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## CH23 23 .4 - Annexation of 5700 Acres

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

### **RECITALS**

- A. The Town Council (the "Council") of the Town of Lapel, Indiana (the "Town"), is in receipt of a petition requesting that certain territory (the "Annexation Territory") be annexed.
- B. The petition has been signed by at least fifty-one percent (51%) of the owners of the Annexation Territory and is attached hereto as "Exhibit A" (the "Petition").
- C. A description and map of the Annexation Territory area attached to the Petition as "Exhibit B".
- D. The Annexation Territory consists of approximately 5,700 acres, and the policy for the provision of certain services to any annexed areas.
- E. Responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas.
- F. Prior to final adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of both capital and non-capital services to the Annexation Territory.
- G. The written fiscal plan and definite policy adopted by resolution will provide for the provision of services of a non-capital nature (including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to the Annexation Territory within one (1) years after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density.
- H. The written fiscal plan and definite policy adopted by resolution will provide for the provision of services of capital nature (including street construction, street lighting, sewer facilities, water facilities, and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate

boundaries, regardless of similar topography patterns of land use, and population density and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

- I. The terms and conditions of this annexation, including the written fiscal plan and definite policy area fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town.
- J. Prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law.
- K. The Council finds that the Annexation Territory, pursuant to the terms of this Ordinance, is fair and equitable and should be accomplished and will help to control growth at the Town's perimeter which is consistent with the Town's Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lapel, Indiana, as follows:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth herein below.

Section 2. In accordance with Indiana Code [36-4-3-5](#), the Annexation Territory is hereby annexed to the Town and hereby included within its corporate boundaries pursuant to the terms of this Ordinance.

Section 3. The Annexation Territory shall retain its current zoning classifications and designations as established by Madison County until such time as the Town updates its comprehensive plan, zoning ordinance, or zoning map.

Section 4. All prior ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentence words of this Ordinance are separable, and if a court of competent jurisdiction hereof declare any portion unconstitutional, invalid, or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after the date of its adoption and signing by the Council President and such publications and recordation as is required by law.

Introduced by the Town Council of the Town of Lapel, Indiana on the 7th day of August, 2014 and approved by a vote of 4 in favor and 1 opposed.

Adopted by the Town Council of the Town of Lapel, Indiana, on the 7th day of August 2014.

## **EXHIBIT B**





## LAND DESCRIPTION - PROPOSED ANNEXATION

A parcel of ground being a part of Sections 33, 34, and 35, Township 19 North, Range 6 East of the Second Principal Meridian, Sections 4, 3 and part of Section 2, Township 18 North, Range 6 East of the Second Principal Meridian, Stony Creek Township, and Sections 9, 10, 16, 15 and a part of Sections 11 and 14, Township 18 North, Range 6 East of the Second Principal Meridian, Green Township, all in Madison County, Indiana, being more particularly described as follows:

**BEGINNING** at the Northwest corner of the Northwest Quarter of Section 33, Township 19 North, Range 6 East; thence South 00 degrees 15 minutes 47 seconds East along the West line of said Northwest Quarter, a distance of 2670.27 feet to the Northwest corner of the Southwest Quarter of said Section 33; thence South 00 degrees 14 minutes 13 seconds East along the West line of said Southwest Quarter, a distance of 2667.79 feet to the Southwest corner of said Southwest Quarter; thence North 89 degrees 11 minutes 56 seconds East along the South line of said Southwest Quarter, a distance of 83.43 feet to the Northwest corner of Section 4, Township 18 North, Range 6 East; thence South 00 degrees 26 minutes 14 seconds East along the West line of said Northwest Quarter of said Section 4, a distance of 2359.49 feet to the Northwest corner of the Southwest Quarter of said Section 4; thence South 00 degrees 22 minutes 33 seconds East along the West line of said Southwest Quarter, a distance of 2660.24 feet to the Northwest corner of the Northwest Quarter of Section 9, Township 18 North, Range 6 East; thence South 00 degrees 15 minutes 54 seconds East along the West line of said Northwest Quarter of said Section 9, a distance of 2650.21 feet to the Northwest corner of the Southwest Quarter of said Section 9; thence South 00 degrees 14 minutes 43 seconds East along the West line of said Southwest Quarter, a distance of 2673.58 feet to the Northwest corner of the Northwest Quarter of Section 16, Township 18 North, Range 6 East; thence South 00 degrees 07 minutes 51 seconds East along the West line of said Northwest Quarter of said Section 16, a distance of 2661.04 feet to the Northwest corner of the Southwest Quarter of said Section 16; thence South 00 degrees 13 minutes 09 seconds West along the West line of said Southwest Quarter of said Section 16, a distance of 2660.99 feet to the Southwest corner of said Southwest Quarter; thence North 89 degrees 51 minutes 59 seconds East along the South line of said Southwest Quarter, a distance of 2682.36 feet to the Southwest corner of the Southeast Quarter of said Section 16; thence North 89 degrees 58 minutes 38 seconds East along the South line of said Southeast Quarter of said Section 16, a distance of 2663.70 feet to the Southwest corner of the Southwest Quarter of Section 15, Township 18 North, Range 6 East; thence South 89 degrees 51 minutes 00 seconds East along the South line of said Southwest Quarter of said Section 15, a distance of 2637.77 feet to the Southwest corner of the Southeast Quarter of said Section 15; thence North 89 degrees 50 minutes 26 seconds East along the South line of said Southeast Quarter, a distance of 2651.21 feet to the Southwest corner of the Southwest Quarter of Section 14, Township 18 North, Range 6 East; thence North 89 degrees 13 minutes 42 seconds East along the South line of said Southwest Quarter of said Section 14, a distance of 2642.17 feet to the Southeast corner of said Southwest Quarter; thence



North 00 degrees 00 minutes 04 seconds East along the East line of said Southwest Quarter, a distance of 2641.59 feet to the Northeast corner of said Southwest Quarter;

thence North 00 degrees 14 minutes 52 seconds East along the East line of said Northwest Quarter, a distance of 2659.39 feet to the Southeast corner of the Southwest Quarter of Section 11, Township 18 North, Range 6 East; thence North 00 degrees 03 minutes 54 seconds West along the East line of said Southwest Quarter, a distance of 2653.67 feet to the Southeast corner of the Northwest Quarter of said Section 11; thence North 00 degrees 25 minutes 21 seconds East along the East line of said Northwest Quarter, a distance of 2652.70 feet to the Southeast corner of the Southwest Quarter of Section 2, Township 18 North, Range 6 East; thence South 89 degrees 43 minutes 21 seconds West along the South line of said Southwest Quarter of said Section 2, a distance of 200.00 feet; thence North 00 degrees 18 minutes 11 seconds West, a distance of 2695.67 feet; thence North 00 degrees 08 minutes 15 seconds West, a distance of 2455.05 feet; thence South 89 degrees 34 minutes 35 seconds West, a distance of 1269.96 feet; thence North 00 degrees 06 minutes 42 seconds East, a distance of 1245.61 feet; thence North 52 degrees 22 minutes 41 seconds West, a distance of 1675.02 feet; thence North 88 degrees 52 minutes 29 seconds West, a distance of 922.93; thence North 00 degrees 49 minutes 53 seconds West, a distance of 180.96 feet; thence South 89 degrees 13 minutes 29 seconds West, a distance of 1926.10 feet; thence North 00 degrees 46 minutes 31 seconds West, a distance of 200.00 feet to a point on the Northwest Quarter of Section 34, Township 19 North, Range 6 East, also being a point on the South line of a parcel of ground conveyed to Glenn Boone Farms, Inc. in Deed Record 560, Page 238, as recorded in Madison County, Indiana; thence South 89 degrees 13 minutes 29 seconds West along the South line of said Deed Record 560, Page 238, a distance of 1125.54 feet to the Southwest corner of said Deed Record 560, Page 238, said point also being the Southeast corner of a parcel of ground conveyed to Kenneth E. & Alice M. Bodenhorn in Instrument # 9607865, as recorded in said Office of the Recorder; the follow Five (5) course being along the lines of said Instrument # 9607865; (1) thence North 00 degrees 08 minutes 10 seconds East, a distance of 1336.94 feet; (2) thence South 89 degrees 12 minutes 46 minutes West, a distance of 652.25 feet; thence South 00 degrees 41 minutes 37 seconds West, a distance of 783.39 feet; thence South 89 degrees 14 minutes 32 seconds West, a distance of 303.62 feet; thence South 00 degrees 02 minutes 18 seconds West, a distance of 553.76 feet to a point on the South line of the Northwest Quarter of said Section 34; thence South 89 degrees 14 minutes 32 seconds West along said South line of said Northwest Quarter, a distance of 363.00 feet to the Southwest corner of said Northwest Quarter, said point also being the Northeast corner of the Southwest Quarter of Section 33, Township 19 North, Range 6 East; thence South 00 degrees 17 minutes 22 seconds West along the East line of said Southeast Quarter, a distance of 526.00 feet; thence South 89 degrees 09 minutes 59 seconds West, a distance of 325.96 feet; thence North 00 degrees 17 minutes 05 seconds East, a distance of 525.98 feet to a point on the South line of the Northeast Quarter of said Section 33; thence North 00 degrees 02 minutes 18 seconds East, a distance of 1337.29 feet to a point on the South line of the

