

ORDINANCE NO. 20-2025

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

DAVID AND DEBRA FISHER 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 Northwest Quarter of the Southeast Quarter and part of the Northeast Quarter of the Southwest Quarter of 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 located at 555 Sycamore Lane, 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 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 Residential 1 (R1) District; and

WHEREAS, the Annexation Territory consists of approximately 1.2 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 September 3rd, 2025 and adopted by the Town Council of the Town of Danville, Indiana, on October 1st, 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

Super-Voluntary Annexation Timetable
David and Debra Fisher
555 Sycamore Lane, 1.2 acres

Aug 21st Petition was filed for annexation into the Town of Danville.

Aug 22nd Legal notice submitted to *The Republican*.

Petitioner submits public hearing notice for annexation to run one time in The Republican on August 28th

Aug 28th 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.

Sep 3rd **Annexation ordinance is introduced.**

Sep 16th 20-day waiting period ends. Public hearing on annexation slated for regularly scheduled Town Council meeting.

Sep 17th **Town Council holds public hearing on annexation.**

Sep 17th Minimum 14-day waiting period begins before Council can take final action on annexation.

Sep 30th 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

Oct 1st **Town Council adopts annexation ordinance.**
Fiscal plan is adopted by Town Council.

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

Oct 9th Public notice on approved annexation is published.
30-day waiting period begins before annexation can be recorded.

Nov 8th 30-day waiting period ends.

Nov 10th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies.*

2025-2253

PETITION FOR ANNEXATION

Common Address of Property: 555 Sycamore Ln, Danville, IN 46122

[attach legal description and map showing location of property]

Petitioner Name(s): David + Debra Fisher

Mailing Address of Petitioner: 555 Sycamore Lane, Danville, IN 46122

Petitioner's Phone Number: 317-626-6943

Petitioner's Email: dmfisher1981@sbcglobal.net

Property Owner's Name (if not Petitioner) _____

Property Owner's Mailing Address: _____

Tax ID / Parcel Number: 32-11-03-400-005.000-002 (02-2-03-5100-400-005)

of Persons Living on Property: 2 Acreage: 1.2 A

Zoning Sought: R-1 Current County Zoning: RD

Present Use of Property: Residential

Plans for Changes in Use of Property: N/A

Reasons for Seeking Annexation: Access to Town water due to well going dry

Electrical Service Provider: Duke Energy Existing Sidewalks: Yes / No

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

David M. Fisher Debra A. Fisher

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

David M. Fisher Debra A. Fisher

Signature(s) of Petitioner(s):

8-21-25

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)]

Lesa Ternet
Received by (Printed)

Lesa Ternet 8-21-25
Received by (Signature) Date

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

We, David + Debra Fisher, owners of approximately 1.2 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 21st day of August, 2025

Debra A. Fisher
Property Owner (Signature)

David M. Fisher Debra A. Fisher
Property Owner (Printed)

Acceptance of the Town of Danville:

By: Mark R. Morgan
Mark Morgan, Town Manager

Date: 8-22-25

EXHIBIT A

Part of the Northwest quarter of the Southeast quarter and part of the Northeast quarter of the Southwest quarter of Section 3, Township 15 North, Range 1 West, Hendricks County, Indiana bounded and described as follows, to-wit:

From a stone at the center of said Section run West on and along the North line of said Southwest quarter, a distance of 128.0 feet; thence South at right angles to said North line a distance of 322.5 feet and to the beginning point of this description: FROM SAID BEGINNING POINT continue South on same course 140.0 feet; thence East parallel to the north line of said Southwest quarter a distance of 328.0 feet; thence deflect left 90 degrees and run thence North 201.72 feet and to a point which is 260 feet south of the north line of said Southeast quarter; thence run North 89 degrees 46 minutes 40 seconds West, parallel to the North line of said Southeast quarter 100.0 feet; thence South 62.11 feet; thence West parallel to the North line of said Southwest quarter a distance of 228.0 feet and to the place of beginning, containing 1.20 acres, more or less. Subject to all legal highways, rights of way and easements.

ALSO:

AN EASEMENT FOR INGRESS/EGRESS described as follows:

A part of the Northwest quarter of the Southeast quarter of Section 3, Township 15 North, Range 1 West, Hendricks County, Indiana, bounded and described as follows, to-wit:

Beginning at a point in the North line of said quarter quarter section which is South 89 degrees 46 minutes 40 seconds East 100 feet from the stone at the center of said Section 3, and running thence South at right angles to said North line a distance of 260 feet; thence South 89 degrees 46 minutes 40 seconds East parallel to the North line of said quarter quarter section 65 feet; thence North 260 feet to the North line of said quarter quarter section; thence North 89 degrees 46 minutes 40 seconds West along said North line 65 feet to the place of beginning. Subject to all highways, rights of way and easements.

