

ORDINANCE NO. 13-2025

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

GARRETT BROWN 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 Southeast Quarter of the Southeast Quarter of Section 35, Township 16 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 more commonly known as 1984 10th Street 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 that 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 R1 Residential 1 District; and

WHEREAS, the Annexation Territory consists of approximately 1.07 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 June 4th, 2025 and adopted by the Town Council of the Town of Danville, Indiana, on July 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

Exhibit A

Part of the Southeast quarter of the Southeast quarter of Section 35, Township 16 North, Range 1 West, bounded and described as follows, to-wit:

Beginning in the South line of said quarter quarter section at a point which is 140.8 feet West of a stone at the Southeast corner thereof; thence West on and along the South line of said quarter quarter section 140.8 feet; thence North parallel to the East line of said quarter quarter section 125.0 feet; thence East parallel to the South line of said quarter quarter section 140.8 feet; thence South parallel to the East line of said quarter quarter section 125.0 feet to the point of beginning, containing 0.40 acres, more or less.

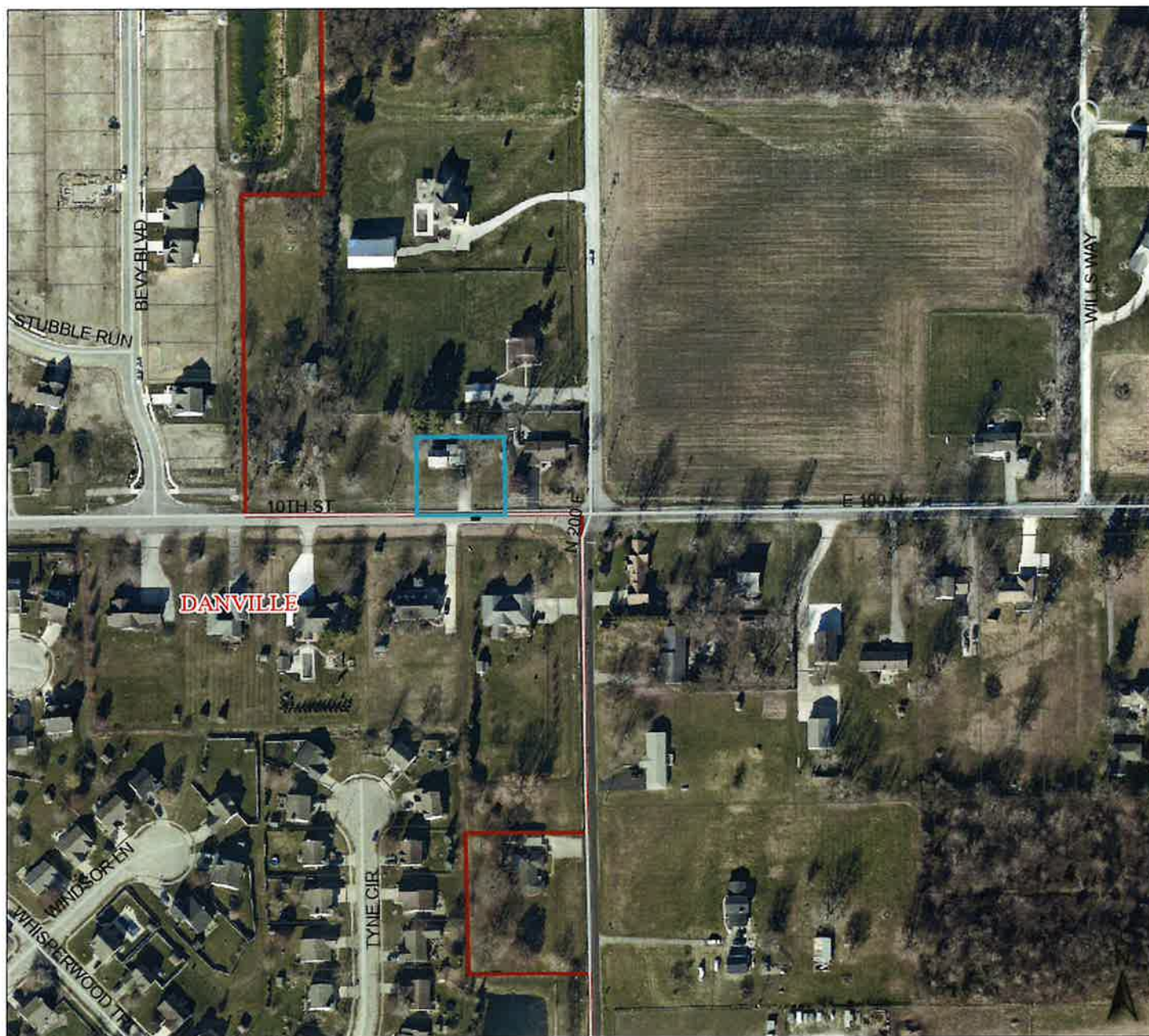
ALSO:

A part of the Southeast quarter of the Southeast quarter of Section 35, Township 16 North, Range 1 West, bounded and described as follows, to-wit:

Beginning on the South line of the said quarter quarter section at a point 281.6 feet West of a stone at the Southeast corner thereof; thence West on and along the South line of said quarter quarter section 140.8 feet; thence North parallel to the East line of said quarter quarter section 165 feet; thence East parallel to the South line of said quarter quarter section 281.6 feet; thence South parallel to the East line of said quarter quarter section 40 feet; thence West parallel to said South line of said quarter quarter section 140.8 feet; thence South parallel to the East line of said quarter quarter section 125 feet, to the place of beginning.

Exhibit B

1984 10th Street



Date created: 5/23/2025

Last Data Uploaded: 5/23/2025 11:36:44 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

PETITION FOR ANNEXATION

Common Address of Property: 1984 10th St

[attach legal description and map showing location of property]

Petitioner Name(s): Garrett Brown

Mailing Address of Petitioner: 1984 10th St

Petitioner's Phone Number: (317) 965-2885

Petitioner's Email: g.brown4455@gmail.com

Property Owner's Name (if not Petitioner): _____

Property Owner's Mailing Address: _____

Tax ID / Parcel Number: 02-1-35-61w-400-016 + 02-1-35-61w-400-015

of Persons Living on Property: 2 Acreage: 0.4 + 0.67

Zoning Sought: Residential - R1 Current County Zoning: Hendricks County AGR

Present Use of Property: Residential

Plans for Changes in Use of Property: None

Reasons for Seeking Annexation: Water

Electrical Service Provider: Hendricks Power Existing Sidewalks: Yes / No

Existing Utilities: Well ☒ Septic ☒ Other _____ Well to be abandoned: Yes / No

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

Garrett Brown
Signature(s) of Petitioner(s):

5-23-25
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)]

Dana Junt 5-23-25
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, Garrett Brown, owners of approximately 1.07 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 23rd day of May, 2025

Garrett Brown
Property Owner

[Signature]
Property Owner

Acceptance of the Town of Danville:

By: Mark R. Morgan
Mark Morgan, Town Manager

Date: 5-23-25

Super-Voluntary Annexation Timetable
Garrett Brown
1984 10th Street, 1.07 acres

May 23rd Petition was filed for annexation into the Town of Danville.

May 23rd Legal notice submitted to *The Republican*.

Petitioner submits public hearing notice for annexation to run one time in The Republican on May 29th

May 29th 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.

Jun 4th **Annexation ordinance is introduced.**

Jun 17th 20-day waiting period ends. Public hearing on annexation slated for regularly scheduled Town Council meeting.

Jun 18th **Town Council holds public hearing on annexation.**

Jun 18th Minimum 14-day waiting period begins before Council can take final action on annexation.

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

Jul 2nd **Town Council adopts annexation ordinance.**
Fiscal plan is adopted by Town Council.

Jul 3rd Clerk-Treasurer submits public notice on approved annexation to paper.

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

Aug 10th 30-day waiting period ends.

Aug 11th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies.*