

ORDINANCE 2023-07

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA
ANNEXING CERTAIN TERRITORY INTO THE CITY OF LAFAYETTE, INDIANA
2023 LAFAYETTE SOUTHEAST VOLUNTARY ANNEXATION
CARR PROPERTY**

WHEREAS, Carr Family Farm, LLC, owner of land in unincorporated Tippecanoe County contiguous to the City, has petitioned to have land voluntarily annexed in the City of Lafayette (“Lafayette”); and

WHEREAS, the territory to be annexed consists of two (2) parcels of real estate, plus adjacent public roadways and rights-of-way, containing a total of approximately 132 acres (the “Annexation Territory”). The Annexation Territory is more particularly described in Exhibit “A” and depicted on Exhibit “B”; and

WHEREAS, the Common Council (“Council”) is legally authorized to annex lands that qualify for annexation as defined by Indiana Code § 36-4-3 and desires to approve the annexation of the Annexation Territory; and

WHEREAS, annexation of the Annexation Territory benefits the City in that it will encourage economic growth through business investment in real and personal property and create good paying employment opportunities; and

WHEREAS, the Council finds that one hundred percent (100%) of the landowners in the Annexation Territory, have filed a voluntary petition for annexation with the Council under Indiana Code § 36-4-3-5.1 which petition is attached as Exhibit A and incorporated by reference; and

WHEREAS, the Annexation Territory does not include any parcel of land for which its owner(s) have not filed an express written consent to the annexation; and

WHEREAS, parts of the Annexation Territory include contiguous public roadways and rights-of-ways, and under Indiana Code § 36-4-3-1.5(b), those portions of roadways and rights-of-ways are to be annexed into the City; and

WHEREAS, in accordance with Indiana Code § 36-4-3-5.1(e), on March 6, 2023, the Council held a public hearing regarding the petition for annexation of the Annexation Territory; and

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Territory in accordance with Indiana Code § 36-4-3-3.1 through the adoption of Resolution 2023-_____; and

WHEREAS, the Council has determined that this annexation satisfies the contiguity requirements of Indiana Code § 36-4-3-1.5(b) in that the Annexation Territory in linear feet is 10,102 feet and the portion of the Annexation Territory contiguous with the existing municipal boundaries is 3,120 linear feet resulting in a contiguous area of 31%.

WHEREAS, the Council has considered the statutory requirements for annexation and finds that the legal process and requirements of a super-voluntary annexation under Indiana Code § 36-4-3-5.1 have been met and satisfied;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lafayette, as follows:

Section 1. Incorporation. The foregoing recitals are found to be accurate and are incorporated herein by reference.

Section 2. Annexation Territory. The Annexation Territory as more completely described on Exhibit B and depicted on Exhibit C is eligible for annexation into the City and is hereby declared annexed into and part of the City of Lafayette, Indiana.

Section 3. Contiguity. The Annexation Territory meets the contiguity requirements for annexation under Indiana Code § 36-4-3-1.5(a) in that the Annexation Territory in linear feet is 10,102 feet and the portion of the Annexation Territory contiguous with the existing municipal boundaries is 3,120 linear feet resulting in a contiguous area of 31%.

Section 4. Council Districts. The Annexation Territory is hereby assigned to Council District 1.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Council, required publication and filings, and upon the expiration of the thirty (30) day waiting period, all as provided by the laws of the State of Indiana.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this _____ day of _____, 2023.

Lauren Ahlersmeyer, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this _____ day of _____, 2023.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on this _____ day of _____, 2023.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by: Mayor Tony Roswarski

EXHIBIT "A"

LANDOWNERS' PETITION FOR VOLUNTARY ANNEXATION INTO THE CITY OF LAFAYETTE, INDIANA 2022 SOUTHEAST ANNEXATION (CARR PROPERTY)

By this Petition ("Petition"), the owner of multiple parcels of land (the "Petitioner") located in unincorporated Tippecanoe County, Indiana, seeks the adoption of an ordinance by the Common Council ("Council") of the City of Lafayette ("City") annexing their land (collectively, "Territory") into the City. In support thereof, Petitioner states:

1. The City is a municipal corporation formed under Indiana law whose territorial boundaries are established by ordinance the Council duly enacted from time to time.
2. Indiana law permits the expansion of the City's boundaries through various means, including a super-voluntary annexation proceeding under Indiana Code § 36-4-3-5.1.
3. A super-voluntary annexation under IC 36-4-3-5.1 is initiated by the filing of a petition signed by all owners of the land to be annexed which expresses their desire, intent and consent to the annexed into the City.
4. Petitioner is the owner of two (2) separate parcels of land comprising the Territory for annexation. The following table lists the Petitioner's name, the parcel tax identification number, the approximate area of each parcel and key reference number that corresponds to Exhibit B's description of the Territory:

#	Petitioner/Landowner	Tax Parcel No.	Approx. Acres
7	Carr Family Farm LLC	79-12-05-100-001.000-012	20.82
8	Carr Family Farm LLC	79-12-05-126-001.000-012	76.93

5. The Territory to be annexed, including the boundaries thereof with adjacent public highways or rights-of-way (collectively the "Annexation Territory"), is described on

Exhibit A attached hereto. The Annexation Territory is depicted on the Area 2 Map Exhibit attached as Exhibit B and incorporated herein by reference.

6. For the ease of reference, the annexation anticipated by the Petition will sometimes be referred to as the "2022 Southeast Annexation (Carr Property)".
7. Petitioner requests and consents to the voluntary annexation of their land in the Annexation Territory as evidenced by Petitioner's executed consent attached hereto and incorporated into this Petition. Such Consent acts as signature pages to this Petition as required by IC § 36-4-3-5.1(a)(2)(B).
8. The Territory contains no parcel of land to be annexed without the written consent of its owner(s).
9. Parts of the Annexation Territory, specifically Parcels 1-4, 9 on Exhibit B, are contiguous public roadways and rights of ways. Pursuant to IC § 36-4-3-1.5(b), those portions of such roadways and rights of way are to be annexed into the City by this proceeding.
10. At least one-eighth ($1/8^{\text{th}}$ or 12.5%) of the external boundaries of the Annexation Territory coincides with the existing boundaries of the City satisfying the requirement of IC § 36-4-3-1.5(a). The Annexation Territory in linear feet is 10,102 feet and the portion of the Annexation Territory contiguous with the existing municipal boundaries is 3,120 linear feet resulting in a contiguous area of 31%.
11. Upon annexation, the Council should assign the Annexation Territory into one or more council districts as determined by the Council.

WHEREFORE, upon compliance with the applicable process and satisfaction of the requirements of law, Petitioner requests Council adopt an ordinance annexing the Annexation Territory into the City.

(SIGNATURE PAGE TO FOLLOW)

**LANDOWNER PETITION SIGNATURE PAGE
AND CONSENT TO ANNEXATION
INTO THE CITY OF LAFAYETTE, INDIANA**

The undersigned is the current owner of land referenced below and hereby adopts the Petition for, and gives consent to, the annexation of such land, part of the Territory to be annexed and referenced in the Petition, into the corporate limits of the City of Lafayette, Indiana.

TAX PARCEL NO.	APPROX. ACREAGE
79-12-05-100-001.000-012	20.82
79-12-05-126-001.000-012	76.93

The undersigned executing this Petition and Consent has full right, power and authority to execute this Petition and request and give consent to the annexation and assignment described above pertaining to the above land.

PETITIONER:

CARR FAMILY FARM LLC
An Indiana Limited Liability Company

By: W. Kelley Carr
Title: Manager of Carr Family Farm LLC
Printed: W. KELLEY CARR

STATE OF INDIANA)
) SS:
COUNTY OF TIPPECANOE)

Before me, a Notary Public in and for said County and State, personally appeared W. Kelly Carr as Manager of Carr Family Farm LLC, an Indiana Limited Liability Company, who acknowledged the execution of the foregoing Petition, and who, having been duly sworn, state that any representations they contained are true.

Witness my hand and Notarial Seal this 22nd day of November, 2022.

Amber Traeger
Amber Traeger, Notary Public

My Commission Expires:
7/26/2030

County of Residence:
Tippecanoe

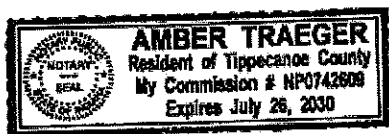


Exhibit "B"

Carr Property City of Lafayette Annexation

Legal Description

See Carr Property Exhibit for Included Properties

A part of the North Half of Section 5 in Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana and a part of Section 32 located in Township 23 North, Range 3 West, Perry Township, Tippecanoe County, Indiana, being more completely described as follows:

BEGINNING at the Northwest Corner of said Section 5; thence North 89°25'54" East, along the North Line of said Section 5, a distance of 223.84 feet to the Southwest Corner of said Section 32; thence North 00°31'02" West, along the West line of said Section 32, a distance of 109.87 feet to the northern right-of-way line of Haggerty Lane as described in Instrument Numbers 199809824365 and 199809824366 in the Office of the Recorder of Tippecanoe County, Indiana; thence along said northern right-of-way for the following nine (9) courses: 1) North 89°28'51" East, 90.50 feet; 2) South 85°26'21" East, 401.53 feet; 3) South 88°03'14" East, 600.52 feet; 4) North 89°33'37" East, 450.00 feet; 5) North 86°41'52" East, 200.25 feet; 6) North 72°51'40" East, 52.20 feet; 7) North 89°33'37" East, 100.00 feet; 8) South 80°58'39" East, 152.07 feet; 9) North 89°33'37" East, 544.28 feet; thence South 00°00'36" West, along the western line and the extension of thereof of the Town of Dayton real estate as described in Instrument Number 199709722100 in said Office of the Recorder, 1,311.48 feet; thence North 88°48'08" West, along a northern line of the Ronald E. and Harriett S. Berry real estate as described in Instrument Number 198708704093 in said Office of the Recorder, 171.52 feet to the East Line of the Northwest Quarter of said Section 5; thence South 00°00'36" West, along said East line, 1,321.99 feet to the Center of said Section 5; thence North 89°24'58" West, along the South Line of said Northwest Quarter and the existing Town of Dayton Corporation Limits as described in Ordinance Number 87-2 and recorded as Instrument Number 199109105030 in said Office of the Recorder, 1,586.00 feet to the western right-of-way line of Interstate 65 and the existing City of Lafayette Corporation Limits as described in Ordinance Number 2008-25 and recorded as Instrument Number 200808021509 in said Office of the Recorder; thence along said western right-of-way line and said existing Corporation Limits the following two (2) courses; 1) northerly, along a non-tangent curve to the left having a radius of 5,599.58 feet, chord bearing and distance of North 21°57'42" West, 1,795.70 feet and an arc length of 1,803.48 feet; 2) thence North 31°11'18" West, 735.45 feet to the West Line of the Northwest Quarter of said Section 5; thence North 00°31'38" East, along said West Line, 247.13 feet to the POINT OF BEGINNING, containing 132 acres, more or less.

The bearings used in this description are based on the Tippecanoe County Surveyors Section Corner Perpetuation Project and was prepared from record information by John Nagy, PS, TBIRD Design Services Corporation, Project Number 22027.

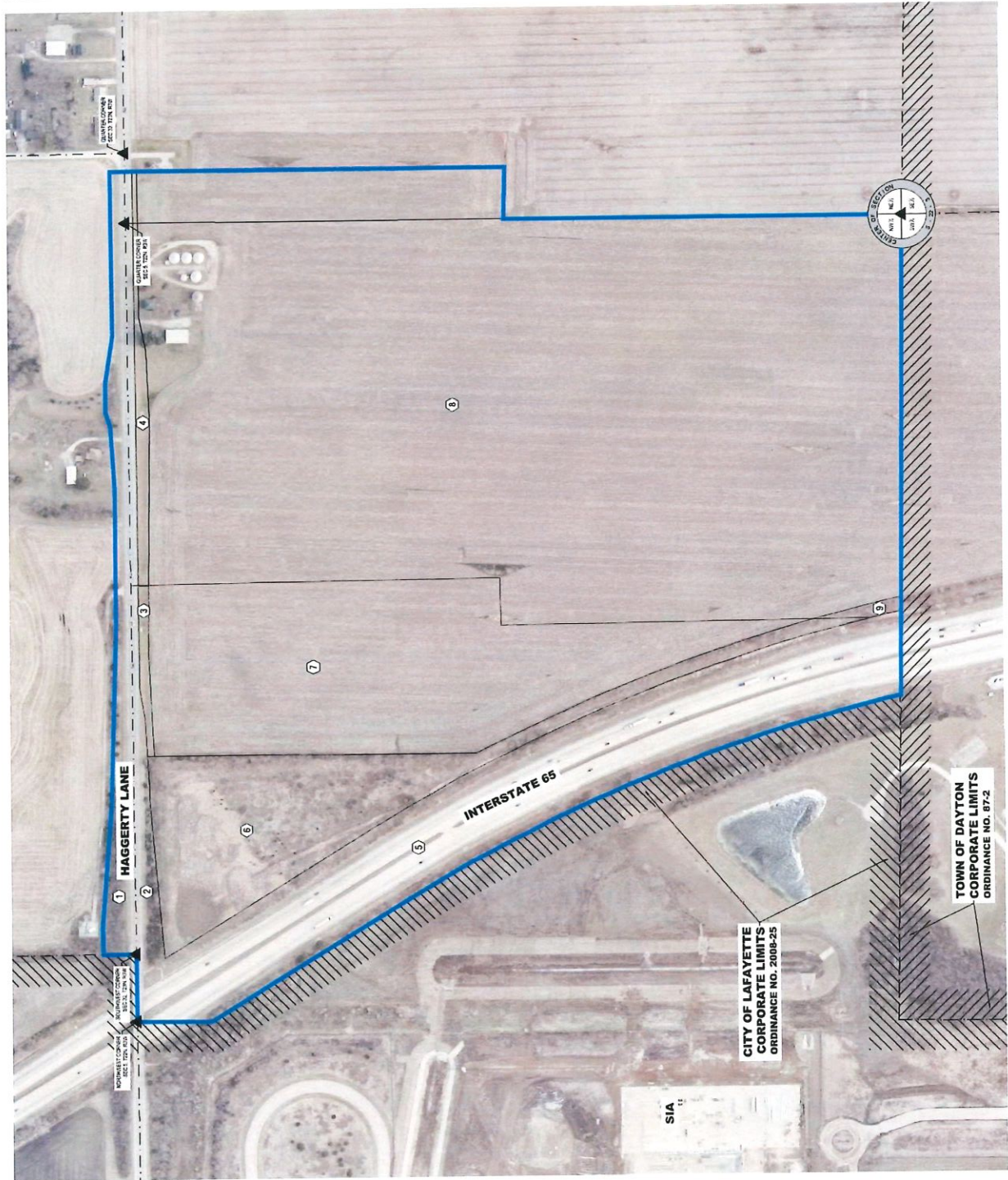
SURVEYOR'S CERTIFICATE:

I, John C. Nagy, a Registered Professional Land Surveyor of the State of Indiana, do hereby certify that the above legal description was prepared by me or under my direct supervision. I further certify that the total area of land proposed for voluntary annexation and described above is 132 acres, more or less.

CERTIFIED BY: John C. Nagy 10-24-2022
John C. Nagy, PS # 20100040
TBIRD Design Services Corp.
Project Number 22027



PARCELS		TITLE HOLDER
1	KEY NUMBER	COUNTY OF TIPPECANOE & CITY OF LAFAYETTE (RIGHT-OF-WAY FOR NORTH SIDE OF HAGGERTY LANE)
2	UNKNOWN	79-13-26-165-001 000-012 COUNTY OF TIPPECANOE & CITY OF LAFAYETTE (RIGHT-OF-WAY FOR SOUTH SIDE OF HAGGERTY LANE)
3	UNKNOWN	COUNTY OF TIPPECANOE & CITY OF LAFAYETTE (RIGHT-OF-WAY FOR SOUTH SIDE OF HAGGERTY LANE)
4	UNKNOWN	79-13-26-165-002 000-012 COUNTY OF TIPPECANOE & CITY OF LAFAYETTE (RIGHT-OF-WAY FOR SOUTH SIDE OF HAGGERTY LANE)
5	UNKNOWN	STATE OF INDIANA - INTERESTABLE 69
6	UNKNOWN	STATE OF INDIANA - INTERESTABLE 69
7	UNKNOWN	CARR FAMILY FARM LLC
8	UNKNOWN	CARR FAMILY FARM LLC
9	UNKNOWN	STATE OF INDIANA



**CARR PROPERTY
EXHIBIT "C"**

