

ORDINANCE NO. 31-24

**ORDINANCE OF THE CITY OF MUNCIE, INDIANA, ANNEXING CERTAIN
TERRITORY TO THE CITY OF MUNCIE, INDIANA, PLACING THE SAME WITHIN
THE CORPORATE BOUNDARIES THEREOF, AND MAKING THE SAME A PART
OF THE CITY OF MUNCIE, INDIANA**

Annexation Area No. 3 – City-Owned Parcel Near Farmington Neighborhood

WHEREAS, the Common Council (the “Council”) of the City of Muncie, Indiana (the “City”), has investigated the annexation of property northwest of its existing border;

WHEREAS, in order to comply with certain contiguity requirements, the areas that the City has investigated have been divided into four separate annexations (Annexation Areas 1 through 4);

WHEREAS, pursuant to Indiana Code 36-4-3, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations;

WHEREAS, responsible planning and state law require adoption of a written fiscal plan and a definite policy for the provision of services to the annexed areas;

WHEREAS, this Council has previously adopted by resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 13-24 (the “Fiscal Plan”);

WHEREAS, the Fiscal Plan addresses each of the annexation areas;

WHEREAS, Exhibit A attached hereto is the parcel number of the territory to be annexed pursuant to this Ordinance, which territory consists of approximately 11.37 acres (the “Annexation Territory”);

WHEREAS, Exhibit A also includes a map of the Annexation Territory;

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the City;

WHEREAS, it is the intent of this Council that there be no change in zoning classification for the Annexation Territory;

WHEREAS, this Ordinance has been adopted following a duly noticed public hearing; and

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Muncie, Indiana, as follows:

Section 1. The above recitals, including Exhibit A, are incorporated herein by

reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk for public inspection.

Section 2. In accordance with Ind. Code 36-4-3, the Annexation Territory is hereby annexed to the City and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

Section 3. The terms and conditions applicable to this Annexation are as follows:

- a. Rural Lifestyle Exemptions. In order to preserve a rural lifestyle, owners of property presently zoned as Agricultural and included in the Annexation Territory are hereby exempt from requirements and restrictions included within the Muncie City Code as to activities on and use of property to the extent such activities and use are presently permitted on such property by Delaware County ordinances. Such exemption is subject to any restrictions imposed by statutes of the State of Indiana and is limited by any health and safety concerns identified by the City.
- b. Taxes. Those parcels in the Annexation Territory which are currently assessed as agricultural land under the real property assessment rules and regulations of the department of local government finance shall be exempt from all property tax liability for municipal purposes pursuant to Ind. Code §36-4-3-4.1 for so long as the property retains such agricultural land assessment.

Section 4. To the extent the Annexation Territory includes land contiguous to public highways, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by Ind. Code §36-4-3-2.5.

Section 5. The Annexation Territory is hereby assigned to Common Council District No. 4.

Section 6. The effective date of this annexation shall be as soon as lawfully permitted following its adoption and execution and publication as required by law.

Section 7. The paragraphs, sentences, and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

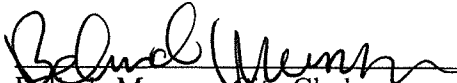
Section 8. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
MUNCIE, INDIANA, THIS 3 DAY OF February, 2025

	Yeas	Nays	Abstained	Absent
Jeff Green	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Nora Powell	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Garrett	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Sara Gullion	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jerry Dishman	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Harold Mason, Jr.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Dale Basham	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Ro Selvey	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
William McIntosh, Sr.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Harold Mason
President
City Council, City of Muncie

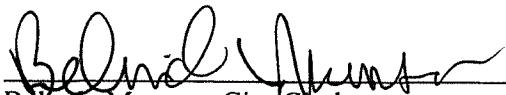
Presented by me to the Mayor for his approval this 3 day of Feb, 2024.


Belinda Munson, City Clerk

The above Resolution is approved/vetoed by me this 3 day of Feb, 2024


Dan Ridenour, Mayor

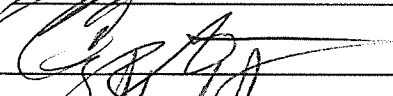
ATTEST:


Belinda Munson, City Clerk

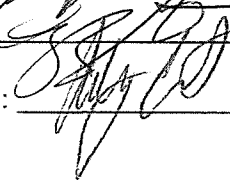
This Resolution is proposed by Council Member(s):



This Resolution is approved in form by Controller:



This Resolution is approved in form by Legal Counsel:



This instrument was prepared by Nicholas Kile, Attorney at Law, Barnes & Thornburg LLP, 11 S Meridian Street, Indianapolis, Indiana 46204.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. /s/ Nicholas Kile

Exhibit A

Map of Annexation Area No. 3 and Parcel List

Annexation Area No. 3 (City-Owned Parcel Near Farmington Neighborhood) contains the following parcel as depicted in the below map:

Parcel ID Number: 0731200003000

Map of Annexation Area No. 3 (outlined in blue):



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NOTICE OF PUBLIC HEARING OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, RELATED TO A VOLUNTARY ANNEXATION

Notice is hereby given that the Common Council (the Council) of the City of Muncie, Indiana (the City), will conduct two (2) public hearings during a meeting of the Council to be held on Monday, January 6, 2025, at 7:00 p.m. (local time), in the Muncie City Hall Auditorium, 300 N High Street, Muncie, Indiana 47305. The public hearings will pertain to Ordinance Nos. 31-24 and 32-24, Ordinance of the City of Muncie, Indiana, Annexing Certain Territory to the City of Muncie, Indiana, Placing the Same Within the Corporate Boundaries Thereof, and Making the Same a Part of the City of Muncie, Indiana (collectively, the Ordinances). The total area of the proposed annexation territory comprises approximately 75.20 acres northwest of the corporate boundaries of the City. All interested persons will be permitted the opportunity to be heard, and the hearing may be adjourned to a later date or dates. The Council reserves the right prior to taking final action to amend either or both of the Ordinances. The proposed Ordinances and accompanying Fiscal Plan, the legal description of the proposed annexation territory, and a map of the proposed annexation territory are available for inspection by the public at the office of the City Clerk, Muncie City Hall, 300 N High Street, Muncie, Indiana 47305. If you have any questions, if you do not understand any part of this notice, the Ordinances, or the Fiscal Plan, or if you need further information, please contact Belinda Munson, City Clerk, Muncie City Hall, 300 N High Street, Muncie, Indiana 47305, muncieclerk@muncie.in.gov.

The parcel numbers of the proposed annexation territory for Ordinance No. 31-24 are as follows:

Parcel 1: 0731200003000

AND all adjacent rights-of-way.

The parcel numbers of the proposed annexation territory for Ordinance No. 32-24 are as follows:

Parcel 1: 0636301004000

Parcel 2: 0636152030000

Parcel 3: 0636152011000

Parcel 4: 0636327001000

Parcel 5: 0636177001000

AND all adjacent rights-of-way.

HSPAXLP

December 6 2024

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