

**WHITELAND TOWN COUNCIL  
ORDINANCE NO. 2020-17**

**AN ORDINANCE ANNEXING 6.56 ACRES OF PROPERTY OWNED BY  
MICHAEL L. AND LYNN K. LEFAIVE  
(LeFaive Annexation)**

WHEREAS, the Town Council (the “Council”) of the Town of Whiteland, Indiana (the “Town”) has reviewed a Petition filed for voluntary annexation of approximately 6.56 acres of property (the “Annexation Petition”) owned by Michael L and Lynn K. LeFaive (the “Owners”), located outside the current Town boundaries and generally located west of I-65, east of Graham Road and north of County Road 400 North;

WHEREAS, a legal description of the territory sought to be annexed is attached hereto and incorporated herein as Exhibit A (the “Annexation Territory”), which includes an aerial photo showing the Annexation Territory and the Whiteland zoning classification to be assigned to the Annexation Territory;

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

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 Town’s R-1 zoning classification;

WHEREAS, the Annexation Territory consists of property currently used primarily for residential purposes;

WHEREAS, the Whiteland Plan Commission has given a favorable recommendation regarding the Annexation Petition and the proposed zoning classification;

WHEREAS, in accordance with I.C. 36-4-3-3.1(d) and I.C. 36-4-3-5.1(d), the Council has adopted a written fiscal plan after holding a public hearing on the proposed annexation and before adopting this annexation ordinance;

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, 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. 36-4-3-5.1.

3. To the extent the Annexation Territory includes land contiguous to a public highway not already part of the Town of Whiteland, 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. The property in the Annexation Territory shall be classified for zoning purposes as the Town’s R-1 zoning classification.

5. The Annexation Territory is assigned to Whiteland Town Council District 3.

6. The Town recognizes and accepts its obligation pursuant to I.C. 36-4-3-10 with respect to Township debt; provided however, as of October 19, 2020, the Gateway portal of the Indiana Department of Local Government Finance shows no Pleasant Township debt reported.

7. The effective date of this annexation shall be as soon as allowed by law following the adoption, execution, publication, recordation, and filing of this Ordinance.

8. 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.

9. 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.

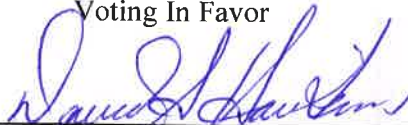
PASSED through first reading by the Town Council on the 10<sup>th</sup> day of November, 2020, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on second reading on the 8<sup>th</sup> day of December, 2020, by a vote of 5 in favor and 0 against.

**TOWN OF WHITELAND, INDIANA, TOWN COUNCIL**

Voting In Favor

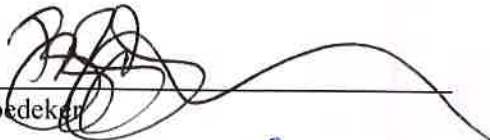
Voting Opposed

  
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David Hawkins, President

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David Hawkins, President

  
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Scot Ford, Vice President

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Scot Ford, Vice President

  
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Brad Goedecker

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Brad Goedecker

  
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Joseph Sayler

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Joseph Sayler

  
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Laura Fleury

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Laura Fleury

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 & Wilkowsky, LLP, 600 N. Emerson Avenue, Greenwood, Indiana 46143



**EXHIBIT A**  
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**LEFAIVE ANNEXATION TERRITORY**

**Legal Description**

As shown on Warranty Deed Recorded on August 12, 2011 as Instrument No. 2011-015715

Parcel No. 41-05-26-044-040.000-033

Beginning at a point on the South line of the Southeast Quarter of Section 26, Township 13 North, Range 4 East, in Johnson County, Indiana, North 90.00000 degrees West 1099.19 feet from the Southeast corner of said Quarter Section, and running thence North 90.00000 degrees West 211.74 feet; thence North 0.48333 degrees East 1350.45 feet; thence North 89.99199 degrees East 214.82 feet; thence South 0.61389 degrees West 1350.53 feet to the point of beginning, containing 6.56 acres, more or less.



**NOTICE OF PUBLIC HEARING ON PROPERTY OWNERS' PETITION FOR VOLUNTARY ANNEXATION INTO THE TOWN OF WHITELAND, INDIANA**

Interested persons are hereby notified that the Town Council of the Town of Whiteland, Indiana (the "Council") will hold a public hearing during the regular meeting of the Council scheduled for 7:00 p.m., on November 10, 2020, at the Whiteland Town Hall, 549 Main Street, Whiteland, Indiana 46184, upon proposed Ordinance No. 2020-17, An Ordinance Annexing 6.56 acres of property owned by Michael L. and Lynn K. LeFaive. This Ordinance would annex into the Town of Whiteland, through a voluntary annexation, an unincorporated area generally located west of I-65, east of Graham Road and north of County Road 400 North, consisting of approximately 6.56 acres identified as Parcel No. 41-05-26-044-040.000-033 (the "Annexation Territory"). The Council reserves the right, prior to taking final action, (or if the Ordinance is ultimately adopted, prior to its effective date) to amend the Ordinance. The proposed Ordinance and a legal description and map of the Annexation Territory are available for inspection by the public at the Whiteland Town Hall. At the public hearing, all interested parties shall have an opportunity to testify and be heard concerning the proposed annexation, and the hearing may be continued to a later date or dates. For further information, please contact Norm Gabehart, Town Manager, (317) 535-5531, or via email at [townmanager@whitelandin.us](mailto:townmanager@whitelandin.us). In accordance with the Americans with Disabilities Act, if any person wishes to attend the public meeting referred to above and is in need of reasonable accommodation in order to attend, hear, or present information at the meeting, please contact the office of the Town Manager so accommodations can be made.

Dated this 15<sup>th</sup> day of October, 2020.

Stephen K. Watson  
Whiteland Town Attorney

