

ORDINANCE NO. 3-2025

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

SERVAL HOLDINGS, LLC SUPER-VOLUNTARY ANNEXATION

WHEREAS, the Town Council ("Council") of the Town of Danville, Indiana ("Town" or "Danville") has received a petition ("Petition") requesting that certain territory generally located in Part of the Northwest Quarter of Section 8, Township 15 North, Range 1 East, Washington Township, Hendricks County, Indiana, as hereinafter described ("Annexation Territory"), be annexed by Danville; and

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

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

WHEREAS, this Annexation Territory is more commonly known as being located at 4011 East Main Street, Danville, Indiana and is fully described in the attached legal description (Exhibit A) and illustrated on the attached map (Exhibit B); and

WHEREAS, where the legal description attached as Exhibit A describes land this is contiguous to a public right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); 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 3.66 acres, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the 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 I.C. § 36-4-3; 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, 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 Danville, Indiana, as follows:

1. The above recitals including Exhibit A 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 (Ward) No. 3.
4. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of the 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.
5. 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 February 19th, 2025 and adopted by the Town Council of the Town of Danville, Indiana, on April 2nd, 2025.

THE TOWN COUNCIL OF THE TOWN OF
DANVILLE, INDIANA

Dave Potter, President

Michael Chatham, Vice-President

Greg Irby, Member

Bret Doub, Member

Chris Gearld, Member

ATTEST:

Carrie Lofton, 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."

Lesa Ternet
Document prepared by: Lesa Ternet

**Serval Holdings, LLC Super-Voluntary Annexation
Timetable
4011 East Main Street (3.66 ac)**

Feb 7th Petition was filed for annexation into the Town of Danville.

Feb 10th Legal notice submitted to *The Republican*.

Petitioner submits public hearing notice for an annexation to run one time in The Republican on February 13, 2025.

Feb 13th Notice of public hearing on annexation appears in *The Republican*. Minimum 20-day waiting period begins before public hearing may be held on annexation ordinance.

Feb 19th Annexation ordinance is introduced.

Mar 5th 20-day waiting period for public hearing ends.

Mar 5th Town Council holds public hearing on annexation.

Mar 19th Minimum 14-day waiting period begins before Council can take final action on annexation.

Mar 12th Plan Commission holds public hearing on zoning.

Apr 1st 14-day waiting period ends. Town Council may take final action on annexation at next regularly scheduled meeting.

**Apr 2nd Town Council adopts annexation ordinance.
Town Council adopts zoning ordinance.**

Apr 4th Clerk-Treasurer submits public notice on approved annexation to paper.

Apr 10th Public Notice on approved annexation is published. 30-day waiting period begins before annexation can be recorded.

May 10th 30-day waiting period ends.

May 12th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies no later than ninety (90) days after the expiration period for an appeal.*

FEB 07 2025

\$ 50.00

2025-2225

PETITION FOR ANNEXATION

(This petition shall be considered filed when presented at a Town Council meeting.)

Common Address of Property: 4011 E Main St, Danville, IN 46122

[attach legal description and map showing location of property]

Petitioner Name(s): Serval Holdings LLC

Mailing Address of Petitioner: 161 Woodfield Place, Danville, IN 46122

Petitioner's Phone Number: _____

Property Owner's Name(s) if not Petitioner's: Indiana Wesleyan University

Property Owner's Mailing Address: 4201 S Washington St, Marion, IN 46953

Tax ID / Parcel Number: 32-10-08-100-004-000-022 aka 12-3-08-51E 100-004

of Persons Living on Property: 0 Acreage: 3.66 ac

Zoning Sought: IL (Industrial Light) Current County Zoning: AGR (Agriculture, Residential)

Present Use of Property: vacant / unimproved

Plans for Changes in Use of Property: construct a 9,000 s.f. flex building for restaurant supply company

Reasons for Seeking Annexation: Town services

Water Service Provider: _____ Existing Sidewalks: / No

Existing Utilities: Well yes Septic unknown Other _____ Well to be abandoned: Yes

Jason Walker, Member

Name(s) of Petitioner(s) - printed or typed

Signature(s) of Petitioner(s): *Jason Walker*

Date: 2/6/25

(attach affidavit of consent to annexation signed by all owners of the property to be annexed who have not signed this document as petitioner(s))

Desa Ternet
Received by

2-7-25
Date

FEB 07 2024

**AGREEMENT NOT TO REMONSTRATE AGAINST ANNEXATION FOR
CONNECTION TO THE TOWN OF DANVILLE'S SANITARY SEWER
AND/OR WATER DISTRIBUTION SYSTEMS**

We, Indiana Wesleyan University, owners of approximately 3.66 acres of real property (henceforth called the "Property") described in the attached exhibit "Exhibit A" agree to waive our right, and that of any successors in title, to remonstrate against pending or future annexations of the property by the Town of Danville ("Town") in consideration for the Town's agreement to allow the development on the property to be connected to the Town's sanitary sewer and/or water systems. Connection to and use of the Town's sewer and water systems shall be subject to the terms and conditions generally applicable to other new connections made for properties within the Town (e.g. the sewer laterals and their connections to the Town's sewer main must meet Town specifications; all tap-in and sewer use fees must be paid and the Town's sewer use ordinance requirements must be followed).

We the undersigned agree that this waiver of the right to remonstrate shall also bar the filing of a declaratory judgement action or any other legal or equitable action to contest or appeal the annexation of the property.

Executed this 6 day of February, 2025

Indiana Wesleyan University

By: 

Printed: Jeff Ragis

Title: Chief Financial Officer

Acceptance of the Town of Danville:

By: Mark Morgan, Town Manager


Will Lacey Assistant Town Manager

Date: 2/12/25

FEB 07 2024

EXHIBIT A

Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 15 North, Range 1 East, situated in Washington Township, Hendricks County, Indiana, bounded and described as follows:

Beginning at a point in the North line of said Quarter Quarter Section measured East 200 feet from the Northwest corner thereof; thence continue East, on and along said North line 305.5 feet to a point; thence South 521.92 feet to a point; thence West, parallel to said North line 305.5 feet to a point; thence North 521.92 feet to the point of beginning, containing 3.66 acres, more or less.

Exhibit "B"

