

**ORDINANCE 2022-15**

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

**CITIMARK SUPER-VOLUNTARY ANNEXATION**

WHEREAS, the Town Council ("Council") of the Town of Whitestown, Indiana ("Town" or "Whitestown") received a petition ("Petition") requesting that certain territory generally located southeast of the intersection of County Road 300 South and County Road 400 East, as hereinafter described ("Annexation Territory"), be annexed by Whitestown; and

WHEREAS, the Petition has been signed by the owner (i.e, 100%) of the property within the Annexation Territory; and

WHEREAS, the Council deems it desirable and in the best interest of the Town to annex the Annexation Territory; and

WHEREAS, a legal description and drawing of the Annexation Territory are attached hereto as Exhibit A and Exhibit B; and

WHEREAS, where the legal description attached as Exhibit A describes land that is contiguous to a public highway right-of-way that has not previously been annexed by any municipality, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, 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 so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit B; and

WHEREAS, the Annexation Territory consists of approximately 95.86 acres more or less, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, the Town has further determined that the Annexation Territory is needed and can be used by Whitestown for its development in the reasonably near future; and

WHEREAS, 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; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

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

1. The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District No. 1.
4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
5. Some or all of the property within the Annexation Territory is currently classified as agricultural for tax purposes. As may be contemplated by I.C. § 36-4-3-4.1, Whitestown anticipates that the real property will be treated as exempt from property tax liability under I.C. § 6-1.1 for “municipal purposes” unless/until the land is reclassified under assessment rules and guidelines of the DLGF.

As fire protection services are not uniquely a municipal service, and Whitestown already provides fire protection service to unincorporated Worth Township, including the Annexation Territory, and as agreed by the property owner, the fire tax levy for the Annexation Territory is not to be considered "property tax liability under I.C. § 6-1.1 for municipal purposes." The Annexation Territory will therefore not be exempt from property tax liability for fire protection purposes (e.g., the fire tax levy) even while the Annexation Territory remains classified as agricultural.

6. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof 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 the Annexation Territory or this Ordinance.
7. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Introduced on April 13, 2022, and adopted by the Town Council of the Town of Whitestown, Indiana, on \_\_\_\_\_, 2022, by a vote of \_\_\_ in favor and \_\_\_ against.

[Signature Page Follows]

THE TOWN COUNCIL OF THE TOWN  
OF WHITESTOWN, INDIANA

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Clinton Bohm, President

**ATTEST:**

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Matt Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana

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.      Stephen C. Unger

This Ordinance was prepared by Stephen C. Unger, Attorney at Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204

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## EXHIBIT A

Gloria J. Groover  
Instrument No. 201300001155

A part of the West Half of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, being more particularly described as follows:

Beginning of the North next comer of the North west Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, thence North 89 degrees 03 minutes 51 seconds East (Assumed Bearing) along the North line of said quarter section 1330.03 feet to the Northeast corner of said west half; thence South 00 degrees 16 minutes 37 seconds East along the East line of said west half 1456.52 feet; thence South 89 degrees 03 minutes 51 seconds West parallel with said north line 1067.06 feet; thence North 00 degrees 19 minutes 30 seconds West 239.73 feet; thence South 89 degrees 03 minutes 51 seconds West parallel with said north line 261.13 feet to a point on the West line of said quarter section; thence North 00 degrees 21 minutes 14 seconds West along said west line 1216.77 feet to the Point of Beginning. Containing 43.00 Acres, more or less.

William A. Maltby A. Stacia Groover Maltby  
Instrument No. 2004003924

A part of the West Half of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, being more particularly described as follows:

Commencing at the North west corner of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, thence South 00 degrees 21 minutes 14 seconds East (Assumed Bearing) along the West line of said quarter section 1216.77 feet to the Point of Beginning of the following described parcel:

Thence North 89 degrees 03 minutes 51 seconds East parallel with the North line of said quarter 261.13 feet; thence South 00 degrees 19 minutes 30 seconds East 239.73 feet; thence North 89 degrees 03 minutes 51 seconds East parallel with said north line 1067.06 feet to a point on the East line of the West Half of said North next Quarter section; thence South 00 degrees 16 minutes 37 seconds East along said east line 1205.26 feet to the Southeast corner of said next half, thence South 89 degrees 00 minutes 04 seconds West along the south line of said quarter 1326.47 feet to the South west comer of said quarter; thence North 00 degrees 21 minutes 14 seconds West along the next line of said Northwest quarter 1446.43 feet to the Point of Beginning.

Containing 38.181 Acres, more or less.

Warranty Deed  
Christopher K Howard  
Instrument No. 200900007093

Part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 18 North, Range 1 East, Worth Township, Boone County, Indiana, and more fully described as follows: Commencing at the Southeast corner of the Northwest Quarter of void Section 23; thence along the approximate centerline of County Road 450 East and the Quarter Section line, North 00°11'56" West 11.96 feet to the point of beginning; thence South 88°44'10" West 1326.65 feet; thence along part of the East described line of the Paul J. Groover and Rozella Groover Property recorded in Deed Record 137, page 568, Boone County Recorder's Office and the Quarter— Quarter Section line, North 00°16'35" West 492.47 feet; thence North 88°44'10" East 1327.32 feet; thence along the approximate centerline of County Road 450 East and the Quarter Section line, South 00°11'56" East 492.48 feet to the point of beginning, containing 15.000 acres, more or less.

# EXHIBIT B

