

ORDINANCE NO. 8-17-2023-15

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 two parcels along State Road 120, Washington Township, Elkhart County, Indiana, and identified in the Elkhart County, Indiana property records as Parcel Numbers 20-03-29-451-017.000-030 and 20-03-32-127-007.000-030, consisting of approximately 3.2 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 August 3, 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 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

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(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.

EXHIBIT B

MAP OF THE ANNEXATION TERRITORY

