

MAR 11 2020

Jana R. Schinbeckler

AUDITOR OF WHITLEY COUNTY

ORDINANCE 2020- 7

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

- A. The City Council of the City of Columbia City, Indiana (respectively, the "Council") and the "City") is in receipt of a petition ("Petition") requesting the annexation of certain territory, commonly known as the HT 2 Rentals Property and more particularly described in attached Exhibit "A" (the "Annexation Territory").
- B. The Petition has been signed by one hundred percent (100%) of the landowners of the Annexation Territory as is attached hereto as Exhibit "B".
- C. The Annexation Territory consists of approximately 4.02 acres plus adjacent unincorporated right-of-way and public highway (State Road 9), and the Annexation Territory is contiguous to the existing City boundaries.
- D. Prior to adoption of this Ordinance, this Council by resolution may adopt a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory.
- E. If applicable, the written fiscal plan and definite policy adopted by resolution will provide for the provision of services of a non-capital nature (including police protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the City) to the Annexation Territory within one 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 current corporate boundaries, regardless of similar topography, patterns of land use, and population density.
- F. The terms and conditions of this annexation, including, if applicable, the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owner of the Annexation Territory of the City.
- G. Prior to the final adoption of this Ordinance, the City will have conducted a public hearing pursuant to proper notice issued as required by law.
- H. Prior to the final adoption of this Ordinance, the Council will have found that the Annexation Territory, pursuant to the terms of this Ordinance, is fair and equitable and should be accomplished.



NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Columbia City, Indiana, as follows:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth herein below.

Section 2. In accordance with I.C. § 36-4-3-5.1, the Annexation Territory is hereby annexed to the City and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

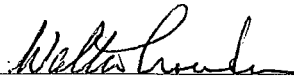
Section 3. The Annexation Territory shall retain its current zoning classifications and designations by the County until such time as the County or City, as the case may be, updates its comprehensive plan, zoning ordinance or zoning map.

Section 4. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences words of this ordinance are separable, and if a court of competent jurisdiction hereof declares any portion unconstitutional, invalid, or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.

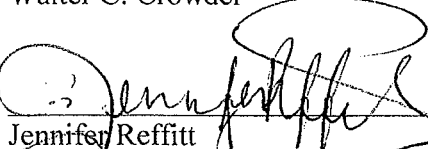
Section 5. This Ordinance shall be in full force and effect after its adoption by the Common Council and approval by the Mayor of the City of Columbia City, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this 10 day of March, 2020.

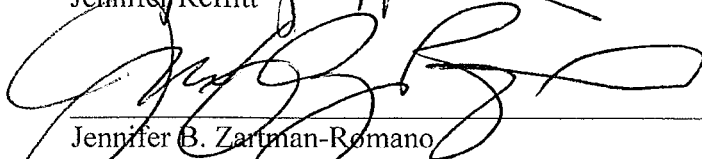
COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:



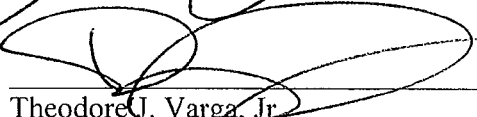
Walter C. Crowder



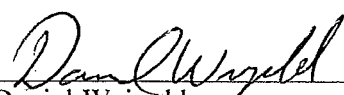
Jennifer Reffitt



Jennifer B. Zartman-Romano



Theodore J. Varga, Jr.



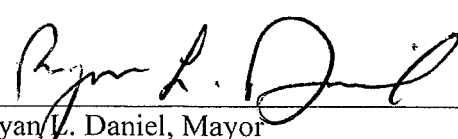
Daniel Weigold

ATTEST:



Rosie Coyle, Clerk-Treasurer

Approved this 10th day of March, 2020, by:



Ryan L. Daniel, Mayor

EXHIBIT A

DESCRIPTION OF SURVEYED TRACT FOR ANNEXATION

Part of the Northwest Quarter of Section 14, Township 31 North, Range 9 East, Whitley County, Indiana, being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northwest Quarter; thence $N89^{\circ}-58'-43''E$ (the basis of bearings for this description is an adjoiner's deed bearing of $S00^{\circ}-00'-00''W$ for the East line of the Southwest Quarter of said Section 14), on and along the North line of said Northwest Quarter, a distance of 786.57 feet to the point of intersection with the centerline of State Road Number 9; thence Southerly, on and along said centerline, being defined by a regular curve to the left, having a radius of 1432.40 feet, an arc length of 858.26 feet (the chord of which bears $S18^{\circ}-43'-19''E$ for a distance of 845.48 feet), to the Southeast corner of a certain tract of land as recorded in Document Number 93-11-630 in the records of Whitley County, Indiana, said corner being at the POINT OF BEGINNING; thence $N89^{\circ}-58'-43''E$, on and along the Easterly projection of the South line of said tract of land in Document Number 93-11-630, a distance of 49.74 feet to the point of intersection of the Easterly right-of-way line of State Road Number 9; thence Southerly, and on and along said Easterly right-of-way line, being defined by a regular curve to the left, having a radius of 1392.40 feet, an arc length of 174.50 feet (the chord of which bears $S40^{\circ}-40'-35''E$ for a distance of 174.38 feet); thence $S44^{\circ}-16'-00''E$, on and along said Easterly right-of-way line, a distance of 142.67 feet to the point of intersection with the Easterly projection of the Southeasterly line of a certain tract of land as recorded in Document Number 2009060289 in said records; thence $S52^{\circ}-52'-00''W$, on and along said Easterly projection and on and along said Southeasterly line and on and along the Northwesterly line of a certain tract of land as recorded in Document Number 2009060290 in said records, a distance of 529.21 feet to the point of intersection with the centerline of the Blue River, said point being situated $S52^{\circ}-52'-00''W$, a distance of 33.3 feet from an iron pin found; thence $N21^{\circ}-53'-13''W$, on and along said centerline, a distance of 309.35 feet; thence $N23^{\circ}-49'-55''W$, on and along said centerline, a distance of 291.53 feet to the Southwest corner of said tract of land as recorded in Document Number 93-11-630, said corner being situated $S89^{\circ}-58'-43''W$, a distance of 60.1 feet from an iron pin found; thence $N89^{\circ}-58'-43''E$, on and along the South line of said tract of land in Document Number 93-11-630, a distance of 392.04 feet to the point of beginning.

For: HT 2 Rentals, LLC
RJ-126 "BA"

EXHIBIT A

DESCRIPTION OF SURVEYED TRACT

(All of Document Number 2006040423 and All of Document Number 2009060289 and the Remainder of Document Number 2005020219)

Part of the Northwest Quarter of Section 14, Township 31 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of retracement survey RJ-126 "B" completed by J.K. Walker and Associates, P.C., dated September 18, 2019), being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northwest Quarter; thence N89°-58'-43"E (the basis of bearings for this description is an adjoiner's deed bearing of S00°-00'-00"W for the East line of the Southwest Quarter of said Section 14), on and along the North line of said Northwest Quarter, a distance of 786.57 feet to the point of intersection with the centerline of State Road Number 9; thence Southerly, on and along said centerline, being defined by a regular curve to the left, having a radius of 1432.40 feet, an arc length of 858.26 feet (the chord of which bears S18°-43'-19"E for a distance of 845.48 feet), to the Southeast corner of a certain tract of land as recorded in Document Number 93-11-630 in the records of Whitley County, Indiana; thence S89°-58'-43"W, on and along the South line of said tract of land in Document Number 93-11-630, a distance of 49.65 feet to a 5/8-inch iron pin capped "Walker" at the point of intersection with the Westerly right-of-way line of State Road Number 9, said iron pin being at the POINT OF BEGINNING; thence Southeasterly, on and along said Westerly right-of-way line, being defined by a regular curve to the left, having a radius of 1472.40 feet, an arc length of 244.58 feet (the chord of which bears S39°-30'-34"E for a distance of 244.30 feet); thence S44°-16'-00"E, on and along said Westerly right-of-way line, a distance of 132.52 feet to a 5/8-inch iron pin capped "Walker" found at the Southeast corner of a certain tract of land as recorded in Document Number 2009060289 in said records; thence S52°-52'-00"W, on and along the Southeasterly line of said tract of land in Document Number 2009060289 and on and along the Northwesterly line of a certain tract of land as recorded in Document Number 2009060290 in said records, a distance of 448.05 feet to the point of intersection with the centerline of the Blue River, said point being situated S52°-52'-00"W, a distance of 33.3 feet from an iron pin found; thence N21°-53'-13"W, on and along said centerline, a distance of 309.35 feet; thence N23°-49'-55"W, on and along said centerline, a distance of 291.53 feet to the Southwest corner of said tract of land as recorded in Document Number 93-11-630, said corner being situated S89°-58'-43"W, a distance of 60.1 feet from an iron pin found; thence N89°-58'-43"E, on and along the South line of said tract of land in Document Number 93-11-630, a distance of 342.39 feet to the point of beginning, containing 4.02 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

For: HT 2 Rentals, LLC
RB-126 "B"

J.K. Walker & Associates, P.C.

Land Surveying, Civil Engineering & Land Planning
William D. Kyler, P.S.
Kevin R. Michel, P.E. & P.S.
112 West Van Buren Street, Columbia City, IN 46725
Phone: 260-244-3640 Fax: 260-244-4640
www.walkersurveying.net
Email: mail@walkersurveying.net

Page 1 of 4

DESCRIPTION OF SURVEYED TRACT

(All of Document Number 2006040423 and All of Document Number 2009060289 and the Remainder of Document Number 2005020219)

Part of the Northwest Quarter of Section 14, Township 31 North, Range 9 East, Whitley County, Indiana (This description prepared by Kevin R. Michel, LS80870006, as part of retracement survey RJ-126 "B" completed by J.K. Walker and Associates, P.C., dated September 18, 2019), being more particularly described as follows, to wit:

Commencing at an iron pin found at the Northwest corner of said Northwest Quarter; thence N89°-58'-43"E (the basis of bearings for this description is an adjoiner's deed bearing of S00°-00'-00"W for the East line of the Southwest Quarter of said Section 14), on and along the North line of said Northwest Quarter, a distance of 786.57 feet to the point of intersection with the centerline of State Road Number 9; thence Southerly, on and along said centerline, being defined by a regular curve to the left, having a radius of 1432.40 feet, an arc length of 858.26 feet (the chord of which bears S18°-43'-19"E for a distance of 845.48 feet), to the Southeast corner of a certain tract of land as recorded in Document Number 93-11-630 in the records of Whitley County, Indiana; thence S89°-58'-43"W, on and along the South line of said tract of land in Document Number 93-11-630, a distance of 49.65 feet to a 5/8-inch iron pin capped "Walker" at the point of intersection with the Westerly right-of-way line of State Road Number 9, said iron pin being at the POINT OF BEGINNING; thence Southeasterly, on and along said Westerly right-of-way line, being defined by a regular curve to the left, having a radius of 1472.40 feet, an arc length of 244.58 feet (the chord of which bears S39°-30'-34"E for a distance of 244.30 feet); thence S44°-16'-00"E, on and along said Westerly right-of-way line, a distance of 132.52 feet to a 5/8-inch iron pin capped "Walker" found at the Southeast corner of a certain tract of land as recorded in Document Number 2009060289 in said records; thence S52°-52'-00"W, on and along the Southeasterly line of said tract of land in Document Number 2009060289 and on and along the Northwesterly line of a certain tract of land as recorded in Document Number 2009060290 in said records, a distance of 448.05 feet to the point of intersection with the centerline of the Blue River, said point being situated S52°-52'-00"W, a distance of 33.3 feet from an iron pin found; thence N21°-53'-13"W, on and along said centerline, a distance of 309.35 feet; thence N23°-49'-55"W, on and along said centerline, a distance of 291.53 feet to the Southwest corner of said tract of land as recorded in Document Number 93-11-630, said corner being situated S89°-58'-43"W, a distance of 60.1 feet from an iron pin found; thence N89°-58'-43"E, on and along the South line of said tract of land in Document Number 93-11-630, a distance of 342.39 feet to the point of beginning, containing 4.02 acres of land, more or less, subject to all legal right-of-way, subject to all legal drain easements and all other easements of record.

FLOOD HAZARD STATEMENT

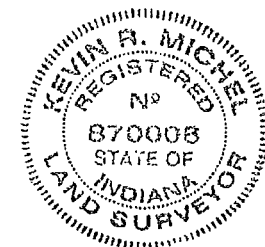
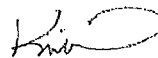
The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. Low-lying areas adjacent to the Blue River appear to be situated in Zone "A", which is in a flood plain. The remainder of the surveyed tract appears to be situated in Zone "X", which is not in a flood plain, as said land plots by scale on Map Number 18183C0163C of the Flood Insurance Rate Maps for Whitley County, Indiana, dated May 4, 2015.

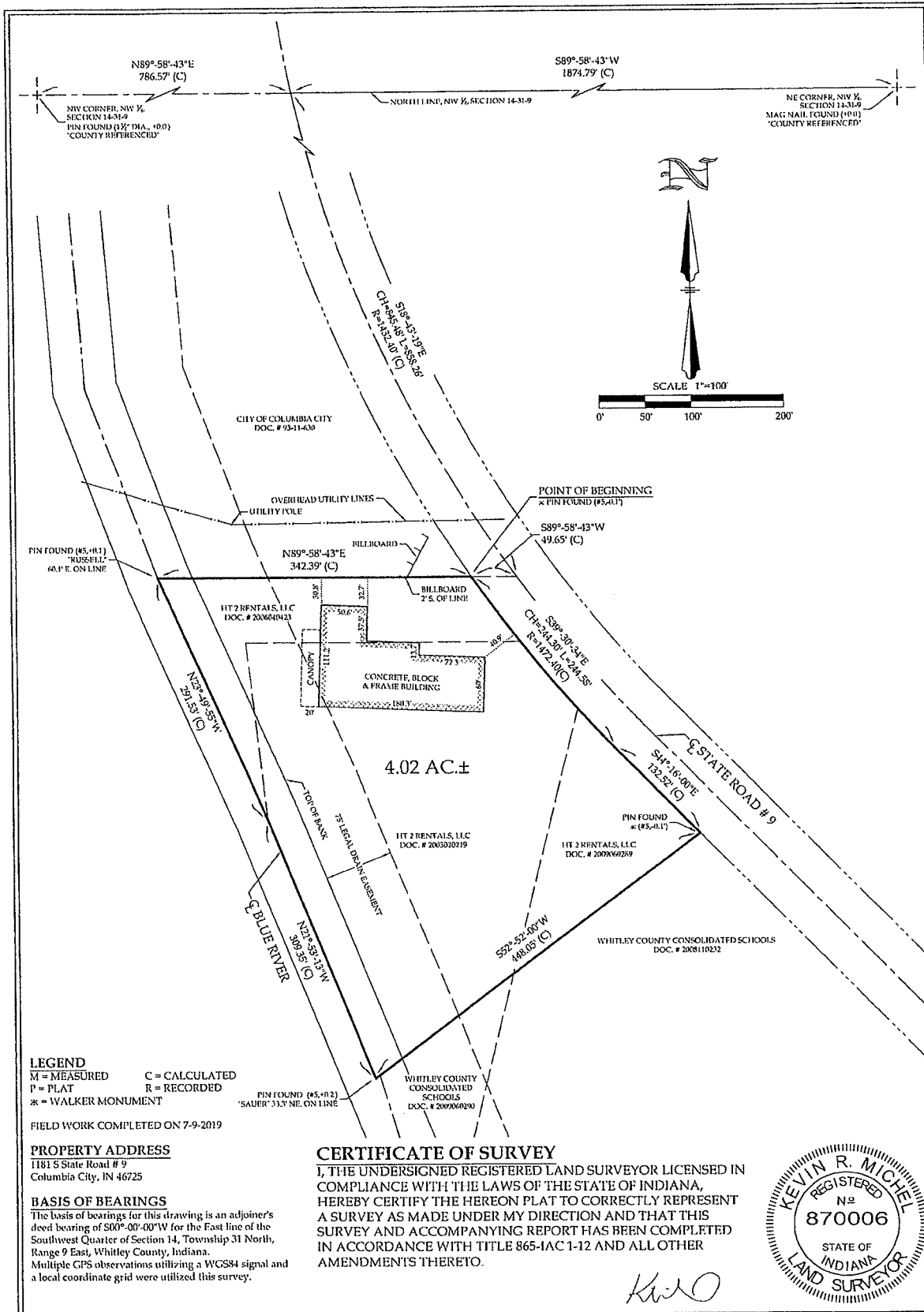
THEORY OF LOCATION

This is a retracement boundary survey of part of the Northwest Quarter of Section 14, Township 31 North, Range 9 East, Whitley County, Indiana, located at 1181 S State Road Number 9, Columbia City, Indiana. The surveyed tract is all of Two (2) tracts of land as recorded in Document Number 2006040423 and Document Number 2009060289 and the remainder of a larger tract of land as recorded in Document Number 2005020219 in the records of Whitley County, Indiana.

Multiple GPS observations utilizing a WGS84 signal and a local coordinate grid were utilized this survey. The Northwest corner of said Northwest Quarter is county referenced. An iron pin was found at this corner and was held this survey.

Date: September 18, 2019
Name: HT 2 Rentals, LLC
Address: 1181 S St Rd 9
Columbia City IN
Survey #: RJ-126 "B"



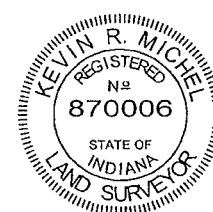


WALKER & ASSOCIATES
EST. 1984
112 WEST VAN BUREN STREET
COLUMBIA CITY, IN 46725
Phone: (260) 244-3640
Fax: (260) 244-4640
www.walkersurveying.net
E-mail: mail@walkersurveying.net

LAND SURVEYING, CIVIL ENGINEERING, & LAND PLANNING

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 31 NORTH, RANGE 9 EAST, WHITLEY COUNTY, INDIANA

FOR: HT 2 RENTALS, LLC		
SCALE: 1"=100'	DRAWN BY: KRM	DRAWING NUMBER
DATE: 9-18-2019	PAGE: 4 OF 4	RJ-126 "B"



KRM

EXHIBIT B

**PETITION FOR VOLUNTARY ANNEXATION OF LAND TO
CITY OF COLUMBIA CITY, INDIANA**

H.T.E.R. INC., D.B.A. ~~HEAVY TRUCK & EQUIPMENT REPAIR~~ S-CORP a/an
