

Ordinance No G-05-28

An Ordinance annexing certain land into the Town of Georgetown, Indiana

WHEREAS, Georgetown is a Civil Town Organized under Indiana Code 36-5-2-1 et seq; and,

WHEREAS, The State of Indiana has enacted Statutes to regulate the annexation of land into the jurisdictions of Civil Towns such as Georgetown; and,

WHEREAS, Indiana Code 36-4-3-5.1 addresses the processes for voluntary annexation into the Town of property owned 100% by the petitioner with no property to be annexed involuntarily; and,

WHEREAS, the petitioners Leonard J. Clutinger and Mary E. Clutinger own real estate adjacent to the existing boundaries of the Town of Georgetown more specifically described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard J. Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27, Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner of the Clutinger tract (D.R. 130, page 537), the True Place of Beginning; thence N. 0° 02' 20" E. along the west line of Clutinger a distance of 2024.22 feet to a railroad spike set in a tree root; thence S. 89° 39' 10" E. a distance of 387.51 feet to a 5/8" re-bar set; thence S. 0° 00' 33" W. a distance of 2024.74 feet to a mag nail set in Frank Ott Road; thence N. 89° 54' 43" W. a distance of 388.88 feet to the Place of Beginning, containing approximately 18.05 acres; but

EXCEPTING THEREFROM: a tract of land to be retained by Leonard H. Clutinger and Mary E. Clutinger described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27, Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner of the Clutinger tract (D.R. 130, page 537), the True Place of Beginning; thence N. 0° 02' 20" E. a distance of 524.22 feet

to a point; thence S. 89° 39' 10" E. a distance of 167.23 feet to the western edge of an as-yet-unnamed subdivision road; thence with the western edge of said road S. 0° 02' 20" W. a distance of 190.23 feet to a point; thence continuing with the western edge of said road S. 18° E. a distance of 116.75 feet to a point; thence continuing with the western edge of said road S. 0° 02' 20" W. 223.48 feet to a point in the center of Frank Ott Road; thence N. 89° 54' 43" W. a distance of 204.08 feet to the Place of Beginning, containing approximately 2.24 acres, but subject to the right-of-way of Frank Ott Road; and

ALSO EXCEPTING THEREFROM: a tract of land to be retained by Leonard Clutinger and Mary B. Clutinger described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27, Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner Clutinger tract (D.R. 130, page 537); thence N. 0° 02' 20" E. a distance of 1124.22 feet to a point, the True Place of Beginning; thence continuing N. 0° 02' 20" E. a distance of 250.00 feet to a point; thence S. 89° 39' 10" E. a distance 167.23 feet to a point on the western edge of an as-yet unnamed subdivision road; thence with the western edge of said road S. 0° 02' 20" W. a distance of 250.00 feet to a point; thence N. 89° 39' 10" W. a distance of 167.23 feet to Place of Beginning, containing approximately 0.96 acres;

Leaving approximately 14.85 acres after said exceptions.; and,

WHEREAS, the petitioners and their prospective purchaser Ronald Payne, on July 18, 2005, filed their petition for voluntary annexation pursuant to IC 36-4-3-5.1, with the Clerk Treasurer of the Civil Town of Georgetown seeking to be annexed as a part of Georgetown; and,

WHEREAS, notice was given to the public pursuant to IC 5-3-1-1, by publication one time in the New Albany Tribune, a newspaper of general circulation; and,

WHEREAS, a public hearing was held on August 25, 2005, at 7:30 PM, prevailing local time, at the Town Hall for the Civil Town of Georgetown; and ,

WHEREAS, after the public hearing, the matter of the ordinance adoption was placed on the agenda of the Town Council meeting for the evening of September, 15, 2005; and,

WHEREAS, on the evening of September 15, 2005, the Town Council did by majority vote adopt this ordinance of

ATTEST:

9-15-05
DATE

Doug Cook
DOUG COOK
CLERK-TREASURER

ATTEST:

9-15-05
DATE

Doug Cook
DOUG COOK
CLERK-TREASURER

Ordinance No G-05-28

An Ordinance annexing certain land into the Town of Georgetown, Indiana

WHEREAS, Georgetown is a Civil Town Organized under Indiana Code 36-5-2-1 et seq; and,

WHEREAS, The State of Indiana has enacted Statutes to regulate the annexation of land into the jurisdictions of Civil Towns such as Georgetown; and,

WHEREAS, Indiana Code 36-4-3-5.1 addresses the processes for voluntary annexation into the Town of property owned 100% by the petitioner with no property to be annexed involuntarily; and,

