

ORDINANCE NO. 2017-1

Synopsis: This Ordinance, if adopted, would annex 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 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 March 22, 2017, the Town Council was presented with a fully signed and facially valid petition for the voluntary annexation of real property located outside, but contiguous to the Town of Markle ("Petition");

WHEREAS, in accordance with that Petition, the Town Council of the Town of Markle, Indiana ("Council") is desirous of annexing certain portions of Union Township in Huntington County into the Town of Markle (the "Annexation Territory");

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

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

Commencing at the Northeast corner of the Southeast Quarter of Section 35, Township 28 North, Range 10 East, Huntington County, Indiana; thence South 00 deg. 35 min. 00 sec. East on the East line of said Southeast Quarter a distance of 1194.00 feet to the POINT OF BEGINNING for the tract herein described; thence continuing South 00 deg. 35 min. 00 sec. East on said East line a distance of 131.24 feet to the centerline of the former Erie Railroad Right-of-way; thence North 64 deg. 14 min. 00 sec. West on said centerline a distance of 295.75 feet; thence north 89 deg. 25 min. 23 sec. East a distance of 265.02 feet to the POINT OF BEGINNING. Containing 0.40 Acres, more or less.

Subject to Right-of-way of Huntington County Road 500E, a gas pipeline easement, and all other easements of record.

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to annexed areas;

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;

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 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;

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;

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 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:

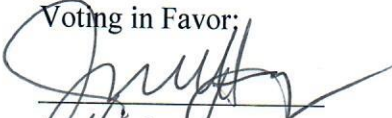

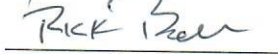
1. The above recitals are incorporated herein by reference as though fully set forth herein below.
2. In accordance with Indiana law the Annexation Territory is hereby annexed to the Town of Markle and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation 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 agricultural and any land zoned agricultural as of the effective date of this ordinance 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 immediately upon its adoption.

[Signature Block Next Page]

ORDINANCE 2017-1

Ordinance 2017-1 was duly adopted this 17th day of May, 2017, by a vote of 3 in favor and 0 in opposition.

MARKLE, INDIANA by its TOWN COUNCIL

Voting in Favor:




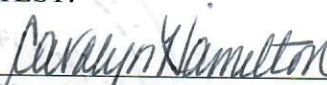
Jeff Humbarger

Mark Hamilton

Rick Bower

Voting in Opposition:

ATTEST:

By  as Clerk-
(Carolyn Hamilton) Treasurer

