



# Common Council

## Agenda Item

### Cover Sheet

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**MEETING DATE:** October 15, 2024

- Previously Discussed Ordinance
- Proposed Development Presentation
- New Ordinance for Discussion
- Miscellaneous
- Transfer

**ITEM or ORDINANCE:** #54-09-24

**PRESENTED BY:** Joyceann Yelton

- Information Attached
- Bring Paperwork from Previous Meeting
- Verbal
- No Paperwork at Time of Packets

**ORDINANCE NO. 54-09-24**

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF  
NOBLESVILLE, HAMILTON COUNTY, INDIANA

19500 – 19600 block of Promise Road, West Side  
Branson Reserve Planned Development  
Super-Voluntary Annexation

WHEREAS, the City of Noblesville, Hamilton County, Indiana received a petition requesting that certain territory generally located at 19500 – 19600 block of Promise Road, West Side and known as “Branson Reserve Planned Development”, as herein after described (“Annexation Territory”), be annexed by the City of Noblesville; and

WHEREAS, the petition has been signed by the owners (i.e. 100%) of the property within the “Annexation Territory”; and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or around October 15, 2024, the City Council held a duly noticed public hearing regarding the “Annexation Territory”; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the “Annexation Territory” is contiguous at least by one-eighth (1/8) of the aggregate external boundaries of the “Annexation Territory” and coincides with the boundaries of the City.

WHEREAS, the written fiscal plan and definite policy adopted by resolution provides for the provision of services of a non-capital nature (including police protection, fire protection, street and road maintenance and other non-capital services normally provided within the corporate boundaries of the City) to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provides for the provision of services of a capital nature (including but not limited to street construction, sewer facilities, and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in a manner equivalent in standard and scope to those capital services provided to areas within the 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; and

WHEREAS, the Common Council now desires to annex the "Annexation Territory" generally known as "19500 – 19600 block of Promise Road, West Side".

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana as follows:

**Section 1. Contiguity.** The petition requesting voluntary annexation for the "Annexation Territory", further described in Exhibit A, attached hereto and incorporated herein and graphically depicted in Exhibit B, attached hereto and incorporated herein.

**Section 2. Annexation Territory.** The real estate containing approximately 52.35 acres, more or less legally described in Exhibit A, and graphically depicted in Exhibit B, both attached thereto and incorporated herein, and generally known as the "19500 – 19600 block of Promise Road, West Side" and known as "Branson Reserve Planned Development", is hereby annexed to and declared to be a part of the City of Noblesville, Hamilton County, Indiana.

**Section 3. Council District.** The above-described real estate is hereby assigned to City Council District 4 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 4.** All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction thereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.

**Section 5.** The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

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Upon a motion duly made a seconded, the Ordinance was fully passed by the Members of the Common Council this \_\_\_\_\_ day \_\_\_\_\_, 2024.

COMMON COUNCIL

AYE	COUNCIL	NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: \_\_\_\_\_

Evelyn L. Lees, City Clerk

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Presented by me to the Mayor of the City of Noblesville, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M.

\_\_\_\_\_  
Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

MAYOR'S VETO

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Evelyn L. Lees, City Clerk

I, affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joyceann Yelton

Prepared by: Joyceann Yelton, Development Services Manager, City of Noblesville, 16 South 10<sup>th</sup> Street, Noblesville, IN 46060 (317) 776-6325

Legal Description

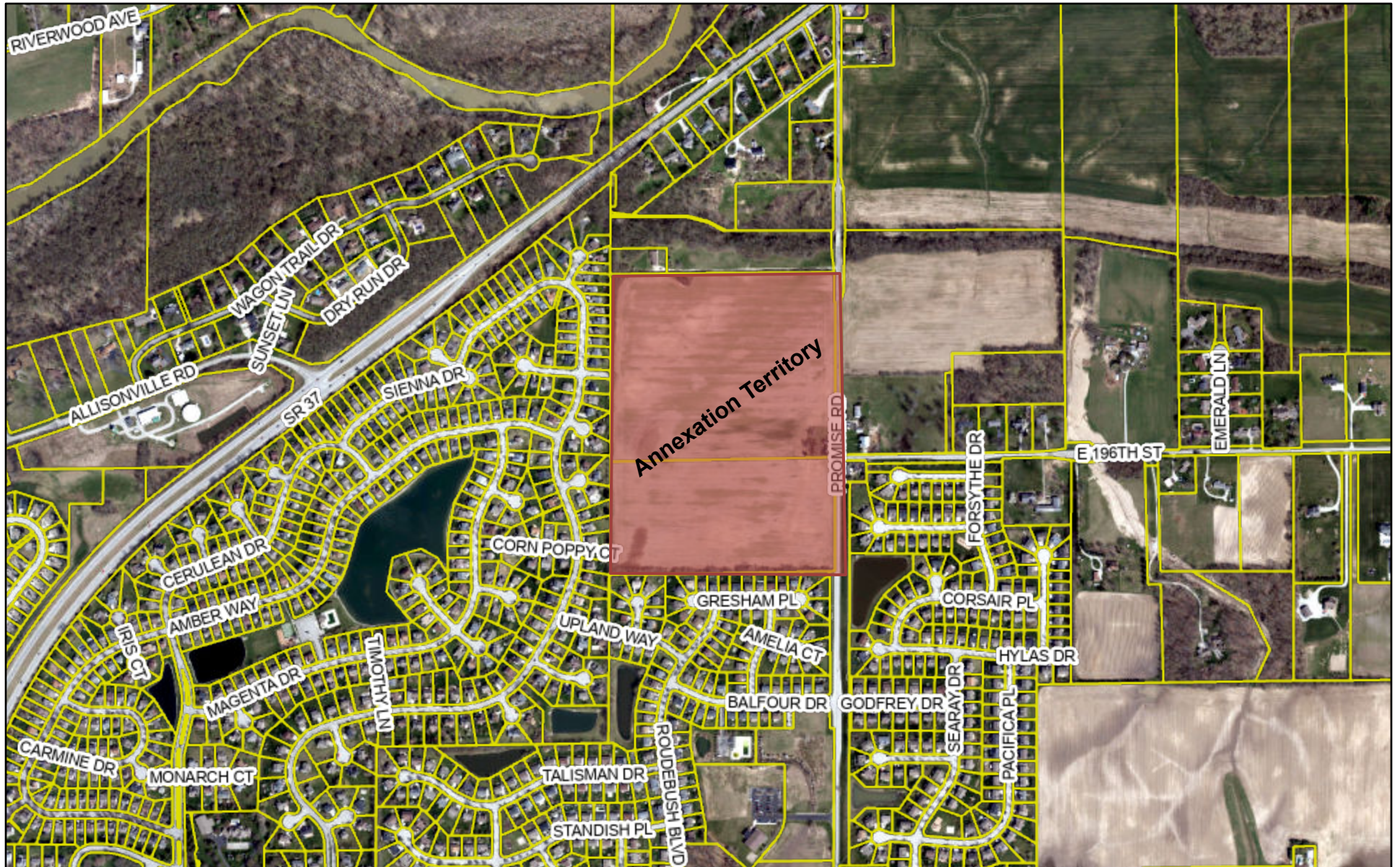
Part of the West Half of the Northwest Quarter of Section 28, and part of the Southwest Quarter of the Southwest Quarter of Section 21, all in Township 19 North, Range 5 East of the Second Principal Meridian, in Noblesville Township, Hamilton County, Indiana, based on an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering Job Number 2023-371, more particularly described as follows:

BEGINNING at the northeast corner of the West Half of the Northwest Quarter of said Section 28, marked by a Harrison monument; thence South 00 degrees 02 minutes 59 seconds East (grid bearing, Indiana Geospatial Coordinate System, "Hamilton County" Zone) along the east line of said Half-Quarter Section a distance of 666.76 feet to the northeast corner of Roudebush Woods, Section 4, the plat of which is recorded in Plat Cabinet 3, Slide 108 as Instrument Number 200200095881 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 07 minutes 09 seconds West along the north line of said Roudebush Woods, Section 4, and along the north line of Roudebush Woods, Section 2, the plat of which is recorded in Plat Cabinet 2, Slide 520 as Instrument Number 200000060265 in said Recorder's Office, and along the westerly extension thereof, a distance of 1314.16 feet to the east line of Meadows Knoll, Section 4, the plat of which is recorded in Plat Cabinet 2, Slide 373 as Instrument Number 199909971659 in said Recorder's Office; thence North 00 degrees 03 minutes 35 seconds East along said east line a distance of 669.12 feet to the northwest corner of the Northwest Quarter of said Section 28, marked by a 5/8-inch rebar with illegible cap; thence North 00 degrees 06 minutes 41 seconds East along the east line of said Meadows Knoll, Section 4, along the east line of Meadows Glen, Section 5, the plat of which is recorded in Plat Cabinet 2, Slide 437 as Instrument Number 200000025367 in said Recorder's Office, and along the east line of Meadows Glen, Section 4, the plat of which is recorded in Plat Cabinet 2, Slide 221 as Instrument Number 199909905519 in said Recorder's Office, a distance of 1070.80 feet to a 5/8-inch rebar with yellow cap stamped "HWC ENGINEERING FIRM #0114"; thence North 88 degrees 55 minutes 21 seconds East a distance of 1288.92 feet to the west line of a right-of-way grant described in Instrument Number 200400023359 in said Recorder's Office, the following two (2) courses being along the west and south lines thereof; (1) thence South 00 degrees 17 minutes 24 seconds East a distance of 168.39 feet; (2) thence North 89 degrees 42 minutes 36 seconds East a distance of 16.50 feet to the east line of the Southwest Quarter of the Southwest Quarter of said Section 21; thence South 00 degrees 17 minutes 24 seconds East along said east line a distance of 908.90 feet to the POINT OF BEGINNING, containing 52.354 acres, more or less.

Also, any public right-of-way adjacent to the above-described land not previously annexed by the City of Noblesville, Indiana shall be included as a part of the annexation. The adjacent full right-of-way of Promise Road shall be included.

# Annexation Territory

# Exhibit B



9/5/2024, 2:51:52 PM

- centerlines
- Parcels

