

2011-2

PETITION FOR ANNEXATION
INTO THE TOWN OF MILLERSBURG

The undersigned Property Owner petitions the Town Council of the Town of Millersburg, Indiana, pursuant to Ind. Code 36-4-3-5.1, to annex certain real estate which is outside but contiguous to the existing municipal boundaries of the Town of Millersburg, Indiana, and in support of said Petition, states as follows:

1. That the real estate to which this Petition relates and for which the Property Owner seeks to have annexed into the Town of Millersburg is described as follows:

That portion of the following described real property not currently located within the municipal boundaries of the Town of Millersburg, Indiana:

A part of the fractional northwest Quarter of Section 2, township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Section 2; thence South 00 degrees, 29 minutes, 53 seconds East, 313.50 feet, along the West line of said Northwest Quarter, and State Road 13, to the Southwest corner of the recorded plat of Freeland's Addition to Millersburg, Indiana (Deed Record 31, page 531), the point of beginning of this description; thence continuing along the last described line and bearing, 337.52 feet, to the intersection of the West line of said Northwest Quarter with the Southerly right-of-way of the Norfolk & Southern Railway Company; thence North 62 degrees, 04 minutes, 04 seconds East, 423.56 feet, along said right-of-way, to a rebar; thence North 02 degrees, 43 minutes, 58 seconds West, 165.78 feet, to a rebar on the East line of Lot 6 in the recorded plat of Freeland's Addition to Millersburg, Indiana; thence South 62 degrees, 04 minutes, 04 seconds West, 56.55 feet, to a rebar on the South line of said Lot 6; thence North 90 degrees West, 319.28 feet, along the South line of said plat, to the point of beginning containing 2.06 acres and subject to a public highway.

Such parcel to be annexed can also be described, generally, as follows:


Commencing at the South East corner of Lot Number 6 of Freeland's Addition to the Town of Millersburg (Deed Record 31, page 531) ("Point of Beginning"); thence South along the East Boundary of land currently owned by Curt Haberstich (Parcel 20-16-02-102-004.000-003) to the South boundary of the former Norfolk Southern Railroad right of way; thence South Westerly

along the South boundary of the former Norfolk Southern Railroad right of way to a point where such boundary meets the current municipal boundary of the Town of Millersburg; thence North along the current municipal boundary of the Town of Millersburg to the Southern boundary of Freeland's Addition to the Town of Millersburg; thence East along the Southern boundary of Freeland's Addition to the Town of Millersburg to the Point of Beginning of this description.

The land being annexed by the Town of Millersburg is commonly known as Parcel 20-16-02-102-004.000-003, and is shown in the Attached Exhibit A as the parcel outlined in light blue.

2. That the Property Owner requests that an ordinance be adopted by the Town Council of the Town of Millersburg, Indiana annexing the real estate described in Paragraph 1.
3. That the undersigned constitutes one hundred percent (100%) of the property owners of the real estate described in Paragraph 1.

DATED this 7 day of April, 2011.


Curt Haberstick

LEGAL NOTICE OF ADOPTION OF ANNEXATION ORDINANCE

NOTICE IS HEREBY GIVEN that on the 25th day of MAY 2011, the following Ordinance was adopted by the Town Council of the Town of Millersburg, Indiana, to-wit:

ORDINANCE 2011-2

AN ORDINANCE ANNEXING CERTAIN REAL ESTATE (CURT HABERSTICH PARCEL) AND DECLARING SUCH 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 and thereby include such real estate within the corporation boundaries of the Town of Millersburg;

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 2011-1 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 the public hearing concerning this Ordinance was advertised in the Goshen News on April 19, 2011;

WHEREAS, the Town Council of the Town of Millersburg, Indiana conducted a public hearing concerning this Ordinance on MAY 5th, 2011;

WHEREAS, it is determined to be in the best interest of the Town of Millersburg and the owner 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 provide by the statues of the State of Indiana do in fact prevail in the 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 part of the Town of Millersburg, Indiana on MAY 25, 2011, subject to publication and filing as indicated hereafter:

That portion of the following described real property not currently located within the municipal boundaries of the Town of Millersburg, Indiana:

A part of the fractional northwest Quarter of Section 2, township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Section 2; thence South 00 degrees, 29 minutes, 53 seconds East, 313.50 feet, along the West line of said Northwest Quarter, and State Road 13, to the Southwest corner of the recorded plat of Freeland's Addition to Millersburg, Indiana (Deed Record 31, page 531), the point of beginning of this description; thence continuing along the last described line and bearing, 337.52 feet, to the intersection of the West line of said Northwest Quarter with the Southerly right-of-way of the Norfolk & Southern Railway Company; thence North 62 degrees, 04 minutes, 04 seconds East, 423.56 feet, along said right-of-way, to a rebar; thence North 02 degrees, 43 minutes, 58 seconds West, 165.78 feet, to a rebar on the East line of Lot 6 in the recorded plat of Freeland's Addition to Millersburg, Indiana; thence South 62 degrees, 04 minutes, 04 seconds West, 56.55 feet, to a rebar on the South line of said Lot 6; thence North 90 degrees West, 319.28 feet, along the South line of said plat, to the point of beginning containing 2.06 acres and subject to a public highway.

Such parcel to be annexed can also be described, generally, as follows:

Commencing at the South East corner of Lot Number 6 of Freeland's Addition to the Town of Millersburg (Deed Record 31, page 531) ("Point of Beginning"); thence South along the East Boundary of land currently owned by Curt Haberstich (Parcel 20-16-02-102-004.000-003) to the South boundary of the former Norfolk Southern Railroad right of way; thence South Westerly along the South boundary of the former Norfolk Southern Railroad right of way to a point where such boundary meets the current municipal boundary of the Town of Millersburg; thence North along the current municipal boundary of the Town of Millersburg to the Southern boundary of Freeland's Addition to the Town of Millersburg; thence East along the Southern boundary of Freeland's Addition to the Town of Millersburg to the Point of Beginning of this description.

The land being annexed by the Town of Millersburg is commonly known as Parcel 20-16-02-102-004.000-003, and is shown in the Attached Exhibit A as the parcel outlined in light blue.

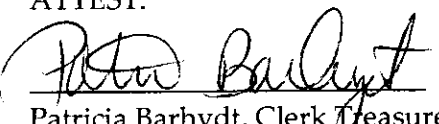
2. That the real property being annexed includes approximately 0.26 acres.
3. That the real property being annexed is not served by or subject to any public highway.
4. That the Clerk Treasurer of the Town of Millersburg, Indiana be, and hereby is, authorized and directed to publish notice of the adoption of the Ordinance as provided by law in the Goshen News published in the City of Goshen, Elkhart County, Indiana, being a newspaper of general publication and circulation.
5. That this Ordinance shall become effective thirty (30) days after its adoption absent any remonstrance and appeal, as provided by Indiana Code.

ORDAINED AND ADOPTED this 25 day of ~~April~~^{May} 2011.

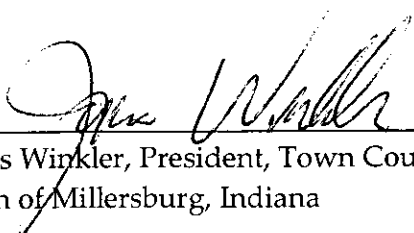
TOWN COUNCIL OF THE TOWN OF
MILLERSBURG, INDIANA

By: 
James Winkler, President

ATTEST:


Patricia Barhydt, Clerk Treasurer

EXAMINED AND APPROVED this 25 day of ~~April~~^{May} 2011.


James Winkler, President, Town Council of the
Town of Millersburg, Indiana

Note to Publisher: Please publish this in The Goshen News one time on or before ~~April 17~~^{MAY 5} 2011.

RESOLUTION 2011-1

RESOLUTION ADOPTING WRITTEN FISCAL PLAN AND
ESTABLISHING DEFINITE POLICY
FOR ANNEXATION OF CURT HABERSTICH PARCEL

WHEREAS, the Town Council of the Town of Millersburg, Indiana is the town legislative body and, pursuant to Indiana Code 36-5-2-9 and I.C. 36-4-3, is authorized to adopt ordinances and resolutions for the performance of functions of the Town of Millersburg, Indiana, and concerning annexations to the Town:

WHEREAS, the Town Council of the Town of Millersburg, Indiana has developed a written fiscal plan and desires to establish a definite policy concerning the proposed annexation of the Curt Haberstich Parcel to the corporate boundaries of the Town of Millersburg, Indiana;

WHEREAS, the real estate proposed to be annexed consisting of the Curt Haberstich Parcel is described as follows:

That portion of the following described real property not currently located within the municipal boundaries of the Town of Millersburg, Indiana:

A part of the fractional northwest Quarter of Section 2, township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Section 2; thence South 00 degrees, 29 minutes, 53 seconds East, 313.50 feet, along the West line of said Northwest Quarter, and State Road 13, to the Southwest corner of the recorded plat of Freeland's Addition to Millersburg, Indiana (Deed Record 31, page 531), the point of beginning of this description; thence continuing along the last described line and bearing, 337.52 feet, to the intersection of the West line of said Northwest Quarter with the Southerly right-of-way of the Norfolk & Southern Railway Company; thence North 62 degrees, 04 minutes, 04 seconds East, 423.56 feet, along said right-of-way, to a rebar; thence North 02 degrees, 43 minutes, 58 seconds West, 165.78 feet, to a rebar on the East line of Lot 6 in the recorded plat of Freeland's Addition to Millersburg, Indiana; thence South 62 degrees, 04 minutes, 04 seconds West, 56.55 feet, to a rebar on the South line of said Lot 6; thence North 90 degrees West, 319.28 feet, along the South line of said plat, to the point of beginning containing 2.06 acres and subject to a public highway.

Such parcel to be annexed can also be described, generally, as follows:

Commencing at the South East corner of Lot Number 6 of Freeland's Addition to the Town of Millersburg ("Point of Beginning"); thence South along the East Boundary of land currently owned by Curt Haberstick (Parcel 20-16-02-102-004.000-003) to the South boundary of the former Norfolk Southern Railroad right of way; thence South Westerly along the South boundary of the former Norfolk Southern Railroad right of way to a point where such boundary meets the current boundary of the Town of Millersburg; thence North along the current boundary of the Town of Millersburg to the Southern boundary of Freeland's Addition to the Town of Millersburg; thence East along the Southern boundary of Freeland's Addition to the Town of Millersburg to the Point of Beginning of this description.

The land being annexed by the Town of Millersburg is commonly known as Parcel 20-16-02-102-004.000-003, and is shown in the Attached Exhibit A as the parcel outlined in light blue.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND RESOLVED by the Town Council of the Town of Millersburg, Indiana that the following fiscal plan and policy concerning the proposed annexation of certain real estate known as the Curt Haberstick Parcel is hereby in all respects approved, confirmed, and adopted:

1. The following municipal services are planned to be furnished to the territory to be annexed:

Non-Capital Nature

Capital Nature

Police Protection

None

2. The cost estimated for furnishing these planned services to the territory to be annexed are as follows:

a. Police Protection. It is expected that furnishing police protection to the territory to be annexed will be negligible based upon the current police budget and the limited additional service area.

b. Street and Road Maintenance. It is not expected that the town will furnish street and road maintenance, including snow plowing, to the real estate proposed to be annexed.

c. Town Water and Sewer Service. There will be no furnishing from water and sewer service to the territory to be annexed.

3. The methods of financing the planned services to the territory to be annexed are as follows:

a. Police protection will be financed with local tax revenues as permitted by law. The additional costs of providing the non-capital service to the territory to be annexed are anticipated to be negligible.

b. Town water and sewer will not be provided by the Town of Millersburg.

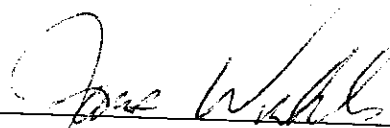
4. Police protection for the annexed territory will be organized and implemented to the Millersburg Town Marshal.

5. Planned services of non-capital nature to include police protection will be provided to the annexed territory under the planned organization and extension of services indicated within one (1) year after the effective date of the annexation will be in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

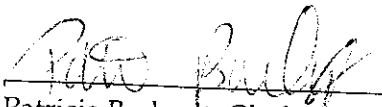
6. No jobs are expected to be eliminated for employees of other governmental entities by reason of the proposed annexation. The Town of Millersburg does not expect to hire any additional employees by reason of the proposed annexation.

ALL OF WHICH IS ORDERED, ESTABLISHED, AND RESOLVED by the Town of Millersburg, Indiana, this 25 day of ^{May}~~April~~, 2011.

TOWN COUNCIL OF THE TOWN OF MILLERSBURG, INDIANA

By: 
James Winkler, President

ATTEST:


Patricia Barhydt, Clerk Treasurer

LEGAL NOTICE OF PUBLIC HEARING
REGARDING PROPOSED ANNEXATION
(CURT HABERSTICH PARCEL)

PLEASE TAKE NOTICE that the Town Council of the Town of Millersburg, Indiana will conduct a public hearing on the 4 day of ~~April~~^{MAY}, 2011, at 6:00 p.m. in the meeting room of the Millersburg Town Hall, 201 West Washington Street, Millersburg, Indiana, involving a proposed annexation. The legal description of the real estate proposed to be annexed to and become a part of the Town of Millersburg, Indiana is as follows:

That portion of the following described real property not currently located within the municipal boundaries of the Town of Millersburg, Indiana:

A part of the fractional northwest Quarter of Section 2, township 35 North, Range 7 East, Benton Township, Elkhart County, Indiana, and more particularly described as follows:

Commencing at a Harrison monument marking the Northwest corner of said Section 2; thence South 00 degrees, 29 minutes, 53 seconds East, 313.50 feet, along the West line of said Northwest Quarter, and State Road 13, to the Southwest corner of the recorded plat of Freeland's Addition to Millersburg, Indiana (Deed Record 31, page 531), the point of beginning of this description; thence continuing along the last described line and bearing, 337.52 feet, to the intersection of the West line of said Northwest Quarter with the Southerly right-of-way of the Norfolk & Southern Railway Company; thence North 62 degrees, 04 minutes, 04 seconds East, 423.56 feet, along said right-of-way, to a rebar; thence North 02 degrees, 43 minutes, 58 seconds West, 165.78 feet, to a rebar on the East line of Lot 6 in the recorded plat of Freeland's Addition to Millersburg, Indiana; thence South 62 degrees, 04 minutes, 04 seconds West, 56.55 feet, to a rebar on the South line of said Lot 6; thence North 90 degrees West, 319.28 feet, along the South line of said plat, to the point of beginning containing 2.06 acres and subject to a public highway.

Such parcel to be annexed can also be described, generally, as follows:

Commencing at the South East corner of Lot Number 6 of Freeland's Addition to the Town of Millersburg (Deed Record 31, page 531) ("Point of Beginning"); thence South along the East Boundary of land currently owned by Curt Haberstich (Parcel 20-16-02-102-004.000-003) to the South boundary of the former Norfolk Southern Railroad right of way; thence South Westerly along the South boundary of the former Norfolk Southern Railroad right of

way to a point where such boundary meets the current municipal boundary of the Town of Millersburg; thence North along the current municipal boundary of the Town of Millersburg to the Southern boundary of Freeland's Addition to the Town of Millersburg; thence East along the Southern boundary of Freeland's Addition to the Town of Millersburg to the Point of Beginning of this description.

