

ORDINANCE 13-36

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE CITY OF WESTFIELD, HAMILTON COUNTY, INDIANA

WHEREAS, the Westfield City Council (the “Council”) has the authority and desires to annex lands into the municipality as defined by Indiana Code 36-4-3; and,

WHEREAS, one hundred percent (100%) of the owners of the parcels proposed for annexation as identified in **Exhibit A** and **Exhibit B** (the “Annexation Area”) have filed a petition with the Council; and,

WHEREAS, the Council has conducted a public hearing as required by law with regard to the annexation of the Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Area in accordance with Indiana Code 36-4-3-3.1 (Resolution 13-120); and,

WHEREAS, the Annexation Area meets the contiguity requirements of Indiana Code 36-4-3-1.5; and,

WHEREAS, the Council now finds that the statutory criteria for annexation have been met; and,

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-515 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:

Section 1. The Annexation Area, generally located on the northwest corner of 199th Street and Tomlinson Road and adjacent to the existing corporate limits along the eastern boundary of the Annexation Area, is hereby annexed to and declared to be a part of the City.

Section 2. The Annexation Area is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the annexation area per Indiana Code 36-4-3-2.5.

Section 3. The Annexation Area is hereby assigned to City Council District 3 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 4. This Ordinance shall be in full force and effect upon its passage by the Council, its publication, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD, HAMILTON COUNTY, INDIANA THIS _____ DAY OF FEBRUARY, 2014.

WESTFIELD CITY COUNCIL
HAMILTON COUNTY, INDIANA

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that **ORDINANCE 13-36** was delivered to the Mayor of Westfield
on the _____ day of _____, 2014, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 13-36
this _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO Ordinance 13-36
this _____ day of _____, 2014.

J. Andrew Cook, Mayor

EXHIBIT A
ANNEXATION AREA

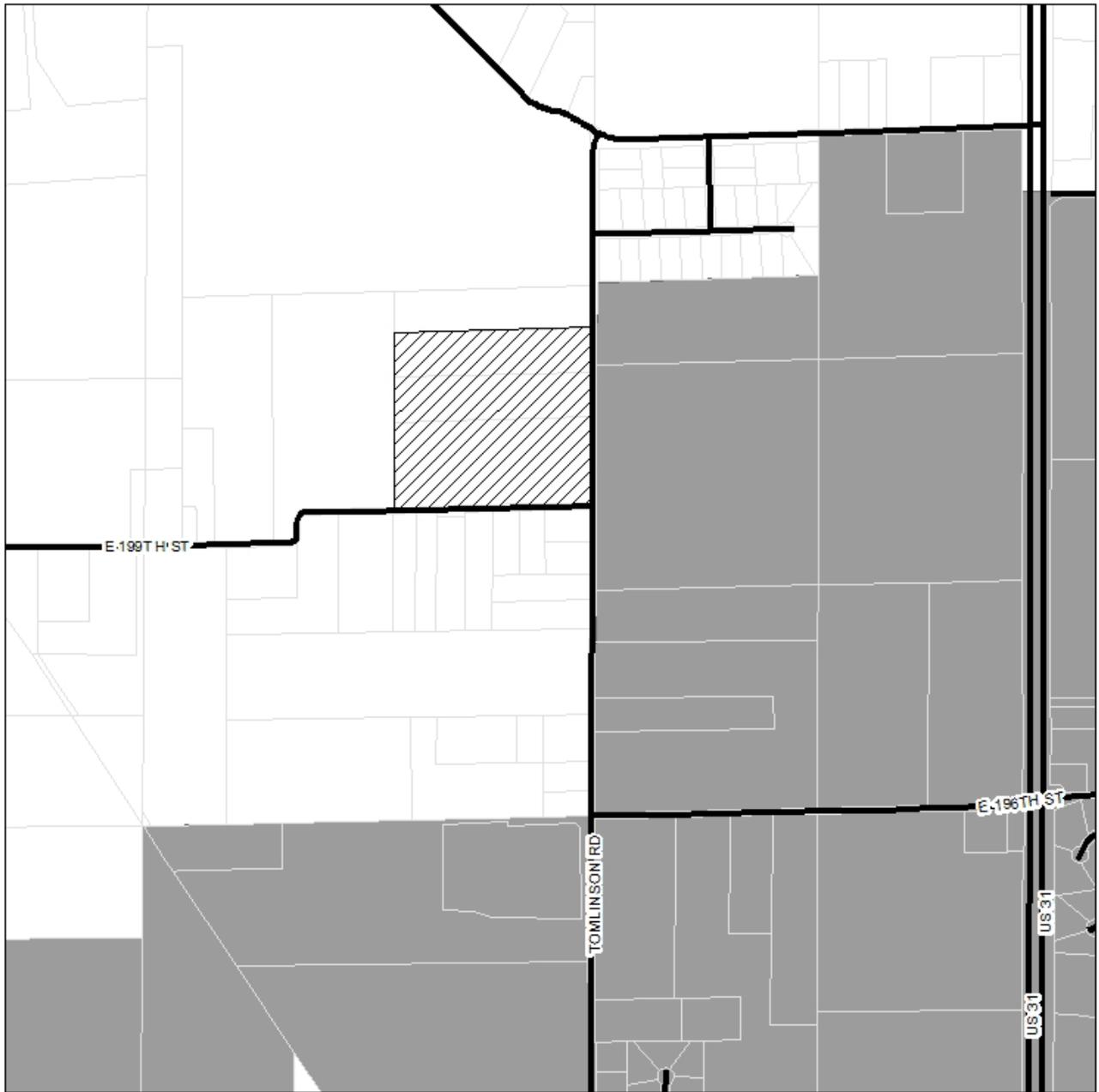


EXHIBIT LEGEND

- | | | | |
|---|----------------------|---|---------|
|  | ANNEXATION AREA |  | PARCELS |
|  | EXISTING CITY LIMITS |  | STREETS |

Not To Scale

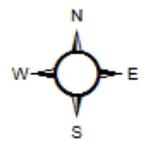


EXHIBIT B
ANNEXATION AREA
LEGAL DESCRIPTION

This description includes three (3) parcels of land:

Parcel No. 08-05-24-00-00-037.002

Parcel No. 08-05-24-00-00-037.003

Parcel No. 08-05-24-00-00-037.000

Part of the Northwest and Southwest Quarters of Section 24, Township 19 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the Northeast Corner of said Southwest Quarter (Section Corner 19032405); thence N 00-17-00 E, 229.063 feet to the Southeast corner of the parcel described in Instrument Number 2011012100, on file in the Office of the Recorder of Hamilton County, Indiana; thence S 88-27-53 W, 1180.476 feet to the southwest corner of said parcel; thence S 00-08-40 E, 1045.596 feet to the Southwest corner of a 35-acre parcel described in Instrument Number 9609630806 on file in the Office of the Recorder of Hamilton County, Indiana, also being the centerline of E 199th St; thence along E 199th St, N 88-52-13 E, 1173.768 feet to the Southeast corner of said 35-acre parcel and also the centerline of Tomlinson Rd; thence N 00-11-27 E, 825.026 feet to the POINT OF BEGINNING. Containing 29.1 acres, more or less.

ALSO INCLUDING:

In addition to the aforementioned, the annexed area shall include those public highways and rights-of-way of public highways required to be annexed by Indiana Code § 36-4-3-2.5, including the relevant portions of Tomlinson Road and East 199th Street.