

RESOLUTION NO. 2023-4

A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN AS THE DEFINITE POLICY OF THE TOWN COUNCIL OF THE TOWN OF WESTPORT, INDIANA, WITH RESPECT TO THE PROVISION OF MUNICIPAL SERVICES TO AREAS THAT ARE PROPOSED TO BE ANNEXED INTO ITS CORPORATE BOUNDARIES

Whereas, on or about the 22nd date of March, 2023, NIPRO PHARMAPACKAGING AMERICAS CORP., voluntarily filed a petition before this Town Council requesting the annexation of approximately a 3.000 acre tract of real estate, which is presently located in the unincorporated territory of Decatur County, Indiana, into the corporate boundaries of the Town of Westport, Indiana, pursuant to the provisions of IC 36-4-3-5.1; and,

Whereas, pursuant to the provisions of IC 36-4-3-5.1 (e), a notice of public hearing scheduled before this Town Council has been published in accordance with Indiana law at least twenty (20) days before the holding of such hearing, and evidence in the form of proof of publication of such notice was entered into the record at such public hearing; and,

Whereas, this Town Council held such public hearing as scheduled on the 8th day of May, 2023, at which the Petitioner and all other persons interested in the proposed annexation were afforded the opportunity to speak and address their objections or concerns; and,

Whereas, IC 36-4-3-3.1 (d) requires this Town Council to adopt a written fiscal plan establishing a definite policy of the Town for the provision of municipal services to the proposed annexed area before this Town Council may adopt of an ordinance effecting the requested annexation; and,

Whereas, this Town Council now deems it to be in the Town's best interests to adopt a written fiscal plan establishing a definite policy for the provision of municipal services to the proposed annexed area as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by this Town Council of the Town of Westport, Indiana, as follows:

1. The Fiscal Plan attached hereto as Exhibit "1" is hereby adopted as the definite policy of the Town of Westport, Indiana, with respect to the provision of municipal services to the tracts of real estate for which annexation is requested, which tract of real estate is more particularly described as follows, *to wit*:

Part of the Northwest Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 9 East of the Second Principal Meridian located in Sand Creek Township, Decatur County, Indiana, described as follows:

Commencing at a found iron pin at the Northwest corner of said Quarter; thence North 88 degrees 28 minutes 13 seconds East along the North line of said Quarter a distance of 468.74 feet to the POINT OF BEGINNING; thence North 88 degrees 28 minutes 13 seconds East along the North line of said Quarter a distance of 279.38 feet to set iron pin; thence South 00 degrees 33 minutes 45 seconds West a distance of 468.38 feet to a set iron pin in the North line of a 0.7295 acres tract; thence South 88 degrees 35 minutes 55 seconds West along said North line a distance of 279.35 feet to a found iron pin; thence North 00 degrees 33 minutes 45 seconds East passing through a found iron pin at 467.00 feet, a total distance of 467.76 feet to the POINT OF BEGINNING. This tract contains 3.000 acres, more or less.

Parcel ID: 16-14-31-220-005.030-013
Alternate ID: 009-03047-03

2. This Resolution shall take effect immediately upon its passage and adoption by this Town Council.

So Resolved this 8th day of May, 2023.

**TOWN COUNCIL OF THE
TOWN OF WESTPORT**

By: Harry Pray III

By: John O'Connell

By: Joyce Brindoes

By: _____

EXHIBIT 1

FISCAL PLAN FOR THE PROVISION OF MUNICIPAL SERVICES TO A 3.000 ACRE TRACT OF LAND FOR WHICH ANNEXATION INTO THE TOWN OF WESTPORT, INDIANA HAS BEEN REQUESTED

Petitioner, NIPRO PHARMAPACKAGING AMERICAS CORP., has filed a Petition requesting annexation of a 3.000 acre tract of real property that is presently located in the unincorporated territory of Decatur County, Indiana, into the Town of Westport, Indiana (collectively the "Property").

This Fiscal Plan is established in accordance with the requirements of IC 36-4-3-3.1 as the definite policy of the Town Council of the Town of Westport for the provision of services to the Property. The following shall be the policy of the Town of Westport regarding the provision of non-capital services to the Property.

1. **Non-Capital Services.** The Town presently provides services of a non-capital nature within its current corporate boundaries, including without limitation, police protection and street and road maintenance. Such services will be provided to the Property within one (1) year after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

Due to the relatively small size of the Property, it is not estimated that any additional Town's personnel will need to be hired to provide such services. As such, it is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.

2. **Capital Services.** The Town presently provides services of a capital improvement nature within its current corporate boundaries, including without limitation, street construction and street lighting. Such services will be provided to the Property within three (3) years after the effective date of annexation in a manner equivalent in standard and scope that such non-capital services are provided to areas within the Town's 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.

In conjunction with the relatively small size of the Property, it is not estimated that any additional Town personnel will need to be hired, or capital expenditures made, in order to provide such services to the Property. It is estimated that the planned services will not result in any material increase in the Town's cost of providing such municipal services generally. The services that are to be provided to the Property will be paid for from the new *ad valorem* tax revenues to be received by the Town from such Property.