

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 10-2008

**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, Six Points Road Developers, LLC are the owners of land generally situated on the east side of Ronald Reagan Pwy, approximately 2000 feet north of Stafford Road in Guilford Township, Hendricks County, Indiana (the "Land"); and they have petitioned the Town Council to adopt an ordinance annexing their Land pursuant to Indiana Code 36-4-3, as amended (the "Act");

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.

* * * * *

2008.

THIS ORDINANCE is hereby passed and adopted this 9 day of June

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


Robin G. Brandgard, President


Bill Kirchoff


Kent McPhail


Edmund L. Gaddie, Jr.

Renea S. Whicker

Constituting a majority of the members of the Town
Council

ATTESTED BY:


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

PUBLISHED: JUN 12 2008
Hendricks County Flyer
Hendricks County Flyer ~~JUN 19 2008~~

EXHIBIT B

ANNEXATION DESCRIPTION

Part of the Southeast Quarter of Section 29 & the Northeast Quarter of Section 32, all in Township 15 North, Range 2 East of the Second Principal Meridian, Hendricks County, Indiana, bounded and described as follows, to-wit:

Commencing at a county disk found at the Southwest Corner of said Southeast Quarter thence North 89 degrees 03 minutes 00 seconds East along the south line thereof 225.00 feet to a 5/8 inch rebar with a "BANNING ENG FIRM #0060" cap (herein referred to as "rebar") set at the southeast corner of San Pablo Estates, a subdivision in Hendricks County, Indiana as described in Plat Book 8, Pages 1 & 1A in the Office of the Recorder of said county, and the **POINT OF BEGINNING**; thence North 00 degrees 57 minutes 10 seconds West along the east line of said subdivision 982.67 feet to a rebar set at the northeast corner thereof; thence North 89 degrees 03 minutes 00 seconds East parallel with the south line of said Southeast Quarter 1,903.36 feet to a 5/8 inch rebar with "RS FIRM #0018" cap found at the northwest corner of the land of Indianapolis Airport Authority as described in Deed Record 330, Page 695 in said county records; thence South 00 degrees 13 minutes 56 seconds East parallel with the east line of said Southeast Quarter 982.75 feet (reverse bearing North 00 degrees 40 minutes 59 seconds East 982.88 feet by deed) to a 5/8" rebar found on the south line thereof; thence South 89 degrees 03 minutes 00 seconds West along said south line 437.00 feet to a rebar set; thence South 00 degrees 51 minutes 47 seconds East parallel with the west line of said Northeast Quarter of Section 32, 132.00 feet to a rebar set; thence South 89 degrees 03 minutes 00 seconds West parallel with the north line of said Northeast Quarter 1,349.00 feet to a rebar set; North 00 degrees 51 minutes 47 seconds West parallel with said west line 132.00 feet to a rebar set on the north line of said Northeast Quarter; thence South 89 degrees 03 minutes 00 seconds West along said north line 105.00 feet to the **POINT OF BEGINNING**, containing 46.887 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.