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ORDINANCE NO. G-07-30

**AN ORDINANCE ANNEXING TERRITORY INTO THE
TOWN OF GEORGETOWN, INDIANA, ON VOLUNTARY PETITION
BY THE MAJORITY OF THE OWNERS OF LANDS WITHIN SUCH
TERRITORY PURSUANT TO THE PROVISIONS OF IC 36-4-3-5**

Whereas, on or about September 11, 2007, Tunnel Mill Farms, LLC, and Linck Built Homes, LLC, voluntarily filed a joint petition before this Town Council requesting the annexation of an approximately 203-acre tract of real estate, presently located in the unincorporated territory of Floyd County, Indiana, into the corporate boundaries of the Town of Georgetown, Indiana, pursuant to the provisions of IC 36-4-3-5; and,

Whereas, pursuant to the provisions of IC 36-4-3-2.2 and IC 36-4-3-2.1(b), a public hearing on this ordinance was scheduled before this Town Council for the 27th day of November, 2007, and notice of such hearing has been sent by certified mail to each owner of real property whose real property is located within the territory proposed to be annexed at least sixty (60) days before the date of the hearing and published in accordance with Indiana law at least sixty (60) days before the holding of such hearing, and evidence in the form of proof of publication of such notice was entered into the record at such public hearing; and,

Whereas, this Town Council held such public hearing as scheduled on November 27, 2007 at which the petitioners and all other persons interested in the proposed annexation were afforded the opportunity to speak and address their objections or concerns; and,

Whereas, more than thirty (30) days, but less than sixty (60) days, have elapsed since the holding of the public hearing on the requested annexation; and,

Whereas, the Town Council received an objection from a landowner within the previously proposed annexation area, namely, Melvin and Vickie Jensen, but prior to final consideration of this matter has been advised that such objections have been satisfactorily resolved through negotiations with the applicant, provided only that the description of the property annexed by this Ordinance is revised to minimize the amount of the Jensen property that is annexed while still maintaining required contiguity, and the revised legal description of approximately 113 acres that achieves such objective is set forth hereinbelow; and,

Whereas, this Town Council now deems it to be in the best interests of the Town of Georgetown, Indiana, to grant the petition for voluntary annexation by adoption of this Ordinance, subject only to amendment of the legal description of the real estate hereby annexed as set forth in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED by this Town Council of the Town of Georgetown, Indiana, as follows:

1. The following described real estate is hereby declared as annexed into the Town of Georgetown, Indiana, *to-wit*:

Being a part of Section 3, Township 3 South, Range 5 East, Floyd County, Indiana and being further described as follows:

Beginning at a stone on the northeast corner of the southeast 1/4 of said Section 3; Thence S. 0°01'38" W., along the east line of said Section, same being the east line of Rainelle Woods Subdivision, Plat No. 1316, 954.51 feet to the northwest Right-of-Way line of Corydon Ridge Road;

Thence southwesterly, along said Right-of-Way line, 846 feet, more or less, to a west line of said Rainelle Woods;

Thence N. 15°44'58" W., along a west line of said Rainelle Woods, 68 feet; Thence N. 16°23'56" W., along a west line of said Rainelle Woods, 497.19 feet;

Thence N. 17°49'11" W., along a west line of said Rainelle Woods, 872.2 feet; Thence N. 17°43'33" W., along a west line of said Rainelle Woods, 353.35 feet;

Thence N. 17°27'55" W., along a west line of said Rainelle Woods, 594.98 feet to a stone on a corner of said Rainelle Woods;

Thence N. 0°14'34" E., along a west line of said Rainelle Woods, 126.93 feet;

Thence N. 20°16'07" E., along a west line of said Rainelle Woods, 282.14 feet to a corner of said Rainelle Woods, being on the southern Right-of-Way line of Interstate 64;

Thence westerly, along said Right-of-Way line, 3078 feet;

Thence northwesterly, 850 feet, more or less, to the north right-of-way line of said Interstate 64, being a corner of the Corporation limits of the Town of Georgetown;

Thence northeasterly, along said right-of-way line and said Corporation limits, 735 feet, more or less to a corner of said town,

Thence N. 0°07'35" W., along a corporation line, 1476.03 feet, to a corner of said Town;

Thence S. 89°54' E., along a corporation line, 150 feet;

Thence S. 0°07'35" E., parallel to and 150 feet from a corporation line of said Town, 1424 feet, more or less, to the northern Right-of-Way line of said Interstate Highway 64;

Thence northeasterly, along said Right-of-Way line, 3480 feet, more or less, to the east line of said Section 3;

Thence S. 0°04'03" E., along said east line, (partially along the east line of said Rainelle Woods subdivision) 1684 feet, more or less, to the PLACE OF BEGINNING.

Containing 113 acres, more or less.

A drawing of the amended annexed territory is attached hereto and incorporated herein as Exhibit "A". A drawing of showing the Town boundaries before and after the annexation effected by this Ordinance is attached hereto and incorporated herein as Exhibit "B".

2. This Ordinance shall take effect ninety (90) days after its publication and upon the filing and recording of the Ordinance as required by Indiana law, in the absence of a remonstrance and appeal under IC 36-4-3-11 or IC 36-4-3-15.5.

3. The Clerk-Treasurer is hereby directed to publish notice of the adoption of this Ordinance in *The Tribune* newspaper one (1) time within thirty (30) days after the adoption of this Ordinance in accordance with the provisions of IC 5-3-1-2(h).

4. In the absence of a remonstrance or an appeal against this Ordinance filed pursuant to IC 36-4-3-11 or IC 36-4-3-15.5, the Clerk-Treasurer is hereby directed to do the following upon expiration of the period of ninety (90) days after publication of the adoption of this Ordinance:

A. File a certified copy of this Ordinance with each of the following:

(1) The Floyd County Auditor, together with seven (7) additional copies that the Auditor may use to forward in accordance with the provisions of IC 36-4-3-22(d) to (a) the Floyd County Highway Department, (b) the Floyd County Surveyor, (c) the Floyd County Plan Commission, (d) the Floyd County Sheriff, (e) The Georgetown Township Trustee, (f) the office of the Indiana Secretary of State, (g) the office of census data established by IC 2-5-1.1-12.2.

(2) The Clerk of the Floyd Circuit Court;

(3) The Floyd County Board of Voter Registration;

(4) The office of the Indiana Secretary of State;

(5) The office of census data established by IC 2-5-1.1-12.2.

B. Record a certified copy of this Ordinance in the office of the Floyd County Recorder.

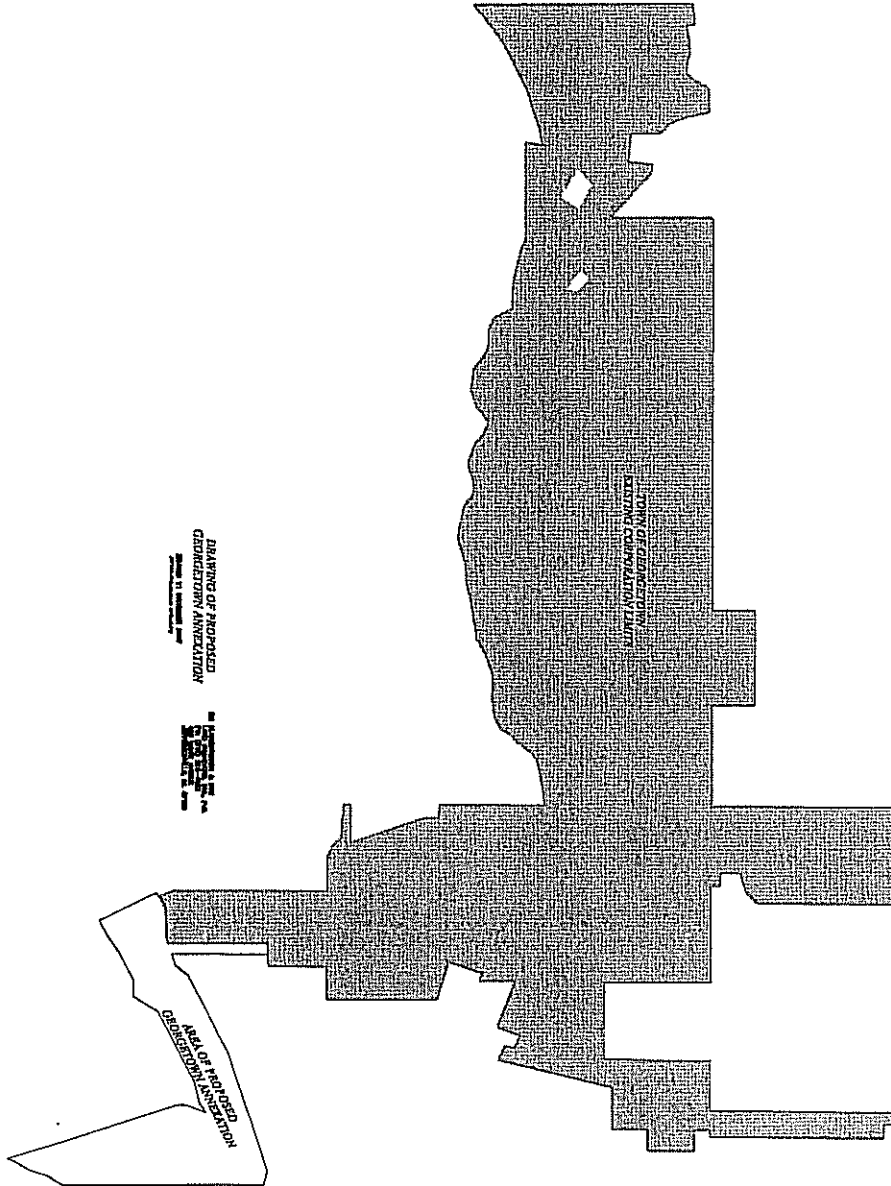
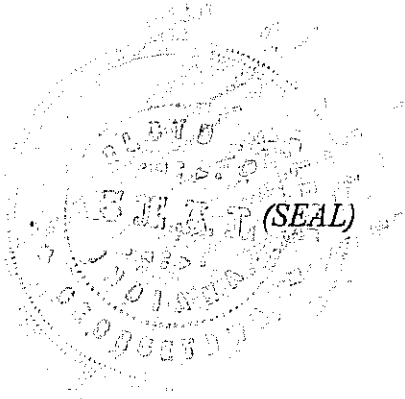


EXHIBIT
"B"

CERTIFICATION OF PUBLIC RECORD

The undersigned, as the duly elected and serving Clerk-Treasurer of the Town of Georgetown, Indiana, hereby certifies that the foregoing Town of Georgetown Ordinance No. G-07-30, consisting of four (4) typewritten pages and two (2) maps as Exhibit "A" and Exhibit "B", respectively, is a true and correct copy of the original document maintained in the records of the Town of Georgetown, Indiana.



Douglas Cook
Douglas Cook, Clerk-Treasurer of the
Town of Georgetown, Indiana

Dated: 12-31-07

So Ordained this 27 day of December, 2007.

**BY THE TOWN COUNCIL OF THE
TOWN OF GEORGETOWN, INDIANA**

Gary L. Smith
President

Mark K. McIlroy
Member

Wesley Hammusmith
Member

Chris A. Cook
Member

Member

Attested by:

Douglas Cook
Clerk-Treasurer