

ORDINANCE NO. 2021-12

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

WHEREAS, Petitioner owns real estate outside of but contiguous to the boundaries of the Town of Markle, Indiana (“**Town**”) and has filed with the Town a Petition For and Consent To Annexation (“**Petition**”) of the real estate into the Town of Markle, Indiana;

WHEREAS, the legal description of the territory sought to be annexed is set forth in SECTION 1 of this Ordinance, the “**Territory**”;

WHEREAS, notice of a public hearing to consider the Petition and this Ordinance was published in the *Bluffton News-Banner* and the *Huntington Herald-Press* at least 20 days prior to the public hearing;

WHEREAS, the Town Council of the Town of Markle, Indiana (“**Council**”) conducted a public hearing on March 31, 2021, to receive comments regarding the Petition from all interested parties, all of whom were given an opportunity to testify as to this Ordinance and the proposed annexation;

WHEREAS, the Territory consists of approximately 46.158 acres, more or less and is contiguous to the Town;

WHEREAS, responsible planning and IC 36-4-3-3.1 require the Town to adopt a written fiscal plan and a definite policy for the provision of services of both a non-capital and capital nature to the Territory (“**Fiscal Plan**”) prior to adoption of this Ordinance; and

WHEREAS, the Council has considered a Fiscal Plan prepared by BakerTilly Municipal Advisors and adopted the Fiscal Plan by Resolution No. 2021-2 on March 31, 2021 and

WHEREAS, at least fourteen (14) days has passed since the Council conducted the public hearing on this Ordinance and the Office of the Town Clerk-Treasurer has not received any written notice from Petitioner that Petitioner has withdrawn its signature from the Petition; and

WHEREAS, this Ordinance contains terms and conditions fairly calculated to make the annexation equitable to property owners and residents of the Territory and the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF MARKLE, INDIANA, AS FOLLOWS:

SECTION 1. The Territory is situated within Huntington County, State of Indiana and is more particularly described in “**Exhibit A**” attached to this Ordinance.

SECTION 2.

A. The recitals herein above are incorporated herein by reference as though fully set forth herein below, including but not limited to, the recital concerning the annexation of any public highway right-of-way that is contiguous to the described Territory.

B. In accordance with I.C. 36-4-3-5.1, the Annexation Area is hereby annexed to the Town of Markle, Indiana and thereby included within its corporate boundaries pursuant to the terms of this Ordinance, two copies of which are kept on file with the Clerk-Treasurer for public inspection.

C. The effective date of the annexation shall be as soon as authorized by Indiana law.

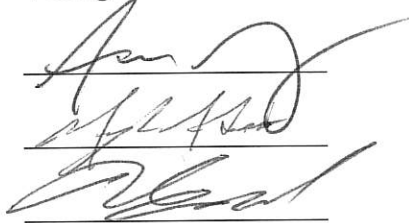
SECTION 3. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences and words of this Ordinance, including the description of the Territory are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance, specifically, to-wit: If any portion of the Territory cannot be lawfully annexed for any reason, it shall have no impact on the annexation of the remaining Territory.

Ordinance 2021-12 was duly adopted this 21st day of April 2021, by a vote of 3 in favor and 0 in opposition.

MARKLE, INDIANA by its TOWN COUNCIL

Voting in Favor:

Voting in Opposition:



Aaron McClary

Matthew Doss

Nicolas Lund

ATTEST:

By Stephenie Hensley as Clerk-
(Stephenie Hensley) Treasurer

This description, prepared by Aaron J. Carl, Professional License Number LS20800123 and employed by T-E Incorporated, was created as part of a Retracement and an Original Survey for Job No. 4583 on August 3, 2018. Part of the Northwest Quarter of Section 36, Township 28 North, Range 10 East of the Second Principal Meridian, Union Township, Huntington County, Indiana, also being part of a tract of land conveyed to Day Warpup Farms, LLC in Document 2008000651 as recorded in the Office of the Recorder of Huntington County, and more particularly described as follows:

Commencing at the West Quarter Corner of said Section 36, being marked by a Harrison Monument; thence North 00 degrees 53 minutes 49 seconds West (being the basis of all bearings this description), on and along the West line of said Northwest Quarter, a distance of 890.67 feet to the Point of Beginning and being marked by a mag nail with an identification disk stamped "T-E INC FIRM #0070" (from herein referred to as "T-E Mag"); thence continuing North 00 degrees 53 minutes 49 seconds West, on and along the West line of said Northwest Quarter, a distance of 763.04 feet to the Southwest corner of a tract of land conveyed to Kyle E. and Lisa M. Lund in Document 2001225906 and being marked by "T-E Mag"; thence North 89 degrees 09 minutes 50 seconds East, on and along the South line of said Lund tract, a distance of 2647.79 feet to the West right-of-way of Interstate 69 and being marked by a 5/8-inch diameter rebar with an identification cap stamped "T-E INC FIRM #0070" (from herein referred to as "T-E Cap"); thence South 00 degrees 01 minutes 30 seconds West, on and along said West right-of-way, a distance of 759.30 feet to a "T-E Cap"; thence South 89 degrees 04 minutes 50 seconds West, a distance of 2635.57 feet to the Point of Beginning, containing 46.158 acres more or less, being subject to and/or together with all easements and rights-of-way of record.