

ORDINANCE 2025-26

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

2025 BRAUN-CRANE 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 consisting of two parcels generally located on the southside of E 200 S and commonly known as 6245 E 200 S and 6055 E 200 S, as hereinafter described ("Annexation Territory"), be annexed by 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 super voluntary annexation petition with 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 60.24 acres more or less, and is contiguous to the existing Town limits; 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 § 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 this reference.
- Section 2.** **Annexed Area.** The Annexation Territory, generally located on the southside of E 200 S, consisting of two parcels commonly known as 6245 E 200 S and 6055 E 200 S, 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 Indiana Code § 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 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.
- 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 12, 2025, and adopted by the Town Council of the Town of Whitestown, Indiana, on _____ 202__, 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

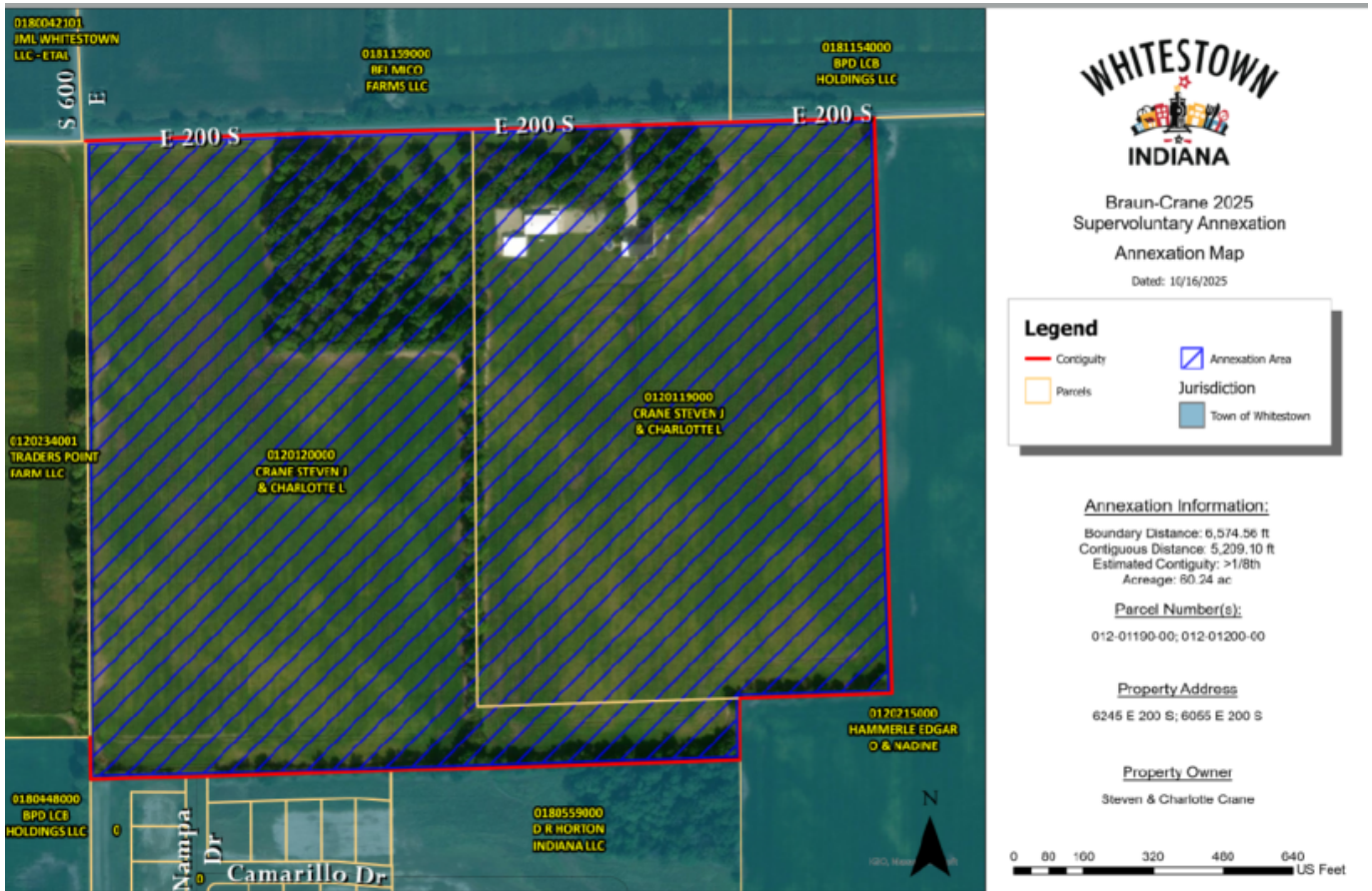
ATTEST:

Matt Summer, 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: Ashley M. Ulbricht

This Ordinance was prepared by Ashley M. Ulbricht, Taft Stettinius & Hollister, One Indianapolis Square, Suite 3500, Indianapolis IN 46204.

ORDINANCE 2025-26
EXHIBIT A
ANNEXATION MAP



ORDINANCE 2025-26
EXHIBIT B
Legal Description

The Land referred to herein below is situated in the County of Boone, State of Indiana and is described as follows:

TRACT 1

Thirty acres, more or less, located off the entire west side of the following described real estate:

The northwest quarter of the northwest quarter of Section 18, Township 18 North, Range 2 East, containing 45.557 acres, more or less.

Also the north part of the southwest quarter of the northwest quarter of Section 18, Township 18 North, Range 2 East, described as follows, to-wit:

A strip of land of uniform width of 2 185/1000 chains off the entire north side of said tract containing 4.96 acres, more or less, situated in Worth Township, Boone County, Indiana.

Containing in all 34.960 acres, more or less

TRACT 2

The Northwest Quarter of the Northwest Quarter of Section 18, Township 18 North, Range 2 East, containing 45.557 acres, more or less. EXCEPT FOR: 30 acres, more or less, located off the entire west side of this real estate, which was conveyed by MYRON CRANE and ANNA E. CRANE, husband and wife to JACK R. CRANE, by deed dated December 29, 1972 and recorded January 2, 1973, in Deed Record 194, page 346, in the Office of the Recorder of Boone County, Indiana.

ALSO: The west side of the Northeast quarter of the Northwest quarter of Section 18, Township 18 North, Range 2 East, described as follows, to-wit: A strip of land the uniform width of 5 195/1000 chains off the west side of said tract, containing 10.41 acres, more or less, situated in Worth Township, Boone County, Indiana.

Containing in all 25.967 acres, more or less.

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EXHIBIT C
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Petition for Annexation

**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

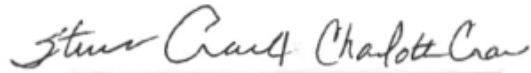
WHEREAS, the Petitioner desires that the Real Estate be annexed by the Town of Whitestown, Indiana (the "Town" or "Whitestown"), and otherwise consents to the annexation of the Real Estate by the Town.

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

Signature:



Printed Name:

Steven Crane /Charlotte Crane

Address:

6245 E 200 S

Whitestown, IN 46075

Parcel Nos:

012-01190-00 (6245 E 200S)

012-01200-00 (6055 E 200 S (Est))

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Exhibit A
Real Estate

The Land referred to herein below is situated in the County of Boone, State of Indiana and is described as follows:

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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 Steven Crane and Charlotte Crane ("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

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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

By: Steven Crane | Charlotte Crane

Printed: Steven Crane | Charlotte Crane

Address: 6245 E 200 S, Whitestown, IN 46075

TOWN OF WHITESTOWN

By: _____

Its: _____

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Exhibit A

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