

WHITELAND TOWN COUNCIL

ORDINANCE NO. 2018-07

AN ORDINANCE ANNEXING 57.47 ACRES OF THE BD FAMILY FARM, LLC PROPERTY, AS VOLUNTARILY PETITIONED BY THE PROPERTY OWNER

WHEREAS, the Town Council (the “Council”) of the Town of Whiteland, Indiana (the “Town”) has reviewed a Petition filed for voluntary annexation of approximately 57.47 acres of property owned by BD Family Farm, LLC located outside the current Town boundaries generally located East of Graham Road, ¼ mile South of Whiteland Road;

WHEREAS, a legal description of the territory sought to be annexed is attached hereto and incorporated herein as Exhibit A, which also includes a map thereof (the “Annexation Territory”);

WHEREAS, to the extent the Annexation Territory as described on Exhibit A includes territory that is contiguous to a public highway, and as required by I.C. 36-4-3-2.5, the Annexation Territory must include the contiguous areas of the public highway and public highway right-of-way;

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the Town;

WHEREAS, it is the intent of this Council to adopt for the Annexation Territory the current Town zoning classification that most closely corresponds to the present use of the property;

WHEREAS, the Annexation Territory consists of parcels used primarily for agricultural purposes;

WHEREAS, pursuant to I.C. 36-4-3-4.1, real property annexed under I.C. 36-4-3 is exempt and remains exempt from all property tax liability under I.C. 6-1.1 for municipal purposes while the property is assessed as agricultural land under the real property assessment rules and guidelines of the department of local government finance;

WHEREAS, pursuant to I.C. 36-4-3-3.1, a written fiscal plan is not required for the annexation of real property under I.C. 36-4-3-4.1 (annexation of property assessed as agricultural land);

WHEREAS, prior to adoption, this Ordinance has been the subject of a duly noticed public hearing;

WHEREAS, I.C. 36-4-3-7(f) provides that in the case of an annexation initiated by property owners under section I.C. 36-4-3-5.1 in which all property owners within the area to be annexed have petitioned the municipality to be annexed, “[s]ubject to subsections (b) and (d), and

in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by [I.C. 36-4-3-22(a)]”;

WHEREAS, since both the Annexation Territory and the existing Town are part of the Whiteland Fire Protection District, and will remain so after the annexation is complete, the provisions of I.C. 36-4-3-7(d) are not applicable; and

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this ordinance

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk-Treasurer for public inspection.

2. The Annexation Territory is hereby annexed into the Town of Whiteland and thereby included within its corporate boundaries under I.C. 36-4-3-4.1 and 5.1.

3. To the extent the Annexation Territory includes land contiguous to a public highway, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by I.C. 36-4-3-2.5.

4. All property in the Annexation Territory shall be classified for zoning purposes as “AG, Agricultural”.

5. All property in the Annexation Territory that is assessed as agricultural land under the real property assessment rules and guidelines of the Indiana Department of Local Government Finance shall be exempt from all property tax liability under I.C. 6-1.1 for municipal purposes for so long as such property remains assessed as agricultural.

6. The Annexation Territory is assigned to Whiteland Town Council District 1.

7. The Town recognizes and accepts its obligation pursuant to I.C. 36-4-3-10 with respect to Township debt.

8. The Town and the Annexation Territory are both located in the Whiteland Fire Protection District, and fire protection services provided to the Annexation Territory prior to the annexation shall continue to be provided to both the Annexation Territory and the existing territory of the Town after this annexation is effective, subject to the pending consolidation of the Town with the Whiteland Fire Protection District.

9. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, publication, and recordation; and it is the intent of Town Council that this annexation be effective by December 31, 2018.

10. Severability. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance. Specifically, if any portion of the Annexation Territory cannot be lawfully annexed for any reason, it shall have no impact on the annexation of the remaining Annexation Territory.

