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TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1338

AN ORDINANCE ANNEXING CERAIN CONTIGUOUS LAND TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.

2004 047236

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has received a Petition for Annexation to the Town of St. John; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the Petition for Annexation to the Town of St. John for annexation of approximately Three-hundred Twenty-Five (325) acres of land to the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, seeks to annex certain contiguous territories to the Town of St. John, pursuant to the provisions of I.C. §36-4-3, et seq., as amended from time to time, and more particularly, I.C. §35-4-3-5.1; and

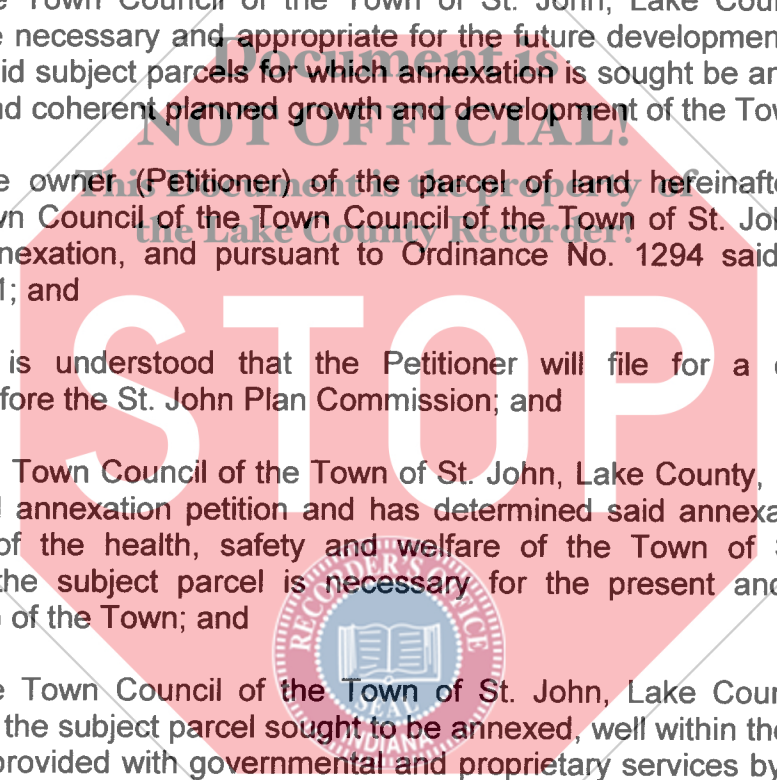
WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has deemed it to be necessary and appropriate for the future development for the Town of St. John that said subject parcels for which annexation is sought be annexed to provide for continued and coherent planned growth and development of the Town; and

WHEREAS, the owner (Petitioner) of the parcel of land hereinafter described did petition the Town Council of the Town of St. John, Lake County, Indiana, for annexation, and pursuant to Ordinance No. 1294 said parcel shall be classified as R-1; and

WHEREAS, it is understood that the Petitioner will file for a change of zone classification before the St. John Plan Commission; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has duly considered said annexation petition and has determined said annexation to be in the best interests of the health, safety and welfare of the Town of St. John as the annexation of the subject parcel is necessary for the present and future planned coherent growth of the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined that the subject parcel sought to be annexed, well within the prescribed time limits, shall be provided with governmental and proprietary services by the Town in the same manner as those services are provided to areas within the municipal corporate boundaries that have similar topography, patterns of land use, and population density consistent with applicable federal, state and local laws, procedures and planning criteria; and



FILED

JUN 04 2004  
STEPHEN R. STIGLICH  
LAKE COUNTY AUDITOR

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**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, has introduced a Fiscal Plan and approved same by Resolution as a definite policy showing:

1. The cost estimate of planned services to the subject parcel to be annexed.
2. The methods of financing the planned services.
3. The plan for the organization and extension of the services.
4. The furnishing of services of a non-capital nature, including police protection, fire protection, and street and road maintenance to the territory within one (1) year from the effective date of the annexation, which service shall be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of St. John.
5. The furnishing of services of a capital nature, including street construction, street lighting, sewer facilities, water utilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of annexation in the manner as those services are provided to areas within the municipal corporate boundaries of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:**

**SECTION ONE:** That the subject parcel(s) described on the attached Exhibit "A", which is deemed contiguous to the Town of St. John, be and the same hereby are annexed and made part of the Town of St. John, Lake County, Indiana.

**SECTION TWO:** This Ordinance shall not be effective, and shall be determined null and void, in the event that the Plan Commission, the Town Council and the Petitioner cannot mutually agree upon the final re-zoning of the subject property.

**SECTION THREE:** This Annexation Ordinance shall become final sixty (60) days after the final publication thereof and the effective date of the annexation shall be in conformance with applicable law.

**SECTION FOUR:** That the Clerk-Treasurer of the Town is hereby directed to cause this Ordinance to be published one (1) time within thirty (30) days from the date of the adoption of this Ordinance in conformance with applicable law, as amended from time to time.

**SECTION FIVE:** That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

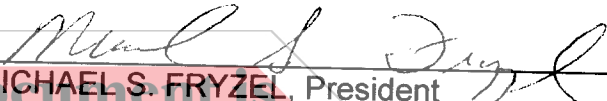
**SECTION SIX:** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court or competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

**SECTION SEVEN:** That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law, subject expressly upon the conditions precedent set forth herein, as well as in the Petition for Annexation upon which this Ordinance adoption is premised.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 32<sup>nd</sup> DAY OF April, 2004.**

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**TOWN COUNCIL, TOWN OF ST. JOHN,  
LAKE COUNTY, INDIANA**

  
MICHAEL S. FRYZEL, President

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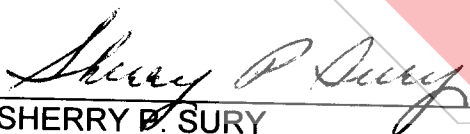
  
JERRI ANNE TEIBEL, Vice-President

GREGORY J. VOLK, Member

  
MARK A. BARENIE, Member

  
CHARLES E. PEARSON, Member

ATTEST:

  
SHERRY P. SURY  
Clerk-Treasurer