

TIPPECANOE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 84-9

An ORDINANCE concerning the incorporation of the Town of Shadeland.

WHEREAS more than one hundred (100) landowners of Union Township have duly filed a Petition of Incorporation of the proposed town of Shadeland comprising most of the territory of Union Township, and:

WHEREAS said petition has been examined, found to comply with Indiana law for the incorporation of towns, one copy sent to the Indiana Department of Commerce and one copy sent to the Tippecanoe County Area Plan Commission, and:

WHEREAS due notice was given to the residents and landowners in the territory of the said Town of Shadeland as well as due notice to the City Councils of Lafayette and West Lafayette and to the Union Township Trustee and:

WHEREAS no remonstrance has been filed or received and:

WHEREAS a hearing was conducted on the 20th day of August, 1984 and public testimony was received there at and:

WHEREAS due consideration has been given to all submitted information, documents, and testimony:

BE IT ORDAINED by the Tippecanoe County Commissioners that:

Section I: That Tippecanoe County Board of Commissioners finds:

1. That more than one hundred (100) landowners of Union Township have duly filed a Petition of Incorporation of the proposed town of Shadeland comprising most of the territory of Union Township.

2. That said petition has been examined, found to comply with Indiana law for the incorporation of towns, one copy sent to the Indiana Department of Commerce and once copy sent to the Tippecanoe County Area Plan Commission.

3. That due notice was given to the residents and landowners in the territory of the said Town of Shadeland as well as due notice to the city councils of Lafayette and West Lafayette and to the Union Township Trustee.

4. That no remonstrance has been filed or recieved.

5. That a hearing was conducted on the 20th day of August, 1984 and public testimony was received there at.

6. That due consideration has been given to all submitted information, documents, and testimony.

7. That the proposed town is used or will, in the reasonably future, be used general for commercial, industrial, residential, or similar purposes.

8. That the proposed town is reasonably compact and contiguous.

9. That the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.

10. That a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:

- A. Police Protection.
- B. Fire Protection.
- C. Street construction, maintenance, and lighting.
- D. Sanitary sewers.
- E. Storm sewers.
- F. Health protection.
- G. Parks and recreation.
- H. Schools and education.
- I. Planning, zoning, and subdivision control.
- J. One or more utility services.
- K. Stream pollution control or water conservation.

11. That the proposed town could finance the proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.

12. That incorporation is in the best interest of the territory involved considering:

- A. The expected growth and governmental needs of the area surrounding the proposed town;

B. The extent to which another unit can more adequately and economically provide essential services and functions; and

C. The extent to which the incorporators are willing to enter into agreements under Indiana Code 36-1-7 with the largest neighboring municipality, if that municipality has proposed such agreements.

Section II: The Petition requesting incorporation of the town of Shadeland is hereby approved and granted and said territory is hereby and shall be hereforth the Town of Shadeland more particularly described as follows:

Begin: Southeast corner of Township 22 North, Range 5 West; thence West 4 miles to the Southwest corner of Section 33-22N-5W; thence North to the bank of Wabash River; thence East along bank of said river to the East line of Range 5 West; thence South to the point of beginning, excepting therefrom a part of the south fraction of the Northeast Quarter, and including also a small portion of the Southeast fractional quarter of Section thirty-six (36) in Township twenty-three (23) North, Range 5 west, lying between the Wabash and Erie Canal, and the Wabash River, and known as lot numbered twelve (12), of a certain plat of lots as shown in Deed Record 63, page 343, and more particularly described as follows:

Commencing at a point on the East line of said south fraction of the northeast quarter, two and 23/100 (2.23) chains North of the Southeast corner thereof, said point being on the west side of the tow path of said Wabash and Erie Canal, and running thence along the foot of the slope of said tow path twenty-five (25) feet from the center line thereof South 66 degrees West two (2) chains; thence continuing along the foot of said slope South 76 1/2 degrees west five (5) chains; thence south 69 degrees west seven (7) chains; thence south 78 degrees west two (2) chains; thence south 84 degrees west four and 88/100 chains to the west line of the East Half of said Southeast fractional quarter; running thence North along said west line three and 69/100 (3.69) chains; thence following the low ground North 56 degrees East six (6) chains; thence North 64 degrees East four and 55/100 (4.55) chains; thence along said south side of a drainage ditch North 12 degrees West, two and 62/100 (2.62) chains to the Bank of the Wabash River; thence following said bank north

55 1/2 degrees east five and 56/100 (5.56) chains; thence north fifty-nine and one-quarter (59 1/4) east eight and 66/100 (8.66) chains to the east line of the aforesaid South fraction of the Northeast quarter; thence south along said east line thirteen and 50/100 (13.50) chains to the place of beginning containing eighteen and 60/100 (18.60) acres, more or less.

But including in the Town of Shadeland a tract of land containing nine and 74/100 (9.74) acres conveyed by William F. Kalberer and Barbara Kalberer, his wife, to Lafayette Hydraulic Gravel Company, by deed dated April 3, 1920, and recorded June 1, 1920 in Deed Record 152 at page 355.

Containing in all of said remaining tract approximately twenty-eight square miles.

Section III: The Tippecanoe County Election Board is hereby directed to conduct an election in the Town of Shadeland on the 6th day of November, 1984.

Section-IV: There shall be seven (7) Town Trustees, all of whom shall be elected at large but four (4) of whom shall be respective residents of four single member wards described as follows:

A. Ward I - The northern portion of the Town, being all of the area North of County Road 300 South and North of State Road 25.

B. Ward II - All of the area south of State Road 25, East of County Road 175 West, and North of a line running east from said County Road 175 East on County Road 550 South to County Road 150 West, North to County Road 500 South and east on said County Road 500 South to the eastern boundary of the Town.

C. Ward III - All the area contained by a line starting at the western boundary of the Town and County Road 300 South, East to State Road 25, north along State Road 25 to County Road 175 West, South along County Road 175 West to County Road 550 South and west along said County Road 550 South and its extention thereof to the western boundary of the Town.

D. Ward IV - All area south of the east-west line constituted by County Road 500 South from the eastern boundary of the Town to the County Road 150 West, south to County Road 550 South and County Road 150 West and extending west along said County Road 550 South and its extension to the western boundary of the Town.

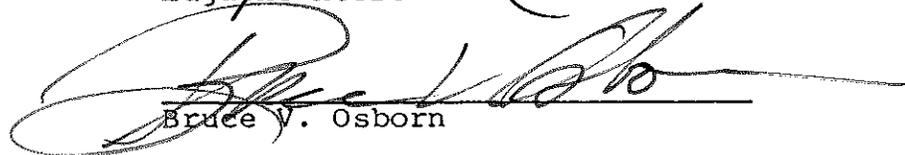
The seven Town Trustees and the Town Clerk-Treasurer who are elected on the 6th of November, 1984, shall serve until the next town election or until a duly qualified successor assumes office.

Section V: This Ordinance shall take effect this 20th day of August, 1984.

Enacted this 20th day of August, 1984.

Tippecanoe County Board of Commissioners


Eugene Moore


Bruce V. Osborn

Sue M. Reser

Attest:  Auditor