

RESOLUTION NO. 2008-07

**A RESOLUTION OF THE COMMON COUNCIL OF
THE TOWN OF YORKTOWN, INDIANA
TO ADOPT THE WRITTEN FISCAL PLAN AND DEFINITE POLICY
FOR AN AREA KNOWN AS YORKCHESTER PARK VOLUNTARY
ANNEXATION TERRITORY
IN ORDINANCE NO. 526**

WHEREAS, Indiana Code Section 36-4-3-3.1 requires the Town to develop a written fiscal plan and establish a definite policy, by resolution of its legislative body, that meets the requirements of Indiana Code Section 36-4-3-13 for the area proposed to be annexed into the Town by Ordinance No. 526 (the “Annexation Territory”); and

WHEREAS, a copy of the written fiscal plan and definite policy for the Annexation Territory is attached hereto and incorporated herein by reference; and

WHEREAS, this written fiscal plan and definite policy adopted by resolution complies with the requirements of Indiana law to provide services of a noncapital nature to the Annexation Territory within one year after the effective date of the annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density; and

WHEREAS, this written fiscal plan and definite policy adopted by resolution complies with the requirements of Indiana law to provide services of a capital nature to the Annexation Territory within three years after the effective date of the annexation in the same manner those services are 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.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Yorktown, Indiana as follows:

Section I. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section II. The Common Council of the Town of Yorktown, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the Annexation Territory which is the subject of Ordinance No. 526.

Section III. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of

competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section IV. This Resolution shall be in full force and effect from and after the date of its passage.

Section V. Two copies of the written fiscal plan and definite policy incorporated herein by reference are to be kept on file with the Clerk-Treasurer for public inspection.

PASSED by the Common Council of the Town of Yorktown, Indiana, this 21st day of April, 2008, by a vote of _____ ayes and _____ nays.

TOWN COUNCIL FOR THE TOWN OF YORKTOWN

Steve Lowry, President

Larry Crouch

Rick Glaub

Mike Beeman

Bob Flanagan

ATTEST:

Beth Neff, Clerk-Treasurer