

**COMMON COUNCIL OF THE CITY OF AUSTIN**

**ORDINANCE NO. 2022-02**

**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 Wanda Melton and revised petition from the Austin Redevelopment Commission, requesting the City to annex into the City certain real estate that is described in Exhibit “A”, which is attached hereto and incorporated herein by reference (the “Territory”), and the part of the Territory that is located outside the current municipal boundaries 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 part of the Territory that is outside of the municipal boundaries of the City, 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 requested to be assigned to Precinct Jennings 3.

**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, on March 8, 2022, by a vote of 5 to 0.

Roger Hawkins  
ROGER HAWKINS, Mayor  
Presiding Officer

Attest:

Chris Fugate  
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, on March 8, 2022, at 6 : 15 p.m.

Chris Fugate  
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), on March 8, 2022, at 6 : 15 p.m.

Roger Hawkins  
Roger Hawkins, Mayor

Attest:

Chris Fugate  
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"**

### **Legal Description**

**Said description below includes but is not limited to the following parcels:**

**Parcel No. 72-04-01-900-020.000-002 and 72-05-06-300-055.000-002**

**Property Address: West York Road, Austin, Indiana**

The following described real estate located in Scott County, State of Indiana, to-wit:

A part of Section 1, Township 3 North, Range 6 East and a part of the southwest quarter of Section 6, Township 3 North, Range 7 East, 2<sup>nd</sup> principal meridian, Jennings Township, Scott County, Indiana, and also being a part of land of Roy Schneck and Lillian Schneck as described in Deed Record 52, pages 121-122, Office of the Recorder, Scott County, Indiana, more particularly described as follows: Commencing at the northwest corner of Section 1, Township 3 North, Range 6 East, 2<sup>nd</sup> principal meridian; thence north 89 degrees 30 minutes 43 seconds east (bearings are based on that of the centerline of Interstate Highway No. 65 between stations 1320 and 1352+52 as shown on sheets 17 and 18 of 188 of the plan set for Project I-65-1 (40) 29 dated 1959 with the north line of said section 496.00 feet; thence south 00 degrees 47 minutes 09 seconds east 300.00 feet to a steel rod and the TRUE POINT OF BEGINNING; thence north 89 degrees 28 minutes 06 seconds east 600.63 feet to a concrete marker; thence north 89 degrees 22 minutes 26 seconds east 298.60 feet to a steel pipe; thence north 89 degrees 26 minutes 50 seconds east 144.70 feet to a steel rod; thence north 00 degrees 32 minutes 41 seconds east 128.35 feet to a steel rod; thence south 89 degrees 02 minutes 06 seconds east 155.21 feet to a steel rod; thence south 00 degrees 26 minutes 40 seconds east 34.01 feet to a steel rod; thence north 89 degrees 32 minutes 43 seconds east 236.01 feet to a steel rod; thence north 00 degrees 46 minutes 33 seconds west 206.99 feet to a railroad spike; thence north 89 degrees 27 minutes 18 seconds east 1436.37 feet to the west right-of-way line of the Louisville and Indiana Railroad; thence the following four courses with said line: (1) south 26 degrees 20 minutes 18 seconds east 1154.49 feet, (2) south 27 degrees 28 minutes 51 seconds east 303.00 feet, (3) south 29 degrees 57 minutes 21 seconds east 304.19 feet and (4) south 31 degrees 23 minutes 56 seconds east 3445.95 feet to the center of Stucker Ditch; thence the following four courses with center of said ditch: (1) north 87 degrees 55 minutes 17 seconds west 306.01 feet, (2) north 43 degrees 38 minutes 39 seconds west 788.62 feet, (3) north 67 degrees 16 minutes 21 seconds west 274.19 feet and (4) north 87 degrees 01 minute 16 seconds west 3362.79 feet to the east right-of-way line of Interstate Highway No. 65; thence the following five courses with said right-of-way line: (1) north 33 degrees 38 minutes 44 seconds west 434.23 feet, (2) north 32 degrees 47 minutes 36 seconds west 158.11 feet, (3) north 34 degrees 25 minutes 10 seconds west 306.91 feet to the point of curvature of a non-tangent curve, concave to the northeast, having a radius of 11339.20 feet, a central angle of 05 degrees 31



minutes 36 seconds, and a chord of 1093.34 feet bearing north 28 degrees 04 minutes 48 seconds west; (4) northwest along said curve 1093.77 feet and (5) north 27 degrees 14 minutes 34 seconds west 234.17 feet to the southwest corner of the land of the Town of Austin as described in Deed Record 52, page 177, Office of the Recorder, Scott County, Indiana; thence north 89 degrees 30 minutes 43 seconds east 336.68 feet to the southeast corner of said land; thence north 00 degrees 47 minutes 09 seconds west 900.00 feet to the northeast corner of said land, said corner being marked by a steel rod; thence south 89 degrees 30 minutes 43 seconds west with the north line of said land 204.00 feet to the southeast corner of the land of Payne as described in Deed Record 85, page 396, Office of the Recorder, Scott County, Indiana, said corner being marked by a steel rod; thence north 00 degrees 47 minutes 09 seconds west 500.00 feet to the TRUE POINT OF BEGINNING, containing 306.52 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.