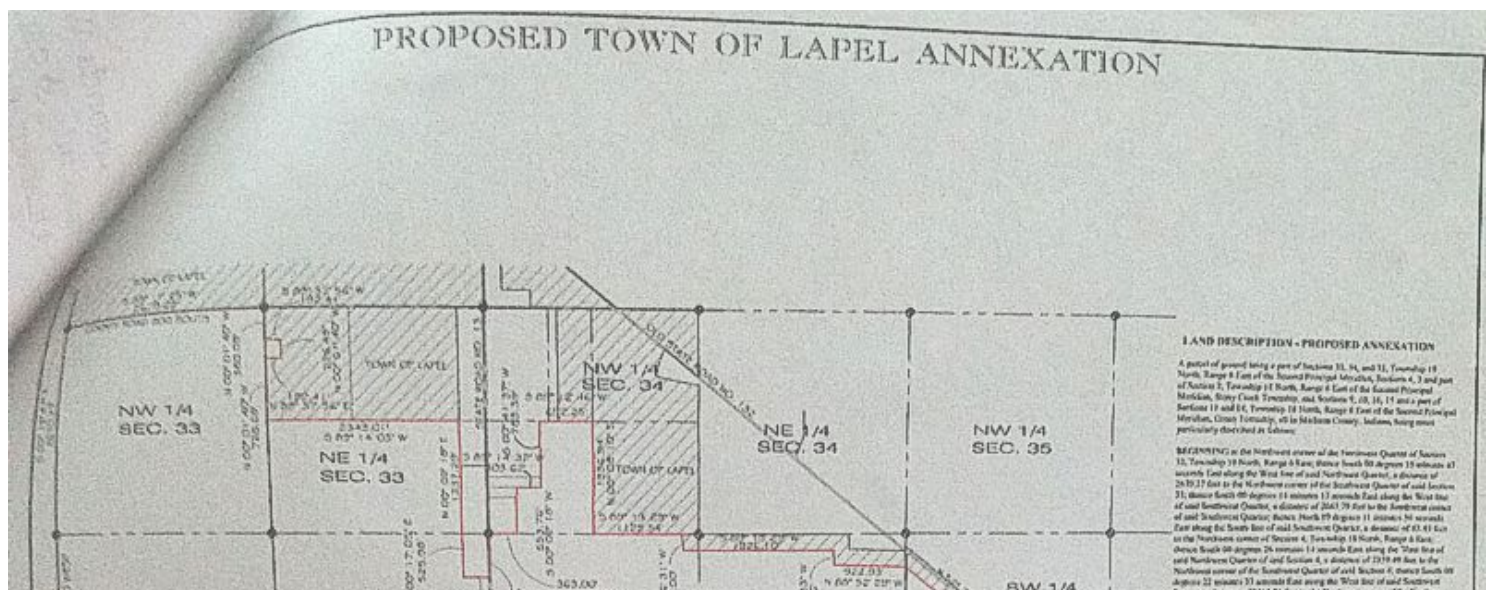


North Half of the Northeast Quarter of said Section 33; thence South 89 degrees 14 minutes 03 seconds West along said South line of said North Half of said Northeast Quarter, a distance of 2343.01 feet to a point on the West line of the Northeast Quarter of said Section 33; thence North 00 degrees 01 minutes 40 seconds West along said West line of said Northeast Quarter, a distance of 728.69 feet; thence North 89 degrees 37 minutes 56 seconds East, a distance of 192.41 feet; thence North 00 degrees 01 minutes

