

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 18-2008

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
CONTIGUOUS TO THE TOWN OF PLAINFIELD, INDIANA,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES OF
THE TOWN, MAKING THE SAME AS PART OF THE TOWN AND
REDEFINING THE CORPORATE BOUNDARIES OF THE TOWN**

WHEREAS, well-defined long-term planning and orderly development benefit the Town of Plainfield, Indiana (the "Town"), and the greater Plainfield community; and

WHEREAS, Town of Plainfield is the owner of land generally situated on the east side of Ronald Reagan Pwy, approximately 3000 feet north of US 40 including CR 200 S rights-of-way and three residential lots acquired fee simple by Plainfield in Washington Township, Hendricks County, Indiana (the "Land")

WHEREAS, the Land and contiguous areas the Town is required by the Act to annex in connection with the annexation of the Land, including public highway rights-of-way, are referred to collectively as the "Territory"; and

WHEREAS, the Territory is contiguous to the Town; that is, at least one-eighth of the aggregate external boundaries of the Territory coincides with the present boundaries of the Town as provided in (and required by) Indiana Code 36-4-3, as amended (the "Act"); and

WHEREAS, map(s) describing the boundaries of the Territory are attached to and incorporated into this Ordinance as Exhibit A; and

WHEREAS, a legal description of the Territory is attached to and incorporated into this Ordinance as Exhibit B; and

WHEREAS, none of the Territory (i) is within the corporate boundaries of another municipality or (ii) lies within a fire protection district under Indiana Code 36-8-11; and

WHEREAS, responsible planning, orderly development and the Act require adoption of a written fiscal plan and a definite policy for the provision of certain services to the Territory; and

WHEREAS, prior to adoption of this Ordinance, the Town Council, by resolution, will adopt a written fiscal plan and definite policy for the provision of services of a non-capital nature and a capital nature to the Territory as required by the Act; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution will include the provision of services of a non-capital nature within one year after the effective date of the annexation under this Ordinance in a manner equivalent in standard and scope to those

non-capital services provided to areas within the present corporate boundaries of the Town, regardless of similar topography, patterns of land use and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution will include the provision of services of a capital nature to the Territory within three years after the effective date of the annexation under this Ordinance in the same manner as those services are provided to areas within the present corporate boundaries of the Town, 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; and

WHEREAS, prior to the adoption of this Ordinance, the Town Council will conduct a public hearing pursuant to notice published in accordance with the applicable provisions of the Act; and

WHEREAS, the Town Council finds that the annexation of the Territory pursuant to the terms and conditions of this Ordinance is in the best interests of all the owners of land in the Territory, is fair and equitable, and should be accomplished;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLAINFIELD, HENDRICKS COUNTY, STATE OF INDIANA, THAT:

Section 1. In accordance with the Act, the Territory is hereby annexed to the Town and included within the Town's corporate boundaries pursuant to the terms and conditions of this Ordinance.

Section 2. The Territory annexed by this Ordinance is assigned to Town Council Ward No. 1.

Section 3. The foregoing recitals (or "whereas clauses") are findings of fact by the Town Council and are incorporated into this Ordinance by this reference.

Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clause and phrases of this Ordinance.

Section 5. This Ordinance shall become effective as provided in the Act, which effective date is not less than 30 days after the adoption of this Ordinance and upon the filing and recording of this Ordinance under Section 22 of the Act.

* * * * *

THIS ORDINANCE is hereby passed and adopted this 25th day of June,

2008.

TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, STATE OF INDIANA

Robin G. Brandgard
Robin G. Brandgard, President

Bill Kirchoff
Bill Kirchoff

Kent McPhail
Kent McPhail

Edmund L. Gaddie, Jr.
Edmund L. Gaddie, Jr.

Renea S. Whicker
Renea S. Whicker

Constituting a majority of the members of the Town
Council

ATTESTED BY:

Wesley R. Bennett
Wesley R. Bennett, Clerk-Treasurer,
Town of Plainfield, Hendricks County,
State of Indiana

PUBLISHED:

Hendricks County Flyer
Hendricks County Flyer

JUL 03 2008
JUL 10 2008

EXHIBIT B

ANNEXATION DESCRIPTION

That portion of the Southwest Quarter of Section 17 and the Northwest Quarter of Section 20 of Township 15 North, Range 2 East of the Second Principal Meridian, Washington Township, Hendricks County, Indiana, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 20; thence South 00 degrees 44 minutes 38 seconds East along the west line thereof 20.00 feet to the former south right of way of C.R. 200 South and to the POINT OF BEGINNING; thence North 88 degrees 57 minutes 35 seconds East along the said former south right of way Line 600.85 feet to the southerly extension of the west line of the land of Lackey as described in Book 238, Page 408 in the Hendricks County Recorders Office in Danville, Indiana; thence North 00 degrees 55 minutes 38 seconds West along the extension of west line of said land 65.00 feet into the Southwest Quarter of Section 17 to the north 45 foot right of way line of C.R. 200 South; thence North 88 degrees 57 minutes 35 seconds East along said right of way line 735.50 feet; thence North 88 degrees 57 minutes 12 seconds East along said right of way line 395.62 feet to the west line of land of Town of Plainfield as described in Instrument # 200600031714 in said county records; thence North 00 degrees 57 minutes 18 seconds West along the west line of said Town of Plainfield land 323.20 feet to the northwest corner of said Plainfield land; thence North 88 degrees 56 minutes 30 seconds East along the north property line of said Town of Plainfield land 298.48 feet to the northeast corner of land of Town of Plainfield as described in Instrument # 200600031715 in said county records; thence South 00 degrees 57 minutes 18 seconds East along the east line of said Town of Plainfield land 323.26 feet to the north 45 foot right of way line of C.R. 200 South; thence North 88 degrees 57 minutes 12 seconds East along said right of way line 76.41 feet to the northerly extension the east line of land of Town of Plainfield as described in Instrument # 200600028354 in said county records; thence South 00 degrees 47 minutes 17 seconds East along the extension of the east line of said land and the east line of said land 123.16 feet into the Northwest Quarter of Section 20 to a point on the east line of said Plainfield land and the south right of way of C.R. 200 South; thence South 88 degrees 57 minutes 12 seconds West along the south right of way of C.R. 200 South 300.00 feet to the south right of way of C.R. 200 South; thence North 73 degrees 49 minutes 00 seconds West along said south right of way line 78.17 feet; thence South 88 degrees 57 minutes 12 seconds West along said south right of way line 290.53 feet; thence North 85 degrees 36 minutes 29 seconds West along said south right of way line 105.51 feet to the south 45 foot right of way line; thence South 88 degrees 57 minutes 35 seconds West along said south right of way line 1336.40 feet to the west line of said Northwest Quarter section; thence North 00 degrees 44 minutes 38 seconds West along said west line 25.00 feet to the POINT OF BEGINNING, containing 6.0 acres, more or less.

This description is for annexation purpose only. No transfer of title is to occur with description. Limited field work was performed. This description was based on existing deeds, plats, and previous annexation descriptions to the Town of Plainfield. No monuments were set and no deeds should be created from this description.