

**ORDINANCE NO. 2019-5**

*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 September 19, 2019, the Town 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 Huntington County into the Town of Markle (the "Annexation Territory");

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

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

Part of the Southeast Quarter of Section 35, Township 28 North, Range 10 East, Union Township, Huntington County, Indiana, described as follows: Starting at the Northeast corner of said Southeast Quarter found per record witness; thence Southerly, 720.00 feet along the East line of said Southeast Quarter to a mag nail which shall be the place of beginning; thence continuing Southerly 250.00 feet along said East line to a mag nail at the Northeast corner of the 2.02 acre tract described in deed record 250, page 538; thence westerly, deflecting right 90 degrees 00 minutes 23 seconds, 500.00 feet to a 5/8" rebar stake at the Northwest corner of said 2.02 acre tract; thence Northerly, deflecting right 89 degrees 59 minutes 37 seconds, 250.00 feet parallel with the East line of said Southeast Quarter to a 5/8" rebar stake; thence Easterly, deflecting right 90 degrees 00 minutes 23 seconds, 500.00 feet to the place of beginning, containing 2.87 acres more or less.

Also: Part of the Southeast quarter of Section 35, Township 28 North, Range 10 East, Union Township, Huntington County, Indiana, described as follows: Starting at the Northeast corner of said Southeast Quarter found per record witness; thence Southerly, 720.00 feet along the East line of said Southeast Quarter to a mag nail; thence Westerly, deflecting right 90 degrees 00 minutes 23 seconds, 500.00 feet to a 5/8" rebar stake which shall be the place of beginning; thence Southerly deflecting left 90 degrees 00 minutes 23 seconds, 357.64 feet along the West line of the 2.02 acre tract described in deed record 250, page 538 to a 5/8" rebar stake on the centerline of the former Erie Lackawanna Railroad; thence Northwesterly, deflecting right 116 degrees 21 minutes 00 seconds, 805.94 feet along the centerline to a 5/8" rebar stake; thence Easterly, reflecting right 153 degrees 39 minutes 23 seconds, 722.20 feet to the place of beginning. Containing, 2.96 acres more or less.

Also: A part of the southeast quarter of Section 35, Township 28 North, Range 10 East, Huntington County, Indiana, more particularly described 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 degrees 35 minutes 00 seconds east on the east line of said southeast quarter a distance of 970.00 feet to the point of beginning for the tract herein described; thence continuing south 89 degrees 25 minutes 23 seconds west a distance of 500.00 feet; thence north 00 degrees 35 minutes 00 seconds west a distance of 224.00 feet; thence north 89 degrees 25 minutes 23 seconds east a distance of 500.00 feet to the point of beginning, containing 2.57 acres, more or less.

Total of territory to be voluntarily annexed is 8.4 acres, more or less (a map showing the territory is attached and by reference incorporated herein as Exhibit A).

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 (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;

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

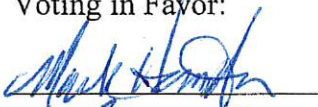
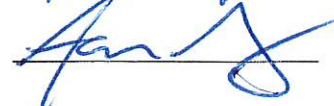
pursuant to the terms of this Ordinance.

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 rezoning 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 after publication and in accordance with Indiana law on January 1, 2020.

Ordinance 2019-5 was duly adopted this 16<sup>th</sup> day of Oct., 2019, by a vote of \_\_\_ in favor and \_\_\_ in opposition.

**MARKLE, INDIANA by its TOWN COUNCIL**

Voting in Favor:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_

Mark Hamilton

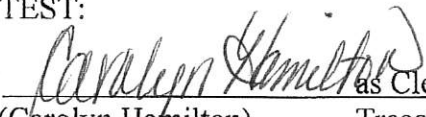
Aaron McClary

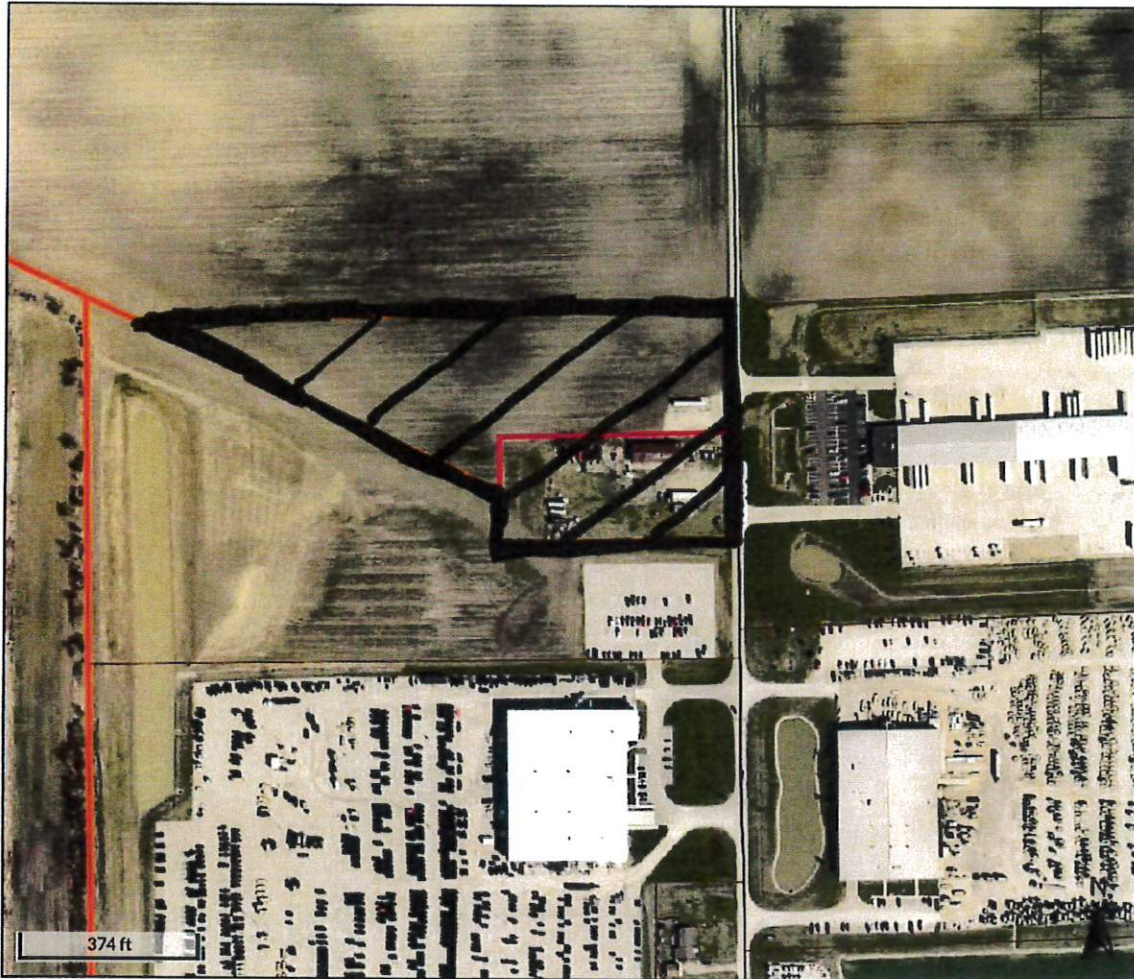
Matthew Doss

Voting in Opposition:

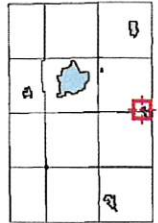
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

By  as Clerk-  
(Carolyn Hamilton) Treasurer



Overview



Legend

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

Parcel ID 35-06-35-400-062.700-018  
 Sec/Twp/Rng 35-28N-10E  
 Property Address 314N 500 E  
 MARKLE

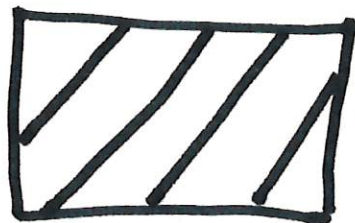
Alternate ID 350635400062700018  
 Class Commercial Other structure  
 Acreage 2.57

Owner Address NC2 LLC  
 1 Novae Pkwy  
 Markle, IN 46770

District UNION TWP R E  
 Brief Tax Description 010-00627-00 Pt N SE Sec 35 2.57A  
 (Note: Not to be used on legal documents)

Date created: 8/1/2019  
 Last Data Uploaded: 7/31/2019 8:02:11 PM

Developed by Schneider GEOSPATIAL



*Territory to be voluntarily ANNEXED*

