

2010-3

**AN ORDINANCE CONCERNING THE ANNEXATION OF ADJACENT AND
CONTIGUOUS TERRITORY COMMONLY KNOWN AS ORCHARD HILL**

WHEREAS, the Town of Nashville wishes to annex an area consisting of approximately 128.5 acres (hereinafter "the Parcel") located outside of but contiguous to the Town of Nashville (hereinafter "the Town"), that area being more fully described in Exhibit A which attached hereto and made a part hereof; and

WHEREAS, pursuant to statute the appropriate public hearings have been opened, conducted and closed; and,

WHEREAS, the Council now finds:

1. The Parcel is contiguous to the Town as required by IC 36-4-3-1.5; and
2. The Town has developed and adopted a written fiscal plan as memorialized in

Resolution 2010-1; and

WHEREAS, the Council believes it is in the best interest of the Town that the Parcel be annexed into the Town.

NOW, THEREFORE, BE IT HEREBY ORDAINED that, pursuant to the provisions of Indiana Code 36-4-3, as from time to time amended, the Parcel is hereby annexed into the Town.

The initial zone district designation is hereby established as follows:

The area of the annexed properties heretofore zoned "R-1" and "R-2" under the Brown County Zoning Ordinance shall be zoned in the equivalent R-1 zone under the Nashville Code of Ordinances; those areas heretofore zoned "GB" under the Brown County Zoning Ordinance shall be zoned "B-3" under the Nashville Code of Ordinances subject to all pre-existing, non-conforming uses.

FILED

JUL 28 2010

Beth Mulry
CLERK BROWN CIRCUIT COURT

The initial Town Council District shall be Council District 1.

IT IS HEREBY FURTHER ORDAINED that the following terms and conditions apply to the annexation of the Parcel:

The Parcel shall be annexed in three phases.

Phase 2 of this annexation (see Exhibit A) shall become effective 24 hours after Phase 1 becomes effective.

Phase 3 of this annexation (see Exhibit A) shall become effective 24 hours after Phase 2 becomes effective.

IT IS HEREBY FURTHER ORDAINED that pursuant to the provisions of Indiana Code 36-4-3-7, the Clerk-Treasurer of the Town of Nashville is hereby directed to do the following:

1. Publish this ordinance once within 30 days of passage under IC 5-3-1.
2. File the adopted ordinance with:
 - The county auditor
 - The circuit court clerk.
 - The office of the secretary of state.
 - The office of census data established by IC 2-5-1.1-12.2.
3. Record the ordinance in the office of the county recorder.

