

GENERAL ORDINANCE NO. 7, 2023

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA ANNEXING CERTAIN TERRITORY TO THE CITY OF WABASH, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF WABASH, INDIANA

WHEREAS, the City of Wabash, Indiana, hereinafter the "City," has for several years studied the annexation of territory in Noble Township, Wabash County, Indiana; and

WHEREAS, this Ordinance has been adopted following due notice and a public hearing; and

WHEREAS, a legal description of the territory sought to be annexed is attached hereto as Exhibit A, which also includes a map thereof (the "Annexation Territory"); 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; and

WHEREAS, the Annexation Territory consists of approximately 1.4 acres; and

WHEREAS, the Annexation Territory is at least 1/8 contiguous to the existing corporate boundaries of the City and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of services to the annexed areas; and

WHEREAS, the Common Council of the City of Wabash, Indiana has adopted a written fiscal plan, and definite policy for the provision of services of both a noncapital and capital nature to the Annexation Territory; and

WHEREAS, the Annexation Territory, triangular in shape, is bordered on two sides by Council District 4 and by what would be the new corporate boundary on the third side, said Annexation District is placed within Council District 4; and

WHEREAS, the City is the record title owner of the entire Annexation Territory; and

WHEREAS, this Ordinance contains terms and conditions fairly calculated to make the annexation equitable to property owners and residents of the Annexation Territory and the Town.

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

- 1 The above recitals are incorporated herein by reference as though fully set forth herein below.
2. In accordance with l.c. 36-4-3-5.1 the Annexation Territory is hereby annexed to the City of Wabash, Indiana and thereby included within its corporate boundaries pursuant to the terms of this Ordinance. Two copies of Exhibit A are kept on file with the Clerk Treasurer for public inspection.
3. The effective date of this annexation shall be as soon as allowed by law.
4. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, and words of this Ordinance, including the description of the Annexation Territory are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance. Specifically, if any portion of the Annexation Territory cannot be lawfully annexed for any reason, it shall have no impact on the annexation of the remaining Annexation Territory.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA, BY A VOTE OF ____ AYES AND ____ NAYS. THIS ____ DAY OF _____ 2023.

By.

President of the Common Council

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WABASH ON THIS ____ DAY OF _____, 2023 AT THE HOUR OF ____ O'CLOCK ____ M.

Wendy Frazier, Administrator

THIS ORDINANCE WAS APPROVED AND SIGNED ON THE THIS DAY OF _____, 2023 AT THE HOUR OF O'CLOCK ____ M.

Scott A. Long, Mayor

ATTEST:

Wendy Frazier, Clerk-Treasurer