

TOWN OF LOWELL, LAKE COUNTY, INDIANA

ORDINANCE NO: 2007-08-A

ORDINANCE AMENDING ORDINANCE 2007-08
AN ORDINANCE ANNEXING 78 ACRES OF CONTIGUOUS LAND
KNOWN AS THE HAWKINS ANNEXATION
TO THE TOWN OF LOWELL, LAKE COUNTY, INDIANA.

2007 056894

WHEREAS, the legal description provided by the Petitioner, which was incorporated into Ordinance 2007-08 which was adopted by the Lowell Town Council on May 14, 2007 to approve the Hawkins Annexation, contained a scrivener's error and should be amended and made effective as of the date of the adoption of Ordinance 2007-08; and

WHEREAS, one hundred percent (100%) of the landowners of the real estate described in the legal description below have petitioned for annexation of approximately 78 acres, commonly known as the Hawkins Annexation, and the Town of Lowell has considered and examined the current and proposed land uses in relation to the Town's future development; and

WHEREAS, said real estate is contiguous to and is bounded by the Town of Lowell; and

WHEREAS, a written fiscal plan has been approved and adopted by Resolution 2007-09 for providing services to the annexed area pursuant to Ind Code § 36-4-3; and

WHEREAS, it is desirable that the Town of Lowell control the use of said real estate; and

WHEREAS, essential municipal services are reasonably available to said territory pursuant and subject to all terms and conditions expressed in the fiscal plan.

WHEREAS, the Lowell Town Council has established a Fiscal Plan approved by Resolution No. 2007-09 as a definite policy showing:

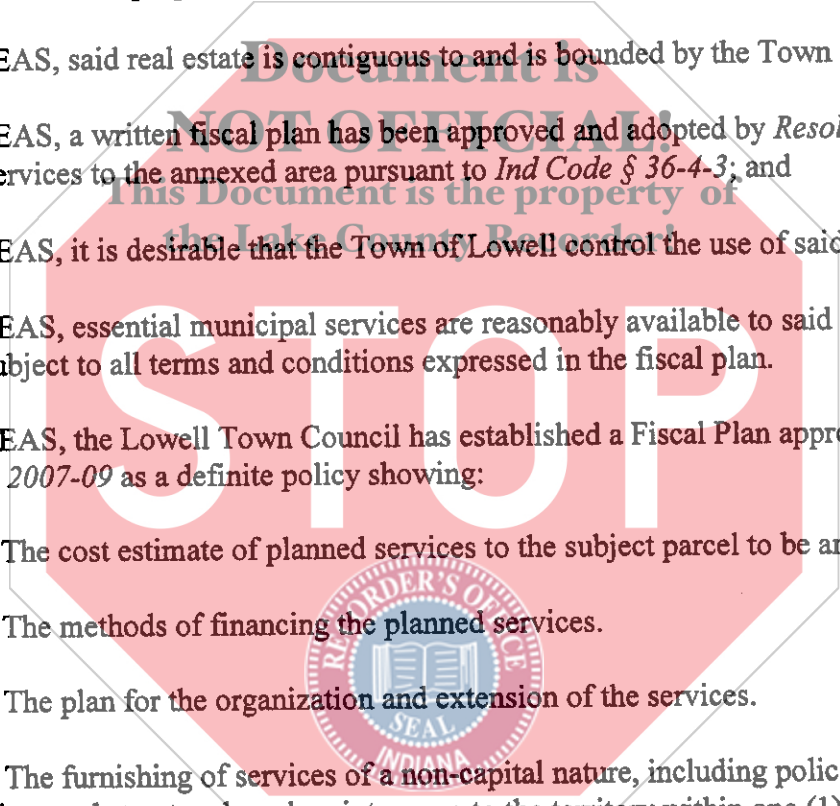
1. The cost estimate of planned services to the subject parcel to be annexed.
2. The methods of financing the planned services.
3. The plan for the organization and extension of the services.
4. The furnishing of services of a non-capital nature, including police protection, fire protection, and street 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 Lowell.

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER

JUL 12 2007

PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

000356



STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
JUL 12 PM 3:55
MICHAEL J. BROWN
RECORDER

20th
CS
R 9

5. The furnishing of services of a capital 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 annexation in the manner as those services are provided to areas within the municipal corporate boundaries of the Town.