The land being annexed by the Town of Millersburg is commonly known as Parcel 20-16-02-102-004.000-003.

A map showing the current municipal boundaries in black and the proposed municipal boundaries with a hatched shading in the area proposed to be annexed is available for inspection at the Millersburg Town Hall. The proposed fiscal plan for the implementation of municipal services to the area proposed to be annexed is as follows, to-wit:

1. The following municipal services are planned to be furnished to the territory to be annexed:

Non-Capital Nature

Capital Nature

Police Protection

None

2. The cost estimated for furnishing these planned services to the territory to be annexed are as follows:

a. Police Protection. It is expected that furnishing police protection to the territory to be annexed will be negligible based upon the current police budget and the limited additional service area.

b. Street and Road Maintenance. It is not expected that the town will furnish street and road maintenance, including snow plowing, to the real estate proposed to be annexed.

c. Town Water and Sewer Service. There will be no furnishing from water and sewer service to the territory to be annexed.

3. The methods of financing the planned services to the territory to be annexed are as follows:

a. Police protection will be financed with local tax revenues as permitted by law. The additional costs of providing the non-capital service to the territory to be annexed are anticipated to be negligible.

b. Town water and sewer will not be provided by the Town of Millersburg.

4. Police protection for the annexed territory will be organized and implemented to the Millersburg Town Marshal.

5. Planned services of non-capital nature to include police protection will be provided to the annexed territory under the planned organization and extension of services indicated within one (1) year after the effective date of the annexation will be in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

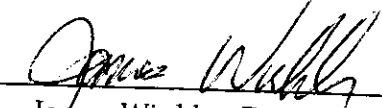
6. No jobs are expected to be eliminated for employees of other governmental entities by reason of the proposed annexation. The Town of Millersburg does not expect to hire any additional employees by reason of the proposed annexation.

Property owners in the area to be annexed and interested members of the public shall have the right to be heard at the public hearing. Written comments may also be submitted to the Millersburg Town Council prior to the public hearing. If further information is desired, you may contact Mrs. Pat Barhydt, Millersburg Clerk-Treasurer, at (574) 642-3976.

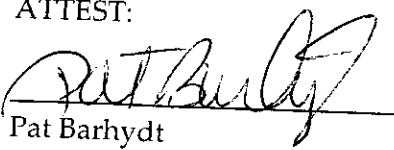
DATED this 5 day of ^{MAY} April, 2011.

TOWN OF MILLERSBURG, INDIANA

By: _____


James Winkler, President
Millersburg Town Council

ATTEST:


Pat Barhydt

Millersburg Clerk-Treasurer

NOTICE TO PUBLISHER: Please publish in *The Goshen News* one time on or before April 19, 2011.

EXHIBIT "A"
LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 3, Township 35 North, Range 7 East, Beriton Township, Elkhart County, Indiana and more particularly described as follows:

Commencing at a P.K. nail marking the Northeast corner of said Northeast Quarter; thence South, 430.44 feet along the East Line of said Northeast Quarter and State Road 13; thence South 89 degrees 27 minutes 19 seconds West, 33.07 feet to a rebar, the point of beginning of this description; thence continuing along the last described bearing, 98.16 feet to a rebar; thence North 00 degrees 57 minutes 11 seconds East, 118.9 feet to an iron pipe; thence North 89 degrees 59 minutes 39 seconds East, 96.07 feet to an iron stake at the Southeast corner of Lot 26 in Rogers and Wehry's Addition to Millersburg; thence South 00 degrees 03 minutes 09 seconds East, 117.96 feet to the point of beginning, containing 0.26 acre.

I, Robert Nemeth, Planner III for the Elkhart County Indiana Planning Department, 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.

Prepared by Robert Nemeth Planner III, Elkhart County Indiana Planning Department