

ORDINANCE NO. 9/5/2024-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA ANNEXING CERTAIN TERRITORY AND DECLARING THE SAME TO BE A PART OF THE TOWN OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) has the authority to annex lands into the Town pursuant to Indiana Code § 36-4-3 (the “Act”); and

WHEREAS, the Council received a petition for voluntary annexation into the Town (the “Petition”); and

WHEREAS, the Petition requests that five (5) parcels along State Road 15, Washington Township, Elkhart County, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-03-34-200-005.000-030, 20-03-34-200-006.000-030, 20-03-35-100-011.000-030, 20-03-35-100-018.000-030, and 20-03-35-100-002.000-030, consisting of approximately 155 acres (the “Annexation Territory”), be annexed by the Town; and

WHEREAS, the Petition has been signed by one hundred percent (100%) of the owners of land within the Annexation Territory; and

WHEREAS, a legal description and map of the Annexation Territory are attached hereto as Exhibit A and Exhibit B, respectively, and incorporated herein by reference; and

WHEREAS, the Annexation Territory is contiguous to the current boundaries of the Town in accordance with Section 1.5 of the Act and has not been previously annexed; and

WHEREAS, the Annexation Territory is currently zoned under Elkhart County zoning as Agricultural (A-1), General Planned Unit Development Limited Manufacturing (GPUD M-1), General Planned Unit Development General Manufacturing (GPUD M-2), General Planned Unit Development Business and Wholesale (GPUD B-3), Limited Manufacturing (M-1), and General Manufacturing (M-2); and

WHEREAS, the Council has adopted, by resolution, a fiscal plan for the annexation of the Annexation Territory in accordance with Section 3.1(d) of the Act; and

WHEREAS, the Council has conducted a public hearing on July 18, 2024, as required by law with regard to the annexation of the Annexation Territory; and

WHEREAS, the Council now finds that the statutory criteria under the Act for annexation have been met.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. In accordance with Section 5.1 of the Act, the Annexation Territory is hereby annexed to and declared to be part of the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- Section 3. The Annexation Territory is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Territory pursuant to Section 2.5 of the Act.
- Section 4. The Annexation Territory shall not be assigned to any Town Council District as the Town has abolished the Town's Council Districts under Indiana Code 36-5-2-4.1.
- Section 5. The Annexation Territory shall retain the Agricultural (A-1), General Planned Unit Development Limited Manufacturing (GPUD M-1), General Planned Unit Development General Manufacturing (GPUD M-2), General Planned Unit Development Business and Wholesale (GPUD B-3), Limited Manufacturing (M-1), and General Manufacturing (M-2) zoning classification following the annexation into the Town upon the effective date of this Ordinance.
- Section 6. This Ordinance shall be in full force and effect upon its passage by the Council, and its publication and filing, upon the passage of the applicable thirty (30) day waiting period, in the absence of remonstrance and appeal, all as provided by the Act.
- Section 7. That all ordinances or parts thereof in conflict herewith are hereby repealed.

* * * * *

ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA,
ON THIS 5th DAY OF SEPTEMBER, 2024.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

Prepared by and return after recording to:

Scott C. Frissell
Krieg DeVault LLP
12800 North Meridian Street, Suite 300
Carmel, IN 46032-5407
Phone: (317) 238-6246

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Scott C. Frissell

EXHIBIT A

LEGAL DESCRIPTION

The following described tracts of land:

Part of the Southwest Quarter of Section 26, part of the Northeast Quarter of Section 34, and Part of the Northwest Quarter of Section 35, all in Township 38 North, Range 6 East, situated in Washington Township, Elkhart County, State of Indiana and all the more particularly described as follows:

Beginning at a steel tablet marking the Southeast Corner of the Northeast Quarter of said Section 34; thence South 89°49'10" West, along the South Line of the Northeast Quarter of said Section 34, a distance of 1332.08 feet to a Masonry Nail marking the Southwest Corner of the East Half of Said Northeast Quarter; thence North 00°37'38" West along the West Line of the East Half of said Northeast Quarter, 2526.83 feet to a Spindle Gear marking the southwest corner of land deeded to James E. & Mary A. Garver, as per Deed Record No. 87-000057; thence North 89°48'00" East, along the south line of said Garver Land, 332.77 feet to a Pinch Pipe, marking the southeast corner of said Garver Land; thence North 00°36'14" West, along the east line of said Garver Land, 131.95 feet to an Iron Pipe marking the northeast corner of said Garver Land, and a point on the North Line of the Northeast Quarter of said Section 34; thence North 89°42'25" East, along said north line, 641.89 feet to an Iron Pipe marking the southeast corner of a tract of land deeded to Bristol Buildings, as per Deed Record No. 95-018010;

thence North 89°49'42" East, along the North Line of Said Northeast Quarter, 1887.92 feet to a Pinch Pipe, marking the southeast corner of Lot One (1), as said Lot is known and designated on the recorded Partial Replat Of Bristol Industrial Park, as per plat book 22, Page 17; thence continuing on the North line of said Northeast Quarter to the West line of land conveyed to Nicolas Dejong 2000 Revocable Trust as per Deed Record No. 2001-23508; thence South 00°20'48" East, along the west line of said Dejong Land, 1818.84 feet to a Rebar w/cap marking a point on the north line of land deeded to Lyle D. Menges as per Deed Record No. 2001-17135; thence South 89°03'43" West, 235.19 feet to an Iron Pipe marking the northwest corner of a tract of land deeded to Stephen C. & Dawn M. Tanger, as per Deed Record No. 98-22693; thence South 89°48'48" West, 1845.23 feet to a Rebar w/cap; thence South 00°10'35" East, 989.56 feet to the aforesaid Point Of Beginning.

Containing 155 Acres more or less.

Subject to public highway.

Subject to any and all easements/encumbrances or facts which may be disclosed by a full and accurate title search.

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY

