

ORDINANCE NO. 9-21-2023-20

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 twelve parcels along County Road 14, County Road 21 and County Road 23, Washington Township, Elkhart County, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-07-03-126-001.000-019, 20-03-33-300-001.000-030, 20-03-33-300-003.000-030, 20-03-33-400-007.000-030, 20-03-34-300-002.000-030, 20-03-33-300-002.000-030, 20-03-33-400-013.000-030, 20-03-33-400-016.000-030, 20-03-34-300-004.000-030, 20-03-34-300-007.000-030, 20-03-34-300-013.000-030, and 20-03-34-300-010.000-030, consisting of approximately 416.391 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 September 7, 2023, 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 21st DAY OF SEPTEMBER, 2023.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

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

TRACT I: The East half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, containing 80 Acres, more or less.

EXCEPTING: A part of the East half of the Southwest Quarter of Section 34, in Township 38 North, of Range 6 East, particularly described as follows:

Beginning at a point in the middle of a public highway which runs East and West across the East half of the Southwest Quarter of said Section about 65 rods South of the North line thereof, which point is 18 rods West of the East line of said Southwest Quarter Section; thence East, following the middle of the road to the East line of said Southwest Quarter Section; thence South on the East line of said Quarter Section 20 rods; thence West parallel with the middle of said Road, 18 rods; thence North 20 rods to the place of beginning.

ALSO EXCEPTING THE FOLLOWING: Beginning at a point on the West line of the East half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East at its intersection with the centerline of County Road 23 where County Road 23 crosses the East half of said Southwest Quarter; thence East along the centerline of County Road 23, 20 rods; thence South 16 rods; thence West parallel with the centerline of County Road 23, 20 rods to the West line of the East half of said Southwest Quarter; thence North 16 rods to the place of beginning, containing 2 Acres, more or less.

ALSO EXCEPTING THE FOLLOWING: A part of the East half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, more particularly described as follows:

Beginning at an iron stake on the East line of said Quarter Section where the same is intersected by a public highway now known as County Road 23 which runs East and West across the East half of said Quarter Section approximately 65 rods South of the North line thereof; thence South 88 degrees 18 minutes West along the centerline of said public road 500.91 feet to a railroad spike; thence due North parallel with the East line of said Quarter Section 210 feet to an iron stake; thence North 88 degrees 18 minutes East 500.91 feet to a railroad spike on the East line of said Quarter Section; thence due South along the East line of said Quarter Section 210 feet to the place of beginning. Containing 2.41 Acres, more or less.

ALSO EXCEPTING: A part of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, Second Principal Meridian, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Section corner monument at the center of said Section 34; thence South 0 degrees 0 minutes 0 seconds West (assumed bearing) along the East line of said Southwest Quarter of Section 34 and the centerline of County Road 23, a distance of 808.83 feet to a point; thence South 89 degrees 46 minutes 52 seconds West, along said centerline of County Road 23, a distance of 500.91 feet to a point; thence South 87 degrees 43 minutes 7 seconds West, along said centerline of County Road 23, a distance of 67.80 feet to a mag nail at the point of beginning of

this description; thence continuing South 87 degrees 43 minutes 7 seconds West, along said centerline of County Road 23, a distance of 786.38 feet to an iron rebar capped (Doriot); thence North 0 degrees 53 minutes 8 seconds West, a distance of 177.20 feet to an iron rebar capped (Doriot); thence South 89 degrees 33 minutes 34 seconds East, a distance of 220.17 feet to an iron rebar capped (Doriot); thence North 54 degrees 32 minutes 36 seconds East, a distance of 50.26 feet to an iron rebar capped (Doriot); thence North 31 degrees 34 minutes 28 seconds East, a distance of 122.47 feet to an iron rebar capped (Doriot); thence South 88 degrees 19 minutes 28 seconds East, a distance of 442.86 feet to an iron rebar capped (Doriot); thence South 2 degrees 38 minutes 53 seconds West, a distance of 65.60 feet to an iron rebar capped (Doriot); thence South 86 degrees 43 minutes 8 seconds East, a distance of 33.32 feet to an iron rebar capped (Doriot); thence South 2 degrees 47 minutes 47 seconds West, a distance of 197.53 feet to the point of beginning. Containing 4.36 Acres, more or less.

TRACT II: 60 Acres of land off the East side of the West half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, being 60 rods wide and 160 rods long.

TRACT III: A part of the Southeast Quarter of Section 33 and the Southwest Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the South line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the East line of the West Quarter of the West half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the North line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 3 seconds West along said North line, a distance of 333.05 feet to the West Quarter corner of said Section 34, also the East Quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the North line of the Southeast Quarter of said Section 33, a distance of 226 feet to the centerline of a ditch; thence South 0 degrees 0 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet to the place of beginning of this description; thence South 88 degrees 53 minutes 36 seconds West parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degree 48 minutes 4 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence North 0 degrees 0 minutes 52 seconds East along said ditch centerline, a distance of approximately 483.44 feet to the point of beginning of this description.

TRACT IV: A part of the Southeast Quarter of Section 33 and the Southwest Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the South line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along

the East line of the West Quarter of the West half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the North line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 3 seconds West along said North line, a distance of 333.05 feet to the West Quarter corner of said Section 34, also the East Quarter corner of said Section 33 and the place of beginning of this description; thence South 89 degrees 13 minutes 58 seconds West along the North line of the Southeast Quarter of said Section 33, a distance of 226 feet to the centerline of a ditch; thence South 0 degrees 0 minutes 52 seconds West along said ditch centerline, a distance of approximately 2663.57 feet to the South line of the Southeast Quarter of said Section 33; thence North 89 degrees 20 minutes 55 seconds East along the South line of said Southeast Quarter, a distance of 251.47 feet; thence North 0 degrees 32 minutes 59 seconds West a distance of approximately 2664.20 feet to the point of beginning of this description.

EXCEPTING THE FOLLOWING: A part of the Southeast Quarter of Section 33, Township 38 North, Range 6 East and a part of the Southwest Quarter of Section 34, Township 38 North, Range 6 East in Washington Township, Elkhart County, Indiana, more particularly described as follows:

Beginning at a 3/4 inch iron stake at the Southeast corner of the Southeast Quarter of said section 33; thence North 89 degrees 32 minutes 49 seconds West along the Southerly line of the Southeast Quarter of said Section 33, a distance of 2019.06 feet to a 3/4 inch iron stake at the Southeasterly corner of land conveyed to Timothy R. and Deborah Ann Gray (Elkhart County Instrument No. 94-017206); thence North 0 degrees 21 minutes 25 seconds East along the Easterly line of said Gray land and the Northerly extension thereof, a distance of 794.78 feet to a railroad spike in the centerline of County Road No. 23; thence East along the centerline of said County Road No. 23, a distance of 1244.20 feet to a one inch diameter "survey mark" nail; thence South 1 degree 7 minutes 26 seconds West a distance of 244.72 feet to a 3/4 inch iron stake; thence East a distance of 534 feet to a point in a 14 inch walnut tree; thence North 1 degree 7 minutes 26 seconds East a distance of 244.72 feet to a 1/2 inch rebar in the centerline of said aforementioned County Road No. 23; thence East along the centerline of said aforementioned County Road No. 23, a distance of 556.91 feet to a 1 inch diameter "survey mark" nail; thence South 1 degree 7 minutes 26 seconds West a distance of 813.10 feet to a 3/4 inch iron stake on the Southerly line of the Southwest Quarter of said Section 34; thence North 89 degrees 35 minutes 2 seconds West along the Southerly line of the Southwest Quarter of said Section 34, a distance of 305.13 feet to the place of beginning. Containing 40 Acres, more or less.

TRACT V: The Southeast Quarter of Section 33 and 20 Acres of land off of the West side of the West half of the Southwest Quarter of Section 34, being 20 rods wide East and West and 160 rods long North and South, all in Township 38 North, Range 6 East.

EXCEPTING THE FOLLOWING:

Beginning at the Southwest corner of the said Southeast Quarter of Section 33 and running East on the South line of said Quarter Section 600 feet; thence North parallel with the West line of said Quarter Section 800 feet, more or less to the centerline of County Road Number 23; thence West on the centerline of said County Road 23 to the West line of said Quarter Section; thence South on the West line of said Quarter Section to the point of beginning.

AND EXCEPTING THE FOLLOWING: Commencing at the Southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the South line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the East line of the West Quarter of the West half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the North line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 3 seconds West along said North line, a distance of 333.05 feet to the West Quarter corner of said Section 34, also the East Quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the North line of the Southeast Quarter of said Section 33, a distance of 226 feet to the centerline of a ditch; thence South 0 degrees 0 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet; thence South 88 degrees 53 minutes 36 seconds West parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degree 48 minutes 4 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence South 0 degrees 0 minutes 52 seconds West along the Southerly extension of aforementioned ditch centerline, a distance of 605.21 feet to the South line of the Southeast Quarter of said Section 33; thence North 89 degrees 20 minutes 55 seconds East along the South line of said Southeast Quarter, a distance of 251.47 feet to the point of beginning. Containing 40.43 Acres, more or less.

TRACT VI: The Northeast Quarter of Section 33, Township 38 North, Range 6 East, EXCEPTING therefrom the following described tract:

20 Acres out of the Northeast corner of the South half of the Northeast Quarter of Section 33; said tract running North and South 54 rods from the North line of said South half of the Northeast Quarter and of sufficient width East and West to make 20 Acres of land.

TRACT VII: All that part of the Northwest Quarter of Section 33, Township 38 North, Range 6 East, lying South of the centerline of Menges Ditch.

