

## ORDINANCE 2024-07

### AN ORDINANCE ANNEXING OF REAL ESTATE CONSISTING OF APPROXIMATELY 172.87 ACRES 5464 S US 31(EXISTING PARCEL NO. 41-12-28-012-002.002-001), ADJACENT EXISTING PARCEL NO. 41-12-28- 012-003.001-001, AND ADJACENT EXISTING PARCEL NO. 41-12-28-021- 002.003-001, LOCATED EAST OF S US 31 AND NORTH OF STATE ROAD 252, EDINBURGH, INDIANA (JOHNSON COUNTY)

WHEREAS, Indiana Code 36-4-3-5.1 authorizes owners of land located outside but contiguous to a municipality to file a petition with the legislative body of the municipality requesting an ordinance annexing the area described in the petition and signed by one hundred percent (100%) of the owners of land within the territory that is proposed to be annexed; and

WHEREAS, Michael L. King owns the real estate of approximately 172.87 acres commonly known as a 5464 S US 31(existing Parcel No. 41-12-28-012-002.002-001), adjacent existing Parcel No. 41-12-28-012-003.001-001, and adjacent existing Parcel No. 41-12-28-021-002.003-001, located east of S US 31 and north of State Road 252, Edinburgh, Indiana, legally described as follows:

A part of the North Half of Section 28, Township 11 North, Range 5 East, Blue River Township, Johnson County, Indiana, being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter, also being the southwest corner of a parcel currently owned by Michael L King, Parcel ID 41-12-28-012-002.002-001; thence North along the west line of the Northwest Quarter and along the Town of Edinburgh Corporate limits 1,310' +/- to a the southeast corner of a parcel currently owned by Michael L King, Parcel ID 41-12-28-021-002.003-001; thence West along said corporate limits and south line of said parcel 1,307' +/- to a point on the east right-of-way line of US Highway 31; thence continuing West 172' +/- to a point on the west right-of-way line of US Highway 31; thence north along said west right-of-way 402' +/- to a point on said west right-of-way line, said point also being the extended south property line of a parcel currently owned by Heather K and Cody L Martin, Parcel ID 41-12-28-021-004.000-001; thence East along said extended line 172' +/- to a point on the aforesaid east right-of-way line of US Highway 31, said point also being the southwest corner of said Martin parcel; thence along the property boundary of said parcel by the next three (3) calls; 1) East 169' +/-; 2) North 250' +/-; 3) West 169' +/- to a point on the aforesaid east right-of-way line of US Highway 31; thence continuing West 172' +/- to a point on the aforesaid west right-of-way line; thence North along said right-of-way line 313' +/-; thence east 173' +/- to a point on the aforesaid east right-of-way line of US Highway 31, said point also being the southwest corner Orchard Park 1st Section; thence East along the south line of said Orchard Park 1st Section 1,308' +/- to the northwesterly corner of a parcel currently owned by Michael L King, Parcel ID 41-12-28-012-003.001-001; thence East 85' +/- to the southeast corner of said Orchard Park 1<sup>st</sup> Section; thence North along the east line of said Orchard Park 1st Section 186' +/- to the northwest corner of said Parcel ID 41-12-28-012-003.001-001; thence East along said north line 1,287' +/- to a point on the north line of aforesaid parcel 41-12-28-012-002.002-001; thence East 719' +/- to a point the assumed west right-of-way line of a rail road; thence Southeast along said right-of-way 1,760' +/- to a point on the west right-of-way line of County Road 700 East; thence continuing Southeast 77' +/- to a point on the east right-of-way line of County Road 700 East; thence South along said right-of-way 742' +/-; thence West 27' +/- to a point on the west right-of-way of County Road 700 East; thence continuing West

2,698' +/- to the place beginning, containing 172.87 ac +/- and having a total boundary perimeter of 13,498' +/-.

The above description was written without the benefit of a certified boundary survey and is subject to change.

And including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the Town of Edinburgh.

Subject to any and all easements, agreements and restrictions of record

WHEREAS, at least one-eighth (1/8) of the aggregate external boundaries of the Territory To Be Annexed coincides with the boundaries of the Town of Edinburgh; and

WHEREAS, the Territory to Be Annexed includes a portion of or is contiguous to certain portions of the roadway known as South US 31; and

WHEREAS, Michael L. King filed a Petition for Annexation with the Town Council of the Town of Edinburgh; and

WHEREAS, the Town of Edinburgh published notice of public hearing on the annexation ordinance one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the public hearing, as required by I.C. 36-4-3-5.1(e); and

WHEREAS, pursuant to I.C. 36-4-3-5.1(e), the Town of Edinburgh introduced and held a public hearing on the annexation ordinance after the petition was filed with the Town Council of Edinburgh, Indiana; and

WHEREAS, pursuant to the fiscal plan, the Town of Edinburgh will not pay the cost of constructing or connecting any utility services to Territory to Be Annexed. These costs will be borne by the owner of the Territory to Be Annexed.

WHEREAS, pursuant to I.C. 36-4-3-5.1(f), at least fourteen (14) days have passed since the public hearing was held; and

WHEREAS, pursuant to I.C. 36-4-3-3.1(b) and (d) and I.C. 36-4-3-5.1(d), the Town of Edinburgh has adopted a fiscal plan and established a definite policy by resolution; and

WHEREAS, pursuant to I.C. 36-4-3-5.1(j), an annexation ordinance adopted under I.C. 36-4-3-5.1 takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under I.C. 36-4-3-22.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Edinburgh, Indiana that:

**Section 1.** Pursuant to I.C. 36-4-3-5.1, the corporate boundaries of the Town of Edinburgh are hereby extended to include the following property located in Johnson County commonly known as 5464 S US 31 (existing Parcel No. 41-12-28-012-002.002-001), adjacent existing Parcel No.

41-12-28-012-003.001-001, and adjacent existing Parcel No. 41-12-28-021-002.003-001, located east of S US 31 and north of State Road 252, Edinburgh, Indiana, legally described as follows:

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**Section 2.** The zoning of the territory annexed by this Ordinance shall be R1, Suburban Residence.

**Section 3. Repealer.** All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**Section 4. Severability.** Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

**Section 5. Effective date.** This ordinance shall be in full force and effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance pursuant to I.C. 36-4-3-22.

ADOPTED this 28 day of May, 2024.

EDINBURGH TOWN COUNCIL

M. Ryan Piercefield  
M. Ryan Piercefield, Council President

Miriam Rooks  
Miriam Rooks, Vice President

Debbie Buck  
Debbie Buck, Member

Michael Bryant  
Michael Bryant, Member

Sherri Sweet  
Sherri Sweet, Member

ATTEST:  
Rhonda Barrett  
Rhonda Barrett, Clerk-Treasurer