

**TOWN OF WHITESTOWN**  
**MEMORANDUM OF UNDERSTANDING FOR ANNEXATION**

This Memorandum of Understanding for Annexation (“Memorandum”) is dated as of the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and serves as the confirmation of the commitment by the TOWN OF WHITESTOWN (“Whitestown”), in exchange for the fees paid hereunder by Mico Farms, LLC, and BFI Mico Farms LLC (“Applicant”), to engage its professionals in performing the steps necessary for the appropriate consideration of requests for annexation.

**RECITALS**

A. The Applicant is the owner of a parcel of property (“Property”), as more particularly described in Exhibit A, that is currently outside the Town’s existing municipal limits.

B. The Applicant desires that the Town annex the Property.

C. The Town is willing to begin the process to annex the Property.

D. The Town does not anticipate impediments to completing the annexation of the property under standard procedures and timelines.

NOW, THEREFORE, in consideration of the mutual agreements and covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, the parties agree as follows:

**AGREEMENT**

Section 1. Annexation. The Applicant hereby requests that the Town annex the Property. Upon execution of this Memorandum, the Applicant agrees that its request for annexation cannot be revoked or withdrawn by the Applicant.

Section 2. Application Fee. The parties recognize that Whitestown will incur out-of-pocket expenses, including attorneys’ fees, administrative costs, and fees for preparation of materials needed to process and/or complete the annexation, as a result of the Applicant’s submission of the Property for annexation. In light of the expenses Whitestown will incur on initiating (and completing) the annexation process, the Applicant agrees to pay a non-refundable application fee in the amount of Five Thousand Dollars (\$5,000.00) upon execution of this Agreement. The Applicant agrees to further indemnify and reimburse Whitestown for any and all out-of-pocket expenses, including attorneys’ fees and fees for preparation of a fiscal plan, that Whitestown incurs in excess of Five Thousand Dollars (\$5,000.00) as a result of its consideration and possible passage of the appropriate resolutions and/or ordinances for annexation of the

Property. To the extent the Town's costs exceed the amount of the Application Fee, the Applicant may request that the Town provide a copy of the invoices setting forth the costs associated with the annexation. The expenses may include, among other things, defending against a challenge to the annexation.

Section 3. Disclaimer of Liability. The parties recognize that Whitestown's authority may be limited by and subject to certain statutory criteria and Whitestown provides no promises, covenants, guarantees, or warranties that the Applicant will receive the annexation or other property interests it seeks.

APPLICANT Mico Farms, LLC

APPLICANT BFI Mico Farms, LLC

By: 

By: 

Its: \_\_\_\_\_

Its: Manager

Address: 1992 S 575 E

Address: 1992 S 575 E - SPLIT

TOWN OF WHITESTOWN

By: \_\_\_\_\_

Its: \_\_\_\_\_

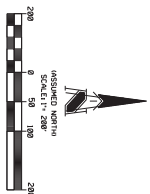
**Legal Description**

TRACT E:

A part of the Southeast Quarter of Section 12, Township 18 North, Range 1 East, Worth Township, Boone County, Indiana, being more particularly described as follows:

Beginning at a Harrison Monument found marking the Southeast corner of the Southeast Quarter of said Section 12; thence North 89 degrees 53 minutes 25 seconds West 2671.59 feet along the South line of the Southeast Quarter of said Section 12 to a Harrison Monument marking the Southwest corner thereof; thence North 00 degrees 58 minutes 55 seconds West 1329.90 feet along the West line of the Southeast Quarter to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 12 and a 5/8 inch diameter rebar with blue plastic cap stamped "HAUSEPLS20600040" (hereinafter called capped rebar); thence South 89 degrees 42 minutes 00 seconds East 1329.57 feet along the North line of the Southwest Quarter of the Southeast Quarter of said Section 12 to the Northeast corner thereof and a capped rebar; thence North 01 degree 15 minutes 18 seconds West 1325.62 feet along the West line of the Northeast Quarter of the Southeast Quarter of said Section 12 to the Northwest corner thereof and a capped rebar; thence South 89 degrees 30 minutes 29 seconds East 1323.36 feet along the North line of the Southeast Quarter of said Section 12 to a Harrison Monument marking the Northeast corner thereof; thence South 01 degree 31 minutes 47 seconds East 2642.74 feet along the East line of the Southeast Quarter of said Section 12 to the point of beginning. Containing 121.37 acres, more or less.

ALTA/ACSM SURVEY  
PART of SE QUARTER  
SEC 12 T-18-N, R-1-E  
WORTH TOWNSHIP  
BOONE COUNTY, IN



LEGEND

- SECTION CORNER
- 5/8" REBAR W/CP
- SHAPED "S&T" I
- PK. NAIL FOUND
- WOOD NAIL W/MAKER "S&T" SET
- REBAR FOUND
- PLATTED
- CALCULATED
- EXISTING WOOD POST
- WOOD PALE FOUND
- CONC. PILE FOUND
- FARM FIELD TYPE FENCE

FIELD LABORS STATEMENT  
I, the undersigned, being duly sworn, depose and say that the above is a true and correct copy of the original field notes of the above survey, as the same were taken by me or under my direct supervision and in my presence, and that the same were taken by me or under my direct supervision and in my presence, and that the same were taken by me or under my direct supervision and in my presence.

**GENERAL NOTES**

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. ALL BEARS AND CORNERS HAVE BEEN RECORDED AND MARKED.
3. ALL BEARS AND CORNERS HAVE BEEN RECORDED AND MARKED.
4. ALL BEARS AND CORNERS HAVE BEEN RECORDED AND MARKED.
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9. ALL BEARS AND CORNERS HAVE BEEN RECORDED AND MARKED.
10. ALL BEARS AND CORNERS HAVE BEEN RECORDED AND MARKED.

**SUBJECT PARCEL**

ACRES: 2.00000000  
SECTION: 12, T-18-N, R-1-E  
TOWNSHIP: WORTH, COUNTY: BOONE, STATE: INDIANA

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being duly sworn, depose and say that I am a duly licensed and qualified surveyor in the State of Indiana, and that I have personally supervised the making of the above survey, and that the same were taken by me or under my direct supervision and in my presence, and that the same were taken by me or under my direct supervision and in my presence.



**PREPARED BY:**  
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WWW.RLCROSS.COM

**DATE:** 08/22/2023

**PROJECT:** ALTA/ACSM SURVEY

