

ORDINANCE 2023-23

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA
ANNEXING CERTAIN TERRITORY INTO THE CITY OF LAFAYETTE, INDIANA
2023 LAFAYETTE SOUTHEAST VOLUNTARY ANNEXATION
CARR FAMILY FARM II**

WHEREAS, Carr Family Farm II LLC, owner of land in unincorporated Tippecanoe County contiguous to the City, has petitioned to have land voluntarily annexed in the City of Lafayette (“Lafayette”); and

WHEREAS, the territory to be annexed consists of two (2) parcels of real estate, plus adjacent public roadways and rights-of-way, containing a total of approximately 132 acres (the “Annexation Territory”). The Annexation Territory is more particularly described in Exhibit “A” and depicted on Exhibit “B”; and

WHEREAS, the Common Council (“Council”) is legally authorized to annex lands that qualify for annexation as defined by Indiana Code § 36-4-3 and desires to approve the annexation of the Annexation Territory; and

WHEREAS, annexation of the Annexation Territory benefits the City in that it will encourage economic growth through business investment in real and personal property and create good paying employment opportunities; and

WHEREAS, the Council finds that one hundred percent (100%) of the landowners in the Annexation Territory, have filed a voluntary petition for annexation with the Council under Indiana Code § 36-4-3-5.1 which petition is attached as Exhibit A and incorporated by reference; and

WHEREAS, the Annexation Territory does not include any parcel of land for which its owner(s) have not filed an express written consent to the annexation; and

WHEREAS, parts of the Annexation Territory include contiguous public roadways and rights-of-ways, and under Indiana Code § 36-4-3-1.5(b), those portions of roadways and rights-of-ways are to be annexed into the City; and

WHEREAS, in accordance with Indiana Code § 36-4-3-5.1(e), on May 1, 2023, the Council held a public hearing regarding the petition for annexation of the Annexation Territory; and

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Territory in accordance with Indiana Code § 36-4-3-3.1 through the adoption of Resolution 2023-_____; and

WHEREAS, the Council has determined that this annexation satisfies the contiguity requirements of Indiana Code § 36-4-3-1.5(b) in that the Annexation Territory in linear feet is 10,102 feet and the portion of the Annexation Territory contiguous with the existing municipal boundaries is 3,120 linear feet resulting in a contiguous area of 31%.

WHEREAS, the Council has considered the statutory requirements for annexation and finds that the legal process and requirements of a super-voluntary annexation under Indiana Code § 36-4-3-5.1 have been met and satisfied.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lafayette, as follows:

Section 1. Incorporation. The foregoing recitals are found to be accurate and are incorporated herein by reference.

Section 2. Annexation Territory. The Annexation Territory as more completely described on Exhibit B and depicted on Exhibit C is eligible for annexation into the City and is hereby declared annexed into and part of the City of Lafayette, Indiana.

Section 3. Contiguity. The Annexation Territory meets the contiguity requirements for annexation under Indiana Code § 36-4-3-1.5(a) in that the Annexation Territory in linear feet is 10,102 feet and the portion of the Annexation Territory contiguous with the existing municipal boundaries is 3,120 linear feet resulting in a contiguous area of 31%.

Section 4. Council Districts. The Annexation Territory is hereby assigned to Council District 1.

Section 5. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Council, required publication and filings, and upon the expiration of the thirty (30) day waiting period, all as provided by the laws of the State of Indiana.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this _____day of _____, 2023.

Lauren Ahlersmeyer, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, for his approval and signature this _____ day of _____, 2023.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on this _____ day of _____, 2023.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by: Mayor Tony Roswarski