

ORDINANCE 08-35

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

WHEREAS, the Common Council of the City of Westfield (the “Common Council”) has conducted a public hearing as required by law in regard to the annexation of certain territory which is contiguous to the corporate boundaries of the City of Westfield; and,

WHEREAS, the Common Council now finds that the statutory criteria for annexation have been met and satisfied all as demonstrated by the fiscal plan adopted hereby and made a part of the record of these proceedings; and,

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session as follows:

SECTION 1: The subject real estate is commonly known as the “Brookside Estates – Section 5”, containing “64.96” acres +/-, and it is more particularly described as follows (the “Real Estate”):

SEE ATTACHED LEGAL DESCRIPTION – EXHIBIT “A”

SECTION 2: The Real Estate is contiguous to the city limits of the City Westfield, Indiana, and the same is hereby annexed to and declared to be a part of the City of Westfield, Indiana.

SECTION 3: The Real Estate is hereby assigned to City Council District “1” and shall become a part thereof immediately upon the effective date of this ordinance.

SECTION 4: The Real Estate is hereby assigned to the Brookside Planned Unit Development zoning district.

SECTION 5: This ordinance shall be in full force and effect in accordance with Indiana law upon its passage by the Common Council, its publication in accordance with law, and upon the occurrence of any other legally required acts, including 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 All ordinances or parts thereof in conflict herewith are hereby repealed.

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 08-35 was delivered to the Mayor of Westfield

on the _____ day of _____, 2008, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 08-35

this _____ day of _____, 2008.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 08-35

this _____ day of _____, 2008.

J. Andrew Cook, Mayor

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

EXHIBIT A

DESCRIPTION OF OVERALL PERIMETER OF REAL ESTATE

A part of the Northeast Quarter of Section 8, Township 18 North, Range 4 East and a part of the Southeast, Quarter of Section 5, Township 18 North, Range 4 East, all in Washington Township, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 5, Township 18 North, Range 4 East, Hamilton County, Indiana; thence North 88 degrees 35 minutes 18 seconds West on the south line of said Southeast Quarter (assumed bearing is the east line of said Southeast Quarter having a bearing of North 00 degrees 01 minutes 12 seconds West) a distance of 440.00 feet to the Point of Beginning of the herein described real estate; thence North 00 degrees 01 minutes 12 seconds West parallel with the east line of said Southeast Quarter 660.00 feet; thence South 88 degrees 35 minutes 18 seconds East parallel with the south line of said Southeast Quarter 440.00 feet to a point on said east line; thence North 00 degrees 01 minutes 12 seconds West on said east line 621.04 feet to the southeast corner of the real estate conveyed to the Town of Westfield, Indiana, per Instrument No. 2005-76021 in the Office of the Recorder of Hamilton County, Indiana; thence the following three calls on the perimeter of said real estate: 1.) South 89 degrees 58 minutes 48 seconds West 16.50 feet; 2.) North 44 degrees 24 minutes 02 seconds West 36.24 feet; 3.) North 01 degrees 13 minutes 08 seconds East 16.50 feet to a point on the north line of the South Half of said Southeast Quarter, said point being 41.50 feet North 88 degrees 46 minutes 52 seconds West from the northeast corner of said South Half; thence North 88 degrees 46 minutes 52 seconds West on said north line 795.11 feet; thence South 00 degrees 07 minutes 31 seconds West 533.09 feet; thence North 88 degrees 35 minutes 18 seconds West 46.23 feet; thence South 00 degrees 07 minutes 31 seconds West 396.45 feet; thence North 88 degrees 35 minutes 18 seconds West 466.19 feet; thence South 00 degrees 40 minutes 01 seconds West 82.54 feet; thence South 00 degrees 18 minutes 24 seconds West 307.52 feet to a point on the north line of the Northeast Quarter of Section 8, Township 18 North, Range 4 East; thence South 88 degrees 35 minutes 18 seconds East or the north line of said Northeast Quarter 10.79 feet to the northeast corner of Woodshire Subdivision, as recorded in Plat Cabinet 1, Slide 743 in said Recorder's Office; thence the following four calls on the perimeter of said Subdivision: 1.) South 00 degrees 11 minutes 00 seconds West 445.72 feet; 2.) South 00 degrees 09 minutes 57 seconds West 326.06 feet; 3.) South 00 degrees 06 minutes 57 seconds West 851.49 feet; 4.) South 00 degrees 13 minutes 41 seconds West 52.99 feet to a point which is on the north line of the real estate described in Instrument No. 2004-73840; thence South 89 degrees 05 minutes 28 seconds East parallel with the south line of said Northeast Quarter 978.49 feet to the southwest corner of the real estate described in Instrument No. 90-27427; thence the following two calls on the perimeter of said real estate: 1.) North 00 degrees 40 minutes 14 seconds East parallel with the east line of said Northeast Quarter 623.50 feet; 2.) South 89 degrees 05 minutes 28 seconds East parallel with the south line of said Northeast Quarter 349.50 feet to a point on the east line of said Northeast Quarter; thence North 00 degrees 40 minutes 14 seconds East on said east line 545.83 feet to a point which is South 00 degrees 40 minutes 14 seconds West 495.00 feet from the northeast corner of said Northeast Quarter, thence North 88 degrees 35 minutes 18 seconds West parallel with the north line of said Northeast Quarter 440.00 feet; thence North 00 degrees 40 minutes 14 seconds East parallel with said east line 495.00 feet to the Point of Beginning, containing 64.96 acres, more or less.

Exhibit "B"
Aerial Photograph

