

**ORDINANCE 2023-6**  
**AN ORDINANCE ANNEXING OF REAL ESTATE AT**  
**7778 EAST STATE ROAD 252, EDINBURGH, INDIANA**  
**PURSUANT TO INDIANA CODE 36-4-3-5.1**  
**(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, Daniel Rooks owns the real estate of approximately Three Point Seven (3.7) acres of land located outside of the Town of Edinburgh, Indiana commonly known as 7778 East State Road 252, Edinburgh, Indiana 46124, more particularly described as follows:

A part of the southeast quarter of the southeast quarter of section 27, township 11 north, range 5 east of the second principal meridian, described as follows:

Beginning at a point 15.0 feet north of the southwest corner of said quarter quarter section; thence north 647.0 feet; thence east 252.4 feet; thence south 642.5 feet to a point 19.5 feet north of the south line of said quarter quarter section; thence west 252.4 feet to the place of beginning, containing 3.7 acres, more or less.

Parcel#: 41-12-27-044-017.000-001

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

("Territory To Be Annexed"); and

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 State Road 252; and

WHEREAS, Daniel Rooks, 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 Shelby County commonly known as 7778 East State Road 252, Edinburgh, Indiana 46124, more particularly described as follows:

A part of the southeast quarter of the southeast quarter of section 27, township 11 north, range 5 east of the second principal meridian, described as follows:

Beginning at a point 15.0 feet north of the southwest corner of said quarter quarter section; thence north 647.0 feet; thence east 252.4 feet; thence south 642.5 feet to a point 19.5 feet north of the south line of said quarter quarter section; thence west 252.4 feet to the place of beginning, containing 3.7 acres, more or less.

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

**Section 2.** The zoning of the territory annexed by this Ordinance shall be continued as R-1 upon annexation.

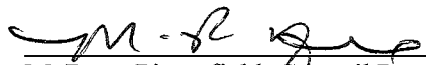
**Section 3. Repealer.** All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

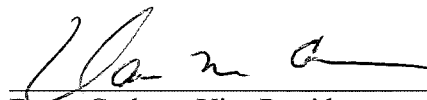
**Section 4. Severability.** Should any provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

**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.

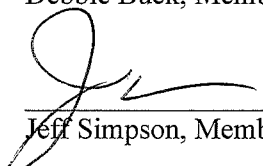
ADOPTED this 27<sup>th</sup> day of March, 2023.

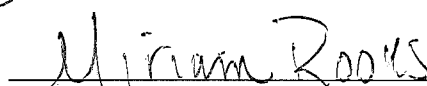
**EDINBURGH TOWN COUNCIL**

  
M. Ryan Piercefield, Council President

  
Dawn Graham, Vice President

  
Debbie Buck, Member

  
Jeff Simpson, Member

  
Miriam Rooks, Member

ATTEST:

  
Scott Finley, Clerk-Treasurer