

# ORDINANCE 08-17

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

**WHEREAS**, the Westfield City Council has the authority to annex lands into the municipality as defined by IC 36-4-3; and,

**WHEREAS**, the City has an interest in providing an annexation ordinance that will provide for the Westfield residents' public welfare and security, and also an economic development opportunity; and,

**WHEREAS**, the City is able to provide non-capital public services within one year and capital services within three years as required by statute to the proposed area to be annexed; and,

**WHEREAS**, the proposed land to be annexed described in Exhibit "A" meets the contiguity requirements of IC 36-4-3-1.5 and also the annexation requirements further defined in IC 36-4-3-13 (c)(1) and (2) and (d).

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD CITY COUNCIL THAT THE OFFICIAL CITY MAP ADOPTED BY REFERENCE IN SECTION 2-471 OF THE WESTFIELD CODE BE MODIFIED AS FOLLOWS:**

**Section 1.** That the real estate legally described in Exhibit "A" hereto, and generally to be known as the "NE Area 2", adjacent to Moontown Road, west of Long Acre Way contiguous with the city limits of the City of Westfield, Indiana and the same is hereby annexed to and declared to be a part of the City of Westfield, Indiana.

*See attached legal description and attached map Exhibit "A"*

**Section 2.** That the real estate legally described in Exhibit "A" is to further include the contiguous public highways and rights-of-way of the public highways (per IC 36-4-3-2.5) which is adjacent to the above annexed land.

**Section 3.** That the above described real estate 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 in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinance or parts thereof in conflict herewith are hereby repealed.

ALL OF WHICH IS ORDANINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

WESTFIELD CITY COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ John Dippel	_____ John Dippel	_____ John Dippel
_____ Bob Horkay	_____ Bob Horkay	_____ Bob Horkay
_____ Ken Kingshill	_____ Ken Kingshill	_____ Ken Kingshill
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Thomas Smith	_____ Thomas Smith	_____ Thomas Smith
_____ Rob Stokes	_____ Rob Stokes	_____ Rob Stokes
_____ Melody Sweat	_____ Melody Sweat	_____ Melody Sweat

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE 08-17 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-17  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-17  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document was prepared by  
Gregory J Anderson, AICP  
Director of Community Development

**Exhibit “A”**  
**Legal Description**

A part of the Northeast Quarter of Section Thirty-two (32), Township 19 North, Range 3 East, Washington Township, Hamilton County, State of Indiana, and being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 32; thence Southerly along the East line thereof approximately 1,821.48 feet to a Southeast corner of a Previous Annexation to the City of Westfield, designated 04-27, same being the POINT OF BEGINNING of this description, the following three (3) calls being along the Northerly, Westerly, and Southerly lines thereof; 1) thence Westerly approximately 674.64 feet; 2) thence Southerly approximately 278.26 feet; 3) thence Easterly approximately 679.95 feet to a point on the aforementioned East Quarter Section line; thence Northerly, along said line, approximately 281.83 feet to the POINT OF BEGINNING, containing approximately 4.36 Acres, more or less.

EXCEPTING therefrom, all Right of way for Moontown Road.

*(Note: This description was prepared without benefit of a real estate boundary survey and should not be used for transfer of ownership.)*

Generally described as follows:

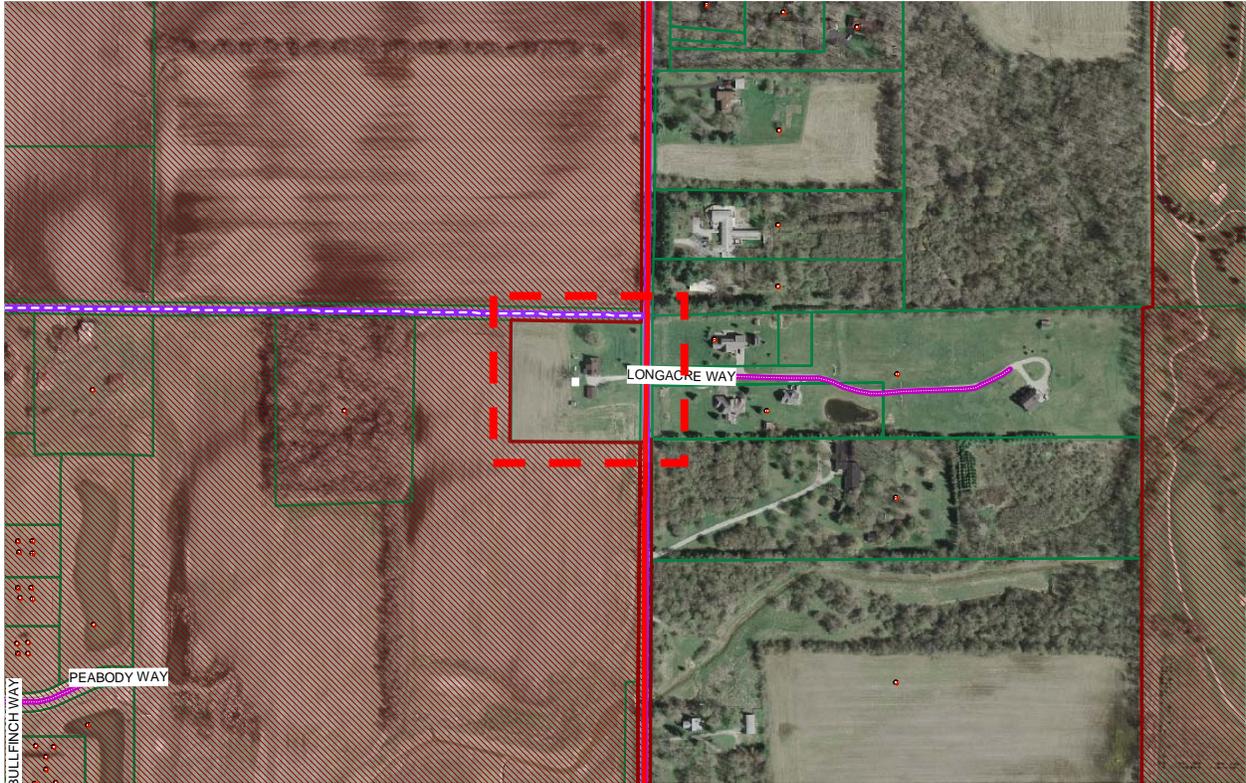
Parcel #1

PIN: 08-06-32-00-00-007.001

Address: 18544 Moontown Road

Owner: Messenger

**Exhibit "B"**  
**Aerial / Location Map**



Subject Property