

PLAINFIELD TOWN COUNCIL

RESOLUTION NO. 2006-08

RESOLUTION OF THE PLAINFIELD TOWN COUNCIL
APPROVING VOLUNTARY 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, all (100 percent) of the 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 Territory is comprised of approximately 845 acres, is situated immediately north of the Town, is contiguous to the Town and is generally (and with some exceptions and exclusions) bounded to the north, by County Road 100 South; to the east, by a line generally ranging within 2,000 feet of the section line that is approximately one-half mile west of County Road 1050 East; to the south, by County Road 200 South; and to the west, by a line approximately 2,755 feet west of County Road 900 East; and

WHEREAS, the Town Council previously acknowledged and accepted the Petition and desires to complete and effect the annexation of the Territory into the Town; and

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the "North Central Plainfield Annexation Area"; and

WHEREAS, a portion of the North Central Plainfield Annexation Area 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 voluntary annexation of the Territory into the Town (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:

- (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 2. 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 ratified and approved.

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

Section 4. 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.

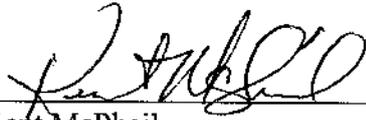
Section 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

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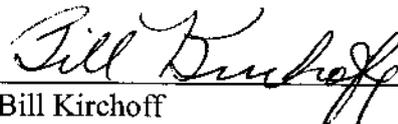
Passed by the Town Council of the Town of Plainfield, Hendricks County, State of Indiana, this 27th day of February, 2006.

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

Robin G. Brandgard, President



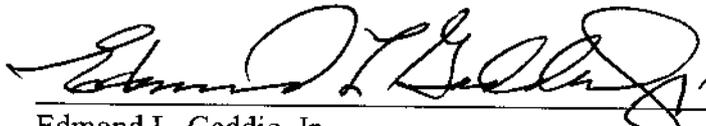
Kent McPhail



Bill Kirchoff



Daniel W. Fivecoat



Edmond L. Gaddie, Jr.

ATTESTED BY:


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