TOWN COUNCIL AGENDA REQUEST

TOWN OF Brownsburg

Date:	Reference No.:	Agenda Item No.:
3/9/2012	Ordinance #2012-04	8.03

Subject: Brownsburg Animal Clinic Annexation and Rezoning

Summary of Request:

Ronald P. and Linda L. Miller are requesting voluntary annexation of their property located at 1557 E. Main Street, Brownsburg, Indiana. On July 22, 2010, Brownburg Town Council gave permission for water and sanitary sewer connection which were completed in December 2010. The Brownsburg Advisory Plan Commission held a public hearing for the C-2 Commercial District rezoning on December 27, 2010 and motioned to send a favorable recommendation.

Anticipated time table for this annexation: March 22nd Introduction and 1st reading of annexation; April 12th Public Hearing and 2nd reading of annexation; and April 26th 3rd reading and final approval of annexation. The Fiscal Plan will be presented for approval under Resolution #2012-05.

Financial Summary:

Budget Funds Available	If Yes, Amount	
☐ Yes ☐ No ☐ N/A		

Budget Fund Information:	Line Item Name	Line Item Number

Recommend Bid/Contract Amount:

Estimated Project Costs: (whole numbers)		
	Architecture/Engineering	
	Construction/Procurement	
	Contingency	
	Miscellaneous Costs	
	TOTAL ESTIMATE	
	Future Expenses (if any)	
	Revenue Generated (if any)	

Department Head Approval:

Date:

TOWN COUNCIL AGENDA REQUEST

TOWN OF Brownsburg

Assistant Town Manager Approval:	
Date:	

ATM Comments:

Supporting Documentation:

Ordinance #2012-04, annexation petition; property owners consent, area map, boundary survey.

Action Requested:

March 22nd, Introduce and approval 1st reading; April 12th, hold public hearing and approval of 2nd reading; April 26th - 3rd reading and final approval of voluntary annexation.

Town Manager Approval:	Grant A. Clemburg
Date:	3/12/2012

TM Comments:

STATE OF INDIANA
COUNTY OF HENDRICKS
BROWNSBURG, INDIANA

ORDINANCE NO. 2012-04

AN ORDINANCE ANNEXING AND RE-ZONING REAL ESTATE TO THE TOWN OF BROWNSBURG, HENDRICKS COUNTY, INDIANA

WHEREAS, Ronald P. and Linda L. Miller, are the legal owners of certain tracts of real estate located in Lincoln Township, Hendricks County, Indiana, and are requesting that the real estate be annexed and re-zoned to the Town of Brownsburg, Indiana, which real estate is more particularly described as follows, to-wit (the "Property"):

See Attached Legal Description (Exhibit A)

WHEREAS, the Brownsburg Plan Commission has considered said zoning map amendment at a public meeting held on December 27, 2010, and by vote of its members has made a recommendation that the above-described property be rezoned from Hendricks County AGR – Agriculture Residential to Brownsburg C-2 Commercial District for the Property; and,

WHEREAS, the Town Council of the Town of Brownsburg, Indiana, has heretofore considered and adopted a Fiscal Plan, Resolution #2012-05, for such Property as required by law; and,

WHEREAS, the Property sought to be annexed is currently situated outside the corporate boundaries of the municipal Town of Brownsburg, Hendricks County, Indiana; and

WHEREAS, Ronald P. and Linda L. Miller are the owners of one hundred per cent (100%) of the land sought to be annexed; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the Property sought for annexation coincides with the present boundaries of the Town of Brownsburg, Indiana; and

NOW THEREFORE, BE IT ORDAINED by the powers vested in the Town Council of the Town of Brownsburg, Hendricks County, Indiana, that the Property hereinabove referenced, be, and the same is hereby annexed to the municipal Town of Brownsburg, Hendricks County, Indiana, and rezoned from Hendricks County AGR – Agriculture Residential to Brownsburg C-2 Commercial District subject to the following terms and conditions:

1. That the Property described on the attached Exhibit "A: shall be zoned C-2 Commercial District.

2. The Brownsburg Official Zoning Map shall be amended to reflect this zoning classification.

3. The Property will become part of Council Ward 5.

4. The Clerk-Treasurer of Brownsburg, Indiana, shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Hendricks County, Indiana, and further shall cause a copy of this ordinance to be published in the Weekend Flyer for one (1) week with proof of publication being returned to the Clerk-Treasurer; all costs incurred in the publishing of said ordinance and recording same shall be paid by petitioner.

