

PLAINFIELD TOWN COUNCIL

RESOLUTION NO. 2006-03

**RESOLUTION OF THE PLAINFIELD TOWN COUNCIL
ACKNOWLEDGING AND ACCEPTING RECEIPT OF
PETITION FOR VOLUNTARY ANNEXATION INTO
TOWN AND APPROVING PRE-ANNEXATION AGREEMENT**

WHEREAS, the Town Council of the Town of Plainfield (the "Town Council") is the governing body of the Town of Plainfield, Hendricks County, State of Indiana (the "Town"); and

WHEREAS, owners of certain land located in Washington Township, Hendricks County, Indiana, have petitioned the Town Council (hereinafter referred to as the Petition) to adopt an ordinance annexing territory containing such land (the "Territory") into the Town; and

WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town; and

WHEREAS, a portion of the Territory includes real property owned by CLP Acquisition, LLC ("CLP"), and the Town Council desires to enter into an agreement with Browning Investments, Inc., relating to such real property and its orderly development following annexation (the "Pre-Annexation Agreement"); and

WHEREAS, the substantially final form of the Pre-Annexation Agreement has been presented to this meeting of the Town Council;

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

Section 1. The Town Council acknowledges and accepts the Petition.

Section 2. The Town Council:

- (a) approves the substantially final form of the Pre-Annexation Agreement;
- (b) authorizes and directs the Town Manager and the Town Attorney to complete and finalize the Pre-Annexation Agreement by and on behalf of the Town Council; and
- (c) authorizes and directs the President of the Town Council or its Vice President to execute and deliver (and the Clerk-Treasurer of the Town to attest) the Pre-Annexation Agreement once it is completed and finalized.

Section 3. The Pre-Annexation Agreement, as completed, finalized, executed by the President of the Town Council and attested by the Clerk-Treasurer of the Town, is approved.

Section 4. (a) The foregoing recitals (or "whereas clauses") are findings by the Town Council and are incorporated into this Resolution by this reference.

(b) The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase of this Resolution 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, paragraphs, sentences, clause and phrases of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

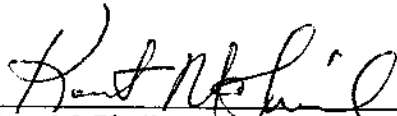
* * *

Passed by the Town Council of the Town of Plainfield, Hendricks County, State of Indiana, this 30th day of January, 2006.

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



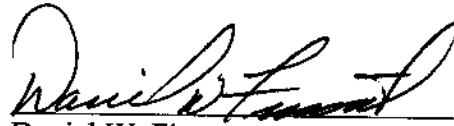
Robin G. Brandgard, President



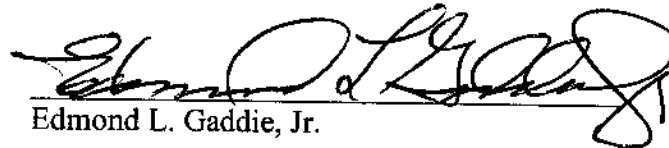
Kent McPhail



Bill Kirchoff



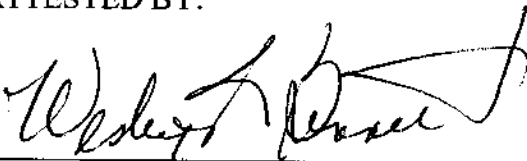
Daniel W. Fivecoat



Edmond L. Gaddie, Jr.

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