

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, Brownsburg 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
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

	Line Item Name	Line Item Number
Budget Fund Information:		

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: _____

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. Clemens

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

32-07-13-015

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BROWNSBURG
SEE PAGE 16 B

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-004
AC 9.61
1748.63

-001
2.15 AC

-029
0.03 AC

-007
3.97 AC
Church

(200)

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1.63 AC

-014
100 AC

208.57
-024
2.45 AC
400.62
272.88

(280)

-001

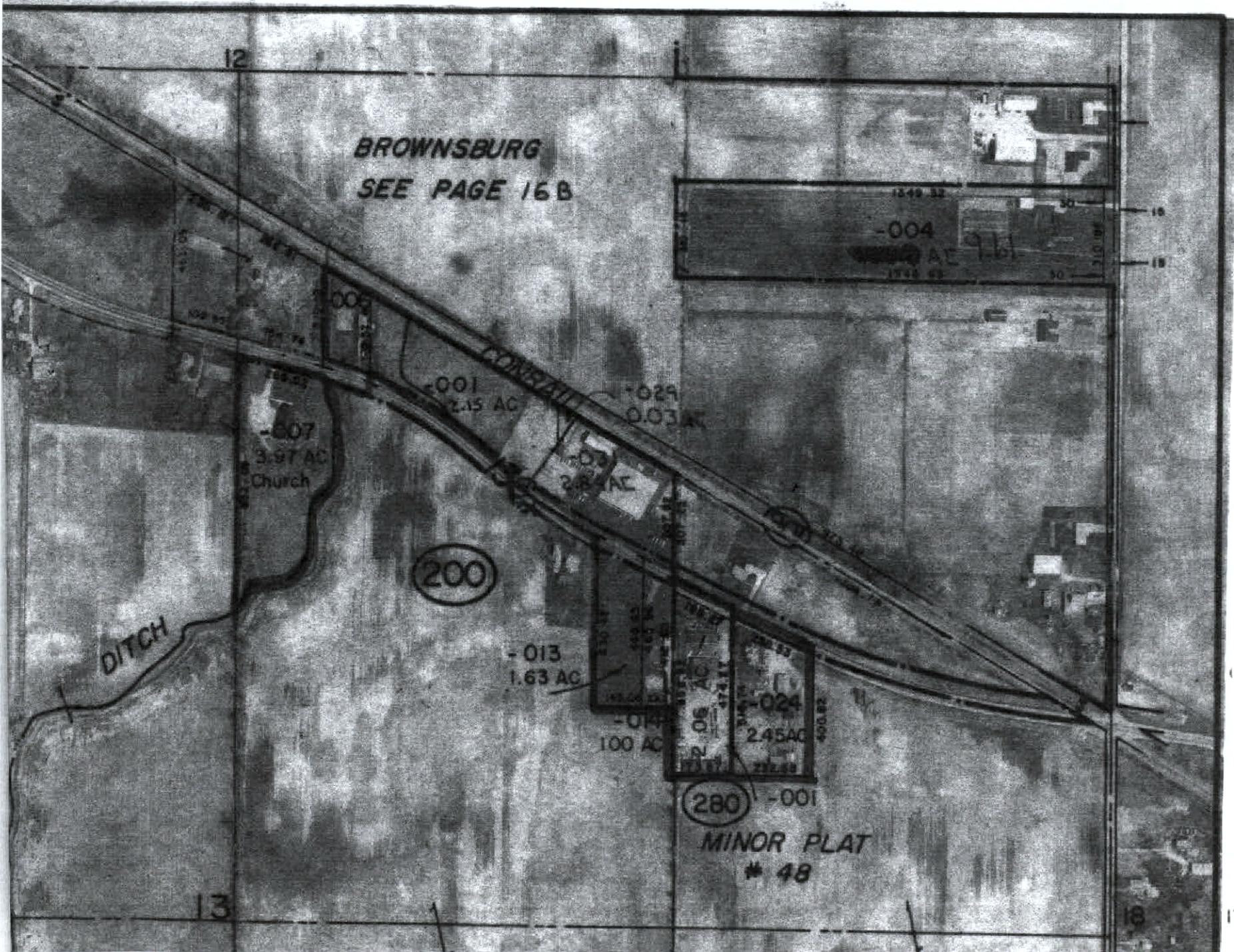
MINOR PLAT
48

DITCH

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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 D.M. 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
Lesli D. Holtscaw
Signature of Notary Public

County of Residence: Hendricks
Lesli D. Holtscaw
Printed Name of Notary Public

