

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 December 16, 2024, 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 general 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 who executed the same 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 January 6, 2025, 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 incorporated 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" and incorporated herein 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 4.

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 20th day of January, 2025.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

_____	YEA _____	Nay _____	ABS _____
John Graber			

_____	YEA _____	Nay _____	ABS _____
Terry Gentz			

_____	YEA _____	Nay _____	ABS _____
Dean Gerig			

_____	YEA _____	Nay _____	ABS _____
Daniel Watts			

_____	YEA _____	Nay _____	ABS _____
Vicky Sarrazine			

ATTEST:

By: _____
Kevin T. Hileman, Sr., 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

All that part of the following areas that are located outside of the corporate boundaries of the City of Woodburn, Indiana:

The Southwest Quarter of Section 21, Township 31 North, Range 15 East, Allen County, Indiana, excepting therefrom the North 120 feet of the West 227 feet of said Quarter Section.

Also, the Southeast Quarter (SE $\frac{1}{4}$) of Section 20, Township 31 North, Range 15 East, Allen County, Indiana, lying East of Bull Rapids Road.

Also, the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township 31 North, Range 15 East, Allen County, Indiana, lying south of the centerline of Marsh Ditch, excepting therefrom the South 635.40 feet of the East 500 feet of said Quarter Section.

Also, part of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and part of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 20, Township 31 North, Range 15 East, Allen County, Indiana, lying within the following described real estate: Beginning at the Southeast corner of the West Half of the Northeast Quarter of said Section 20, said corner also being the Southeast corner of an 11.5-acre parcel described in Document #92-23707 as found in the Office of the Recorder of Allen County, Indiana; thence South 88 degrees 34 minutes 00 seconds West, on the South line of said Northeast Quarter, also being the South line of said 11.5-acre parcel, 1,066.90 feet to a deflection point on the South line of said 11.5-acre parcel; thence South 56 degrees 34 minutes 40 seconds West, on the South line of said 11.5-acre parcel, 173.70 feet to a point on the centerline of Bull Rapids Road, said point being the Southwesterly corner of said 11.5-acre parcel; thence North 33 degrees 00 minutes 00 seconds West (assumed deed bearing), on said centerline, also being the Westerly line of said 11.5-acre parcel, 108.00 feet to a mag nail on the South line of said Northeast Quarter; thence North 56 degrees 34 minutes 40 seconds East, parallel with and 108.00 feet Northwesterly of the 173.70 foot Southerly course of said 11.5-acre parcel, 178.48 feet to a 5/8" rebar capped "GOU"; thence North 33 degrees 00 minute 00 seconds East, parallel with the center line of Bull Rapids Road, 305.63 feet to a 5/8" rebar capped "GOU" on the North line of said 11.5-acre parcel; thence North 88 degrees 32 minutes 35 seconds East, on said North line, 1,282.53 feet to the Northeast corner of said 11.5-acre parcel, said point being on the East line of the West Half of said Northeast Quarter, said East line also being the East line of said 11.5-acre parcel; thence South 00 degrees 55 minutes 27 seconds East, on said East line, 355.50 feet to the Point of Beginning, containing 10.00 acres, more or less.

Along with all contiguous areas of any public highway and rights-of-way of said public highways.

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

02-10-20-404-002.000-052	Woodburn Missionary Church Inc
02-10-20-251-004.000-052	Woodburn Missionary Church Inc
02-10-20-426-002.000-052	Keller, Thomas L & Bambi K
02-10-20-426-001.000-052	Keller, Thomas L & Bambi K
02-10-21-301-006.000-052	AG Plus Inc
02-10-21-301-007.000-052	AG Plus Inc
02-10-21-301-004.000-052	Preston Properties LLC
02-10-21-301-003.000-052	Potter, Michael T & Christine
02-10-21-301-002.000-052	Hochstetler, Madison
02-10-20-426-002.001-052	Maumee Meadows Development LLC
02-10-20-276-001.000-052	Maumee Meadows Development LLC

Map of Annexation Area

