

ORDINANCE 2024 - 22

**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**

BRAUN-MICO 2024 SUPER-VOLUNTARY ANNEXATION

WHEREAS, the Town Council (“Council”) of the Town of Whitestown, Indiana (“Town” or “Whitestown”) received a petition (“Petition”) attached as **Exhibit C** requesting that certain territory generally located at the northwest corner of the intersection of East 200 South and South 600 East, as hereinafter described (“Annexation Territory”), be annexed by and into Whitestown; and

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

WHEREAS, the Council finds that one hundred percent (100%) of the landowners comprising the Annexation Territory have signed and filed a voluntary annexation petition with the Council under Indiana Code § 36-4-3-5.1; and

WHEREAS, the Annexation Territory does not include any parcel of land for which its owner(s) have not filed an express written consent to this annexation; and

WHEREAS, where the legal description attached as **Exhibit B** 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 B**, except to the extent prohibited by I.C. § 36-4-3-1.5; 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 A**; and

WHEREAS, the Annexation Territory consists of approximately **121.37** acres more or less; and

WHEREAS, the Council has determined, after due consideration, that the Annexation Territory satisfies the contiguity requirements of Indiana Code § 36-4-3-1.5, as referenced and shown more particularly in **Exhibit A**; and

WHEREAS, parts of the Annexation Territory are contiguous to public roadways and rights-of-ways, and under Indiana Code § 36-4-3-1.5(b), those portions of such roadways and rights-of-way are to be annexed into the Town; and

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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, 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 is legally authorized to annex lands that qualify for annexation as defined in Indiana Code § 36-4-3 and is desirous of approving the annexation of the Annexation Territory; and

WHEREAS, the Council has considered the statutory criteria for annexation and finds that the legal process and requirements for this super-voluntary annexation have been satisfied; 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:

- Section 1. Incorporation.** The foregoing recitals, including **Exhibit A, Exhibit B, and Exhibit C**, are found to be accurate and are incorporated herein by reference.
- Section 2. Annexed Area.** The Annexation Territory, generally located at the northwest corner of the intersection of East 200 South and South 600 East, as depicted on **Exhibit A** and more particularly described in **Exhibit B**, is eligible for annexation into the Town and is hereby declared annexed into and part of the Town.
- Section 3. Contiguity.** The Annexation Territory satisfies the contiguity requirements for annexation under Indiana Code 36-4-3-1.5(a). At least one-eighth (1/8th) of the external boundaries of the Annexation Territory coincides with and adjoins existing Town boundaries. See the contiguity determination referenced on **Exhibit A**. Further, the Annexation Territory forms a single, unified territory. The Annexation Territory is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Territory per Indiana Code 36-4-3-2.5 and 36-4-3-1.5(b).

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- Section 4. Council District.** The Annexation Territory is hereby assigned to Council District 1 and shall become a part thereof immediately upon the effective date of this Ordinance.
- Section 5. Zoning.** The Annexation Territory is assigned the agricultural zoning classification.
- Section 6. Effective Date.** This Ordinance shall be in full force and effect upon its passage by the Council, required publication and filings, and upon the expiration of the applicable thirty (30) day waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

Introduced on November 13, 2024, and adopted by the Town Council of the Town of Whitestown, Indiana, on January 6, 2025, by a vote of ___ in favor and ___ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