ALL OF WHICH IS SO ORDAINED this 22ND day of JULY, 2010 by the
THE TOWN COUNCIL OF NASHVILLE, INDIANA

**DULY ENTERED
FOR TAXATION**

JUL 26 2010

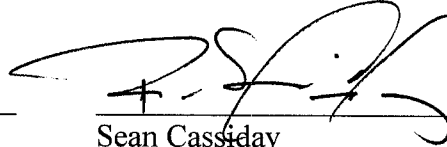
Andri H. Miller
AUDITOR OF BROWN COUNTY

NASHVILLE TOWN COUNCIL



Roger Kelso
Town Council President

Arthur Omberg
Council Member



Sean Cassidy
Council Member

Robert Kirlin
Town Council Vice President



Charles King
Council Member

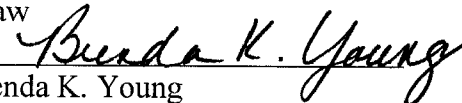
ATTEST



Brenda K. Young, Clerk/Treasurer, Town of Nashville, Indiana

DATE: 7/22/2010

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



Brenda K. Young

PHASE NO. 1 TOWN OF NASHVILLE ANNEXATION NORTH**41.931 ACRE DESCRIPTION**

PART OF THE FRACTIONAL SECTION 13, TOWNSHIP 9 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN AND PART OF THE WEST HALF OF SECTION 18, TOWNSHIP 9 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN ALL IN WASHINGTON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A $\frac{3}{4}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHEAST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 42 MINUTES 30 SECONDS WEST (BEARING FROM THE ORIGINAL PLAT TO THE TOWN OF NASHVILLE AS RECORDED IN PLAT CABINET NUMBER ONE (1), SLEEVE 258-A IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA) 616.38 FEET TO A SANDSTONE FOUND MARKING THE SOUTHWEST CORNER OF THE FRACTIONAL SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, ALSO THE SOUTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 87 DEGREES 57 MINUTES 40 SECONDS WEST 617.50 FEET TO A SANDSTONE WITH A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER, NORTHEAST QUARTER OF SAID SECTION 13, ALSO THE SOUTHEAST CORNER OF THE FRACTIONAL SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 39 MINUTES 22 SECONDS WEST ON AND ALONG THE SOUTH LINE OF SAID FRACTIONAL SOUTHEAST QUARTER, NORTHWEST QUARTER 360.19 FEET TO A $\frac{3}{4}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE NORTH 45 DEGREES 30 MINUTES 32 SECONDS EAST 33.15 FEET TO A $\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE NORTH 27 DEGREES 57 MINUTES 00 SECONDS EAST 904.46 FEET TO A $\frac{5}{8}$ INCH CAPPED REBAR (STAMPED ARH #S0078) FOUND; THENCE NORTH 86 DEGREES 39 MINUTES 25 SECONDS EAST 931.30 FEET TO A $\frac{3}{4}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND ON THE EAST RIGHT OF WAY OF STATE ROAD NUMBER 135; THENCE LEAVING SAID EAST RIGHT OF WAY SOUTH 72 DEGREES 19 MINUTES 45 SECONDS EAST 126.05 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 89 DEGREES 34 MINUTES 45 SECONDS EAST 160.13 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 69 DEGREES 58 MINUTES 20 SECONDS EAST 124.81 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 36 DEGREES 50 MINUTES 16 SECONDS EAST 193.28 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE NORTH 41 DEGREES 53 MINUTES 18 SECONDS EAST 269.47 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 51 DEGREES 35 MINUTES 04 SECONDS EAST 271.85 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 65 DEGREES 44 MINUTES 43 SECONDS EAST 177.02 FEET TO A $\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 40 DEGREES 17 MINUTES 23 SECONDS WEST 199.65 FEET TO A $1\frac{1}{2}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 53 DEGREES 47 MINUTES 32 SECONDS WEST 289.28 FEET TO A $\frac{5}{8}$ INCH CAPPED REBAR (STAMPED SNA#S0427) FOUND ON THE EAST RIGHT OF WAY OF SAID STATE ROAD NUMBER 135; THENCE SOUTH 63 DEGREES 58 MINUTES 23 SECONDS EAST WITH SAID EAST RIGHT OF WAY 523.88 FEET TO A $\frac{5}{8}$ INCH CAPPED REBAR (STAMPED SNA#S0427) FOUND; THENCE LEAVING SAID EAST RIGHT OF WAY SOUTH 53 DEGREES 20 MINUTES 38 SECONDS WEST 90.69 FEET TO A $\frac{3}{4}$ INCH (INSIDE DIAMETER) IRON PIPE FOUND ON THE WEST RIGHT OF WAY OF SAID STATE ROAD NUMBER 135; THENCE NORTH 63 DEGREES 51 MINUTES 47 SECONDS WEST WITH SAID WEST RIGHT OF WAY 302.40 FEET TO A $\frac{1}{2}$ INCH REBAR FOUND; THENCE LEAVING SAID WEST RIGHT OF WAY SOUTH 49 DEGREES 36 MINUTES 30 SECONDS WEST 90.95 FEET TO THE CENTER OF A RAVINE; THENCE THE FOLLOWING FIVE (5) COURSES ARE WITH THE CENTER OF SAID RAVINE: SOUTH 01 DEGREES 44 MINUTES 30 SECONDS WEST 167.40 FEET, SOUTH 47 DEGREES 36 MINUTES 30 SECONDS WEST 161.30 FEET, SOUTH 30 DEGREES 26 MINUTES 30 SECONDS WEST 118.00 FEET, SOUTH 04 DEGREES 18 MINUTES 30 SECONDS WEST 57.00 FEET AND SOUTH 43 DEGREES 12 MINUTES 30 SECONDS WEST 82.00 FEET TO A 18" WHITE OAK TREE; THENCE LEAVING THE CENTER OF SAID RAVINE NORTH 64 DEGREES 32 MINUTES 30 SECONDS WEST 344.20 FEET TO A $\frac{3}{8}$ INCH REBAR FOUND ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18; THENCE NORTH 01 DEGREES 44 MINUTES 30 SECONDS EAST ON AND ALONG SAID WEST LINE 301.90 FEET TO THE BEGINNING, CONTAINING 41.931 ACRES MORE OR LESS.

SUBJECT TO STATE ROAD NUMBER 135 AND ALL OTHER ROADS, LEGAL RIGHTS OF WAY OR EASEMENTS EXISTING OR OF RECORD AFFECTING SAID REAL ESTATE.