SAID ORDINANCE OF ANNEXATION is hereby passed and adopted this _____day of _____, 2012.

TOWN COUNCIL
BROWNSBURG, INDIANA:

By: _____
Dwayne Sawyer, President

ATTESTED BY:

_____
JEANETTE M. BRICKLER,
CLERK-TREASURER, TOWN OF
BROWNSBURG, INDIANA

DULY ENTERED
FOR TAXATION

JUL 23 1999

AUDITOR HENDRICKS COUNTY

199900021988
Filed for Record in
HENDRICKS COUNTY IN
THERESA D LYNCH
On 07-23-1999 At 02:49 pm.
DEED 10.00
OR Book 133 Page 180 - 180

08-2-13-LIE 200-014

WARRANTY DEED

Dated 000039

THIS INDENTURE WITNESSETH that **Ronald P. Miller** (Grantor) of Hendricks County, Indiana, conveys and warrants to **Ronald P. Miller and Linda L. Miller, husband and wife** (Grantee) of Hendricks County, Indiana, for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in **Hendricks** County, Indiana:

A part of the West half of the Northeast quarter of Section 13, Township 16 North, Range 1 East of the Second Principal Meridian in Hendricks County, Indiana. Said part being more particularly described as follows: Commencing at the northeast corner of said half quarter section; thence south 00 degrees 13 minutes 21 seconds east on and along the east line of said half quarter section 1569.169 feet to a point in the centerline of U.S. Highway No. 136 as now located and established, said point being the beginning point of this description; thence continuing south 00 degrees 13 minutes 21 seconds east on and along said east line 412.030 feet; thence south 89 degrees 46 minutes 39 seconds west 100.000 feet; thence north 00 degrees 13 minutes 21 seconds west 460.952 feet to a point in the centerline of said U.S. Highway No. 136; thence south 64 degrees 19 minutes 13 seconds east on and along said centerline 111.168 feet to the beginning point of this description. Containing in all 1.002 acres, more or less.

Subject to all legal highways, rights-of-way, easements and restrictions of record.
Subject to all taxes now a lien and to become a lien thereon.

IN WITNESS WHEREOF, Grantor has executed this Deed this 21ST day of JULY, 1999.

Ronald P. Miller

Ronald P. Miller

STATE OF Indiana)
) SS:
COUNTY OF Hendricks)

Before me, a Notary Public in and for said County and State, personally appeared Ronald P. Miller, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 21ST day of JULY, 1999.

My Commission Expires:

Jana L. Wolf
Signature of Notary Public

OFFICIAL SEAL
JANA L. WOLF
NOTARY PUBLIC-INDIANA
PRINCIPAL OFFICE IN
HENDRICKS COUNTY
MY COMM. EXPIRES OCTOBER 16, 2001

County of Residence:

Printed Name of Notary Public

Send Tax Bills To: GRANTEE @ PO BOX 234, BROWNSBURG, IN 46112

This instrument was prepared Lee T. Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, IN 46122, telephone: (317) 745-4300.

EXHIBIT
A

WARRANTY DEED

5176 BOOK 269 PAGE 515

THIS INDENTURE WITNESSETH, That DOROTHY HART and NORMA ANDERSON, of HENDRICKS County, in the State of Indiana ("Grantors"), CONVEY AND WARRANT to RONALD P. MILLER and LINDA L. MILLER, husband and wife, of Marion County, in the State of Indiana, for the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hendricks County, in the State of Indiana:

Part of the West half of the Northeast quarter of Section 13, Township 16 North, Range 1 East of the Second Principal Meridian, in Lincoln Township, Hendricks County, Indiana and being more particularly described as follows, to-wit:
Commencing at the Northeast corner of said half quarter section; thence South 00 degrees 13 minutes 21 seconds East (assumed bearing) on and along the East line of said half quarter section 1569.76 feet to a point in the centerline of U.S. Highway 136 as now located and established; Thence North 64 degrees 19 minutes 13 seconds West on and along said centerline 111.17 feet to the beginning point of this description; Thence continue North 64 degrees 19 minutes 13 seconds West on and along the last described course 159.03 feet; Thence South 00 degrees 13 minutes 21 seconds East parallel to the aforesaid East line 530.42 feet; Thence North 89 degrees 46 minutes 39 seconds East 143.06 feet; Thence North 00 degrees 13 minutes 21 seconds West parallel to the aforesaid East line 460.93 feet to the point of beginning of this description, containing 1.63 acres, more or less and subject to all legal highways, rights-of-way and easements of record.

SUBJECT to legal highways and rights-of-way;

SUBJECT ALSO to easements and restrictions of record;

SUBJECT ALSO to real estate taxes for the last half of 1980, due and payable in November 1981 and all subsequent taxes.

IN WITNESS WHEREOF, Grantors have executed this deed this 25th day of AUGUST, 1981.

Dorothy Hart — Dorothy Hart

Norma Anderson — Norma Anderson

"Grantors"

ENTERED FOR RECORD
BOOK 269 SEP 21 1981 $8.00 515
Marcille Abbott
RECORDER HENDRICKS COUNTY

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared DOROTHY HART and NORMA ANDERSON, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 25th day of August, 1981.

Thomas G Bill Jr
( ) Notary Public

My Commission Expires:
May 9, 1984
Residing in HENDRICKS County.

This instrument prepared by James F. Hillis.

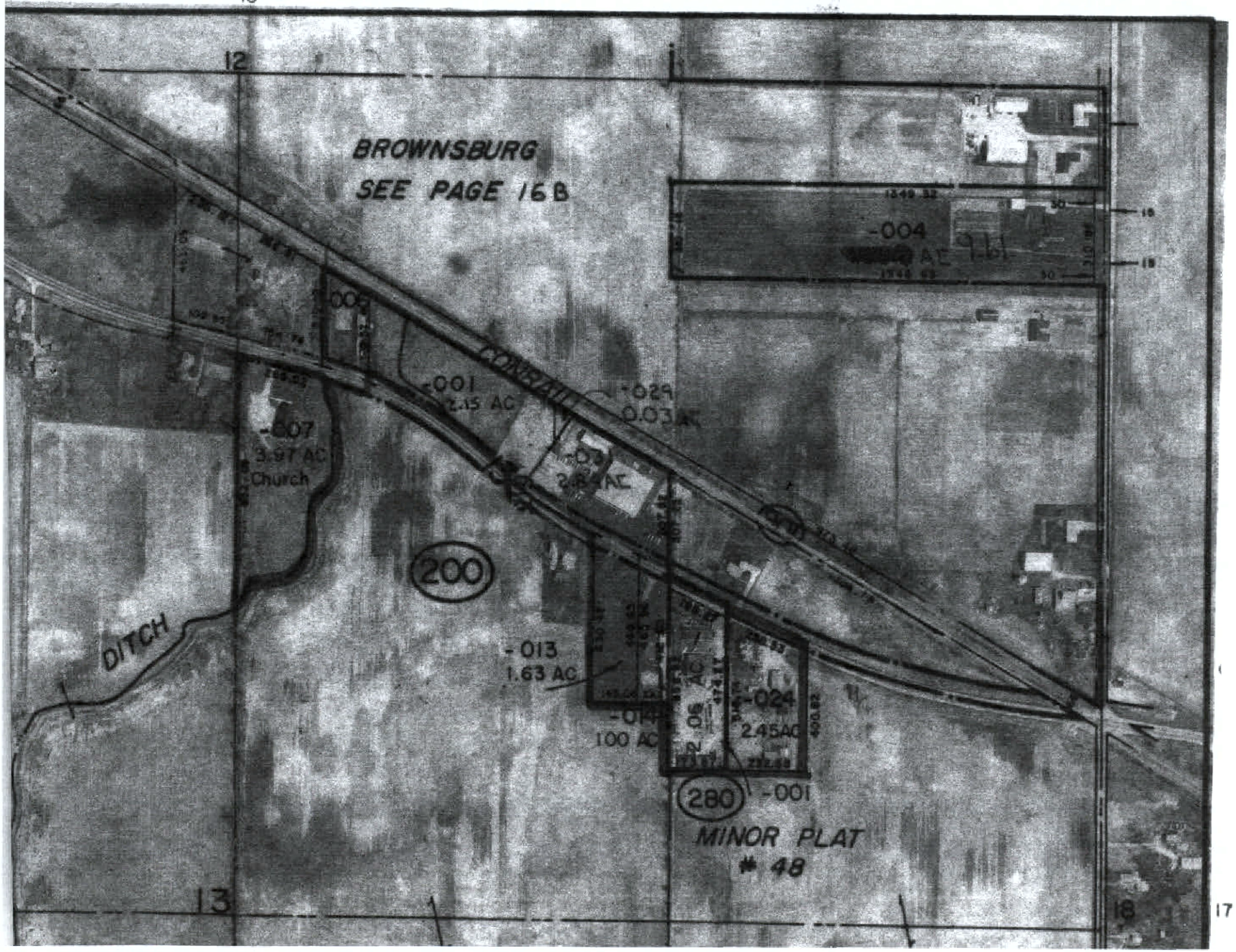
Duly entered for taxation this 21 day of September 1981
Patricia J. Stemper
AUDITOR HENDRICKS CO.

