

RESOLUTION NO. 8-17-2023-17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
BRISTOL, INDIANA, ADOPTING A FISCAL PLAN FOR THE
ANNEXATION OF CERTAIN TERRITORY INTO THE TOWN
OF BRISTOL, INDIANA

WHEREAS, the Town Council (the “Council”) of the Town of Bristol, Indiana (the “Town”) is considering the voluntary annexation of certain territory into the Town; and

WHEREAS, the area to be annexed is legally described and depicted in Appendix II to the Fiscal Plan (as defined herein) (the “Annexation Territory”); and

WHEREAS, pursuant to Indiana Code § 36-4-3-3.1(d), the Council is required to adopt a written fiscal plan and establish a definitive policy, by resolution, that meets the requirements set forth in Indiana Code § 36-4-3-13 for the Annexation Territory, prior to adopting an annexation ordinance; and

WHEREAS, the required fiscal plan, included as Exhibit A (the “Fiscal Plan”) and attached hereto and made a part hereof, has been prepared and presented to this Council for consideration; and

WHEREAS, the Fiscal Plan has been reviewed and complies with the requirements of Indiana Code § 36-4-3-13.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana meeting in regular session as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Fiscal Plan is hereby approved and adopted for the Annexation Territory.

Section 3. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA THIS
17th DAY OF AUGUST, 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

KD_14603064_1.docx

EXHIBIT A

FISCAL PLAN

(To be attached)

**ANNEXATION FISCAL PLAN
FOR THE
TOWN OF BRISTOL, INDIANA**

**Apartment Project #1 Annexation
Apartment Project #2 Annexation
Apartment Project #3 Annexation
Phase 1 & Phase 2**

May 24, 2023

Prepared by:



TABLE OF CONTENTS

	<u>Page(s)</u>
Introduction	1 - 2
Section I Area Description	
A. Location, Area Size and Contiguity	3
B. Current Land Use	3
C. Zoning	3
D. Current Population	3
E. Real Property Assessed Valuation	3
Section II Non-Capital Services	
A. Cost of Services	4
B. Police Protection	4
C. Fire Protection	4
D. Emergency Medical Services	5
E. Street Maintenance	5
F. Storm Water and Drainage	5
G. Parks	5
H. Governmental Administrative Services	6
Section III Capital Improvements	
A. Cost of Services	7
B. Water Service	7
C. Wastewater Service	7
D. Storm Water and Drainage	8
E. Street Construction	8
Section IV Fiscal Impact	9
Section V Assumed Indebtedness	10
Appendix I Estimated Assessed Value and Tax Rate Impact	11
Parcel List	12
Appendix II Map and Legal Description of Annexation Areas	

INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of parcels to the north of the existing corporate limits on the west side of Bristol (the "Annexation Areas"). This annexation will be accomplished in two phases. Each phase of the annexation will be adjacent to the Town of Bristol, IN (the "Town"). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code 36-4-3-13(d) states that this Fiscal Plan must include and provide:

- 1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
- 2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
- 3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
- 4) That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries will be provided within one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density;
- 5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria;
- 6) The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;
- 7) The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;

INTRODUCTION

- 8) Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and
- 9) A list of all parcels of property in the annexation territory and the following information regarding each parcel:
 - (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the Town's various administrative offices and the Town's financial advisors, Baker Tilly. This Fiscal Plan is the result of an analysis of the proposed Annexation Areas.

Each phase of the annexation will be contiguous to the Town for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity

The proposed Annexation Areas are located on the north side of the existing corporate boundaries of the Town. A map and legal description of the areas to be annexed have been included in attached Appendix II.

Phase I

The Apartment Project #1 Annexation Area is approximately 10 acres. The perimeter boundary of the Apartment Project #1 Annexation Area is over 12.5% contiguous to the existing corporate boundaries of the Town.

Phase II

The Apartment Project #2 Annexation Area is approximately 2 acres. The perimeter boundary of the Apartment Project #2 Annexation Area is over 25% contiguous to the existing corporate boundaries of the Town.

The Apartment Project #3 Annexation Area is approximately 1 acre. The perimeter boundary of the Apartment Project #3 Annexation Area is over 25% contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Areas consist of residential property and vacant land.

C. Zoning

Existing Zoning: Agriculture (A-1)

Proposed Zoning: Multiple-Family Residential (R-3)

D. Current Population

The current population of the Annexation Areas is estimated at 3. This figure was derived by multiplying the estimated number of households in the Annexation Areas by the persons per household figure in the 2010 Census for Washington Township in Elkhart County.

Households	1
Population per household	2.71
Estimated Population	<u>3</u>

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Areas is \$267,030, with \$227,030 being in Phase 1 and \$40,000 being in Phase 2. This represents the assessed value as of January 1, 2022 for taxes payable 2023.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Areas were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing Town's municipal boundary.

The Town will provide all non-capital services to the Annexation Areas within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

B. Police Protection

The Elkhart County Sheriff's Department currently provides police protection and law enforcement services to the Annexation Areas. However, all non-capital services of the Bristol Police Department will be made available in the Annexation Areas within 1 year of the effective date of the annexations and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Town of Bristol Police Department's ("BPD") primary purpose is the prevention of crime. The BPD patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the BPD provides other services such as detection and apprehension of offenders, traffic control and preservation of civil order. The BPD does not distinguish between different areas of the Town. The same services are provided throughout the Town. Due to the location and character of the Annexation Areas, the BPD does not anticipate additional costs as a result of the annexation.

C. Fire Protection

The Annexation Areas are currently served by the Washington Township Volunteer Fire Department ("WTVFD"). The WTVFD serves the Town of Bristol through a contractual agreement. Given the relatively small Annexation Areas, it is anticipated that any increase in the cost of the contractual arrangement for fire services will be negligible.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

D. Emergency Medical Services

Currently, the WTVFP provides emergency medical services to the Annexation Areas. These services include, but are not limited to, emergency medical response. Given the relatively small Annexation Areas, it is anticipated that any increase in the cost of the contractual arrangement for emergency medical services will be negligible.

E. Street Maintenance

There are no streets within the Annexation Areas for which the Town will be responsible for maintenance; therefore, there will be no additional costs for the provision of street maintenance services upon annexation. However, all non-capital services of the Bristol Street Department will be made available in the Annexation Areas within 1 year of the effective date of the annexations and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Areas will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the area will have to have its storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers. Nevertheless, all non-capital storm water services will be made available in the Annexation Areas within 1 year of the effective date of the annexations and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently four downtown parks in the Town of Bristol. Hermance Park has a rental pavilion and Congdon Park has a rental gazebo. Raber Golf Course is town-owned and is located across from Bay Ridge on the west end of Town. It is anticipated that no additional parks will be added as a result of annexation, therefore there will be no additional costs to the Town.

SECTION II

(Cont'd)

NON-CAPITAL SERVICES

H. Governmental Administrative Services

The Town does not anticipate that the addition of the Annexation Areas will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments. All non-capital services of the administration of the Town will be made available in the Annexation Areas on the date the annexations becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Governmental Administrative Services of the Town include, but are not limited to, the services provided by the following:

- Town Council
- Clerk-Treasurer's Office
- Town Manager

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Areas were evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide the following capital services to the Annexation Areas no later than three (3) years after the effective date of the annexations in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that both phases of the annexation will be effective as soon as practically possible, but not later than December 31, 2023.

B. Water Service

Portions of the Annexation Areas are currently not being served. The Bristol Municipal Water Utility provides water service in the surrounding area and has the capacity and capability to serve the Annexation Areas if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and water assessment charges. It is important to note that the Water Utility is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Water Department will be extended to the Annexation Areas within 3 years of the effective date of the annexations in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

C. Wastewater Service

Portions of the Annexation Areas are currently not being served. The Bristol Municipal Sewage Works provides wastewater service in the surrounding area and has the capacity and capability to serve the Annexation Areas if and when connection is desired. It is anticipated that new customers will pay the applicable tap fee and sewer assessment charges. It is important to note that the Sewage Works is a separate proprietary fund of the Town that maintains separate books and records, and extensions in service are typically borne by the respective property owner or developer. Regardless, all capital services of the Wastewater Department will be extended to the Annexation Areas within 3 years of the effective date of the annexations in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION III

(Cont'd)

CAPITAL IMPROVEMENTS

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Areas will be consistent with the Town's current storm water and drainage system throughout the Town. The future development in the Annexation Areas will have to have their storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers, therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be extended to the Annexation Areas within three (3) years of the effective date of the annexations in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

Construction of any new streets within the Annexation Areas will be the responsibility of the appropriate developer in accordance with the applicable Town Code. There are currently no existing streets within the Annexation Areas for which the Town will be responsible. Regardless, all capital services of the Street Department, including evaluation and construction services, will be extended to the Annexation Areas within 3 years of the effective date of the annexations in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

As a result of the annexations, based on assessed values as of January 1, 2022, the net assessed value for the Town is anticipated to increase by \$267,030, or approximately 0.10%. The net impact of increasing the Town's net assessed value will result in additional property tax revenues to the Town, which may be used to offset the cost of providing services to the Annexation Areas.

