

ORDINANCE 14-18

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 May 12, 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 14-1##); 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 between 199th Street and 206th Street, east of Horton 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 All ordinances or parts thereof in conflict herewith are hereby repealed.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 JUNE, 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 14-18** was delivered to the Mayor of Westfield
on the _____ day of _____, 2014, at _____ m.

Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance 14-18
this _____ day of _____, 2014.

J. Andrew Cook, Mayor

I hereby VETO Ordinance 14-18
this _____ day of _____, 2014.

J. Andrew Cook, Mayor

EXHIBIT A ANNEXATION AREA

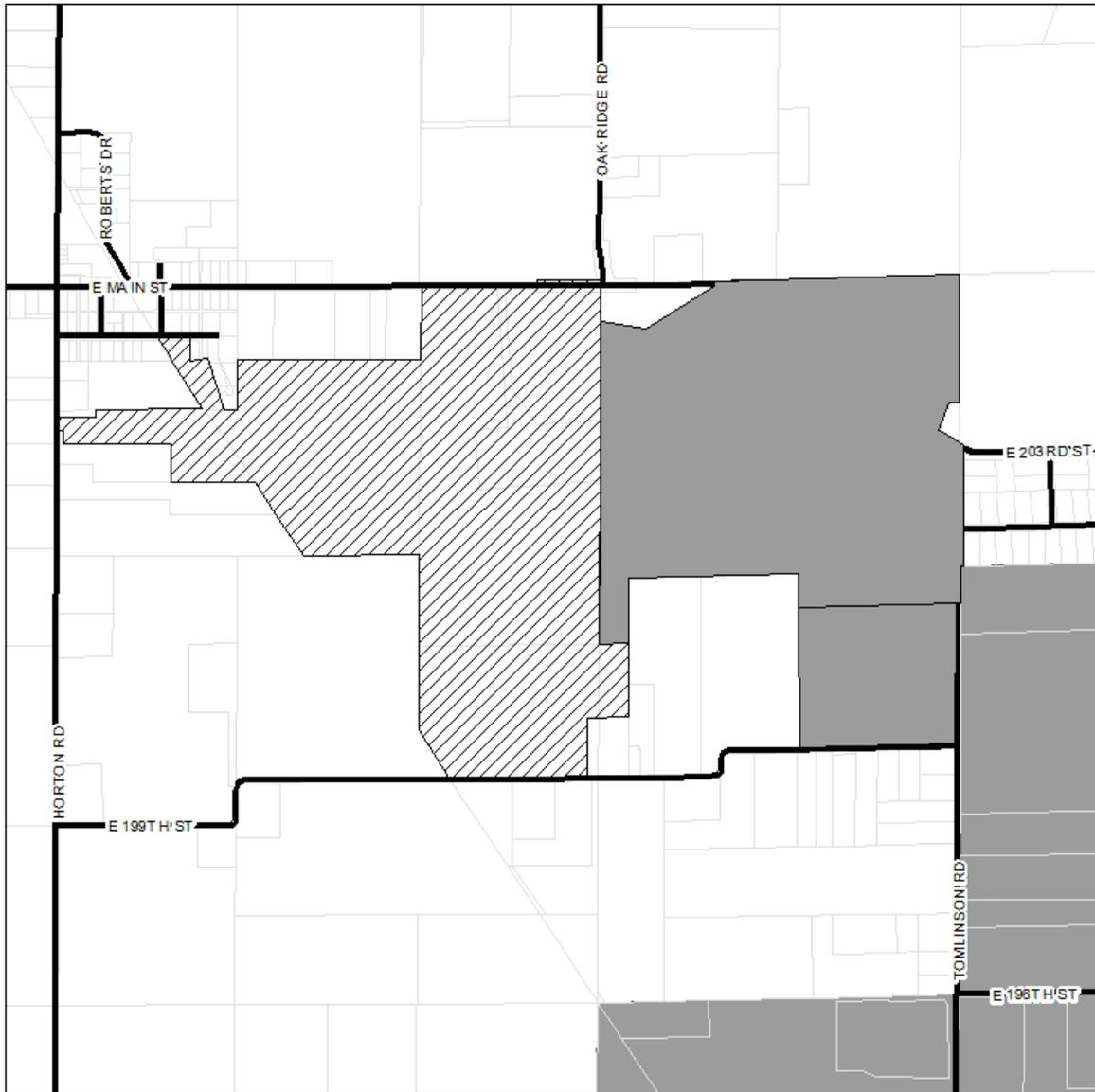


EXHIBIT LEGEND

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

Not To Scale

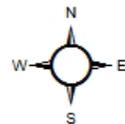


EXHIBIT B
ANNEXATION AREA
LEGAL DESCRIPTION

This description includes seven (7) parcels of land:

