

ORDINANCE 2023-15
AN ORDINANCE ANNEXING OF REAL ESTATE AT PORTION OF
PARCEL No. 41-12-28-034-012.001-001 – ON THE EAST SIDE OF SOUTH
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, Richard L. Wertz owns the real estate of approximately Six Point Two Six (6.26) acres of land located outside of the Town of Edinburgh, Indiana commonly known as a portion of Parcel 41-12-28-034-012.001-001 on the east side of S US 31 and north of State Road 252, Edinburgh, Indiana, legally described as follows:

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

Beginning at the southeast corner of said quarter section, also being the southeast corner of a parcel currently owned by Richard L. Wertz, Parcel ID 41-12-28-034-012.001-001; thence west along the south line thereof 863' +/- to the existing Town of Edinburgh Corporate Limits; thence west along said corporate limits 366' +/- to a point on the east right-of-way of US Highway 31; thence northerly along said right-of-way 221' +/-; thence east 1,250' +/- to a point on the east line of said quarter section and east line of the aforementioned Wertz property; thence south along said east line 220' +/- to a place of beginning, containing 6.25 ac +/- and having a total boundary perimeter of 2,920' +/-, more or less.

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, Richard L. Wertz, 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 Edinburg, Indiana; and

WHEREAS, pursuant to the fiscal plan, the Town of Edinburg 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 Edinburg has adopted a fiscal plan and established a definite policy by resolution; and

WHEREAS, pursuant to I.C. 36-4-3-5.1(g), 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 Edinburg, Indiana that:

Section 1. Pursuant to I.C. 36-4-3-5.1, the corporate boundaries of the Town of

Edinburg are hereby extended to include the following property located in Johnson County commonly known as a portion of Parcel 41-12-28-034-012.001-001 on the east side of S US 31 and north of State Road 252, Edinburg, Indiana, legally described as follows:

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

Beginning at the southeast corner of said quarter section, also being the southeast corner of a parcel currently owned by Richard L. Wertz, Parcel ID 41-12-28-034-012.001-001; thence west along the south line thereof 863' +/- to the existing Town of Edinburg Corporate Limits; thence west along said corporate limits 366' +/- to a point on the east right-of-way of US Highway 31; thence northerly along said right-of-way 221' +/-; thence east 1,250' +/- to a point on the east line of said quarter section and east line of the aforementioned Wertz property; thence south along said east line 220' +/- to a place of beginning, containing 6.25 ac +/- and having a total boundary perimeter of 2,920' +/-, more or less.

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 Edinburg.

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

Section 2. The zoning of the territory annexed by this Ordinance shall be PG -

Park and Green Space.

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 25th day of September, 2023.

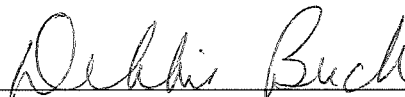
EDINBURGH TOWN COUNCIL



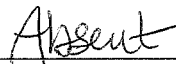
M. Ryan Piercefield, Council President



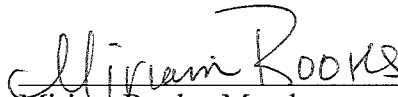
Dawn Graham, Vice President



Debbie Buck, Member

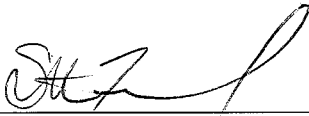


Jeff Simpson, Member



Miriam Rooks, Member

ATTEST:



Scott Finley, Clerk-Treasurer