11. If it is determined in any final order no longer subject to appeal in a judicial challenge to this Ordinance that any amendment to this Ordinance either prior to or after its adoption has rendered this Ordinance unenforceable, invalid, or otherwise ineffective, then this Ordinance shall be reformed so as to exclude such amendment and shall be considered adopted as if the amendment had never been made.

[Remainder of page intentionally blank]

PASSED through first reading by the Town Council on the 9th day of October, 2018, by a vote of 3 in favor and 1 against.

DULY PASSED AND FINALLY ADOPTED on second reading on the 13th day of November, 2018, by a vote of 4 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting Affirmative

Voting Opposed

Abstaining



Andy Brock, President

Andy Brock, President

Andy Brock, President

James Klenner, Vice President

James Klenner, Vice President

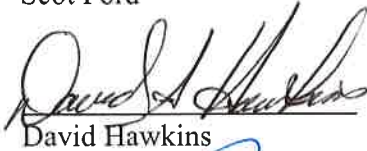
James Klenner, Vice President



Scot Ford

Scot Ford

Scot Ford



David Hawkins

David Hawkins

David Hawkins

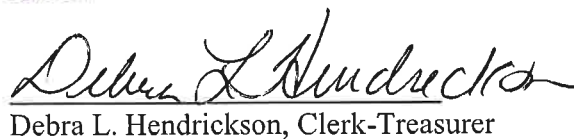


Joe Saylor

Joe Saylor

Joe Saylor

Attest:



Debra L. Hendrickson, Clerk-Treasurer

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. Stephen K. Watson, Attorney No. 16899-53

This instrument was prepared by Stephen K. Watson, attorney-at-law
Williams, Barrett & Wilkowski, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143

EXHIBIT A

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BD FAMILY FARM, LLC ANNEXATION PROPERTY

Legal Description

Parcel ID: 41-05-26-031-008.004-033
41-05-26-034-046.000-033
41-05-26-031-046.001-033

Part of the East ½ of the southeast ¼ of Section 26, Township 13 North, Range 4 East of the Second Principal Meridian in Pleasant Township, Johnson County Indiana more particularly described as follows:

Beginning at the northwest corner of the east half of the southeast quarter of said Section 26; thence south on and along the east line of said quarter section (S00°30'38"E) a distance of 2,095.54 feet; thence S33°14'06"W a distance of 228.57 feet; thence S15°16'11"W a distance of 229.29 feet to a rebar found 200.00 feet north of the south line of said quarter section; thence westerly S89°16'28"W a distance of 944.44 feet; thence northerly N00°27'18"W a distance of 522.00 feet; thence easterly S89°16'28"E, 461.17 feet to a point at the southeast corner of the Dupree Minor Subdivision (Plat Book C, Page 685 of the Johnson County, Indiana Recorder); thence northerly N00°30'34"W, 329.42 feet to the northeast corner of said subdivision; thence westerly S89°30'33"W a distance of 460.85 feet to a point on the east line of Howard Clark's 3rd Subdivision (Plat Book 6, Page 31 of the Johnson County, Indiana Recorder); thence northerly on and along said east line N00°27'18"W, 296.10 feet to the northeast corner of said subdivision; thence west S89°21'42"W a distance of 200.00 feet to a point on the center of Graham Road (County Road 225 East); thence north on and along said centerline N00°27'18"W a distance of 473.60 feet; thence easterly N89°15'37"E 819.12 feet; thence northerly N00°30'24"W a distance of 593.08 feet; thence westerly S89°12'37"W, 659.82 feet to a point in the center of Graham Road (County Road 225 East); thence northerly, on and along said centerline, N00°27'18"W 285.00 feet to the northwest corner of the east half of the southwest quarter of Section 26 Township 13 North Range 4 East; thence easterly, on and along the north line of said quarter section, N89°03'41"W a distance of 1,369.79 feet returning to the point of beginning, containing 57.47 Acres more or less, subject to all rights of way and easements of record.

BD FAMILY FARM, LLC ANNEXATION PROPERTY

