

ORDINANCE NO. 8/15/2024-19

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 three (3) parcels along State Road 15, Washington Township, Elkhart County, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-03-23-326-002.000-031, 20-03-23-177.001-000-030, and 20-03-23-177-002.000-030, consisting of approximately 38 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); 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) 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 15th DAY OF AUGUST, 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

All that part of the following described tract of land lying North of the South line of the Northwest quarter and East of the West line of the East half of Section 23, Township 38 North, Range 6 East, Washington Township, Elkhart County, State of Indiana.

DR 2005-32086

Part of Section 23, Township 38 North, Range 6 East, Washington Township, Elkhart County, State of Indiana, described as follows: Commencing at the southeast corner of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 23; thence Westwardly along the south line of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 23 a distance of 12.29 Chains to the center of the Bristol-Mottville Road (State Road 15); thence Southwestwardly along the centerline of said Road a distance of 3.73 chains to its intersection with the southerly line of land conveyed to Richard P. & Evelyn G. Schamehorn in DR 193, pg. 463, being the southeast corner of land conveyed to Thomas M. & Stacey B. Nickel in DR 92-029475, said point also being on the easterly extension of the northerly line of Lots 4 and 5 as shown on the plat of Happer's Acres; thence on an assumed bearing of North 36 degrees 09 minutes 30 seconds East along the centerline of said Road a distance of 125.78 feet (Deed: 125.94 feet) to a masonry nail at the northeasterly corner of said Nickel land, said nail being the place of beginning of this description; thence North 53 degrees 50 minutes 30 seconds West along the northerly line of said Nickel land a distance of 300 feet to an iron stake at the northwesterly corner of said Nickel land; thence South 36 degrees 09 minutes 30 seconds West along the westerly line of said Nickel land a distance of 270.19 feet (Deed: 270.35 feet) to an iron stake on the southerly line of said Schamehorn land, said stake being the southwest corner of said Nickel land; thence North 79 degrees 37 minutes West along the southerly line of said Schamehorn land and along the northerly line of said Lots 4 and 5 in Happer's Acres and said

line extended a distance of 1,116 feet more or less to the easterly water's edge of the St. Joseph River; thence meandering Northwardly along the easterly water's edge of said River to a point on the south line of the Indiana East-West Toll Road, said point being 150 feet (measured at right angles) southerly of the centerline of said Toll Road; thence South 77 degrees 03 minutes 20 seconds East along the southerly line of said Toll Road a distance of 399 feet more or less to the point of T.S. of said Toll Road; thence Eastwardly along the spiral, along the southerly 150' right-of-way line of said Toll Road to a chord distance of South 77 degrees 23 minutes 30 seconds East 202.62 feet to the point of S.C. of said spiral; thence Eastwardly along a curve to the left, along the southerly 150' right-of way line of said Toll Road (R = 5879.58 feet) a distance of 520.37 feet (chord: South 80 degrees 35 minutes 30 seconds East 520.20 feet) to an iron stake on the southerly line of land conveyed to Mary Ellen Koons in DR 303, pg. 263; thence South 53 degrees 50 minutes 30 seconds East along the southerly line of said Koon's land a distance of 1,296.10 feet to a masonry nail on the centerline of said Road, said nail being the southmost corner of said Koon's land; thence South 36 degrees 09 minutes 30 seconds West along the centerline of said State Road a distance of 1,217.94 feet to a masonry nail; thence North 53 degrees 50 minutes 30 seconds West a distance of 50 feet to an iron stake on the westerly 50' right-of-way line of said Road; thence South 36 degrees 09 minutes 30 seconds West along the westerly 50' right-of-way line of said road a distance of 165 feet to an iron stake; thence South 53 degrees 50 minutes 30 seconds East a distance of 50 feet to a masonry nail on the centerline of said Road; thence South 36 degrees 09 minutes 30 seconds West along the centerline of said Road a distance of 325.89 feet to the place of beginning of this description.

DR 2006-03507

A part of Section 23, Township 38 North, Range 6 East, Washington Township, Elkhart County, more particularly described as follows: Beginning in the center of the Bristol and Mottville Roads at the Northeasterly corner of land owned by Elmer B. Foreman and Louise M. Foreman as shown in Elkhart County Deed Record 175, page 516 (said corner being described as 12.29 chains West and 33.845 chains North 37 degrees East of the Southeast corner of the North Half of the Southwest Quarter of said Section 23; thence Southwesterly along the centerline of said Road 15 feet to the beginning point of this description; thence North 53 degrees West parallel with the North line of said Foreman land to the South line of the Indiana East-West Toll Road; thence Westerly along the South line of the Indiana East-West Toll Road; thence Westerly along the South line of said Toll Road to the Southwest property line of the said Foreman land (described in Deed Record 175, page 516); thence Southeasterly along the Southwesterly line of the said Foreman tract to the Southeasterly corner of said tract, being the centerline of the Bristol and Mottville Road; thence Northeasterly along the centerline of said Bristol Mottville Road to the place of beginning.

Containing 38 acres more or less

Subject to survey

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY

