



# 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:** #55-09-24

**PRESENTED BY:** Joyceann Yelton

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

**ORDINANCE NO. 55-09-24**

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

17100 – 17300 block of Hazel Dell Road, East Side  
Courtyards of Hazel Dell Planned Development  
Super-Voluntary Annexation

WHEREAS, the City of Noblesville, Hamilton County, Indiana received a petition requesting that certain territory generally located at 17100 – 17300 block of Hazel Dell Road, East Side and known as the “Courtyards of Hazel Dell 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 "17100 – 17300 block of Hazel Dell Road, East 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 42.5 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 "17100 – 17300 block of Hazel Dell Road, East Side" and known as the "Courtyards of Hazel Dell", 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 2 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 Southwest Quarter of the Northwest Quarter of Section 3, Township 18 North, Range 4 East; beginning at the West line of said section at a point 20 feet south of the center of the tracks of Midland Rail Road as now located, and running South 16 rods and 3 feet; thence East 64 rods; thence North 16 rods and 3 feet to the rights-of-way of said railroad; thence West on said right-of-way to the place of beginning.

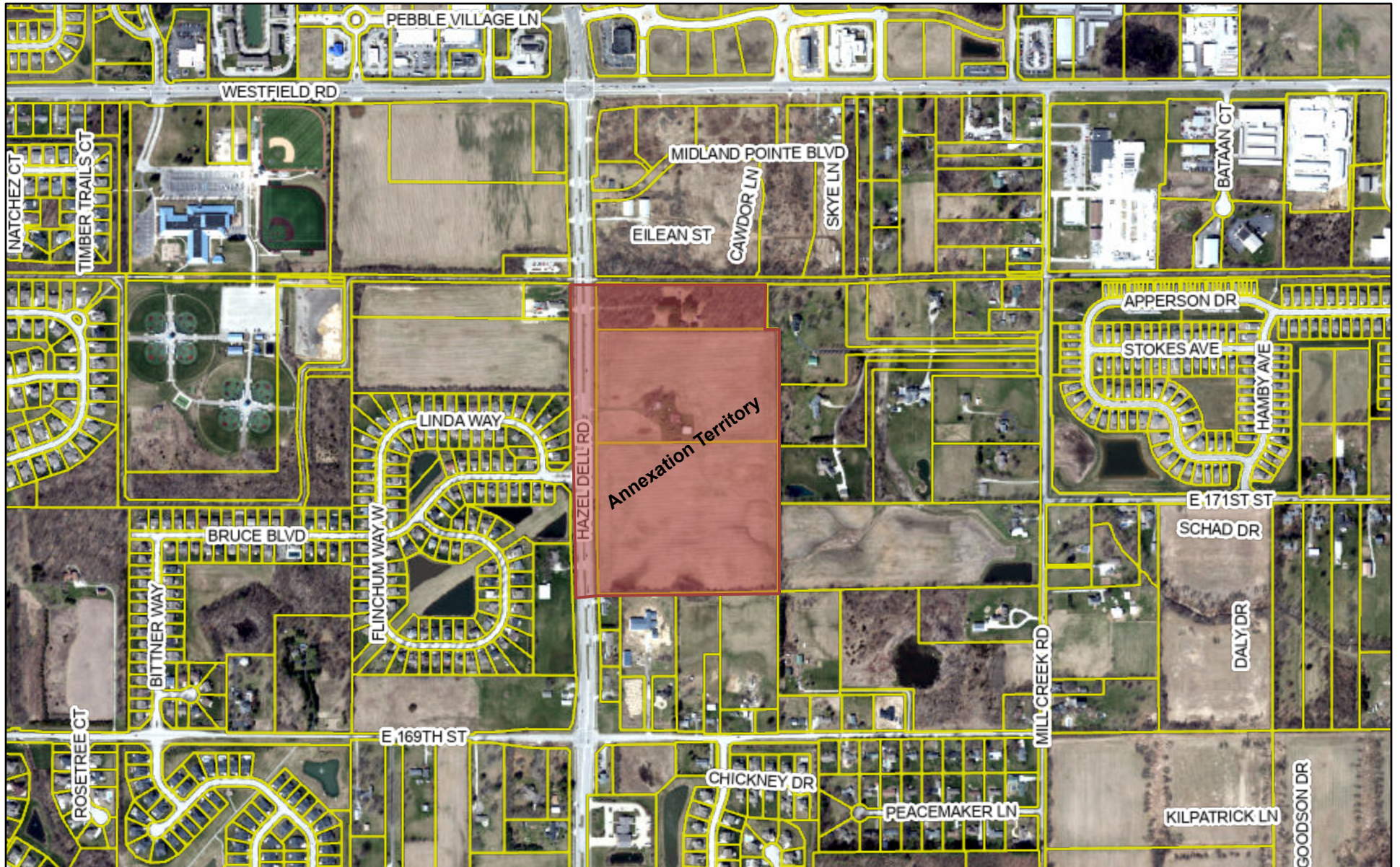
ALSO:

A part of the Northwest Quarter and part of the Southwest Quarter of Section 3, Township 18 North, Range 4 East, described as follows: Begin at a point 830 feet north of the Southwest Corner of the North half of the Southwest Quarter, Section 3, Township 18 North, Range 4 East, thence North on the west line of Section 3, Township 18 North, Range 4 East, 1530 feet to a point; thence East along an old fence 1122 feet; thence South along old fence line 1014.6 feet to stone marked X, said stone being on the line between the Northwest Quarter and the Southwest Quarter of said Section 3 and 1532.4 feet West of the Southeast corner of said Northwest Quarter; thence South 500 feet to a stone; thence West along said fence line 1122 feet to place of beginning. Containing 39.21 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. Right-of-way shall include Hazel Dell Road.

# Annexation Territory

# Exhibit B



9/5/2024, 2:33:35 PM

- centerlines
- Parcels

