

FILED

MAY 29 2024

Nancy S. Marsh
AUDITOR HENDRICKS COUNTY

202409059 ORDINANCE \$25.00
05/29/2024 10:55:32A 5 PGS
LAURA HERZOG
Hendricks County Recorder IN
Recorded as Presented



ORDINANCE NO. 06-2024

**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**

**CLYDE ORR & LOUIS AND SHEILA JONES
SUPER-VOLUNTARY ANNEXATION**

Cross Ref # 202316487

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 Section 7, Township 15 North, Range 1 East, 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 186 South County Road 400 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 4.10 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 March 20, 2024 and adopted by the Town Council of the Town of Danville, Indiana, on April 17, 2024.

THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA

Chris Gearld, President

Michael Chatham, Vice-President

Greg Iroy, Member

Brett Doub, Member

Dave Potter, 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 Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East bounded and described as follows, to-wit:

Beginning at a point in the East line of said quarter quarter section which is 822.25 feet South of a brass plug at the Northeast corner of aforesaid quarter quarter section and running thence South on and along said East line 217.8 feet; thence West at right angles to said East line 200.0 feet; thence North parallel to said East line 217.8 feet; thence East parallel to the South line of this tract 200.0 feet to the place of beginning containing 1 acre, more or less.

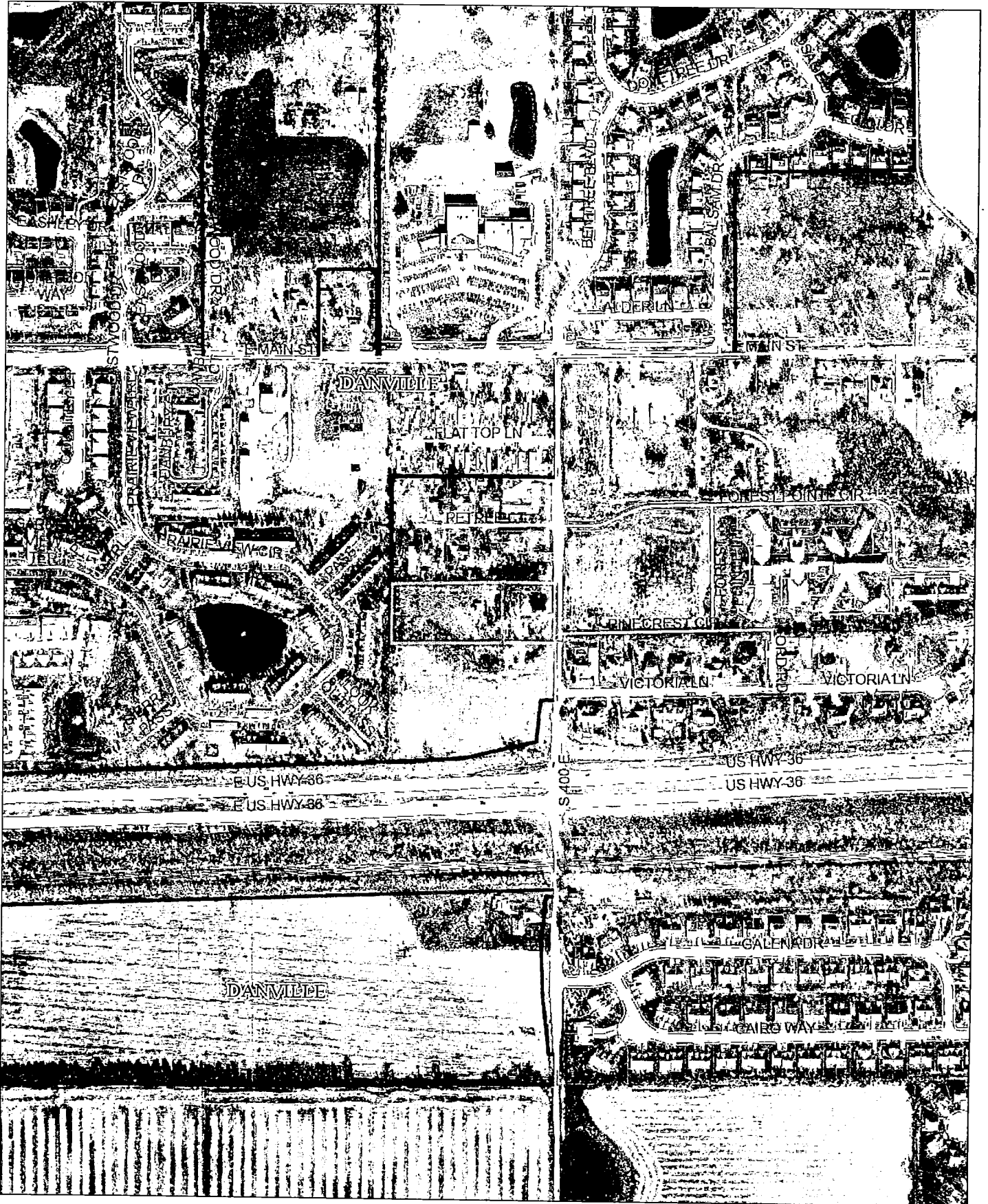
ALSO:

Part of the Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East, bounded and described as follows, to-wit:

From a monument marking the Northeast corner of said quarter quarter section run thence South on and along the East line thereof a distance of 822.25 feet; thence West at right angles to said East line a distance of 200 feet to the place of beginning: FROM SAID BEGINNING POINT run thence West 417.58 feet and to the East line of a tract of land conveyed to William T. Gill et al by virtue of a deed recorded in Deed Record 164 pages 286 in the office of Recorder of Hendricks County, Indiana, at a point which is 822.25 feet South of the North line of said quarter quarter section; thence South on and along above mentioned East line 217.8 feet; thence East 417.8 feet to within 200 feet of the East line of said quarter quarter section; thence North 217.8 feet to the point of beginning.
Containing 2.1 acres, more or less.

Exhibit B

Orr_Jones Annexation





DULY ENTERED
FOR TAXATION

SEP 18 2023 MC

Nancy L. Marsh

AUDITOR HENDRICKS COUNTY

TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, that Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004 ("Grantor"), by virtue of the power and authority granted under the provisions of said Trust Agreement and under Indiana Code, hereby CONVEYS to Clyde Orr and Christine Orr, husband and wife ("Grantee"), for the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hendricks County, State of Indiana, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Subject to all easements, restrictions and rights of way.

Subject to all taxes now a lien and to become a lien thereon.

Address and/or Parcel Number: 186 S County Road 400 E., Danville, IN 46122
32-10-07-240-009.000-002 and 32-10-07-240-008.000-002

The undersigned person executing this deed on behalf of Grantor represents and certifies that she is duly authorized to execute and deliver this deed and that she has full legal capacity to convey the real estate described herein, as acting Trustee of the Grantor trust.

IN WITNESS WHEREOF, the said Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, has hereunto set her hand, this 18 day of Sept, 2023.

The Wroten Family Trust Agreement dated November 17, 2004

By: *Alberta Ann Wroten, Trustee*
Alberta Ann Wroten, Trustee

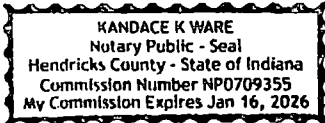
(notary acknowledgement on separate attached page)

Sales Disclosure Included
9/18/2023 DKR

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, and acknowledged the execution of said Trustee's Deed to be her voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this 14 day of Sept, 2023.



Kandace K Ware
Notary Public - Signature

Notary Public - Printed Name
Resident of _____ County
My Commission Expires: _____

Send Tax Bills To: SAME

Grantee's Mailing Address: 186 S CR 400 E Danville IN
46122

Commitment No.: 23-06076

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument was prepared by Ben Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, Indiana 46122, telephone: (317) 745-4300.

Fee: \$50

PETITION FOR ANNEXATION

Common Address of Property: 186 South County Road 400 East

[attach legal description and map showing location of property]

Petitioner Name(s): Louis Jones Sheila Jones

Mailing Address of Petitioner: 3751 Flattop Lane Danville, In 46122

Petitioner's Phone Number: 317-681-9189

Petitioner's Email: Sheila.jones2472@gmail.com

Property Owner's Name (if not Petitioner) Clyde Orr

Property Owner's Mailing Address: 8292 S. SR 39 Clay City In 46118

Tax ID / Parcel Number: 02-2-07-512 240-008 + 009

of Persons Living on Property: NA Acreage: 008 (2.1 ac) 009 (1.0 ac) 3.16 total

Zoning Sought: Residential Current County Zoning: PB | Planned Business

Present Use of Property: Residential

Plans for Changes in Use of Property: Above

Reasons for Seeking Annexation: Wants utilities

Electrical Service Provider: Duke Existing Sidewalks: Yes No

Existing Utilities: Well Septic City Other West Central Well to be abandoned: Yes No

Name(s) of Petitioner(s) - printed or typed: Sheila & Louis Jones

Signature(s) of Petitioner(s): Sheila Jones Louis Jones Clyde Orr

Date: 3/8/24

[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)]

Received by: Drew Perret Date: 3-8-24

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

We, Sharla + Russ Jones Clyburn, owners of approximately _____ 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 8 day of March, 2024

Charl A. Jones
Property Owner

Sharla Jones Russ Jones
Property Owner

Acceptance of the Town of Danville:

By: Mark R. Morgan
Mark Morgan, Town Manager

Date: March 13, 2024