

ORDINANCE NO. 2026-03-10-02

AN ORDINANCE OF THE TOWN OF POSEYVILLE, INDIANA,
ANNEXING TERRITORY TO THE TOWN OF POSEYVILLE,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF,
AND MAKING THE SAME A PART OF THE TOWN OF POSEYVILLE

FARMINGTON RIDGE SUBDIVISION SUPER-VOLUNTARY ANNEXATION

WHEREAS, the Town of Poseyville, Indiana ("Town" or "Poseyville") has received a petition for the annexation of certain territory generally located southeast of the intersection of Oak Street and Vine Street, as hereinafter described ("Annexation Territory"); and

WHEREAS, the annexation has been requested by the owner of the property within the Annexation Territory; and

WHEREAS, the Town deems it desirable and in the best interest of the Town to annex the Annexation Territory; and

WHEREAS, a legal description and drawing of the Annexation Territory are attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, where the legal description attached as Exhibit A describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit B; and

WHEREAS, the Annexation Territory consists of approximately 32.7 acres, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the Town, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the Town recognizes and accepts its obligations, where applicable, pursuant to I.C. § 36-4-3-7; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to the property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, the Town has further determined that the Annexation Territory is needed and can be used by the Town for its development in the reasonably near future; and



WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Town finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town of Poseyville, Indiana, as follows:

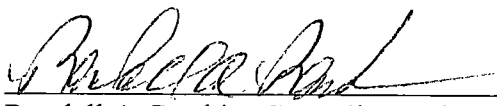
1. The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Town Poseyville.
4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time the Town updates its respective comprehensive plan, zoning ordinance, or zoning map.
5. Some or all of the property within the Annexation Territory is currently classified as agricultural for tax purposes. As may be contemplated by I.C. § 36-4-3-4.1, Town anticipates that the real property will be treated as exempt from property tax liability under I.C. § 6-1.1 for "municipal purposes" unless/until the land is reclassified under assessment rules and guidelines of the DLGF. As fire protection services are not uniquely a municipal service, the Annexation Territory will continue to pay the applicable fire tax rate (to the extent not otherwise exempt) until reclassified and assessed the full municipal tax rate.
6. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
7. In accordance with I.C. § 36-4-3-7(c), this Ordinance takes effect January 1, 2027.
8. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law, except as otherwise set forth above.

Introduced on March 10, 2026, and adopted by the Town of Poseyville, Indiana, on April 14, 2026, by a vote of 3 in favor and 0 against.

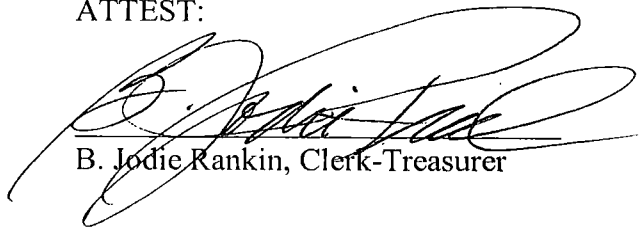
TOWN COUNCIL FOR THE
TOWN OF POSEYVILLE, INDIANA


Justin H. Rutledge, Council President


Michael A. Baehl, Council Member


Randall A. Rankin, Council Member

ATTEST:


B. Jodie Rankin, Clerk-Treasurer

I 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. /s/ Brenda K. DeVries

This Ordinance was prepared by Brenda K. DeVries, Attorney at Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204

EXHIBIT A

Part of the West Half of the of the Northwest Quarter of Section 20, Township 4 South, Range 12 West in Robb Township, Posey County, Indiana and being more particularly described as follows:

Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section; thence along the East Line of the West Half of the Northwest Quarter of said Section, South 00 Degrees 30 Minutes 28 Seconds West 1270.01 feet; thence North 88 Degrees 56 Minutes 53 Seconds West 1335.57 feet to a point on the west line of the Northwest Quarter of said Section; thence along the west line of the Northwest Quarter of said Section, North 00 Degrees 53 Minutes 05 Seconds East 408.00 feet to the southwest corner of Williams Fourth Addition, as per plat thereof recorded in Deed Record 40, page 85 in the Office of the Posey County Recorder; thence along the south side of said Williams Fourth Addition, South 88 Degrees 56 Minutes 53 Seconds East 293.99 feet to the southeast corner thereof; thence along the east side of said Williams Fourth Addition, North 00 Degrees 53 Minutes 05 Seconds East 672.00 feet; thence continue along the boundary of said Williams Fourth Addition, South 88 Degrees 56 Minutes 53 Seconds East 66.00 feet; thence continue along the boundary of said Williams Fourth Addition, North 00 Degrees 53 Minutes 05 Seconds East 193.57 feet to a point on the north line of the Northwest Quarter of the Northwest Quarter of said Section; thence along the north line of said Quarter Section, South 88 Degrees 44 Minutes 02 Seconds East 967.24 feet to the point of beginning and containing a gross area of 32.750 Acres, more or less.

EXHIBIT B

Parcel No. 65-05-20-200-001.003-011, which is the parcel to be annexed into the Town of Poseyville, Indiana, is outlined in yellow on the map below.

