

ORDINANCE 2014- 523

AN ORDINANCE ANNEXING CERTAIN LANDS INTO THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Town Council of the Town of Battle Ground, Indiana (“Town Council”) believes that annexation of the Annexation Territory (as hereinafter defined) into the Town of Battle Ground, Indiana (“Town”) is in the best interest of residents within the Annexation Territory and the Town; and

WHEREAS, at least one eighth of the aggregate external boundaries of the Annexation Territory are contiguous to the corporate boundaries of the Town; and

WHEREAS, responsible planning and state statutes require adoption of a fiscal plan and definite statement which has been introduced as a Resolution before the Town Council and which will be duly adopted prior to final passage of this Ordinance; and

WHEREAS, the fiscal plan provides a plan and cost estimate for the provision of services of a non-capital nature to the annexation area within one (1) year and the provision of services of a capital nature to the annexation area within three (3) years, which services will be equivalent in standard and scope or provided in the same manner as in the current city regardless of similar topography patterns of land use and population density; and

WHEREAS, the terms and conditions of this annexation are fairly calculated to make the annexation fair and equitable to property owners and residents of the annexation area and the Town; and

WHEREAS, the Town Council has determined that the annexation of the Annexation Territory will not cause a detrimental impact on the ability of the Town to provide non-capital services, and capital services normally provided to residents within the corporate boundaries of the Town; and

WHEREAS, all of the statutory prerequisites as set forth in I.C. § 36-4-3 et seq. have been met or will be met, in a timely fashion.

NOW THEREFORE be it ordained by the Town Council of the Town of Battle Ground, Indiana that:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth below.

Section 2. The real estate depicted and described on the attached [Exhibit “A”](#) (annexation area) comprising approximately 98 acres is hereby annexed into and made a part of the Town of Battle Ground, Indiana, on the effective date of this Ordinance as provided by I.C. § 36-4-3 et seq.

Section 3. The fiscal plan attached as [Exhibit “B”](#) is hereby ratified and approved on final passage of this Ordinance.

Section 4. The annexation area shall be assigned to the following Town Council Districts to wit: Ward 5 in the manner as described on the attached [Exhibit “C”](#).

Section 5. All parts of this Ordinance are separable and if any portion hereof is declared invalid or

unenforceable by a Court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 6. The Town's Clerk-Treasurer and Town Council President are authorized, empowered and directed to take any and all actions reasonably necessary to effectuate the purposes of this Ordinance and the annexation of the annexation area.

INTRODUCED ON FIRST READING ON THE 12 DAY OF May , 2014.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 12 DAY OF May , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

INTRODUCED FOR SECOND READING ON THE 14 DAY OF October , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 14 DAY OF October , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay				

Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Mike Bird			X	

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

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
Kris Uhler

Prepared By: Eric H. Burns, Withered Burns, LLP

+/- #14-523: Exhibit "A", Legal Description - Page 1

+/- #14-523: Exhibit "A", Legal Description - Page 2

+/- #14-523: Exhibit "A", Legal Description - Page 3

+/- #14-523: Exhibit "B", Map of Proposed Annexation - Page 1

+/- #14-523: Exhibit "B", Map of Proposed Annexation - Page 2

+/- #14-523: Exhibit "C", Revised Ward Boundaries

ANNEXATION FISCAL PLAN

FOR THE
TOWN OF BATTLE GROUND, INDIANA

SHAWNEE RIDGE ANNEXATION

October 14, 2014

Prepared by Umbaugh and Associates

TABLE OF CONTENTS

Introduction

Section I **Area Description**

- A.** Location, Area Size and Contiguity
- B.** Current Land Use
- C.** Current Population
- D.** Real Property Assessed Valuation

Section II **Existing Governmental Services within the Annexation Area**

- A.** Police
- B.** Fire
- C.** Emergency Medical Services
- D.** Parks
- E.** Streets and Street Lights
- F.** Solid Waste
- G.** Water Service
- H.** Wastewater Service
- I.** Storm Water and Drainage

Section III **Capital Improvements**

- A.** Cost of Services
- B.** Water Service
- C.** Wastewater Service

- [D.](#) Storm Water and Drainage
- [E.](#) Street Maintenance and Construction
- [F.](#) Parks
- [G.](#) Street Lighting and Sidewalks

[Section IV](#) Non-Capital Services

- [A.](#) Cost of Services
- [B.](#) Police Protection
- [C.](#) Fire Protection
- [D.](#) Street Maintenance
- [E.](#) Street Lighting
- [F.](#) Trash Collection and Recycling
- [G.](#) Storm Drainage
- [H.](#) Parks
- [I.](#) Governmental Administrative Services

[Section V](#) Fiscal Impact

[Section VI](#) Assumed Indebtedness

[Appendix I](#) Map and Legal Description of Annexation Area

INTRODUCTION

The following fiscal plan (the “Fiscal Plan”) is for the proposed annexation of area consisting of parcels to the north, east and west of the existing town limits (the “Annexation Area”). The Annexation Area is adjacent to the Town of Battle Ground (the “Town”). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code states that this fiscal plan must include and provide:

- 1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
- 2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
- 3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries
- 4) will be provided within one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density; and
That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed
- 5) territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the 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.

This Fiscal Plan may include additional materials in connection with the foregoing. This Fiscal Plan was developed through the cooperative efforts of the Town’s various administrative offices and the Town’s financial advisors, Umbaugh. This fiscal plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the Town for purposes of Indiana Code 36-4-3-1.5. The Annexation Area is at least 60% subdivided and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

Location, Area Size and Contiguity

The proposed Annexation Area is centrally located to the north, east and west of the existing corporate boundaries of the Town. A map including the Annexation Area and new municipal boundary

A. and a legal description of the real property proposed to be annexed have been included in attached Appendix I.

The Annexation Area totals approximately 98 acres, and the area is more than 25% contiguous to the existing corporate boundaries of the Town.

Current Land Use

B. The majority of the Annexation Area consists of residential land in the Shawnee Ridge subdivision.

Current Population

The current population of the Annexation Area is estimated at 499. This figure was arrived at by multiplying the estimated number of households in the Annexation Area by the persons per household figure in the 2010 Census for Tippecanoe Township in Tippecanoe County.

C.

Households	181
Population per Household x	<u>2.76</u>
Estimated Population	<u>499</u>

Real Property Assessed Valuation

D. The net assessed valuation for land and improvements in the Annexation Area is \$15,814,046. This represents the assessed value as of March 1, 2013 for taxes payable 2014.

SECTION II

EXISTING GOVERNMENTAL SERVICES WITHIN THE ANNEXATION AREA

Police

A. The Tippecanoe County Sheriff’s Department currently provides law enforcement service to the Annexation Area. Within one (1) year after the effective date of the annexation, the Town will perform primary law enforcement duties in the Annexation Area.

Fire

B. The Annexation Area is currently served by the Tippecanoe Township Volunteer Fire Department (TTVFD), which is a part of the Northeast Tippecanoe Fire Territory. This will not change as a result of annexation.

Emergency Medical Services

C. Tippecanoe County EMS provides emergency medical services to the Annexation Area, with assistance from TTVFD. They will continue to do so upon annexation.

Parks

D. There is a private park within Shawnee Ridge that is owned by the homeowner’s association. Upon annexation, the homeowner’s association will retain control of the private park. The Town does not

plan to add additional parks as a result of annexation.

Streets and Street Lights

All dedicated streets in the Annexation Area are currently maintained by Tippecanoe County. The E. Battle Ground Street Department will be responsible for maintaining the dedicated roads in the area within one (1) year after the effective date of the annexation. The Annexation Area currently has approximately 39 street lights, for which the Town will assume the costs of operation within one (1) year after the effective date of the annexation.

Solid Waste

Tippecanoe County does not provide solid waste disposal to the Annexation Area. This service is E. provided to residents in the Annexation Area by private firms. Within one (1) year after the effective date of the annexation, the Town will provide trash service to residents of the Annexation Area through a contractual arrangement with Waste Management, for which the Town currently pays a monthly fee of \$10.10 per unit served.

Water Service

G. The Battle Ground Conservancy District currently provides service to the Annexation Area. They will continue to do so upon annexation.

Wastewater Service

H. The Battle Ground Municipal Sewage Works currently provides service to the Annexation Area. They will continue to do so upon annexation.

Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any I. additional cost to the Town. Any future development in the area will have to have their storm water plan approved by the Town engineer, and any associated storm water and drainage costs will be borne by the developers.

See Also: [Resolution 14-63](#), adopted 10/14/2014.

SECTION III

CAPITAL IMPROVEMENTS

Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

A.

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as of January 1, 2015.

Water Service

- B. The Battle Ground Conservancy District is currently responsible for serving the Annexation Area, and this will continue following annexation. No additional costs will be incurred by the Town regarding the provision of water service.

Wastewater Service

- C. The Battle Ground Municipal Sewage Works currently provides service to the Annexation Area. As additional housing units are constructed in the Annexation Area, additional hook-ups will be added to the sewer system. The cost for the hook-ups will be covered by the collection of the applicable tap-on fee, which is currently \$1,500 for each single family residential unit.

Storm Water and Drainage

- D. Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water system throughout the Town. It is not anticipated that there will be any additional cost to the Town.

See Also: [Resolution 14-63](#), adopted 10/14/2014.

Street Maintenance and Construction

- E. Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable Town Code. The Town will provide evaluation and construction services for the accepted streets in the Annexation Area in the same manner as those provided to streets within the Town within three (3) years after the effective date of the annexation. In order to meet the necessary standards, the Town anticipates the need to spend approximately \$4,430 for the purchase and installation of 6 speed limit signs, 10 stop signs, 22 street signs, and 38 posts.

Parks

- F. The Town does not plan to add any additional parks as a result of annexation. Therefore, it is assumed that there will be no additional capital costs as a result of annexation.

Street Lighting and Sidewalks

- G. Currently, a large portion of the Annexation Area has streetlights and sidewalks. There are no plans or requirements of the Town to provide additional streetlights or sidewalks in the Annexation Area. Per the Town's policies and typical practices, the developer will be responsible for streetlights and sidewalks in any new developments.

NON-CAPITAL SERVICES

Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to the services that are currently provided within the existing Town's municipal boundary.

- A.** The proposed Annexation Area will require expansion of the existing police and Town maintenance areas. The requirements for providing these services and the cost of each of the services were determined based upon the factors and needs of the Annexation Area.

The Town will provide all non-capital services to the Annexation Area within one (1) year after the effective date of annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

Police Protection

The Battle Ground Police Department's primary purpose is the prevention of crime. The police department patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the police department provides other services such as detection and apprehension of

B. offenders, traffic control, and preservation of civil order. The police department does not distinguish between different areas of the Town. The same services are provided throughout the Town. The Town does not anticipate needing to hire additional officers, but does anticipate some additional personnel costs and additional costs for materials and supplies as a result of the annexation. The Town anticipates additional annual costs of \$19,300 as a result of annexation. These additional costs will be paid out of the Police Department's budget within the Town's General Fund.

Fire Protection

- C.** Currently, the TTVFD serves both the corporate limits of the Town and the Annexation Area, and this will not change as a result of annexation. Therefore, there will be no additional costs to the Town related to fire protection as a result of the annexation.

Street Maintenance

- D.** The Battle Ground Street Department will be responsible for the maintenance, leaf pick up and snow and ice removal of the streets in the Annexation Area. The Annexation Area has approximately 2.20 miles of streets that the Town will be responsible for maintaining. Currently, the Town has approximately 8.17 miles of streets. The Town anticipates additional costs for materials and general maintenance of approximately \$14,500 per year as a result of the annexation. The Local Road and Street Fund and the Motor Vehicle Highway Fund will fund these additional costs

Street Lighting

- E.** The Annexation Area is currently equipped with approximately 39 streetlights. The Town plans to pay for the cost of powering and maintenance of these lights. The Town anticipates additional annual costs

of \$5,600 for the powering and maintenance of the lights as a result of the annexation. These additional costs will be financed from the General Fund.

Trash Collection and Recycling

The Town will provide trash service to residents of the Annexation Area through a contractual

- F. arrangement with Waste Management. The Town is currently charged a monthly fee of \$10.10 per unit served. Based on the current estimated number of households in the Annexation Area, it is anticipated that the provision of this service will cost the Town approximately \$21,900 annually. These additional costs will be financed from the General Fund.

Storm Drainage

Storm drainage maintenance throughout the Annexation Area will be consistent with the Town's current storm drainage maintenance throughout the Town. Based on estimates from the engineering

- G. firm Butler, Fairman and Seufert, the Town anticipates additional annual costs of \$4,500 to maintain storm water structures. These additional costs will be financed from the General Fund.

See Also: [Resolution 14-63](#), adopted 10/14/2014.

Parks

- H. No additional costs are anticipated as a result of annexation.

Governmental Administrative Services

- I. The Town does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments.

SECTION V

FISCAL IMPACT

As a result of this annexation, the assessed value for the Town will increase by \$15,814,046 to \$53,916,562. This represents an increase of approximately 42%. Property tax controls instituted by the 2002 Indiana General Assembly limit the Town to a property tax increase equal to the six-year average non-farm income (2.7% for the 2015 budget year) annually for most funds. The net impact of increasing the Town's assessed value will result in additional property tax revenues to the Town, and may assist in stabilizing property tax rates for Town residents.

It is assumed that the effective date of this annexation will be January 14, 2015. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the Town until 2015 payable 2016. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be additional costs to the Town as a result of the annexation. A majority of

the costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed above, and a summary of the costs is demonstrated in the table below.

It is anticipated that the Town will realize an increase in its levy as a result of the annexation. However, the extent of the increase in the levy could vary depending on the Town's desire to pursue an annexation levy appeal. Additional state revenues based on population will not be adjusted until the next census.

Estimated new revenues:	
Automatic levy increase	\$36,529
Annexation levy appeal	33,701
Estimated new expenses:	
Street Dept. signage (one-time expense)	(4,430)
Street Dept. maintenance	(14,500)
Police Dept. personnel and materials & supplies	(19,300)
General trash collection & recycling	(21,900)
General street lighting	(5,600)
General storm drainage [See: Res. 14-63]	(4,500)
Net Revenues	\$0

As shown in the table above, the estimated additional expenses lend support for the filing of an annexation levy appeal. If the Town were to have a successful appeal and an overall levy increase of \$70,230, it is anticipated that the Town's tax rate would be reduced as a result of annexation. This would be due to increasing the assessed value of the Town by a greater percentage than the increase in property tax levy of the Town (approximately 42% versus approximately 29%).

SECTION VI

ASSUMED INDEBTEDNESS

To the extent required by Indiana Code 36-4-3-10, upon request of the Tippecanoe Township Trustee, the Town will assume and pay any unpaid bonds or other obligations of Tippecanoe Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Tippecanoe Township, as shown on the most recent assessment for taxation prior to the effective date of the annexation.

Tippecanoe Township has no debt currently outstanding.

RESOLUTION 2014- 58

A RESOLUTION OF THE TOWN OF BATTLE GROUND ADOPTING A FISCAL PLAN AND DEFINITE POLICY FOR ANNEXATION OF THE SHAWNEE RIDGE AREA

WHEREAS, The Town Council of Battle Ground, Indiana is considering an annexation of the Shawnee Ridge area pursuant to I.C. § 36-4-3; and WHEREAS, State law and proper planning require the Town to develop a written fiscal plan and establish a definite policy, by resolution of the Town Council; and WHEREAS, a copy of the written fiscal plan and definite policy for the Shawnee Ridge Annexation is attached hereto and made a part hereof; and WHEREAS, the written fiscal plan and definite policy shows as follows:

(1) the cost estimates of planned services to be furnished to the annexation area, itemized for each municipal department or agency; (2) the method or methods of financing the planned services, together with an explanation of how specific and detailed expenses will be funded, indicating the taxes, grants and other funding to be used; (3) the plan for the organization and extension of services, detailing the specific services that will be provided and the dates the services will begin; (4) that planned services of a noncapital nature will be provided to the annexation area 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 corporate boundaries, regardless of similar topography patterns of land use, and population density; and (5) that planned services of a capital improvement nature will be provided to the annexation area within three years after the effective date of the annexation in the same manner those services are provided to areas within the 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 Town Council of Battle Ground, Indiana, that:

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section 2. Attached as Exhibit A is the written fiscal plan and definite policy which is incorporated by reference. Two copies of the attached are kept on file in the office of the Clerk-Treasurer for public inspection.

Section 3. The Town Council of Battle Ground, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the annexation area which is the subject of [Ordinance No. 2014 - 523](#).

Section 4. 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 5. This Resolution shall be in full force and effect from and after the date of its passage.

INTRODUCED ON FIRST READING ON THE 12 DAY OF May , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 12 DAY OF May , 2014, HAVING BEEN PASSED BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED, THE ROLL CALL VOTE BEING:

Steve Egly
Steve Egly, President

X _____
For Opposed

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

X _____
For Opposed

X _____
For Opposed

Karen Pearson
Karen Pearson

Joe Bird
Mike Bird

X _____
For Opposed

X _____
For Opposed

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

PRESENTED BY ME TO THE PRESIDENT OF THE TOWN COUNCIL OF BATTLE GROUND, INDIANA ON THE 12 DAY OF May , AT THE HOUR OF 8:00 PM .

Phyllis Hall, Clerk-Treasurer

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 12 DAY OF May , AT THE HOUR OF 8:00 PM .

Steve Egly
Steve Egly, President

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer