

FILED

JAN 24 2013

SPECIAL ORDINANCE NO. 3, 2013

CITY CLERK

WHEREAS, Petitioner, Steven A. Reedy, is the owner of certain real estate described in Exhibit "A" attached hereto and made a part hereof, which real estate is situated north and outside of the corporate boundaries of the City of Terre Haute, Indiana and is contiguous to land previously annexed into the City of Terre Haute by Special Ordinance No. 34, 1961; and

WHEREAS, the owner of such real estate, the United States of America, filed on the 15<sup>th</sup> day of January, 2013, a petition under I.C. 36-4-3-5.1 evidencing his desire to have such real estate annexed to the City of Terre Haute bearing the signature of the sole owner of such real estate, which signature constitutes one hundred percent (100%) of the owners of the land in the territory sought to be annexed, requesting a special ordinance be adopted by the Common Council for the purpose of annexing such territory described in the petition to the City of Terre Haute (Petition for Voluntary Annexation, a copy of which is attached hereto and made a part hereof as Exhibit "B"); and

WHEREAS, the Common Council of the City of Terre Haute held on the 14<sup>th</sup> day of February, 2013, a public hearing on the proposed annexation which public hearing was advertised in the Tribune Star on the 25<sup>th</sup> day of January, 2013.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute:

SECTION 1. The real estate described in Exhibit "A" attached hereto and made a part hereof shall be annexed to the City of Terre Haute and shall be deemed to be part of the corporate territory of and included in the corporate boundaries of the City of Terre Haute, Indiana.


SECTION 2. The fiscal plan, attached hereto as Exhibit "C", is adopted as the policy of the City of Terre Haute in the implementation and financing of the municipal services to be provided to the area annexed.

BE IT FURTHER ORDAINED that the area annexed be assigned to the 3rd City Council District.

BE IT FURTHER ORDAINED, that this annexation ordinance shall be in full force and effect thirty (30) days following the approval of this ordinance by the Common Council of the City of Terre Haute and the execution and approval thereof by the Mayor and the attestation of the City Clerk, and upon the filing and recording as required by I.C. 36-4-3-22.

Introduced by:  \_\_\_\_\_, Councilman, Norman Loudermilk

Passed in open Council this 14<sup>th</sup> day of March, 2013.


  
PRESIDENT, Norman Loudermilk

ATTEST:  \_\_\_\_\_, City Clerk, Charles P. Hanley

Presented by me to the Mayor this 15<sup>th</sup> day of March, 2013.

  
CITY CLERK, Charles P. Hanley

Approved by me, the Mayor, this 15<sup>th</sup> day of MARCH, 2013.

  
MAYOR, Duke A Bennett

ATTEST:  \_\_\_\_\_, City Clerk, Charles P. Hanley

**EXHIBIT "A"**

TRACT I - Beginning on the East line of the Northeast Quarter (1/4) of Section 35, Township 13 North, Range 9 West, at a point 112.0 feet North of the Southeast corner of said Northeast Quarter (1/4) and running thence North on the East line of said Quarter Section a distance of 132.0 feet; thence to the left at an angle of 89° 40' a distance of 25.8 feet to the center line of the old Lafayette Road; thence to the left at an angle of 58° 29' and along the center line of the old Lafayette Road a distance of 105.0 feet to a point 108.0 feet Northeasterly of an iron pin located at the intersection of the center line of U.S. Highway No. 41, and the South line of said Northeast Quarter; thence Southeasterly to the place of beginning.

Also

TRACT III - Commencing at the South West corner of the North West Quarter (1/4) of Section 36, Township 13 North, of Range 9 West, running thence East in the center of the road fifty feet; thence North 215 feet, thence West 50 feet to the West line of said North West Quarter (1/4); thence South 215 feet to the place of beginning.

Except that part thereof as appropriated by Vigo County, Indiana under Cause No. 84D01-1106-PL-05371.

Also

Beginning on the South line of the North East Quarter of Section 35, Township 13 North, Range 9 West at a point 32.13 feet West of the South East corner of said Quarter Section, running thence West on the South line of said Quarter Section a distance of 144.36 feet to an iron pin at the intersection of the South line of said Southeast Quarter and the center line of U.S. Highway No. 41; thence Northeasterly along the center line of said Highway a distance of 109.9 feet; thence to the right at an angle of 65° 05' a distance of 84.31 feet; thence South and parallel to the East line of said Quarter Section to the place of beginning.

Subject to Grant of Anchor Easement to Duke Energy Indiana, Inc., as shown in instrument dated March 11, 2011 and recorded March 15, 2011, in Instrument Number 2011003851.

Subject to Temporary Easement in favor of Vigo County, Indiana, as established by Cause No. 84D01-1106-PL-05371.

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- Parcels:
- (1) 84-02-35-278-001.000-013
  - (2) 84-02-35-278-003.000-013
  - (3) 84-02-36-152-003.000-013
  - (4) 84-02-36-152-004.000-013
  - (5) 84-02-36-152-005.000-013

Exhibit "B"

FILED

JAN 15 2013

PETITION FOR VOLUNTARY ANNEXATION  
INTO THE CITY OF TERRE HAUTE, INDIANA

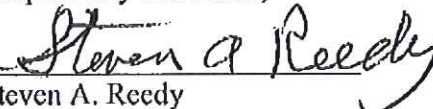
CITY CLERK

Comes now, Steven A. Reedy, and petitions to the City of Terre Haute, Indiana to annex certain Real Estate into the City of Terre Haute and in support of his Petition would state as follows:

1. The Petitioner is the owner of the Real Estate hereinafter described on Exhibit "A";
2. The Petitioner and respectfully requests that the Real Estate be annexed into the City of Terre Haute;
3. That the Real Estate described in Exhibit "A" is a tract of real estate located in Vigo County, Indiana, and is adjacent to property previously annexed into the City of Terre Haute.
4. That the Real Estate described in Exhibit "A" is currently open space zoned M-1 and R-1 and adjacent to a commercial building that is commonly referred to as Mr. Jiggs.
5. The mailing address for the Petitioner: 4224 Park Avenue, Terre Haute, IN 47805.
6. That the present use of the real estate is for parking.
7. The Real Estate described on Exhibit "A" is currently being served by all utilities that are available at or near the real estate that includes Mr. Jiggs. The Real Estate is also currently being served by the City of Terre Haute's Police and Fire Departments.
8. Reasons for Seeking Annexation: The Petitioner would seek to rezone annexed Real Estate for the purpose of allowing for renovation to the existing building for parking. It has been recently discovered that said property is not in the City of Terre Haute's municipal boundaries. The Petitioner owns six (6) parcels and only the parcel located is in the City of Terre Haute is the parcel on which the Mr. Jiggs building is situated. This annexation of the Real Estate will also allow for the real estate to be under the guise of one (1) local government authority.

WHEREFORE, the Petitioner respectfully requests the City of Terre Haute, Indiana, to annex the Real Estate described on Exhibit "A" into the City of Terre Haute, Indiana, and for all other just and proper relief in the premises.

Respectfully submitted,

  
Steven A. Reedy

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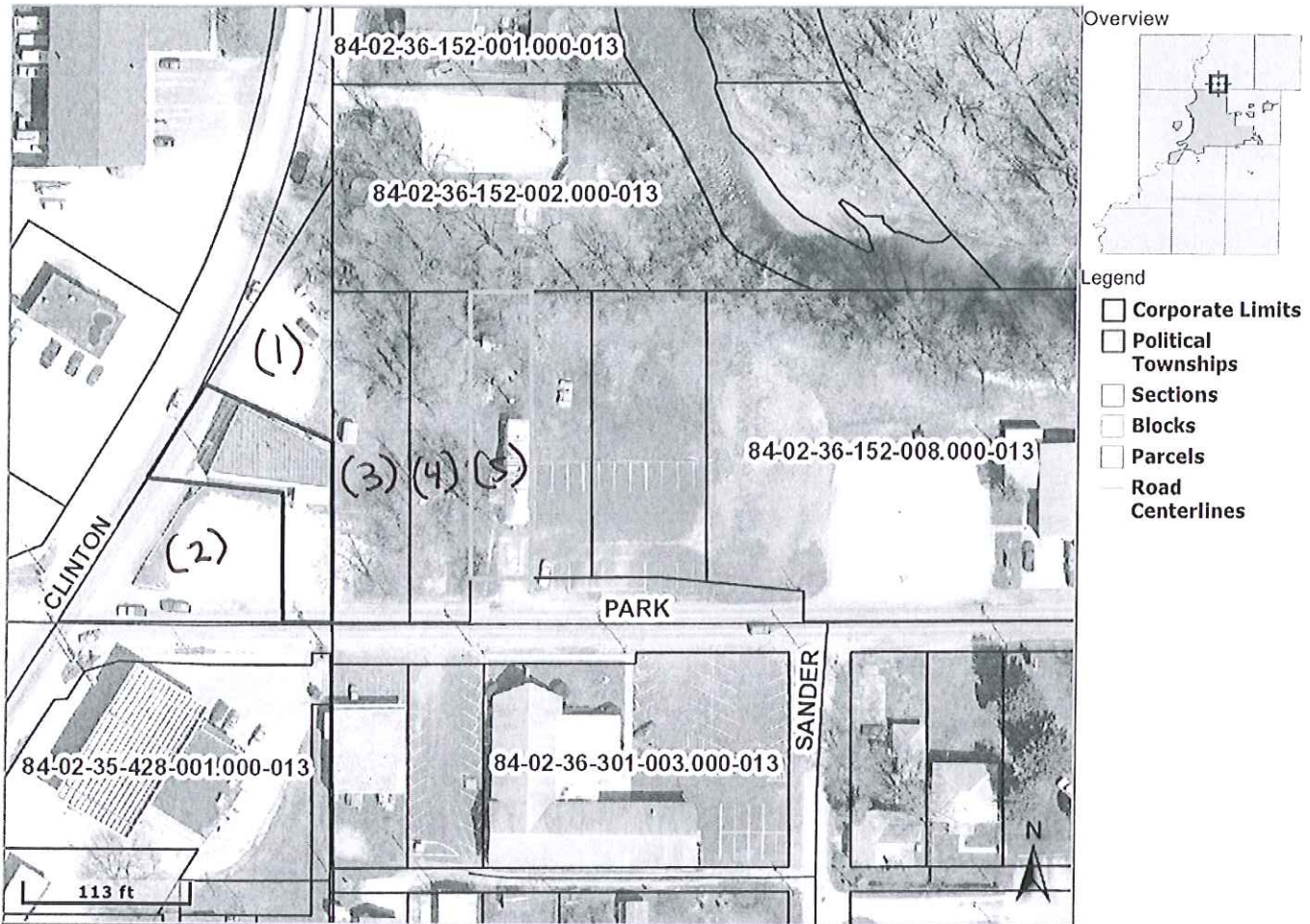
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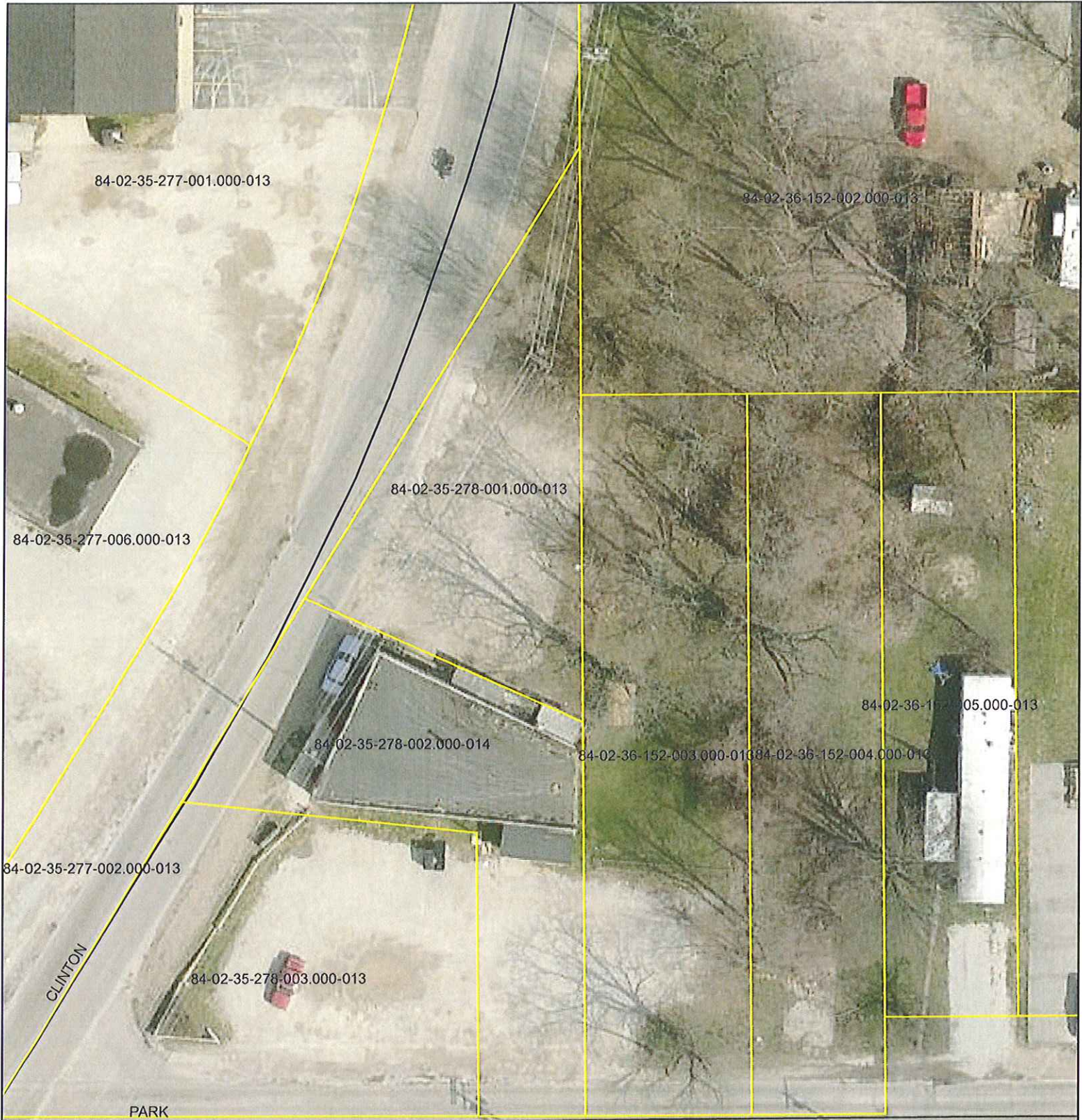
Date Created: 12/19/2012



<b>Parcel ID</b>	84-02-36-152-005.000-013	<b>Alternate ID</b>	109-02-36-152-005	<b>Owner Address</b>	REEDY STEVEN A
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Res Mob/manuf home platted lot		4224 EAST PARK AVE
<b>Property Address</b>	3120 E PARK AVENUE TERRE HAUTE IN	<b>Acreage</b>	0.17		TERRE HAUTE, IN 47807
<b>District</b>	013 OTTER CREEK				
<b>Brief Tax Description</b>	E OF SW COR NW D- 426/420 36-13-9 .173 AC (Note: Not to be used on legal documents)				

Last Data Upload: 12/19/2012 2:53:41 AM





84-02-35-277-001.000-013

84-02-36-152-002.000-013

84-02-35-278-001.000-013

84-02-35-277-006.000-013

84-02-36-152-005.000-013

84-02-35-278-002.000-014

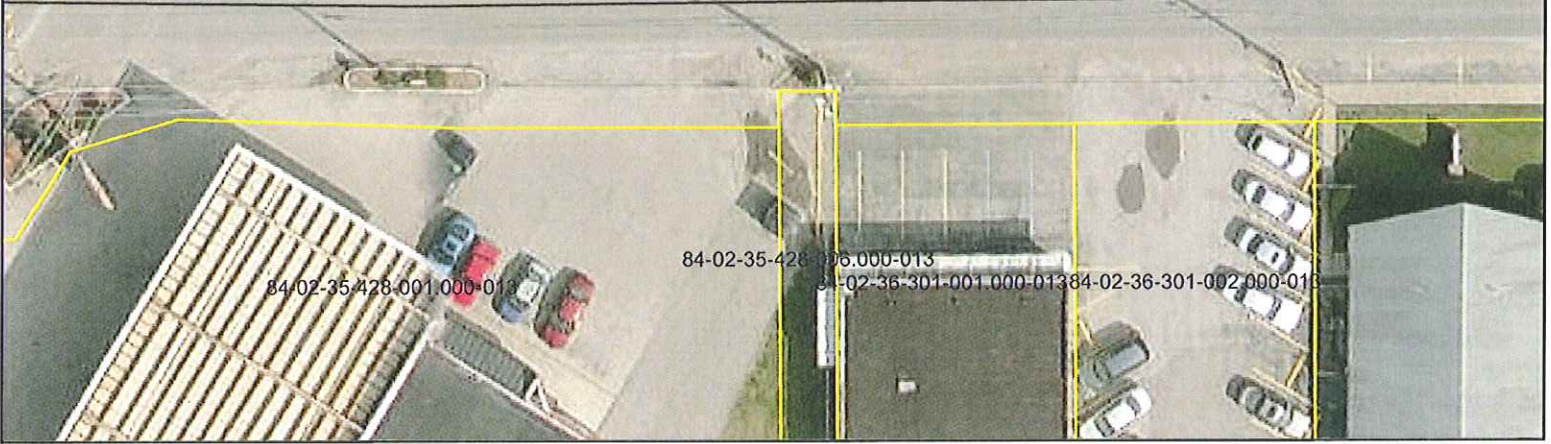
84-02-36-152-003.000-013 84-02-36-152-004.000-013

