

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

RESOLUTION NO. 01-04-23A

A RESOLUTION APPROVING THAT CERTAIN ANNEXATION FISCAL PLAN FOR THE PROPERTY COMMONLY KNOWN AS OAK CREEK SUBDIVISION.

WHEREAS, the St. John Town Council is the duly constituted Town Council for the Town of St. John, Lake County, Indiana; and

WHEREAS, certain individuals, the owners of certain real estate located outside the town boundaries of the Town of St. John, Lake County, Indiana and more particularly described on the attached Exhibit "A", have petitioned the Town of St. John for the annexation of said property; and

WHEREAS, they have filed with the Town in connection with their application for annexation an Amended Zoning Commitment, which is attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, required by law prior to the publication of notice of the Town Council's consideration of said annexation application, is the filing by the applicant of an Annexation Fiscal Plan; and

WHEREAS, the applicant for annexation has now filed with the Town of St. John, Lake County, Indiana said Annexation Fiscal Plan which is attached hereto and made a part hereof as Exhibit "C"; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having examined the same, and being duly advised in the premises, now finds that said fiscal plan meets with mandate and requirements of the Indiana Code, the same being I.C. 36-4-3-13; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, now finds that it would be in the best interest of the Town of St. John and its citizens to approve the foregoing Annexation Fiscal Plan.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of St. John, Lake County, Indiana as follows:

1. That it approves that certain Annexation Fiscal Plan attached hereto and made a part hereof as Exhibit "C".

2. That it hereby authorizes publication of notice for the public hearing of this matter at which time public remonstrances and comments shall be heard.

ALL OF WHICH IS RESOLVED this 22 day of April, 2001, by the Town Council of the Town of St. John, Lake County, Indiana.

Aye 3

Nay 2

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

Kathleen J. Willman
KATHLEEN J. WILLMAN

KRISTIE L. ALDRIDGE

WILLIAM M. WINTERHALER

Michael S. Forbes
MICHAEL S. FORBES

Jerome J. Rudy
JEROME J. RUDY

ATTEST:

