

**TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

**ORDINANCE NO: 1212A**

**AN ORDINANCE AMENDING TOWN ORDINANCE NO: 1212, BEING “AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LAND TO THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.”, AND ALL MATTERS RELATED THERETO.**

**WHEREAS**, the Town Council of the Town of Cedar Lake, Lake County, Indiana, (hereinafter, “Town Council”), has identified certain property contiguous to the southern boundary of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the “Town”), along the U.S. 41 South/Wicker Avenue corridor area, as territory appropriate for annexation into the Town; and

**WHEREAS**, the Town Council has determined that there are certain tracts of land, namely, approximately 2,802.24 acres, more or less in area, located outside of, but Thirty-Seven Percent (37%) contiguous to the Municipal Corporate boundary of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the “Annexation Territory”); and

**WHEREAS**, the Town Council has determined that the Annexation Territory is necessary and appropriate for the future development for the Town, and will provide for the continued and coherent planned growth and development of the Town which can be reasonably utilized by the Town for its development in the reasonably near future; and

**WHEREAS**, the Town Council has reviewed the Town’s Comprehensive Plan, and has determined that the annexation of the Annexation Territory is consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Council is aware that responsible planning and applicable state law require the adoption of a Fiscal Plan and policy for the provision of certain services to the Annexation Territory; and

**WHEREAS**, contemporaneously with the introduction of this Ordinance, and prior to the publication and issuance of notice of public hearing on the annexation, the Town Council, by Resolution, has adopted a written Fiscal Plan and policy for the provision of non-capital and capital services to the Annexation Territory in accordance with applicable Indiana law, namely I.C. § 36-4-3-3.1, as amended; and

**WHEREAS**, the written fiscal plan and policy adopted by the Town Council provides for the provision of services of a non-capital nature to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries of the Town, regardless of similar topography, patterns of land use, and population density; and

**WHEREAS**, the written fiscal plan and policy adopted by the Town Council provides for the provision of services of a capital nature to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use and population density; and

**WHEREAS**, the terms and conditions of this annexation, including the written Fiscal Plan and

policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and the Town; and

**WHEREAS**, the Town Council has determined that the annexation of the Annexation Territory will not cause a detrimental impact on the ability of the Town to provide non-capital services, including police and fire protection and street and road maintenance, and capital services normally provided to residents within the Municipal Corporate Boundaries of the Town; and

**WHEREAS**, the Town Council has been informed and advised that a mapping error resulted in a scrivener's error in the legal description contained in the Fiscal Plan adopted by Resolution No. 1128, on November 18, 2014, and which was incorporated by reference into Ordinance No. 1212; that error requires the Town to revise the legal description and restart the annexation process for the area proposed to be annexed; and

**WHEREAS**, the Town Council has been further informed and advised that in order for the annexation process to be lawful and valid, it is necessary to amend Town Ordinance 1212 to reflect the amended fiscal plan adopted by Resolution 1128A, and which is incorporated herein by reference, which now contains the correct maps and legal description; and

**WHEREAS**, the Town Council, having been informed and advised that the Annexation Territory is appropriately contiguous to the current Municipal Corporate Boundaries of the Town, pursuant to I. C. § 36-4-3-1.5, as amended, and that all other applicable requirements contained in I.C. § 36-4-3-4, as amended, have been met, now finds that the annexation shall occur.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS, NAMELY:**

**SECTION ONE:** That the above referenced recitals are incorporated herein by reference as though fully set forth herein.

**SECTION TWO:** That the Annexation Territory described on the attached "Exhibit A", which is hereby incorporated by reference, and which is contiguous to the Town of Cedar Lake, be, and the same hereby is annexed and made part of the Town of Cedar Lake, Lake County, Indiana.

**SECTION THREE:** That the Annexation Territory described on the attached "Exhibit A" shall be and the same hereby is declared, upon annexation, to have the Zoning District classification of R-1 in accordance with applicable Town Ordinance. The foregoing shall be the zoning district classification for the subject annexation territory, except as set forth hereinafter and except for those parcels currently classified as agricultural for zoning purposes, whereby said agricultural zoning classification shall remain the same. Further, no change in the zoning classification of any parcel or real estate in the annexation territory shall be made without the consent of the owner of said property or parcel. (*See* I.C. § 36-4-3-4.1).

**SECTION FOUR:** That the above-referenced parcels of annexed real estate will be located in the following legislative districts, based on proximity:

**Third Town Council Ward:** The land area that is located north of 141<sup>st</sup> Avenue that is east of U.S. Route 41 (Wicker Boulevard), and north of 143<sup>rd</sup> Avenue that is west of U.S. Route 41 (Wicker Boulevard).

**Fifth Town Council Ward:** The land area that is located south of 141<sup>st</sup> Avenue that is east of

U.S. Route 41 (Wicker Boulevard), and south of 143<sup>rd</sup> Avenue that is west of U.S. Route 41 (Wicker Boulevard) on the north, and north of the Township 33 North and Township 34 North boundary line on the south.

Seventh Town Council Ward: The land area that is located north of 173<sup>rd</sup> Street, and that is south of the boundary lines for Township 33 North and Township 34 North.

**SECTION FIVE:** That the municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana, shall be, and the same are, hereby declared to be extended so as to include all of the real estate hereinabove described as part of the Town of Cedar Lake, Lake County, Indiana.

**SECTION SIX:** That as permitted by I.C. § 36-4-3-4.1(b), all territory located in the Annexation Area that is zoned agricultural is exempt from all property tax liability under I.C. § 6-1.1 *et seq.* for municipal purposes.

**SECTION SEVEN:** 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 EIGHT:** That 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.

**SECTION NINE:** That this Ordinance shall take effect and be in full force and effect from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and publication in accordance with applicable law.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**TOWN OF CEDAR LAKE, LAKE COUNTY,  
INDIANA, TOWN COUNCIL:**

\_\_\_\_\_  
Randell C. Niemeyer, Town Council President

\_\_\_\_\_  
Patsy Casassa, Town Council Vice-President

\_\_\_\_\_  
Robert H. Carnahan, Town Councilmember

\_\_\_\_\_  
John C. Foreman, Town Councilmember

\_\_\_\_\_  
Julie A. Rivera, Town Councilmember

\_\_\_\_\_  
Ralph Miller, Town Councilmember

\_\_\_\_\_  
Greg Parker, Town Councilmember

ATTEST:

\_\_\_\_\_  
Amy J. Gross, IAMC, MMC  
Clerk-Treasurer

## Exhibit A

### 2014 Annexation Area Boundary Description

The 2014 Annexation Area is generally located in unincorporated Lake County, Indiana but more specifically parts of Sections 28, 29, 32 and 33 in Township 34 North, Range 9 West of the Second Principal Meridian and Sections 4, 5, 8, 9, 16, and 17 in Township 33 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana.

Beginning at the southwest corner of Southeast Quarter of the Northeast Quarter of Section 29 in Township 34 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana as the **POINT OF BEGINNING**, being tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana; thence south along the west lines of the following section areas in Township 34 North, Range 9 West:

- 1) Northeast Quarter of the Southeast Quarter of Section 29-34-9;
- 2) Southeast Quarter of the Southeast Quarter of Section 29-34-9;
- 3) Northeast Quarter of the Northeast Quarter of Section 32-34-9;
- 4) Southeast Quarter of the Northeast Quarter of Section 32-34-9;
- 5) Northeast Quarter of the Southeast Quarter of Section 32-34-9;
- 6) Southeast Quarter of the Southeast Quarter of Section 32-34-9;

thence south along the west lines of the following section areas in Township 33 North, Range 9 West:

- 1) Northeast Quarter of the Northeast Quarter of Section 5-33-9;
- 2) Southeast Quarter of the Northeast Quarter of Section 5-33-9 to the north line of the Southeast Quarter of Section 5-33-9;

thence west 660 feet along said north line of the Southeast Quarter of Section 5-33-9 to the west line of the East Half of the Northwest Quarter of the Southeast Quarter of Section 5-33-9 (also being the northwest corner of a 10 acre lot identified as parcel number 45-19-05-426-001.000-037); thence south along said west line of the East Half of the Northwest Quarter of the Southeast Quarter of Section 5-33-9 approximately 440 feet to the southwest corner of a 10 acre lot identified as parcel number 45-19-05-426-002.000-037; thence east 660 feet to the west line of the Northeast Quarter of the Southeast Quarter of Section 5-33-9; thence south along the west line of the Northeast Quarter of the Southeast Quarter of Section 5-33-9 and continuing south along the west lines of the following section areas in Township 33 North, Range 9 West:

- 1) Southeast Quarter of the Southeast Quarter of Section 5-33-9;
- 2) Northeast Quarter of the Northeast Quarter of Section 8-33-9;
- 3) Southeast Quarter of the Northeast Quarter of Section 8-33-9;
- 4) Northeast Quarter of the Southeast Quarter of Section 8-33-9;
- 5) Southeast Quarter of the Southeast Quarter of Section 8-33-9;
- 6) Northeast Quarter of the Northeast Quarter of Section 17-33-9 to the north line of the South Half of the Northeast Quarter of Section 17-33-9;

thence west along the north line of the South Half of the Northeast Quarter of Section 17-33-9 to the west line of the Northeast Quarter of Section 17-33-9;

thence south along the west lines of the following section areas in Township 33 North, Range 9 West:

- 1) Southwest Quarter of the Northeast Quarter of Section 17-33-9;
- 2) Northwest Quarter of the Southeast Quarter of Section 17-33-9; and
- 3) Southwest Quarter of the Southeast Quarter of Section 17-33-9 to the south line of Section 17-33-9;

thence east along the south line of Section 17-33-9 to the southwest corner of Section 16 in Township 33 North, Range 9 West, thence continuing east along the south line of said Section 16 to the east line of the Norfolk Southern Railway Company (formerly the New York Central Railroad) right-of-way, located in the Southeast Quarter of said Section 16; thence north along said east line of the Norfolk Southern Railway Company right-of-way in the east halves of Section 16 and Section 9 in Township 33 North, Range 9 West to the north line of said Section 9, also being the south line of Section 4, Township 33 North, Range 9 West; thence east along the south line of said Section 4 to the southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 4; thence north along the east line of the following section areas in Township 33 North, Range 9 West:

- 1) Southwest Quarter of the Southeast Quarter of Section 4-33-9;
- 2) Northwest Quarter of the Southeast Quarter of Section 4-33-9;
- 3) Southwest Quarter of the Northeast Quarter of Section 4-33-9;

to the southwest corner of Lynnsway Unit 3 subdivision, as recorded in Plat Book 98, Page 29 in the Office of the Lake County, Indiana Recorder, being tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana; thence north following the current municipal corporate boundaries of the Town henceforth and along the west line of said Lynnsway Unit 3 subdivision, Lynnsway Unit 2 subdivision as recorded in Plat Book 98, Page 28 in Office of the Lake County, Indiana Recorder and Lynnsway Unit 1 subdivision as recorded in Plat Book 98, Page 27 in the Office of the Lake County, Indiana Recorder to the northwest corner of said Lynnsway Unit 1 subdivision; thence east along the north line of said Lynnsway Unit 1 subdivision to the northeast corner of said Lynnsway Unit 1 subdivision, being the east line of Section 33 in Township 34 North, Range 9 West; thence north along the east line of said Section 33 to the northeast corner of said Section 33; thence west along the north line of said Section 33 to the east right-of-way line of the Norfolk Southern Railway Company at the intersection with the centerline of 141<sup>st</sup> Avenue; thence southerly along said east railroad right-of-way line to the south line of the north half of the Northeast Quarter of the Southwest Quarter of said Section 33; thence west along said south line of the north half of the Northeast Quarter of the Southwest Quarter of said Section 33 to the most southeasterly corner of Lot 1 in the Hanover Central Middle School Subdivision, as recorded in Plat Book 104, Page 83 in the Office of the Lake County Recorder, thence continuing clockwise along the boundaries of said Lot 1 along the following courses:

- 1) North 89 degrees 29 minutes 05 seconds West, a distance of 1,194.87 feet;
- 2) North 00 degrees 06 minutes 07 seconds West, a distance of 663.22 feet;
- 3) North 89 degrees 29 minutes 11 seconds West, a distance of 1,330.09 feet;
- 4) North 00 degrees 09 minutes 25 seconds West, a distance of 663.12 feet;
- 5) South 89 degrees 29 minutes 24 seconds East, a distance of 565.83 feet;
- 6) North 00 degrees 09 minutes 25 seconds West, a distance of 77.83 feet;
- 7) North 89 degrees 29 minutes 24 seconds West, a distance of 134.67 feet;
- 8) North 00 degrees 09 minutes 25 seconds West, a distance of 110.48 feet;
- 9) North 32 degrees 04 minutes 09 seconds West, a distance of 64.90 feet;
- 10) North 00 degrees 09 minutes 25 seconds West, a distance of 103.57 feet;

- 11) South 87 degrees 49 minutes 27 seconds East, a distance of 121.22 feet;
- 12) South 02 degrees 20 minutes 07 seconds West, a distance of 9.47 feet;
- 13) South 87 degrees 39 minutes 52 seconds East, a distance of 117.94 feet;
- 14) North 02 degrees 20 minutes 05 seconds East, a distance of 37.19 feet;
- 15) South 89 degrees 29 minutes 24 seconds East, a distance of 523.95 feet;
- 16) North 00 degrees 09 minutes 25 seconds West, a distance of 255.00 feet;
- 17) South 89 degrees 29 minutes 24 seconds East, a distance of 843.37 feet;
- 18) North 05 degrees 16 minutes 30 seconds West, a distance of 41.46 feet;
- 19) North 89 degrees 29 minutes 42 seconds West, a distance of 3.61 feet;
- 20) North 00 degrees 04 minutes 29 seconds West, a distance of 1,326.47 feet;
- 21) South 89 degrees 29 minutes 37 seconds East, a distance of 234.55 feet;

to the most northeast corner of said Lot 1, being a point of intersection on the west right-of-way line of the Norfolk Southern Railway Company and the centerline of 141<sup>st</sup> Avenue; thence north along the west right-of-way line of the Norfolk Southern Railway Company to the south line of the North Half of Section 28, Township 34 North, Range 9 West; thence west along said south line of the North Half of Section 28 and the south line of the Southeast Quarter of the Northeast Quarter of Section 29, Township 34 North, Range 9 West to the **POINT OF BEGINNING** tangential to the current municipal corporate boundaries of the Town of Cedar Lake, Lake County, Indiana, *excepting therefrom the 4.859 Acres annexed by Town Ordinance No. 1205, adopted on August 19, 2014*, consisting of approximately *2,795.73 acres*, more or less, or *4.37 square miles* of real property area.