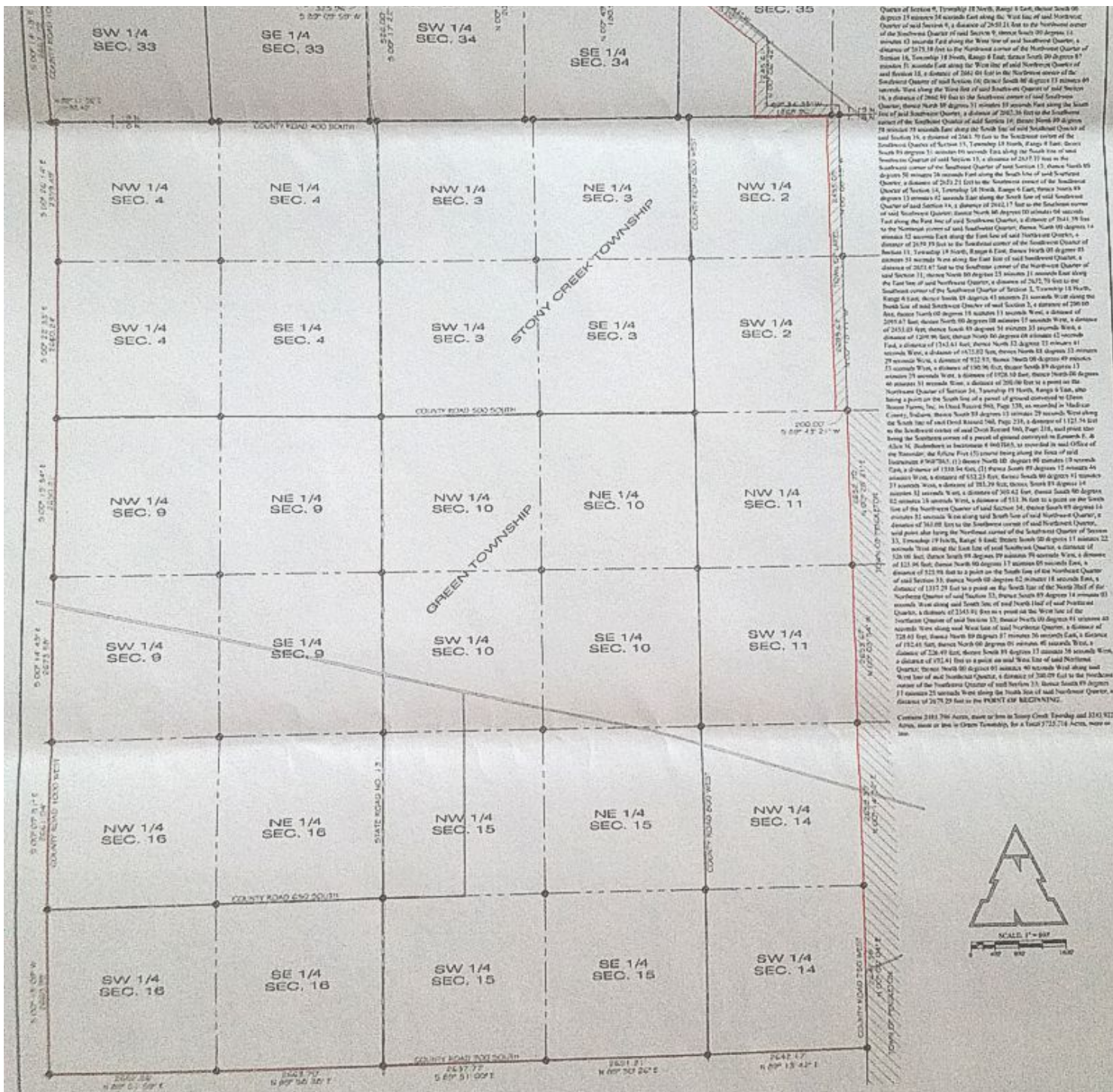
40 seconds West, a distance of 226.49 feet; thence South 89 degrees 37 minutes 56 seconds West, a distance of 192.41 feet to a point on said West line of said Northeast Quarter; thence North 00 degrees 01 minutes 40 seconds West along said West line of said Northeast Quarter, a distance of 380.09 feet to the Northeast corner of the Northwest Quarter of said Section 33; thence South 89 degrees 17 minutes 25 seconds West along the North line of said Northwest Quarter, a distance of 2679.29 feet to the **POINT OF BEGINNING**.

Contains 2481.796 Acres, more or less in Stony Creek Township and 3243.922 Acres, more or less in Green Township, for a Total 5725.718 Acres, more or less.

## MAP







END OF DOCUMENT



## Further Information

04-2014

Indiana Code [08/07/2014](#)