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**ORDINANCE NO. 2019-12**

**AN ORDINANCE FOR THE ANNEXATION OF TERRITORY  
INTO THE CITY OF AUBURN**

**SUMMARY**

This Ordinance annexes 262 acres of land, known as the Morningstar Road/Bridgewater North Property, into the City of Auburn.

_____ Recorder's Office	_____ Publish Public Hearing
_____ Auditor's Office	_____
_____ Clerk's Office	_____ Publish O/R after adoption
_____ Other	_____

Building Department

Engineering Department

DeKalb County Plan Commission

Internet Code Site

**ORDINANCE NO. 2019-12**

**AN ORDINANCE FOR THE ANNEXATION OF TERRITORY  
INTO THE CITY OF AUBURN**

**WHEREAS**, the City of Auburn is pursuing annexation of the Bridgewater North Subdivision, Bridgewater Golf Course, and single-family residential units along Morningstar Road (hereby “Morningstar Road/Bridgewater North Property”). The annexation area includes 262 acres of land; and

**WHEREAS**, a Fiscal Plan has been prepared and adopted by Resolution 06-2019 in accordance with Indiana Code 36-4-3-3.1 and 36-4-3-13; and

**WHEREAS**, the annexation area exceeds the contiguity requirements of IC 36-4-3-1.5; and

**WHEREAS**, the City of Auburn held public meetings for the annexation as required by IC 36-4-3-1.7 on August 14, 2019 and August 15, 2019; and that a public hearing has been advertised and held in accordance with IC 36-4-3-2.1 and 2.2.

**WHEREAS**, the City of Auburn will furnish non-capital services to the annexation territory within a period of one (1) year from the effective date of annexation and capital improvements within a period of three (3) years from the effective date. Planned services will be equivalent in standard and scope to those provided to the areas within the City of Auburn regardless of topography, patterns of land-use, and population density.

**WHEREAS**, the Common Council of the City of Auburn has determined annexation of the area to be in the best interest of future growth and development of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA:**

**Section I:**

The following described real estate located in DeKalb County, Indiana, is hereby annexed into the City of Auburn, a map of which is attached as Exhibit A:

*Part of the Southeast Quarter of Section 20, part of the Southwest Quarter and part of the Southeast Quarter of Section 21, part of the Northwest Quarter of Section 28, and part of the Northeast Quarter of Section 29, all in Township 34 North, Range 13 East, Union Civil Township, DeKalb County, Indiana, and more particularly described as follows:*

*Commencing at the Southwest corner of the Southeast Quarter of said Section 20; thence Northerly along the West line of said Southeast*

*Quarter of Section 20 to the Northerly right-of-way line of Morningstar Road and being the True Point of Beginning of the tract herein described; thence continuing Northerly along said West line of the Southeast Quarter of Section 20 to the Northerly line of a tract of real estate described to William E. Kaufman and Jane E. Kaufman in Deed Record 226 at page 591 in the Office of the Recorder of DeKalb County, Indiana; thence Easterly along the Northerly line of said "Kaufman" tract to the Westerly line of a tract of real estate described to David L. Southern and Mary E. Southern in Document No. 20400891 in said recorder's office; thence Northerly along the Westerly line of said "Southern" tract to the Northwest corner thereof; thence Easterly along the Northerly line of said "Southern" tract to the Northeast corner thereof; thence Southerly along the Easterly line of said "Southern" tract to the Northwest corner of a tract of real estate described to Charles A. VanHorne in Document No. 201202731 in said recorder's office; thence Easterly along the Northerly line of said "VanHorne" tract to the Westerly line of a tract of real estate described to Bridgewater Development Group, Inc. in Deed Record 235 at page 583 in said recorder's office; thence Northerly along the Westerly line of said "Bridgewater Development Group, Inc." tract to the Northwest corner thereof; thence Easterly along the Northerly line of said "Bridgewater Development Group, Inc." tract to the East line of said Southeast Quarter of Section 20, also being the West line of the Southwest Quarter of Section 21; thence Northerly along said West line of the Southwest Quarter of Section 21 to the Northwest corner of said Southwest Quarter of Section 21; thence Easterly along the North line of said Southwest Quarter and Southeast Quarter of Section 21 to the Northwest corner of a tract of real estate described to James P. Martin and Beth A. Martin in Document No. 20806231 in said recorder's office; thence Southerly along the Westerly line of said "Martin" tract to the Southwest corner thereof; thence Easterly along the Southerly line of said "Martin" tract and the easterly extension thereof to the Easterly right-of-way line of County Road 35; thence Southerly along said Easterly right-of-way line to a point that is 40.00 feet north of the point of intersection of the easterly extended centerline of Morningstar Road (also known as County Road 40) and said Easterly right-of-way line of County Road 35; thence Westerly and 40.00 feet normal to said centerline of Morningstar Road the following courses and distances:*

*North 89 degrees 45 minutes 08 seconds West, 1812.26 feet;  
Southwesterly on and along a tangent curve concave to the Southeast, having an arc length of 337.46 feet and a chord bearing and length of South 75 degrees 08 minutes 33 seconds West, 333.56 feet;  
South 60 degrees 02 minutes 14 seconds West, 943.06 feet;  
Southwesterly on and along a tangent curve concave to the Northwest, having an arc length of 214.96 feet and a chord bearing and length of South 67 degrees 56 minutes 50 seconds West, 214.28 feet;*

*South 75 degrees 51 minutes 27 seconds West, 602.97 feet; and South 75 degrees 06 minutes 26 seconds West, 778.92 feet; thence South 14 degrees 53 minutes 34 seconds East, 40.00 feet normal to said centerline of Morningstar Road to the centerline of Morningstar Road, and also being the Northeast corner of that real estate described to Kenneth H. Olson and Carolyn M. Olson as Co-Trustees of the Joint Revocable Trust Agreement of Kenneth H. Olson and Carolyn M. Olson dated October 2, 2013 in Document No. 20806231 in said recorder's office; thence Southwesterly along the Southerly line of said "Olson" tract the following courses and distances:*

*South 56 degrees 18 minutes 56 seconds West, 103.29 feet; South 64 degrees 07 minutes 40 seconds West, 211.90 feet; South 41 degrees 06 minutes 42 seconds West, 140.06 feet; South 51 degrees 09 minutes 33 seconds West, 122.48 feet; and South 58 degrees 17 minutes 54 seconds West, 170.76 feet to the Southwest corner thereof, and also being the Southeast corner of Lot 1 in Sonntag Addition, an addition to DeKalb County, Indiana, as recorded in Plat Book 5 at page 229 in said recorder's office; thence Westerly along the Southerly line of said Sonntag Addition to the Southwest corner of Lot 3 in said Sonntag Addition, and also being the Southeast corner of a tract of real estate described to Richard L. Gartner and Kristine S. Bercaw in Document No. 201100975 in said recorder's office; thence Westerly along the Southerly line of said "Gartner and Bercaw" tract to the Southwest corner thereof; thence Northerly along the Westerly line of said "Gartner and Bercaw" tract and the northerly extension thereof to the Northerly right-of-way line of Morningstar Road; thence Westerly along said Northerly right-of-way line of Morningstar Road to the Point of Beginning.*

*The above described annexation legal description containing 262 acres, more or less.*

**Section II:**

The annexation area shall be included in Council District 1.

**Section III:**

The Clerk-Treasurer shall give notice of the passage of this Ordinance as is required by law (IC 36-4-3-22).

**Section IV: BE IT FURTHER ORDAINED** that this Ordinance be in full force and effect after its passage by the Common Council, after publication as provided for in Indiana Code 36-4-3-7. In the absence of remonstrance under Indiana Code 36-4-3-11, and above described territory shall become part of the City of Auburn on June 30, 2020.

1<sup>ST</sup> READING 09/03/2019

2<sup>ND</sup> READING \_\_\_\_\_

**PASSED AND ADOPTED** by the Common Council of the City of Auburn,  
Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**JAMES FINCHUM, Council Member**

**ATTEST:**

\_\_\_\_\_  
Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2019.

\_\_\_\_\_  
**PATRICIA MILLER, Clerk-Treasurer**

**APPROVED AND SIGNED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**NORMAN E. YODER, Mayor**

1<sup>ST</sup> READING 09/03/2019

2<sup>ND</sup> READING \_\_\_\_\_

**VOTING:**

**AYE**

**NAY**

James Finchum

Dennis Ketzenberger

Dennis K. Kruse II

Wayne Madden

Michael Walter

Michael Watson

Kevin Webb

EXHIBIT A

