

ORDINANCE NO. 36-2025

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

BANYAN REALTY GROUP, LLC 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 Quarter and the Northwest fractional Quarter of Section 18, Township 15N, 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 1103 South County Road 300 East 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 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 IL Industrial Light & APOD Airport Overlay ; and

WHEREAS, the Annexation Territory consists of approximately 32.6 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 December 3, 2025 and adopted by the Town Council of the Town of Danville, Indiana, on January 7th, 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

EXHIBIT "A"

(As Provided by The Abstract & Title Guaranty Co., Inc.)

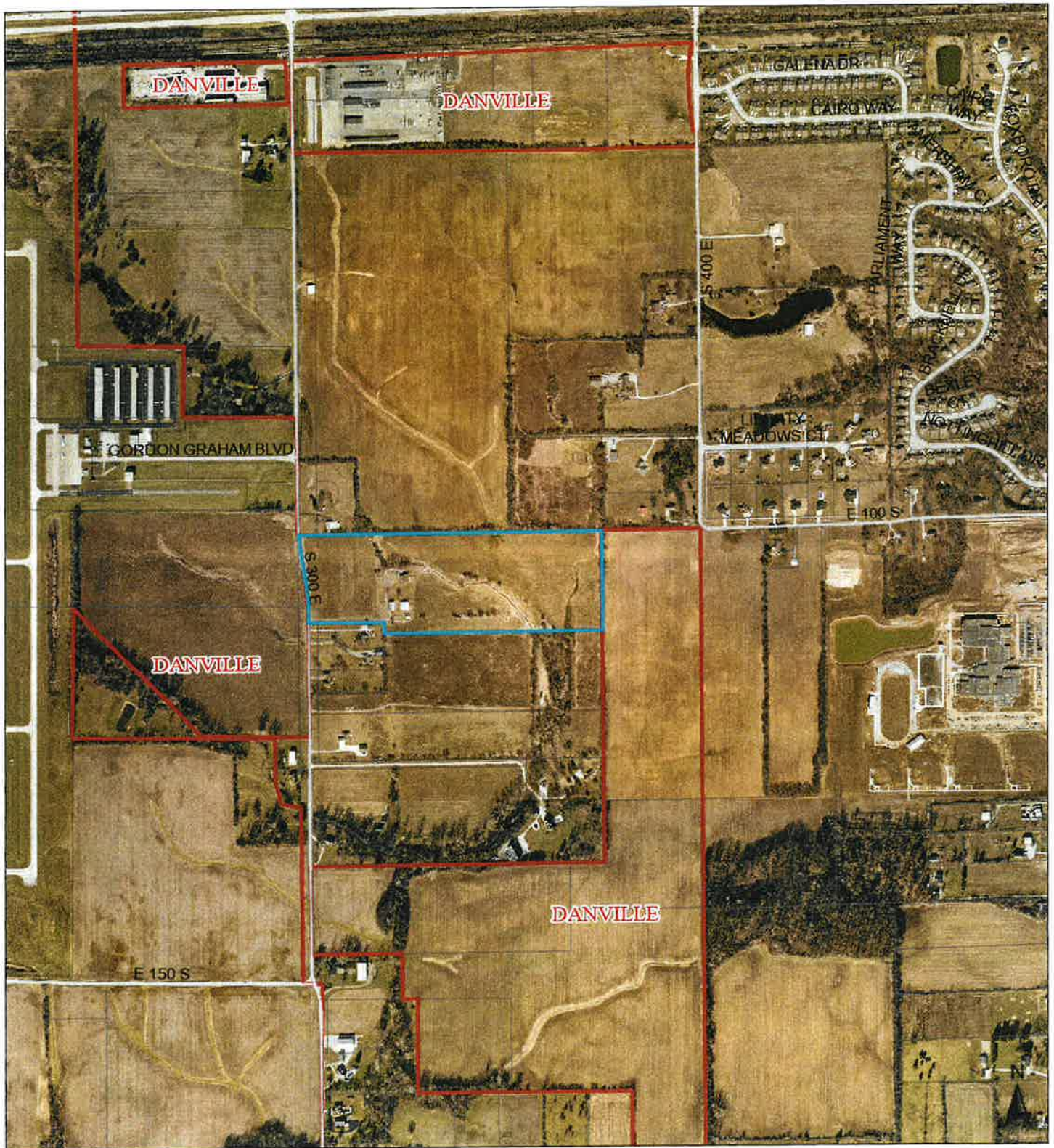
The Land is described as follows:

Part -of the Northeast Quarter and the Northwest fractional Quarter of Section 18, Township 15 North, Range 1 East of the Second Principal Meridian, Hendricks County, Indiana, described as follows:

Beginning at the Northwest corner of said Northwest fractional Quarter, said corner being an Aluminum Monument; thence North 89 degrees 10 minutes 26 seconds East, along the North line of said fractional Quarter Section, 73.52 feet to the Northwest corner of the East Half of the said fractional Quarter, said corner also being an Aluminum Monument; thence North 89 degrees 11 minutes 42 seconds ' East 71.68 feet, to the Northwest corner of the Northeast Quarter of said section, said corner being a 5/8 inch rebar with cap stamped "FIRM 0065" set; thence North 89 degrees 11 minutes 42 seconds East, along the North line 1983.90 feet to an existing fence line, and to a 5/8 inch rebar with cap set; thence South 00 degrees 30 minutes 37 seconds West, along said fence line, 702.71 feet to a 5/8 inch rebar with cap set; thence South 89 degrees 15 minutes 38 seconds West 1530.13 feet to a 5/8 inch rebar with cap set; thence North 00 degrees 29 minutes 10 seconds West 74.33 feet to a 5/8 inch rebar with cap set; thence South 89 degrees 30 minutes 50 seconds West 523.00 feet to the West line of the East half of aforesaid fractional quarter section, said point being marked by a MAG Nail with washer set; thence North 00 degrees 29 minutes 10 seconds West, along said west line; 129.13 feet; thence North 08 degrees 56 minutes 57 seconds West 499.58 feet to the POINT OF BEGINNING, containing 32.60 acres, more or less.

Banyan Realty Group, LLC

Exhibit B



Super-Voluntary Annexation Timetable
Banyan Realty Group, LLC
1103 South County Road 300 East, Danville, IN 46122,
32.6 acres

Nov 17th Petition was filed for annexation into the Town of Danville.

Nov 21st Legal notice submitted to *The Republican*.

Petitioner submits public hearing notice for annexation to run one time in The Republican on November 27th

Nov 27th 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.

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

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

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

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

Dec 31st 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

Jan 7th **Town Council adopts annexation ordinance.**
Fiscal plan is adopted by Town Council.

Jan 9th Clerk-Treasurer submits public notice on approved annexation to paper.

Jan 15th Public notice on approved annexation is published.
30-day waiting period begins before annexation can be recorded.

Feb 15th 30-day waiting period ends.

Feb 16th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies.*

PETITION FOR ANNEXATION

Common Address of Property: 1103 South County Road 300 East, Danville
Indiana 46122

[attach legal description and map showing location of property]

Petitioner Name(s): Banyan Realty Group LLC

Mailing Address of Petitioner: 8227 Bradfield Road, Zionsville IN 46077

Petitioner's Phone Number: 812 968 4902

Petitioner's Email: BANYAN RG@gmail.com

Property Owner's Name (if not Petitioner) Banyan Realty Group LLC

Property Owner's Mailing Address: 8227 Bradfield Road, Zionsville IN 46077

Tax ID / Parcel Number: 32-10-18-200-005.000-002

of Persons Living on Property: — Acreage: 32.6

Zoning Sought: Commercial/Industrial Current County Zoning: Residential

Present Use of Property: Single family Residence - Rental

Plans for Changes in Use of Property: Commercial

Reasons for Seeking Annexation: Utilities

Electrical Service Provider: HENDRICKS POWER Existing Sidewalks: Yes / ☒ No

Existing Utilities: Well ☒ Septic ☒ Other ☐ Well to be abandoned: ☒ Yes / No

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

[Signature]
Signature(s) of Petitioner(s):

11/17/2025
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)]

Lesia Ternet
Received by (Printed)


[Signature]
Received by (Signature) 11.17.25
Date

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

We, Banyan Realty Group LLC, owners of approximately 32 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 17th day of November, 2025



Property Owner (Signature)

Vijayanand Ramalingam

Property Owner (Printed)

Acceptance of the Town of Danville:

By: 

Mark Morgan, Town Manager

Date: Nov. 24, 2025

GASTON LAND SURVEYING

6727 Grand Oaks-Cootesville, IN, 46121

Telephone: 317-539-5400

E-mail: gastonlandsurveying@gmail.com

Web Site: gastonls.com

SURVEY LOCATION REPORT



ADDRESS: 1103 SOUTH COUNTY ROAD 300 EAST, DANVILLE, IN, 46122

SECTION 18
TOWNSHIP 15 NORTH-RANGE 1 EAST
HENDRICKS COUNTY, INDIANA

PREPARED FOR: THE ABSTRACT & TITLE CO. GUARANTY, INC.
287 SHILOH CROSSING DRIVE
AVON, IN, 46123

DATE: APRIL 21, 2023

OWNER: CLOTHIER, DONALD DEAN & BEULAH ANN
BUYER: BANYAN REALTY GROUP, LLC

JOB: M-4-23-14

SURVEYOR LOCATION REPORT

This report is based on limited accuracy data and therefore no data herein should be used for construction or establishing boundary or fence lines.

PROPERTY ADDRESS: 1103 South County Road 300 East, Danville, IN, 46122

PROPERTY DESCRIPTION:

See page 4 of 4 for the legal description as provided by The Abstract & Title Guaranty Co., Inc.

I hereby state to the parties named below that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Section 42 through 44 of IAC 864 1.1-13 for a surveyor location report as adopted by the Indiana Society of Professional Land Surveyors, Inc. on January 29, 1981, and approved by the Title Underwriters of Indiana, Inc. on March 20, 1981.

Title Insurance Company with residential loan policies designs this report for use. No corner markers were set, and the location data herein is based on limited accuracy measurements. Therefore, no liability will be assumed for any use of this data for construction of new improvements or fences. Distances shown from all structures to property lines are more or less.

No utilities are located.

I hereby state that the structures with a permanent foundation situated on the above-described real estate appear to be located on and within the boundaries of said premises, and that the structures with a permanent foundation located on the adjoining properties do not appear to encroach upon said real estate. A "Rule-12" boundary must be performed to determine the title corners and if said encroachment does exist in the opinion of a professional land surveyor.

DESIGNATED PARTIES:

MORTGAGEE OR ASSIGNEES:

OWNER: Clothier, Donald Dean & Beulah Ann

BUYER: Banyan Realty Group, LLC

I, then undersigned, an Indiana Registered Land Surveyor, hereby state that on the date shown, supervised the inspection of the real estate described herein at the address indicated.

THIS LOCATION REPORT WAS PERPARED FOR USE BY THE DESIGNATED PARTIES ONLY AND FOR NO ONE ELSE. THE ACCURACY OF THE LOCATION DATA SHOWN IS LIMITED TO THAT REQUIRED BY THE INDIANA "SURVEYOR LOCATION REPORT" MINIMUM REQUIREMENTS UNLESS OTHERWISE SPECIFIED AND EXPLAINED ON THIS DOCUMENT. IF A MORE ACCURATE OR DETAILED LAND SURVEY IS DESIRED OR IF CORNER MONUMENTS ARE REQUIRED, AN INDIANA LAND TITLE SURVEY SHOULD BE ORDERED AND PERFORMED.

ESTIMATED ACCURACY OF THIS REPORT = +/- 10 FEET

CERTIFICATION DATE: April 21, 2023

SURVEYORS' SIGNATURE:



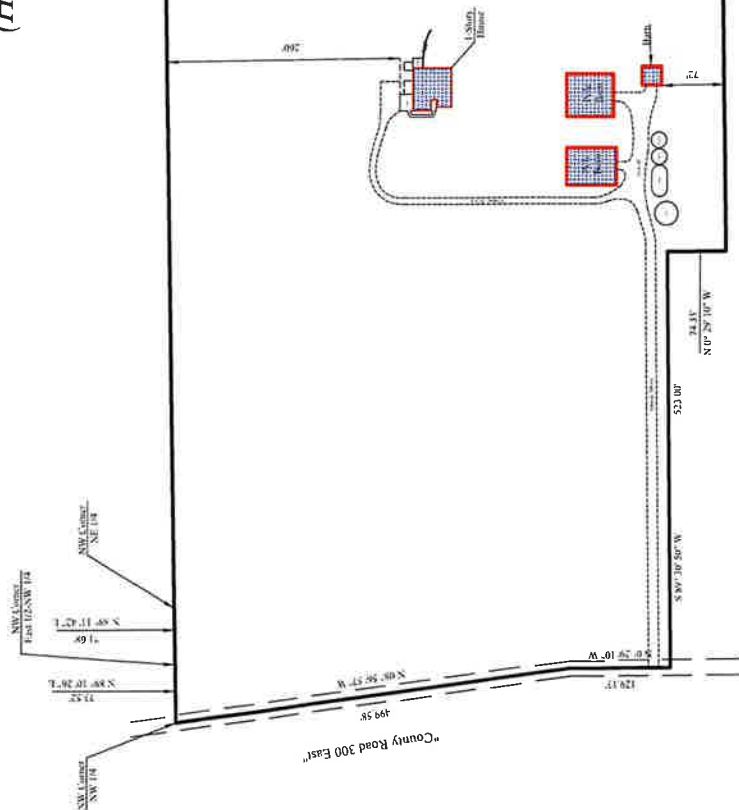
SURVEYORS' JOB NO.: M-4-23-14



Section 18

Township 15 North - Range 1 East

(Hendricks County, Indiana)



NOTES

1. This Report Does Not Constitute a Boundary Survey and Should Not be Used as Such
2. Fence locations are shown in approximate locations and do not represent lot lines
3. Any utility boxes, poles, manholes, etc. are shown in approximate locations
4. No fences are to be built based on this drawing
5. The Accuracy of this Report is Estimated to be +/- 10 feet

Surveyor Location Report

Owner: Clellier, Donald Dean & Beulah Ann

Buyer: Banyan Realty Group, LLC

Address: 1103 South County Road 300 East

Danville, IN 46122

Page: 3 Scale: 1"=150' Date: 4/21/2023

Drawn by: DLG Job: M-4-23-14

