

**A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN AS
THE DEFINITE POLICY OF THE TOWN OF GEORGETOWN,
INDIANA, WITH RESPECT TO THE PROVISION OF
MUNICIPAL SERVICES TO AREAS THAT ARE PROPOSED
TO BE ANNEXED INTO ITS CORPORATE BOUNDARIES**

Whereas, on or about November 2, 2005, Tunnel Mill Farms, LLC, voluntarily filed a petition before this Town Council requesting the annexation of (i) an approximately 20.76-acre tract of real estate, and (ii) an approximately 92.6-acre tract of real estate, both of which are presently located in the unincorporated territory of Floyd County, Indiana, into the corporate boundaries of the Town of ~~Greenville~~, Indiana, pursuant to the provisions of IC 36-4-3-5.1; and, *Georgetown*

Whereas, pursuant to the provisions of IC 36-4-3-5.1(e), a notice of public hearing scheduled before this Town Council on December 15, 2005, has been published in accordance with Indiana law at least twenty (20) 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 December 15, 2005, at which the petitioner and all other persons interested in the proposed annexation were afforded the opportunity to speak and address their objections or concerns; and,

Whereas, IC 36-4-3-3.1(d) requires this Town Council to adopt a written fiscal plan establishing a definite policy of the Town for the provision of municipal services to the proposed annexed area before this Town Council may adopt of an ordinance effecting the requested annexation; and,

Whereas, this Town Council now deems it to be in the Town's best interests to adopt a written fiscal plan establishing a definite policy for the provision of municipal services to the proposed annexed area as set forth in this Resolution.

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

1. The Fiscal Plan attached hereto as Exhibit "1" is hereby adopted as the definite policy of the Town of Georgetown, Indiana, with respect to the provision of municipal services to the tracts of real estate for which annexation is requested, which tracts of real estate are more particularly described as follows, *to-wit*:

EXHIBIT
"D"

Tract 1

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

Beginning on the northern Right-of-Way line of Interstate 64 where it intersects the west corporate limits of the Town of Georgetown, same being the southwest corner of the Town of Georgetown 1993 annexation; Thence northeasterly, along said northern Right-of-Way line, being the corporate limits of said Town, 868 feet, more or less, to a southeast corner of said Town; Thence continuing northeasterly, along said northern Right-of-Way line, 2084 feet; Thence deflecting 90° to the right in a southeasterly direction, 317 feet, more or less, to the centerline of said Interstate 64; Thence southwesterly, along said centerline, 2841 feet; Thence Northwesterly 325 feet, more or less, to the PLACE OF BEGINNING. Containing 20.76 acres, more or less.

Tract 2

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. 1219, 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., 68 feet; Thence N.16°23'56"W., 497.19 feet; Thence N.17°49'11"W., 872.2 feet; Thence N.17°43'33"W., 353.35 feet; Thence N.17°27'55"W., 594.98 feet to a stone on a corner of said Rainelle Woods; Thence N.0°14'34"E., along another west line of said Rainelle Woods, 347.31 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, 3388 feet; Thence northwesterly, 325 feet, more or less, to the centerline of said Interstate 64; Thence northeasterly, along said centerline, 2841 feet; Thence northwesterly, 317 feet, more or less, to the northern Right-of-Way line of said Interstate 64; Thence northeasterly,

STATE OF INDIANA

BEFORE THE GEORGETOWN TOWN COUNCIL

IN RE THE PETITION TO ANNEX)
A 20.76-ACRE TRACT AND A)
92.6-ACRE TRACT OF REAL)
ESTATE INTO THE TOWN OF)
GEORGETOWN, INDIANA,)
)
TUNNEL MILL FARMS, LLC,)
PETITIONER)

**PETITION FOR ANNEXATION INTO
THE TOWN OF GEORGETOWN, INDIANA**

Comes now petitioner, Tunnel Mill Farms, LLC (“TMF”), and petitions the Town of Georgetown, Indiana (the “Town”), by the Georgetown Town Council, as its legislative body (the “Town Council”), as follows:

1. TMF hereby requests that the Town Council adopt an ordinance annexing both tracts of the real estate described hereinbelow into the Town pursuant to the provisions of IC 36-4-3-5.1.

2. TMF is the sole owner of the approximately 20.76-acre tract of real estate (the “Area 1 Real Estate”) that is more particularly described as follows:

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

Beginning on the northern Right-of-Way line of Interstate 64 where it intersects the west corporate limits of the Town of Georgetown, same being the southwest corner of the Town of Georgetown 1993 annexation; Thence northeasterly, along said northern Right-of-Way line, being the corporate limits of said Town, 868 feet, more or less, to a southeast corner of said Town; Thence continuing northeasterly, along said northern Right-of-Way line, 2084

feet; Thence deflecting 90° to the right in a southeasterly direction, 317 feet, more or less, to the centerline of said Interstate 64; Thence southwesterly, along said centerline, 2841 feet; Thence Northwesterly 325 feet, more or less, to the PLACE OF BEGINNING. Containing 20.76 acres, more or less.

3. The Area 1 Real Estate is located adjacent to, but outside of, the existing municipal boundaries of the Town. Some 13.5% of the boundaries of the Area 1 Real Estate is in common with, and contiguous to, the existing municipal boundaries of the Town.

4. TMF is further the sole owner of the approximately 92.6-acre tract of real estate (the "Area 2 Real Estate") that is more particularly described as follows:

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. 1219, 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., 68 feet; Thence N.16°23'56"W., 497.19 feet; Thence N.17°49'11"W., 872.2 feet; Thence N.17°43'33"W., 353.35 feet; Thence N.17°27'55"W., 594.98 feet to a stone on a corner of said Rainelle Woods; Thence N.0°14'34"E., along another west line of said Rainelle Woods, 347.31 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, 3388 feet; Thence northwesterly, 325 feet, more or less, to the centerline of said Interstate 64; Thence northeasterly, along said centerline, 2841 feet; Thence northwesterly, 317 feet, more or less, to the northern Right-of-Way line of said Interstate 64; Thence northeasterly, along said Right-of-Way line, 1887 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 92.6 acres, more or less.

5. The Area 2 Real Estate is located outside of the existing municipal boundaries of the Town, but adjacent to the Area 1 Real Estate. Some 21.1% of the boundaries of the Area 2 Real Estate is in common with, and contiguous to, the boundaries of the Area 1 Real Estate.

6. A survey drawing of the Area 1 Real Estate and the Area 2 Real Estate is attached hereto as Exhibit "A".

7. Pursuant to the provisions of IC 36-4-3-5.1(b), notice of the filing of this petition, or the proposed adoption of an ordinance by the Town Council enacting the requested annexation, is not required to any other owner of land within the Area 1 Real Estate and the Area 2 Real Estate pursuant to the provisions of IC 36-4-3-2.1 and IC 36-4-3-2.2 as TMF owns one hundred percent (100%) of such real estate.

8. TMF further requests that the Town adopt a fiscal plan and establish a definite policy by resolution of the Town Council after the holding of a public hearing on the proposed annexation, which hearing shall be held within thirty (30) days after the filing of this petition, and at which hearing all interested parties shall have the opportunity to testify as to the proposed annexation. A draft notice of public hearing is attached hereto as Exhibit "B". A draft fiscal plan proposed by TMF is attached hereto as Exhibit "C". A draft resolution adopting such plan is attached hereto as Exhibit "D".

9. TMF has caused notice in the form attached hereto as Exhibit "B" of a public hearing on this petition before the Town Council to be held at its regular meeting on December 15, 2005, to be published in *The Tribune*, a newspaper of general

circulation published in Floyd County, Indiana, one (1) time in accordance with IC 5-3-1, *et seq.*, at least twenty (20) days before the scheduled hearing.

10. TMF acknowledges that the Town Council may not adopt an ordinance effecting the requested annexation sooner than fourteen (14) days after the public hearing is conducted. A draft ordinance proposed by TMF for such purposes is attached hereto as Exhibit "E".

11. TMF reserves the right to withdraw its signature from this petition not more than thirteen (13) days after the Town adopts its fiscal plan by providing written notice to the office of the Town's Clerk-Treasurer. In the event of such withdrawal, TMF acknowledges that this petition shall automatically be considered to be a voluntary petition that is filed with the legislative body under IC 36-4-3-5, and all provisions applicable to a petition initiated under such statute shall then apply to this petition.

WHEREFORE, petitioner, Tunnel Mill Farms, LLC, asks that the Town Council adopt an ordinance annexing the Real Estate into the Town as requested herein and pursuant to the provisions of applicable Indiana law.

