

## **ORDINANCE NO. 9-2025**

### **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**

#### **DOUBLE E 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 Northeast and Southeast Quarter of Fractional Section 18, 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 located on the east side of County Road 300 East, 1.13 mile south of US Highway 36, 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 25.148 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 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

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Dave Potter, President

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Michael Chatham, Vice-President

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Greg Irby, Member

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Bret Doub, Member

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Chris Gearld, Member

ATTEST:

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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."

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Lesla Ternet  
Document prepared by: Lesla Ternet

# EXHIBIT A



## Source of Title

Double E Farms, Inc.

Warranty Deed

Instr. #201233032

Parcel #32-10-18-400-001.000-002

## Land Description

Double E Farms, Inc. Annexation Phase I

Part of the Northeast and Southeast Quarter of Fractional Section 18, Township 15 North, Range 1 East of the Second Principal Meridian in Center Township, Hendricks County, Indiana, described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 00 degrees 29 minutes 48 seconds East along the west line thereof 2,344.00 feet to the north line of the land of Double E Farms, Inc. as described in Instrument Number 201233032 in the Office of the Recorder of Hendricks County, Indiana and the POINT OF BEGINNING, said point being on the south line of Lot 1 in Exempt Subdivision 021/16 as per plat thereof recorded as Instrument Number 201617223 in said recorder's office; thence North 89 degrees 30 minutes 07 seconds East along said north line 1,742.99 feet to a point on the south line of Lot 2 in Minor Plat 980/04 as per plat thereof recorded as Instrument Number 2005639499 in said recorder's office; thence South 00 degrees 29 minutes 08 seconds East 614.97 feet to the easterly extension of the north line of Lot 1 in Minor Plat 059/15 as per plat thereof recorded as Instrument Number 201604537 in said recorder's office; thence South 89 degrees 54 minutes 33 seconds West along said easterly extension and north line 1,800.05 feet to the easterly corporate limits of the Town of Danville as described in Ordinance 6-2018 recorded as Instrument Number 201816947 in said recorder's office; thence North 00 degrees 29 minutes 23 seconds West along said easterly corporate limits 602.18 feet to the northwest corner of said land of Double E Farms, Inc.; thence North 89 degrees 30 minutes 07 seconds East along the north line of said Double E Farms, Inc. 57.06 feet to the POINT OF BEGINNING, containing 25.148 acres, more or less.

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4/29/2025 8:22 AM

JOB # 25101  
DATE: 4/28/25  
DRAFTED: DM  
CHECKED: BR

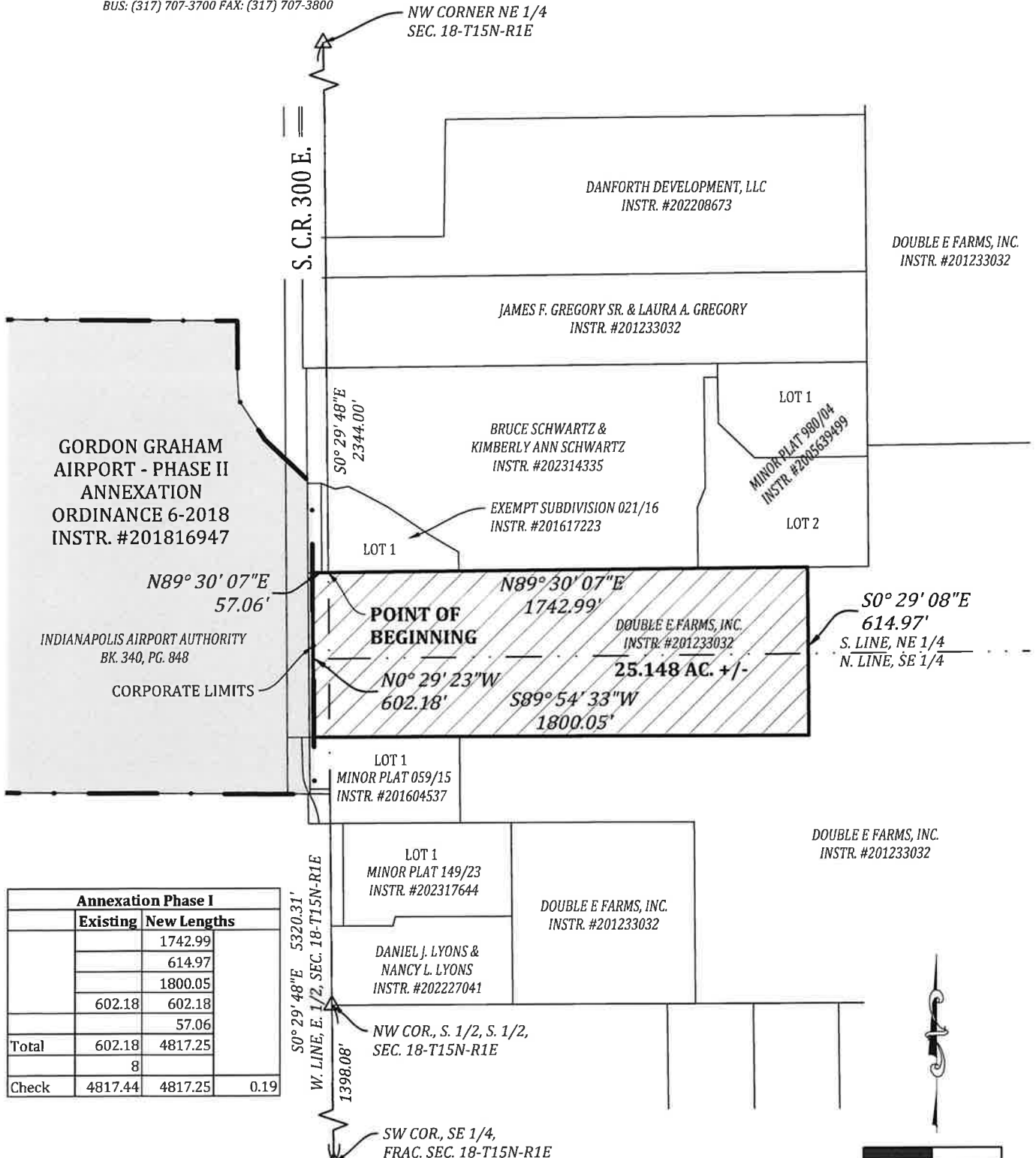
DOUBLE E FARMS ANNEXATION PHASE I  
PREPARED FOR: TOWN OF DANVILLE  
PART OF FRACTIONAL SEC. 18-T15N-R1E  
HENDRICKS COUNTY, INDIANA

