

ORDINANCE NO. 2018-10

Synopsis: This Ordinance, if adopted, would annex and rezone certain contiguous territory as described herein to the Town of Markle, Indiana.

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

WHEREAS, on September 19, 2018, the Town was presented with a fully signed and facially valid petition for the voluntary annexation and rezoning of real property located outside, but contiguous to the Town of Markle (“Petition”); and

WHEREAS, in accordance with that Petition, the Town Council of the Town of Markle, Indiana (“Council”) is desirous of annexing and rezoning certain portions of Huntington County into the Town of Markle (the “Annexation Territory”); and

WHEREAS, the Annexation Territory is contiguous to the existing Town limits; and

WHEREAS, a description of the boundaries of the Annexation Territory is as follows:

Survey Description:

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:

Beginning 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 a mag nail with an identification disk stamped “T-E INC FIRM #0070”; thence North 89 degrees 04 minutes 50 seconds East a distance of 2635.57 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 475.07 feet to the Point of Curvature and being marked by a “T-E Cap”; thence continuing on and along said West right-of-way being on a curve to the right, with an arc length of 417.87 feet, a radius of 2739.79 feet, with a chord bearing of South 04 degrees 23 minutes 39 seconds West, and a chord length of 417.47 feet to the South line of said Northwest Quarter and being marked by a “T-E Cap”; thence South 89 degrees 04 minutes 50 seconds West, on and along said South line, a distance of 2589.42 feet to the Point of Beginning, containing 53.642 acres more or less, being subject to and/or together with all easements and rights-of-way of record.

WHEREAS, prior to the adoption of this Ordinance, this Council, by resolution, will adopt a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution will include the provision of services of a noncapital nature to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution will include the provision of services of a capital nature to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria and consistent with the annexation policy previously adopted by this Council; and

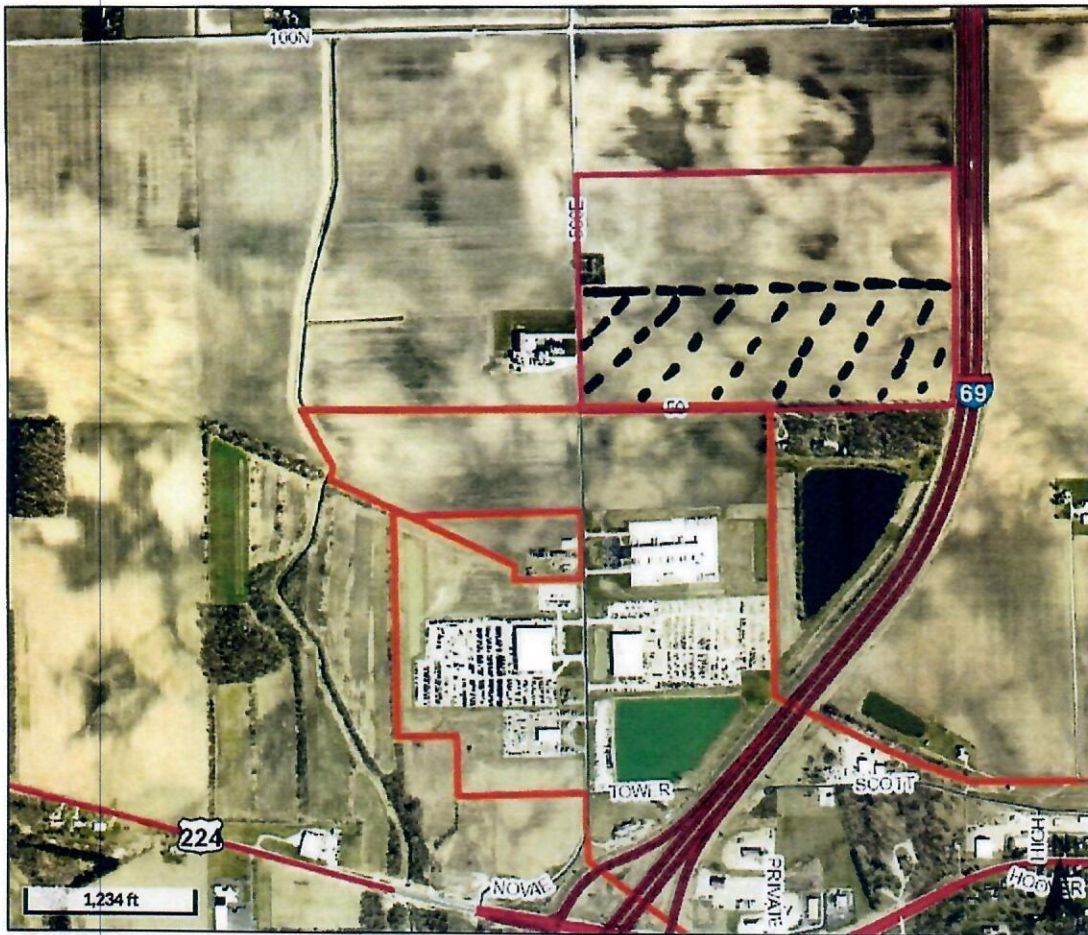
WHEREAS, prior to the final adoption of this Ordinance, Council will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, Council finds that the annexation and rezoning of the Annexation Territory 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 Markle, Indiana, as follows:

1. The above recitals are incorporated herein by reference as though fully set forth herein below.
2. In accordance with Indiana law the Annexation Territory is hereby annexed to the Town of Markle and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to the at-large voting district for the Town Council of the Town of Markle, Indiana
4. All land in the Annexation Territory will be zoned Light Manufacturing (M-1) as of the effective date of this ordinance and shall remain as such until an appropriate request has been made by the property owner.
5. 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 are separable, 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.
6. This Ordinance shall be effective as provided by applicable law.

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Overview



Legend

- City/Town Limits
- Railroad
- Road Centerlines**
 - Private Drives
 - County Roads
 - Municipal Roads
 - State Routes
 - US Route
 - Interstate

Parcel ID	35-06-36-200-065.000-018	Alternate ID	350636200065000018	Owner Address	Day Warpup Farms LLC
Sec/Twp/Rng	36-28N-10E	Class	Cash grain/general farm		3344 E 700 S
Property Address	685 N 500 E	Acreage	100		Warren, IN 46792
	MARKLE				
District	UNION TWP R E				
Brief Tax Description	010-00650-00 S NW NW & S NW Sec 36 100 Ac (Note: Not to be used on legal documents)				

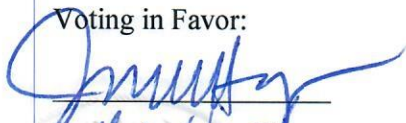
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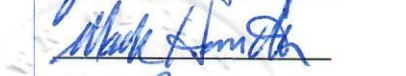
Developed by **Schneider**
 GEOSPATIAL

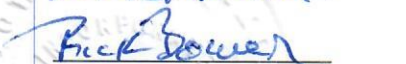
Ordinance 2018-10 was duly adopted this 21st day of Nov., 2018, by a vote of 3 in favor and 0 in opposition.

MARKLE, INDIANA by its TOWN COUNCIL

Voting in Favor:







Jeff Humbarger

Voting in Opposition:

Mark Hamilton

Rick Bower

ATTEST:

By  as Clerk-
(Carolyn Hamilton) Treasurer