



MEMORANDUM

DATE: November 13, 2024
TO: Common Council
FROM: Corporation Counsel John Espar
RE: Proposed Ordinance No. 24-O-50

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1, INTO THE CITY OF ELKHART, INDIANA

On June 3, 2024, the Common Council adopted Ordinance No. 5983, annexing and declaring certain real property to be a part of the City of Elkhart, Indiana.

Subsequent to the Council's action adopting Ordinance No. 5983, the Elkhart County Recorder, when reviewing the legal description to record the ordinance and update the geographical information system with the newly annexed land, identified an error in the legal description which had been prepared and provided by outside consultant. The consultant incorrectly referenced one of the plats that made up the annexation area, by an outdated instrument number.

Upon further review of the consultant's legal description, the Legal Department of the City of Elkhart, identified other fatal and non-fatal errors in the legal description provided, which could not be amended as scrivener's errors and instead, required the republication of the annexation notices and re-adoption of an amending ordinance, complete with the requisite public hearings.

Proposed Ordinance No. 24-O-50, amends Ordinance No. 5983, to accurately identify the annexation area within the legal description, by restating the ordinance in its entirety, but declaring its action retroactive to the original effective date of Ordinance No. 5983.

Rod Roberson
Mayor


Michael Huber
Director of Development Services



Development Services
Community Development
Economic Development
Planning Services
Redevelopment
229 S. Second St.
Elkhart, IN 46516
574.294.5471
Fax: 574.295.7501

DATE: November 13, 2024

TO: City of Elkhart Common Council

FROM: Michael Huber, Director of Development Services 

RE: Proposed annexation for Elkhart East Phase I – CR 17 and CR 6

At a special meeting on Wednesday, November 13, 2024, the Plan Commission recommended approval of Petition 24-ANX-01. The Plan Commission provided a 'Do Pass' recommendation on to the City Council by a vote of 6-0.

The request is to annex land generally at the intersection of CR 17 and CR 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

The current petitioner is seeking annexation to follow through with the original intentions of the agreements that allowed for the extension of the municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Elkhart East Phase I.

The 33 parcels included in the petition west of County Road 17 and South of County Road 6 represent the nearly fully build out portion of Elkhart East west of County Road 17. The remaining parcels represent undeveloped land on the east side of County Road 17 both north and south of County Road 6 in Elkhart East. The intent for these would be for the zoning to be maintained as a PUD that would include similar uses as those provided in the Elkhart County E-3 Zoning District.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5983, AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, DESCRIBED AS ELKHART EAST ANNEXATION, PHASE 1, INTO THE CITY OF ELKHART, INDIANA

WHEREAS, on June 3, 2024, the Common Council of the City of Elkhart, Indiana, duly adopted Ordinance No. 5983, annexing and declaring certain real property to be a part of the City of Elkhart, Indiana; and

WHEREAS, on June 4, 2024, the Mayor of the City of Elkhart, Indiana, approved Ordinance No. 5983, as adopted; and

WHEREAS, subsequent to the adoption of Ordinance No. 5983, the County of Elkhart, Indiana, and members of the City of Elkhart administration, identified certain errors in the alphabetical references to annexation areas and the legal description which contained an incorrect reference to a previous replat of one parcel, and incorrect reference to a plat that was not contained in the annexation area; and

WHEREAS, the City of Elkhart, intends to amend Ordinance No. 5983, by this ordinance, restating the ordinance in its entirety, retroactive to the original effective date of Ordinance No. 5983; and

WHEREAS, the owner of the real property, referenced herein, as Elkhart East Annexation, Phase 1, and legally described on Exhibit A, petitioned the City of Elkhart to annex the property into the corporate limits of the City of Elkhart, Indiana, and;

WHEREAS, the Common Council of the City of Elkhart desires to annex said property into the corporate limits of the City of Elkhart, Indiana (hereinafter referred to as “City”); and

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the property are contiguous to the corporate boundaries of the City, and thereby satisfy the contiguity requirements of law; and

WHEREAS, the property is currently zoned as Elkhart County Detailed Planned Unit Development (DPUD), E-3 Office and Business Park Standards, and General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, respectively; and

WHEREAS, the petitioner requests that the Common Council continue the Elkhart County zoning designation of Detailed Planned Unit Development (DPUD), E-3 Office and Business Park Standards, and General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, as assigned respectively, upon annexation into the City of Elkhart which is supported by the Elkhart City Plan Commission and the Elkhart Planning Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKHART, INDIANA, THAT:

Section 1. The real estate, described in Exhibit A, is hereby annexed into and declared to be a part of the City of Elkhart, Indiana.

Section 2. The Zoning Map created pursuant to and incorporated into Ordinance No. 4370 of the City of Elkhart, as amended, (“Zoning Ordinance”) shall be amended to reflect the real estate described in Section 1, as zoned Detailed Planned Unit Development (DPUD), E-3 Office

and Business Park Standards, or General Planned Unit Development (GPUD), E-3 Office and Business Park Standards, based upon the pre-existing county designations, and to this end, the real estate shall be subject to all applicable requirements of the Elkhart County Zoning Ordinance, as amended, as well as all other applicable ordinances and regulations of the City of Elkhart.

Section 3. The real estate described in Section 1 (Exhibit A, attached) is assigned to the Three (3) Councilmanic District.

Section 4. Pursuant to I.C. 36-4-3-5.1, a public hearing to consider this proposed annexation will be held at the regular Council meeting set for the _____ day of _____, _____, at 6:00 p.m.

Section 5. That this Ordinance shall become effective thirty (30) days after the final publication thereof, in the absence of an appeal, as provided at I.C. 36-4-3-5.1 and I.C 36-4-3-15.5, retroactive to the original effective date of Ordinance No.5983.

[Exhibit A to follow.]

EXHIBIT A

LEGAL DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALSO, A PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALSO, A PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST; ALL IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA;

ALSO, A PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 6 EAST; ALSO, A PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 6 EAST; ALL IN WASHINGTON TOWNSHIP, ELKHART COUNTY, INDIANA;

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST;

THENCE SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 80.0 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 THAT INTERSECTS WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 6; SAID POINT BEING THE PLACE OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING SOUTHERLY ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE 2578.2 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 25;

THENCE EASTERLY ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 2570.1 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 THAT INTERSECTS THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 17;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 200.0 FEET, MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 THAT INTERSECTS WITH THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 38 NORTH, RANGE 6 EAST;

THENCE EASTERLY ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 75.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 30;

THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 75.0 FEET, MORE OR LESS, TO A POINT ON SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 THAT INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 17;

THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 413.0 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 THAT INTERSECTS WITH THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF THE RECORDED PLAT OF WOODLAND MEADOWS, SAID PLAT BEING RECORDED IN PLAT BOOK 23 PAGE 34;

THENCE NORTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID RECORDED PLAT OF WOODLAND MEADOWS AND ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF WOODLAND MEADOWS A DISTANCE OF 1305.9 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE RECORDED PLAT OF PINEBROOK, SAID PLAT BEING RECORDED IN PLAT BOOK 22 PAGE 15;

THENCE CONTINUING NORTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF PINEBROOK A DISTANCE OF 1323.3 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF SAID RECORDED PLAT OF PINEBROOK THAT INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE CONTINUING EASTERLY AND SOUTHEASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 413.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF THE RECORDED PLAT OF PHEASANT RIDGE FOURTH, SAID PLAT BEING RECORDED IN PLAT BOOK 17 PAGE 76;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH A DISTANCE OF 7.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS THE WESTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 332.5 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID RECORDED PLAT OF PHEASANT RIDGE FOURTH THAT INTERSECTS WITH THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE EASTERLY ALONG THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 328.8 FEET, MORE OR LESS, TO POINT ON THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF THE RECORDED PLAT OF ZIMMERMAN ACRES, SAID PLAT BEING RECORDED IN PLAT BOOK 26 PAGE 8;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES THAT INTERSECTS WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 313.1 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID RECORDED PLAT OF ZIMMERMAN ACRES THAT INTERSECTS WITH THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE EASTERLY ALONG THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 353.3 FEET, MORE OR LESS, TO A POINT ON THE APPARENT SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30;

THENCE NORTHERLY ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30 A DISTANCE OF 20.0 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 6 EAST;

THENCE NORTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 THAT INTERSECTS WITH THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE CONTINUING NORTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 1378.6 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19 THAT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY LINE OF EXECUTIVE PARKWAY;

THENCE WESTERLY AND SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 1100.3 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE SAID EXECUTIVE PARKWAY THAT INTERSECTS WITH THE CENTERLINE OF INDEPENDENCE COURT;

THENCE CONTINUING SOUTHWESTERLY AND WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 724.8 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY THAT INTERSECTS WITH THE CENTERLINE OF REAGAN COURT;

THENCE CONTINUING WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 445.4 FEET, MORE OR LESS;

THENCE NORTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID EXECUTIVE PARKWAY A DISTANCE OF 70.7 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 17;

THENCE WESTERLY PERPENDICULAR TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 150.0 FEET, MORE OR LESS, TO A POINT THE WESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 17;

THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 17 A DISTANCE OF 695.9 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD 17 THAT INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY OF SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 1449.7 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE EASTERLY LINE OF LAND CONVEYED TO ASHLEY BROWN IN DOCUMENT NUMBER 2009-28239;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID BROWN LAND A DISTANCE OF 15.0 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID BROWN LAND THAT INTERSECTS WITH THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6;

THENCE WESTERLY ALONG THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 A DISTANCE OF 863.0 FEET, MORE OR LESS, TO A POINT ON THE APPARENT NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 6 THAT INTERSECTS WITH THE WESTERLY LINE OF LAND CONVEYED TO CHAZ R. BELLFY IN DOCUMENT NUMBER 2004-15029;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BELLFY LAND A DISTANCE OF 25.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BELLFY LAND; SAID POINT BEING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID AFOREMENTIONED SECTION 25, TOWNSHIP 38 NORTH, RANGE 5 EAST;

THENCE CONTINUING SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID BELLFY LAND A DISTANCE OF 60.0 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT-OF-WAY LINE SAID AFOREMENTIONED COUNTY ROAD 6;

THENCE WESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID AFOREMENTIONED COUNTY ROAD 6 A DISTANCE OF 258.3 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THIS DESCRIPTION;

CONTAINING 245 ACRES, MORE OR LESS.

[Signature pages to follow.]

ORDAINED this _____ day of _____, _____.

Arvis Dawson
President of the Common Council

ATTEST:

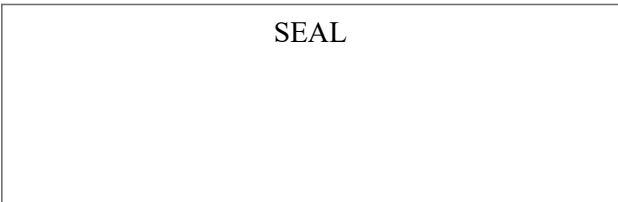
By: _____
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, on this _____ day of _____, _____, personally appeared Arvis Dawson in his capacity as President of the Elkhart Common Council and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. _____ as the duly authorized act of the Common Council of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____,
_____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030



PRESENTED to the Mayor by me this _____ day of _____, _____, at _____ a.m./p.m.

Debra D. Barrett, City Clerk

APPROVED by me this _____ day of _____, _____.

Rod Roberson, Mayor

ATTEST:

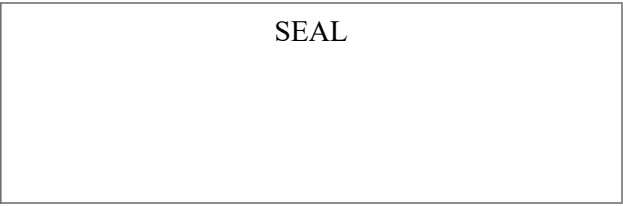
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, on this _____ day of _____, _____, personally appeared Rod Roberson in his capacity as Elkhart City Mayor and Debra D. Barrett in her capacity as Elkhart City Clerk and acknowledged the execution of the foregoing Ordinance No. _____ as the duly authorized act of the Mayor of the City of Elkhart, Indiana for the purposes stated therein.

Witness my hand and Notarial Seal this _____ day of _____, _____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030
EXECUTED AND DELIVERED in my
presence:



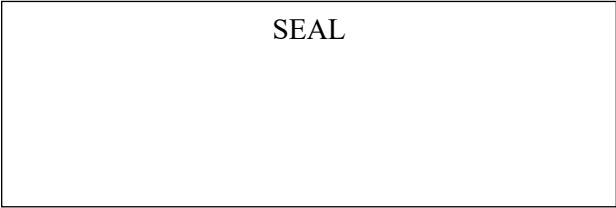
Debra D. Barrett, City Clerk

STATE OF INDIANA)
) §
COUNTY OF ELKHART)

Before me, Angela McKee, Notary Public in and for said County and State, personally appeared Debra D. Barrett in her capacity as Elkhart City Clerk, who being personally known to me as the Elkhart City Clerk, and whose name is subscribed as a witness to the foregoing instrument, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Arvis Dawson, as President of the Elkhart Common Council and Rod Roberson, as Mayor of the City of Elkhart, in the above-named subscribing witness's presence, and that the above-named subscribing witness is a disinterested person as defined by law.

Witness my hand and Notarial Seal this _____ day of _____,
_____.

Angela McKee, Notary Public
Resident of Elkhart County
My Commission Number: NP0738730
My Commission Expires: January 25, 2030



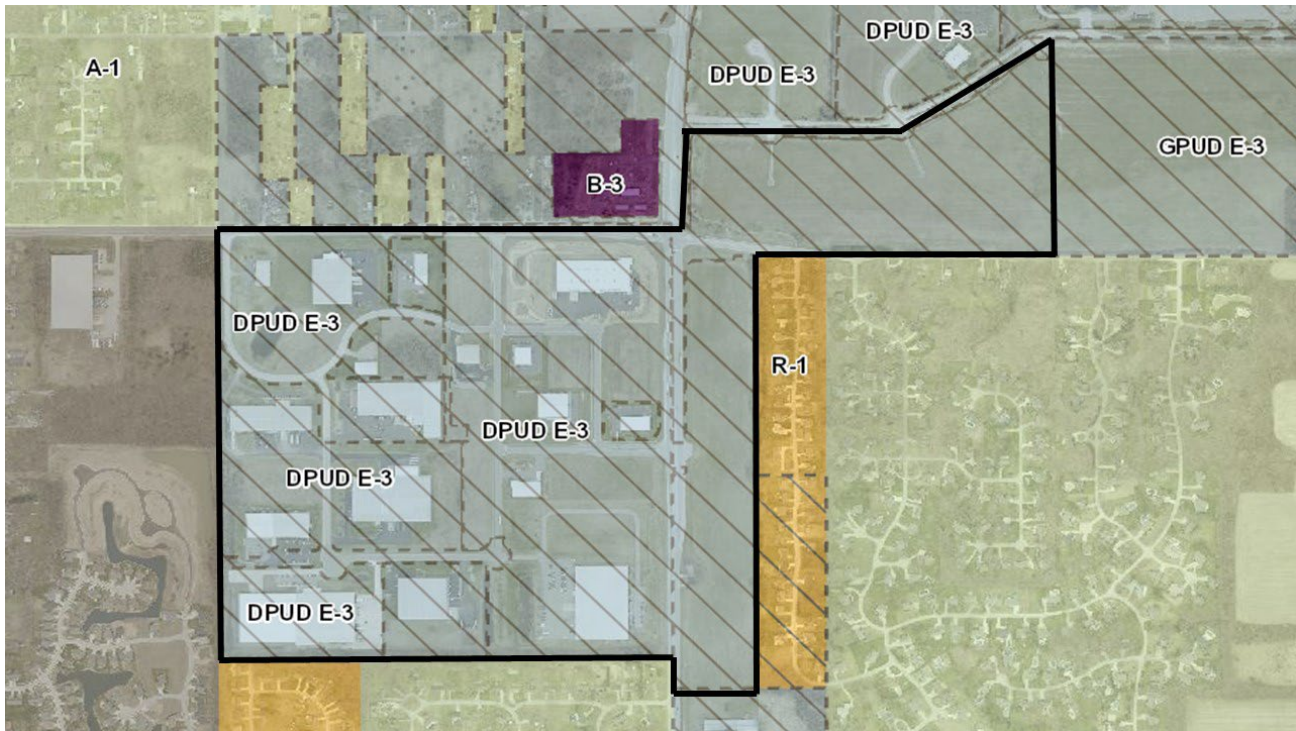
This document was prepared by John M. Espar, Attorney No. 20758-46, as Corporation Counsel for the City of Elkhart, 229 S. Second Street, Elkhart, Indiana 46516. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ John M. Espar



Staff Report

Planning & Zoning

<u>Petition:</u>	24-ANX-01 - Amended
<u>Petition Type:</u>	Annexation Request
<u>Date:</u>	November 13, 2024
<u>Petitioner:</u>	Almac, Inc Peter A. Letherman, Vice President
<u>Site Location:</u>	Elkhart East Phase I Areas generally at intersection of County Road 6 & County Road 17
<u>Request:</u>	As prescribed by Section 29.11.B, a request to annex land south of CR 6 and both east and west of County Road 17, including both developed and undeveloped land within Elkhart East Phase I, land containing approximately 198 acres (245 acres with right of way). This request is being reheard due to an error in the original legal description.
<u>Existing Zoning:</u>	DPUD E-3, Detailed Planned Unit Development and GPUD E-3, General Planned Unit Development (Elkhart County Zoning)
<u>Size:</u>	+/- 198 Acres (245 acres w/ right of way)
<u>Thoroughfares:</u>	CR 17 and CR 6
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site
<u>Surrounding Land Use & Zoning:</u>	Land to the west is M-1 industrial and R-1 and PUD residential in the City of Elkhart. Land to the south and east is residential zoned R-1 residential and A-1 Agriculture in the Elkhart County zoning. Land to the is a mix of County DPUD E-3 office park, A-1 agriculture and B-3 commercial zoning, with primarily industrial, office and commercial development anticipated for future development trends to replace the legacy agriculture and low density residential existing uses.
<u>Applicable Sections of the Zoning Ordinance:</u>	Section 29: Administration and Enforcement, 29.11 Amendments
<u>Comprehensive Plan:</u>	The Comprehensive Plan does not take this area into account but is anticipated to call for the land to be developed with continued industrial and commercial/office uses.



Staff Analysis

This staff report is being prepared for Elkhart East Phase I, annexation petition 24-ANX-01 (amended) to annex land generally at the intersection of County Road 17 and County Road 6, Elkhart, Indiana 46514, Osolo and Washington Townships.

The current petitioner is seeking annexation for Elkhart East Phase I - to follow through with the original intent of agreements that allowed for the extension of municipal sewer and water utilities to support the development, in addition to supporting the development the remaining undeveloped land contained within Elkhart East Phase I.

The 33 parcels included in the petition west of County Road 17 and South of County Road 6 represent the nearly fully build out portion of Elkhart East west of County Road 17. The remaining parcels represent undeveloped land on the east side of County Road 17 both north and south of County Road 6 in Elkhart East. The intent for these would be for the zoning to be maintained as a PUD that would include similar uses as those provided in the Elkhart County E-3 Zoning District.

The property is currently zoned in Elkhart County as DPUD, Detailed Planned Unit Development. This annexation is advantageous to the City as it will allow the City to benefit from the development that resulted from the extension of the municipal utilities to support the growth and development of this key gateway interchange into the City of Elkhart.

The annexation request is voluntary. The property meets the contiguity requirement in order to file a petition to seek annexation. The size of the area to be annexed is approximately 198 acres (245 including right of way). The territory to be annexed is more than the 12.5% contiguous to the current City limits as required in Indiana

Code. As identified in the Fiscal Plan prepared by Baker Tilly, the annexation will result in an additional estimated \$21,000-23,000 annually in additional non-capital costs associated with Street and Police related services over the initial 4 years of the annexation. However, starting in the second year after the annexation the City will receive annual net revenues between an estimated \$572,000-623,000.

Recommendation

Staff recommends approval of the annexation as described in the Legal Description contained in the Petition based on the fact that it meets all applicable requirements of IC 36-4-3, and on the following findings of fact:

1. The area to be annexed meets all applicable requirements of IC 36-4-3;
2. The Comprehensive Plan map has not been approved for this area; it is anticipated that the revised map will designate its future land use as a mix of commercial, office and industrial uses to match the character of the existing development patterns.
3. The current conditions and the character of current structures and future structures is consistent and the City will be enhanced by the annexation;
4. The annexation is in accordance with the most desirable use;
5. The annexation will conserve property values throughout the jurisdiction; and
6. The annexation represents responsible growth and development of the City of Elkhart.

Photos









Attachments

Petition, Legal Description, narrative, affidavit, site plan, and Fiscal Plan.