E-MAIL: Banning@BanningEngineering.com WEB: www.BanningEngineering.com

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey or a surveyor location report.

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# EXHIBIT B



Annexation Phase I		
	Existing	New Lengths
		1742.99
		614.97
		1800.05
	602.18	602.18
		57.06
Total	602.18	4817.25
	8	
Check	4817.44	4817.25 0.19

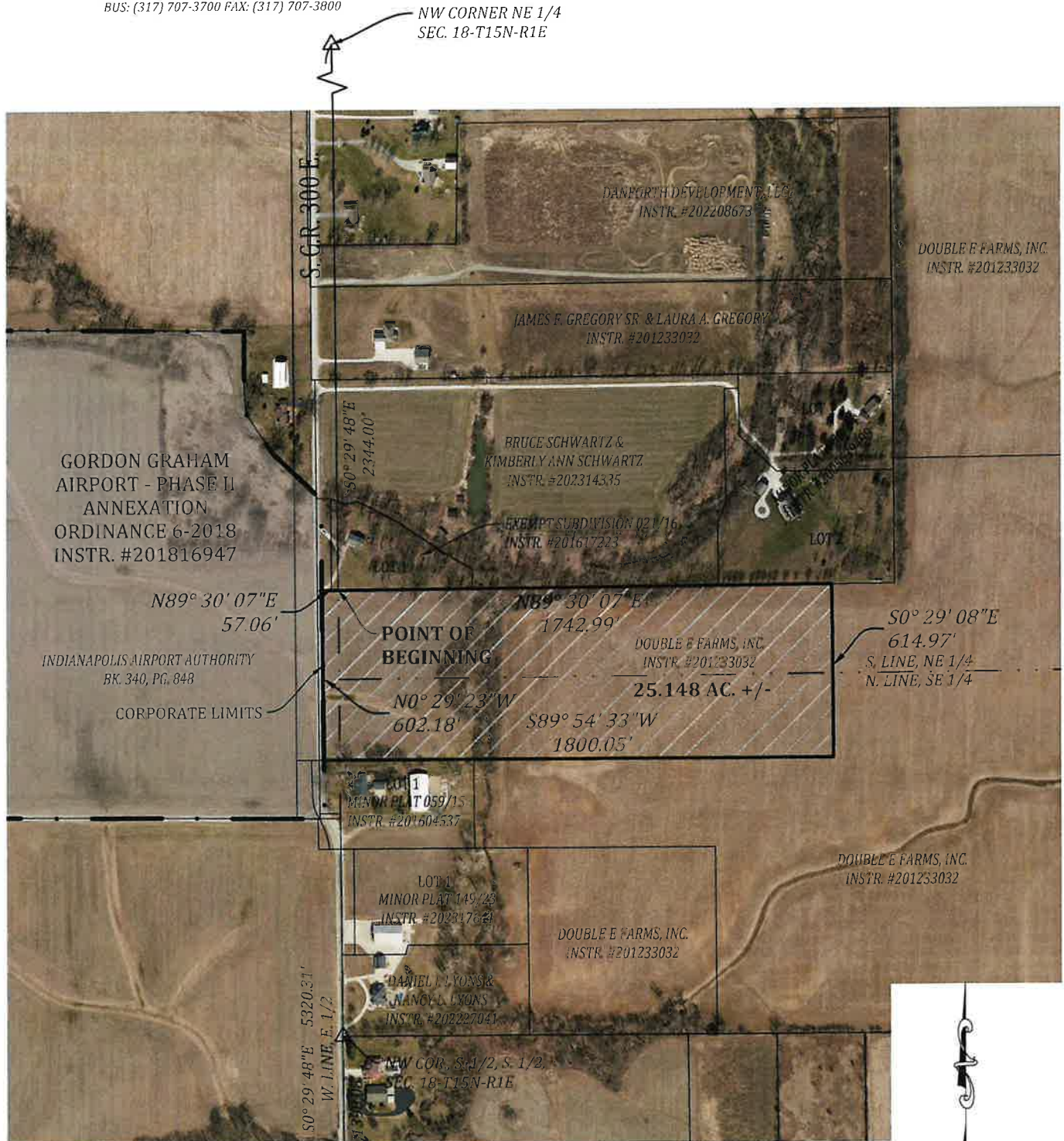
**DOUBLE E FARMS ANNEXATION PHASE I**  
 PREPARED FOR: TOWN OF DANVILLE  
 PART OF FRACTIONAL SEC. 18-T15N-R1E  
 HENDRICKS COUNTY, INDIANA

0 500'  
 SCALE: 1" = 500'

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey or a surveyor location report.

# EXHIBIT B

**BANNING**  
ENGINEERING  
853 COLUMBIA RD. STE. #101  
PLAINFIELD, IN 46168  
BUS: (317) 707-3700 FAX: (317) 707-3800



SW COR., SE 1/4,  
FRAC. SEC. 18-T15N-R1E

DOUBLE E FARMS ANNEXATION PHASE I  
PREPARED FOR: TOWN OF DANVILLE  
PART OF FRACTIONAL SEC. 18-T15N-R1E  
HENDRICKS COUNTY, INDIANA

0 500'  
SCALE: 1" = 500'

This drawing is not intended to be  
represented as a retracement or original  
boundary survey, a route survey or a  
surveyor location report.

JOB # 25101  
DATE: 4/28/25  
DRAFTED: DM  
CHECKED: BR

E-MAIL: Banning@BanningEngineering.com WEB: www.BanningEngineering.com

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4/29/2025 8:33 AM

# PETITION FOR ANNEXATION

Common Address of Property: East side of CR 300 East, 1.13 mile south of US Highway 36

**[attach legal description and map showing location of property]**

Petitioner Name(s): Double E Farms, Inc.

Mailing Address of Petitioner: 688 South CR 300 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: 02-3-18-51E-400-001-part

# of Persons Living on Property: \_\_\_\_\_ Acreage: 30.71 acres

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*

*Van 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)]**

*Dana Turner*

Received by

*4-25-25*

Date

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

We, C & R Farms, owners of approximately 271.21 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 25<sup>th</sup> day of April, 2025



Property Owner

Property Owner

Acceptance of the Town of Danville:

By:   
Mark Morgan, Town Manager

Date: April 29, 2025



**Super-Voluntary Annexation Timetable**  
**Double E. Farms, Inc.**  
**East side of CR 300 E, 1.13 mile south of US Highway**  
**36, 25.15 acres**

Apr 25<sup>th</sup> Petition was filed for annexation into the Town of Danville.

Apr 28<sup>th</sup> Legal notice submitted to *The Republican*.

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

**May 1<sup>st</sup>** 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 7<sup>th</sup>** **Annexation ordinance is introduced.**

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

**May 21<sup>st</sup>** **Town Council holds public hearing on annexation.**

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

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

**Jun 4<sup>th</sup>** **Town Council adopts annexation ordinance.**  
**Fiscal plan is adopted by Town Council.**

Jun 6<sup>th</sup> Clerk-Treasurer submits public notice on approved annexation to paper.

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

Jul 12<sup>th</sup> 30-day waiting period ends.

Jul 14<sup>th</sup> Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies.