

FILED

OCT 21 2024

Erika Munson
MUNCIE CITY CLERK

ORDINANCE NO. 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**

Annexation Area No. 4 – Westminster Village

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, attached hereto as Exhibit A is a legal description of the territory to be annexed pursuant to this Ordinance, which territory consists of approximately 63.83 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 _____ DAY OF _____, 2024.

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

President
City Council, City of Muncie

Presented by me to the Mayor for his approval this ____ day of _____, 2024.

Belinda Munson, City Clerk

The above Resolution is approved/vetoed by me this ____ day of _____, 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. 4 and Legal Description

Map of Annexation Area No. 4 – Westminster Village



Legal Description of Annexation Area No. 4 – Westminster Village

Parcel #0636301004000

Parcel #0636152030000

Parcel #0636152011000

Westminster Village Muncie Inc

W Bethel Ave

6201 W Bethel Ave

Muncie, IN 47304

5801 W Bethel Ave

Muncie, IN 47304

A part of the Southwest Quarter of Section 36, Township 21 North, Range 9 East, described as follows:

6-2/3 acres off of the West end of the Northeast Quarter of said Southwest Quarter; also; 16-2/3 acres off of the East side of the Northwest Quarter of said Southwest Quarter, containing in all 23-1/3 acres.

Also a strip of ground, or lot, which is a part of the Southwest Quarter of the Northwest Quarter of Section 36, Township 21 North, Range 9 East, more particularly described as follows:

Beginning at a point in the centerline of Bethel Pike 979.63 feet Southeast of the intersection of the West line of said Quarter-Quarter with the centerline of Bethel Pike (measured along the center line of Bethel Pike) and running thence Southeast along said centerline of Bethel Pike 53.87 feet; thence South parallel with the West line of said Quarter-Quarter 200 feet; thence Northwest parallel with the centerline of Bethel Pike 53.87 feet; thence North parallel with the West line of said Quarter-Quarter 200 feet to the place of beginning, containing 0.229 acre, more or less.

Also a strip of ground or lot, which is part of the Southwest Quarter of the Northwest Quarter of Section 36, Township 21 North, Range 9 East, more particularly described as follows:

Beginning at a point on the South line of said Quarter-Quarter 800 feet East of the Southwest corner thereof and running thence East on said South line 159.25 feet; thence North parallel with the West line of said Quarter-Quarter 411.8 feet to a point 200 feet South of the centerline of Bethel Pike (measured parallel with said West line); thence in a Northwesterly direction parallel with the said centerline of Bethel Pike 171.6 feet (more or less) to a point 800 feet East of the West line of said Quarter-Quarter; thence South parallel with said West line 475.5 feet to the place of beginning, containing 1.62 acres, more or less.

Parcel #0636327001000

Parcel #0636177001000

Westminster Village Muncie Inc

5801 W Bethel Ave

Muncie, IN 47304

A part of the Southeast Quarter of the Northwest Quarter, and a part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 21 North, Range 9 East, more particularly described as follows, to-wit:

Beginning at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 36, Township 21 North, Range 9 East; thence West on the South line of the said Northeast Quarter of the Southwest Quarter, and with a bearing of North 89 degrees 41 minutes West 1100.0 feet; thence North 00 degrees East and parallel with the East line of the said Northeast Quarter of the Southwest Quarter 1317.85 feet to the North line of the said Northeast Quarter of the Southwest Quarter; and thence North 89 degrees 42 minutes 30 seconds West and on the North line of the

Northeast Quarter of the Southwest Quarter, 236.72 feet; thence North 00 degrees 07 minutes 30 seconds East and on the West line of the Southeast Quarter of the Northwest Quarter of said Section 36, Township 21 North, Range 9 East 463.7 feet to the centerline of the Muncie and Bethel Turnpike, 1441.35 feet to the point of intersection of the said centerline with the East line of the said Northeast Quarter of the Southwest Quarter; thence South 00 degrees East and on the East line of the said Northeast Quarter of the Southwest Quarter 1247.15 feet to the point of beginning. Estimated to contain 39.308 acres, more or less. Subject to the right of way of all legal highways. Non-exclusive easements as set forth in a warranty deed dated June 1, 1978 and recorded June 15, 1978 in Deed Record 1978 pages 2373-2375 over the following 3 parcels:

Also, an easement 20 feet in width off the West line of the East Half of the Northwest Quarter of Section 36, Township 21 North, Range 9 East, extending North from the intersection of said West line and Bethel Pike and running parallel with said West line a distance of 1484 feet, more or less, to the South line of a 21 acre tract conveyed to Robert H. Cooper to the Ball State University Board of Trustees on July 17,, 1969, containing 0.34 acre, more or less; the location of said easement being within the East half of the Northwest Quarter of Section 36, Township 21 North, Range 9 East and being the West 20 feet of a 52 acre tract owned by Robert H. Cooper and Esther Cooper, husband and wife.

Also, an easement 20 feet in width off the West line of the East half of the Northwest Quarter of Section 36, Township 21 North, Range 9 East extending South from the North line of Section 36, Township 21 North, Range 9 East and running parallel with said West line a distance of 693 feet, more or less, to the North line of a 52 acre tract owned by Robert H. Cooper and Esther Cooper, husband and wife, containing 0.16 acre, more or less, the location of said easement being within the East half of the Northwest Quarter of Section 36, Township 21 North, Range 9 East and being the West 20 feet of a 21 acre tract conveyed by Robert H. Cooper to the Ball State University Board of Trustees on July 17, 1969.

Also an easement 20 feet in width off the West line of the South Half of the East half of the Southwest Quarter of Section 25, Township 21 North, Range 9 East extending North from the North line of Section 36, Township 21 North, Range 9 East and running parallel to with said West line a distance of 191 feet, more or less, to an open ditch containing 0.04 acre, more or less; the location of said easement being within the South Half of the East half of the Southwest Quarter of Section 25, Township 1 North, Range 9 East, and being the South 191 feet, more or less, of the West 29 feet of a 10 acre tract conveyed by Robert H. Cooper to the Ball State University Board of Trustees on July 17, 1969.