HEAVY TRUCK & EQUIPMENT REPAIR (individual/husband and wife/Indiana based company),

whose principal address is 1181 S

SR. 9 COLUMBIA CITY IN 46725, Petitioner herein, petitions the Common Council of the City of Columbia City, Indiana, for the annexation of land hereafter described, and in support thereof, states as follows:

1. Petitioner, Timothy J Gambrell, is the owner of one hundred percent (100%) of the land within the territory desired to be annexed.

2. The real estate proposed to be annexed is located in Whitley County and is described as follows, to-wit:

SEE ATTACHED AND INCORPORATED LEGAL DESCRIPTION FOR
DESCRIPTION OF REAL ESTATE TO BE ANNEXED TO THE MUNICIPALITY
Hereinafter referred to as the "Real Estate".

3. The Real Estate is located outside of, but contiguous to, the municipality of the City of Columbia City, Indiana.

4. Petitioner brings this petition pursuant to I.C. 36-4-3-5.1 and requests an ordinance Annexing Real Estate not already located within the corporate boundaries of the City of Columbia City.

5. Petitioner has attached a current certified survey of the real property subject to the proposed annexation.

WHEREFORE, Petitioner requests the Common Council of the City of Columbia City, Indiana, approve such petition and adopt an ordinance annexing the Real Estate not currently located within the corporate boundaries of the City of Columbia City, Indiana, on such terms and conditions as may be fair and equitable, and for all other right and proper relief.

Dated this 2nd day of OCTOBER, 2017.
8th JULY 2019

By: Timothy J. Dambill

Title: PRESIDENT

Being that I now have a stand alone business with its own well water and septic systems and proper water drainage, my conditions for voluntary annexation of land to the City of Columbia City IN, would be. ① the three year tax abatement you proposed would be given to the 1181 S. ST. RD. 9 business address.

② would not be forced to hookup to city water or sewage lines, but would have that option when the utilities are put in.

