



# Common Council

## Agenda Item

### Cover Sheet

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**MEETING DATE:** February 25, 2025

- ☐ Previously Discussed Ordinance
- ☐ Proposed Development Presentation
- ☒ New Ordinance for Discussion
- ☐ Miscellaneous
- ☐ Transfer

**ITEM or ORDINANCE:** #07-02-25

**PRESENTED BY:** Joyceann Yelton

- ☒ Information Attached
- ☐ Verbal
- ☐ No Paperwork at Time of Packets

## **ORDINANCE NO. 07-02-25**

### **AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF NOBLESVILLE, HAMILTON COUNTY, INDIANA**

#### **Morse Village Super-Voluntary Annexation**

WHEREAS, the City of Noblesville, Hamilton County, Indiana received a petition requesting that certain territory generally located adjacent to the intersection of Hague Road and East 206<sup>th</sup> Street, (east and west of Hague Road and north and south of E. 206<sup>th</sup> Street) , as herein after described ("Annexation Territory"), be annexed by the City of Noblesville; and

WHEREAS, the petition has been signed by the owner(s) (i.e. 100%) of the property within the "Annexation Territory"; and

WHEREAS, in accordance with Indiana Code §36-4-3-5.1(e), on or around March 25, 2025, the City Council held a duly noticed public hearing regarding the "Annexation Territory"; and

WHEREAS, in accordance with Indiana Code §36-4-3-1.5, the Common Council has determined that the "Annexation Territory" is contiguous at least by one-eight (1/8) of the aggregate external boundaries of the "Annexation Territory" and coincides with the boundaries of the City.

WHEREAS, the written fiscal plan and definite policy adopted by resolution provides for the provision of services of a non-capital nature (including police protection, fire protection, street and road maintenance and other non-capital services normally provided within the corporate boundaries of the City) to the Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the written fiscal plan and definite policy adopted by resolution provides for the provision of services of a capital nature (including but not limited to street construction, sewer facilities, and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in a manner equivalent in standard and scope to those capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and

WHEREAS, the Common Council now desires to annex the "Annexation Territory" generally known as "Morse Village".

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

- Section 1. Contiguity.** The petition requesting voluntary annexation for the "Annexation Territory", further described in Exhibit A, attached hereto and incorporated herein and graphically depicted in Exhibit B, attached hereto and incorporated herein.
- Section 2. Annexation Territory.** The real estate containing approximately 171 acres, more or less legally described in Exhibit A, and graphically depicted in Exhibit B, both attached thereto and incorporated herein, and generally known as the "Morse Village", is hereby annexed to and declared to be a part of the City of Noblesville, Hamilton County, Indiana.
- Section 3. Council District.** The above-described real estate is hereby assigned to City Council District 4 and shall become a part thereof immediately upon the effective date of this ordinance.
- Section 4. Zoning District.** Upon annexation the property will be zoned R5/PB-PD Residential/Commercial Planned Development as per Ordinance No. 72-11-24 and Ordinance No. 73-11-24 until such time as there is a request for a change of zoning of which is adopted by the Common Council and recorded as required by law.
- Section 4.** All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction thereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
- Section 5.** The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

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Upon a motion duly made a seconded, the Ordinance was fully passed by the  
Members of the Common Council this \_\_\_\_\_ day \_\_\_\_\_, 2025.

COMMON COUNCIL

AYE	COUNCIL	NAY	ABSTAIN
	Mark Boice		
	Michael J. Davis		
	Evan Elliott		
	David M. Johnson		
	Darren Peterson		
	Pete Schwartz		
	Aaron Smith		
	Todd Thurston		
	Megan G. Wiles		

ATTEST: \_\_\_\_\_

Evelyn L. Lees, City Clerk

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Presented by me to the Mayor of the City of Noblesville, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M.

\_\_\_\_\_  
Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

MAYOR'S VETO

\_\_\_\_\_  
Chris Jensen, Mayor

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Evelyn L. Lees, City Clerk

I, affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joyceann Yelton

Prepared by: Joyceann Yelton, Development Services Manager, City of Noblesville, 16 South 10<sup>th</sup> Street,  
Noblesville, IN 46060 (317) 776-6325

Legal Description

PHASE 1

The Southwest Quarter of the Southwest Quarter of Section 13, Township 19 North, Range 4 East of the Second Principal Meridian in Hamilton County, Indiana, being more particularly described as follows:

Beginning at a stone at the Southwest corner of said Quarter Quarter Section; thence along the West line of said Quarter Quarter Section, North 00 degrees 20 minutes 12 seconds East a distance of 1328.25 feet to a stone at the Northwest corner of said Quarter Quarter Section; thence along the North line of said Quarter Quarter Section North 88 degrees 07 minutes 50 seconds East a distance of 1334.51 feet to the Northeast corner of said Quarter Quarter Section; thence along the East line of said Quarter Quarter Section South 01 degree 04 minutes 24 seconds West a distance of 1330.01 feet to the Southeast corner of said Quarter Quarter Section (said Southeast corner being at the midpoint between stones located at the Southeast and Southwest corners of the Southwest Quarter of said Section 13); thence along the South line of said Quarter Quarter Section South 88 degrees 10 minutes 25 seconds West a distance of 1317.36 feet to the place of beginning, containing 40.417 acres, more or less.

ALSO:

Part of the "Parcel G" conveyed to The Shorewood Corporation by special warranty deed recorded as Instrument No. 3764 on January 3, 1961, in Book 167 on Pages 182 through 193 in the Hamilton County, Indiana Recorder's Office which is part of the East Half of the Southeast Quarter of Section 14 and part of the East Half of the Northeast Quarter of Section 23 all in Township 19 North, Range 4 East, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of said Southeast Quarter; thence along the East line thereof North 00 degrees 20 minutes 12 seconds East 565.00 feet; thence North 87 degrees 45 minutes 00 seconds West 858.23 feet to the Westerly line of said "Parcel G" (the next eight courses are along said "Parcel G"; (1) thence South 05 degrees 13 minutes 48 seconds East 112.64 feet to a curve having a radius of 623.01 feet, said radius point bears South 84 degrees 46 minutes 12 seconds West; (2) thence Southerly along said curve 43.49 feet to a point which bears North 88 degrees 46 minutes 12 seconds East from said radius point; (3) thence South 01 degree 13 minutes 48 seconds East 667.99 feet to a curve having a radius of 450.04 feet, said radius point bears North 88 degrees 46 minutes 12 seconds East; (4) thence Southerly along said curve 460.81 feet to a point which bears South 30 degrees 06 minutes 12 seconds West from said radius point; (5) thence South 59 degrees 53 minutes 48 seconds East 204.00 feet to a curve having a radius of 250.05 feet, said radius point bears South 30 degrees 06 minutes 12 seconds West; (6) thence Southerly along said curve 261.85 feet to a point which bears South 89 degrees 53 minutes 48 seconds East from said radius point; (7) thence South 00 degrees 06 minutes 12 seconds West 100.00 feet; (8) thence South 88 degrees 42 minutes 45 seconds East 300.39 feet to a point in the East line of the Northeast Quarter of said Section 23, said point lies North 00 degrees 05 minutes 46 seconds East 570.80 feet from an angle

point on said "Parcel G" which said point is the Northeast corner of a certain parcel 1 as conveyed to W. Lee Egler Farms, Inc., recorded May 27, 1977, as Instrument No. 12489 in Deed Record 296 on Pages 380-384 in said Recorder's Office; thence along the East line of said Northeast Quarter North 00 degrees 05 minutes 46 seconds East 1030.26 feet to the Place of Beginning, containing 25.726 acres, more or less.

Excepting therefrom:

A part of the Southeast Quarter of Section 14, Township 19 North, Range 4 East, located in Noblesville Township, Hamilton County, Indiana, being more specifically described as follows: Beginning at a point on the East line of the Southeast Quarter of the Southeast Quarter of Section 14, Township 19 North, Range 4 East, said point of beginning being North 00 degrees 20 minutes 12 seconds East (assumed bearing) 265.00 feet from the Southeast corner of said Southeast Quarter; thence North 00 degrees 20. minutes 12 seconds East 300.00 feet on and along the East line of the Southeast Quarter of said Southeast Quarter); thence North 87 degrees 45 minutes 00 seconds West 858.23 feet to the Westerly line of "Parcel G" described in Instrument No. 3764 and recorded in Book 167, Pages 182-193 in the records of Hamilton County, Indiana, the next three courses are on and along the Westerly line of said "Parcel G"; (1) thence South 05 degrees 13 minutes 48 seconds East 112.64 feet to the point of a curvature of a curve to the right, said point of curvature being North 84 degrees 46 minutes 12 seconds East 623.01 feet from the radius point of said curve; (2) thence Southerly 43.49 feet on and along said curve to its point of tangency, said point of tangency being North 88 degrees 46 minutes 12 seconds East 623.01 feet from the radius point of said curve; (3) thence South 01 degrees 13 minutes 48 seconds East 63.24 feet; thence South 87 degrees 45 minutes 00 seconds East 442.86 feet; thence South 00 degrees 20 minutes 12 seconds West 81.79 feet parallel with the East line of the Southeast Quarter of said Southeast Quarter; thence South 87 degrees 45 minutes 00 seconds ,East 400.00 feet to the Point of Beginning, containing 5.00 acres more or less, being subject to 50.00 foot wide non-exclusive easement ("B") off the entire East side thereof and all other applicable easement and right-of-way of record.

## PHASE 2

Part of the Northwest Quarter of Section 24, Township 19 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Beginning at a stone, the Northwest corner of said Quarter Section; thence South 00 degrees 05 minutes 46 seconds West along the West line of said Quarter Section 1624.28 feet; thence South 89 degrees 54 minutes 14 seconds East 752.90 feet; thence South 57 degrees 00 minutes 00 seconds East 837.41 feet; thence South 42 degrees 54 minutes 00 seconds East 50.00 feet; thence South 26 degrees 50 minutes 44 seconds East 548.26 feet to a point on the South line of said Quarter Section, thence North 88 degrees 35 minutes 27 seconds East along said South line 893.96 feet to a stone at the Southeast corner of said Quarter Section; thence North 00 degrees 07 minutes 10 seconds East along the East line of said Quarter Section 2669.42 feet to a stone at the Northeast corner of said Quarter Section; thence South 88 degrees 10 minutes 25 seconds West along the North line of said Quarter Section 2684.71 feet to the place of beginning.

EXCEPT: Lots 1, 2, 3, 4, 5, and 6 of Harbour Acres Subdivision which is a part of the Northwest Quarter of Section 24, Township 19 North, Range 4 East, located in Noblesville Township, Hamilton County, Indiana, which is legally described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 24, Township 19 North, Range 4 East; thence South 88 degrees 35 minutes 27 seconds West (assumed bearing) 264.87 feet along the South line of said Northwest Quarter; thence North 00 degrees 07 minutes 10 seconds East 167.34 feet parallel with the East line of said Northwest Quarter to the centerline of the Mallery and Granger Ditch, an open regulated drain; thence North 71 degrees 09 minutes 00 seconds East 3.63 feet along the centerline of said regulated drain to the point of intersection of the centerline of said Mallery and Granger Drain and the centerline of Arm #1 of said Mallery and Granger Drain (the next eight (8) courses are along the centerline of said Arm #1 of the Mallery and Granger Drain); 1.) thence North 00 degrees 00 minutes 00 seconds 66.00 feet; 2.) thence North 02 degrees 29 minutes 00 seconds West 438.00 feet; 3.) thence North 05 degrees 42 minutes 00 seconds East 163.50 feet; 4.) thence North 10 degrees 09 minutes 00 seconds East 64.60 feet; 5.) thence North 10 degrees 53 minutes 00 seconds East 103.20 feet; 6.) thence North 28 degrees 00 minutes 00 seconds East 176.00 feet; 7.) thence North 29 degrees 23 minutes 00 seconds East 137 feet; 8.) thence North 52 degrees 2 minutes 00 seconds East 108.30 feet to the East line of said Northwest Quarter; thence South 00 degrees 07 minutes 10 seconds West 1,334.07 feet along the East line of said Northwest Quarter to the POINT OF BEGINNING. Containing 7.179 acres more or less, being subject to the Statutory Easement for the Mallery and Granger Ditch and all other applicable easements.

ALSO EXCEPT: A part of the Northwest Quarter of Section 24, Township 19 North Range 4 East located in Noblesville Township, Hamilton County, Indiana, being described as follows: Beginning at a P.K. Nail on the West line of the Northwest Quarter of Section 24, Township 19 North, Range 4 East, said point of beginning being South 00 degrees 05 minutes 46 seconds West (assumed bearing) 1642.28 feet from a stone at the Northwest corner of said Northwest Quarter; thence South 89 degrees 54 minutes 14 seconds East 752.90 feet to a 5/8" iron rod with yellow cap stamped S0083; thence South 57 degrees 00 minutes 00 seconds East 773.83 feet to a 5/8" iron rod with yellow cap stamped 50083; thence North 18 degrees 08 minutes 28 seconds West 104.16 feet; thence North 25 degrees 25 minutes 15 seconds West 62.82 feet; thence North 40 degrees 11 minutes 30 seconds West 179.44 feet to a 5/8" iron rod with yellow cap stamped 50083; then North 41 degrees 34 minutes 33 seconds West 384.56 feet to a 5/8" iron rod with yellow cap stamped S0083; thence North 52 degrees 17 minutes 25 seconds West 52.74 feet to a 5/8" iron rod with yellow cap stamped S0083; thence North 69 degrees 50 minutes 52 seconds West 45.60 feet to a 5/8" iron rod with yellow cap stamped S0083; thence North 88 degrees 42 minutes 51 seconds West 209.24 feet to a 5/8" iron rod with yellow cap stamped S0083; thence North 78 degrees 38 minutes 58 seconds West 44.58 feet to a 5/8" iron rod with yellow cap stamped 50083; thence South 89 degrees 16 minutes 11 seconds West 378.95 feet to a 5/8" iron rod with yellow cap stamped S0083; thence North 89 degrees 57 minutes 39 seconds West 254.78 feet to a P.I. Nail on the West line of said Northwest Quarter; thence South 00 degrees 05 minutes 46 seconds West 214.54 feet to the point of beginning. Containing 6.979 more or less.



ALSO EXCEPT: A part of the Northwest Quarter of Section 24, Township 19 North, Range 4 East located in Noblesville Township, Hamilton County, Indiana being bounded as follows: BEGINNING at the southwest corner of Lot #1 in Harbour Acres Subdivision (as said subdivision is recorded in Plat Book 12, Page 116 in the records of Hamilton County, Indiana), said point also being on the south line of the Northwest Quarter of Section 24, Township 19 North, Range 4 East; thence South 88 degrees 35 minutes 27 seconds West (assumed bearing) 245.13 feet on and along the south line of said Northwest Quarter to the centerline of the Mallery and Granger Regulated Drain (the next 4 courses are on and along a line traversing the centerline of said Mallery and Granger Regulated Drain) (1.) thence North 47 degrees 55 minutes 08 seconds East 64.82 feet (2.) thence North 46 degrees 17 minutes 44 seconds East 72.07 feet (3.) thence North 55 degrees 02 minutes 22 seconds East 104.23 feet (4.) thence North 71 degrees 09 minutes 00 seconds East 63.17 feet to the northwest corner of Lot #1 in said Harbour Acres; thence South 00 degrees 07 minutes 10 seconds West 167.34 feet on and along the west line of said Lot #1 to the POINT OF BEGINNING. Containing 0.55 of an acre, more or less, and being subject to the easement for the Mallery and Granger Regulated Drain and all other applicable easements and rights-of-way of record. The above described property contains, in all, 114.3 deeded acres, more or less and all adjacent rights-of-way for Hague Road, James Road, and E. 206<sup>th</sup> Street not currently annexed into the City of Noblesville.

EXHIBIT B

Annexation Territory Depiction

