

## **ORDINANCE 14-10**

### **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 on March 10, 2014, 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 14-106); 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 southwest corner of Cox Avenue and Tomlinson Road, and on the north side of Cox Avenue, and adjacent to the existing corporate limits along the southern 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 All ordinances or parts thereof in conflict herewith are hereby repealed.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 APRIL, 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

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Robert L. Horkay

\_\_\_\_\_  
Robert L. Horkay

\_\_\_\_\_  
Charles Lehman

\_\_\_\_\_  
Charles Lehman

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Charles Lehman

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Robert W. Stokes

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Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

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

I hereby certify that **ORDINANCE 14-10** was delivered to the Mayor of Westfield  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_ m.

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

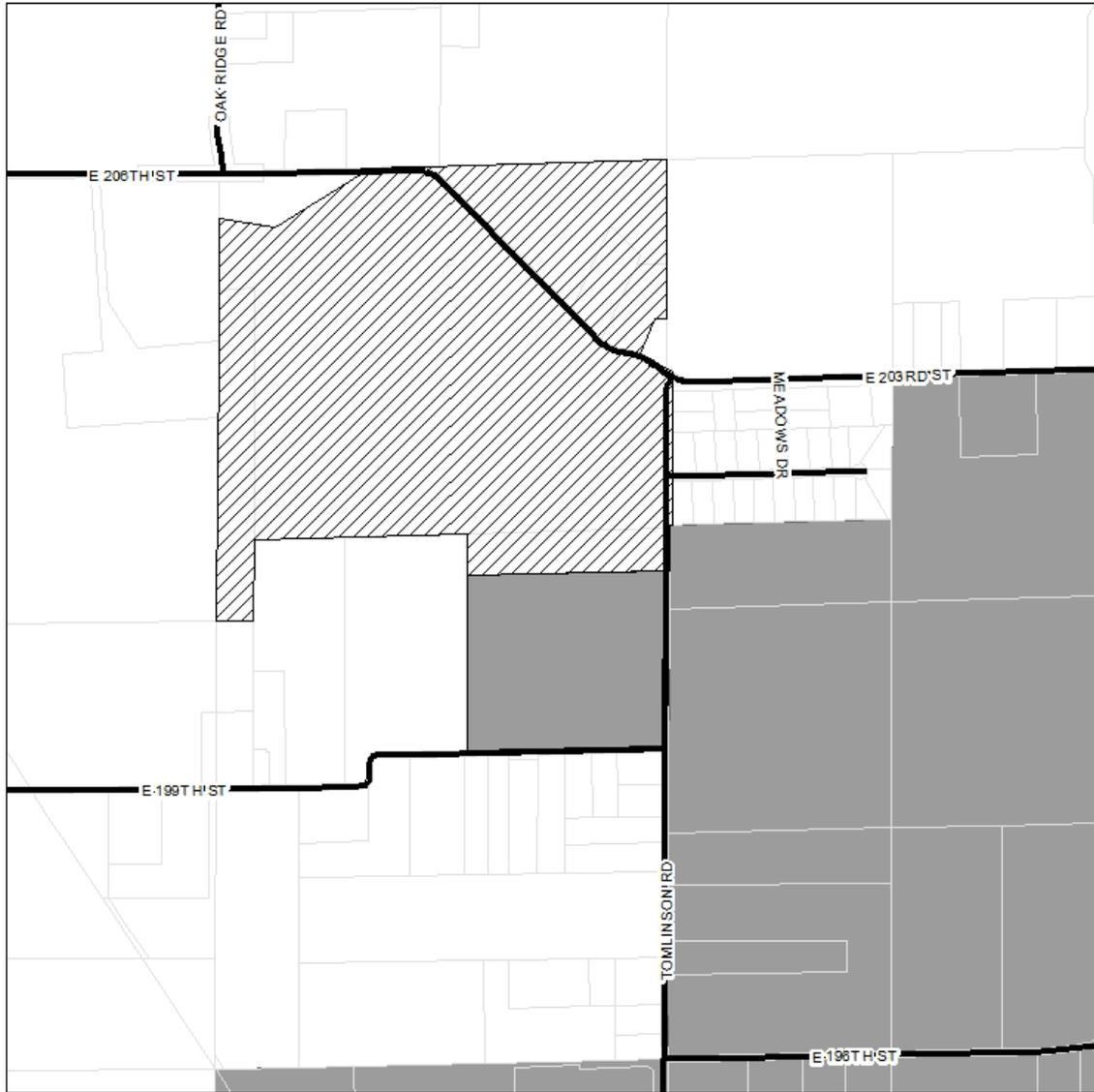
I hereby APPROVE Ordinance 14-10  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

