

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-036

**RESOLUTION NOTICE OF PUBLIC HEARING ON PROPOSED
ANNEXATION ORDINANCE 2009-T-035
HERITAGE SPRINGS SUB-DIVISION**

Whereas, on or about May 11, 2009, Thieneman Development, LLC, and Thieneman Environmental, LLC, voluntarily filed a joint petition before this Town Council requesting the annexation of an approximately 98.526-acre tract of real estate, 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; 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 shall be scheduled before this Town Council for the 13th day of October, 2009 @ 7:00 p.m. @ the Greenville Town Hall located at Clark and Cross Streets within Greenville, Indiana, 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, the Greenville Town Council has developed Ordinance No. 2009-T-035 for the annexation of Heritage Springs into the corporate limits of the Town of Greenville. First reading of Ordinance No. 2009-T-035 was on Monday July 13th, 2009.

1. The following described real estate requesting annexation into the Town of Greenville, Indiana, is more particularly described as follows, *to-wit*:

Part of Section #4 in Township 2 South, Range 5 East, Greenville Township, Floyd County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Section #4, thence with the North line of said section South 89° 59' 59" East 9.57 feet, this being the point of beginning, thence continuing South 89° 59' 59" East 1517.99 feet, thence leaving said North line South 00° 14' 27" West 381.59 feet, thence North 88° 31' 03" East 246.85 feet, thence South 00° 14' 27" West 1830.89 feet, thence North 89° 59' 59" West 200.00 feet, thence South 00° 14' 27" West 303.95 feet to a point in the Northern right of way of State Road #150, thence with said right of way South 88° 29' 32" West 655.91 feet continuing with said right of way along a curve concave North-easterly whose radius is 1869.86 feet whose long chord bears North 74° 03' 43" West, having a length of 1121.18 feet, a distance of 1138.69 feet, thence North 28° 29' 39" East 332.21 feet to a point in the West line of said Section #4, thence with said line North 00° 20' 29" East 1041.44 feet, thence leaving said line North

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00° 57' 37" East 886.06 feet, to the point of beginning, containing 98.526 acres, more or less.

The above-described territory is referred to in the Annexation Ordinance and hereinafter as the "Annexation Area".

1. You have been identified from the current tax list maintained by the Floyd County Auditor as the owner of real estate within the Annexation Area, and this notice has been mailed to you at the address shown within such current tax list.

2. As of the date of the filing of the Petition, Thieneman Development remains the owner of one hundred ninety-one (191) of the two hundred six (206) residential lots within the Heritage Springs Property, as the following lots have previously been sold within Heritage Springs and are presently owned by the following:

Lot No. 1

Owner(s): Eric W. Lincks

Address: 1000 Frontier Trail, Greenville, Indiana 47124

Lot No. 2

Owner(s): Helen Bailey

Address: 1002 Frontier Trail, Greenville, Indiana 47124

Lot No. 4

Owner(s): Brian Thomas and Andrea Thomas

Address: 1008 Frontier Trail, Greenville, Indiana 47124

Lot No. 58

Owner(s): Kelly J. Williar

Address: 997 Heritage Way, Greenville, Indiana 47124

Lot No. 61

Owner(s): Krista D. Comer and Michael P. Comer

Address: 996 Heritage Way, Greenville, Indiana 47124

Lot No. 62

Owner(s): Richard E. Pauley II and Lisa M. Kallberg

Address: 1104 Frontier Trail, Greenville, Indiana 47124

Lot No. 63

Owner(s): Stephen M. Trepal

Address: 1106 Frontier Trail, Greenville, Indiana 47124

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Lot No. 64

Owner(s): Alysa D. Lambert and Robert A. Lambert
Address: 1108 Frontier Trail, Greenville, Indiana 47124

Lot No. 81

Owner(s): Albert Vacca and Mary Vacca
Address: 1113 Frontier Trail, Greenville, Indiana 47124

Lot No. 82

Owner(s): Derek A. and Whitney L. Cassady
Address: 1111 Frontier Trail, Greenville, Indiana 47124

Lot No. 83

Owner(s): Roger J. Mumper and Jacqueline Ann Mumper
Address: 1109 Frontier Trail, Greenville, Indiana 47124

Lot No. 84

Owner(s): Dena L. Arrowood
Address: 1107 Frontier Trail, Greenville, Indiana 47124

