

**ORDINANCE NO. 9-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 May 10, 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 59.85 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:

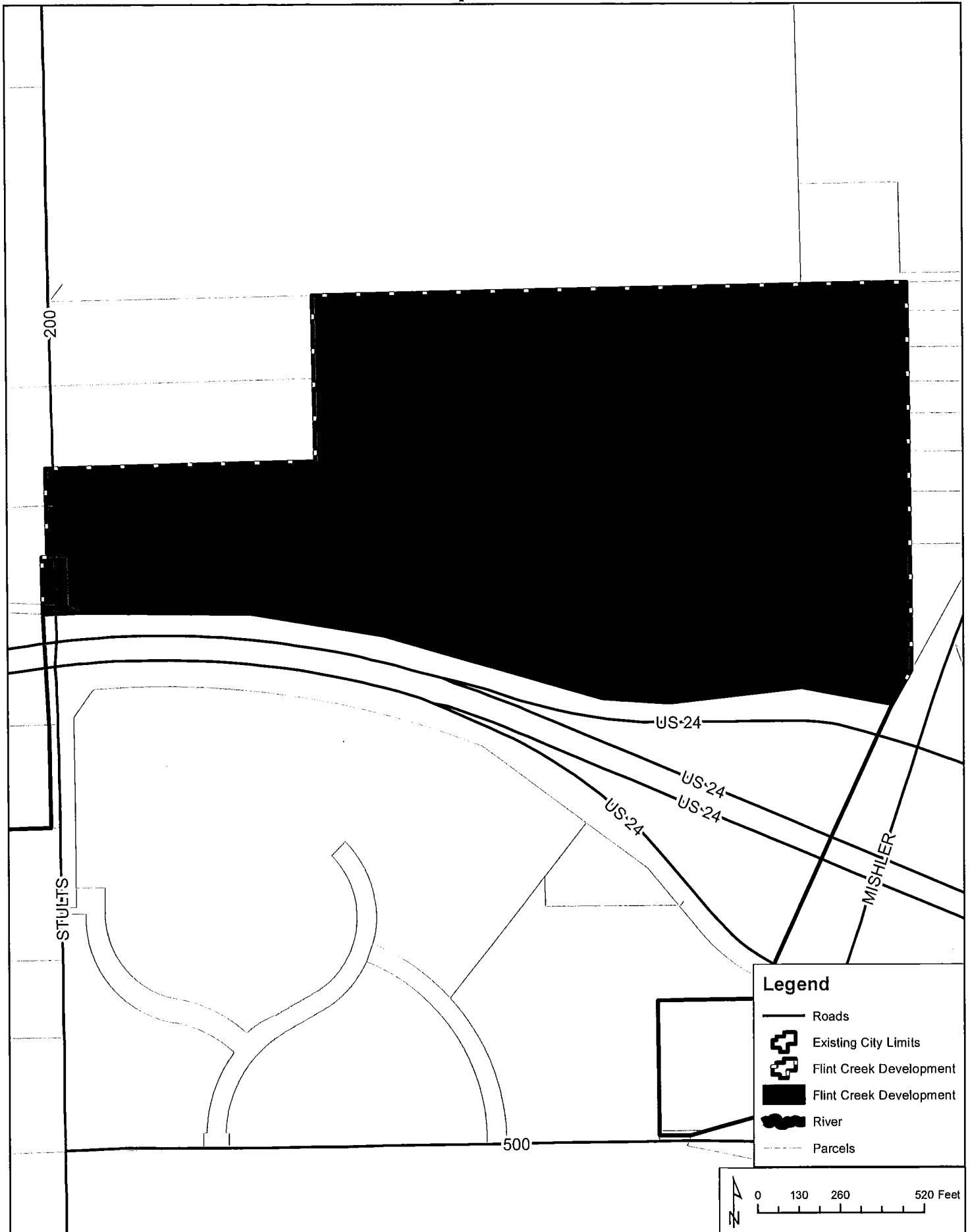
1. The above recitals are incorporated herein by reference as though fully set forth herein below.
2. In accordance with Indiana law the Annexation Territory is hereby annexed to the City of Huntington and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The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

1<sup>st</sup> District
4. Pursuant to IC §36-4-3-4.1(c), as it exists and as it is subsequently amended, all land in the Annexation Territory is exempt and shall remain exempt from all property tax liability under IC §6-1.1 for municipal purposes while the property is assessed as agricultural land.
5. All land in the Annexation Territory shall be assigned to the B-2 Business zoning district as shown in Exhibit C. Any land zoned agricultural as of the effective date of this ordinance shall remain as such.
6. 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.
7. This Ordinance shall be effective as of August 15, 2022.

*[Signature Block Next Page]*

# Flint Creek Development Annexation Area

Exhibit A



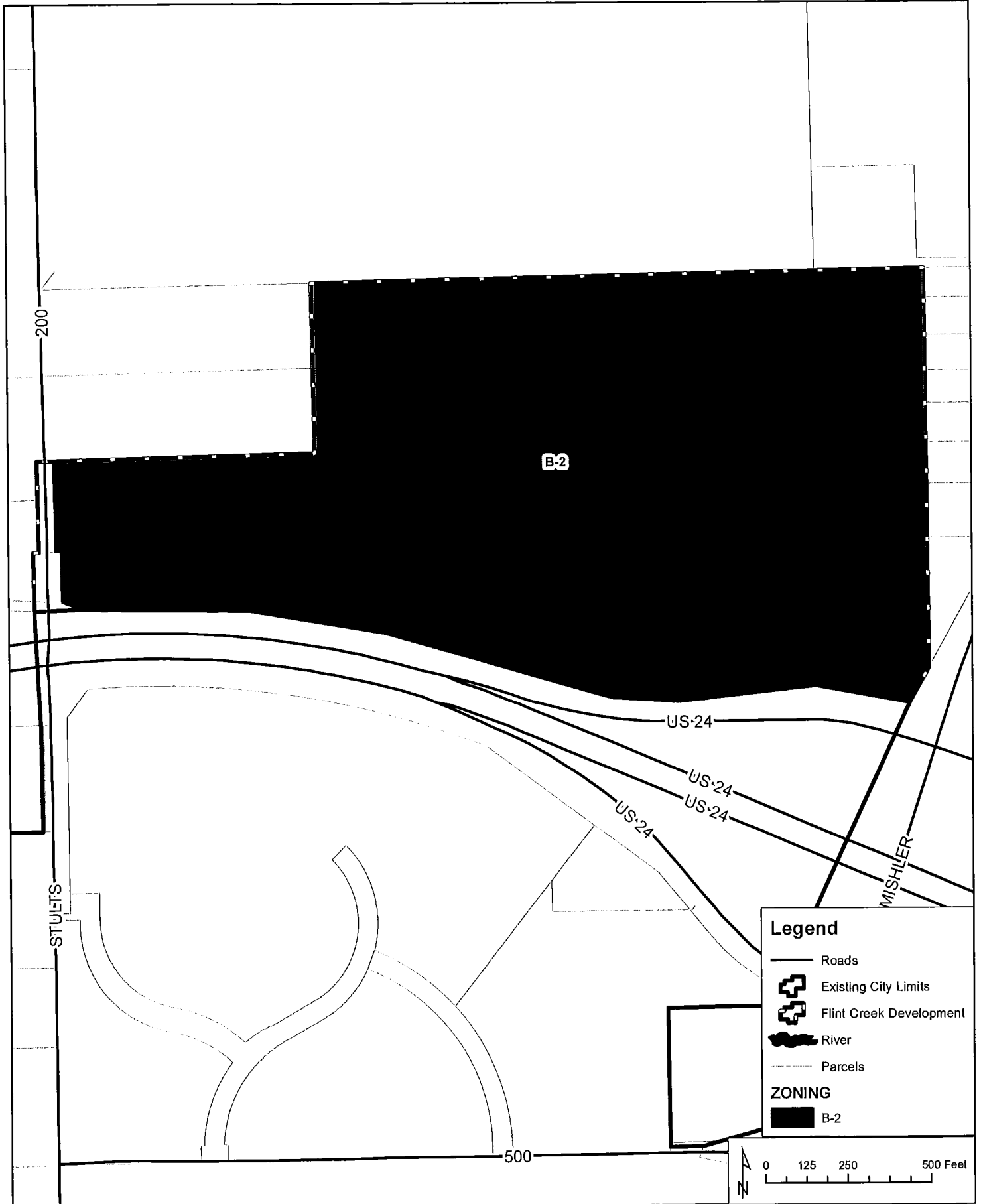
**Legal Description:**

A part of the Southwest Quarter of Section 2, Township 28 North, Range 9 East and a part of the Southeast Quarter of Section 2, Township 28 North, Range 9 East, Huntington County, Indiana as follows:

Beginning at a point 515.00 feet South 00 degree 36 minutes 03 seconds East of the Northwest corner of the Southwest quarter of Section 2, Township 28 North, Range 9 East, Huntington County, Indiana; thence North 88 degrees 53 minutes 03 seconds East 817.46 feet (820 feet rec.); thence North 00 degrees 36 minutes 03 seconds West 515.0 feet; thence North 88 degrees 07 minutes 04 seconds West 1847.67 feet; thence South 00 degrees 16 minutes 46 seconds East 1198.18 feet to a point on the Westerly right of way line of State Road 9 North; thence South 29 degrees 33 minutes 11 seconds West 119.5 feet along the West line of State Road 9 North to the North right of way line of US Highway 24 East; thence continuing along said North right of way line and the existing City Limits the following six (6) courses: North 79 degrees 15 minutes 05 seconds West 288.09 feet; thence South 83 degrees 50 minutes 32 seconds West 413.26 feet; thence North 86 degrees 00 minutes 03 seconds West 204.75 feet; thence North 73 degrees 45 minutes 44 seconds West 710.52 feet; thence North 80 degrees 14 minutes 19 seconds West 416.76 feet; thence North 89 degrees 09 minutes 32 seconds West 519.82 feet; thence North 67 degrees 37 minutes 34 seconds West 55.6 feet; thence South 87 degrees 44 minutes 32 seconds West 130.81; thence North along the West line of the lands described in a right of way grant Recorded in Book 203 Page 483, 175 feet; thence East along the North line as described in said right of way grant to the original West right of way line of County Road 200 W; thence North along the right of way of County Road 200 W, 273.5 feet; thence East to the point of beginning, all to contain 59.85 acres more or less.

# Flint Creek Development Annexation Area Proposed City Zoning Map

Exhibit C



ORDINANCE 9-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 14 day of June, 2022, by a vote of 7 in favor and 0 in opposition.

Duly adopted on final reading this 28 day of June, 2022, by a vote of 4 in favor and 0 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

[Signature]

Absent

Absent

Absent

[Signature]

[Signature]

[Signature]

Voting in Opposition:

Charles Chapman  
(President)

Joe Blomeke

Dave Funk

Seth Marshall

Paul Pike

Todd Johnson

P.J. Felton

Attest:

[Signature]  
Christi A. McElhanev  
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 28 day of June, 2022.

[Signature]  
Christi A. McElhanev  
City Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 28 day of June, 2022.

[Signature]  
Richard Strick  
Mayor of the City of Huntington, Indiana