PHASE NO. 2 TOWN OF NASHVILLE ANNEXATION NORTH**17.265 ACRE DESCRIPTION**

PART OF THE FRACTIONAL SECTION 13, TOWNSHIP 9 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, WASHINGTON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A ¾ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE NORTHWEST CORNER OF THE FRACTIONAL SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 42 MINUTES 32 SECONDS EAST (BEARING FROM THE ORIGINAL PLAT TO THE TOWN OF NASHVILLE AS RECORDED IN PLAT CABINET NUMBER ONE (1), SLEEVE 258-A IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA) 1250.82 FEET TO A SANDSTONE FOUND MARKING THE NORTHEAST CORNER OF THE FRACTIONAL SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, ALSO THE NORTHWEST CORNER OF THE FRACTIONAL SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 59 MINUTES 22 SECONDS EAST ON AND ALONG THE NORTH LINE OF SAID FRACTIONAL SOUTHEAST QUARTER, NORTHEAST QUARTER 312.54 FEET TO A ½ INCH REBAR FOUND ON THE EAST RIGHT OF WAY OF STATE ROAD NUMBER 135; THENCE THE FOLLOWING TWO (2) COURSES ARE WITH SAID EAST RIGHT OF WAY: SOUTH 02 DEGREES 37 MINUTES 26 SECONDS EAST 148.20 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 914.93 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 31 MINUTES 03 SECONDS EAST 317.23 FEET AND A CURVE LENGTH OF 318.84 FEET TO A ¾ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE LEAVING SAID EAST RIGHT OF WAY SOUTH 86 DEGREES 39 MINUTES 25 SECONDS WEST 931.30 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED ARH S0078) FOUND; THENCE NORTH 89 DEGREES 35 MINUTES 28 SECONDS WEST 550.44 FEET TO A 5/8 INCH CAPPED REBAR (STAMPED ARH S0078) FOUND; THENCE NORTH 30 DEGREES 41 MINUTES 15 SECONDS EAST 214.67 FEET TO AN ANGLE IRON FOUND; THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS WEST 264.71 FEET TO THE WEST LINE OF SAID FRACTIONAL SOUTHEAST QUARTER, NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 37 MINUTES 17 SECONDS WEST ON AND ALONG SAID WEST LINE 331.23 FEET TO THE BEGINNING, CONTAINING 17.265 ACRES MORE OR LESS. **SUBJECT TO** STATE ROAD NUMBER 135 AND ALL OTHER ROADS, LEGAL RIGHTS OF WAY OR EASEMENTS EXISTING OR OF RECORD AFFECTING SAID REAL ESTATE.

PHASE NO. 3 TOWN OF NASHVILLE ANNEXATION NORTH**69.321 ACRE DESCRIPTION**

PART OF THE FRACTIONAL SECTION 13, TOWNSHIP 9 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN AND PART OF THE WEST HALF OF SECTION 18, TOWNSHIP 9 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN ALL IN WASHINGTON TOWNSHIP, BROWN COUNTY, INDIANA DESCRIBED AS FOLLOWS:
BEGINNING AT A SANDSTONE FOUND MARKING THE NORTHEAST CORNER OF THE FRACTIONAL SECTION 13; THENCE SOUTH 00 DEGREES 13 MINUTES 34 SECONDS EAST (BEARING FROM THE ORIGINAL PLAT TO THE TOWN OF NASHVILLE AS RECORDED IN PLAT CABINET NUMBER ONE (1), SLEEVE 258-A IN THE OFFICE OF THE RECORDER OF BROWN COUNTY, INDIANA) ON AND ALONG THE EAST LINE OF SAID FRACTIONAL SECTION 13, 322.89 FEET TO A 1 INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 35 DEGREES 19 MINUTES 11 SECONDS EAST 379.19 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 32 DEGREES 51 MINUTES 40 SECONDS EAST 239.20 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 27 DEGREES 06 MINUTES 40 SECONDS EAST 319.60 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 45 DEGREES 14 MINUTES 18 SECONDS EAST 164.69 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 24 DEGREES 40 MINUTES 52 SECONDS EAST 98.63 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE NORTH 89 DEGREES 10 MINUTES 02 SECONDS WEST 648.95 FEET TO A 1 ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 59 MINUTES 22 SECONDS WEST ON AND ALONG THE

SOUTH LINE OF SAID FRACTIONAL NORTHEAST QUARTER, NORTHEAST QUARTER 327.25 FEET TO A ½ INCH REBAR FOUND ON THE EAST RIGHT OF WAY OF STATE ROAD NUMBER 135; THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 22 SECONDS WEST ON AND ALONG SAID SOUTH LINE 312.54 FEET TO A SANDSTONE FOUND MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHEAST QUARTER, NORTHEAST QUARTER OF SAID SECTION 13, ALSO THE SOUTHEAST CORNER OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 42 MINUTES 32 SECONDS WEST 1250.82 FEET TO A ¾ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE SOUTHWEST CORNER OF THE FRACTIONAL NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 00 DEGREES 06 MINUTES 40 SECONDS WEST ON AND ALONG SAID WEST LINE 676.36 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 49 DEGREES 38 MINUTES 32 SECONDS WEST 270.26 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE SOUTH 43 DEGREES 08 MINUTES 54 SECONDS WEST 127.81 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND; THENCE NORTH 00 DEGREES 11 MINUTES 30 SECONDS EAST 894.16 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND ON THE NORTH LINE OF SAID FRACTIONAL NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 57 MINUTES 40 SECONDS EAST ON AND ALONG SAID NORTH LINE 289.15 FEET TO A ½ INCH (INSIDE DIAMETER) IRON PIPE FOUND MARKING THE NORTHEAST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION 13, ALSO THE NORTHWEST CORNER OF SAID FRACTIONAL NORTHEAST QUARTER, NORTHWEST QUARTER OF SAID SECTION 13; THENCE NORTH 89 DEGREES 50 MINUTES 35 SECONDS EAST 1887.94 FEET TO THE BEGINNING, CONTAINING 69.321 ACRES MORE OR LESS.

SUBJECT TO STATE ROAD NUMBER 135 AND ALL OTHER ROADS, LEGAL RIGHTS OF WAY OR EASEMENTS EXISTING OR OF RECORD AFFECTING SAID REAL ESTATE.