Sent tax statements to Brownsburg Animal Clinic, Dr. R. P. Miller, P. O. Box 234, Brownsburg, Indiana 46112

515

SECTION 13
08-2-13-61E-◯-___

32-07-13-015



PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF BROWNSBURG

Ronald P. Miller Linda L. Miller ("Petitioner") hereby submits on behalf of itself, this Petition for Voluntary Annexation into the Town of Brownsburg, Indiana (the "Town"), and in support thereof, represents and warrants to the Town as follows:

1. Petitioner has all requisite authority to undertake all required steps and actions necessary to successfully complete an annexation into the Town for the real estate described in Exhibit "A" and more accurately depicted on Exhibit "B" (collectively the "Properties").

2. The Petitioner constitutes 100% of the owners of the Properties identified in Exhibit "A" and depicted on Exhibit "B" and is the true, rightful and complete owner of the Properties.

3. In the event that the Town accepts and acts upon the Petition for Voluntary Annexation into the Town and in exchange for the benefits bestowed upon the Properties by the Town, the Petitioner hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexation of the Properties into the Town whether it be via formal or informal means.

4. The Petitioner has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Properties coincides with the corporate boundaries of the Town or shall coincide with the corporate boundaries of the Town prior to adoption by the Town of any ordinance annexing the Properties into the Town.

5. The Properties identified in Exhibit "A" and depicted on Exhibit "B" shall be zoned _____ upon annexation into the Town.

6. The undersigned Petitioner hereby executes this Petition of Voluntary Annexation into the Town and consents to its filing with the Town Council of the Town.

WHEREFORE, the Petitioner requests that the Town Council adopt an ordinance annexing the Properties into the Town of Brownsburg, Indiana.

DATED this 30 day of June, 2010

PETITIONER

By: Ronald P. Miller Linda L. Miller
(Petitioner's Signature)

Ronald P. Miller Linda L. Miller Property Owners
(Petitioner's Printed Name and Title)

AFFIDAVIT & CONSENT OF PROPERTY OWNER

I (we) Ronald P. Miller
After being fist duly sworn, depose and say:

1. The I/we am/are the owner(s) of the real estate located at *(legal and/or common address)*
1557 E. Main Street
Brownsburg, IN 46112

Parcel Number(s):

Project Name: Brownsburg Animal Clinic

2. That I/we have read and examined the Application for Zoning Map Amendment approval, and am/are familiar with its contents.

3. That I/we have no objection to, and consent to such request as set forth in the application.

4. That such request being made by the Applicant is/is not a condition to the sale or lease of the above-referenced property.

Ronald P. Miller DVM — 3-07-12
Signature of Affiant — Date

Ronald P. Miller D.V.M — 3-07-12
Print Name — Date

STATE OF INDIANA)
COUNTY OF Hendricks) SS:

Subscribed and sworn to before me this 7th day of March, 2012

My Commission Expires:
11/12/15

Signature of Notary Public

LESLI D. HOLTSCLAW
Hendricks County
My Commission Expires
November 12, 2015

County of Residence:
Hendricks

Lesli D. Holtsclaw
Printed Name of Notary Public