IT IS THEREFORE ORDAINED, by the Lowell Town Council, Lake County, Indiana, that Ordinance 2007-08 is hereby amended to read, as follows:

1. Annexed Land - Legal Description: The real estate commonly known as 185100 Clark Road Cedar Township, Lake County, Indiana, which is identified in the Lake County, Indiana real estate tax records as including Tax Key Numbers 02-03-0078-0013, 02-03-0078-0018, 02-03-0078-0021, 02-03-00780025, 02-03-0078-0054, and 02-03-0081-0003 described below, containing approximately 78 acres, is hereby annexed to and declared as part of the Town of Lowell, Lake County, Indiana:

REVISED LEGAL DESCRIPTION

Those Parts of the Southeast Quarter of Section 25 and Northeast Quarter of Section 36, All in Township 33 North, Range 9 West of the Second Principal Meridian, Described as Follows: Commencing at the Northwest Corner of the East Half of the Northwest Quarter of Said Southeast Quarter; Thence South 89°42'37" East, along the North Line of Said Southeast Quarter, 2002.39 Feet to the Northeast Corner of Said Southeast Quarter; Thence South 0°42'11" East, along the East Line of Said Southeast Quarter, 268.20 Feet to the Northeast Corner of the South 302.95 Feet of the East 269.57 Feet of the North 571.11 Feet of Said Southeast Quarter; Thence North 89°42'37" West, along the North Line of Said South 302.95 Feet, 269.61 Feet to the West Line of Said East 269.57 Feet; Thence South 0°42'11" East, along Said West Line, 303.00 Feet to the South Line of Said North 571.11 Feet; Thence South 89°42'37" East, along Said South Line, 269.61 Feet to the East Line of Said Southeast Quarter; Thence South 0°42' 11" East, along Said East Line, 592.59 Feet to a Pk Nail; Thence North 89°16'12" West 1138.22 Feet to an Iron Rod; Thence South 0°42'11" East, Parallel with the East Line of Said Southeast Quarter, 1379.40 to a Mag Nail on the Center Line of Belshaw Road; Thence South 63°02'10" West, along Said Center Line, 819.51 Feet to the West Line of the East 33 Rods of the Northwest Quarter of Said Northeast Quarter of Section 36; Thence North 0°58'56" West, along Said West Line, 255.40 Feet to the South Line of Said Southeast Quarter of Section 25; Thence North 0°48'56" West, along the West Line of the East 33 Rods of the Southwest Quarter of Said Southeast Quarter, 1327.25 Feet to the South Line of the Northwest Quarter of Said Southeast Quarter; Thence North 89°39'46" West, along Said South Line, 121.56 Feet to the West Line of the East Half of the Northwest Quarter of Said Southeast Quarter; Thence North 0°52'18" West, along Said West Line, 1327.17 Feet to the Point of Beginning; in Lake County, Indiana.

2. Town Services - Fiscal Plan: All Town services shall be available in the annexed area in conformity with and pursuant and subject to the written fiscal plan submitted by the landowners and approved by the Town Council as *Resolution 2007-09*.

3. Zoning: The real estate shall be annexed with a R-1 Residential Zoning Classification subject to the property owners right to seek a change in zoning classification by filing an appropriate petition with the Lowell Planning Commission.

4. Town Council District: The annexed area shall be and is hereby assigned to Lowell Town Council District No.5.

5. Precinct Designation: The annexed area shall be assigned to the precinct(s) that are designated by the Lake County Board of Elections and Voters Registration after this ordinance is recorded with the Lake County Recorder.

6. Publication - Recording: Pursuant to Ind. Code § 36-4-3-7(f), and in the absence of an appeal under Ind. Code § 36-4-3-15.5, this annexation ordinance takes effect at least thirty (30) days after publication and upon the filings required by Ind Code § 36-4-3-22(a). The Clerk-Treasurer is hereby authorized and directed to:

- (a) Publish this ordinance one (1) time within thirty (30) days after the passage of the ordinance (per I.C. 36-4-3-7(a)).
- (b) Thirty (30) days after the date of the publication of this Ordinance, if no appeal is filed, and pursuant to I.C. 36-4-3-22, file a certified copy of this annexation ordinance with each of the following:
 - (1) The Lake County Auditor.
 - (2) The Lake Circuit Court Clerk.
 - (3) Board of Elections and Voters Registration (who shall assign precincts).
 - (4) The Office of the Secretary of State.
 - (5) The office of census data established by I.C. 2-5-1.1-12.2.
 - (6) Record this annexation ordinance with the Lake County Recorder.

