ORDINANCE 2019-05

AN ORDINANCE OF THE CUMBERLAND TOWN COUNCIL ANNEXING CERTAIN TERRITORY REFERRED TO AS 209 N BUCK CREEK ROAD

WHEREAS, on March ___, 2019 the Town of Cumberland received from the owners of certain real estate located immediately outside the Town’s boundaries a Petition requesting that the real estate, described below, be annexed into the Town; and

WHEREAS, the Petition seeking annexation was presented to the Town Council on March 6, 2019 and the Town caused notice of a public hearing on the proposed annexation to be published on March 14, 2019; and

Whereas, the Town Council introduced this Ordinance and conducted public hearing on the proposed annexation on April 3, 2019; and

WHEREAS, the territory that is the subject of the proposed annexation is the following parcel:

The replat of lots 1 & 2 of Newby’s Mino Subdivision, which is identified as Hancock County parcel No. 30-09-02-200-003.001-012 and is a portion of the property that has a common address of 209 N. Buck Creek Road, Cumberland, Indiana, and consists of approximately 1.55 acres.

WHEREAS, the Cumberland Town Council has previously adopted a policy regarding the expansion of the Town’s corporate boundaries through annexation. The annexation policy identifies several principles to guide the Town when determining whether areas contiguous to the Town should be annexed into the Town, including:

- Annexation areas must have contiguity to the Town’s existing boundaries as required by law
- Annexation should conform to an effective and efficient plan for providing Town services
- Annexation would increase efficiency in providing services to residents
- Annexation would improve the continuity and uniformity of the Town’s borders
- The annexation territory has potential for future development
- Voluntary annexation requested by the property owner(s) must be financially feasible and responsible.
- Annexations must be supported by the Town Council; and
WHEREAS, the proposed annexation is consistent with the Town’s annexation policy; and

WHEREAS, the proposed annexation territory’s boundaries are more than one-eighth (1/8) contiguous to the Town’s current boundaries; and

WHEREAS, the Town Council has adopted a written fiscal plan that meets the requirement of I.C. 36-4-3-13 relating to the provision of services to the annexation territory; the financing of such services; and the annexation’s effects on taxpayers, the Town, and others; and

WHEREAS, the Town of Cumberland, by its Town Council, now finds that the proposed annexation meets the legal requirements for annexation, is consistent with the Town’s annexation policy, is in the best interests of the residents of both the territory and of the Town, and should be approved.

IT IS THEREFORE ORDAINED that, by the powers vested in the Town Council pursuant to Indiana Code 36-4-3-1 et. seq., the real estate described above, and all of the roadway and rights-of-way of the roads that are a part of, or lie adjacent to, the described real estate, are hereby annexed into the Town of Cumberland, Indiana, and made part of the Town’s corporate boundaries subject to the following terms and conditions:

1. Notice of this Ordinance’s passage shall be published within 30 days, as provided by law.
2. The Town’s Clerk shall, within 90 days, record this Ordinance with the Hancock County Recorder and file copies of this Ordinance with the Hancock County Auditor, the Hancock County Circuit Court Clerk, and the Board of Registration (if one exists).
3. Because this Ordinance cannot take effect in a year that precedes a year in which a federal decennial census will be conducted, this Ordinance shall take effect on January 1, 2020;
4. The territory shall be made part of Council District 3.
5. Any commitments or conditions imposed on the property resulting from actions taken by governmental officials, boards, or agencies of Hancock County shall continue to be in effect and shall, to the extent allowable by law, be enforceable by the Town of Cumberland.
6. Upon this Ordinance taking effect, the properties’ zoning shall be R-1, Single Family Residential, which is the Town’s zoning classification most similar to the property’s current zoning.
Adopted this 17th day of April, 2019.

CUMBERLAND TOWN COUNCIL

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Member

Brian Gritter, Member

Aaron Cutshaw, Member

Attest: Erica Salmon, Clerk-Treasurer

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security Number in this document unless required by law.

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Darren C. Chadd

This document prepared by Darren C. Chadd, Attorney, Indiana Supreme Court No. 18567-54
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