

Release and Quit Claim to VANSLAND, LLC, an Indiana Limited Liability Company, of Porter County, State of Indiana, the following described real estate in Porter County, State of Indiana, to-wit:

PARCEL 1: *G15 64-10-17-451-001, 000-029*

The West 40 acres of the South 60 acres of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana;  
EXCEPTING THEREFROM the South 208 feet of said West 40 acres;  
AND ALSO EXCEPTING THEREFROM the North 95 feet of the South 303 feet of the West 210 feet of said West 40 acres.

PARCEL 2: *G15 64-10-17-177-001, 000-029*

That part of the Southeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, lying East of the East line of Indiana State Road 49, said line described as follows:

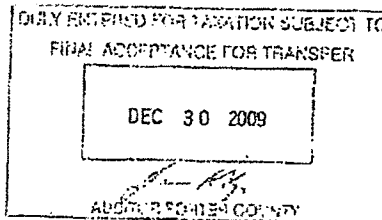
Commencing at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 09 minutes 30 seconds West, along the South line of said Quarter Quarter Section, 662.54 feet to the East boundary of Indiana State Road 49, and the POINT OF BEGINNING of said described line;

thence North 00 degrees 17 minutes 00 seconds East, along said boundary of Indiana State Road 49, 233.21 feet; thence North 05 degrees 04 minutes 46 seconds East, along said boundary, 512.11 feet; thence North 04 degrees 16 minutes 02 seconds West, along said boundary, 585.64 feet to the North line of said Southeast Quarter of the Northwest Quarter and the point of termination of said line.

PARCEL 3: *G15 64-10-17-200-001, 000-029*

The Southwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

BTBH ✓



Sales Disclosure *NOT* Required  
Porter County Assessor

COPY PORTER COUNTY RECORDER PAGE 1 OF 5

200  
\$100 SB

29/24



PARCEL 4: *G15 64-10-17-426-001,000-029*  
The North 2/3 of the West 3/4 of the Northeast Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 5: *G15 64-10-17-401-001,000-029*  
The North Half of the Northwest Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana;  
EXCEPTING THEREFROM that part, if any, of the two tracks of real estate described as follows, lying within said North Half:  
a) The North 260.0 feet of the South 2249.8 feet of the East 220.0 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.  
b) The North 180.0 feet of the South 1989.8 feet of the East 242.0 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 6: *G15 64-10-17-401-003,000-029*  
That part of the real estate described as follows lying within the South 60 acres of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, to-wit:  
The North 180.0 feet of the South 1989.8 feet of the West 198 feet of the East 440 feet of the West Half of the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana.

PARCEL 7: *G15 64-10-17-400-027,000-029*  
A parcel of real estate in the Southeast Quarter of Section 17, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter County, Indiana, described as follows:  
BEGINNING at a point 630 feet East of the Southwest corner of the Southeast Quarter of said Section 17; thence North 208 feet; thence East 210 feet; thence South 208 feet; thence West 210 feet to the point of beginning.

PARCEL 8: *G15 64-10-17-400-028,000-029*  
The South 208 feet of the Southwest Quarter of the Southeast Quarter of Section 17, Township 35 North, Range 5 West, of the Second Principal Meridian in Porter County, Indiana,  
EXCEPTING THEREFROM the West 840 feet of said South 208 feet;  
AND ALSO EXCEPTING THEREFROM the East 440 feet of said South 208 feet.

**PARCEL 9:**  
The south 10 rods of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17,  
Township 35 North, Range 5 West of the Second Principal Meridian,  
Porter County, Indiana (GIS 64-10-17-101-002.000-020)

**PARCEL 10:**  
That part of the Southeast Quarter of the Northwest Quarter of Section 17,  
Township 35 North, Range 5 West of the Second Principal Meridian, in  
Porter County, Indiana, lying West of the West line of Indiana State Road 49  
(GIS 64-10-17-176-002.000-029 & 64-10-17-176-001.000-020)

**PARCEL 11:**  
The Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 17, Township  
35 North, Range 5 West of the Second Principal Meridian, Porter County,  
Indiana lying West of the West line of Indiana State Road 49  
(GIS 64-10-17-126-001.000-020)

**PARCEL 12:**  
One acre of land being 100 feet in width East and West by 435.6 feet in  
length North and South out of the Southwest corner of the following  
described real estate to-wit: Beginning at the Northeast corner of the  
Southeast  $\frac{1}{4}$  of section 20, Township 35 North, Range 5 West of the Second  
Principal Meridian; thence running South 22 rods to the center of the  
Valparaiso-LaPorte Road; thence Westerly along the center of said road,  
57.5 rods; thence North 29 rods to the North line of the Southeast Quarter of  
said Section 20; thence East to the place of beginning.  
(GIS 64-10-20-426-004.000-029)

**PARCEL 13:**  
The West  $\frac{1}{2}$  of the following described parcel of land to-wit:  
All that part of the East  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  lying North of the Grand  
Trunk Western Railroad, excepting therefrom the East 995 feet, in Section  
20, Township 35 North, Range 5 West of the Second Principal Meridian.  
(GIS 64-10-20-226-001.000-020)

