



**FILED**

JUN 24 2024

*Nancy S. Marsh*  
AUDITOR HENDRICKS COUNTY

**ORDINANCE NO. 10-2024**

**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**

**JAMES E. AND PAMELA A. BRYNDAL  
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 Section 3, 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 571 North Washington Street 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 3.125 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

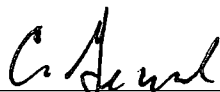
WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.


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. 1.
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 April 17, 2024 and adopted by the Town Council of the Town of Danville, Indiana, on May 15, 2024.


THE TOWN COUNCIL OF THE TOWN OF  
DANVILLE, INDIANA

  
\_\_\_\_\_  
Chris Gearld, President

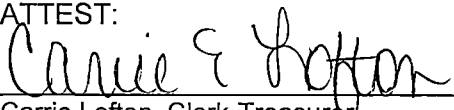
  
\_\_\_\_\_  
Michael Chatham, Vice-President

  
\_\_\_\_\_  
Greg Irby, Member

  
\_\_\_\_\_  
Bret 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

SCHEDULE A

A part of the West Half of the Fractional Northwest Quarter of Section 3, Township 15 North, Range 1 West, Hendricks County, Indiana, described as follows: Beginning at a railroad spike over a stone at the southwest corner of said half-quarter section; thence North 89 degrees 51 minutes 31 seconds East along the south line of said half-quarter section 343.94 feet; thence North 1 degree 42 minutes 51 seconds West 312.78 feet to a steel studded-T line post; thence North 87 degrees 32 minutes 21 seconds West 58.49 feet to the center line of a watercourse; thence North 50 degrees 14 minutes 38 seconds West along said center line 88.16 feet; thence South 77 degrees 29 minutes 48 seconds West along said center line 90.26 feet; thence South 44 degrees 18 minutes 21 seconds West along said center line 66.85 feet; thence North 87 degrees 13 minutes 11 seconds West along said center line 43.24 feet; thence South 89 degrees 31 minutes 21 seconds West along said center line 32.93 feet to the west line of said half-quarter section; thence South 0 degrees 28 minutes 39 seconds East along said west line 306.83 feet to the point of beginning; containing 2.601 acres, more or less. Bearings herein are astronomic as determined at the Hendricks County Magnetic Station in 1928 by the U. S. C. & G. S., now the National Ocean Survey.

Also, a part of the West Half of the Southwest Quarter of Section 3, Township 15 North, Range 1 West, Hendricks County, Indiana, described as follows: Beginning at a railroad spike over a stone at the northwest corner of said half-quarter section; thence North 89 degrees 51 minutes 31 seconds East along the north line of said half-quarter section 343.94 feet; thence South 1 degree 42 minutes 51 seconds East 66.31 feet to a steel studded-T line post on the south line of the north 2.000 acres of said half-quarter section; thence South 89 degrees 51 minutes 31 seconds West parallel with said north line 345.00 feet to the west line of said section; thence North 0 degrees 47 minutes 50 seconds West along said west line 66.29 feet to the point of beginning; containing 0.524 acres, more or less. Bearings herein are astronomic as determined at the Hendricks County Magnetic Station in 1928 by the U. S. C. & G. S., now the National Ocean Survey.

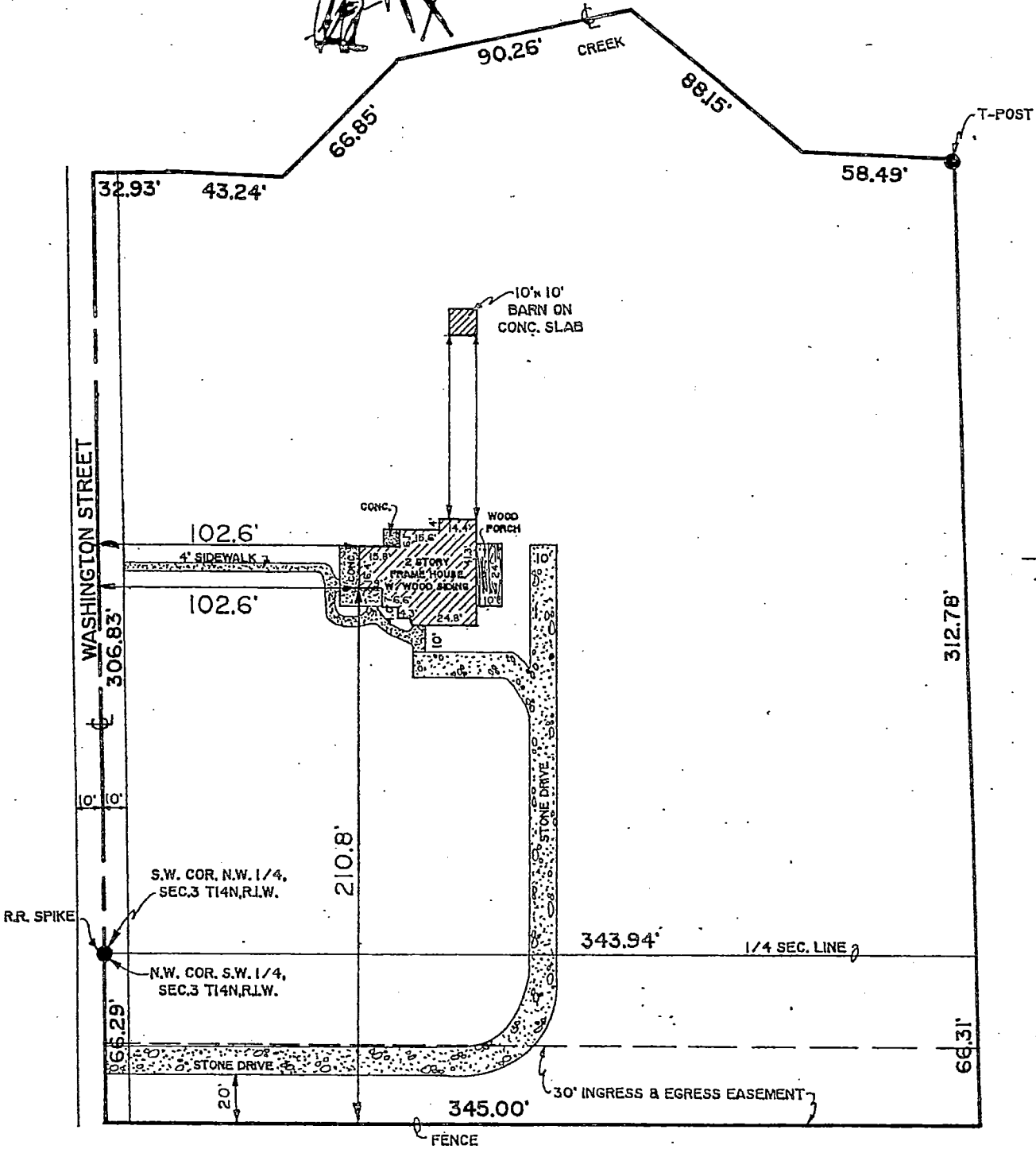
Containing in all, 3.125 acres, more or less.

Exhibit B  
Bryndal Annexation





LEWIS ENGINEERING, INC.  
 1001 East Main Street  
 Plainfield, Indiana 46168  
 Tel: 317-839-2412



NOTE: HOUSE, BARN & DRIVE LOCATIONS APPROXIMATE.  
 A STAKE SURVEY IS REQUIRED TO DETERMINE EXACT LOCATIONS.  
 NO VISIBLE EVIDENCE OF POSSESSION FOUND.

SEE SHEET 1 FOR LEGAL DESCRIPTION.

2024-2179

**PETITION FOR ANNEXATION**

Common Address of Property: 571 N. Washington St Danville IN

[attach legal description and map showing location of property]

Petitioner Name(s): James E and Pamela A Bryndal

Mailing Address of Petitioner: 571 N. Washington St

Petitioner's Phone Number: 317-691-8286

Petitioner's Email: bryndalp@yahoo.com

Property Owner's Name (if not Petitioner) \_\_\_\_\_

Property Owner's Mailing Address: SAME 32-11-03-300-017.000-02 (52 ac)

Tax ID (Parcel Number) 32-11-03-100-018.000-002 (2.6 ac) and \_\_\_\_\_

# of Persons Living on Property: 2 Acreage: 3.125

Zoning Sought: R1 Current County Zoning: AGR

Present Use of Property: Residence

Plans for Changes in Use of Property: NONE

Reasons for Seeking Annexation: Water

Electrical Service Provider: Duke Existing Sidewalks: Yes /  No

Existing Utilities: Well  Septic  Other \_\_\_\_\_ Well to be abandoned: Yes /  No

James E. Bryndal Pamela A. Bryndal

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

James E. Bryndal Pamela A. Bryndal

Signature(s) of Petitioner(s):

3-22-24

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)]

Desh Tennet 4-1-24

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, James E and Pamela A Bryndal, owners of approximately 3.125 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 22 day of March, 2024

James E. Bryndal  
Property Owner

Pamela A. Bryndal  
Property Owner

Acceptance of the Town of Danville:

By: Mark R. Morgan  
Mark Morgan, Town Manager

Date: 4-3-24



**Super-Voluntary Annexation Timetable**  
**James E. and Pamela A. Bryndal**  
**571 North Washington Street**

Apr 1<sup>st</sup> Petition was filed for annexation into the Town of Danville.

Apr 5<sup>th</sup> Legal notice submitted to *The Republican*.

*Petitioner submits a public hearing notice for annexation to run once in The Republican on April 11<sup>th</sup>.*

Apr 11<sup>th</sup> Notice of public hearings on annexation and zoning appears in *The Republican*. Minimum 20-day waiting period begins before public hearing may be held on annexation ordinance.

**Apr 17<sup>th</sup> Annexation ordinance is introduced.**

Apr 30<sup>th</sup> Minimum 20-day waiting period for public hearing ends.

**May 1<sup>st</sup> Town Council holds public hearing on annexation.**

May 1<sup>st</sup> Minimum 14-day waiting period begins before Council can take final action on annexation.

May 15<sup>th</sup> Minimum 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

**May 15<sup>th</sup> Fiscal plan is adopted by Town Council.  
Town Council adopts annexation ordinance.**

May 17<sup>th</sup> Clerk-Treasurer submits public notice on approved annexation to paper.

May 23<sup>rd</sup> Public notice on approved annexation is published.  
30-day waiting period begins before annexation can be recorded.

June 23<sup>rd</sup> 30-day waiting period ends.

June 24<sup>th</sup> *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.*