

**McCORDSVILLE TOWN COUNCIL
ORDINANCE NO. 021825**

**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 159 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 R-1.

Section 5. The Annexation Territory described and depicted in Exhibit "1" is currently used and assessed as agricultural land and shall maintain that status to qualify under Indiana Code section 36-4-3-4.1.

Section 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 full legal description is forthcoming. An abbreviated legal is below, along with a site map of the subject property.

Parcel ID No.: 30-01-36-400-012.000-016 described as E SW 36-17-5 80AC.

AND

Parcel ID No.: 30-02-31-300-009.001-016 described as W SW 31-17-6 79AC.