It is assumed that the effective date of Phase I and Phase II of this annexation will be as soon as practically possible, but no later than December 31, 2023. Based on the assumed effective date, property owners in Phase I and Phase II of the Annexation Areas will not pay property taxes to the Town until 2024 payable 2025. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of each phase, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of each phase.

It is anticipated that there will be no additional costs to the Town as a result of the annexations.

It is anticipated that the Town will realize an increase in its levy of approximately \$1,934 (\$1,726 net of circuit breaker) as a result of the annexations. However, the percentage increase in the levy will not exceed the percentage increase in the Town's assessed value; therefore, there is not anticipated to be a tax rate increase as a direct result of the annexations. If there is a shortfall in revenue from the annexations, the services described in this plan can be provided using funds on hand.

Based on the assumed annual growth factors noted on page 11, the additional levy will be approximately \$2,029 (\$1,821 net of circuit breaker) in 2026, \$2,126 (\$1,918 net of circuit breaker) in 2027 and \$2,217 (\$2,009 net of circuit breaker) in 2028. The impacts on other taxing units will be minor. The estimated additional property tax cap losses for the overlapping taxing units are as follows: School \$217; Township \$3; County \$98; Library \$11.

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the Town will assume and pay any unpaid bonds or other obligations of Washington Township existing at the effective date of the annexations in the same ratio as the assessed valuation of the property in the Annexation Areas bears to the assessed valuation of all property in Washington Township, as shown by the most recent assessment for taxation before the annexations, unless the assessed property within the Town is already liable for the indebtedness.

There is no debt currently outstanding for Washington Township.

Appendix I

TOWN OF BRISTOL, INDIANA

Apartment Project #1 Annexation

Apartment Project #2 Annexation

Apartment Project #3 Annexation

ESTIMATED ASSESSED VALUE AND TAX RATE IMPACT

(Assumes first year of tax collections from Annexation Areas is 2024 pay 2025)

<u>Assessment Year</u>	<u>Estimated Net Assessed Value of Annex. Areas</u>	<u>Estimated Net Assessed Value of Town</u>	<u>Total Est. Net Assessed Value of Town</u>	<u>Est. Property Tax Levy of Town</u>	<u>Est. Property Tax Rate</u>
	(1)	(2)	(3)	(4),(5)	(6)
2022 Pay 2023	N/A	\$241,522,326	\$241,522,326	\$2,100,761	\$0.8698
2023 Pay 2024	N/A	253,598,442	253,598,442	2,185,999	0.8620
2024 Pay 2025	\$267,030	266,278,364	266,545,394	2,276,775	0.8542
2025 Pay 2026	267,030	279,592,282	279,859,312	2,388,464	0.8535
2026 Pay 2027	267,030	293,571,896	293,838,926	2,503,382	0.8520
2027 Pay 2028	267,030	308,250,491	308,517,521	2,612,049	0.8466

- (1) Based on the current net assessed value of the real property in the Annexation Areas as gathered from the Elkhart County Assessor's office. Assumes only the base assessed value, as the incremental assessed value from the future development is anticipated to be captured within a TIF area, with those property tax dollars received by the Town's redevelopment commission.
- (2) Assumes the assessed value for the Town of Bristol, excluding the Annexation Areas, grows at a rate of 5%.
- (3) Represents the net assessed value for the Town, including the Annexation Areas, used to calculate the tax rate.
- (4) Assumes controlled property tax levies increase at an annual growth factor of 4.0% for 2024, 4.0% for 2025, 4.9% for 2026, 4.8% for 2027, and 4.3% for 2028. Also, assumes the CCD rate remains constant, which results in additional levy due to NAV growth.
- (5) Assumes the Town receives an automatic increase in its levy equal to its percentage increase in net assessed value as a result of annexation.
- (6) Based on the Est. Property Tax Levy of Town divided by the Total Est. Net Assessed Value of Town.

TOWN OF BRISTOL, INDIANA

Apartment Project #1 Annexation

Apartment Project #2 Annexation

Apartment Project #3 Annexation

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	<u>'22 Pay '23 Net Assessed Value</u>	<u>Remonstrance Waiver</u>
20-03-32-127-006.000-030	Swank & White, LLC	\$157,430	No
20-03-29-451-015.000-030	Swank & White, LLC	18,300	No
20-03-29-378-004.000-030	Swank & White, LLC	51,300	No
20-03-29-451-017.000-030	Swank & White, LLC	30,200	No
20-03-32-127-007.000-030	Swank, Kurt	9,800	No
	Total	<u><u>\$267,030</u></u>	

Appendix II

PHASE I

MAP OF THE ANNEXATION TERRITORY



PHASE I

LEGAL DESCRIPTION

For APN/Parcel ID(s): 20-03-29-451-015.000-030

A part of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section Twenty-Nine (29), and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section Thirty-Two (32), in Township Thirty-Eight (38) North, Range Six (6) East, in Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a stone marking the southwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-Two (32) and assuming the West line of said Quarter Section to have a bearing of due North and South, thence due North, along the West line of said Quarter Section, a distance of Two Thousand Two Hundred Twenty-Eight and Five Tenths (2,228.5) feet to a spike nail marking the intersection of the West line of said Quarter Section with the center line of the Elkhart - Bristol Road [commonly known as State Road Number 120]; thence North Sixty-One (61) degrees Forty (40) minutes East, along a chord segment of said curve, a distance of Three Hundred Twelve and Thirty-Eight Hundredths (312.38) feet to the point of tangent and the point of beginning of this description; thence North Twenty-Eight (28) degrees Twenty-Four (24) minutes Eighteen (18) seconds West, a distance of Four Hundred Fifty (450.00) feet; ~~thence North Sixty (60) degrees Seventeen (17) minutes East, parallel with the center line~~ of said road, a distance of One Hundred Forty-Eight and Thirty-Four Hundredths (148.34) feet; thence South Twenty-Four (24) degrees Eighteen (18) minutes East, a distance of Four hundred Fifty (450.00) feet to the center line of said road, thence South Sixty (60) degrees Seventeen (17) minutes West, along said road, a distance of One Hundred Forty-Eight and Thirty-Four Hundredths (148.34) feet to the place of beginning.

Containing One and Fifty-Three Hundredths (1.53) acres of land.

Subject to Public Highway: State Road No. 120.

For APN/Parcel ID(s): 20-03-32-127-006.000-030 and 20-03-29-378-004.000-030

A PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 29, AND THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 6 EAST, IN WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

~~COMMENCING AT A STONE MARKING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, AND ASSUMING THE WEST LINE OF SAID QUARTER SECTION TO HAVE A BEARING OF DUE NORTH AND SOUTH, THENCE DUE NORTH ALONG THE WEST LINE OF SAID QUARTER SECTION, 2,228.5 FEET TO A SPIKE NAIL MARKING THE INTERSECTION OF THE WEST LINE OF SAID QUARTER SECTION WITH THE CENTER LINE OF ELKHART-BRISTOL ROAD (COMMONLY KNOWN AS STATE ROAD NUMBER 120); THENCE NORTH 61 DEGREES 40 MINUTES EAST ALONG A CHORD SEGMENT OF SAID CURVE, 312.38 FEET TO THE POINT OF TANGENT; THENCE NORTH 60 DEGREES 17 MINUTES EAST, ALONG THE CENTER LINE OF SAID ROAD, 148.34 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH 60 DEGREES 17 MINUTES WEST, ALONG THE CENTER LINE OF SAID ROAD, 148.34 FEET TO A POINT OF CURVE; THENCE SOUTH 61 DEGREES 40 MINUTES WEST, ALONG A CHORD SEGMENT OF SAID CURVE, 312.38 FEET TO THE POINT OF INTERSECTION OF THE CENTER LINE OF SAID ROAD WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 32; THENCE SOUTH 64 DEGREES 22 MINUTES 30 SECONDS WEST, ALONG A CHORD SEGMENT OF SAID CURVE, 227.18 FEET TO THE POINT OF TANGENT OF SAID CURVE, THENCE SOUTH 65 DEGREES 8 MINUTES WEST, ALONG THE CENTER LINE OF SAID ROAD, 133.71 FEET; THENCE NORTH 21 DEGREES 17 MINUTES WEST, APPROXIMATELY 204.28 FEET TO THE WATER'S EDGE OF THE ST. JOSEPH RIVER; THENCE UPSTREAM AND MEANDERING ALONG THE WATER'S EDGE OF SAID ST. JOSEPH RIVER TO A POINT THAT IS NORTH 24 DEGREES 18 MINUTES WEST, APPROXIMATELY 1,200.00 FEET NORTHERLY OF THE PLACE OF BEGINNING; THENCE SOUTH 24 DEGREES 18 MINUTES EAST, APPROXIMATELY 1,200.00 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.~~

EXCEPTING THEREFROM THE FOLLOWING:

A PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 6 EAST, SECOND PRINCIPAL MERIDIAN, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

southwest

COMMENCING AT A RAILROAD TIE POST MONUMENTING THE [REDACTED] CORNER OF SAID NORTHEAST QUARTER OF SECTION 32, AND THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 32 TO HAVE AN ASSUMED BEARING OF NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST (DUE NORTH); THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2228.50 FEET TO A POINT ON THE CENTERLINE OF STATE ROAD 120; THENCE SOUTH 64 DEGREES 22 MINUTES 30 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120 A DISTANCE OF 199.05 FEET TO A POINT ON SAID CENTERLINE OF STATE ROAD 120 BEING

THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 64 DEGREES 22 MINUTES 30 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120, A DISTANCE OF 28.13 FEET TO A POINT ON THE CENTERLINE OF STATE ROAD 120; THENCE SOUTH 65 DEGREES 08 MINUTES 00 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120, A DISTANCE OF 133.77 FEET TO A POINT ON SAID CENTERLINE OF STATE ROAD 120 TO AN IRON REBAR WITH CAP (DORIOT 890028); THENCE NORTH 21 DEGREES 17 MINUTES 00 SECONDS WEST, A DISTANCE OF 149.08 FEET TO A 3/4 INCH IRON PIPE BEING A MEANDER LINE POINT FOR THE ST. JOSEPH RIVER; THENCE CONTINUING NORTH 21 DEGREES 17 MINUTES 00 SECONDS WEST, A DISTANCE OF 55.18 FEET TO A POINT ON THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER; THENCE NORTH 26 DEGREES 06 MINUTES 57 SECONDS EAST MORE OR LESS ALONG THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER, A DISTANCE OF 131.45 FEET MORE OR LESS TO A POINT ON THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER; THENCE SOUTH 34 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 125.00 FEET TO AN IRON REBAR WITH CAP (DORIOT 890028) BEING A MEANDER LINE POINT FOR THE ST. JOSEPH RIVER; THENCE CONTINUING SOUTH 34 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 165.08 FEET TO THE POINT OF BEGINNING.

Also excepting therefrom the following:

For APN/Parcel ID(s): 20-03-29-451-017.000-030

A part of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section Twenty-Nine (29), and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section Thirty-Two (32), in Township Thirty-Eight (38) North, Range Six (6) East, in Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a stone marking the southwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-Two (32) and assuming the West line of said Quarter Section to have a bearing of due North and South; thence due North, along the West line of said Quarter Section, a distance of Two Thousand Two Hundred Twenty-Eight and Five Tenths (2,228.5) feet to a spike nail marking the intersection of the West line of said Quarter Section with the center line of the Elkhart - Bristol Road [commonly known as State Road Number 120]; thence North Sixty-One (61) degrees Forty (40) minutes East, along a chord segment of said curve, a distance of Three Hundred Twelve and Thirty-Eight Hundredths (312.38) feet to the point of tangent; thence North Twenty-Four (24) degrees Eighteen (18) minutes West, a distance of Four Hundred Fifty (450.00) feet to the point of beginning of this description; thence North Sixty (60) degrees Seventeen (17) minutes East, parallel with the center line of said road, a distance of One Hundred Forty-Eight and Thirty-Four Hundredths (148.34) feet; thence North Twenty-Four (24) degrees Eighteen (18) minutes West, a distance of approximately Seven Hundred Fifty-Five and Nine Tenths (755.9) feet to the waters edge of the St. Joseph River; thence Southwestwardly, meandering along the waters edge of said river to a point that is North Twenty-Four (24) degrees Eighteen (18) minutes West, and approximately Six Hundred Seventy (670.00) feet northwardly of the point of beginning; thence South Twenty-Four (24) degrees Eighteen (18) minutes East, approximately Six Hundred Seventy (670.00) feet to the point of beginning.

PHASE II

MAP OF THE ANNEXATION TERRITORY



PHASE II

LEGAL DESCRIPTION

For APN/Parcel ID(s): 20-03-29-451-017.000-030

A part of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section Twenty-Nine (29), and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section Thirty-Two (32), in Township Thirty-Eight (38) North, Range Six (6) East, in Washington Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a stone marking the southwest corner of the Northeast Quarter (NE 1/4) of Section Thirty-Two (32) and assuming the West line of said Quarter Section to have a bearing of due North and South; thence due North, along the West line of said Quarter Section, a distance of Two Thousand Two Hundred Twenty-Eight and Five Tenths (2,228.5) feet to a spike nail marking the intersection of the West line of said Quarter Section with the center line of the Elkhart - Bristol Road [commonly known as State Road Number 120]; thence North Sixty-One (61) degrees Forty (40) minutes East, along a chord segment of said curve, a distance of Three Hundred Twelve and Thirty-Eight Hundredths (312.38) feet to the point of tangent; thence North Twenty-Four (24) degrees Eighteen (18) minutes West, a distance of Four Hundred Fifty (450.00) feet to the point of beginning of this description; thence North Sixty (60) degrees Seventeen (17) minutes East, parallel with the center line of said road, a distance of One Hundred Forty-Eight and Thirty-Four Hundredths (148.34) feet; thence North Twenty-Four (24) degrees Eighteen (18) minutes West, a distance of approximately Seven Hundred Fifty-Five and Nine Tenths (755.9) feet to the waters edge of the St. Joseph River; thence Southwestwardly, meandering along the waters edge of said river to a point that is North Twenty-Four (24) degrees Eighteen (18) minutes West, and approximately Six Hundred Seventy (670.00) feet northwardly of the point of beginning; thence South Twenty-Four (24) degrees Eighteen (18) minutes East, approximately Six Hundred Seventy (670.00) feet to the point of beginning.

Containing approximately Two and Forty-Three Hundredths (2.43) acres of land.

Subject to the overflow rights of Indiana & Michigan Electric Company [now American Electric Power].

For APN/Parcel ID(s): 20-03-32-127-007.000-030

A PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 6 EAST, SECOND PRINCIPAL MERIDIAN, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD TIE POST MONUMENTING THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 32, AND THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 32 TO HAVE AN ASSUMED BEARING OF NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST (DUE NORTH); THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 2228.50 FEET TO A POINT ON THE CENTERLINE OF STATE ROAD 120, THENCE SOUTH 64 DEGREES 22 MINUTES 30 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120, A DISTANCE OF 199.05 FEET TO A POINT ON SAID CENTERLINE OF STATE ROAD 120 BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 64 DEGREES 22 MINUTES 30 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120, A DISTANCE OF 28.13 FEET TO A POINT ON THE CENTERLINE OF STATE ROAD 120, THENCE SOUTH 65 DEGREES 08 MINUTES 00 SECONDS WEST ALONG SAID CENTERLINE OF STATE ROAD 120, A DISTANCE OF 133.77 FEET TO A POINT ON SAID CENTERLINE OF STATE ROAD 120 TO AN IRON REBAR WITH CAP (DORIOT 890028); THENCE NORTH 21 DEGREES 17 MINUTES 00 SECONDS WEST, A DISTANCE OF 149.08 FEET TO A 3/4 INCH IRON PIPE BEING A MEANDER LINE POINT FOR THE ST. JOSEPH RIVER; THENCE CONTINUING NORTH 21 DEGREES 17 MINUTES 00 SECONDS WEST, A DISTANCE OF 55.18 FEET TO A POINT ON THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER; THENCE NORTH 26 DEGREES 06 MINUTES 57 SECONDS EAST MORE OR LESS ALONG THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER, A DISTANCE OF 131.45 FEET MORE OR LESS TO A POINT ON THE NORMAL WATER LINE OF SAID ST. JOSEPH RIVER; THENCE SOUTH 34 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 125.00 FEET TO AN IRON REBAR WITH CAP (DORIOT 890028) BEING A MEANDER LINE POINT FOR THE ST. JOSEPH RIVER; THENCE CONTINUING SOUTH 34 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 165.08 FEET TO THE POINT OF BEGINNING.