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FLOYD CO. IN RECORDER - LOIS ENDRIS

01/05/2010 02:18:33PM

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Transaction # 3634

Fee Amount: \$15.00

TOWN OF GREENVILLE  
ORDINANCE NO. 2009-T-035

**AN ORDINANCE ANNEXING TERRITORY INTO THE  
TOWN OF GREENVILLE, 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 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 13<sup>th</sup> day of October, 2009, 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 Town Council held such public hearing as scheduled on 13<sup>th</sup> October, 2009, 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 has not received any objections from any landowners within the proposed annexation area; and,

**Whereas**, this Town Council now deems it to be in the best interests of the Town of Greenville, 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.

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

1. The following described real estate is hereby declared as annexed into the Town of Greenville, Indiana, *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 Northeasterly 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 00° 57' 37" East 886.06 feet, to the point of beginning, containing 98.526 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".

1. This Ordinance shall take effect at the sooner of January 2, 2010, or 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.
2. 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).
3. 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:

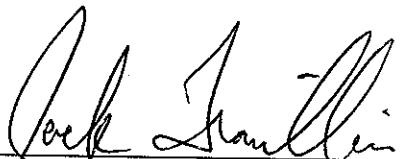
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- A. File a certified copy of this Ordinance with each of the following:
1. The Floyd County Auditor, together with seven (7) additional copies that the Auditor may use to forward in accordance with the provisions of IC 36-4-3-22(d) to (a) the Floyd County Highway Department, (b) the Floyd County Surveyor, (c) the Floyd County Plan Commission, (d) the Floyd County Sheriff, (e) The Greenville 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.
  6. Record a certified copy of this Ordinance in the office of the Floyd County Recorder.

**ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 24th DAY OF November, 2009.**

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
JACK TRAVILLIAN,  
CLERK/TREASURER

COUNTY OF RESIDENCE - FLOYD  
PREPARED BY:  
RANDAL JOHNES

EXEMPT UNDER THE PENALTIES FOR PERJURY,  
THAT I HAVE TAKEN REASONABLE CARE TO REDACT  
EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT,  
UNLESS REQUIRED BY LAW.  
NAME 