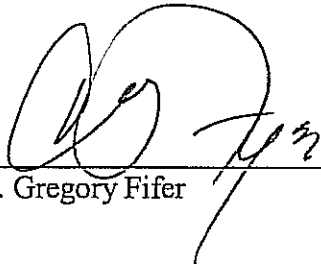
THE UNDERSIGNED, AS THE DULY AUTHORIZED ATTORNEY AND AGENT FOR PETITIONER, TUNNEL MILL FARMS, LLC, HEREBY AFFIRMS, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS WITHIN THIS *PETITION FOR ANNEXATION INTO THE TOWN OF GEORGETOWN, INDIANA*, ARE TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.



C. Gregory Eifer, as Attorney and Agent for Tunnel Mill Farms, LLC

CERTIFICATE OF FILING

The undersigned hereby certifies that on the 2nd day of November, 2005, the foregoing Petition for Annexation into the Town of Georgetown, Indiana, was filed personally in the office of the Georgetown Clerk-Treasurer, 9110 State Road 64, Georgetown, Indiana 47122.



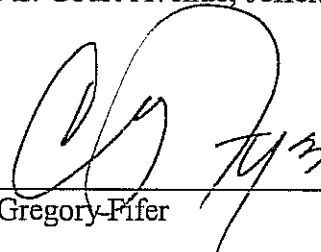
C. Gregory Fifer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of November, 2005, a copy of the foregoing Petition for Annexation into the Town of Georgetown, Indiana, was served by first class United States mail, postage prepaid, on the following:

Stan O. Faith, 412 E. Main Street, New Albany, Indiana 47150

John R. Vissing, JOHN R. VISSING, LLC, 432 E. Court Avenue, Jeffersonville, Indiana 47130



C. Gregory Fifer

This Petition prepared by:
C. Gregory Fifer, #8121-98
APLEGATE & FIFER
131 E. Court Avenue, Suite 101
Jeffersonville, Indiana 47131-1418
(812) 294-9499
Counsel for Petitioner

**NOTICE OF PUBLIC HEARING
ON PETITION FOR ANNEXATION**

Notice is hereby given that petitioner, Tunnel Mill Farms, LLC, an Indiana limited liability company, has filed a petition before the Georgetown Town Council for the annexation of the following-described tract of real property that is presently located in the unincorporated territory of Floyd County into the corporate boundaries of the Town of Georgetown, *to-wit*:

Tract 1

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

Beginning on the northern Right-of-Way line of Interstate 64 where it intersects the west corporate limits of the Town of Georgetown, same being the southwest corner of the Town of Georgetown 1993 annexation; Thence northeasterly, along said northern Right-of-Way line, being the corporate limits of said Town, 868 feet, more or less, to a southeast corner of said Town; Thence continuing northeasterly, along said northern Right-of-Way line, 2084 feet; Thence deflecting 90° to the right in a southeasterly direction, 317 feet, more or less, to the centerline of said Interstate 64; Thence southwesterly, along said centerline, 2841 feet; Thence Northwesterly 325 feet, more or less, to the PLACE OF BEGINNING. Containing 20.76 acres, more or less.

Tract 2

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. 1219, 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., 68 feet; Thence N.16°23'56"W., 497.19 feet; Thence N.17°49'11"W., 872.2 feet; Thence N.17°43'33"W., 353.35 feet; Thence N.17°27'55"W., 594.98 feet to a stone on a corner of said Rainelle Woods; Thence N.0°14'34"E., along

EXHIBIT
"B"

another west line of said Rainelle Woods, 347.31 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, 3388 feet; Thence northwesterly, 325 feet, more or less, to the centerline of said Interstate 64; Thence northeasterly, along said centerline, 2841 feet; Thence northwesterly, 317 feet, more or less, to the northern Right-of-Way line of said Interstate 64; Thence northeasterly, along said Right-of-Way line, 1887 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 92.6 acres, more or less.

Notice is further hereby given that a public hearing will be held on the above-described petition at the regular Georgetown Town Council meeting scheduled for December 15, 2005, at 7:30 o'clock p.m. (prevailing local time), to be held at Georgetown Town Hall, 9110 State Road 64, Georgetown, Indiana 47122.

A complete copy of the petition for annexation is on file and may be viewed in the Clerk-Treasurer's office at Georgetown Town Hall during regular business hours. Remonstrances or objections to the proposed annexation shall be heard at such hearing. The Georgetown Town Council may continue the public hearing from time-to-time as deemed necessary, and may adopt an ordinance effecting such annexation not sooner than fourteen (14) days following the close of such hearing.

