

ORDINANCE NO. 22-15

**AN ORDINANCE OF THE CITY OF PORTAGE, PORTER COUNTY, INDIANA
ANNEXING ADJACENT AND CONTIGUOUS TERRITORY**

BE IT AND IT HEREBY IS ORDAINED by the Common Council of the City of Portage, Porter County, Indiana, as follows:

WHEREAS, the City of Portage, Porter County, Indiana, is aware that certain property adjacent to or abutting the southern boundary of the City of Portage, commonly known as the 600 Block of 700 N., Porter County, Indiana, should be annexed to the City of Portage; and

WHEREAS, the parcel is at least or in excess of one-eighth (1/8) contiguous to the corporate boundary limits of the City of Portage; and

WHEREAS, the territory sought to be annexed is needed and can be reasonably utilized by the City of Portage for its development in the reasonably near future; and

WHEREAS, the real estate commonly known as the 600 Block of 700 N., Porter County, Indiana, will be connected to sanitary sewer service provided by the City of Portage and potable water service provided by Indiana American Water Company; and

WHEREAS, the City of Portage, by resolution, has adopted a written Fiscal Plan pursuant to I.C. 36-4-3-13, as amended, with respect to this parcel of real estate.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Portage, Porter County, Indiana:

SECTION ONE: That the following described parcel of real estate be, and the same is, hereby annexed to and declared a part of the City of Portage, Porter County, Indiana, to-wit:

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOW: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1125.20 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1516.73 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 35 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1326.26 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 52 MINUTES 51 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1320.33 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST

64-05-35-176-001-000-016
64-05-35-176-002-000-016
64-05-35-176-005-000-016

DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER
Oct 25 2022

GIS
NC

Vicki Urbanik
AUDITOR PORTER COUNTY

QUARTER; THENCE SOUTH 89 DEGREES 39 MINUTES 50 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 663.64 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1010.31 FEET TO THE SOUTH LINE OF PORTAGE MINOR SUBDIVISION 0325-A-1 PER DOC. 2002-038713; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST ALONG SAID SOUTH LINE, 335.06 FEET TO THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 310.06 TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 17 DEGREES 03 MINUTES 05 SECONDS EAST, 1178.22 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN PORTER COUNTY, INDIANA. PROPERTY ADDRESS: 700 N, HOBART, IN 46342

PROPERTY ADDRESS: CKA the 600 Block of 700N., Porter County, Indiana

SECTION TWO: That the parcel of real estate sought to be annexed will be assigned to City Council District Four (4) as a voting district in the City of Portage pursuant to I.C. 36-4-3-4(g), as amended.

SECTION THREE: That the zoning district classification of said parcel of real estate is hereby determined to be R4 District, Single Family Residential and the Annexation Agreement and all exhibits thereto shall hereby be made a part of this Annexation Ordinance.

SECTION FOUR: Be it further ordained that the municipal corporate boundaries of the City of Portage, Porter County, Indiana, shall be, and the same are, hereby declared to be extended so as to include all of the parcel of real estate hereinabove described as part of the City of Portage, Porter County, Indiana.

SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect from and after its passage, promulgation, and adoption by the Common Council of the City of Portage, and publication in conformance with applicable law.

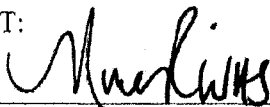
ALL OF WHICH IS PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, this 6th day of September, 2022 by a vote of 4 in favor, and 2 Against.

CITY OF PORTAGE, PORTER COUNTY, INDIANA,
CITY COUNCIL



Collin Czilli, President

ATTEST:



Nina Rivas

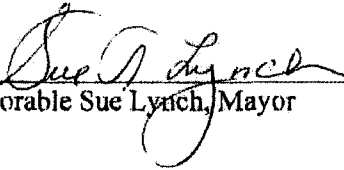
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana

This 7th day of September 2022

Approved by me, the Mayor of the City of Portage, Porter County, Indiana

This 7th day of September 2022



Honorable Sue Lynch, Mayor

RESOLUTION NO. 2022-_____

A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF PORTAGE, INDIANA ADOPTING THE FISCAL PLAN FOR RCJJ DEVELOPMENT, LLC FOR THE ANNEXATION OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE 600 BLOCK OF 700 N., PORTER COUNTY, INDIANA.

WHEREAS, RCJJ Development, LLC (hereinafter, "Petitioner") has filed a Petition for Annexation of certain real property abutting the City of Portage; and

WHEREAS, Petitioner has submitted, pursuant to applicable law, and at the City's request, a Fiscal Plan pursuant to I.C. 36-4-3-13, as amended; and

WHEREAS, the Petition for Annexation seeks the annexation of certain territory commonly known as the 600 block of 700 N., Porter County, Indiana and provides for a R4 District, Single Family Residential; and

WHEREAS, the Common Council of the City of Portage, Porter County, Indiana, has reviewed said Fiscal Plan, and now finds that the same complies with applicable state law, as amended, and should in all respects be approved; that said Fiscal Plan is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF PORTAGE, PORTER COUNTY, INDIANA:

THAT the Fiscal Plan provided by Petitioner is hereby in all respects approved; that said Fiscal Plan is in the following words and figures, to-wit: (attached hereto); and

BE IT FURTHER RESOLVED that all existing Resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby deemed null, void, and of no legal affect, and are specifically repealed; and

BE IT FURTHER RESOLVED that if any section, clause, provision of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Resolution; and

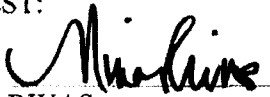
BE IT FURTHER RESOLVED that this Resolution shall take effect, and be in full force and effect, from and after its passage and approval by the Common Council of the City of Portage, Porter County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, this 6th day of September, 2022, by a vote of 4 in Favor, and 2 Against.

CITY OF PORTAGE, PORTER COUNTY,
INDIANA, COMMON COUNCIL


COLLIN CZILLI, President

ATTEST:


NINA RIVAS,
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana
this 7th day of September 2022

Approved by me, the Mayor of the City of Portage, Porter County, Indiana
this 7th day of September 2022


Honorable SUE LYNCH, Mayor

**A FISCAL PLAN FOR THE ORGANIZATION AND EXTENSION OF SERVICES FOR
A PROPOSED ANNEXATION TO THE CITY OF PORTAGE**
Annexation No.1 and Annexation No.2

This document is the written Fiscal Plan that establishes a definite policy for the provision of municipal services to the real property legally described on Exhibit A (hereinafter "4.24 acres") being proposed for annexation. This annexation is the first part of a two-phase annexation that will ultimately result in the annexation of 57.95 acres. This fiscal plan is written for and will apply to both annexations; phase I is 4.24 acres and phase II is 52.927 acres, resulting in a total of 57.95 acres being annexed into the City of Portage. Where this plan references 4.24 acres, it shall be understood that it applies to the total annexation of 57.95 acres.

Once this Fiscal Plan is adopted by Resolution and an Annexation Ordinance is adopted by the Common Council of the City of Portage, Porter County Indiana, this Fiscal Plan shall serve as the official document regarding fiscal planning for the 4.24 acres to be annexed and ultimately the total annexation of 57.95 acres. At the time the annexation becomes effective, all departments of the City of Portage would modify their respective jurisdictions and activities accordingly in order to implement this fiscal plan.

Police and Fire protection, emergency medical services, solid waste collection, and traffic control will be provided for the health and safety of the residents to the area to be annexed. All other non-capital services, such as street maintenance, and all administrative functions of the City, will be provided upon annexation and in the same manner as similar areas are normally provided within the City of Portage. As indicated elsewhere in this Fiscal Plan, there are no facilities of a capital nature anticipated and no need for park services or other similar services.

The supporting documentation indicates the nominal cost of providing these services as the 4.24 acres develops and ultimately the 57.95 acres. When the area is fully developed, it is anticipated that revenues from the property taxes collected from the owners of property in the 4.24 acres will exceed the costs incurred by the City to provide such services. This projection is based upon the assumption that the City of Portage, by its Common Council and Plan Commission, respectively, approve the proposed R4 District, Single Family Residential Zoning Classification sought as well as the development plan to be presented after the annexation of the 4.24 acres and the 52.927 acres.

In accordance with Indiana Code 36-4-3-13(d), et seq., as amended from time to time, the City of Portage, Porter County, Indiana, shall provide for the cost estimates and methods of financing the services planned for the annexed area, which estimated costs shall be itemized for each municipal department. The City of Portage shall implement and provide the planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the City municipal corporate boundaries, within one (1) year after the effective date of annexation and that said services will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas

within the City's municipal corporate boundaries regardless of similar topography, patterns of land use, and population density. Furthermore, the City of Portage will provide services of a capital nature, including street construction, street lighting, sewer facilities, and stormwater drainage facilities, within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the City's municipal 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, unless otherwise provided hereinafter.

PROVISIONS FOR MUNICIPAL SERVICES

The following categories identify the municipal services that are normally provided to property within the municipal corporate boundaries of the City of Portage, Porter County, Indiana. Within each listing is an explanation of the nature of the services as it relates to the proposed annexation and its estimated cost.

1. Police Protection – The real property being considered for annexation consists of a total land area of approximately 57.95 acres, more or less, and would be easily patrolled. The addition of the land area would result in some additional roadways; however, the City of Portage Police Department consists of 67 full-time officers and existing police patrols will accommodate the annexed area. No additional costs will be incurred and if any additional costs were incurred for police protection of the annexed area, said costs will be offset by increased revenues generated by the 57.95 acres development property taxes.
2. Fire Protection – The area is currently being serviced by the City of Portage Fire Department. Once annexed, the area will be serviced by the City of Portage Fire Department. While some additional burden on the City of Portage will be created for fire protection which will be assumed immediately upon completion of the annexation process, the burden is minimal since the land is vacant and unoccupied. The Portage Fire Department consists of 62 members with 51 of those members being cross-trained as paramedics and all members being EMT's. The department averages about 4,650 calls for service, annually, and average 170 training hours per person/year. Approximately 75% of the calls for service are EMS related, therefore, the present manpower and equipment of the Portage Fire Department is sufficient to service the additional area to be annexed.
3. Emergency Medical Services – The area is currently being served by the City of Portage Fire Department Emergency Services. The present manpower and equipment of the City of Portage Emergency Services is sufficient to handle any contingencies that may arise in the additional area to be annexed, as 82% of the members of the Portage Fire Department are Paramedics and 100% of the members are EMT's.

4. Solid Waste Collection – The City of Portage currently provides each household with residential waste collection. The collection effort includes trash, recyclables, and any type of special waste that may be generated from a residential dwelling unit. The city currently services 12,500 +/- households with weekly waste collection. The City has a fleet of approximately 10 trucks that are used for waste collection, with one to two employees per truck, dependent upon the type of vehicle (arm or rear load). The city is divided into four routes/zones; each being collected on a designated day of the week. The zone system allows the city to utilize all collection vehicles to service a specific area on a single day of the week. The city charges a monthly fee (\$19.25/month) for this service that is payable on the monthly utility bill sent to each household. The total of the annexed property will be absorbed or placed into the zone that is adjacent to the annexed territory and it will not require the purchase of any additional equipment or employment of any additional personnel. The City can expect to receive approximately \$4,620 per month in additional revenue at ultimate build-out of the property. This additional annual revenue of \$55,440 will be sufficient to off-set any additional cost realized by the annexation.
5. Traffic Control – Traffic control for this area would be under the jurisdiction of the City of Portage Police Department. Installation of automatic traffic control devices/signals or other measures are not anticipated at this time or in the foreseeable future. If required, the installation of same would be at the cost of the developer of the annexed property.
6. Streets and Roads – The proposed annexation would result in additional public streets for maintenance costs. It is anticipated that gas tax revenues will cover the maintenance costs for these streets. The city currently has a certified road mileage, by the Indiana Department of Transportation (INDOT), of approximately 156.160 miles of centerline roadway. It is anticipated that the annexed property will add approximately 1.725 centerline miles of roadway to this inventory, resulting in an increase of 0.01 additional centerline miles of roadway. For snow removal, the city currently has 5 routes/zones, 7 large snow plows, and operates with about 10 employees on “split-shifts”. Consistent with other municipalities, the city prioritizes the removal of snow based on the classification of roadway. The annexed area would be placed into the closest corresponding route/zone and no additional equipment or manpower would be required as a result of this annexation. Upon development of the total annexation area, the developer will install roads in the subdivision in accordance with the City’s Subdivision Control Ordinance and development standards of the City.
7. Street Lights and Signage – No new street lights are anticipated at this time. Upon development of the real property, the developer, at its cost, will install street lights and signage in accordance with subdivision development requirements of the City.
8. Parks – No additional parks are anticipated for the 4.24 acres, however a park will be constructed in the subdivision and service the whole project of 57.95 +/- acres. Upon

completion of development and at the time of building permit issuance, the City will assess a Park Impact Fee in the amount of \$986.00. This fee may then be used by the city for any park improvements. Portage currently has around 17 parks and a variety of special occasion rental options are available at Woodland Park, Countryside Park, and Portage Lakefront. Picnic shelter and sports facility rentals are also available. It is estimated that the development contemplated by this annexation will generate about \$236,000 in park impact fees.

9. General Administrative Functions – The cost of the general administrative services to be provided to the area to be annexed is insignificant. It is anticipated that the administrative staff of the City of Portage will be able to handle without difficulty, any additional work activities that may result from the annexation.
10. Planning and Building – It is not anticipated that any additional funds will be required to be expended by the department of Building and Planning for planning activities associated with the area to be annexed. The Building Department will generate sufficient permit fees to cover any added expenses as the subdivision project develops and home permits are issued. For FY2021 the City estimated miscellaneous revenue from Planning, Zoning, and Building Permit fees to be approximately \$337,900 and \$179,000 from electrical and plumbing licenses and permits. It is estimated that the development contemplated by this annexation will generate about \$544,000 in fees for the general fund of the City.
11. Water – The Indiana American Water potable water supply will be available to all residents in the proposed area(s) to be annexed. Infrastructure necessary to supply water to each of the proposed lots within the subdivision development will be constructed and paid for in the course of development construction by the developer. Water usage will be paid for by Indiana American Water billing household users directly on a monthly basis. Each housing unit constructed will be responsible for payment of the requisite connection fee to Indiana American Water. Currently, new home construction is being charged \$1,300 for a 5/8” meter and \$2,600 for a 1” meter. The charges cover the pit and meter and connection from the pit meter to the water main.
12. Sanitary Sewers – The Portage Wastewater Treatment Plant (WWTP) appears to have sufficient capacity to service the housing units to be constructed in the annexed area. Currently, the WWTP has a design capacity of 5.35mgd. The WWTP experiences an average daily flow of about 3.7mgd and has, at times, experienced a maximum peak flow of about 15mgd. The WWTP was most recently upgraded in 2019. The sanitary sewer collection system is currently experiencing no problems adjacent to the annexed area and the receiving sewer for the proposed development is 10” in size and has no issues. Because of the size of the receiving sewer and location at the end of the collection system, extra flow from the proposed development will benefit the sewer in that increased flow will prevent solids from building up in the pipe and will help the

“scouring” of the sewer. Infrastructure necessary to provide a sanitary sewer connection and wastewater treatment service to each of the proposed lots will be constructed and paid for in the course of the development construction by the developer. Sanitary sewer usage will be paid for by the city billing household users directly on a monthly basis. It is estimated that the development contemplated by this annexation will generate about \$540,000 in sewer tap and capacity fees. It is further estimated that the revenue from sewer billing will be approximately \$8,400 per month to the city, at full build-out.

13. Storm Water Drainage – Storm water drainage is currently being handled by farm tiles and an open drain and there are no known storm water concerns in the area to be annexed. Storm sewers and other storm water flow control measures will be installed and paid for by the developer in accordance with the stormwater development regulations for the City of Portage. The city has a storm water fee of \$12.75 per month that is payable on the utility bill. At full build-out it is estimated that the monthly collection will be \$3,000.
14. Other Utilities – Natural gas and electric service is provided to the annexation area by NIPSCO (Northern Indiana Public Service Company), by utility and transmission lines located on or near the annexation area. Telephone, internet, and cable services are available to the annexation area by multiple service providers.

REVENUES

The total amount of tax revenues payable to the City of Portage once the development project is completed will increase in direct proportion with the number of residential units and approved amenities constructed in the residential development. As reported to the State of Indiana, the City of Portage has an adjusted net assessed value of 1,628,681,029 that is second only to the City of Valparaiso, in Porter County. Property taxes generate about 48% of general operating funds, while income taxes generate about 16%. Revenue generated by new development will add to the two largest tax-based revenues of the City, property and income taxes. It is estimated that new construction, based upon a random sampling of new homes in the geographic area of the annexed property, have an average assessed value of \$272,328.00, while existing homes in this same area have an averaged assessed value of \$207,435.00 (see attached exhibits). City officials have identified “evaluating opportunities to increase revenue” as part of the new management plan, which presumably includes new residential development. As new construction typically has a higher assessed value, the tax revenue generated is higher. It is estimated that new home construction in the annexed area will have a property tax bill of around \$2,700/year, of which the City of Portage will realize, based upon the corporate tax rate, about 44% of the tax bill or \$1,188/year. At full build-out the City of Portage should realize annual property tax collections of around \$312,000/year.

FINANCIAL SUMMARY OF FISCAL IMPACT OF AREA TO BE ANNEXED

The estimated annual costs to service the area by the City of Portage will be nominal in relationship to the 2021 annual budget of the city. Miscellaneous revenue and property taxes generated will exceed the operational costs of services to the annexed area. New development, where infrastructure is new will not require any improvements and minimal maintenance.

METHOD OF FINANCING PLANNED SERVICES

The noncapital services will be financed by the City of Portage General Fund and provided within the first year of annexation or as required depending on the rate of development within the annexed area. As reported to the State of Indiana on the cash and investments combined statement, the City of Portage at December 31, 2020 had a cash and investment balance in the General Fund of \$3,328,402.20 The capital services, as required, will be funded by the payment of property taxes assessed against improvements as the development is constructed and completed.

PARCELS OF PROPERTY IN THE ANNEXATION TERRITORY

<u>Parcel Number 1</u> 64-05-35-176-003.000-015	<u>Owner</u> RCJJ Development, LLC	<u>Site Address</u> 700N Porter County, Indiana
<u>Parcel Number 1</u> 64-05-35-176-003.000-015	<u>Assessed Value</u> \$46,600	<u>Waiver of Right to Remonstrate</u> NO
<hr/>		
<u>Parcel Number 2</u> 64-05-35-176-001.000-015	<u>Owner</u> RCJJ Development, LLC	<u>Site Address</u> 700N Porter County, Indiana
<u>Parcel Number 2</u> 64-05-35-176-001.000-015	<u>Assessed Value</u> \$14,400	<u>Waiver of Right to Remonstrate</u> NO
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<u>Parcel Number 3</u> 64-05-35-176-002.000-015	<u>Owner</u> RCJJ Development, LLC	<u>Site Address</u> 700N Porter County, Indiana
<u>Parcel Number 3</u> 64-05-35-176-002.000-015	<u>Assessed Value</u> \$34,100	<u>Waiver of Right to Remonstrate</u> NO

**LEGAL DESCRIPTION FOR
ANNEXATION(S)**

Annexation No.1

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOW: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1125.20 FEET; THENCE NORTH 17 DEGREES 03 MINUTES 05 SECONDS WEST, 1178.22 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 329.06 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN PORTER COUNTY, INDIANA. PROPERTY ADDRESS: 700 N, HOBART, IN 46342

Annexation No.2

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOW: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1125.20 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1516.73 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 35 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1326.26 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 52 MINUTES 51 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1320.33 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 39 MINUTES 50 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 663.64 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1010.31 FEET TO THE SOUTH LINE OF PORTAGE MINOR SUBDIVISION 0325-A-1 PER DOC. 2002-038713; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST ALONG SAID SOUTH LINE, 335.06 FEET TO THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 310.06 TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 17 DEGREES 03 MINUTES 05 SECONDS EAST, 1178.22 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN PORTER COUNTY, INDIANA. PROPERTY ADDRESS: 700 N, HOBART, IN 46342

STATE OF INDIANA)
)SS:
COUNTY OF PORTER)

BEFORE THE CITY OF PORTAGE
PORTER COUNTY, INDIANA
COMMON COUNCIL

IN APPLICATION OF RCJJ DEVELOPMENT, LLC)
FOR THE ANNEXATION OF CERTAIN REAL)
AND CONTIGUOUS PROPERTY TO THE CITY OF)
PORTAGE, PORTER COUNTY, INDIANA)
PURSUANT TO THE PROVISIONS OF)
I.C. 36-4-3-5.1)

ANNEXATION AGREEMENT

RECITALS

Comes now RCJJ Development, LLC (hereinafter “Petitioner”) pursuant to the provisions of I.C. 36-4-3-5.1 and the Ordinances of the City of Portage and make certain commitments in consideration of the annexation and zoning applied to certain real property as part of the annexation proceeding before the City of Portage, Common Council.

WHEREAS, Petitioner is the owner of 100% (one hundred percent) of the parcel(s) of real property located in Porter County, Indiana that are legally described on exhibits “A” and “B”, attached hereto and incorporated herein (hereinafter collectively the “Property”), and

WHEREAS, The Property owned by the Petitioner is located in unincorporated Porter County, Indiana, and

WHEREAS, The annexation of the Property will take place in 2 (two) phases consisting of a total of 57.94 acres. Phase 1 (one) containing 4.25 acres+/-, and Phase 2 (two) containing 53.70 acres+/- separately and collectively a part of this ANNEXATION AGREEMENT that will be approved and made a part of both annexation petitions, and

WHEREAS, The Developer of the Property is RCJJ Development, LLC (hereinafter the “Developer”), and

WHEREAS, The Petitioner has petitioned the City of Portage for annexation to the City of Portage and for the assignment of a R4 District, Single Family Residential Zoning Classification to the Property at the time of annexation and approved in the Annexation Ordinance, and

WHEREAS, the Property will be developed into residential single family detached housing lots/units and will be generally consistent with the Development Plan, attached hereto as “Exhibit C”, presented to the City of Portage (hereinafter the “Development Plan”), and

WHEREAS, The Developer and the City of Portage (hereinafter the “Parties”) submit and agree with the entry into and execution of a written Annexation Agreement in consideration of the approval of the Development Plan and zoning of the Property as part of the annexation proceedings of both Phase 1 (one) and Phase 2 (two) annexations to the City of Portage.

IT IS NOW THEREFORE AGREED, by and between the Parties as follows:

Section One: General Annexation/Development Conditions

1. The Petitioner identified herein is the current owner of 100% of the real property to be annexed into the City of Portage. The Property must be annexed by two separate proceedings (phase 1 and phase 2 annexations), due to contiguity requirements, and it is expressly understood by the Parties that this annexation agreement shall apply to both annexations proceedings, Phase 1 (one) and Phase 2 (two) annexations.
2. The Development shall be generally consistent with the Development Plan; a copy of which is attached hereto and made a part hereof, as if fully set out herein, and marked as Exhibit C.
3. The acreage of the Property shall be zoned as R4 District, Single Family Residential Zoning Classification, shall be approximately 57.94 acres, and shall consist of single-family detached housing lots/units. The zoning designation of R4 District, Single Family Residential Zoning Classification shall apply to Phase 1 and Phase 2 annexations and shall be so designated in each respective Annexation Ordinance.
4. The Development plan shall comply with the requirements of the City of Portage Municipal Code, Article VII, Section 90-7.1 as modified by this Annexation Agreement as approved by the Common Council.
5. The Development Plan, as approved herein, and this Annexation Agreement shall super-cede and control if a conflict should arise with any City Zoning Ordinances, provided that the Developer shall fully comply with all other development standards of the City of Portage with respect to construction of infrastructure improvements such as sanitary sewer, storm sewer, curb, street, detention requirements, and the like. Further, Developer shall comply with subdivision platting requirements of the City.

Section Two: Developer Commitments and Development Plan of Bauer Farm

1. The number of units in the Development shall be between 227 and 240 units, with 240 units being the maximum, and be generally consistent with the Development plan attached hereto as Exhibit C. Typical single-family home lots will be a minimum of 70' wide at the building line

and 130' to 145' in depth. Typical single-family Cottage Home lots will be 50' to 60' wide at the building line and 120' in depth.

2. The minimum acres of open space shall be 5 acres. Open space shall include all out lots, parks, wetlands, detention areas, natural areas, and wooded areas.
3. As a part of the Development Plan attached hereto as Exhibit C, Developer will construct a park on the property so designated for said purpose on the Development Plan. The theme of the park shall be a farm theme. The Park property shall be owned by the City of Portage and maintained by the HOA (Home Owners Association). The City shall have no maintenance responsibilities for the park.
4. That the lots in the Development will have minimum side yard setbacks of 5 feet; front yard setbacks of 25 feet; rear yard setbacks of 25 feet.
5. The detached single-family homes will range from 1,421 square feet to 2,836 square feet. Premium exterior and color packages will be offered.
6. The cottage homes will be a minimum of 1,400 square feet per unit. Premium exterior and color packages will be offered.
7. Proposed home elevations are attached hereto and made a part hereof, as Exhibit D
8. The Development will fully comply with all federal, state, and local laws, and requirements (including compliance with Town Standards) related to improvements that are public and to be owned and maintained by the City.
9. All homes in the Development shall connect to and become a user of the sewage works and of the City.
10. All improvements that are public in nature will be promptly dedicated or conveyed to the City as soon as possible upon completion, in accordance with City regulations.
11. That all the common areas, landscaped or natural, shall be under the jurisdiction of a HOA (Home Owners Association).
12. All homes shall be part of a HOA (Home Owners Association) and be subject to all covenants and restrictions contained therein, as fully set out herein, and marked as Exhibit E.
13. The City will work diligently and expeditiously to issue the necessary approvals/permits for home sales trailers, home sales offices, construction trailers, etc... in connections with the home construction process.

14. The City will use its best effort to work with the developer or builder to approve a signage plan, both on and off site, for marketing of the subdivision and for model home locations.
15. The City and Developer shall cooperate and take such actions that may be necessary to effectuate the intent of this agreement
16. This Annexation Agreement contains the mutual promises of the Parties and shall be binding upon the heirs, successors, and assigns of RCJJ Development, LLC and the City of Portage, Porter County, Indiana.

IN WITNESS WHEREOF, RCJJ Development, LLC has caused this Annexation Agreement to be executed by its Manager, Lotton Development, Inc. who has full authorization to execute this Annexation Agreement and the City of Portage has caused this Annexation Agreement to be executed by its Mayor, who has full authorization to execute this Annexation Agreement and the City of Portage Clerk-Treasurer shall be responsible for ultimate recordation with the Office of the Recorder of Porter County, Indiana.

RCJJ DEVELOPMENT, LLC, Owner
 LOTTON DEVELOPMENT, INC, Manager

By: Jonathan Lotton
 Printed Name

By: [Signature]
 Signature

STATE OF INDIANA)
)
 COUNTY OF LAKE)



Before me, the undersigned, a Notary Public, personally appeared Jonathan Lotton and acknowledged the execution of this instrument, this 1st day of OCT., 2022
 My commission expires: 09/23/2029
 County of residence: Lake Superior E.T.D

CITY OF PORTAGE, INDIANA

By: Sue Lynch
 Sue Lynch, Mayor

ATTEST: [Signature]
 Nina Rivas, Clerk-Treasurer

PETITION FOR ANNEXATION
INTO THE CITY OF PORTAGE

STATE OF INDIANA)
 SS:
COUNTY OF PORTER)

Comes now RCJJ Development, LLC and petitions the City of Portage, Indiana, Common Council to annex a parcel of real estate described as follows, to wit:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOW: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1125.20 FEET TO THE PLACE OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1516.73 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 39 MINUTES 35 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1326.26 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 52 MINUTES 51 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1320.33 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 39 MINUTES 50 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 663.64 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1010.31 FEET TO THE SOUTH LINE OF PORTAGE MINOR SUBDIVISION 0325-A-1 PER DOC. 2002-038713; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST ALONG SAID SOUTH LINE, 335.06 FEET TO THE EAST LINE OF SAID SUBDIVISION; THENCE NORTH 00 DEGREES 51 MINUTES 31 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 310.06 TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 17 DEGREES 03 MINUTES 05 SECONDS EAST, 1178.22 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN PORTER COUNTY, INDIANA.

Commonly Known as: 600 Block of 700 N., Porter County, Indiana

The petitioner, as identified herein, represents, warrants, and confirms to the Portage Common Council that petitioner comprises one hundred percent (100%) of the landowners in the area to be annexed. That the area to be annexed is desirable and necessary to the City of Portage and same is in the best interests in the citizens of Portage to be annexed into the City. That the signer of this petition respectfully requests that the City of Portage, Common Council, approve the annexation of the territory, as described herein. That the total border of the parcel is 7,660.61 feet, of which 1178.22 feet are (is) contiguous with the City of Portage Corporate boundaries, therefore, 15.4 % or at least 1/8th of the border of the proposed area to be annexed is contiguous with the corporate boundaries of the City of Portage.

RCJJ Development, LLC is the owner of the real estate subject to the Annexation Petition.

The requested zoning for said property is R4 District (SINGLE-FAMILY RESIDENTIAL).

WHEREFORE, pursuant to I.C. 36-4-3-5.1, said owner requests an ordinance annexing the parcel described herein.

Respectfully submitted by Owner:

RCJJ Development, LLC

By: ~~Lotton Development, Inc., Its Manager~~

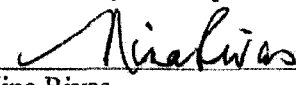
By:


Jonathan Lotton, Vice President

Date

6/6/22

Received by the City of Portage, this 6th day of June, 2022.


Nina Rivas

Clerk-Treasurer

