

**ORDINANCE NO. 2006-8**  
**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE (C & P**  
**OIL COMPANY, INC. PARCEL) AND DECLARING THE SAME TO**  
**BE A PART OF THE TOWN OF MILLERSBURG, INDIANA**

WHEREAS, the Town Council of the Town of Millersburg, Indiana has the authority to annex real estate and thereby include such real estate within the corporate boundaries of the Town of Millersburg pursuant to Indiana Code 36-4-3, *et seq.*;

WHEREAS, the Town Council of the Town of Millersburg, Indiana has determined to annex certain real estate to the corporate boundaries of the Town of Millersburg;

WHEREAS, said real estate is described more fully herein as contiguous to and abuts the present corporate boundaries of the Town of Millersburg;

WHEREAS, prior to the enactment of this Ordinance, the Town Council has developed and adopted a written fiscal plan and established a definite policy by Resolution No. 2006-7 concerning this annexation and the planned services of a capital and non-capital nature to be furnished to the territory to be annexed;

WHEREAS, notice of a public hearing concerning this Ordinance was advertised in *The Goshen News* on the 30 day of June, 2006;

WHEREAS, the Town Council of the Town of Millersburg, Indiana conducted a public hearing concerning this Ordinance on the 26th day of July, 2006;

WHEREAS, it is determined to be in the best interests of the Town of Millersburg and the owners of the real estate hereinafter described that the real estate be annexed and incorporated as part of the Town of Millersburg, Indiana;

WHEREAS, any other prerequisites and conditions required by law to prevail for annexation of territories to towns as is provided by the statutes of the State of Indiana do in fact prevail in this instance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLERSBURG, INDIANA, as follows:

1. That the real estate described below is hereby annexed to and declared to be a part of the Town of Millersburg, Indiana on the 8th day of September 2006, subject to publication and filing as indicated hereafter:

All that piece or parcel of land situate, lying, and being a part of the Northwest Quarter of Section 2, Township 37 North, Range 7 East, Benton Township, Elkhart County, Indiana, and being more particularly described as follows, to wit:

TO FIND the point of beginning, commence at a P.K. nail marking the Northwest corner of the Northwest Quarter of said Section 2; then go due East (assumed) along the North line of said Northwest Quarter and the centerline of County Road 42 a distance of 377.18 feet; then go South 00 degrees 50 minutes East a distance of 281.55 feet to the Northerly right-of-way line of the Wabash Railroad Company (formerly Norfolk and Western Railway Company, now Norfolk Southern Railway Company) and the beginning of this description; thence North 62 degrees 04 minutes 04 seconds East along said right-of-way a distance of 605.26 feet to a mag nail in the North line of said Northwest Quarter and the centerline of County Road 42; thence due East along said lines a distance of 316.76 feet to a mag nail at the intersection with the Southerly right-of-way line of said Railway and being 136.51 feet West of Station 7880+25.1 as shown on right-of-way and tract map for the Wabash Railroad Company, Sheet 1-IND, A/12b - Part of Tracts 1 & 2; thence South 62 degrees 04 minutes 04 seconds West along said right-of-way a distance of 361.60 feet to a ¾-inch rebar with cap marked Brads - KO S0484; thence South 27 degrees 55 minutes 56 seconds East along said right-of-way a distance of 24.00 feet to a ¾-inch rebar with cap marked Brads - KO S0484; thence South 62 degrees 04 minutes 04 seconds West along said right-of-way a distance of 604.00 feet to a ¾-inch rebar with cap marked Brads-KO S0484; thence North 27 degrees 55 minutes 56 seconds West along said right-of-way a distance of 24.00 feet to a ¾-inch rebar with cap marked Brads-KO S0484; thence North 00 degrees 32 minutes 33 seconds East a distance of 168.80 feet to the point of beginning.

Said parcel containing 3.01 acres, more or less, and being substantially as shown on boundary survey dated January 30, 2001, prepared by Dennis J. Gobble, Indiana Registered Land Surveyor No. 910000, incorporated herein by reference and made a part hereof.

Being tax code number 20-16-02-102-003.000-003.

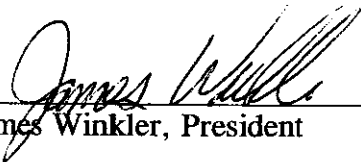
2. That the Clerk-Treasurer of the Town of Millersburg, Indiana be, and hereby is, authorized and directed to publish notice of the adoption of this Ordinance as provided by law in *The Elkhart Truth* published in the City of Elkhart, Elkhart County, Indiana, and *The Goshen News*, published in the City of Goshen, Elkhart County, Indiana, both being newspapers of general publication and circulation.

3. That this Ordinance shall become effective thirty (30) days after its adoption and publication, and upon the filing and recording thereof, in the absence of remonstrance and appeal, as provided by Indiana Code § 36-4-3-7.

ORDAINED AND ADOPTED this 9th day of August 2006.

TOWN COUNCIL OF THE TOWN OF  
MILLERSBURG, INDIANA

By:

  
James Winkler, President

ATTEST:

  
Wanda Chupp, Clerk-Treasurer