

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

RESOLUTION NO. 05-11-17

A RESOLUTION ADOPTING THE FISCAL PLAN FOR OLTHOF HOMES, INC., PETITION FOR ANNEXATION OF SILVER LEAF DEVELOPMENT

WHEREAS, Olthof Homes, Inc. has filed a Petition for Annexation of certain real estate abutting the Town of St. John, and known as "Silver Leaf"; and

WHEREAS, Olthof Homes, Inc. has submitted, pursuant to statute and at the Town's request, a Fiscal Plan pursuant to I.C. 36-4-3-13; and

WHEREAS, the Petition for Annexation seeks the annexation of certain territory known as "Silver Leaf" and provides for an R-1 single family residential zoning designation; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed said Fiscal Plan, designated "Annexation Fiscal Plan" prepared on behalf of Olthof Homes, Inc. and now finds that the same complies with state law and should in all respects be approved, which Fiscal Plan is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

BE IT RESOLVED that the Fiscal Plan designated "Annexation Fiscal Plan" dated September 28, 2005 and prepared on behalf of Olthof Homes, Inc. is hereby in all respects approved which Fiscal Plan is all in the following words and figures, to-wit: (here insert).

BE IT FURTHER RESOLVED that all existing resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby deemed null, void, and of no legal affect, and are specifically repealed.

BE IT FURTHER RESOLVED that if any section, clause, provision of this resolution 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 resolution.

BE IT FURTHER RESOLVED that this resolution 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, pursuant to law.


PASSED AND RESOLVED by the Town Council of the Town of St. John, Lake County, Indiana, this 17th day of November, 2005.

Aye 4 Nay 0

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


MICHAEL S. FRYZEL, President

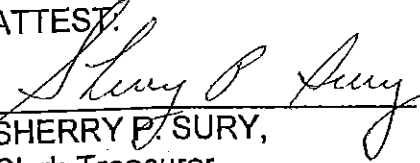

JERRI ANNE TEIBEL, Vice-President


GREGORY J. VOLK, Member


MARK BARENIE, Member

CHARLES E. PEARSON, Member

ATTEST:


SHERRY P. SURY,
Clerk-Treasurer

ANNEXATION FISCAL PLAN

I.

Introduction

The developer, Olthof Homes, LLC is undertaking the annexation and development of what will be designated as Silver Leaf, a one hundred and one (101) acre parcel of land commonly known as 109th Avenue and White Oak, St. John, Indiana. Because this is a voluntary annexation, the owners of which have agreed to annexation, this fiscal plan may not be necessary. However, to insure compliance with any statutory requirements, same is prepared and filed to establish a definite policy for providing municipal services to the area proposed for annexation.

Upon annexation and designation of the real estate with the required zoning classifications, the developer will begin planning a project of 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 this section 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. Both the parcel in question and other adjacent areas lie within the proposed boundaries of the Sanitary District, Water District, and projected Town boundaries (future planning district).

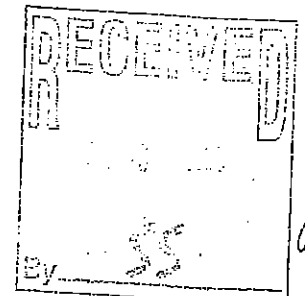
For the reasons described in the following document, the annexation of the real estate meets the statutory requirements set forth in I.C. 36-4-3-1 et. seq. in that the annexation area is contiguous to the Town; the territory is needed and can be utilized by the Town for its development in the future; 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 southwest boundary of the Town of St. John. In general, the annexation area is located at 109th Avenue and White Oak, St. John, Indiana. The current primary use of the land is agricultural, with some portions of the real estate remaining in the 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:

See attached Exhibit A



The property is depicted on the survey attached to the Petition for Annexation and is incorporated by reference hereto, made a part hereof and contains approximately 101 acres.

As indicated above, the annexation area is currently under the jurisdiction of the Lake County, Indiana and is zoned agricultural. Upon annexation, this area will be under the jurisdiction of the Town of St. John. Initial zoning of the parcel will be in accordance with the zoning ordinance of the Town of St. John. As required by the ordinance the real estate will be zoned R-1, representing a classification of residential zoning.

The assessed valuation of the land in the annexation area is estimated at Seventy Eight Thousand Seven Hundred Dollars (\$78,700.00).

The boundary of the annexation area totals approximately ten thousand eight hundred eight three and forty eight hundredths (10,883.48) linear feet of which three thousand six hundred forty seven and eighty seven hundredths (3,647.87) feet is contiguous to the existing Town boundaries as defined in the statute, thus, the annexation area is in excess of thirty three percent (33%) 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 border, 109th Avenue and White Oak.

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 border, 109th Avenue and White Oak.

Telephone service is provided to the annexation area by SBC utility and transmission lines located along the parcel's border, 109th Avenue and White Oak.

Water and Sanitary Sewer services is not currently provided to the annexation area, but will be located immediately to the north of the real estate at Saddle Creek Subdivision 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.

IV.

Existing Governmental Services.

The annexation area is currently under the jurisdiction of Lake County, Indiana. 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 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 east and north.

Primary fire protection for the annexation area is now provided by the Cedar Lake Fire Department. 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. Emergency Medical Services will be taken over by the St. John Fire Department without any significant increase in the burden.

No additional street lights are planned until development. No additional traffic control devices are planned until development.

Solid waste collection will be provided by the Town, but no services will be needed initially. When the Property is developed, the increase in taxes will pay the costs of collection.

V.

State Law Requirements

If required by 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 three (3) years after the effective date at 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 only services the Town intends to extend at this time will be police and fire protection, planning and zoning control, and those 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 used 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 of 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 roads, parks, sewer facilities, water facilities, and other facilities, will be provided to the annexed territory by the developer during the course of development based on the requirements of the Town, at the developer's or others expense with appropriate re-imbursement contracts.

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 one (101) 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, 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 the current standard will be maintained when compared to other undeveloped areas of the Town. Therefore, upon development by the petitioner, in accordance with the Town of 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 service 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 the 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 Town 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 southwest border of the same. This area should be annexed for the reason that it is planned for development in the near future and should be developed according to the Town of 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 Town of St. John. Both the Town of St. John and the proposed annexation area have much to gain from the inclusion 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, will accrue to the Town for the maintenance of the annexation area, at least for the first several years of operation. This is due to the fact that the annexation area, is tillable agricultural land, which requires little if any services, and future services 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 of St. John to which services are already provided.

Dated: _____

EXHIBIT A

THE NORTH 37 RODS 5 1/4 LINKS OF THE EAST 86 RODS OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

TOGETHER WITH:

THAT PART OF 109TH AVENUE BEING THE NORTH 20 FEET OF THE WEST 837.47 FEET OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

TOGETHER WITH:

THAT PART OF 109TH AVENUE BEING THE NORTH 50 FEET OF THE WEST 1327.46 FEET OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, EXCEPTING THEREFROM THE WEST 837.47 FEET.