TRACT VIII: The Southwest Quarter of Section 33, Township 38 North, Range 6 East, excepting therefrom the following:

Beginning at the Southeast corner of said Southwest Quarter at a point marked by a railroad spike driven in the centerline of County Road Number 23, and running thence West on the South line of said Section 33, a distance of 660 feet; thence North 927 feet to an iron pipe; thence East 660 feet to an iron pipe on the East line of said Southwest Quarter; thence South along the East line of said Southwest Quarter 927 feet to the place of beginning.

TRACT IX: A part of the East half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, more particularly described as follows:

Beginning at an iron stake on the East line of said Quarter Section where the same is intersected by a public highway now known as County Road 23, which runs East and West across the East half of said Quarter Section, approximately 65 rods South of the North line thereof; thence South 88

degrees 18 minutes West along the centerline of said public highway 500.91 feet to a railroad spike; thence due North parallel with the East line of said Quarter Section, 210 feet to an iron stake; thence North 88 degrees 18 minutes East 500.91 feet to a railroad spike on the East line of said Quarter Section; thence due South along the East line of said Quarter Section 210 feet to the place of beginning. Containing 2.41 Acres, more or less.

TRACT X: A part of the East half of the Southwest Quarter of Section 34, Township 38 North, Range 6 East, more particularly described as follows:

Commencing at an iron stake on the East line of said Quarter Section where the same is intersected by the centerline of County Road 23 which runs in an Easterly and Westerly direction across the East half of said Quarter Section approximately 65 rods South of the North line of said Quarter Section said point being the Northeasterly corner of land conveyed to John F. and Patricia A. Gonser (Elkhart County Deed Record 367, page 503); thence due South along the East line of said Quarter Section and the East line of said Gonser land 247 feet to an iron stake for the beginning point of this description; thence due South along the East line of said Quarter Section 83 feet to an iron stake at the Southeasterly corner of said Gonser land; thence South 88 degrees 18 minutes West parallel with the centerline of said aforementioned County Road 23 and along the Southerly line of said Gonser land 297 feet to an iron stake at the Southwesterly corner of said Gonser land; thence due North along the Westerly line of said Gonser land 113 feet to an iron stake; thence Easterly 297.63 feet to the place of beginning. Containing 0.68 Acres, more or less.

TRACT XI; A part of the Southeast Quarter of Section 33 and the Southwest Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of aforesaid Section 34; thence North 89 degrees 18 minutes 42 seconds East along the South line of said Southwest Quarter of Section 34, a distance of 333.80 feet; thence North 0 degrees 32 minutes 59 seconds West along the East line of the West Quarter of the West half of Southwest Quarter of said Section 34, a distance of 2664.20 feet to the North line of the Southwest Quarter of said Section 34; thence South 89 degrees 14 minutes 3 seconds West along said North line, a distance of 333.05 feet to the West Quarter corner of said Section 34, also the East Quarter corner of said Section 33; thence South 89 degrees 13 minutes 58 seconds West along the North line of the Southeast Quarter of said Section 33, a distance of 226 feet to the centerline of a ditch; thence South 0 degrees 0 minutes 52 seconds West along said ditch centerline, a distance of 1574.93 feet; thence South 88 degrees 53 minutes 36 seconds west parallel to the centerline of County Road #23, a distance of 508.34 feet; thence South 1 degree 48 minutes 4 seconds East, a distance of 279.66 feet to the centerline of County Road #23; thence North 88 degrees 53 minutes 36 seconds East along the centerline of County Road 23, a distance of 29.68 feet; thence South 1 degree 20 minutes 36 seconds West, a distance of 203.78 feet; thence North 88 degrees 53 minutes 36 seconds East parallel to the centerline of County Road #23, a distance of 474.52 feet; thence South 0 degrees 0 minutes 52 seconds West along the Southerly extension of aforementioned ditch centerline, a distance of 605.21 feet to the South line of the Southeast Quarter of said Section 33; thence North 89 degrees 20 minutes 55 seconds East along the South line of said Southeast Quarter, a distance of 251.47 feet to the point of beginning of this description.

TRACT XII: That part of the North half of Fractional Section 3, Township 37 North, Range 6 East, Jefferson Township, Elkhart County, Indiana which is described as:

Beginning at a point which is North 0 degrees 0 minutes East, 541.63 feet from a point in the centerline of County Road Number 14 which is South 89 degrees 12 minutes East, 1309.53 feet from a point on the West line of said Section, which is North (assumed bearing), 1320 feet from the Southwest corner of the Northwest Quarter of said Section 3; thence North 0 degrees 0 minutes 0 seconds East, 469.04 feet; thence South 89 degrees 47 minutes 56 seconds East, 1313.47 feet; thence South 1 degree 29 minutes 32 seconds East, 483.36 feet; thence North 89 degrees 11 minutes 21 seconds West, 1326.18 feet to the point of beginning.

MAP OF THE ANNEXATION TERRITORY

