



# Common Council

## Agenda Item

### Cover Sheet

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**MEETING DATE:** October 29, 2024

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

**ITEM or ORDINANCE:** #51-09-24

**PRESENTED BY:** Joyceann Yelton

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

**ORDINANCE NO. 51-09-24**

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

11100-11200 block of Greenfield Avenue, North Side  
Montelena Planned Development  
Super-Voluntary Annexation

WHEREAS, the City of Noblesville, Hamilton County, Indiana received a petition requesting that certain territory generally located in the 11100 – 11200 block of Greenfield Avenue (formerly State Road No. 238) and known as the “Montelena 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 "Montelena Planned Development" in the 11100 - 11200 block of Greenfield Avenue (formerly State Road No. 238), north 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 27.55 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 "Montelena Planned Development" and located in the 11000 - 11200 block of E. 156<sup>th</sup> Street, North Side 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 5 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**

(Montelena Property)

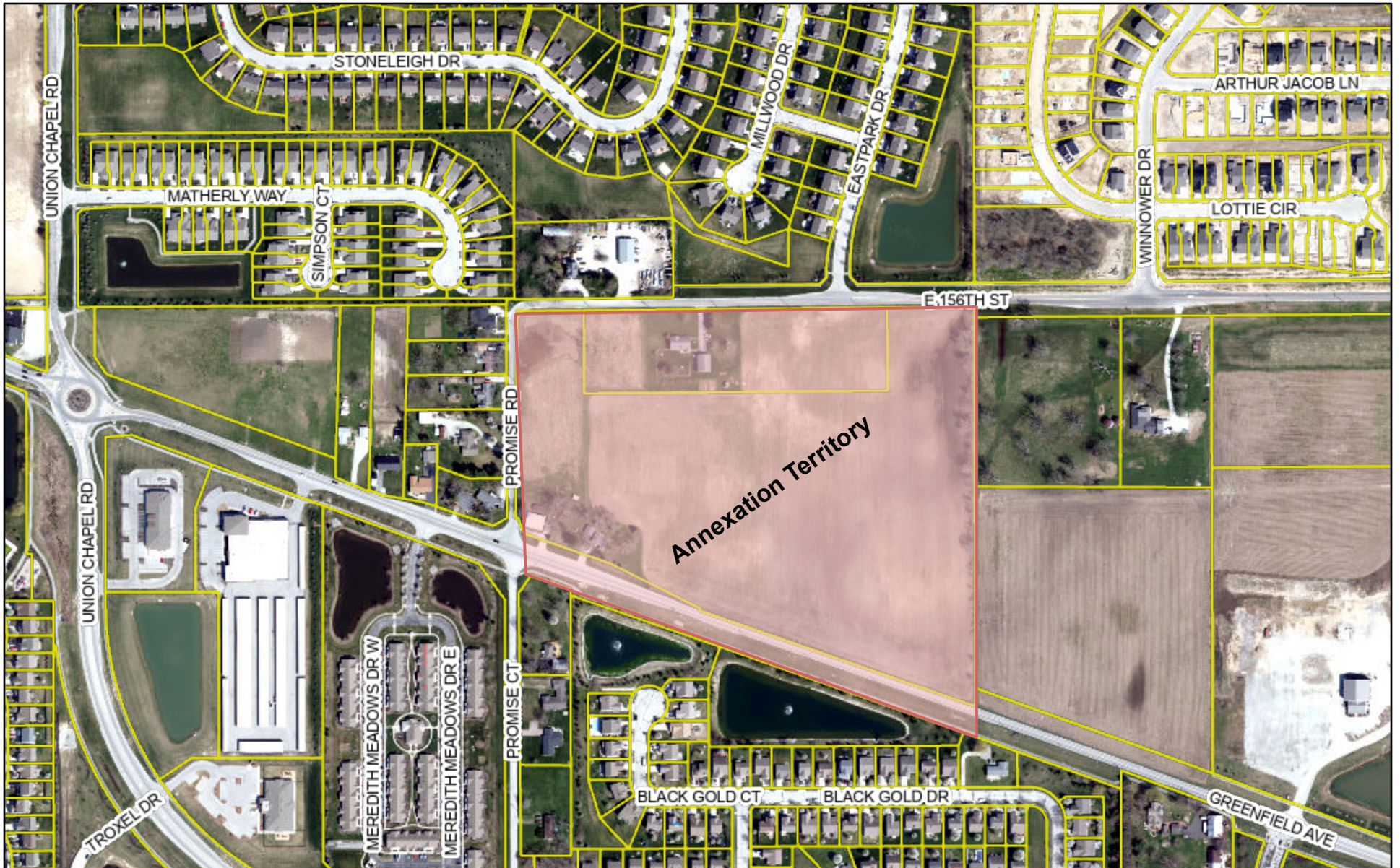
A part of the East Half of the Northwest Quarter of Section 16, Township 18 North, Range 5 East of the Second P.M. described as follows:

Beginning at the Northwest corner of the East Half of the Northwest Quarter of Section 16, Township 18 North, Range 5 East of the Second P.M., thence East and along the North line of said Northwest Quarter 1330.8 feet to a point, thence South 1189.2 feet to the intersection with the centerline of State Road 238 (Greenfield Avenue), thence Northwesterly on and along the centerline of said State Road (Greenfield Avenue) 1412.8 feet to the intersection with the West line of the East Half of said Northwest Quarter, thence North and along the West line of said East half of the Northwest Quarter 706.0 feet to the place of beginning. Containing approximately 27.55 acres, more or less.

Also, any public rights-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 rights-of-way include Promise Road and E. 156<sup>th</sup> Street.

# Annexation Territory

# Exhibit B



9/5/2024, 1:16:40 PM

- centerlines
- Parcels