Lot No. 85

Owner(s): Albert J. Gore, Jr., and Sarah A. Gore
Address: 1105 Frontier Trail, Greenville, Indiana 47124

Lot No. 86

Owner(s): Jane N. Fender
Address: 1103 Frontier Trail, Greenville, Indiana 47124

Lot No. 87

Owner(s): Alexander S. Porter and Kayla N. Porter
Address: 998 Heritage Way, Greenville, Indiana 47124

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1. The properties within the Annexation Area are presently located within the following zoning districts according to the Floyd County Zoning Map designated as residential/ light commercial.
2. The State Property is either located within the district designated as “Agricultural/Residential” on the Floyd County Zoning Map, or is not classified for zoning purposes on such map.
3. The Town Property is located within the district designated as “Agricultural/ Residential/ light commercial/ industrial” on the Floyd County Zoning Map.
4. The Fiscal Plan recommends, and the Annexation Ordinance as presently drafted would assign, the following proposed zoning designations for the properties within the Annexation Area pursuant to the Town Zoning Ordinance and Town Zoning Map as Residential/ light commercial:
5. A detailed summary of the fiscal plan adopted by the Town Council pursuant to Resolution No. 2009-R-034 at its regular meeting on July 13th, 2009, establishing the definite policy of the Town for the provision of services of both a non-capital and capital nature to the Annexation Area as required by IC 36-4-3-13 (the “Fiscal Plan”) is attached hereto.
6. The public may inspect and copy the Fiscal Plan in its entirety at the office of the Greenville Water Utility of the Town of Greenville, Indiana, Clark and Cross Streets, Greenville, Indiana 47124, during regular business hours.
7. The Town will immediately provide a copy of the Fiscal Plan without charge to any landowner in the Annexation Area who requests a copy. Notwithstanding the above, a complete copy of this Fiscal Plan is attached hereto for your convenience. A map showing both the current municipal boundaries of the Town and its proposed boundaries subsequent to the proposed annexation is included in the enclosed Fiscal Plan.
8. The Town Council may adjourn the public hearing described in paragraph 2 above from time-to-time as it deems appropriate in its sole discretion. The Town Council shall not consider or finally adopt the proposed Annexation Ordinance sooner than thirty (30) days nor later than sixty (60) days after public hearing has been concluded.
9. The name, business address, and telephone number of the representative of the Town who may be contacted for further information regarding the proposed annexation is:

Talbotte Richardson
President Greenville Town Council
Greenville Town Hall
P.O. Box 188
Greenville, Indiana 47124
(812) 923-9821

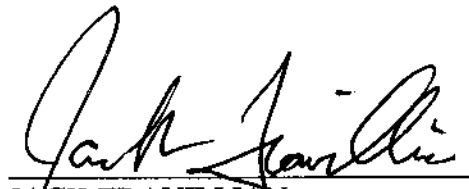
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10. This Notice is given this 26th day of July, 2009, as required by the provisions of IC 36-4-3-2.1 and IC 36-4-3-2.2 to the person(s) identified above by certified United States mail, return receipt requested, postage prepaid.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 13th DAY OF JULY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

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**TOWN OF GREENVILLE, INDIANA
ANNEXATION FISCAL PLAN SUMMARY**

The following is a detailed summary of the fiscal plan adopted by resolution of the Town Council of the Town of Greenville, Indiana, for the extension of services of both a non-capital and capital nature to the Annexation Area in the manner and scope required by the provisions of IC 36-4-3-13.

I. CHARACTERISTICS OF ANNEXATION AREA.

The Annexation Area consists of 206 residential lots, a common park area, and a wastewater treatment plant site, all as shown in Plat No. 1304 recorded as Instrument 200517630 in the office of the Recorder of Floyd County, Indiana on December 8th, 2005. There are sixteen (16) property owners within the Annexation Area, namely: Lot No. 1, Eric W. Lincks, Lot No. 2, Helen Bailey, Lot No. 4, Brian and Andrea Thomas, Lot No. 58, Kelly J. Williar, Lot No. 61, Michael P. and Krista D. Comer, Lot No. 62, Richard E. Pauley II and Lisa M. Kaliberg, Lot No. 63, Stephen M. Trepal, Lot No 64, Robert A. and Alysa D. Lambert, Lot. No. 81, Albert and Mary Vacca, Lot No. 82, Derek A. and Whitney L. Cassady, Lot No. 83, Roger J. and Jacqueline Ann Mumper, Lot No. 84, Dena L. Arrowood, Lot No. 85, Albert J. and Sarah A. Gore Jr., Lot No. 86, Jane N. Fender, Lot No. 87, Alexander S. and Kayla N. Porter. The remaining {191} lots which includes the WWTP Property are owned by Thieneman Development LLC and Thieneman Environmental LLC.

II. NON-CAPITAL SERVICES.

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services and in the same manner as services that are currently provided within the existing Town's corporate limits.

The proposed Annexation Area will not require adding additional personnel or equipment.

The Town will provide all necessary non-capital services to the Annexation Area beginning effective at 12:01 a.m. on April 14, 2011 (excepting planning and zoning services which as of the effective date of the Annexation Ordinance), in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

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B. Marshal Protection

The Town of Greenville Marshal Department's primary purpose is the prevention of crime. The Marshal Department patrols the boundaries of the Town on a daily basis and responds to all alarm calls when called. In addition, the Marshal Department provides other services such as detection and apprehension of offenders, traffic control, and preservation of civil order. The Marshal Department does not distinguish between different areas of the Town. The same services are provided throughout the Town. The Town does not anticipate needing to hire any additional Marshal Department Members as a result of the annexation in order to maintain its current ratio of Marshal Members to Town population.

C. Fire Protection

The Town does not presently provide municipal fire protection service. The entire Town and all of the Annexation Area are located within the Greenville Volunteer Township Fire Department. No change in this service is expected to result from annexation.

D. Emergency Medical Services

The Town of Greenville currently has an agreement with the Greenville Volunteer Township for EMS. Floyd County is solely responsible for the assignment of EMS service territories within the County to providers, including areas within both the Town and the Annexation Area. It is expected that there will be no change in this agreement as a result of this annexation.

E. Street Maintenance

The Greenville Town Council will be responsible for the maintenance, snow and ice removal of the streets in the Annexation Area. Publicly dedicated streets that are within the Annexation Area have been under the control of Floyd County and that will be assumed by the Town following annexation. The Town has a roads and streets funds to cover additional cost that is expected to result from this annexation.

F. Trash Collection and Recycling

The Town of Greenville will not provide garbage and yard refuse collection services to the sole existing single-family home that is on the Town Property within the Annexation Area. Therefore, no additional cost is expected to result from this annexation.

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G. Storm Drainage

Storm drainage maintenance throughout the Annexation Area will be consistent with the Town's current storm drainage maintenance throughout the Town. The Town does not anticipate needing to hire additional employees or purchase additional equipment to provide such service as a result of the annexation. Therefore, no additional cost is expected to result from this annexation.

H. Animal Control

The Town utilizes the New Albany – Floyd County Animal Shelter to promote the rescue and adoption of domestic animals, The Town does not distinguish between different areas of the Town in providing such services. The same services are provided throughout the Town. The shelter anticipates needing any additional employees or equipment to provide this service as a result of the annexation. Therefore, no additional cost is expected to result from this annexation.

I. Parks

The Town has one (1) existing park and recreation facility owned and operated by the Floyd County Parks Department the. No additional parkland or facilities are anticipated due to the Annexation Area.

J. Planning and Zoning

The Floyd County Planning Commission through an agreement with the Town of Greenville is responsible for assisting citizens and developers with all aspects of their development needs. The department does not anticipate the need to hire any new personnel as a result of the annexation. Therefore, no additional cost is expected to result from this annexation.

L. Building Commission

The Floyd County Planning Commission is responsible for the issuance of construction trade licenses and permits related to new construction, alterations, repair and additions to existing structures. Inspection activities are conducted to insure that the minimum levels of construction are in compliance with the Indiana Building Code and local ordinances. The Floyd County Planning Commission does not anticipate needing to hire any new personnel as a result of the annexation. Therefore, no additional cost is expected to result from this annexation.

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M. Governmental Administrative Services

The administrative services of the Town will become available to the residents of the Annexation Area by April 14, 2011. These services include, but are not limited to, the Greenville Town Council, The Marshal Department and the Greenville Clerk-Treasurer. The costs of these services are not directly related to the size and population of the Annexation Area initially; therefore this Fiscal Plan does not include cost estimates.

III. CAPITAL SERVICES.

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services and in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide all necessary capital improvements to the Annexation Area by April 14th, 2013, in a manner equivalent in standard and scope to those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

B. Water Service

The Greenville Water Utility is currently responsible for serving the Annexation Area and this will continue following annexation. No additional costs will be incurred by the Town regarding the providing of water service.

C. Wastewater Service

The wastewater collection and treatment service is presently provided in the Annexation Area by Thieneman Environmental LLC. The Town desires to annex the Annexation Area in order to be able to use the existing plant to service Town existing and future customers. The Town plans to extend sewer service from this plant to the single-family homes and businesses that presently exist on the Town Property. The Town will pay this expense from general utility revenues, grants, or from the proceeds of the bonds.

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D. Storm Drainage

Storm drainage throughout the Annexation Area will be consistent with the Town's current storm drainage policies and practices throughout the Town. The annexation will not create the need for any new personnel or equipment to provide these services. Therefore, no additional cost is expected to result from this annexation.

E. Street Maintenance and Construction

There are publicly dedicated streets in the Annexation Area that are under the jurisdiction of Floyd County and that will be assumed by the Town. Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the Town's policies. Therefore, no additional cost is expected to result from this annexation.

F. Trash Collection and Recycling

Trash collection and recycling to the sole existing single-family home on the Town Property within the Annexation Area will be consistent with the Town's current trash collection and recycling policies. The annexation will not create the need for any new personnel or equipment to provide this service. Therefore, no additional cost is expected to result from this annexation.

G. Street Lighting

The Town does not anticipate any capital expenses related to providing streetlights in the Annexation Area. When streetlights are added to parts of the Annexation Area the capital cost of those lights will be the responsibility of Duke Energy.

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IV. FISCAL IMPACT

As a result of this annexation, the assessed value for the Town will increase. This represents a negligible increase of approximately 0.0463%. Property tax controls instituted by the 2003 Indiana General Assembly limit the Town to a property tax increase equal to the six-year average non-farm income (3.9% for 2006 budget year) annually for most funds. The net impact of increasing the Town's assessed value will not result in substantial additional property tax revenues to the Town (particularly as the State Property and the Town Property are exempt), but may assist in stabilizing or lowering property tax rates for Town residents.

Annexation Area residents will not pay property taxes to the Town until 2012 payable 2013. However, the Town will begin providing non-capital municipal services to the property owners at 12:01 a.m. on April 14, 2011, with the exception of planning and zoning, which will be provided immediately following the effective date of annexation. It is anticipated that there will not be significant additional costs to the Town as a result of the annexation. Detailed revenue projections were not included in this Fiscal Plan because of the property tax controls. The majority of property taxes paid within the Annexation Area do not represent new revenues, but represent the portion of the Town's levy that is applicable to the Annexation Area taxpayers. Additional state revenues based on population will not be adjusted until the next census. The cost of a special census to modify the portion the Town would receive is cost prohibitive and is not being contemplated by the Town at this time.

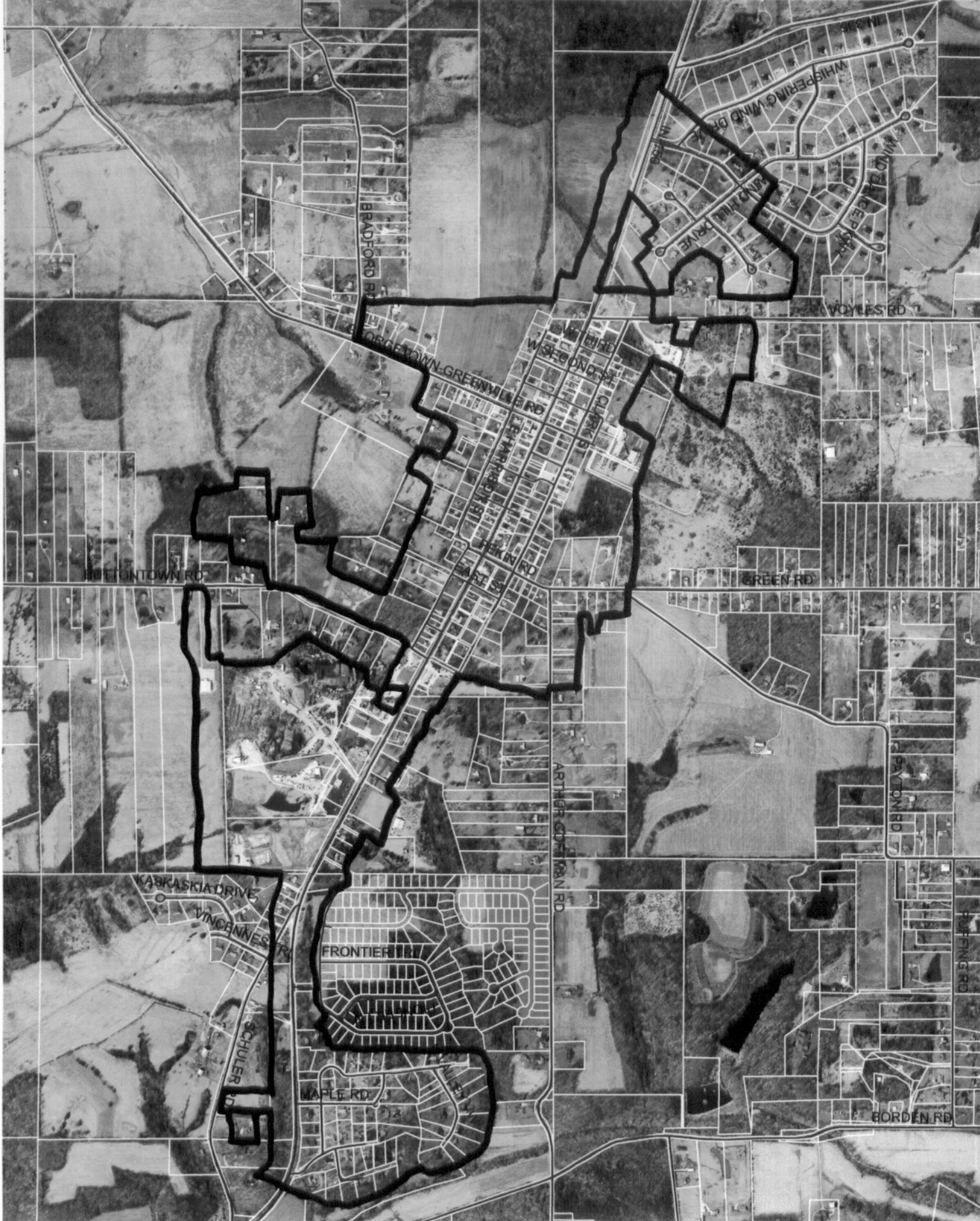


EXHIBIT "A"
BEFORE ANNEXATION

6-3-2009

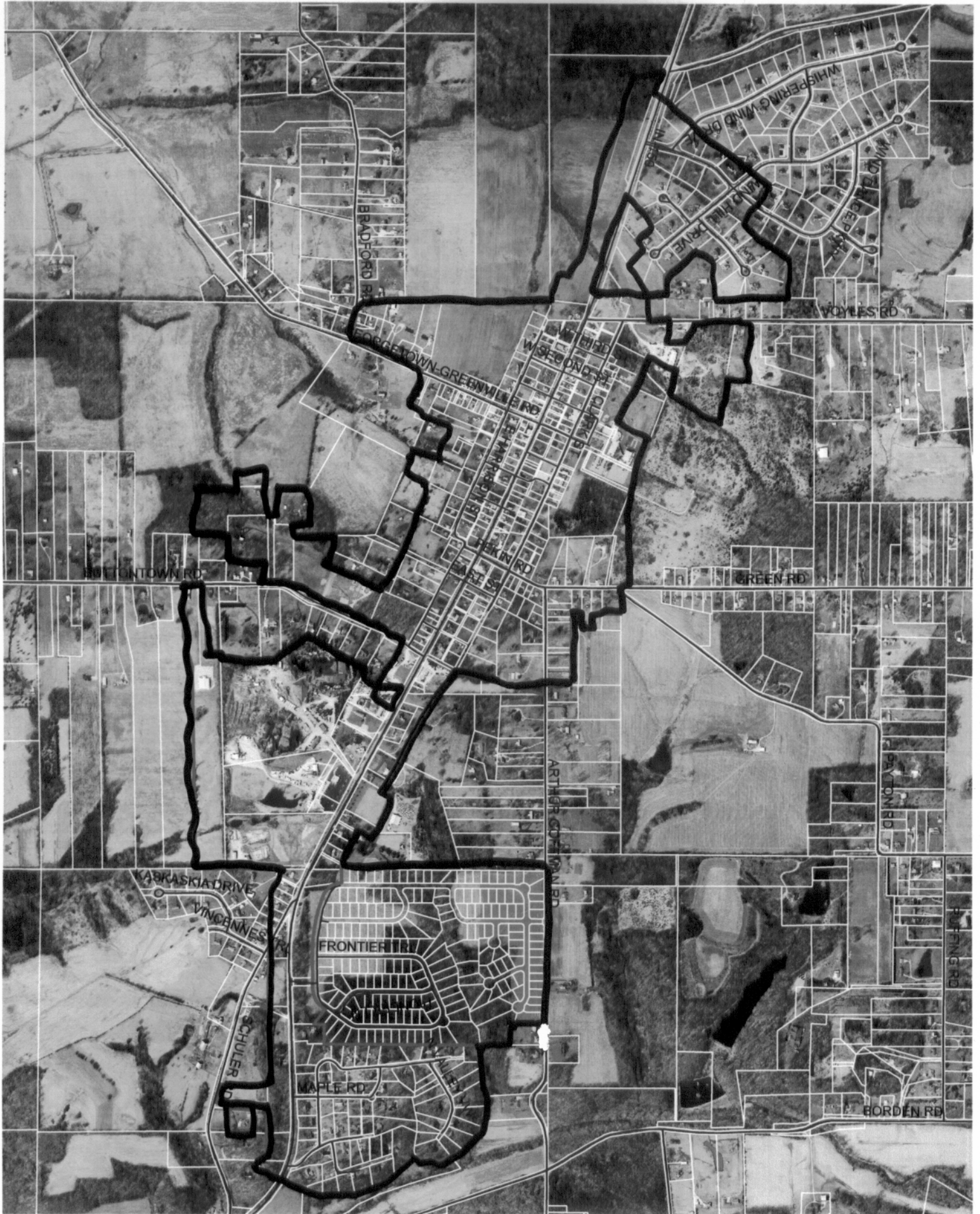


EXHIBIT "B"
AFTER ANNEXATION

4-14-2010

To: Town of Greenville
(Governmental Unit)
Floyd County, Indiana

From: THE TRIBUNE
221 Spring St. P.O. Box 867
Jeffersonville, IN 47130

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines 308
Body -- Number of lines
Tail -- number of lines
Total number of lines in notice 308

COMPUTATION OF CHARGES

308 lines, 1 columns wide equals 308 equivalent lines
at 333 cents per line \$ 102.56
Additional charge for notices containing rule or tabular work
(50 percent of above amount)
Charge for extra proofs of publication (\$4.00 for each proof
in excess of two)
TOTAL AMOUNT OF CLAIM 102.56

DATA FOR COMPUTING COST

Width of single column 9.0 ems
Number of insertions 1
Size of type 7 point

FEDERAL ID#
55-0870768

Pursuant to the provisions and penalties of Chapter 155, acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Melissa Tolnay

Date: 8-3, 20 09

Title: Legal Bookkeeper

RESOLUTION NOTICE OF PUBLIC HEARING ON PROPOSED ANNEXATION ORDINANCE 2009-T-035 HERITAGE SPRINGS SUB-DIVISION
Whereas, on or about May 11, 2009, Thieneman Development, LLC, and Thieneman Environmental, LLC, voluntarily filed a joint petition before this Town Council requesting the annexation of an approximately 98.526-acre tract of real estate, 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; 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 shall be scheduled before this Town Council for the 13th day of October, 2009 @ 7:00 p.m. @ the Greenville Town Hall located at Clark and Cross Streets within Greenville, Indiana, and notice of such public 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 public hearing; and
Whereas, the Greenville Town Council has developed Ordinance No. 2009-T-035, an annexation of the above described property into the limits of the Town of Greenville, Indiana, is more fully described as follows:
Section #4 in Township, Range 5 North, Township, Indiana, Indiana, is more fully described as follows:
Section #4 in Township, Range 5 North, Township, Indiana, Indiana, is more fully described as follows:
59° East 9.57 feet, this being the point of beginning, thence continuing South 89° 59' 59" East 1517.99 feet, thence leaving said North line South 00° 27' 27" West 381.59 feet, thence North 88° 31' 03" East

PUBLISHER'S AFFIDAVIT

State of Indiana)
Floyd County) ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Melissa Tolnay who, being duly sworn, says that she is legal bookkeeper of The Tribune newspaper of general circulation published in the English language in the (city) of New Albany in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

August 1, 2009

Subscribed and sworn to before me this 3rd day of August, 2009.

Joann Galligan

Notary Public

JOANN GALLIGAN

My commission expires August 27, 2014.

065 21364