So noticed this 2nd day of November, 2005.

/s/ Doug Cook, Georgetown Clerk-Treasurer

This notice prepared by:

C. Gregory Fifer, Attorney

APPLEGATE & FIFER

131 East Court Avenue, Suite 101

Jeffersonville, Indiana 47131-1418

(812) 284-9499

Counsel for Petitioner

**FISCAL PLAN FOR THE PROVISION OF MUNICIPAL
SERVICES TO A 20.76-ACRE TRACT AND A 92.6-ACRE TRACT
OF LAND FOR WHICH ANNEXATION INTO THE
TOWN OF GEORGETOWN, INDIANA, HAS BEEN REQUESTED**

Petitioner, Tunnel Mill Farms, LLC, has filed a petition requesting annexation of a 20.76-acre tract and a 92.6-acre tract of real property that are presently located in the unincorporated territory of Floyd County, Indiana, into the Town of Georgetown, Indiana (collectively the "Property").

This Fiscal Plan is established in accordance with the requirements of IC 36-4-3-3.1 as the definite policy of the Georgetown Town Council for the provision of services to the Property. The following shall be the policy of the Town of Georgetown regarding the provision of non-capital and capital services to the Property:

1. **Non-Capital Services.** The Town presently provides services of a non-capital nature within its current corporate boundaries, including without limitation, police protection and street and road maintenance. Such services will be provided to the Property within one (1) year after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

Due to the fact that the Property is presently being developed as a residential subdivision by the Petitioner, and further due to the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired to provide such services. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

2. **Capital Services.** The Town presently provides services of a capital improvement nature within its current corporate boundaries, including without limitation, street construction, street lighting, and water facilities. Such services will be provided to the Property within three (3) years after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

The residences within the subdivision being developed on the Property are, or will be, provided with service by the Town Water Utility and the Town Sewer Utility through extensions funded and constructed by Petitioner. In conjunction with the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired, or capital expenditures made, in order to provide such services to the Property. Any costs for extension of the water system to other presently undeveloped portions of the Property will be borne by the owner or developer thereof in a

manner consistent with the Town's established policies. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

**FISCAL PLAN FOR THE PROVISION OF MUNICIPAL
SERVICES TO A 20.76-ACRE TRACT AND A 92.6-ACRE TRACT
OF LAND FOR WHICH ANNEXATION INTO THE
TOWN OF GEORGETOWN, INDIANA, HAS BEEN REQUESTED**

Petitioner, Tunnel Mill Farms, LLC, has filed a petition requesting annexation of a 20.76-acre tract and a 92.6-acre tract of real property that are presently located in the unincorporated territory of Floyd County, Indiana, into the Town of Georgetown, Indiana (collectively the "Property").

This Fiscal Plan is established in accordance with the requirements of IC 36-4-3-3.1 as the definite policy of the Georgetown Town Council for the provision of services to the Property. The following shall be the policy of the Town of Georgetown regarding the provision of non-capital and capital services to the Property:

1. **Non-Capital Services.** The Town presently provides services of a non-capital nature within its current corporate boundaries, including without limitation, police protection and street and road maintenance. Such services will be provided to the Property within one (1) year after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

Due to the fact that the Property is presently being developed as a residential subdivision by the Petitioner, and further due to the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired to provide such services. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

2. **Capital Services.** The Town presently provides services of a capital improvement nature within its current corporate boundaries, including without limitation, street construction, street lighting, and water facilities. Such services will be provided to the Property within three (3) years after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

The residences within the subdivision being developed on the Property are, or will be, provided with service by the Town Water Utility and the Town Sewer Utility through extensions funded and constructed by Petitioner. In conjunction with the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired, or capital expenditures made, in order to provide such services to the Property. Any costs for extension of the water system to other presently undeveloped portions of the Property will be borne by the owner or developer thereof in a

manner consistent with the Town's established policies. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

along said Right-of-Way line, 1887 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 92.6 acres, more or less.

2. This Resolution shall take effect immediately upon its passage and adoption by this Town Council.

So Resolved this 15 day of Dec, 2005.

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

Gary L Smith
President

Chris A Cook
Member

Jay Ham
Member

Alison Hammursmith
Member

Member

Attested by:

Douglas Cook
Clerk-Treasurer