Judith L. Companek
JUDITH L. COMPANĚK
Clerk-Treasurer

OAK CREEK SUBDIVISION
PROPOSED ZONING PLAN

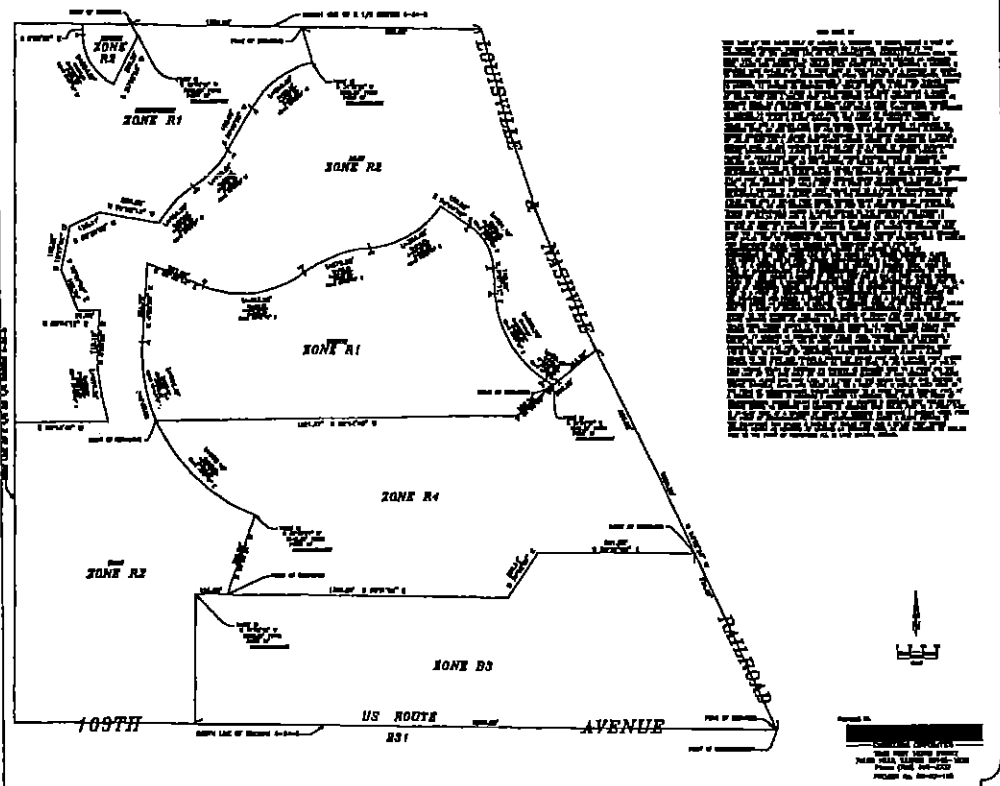


EXHIBIT
A

AMENDED
ZONING COMMITMENT

Comes now Frank E. Schilling pursuant to the provisions of I.C. 1971 36-7-4-615, the rules and regulations of the St. John Plan Commission revised July 1, 1992, Article V(6), and Ordinance 1030 of the Town of St. John adopted December 31, 1996 and make the following zoning commitment in consideration of the zoning of certain tracts of real estate as part of annexation proceedings before the St. John Town Council.

1. That Frank E. Schilling is successor to the interest of James J. Schilling and hereby amends that Zoning Commitment issued May 6, 1997 and previously submitted to the Town of St. John.

~~2. That development shall be generally consistent with the conceptual development plan prepared by Earth Source, Inc. and dated April 25, 1997, a copy of which was attached to the original Zoning Commitment dated May 6, 1997 and is made part hereof as if fully set out herein.~~

3. That the density, i.e. the number of units to be erected on tracts to be zoned as R-1 shall be equal to or greater than 39.

4. That the density, i.e. the number of units to be erected on tracts to be zoned as R-2 shall be equal to or less than 87.

5. That the density, i.e. the number of units to be erected on tracts to be zoned as R-4 shall be equal to or less than 85.

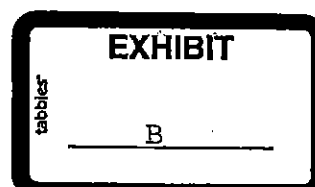
6. That not more than fourteen acres shall be developed as B-1, B-2, or B-3 commercial.

7. That each residential unit erected on the tract zoned as R-4 shall have a one car garage.

8. That each residential unit erected on the tract zoned as R-1 or R-2 shall have a two car garage.

9. That not less than one hundred percent (100%) of each group of residential units erected on each lot of the tract zoned as R-4, shall be owner occupied.

10. That the approximate value of each dwelling unit erected in the tract zoned as R-4 shall have a market value equal to or



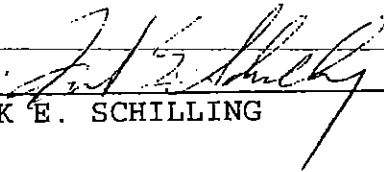
greater than One Hundred Dollars (\$100.00) per square foot.

11. That the square footage of seventy-five percent (75%) of the dwelling units erected in the tract zoned as R-4 shall be equal to or greater than 1,200 square feet and the remaining twenty-five percent (25%) of the dwelling units erected in the tract zoned as R-4 shall be equal to or greater than 1,000 square feet.

12. That none of the dwelling units erected in the tract zoned as R-4 shall be greater than two stories in height.

13. That no one building erected in the tract zoned as R-4 shall contain more than eight units.


14. That this commitment shall be binding upon the heirs, successors and assigns of the owner.


FRANK E. SCHILLING

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

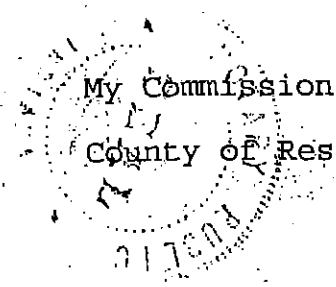
Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of November, 2000 personally appeared: FRANK E. SCHILLING and acknowledged the execution of the foregoing Zoning Commitment.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.


Michael L. Muenich, Notary Public

My Commission Expires: 09/17/2007

County of Residence: Lake



schilton\zoning.amd

ANNEXATION FISCAL PLAN

I.

Introduction

The developer, Frank E. Schilling is undertaking the annexation and development of what has been designated as Oak Creek, a 144 acre parcel of land lying immediately north of 109th Street and between the Conrail and CSX rights of way. Upon annexation and designation of the real estate with the proposed zoning classifications, the developer will begin planning a mixed use project of commercial and high-end residential occupancies. The annexation area is contiguous to the current corporate limits as defined in the statute and annexation will insure that growth in this area, adjacent to the Town, is orderly, compatible, and harmonious, as well as setting the tone for future development in the southeast quarter of the Town.

The developer, as part of the development process, will bring water and sewer to the site, either by itself, or in co-operation with other projects that might occur in the area. The developer will request re-imbusement agreements to offset the cost of extension, but those costs are borne by the developer and future developers in the area, not the Town. Both the parcel in question and other areas north of 109th, and eastwards ly within the proposed boundaries of the Sanitary District, Water District, and projected Town boundaries.

For the reason described in the following document, the annexation of the real estate meets the statutory requirements set forth in I.C. 36-4-3-1 et. seq. in that the annexation area is contiguous to the community; the territory is needed and can be utilized by the Town for its development in the future; the developer has presented the following written fiscal plan to be reviewed and approved by resolution of the St. John Town Council as part of the annexation process.

II

Basic Data

The area proposed for annexation is contiguous to the southeast boundary of the Town of St. John. General, the annexation area is located north of 109th Street and between the Conrail and CSX rights of way. The current primary use of the land is agricultural, with large portions of the real estate remaining in a natural and unaltered state, i.e. forested and prairie. There are no improvements upon the real estate and it is currently not occupied. The parcel is legally described as follows:

That portion of the south one-half of Section 4, Township 34 North, Range 9 West of the 2nd P.M., lying between the existing eastern boundary of the Town of St. John and the centerline of the CSX (Monon or L&N) right-of-way, containing 150 acres more or less.

The property is depicted on the survey and zoning map attached hereto, made a part hereof and marked as Exhibit "A" and contains approximately 144 acres.

As indicated above, the annexation area is currently under the jurisdiction of the Lake County Plan Commission and is zoned agricultural. Upon annexation, this area will be under the jurisdiction of the St. John Plan Commission. Zoning of the parcel will be in accordance with the zoning map attached as Exhibit "A" subject to the terms and conditions of the zoning commitment attached as Exhibit "B". As noted on the map, various portions of the real estate will be zoned R-1, R-2, R-4, and B-3 representing various classifications of residential and commercial zoning, which is consistent with its intended and projected use.

The assessed valuation of the land in the annexation area is estimated at Fifty Seven Thousand Six Hundred Dollars (\$57,600.00).

The boundary of the annexation area totals approximately 9,831 linear feet of which 2,640 feet is contiguous to the existing Town boundaries as defined in the statute, thus, the annexation area is in excess of twenty-five percent (25%) contiguous to the Town of St. John.

III.

Utilities

Electric service is provided to the annexation area by Northern Indiana Public Service Company by utility and transmission lines located along the parcel's southern border, 109th Street.

Natural gas service is provided to the annexation area by Northern Indiana Public Service Company by utility and transmission lines located along the parcel's southern border, 109th Street.

Telephone service is available to the annexation area by either Ameritech or AT & T by utility and transmission lines located along the parcel's southern border, 109th Street.

Water and Sanitary Sewer service is not currently provided to the annexation area, but is located immediately to the west of the real estate at 109th Street and Schneider Place and will be extended to the annexation area either from that point, or other points available to the developer at the developer's expense, either by itself or jointly with other persons interested. The developer will request reimbursement agreements as allowed by statute for the cost of over sizing such utilities for the benefit of other persons who may connect to same.

IV

Existing Governmental Services.

The annexation area is currently under the jurisdiction of the Lake County Plan Commission. This includes services such as zoning administration and enforcement, subdivision control, comprehensive planning, building code regulation, and land development. Once annexed, the Town of St. John Plan Commission will take over jurisdiction of the area.

The annexation area is currently served by the Lake County Sheriff's Department. Upon annexation, the St. John Police Department will immediately assume jurisdiction of the territory and it is estimated that no additional burden will be placed on the Police Department for this service as the Police Department currently patrols the area immediately to the west, and the addition of the annexed area will extend service approximately 2,900 feet east along 109th Street and the remainder of the annexed area is vacant and unoccupied.

Primary fire protection for the annexation area is now provided by the Cedar Lake Fire Department as part of a contract with Hanover Township. While some additional burden on the Town of St. John will exist for fire protection which will be assumed immediately upon completion of the annexation process, that burden is minimal since the annexation area is vacant and unoccupied and consists mainly of agricultural lands with some forested and prairie areas.

Currently there are no street lights along 109th Street and none are planned until development.

V.

State Law Requirements

In accordance with I.C. 36-4-3-13, the Town of St. John must establish a definite policy with regard to the annexation area, which this Fiscal Plan is intended to satisfy, and which must show as follows:

1. The cost estimates of planned services to be furnished to the territory to be annexed.
2. The method or methods of financing the planned services.
3. The plan for organization and extension of services.
4. That planned services of a non-capital nature will be provided to the annexed territory within one (1) year after the effective date of annexation.
5. That service of a capital improvement nature will be provided to the

annexed territory within three (3) years after the effective date at annexation.

6. A plan for hiring employees of other governmental entities whose jobs will be eliminated by the proposed annexation.

The cost estimates of planned services to be furnished are as stated above. The only services the Town intends to extend at this time will be police and fire protection, planning and zoning control and are too small to quantify due to their limited nature. The method or methods of financing the planned services shall be consistent with the budget fixed each year by the Town of St. John Police and Fire Departments. It is estimated that no additional burden will be placed upon the current Police and Fire Department budgets due to the fact that the annexation area will continue to be leased for agricultural purposes for the near future. Therefore, inasmuch as the maintenance for the subject property is negligible at this juncture, it is estimated that the additional cost for the extension of services will be offset by the revenue obtained from the taxes assessed upon the property. The plan for the organization and extension of services is as set forth elsewhere in this Fiscal Plan and shall be as determined by the Town of St. John in the future as the growth of the Town and the annexed area mandates.

Police protection, fire protection, and other non-capital services will be provided immediately to the area annexed as indicated earlier in this Fiscal Plan. Services of capital improvement nature, including sewer facilities, water facilities, and other facilities, will be provided to the annexed territory by the developer during the course of development at the developer's or others expense, with appropriate re-imbusement contracts. However, inasmuch as the property will not be developed immediately, street construction and street lighting are not issues to be considered.

It is estimated that no employees of any other governmental entity, and particularly Lake County, will lose their jobs as a result of this proposed annexation. This is due to the fact that the real estate is only approximately one hundred forty-four (144) acres and is primarily of agricultural use.

VI.

Plan to Provide Municipal Services

As stated earlier in this Fiscal plan, state law requires that within one (1) year of annexation, the Town of St. John is required to provide the annexation area with "planned services of a non-capital nature" which are "equivalent in standard and scope" to those non-capital services provided to similar areas within the Town. While the law requires that the services of a "capital improvement nature" be provided within three (3) years of the effective date or the annexation, those services will not be required until such time as the annexed area is developed, at then at the cost of the developer. Historically, the Town of St. John does not employ different service standards for different areas of the Town and that standard will be maintained when compared to

other undeveloped areas of the Town. Therefore, upon development by the petitioner, in accordance with the St. John Subdivision Control Ordinance, the service standards of the annexation area will be the same as they exist presently for the entire community.

Thus, it is the purpose of this Fiscal Plan that the services to be extended, including those utility services described earlier in this Fiscal Plan as well as the governmental services also described earlier in this Fiscal Plan, shall be provided at the same standard as is presently provided by the Town of St. John to all areas of the community.

VII.

Financial Impact

As indicated earlier in this Fiscal Plan, the cost of planned services to be furnished to the annexation area has already been stated. The cost of services, police, fire, planning and zoning will be absorbed by the Town and, therefore, the Park Department budget, as it currently exists, is hereby incorporated by reference as the method of financing the planned services. As indicated elsewhere in this Fiscal Plan, it is not thought that the area to be annexed will be an additional burden upon the Town's budget as the revenue sources (taxes) to be derived from the annexed area will offset the cost of planned services.

VIII.

Conclusion

The annexation area is contiguous with the Town of St. John on the southeast border of the same. This area should be annexed for the reason that it is placed for development in the near future and should be developed according to St. John standards. The annexation area will be within the jurisdiction of the Town of St. John Police and Fire Departments, as well as the St. John Plan Commission. Both the Town and the proposed annexation area have much to gain from the inclusion of this area within the St. John corporate boundaries. Because of the location of the annexation area, most of the services the Town of St. John provides are adjacent to this area at this time.

Finally, it is estimated that no, or minimal, additional cost, at least for the first several years of operation, will accrue to the Town for the maintenance of the annexation area. This is due to the fact that the annexation area is tillable agricultural land, which requires little if any services, which will be funded from the increased tax revenue derived from the same. Day-to-day services of police and fire protection are not estimated to place any additional burden on the taxpayers of the Town of St. John financially. This is due to the fact that the area is relatively small and adjacent to a residential area of the Town to which services are already provided.

Dated: March 22, 2001