

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 17-2010

**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, Corwin W. Ballou are the owner of land generally The Territory is comprised of approximately 7.3 acres, is situated immediately north of the Town, is contiguous to the Town and is generally (and with some exceptions and exclusions) located east of SR 267 and north of Whitmore Place Subdivision a subdivision located within corporate limits of the Town of Plainfield, Washington Township, Hendricks County, Indiana (the "Land"); and has 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, 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.

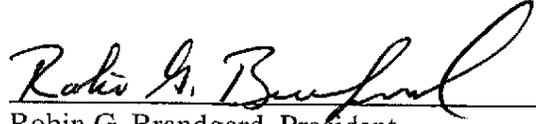
Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court 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

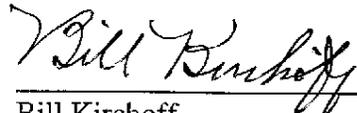
2010.

THIS ORDINANCE is hereby passed and adopted this 22nd day of Dec,

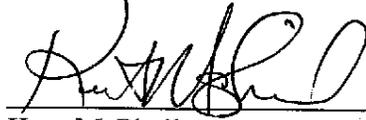
TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, STATE OF INDIANA



Robin G. Brandgard, President



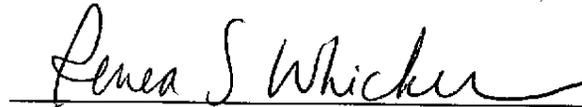
Bill Kirchoff



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:
Hendricks County Flyer NOV 27 2010
Hendricks County Flyer DEC 01 2010

EXHIBIT A

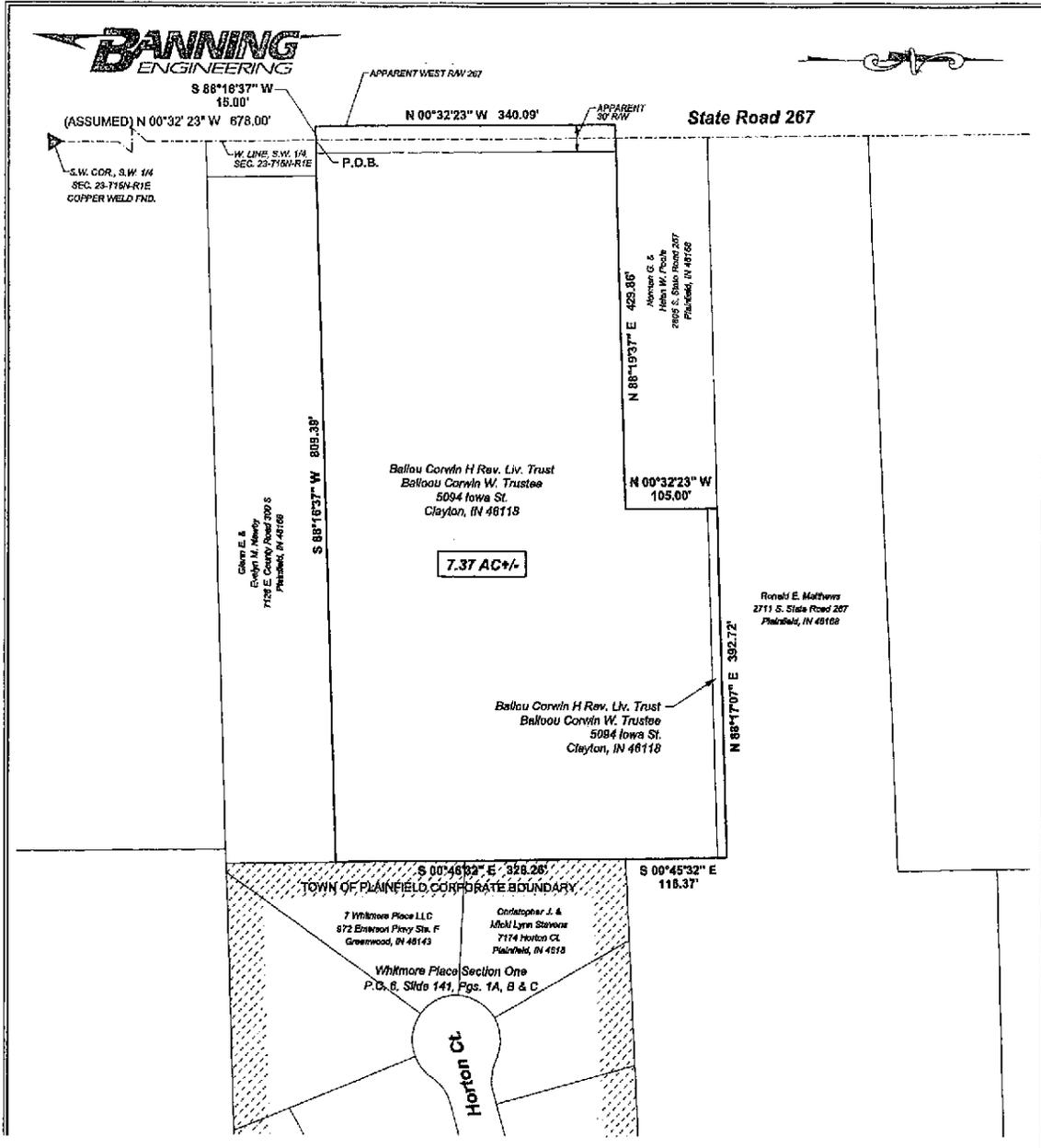


EXHIBIT B

ANNEXATION DESCRIPTION

Ballou Parcel

A part of the Southwest Quarter of the Southwest Quarter of Section 23, Township 15 North, Range 1 East, Washington Township, Hendricks County, Indiana described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said section 23; thence North 00 degrees 32 minutes 23 seconds East (assumed bearing) along the West Line of the Southwest Quarter of said section 23, for a distance of 678.00 feet to the south line of Ballou Parcel as described in Instrument Number 200700026677 and the Point of Beginning of this description; thence South 88 degrees 16 minutes 37 seconds West 15.00 feet to the apparent west right-of-way of State Road 267; thence North 00 degrees 32 minutes 23 seconds West along said right-of-way 340.09 feet to the westerly extension of the north line of Ballou Parcel; next three (3) calls are along the north line of Ballou Parcel; (1) thence North 88 degrees 19 minutes 37 seconds East 429.86 feet; (2) thence North 00 degrees 32 minutes 23 seconds West 105.00 feet; (3) thence North 88 degrees 17 minutes 07 seconds East 392.72 feet to the east line of Ballou Parcel; thence South 00 degrees 45 minutes 32 seconds West 116.37 feet to the Northwest of Corner of Whitmore Place Section One as recorded in Plat Cabinet 6, Slide 141 Pages 1A, B & C in the Office of the Recorder for Hendricks County, Indiana; thence South 00 degrees 46 minutes 32 seconds East along the west line of Whitmore Place Section One a distance of 328.26 feet to the South line of Ballou Parcel; thence South 88 degrees 16 minutes 37 seconds West along the south line of Ballou Parcel a distance of 809.39 feet to the Point of Beginning of this annexation description, containing 7.37 acres more or less.

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