

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 004 – A

AN ORDINANCE ANNEXING TERRITORY INTO THE TOWN OF SELLERSBURG, INDIANA ON PETITION BY ALL OF THE OWNERS OF SUCH TERRITORY PURSUANT TO THE PROVISIONS OF IC 36-4-3-5.1

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

WHEREAS, in November of 2023, JMV PETROLEUM, INC., voluntarily filed a petition before this Town Council requesting the annexation of approximately a 1.379 acre tract of real estate, which is presently located in the unincorporated territory of Clark County, Indiana, into the corporate boundaries of the Town of Sellersburg, Indiana, pursuant to the provisions of Ind. Code § 36-4-3-5.1; and,

WHEREAS, pursuant to the provisions of Ind. Code § 36-4-3-5.1 (e), a notice of public hearing scheduled before this Town Council on the 11th day of March 2024 at 6:00 p.m., has been published in accordance with Indiana Law at least twenty (20) 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, this Town Council held such public hearing as scheduled on the day of 11th day of March 2024, at which the Petitioner 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 fourteen (14) days have elapsed since the holding of the public hearing on the requested annexation; and,

WHEREAS, this Town Council now deems it to be in the best interests of the Town of Sellersburg, Indiana, to grant the petition for voluntary annexation by adoption of this Ordinance.

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

1. The following described real estate (“Real Estate”) is hereby declared as annexed into the Town of Sellersburg, Indiana, to-wit:

Tract 3:

Lots Numbered 8, 10, and 12 on New Albany Street, all in the Town of Hamburg, as the same appears of record in Deed Record 30, page 397, and also Plat Book No. 3 on Page 49 in the office of the Recorder of Clark County, Indiana.

Also the alley lying between the aforesaid lots Numbered 8 and 10, beginning on New Albany Street and extending back a width of 20 feet to the East line of the aforesaid Lot No. 10 if extended to the Southeast corner of the aforesaid Lot No. 8, such alley being

located in the Town of Hamburg, in Clark County, Indiana, as the same appears of record in the plat of said town, recorded in Deed Record 30 page 397 also Plat Book No. 3, page 49 in the office of the Recorder of Clark County, Indiana.

All of the aforesaid lots and the aforesaid portion of the alley being in the Town of Hamburg, between Jefferson Street and New Albany Street, and lying North of New Albany Street as the plat of Hamburg appears of record in Clark County, Indiana on the Plat of said town, recorded in Deed Record 30 page 397 and also Plat Book No. 3, page 49 in the office of the Recorder of Clark County, Indiana.

Also being a part of Market Street and a part of Market Square in the Town of Hamburg, Indiana, as shown in Deed Record Book 30, Page 397 of the Clark County, Indiana Records and being further described as follows: Beginning at the Southwest corner of Lot #12 in said Town, same being the Northeast corner of New Albany and Market Streets; thence Easterly 120.00 feet to the Southeast corner of said Lot #12; thence Northerly 120.00 feet to the Northeast corner of Lot #10 and the South line of a 20 foot wide Alley {now vacated}; thence Easterly along said South line 14.50 feet to a point; thence Southerly 158.65 feet to a point in the center line of Market Street; thence Westerly along said center line 198.90 feet to a point in the East line of New Albany Street; thence Northerly along said East line 25.00 feet to THE TRUE PLACE OF BEGINNING. Containing 9771 square feet, more or less.

(Parcel 10-09-10-800-310.000-030)

Subject to any and all easements, agreements and restrictions of record that may apply to the above-described real estate.

2. The Real Estate shall be assigned a zoning designation of Town Center.

T.C.

3. This Ordinance shall take effect thirty (30) days after its passage and adoption by this Town Council, and upon the filing and recording of the Ordinance as required by Indiana law, in the absence of an appeal under Ind. Code § 36-4-3-15.5.

4. The Town Clerk is hereby directed to publish notice of the adoption of this Ordinance in The News & Tribune, one (1) time within thirty (30) days after the adoption of this Ordinance in accordance with the provisions of Ind. Code § 5-3-1-2 (h).

5. In the absence of an appeal against this Ordinance filed pursuant to Ind. Code § 36-4-3-15.5, the Town Clerk is hereby directed to do the following within ninety (90) days after to adoption of this Ordinance.

- A. File a certified copy of this Ordinance with each of the following:
- i. The Clark County Auditor, together with seven (7) additional copies that the Auditor may use to forward in accordance with the provisions of Ind. Code § 36-4-3-22 (d) to (a) the Clark County Highway Department, (b) the Clark County Surveyor, (c) the Clark County Plan Commission, (d) The Clark County Sheriff, (e) The Township Trustee, (f) the office of the Indiana Secretary of State, (g) the office of census data established by Ind. Code § 2-5-1.1-12.2.;
 - ii. The Clerk of the Clark Circuit Court;
 - iii. The Clark County Board of Voter Registration;
 - iv. The office of the Indiana Secretary of State;
 - v. The office of census data established by Ind. Code §2-5-1.1-12.2.
- B. Record a certified copy of this Ordinance in the office of the Clark County Recorder.

So Ordained this 25th day of March, 2024.

[Signature page to follow]

“Aye”

“Nay”

Brad J. Amos

Brad Amos
Council President

Brad Amos
Council President

Terry Langford

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy

Scott McVoy
Council 2nd Vice President

Scott McVoy
Council 2nd Vice President

Matthew Czarnecki

Matthew Czarnecki
Council Member

Matthew Czarnecki
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 3/25/2024

MOTION: Langford

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

APPROVAL

DATE: 3/25/2024

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN