

DULY ENTERED
FOR TAXATION

JAN 11 2007

Nancy A. Marsh
AUDITOR HENDRICKS COUNTY

PLAINFIELD TOWN COUNCIL

200700000887
Filed for Record in
HENDRICKS COUNTY IN
PAUL T HARDIN
01-11-2007 At 08:21 am.
ORDINANCE 19.00

ORDINANCE NO. 42-2006

**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, 100 percent of the owners of certain land located immediately north side of the Town, in Guilford Township, Hendricks County, Indiana, have petitioned the Town Council of the Town (the "Town Council"), to annex territory containing such land (collectively, the "Territory") into the Town; and

WHEREAS, the Territory, which consists of approximately 1.161 acres, is situated outside of, but contiguous to, the Town; that is, at least one-fourth (1/4) 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, all the owners of land in the Territory have requested this Ordinance annexing the Territory; and

WHEREAS, map describing the boundaries of the Territory, including any public right-of-way, 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

19
412

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. (a) The foregoing recitals (or "whereas clauses") are findings of fact by the Town Council and are incorporated into this Ordinance by this reference.

(b) 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 4. 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.

* * *

THIS ORDINANCE is hereby passed and adopted this 13th day of Nov., 2006.

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

Robin G. Brandgard
Robin G. Brandgard, President

Kent McPhail
Kent McPhail

Bill Kirchoff
Bill Kirchoff

Daniel W. Fivecoat
Daniel W. Fivecoat

Edmund L. Gaddie, Jr.
Edmund L. Gaddie, Jr.

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.

"I AFFIRM, UNDER THE PENALTIES FOR PERJURY,
THAT I HAVE TAKEN REASONABLE CARE TO REDACT
EACH SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW."

NAME Richard A. Carlucci

This instrument prepared by Richard A. Carlucci, Town Manager, Town of Plainfield,
206 W. Main Street, Plainfield, Indiana 46168

EXHIBIT B

Land Description

Lot One (1) in Saratoga Crossing Apartments, an Addition to the Town of Plainfield, Hendricks County, as per plat thereof recorded September 8, 2003 in Plat Cabinet 5, Slide 98, Page 1 as Instrument Number 2003-35954 in the Office of the Recorder of Hendricks County, Indiana.

Also, a part of the Northeast Quarter of Section 33, Township 15 North, Range 1 East of the Second Principal Meridian, Guilford Township, Town of Plainfield, Hendricks County, Indiana, Described as follows:

Beginning at the southern most corner of Lot 1 Saratoga Crossing Apartments as recorded in Instrument Number 200300035954 in Plat Cabinet 5, Slide 98, page 1 in the Office of the Recorder in said county; thence North 07 degrees 09 minutes 00 seconds West along the westerly line thereof 249.48 feet; thence South 88 degrees 41 minutes 00 seconds West along south line of said lot 196.23 feet; thence South 07 degrees 17 minutes 00 seconds East along said south line and it's southerly extension 269.37 feet; thence North 82 degrees 52 minutes 00 seconds East 194.59 feet to the Point of Beginning, containing 1.161 acres, more or less, and subject to all legal highway, rights-of-way and easements of record.