84-02-35-277-002.000-013

CLINTON

84-02-35-278-003.000-013

PARK



84-02-35-428-001.000-013

84-02-35-428-006.000-013

84-02-36-301-001.000-013 84-02-36-301-002.000-013

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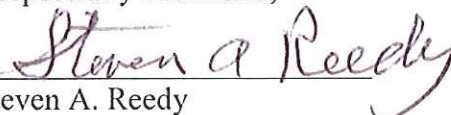
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WHEREFORE, the Petitioner respectfully requests the City of Terre Haute, Indiana, to annex the Real Estate described on Exhibit "A" into the City of Terre Haute, Indiana, and for all other just and proper relief in the premises.

Respectfully submitted,

  
Steven A. Reedy

**CERTIFICATE OF DELIVERY**

I, Charles P. Hanley, City Clerk for the City of Terre Haute, certifies that this Petition for Voluntary Annexation into the City of Terre Haute was delivered to me, as the City Clerk for the City of Terre Haute on the \_\_\_\_\_ day of January, 2013.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

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(5) 84-02-36-152-005.000-013

**FISCAL PLAN IN SUPPORT OF ANNEXATION  
OF FIVE (5) PARCELS COMMONLY IDENTIFIED  
AS ADJACENT TO 5123 NORTH CLINTON ROAD**

FILED

FEB 08 2013

CITY CLERK

The site for this annexation meets the necessary criteria for annexation stipulated by Indiana law. A Petition for Voluntary Annexation has been filed by the sole property owner. A fiscal plan for providing municipal services to the area has been developed, and is adopted by the City as its policy.

The following describes the area, sets forth a municipal service plan, and summarizes financial impact of annexation to the City.

Please see attached Exhibit A for a legal description of the annexation area.

## BASIC DATA

### 1. Location

The proposed annexation area is located generally north of the City lying at the northeast corner of the intersection of Lafayette Avenue (which becomes Clinton Road north of Park Avenue) and Park Avenue. The areas to be annexed are contiguous to Parcel No. 84-02-35-278-002.000-014, commonly known as Mr. Jiggs Tavern, which parcel was annexed into the City of Terre Haute by Special Ordinance No. 34, 1961.

### 2. Size

Five parcels consisting of approximately a total acreage of 1.03 acres, more or less.

### 3. Population/Density

The property to be annexed is currently vacant land which is intended to be used as parking area for the adjacent commercial business.

### 4. Buildings

A building exists on the currently annexed parcel. The parcels to be annexed will be used for parking serving the existing building. Some rehabilitation/reconstruction of the existing building may occur on the parcels to be annexed.

### 5. Zoning

Parcel Nos. 84-02-35-278-003.000-013 and 84-02-35-278-001.000-013 are currently zoned M-1 Light Industrial. Parcel Nos. 84-02-35-278-002.000-014, 84-02-36-152-004.000-013, and 84-02-36-152-005.000-013 are currently zoned R-1, Residential – Single Family. Upon completion of the annexation, Petitioner will rezone all parcels to a singular zoning classification; therefore, it is recommended that the area be annexed with the zoning designation O-1.

## ACCESS

Access to the entire area is currently available on Lafayette Avenue and Park Avenue.

## MUNICIPAL SERVICES

State law requires that within one (1) year of annexation, the City provide the annexed area with "planned services of a non-capital nature" which are "equivalent in standard and scope" to those non-capital services provided to similar areas in the City. The law also requires "that service of a capital improvement nature... be provided within three (3) years of the effective date of the annexation, in the same manner as those services are provided" to similar areas within the City. I.C. 36-4-3-5.1 also requires adoption of a fiscal plan and policy for the annexation area.

1. Police

Because this area is located approximately 1.5 miles from the northernmost boundary of the City of Terre Haute corporate limits, crime control and response to this area is currently managed by the Vigo County Sheriff's Department. The Terre Haute Police Department presently controls crime by utilization of both motorized patrol within the City boundaries. Substantially all the area surrounding this area is located within the jurisdiction of the Vigo County Sheriff's Department. The Terre Haute Police Department currently responds to calls for service at Mr. Jiggs Tavern.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

2. Fire

The property to be annexed is currently vacant with no physical structures. No additional fire protection services are required.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

3. Emergency Medical Service

Upon development and occupancy, the annexation area will receive full-time medical service coverage from the Terre Haute Fire Department. The charges for emergency response are established by ordinance, and require an increased fee for response outside the City boundaries and the taxing jurisdiction of City as follows:

Sec. 4-292 Ambulance/Medical User Fees.

(a) The following user fee schedule shall be charged for all ambulance/medical services provided:

(1)	Basic Life Support Fee	\$400.00
(2)	Advanced Life Support Fee: Level I	\$500.00
(3)	Advanced Life Support Fee: Level II	\$600.00
(4)	Non-Transport Medical Call	\$100.00
(6)	All Non-Resident Calls	\$100.00 fee in addition to any support fee billed in (1), (2), (3), or (4) above

ESTIMATED ANNUAL COST: \$100 to \$600 per response depending on nature of response  
ESTIMATED CAPITAL COST: None.

4. Solid Waste Collection

The City of Terre Haute presently provides solid waste collection for the residential units, to include two (2) family dwellings. Facilities with more than two (2) residential units and commercial



facilities must provide their own solid waste collection. Contract for collection and disposal may be entered into with private providers.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

5. Traffic Control

This additional area will not require additional employees for traffic control purposes.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

6. Street Lighting

Street lighting is currently installed at the intersection of Lafayette (Clinton) and Park Avenue. The City does not maintain this lighting and no additional street lighting will be provided.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

7. Streets and Roads

The only roadways affected in the annexation area are a portion of Lafayette Avenue (Clinton) and a portion of Park Avenue. These roadways will continue to be maintained by Vigo County Street Department.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

8. Parks

No additional parks will be provided as the entirety of this annexation includes vacant land to serve a commercial business establishment.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

9. Transit Utility

No bus route extends to this location. There is no plan to extend bus service to the annexed area.

ESTIMATED ANNUAL COST: None.  
ESTIMATED CAPITAL COST: None.

10. Sanitary Sewers

All of the area proposed to be annexed is within the Sanitary District of the City of Terre Haute. The City of Terre Haute currently provides sanitary sewer service to the annexation area at the rate as set by ordinance for City residents. The rates are based on water usage with a flat monthly charge for non-metered water source customers as follows:

a. The rate for water used or sewage discharged inside the City shall be:

Five Dollars and Fifty Nine Cents (\$5.59) per one hundred (100) cubic feet.

b. A minimum charge (such minimum charge shall include the first three hundred (300) cubic feet of water usage) for any user inside the City per month or quarter according to the billing period shall be:

Seventeen Dollars and Fifty Cents (\$17.50) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City.

c. All domestic non-commercial non-industrial users with non-metered water source shall pay a flat rate per quarter of:

Thirty Seven Dollars and Twenty Nine Cents (\$37.29).

ESTIMATED ANNUAL COST: None.

ESTIMATED CAPITAL COST: None.

#### 11. Storm Drainage

Storm drainage facilities are not planned for this location. All storm water currently affecting this property drains into Otter Creek which is located to the northeast of said annexed property.

ESTIMATED ANNUAL COST: None.

ESTIMATED CAPITAL COST: None.

### FINANCIAL SUMMARY

#### Revenue

The current assessed valuation of the area to be annexed is \$13,800. There is no negative fiscal impact upon the City.

The excise fund (Alcoholic Beverage Tax) is distributed based on the retailers or dealers located in the municipality. The population in the annexation area will not affect this distribution.

## Special Ordinance 3, 2013 - Fiscal Plan Exhibit

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