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## CH16 16 .10 - Annexation of Brookside Cemetery

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

An ordinance annexing adjacent and contiguous property to the Town of Lapel, a municipal corporation, of Madison County, Indiana.

WHEREAS, Brookside Cemetery Association has filed its Petition for Annexation of real property adjacent and contiguous to the corporate limits of the Town of Lapel. which property is described hereinafter; and

WHEREAS, the Petition is properly before the Town Board pursuant to Indiana Code [36-4-3-5.1](#); and

WHEREAS, the Town Board of Lapel, as the Board of Trustees, finds the Petition in proper order and that the property sought to be annexed, by the Brookside Cemetery Association, is adjacent and contiguous to the corporate boundaries of the municipal corporation of the Town of Lapel and that the Petition and all things comply with the above-referenced Indiana Code.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, AS THE BOARD OF TRUSTEES, LAPEL, MADISON COUNTY, INDIANA:

**Section 1.** That the following described real estate owned by Brookside Cemetery Association is adjacent and contiguous to the corporate limits of the Town of Lapel, Madison County, Indiana.

**Section 2.** That the following described real estate, to wit:

Beginning at an existing IRON PIPE marking the Southwest corner of the Southeast quarter of Section 28. Township 19 North, Range 6 East, and running thence North 00 degrees, 00 minutes and 00 seconds East (assumed bearing) 583.50 feet along the West line of said Southeast quarter, thence North 89 degrees, 51 minutes and 25 seconds East 825.00 feet to the Southeast corner of Lot numbered Four (4) in George Humbles Addition to the Town of Lapel, thence South 00 degrees, 00 minutes and 35 seconds West 43.90 feet to the Southwest corner of Isaac Bosworth's First Addition to the Town of Lapel, thence North 89

degrees, 51 minutes and 25 seconds East 510.00 feet to the Southeast corner of said addition, thence South 00 degrees, 00 minutes and 35 seconds West 539.60 feet to an existing IRON PIPE marking the Southeast corner of the West-half of said Southeast quarter of Section 28, thence south 89 degrees, 51 minutes and 25 seconds West 1,335.08 feet to the place of the beginning.

Being a part of the Southwest quarter of the Southeast quarter of Section 28, Township 19 North, Range 6 East and containing 17.369 acres, more or less. Subject to legal rights-of-way and easements of record.

be and hereby is annexed to the Town of Lapel a municipal corporation of Madison County, Indiana, and shall be a part of the municipal corporation of the Town of Lapel.

**Section 3.** Be it further ordained that the annexed property shall qualify as a general business district and the total parcel annexed is established solely as an operating cemetery facility and is perpetual in nature.

**Section 4.** Be it further ordained that this annexation is conditioned on, the Town of Lapel, providing a waiver of any impact fee associated in the Town of Lapel's current ordinance. In addition, the Town of Lapel shall waive one water and sewer tap fee, for the Brookside Cemetery Association, should such water and sewer tap fee be deemed necessary in the future. Further, the Town of Lapel accepts the above-described annexed property in its current, physical state and accepts the fiscal condition as to all existing set backs, structures, signage, roadways, parking, and structures. The Brookside Cemetery Association shall continue the control of supervision, maintenance, and overall operation of the Cemetery as an independent association. The Brookside Cemetery Association shall continue all roadway maintenance and repair, including snow removal, such roadways remaining that of the Brookside Cemetery Association and not dedicated to the Town of Lapel.

**Section 5.** Be it further ordained that the ordinance, upon adoption, shall be published as prescribed by Indiana Code [5-3-4](#) and it shall take effect as provided in Indiana Code [36-4-3-7](#) and a certified copy of the ordinance shall be recorded in the office of the County Auditor of Madison County, Indiana, the Clerk of the Circuit Court; and the Board of Voter Registration in Madison County; and the Madison County Recorder's Office.

Read and Adopted this 2nd Day of August 2007.

#### Further Information

**10-2007**

**Date Passed: 8/2/2007**