

**McCORDSVILLE TOWN COUNCIL
ORDINANCE NO. 100824**

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE TOWN OF
McCORDSVILLE, PLACING THE SAME WITHIN THE BOUNDARIES THEREOF, AND
MAKING THE SAME A PART OF THE TOWN OF McCORDSVILLE**

WHEREAS, a Petition for Annexation into the Town of McCordsville, Indiana, pursuant to Ind. Code § 36-4-3-5.1 ("Petition") was filed with the McCordsville Town Council, ("Town"), requesting the Town annex certain real estate, more particularly described and depicted in Exhibit "1" ("Annexation Territory") to the Town;

WHEREAS, pursuant to Ind. Code § 36-4-3-5.1, the Petition was signed by 100% of the owners of land within the Annexation Territory;

WHEREAS, the Annexation Territory consists of approximately 120 acres, and is located outside of, but contiguous to, the existing Town boundaries;

WHEREAS, prior to adoption of this Ordinance, the Town Council has adopted a written fiscal plan, established a definite policy by resolution, held a public hearing on the proposed annexation pursuant to proper notice, and undertaken all other actions as required by applicable law; and

WHEREAS, the Town, by and through its Town Council, now finds that it is desirable and in the best interests of the Town and its citizens to annex the Annexation Territory, and that the terms and conditions of this annexation are fair and equitable.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA, THAT:

Section 1. The foregoing recitals are fully incorporated herein by reference.

Section 2. Pursuant to Ind. Code § 36-4-3-5.1 and other applicable laws, the Annexation Territory, specifically described and depicted in Exhibit "1" is hereby annexed into the Town of McCordsville, and thereby included within the Town's corporate boundaries in accordance with the terms of this Ordinance.

Section 3. The Annexation Territory is assigned to District 2.

Section 4. The Annexation Territory shall be zoned Mt. Comfort Meadows Planned-Unit Development (PUD).

Section 5. 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, as long as it does not result in adding or removing parcels of property from the Annexation Territory.

Section 6. Where the legal description included within Exhibit "1" includes land contiguous to the public right-of-way that has not been previously annexed, the Annexation Territory shall include the contiguous public right-of-way even if it is not described in Exhibit "1", except as prohibited by Ind. Code § 36-4-3-1.5(c) or other law.

Section 7. Prior Ordinances and sections of the Town of McCordsville, Indiana Code of Ordinances are repealed only to the extent inconsistent with the terms of this Ordinance. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of this Ordinance or the Annexation Territory.

Section 8. After adoption, this Ordinance shall be published in the manner prescribed by Ind. Code § 36-4-3-7 and Ind. Code § 5-3-1 *et seq.*

Section 9. The Clerk-Treasurer of the Town shall file and record this ordinance as required by the provisions of Ind. Code § 36-4-3-22.

Section 10. This Ordinance shall be in effect from and after its adoption, execution, publication, and filing as required by law.

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ADOPTED BY THE COUNCIL OF THE TOWN OF MCCORDSVILLE, INDIANA this
_____ day of _____, 2024.

MCCORDSVILLE TOWN COUNCIL

FOR:

AGAINST:

_____ Gregory J. Brewer _____

_____ Scott Jones _____

_____ Dr. Bryan Burney _____

_____ Chad D. Gooding _____

_____ Dr. John Price _____

ATTEST:

Stephanie Crider, Clerk-Treasurer

This Ordinance was prepared by: Beth Copeland, Taft Stettinius and Hollister, LLP; 1 Indiana Square, Suite #3500, Indianapolis, IN 46204; Telephone: (317) 713-3519.

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. Beth Copeland

Exhibit 1
Legal Description

The Land referred to herein below is situated in the County of Hancock, State of Indiana and is described as follows:

The Southeast Quarter of the Southwest Quarter of Section 1, Township 16 North, Range 5 East to Buck Creek Township, Hancock County, Indiana.

EXCEPT that part conveyed by Quit-Claim Deed by and between Elsie L. Offenbacher and Margaret Offenbacher to Charles B. White recorded August 13, 1979 as Instrument No. 79-4170, more particularly described as follows:

All that part of the North Half of the Southeast Quarter of the Southwest Quarter of Section 1, Township 16 North, Range 5 East, which lies West of the established fence line between the land of the Grantors to the East of said fence line and the land of the Grantee to the West of said fence line which said fence line has been recognized as the boundary line between the lands of the parties hereto during their respective ownership of said land and that of Tony F. Offenbacher, predecessor in title of the land owned by the Grantors.

ALSO EXCEPT that part conveyed by Quit-Claim Deed by and between Elsie L. Offenbacher and Margaret Offenbacher to John B. White and Wanda M. White, husband and wife, recorded August 13, 1979 as Instrument No. 79-4171, more particularly described as follows:

All that part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 1, Township 16 North, Range 5 East, which lies West of the established fence line between the land of the Grantors to the East of said fence line and the land of the Grantee to the West of said fence line which said fence line has been recognized as the boundary line between the lands of the parties hereto during their respective ownership of said land and that of Tony F. Offenbacher, predecessor in title of the land owned by the Grantors.

AND

The Land referred to herein below is situated in the County of Hancock, State of Indiana and is described as follows:

Certain real estate situated in Hancock County, Indiana, being more particularly described as follows, to -wit: The North Half of the Southwest Quarter of Section 1, Township 16 North, Range 5 East, containing in all 80 acres, more or less.