

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 03-2007

**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, Jeffrey L. and Michelle H. Barga are the owners of certain land located in Washington Township, Hendricks County, Indiana, with a mailing address of 9882 E. County Road 200 S., Avon, Indiana 46132, and 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 one acre, 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, all the owners of land in the Territory have requested this Ordinance annexing the Territory; and

WHEREAS, map(s) 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 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.

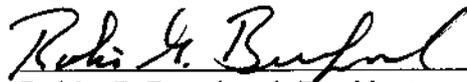
Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court 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 recording of this Ordinance under Section 22 of the Act.

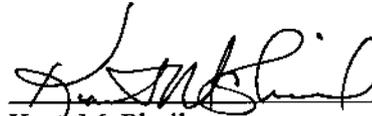
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March THIS ORDINANCE is hereby passed and adopted this 12th day of
, 2007.

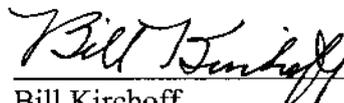
TOWN COUNCIL, TOWN OF PLAINFIELD,
HENDRICKS COUNTY, STATE OF INDIANA



Robin G. Brandgard, President



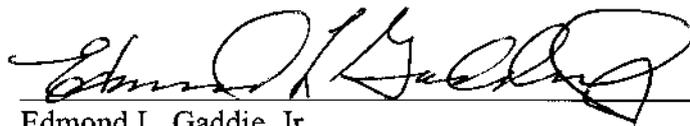
Kent McPhail



Bill Kirchoff



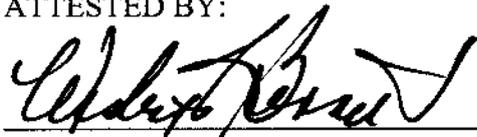
Daniel W. Fivecoat



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

PUBLISHED:

Hendricks County Flyer MAR 15 2007
Hendricks County Flyer MAR 22 2007

Exhibit A

Map Describing Boundaries of the Territory

Exhibit B

LEGAL DESCRIPTION OF THE TERRITORY

That portion of the Southeast Quarter of Section 18, Township 15 North, Range 2 East of the Second Principal Meridian, Washington Township, Hendricks County, Indiana, described as follows:

Commencing at a rail road spike found marking the southeast corner of said Southeast Quarter; thence West along the south line of said East Half 1142.75 feet to the southeast corner of the land of Barga, as recorded as Instrument Number 200500014812 in the Office of the Recorder of Hendricks County (the following four (4) courses are along the east, north, and west lines thereof); 1) thence north 20.00 feet to the north right of way line of County Road 200 South and the POINT OF BEGINNING; 2) thence continue north 220.00 feet to the northeast corner of said land; 3) thence west parallel with the south line of said East Half 180.00 feet to the northwest corner of said land; 4) thence south 220.00 feet to said north right of way line; thence east along said line 180.00 feet to the POINT OF BEGINNING, containing 0.992 acres, more or less.

(The above land descriptions were prepared based on limited data and are to be used for annexation purposes only. These descriptions shall not be used for the transfer of title or any other purposes.)