

**AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,
ANNEXING TERRITORY TO THE CITY OF FORT WAYNE,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF,
AND MAKING THE SAME A PART OF THE CITY OF FORT WAYNE**

ADAMS CENTER EAST SUPER-VOLUNTARY ANNEXATION

WHEREAS, the City of Fort Wayne, Indiana ("City" or "Fort Wayne") has received petitions for the annexation of certain territory in an area generally located north of Tillman Road, between Adams Center Road and the CSX railroad line, and south of the City's existing corporate limits, as hereinafter more specifically described ("Annexation Territory"); and

WHEREAS, the annexation has been requested by the owners of the property within the Annexation Territory; and

WHEREAS, the City deems it desirable and in the best interest of the City to annex the Annexation Territory; and

WHEREAS, a legal description and drawing of the Annexation Territory are attached hereto as Exhibit A and Exhibit B; and

WHEREAS, where the legal description attached as Exhibit A describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing City limits, the Annexation Territory boundary shall conform to and match the boundary of the existing City limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit B; and

WHEREAS, the Annexation Territory consists of approximately 728 acres, and is contiguous to the existing City limits; and

WHEREAS, prior to adoption of this Ordinance, the City, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the City; and

WHEREAS, the City has further determined that the Annexation Territory is

1 needed and can be used by the City for its development in the reasonably near future;
2 and

3 WHEREAS, prior to the final adoption of this Ordinance, the City will have
4 conducted a public hearing pursuant to proper notice issued as required by law; and

5 WHEREAS, the City finds that the Annexation pursuant to the terms of this
6 Ordinance is fair and equitable and should be accomplished.

7 NOW, THEREFORE, BE IT ORDAINED by the City of Fort Wayne, Indiana, as
8 follows:

- 9 1. The above recitals including Exhibit A and Exhibit B are incorporated herein
10 by this reference as though fully set forth herein below.
- 11 2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the
12 Annexation Territory is hereby annexed to the City and thereby included
13 within its corporate boundaries pursuant to the terms of this Ordinance.
- 14 3. The Annexation Territory is assigned to the 6th Council District.
- 15 4. The Annexation Territory shall maintain its current zoning classification(s)
16 and designation(s) until such time the City updates its respective
17 comprehensive plan, zoning ordinance, or zoning map.
- 18 5. Some or all of the property within the Annexation Territory is currently
19 classified as agricultural for tax purposes. As may be contemplated by I.C. §
20 36-4-3-4.1, the City anticipates that the real property will be treated as
21 exempt from property tax liability under I.C. § 6-1.1 for "municipal purposes"
22 unless/until the land is reclassified under assessment rules and guidelines of
23 the DLGF. As fire protection services are not uniquely a municipal service,
24 the Annexation Territory will continue to pay the applicable fire tax rate (to the
25 extent not otherwise exempt) until reclassified and assessed the full
26 municipal tax rate.
- 27 6. All prior Ordinances or parts thereof that may be inconsistent with any
28 provision of this Ordinance are hereby superseded. The paragraphs,
29 sentences, words, and Annexation Territory of this Ordinance are separable,
30 and if a court of competent jurisdiction hereof declares any portion of this
Ordinance or the Annexation Territory unconstitutional, invalid, or
unenforceable for any reason, such declaration shall not affect the remaining
portions of the Annexation Territory or this Ordinance.
7. The effective date of this annexation shall be as soon as allowed by law
following its adoption, execution, and publication as required by law.

8. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Council Member

APPROVED as to form and legality

Malak Heiny, City Attorney

EXHIBIT A
Legal Description

Adams Center East
Super-Voluntary Annexation

Part of the Southeast Quarter of Section 21, Township 30 North, Range 13 East of the Second Principal Meridian, also part of the Southwest Quarter and Southeast Quarter of Section 22, Township 30 North, Range 13 East of the Second Principal Meridian, also part of the Northwest Quarter and Southwest Quarter of Section 26, Township 30 North, Range 13 East of the Second Principal Meridian, also part of the Northwest Quarter, Northeast Quarter, Southwest Quarter and Southeast Quarter of Section 27, Township 30 North, Range 13 East of the Second Principal Meridian and also part of the Northeast Quarter and Southeast Quarter of Section 28, Township 30 North, Range 13 East of the Second Principal Meridian, also part of the Northwest Quarter and Northeast Quarter of Section 34, Township 30 North, Range 13 East of the Second Principal Meridian, all being in Adams Township in Allen County, Indiana, and being more particularly described as follows:

Commencing at the Southwest corner of said Section 22, Township 30 North, Range 13 East; thence Northerly along the West line of said Southwest Quarter to a point on the North right-of-way line of Paulding Road, said point being the POINT OF BEGINNING of the herein described tract; thence Easterly a distance of 1317.3 feet (deed) along the North right-of-way line of Paulding Road, also being the South line of the current City of Fort Wayne city limits; thence Northeasterly along the City of Fort Wayne city limits to the Southwesterly right-of-way line of the Chicago, Ft. Wayne & Eastern Railroad Company; thence Southeasterly along said Southwesterly railroad right-of-way line to the East line of the West of the Southwest Quarter of the Northwest Quarter of Section 26, Township 30 North, Range 13 East; thence Southerly along said East line to the South line of the Northwest Quarter of said Section 26; thence Southerly along the East line of the West Half of the Northwest Quarter of the Southwest Quarter of Section 26, Township 30 North, Range 13 East to the South line of the Northwest Quarter of the Southwest Quarter of said Section 26; thence Westerly along said South line to the East line of the Southeast Quarter of Section 27, Township 30 North, Range 13 East; thence Southerly along said East line to a point being 250.00 feet North of the Southeast corner of the Southeast Quarter of said Section 27, also being on the North line of an existing tract described in Document Number 2018000386 in the Office of the Recorder of Allen County, Indiana; thence Westerly, a distance of 480.0 feet parallel with the South line of said Southeast Quarter to the West line of an existing tract described in Document Number 960023219 in the Office of the Recorder of Allen County, Indiana; thence Southerly, a distance of 250.00 feet along said West line to the South line of said Southeast Quarter; thence continuing Southerly, a distance of 40.00 feet to the South right-of-way line of Tillman Road; thence Westerly along said right-of-way line to the Southerly extension of the East line of an existing tract described in Document Number 2017054405 in the Office of the Recorder of Allen County, Indiana; thence Northerly along said extension and said East line to the North line of said Document Number 2017054405; thence Westerly, a distance of 337.0 feet along said North line to the West line of said Document Number 2017054405; thence Southerly along said West line and along the West line of an existing tract described in Document Number 2018035384 in the Office of the Recorder of Allen County, Indiana and its Southerly extension thereof to the South right-of-way line of Tillman Road; thence Westerly along said right-of-way line to the Southerly extension of the East line of an existing tract described in Document Number 980015911 in the Office of the Recorder of Allen County, Indiana; thence Northerly, a distance of 290.0 feet along said extension and said East line to the North line of said Document Number

980015911; thence Westerly, a distance of 240.0 feet along said North line to the West line of the Southeast Quarter of the Southeast Quarter of said Section 27; thence Southerly, a distance of 250.0 feet along said West line to the South line of said Southeast Quarter; thence Southerly, a distance of 40.0 feet along the East line of the Northwest Quarter of the Northeast Quarter of said Section 34, Township 30 North, Range 13 East to the South right-of-way line of Tillman Road; thence Westerly along said right-of-way line to the Southerly extension of the East line of an existing tract described in Document Number 2017064722 in the Office of the Recorder of Allen County, Indiana; thence Northerly, a distance of 530.0 feet along said extension and said East line to the North line of said Document Number 2017064722; thence Westerly along said North line and along the North line of an existing tract described in Document Number 2017041433 in the Office of the Recorder of Allen County, Indiana to the West line of said Document Number 2017041433; thence Southerly along said West line to the North right-of-way line of Tillman Road; thence Southerly a distance of 40.0 feet being perpendicular to the South line of the Southeast Quarter of said Section 27 to a point on the South line of said Southeast Quarter, said point being 150.77 feet (deed) East of the Southwest corner of the Southwest Quarter of said Section 27; thence continuing Southerly, a distance of 40.0 feet to the South right-of-way line of Tillman Road; thence Westerly along said right-of-way line to the Southerly extension of the East line of an existing 0.083 acre tract described in Document Number 2014049925 in the Office of the Recorder of Allen County, Indiana; thence Northerly along said extension and said East line to the North line of said 0.083 acre tract; thence Westerly along said North line to the West line of the East Half of the West 55 ½ acres of the West Half of the Southwest Quarter of said Section 27; thence Northerly along said West line to a point being 250 feet South of the North line of the Southwest Quarter of said Section 27; thence Westerly parallel with said North line and its Westerly extension thereof to a point on the West right-of-way line of Adams Center Road, said point being 25 feet West of the East line of the Southeast Quarter of said Section 28, Township 30 North, Range 13 East; thence Northerly along said West right-of-way line to the South line of the Southeast Quarter of said Section 21, Township 30 North, Range 13 East; thence Westerly along said South line a distance of 25.0 feet to the Southerly extension of the West right-of-way line of Adams Center Road; thence Northerly, a distance of 30.0 feet along said extension to the North right-of-way line of Paulding Road; thence Easterly to the Point of Beginning. Containing 728 acres, more or less. Subject to the right-of-way of Paulding Road, Tillman Road, Adams Center Road, the Marhenke Legal Drain, the Adams Legal Drain and subject to easements of record

EXHIBIT B
Map

