

ORDINANCE NO. 18-C-22

SYNOPSIS: This Ordinance, if adopted, would annex certain contiguous territory as described herein to the City of Huntington, Indiana.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HUNTINGTON, INDIANA, ANNEXING CERTAIN TERRITORY TO THE CITY OF HUNTINGTON, INDIANA, PLACING THE SAME WITHIN THE CORPORATION BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF HUNTINGTON

WHEREAS, on July 26, 2022, the Common Council was presented with a fully signed and facially valid petition for the voluntary annexation of real property located outside, but contiguous to the City of Huntington (“Petition”);

WHEREAS, in accordance with that Petition, the Common Council of the City of Huntington, Indiana (“Council”) is desirous of annexing certain portions of Huntington Township in Huntington County into the City of Huntington (the “Annexation Territory”);

WHEREAS, the Annexation Territory is contiguous to the existing city limits of the City;

WHEREAS, a map describing the boundaries of the Annexation Territory is attached hereto and incorporated herein as Exhibit A;

WHEREAS, a legal description of the Annexation Territory is attached hereto and incorporated herein as Exhibit B;

WHEREAS, the Annexation Territory consists of approximately 25.1 acres;

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to annexed areas;

WHEREAS, prior to the adoption of this Ordinance, this Council, by resolution, will 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;

WHEREAS, the written fiscal plan and definite policy adopted by resolution includes the provision of services of a noncapital nature to the Annexation Territory within one year after the effective date of this annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density;

WHEREAS, the written fiscal plan and definite policy adopted by resolution includes 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 current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria and consistent with the annexation policy previously adopted by this Council;

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

WHEREAS, the Council finds that the annexation of 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 Common Council of the City of Huntington, Indiana, as follows:

1. The above recitals are incorporated herein by reference as though fully set forth herein below.
2. In accordance with Indiana law the Annexation Territory is hereby annexed to the City of Huntington and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to the following City of Huntington Common Council District Number:

1st District

4. All land in the Annexation Territory shall be assigned to the R-3 Residential zoning district as shown in Exhibit C. Any land zoned agricultural as of the effective date of this ordinance shall remain as such.
5. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences and words of this Ordinance are separable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.
6. This Ordinance shall be effective as of October 30, 2022.

[Signature Block Next Page]

ORDINANCE 18-C-22

A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of ___ in favor and ___ in opposition.

Duly adopted on first reading this 30 day of August, 2022, by a vote of 5 in favor and 0 in opposition.

Duly adopted on final reading this 30 day of August, 2022, by a vote of 5 in favor and 0 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Charles Chapman

Joe Blomeke

Dave Funk

Absent
Paul Pike

Absent
Todd Johnson

Voting in Opposition:

Charles Chapman
(President)

Joe Blomeke

Dave Funk

Seth Marshall

Paul Pike

Todd Johnson

P.J. Felton

Attest:

Christi A. McElhaney
Christi A. McElhaney
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 30 day of August, 2022.

Christi A. McElhaney
Christi A. McElhaney
City Clerk-Treasurer

This ordinance, having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 30 day of August, 2022.

Richard Strick
Richard Strick
Mayor of the City of Huntington, Indiana

Northpoint Preserve Annexation Area

Exhibit A



Legal Description:

A part of Tract No. Five (5) in the Reserve of Ten Sections granted to John B Richardville at the forks of the Wabash River, in Township 28 North, Range 9 East, and described as follows, to-wit:

Starting at a MAG Nail at the Southeast Corner of said Tract Number 5; thence North 89 degrees 44 minutes 3 seconds West, 1572.30 feet along the South line of said Tract 5 to a MAG Nail which shall be The Place of Beginning; thence North 89 degrees 55 minutes 16 seconds West, a distance of 701.06 feet; thence North 00 degrees 37 minutes 50 seconds East, a distance of 1557.45 feet; thence South 89 degrees 55 minutes 12 seconds East, a distance of 701.00 feet; thence South 00 degrees 34 minutes 11 seconds West, a distance of 1254.29 feet; thence South 00 degrees 52 minutes 21 seconds West, a distance of 305.05 feet to the Point of Beginning, all to contain 25.1 acres of land, more or less.

Northpoint Preserve Annexation Area Proposed City Zoning Map

Exhibit C

