

ORDINANCE NO. 12-21-2023-31

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 two petitions for voluntary annexation into the Town (collectively, the "Petitions"); and

WHEREAS, the Petitions requests that four parcels located at County Road 23 and State Road 15, Washington Township, Elkhart County, Indiana and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-03-34-400-002.000-030, 20-03-34-400-013.000-030, 20-03-34-400-009.000-030, and 20-03-34-400-005.000-030 consisting of approximately 82.86 acres (the "Annexation Territory"), be annexed by the Town; and

WHEREAS, the Petitions have 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 Limited Manufacturing (M-1) (Parcel Numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030) and Agriculture (A-1) (Parcel Numbers 20-03-34-400-009.000-030 and 20-03-34-400-005.000-030); 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 December 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 Limited Manufacturing (M-1) (Parcel Numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030) and Agriculture (A-1) (Parcel Numbers 20-03-34-400-009.000-030 and 20-03-34-400-005.000-030) zoning classifications 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 DECEMBER, 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

For APN/Parcel ID: 20-03-34-400-009.000-030

The South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, containing 20 acres, more or less.

Less and Excepting:

That part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Washington Township, Elkhart County, Indiana which is described as: Beginning at the South Quarter post of said Section 34; thence North 00°03'23" West, 400.00 feet; thence North 89°57'08" East, 539.00 feet; thence South 00°03'23" East 400 feet; thence South 89°57'08" West, along the South line of said Quarter Section, 539.00 feet to the Point of Beginning, containing 4.95 acres, more or less.

Also Less and Excepting:

A part of the Northeast Quarter of Section 3, Township 37 North, Range 6 East, and a part of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana, and being that part of the grantors' land lying within the right-of-way lines, described as follows: Beginning at a point on the North line of said Section 3, South 89°38'44" West, 1317.26 feet (1311.66 feet by Instrument No. 88-13995), from the Northeast corner of said Section 3, and being the Point of Beginning, which Point of Beginning is the intersection of said North line with the centerline of State Road 15; thence South 89°38'44" West, 36.15 feet along said North line; thence North 03°32'32" West, 46.02 feet; thence North 05°03'05" West, 124.58 feet; thence Northerly, 415.04 feet along an arc to the right and having a radius of 10734.91 feet and subtended by a long chord having a bearing of North 02°26'05" West and a length of 415.02 feet; thence North 39°45'44" West, 42.14 feet; thence North 00°54'50" West, 49.27 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 34; thence North 89°38'47" East, 55.95 feet along said North line, to the East line of the Southwest Quarter of the Southeast Quarter of said Section 34; thence South 00°22'58" East, 186.68 feet along said East line, to the Northwest corner of a 20 acre tract of land described in Deed Record 191, page 381; thence North 89°38'44" East, 71.94 feet along the North line of said 20 acre tract; thence Southerly, 304.69 feet along an arc to the left and having a radius of 10636.48 feet and subtended by a long chord having a bearing of South 02°43'18" East and a length of 304.68 feet; thence South 03°32'32" East, 324.70 feet to the South line of the grantors' land; thence South 88°31'34" West, 59.09 feet along the said South line, to the centerline of State Road 15; thence North 03°32'32" West, 150.0 feet along said centerline to the Point of Beginning, and containing 0.203 of an acre, more or less, in said Section 3, and containing 1.238 acres, more or less, in said Section 34; and containing in all, 1.441 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.698 of an acre, more or less, and the portion of the above described real estate, which is not already embraced within the presently existing right-of-way, contains 0.743 of an acre, more or less.

For APN/Parcel ID(s): 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030

Parcel 1: The Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, excepting ten (10) acres by parallel lines off of the North side thereof, containing thirty acres, more or less.

Parcel 2: The North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, containing twenty acres, more or less.

Less and excepting the following:

Part of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34), Township Thirty-eight (38) North, Range Six (6) East, situate in Washington Township, Elkhart County, State of Indiana, more particularly described as follows:

Commencing at a Harrison marker at the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34; thence South 89 degrees 49 minutes West along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 1332.05 feet to a masonry nail marking the Northeast corner of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34; thence South 00 degrees 24 minutes East along the East line of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 1699.77 feet to a masonry nail marking the place of beginning of this description; thence continuing South 00 degrees 24 minutes East along the East line of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 34 a distance of 250 feet to a masonry nail; thence South 89 degrees 42 minutes West a distance of 270.41 feet to an iron stake; thence North 00 degrees 24 minutes West a distance of 250 feet to an iron stake; thence North 89 degrees 42 minutes East a distance of 271.13 feet to the place of beginning of this description.

Also less and excepting the following parcel taken for right-of-way conveyed to the State of Indiana by Warranty Deed recorded May 31, 2005, as Instrument No. 2005-16261, in the Office of the Recorder of Elkhart County, Indiana, being more particularly described as follows:

A part of the North Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 38 North, Range 6 East, Elkhart County, Indiana and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat marked as Exhibit "B", described as follows: Beginning at the southeast corner of said half-quarter-quarter section; thence South 89 degrees 38 minutes 47 seconds West 55.95 feet (17.054 meters) along the south line of said half-quarter-quarter section; thence North 0 degrees 54 minutes 50 seconds West 39.86 feet (12.149 meters) to point "835" designated on said parcel plat; thence North 56 degrees 24 minutes 45 seconds East 13.90 feet (4.237 meters) to the north line of the grantor's land; thence North 89 degrees 31 minutes 02 seconds East 44.70 feet (13.625 meters) to the east line of said quarter-quarter section; thence South 0 degrees 22 minutes 58 seconds East 47.57 feet (14.499 meters) along said east line to the point of beginning and containing 0.060 acres (0.0243 hectares), more or less, inclusive of the presently existing right-of-way which contains 0.017 acres (0.0069 hectares), more or less. The portion of above-described real estate which is not already embraced within the presently existing right-of-way contains 0.043 acres (0.0174 hectares), more or less.

Subject to restrictions, covenants, easements, and assessments of record.

Being tax code numbers 20-03-34-400-002.000-030 and 20-03-34-400-013.000-030.

For APN/Parcel ID(s): 20-03-34-400-005.000-030

THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 6 EAST, WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA.

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY

