

ORDINANCE NO. 2009-07

AN ORDINANCE TO ANNEX CERTAIN PROPERTIES IN TO THE TOWN OF AVON

WHEREAS, The Town Council of the Town of Avon has adopted a policy regarding the expansion of the corporate boundaries of the Town through the annexation of contiguous real estate located outside the Town's boundaries; and

WHEREAS, the Hendricks County Commissioners have consented to this annexation, and

WHEREAS, this Annexation Policy sets forth certain criteria as a guide for the Town Council to use in deciding whether areas contiguous to the Town should be considered for annexation; and

WHEREAS, the owners of real estate located north of Road 200 north and east of Road 900 east and, have petitioned the Town to annex that real estate into the Town of Avon, and

WHEREAS, this area fits the Annexation Policy's criteria for areas that should be considered for annexation; and

WHEREAS, this annexation petition is subject to the voluntary annexation process set forth in Indiana Code 36-4-3-5.1; and

WHEREAS, the boundaries of this area are over one eighth contiguous; and

WHEREAS, a written fiscal plan for the provision of services to this area has been prepared showing how the requirements of Indiana Code 36-4-3-13(d) can be satisfied in the annexation of this real estate and how services will be provided to this real estate if it is annexed; and

WHEREAS, The Town Council will have conducted a public hearing in regards to the annexation of this real estate prior to this ordinance's adoption.

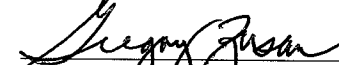
NOW THEREFORE BE IT ORDAINED THAT, by the powers vested in the Town Council pursuant to Indiana Code 36-4-3-1 et. seq., the real estate that is shown on the attached legal description (Exhibit 1), and all of the roadway and rights-of-way of the roads that are apart of, or lie adjacent to, the described real estate, except any and all real estate located in the boundaries of another municipality at the time this ordinance becomes effective, shall be annexed into the Town of Avon, Indiana, subject to the following terms and conditions:

1. This territory shall be made a part of Avon Town Council District No 2.
2. As soon as practical after the adoption of this ordinance, the Clerk-Treasurer of Avon shall cause a copy of this ordinance to be published in the newspaper qualified to publish legal notices of the Town of Avon.
3. The annexation will take effect as allowed by state law from the date of the publication of this ordinance and the Clerk-Treasurer's filing of a copy of the ordinance with the County Auditor and with the Circuit Court Clerk of Hendricks County and recording of the ordinance in the Office of the County Recorder of Hendricks County.

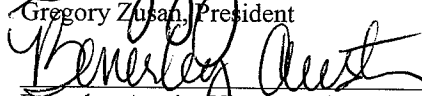
4. Any commitments or conditions imposed on this property, resulting from actions taken by governmental officials, boards or agencies of Hendricks County, shall continue to be in effect and to the extent allowable by law, be enforceable by the Town of Avon.
5. Properties to be annexed by the Town of Avon which are currently used primarily for agricultural or farming purposes shall be allowed to retain the right to use the property for such purposes and continue to engage in activities on the property which are incidental to farming operations, notwithstanding the obligations and limitations of the Avon Zoning Ordinance. Such permitted continued uses and activities shall include, but not be limited to, the following:
 - a. Occasional open burning for purposes including, but not limited to clearing land, cleaning fence rows, burning of silage.
 - b. The application of chemicals to the land for purposes of weed control, insect control and fertilization.
 - c. The movement of soil and waterways for purposes of soil and waterway conservation.
 - d. Use of the land for pastures, meadows and uncultivated and/or un-mown fields as necessary to comply with government set aside programs.
 - e. Use of the land for growing crops and raising livestock.
 - f. The discharge of firearms for the protection of livestock and property.
 - g. The parking and storage of farm vehicles, equipment and implements.
 - h. Any other use or activity customary and necessary for the continuation of farming activities.

This ordinance is hereby passed and adopted this 23 day of APRIL, 2009.

TOWN COUNCIL OF AVON, INDIANA

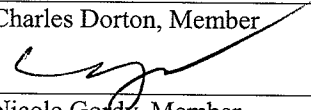


Gregory Zusan, President



Beverley Austin, Vice President

Charles Dorton, Member



Nicole Gordy, Member

Michael C. Rogers, Member

ATTEST: 

Sharon K. Howell, Clerk-Treasurer

EXHIBIT # 1

Land Description

A part of the Northeast Quarter and the East Half of the Northwest Quarter of Section 30, Township 16 North, Range 2 East of the Second Principal Meridian, Hendricks County, Indiana, being more particularly described as follows:

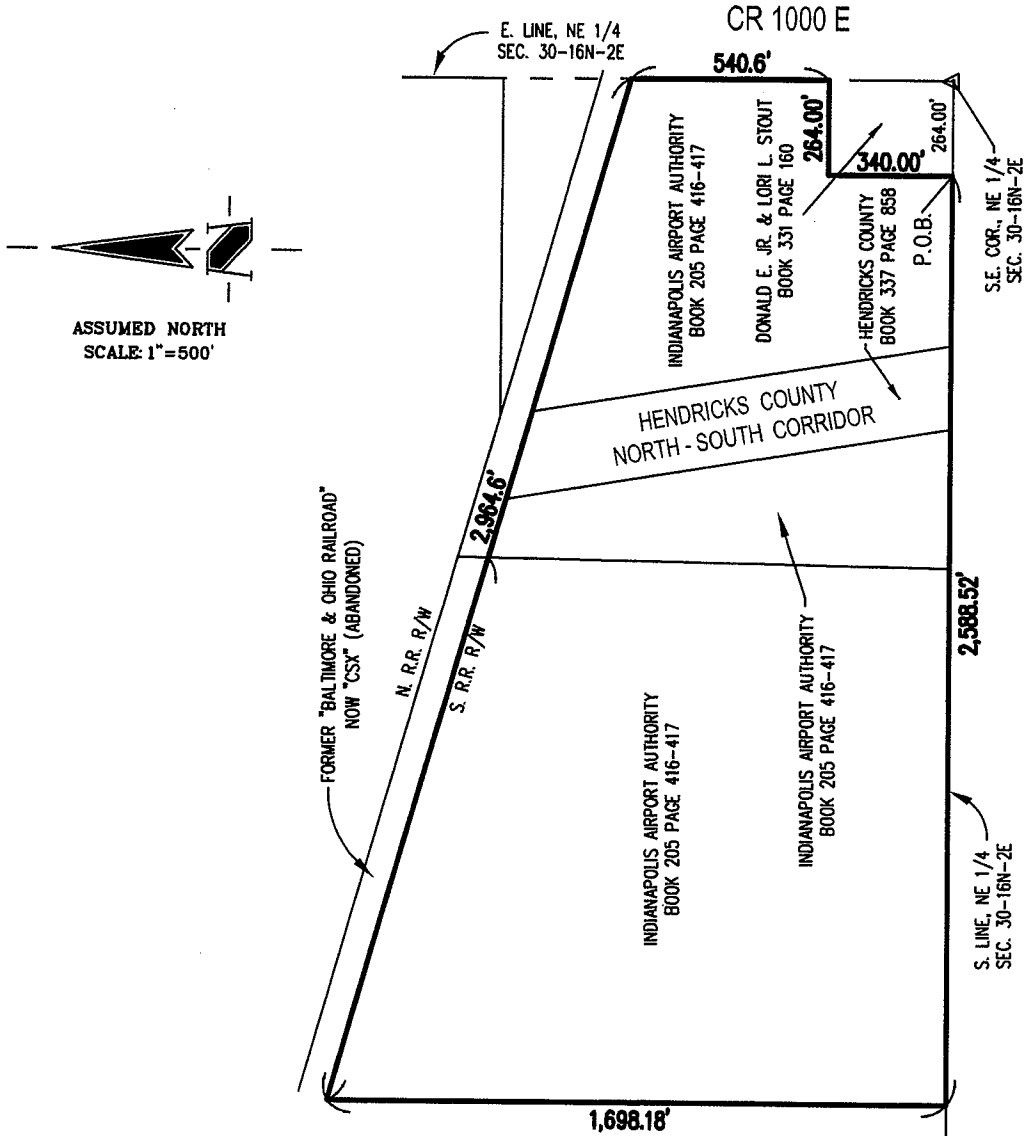
Commencing at the southeast corner of said Northeast Quarter Section; thence West along the South line of said Quarter a distance of 264.00 feet to the Point of Beginning, being also the southeast corner of a tract of land described in Book 205, pages 416-417 in the Office of the Recorder of Hendricks County, Indiana; thence continuing West along said South line and the south lines of said tract of land and land described in Book 337, page 858 a distance of 2588.52 feet to the southwest corner of said tract of land described in Book 205, pages 416-417; thence North along the west line of said tract of land a distance of 1698.16 feet to the northwest corner thereof and the south right-of-way line of the former Baltimore and Ohio Railroad; thence Southeasterly along the north line of said tract of land and the north line of said tract of land recorded in Book 337, page 858 a distance of 2964.6 feet to the East line of the aforesaid Northeast Quarter Section; thence South along said East line a distance of 540.6 feet to the northeast corner of a tract of land recorded in Book 331, page 160; thence West along the north line of said tract of land a distance of 264.00 feet to the northwest corner thereof; thence South along the west line of said tract of land a distance of 340.00 feet to the Point of Beginning containing 82 acres, more or less. And all of the roadway and rights-of-way of the roads that are a part of, or lie adjacent to, the described real estate, except for any right-of-way previously included in prior annexations by other jurisdictions.

Note: The above description was prepared from information provided by the Town of Avon and record information without benefit of a field survey. The description is intended for annexation use only. Do not use for transfer of title.



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ASSUMED NORTH
SCALE: 1"=500'