

## **RESOLUTION 2013-31**

### **A RESOLUTION APPROVING AND AUTHORIZING THE DISANNEXATION OF CERTAIN LAND WITHIN WAYNE TOWNSHIP AND THE ACCEPTANCE OF THE LAND BY THE TOWN OF SPEEDWAY, INDIANA**

WHEREAS, the Town Council of the Town of Speedway, Indiana (the "Town Council") is the legislative body of Town of Speedway (the "Town"); and

WHEREAS, Indianapolis City-County Council (the "City-County Council") is the legislative body of the City of Indianapolis and Marion County (the "City"); and

WHEREAS, Crawfordsville Road Partners, LLC, (hereinafter the "Petitioner") is the owner of a parcel or parcels of property which constitutes more than a 51% interest of certain total land inside the corporate boundaries of the City and located in Wayne Township, Marion County, Indiana;

WHEREAS, the Petitioner has petitioned the City-County Council to adopt a resolution approving the petition for disannexation of the territory containing such land (the "Territory"), and a copy of said petition is attached as Exhibit A hereto; and

WHEREAS, the Petition also requires the approval of the Town Council and the acceptance of the land by the Town of Speedway; and

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the "Speedway Annexation Area," which Speedway Annexation Area is more fully described on Exhibit B to this Resolution,

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
SPEEDWAY, INDIANA:**

**SECTION 1.** Pursuant to IC 36-3-2-7, the Town Council hereby approves the Petition.

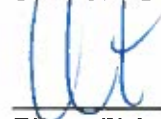
**SECTION 2.** Both the City-County Council and the Town Council have approved their respective versions of this Resolution and has approved the disannexation and the annexation of the Territory.

**SECTION 3.** The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase 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 sections, paragraphs, sentences, clause and phrases of this Resolution.

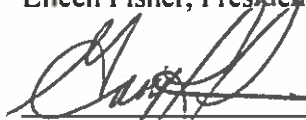
**SECTION 4.** This Resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14 and IC 36-3-2-7.

ADOPTED this 9th day December, 2013

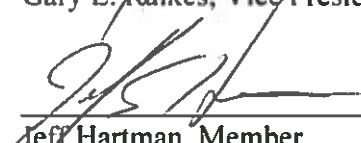
**TOWN COUNCIL OF THE  
TOWN OF SPEEDWAY, INDIANA**



Eileen Fisher, President




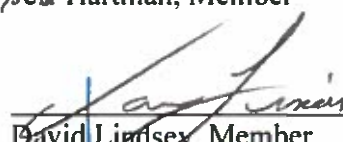
Gary L. Raikes, Vice President



Jeff Hartman, Member

ATTEST:

  
Monty W. Combs, Clerk-Treasurer



David Lindsey, Member



William Suffel, Member

CITY-COUNTY GENERAL RESOLUTION NO. , 2013

PROPOSAL FOR A GENERAL RESOLUTION approving and authorizing a disannexation of certain land within Wayne Township

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the "Council") is the legislative body of Indianapolis and Marion County (the "City"); and

WHEREAS, Crawfordsville Road Partners, LLC, (hereinafter the "Petitioner") is the owner of a parcel or parcels of property which constitutes more than a 51% interest of certain total land inside the corporate boundaries of the City and located in Wayne Township, Marion County, Indiana;

WHEREAS, the Petitioner has petitioned the Council to adopt a resolution approving the petition for disannexation of the territory containing such land (the "Territory"), and a copy of said petition is attached as Exhibit A hereto; and

WHEREAS, the Town of Speedway has approved the annexation of the Territory; and

WHEREAS, the Council desires to designate, and from time to time refer to, the Territory as the "Speedway Annexation Area," which Speedway Annexation Area is more fully described on Exhibit B to this Resolution; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to IC 36-3-2-7, the Council hereby approves the Petition.

SECTION 2. The foregoing recitals (or "whereas clauses") are findings by the Council and are incorporated into this Resolution by this reference.

SECTION 3. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase 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 sections, paragraphs, sentences, clause and phrases of this Resolution.

SECTION 4. This Resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14 and IC 36-3-2-7.

INITIATED BY: Speedway Redevelopment Corporation

SPONSORS: Lewis, Pfisterer

DRAFTED: Joseph L. Smith, Faegre Baker Daniels LLC







### **PETITION FOR DISANNEXATION FROM THE CITY OF INDIANAPOLIS**

The undersigned, Crawfordsville Road Partners, LLC, respectfully petitions the City-County Council of the City of Indianapolis, Marion County, Indiana, as the duly elected legislative body of the City of Indianapolis, to disannex pursuant to applicable law, from the City of Indianapolis, Marion County, Indiana, certain real property and in support thereof, respectfully states as follows:

1. That Crawfordsville Road Partners, LLC (hereinafter referred as the "Petitioner") requests that the real property comprised of \_\_\_\_\_ acres and legally described on *Exhibit A* and depicted on *Exhibit B*, both attached hereto and incorporated herein, located within the corporate boundaries of the City of Indianapolis, Marion County, Indiana, and contiguous to the Town of Speedway, Marion County, Indiana (hereinafter "Disannexation Territory") be disannexed from the City of Indianapolis.

2. That contemporaneously with this Petition for Disannexation, Petitioner is filing a petition with the Town Council of the Town of Speedway, as the duly elected legislative body of the Town of Speedway, to annex the Disannexation Territory to the Town of Speedway.

3. That the Petitioner is the owner in fee simple title to the real property located in the City of Indianapolis, Marion County, Indiana, which is legally described on *Exhibit C*, attached hereto and incorporated herein.

4. That the Petitioner owns more than fifty-one percent (51%) or more of the Disannexation Territory as required by Indiana Code § 36-3-2-7.

5. All of the Disannexation Territory to be disannexed is located inside the municipal corporate boundaries of the City of Indianapolis, Marion County, Indiana, but is contiguous to the municipal corporate boundaries of the Town of Speedway, within the meaning of that term as used in Indiana Code § 36-3-2-7, as amended from time to time.

WHEREFORE, the Petitioner specifically petitions as follows:

1. The City-County Council of the City of Indianapolis and Marion County approve this Petition for Disannexation and transfer of the Disannexation Territory to the municipal corporate boundaries of the Town of Speedway.

2. The City-County Council of the City of Indianapolis file a copy of the approval of this Petition, including the legal description of the Disannexation Territory, with the office of the Indiana Secretary of State and the Clerk of the Marion County Circuit Court.

PETITION FOR DISANNEXATION FROM THE CITY OF INDIANAPOLIS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: [Signature]

Title: Manager Marion

Date: \_\_\_\_\_

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF Marion        )

Before me, a Notary Public in and for said County and State, personally appeared Brent Bank of Crawfordsville Road Partners, LLC, and acknowledged execution of this Petition for Disannexation from the City of Indianapolis, Marion County, Indiana, this 18th day of January, 2013.



Elizabeth A. Combs  
Notary Public    ELIZABETH A. COMBS

My Commission Expires: 2-27-20  
A resident of Marion County

### **PETITION FOR ANNEXATION INTO THE TOWN OF SPEEDWAY**

The undersigned, Crawfordsville Road Partners, LLC, respectfully petitions the Town Council of the Town of Speedway, Marion County, Indiana, as the duly elected legislative body of the Town of Speedway, to annex pursuant to applicable law, to the Town of Speedway, Marion County, Indiana, certain real property and in support thereof, respectfully states as follows:

1. That Crawfordsville Road Partners, LLC (hereinafter referred as the "Petitioner") requests that the real property comprised of \_\_\_\_\_ acres and legally described on *Exhibit A* and depicted on *Exhibit B*, both attached hereto and incorporated herein, located within the corporate boundaries of the City of Indianapolis, Marion County, Indiana, which is contiguous to the Town of Speedway (hereinafter "Annexation Territory") be annexed into the Town of Speedway.

2. That contemporaneously with this Petition for Annexation, Petitioner is filing a petition with the City-County Council of Indianapolis and Marion County, as the duly elected legislative body of the City of Indianapolis, to disannex the Annexation Territory from the City of Indianapolis.

3. That the Petitioner is the owner in fee simple title to the real property located in the City of Indianapolis, Marion County, Indiana, which is legally described on *Exhibit C*, attached hereto and incorporated herein.

4. That the Petitioner owns more than fifty-one percent (51%) or more of the Annexation Territory as required by Indiana Code § 36-3-2-7.

5. All of the Annexation Territory to be annexed is located outside the municipal corporate boundaries of the Town of Speedway, Marion County, Indiana and inside the municipal corporate boundaries of the City of Indianapolis, Marion County, Indiana, but is contiguous to the municipal corporate boundaries of the Town of Speedway, within the meaning of that term as used in Indiana Code § 36-3-2-7, as amended from time to time.

WHEREFORE, the Petitioner specifically petitions as follows:

1. The Speedway Town Council approves this Petition for Annexation and transfer of the Annexation Territory into the Town of Speedway.

2. The Speedway Town Council will file a copy of the approval of this Petition, including the legal description of the Annexation Territory, with the office of the Indiana Secretary of State and the Clerk of the Marion County Circuit Court.

PETITION FOR ANNEXATION INTO THE TOWN OF SPEEDWAY

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: [Signature]

Title: Manager

Date: \_\_\_\_\_

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF Marion    )

Before me, a Notary Public in and for said County and State, personally appeared Brent Seagle of Crawfordsville Road Partners, LLC, and acknowledged execution of this Petition for Annexation into the Town of Speedway, Marion County, Indiana, this 18<sup>th</sup> day of July, 2013.



[Signature]  
Notary Public ELIZABETH A. COMBS

My Commission Expires: 2-27-20  
A resident of Marion County