

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

RESOLUTION NO. 2024 – R – 002

A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN AS THE DEFINITE POLICY OF THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, WITH RESPECT TO THE PROVISION OF MUNICIPAL SERVICES TO AREAS THAT ARE PROPOSED TO BE ANNEXED INTO ITS CORPORATE BOUNDARIES

WHEREAS, 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 IC 36-4-3-5.1; and,

WHEREAS, pursuant to the provisions of IC 36-4-3-5.1 (e), a notice of public hearing scheduled before this Town Council 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, 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, IC 36-4-3-3.1 (d) requires this Town Council to adopt a written fiscal plan establishing a definite policy of the Town for the provision of municipal services to the proposed annexed area before this Town Council may adopt of an ordinance effecting the requested annexation; and,

WHEREAS, this Town Council now deems it to be in the Town's best interests to adopt a written fiscal plan establishing a definite policy for the provision of municipal services to the proposed annexed area as set forth in this Resolution.

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

1. The Fiscal Plan attached hereto as Exhibit "1" is hereby adopted as the definite policy of the Town of Sellersburg, Indiana, with respect to the provision of municipal services to the tracts of real estate for which annexation is requested, which tract of real estate is more particularly described as follows, *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. This Resolution shall take effect immediately upon its passage and adoption by this Town Council.

SO RESOLVED this 25th day of March, 2024

[Signature page to follow]

“Aye”

“Nay”

Brad 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

Motion: McVoy
Vote: 5 aye 0 nay

Second: Mobley

Exhibit "1"**FISCAL PLAN FOR THE PROVISION OF MUNICIPAL SERVICES TO A
1.379 ACRE TRACT OF LAND FOR WHICH ANNEXATION INTO THE TOWN OF
SELLERSBURG, INDIANA HAS BEEN REQUESTED**

Petitioner, JMV PETROLEUM, INC., has filed a Petition requesting annexation of a 1.379 acre tract of real property that is presently located in the unincorporated territory of Clark County, Indiana, into the Town of Sellersburg, Indiana (collectively the "Property").

This Fiscal Plan is established in accordance with the requirements of IC 36-4-3-3.1 as the definite policy of the Town Council of the Town of Sellersburg for the provision of services to the Property. The following shall be the policy of the Town of Sellersburg regarding the provision of non-capital services to the Property.

1. **Non-Capital Services.** The Town presently provides services of a non-capital nature within its current corporate boundaries, including without limitation, police protection and street and road maintenance. Such services will be provided to the Property within one (1) year after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

Due to the relatively small size of the Property, it is not estimated that any additional Town's personnel will need to be hired to provide such services. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

2. **Capital Services.** The Town presently provides services of a capital improvement nature within its current corporate boundaries, including without limitation, street construction and street lighting. Such services will be provided to the Property within three (3) years after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's 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.

In conjunction with the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired, or capital expenditures made, in order to provide such services to the Property. It is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.