

ORDINANCE 2023-21
AN ORDINANCE ANNEXING OF REAL ESTATE CONSISTING OF
APPROXIMATELY 126.86 ACRES COMMONLY KNOWN AS A
PORTION OF EXISTING PARCELS 41-12-28-024-002.004-001, EXISTING
PARCEL 41-12-28-031-012.002-001, ADJACENT PARCEL 41-12-28-031-
012.000-001 AND A PORTION OF EXISTING PARCEL 41-12-28-034-
012.001-001, ALL ON THE EAST SIDE 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 and Richard L. Wertz owns the real estate of approximately 126.86 acres of land located outside of the Town of Edinburgh, Indiana commonly known as a portion of existing Parcels 41-12-28-024-002.004-001, existing Parcel 41-12-28-031-012.002-001, adjacent Parcel 41-12-28-031-012.000-001 and a portion of existing Parcel 41-12-28-034-012.001-001, all on the east side of S US 31 and north of State Road 252, legally described as follows:

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

Commencing at the Southeast corner of said Half 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 North along the east line 220' +/- to the existing Town of Edinburgh Corporate Limits; thence West along said corporate limits 1,250' +/- to a point on the east right-of-way of US Highway 31, thence continuing West along said corporate limits 176' +/- to a point on the west right-of-way of US Highway 31; thence Northerly along said right-of-way 381' +/- to a point on said right-of-way; thence North along said right-of-way 3,364' +/- to a point on said right-of-way; thence East 172' +/- to a point on the aforesaid east right-of-way of US Highway 31, said point also being the northwest corner of a parcel currently owned by Michael L. King, Parcel ID 41-12-28-024-002.004-001; thence East 1,307 +/- to a point on the aforesaid East line of said West Half; thence South along said East line 1,310' +/- to the northeast corner of said Wertz property Parcel ID 41-12-28-031-012.000-001; thence South along said East line 1,635' +/- to the northeast corner of the aforesaid Wertz Property, Parcel ID 41-12-28-034-012.001-001; thence South along said East line 9' +/- to a point on the westerly right-of-way of County Road 650 East; thence Southeasterly 20' +/- to a point on the easterly right-of-way of said road, said point also being a point on a curve concave southeasterly; thence Southerly along said curve, and along said right-of-way, 48' +/-; thence South along said right-of-way 732' +/- to a point on the aforesaid corporate limits; thence West along said corporate limits 17' +/- to the place of beginning, containing 126.86 ac +/- and having a total boundary perimeter of 10,421' +/-, 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, Michael L. King and 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 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 a portion of existing Parcels 41-12-28-024-002.004-001, existing Parcel 41-12-28-031-012.002-001, adjacent Parcel 41-12-28-031-012.000-001 and a portion of existing Parcel 41-12-28-034-012.001-001, all on the east side of S US 31 and north of State Road 252, Edinburgh, Indiana, legally described as follows:

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

Commencing at the Southeast corner of said Half 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 North along the east line 220' +/- to the existing Town of Edinburgh Corporate Limits; thence West along said corporate limits 1,250' +/- to a point on the east right-of-way of US Highway 31, thence continuing West along said corporate limits 176' +/- to a point on the west right-of-way of US Highway 31; thence Northerly along said right-of-way 381' +/- to a point on said right-of-way; thence North along said right-of-way 3,364' +/- to a point on said right-of-way; thence East 172' +/- to a point on the aforesaid east

right-of-way of US Highway 31, said point also being the northwest corner of a parcel currently owned by Michael L. King, Parcel ID 41-12-28-024-002.004-001; thence East 1,307 +/- to a point on the aforesaid East line of said West Half; thence South along said East line 1,310' +/- to the northeast corner of said Wertz property Parcel ID 41-12-28-031-012.000-001; thence South along said East line 1,635' +/- to the northeast corner of the aforesaid Wertz Property, Parcel ID 41-12-28-034-012.001-001; thence South along said East line 9' +/- to a point on the westerly right-of-way of County Road 650 East; thence Southeasterly 20' +/- to a point on the easterly right-of-way of said road, said point also being a point on a curve concave southeasterly; thence Southerly along said curve, and along said right-of-way, 48' +/-; thence South along said right-of-way 732' +/- to a point on the aforesaid corporate limits; thence West along said corporate limits 17' +/- to the place of beginning, containing 126.86 ac+/- and having a total boundary perimeter of 10,421'+/-, 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

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

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 28th day of December, 2023.

EDINBURGH TOWN COUNCIL

Absent
M. Ryan Piercefield, Council President

[Signature]
Dawn Graham, Vice President

[Signature]
Debbie Buck, Member

[Signature]
Jeff Simpson, Member

[Signature]
Miriam Rooks, Member

ATTEST:
[Signature]
Scott Finley, Clerk-Treasurer