WHEREAS, the petitioners Leonard J. Clutinger and Mary E. Clutinger own real estate adjacent to the existing boundaries of the Town of Georgetown more specifically described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard J. Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27, Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner of the Clutinger tract (D.R. 130, page 537), the True Place of Beginning; thence N. 0° 02' 20" E. along the west line of Clutinger a distance of 2024.22 feet to a railroad spike set in a tree root; thence S. 89° 39' 10" E. a distance of 387.51 feet to a 5/8" re-bar set; thence S. 0° 00' 33" W. a distance of 2024.74 feet to a mag nail set in Frank Ott Road; thence N. 89° 54' 43" W. a distance of 388.88 feet to the Place of Beginning, containing approximately 18.05 acres; but

EXCEPTING THEREFROM: a tract of land to be retained by Leonard H. Clutinger and Mary E. Clutinger described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27; Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner of the Clutinger tract (D.R. 130, page 537), the True Place of Beginning; thence N. 0° 02' 20" E. a distance of 524.22 feet

to a point; thence S. 89° 39' 10'' E. a distance of 167.23 feet to the western edge of an as-yet-unnamed subdivision road; thence with the western edge of said road S. 0° 02' 20'' W. a distance of 190.23 feet to a point; thence continuing with the western edge of said road S. 18° E. a distance of 116.75 feet to a point; thence continuing with the western edge of said road S. 0° 02' 20'' W. 223.48 feet to a point in the center of Frank Ott Road; thence N. 89° 54' 43'' W. a distance of 204.08 feet to the Place of Beginning, containing approximately 2.24 acres, but subject to the right-of-way of Frank Ott Road; and

ALSO EXCEPTING THEREFROM: a tract of land to be retained by Leonard Clutinger and Mary B. Clutinger described as follows:

A part of the southeast quarter of Section 27, Township 2 South, Range 5 East in Floyd County Indiana, and being a part of the land deeded to Leonard Clutinger and Mary E. Clutinger in D.R. 130 page 537, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 27, Township 2 South, Range 5 East; thence with the south line of said Sec. 27 a distance of 1561.03 feet to a mag nail in Frank Ott Road at the Southwest corner Clutinger tract (D.R. 130, page 537); thence N. 0° 02' 20'' E. a distance of 1124.22 feet to a point, the True Place of Beginning; thence continuing N. 0° 02' 20'' E. a distance of 250.00 feet to a point; thence S. 89° 39' 10'' E. a distance 167.23 feet to a point on the western edge of an as-yet unnamed subdivision road; thence with the western edge of said road S. 0° 02' 20'' W. a distance of 250.00 feet to a point; thence N. 89° 39' 10'' W. a distance of 167.23 feet to Place of Beginning, containing approximately 0.96 acres;

Leaving approximately 14.85 acres after said exceptions.; and,

WHEREAS, the petitioners and their prospective purchaser Ronald Payne, on July 18, 2005, filed their petition for voluntary annexation pursuant to IC 36-4-3-5.1, with the Clerk Treasurer of the Civil Town of Georgetown seeking to be annexed as a part of Georgetown; and,

WHEREAS, notice was given to the public pursuant to IC 5-3-1-1, by publication one time in the New Albany Tribune, a newspaper of general circulation; and,

WHEREAS, a public hearing was held on August 25, 2005, at 7:30 PM, prevailing local time, at the Town Hall for the Civil Town of Georgetown; and ,

WHEREAS, after the public hearing, the matter of the ordinance adoption was placed on the agenda of the Town Council meeting for the evening of September, 15, 2005; and,

WHEREAS, on the evening of September 15, 2005, the Town Council did by majority vote adopt this ordinance of

voluntary annexation and hereby annexes the above described real estate into the Town of Georgetown, Indiana with an R-2 zoning; and,

WHEREAS, the Clerk-Treasurer is hereby directed, pursuant to IC 36-4-3-22 to file with the Auditor of Floyd County, the Clerk of the Floyd Circuit Court, Floyd County Voter Registration, the Floyd County Police Department, and all local fire protection districts, certified copies of this ordinance of voluntary annexation, and to publish the said ordinance pursuant to IC 5-3-1; and,

WHEREAS, the Clerk of the Floyd Circuit Court is also directed to file a certified copy of this ordinance with the Indiana Secretary of State as well as the office of census data; and,

WHEREAS, the Clerk-Treasurer of The Town of Georgetown is also directed to file a certified copy of said ordinance with the Recorder of Floyd County; and,

WHEREAS, the Clerk-Treasurer of the Town of Georgetown, is directed to send copies of the Ordinance to the Floyd County Plan Commission, the Floyd County Sheriff and the trustees of any township included in the annexation;

ALL OF WHICH IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA, THIS 15 DAY OF September 2005.

	YES	NO	ABST
<u>Sary L. Smith</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Jeffrey K. McIlroy</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Jay Van</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Dean Hammursmith</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

