

ORDINANCE 2014-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA, ANNEXING TERRITORY TO THE TOWN OF WHITESTOWN,
INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING
THE SAME A PART OF THE TOWN OF WHITESTOWN**

**BHI RETIREMENT COMMUNITIES, INC.
SUPER-VOLUNTARY ANNEXATION**

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Town" or "Whitestown") received a petition ("Petition") requesting that certain territory generally located west of the existing corporate limits south of Whitestown Parkway and east of County Road 475 East, as hereinafter described ("Annexation Territory"), be annexed by Whitestown; and

WHEREAS, the Petition has been signed by the sole owner (i.e, 100%) of the property within the Annexation Territory; and

WHEREAS, the Council deems it desirable and in the best interest of the Town to annex the Annexation Territory; and

WHEREAS, a map and legal description of the Annexation Territory are attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, where the legal description attached as Exhibit B describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit B; and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit A; and

WHEREAS, the Annexation Territory consists of approximately sixteen (16) acres, and is contiguous to the existing Town limits; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas; and

WHEREAS, prior to adoption of this Ordinance, this Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provide for the provision of services of a non-capital nature (including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provide for the provision of services of a capital nature (including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, 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, the terms and conditions of this annexation, including the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

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

1. The above recitals including Exhibits A and B are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District No. 4.
4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
5. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
6. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Introduced on December 16, 2014, and adopted by the Town Council of the Town of Whitestown, Indiana, on _____, 201__.

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

YAY/NAY

Eric Miller, President

Julie Whitman, Vice President

Dawn Semmler, Member

Susan Austin, Member

Kevin Russell, Member

ATTEST:

Amanda Andrews, Clerk-Treasurer
Town of Whitestown, 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. Stephen C. Unger

This Ordinance was prepared by Stephen C. Unger, Attorney at Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204
2685564

EXHIBIT

tabbles
A

Public 16.5' App. Half R/W
County Road 650 North

h Line, SE 1/4, Sec. 2-117N-R1E
N89°33'20"E 2635.72'

North Line, NW 1/4, SW 1/4, Sec. 1-117N-R1E
N77°17'28"E 1322.60'

N87°31'28"E 1322.44'

NW Cor., NE 1/4, SE 1/4
Sec. 2-117N-R1E
Caled Corner
No Mon Set

NW Cor., SW 1/4
Sec. 1-117N-R1E
Found Harrison Mon
per D.C.S. Res

NE Cor., NW 1/4
Sec. 1-117N-R1E
Found 1" Pipe Mon
No D.C.S. Res

Dora A Debra M Ellis

David J Desso

'County Club Corp Property'
Bill Beuteman, Chairman, Inc.
Dist. No. 2016 P088294
Acreages Area 155.023 Ac.

South Line, NW 1/4, SW 1/4, Sec. 1-117N-R1E
148°00'42"E 1300.35'

NW Cor., SE 1/4, SE 1/4
Sec. 2-117N-R1E
Caled Corner
No Mon Set

North Line, SE 1/4, SE 1/4, Sec. 2-117N-R1E
S89°00'18"W 1318.18'

SW Cor., NW 1/4, SW 1/4
Sec. 1-117N-R1E
Caled Corner
No Mon Set

Anastia R. Logston Trustee

Anastia R. Logston Trustee

1st 3/8" R/W
On 0.5"
0.32x0.32'

N89°27'15"E 1318.34'

S89°27'15"W 524.77'

1st 3/8" R/W
On 0.5"
0.32x0.32'

S89°27'15"W 795.73'

Public 16.5' App. Half R/W
County Road 475 East

West Line, SE 1/4, SE 1/4, Sec. 2-117N-R1E

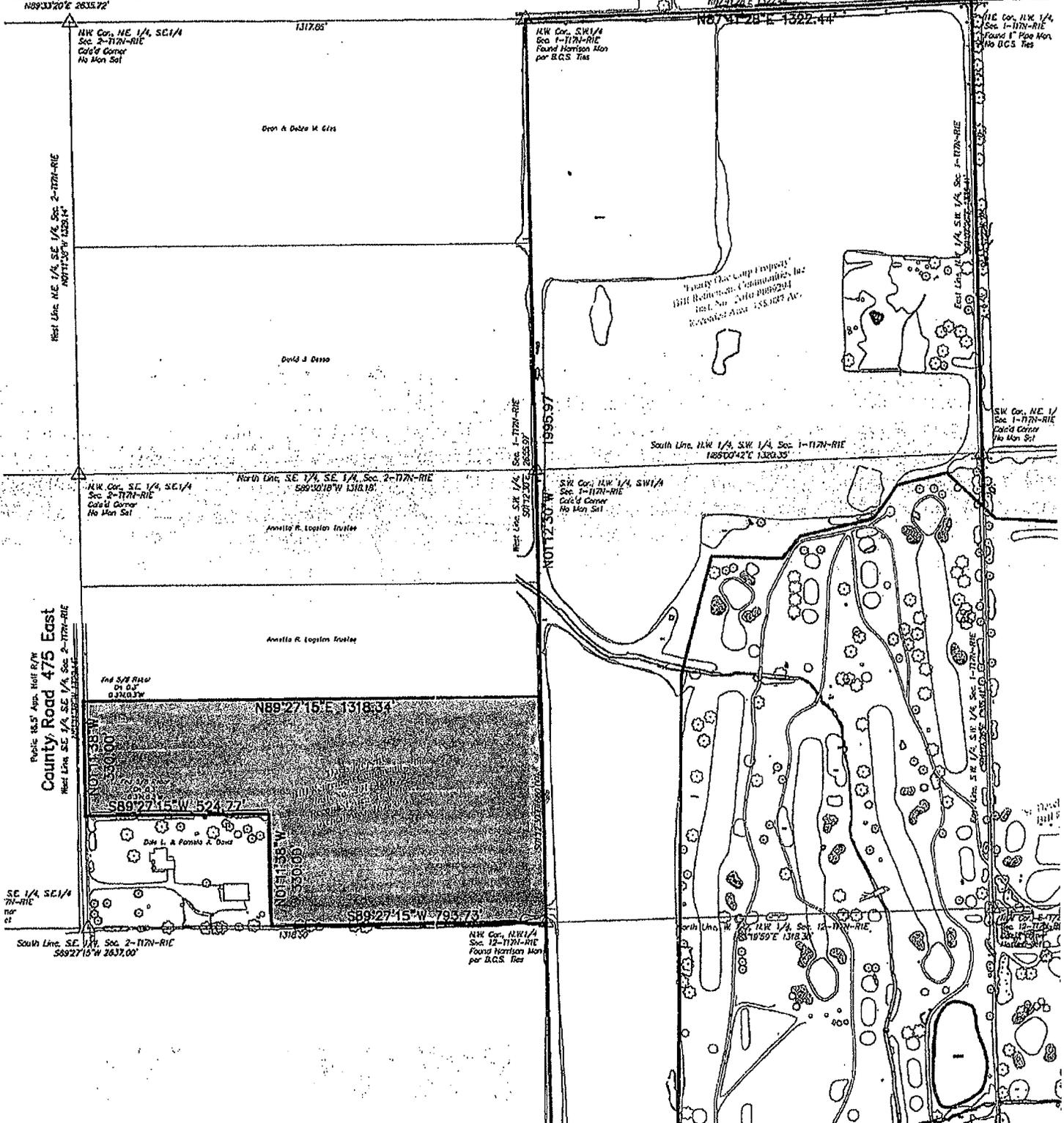
SE 1/4, SE 1/4
7N-R1E
No Mon Set

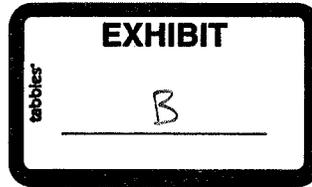
South Line, SE 1/4, Sec. 2-117N-R1E
S89°27'15"W 2637.00'

NW Cor., NW 1/4
Sec. 12-117N-R1E
Found Harrison Mon
per D.C.S. Res

North Line, NW 1/4, Sec. 12-117N-R1E
N81°59'E 1318.34'

NE Cor., NW 1/4
Sec. 12-117N-R1E
Found Harrison Mon
per D.C.S. Res





(Legal Description)

A part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 17 North, Range 1 East of the Second Principal Meridian, situated in Perry Township, Boone County, State of Indiana and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 2; thence North 00 degrees 16 minutes 39 seconds West, along the West line of said Quarter, Quarter Section, 330.00 feet to the Northwest corner of the real estate described within Inst. No. 0401106, being recorded within the Boone County Recorder's Office, said corner being the POINT OF BEGINNING of the real estate described herein; thence continuing North 00 degrees 16 minutes 39 seconds West, along said West Quarter, Quarter Section line 330.00 feet to the Northwest corner of the real estate described within Deed Book 232, page 379; thence South 89 degrees 37 minutes 54 seconds East, along the North line thereof, 1,318.38 feet to the Northeast corner thereof; thence South 00 degrees 17 minutes 45 seconds East, along the East line of said Quarter, Quarter Section, 660.00 feet to the Southeast corner of said Quarter, Quarter Section; thence North 89 degrees 37 minutes 54 seconds West, along the South line of said Quarter, Quarter Section, 793.73 feet; thence North 00 degrees 16 minutes 39 seconds West, parallel to the West line of said Quarter, Quarter Section, 330.00 feet to a point on the South line of said Deed Book 232, page 379; thence North 89 degrees 37 minutes 54 seconds West, along said South line, 524.87 feet to the POINT OF BEGINNING of this description, containing 16.000 acres, more or less.