

ORDINANCE NO. 10-2025

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

C & R FARMS, INC. 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 13, Township 15 North, Range 1 West, Center 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 located at South of the CSX Railroad, North of County Road 150 South and West of County Road 225 East, including four parcels, and is fully described in the attached legal descriptions (Exhibit A) and illustrated on the attached map (Exhibit B); and

WHEREAS, where the legal descriptions 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 shall be zoned IL Industrial Light and APOD, Airport Overly District; and

WHEREAS, the Annexation Territory consists of approximately 271.21 acres in all, 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. 2.
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 May 7th, 2025 and adopted by the Town Council of the Town of Danville, Indiana, on June 4th, 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

02-3-14-51 W 200-003
02-3-13-51 W 100-001

Duly Entered for Taxation
day of JUN 19 1995

WARRANTY DEED

Auditor, May Ann Russell County, IN **9622**
AUDITOR HENDRICKS COUNTY

Entered for record this 16th day of June, 1995 at 11:45 M., in Deed Record Page 247

Recorder, _____ County, IN _____

THIS INDENTURE WITNESSETH, That Louis D. Edmondson, adult, (Grantor)
of Hendricks County, in the State of Indiana, CONVEY
AND WARRANT to C & R Farms, Inc. (Grantee)
of Hendricks County, in the State of Indiana, for the sum of
One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged,
the following described real estate in Hendricks County, State of Indiana:

The West Half of the Northwest Quarter of Section 13, and the East Half of the Northeast Quarter of Section 14, all in Township 15 North, Range 1 West, estimated to contain 160 acres; subject to any legal highways or rights of way.
EXCEPTING THEREFROM: Eleven and Eighteen Hundredths (11.18) acres, more or less out of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 15 North, Range 1 West. The above conveyed tract shall start at the Southeast corner of the 160 Acre farm and run West along the present South fence line a distance of 930 feet; thence due North 520 feet; thence due East 930 feet; thence South 520 feet, along the present fence line to the place of beginning, estimated to contain 11.18 acres, more or less.
EXCEPTING THEREFROM: A part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 15 North, Range 1 West, bounded and described as follows, to-wit: Beginning at a point 470 feet North from the Southeast corner of the Southwest quarter of the Northwest Quarter of said Section, and run North 570 feet to a point, thence run West 930 feet to a point, thence run South 185 feet to a point, thence run East 50 feet to a point, thence run South 335 feet to a point, thence run East 540 feet to a point, thence run South 50 feet to a point, thence run East 340 feet to the point of beginning, containing 11.1 acres, more or less.
EXCEPTING THEREFROM: Part of the West half of the Northwest Quarter of Section 13, Township 15 North, Range 1 West Hendricks County, Indiana, and beginning at a point 1035.82 feet (prior deed states 1040.0 feet) North of the Southeast corner of the West Half of the Northwest Quarter of said Section; thence bearing South 89 degrees 31 minutes 10 seconds West for a distance of 560.10 feet to a point; thence bearing North 0 degrees 00 minutes 00 seconds West for a distance of 161.00 feet to a point; thence bearing North 89 degrees 31 minutes 10 seconds East for a distance of 560.10 feet to a point; thence bearing South 0 degrees 00 minutes 00 seconds East (assumed bearing for the purpose of this description) for a distance of 161.00 feet to the Point of Beginning. The above described real estate contains 2.07 acres, more or less, and is subject to all easements and rights-of-way of record.

Subject to all taxes now a lien and to become a lien thereon.
Subject to all easements, restrictions and rights-of-way.

IN WITNESS WHEREOF, Grantor has executed this deed this 16th day of June, 1995.

STATE OF INDIANA Grantor: _____ (Seal) Grantor: _____
Signature _____ Signature 342 Jay Blaney
Printed _____ Printed _____
} SS: _____ HENDRICKS COUNTY RECORDER

COUNTY OF HENDRICKS Grantor: _____ (Seal) Grantor: _____
Signature _____ Signature Louis D. Edmondson
Printed _____ Printed LOUIS D. EDMONDSON

Before me, a Notary Public in and for said County and State, personally appeared _____
Louis D. Edmondson, adult,

who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of June, 1995.

My Commission expires: _____ Signature _____
March 23, 1997 Printed _____ Lee T. Comer, Notary Public
Resident of Hendricks County, Indiana

This instrument prepared by Lee T. Comer, P.O. Box 207, Danville, IN 46122, Attorney at Law.
Send tax bills to 1002 South 225 East, Danville, IN 46122

BOOK 342 PAGE 247

EXHIBIT A 2 OF 3

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

WARRANTY DEED

BOOK 268 PAGE 248

2388

This indenture witnesseth that

Richard M. Edmondson and
Charlotte H. Edmondson,
husband & wife

of Hendricks

County in the State of

Indiana

Convey and warrant to

C & R Farms, Inc.,
an Indiana Corporation

of Hendricks

County in the State of

Indiana

for and in consideration of One Dollar (\$1.00) and other valuable considerations
the receipt whereof is hereby acknowledged, the following Real Estate in Hendricks County
in the State of Indiana, to wit:

The East half of the Southwest quarter of section 12 in township 15 North, range 1 West, estimated to contain 80 acres, more or less, EXCEPTING THEREFROM a plot of ground running 200 feet North and 217.8 feet East containing one (1) acre, more or less, where house is located, leaving after said exception 79 acres, more or less,

Also a part of the Southeast quarter of the Northwest quarter of said section 12 in township and range aforesaid and bounded and described as follows, to wit: Beginning at the Southwest corner of said quarter quarter and running thence North on the West line thereof to the South line of the Indianapolis and St. Louis Railroad right-of-way; thence Eastwardly on said South line of said right-of-way to the East line of said quarter quarter; thence South on the East line thereof to the Southeast corner of said quarter quarter and thence West on the South line thereof to the place of beginning, estimated to contain 30 acres, more or less, and in the two tracts above described 110 acres, more or less, less right-of-way granted to New York Central Railway containing 2.14 acres.

Containing in all above described real estate after said exception and right-of-way, 106.86 acres, more or less.

Duly entered for taxation this 1st
day of June 19 81
Patricia J. Noel
AUDITOR HENDRICKS COUNTY

ENTERED FOR RECORD

BOOK 268 PAGE 248

JUN - 1 1981

Marville Abbott
RECORDER HENDRICKS COUNTY

State of Indiana, HANCOCK County, ss:

before me, the undersigned, a Notary Public in and for said County and State, this 5th day of May 19 81 personally appeared:

Richard M. Edmondson and
Charlotte H. Edmondson,
husband & wife

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 10-29 19 82

James Huffman
Notary Public

Resident of HANCOCK County.

Instrument prepared by Wayne J. Lennington

Attorney at Law

Dated this 5th Day of May 19 81

Richard M. Edmondson Seal

Richard M. Edmondson

Charlotte H. Edmondson Seal

Charlotte H. Edmondson

Seal

Seal

Seal

MAIL TO:

COPYRIGHT THE ALLEN COUNTY INDIANA BAR ASSOCIATION, INC. Rev 6-78

EXHIBIT A 3 OF 3

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

WARRANTY DEED

BOOK 268 PAGE 249

2389

This indenture witnesseth that

Richard M. Edmondson and
Charlotte H. Edmondson,
husband & wife

of Hendricks

County in the State of

Indiana

Convey and warrant to

C & R Farms, Inc.,
an Indiana Corporation

of Hendricks

County in the State of

Indiana

for and in consideration of One Dollar (\$1.00) and other valuable considerations
the receipt whereof is hereby acknowledged, the following Real Estate in Hendricks County
in the State of Indiana, to wit:

A part of the West half of the North West quarter of section 12, and a part of the East half of the North East quarter of section 11 Township 15 North Range 1 West bounded and described as follows;
Beginning at the Center on the south of the said North West quarter of said section 12, running thence North with section lines bearing 63.45 rods to the south edge of the Indianapolis and St. Louis Railroad right of way; thence in a Westerly direction with the south edge of said Railroad right of way 86.7 rods to the Center of the Public highway; thence south with the Center of said public highway 56 rods to a point 6 rods west of the East half mile stone of said section 11; thence East 86.06 rods to the place of beginning, containing 32.3 acres, more or less.

Duly entered for taxation this 1st
day of June 19 81

Patricia J. Noel aw

AUDITOR HENDRICKS COUNTY

ENTERED FOR RECORD

BOOK

268

JUN - 1 1981

1:29
249

Mareille Abbott

RECORDER HENDRICKS COUNTY

State of Indiana, Hancock County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 5th day of May 19 81 personally appeared:

Richard M. Edmondson and
Charlotte H. Edmondson,
husband & wife

Dated this 5th Day of May 19 81

Richard M. Edmondson Seal

Richard M. Edmondson

Charlotte H. Edmondson Seal

Charlotte H. Edmondson

Seal

Seal

Seal

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 10-29- 19 82

Joyce Kuffman
Notary Public

Resident of Hancock County.

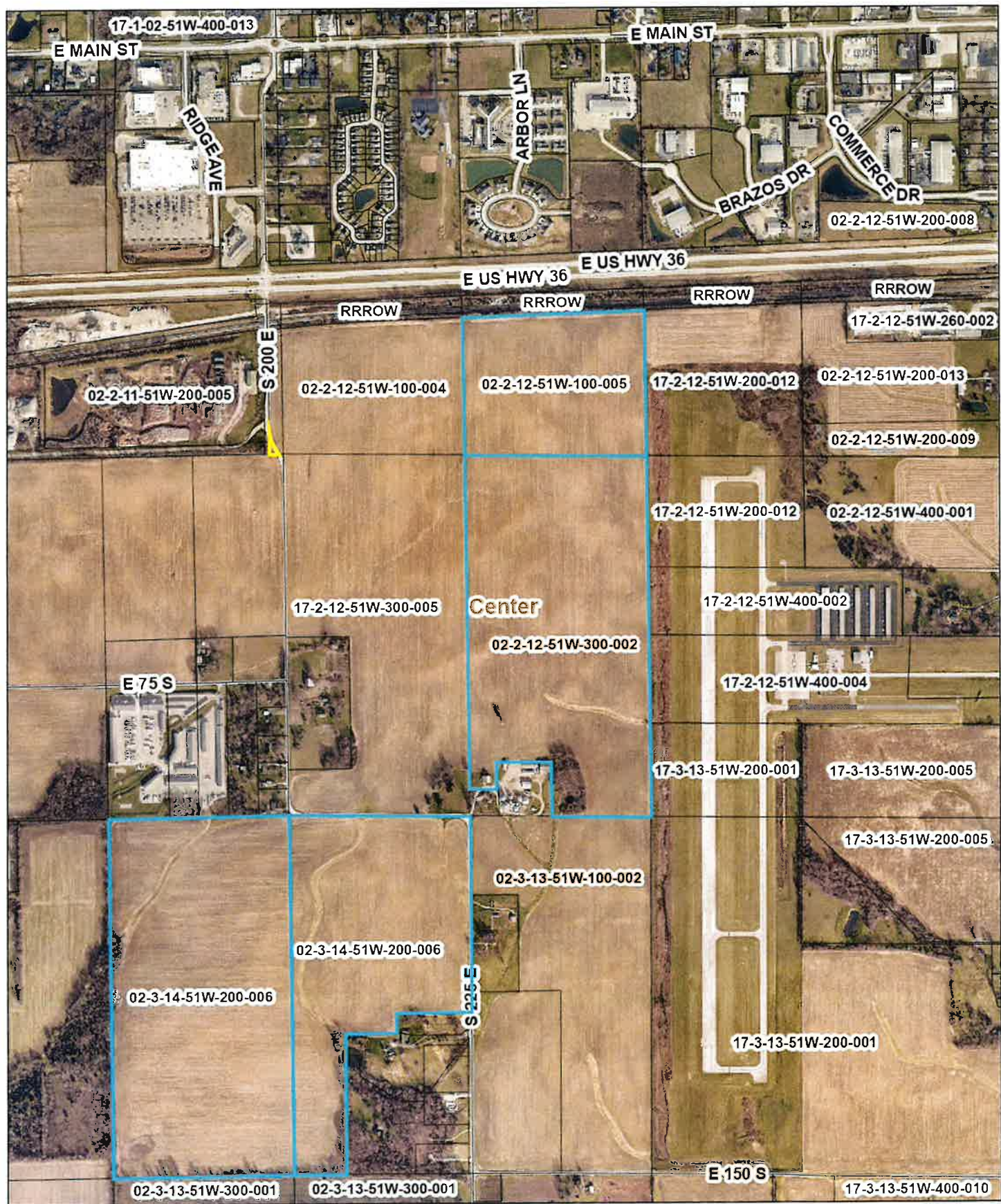
This instrument prepared by Wayne J. Lenington

Attorney at Law

249

MAIL TO:

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Super-Voluntary Annexation Timetable
C & R Farms, Inc.
South of CSX, North of CR 150 South, West of CR 225
East, 271.21 acres

Apr 25th Petition was filed for annexation into the Town of Danville.

Apr 28th Legal notice submitted to *The Republican*.

*Petitioner submits public hearing notice for annexation to run one time in
The Republican on May 1st*

May 1st Notice of public hearings on annexation appears in *The Republican*. Minimum 20-day waiting period begins before public hearing may be held on annexation ordinance.

May 7th **Annexation ordinance is introduced.**

May 20th 20-day waiting period ends. Public hearing on annexation slated for regularly scheduled Town Council meeting.

May 21st **Town Council holds public hearing on annexation.**

May 21st Minimum 14-day waiting period begins before Council can take final action on annexation.

Jun 3rd 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

Jun 4th **Town Council adopts annexation ordinance.**
Fiscal plan is adopted by Town Council.

Jun 6th Clerk-Treasurer submits public notice on approved annexation to paper.

Jun 12th Public notice on approved annexation is published.
30-day waiting period begins before annexation can be recorded.

Jul 12th 30-day waiting period ends.

Jul 14th *Clerk-Treasurer records annexation with County and files
annexation with the appropriate agencies.*

PETITION FOR ANNEXATION

Common Address of Property: South of CSX RR, North of CR 150 South, West of CR 225 East

[attach legal description and map showing location of property]

Petitioner Name(s): C & R Farms, Inc.

Mailing Address of Petitioner: 1002 South CR 225 East

Petitioner's Phone Number: 317 374-9144

Petitioner's Email: barbandkene@sbcglobal.net

Property Owner's Name (if not Petitioner) _____

Property Owner's Mailing Address: _____

Tax ID/ Parcel Number: 02-2-12-51W-100-004, 100-005, 300-002 and 02-3-14-51W-200-006

of Persons Living on Property: _____ Acreage: 271.21

Zoning Sought: IL Light Industrial Current County Zoning: AD Airport District

Present Use of Property: Agriculture

Plans for Changes in Use of Property: _____

Reasons for Seeking Annexation: Utilities

Electrical Service Provider: _____ Existing Sidewalks: Yes / No

Existing Utilities: Well___ Septic___ Other___ Well to be abandoned: Yes / No

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

Ken E. Johnson

Signature(s) of Petitioner(s):

4-25-25

Date

[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)]

Lesa Tennet

4-25-25

Received by

Date

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

We, Double E Farms, Inc., owners of approximately 30.71 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 25th day of April, 2025



Property Owner

Property Owner

Acceptance of the Town of Danville:

By: 
Mark Morgan, Town Manager

Date: April 29, 2025