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

8. Effective Date: This ordinance shall be in full force and effect upon passage and adoption as of May 14, 2007, the date of the approval of said annexation, and subject to the terms and conditions contained in the Fiscal Plan approved for this annexation.

DULY ORDAINED and ENACTED by the Lowell Town Council on the 9th day of July, 2007 by a vote of 5 Ayes and 0 Nays.

LOWELL TOWN COUNCIL:

Phillip Kuiper
Phillip Kuiper, President

Donald Huseman
Donald Huseman, Vice President

David Gard
David Gard

Cynthia "Polly" Roberts
Cynthia "Polly" Roberts

Shane Tucker
Shane Tucker

Attest: Judith Walters
Judith Walters, Clerk-Treasurer

Approved by the Executive this 9th day of July, 2007.
(I.C. 36-5-2-10)

Attest: Judith Walters
Judith Walters, Clerk-Treasurer

Phillip Kuiper
Phillip Kuiper, President

1 st Reading:	<u>7-9</u> , 2007
Advertised:	_____, 2007 Public Hearing: _____, 2007
2 nd Reading:	<u>7-9</u> , 2007 Published: _____, 2007 (IC 36-4-3-7(f))

PREPARED BY: JOHN M. KOPACK, TOWN ATTORNEY



TOWN OF LOWELL

501 East Main Street • P.O. Box 157 • Lowell, IN 46356

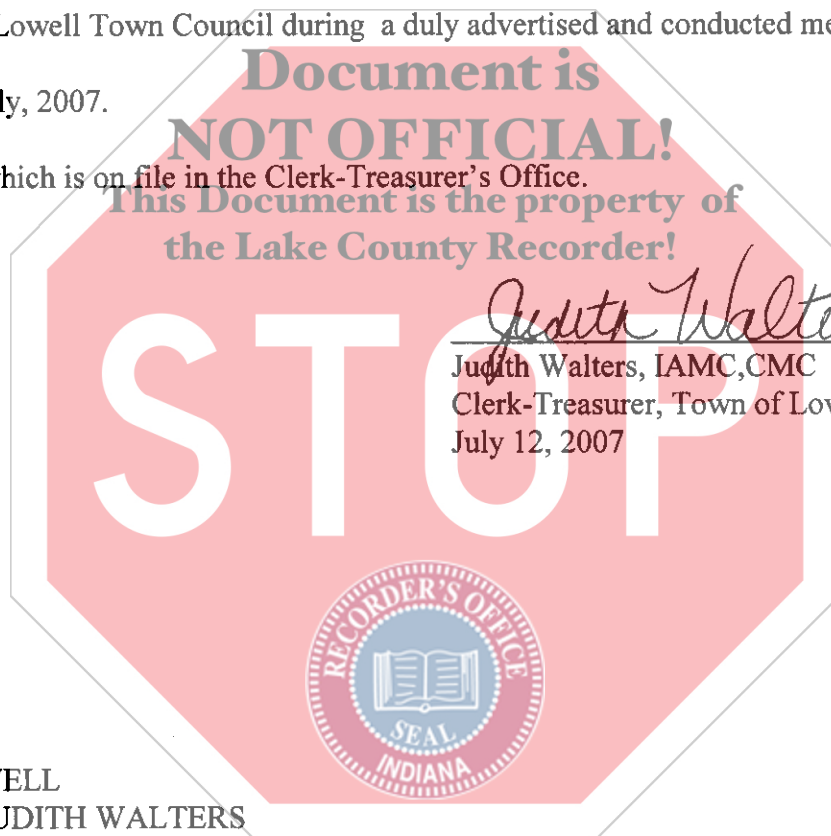
Phone: 219-696-7794 • Fax: 219-696-7796

E-Mail: townhall@townhall.lowell.net

CERTIFICATION

I, Judith Walters, the duly qualified and serving Clerk-Treasurer of the Civil Town of Lowell, Lake County, Indiana, do hereby certify that the attached is a true and accurate copy of Ordinance #2007-08A, which amends and supercedes Ordinance #2007-08, adopted and approved by the Lowell Town Council during a duly advertised and conducted meeting held on the 11th day of July, 2007.

The original of which is on file in the Clerk-Treasurer's Office.



MAIL TO:

TOWN OF LOWELL
ATTENTION: JUDITH WALTERS
P.O. BOX 157
LOWELL, IN 46356



"The friendly town with friendly people"