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2 BILL NO. X- 12-03-17

3 ANNEXATION ORDINANCE NO. X- 1-12

4
5 An ORDINANCE annexing certain
6 territory commonly known as the
7 Winnsboro Pass Voluntary Annexation
8 to Fort Wayne and including the same
9 Councilmanic District No. 3.

10 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
11 FORT WAYNE, INDIANA:

12 SECTION 1. That the following described territory is and the same is
13 hereby annexed to, and made part of, the corporation of the City of Fort
14 Wayne, Indiana to-wit:

15 Part of the South Half of the Northwest Quarter of Section 32, Township 32
16 North, Range 12 East, Allen County, Indiana, more particularly described as
17 follows:

18 Beginning at a 5/8-inch rebar [Tazian cap] set at the intersection of the
19 Northerly right-of-way line of Winnsboro pass and the Easterly right-of-way
20 line of Lima Road (State Road #3), this being a Westerly corner of Windsor
21 Woods, Section V, as recorded in Plat Cabinet "B", page 106 in the Office of
22 the Recorder of Allen Count, Indiana; hence North 01 degrees 09 minutes
23 30 seconds West (South 01 degrees 07 minutes East plat), along the
24 apparent Easterly right-of-way line of Lima Road (State Road #3) as
25 established by Indian Project "S" 419 (4) 1959, 503.22 feet to a found
26 concrete right-of-way monument; thence Northwesterly, continuing along
27 said Easterly right-of-way line, as defined by a curve to the left having a
28 radius of 9628.30 feet, an arc distance of 150.27 feet, being subtended by a
29 long chord having a length of 150.27 feet and bearing North 01 degrees 36
30 minutes 20 seconds West to the point of intersection of said Easterly right-of-
way line with the Westerly projection of the Southerly line of Holly Ridge,
Section I, as recorded in Plat Cabinet "B", page 182 in the Office of the
Recorder of Allen County, Indiana [1/2 inch rebar found 0.25 feet West of
point]; thence North 88 degrees 17 minutes 55 seconds East, along the
Southerly line of said Holly Ridge, Section I, 607.87 feet to a set 5/8-inch
rebar [Tazian cap] at the Northwest corner of the aforesaid Windsor Woods,

1 Section V; thence Southerly and Westerly, along the boundary line of said
2 Windsor Woods, Section V, on the following courses and distances:

3 South 01 degrees 07 minutes 00 seconds East, 676.82 feet (677.55
4 feet plat) to a set 5/8-inch rebar [Tazian cap]; thence South 88 degrees 02
5 minutes 45 seconds West, 224.41 feet to a set 5/8-inch rebar [Tazian cap];
6 thence South 88 degrees 11 minutes 00 seconds West, 79.11 feet to a set
7 5/8-inch rebar [Tazian cap]; thence North 79 degrees 07 minutes 00 seconds
8 West, 48.48 feet to a set 5/8-inch rebar [Tazian cap] at the point of curvature
9 of a curve to the left having a radius of 515.72 feet; thence Northwesterly,
10 along said curve, an arc distance of 109.01 feet, being subtended by a long
11 chord having length of 107.81 feet and bearing of North 85 degrees 07
12 minutes 00 seconds West to a set 5/8-inch rebar [Tazian cap] at the point of
13 tangency; thence South 88 degrees 53 minutes 00 seconds West and
14 tangent to said curve, 150.08 feet (150.0 feet plat) to the Point of Beginning,
15 containing 9.30 acres of land, more or less, subject to a preserve area as
16 recorded in Document Number 95-003019, subject to an I. & M. (Indiana &
17 Michigan) easement as recorded in Document Number 88-18384, and
18 subject to and/or together with all easements of record.

19 SECTION 2. That the City of Fort Wayne will furnish the above
20 described territory within a period of one (1) year from the effective date of
21 annexation, planned services of a non-capital nature, including police and fire
22 protection, and street and road maintenance, in a manner which is equivalent
23 in standard and scope to those non-capital services provided to the areas
24 within the City of Fort Wayne regardless of topography, patterns of land-use,
25 and population density to the said described territory. The City of Fort
26 Wayne will also provide services of capital improvement nature, including
27 street construction, street lighting, and storm water drainage facilities to the
28 annexed territory within three (3) years of the effective date of annexation, in
29 the same manner as such services are provided to areas already in the City
30 of Fort Wayne regardless of topography, patterns of land-use, and population

1 density and in a manner consistent with federal, state and local laws,
2 procedures and planning criteria.

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4 SECTION 3. That governmental and proprietary services will be
5 provided to the above described territory in a manner consistent with the
6 written Fiscal Plan for the territory developed by the Fort Wayne Department
7 of Planning and Policy. Said Plan was examined by the Common Council of
8 the City of Fort Wayne and has been approved and adopted by the Common
9 Council. Two copies of said plan are on file in the office of the Clerk of the
10 City of Fort Wayne and are available for inspection as required by law.

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12 SECTION 4. That said described territory shall be temporarily
13 assigned to Councilmanic Political Ward No. 3 of the City of Fort Wayne,
14 Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal
15 Code of the City of Fort Wayne, Indiana of 1974, as amended. This
16 assignment is subject to redistricting pursuant to Indiana Code 36-4-6-3 (g).

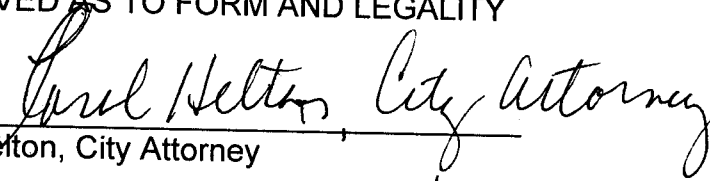

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18 SECTION 5. That the municipality has established and adopted a
19 resolution approving the written Fiscal Plan.

20 SECTION 6. That notification has been sent to all landowners in the
21 territory proposed to be annexed under and in accordance with Indiana Code
22 36-4-3-2.2.

1 SECTION 7. That, after adoption and any and all necessary approval
2 by the Mayor, this Ordinance shall be published as provided for in Indiana
3 Code 36-4-3-7. The above-mentioned territory shall become part of the City
4 of Fort Wayne on April 16, 2012.
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7 
8 COUNCIL MEMBER

9
10 APPROVED AS TO FORM AND LEGALITY

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12 Carol Helton, City Attorney
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Read the first time in full and on motion by Bender and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on _____, the _____ day of _____, 2012, at _____ o'clock _____ M., E.S.T.

DATED: 3-27-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Crawford, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 4-10-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. 11-1-12 on the 10th day of April, 2012

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of April, 2012, at the hour of 3:00 o'clock P M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12TH day of April 2012, at the hour of 9:30 o'clock A M., E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR