

STATE OF INDIANA
BEFORE THE COVINGTON CITY COUNCIL

ORDINANCE NO. 2024 - 3

**AN ORDINANCE ANNEXING CERTAIN REAL
PROPERTY INTO THE CITY OF COVINGTON, INDIANA**

WHEREAS, this City Council of the City of Covington, Indiana (the "City Council"), is the legislative body of the City of Covington, County of Fountain, State of Indiana (the "City"); and,

WHEREAS, owners of greater than 51% of parcels have filed petitions for voluntary annexation of Rivercrest Subdivision Phases One-Three, recorded October 18, 2017 in the Office of the Fountain County Recorder, along with 101-105 S River Road and an approximately 7.4 acre parcel along River Road, totaling approximately 43 acres (the "Annexation Area") in accordance with the provisions of Ind. Code § 36-4-3-5 (Petitions of at least 51% Percent of Landowners); and,

WHEREAS, the legal description of said Annexation Area is attached hereto as Exhibit A; and,

WHEREAS, while the Annexation Area is located in the unincorporated territory of Fountain County, Indiana, it is approximately 19% contiguous to the existing City boundary (1,650 of 8,550 total feet of exterior perimeter); and,

WHEREAS, as established by the petitions, all capital and non-capital services provided by the City have already been extended to the Annexation Area; and,

WHEREAS, the City noticed and conducted six community outreach meetings on October 24, October 31, November 7, November 14, November 21, and November 28, 2023; and,

WHEREAS, on April 15, 2024, this City Council held a public hearing on the petitions following publication of notice in accordance with the provisions of Ind. Code § 36-4-3-5.1(e); and,

WHEREAS, this City Council now finds that the annexation of the Annexation Area into the City on the terms and conditions of this Ordinance is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COVINGTON, INDIANA, AS FOLLOWS:

Section 1. Annexation of Annexation Area. The Annexation Area described in Exhibit A attached hereto, is hereby annexed into the City of Covington, Indiana, in accordance with the provisions of Ind. Code § 36-4-3.

Section 2. Waiver of Fiscal Plan. Based upon the legislative findings set forth hereinabove, the City Council hereby waives the requirement for adoption of a fiscal plan establishing a definite policy by resolution as otherwise required by Ind. Code § 36-4-3-5.1(d)(2).

Section 3. Displacement of Other Governmental Unit Employees. It is not anticipated that this annexation will result in the elimination of jobs for any employees of other governmental units. However, in the event that any such jobs are eliminated, the City personnel director is hereby directed to assist any such displaced employees in obtaining new employment, but nothing herein shall require the City to provide employment for any such displaced employees.

Section 4. Assignment to Council District. Subsequent to the effective date of annexation, the Annexation Area shall be assigned to City Council District 2.

Section 5. Zoning Designation. Subsequent to the effective date of annexation, the Annexation Area shall be designated as Residential in accordance with the provisions of the City Zoning Ordinance on the City Zoning Map.

Section 6. Effective Date of Annexation; Publication. In the absence of an appeal under Ind. Code § 36-4-3-15.5, this Ordinance shall take effect upon its adoption and upon its filing and recording in accordance with the provisions of Ind. Code § 36-4-3-22. Promptly after adoption of this Ordinance, the Clerk-Treasurer shall publish this Ordinance and notice of its adoption in the manner prescribed by Ind. Code § 5-3-1-2, which publication shall occur no later than ninety (90) days after (a) the expiration of the period permitted for an appeal, or (b) the delivery of a certified order under Ind. Code § 36-4-3-15.

Section 7. Certification of Ordinance; Effect. Promptly after adoption of this Ordinance, the Clerk-Treasurer shall certify a copy of this Ordinance as being true and correct in all respects. Pursuant to the provisions of Ind. Code § 36-4-3-6, such certified copy of this Ordinance shall serve as conclusive evidence of the corporate boundaries of the City in any subsequent proceeding, including without limitation, with respect to any issue that the territory described in this Ordinance was properly annexed and is a part of the City.

Section 8. Clerk-Treasurer to File Copies of Ordinance. Pursuant to the provisions of IC 36-4-3-7 and IC 36-4-3-22, the Clerk-Treasurer shall do the following:

a. In the event that an appeal of this Ordinance is not filed during the period permitted under applicable Indiana law, file a certified copy of the Ordinance with (i) the Fountain County Auditor, (ii) the Clerk of the Fountain Circuit Court, (iii) the Fountain County Board of Voter Registration, (iv) the office of the Indiana Secretary of State, and (v) the office of census data established by Ind. Code § 2-5-1.1-12.2. The Clerk-Treasurer shall further provide a

sufficient number of copies of the Ordinance to the Fountain County Auditor to enable the Fountain County Auditor to forward copies and provide notification of the effective date of the annexation impacted by this Ordinance pursuant to the provisions of Ind. Code § 36-4-3-22(d) to each of the following: (1) the Fountain County Highway Department, (2) the Fountain County Surveyor, (3) the Fountain County Plan Commission, (4) the Fountain County Sheriff, (5) the Troy Township Trustee, (6) the office of the Indiana Secretary of State, and (7) the office of census data established by Ind. Code § 2-5-1.1-12.2.

b. In the event that an appeal of this Ordinance is timely filed, but this Ordinance is sustained following judicial review, a certified copy of the judgment ordering annexation in accordance with this Ordinance with (i) the Fountain County Auditor, (ii) the Clerk of the Fountain Circuit Court, (iii) the Fountain County Board of Voter Registration, (iv) the office of the Indiana Secretary of State, and (v) the office of census data established by Ind. Code § 2-5-1.1-12.2. The Clerk-Treasurer shall further provide a sufficient number of copies of the judgment to the Fountain County Auditor to enable the Fountain County Auditor to forward copies and provide notification of the effective date of the annexation impacted by this Ordinance pursuant to the provisions of Ind. Code § 36-4-3-22(d) to each of the following: (1) the Fountain County Highway Department, (2) the Fountain County Surveyor, (3) the Fountain County Plan Commission, (4) the Fountain County Sheriff, (5) the Troy Township Trustee, (6) the office of the Indiana Secretary of State, and (7) the office of census data established by Ind. Code § 2-5-1.1-12.2.

c. Record a certified copy of this Ordinance in the office of the Fountain County Recorder.

d. The filings and recordings required by this Section 8 shall be accomplished no later than ninety (90) days after (i) the expiration of the period permitted for an appeal, or (ii) the delivery of a certified order under the provisions of Ind. Code § 36-4-3-15. However, the failure to record this Ordinance as provided by Ind. Code § 36-4-3-22(a)(2) shall not invalidate this Ordinance.

Section 9. Partial Invalidity; Severability. In the event that a portion, but less than all, of the provisions of this Ordinance and/or annexation impacted by this Ordinance are deemed to be invalid or unenforceable by the final, non-appealable order of a court of competent jurisdiction, such provisions shall be stricken from the text of this Ordinance, but the remaining provisions following such determination and striking shall remain in full force and effect notwithstanding such partial invalidity and striking.

SO ORDAINED by this City Council this 15th day of April 2024.



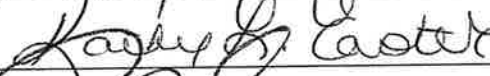


COVINGTON CITY COUNCIL

Unanimous consent of City Council members present on April 15, 2024 to consider the ordinance on the same date as introduced.

Approved by the Common Council on April 15, 2024.

Approved

Rejected

Dated this 15th day of April 2024.

Attest:


Linda Knecht, Clerk/Treasurer

I hereby certify that the foregoing ordinance was published one time in the Fountain County Neighbor (i.e. April 25, 2024) within thirty (30) days of the passage of this ordinance as required by I.C. 5-3-1-2(h) and said ordinance was submitted to Mayor Brad Crain on April 15, 2024.

Attest:

Linda Knecht
Linda Knecht, Clerk/Treasurer

I hereby approve this ordinance 2024 - 3 this 15th day of April 2024.

Brad Crain
Brad Crain, Mayor

CERTIFICATION OF PUBLIC RECORD

The undersigned, as the duly elected and serving Clerk-Treasurer of the City of Covington, Indiana, hereby certifies that the foregoing Ordinance No. 2024- 3 entitled *An Ordinance Annexing Certain Real Property into the City of Covington, Indiana* is a true and correct copy of the ordinance adopted by the Covington City Council at its properly noticed and convened regular meeting on April 15, 2024.

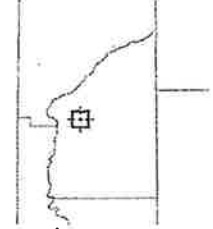
So certified this 15th day of April 2024.

Linda Knecht
Linda Knecht,
Clerk-Treasurer of the City of Covington, Indiana

EXHIBIT A
ANNEXATION AREA



Overview



Legend

- Parcels
- Lots Lines
- Roads
- - - City Limits
- ▭ City Labels
- Rights of Way

Date created: 4/11/2024
Last Data Uploaded: 4/11/2024 8:08:34 PM

Developed by  Schneider
GEOSPATIAL

Part of the Southeast Quarter of Section Thirty-Five (35) and the Southwest Quarter of Section Thirty-Six (36), all in Township Twenty (20) North, Range Nine (9) West, Troy Township, Fountain County, Indiana, more particularly described as follows:

Beginning at a 5/8" x 24" capped rebar marked Deckard Survey, (hereinafter referred to as a Deckard rebar) 581.67 feet South 00 Degrees 00 Minutes 00 Seconds East and 836.86 feet North 90 Degrees 00 Minutes 00 Seconds East of a 5/8" capped rebar marked RWG marking the Northeast corner of the Southeast Quarter of said Section Thirty-Five (35); THENCE South 00 Degrees 00 Minutes 00 Seconds East for a distance of 639.97 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 150.00 feet to a Deckard rebar; THENCE South 00 Degrees 00 Minutes 00 Seconds East for a distance of 1360.00 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 569.80 feet to a Deckard rebar; THENCE North 00 Degrees 00 Minutes 00 Seconds West for a distance of 820.00 feet to a Deckard rebar; THENCE along a curve concave to the Southwest and having an arc length of 221.32 feet and a radius of 50.03 feet, and being subtended by a chord with a distance of 80.18 feet and a chord bearing of North 53 Degrees 18 Minutes 03 Seconds West to a Deckard rebar; THENCE North 66 Degrees 01 Minutes 46 Seconds East for a distance of 5.13 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 160.20 feet to a Deckard rebar; THENCE North 00 Degrees 00 Minutes 00 Seconds West for a distance of 290.00 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds East for a distance of 172.71 feet to a Deckard rebar; THENCE along a curve concave to the Southeast and having an arc length of 71.73 feet and a radius of 70.53 feet, and being subtended by a chord with a distance of 68.68 feet and a chord bearing of North 43 Degrees 16 Minutes 42 Seconds East to a Decked rebar; THENCE North 60 Degrees 00 Minutes 00 Seconds West for a distance of 300.00 feet to a Deckard rebar; THENCE North 12 Degrees 33 Minutes 8 Seconds West for a distance of 119.60 feet to a Deckard rebar; THENCE South 77 Degrees 26 Minutes 42 Seconds West for a distance of 962.00 feet to a Deckard rebar; THENCE North 20 Degrees 22 Minutes 27 Seconds West for a distance of 16.02 feet to a magnetic nail in the approximate center line of River Road; THENCE following said center line along a curve concave to the North and having an arc length of 240.30 feet and a radius of 369.83 feet, and being subtended by a chord with a distance of 236.09 feet and a chord bearing of North 52 Degrees 32 Minutes 03 Seconds East to a magnetic nail; THENCE leaving said approximate center line and running South 52 Degrees 33 Minutes 07 Seconds East for a distance of 85.42 feet to a 5/8" capped rebar marked RWG; THENCE North 77 Degrees 25 Minutes 25 Seconds East for a distance of 380.00 feet to a 5/8" capped rebar marked RWG; THENCE North 13 Degrees 33 Minutes 47 Seconds West for a distance of 201.63 feet to a 5/8" capped rebar marked RWG; THENCE North 70 Degrees 50 Minutes 35 Seconds East for a distance of 412.56 feet to a Deckard rebar; THENCE North 85 Degrees 07 Minutes 41 Seconds East for a distance of 724.48 feet to the place of beginning, containing 32.743 acres 1426282.159 Square Feet, more or less.

AND

Part of the Southeast Quarter of Section Thirty-Five (35) and the Southwest Quarter of Section Thirty-Six (36), all in Township Twenty (20) North, Range Nine (9) West, Troy Township, Fountain County, Indiana, more particularly described as follows:

Commencing at a 5/8" x 24" capped rebar marked Deckard Survey, (hereinafter referred to as a Deckard rebar) 581.67 feet South 00 Degrees 00 Minutes 00 Seconds East and 836.86 feet North 90 Degrees 00 Minutes 00 Seconds East of a 5/8" capped rebar marked RWG marking the Northeast corner of the Southeast Quarter of said Section Thirty-Five (35); THENCE South 00 Degrees 00 Minutes 00 Seconds East for a distance of 639.97 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 150.00 feet to a Deckard rebar; THENCE South 00 Degrees 00 Minutes 00 Seconds East for a distance of 1360.00 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 569.80 feet to a Deckard rebar; THENCE North 00 Degrees 00 Minutes 00 Seconds West for a distance of 820.00 feet to a Deckard rebar; THENCE along a curve concave to the Southwest and having an arc length of 221.32 feet and a radius of 50.03 feet, and being subtended by a chord with a distance of 80.18 feet and a chord bearing of North 53 Degrees 18 Minutes 03 Seconds West to a Deckard rebar; THENCE North 66 Degrees 01 Minutes 46 Seconds East for a distance of 5.13 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 160.20 feet to a Deckard rebar; THENCE North 00 Degrees 00 Minutes 00 Seconds West for a distance of 290.00 feet to a Deckard rebar; THENCE North 90 Degrees 00 Minutes 00 Seconds East for a distance of 172.71 feet to a Deckard rebar; THENCE along a curve concave to the Southeast and having an arc length of 71.73 feet and a radius of 70.53 feet, and being subtended by a chord with a distance of 68.68 feet and a chord bearing of North 43 Degrees 16 Minutes 42 Seconds East to a Decked rebar; THENCE North 60 Degrees 00 Minutes 00 Seconds West for a distance of 300.00 feet to a Deckard rebar; THENCE North 12 Degrees 33 Minutes 8 Seconds West for a distance of 119.60 feet to a Deckard rebar; THENCE South 77 Degrees 26 Minutes 42 Seconds West for a distance of 962.00 feet to a Deckard rebar; THENCE North 20 Degrees 22 Minutes 27 Seconds West for a distance of 16.02 feet to a magnetic nail in the approximate center line of River Road; THENCE following said center line along a curve concave to the North and having an arc length of 240.30 feet and a radius of 369.83 feet, and being subtended by a chord with a distance of 236.09 feet and a chord bearing of North 52 Degrees 32 Minutes 03 Seconds East to a magnetic nail **to the point of beginning**; THENCE leaving said approximate center line and running South 52 Degrees 33 Minutes 07 Seconds East for a distance of 85.42 feet to a 5/8" capped rebar marked RWG; THENCE North 77 Degrees 25 Minutes 25 Seconds East for a distance of 380.00 feet to a 5/8" capped rebar marked RWG; THENCE North 13 Degrees 33 Minutes 47 Seconds West for a distance of 201.63 feet to a 5/8" capped rebar marked RWG; THENCE North 70 Degrees 50 Minutes 35 Seconds East for a distance of 293.00 feet; THENCE North 00 Degrees 00 Minutes 00 Seconds East for a distance of 495.00 feet; THENCE North 90 Degrees 00 Minutes 00 Seconds West for a distance of 480.00 feet to the center line of River Road; THENCE following said center line South 845.00 feet to the point of beginning.