**PARCEL 14:**  
A parcel of land described as beginning at the Northeast corner of the  
Southeast  $\frac{1}{4}$  of Section 20, Township 35 North, Range 5 West of the Second  
Principal Meridian; thence South 22 rods to the center of the Valparaiso-  
LaPorte Road; thence Westerly along the center of said road 57.5 rods;  
thence North 29 rods to the North line of said  $\frac{1}{4}$  section; thence East to the  
place of beginning; EXCEPTING therefrom 1 acre in the Southwest corner  
thereof, 100 feet in width, East and West, by 435.6 feet in length North and  
South. (GIS 64-10-20-426-005.000-029)

PARCEL 15:

The East ½ of the Northeast ¼ of Section 20, Township 35 North, Range 5 West of the Second Principal Meridian, EXCEPT a parcel described as beginning at the Southwest corner of said tract; thence North 60 rods; thence East 22.75 rods; thence South 60 rods; thence West 22.75 rods to the place of beginning. AND EXCEPT the part of said East ½ of the Northeast ¼ lying North of the South line of the Chicago, Grand Trunk and Western Railway. ALSO EXCEPTING any part of the E1/2 of the Northeast ¼ that was platted to Porters Vale Shopping Center.  
(GIS 64-10-20-276-002.000-029 & 64-10-20-426-002.000-029 & 64-10-20-276-001.000-029)

PARCEL 16:

The West ½ of the Northeast ¼ of Section 20, Township 15 North, Range 5 West of the 2<sup>nd</sup> P.M., lying South of the right-of-way of the Grand Trunk and Western Railroad Company. EXCEPTING any of the West ½ of the Northeast ¼ that was platted to Porters Vale Shopping Center.  
(GIS 64-10-20-202-001.000-029)

PARCEL 17:

A parcel of land 10 rods square out of the Northwest corner of the West ½ of the Southwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian. (GIS 64-10-21-300-001.000-029)

PARCEL 18:

A strip of land 4 rods in width off the West side of that part of the Northwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, which lies South of the right of way of the Chicago, Grand Trunk and Western Railway.  
(GIS 64-10-21-151-001.000-029)

PARCEL 19:

A parcel of land in the Southwest ¼ of Section 21, Township 35 North, Range 5 West of the Second Principal Meridian, in Porter, County, Indiana, described as follows:  
Beginning 256.08 feet south from the Quarter post of the West line of said Section 21, and running thence South 104.94 feet; thence North 82 ½ degrees East, 104.94 feet; thence North 104.94 feet; and thence South 82 ½ degrees West, 104.94 feet to the place of beginning.  
(GIS 64-10-21-300-002.000-027)

PARCEL 20:

Lot 12 Porter Vale Shopping Center as Recorded in Porter County Recorder's office Plat File 51-D-1

1997 ~~Survey~~ ~~Map~~  
thence North a distance of 400 feet, thence North parallel to said West line 435.6 feet; thence West 400 feet; thence South 435.6 feet to the point of beginning.

TOGETHER with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as Relocated S.R. 40 and as Project ST-089-1(B) and Project ST-089-1(A), to and from the owner's remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

PARCEL 13:  
A parcel of land in the SE 1/4 of Section 17, Township 35 North, Range 5 West of the 2<sup>nd</sup> P.M. in Washington Township, Porter County, Indiana, described as follows: Commencing at the S.W. corner of said S.E. 1/4; thence East along the South line of said S.E. 1/4, 810.0 feet; to the Point of Beginning; thence continuing East along said South line 30.0 feet; thence North, 238 feet; thence West 600 feet to the East line of the West 210 feet of said S.E. 1/4; thence South 30 feet; thence East 600 feet; thence 208 feet to the Point of Beginning. D.P. 8576-100 and 8576-102.

IN WITNESS WHEREOF, the said DONALD J. VANDERTOLL and JEANETTE E. VANDERTOLL, have hereunto set their hands and seals this 28 day of NOVEMBER 2009.

Donald J. Vandertoll  
DONALD J. VANDERTOLL


Jeanette E. Vandertoll  
JEANETTE E. VANDERTOLL

STATE OF INDIANA )  
COUNTY OF PORTER )SS

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared DONALD J. VANDERTOLL and JEANETTE E. VANDERTOLL and acknowledged the execution of said deed to be their voluntary act and deed for the uses and purposes expressed therein.

WITNESS MY HAND AND SEAL THIS 28 day of November 2009.

James S. Bozik  
Notary Public  
My Comm. Expires: 7/18/2011  
County of Residence: PORTER



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.

Printed Name: JAMES S. BOZIK

Instrument Prepared by: JAMES S. BOZIK, Blahny, Tabor, Bozik & Hartman LLC  
56 S. Washington Street, Ste. 401, Valparaiso, IN 46383; PH: 219/464-1041