

ORDINANCE 2023-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THORNTOWN, INDIANA
ANNEXING TERRITORY TO THE TOWN OF THORNTOWN, INDIANA

WHEREAS, the Town Council of the Town of Thorntown, Indiana (“Town Council”) received a Petition for Voluntary Annexation of Real Estate into the Town of Thorntown (“Petition”) requesting that certain real estate located generally at 8201 West State Road 47, 8205 West State Road 47, 8401 West State Road 47 and 8405 West State Road 47 as hereinafter more particularly described (“Annexation Territory”) be annexed into the Town of Thorntown; and

WHEREAS, the Petition has been signed by the Owners of 100% of the real estate within the Annexation Territory; and

WHEREAS, a copy of the Petition is attached hereto as Exhibit A; and

WHEREAS, legal descriptions and drawing of the Annexation Territory are attached hereto as Exhibit B in two pages and Exhibit C; and

WHEREAS, the Annexation Territory consists of approximately 63.17 acres, more or less, and is contiguous to the existing Town of Thorntown (“Town”) limits; and

WHEREAS, Petitioner has requested a Town zoning classification of the Annexation Territory of PUD, single-family residential; and

WHEREAS, prior to adoption of this Ordinance, the Town 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 that meets the requirements of Indiana Code 36-4-3; and

WHEREAS, pursuant to Indiana Code 36-4-3, as amended, a public hearing is required to be held on the Petition by the Thorntown Town Council; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, 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, the Town 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 of Council of the Town of Thorntown, Indiana as follows:

1. Contiguity. Petitioners constitute 100% of the Owners of the Annexation Territory, which is contiguous to the Town of Thorntown pursuant to Indiana Code 36-4-3-1.5.

2. Notice and Public Hearing. Notice of the Petition and the public hearing was published as required by Indiana Code 36-4-3-5.1 and a public hearing on the Petition was held on January 16, 2023.

3. Annexation. In accordance with Indiana Code 36-4-3-5.1 and other applicable laws, the Annexation Territory more particularly described in Exhibit B and Exhibit C attached hereto and incorporated herein is hereby annexed to the Town of Thorntown and included within its boundaries pursuant to the terms of this Ordinance.

4. Zoning. The Annexation Territory is assigned a zoning classification of PUD, single-family residential.

5. Effective Date. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution and publication as required by law.

6. Clerk/Treasurer Action. The Clerk/Treasurer of the Town of Thorntown is authorized, empowered and directed to take any and all action necessary or required by Indiana law to effectuate the purposes of this Ordinance and the annexation of the Annexation Territory.

(Remainder of page intentionally left blank.)

DULY PASSED AND ADOPTED this ____ day of _____,
20____ by the Town Council of the Town of Thorntown, Indiana, having been passed
by a vote of _____ in favor and _____ opposed.

APPROVED:

Thorntown Town Council

President

Member

Member

Member

Member

ATTEST:

Clerk/Treasurer

I affirm under the penalties of perjury that I have taken reasonable care to redact
each social security number in this document unless required by law.

Amy E. Nooning

This Ordinance prepared by: Amy E. Nooning
Whitsitt & Nooning
121 N. Meridian Street
Lebanon IN 46052

PETITION FOR VOLUNTARY ANNEXATION
OF REAL ESTATE
INTO THE TOWN OF THORNTOWN, INDIANA

To: Town Council of the Town of
Thorntown, Indiana

Comes now the Owner or Owners of certain Real Estate, pursuant to I.C. 36-4-3-5.1, and respectfully request the annexation of the Real Estate into the Town of Thorntown Corporate Limits. In support of which, the Landowner(s) would state as follows:

1. The Landowner(s) owns one hundred percent (100%) of the Real Estate with a common address of 8201 W SR 47, 8205 W SR 47, 8401 W SR 47, 8405 W SR 47 (current address) with Parcel ID # 06-13-34-000-001.001-014, 06-09-03-000-012.000-014, 06-13-34-000-033.000-014, 06-09-03-000-013.000-014, containing

63.17 acres (more or less) and having an abbreviated legal description of Southwest of SR47 and Oak Street ("Real Estate"). The Real Estate is more particularly described with the full legal description and map on Exhibit A attached hereto and made a part hereof.

2. Attached hereto and incorporated herein as Exhibit B is a copy of the deed by which the Landowner(s) took title to the Real Estate.

3. The Landowner(s) is/are the only affected persons, individual or party with an interest in the above-described Real Estate.

4. The land use of the Real Estate sought to be annexed is currently used for Agricultural use, and will be zoned as PUD, single-family residential use.

5. At least one-eighth (1/8) of the aggregate external boundary of the Real Estate sought to be annexed coincides with the boundary of the Town of Thorntown.

6. The Landowner(s) waives any statutory right to notice by publication (I.C. 5-3-1) and further waives any right to the adoption of a fiscal plan for the Real Estate by the Town of Thorntown.

7. Essential municipal services and utilities are available to the Real Estate.

8. The Landowner(s) desires that the Real Estate to be annexed be serviced by all Town of Thorntown utilities.

EXHIBIT A

WHEREFORE, for all the foregoing reasons, Landowner(s) requests voluntary annexation into the Town of Thorntown.

Sworn to and affirmed under the penalties of perjury this 9 day of December, 2022.

Landowner(s)

By:

Scott A. Schuler
Signature

Scott A. Schuler

Printed

STATE OF INDIANA)

COUNTY OF Hamilton) SS:

Personally appeared before me, a Notary Public, in and for said County and State, _____ on this 9th day of December, 2022, _____, and having been first duly sworn upon his/her oath, stated that the facts set forth in the foregoing Petition for Voluntary Annexation are true and correct to the best of his/her knowledge and belief.

Beth Tarter

Notary Public - Signature

Beth Tarter

Notary Public - Printed

My Commission Expires: _____

County of Residence: _____



Legal Descriptions

8201 W SR 47, 8205 W SR 47

06-13-34-000-001.001-014, 06-09-03-000-012.000-014

The following described real estate situated in Boone County, State of Indiana:

A part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 19

TRACTS II & III: A part of the Southeast Quarter of Section 34, Township 20 North and a part of the Northeast Quarter of Section 3, Township 19 North, all in Range 2 West, Sugar Creek Township, Boone County, Indiana, described as follows:

Commencing at a capped rebar marking the northeast corner of said Section 3; thence North 89 degrees 16 minutes 58 seconds West 1040.09 feet along the north line of said Section 3 to a 5/8 inch diameter reinforcing steel bar with a yellow plastic cap marked "C.N. Starr/RLS#0159" (hereinafter called a capped rebar set) marking the point of beginning of this description, said point being located at the base of a power pole (west side); thence South 0 degrees 29 minutes 52 seconds West 977.71 feet along the west boundaries of Royal Crossing Subdivision, Westwood Addition Section 2 and Westwood Addition-Part One to a capped rebar set; thence South 89 degrees 47 minutes 35 seconds West 1008.47 feet to a capped rebar set; thence North 0 degrees 29 minutes 52 seconds East 1522.16 feet crossing into said Section 34 to a capped rebar set; thence south 89 degrees 13 minutes 56 seconds East 901.87 feet to a capped rebar set; thence North 0 degrees 34 minutes 42 seconds East 330.00 feet to a cotton gin spike set on the approximate centerline and in the asphalt surface of State Road No. 47; thence South 89 degrees 13 minutes 56 seconds East 100.00 feet along said center line to a cotton gin spike; thence South 0 degrees 34 minutes 42 seconds West 330.00 feet to a capped rebar set; thence South 89 degrees 13 minutes 56 seconds East 6.59 feet to a capped rebar set on the west line of said Royal Crossing Subdivision; thence South 0 degrees 29 minutes 52 seconds West 534.58 feet along said west line to the point of beginning.

Containing 35.883 acres, of which 22.739 acres are in said Section 3 and 13.144 acres are in said Section 34.

8401 W SR 47

06-13-34-000-033.000-014

The following described real estate situated in Boone County, State of Indiana:

Part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 20 North, Range 2 West, of the second Principal Meridian, more particularly described as follows:

Commencing at a point 13 chains, more or less, north of the southwest corner of the Southwest quarter of the Southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence east along said center line Six

EXHIBIT B

Hundred Eleven and sixteen hundredths (611.16) feet; thence South Eight hundred seventy-nine (879.00) feet; thence West Six Hundred Eleven and sixteen hundredths (611.16) feet; thence North Eight hundred seventy-nine (879.00) feet to the place of beginning.

Containing 12.33 acres, more or less.

8405 W SR 47

06-09-03-000-013.000-014

The following described real estate situated in Boone County Indiana:

A part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 19 North, Range 2 West of the Second Principal Meridian, more particularly described as follows:

Commencing at a point 858 feet, more or less, north of the southwest corner of the southwest quarter of the southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence East along said center line 611.16 feet; thence south 1,844.04 feet; thence West 612.48 chains to a point in the west line of the Northwest Quarter of the Northeast Quarter of said Section 3; thence north along said west line and the west line of the Southwest Quarter of the Southeast Quarter of said Section 34, 1853.28 feet chains to the place of beginning.

Containing 26 acres, more or less.

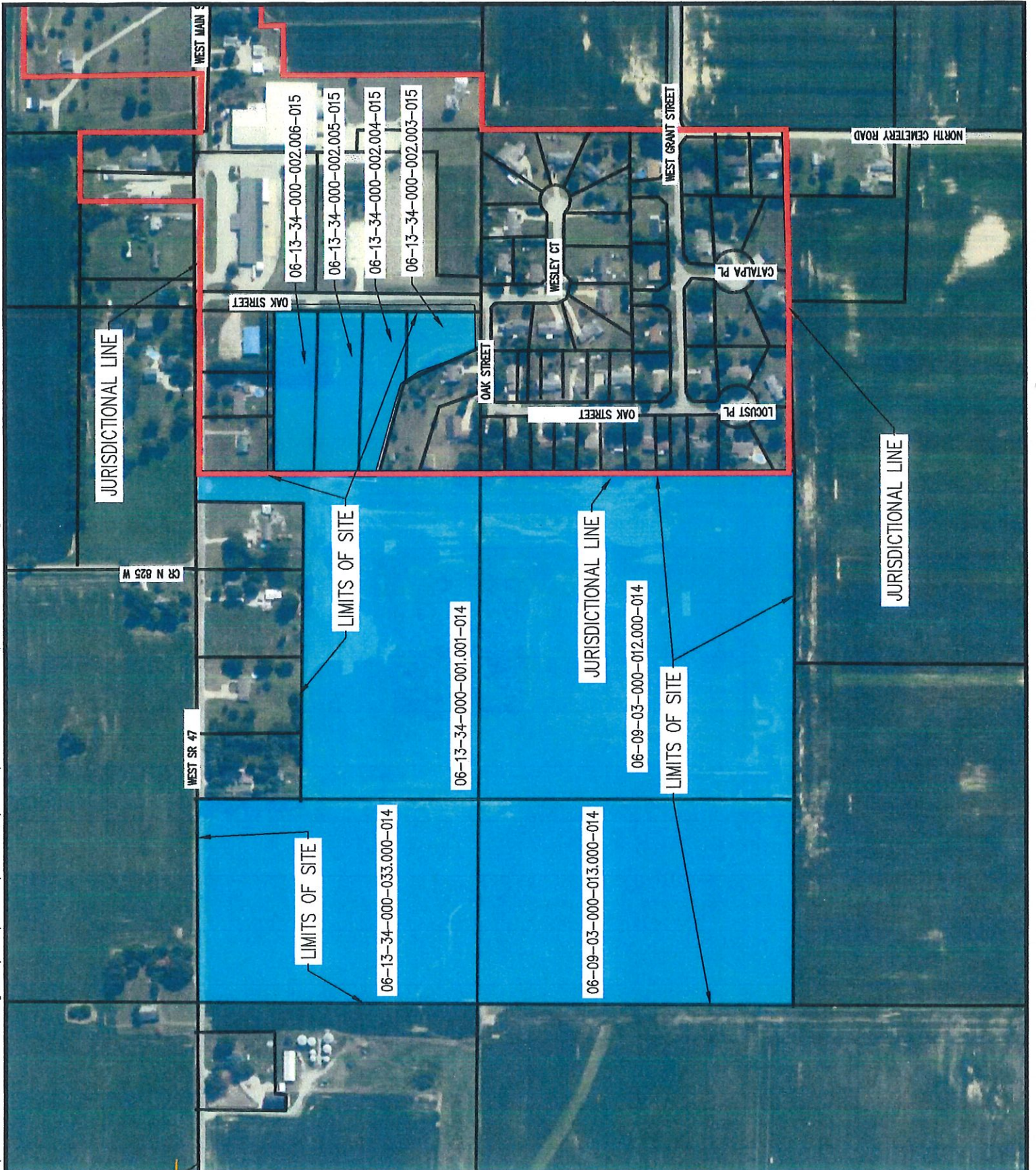
EXCEPT THEREFROM: Part of the Southwest Quarter of the Southeast Quarter of Section 34, Township 20 North, Range 2 West, of the second Principal Meridian, more particularly described as follows:

Commencing at a point 13 chains, more or less, north of the southwest corner of the Southwest quarter of the Southeast quarter of said Section 34, said point being in the center line of State Road Number 47 (formerly the Thorntown and Darlington Turnpike or Gravel Road); thence east along said center line Six Hundred Eleven and sixteen hundredths (611.16) feet; thence South Eight hundred seventy-nine (879.00) feet; thence West Six hundred Eleven and sixteen hundredths (611.16) feet; thence North Eight hundred seventy-nine (879.00) feet to the place of beginning.

Containing 12.33 acres, more or less.

Containing after said exception 13.67 acres, more or less.

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Annexation Map

SCALE: 1"=400'



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