

**TOWN OF YORKTOWN, INDIANA**

**PROPOSED ORDINANCE NO. 2025 - 867**

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE TO THE TOWN OF  
YORKTOWN, INDIANA AND MATTERS PERTAINING THERETO**

*WHEREAS*, the Town of Yorktown, Indiana (the "Town"), has received a petition for Voluntary Annexation of land into the Town of Yorktown, Indiana, pursuant to Ind. Code § 36-4-3-5.1, which governs the annexation procedure where one hundred percent (100%) of owners of land located outside of, but contiguous to, the Town have signed the petition;

*WHEREAS*, said Petition for Voluntary Annexation requests annexation into the Town of Yorktown real estate consisting of 9.05 acres, more or less, in Mount Pleasant Township, Delaware County, and generally known as 1301 N Nebo Rd. (the "Annexation Area");

*WHEREAS*, the boundary of the Town of Yorktown is contiguous and adjacent to the Annexation Area described in this Ordinance and in said Petition for Voluntary Annexation, which is attached hereto and incorporated herein;

*WHEREAS*, at least one-eighth (1/8) of the aggregate external boundaries of the Annexation Area are contiguous to the corporate boundaries of the Town of Yorktown;

*WHEREAS*, the Annexation Area is a single parcel of land that was not included in the 2011 merger of Mount Pleasant Township and the Town of Yorktown, so it is reasonable to add this parcel to the Town's corporate boundaries;

*WHEREAS*, prior to the final adoption of this Ordinance, the Town of Yorktown has conducted a public hearing pursuant to proper notice issued as required by law; and

*WHEREAS*, this Town Council of the Town of Yorktown finds that the proposed annexation is in the best interests of the citizens of the Town of Yorktown and the owner of the Annexation Area.

***NOW THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL FOR THE  
TOWN OF YORKTOWN, DELAWARE COUNTY, INDIANA, THAT:***

**Section 1.** The above Recitals are incorporated herein by this reference as though fully set forth herein below.

**Section 2.** The following described real estate be, and the same is, hereby annexed to and declared a part of the Town of Yorktown, Delaware County, Indiana, to-wit:

**SEE EXHIBIT A**

Section 3. All prior Ordinances or parts thereof, which may be inconsistent with any provision of this Ordinance, are hereby repealed.

Section 4. Each member of the Yorktown Town Council represents one of five geographic wards within the Town and, following the annexation set forth herein, the Annexation Area will become part of the Council district referred to as District 3.

Section 5. Each parcel within the Annexation Area shall be zoned C-1 under the Zoning Code of the Town of Yorktown, Indiana.

Section 6. Each parcel within the Annexation Area shall be renumbered by the Auditor and placed in the -017 urban taxing district.

Section 5. Pursuant to Ind. Code § 36-4-3-3.1, this Ordinance shall take effect thirty (30) days after its publication following its adoption by the Town Council and upon satisfying the filing and recording requirements set forth in Ind. Code § 36-4-3-22.

*PASSED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF YORKTOWN, INDIANA, ON THIS, THE \_\_\_\_ DAY OF \_\_\_\_\_, 2025.*

\_\_\_\_\_  
Jason Gasaway, President

ATTEST:

\_\_\_\_\_  
Lance Turner, Clerk-Treasurer  
Town of Yorktown, Indiana

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. /s/ Maura J. Hoff

*This instrument prepared by and please return original to:* DEFUR VORAN LLP, % Maura J. Hoff, 400 South Walnut Street, Suite 200, Muncie, Indiana 47305

## **Exhibit A**

### **Legal Description of Annexation Area**

[Per Deed Record 1995 Pages 1570-71, recorded March 27, 1995]

Beginning at a point six hundred fifty-two (652) feet south of the northeast corner of Section Eleven (11), Township Twenty (20) North, Range Nine (9) East in the intersection of the Jackson Street Pike and the east line of said section Eleven (11); thence running in a northwesterly direction along the center line of said Jackson street Pike four hundred forty-two and thirty-nine hundredths (442.39) feet to a stone; thence south one Thousand twenty-three and sixty-three hundredths (1023.63) feet to a stone in the north line of the right of way of the Union Traction Company of Indiana, which point is ninety-six (96) feet measured at right angles from the center line of the right of way of the Lake Erie and Western Railroad; thence in a southeasterly direction along the north line of the right of way of the said Union Traction Company of Indiana to the east line of said Section Eleven (11); thence north to the place of beginning, estimated to contain ten (10) acres, more or less, subject to the right of way of the Indiana General Service Company over and across a strip of ground ten (10) feet in width off of the south end thereof.

#### **EXCEPT:**

A part of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at the point of intersection with East line of said Northeast Quarter (NE ¼) with the center line of Jackson Street Pike and running thence South Zero degrees, Three minutes, Thirty seconds West (S 00° -03' -30" W) Nine hundred and seven hundredths (900.07) feet; thence North Eighty-Nine degrees, Fifty-Six minutes, Thirty seconds West (N 89° -56' -30" W) Sixteen and five tenths (16.5) feet; thence North Zero degrees, Three minutes, Thirty seconds East (N 00° -03' -30" E) and parallel with the East line of said Northeast Quarter (NE ¼) Nine hundred five and eighteen hundredths (905.18) feet to the center line of said Jackson Street Pike; thence South seventy-two degrees, Forty-three minutes, Thirty seconds East (S 72° - 43' -30" E) on said center line Seventeen and twenty-seven hundredths (17.27) feet to the point of beginning, containing 0.3419 acres, more or less.

#### **ALSO EXCEPTING:**

A part of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at the point of intersection with East line of said Northeast Quarter (NE ¼) with the Northerly Right of Way line of the Norfolk and Western Railroad said point being thirty (30) feet Northerly of the center line of said Norfolk and Western Railroad (measured at right angles) and running thence North Zero

degrees, Three Minutes, Three Seconds East (N 00° -03' -30" E) on said East line Two hundred nine and eighty-eight hundredths (209.88) feet; thence North Eighty-nine degrees, Fifty-six minutes, thirty seconds West (N 89° -56' -30" W) Sixteen and five-tenths (16.5) feet; thence South Three degrees, Fifty-six minutes, zero seconds West (S 03° -56' -00" W) Two hundred (200.0) feet to the Northerly Right-of-Way line of said Norfolk and Western Railroad; thence South Seventy degrees, Fifty-Five minutes, Thirty seconds East (S 70° -55' -30" E) on said Right-of-Way line Thirty-One and seventy-three hundredths (31.73) feet to the point of beginning, containing 0.1101 acres, more or less.

**ALSO EXCEPTING:** (Reference Instrument No. 2015R10897 recorded September 10, 2015)

A part of the Northeast Quarter of Section 11, Township 20 North, Range 9 East, Delaware County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way parcel plat, marked Exhibit B, described as follows: Commencing at the Northeast corner of said Quarter section, said corner designated as point "850" on said plat; thence South 00 degrees 07 minutes 19 seconds West 632.32 feet along the east line of said Quarter section; thence North 89 degrees 52 minutes 41 seconds West 16.50 feet to the center line of Jackson Street and the point of beginning; thence South 00 degrees 07 minutes 19 seconds West 387.58 feet along the east line of the grantor's land to point "514" designated on said parcel; thence South 89 degrees 15 minutes 23 seconds West 7.45 feet to point "515" designated on said parcel; thence North 00 degrees 44 minutes 37 seconds West 200.00 feet to point "516" designated on said parcel; thence North 19 degrees 14 minutes 28 seconds West 133.76 feet to point "517" designated on said parcel; thence North 37 degrees 39 minutes 33 seconds West 61.03 feet to point "518" designated on said parcel; thence North 72 degrees 39 minutes 04 seconds West 295.00 feet to point "519" designated on said parcel; thence North 17 degrees 20 minutes 56 seconds East 39.94 feet to the center line of Jackson Street; thence South 72 degrees 39 minutes 36 seconds East 379.14 feet along said center line to the point of beginning and containing 0.540 acres, more or less, inclusive of the presently existing right of way which contains 0.098 acres more or less.

**More commonly known as 1301 N Nebo Rd., Muncie, IN 47304.**

State Parcel Identification Number: (to be updated to end in -017 with taxing district change)

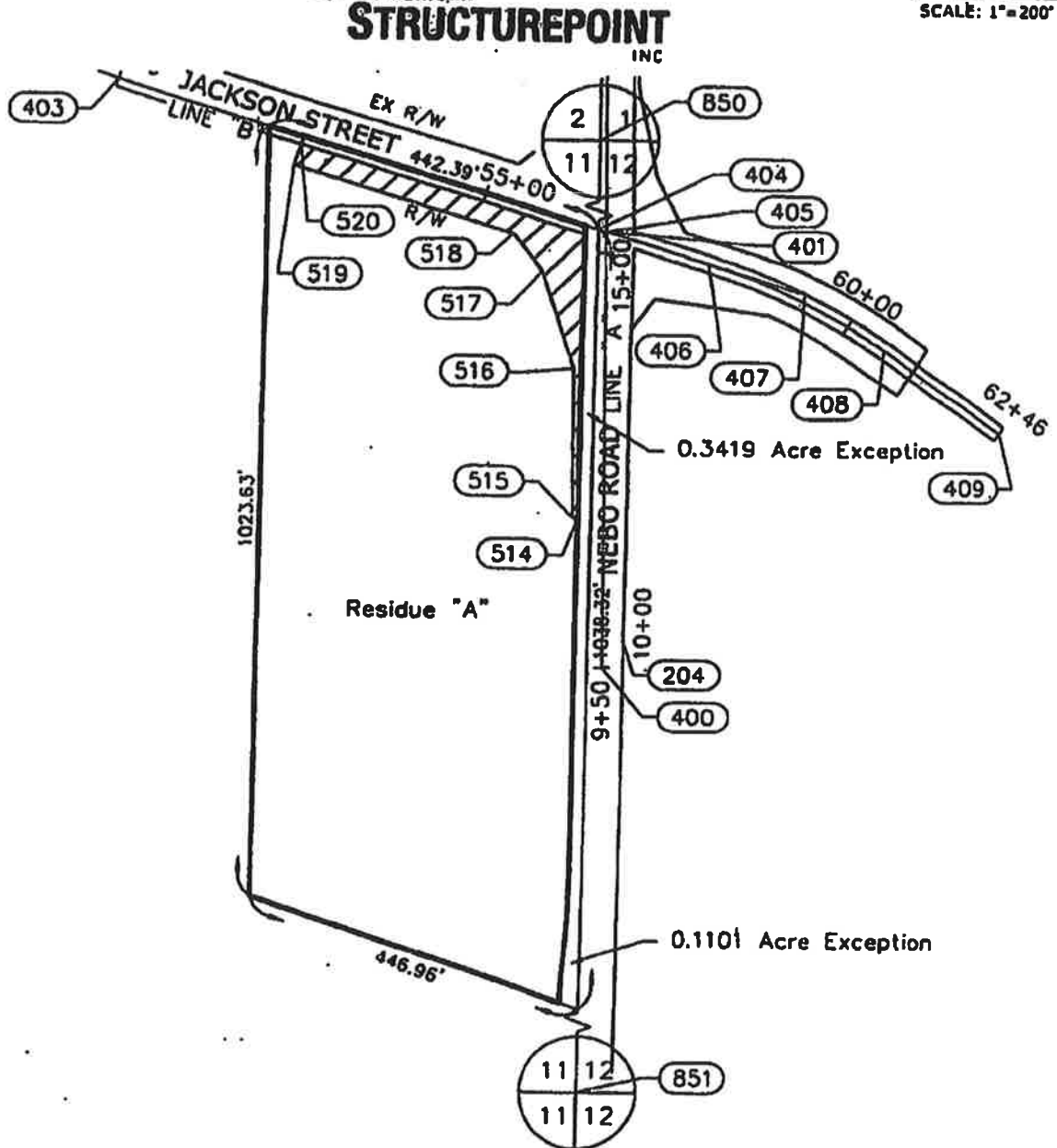
18-10-11-227-003.000-014

The above-described real estate contains approximately 9.008 acres, more or less, and is subject to the Supplemental Easement held by Indiana Michigan Power Company recorded as Instrument #2010R05251 on February 2, 2010, and public right-of-ways.

EXHIBIT "B"  
RIGHT-OF-WAY PARCEL PLAT  
Prepared For Indiana Department Of Transportation  
by: AMERICAN

SHEET 1 OF 2

0 100' 200'  
SCALE: 1"=200'



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: Lucas, Gary L. et ux  
PARCEL: 3  
CODE:  
PROJECT: 1006111  
ROAD: Jackson St / Nebo Rd  
COUNTY: Delaware  
SECTION: 11  
TOWNSHIP: 20 North  
RANGE: 9 East

DRAWN BY: RLH  
CHECKED BY: TLM  
DES. NO.: 1006111

DR 1995, #1570, dated March 27, 1995

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

**EXHIBIT "B"**  
**RIGHT-OF-WAY PARCEL PLAT**  
 Prepared For Indiana Department Of Transportation  
 by: **AMERICAN**

SHEET 2 OF 2

**STRUCTUREPOINT**  
 INC.

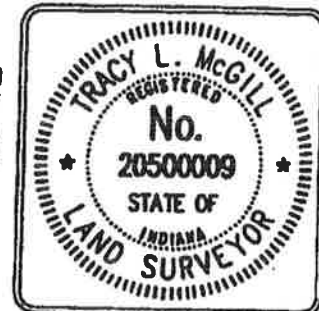
**POINT REFERENCE CHART (Feet)**

Point	North	East	Station	Offset	℄
200, 203	SEE LOCATION CONTROL ROUTE SURVEY PLAT				
204, 400					
401, 403					
404					
405					
406					
407					
408					
409					
850					
851					
514	5389.4966	85310.5580	11+50.00	32.55 L	Line A
515	5389.3999	85303.1106	11+50.00	40.00 L	Line A
516	5589.3831	85300.5145	13+50.00	40.00 L	Line A
517	5715.6690	85256.4358	56+00.00	75.00 R	Line B
518	5763.9862	85219.1471	55+50.00	40.00 R	Line B
519	5851.9518	84937.5675	52+55.00	40.00 R	Line B
520	5879.3339	84946.1217	52+55.00	11.31 R	Line B

**SURVEYOR'S STATEMENT**

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Inst. No. 2014R07505 in the Office of the Recorder of Delaware County, Indiana, Incorporated and made a part hereof by reference, comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12 ("Rule 12").

*[Signature]* 6/9/2014  
 Tracy L. McGill Date  
 Reg. Land Surveyor No. 20500009  
 State of Indiana



**NOTE: STATIONS AND OFFSETS ARE TO CONTROL OVER NORTH AND EAST COORDINATES.**

**OWNER:** Lucas, Gary L. et ux  
**PARCEL:** 3  
**CODE:**  
**PROJECT:** 1006111  
**ROAD:** Jackson St / Nebo Rd  
**COUNTY:** Delaware  
**SECTION:** 11  
**TOWNSHIP:** 20 North  
**RANGE:** 9 East

**DRAWN BY:** RLH  
**CHECKED BY:** TLM  
**DES. NO.:** 1006111

DR 1995, #1570, dated March 27, 1995

AMERICAN STRUCTUREPOINT, INC. PROJECT NO.

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.