

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 26-2008

**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 owner of land generally situated on the north side of Pike Lane acquired fee simple by Plainfield in Guilford 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-fourth 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. 2.

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 27th day of Oct

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: OCT 30 2008
Hendricks County Flyer
Hendricks County Flyer NOV 06 2008

Attachment B

A PART OF THE NORTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 15 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HENDRICKS COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 39 MINUTES 28 SECONDS EAST (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER 432.54 FEET; THENCE SOUTH 51 DEGREE 51 MINUTES 58 SECONDS EAST 142.03 FEET; THENCE SOUTH 40 DEGREES 06 MINUTES 58 SECONDS EAST 214.50 FEET; THENCE SOUTH 52 DEGREES 51 MINUTES 58 SECONDS EAST 394.68 FEET; THENCE NORTH 83 DEGREES 09 MINUTES 14 SECONDS EAST 363.00 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER, SAID POINT BEING THE NORTHWEST CORNER OF MINOR PLAT NO. 132 AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 164 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE NORTH 89 DEGREES 08 MINUTES 02 SECONDS EAST 30.00 FEET TO THE EAST RIGHT OF WAY LINE OF VESTAL ROAD; THENCE NORTH 00 DEGREES 51 MINUTES 58 SECONDS WEST ALONG SAID EAST RIGHT OF WAY 20.71 FEET TO THE APPARENT NORTH RIGHT OF WAY OF PIKE LANE; THENCE NORTH 78 DEGREES 48 MINUTES 02 SECONDS EAST ALONG THE SAID NORTH RIGHT OF WAY 17.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THE NEXT 14 CALLS ARE INTENDED TO BE ON AND ALONG PREVIOUSLY ANNEXED PROPERTY TO THE TOWN OF PLAINFIELD; THENCE CONTINUE NORTH 78 DEGREES 48 MINUTES 02 SECONDS EAST ALONG THE SAID NORTH RIGHT OF WAY 201.43 FEET; THENCE NORTH 05 DEGREES 00 MINUTES 27 SECONDS EAST 184.38 FEET; THENCE NORTH 62 DEGREES 48 MINUTES 10 SECONDS EAST 417.79 FEET TO A POINT ON THE WEST LINE OF LANDS DEEDED TO DILLON & HOLZKNECHT DEVELOPMENT CORPORATION AS RECORDED IN BOOK 295, PAGE 485; THENCE NORTH 10 DEGREES 13 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND 158.32 FEET; THENCE NORTH 46 DEGREES 28 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND 199.98 FEET; THENCE NORTH 53 DEGREES 28 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND 151.80 FEET TO A POINT; SAID POINT BEING ON THE SOUTH LINE OF RIDGELINE ESTATES, SECTION 4 SUBDIVISION AS RECORDED IN PLAT CABINET 3, SLIDE 17, PAGE 1 IN THE OFFICE OF THE RECORDERS OFFICE IN HENDRICKS COUNTY, INDIANA; THENCE THENCE NORTH 83 DEGREES 43 MINUTES 55 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID RIDGELINE ESTATES, SECTION 4 A DISTANCE OF 162.36 FEET; THENCE NORTH 65 DEGREES 58 MINUTES 55 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID RIDGELINE ESTATES, SECTION 4 A DISTANCE OF 139.92 FEET; THENCE NORTH 87 DEGREES 28 MINUTES 55 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID RIDGELINE ESTATES, SECTION 4 A DISTANCE OF 147.84 FEET TO A POINT; SAID POINT ON THE SOUTH LINE OF LANDS DEEDED TO DILLON & HOLZKNECHT DEVELOPMENT CORPORATION AS RECORDED IN BOOK 295, PAGE 485; THENCE SOUTH 84 DEGREES 31 MINUTES 05 SECONDS WEST ON AND ALONG SAID TRACT OF LAND A DISTANCE OF 167.64 FEET; THENCE NORTH 84 DEGREES 28 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND A DISTANCE OF 145.20 FEET; THENCE NORTH 50 DEGREES 43 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND A DISTANCE OF 81.18 FEET; THENCE NORTH 17 DEGREES 28 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND A DISTANCE OF 143.88 FEET; THENCE NORTH 40 DEGREES 58 MINUTES 55 SECONDS WEST ON AND ALONG SAID TRACT OF LAND A DISTANCE OF 25.19 FEET (END OF 14 CALLS); THENCE SOUTH 03 DEGREES 15 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF LANDS DEEDED TO THE PENCE FAMILY TRUST INSTRUMENT # 2001-37963 A DISTANCE OF 677.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE NORTH LINE OF LANDS DEEDED TO MICHAEL E. EATON INSTRUMENT # 2004-38200 A DISTANCE OF 523.71 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ON AND ALONG THE EAST LINE OF SAID TRACT 421.37 FEET TO THE POINT OF BEGINNING, CONTAINING 13.6 ACRES+- MORE OR LESS.