I hereby VETO Ordinance 14-10  
this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

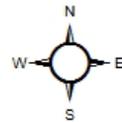
# EXHIBIT A ANNEXATION AREA



### EXHIBIT LEGEND

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

Not To Scale



**EXHIBIT B**  
**ANNEXATION AREA**  
**LEGAL DESCRIPTION**

This description includes five (5) parcels of land:

**Parcel No. 08-05-24-00-00-037.001**

**Parcel No. 08-05-24-00-00-002.004**

**Parcel No. 08-05-24-00-00-040.000**

**Parcel No. 08-05-24-00-00-002.000**

**Parcel No. 08-05-24-00-00-002.002**

Parcel No: 08-05-24-00-00-037.001

Land situated in the County of Hamilton, State of Indiana, Part of the Northwest Quarter of Section 24, Township 19 North, Range 3 East Washington Township, Hamilton County, Indiana, being described as follows: Commencing at the Southeast corner of the Northwest Quarter of Section 24, Township 19 North, Range 3 East; thence on the East line of said Northwest Quarter North 00 degrees 03 minutes 31 seconds East (assumed bearing) 226.25 feet to a Mag Nail and the Point of Beginning of this description; thence South 88 degrees 24 minutes 39 seconds West 1172.80 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Survey" on the West line of a 35 acres tract of real estate described in Instrument No. 9609630806; thence on said West line North 00 degrees 03 minutes 41 seconds East 250.75 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Survey" on the North line of said 35 acres tract of real estate described in Instrument No. 9609630806; thence on said North line North 88 degrees 24 minutes 39 seconds East 1172.80 feet to a Mag Nail on the East line of said Northwest Quarter; thence on said East line South 00 degrees 03 minutes 41 seconds West 250.75 feet to the Point of Beginning, containing 6.75 acres more or less.

**ALSO INCLUDING:**

Parcel No: 08-05-24-00-00-002.004

Parcel No: 08-05-24-00-00-002.000

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

BEGINNING at the northeast corner of said Northwest Quarter; thence South 00 degrees 03 minutes 52 seconds West (basis of bearings is the Indiana State Plane Coordinate System, East Zone) 629.76 feet to the northeast corner of the 3.00-acre parcel described in Instrument Number 2009056686, on file in the Office of the Recorder of Hamilton County, Indiana, the following seven (7) courses are along the north, west and south lines of said 3.00-acre parcel; 1)thence North 89 degrees 56 minutes 08 seconds West 176.79 feet; 2)thence South 24 degrees 53 minutes 54 seconds West 504.88 feet; 3)thence South 56 degrees 46 minutes 35 seconds East 47.81 feet;4) thence South 65 degrees 09 minutes 25 seconds East 41.76 feet; 5)thence South 70 degrees 36 minutes 27 seconds East 22.55 feet; 6)thence South 76 degrees 34 minutes 05

seconds East 76.76 feet; 7)thence South 72 degrees 16 minutes 03 seconds East 62.11 feet; thence South 65 degrees 39 minutes 43 seconds East 45.00 feet; thence South 57 degrees 47 minutes 20 seconds East 135.50 feet to the east line of said Northwest Quarter; thence South 00 degrees 03 minutes 52 seconds West 916.84 feet to the southeast corner of the 91.59-acre parcel described in Instrument Number 9249819, on file in the Office of said Recorder, the following two (2) courses are along the south and west lines thereof; 1)thence South 88 degrees 24 minutes 37 seconds West 2,429.69 feet; 2)thence North 00 degrees 15 minutes 45 seconds East 1,472.26 feet to the south line of the 21-acre parcel described in said Instrument Number 9249819; thence South 87 degrees 57 minutes 50 seconds West along said south line 221.19 feet to the west line of said Northwest Quarter; thence North 00 degrees 15 minutes 45 seconds East along said west line 429.19 feet to the southwest corner of the 4.25-acre parcel described in Instrument Number 20070009175, on file in the Office of said Recorder, the following two (2) courses are along the south lines thereof; 1)thence South 81 degrees 22 minutes 15 seconds East 337.53 feet; 2)thence North 58 degrees 37 minutes 15 seconds East 663.74 feet to a point on the north line of said Northwest Quarter that is 899.73 feet east of the northwest corner thereof; thence North 87 degrees 57 minutes 50 seconds East along said north line 1,744.29 feet to the POINT OF BEGINNING. Containing 116.43 acres, more or less.

**ALSO INCLUDING:**

Parcel No. 08-05-24-00-00-040.000

Beginning at the SE Corner of the NE ¼ of Section 23, Township 19N, Range 3E

N 89-11-17 E Distance: 216.612'  
N 00-04-29 E Distance: 1,955.162'  
S 87-09-56 W Distance: 207.684'  
S 00-20-40 W Distance: 1,947.995'

Back to the point of beginning, containing 10 acres more or less.

**ALSO INCLUDING:**

Parcel No. 08-05-24-00-00-002.002

A part of the Northwest Quarter of Section 24, Township 19 North, Range 3 East in Washington Township, Hamilton County, Indiana being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 24, Township 19 North, Range 3 East; thence on the East line of said Northwest Quarter North 00 degrees 00 minutes 00 seconds East (deed bearing) 1394.00 feet to the Southeast corner of a tract of real estate as described in Instrument #86-10282; thence North 57 degrees 51 minutes 12 seconds West 135.50 feet; thence North 65 degrees 43 minutes 37 seconds West 45.00 feet to the point of beginning of this description, said point being the Southeast corner of a 0.83 acre, more or less, tract of real estate described in Instrument 200200031087, the following 3 courses being along the South line of said 0.83 acres more or less, Tract; 1) thence North 72 degrees 12 minutes 14

seconds West 60.32 feet; 2) thence North 76 degrees 37 minutes 57 seconds West 78.56 feet; 3) thence North 70 degrees 40 minutes 19 seconds West 22.55 feet to a point being the Southeast corner of a 2.17 acre, more or less, tract of real estate as described in Instrument #9249819, the following 6 courses being along the perimeter of said 2.17 acre tract; 1) thence North 65 degrees 13 minutes 17 seconds west 41.76 feet; 2) thence North 56 degrees 50 minutes 27 seconds West 47.81 feet; 3) thence North 24 degrees 50 minutes 02 seconds East 504.88 feet; 4) thence North 90 degrees 00 minutes 00 seconds East 175.95 feet to the East line of said Northwest quarter; 5) thence on said east line South 00 degrees 00 minutes 00 seconds East 335.96 feet; 6) thence North 89 degrees 21 minutes 52 seconds West 70.00 feet to the Northeast corner of said 0.83 acre, more or less, tract; thence on the East line of said 0.83 acre, more or less, tract of real estate South 22 degrees 11 minutes 43 seconds West 227.00 feet to the point of beginning, containing 3.00 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, East 203<sup>rd</sup> Street, Cox Avenue and East 206th Street.