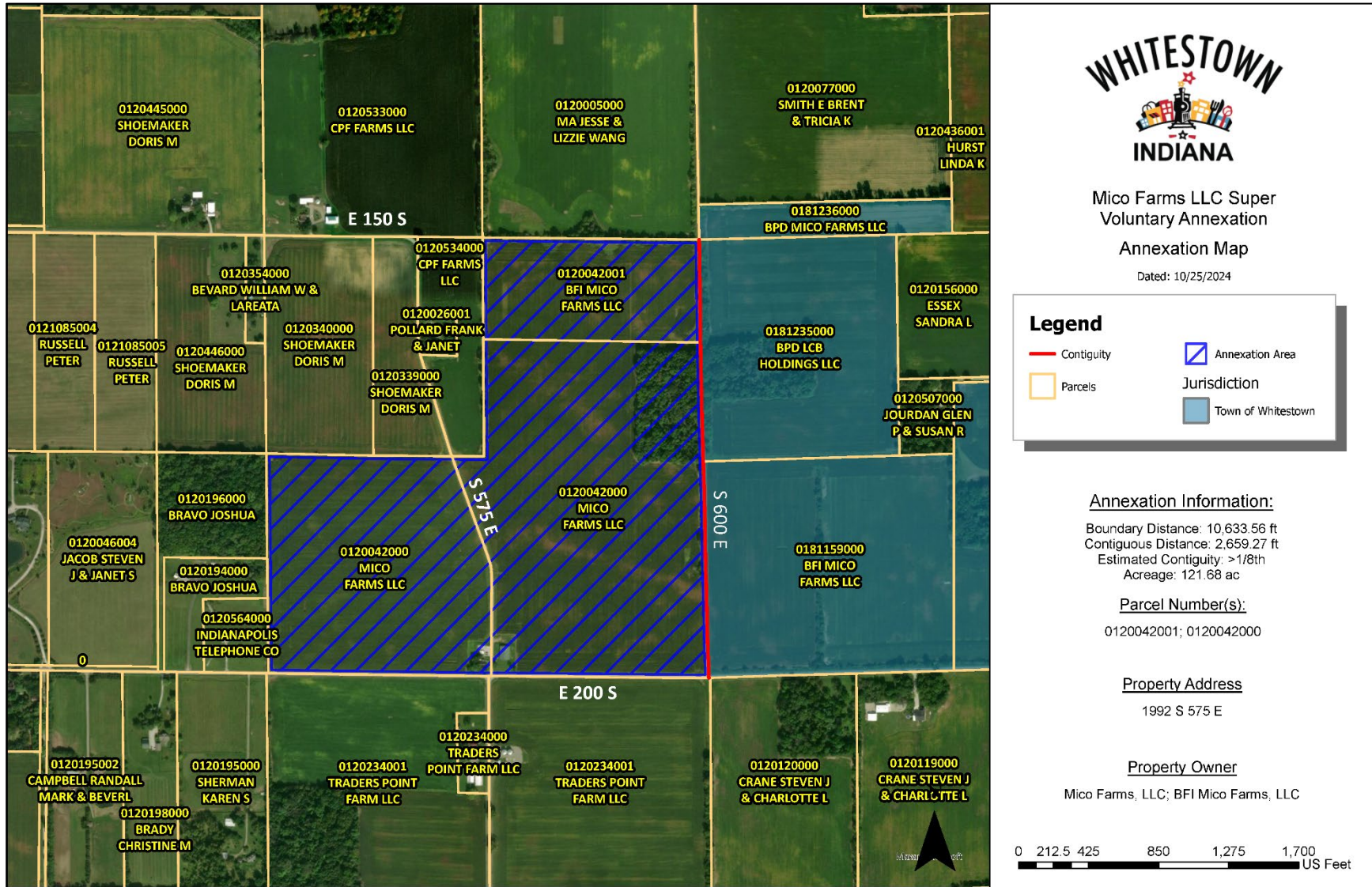
ATTEST:

Matt Sumner, Clerk-Treasurer

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. Name: Scott Alexander

This Ordinance was prepared by Scott Alexander, Taft Stettinius & Hollister, One Indiana Square, Suite 3500, Indianapolis IN 46204.

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EXHIBIT A



ORDINANCE 2024 - 22
EXHIBIT B

Exhibit A (Page 1 of 2)

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.

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EXHIBIT C

**PETITION FOR AND CONSENT TO ANNEXATION
INTO THE TOWN OF WHITESTOWN, INDIANA**

WHEREAS, the undersigned (hereinafter, the "Petitioner"), is/are the owner of lots or parcels listed below and/or described or depicted in Exhibit A (the "Real Estate"); and

WHEREAS, the Petitioner desires that the Real Estate be annexed by the Town of Whitestown, Indiana (the "Town" or "Whitestown"), and otherwise consents to the annexation of the Real Estate by the Town.

NOW THEREFORE, the Petitioner, in support of this Petition for and Consent to Annexation, hereby states the following:

1. The Petitioner is the owner of the lots or parcels located within the Real Estate.
2. The Petitioner requests that the Whitestown Town Council adopt an ordinance annexing the Real Estate to the Town of Whitestown, Indiana.
3. The Petitioner further consents to annexation by Whitestown as may otherwise be contemplated by I.C. § 36-4-3-9.
4. The Petitioner desires Whitestown to take appropriate additional action as may be appropriate to effectuate the intent of this Petition and Consent, including but not limited to combining this with similar petitions from other property owners for the inclusion of multiple parcels/lots in a single annexation ordinance.

PETITIONER Mico Farms, LLC

Signature: 

Printed Name: Mike Benjamin

Address: 1992 S 575 E

Parcel No.: 012-00420-00

PETITIONER BFI Mico Farms, LLC

Signature: 

Printed Name: Jonathon Braun

Address: 1992 S 575 E - SPLIT

Parcel No.: 012-00420-01

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EXHIBIT C

Exhibit A (Page 1 of 2)

Legal Description

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EXHIBIT C

Exhibit A (Page 2 of 2)

