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BILL NO. X-12-06-15

ANNEXATION ORDINANCE NO. X 02-12

An ORDINANCE annexing certain territory commonly known as Sedation Dentistry Voluntary Annexation to Fort Wayne and including the same Councilmanic District No. 2.

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

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

A parcel of land situated in the Northwest One-quarter of Section 27, Township 32

North, Range 12 East, Allen County, Indiana and more particularly described as follows:

Commencing at the southwest corner of said Northwest One-quarter as marked by a MAG nail found; thence North 01 degrees 33 minutes 40 seconds West (bearing basis for this description) along the west line of said Northwest One quarter, a distance of 242.59 feet to the point of beginning; BEGINNING at the above described point; thence North 88 degrees 26 minutes 20 seconds East, a distance of 290.78 feet; thence South 40 degrees 12 minutes 25 seconds East, a distance of 55.81 feet to a point of curve to the right having a radius of 100.00 feet; thence along said curve having an arc length of 23.71 feet and subtended by a chord of 23.66 feet bearing South 33 degrees 24 minutes 49 seconds East to a point of compound curve to the right having a radius of 50.00; thence southerly along the arc, a distance of 33.65 feet and subtended by a chord of 33.01 feet bearing South 07 degrees 20 minutes 34 seconds East; thence South 11 degrees 56 minutes 05 seconds West, a distance of 38.48 feet to a point of curve to the left having a radius of 70.00 feet; thence along said curve having an arc length of 16.49 feet and subtended by a chord of 16.45 feet bearing South 05 degrees 11 minutes 13 seconds West; thence South 01 degrees 33 minutes 40 seconds East, a distance of 20.29 feet to a

1 point of curve to the right having a radius of 30.00 feet; thence along
2 said curve having an arc length of 14.77 feet and subtended by a
3 chord of 14.62 feet bearing South 12 degrees 32 minutes 24 seconds
4 West to a point on the northerly right-of-way line of Union Chapel Road
5 as described in Document Number 202066729; thence South 01
6 degrees 08 minutes 39 seconds East, a distance of 76.22 feet to a
7 point on the southerly right-of-way line of Union Chapel Road; thence
8 South 88 degrees 51 minutes 21 seconds West along said southerly
9 right-of-way line of Union Chapel Road, a distance of 103.84 feet to a
10 point on the east line of a 14 feet Alley as platted in McAdams
11 Highland Grove Addition, as recorded in Book 19, page 39 in the Office
12 of the Recorder of Allen County; thence South 01 degrees 33 minutes
13 40 seconds East along said east alley line, a distance of 9.00 feet;
14 thence South 88 degrees 51 minutes 21 seconds West along said
15 southerly right-of-way line of Union Chapel Road, a distance of 262.70
16 feet; thence North 01 degrees 33 minutes 40 seconds West a distance
17 of 25.00 feet; thence South 88 degrees 51 minutes 21 seconds West,
18 a distance of 20.00 feet to a point on the west right-of-way of
19 Coldwater Road; thence North 01 degrees 33 minutes 40 seconds
20 West along said west right-of-way line, a distance of 242.15 feet;
21 thence North 88 degrees 26 minutes 20 seconds East, a distance of
22 60.00 feet to point of beginning, containing 2.36 acres, more or less.

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

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

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

13 **SECTION 5.** That the municipality has established and adopted a
14 resolution approving the written Fiscal Plan.

15 **SECTION 6.** That notification has been sent to all landowners in the
16 territory proposed to be annexed under and in accordance with Indiana Code
17 36-4-3-2.2.

18 **SECTION 7.** That, after adoption and any and all necessary approval
19 by the Mayor, this Ordinance shall be published as provided for in Indiana
20 Code 36-4-3-7. The above-mentioned territory shall become part of the City
21 of Fort Wayne on July 27, 2012.

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COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY



CAROL HELTON, CITY ATTORNEY

6-26-12

Roll call vote: X-12-06-15

Read the first time in full and on motion by Crawford and duly adopted, read the second time by title and referred to the Committee on Regulation (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: 6-12-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Crawford, and duly adopted,
PASSED LOST

Read the third time in full and on motion by _____ placed on its passage. PASSED by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>	_____	<u>1</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: 6-26-12

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. X-02-12 on the 26th day of June, 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 27th day of June, 2012, at the hour of 11:30 o'clock A M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of June, 2012, at the hour of 2:30 o'clock _____ M.,E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR