

TOWN OF GEORGETOWN

Resolution # R-10-01

A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN ESTABLISHING A DEFINITE POLICY FOR THE PROVISION OF NON-CAPITAL AND CAPITAL SERVICES TO CERTAIN REAL ESTATE THAT IS CONTIGUOUS TO THE EXISTING BOUNDARIES OF, AND WHICH MAY BE ANNEXED BY SUBSEQUENT ORDINANCE INTO, THE TOWN OF GEORGETOWN, INDIANA.

WHEREAS, this Town Council of the Town of Georgetown, Indiana (hereinafter this "Town Council") is the legislative body of the Town of Georgetown, County of Floyd, State of Indiana (the "Town"); and,

WHEREAS, this Town Council has determined that the following described real estate is contiguous to the existing boundaries of the Town pursuant to the provisions of IC 36-4-3-1.5 (the "Annexation Area"), *to-wit*:

Part of the Northwest Quarter and the Southwest Quarter of Section 32, T-2-S, R-5-E, Floyd County, Indiana, and being more particularly described as follows:

Commencing at the west quarter corner of said Section 32; thence along the west line of said Southwest Quarter, South 00°23'58" West, 164.89 feet; thence South 89°56'30" East, 346.56 feet to a corner of a tract conveyed to Youtsey Property, LLC by Instrument 200603192, said corner also being a corner of the existing town limits of Georgetown; thence along a line of said town limits and the Youtsey Property tract, South 00°23'58" West, 246.07 feet to a corner of said town limits and said Youtsey Property tract, being on the northerly right-of-way of the Norfolk Southern Railroad (formerly known as the "Southern Railway"), and being the TRUE POINT OF BEGINNING;

Thence along said right-of-way, being the southerly boundary of said Youtsey Property tract and being the existing town limits of Georgetown, 316.24 feet along the arc of a curve to the right having a radius of 2889.49 feet, and a chord which bears North 57°34'29" East, 316.08 feet to a point of compound curvature; thence continuing along said right-of-way, and extending along the southerly boundary of a tract conveyed to Timothy D. Youtsey by Instrument 200508595, 1394.78 feet along the arc of a curve to the right, having a radius of 3895.32 feet, and a chord which bears North 70°58'04" East, 1387.34 feet to a corner of said Timothy D. Youtsey tract, also being a corner of the existing town limits of Georgetown, and being on the westerly line of a tract conveyed to Roy D.

and Caroleen Jones by Instrument 200203521; thence along the westerly line of said Jones tract and the existing town limits, South 11°54'23" West, 223.74 feet to the southwest corner of said Jones tract, being a corner of said existing town limits, and being on the north line of said Southwest Quarter; thence along the south line of said Jones tract, being the north line of said Southwest Quarter and the existing town limits, South 89°44'43" East, 388.54 feet to the northwest corner of a tract conveyed to Robert and Patricia Joan Hanks by Deed Book 160, Page 268; thence, leaving the existing town limits along the following five (5) lines common to said Hanks tract and a tract conveyed to Timothy D. Youtsey by Instrument 200914364: (1) South 00°02'44" West, 1305.65 feet; (2) South 78°08'36" West, 10.00 feet; (3) South 00°02'44" West, 41.25 feet; (4) South 78°00'34" West, 224.40 feet; and (5) South 45°08'36" West, 158.40 feet to a corner common to the aforesaid Hanks and Youtsey tracts, and also being the northeast corner of a tract conveyed to James W. Foreman, et al by Instrument 200712401; thence along the following five (5) lines common to said Foreman and Youtsey (Inst. 200914364) tracts: (1) South 88°45'42" West, 485.54 feet; (2) South 21°55'54" West, 87.78 feet; (3) South 69°57'36" West, 891.00 feet; (4) South 01°05'52" West, 67.04 feet; and (5) South 89°55'04" West, 236.42 feet to a corner common to said Foreman and Youtsey tracts, and also being the southeast corner of a tract conveyed to James W. and Nancy C. Foreman, et al by Instrument 200712191; thence along the east line of the last said Foreman tract, being the west line of the Youtsey tract (Inst. 200914364) North 00°23'58" East, 1574.56 feet to the TRUE POINT OF BEGINNING.

Containing 72.261 acres and being all the lands described by Instrument 200914364 as conveyed to Timothy D. Youtsey.

; and,

WHEREAS, this Town Council has received a petition filed by Timothy D. Youtsey for the voluntary petition of the Annexation Area pursuant to the provisions of IC 36-4-3-5.1, and this Town Council determined that (i) the petitioner is the owner of one hundred percent (100%) of the lands within the Annexation Area as determined by examination of the Floyd County Records, and (ii) the Annexation Area is sufficiently contiguous to statutorily qualify for annexation under the provisions of IC 36-4-3, *et seq.*; and,

WHEREAS, a public hearing shall was held by this Town Council on the proposed annexation following notice by publication in the manner provided by IC 36-4-3-5.1(e), and all interested parties had the opportunity to testify as to the proposed annexation at such hearing; and,

WHEREAS, by adoption of this Resolution this Town Council hereby finds that the Annexation Area is needed and will be used by the Town for its development and growth in the reasonably near future, including, but not limited to, the intended construction of a Town wastewater treatment facility on a portion thereof; and,

WHEREAS, IC 36-4-3-3.1 requires that a municipality shall develop and adopt a written fiscal plan and establish a definite policy by resolution of its legislative body for the provision of non-capital and capital services in conformity with the provisions of IC 36-4-3-13 prior to enacting an ordinance to annex such Annexation Area into the municipality; and,

WHEREAS, at the direction of this Town Council a written fiscal plan entitled *Annexation Plan for the Town of Georgetown, Indiana* dated December 30, 2008 (the "Fiscal Plan") has been prepared, and such Fiscal Plan has been presented to this Town Council for its review and consideration; and;

WHEREAS, this Town Council is desirous of adopting the Fiscal Plan as the definite policy of the Town for the provision of non-capital and capital services to the Annexation Area in order that this Town Council may subsequently consider the annexation of the Annexation Area by separate ordinance; and,

WHEREAS, this Town Council hereby adopts this Resolution in order to fully satisfy such statutory requirements and municipal planning objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA, AS FOLLOWS:

Section 1. By adoption of this Resolution, the Town of Georgetown, Indiana, hereby establishes and adopts the written Fiscal Plan attached hereto and incorporated herein as Exhibit "A" as the definite policy of the Town for the provision of non-capital and capital services to the Annexation Area prior to consideration of an ordinance to annex the Annexation Area into the Town.

Section 2. The purpose of the Fiscal Plan is to ensure that the Town is physically and financially able to provide municipal services of a non-capital and capital nature to the Annexation Area in a manner that is beneficial to the Town.

Section 3. In the event that the Annexation Area is annexed into the Town by subsequent ordinance properly adopted by this Town Council, it shall be the definite policy of this Town to provide services of both a non-capital and capital nature in the manner described in the Fiscal Plan. Any monies necessary for the provision of services as described and itemized in the Fiscal Plan shall be budgeted and appropriated from the applicable Town fund or funds pursuant to Indiana law and the Town's budget procedure.

Section 4. Pursuant to the provisions of IC 36-4-3-5.1(f), this Town Council may consider the final adoption of the proposed ordinance for the annexation of the Annexation Area at any time following expiration of the period of fourteen (14) days following the adoption of this Resolution.

Section 5. This Resolution shall be in full force and effect from the later of the date of its passage and adoption by this Town Council.

SO RESOLVED by this Town Council this 11 day of January, 2010.

TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA

Voting "NO":

Billy W. Stewart, President


Aaron Striegel

Karla Perkins

Mike Mills

Everett Pullen

Voting "YES":



Billy W. Stewart, President



Aaron Striegel



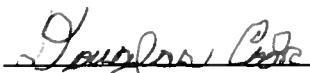
Karla Perkins



Mike Mills

Everett Pullen

Attested by:



Doug Cook, Clerk-Treasurer