

ORDINANCE NO. 22-1406

**AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF WOODBURN, INDIANA, PURSUANT TO THE PROVISIONS OF INDIANA CODE §36-4-3-5.1 BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF WOODBURN.**

WHEREAS, on April 4, 2022, the Common Council of the City of Woodburn (the “Common Council”) was presented with a certain Petition for Annexation into the City of Woodburn, Indiana (the “Petition”), executed by one hundred percent (100%) of the owners of certain parcels of real property contiguous to but outside the corporate boundaries of the City of Woodburn (the “City”), the legal description of which is attached hereto as Exhibit “A” and a map of said parcels being attached hereto as Exhibit “B” (the “Annexation Area”); and

WHEREAS, pursuant to the Petition, the property owners voluntarily petitioned for the annexation of the Annexation Area, together with any adjacent right of way, if any, into the City; and

WHEREAS, in accordance with the Petition, the City desires to annex the Annexation Area into the corporate boundaries of the City, said annexation being of benefit and use for the City; and

WHEREAS, Indiana Code §36-4-3-3.1 requires that the Common Council develop and adopt by resolution a written fiscal plan and establish a definite policy for the provision of services to the Annexation Area that meets the requirements set forth in IC §36-4-3-13; and

WHEREAS, the City has adopted a fiscal plan (the “Fiscal Plan”) and established a definite policy for the provision of services to the Annexation Area; and

WHEREAS, a public hearing was held by the Common Council on May 2, 2022, which date was not later than thirty (30) days after the Petition was filed; and

WHEREAS, at least fourteen (14) days have expired since the date of the public hearing was conducted.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, AS FOLLOWS:**

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of this Ordinance as though fully set forth below. The Common Council of the City, hereby determines and finds: (i) that the Annexation Area, as described on Exhibit “A” attached hereto and incorporate herein is contiguous to the City and is not now embraced within the corporate limits of said City; (ii) that the current zoning for the Annexation Area will not

change; and that (iii) that the Annexation Area is contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City.

Section 2. The corporate limits of the City are hereby extended and increased so as to include and embrace within the corporate limits of the City the Annexation Area, and all roadways and right-of-ways of the roads, if any, that are a part thereof, or which lie adjacent to the Annexation Area, and such territory is hereby annexed and declared to be a part of the corporate boundaries of the City.

Section 3. The map or plat attached to this Ordinance as Exhibit "B" is an accurate map of the territory annexed, and the same is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat show the legal boundaries thereof.

Section 4. The City has been divided into districts for the purpose of conducting local elections of City officers and all members of the Common Council. As such, the Annexation Area hereby annexed and declared to be a part of the City shall be represented by Council District 2.

Section 5. This Ordinance, with a copy of the official map attached hereto, shall be recorded in the Office of the Auditor of Allen County, Indiana; in the Office of the Clerk of the Allen Circuit Court; in the office of the Board of registration, if one exists; in the in the Office of the Secretary of State; and in the Office of census data established by IC 2-5-1.1-12.2; all pursuant to the provisions of IC §36-4-3-22. Further, the Clerk-Treasurer of the City is hereby further authorized and directed to record this Ordinance in the Office of the Recorder of Allen County, Indiana, and publish a copy of this Ordinance as required by IC §36-4-3-7.

Section 6. No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall be effective thirty (30) days after its publication pursuant to IC §36-4-3-7(f), and upon the filing required by the provisions of IC §36-4-3-22.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the Common Council of the City of Woodburn, Allen County, Indiana this 16<sup>th</sup> day of May, 2022.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

_____	YEA _____	NAY _____	ABS _____
Michael Martin			

_____	YEA _____	NAY _____	ABS _____
Tonya Thompson			

_____	YEA _____	NAY _____	ABS _____
Dean Gerig			

_____	YEA _____	NAY _____	ABS _____
Daniel Watts			

_____	YEA _____	NAY _____	ABS _____
Mike Voirol			

ATTEST:

By: \_\_\_\_\_  
Timothy Cummins, Clerk-Treasurer

The foregoing Ordinance passed by the Common Council is signed and approved (    ) /  
not approved (    ) by me on the same date.

By: \_\_\_\_\_  
Joseph Kelsey, Mayor of the City of Woodburn

## EXHIBIT "A"

### LEGAL DESCRIPTION OF ANNEXATION AREA

The Southwest Quarter of the Northeast Quarter of Section 29, Township 31 North, Range 15 east, in Allen County, State of Indiana, along with all contiguous public highways and right-of-ways.

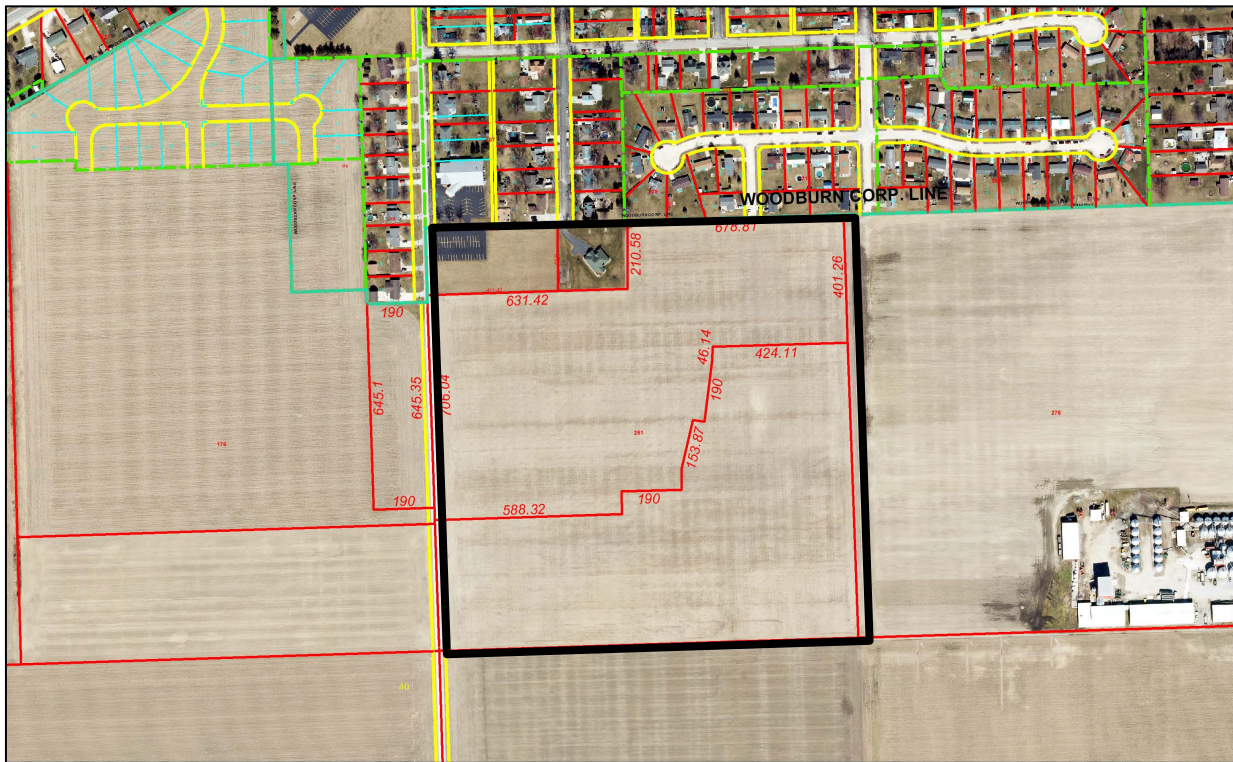
Note: The above description is intended to include the properties contained within:

-GRANITE RIDGE BUILDERS INC: 02-10-29-251-003.001-052

-GENTZ: 02-10-29-251-003.000-052, 02-10-29-251-002.000-052

-WESTWOOD FELLOWSHIP CHURCH: 02-10-29-251-001.000-052

EXHIBIT "B"  
Map of Annexation Area



In relation with the current boundaries of the City of Woodburn, Indiana (below)

