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TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO: 1474

AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LAND TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.

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WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has received Petitions for Annexation from Dan R. Howes and Eva N. Howes, Husband and Wife; Neil Florek and Phyllis Bergiel, Husband and Wife; Leon Heldt, as Successor Trustee under the provisions of a Trust Agreement dated 6/11/96; Adolph DeGrauwe and Jeannne J. DeGrauwe, Husband and Wife; and Fern L. Buchmeier; One Hundred percent (100%) of the landowners, for the property legally described on Exhibit "A" (hereinafter the "Subject Parcels"); and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the Petitions for Annexation to the Town of St. John; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, seeks to annex certain contiguous territories to the Town of St. John, pursuant to the provisions of I.C. §36-4-3, et seq, as amended from time to time, and more particularly, I.C. §36-4-3-5.1, for 100% petitioned annexations; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has deemed it necessary and appropriate for the future development for the Town of St. John that the Subject Parcels be annexed to provide for the continued and coherent planned growth and development of the Town; and

WHEREAS, The Town Council of the Town of St. John, Lake County, Indiana, has duly considered said Petitions for Annexation and has determined said annexations to be in the best interests of the health, safety and welfare of the Town of St. John as the annexation of the Subject Parcels is necessary for the present and future planned coherent growth of the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the Subject Parcels sought to be annexed, well within the prescribed time limits, shall be provided with governmental and proprietary services by the Town in the same manner as those services are provided to areas within the municipal corporate boundaries that have similar topography, patterns of land use, and population density consistent with applicable federal, state and local laws, procedures and planning criteria; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has established a Fiscal Plan and has approved Resolution No. 08-07-31 as a definite policy showing:

1. The cost estimate of planned services to the Subject Parcels to be annexed.
2. The methods of financing the planned services.
3. The plan for the organization and extension of the services.
4. The furnishing of services of a non-capital nature, including police protection, fire protection, and street and road maintenance to the territory within one (1) year from the

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LAKE COUNTY AUDITOR

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- effective date of the annexation, which service shall be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of St. John.
5. The furnishing of services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of annexation in the manner as those services are provided to areas within the municipal corporate boundaries of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That the Subject Parcels individually legally described on the attached Exhibit "A" and collectively legally described on the attached Exhibit "B", which are deemed collectively contiguous to the Town of St. John, be, and the same are hereby annexed and made part of the Town of St. John, Lake County, Indiana, subject to the conditions listed on the attached Exhibit "B" as listed under each Parcel number.

**SECTION TWO:** That Parcel 1, Parcel 2, Parcel 4, and Parcel 5 described on the attached Exhibit "A" shall be, and the same are hereby declared, upon annexation, to have the zoning district classification of Agricultural. That Parcel 3 described on the attached Exhibit "A" shall be and the same is hereby declared, upon annexation, to have the zoning district classification of B-3 Highway Commercial.

**SECTION THREE:** That the Subject Parcels, upon the effective date of the annexation, will be assigned to Ward Two (2) as a voting district in the Town of St. John, Lake County, Indiana, pursuant to the provisions of Indiana Code §36-4-3-4(g).

**SECTION FOUR:** The Annexation shall become final thirty (30) days after the final publication and filing thereof pursuant to **SECTION FIVE** hereinafter, and the effective date of the annexation shall be in conformance with applicable law.

**SECTION FIVE:** That the Clerk-Treasurer of the Town of St. John, Lake County, Indiana, is hereby directed, within thirty (30) days from the date of the adoption of this Ordinance:

1. to cause this Ordinance to be published one (1) time in conformance with I.C. 5-3-1, as amended from time to time;
2. to file this Ordinance with the Office of the Indiana Secretary of State, the Lake County Auditor, the Clerk of the Lake Circuit Court, the Board of Election and Registration, and the Indiana Office of Census Data; and
3. to record this Ordinance with the Lake County Recorder's Office.

**SECTION SIX:** That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

**SECTION SEVEN:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

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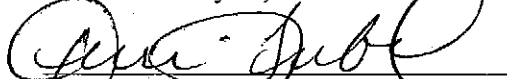
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**SECTION EIGHT:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, publication in conformance with applicable law, and required filings.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

**TOWN OF ST. JOHN, LAKE COUNTY,  
INDIANA, TOWN COUNCIL**

  
Michael S. Fryzel, President

  
Jerri A. Teibel, Vice-President

  
Mark Barenie, Member

  
Michael Forbes, Member

  
Gregory J. Volk, Member

ATTEST:

\_\_\_\_\_  
Sherry P. Sury, Clerk-Treasurer

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

## EXHIBIT A

### **Parcel A - Leon Heldt, as Successor Trustee under the provisions of a Trust Agreement dated 6/11/96**

*Commonly known as 10201 Calumet Avenue.*

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 34 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, being more particularly described as follows: Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence South 00 degrees 03 minutes 19 seconds West, along the west line of said Northwest Quarter of the Northwest Quarter, 616.13 feet, to the north line of the south 20.00 acres of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 41 minutes 28 seconds East, along said north line, 621.58 feet, to the east line of the west 8.7 acres, lying north of the south 20.00 acres thereof, of said Northwest Quarter of the Northwest Quarter; thence North 00 degrees 03 minutes 19 seconds East, along said east line, 603.27 feet, to the north line of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 07 minutes 22 seconds West, along said north line, 621.64 feet, to the Point of Beginning.

### **Parcel B - Owner: Dan R. Howes and Eva N. Howes, Husband and Wife**

*Commonly known as 14382 W. 101<sup>st</sup> Avenue.*

Lot 1 in Brannon's Addition (being a subdivision of part of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, as per plat thereof recorded September 9, 1985, Plat Book 60, Page 6, Office of the Lake County, Indiana Recorder).

### **Parcel C - Owner: Neil Florek and Phyllis Bergiel, Husband and Wife**

*Commonly known as 14350 W. 101<sup>st</sup> Avenue.*

That part of the West Half of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, being more particularly described as follows: Beginning on the south line of said Section 31 at a point 120 feet easterly of the southwest corner of said Section 31; thence north parallel to and 120 feet easterly of the west line of said Section 31, 2155 feet to the centerline of Bull Run Creek; thence easterly along said centerline to a point 242 feet easterly of the west line of said Section 31; thence south parallel to and 242 feet easterly of said west line, 2135 feet to the south line of said Section 31; thence westerly along said south line, 122 feet to the Point of Beginning. Excepting the south 16.5 feet thereof.

### **Parcel D - Owner: Adolph DeGrauwe and Jeannne J. DeGrauwe, Husband and Wife**

*Commonly known as 14310 W. 101<sup>st</sup> Avenue.*

#### ***Parcel D-1***

That part of the North Half of the Northwest Quarter of the Southwest Quarter in Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, lying South of the ditch, except the West 242 feet thereof, in Lake County, Indiana.

And

#### ***Parcel D-2***

The South Half of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the



Southwest Quarter, except the South 1 rod thereof, in Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, excepting from the above described tract the West 242 feet thereof and the East 30 acres thereof.

**Parcel E – Owner: Fern L. Buchmeier**

*Commonly known as 13650 W. 101<sup>st</sup> Avenue.*

***Parcel E-1***

The East 30 acres of the following: The South Half of the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, excepting the South 1 rod thereof, in Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, and excepting from said East 30 acres that part of the South Half of the North Half of the South Half of the Fractional West Half of the West Half of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian lying North of the centerline of the Bull Run Ditch, more particularly described as: Commencing at a point on the North line of said South Half of the North Half of the South Half of the Fractional West Half of the West Half of Section 31, said point being 209.50 feet West of the East line of said Fractional West Half of the West Half of Section 31; thence southerly, westerly and northerly along the centerline of said ditch a distance of 496.29 feet to said North line of the South Half of the North Half of the South Half of the Fractional West Half of the West Half of Section 31; thence East on said North line a distance of 454.78 feet to the place of beginning, in Lake County, Indiana.

***Parcel E-2***

The Southeast Quarter of the Northwest Quarter, excepting therefrom the North 99.10 feet of the South Half of the North Half of the West Half of the East Half of the West Half and also excepting therefrom that part lying northwesterly of the centerline of Bull Run Ditch of the West Half of the Southeast Quarter of the Northwest Quarter all in Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana.

***Parcel E-3***

The East Half of the Southwest Quarter, and one rod wide off from the South side of the Southwest Quarter of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, excepting therefrom the following: That part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, lying southeast, east and south of the northwest, west and north boundary of the following described parcel of land: Part of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana, described in Document Number 2002 100496, Office of the Lake County, Indiana Recorder as follows: Beginning at a point on the South line of the Southwest Quarter, said point being 408.50 feet West of the southeast corner of the Southwest Quarter of said Section 31; thence continuing along said South line North 88 degrees 52 minutes 12 seconds West, 362.42 feet to the centerline of a ditch; thence the following four courses along said centerline: North 09 degrees 33 minutes 11 seconds East, 93.96 feet; thence North 13 degrees 25 minutes 39 seconds East, 97.97 feet; thence North 35 degrees 39 minutes 29 seconds East, 90.14 feet; thence North 25 degrees 56 minutes 41 seconds East, 485.88 feet to the intersection of said ditch with the centerline of Bull Run Ditch; thence the following three courses along the centerline of Bull Run Ditch: South 52 degrees 18 minutes 26 seconds East, 132.74 feet; thence South 56 degrees 33 minutes 45 seconds East, 101.65 feet; thence South 62 degrees 31 minutes 53 seconds East, 267.80 feet to the east line of the Southwest Quarter of said Section 31; thence South 00 degrees 03 minutes 52 seconds West, along said

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East line 328.77 feet to a point 200.00 feet North of the southeast corner of said Southwest Quarter; thence North 88 degrees 52 minutes 12 seconds West, parallel to the south line of said Southwest Quarter, 248.50 feet; thence North 00 degrees 03 minutes 52 seconds East, parallel to said East line, 50.00 feet; thence North 88 degrees 52 minutes 12 seconds West, 160.00 feet; thence South 00 degrees 03 minutes 52 seconds West, 250.00 feet to the Point of Beginning.

***Parcel E-4***

A tract of land located in the Southwest Quarter of the Northeast Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, and bounded on the South by the South line of the said Southwest Quarter of the Northeast Quarter and bounded on the northeasterly, north, and northwesterly sides by the centerline of a stream known as Bull Run Creek.

***Parcel E-5***

Part of the Fractional West Half of the West Half of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, lying East of the centerline of the Bull Run Ditch, more particularly described as: Commencing at the intersection of the East line of said Fractional West Half of the West Half of the West Half of Section 31 and the South line of the North Half of the North Half of the South Half of the Fractional West Half of the West Half of Section 31; thence West on said South line a distance of 209.50 feet to the centerline of said Bull Run Ditch; thence northeasterly on said ditch centerline a distance of 892.97 feet to the East line of the Fractional West Half of the West Half of Section 31; thence South on said East line a distance of 871.48 feet to the Point of Beginning.

***Parcel E-6***

That part of the Northwest Quarter of the Southeast Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana, lying West of the centerline of a stream known as Bull Run Creek.

1. The first part of the document is a list of names and addresses of the members of the committee.

**EXHIBIT B**  
**COMBINED LEGAL DESCRIPTION**

That part of the Northwest Quarter of the Northwest Quarter of Section 6, Township 34 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, together with a part of the South Half of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, being more particularly described as follows:

Beginning at the northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 6; thence South 00 degrees 03 minutes 19 seconds West, along the west line of said Northwest Quarter of the Northwest Quarter, 616.13 feet, to the north line of the south 20.00 acres of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 41 minutes 28 seconds East, along said north line, 621.58 feet, to the east line of the west 8.7 acres, lying north of the south 20.00 acres thereof, of said Northwest Quarter of the Northwest Quarter; thence North 00 degrees 03 minutes 19 seconds East, along said east line, 603.27 feet, to the north line of said Northwest Quarter of the Northwest Quarter; thence South 89 degrees 07 minutes 22 seconds East, along said north line, 1188.00 feet, to the westerly line of parcel of land described in Document Number 2002 100496, in the Office of the Lake County, Indiana Recorder, the same being the centerline of a ditch and a point 770.92 feet, as measured along the south line of the Southwest Quarter of said Section 31, west of the southeast corner thereof; thence northerly, northeasterly and southeasterly, along the centerline of said ditch, the centerline of Bull Run Ditch and the westerly, northwesterly and northeasterly lines of parcel of land described in Document Number 2002 100496, in the Office of the Lake County, Indiana Recorder, to the east line of the Southwest Quarter of said Section 31; thence North 00 degrees 11 minutes 54 seconds West, along said east line, 1340 feet to the centerline of Bull Run Ditch; thence northeasterly, northerly, and northwesterly along said centerline, 2180 feet to the east line of the Northwest Quarter of said Section 31; thence North 00 degrees 11 minutes 54 seconds West, along said east line, 74 feet, to the north line of the Southeast Quarter of the Northwest Quarter of said Section 31; thence North 89 degrees 12 minutes 06 seconds West, along said north line, 660.87 feet, to the west line of the East Half of the Southeast Quarter of the Northwest Quarter of said Section 31; thence South 00 degrees 09 minutes 10 seconds East, along said west line, 108 feet, to the centerline of Bull Run Ditch; thence southwesterly, southerly, southwesterly, westerly and northwesterly along said centerline, 2615 feet, to the west line of the east 30 acres of the South Half of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of said Section 31; thence North 00 degrees 06 minutes 23 seconds West, along said west line, 6 feet, to the north line of the South Half of the Northwest Quarter of the Southwest Quarter of said Section 31; thence North 89 degrees 09 minutes 44 seconds West, along said north line, 10 feet, to the centerline of Bull Run Ditch; thence northwesterly, along said centerline, 521 feet, to the east line of the west 120.00 feet of the Southwest Quarter of said Section 31; thence South 00 degrees 14 minutes 56 seconds East, along said east line, 973 feet, to the north line of Lot 1 in Brannon's Addition (being a subdivision of part of the Southwest Quarter of Section 31, Township 35 North, Range 9 West of the Second Principal Meridian, Lake County, Indiana, as per plat thereof recorded September 9, 1985, Plat Book 60, Page 6, Office of the Lake County, Indiana Recorder); thence North 89 degrees 07 minutes 22 seconds West, along said north line, 120.00 feet, to the west line of said Lot 1 and the west line of the Southwest Quarter of said Section 31; thence South 00 degrees 14 minutes 56 seconds East, along said west line, 1214.64 feet, to the Point of Beginning.