Parcel No. 08-05-23-00-00-012.001
Parcel No. 08-05-23-00-00-012.000
Parcel No. 08-05-24-00-00-039.000
Parcel No. 08-05-23-00-00-013.000
Parcel No. 08-05-23-00-00-007.001
Parcel No. 08-05-23-00-00-011.000
Parcel No. 08-05-23-01-03-014.000

Parcel No. 08-05-23-00-00-012.001
Parcel No. 08-05-23-00-00-012.000
Parcel No. 08-05-23-00-00-013.000
Parcel No. 08-05-24-00-00-039.000

Part of the Northeast and Southeast Quarters of Section 23 and part of the Northwest and Southwest Quarters of Section 24, all in Township 19 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence South 00 degrees 15 minutes 45 seconds West along the east line of said Northeast Quarter (basis of bearings is the Indiana State Plane Coordinate System, East Zone) 47.15 feet to the southeast corner of the 0.336-acre parcel described in Instrument Number 200100054118, on filed in the Office of the Recorder of Hamilton County, Indiana, being the POINT OF BEGINNING; thence continuing South 00 degrees 15 minutes 45 seconds West along the east line of said Northeast Quarter 636.35 feet to the northwest corner Parcel No. 08-05-24-00-00-040.000 ("Parcel 40") as described in Instrument Number 9508535, on file in the Office of said Recorder, the following three (3) courses are along the north, east and south lines of said Parcel 40; 1)thence North 88 degrees 24 minutes 37 seconds East 222.50 feet; 2)thence South 00 degrees 15 minutes 45 seconds West 1,956.43 feet; 4)thence South 88 degrees 24 minutes 37 seconds West 1.52 feet to the east line of Parcel No. 08-05-24-00-00-039.000 ("Parcel 39"), as described in said Instrument Number 9508535; thence South 00 degrees 15 minutes 45 seconds West along the east line of said Parcel 39 a distance of 540.33 feet to the north line of the 3.01-acre parcel described in Instrument Number 2007034241, on file in the Office of said Recorder, the following two (2) courses are along the north and west lines of said 3.01-acre parcel; 1)thence South 88 degrees 45 minutes 51 seconds West 294.37 feet; 2)thence South 00 degrees 10 minutes 40 seconds West 445.58 feet to the south line of Parcel No. 08-05-23-00-00-013.000 as described in said Instrument Number 9508535; thence South 89 degrees 51 minutes 00 seconds West along said south line 971.17 feet to the northeast right-of-way line of a railroad; thence North 33 degrees 22 minutes 47 seconds West along said railroad right-of-way line 508.24 feet to the west line of the East Half of said Southeast Quarter; thence North 00 degrees 16 minutes 52 seconds East along

the west line of said East Half 560.81 feet to the southwest corner of the East Half of said Northeast Quarter; thence North 00 degrees 11 minutes 30 seconds East along the west line of the East Half of said Northeast Quarter 2,639.20 feet to the northwest corner of the East Half of said Northeast Quarter; thence North 89 degrees 49 minutes 09 seconds East along the north line of said Northeast Quarter 852.77 feet to the northwest corner of said 0.336-acre parcel, the following two (2) courses are along the west and south lines of said 0.336-acre parcel; 1)thence South 00 degrees 11 minutes 42 seconds East 47.27 feet; 2)thence North 89 degrees 48 minutes 18 seconds East 475.41 feet to the POINT OF BEGINNING. Containing 120.49 acres, more or less.

EXCEPT:

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. 08-05-23-00-00-011.000

Parcel No. 08-05-23-01-03-014.000

A part of the North Half of Section 23, Township 19 North, Range 3 East located in Washington Township, Hamilton County, Indiana described as follows:

Commencing at the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 23, Township 19 North, Range 3 East; thence South 00 degrees 11 minutes 40 seconds west (assumed bearing) 532.00 feet along the east line of the west half said Northeast Quarter to the Northeast Corner of a 10 acre tract of real estate described in miscellaneous record 138, page 456 and the point of beginning of this description; thence south 00 degrees 11 minutes 40 seconds west 1438.00 feet along the east line of the West Half of said Northeast Quarter to the Southeast Corner of a 29 acre tract of real estate described in miscellaneous record 138, page 456; thence South 89 degrees 49 minutes 15 seconds West 853.78 feet along the south line of said 29 acre tract and said south line extended westerly to the centerline of the abandoned Monon railroad; thence North 33 degrees 25 minutes 35 seconds West 1897.30 feet along said centerline to the westerly extension of the north line of a 1.79 acre tract of real estate described in instrument 9809817997; thence North 89 degrees 47 minutes 54 seconds East 229.73 feet along said westerly extension and along the north lines of said 1.79 acre tract (the following 3 courses are along the easterly lines of said 1.79 acre tract); 1) thence South 00 degrees 07 minutes 27 seconds West 152.00 feet; 2) thence North 89 degrees 47 minutes 54 seconds East 123.75 feet; 3) thence South 18 degrees 24 minutes 07 seconds

East 386.27 feet to the north line of said 29 acre tract; thence North 89 degrees 49 minutes 15 seconds East 107.46 feet along the north line of said 29 acre tract to the Southwest Corner of said 10 acre tract; thence North 0 degrees 11 minutes 40 seconds East 370.00 feet to the Northwest Corner of said 10 acre tract; thence North 89 degrees 49 minutes 15 seconds East 1320.00 feet to the point of beginning. Containing 43.066 acres, more or less.

ALSO INCLUDING:

Parcel No. 08-05-23-00-00-007.001

A part of the East Half of the Northwest Quarter of Section 23, Township 19 North, Range 3 East, more particularly described as follows:

Beginning at a point on the West line of the East Half of the Northwest Quarter of Section 23, Township 19 North, Range 3 East, said point being South 00 degrees 05 minutes 36 seconds West (assumed bearing) 955.10 feet from a point marking the Northwest corner of the East Half of the said Quarter Section; thence North 89 degrees 44 minutes 20 seconds East on a line parallel with the North line of the said Quarter Section a distance of 279.8 feet; thence North 00 degrees 05 minutes 36 seconds East on a line parallel with the West line of the East Half of the said Quarter Section a distance of 50.00 feet; thence North 89 degrees 44 minutes 20 seconds East on a line parallel with the North line of the said Quarter Section a distance of 776.91 feet to a point on the Western right-of-way line of the Monon Railroad; thence South 33 degrees 29 minutes 09 seconds East along the Westerly right-of-way line of said Railroad a distance of 655.37 feet; thence North 89 degrees 46 minutes 55 seconds West (North 89 degrees 57 minutes 30 seconds West deed bearing) a distance of 572.72 feet; thence North 00 degrees 05 minutes 36 seconds East on a line parallel with the West line of the East Half of the said Quarter Section a distance of 293.41 feet; thence North 89 degrees 46 minutes 55 seconds West a distance of 796.49 feet; thence North 00 degrees 05 minutes 36 seconds East on a line parallel with the West line of the East Half of the said Quarter Section a distance of 92.00 feet; thence North 89 degrees 46 minutes 55 seconds West a distance of 50.00 feet to a point on the West line of the East Half of the said Quarter Section; thence North 00 degrees 05 minutes 36 seconds East along the West line of the East Half of the said Quarter Section a distance of 100.96 feet to the point of beginning, containing 9.257 acres, more or less.

Together with the Westerly Half of the right of way of the former Monon Railway East of and adjacent thereto as set out in Instruments recorded December 24, 2003 as Instrument Number 200300126946 and February 10, 2005 as Instrument Number 200500008158 in the Office of the Recorder of Hamilton County, Indiana.

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 East 206th Street, Worman Street, Horton Road and East 199th Street.