

**COMMON COUNCIL OF THE CITY OF AUSTIN**

**ORDINANCE NO. 2021- 05**

**AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY INTO THE CITY OF AUSTIN**

**WHEREAS**, the City of Austin (the “City”) is authorized by IC 36-4-3-1 *et seq.* (the “Act”) to annex territory which is contiguous to the City’s boundary;

**WHEREAS**, the Common Council of the City has received a petition from Terry A. Goodin and Jerry D. Goodin, requesting the City to annex into the City certain real estate consisting of approximately 31 acres (+/-) located on West Booe Road that is described in Exhibit “A”, which is attached hereto and incorporated herein by reference (the “Territory”), and the Territory is located outside the current municipal boundary of the City;

**WHEREAS**, to the extent the Territory includes land contiguous to a public highway, the Territory shall include the contiguous areas of the public highway and public highway rights-of-way;

**WHEREAS**, the Common Council desires to annex the Territory into the City;

**WHEREAS**, the City has developed and adopted a written fiscal plan and adopted a definite policy for providing services concurrently with the passage of this ordinance.

**WHEREAS**, any required notices have been mailed and published and a public hearing has been opened, conducted and closed; and

**WHEREAS**, the Common Council believes it is in the best interest of the City that the Territory be annexed into the City.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN; AS FOLLOWS:**

**Section 1.** The Territory is hereby annexed into the City.

**Section 2.** The Territory is assigned to Council District No. 2.

**Section 3.** The Clerk Treasurer of the City is hereby ordered to publish this Ordinance in the manner prescribed by Indiana Code 5-3-1.

**Section 4.** If no appeal of the annexation contemplated by this Ordinance has been filed pursuant to Indiana Code 36-4-3-15.5 within thirty (30) days after adoption of this Ordinance, the Clerk-Treasurer is hereby authorized and directed to:(A) file a copy of this Ordinance with (i) the Scott County Auditor; (ii) the Scott Circuit Court Clerk; (iii) the Scott County Board of Registration; (iv) the Office of the Indiana Secretary of State; and (v) the office of census data

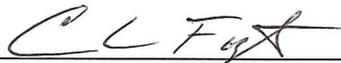
established by Indiana Code 2-5-1.1-12.2; and (B) record a copy of this Ordinance in the office of the Recorder of Scott County, Indiana.

**Section 5.** This Ordinance shall be in full force and effect from and after its adoption, publication in accordance with Indiana Code 5-3-1, and filing and recording in compliance with Indiana Code 36-4-3-22(a).

PASSED and adopted by the Common Council of the City of Austin, Indiana, this 13<sup>th</sup> day of April, 2021 by a vote of 5 to 0

  
\_\_\_\_\_  
ROGER HAWKINS, Mayor  
Presiding Officer

Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 13 day of April, 2021 at 6 : 05 p.m.

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 13<sup>th</sup> day of April, 2021 at 6 : 05 p.m.

  
\_\_\_\_\_  
Roger Hawkins, Mayor

Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

Prepared by: **Joshua Stigdon, HOUSTON, THOMPSON and LEWIS, PC**  
49 E. Wardell Street, Scottsburg, IN 47170

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law. Joshua Stigdon

**EXHIBIT "A"**

**Parcel # 72-02-30-200-006.001-002**

A part of the south half of the northwest quarter of Section 30, Township 4 North, Range 7 East, 2<sup>nd</sup> principal meridian, Jennings Township, Scott County, Indiana, and also being a part of the land of Randall E. Bowen and Carl E. Bowen as described in Deed Record 62, page 61, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at the southeast corner of the northwest quarter of Section 30, Township 4 North, Range 7 East, 2<sup>nd</sup> PM, said corner being marked by a railroad spike; thence North 89 degrees 55 minutes 34 seconds West (the east line of the northwest quarter of said section is assumed North and is the reference meridian) 1,592.90 feet to the southwest corner of the land of McClain as described in Deed Record 64, page 421, Office of the Recorder, Scott County, Indiana, said corner being marked by a MAG nail and the TRUE POINT OF BEGINNING; thence North 89 degrees 55 minutes 34 seconds West, a distance of 1,035.83 feet to the southwest corner of said quarter, said corner being marked by a steel rod; thence North 00 degrees 16 minutes 53 seconds West 1,307.91 feet to the northwest corner of the south half of said quarter, said corner being marked by a steel rod; thence North 89 degrees 51 minutes 48 seconds East with north line of said south half 1,042.25 feet to a steel rod; thence south 00 degrees 00 minutes 00 seconds East 1,311.72 feet to the TRUE POINT OF BEGINNING, containing 31.24 acres and being subject to all legal rights-of-way.

**ALSO INCLUDING:** In addition to the aforementioned, the annexed area shall include those public highways and rights-of-way of public highways required to be annexed by Indiana Code § 36-4-3-2.5, including the relevant portion of West Booe Road.