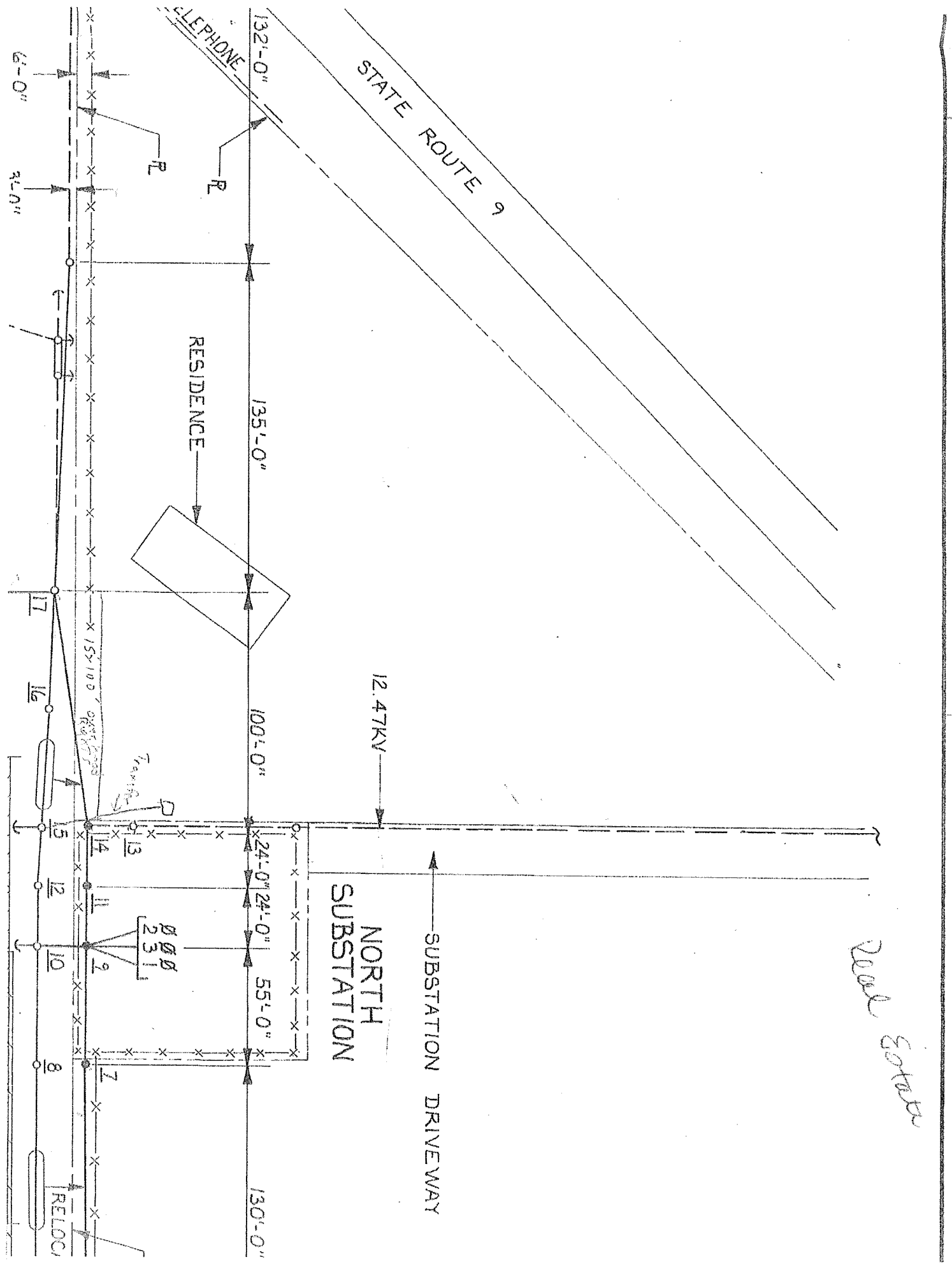
③ would not be charged for the storm water runoff fee since the water runoff now goes right to the river. A timeframe of

15 years will be used for forced hookup of utilities and stormwater fees.

④ The next owner of this location will have the same agreement given to

H.T.E.R. INC. ⑤ No trail easement at this time,

it can be worked out with the next owner of this property.



6

5

Wood Station