

TOWN OF DANVILLE

Town Council Agenda November 3, 2021 @ 7:00pm

- I. **Establish Quorum, Call Meeting to Order**
- II. **Pledge of Allegiance**
- III. **Approval of Minutes (x2)**
- IV. **Public Comment – 3 minutes/person**
- V. **Public Meeting**

- A. **Ordinance 32-2021: Auger Annexation (Public Hearing) – Town Planner**
- B. **Ordinance 33-2021: Additional Handicap Parking – Town Manager**

- VI. **Staff and Council Comments ****May include any committees or boards that you have been assigned to sit on as a member of the Council******
- VII. **Claim Docket**
- VIII. **Adjournment**

NOTICE: The public meetings of the Danville Town Council conducted within these chambers shall be video recorded. Said recording will be part of the public records of the Town of Danville and shall be published upon the Town of Danville's website for public access. All individuals attending public meetings hereby given to the Town of Danville, their permission for said publication, which may contain their image or statements.

Online Town Council Packet: https://www.danvilleindiana.org/egov/documents/1555032505_34549.pdf

TOPIC SUMMARY

Approval of Minutes: There will be 2 sets of Minutes for approval.

10/20/21: Work Study. *Will require a Vote.*

10/20/21: Council Meeting. *Will require a Vote.*

- A. Ordinance 32-2021: Request for Annexation** – Town Planner will introduce an ordinance requesting super-voluntary annexation of the property located at 187 N. CR 200 E. Petitioner is Wayne L. and B. Jane Auger. This was introduced on 10/20/21 and is up for Public Hearing tonight. Will require the Public Hearing to be gaveled open – Public Comments taken – Gavel the Public Hearing Closed. *Requires no further action.*
- B. Ordinance 33-2021: Request for Additional Handicap Parking** – Town Manager will present an ordinance that will create two additional handicap parking spaces at the intersection of Indiana Street and Marion Street. This is at the request of the Public Library. This is up for first read tonight. *Requires no further action.*

Staff and Council Comments (Around the Horn)

Claim Docket

Motion to Adjourn

-Bold Agenda Item

-Italicized items are for action needed

ORDINANCE NO. 32-2021

**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**

**WAYNE L. & B. JANE AUGER
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 Southwest Quarter of Section 1, 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 more commonly known as 187 North County Road 200 East, 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 1.0 acre, 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 October 20, 2021 and adopted by the Town Council of the Town of Danville, Indiana, on November 17, 2020.

THE TOWN COUNCIL OF THE TOWN OF
DANVILLE, INDIANA

Tom Pado

Chris Gearld

Nancy Leavitt

Greg VanLaere

David Winters

ATTEST:

Jennifer I. Percy, 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."

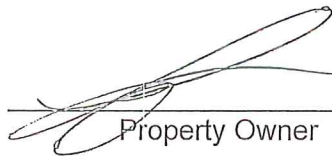
Jennifer I. Percy
Document prepared by: Jennifer I. Percy

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

We, Wayne L. Auger Barbara J. Auger, owners of approximately 1 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 7 day of October, 2021



Property Owner



Property Owner

Acceptance of the Town of Danville:

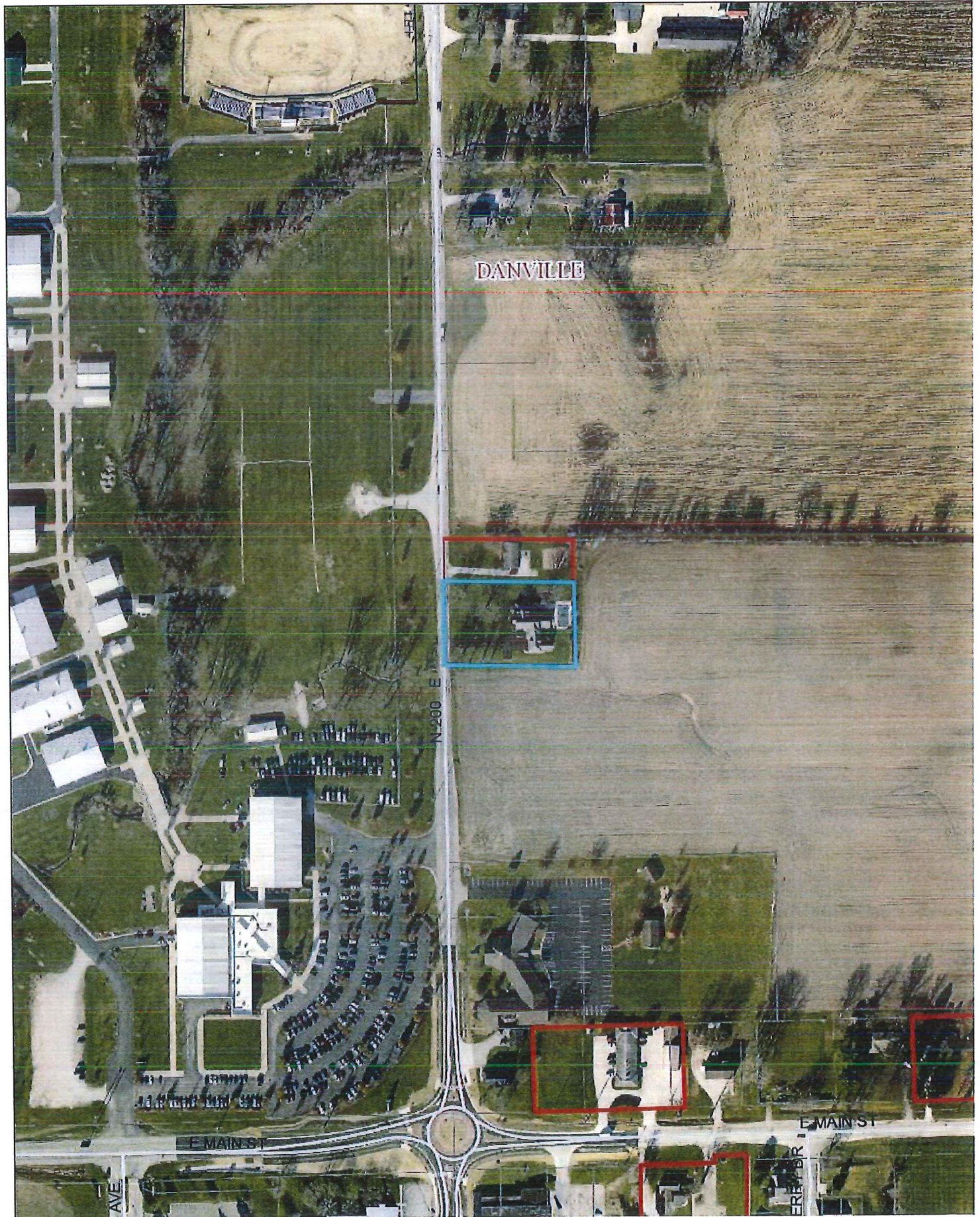
By: 

Mark Morgan, Town Manager

Date: 10-13-21

Wayne L. & B. Jane Auger Super-Voluntary Annexation

Exhibit B



ORDINANCE NO. 33 - 2021

AN ORDINANCE AMENDING PARKING SCHEDULE IV (DOWNTOWN REGULATIONS) OF CHAPTER 74 OF THE TOWN OF DANVILLE, INDIANA CODE OF ORDINANCES

WHEREAS, pursuant to Ind. Code § 9-21-1-2 and Ind. Code § 9-21-1-3, the Town of Danville (“Town”) has the authority to adopt ordinances regulating vehicle parking on highways under its jurisdiction;

WHEREAS, Chapter 74, Parking Schedule VI of the Danville, Indiana Code of Ordinances (“Code”) establishes various parking regulations within the Town’s downtown district, including the establishment of parking spaces;

WHEREAS, the Town desires to revise the parking regulations near the intersection of Indiana Street and Marion Street;

WHEREAS, it is in the best interest of safety and efficiency to amend Chapter 74, Parking Schedule VI to reflect a revised parking space area near the intersection of Indiana Street and Marion Street.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT:

- (1) The above recitals are incorporated herein by reference.
- (2) Chapter 74, Parking Schedule VI of the Code (Handicapped Parking Spaces) is amended as follows:

<i>Street</i>	<i>Location</i>	<i>Special Provisions</i>	<i>Side(s)</i>	<i>Number of Spaces</i>
Indiana Street	First full space north of Marion Street		East	One
	First full space South of Marion Street		East	One
Marion Street	First full space East of Indiana Street		South	One

(3) Prior Ordinances and provisions of the Danville, Indiana Code of Ordinances are repealed only to the extent inconsistent with the terms of this Ordinance. Provisions consistent with this Ordinance and not repealed remain in full force and effect.

(4) This Ordinance shall take effect upon adoption and publication in accordance with Indiana law.

ADOPTED by the Town Council of the Town of Danville, Indiana, on this
_____ day of _____, 2021.

DANVILLE TOWN COUNCIL

FOR:

AGAINST:

_____	Chris Gearld	_____
_____	Nancy Leavitt	_____
_____	Tom Pado	_____
_____	Greg Vanlaere	_____
_____	David Winters	_____

ATTEST:

Jennifer I. Pearcy, Clerk-Treasurer