Containing 186 acres (8,110,135 square feet) more or less.

## EXHIBIT C

### *Conditions of annexations:*

#### **Parcel 1 - Owner: Dan R. Howes and Eva N. Howes, Husband and Wife**

1. Waiver of water and sanitary sewer connection fees;
2. Water and sanitary sewer will be brought to property and the property will be restored to its original condition after the installation;
3. Water meter cost waived;
4. Connection to the water and sanitary sewer lines shall be at the Property owner's discretion;
5. Existing well shall be allowed for irrigation purposes; and
6. Installation of guardrail at intersection of 101<sup>st</sup> and Calumet Avenue.

#### **Parcel 2 – Owner: Neil Florek and Phyllis Bergiel, Husband and Wife**

All conditions shall bind and run with this Parcel 2 as follows:

1. Property will be designated as Agricultural and will be exempt from municipal taxes for a period of ten (10) years.
2. Until such time as the Property owner requests the property's zoning district classification be changed, the following shall apply:
  - a. Animal (horses and other livestock) usage on the land shall be allowed as permitted by the unincorporated Lake County Zoning regulations in effect at the time of the annexation;
  - b. New buildings and additional improvements shall be permitted for the raising of livestock and storing feed; and
  - c. Trailer parking is allowed ancillary to the operation of the business known as Farm Direct Meat, LLC;
3. Waiver of water and sanitary sewer connection fees for existing residence;
4. Water and sanitary sewer lines will be installed within 100 feet of the house on the property and the property will be restored to its original condition after the installation;
5. Water meter cost waived for existing residence;
6. Connection to the water and sanitary sewer lines shall be at the Property owner's discretion; and
7. Existing well shall be allowed for irrigation and livestock purposes.

#### **Parcel 3 - Leon Heldt, as Successor Trustee under the provisions of a Trust Agreement dated 6/11/96**

1. Upon annexation, the property will be zoned B-3.

#### **Parcel 4 – Owner: Adolph DeGrauwe and Jeanne J. DeGrauwe, Husband and Wife**

All conditions shall bind and run with this Parcel 4 as follows:

1. Property will be designated as Agricultural and will be exempt from municipal taxes for a period of ten (10) years.
2. Until such time as the Property owner requests the property's zoning district classification be changed, the following shall apply:
  - a. Animal (horses and other livestock) usage on the land shall be allowed as permitted by the unincorporated Lake County Zoning regulations in effect at the time of the annexation;
  - b. New buildings and additional improvements shall be permitted for the raising of livestock

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LANE COUNTY  
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- and storing feed and hay; and
- c. Trailer, farm equipment, recreational vehicle parking shall be allowed;
  3. Waiver of water and sanitary sewer connection fees for existing residence;
  4. Water and sanitary sewer lines will be installed within 100 feet of the house on the property and the property will be restored to its original condition after the installation;
  5. Connection to the water and sanitary sewer lines shall be at the Property owner's discretion;
  6. Existing well shall be allowed for irrigation and livestock purposes; and
  7. Waiver of any fees for rezoning of the property to residential purposes.

**Parcel 5 – Owner: Fern L. Buchmeier**

All conditions shall bind and run with this Parcel 5 as follows:

1. Property will be designated as Agricultural and will be exempt from municipal taxes for a period of ten (10) years.
2. Until such time as the Property owner requests the property's zoning district classification be changed, the following shall apply:
  - a. Animal (horses and other livestock) usage on the land shall be allowed as permitted by the unincorporated Lake County Zoning regulations in effect at the time of the annexation;
  - b. New buildings and additional improvements shall be permitted for the raising of livestock and storing feed; and
  - c. Trailer parking shall be allowed ancillary to the operation of raising livestock;
3. Waiver of water and sanitary sewer connection fees for existing residence;
4. Connection to the water and sanitary sewer lines shall be at the Property owner's discretion; and
5. Existing well shall be allowed for irrigation and livestock purposes.