

WHITELAND TOWN COUNCIL

ORDINANCE NO. 2020-02

**AN ORDINANCE ANNEXING 152.016 ACRES OF PROPERTY OWNED
BY DAVID LEE OWENS, THE ESTATE OF JOHN W. OWENS, AND
NORMAN R. AND PAMELA S. YOUNG, AS VOLUNTARILY
PETITIONED BY THE PROPERTY OWNERS**

WHEREAS, the Town Council (the “Council”) of the Town of Whiteland, Indiana (the “Town”) has reviewed a Petition filed for voluntary annexation of approximately 152.016 acres of property owned by David Lee Owens, the Estate of John W. Owens, and Norman R. and Pamela S. Young (the “Owners”) located outside the current Town boundaries generally located West of I-65 and N. 350 E. and South of 500 N./Whiteland Road;

WHEREAS, a legal description of the territory sought to be annexed is attached hereto and incorporated herein as Exhibit A, which includes an aerial photo showing the subject property (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 Town’s AG zoning classification;

WHEREAS, the Annexation Territory consists of property 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, 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 is 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 effective date of this annexation shall be as soon as allowed by law following the adoption, execution, publication, and recordation this Ordinance.

9. 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.

10. 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

EXHIBIT A

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OWENS AND YOUNG ANNEXATION TERRITORY

Legal Description
Owens Parcel

A part of the Southeast Quarter and nine acres by parallel lines off the South side of the Southeast Quarter of the Northeast Quarter of Section 26, Township 13 North, Range 4 East, Pleasant Township, Johnson County, Indiana, more particularly described as follows:

Beginning at a railroad spike found at the Southwest corner of the Southeast Quarter of said Section 26; thence North 00 degrees 10 minutes 22 seconds West on and along the West line thereof a distance of 2705.69 feet; thence North 89 degrees 41 minutes 19 seconds East a distance of 698.90 feet; thence North 00 degrees 29 minutes 39 seconds East a distance of 66.00 feet; thence North 89 degrees 41 minutes 19 seconds East a distance of 622.11 feet; thence North 00 degrees 38 minutes 22 seconds East a distance of 297.00 feet; thence North 89 degrees 41 minutes 19 seconds East a distance of 1335.63 feet to a point on the East line of said Section 26; thence on and along said East line South 00 degrees 30 minutes 57 seconds West a distance of 1646.73 feet to the Northeast corner of the Southeast Quarter of said Southeast Quarter of Section 26; thence South 89 degrees 38 minutes 16 seconds West on and along the North line thereof a distance of 1323.58 feet to the Northwest corner of said Quarter Quarter Section; thence South 00 degrees 01 minute 23 seconds East a distance of 1350.45 feet to the Southwest corner of said Quarter Quarter Section; thence South 89 degrees 29 minutes 37 seconds West on and along the South line of said Section 26 a distance of 654.46 feet; thence North 00 degrees 10 minutes 53 seconds West a distance of 217.80 feet; thence South 89 degrees 29 minutes 37 seconds West a distance of 300.00 feet; thence South 00 degrees 10 minutes 53 seconds East a distance of 217.80 feet to the South line of said Section 26; thence South 89 degrees 29 minutes 37 seconds West on and along said South line a distance of 360.00 feet to the Point of Beginning, containing 129.5876 acres, more or less, subject however to all legal rights-of-way and easements of record.

And,

(Page 2 of 3)
OWENS AND YOUNG ANNEXATION TERRITORY

Legal Description
Young Parcels

41-05-26-044-044.000-033

Ten (10) acres by parallel lines off of the East side of the following described tract:

The Southeast quarter of the Southeast quarter of Section 26, Township 13 North, Range 4 East of the Second Principal Meridian, containing 40 acres, more or less.

41-05-26-04-043.000-033

Part of the Southeast quarter of Section 26, Township 13 North, Range 4 East in Johnson County, Indiana particularly described as follows:

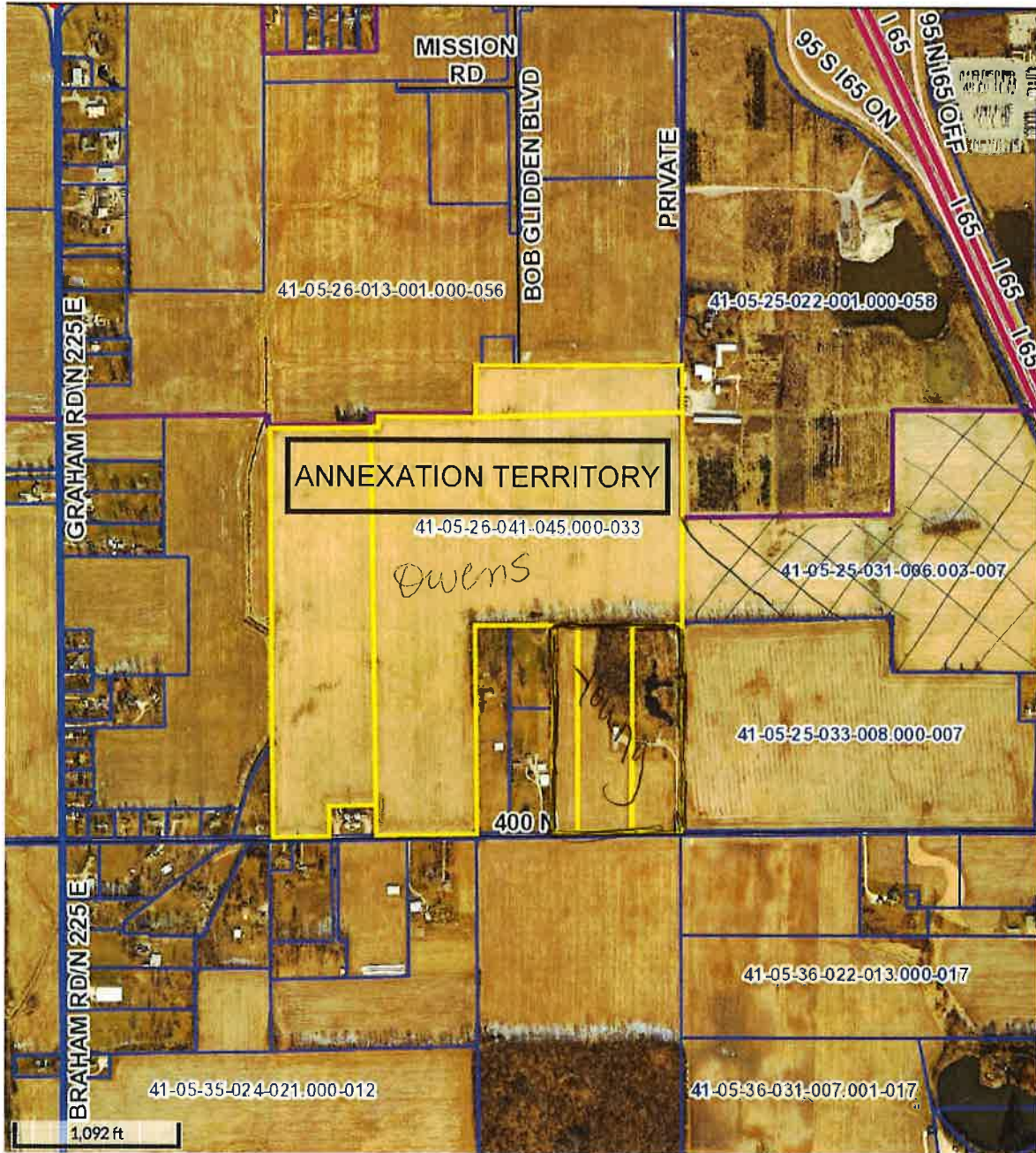
Commencing at the Southeast corner of said Southeast Quarter Section; thence North 90 degrees 00 minutes 00 seconds West 322.46 feet along the South line of said Quarter Section to the Point of Beginning, said point being a road nail; thence North 01 degrees 04 minutes 00 seconds East 1350.73 feet to an iron pin; thence South 89 degrees 59 minutes 31 seconds West 327.83 feet to an iron pin; thence South 00 degrees 36 minutes 50 seconds West 1351.04 feet to a road nail on the South line of said Quarter Section; thence North 90 degrees 00 minutes 00 seconds East 317.16 feet to the Point of Beginning.

41-05-26-044-042.000-033

Part of the Southeast Quarter of Section 26, Township 13 North, Range 4 East of the Second Principal Meridian in Johnson County, described as follows:

Beginning on the South line of the said Quarter Section 639.62 feet West of the Southeast corner thereof; thence North 90 degrees 00 minutes 00 seconds West on and along the said South line 183.63 feet to a railroad spike found; thence North 00 degrees 51 minutes 27 seconds West and following an existing fence line, more or less, a distance of 806.73 feet; thence North 02 degrees 16 minutes 36 seconds East and following an existing fence line, more or less, a distance of 544.73 feet to a point on the owner's North property line that is approximately 1 ½ foot North of an existing corner post; thence North 89 degrees 59 minutes 31 seconds East 164.00 feet; thence South 00 degrees 36 minutes 50 seconds West 1351.04 feet to the point of beginning, containing 5.516 acres, more or less.

OWENS AND YOUNG ANNEXATION TERRITORY
Aerial Photo of Annexation Territory (outlined in yellow on color original)



**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 February 11, 2020, at the Whiteland Town Hall, 549 Main Street, Whiteland, Indiana 46184, upon proposed Ordinance No. 2020-02, An Ordinance Annexing 152.016 acres of Property owned by David Lee Owens, the Estate of John W. Owens, and Norman R. and Pamela S. Young as Voluntarily Petitioned by the Property Owners. This Ordinance would annex into the Town of Whiteland, through a voluntary annexation, an unincorporated area currently owned by David Lee Owens, the Estate of John W. Owens, and Norman R. and Pamela S. Young, generally located West of I-65 and N. 350 E. and South of 500 N./Whiteland Road, consisting of approximately 152.016 acres identified as Parcel Nos. 41-05-26-042-039.000-033, 41-05-26-041-045.000-033, 41-05-26-014-045.001-033, 41-05-26-044-044.000-033, 41-05-26-044-043.000-033, and 41-05-26-044-042.000-033 (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. 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 15th day of January, 2020.

Stephen K. Watson
Whiteland Town Attorney

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 11th day of January, 2020, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on second reading on the 10th day of March, 2020, by a vote of 4 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

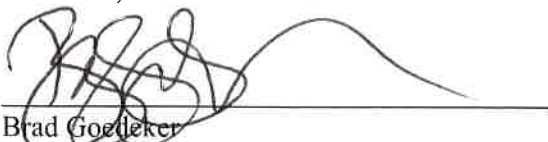
Voting Opposed

David Hawkins, President



Scot Ford, Vice President

Brad Goedecker



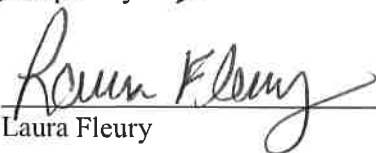
Brad Goedecker

Joseph Sayler



Joseph Sayler

Laura Fleury



Laura Fleury

David Hawkins, President

Scot Ford, Vice President

Brad Goedecker

Joseph Sayler

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Julia Meece, Deputy Clerk

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

