

Agenda
Ellettsville Town Council
Monday January 27, 2025

6:30 P.M. Call to Order

Prayer

Pledge of Allegiance

Roll Call

Approval of the Minutes for the Regular Meeting January 14, 2024

Action to pay Accounts Payable Vouchers and Payroll Vouchers

Resolutions

Resolution 01-2025 Cancellation of outstanding warrants

Resolution 02-2025 Additional Appropriation for General Fund (RDC) and LIT Economic Development

Resolution 03-2025 to Amend Master Lease Agreement with Peoples State Bank for 2025 Kenworth Plow Truck

Resolution 05-2025 to Approve & Issue Plan Commission order found in Plan Commission Resolution 02-2025 (River Front)

Resolution 06-2025 to Approve & Issue Plan Commission order found in Plan Commission Resolution 01-2025 (Westside)

Resolution 07-2025 to Approve Fiscal Plan for CBO, LLC Fiscal Plan

Ordinance on First Reading

Ordinance 2025-01 American Legal Supplement S-16 adoption

Ordinance 2025-03 to Establish a Water Loss Policy

Ordinance on Second Reading

Ordinance 2025-02 Voluntary Annexation of 4295 W. State Rd 46 CBO, LLC

Old Business

New Business

Privilege of the Floor

Supervisors Comments

Council Comments

At this time, I know of no other business to come before the Council.

Noelle M. Conyer, Clerk-Treasurer

RESOLUTION 01-2025
Cancellation of Warrants
(Old Outstanding Checks)

- Whereas,** pursuant to IC 5-11-10.5, all checks outstanding and unpaid for a period of two years as of December 31st of each year are void and,
- Whereas,** not later than March 1st of each year, the Treasurer of each political subdivision shall prepare a list in duplicate of all checks outstanding for two or more years as of December 31st last preceding and,
- Whereas,** the Treasurer of each political subdivision shall enter the amounts so listed as a receipt to the funds upon which they were originally drawn and remove the checks from the list of outstanding checks. If the fund from which the check was originally drawn is not in existence or cannot be ascertained, the amount of the outstanding check shall be receipted into the General Fund of the town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA, THAT:

The Clerk-Treasurer is hereby authorized to void the following checks:

<u>Check #</u>	<u>Date</u>	<u>Payee</u>	<u>Appropriation</u>	<u>Amount</u>
16890	02/14/22	Lori Gill	6101-700-00676.00	5.76
16917	02/28/22	Lori Gill	6101-700-00676.00	24.24
17202	08/22/22	Arthur Harper	6101-700-00676.00	2.83
17263	09/26/22	Jordan Thompson	6101-700-00676.00	5.52
Total for Fund 6101				38.35
11957	07/24/17	Brody Mullen	6201-700-00676.00	75.67
Total for Fund 6201				75.67
Total of Outstanding Warrants to be Cancelled				\$114.02

Passed and adopted by the Town Council of the Town of Ellettsville, Monroe County, Indiana, upon this 27th day of January 2025.

Scott Oldham, President

Attest: Noelle Conyer, Clerk-Treasurer

**RESOLUTION 02-2025
ADDITIONAL APPROPRIATION**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Section 1 Be it resolved by the Town Council of the Town of Ellettsville, Monroe County that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

Fund Name: General Fund	Amount Requested
Major Budget Classification:	
Supplies	\$5,000.00
Other Services & Charges	\$45,000.00
Total for General Fund:	\$50,000.00

Fund Name: LIT Economic Development	Amount Requested
Major Budget Classification:	
Other Services & Charges	\$15,000.00
Total for LIT Economic Development:	\$15,000.00

Adopted this 27th day of January 2025.

AYE

NAY

Scott Oldham, President

Scott Oldham, President

Dan Swafford, Vice President

Dan Swafford, Vice President

William Ellis

William Ellis

Trevor Sager

Trevor Sager

Pamela Samples

Pamela Samples

ATTEST:

Noelle M. Conyer, Clerk-Treasurer

RESOLUTION NO. 03-2025

**RESOLUTION OF THE TOWN OF ELLETTSVILLE,
APPROVING EXECUTION OF FIRST AMENDMENT TO MASTER
GOVERNMENTAL LEASE AGREEMENT**

WHEREAS, the Town of Ellettsville, Indiana (the “Borrower”) is a political subdivision of the State of Indiana (the “State”) and is duly organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the Borrower is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Borrower; and

WHEREAS, the Department of Public Works is in need of 2025 Kenworth T480 Plow Truck with Pintle Hitch; and

WHEREAS, the Town Council hereby finds and determines that the execution of the First Amendment to Master Governmental Lease Agreement (the “Amendment”) with The Peoples State Bank (“Bank”) in substantially the form presented to this meeting, together with Schedule No. 2 to the Master Lease Agreement (“Schedule No. 2”), which Schedule No. 2 shall be in the principal amount not exceeding \$240,401.00 for the purpose of acquiring equipment 20225 Kenworth T480 Plow Truck with Pintle Hitch (the “Equipment”) to be more particularly described in Schedule No. 2 is appropriate and necessary to the functions and operations of the Borrower, and that the total authorized borrowing amount under the Master Lease as amended by the Amendment will be increased to an amount of not to exceed \$2.5MM plus new borrowing amount; and

WHEREAS, The Peoples State Bank (the “Lessor”) shall act as Lessor under the Master Lease Agreement, Schedule No. 1;

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

Section 1. The Town Council President (the “Authorized Representative”), acting on behalf of the Borrower, is hereby authorized to negotiate, enter into, execute, and deliver the First Amendment to Master Lease Agreement and Schedule No. 2 in substantially the form set forth in the document presently before the Council, which document is available for public inspection at the office of the Clerk-Treasurer of the Borrower. The Authorized Representative acting on behalf of the Borrower is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the First Amendment to the Master Lease Agreement and Schedule No.2 as the Authorized Representative deem necessary and appropriate. All other related contracts and agreements necessary and incidental to the First Amendment to Master Lease Agreement and Schedule No. 2 are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, the Authorized Representative may designate specifically identified officers or employees of the Town to execute and deliver agreements and documents related to First Amendment to Master Lease Agreement and Schedule No. 2 on behalf of the Town. In the event the Town Council President shall be unable to act hereunder, the Town Manager is hereby authorized to act in his place and stead.

Section 3. The aggregate original principal amount of the lease to be evidenced by Schedule No. 2 shall not exceed the amount of \$240,401.00 and shall bear interest as set forth in the Schedule No. 2 and shall contain such options to purchase by the Town as set forth therein.

Section 4. The Borrower's obligations under the First Amendment to Master Lease Agreement and Schedule No. 2 shall be subject to annual appropriation or renewal by the Town Council as set forth in each Schedule entered into under the Master Lease Agreement and the Borrower's obligations thereunder shall not constitute general obligations of the Borrower or an indebtedness of the Borrower under the Constitution or laws of the State.

Section 5. This Resolution shall be effective as of the date of its adoption
Passed this 27th day of January, 2025.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham, Town Council President

Attest:

Noelle M. Conyer Clerk-Treasurer

RESOLUTION 05-2025

TO APPROVE AND ISSUE THE PLAN COMMISSION ORDER FOUND IN PLAN COMMISSION RESOLUTION 02-2025

Re: Authorizing the Ellettsville Redevelopment Commission to Create a Riverfront Economic Development District

WHEREAS, pursuant to Indiana Code § 36-7-14-1, et seq., the Town of Ellettsville (“Town”) established the Ellettsville Redevelopment Commission (“RDC”) which exists and operates under the provisions of Indiana Code § 36-7-14, et seq., and 36-7-25, et seq., as amended from time to time; and

WHEREAS, on December 23, 2024, the RDC adopted its Resolution 2024-04 (the “Declaratory Resolution”) that:

- Created a new Economic Development Area within the Town designated as the “Ellettsville Riverfront Economic Development District”; and
- Approved an Economic Development Plan for the “Ellettsville Riverfront Economic Development District”; and
- Submitted the Declaratory Resolution and all supporting materials to the Ellettsville Plan Commission for its review

WHEREAS, pursuant to Indiana Code § 36-7-14-16(a), the Declaratory Resolution and Economic Development Plan were referred to the Ellettsville Plan Commission (“Plan Commission”) to determine “whether the resolution and economic development plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed”; and

WHEREAS, the Town’s plan of development is found in the Town of Ellettsville Comprehensive Plan, which was adopted on July 24, 2023;

WHEREAS, on January 9, 2024, the Plan Commission determined that the Declaratory Resolution and Economic Development Plan conform to the Comprehensive Plan, and issued Plan Commission Resolution 02-2025 (“Plan Commission Order”); and

WHEREAS, the Plan Commission order is attached to this Resolution as Exhibit A; and

WHEREAS, pursuant to Indiana Code § 36-7-14-16(b), the Plan Commission Order and supporting documentation has been submitted to the municipal legislative body of the Town, the Ellettsville Town Council; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA, THAT;

Section 1. The Town Council hereby approves and issues the Plan Commission Order.

PASSED AND ADOPTED by the Town Council of the Town of Ellettsville, Monroe County, Indiana, upon this 27th day of January, 2025.

Scott Oldham, President
Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk

RESOLUTION 06-2025

TO APPROVE AND ISSUE THE PLAN COMMISSION ORDER FOUND IN PLAN COMMISSION RESOLUTION 01-2025

Re: Authorizing the Ellettsville Redevelopment Commission to Create a Westside Economic Development Area

WHEREAS, pursuant to Indiana Code § 36-7-14-1, et seq., the Town of Ellettsville (“Town”) established the Ellettsville Redevelopment Commission (“RDC”) which exists and operates under the provisions of Indiana Code § 36-7-14, et seq., and 36-7-25, et seq., as amended from time to time; and

WHEREAS, on December 23, 2024, the RDC adopted its Resolution 02-2025 (the “Declaratory Resolution”) that:

- Created a new Economic Development Area within the Town designated as the “Ellettsville Westside Economic Development Area”;
- Approved an Economic Development Plan for the “Ellettsville Westside Economic Development Area”;
- Submitted the Declaratory Resolution and all supporting materials to the Ellettsville Plan Commission for its review

WHEREAS, pursuant to Indiana Code § 36-7-14-16(a), the Declaratory Resolution and Economic Development Plan were referred to the Ellettsville Plan Commission (“Plan Commission”) to determine “whether the resolution and economic development plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed”; and

WHEREAS, the Town’s plan of development is found in the Town of Ellettsville Comprehensive Plan, which was adopted on July 24, 2023;

WHEREAS, on January 9, 2024, the Plan Commission determined that the Declaratory Resolution and Economic Development Plan conform to the Comprehensive Plan, and issued Plan Commission Resolution 01-2025 (“Plan Commission Order”); and

WHEREAS, the Plan Commission order is attached to this Resolution as Exhibit A; and

WHEREAS, pursuant to Indiana Code § 36-7-14-16(b), the Plan Commission Order and supporting documentation has been submitted to the municipal legislative body of the Town, the Ellettsville Town Council; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA, THAT;

Section 1. The Town Council hereby approves the Plan Commission Order.

PASSED AND ADOPTED by the Town Council of the Town of Ellettsville, Monroe County, Indiana, upon this 27th day of January, 2025.

Scott Oldham, President
Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk

RESOLUTION 07-2025

**TO ADOPT A RESOLUTION FOR A FISCAL PLAN
For the CBO, LLC ANNEXATION**

**Address: 4295 W. State Road 46
Bloomington, Indiana 47404
Parcel Number: 53-04-13-300-059.000-011**

WHEREAS, the Town of Ellettsville desires to annex one parcel consisting of approximately 4.294 acres of land into the Town of Ellettsville, which is more specifically described in Ordinance 2025-02, a copy of which is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a policy for the provision of Town services to the annexed area; and

WHEREAS, such a plan has been developed and presented to the Town Council, entitled “CBO, LLC Fiscal Plan.”

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA, THAT:

1. The Town Council of the Town of Ellettsville, Monroe County, Indiana, hereby approves and adopts the CBO, LLC Fiscal Plan, which plan is attached hereto as Exhibit B and made a part hereof and hereby approves and adopts the specific policies for implementation of the plan as set forth therein, and establishes a definite policy to provide services in accordance with said plan.
2. Any monies necessary for the provision of services as described and itemized in the attached plan shall be budgeted and appropriated from the applicable fund, pursuant to state law and the Town’s budget procedure.
3. It is anticipated that this annexation will not result in the elimination of jobs for employees of other governmental entities.

This Resolution takes effect upon adoption.

This Resolution was passed and adopted by the Ellettsville Town Council of Ellettsville, Indiana, at the Ellettsville Town Hall on the 27th day of January, 2025.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham, President

Attest:

Noelle Conyer, Clerk/Treasurer

ORDINANCE 2025-01
AN ORDINANCE TO ADOPT SUPPLEMENTS TO THE TOWN OF ELLETTSVILLE,
INDIANA CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2024 S-16 supplement to the Code of Ordinances of the Town of Ellettsville, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinance of the Town of Ellettsville; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinance which are based on or make reference to sections of the Indiana Code; and

WHEREAS, it is the intent of the Ellettsville Town Council to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF ELLETTSVILLE, INDIANA:

SECTION 1. That the 2024 S-16 supplement to the Code of Ordinances of the Town of Ellettsville as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Ellettsville Town Council and the Ellettsville Clerk-Treasurer is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk-Treasurer.

This ordinance takes effect upon passage. This ordinance was passed and adopted by the Town Council of Ellettsville, Indiana at the Ellettsville Town Hall on the 10th day of February 2025.

ELLETTSVILLE TOWN COUNCIL

Attest:

Scott Oldham, President

Noelle M. Conyer, Clerk-Treasurer

ORDINANCE 2025-03

AN ORDINANCE TO ESTABLISH A WATER LOSS POLICY

WHEREAS, unexpected and extreme water loss may occur due to circumstances beyond a customer's control, such as unforeseen plumbing failures, natural disasters, or other factors which may cause substantial water loss; and

WHEREAS, the Ellettsville Town Council believes that it is in the public interest to create a process whereby utility customers who experience extreme and unintentional water loss may apply for an adjustment to their water bill.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF ELLETTSVILLE, INDIANA:

Section 1. A new section 51.37 is hereby added Title V in the Ellettsville Town Code, under "Rates and Charges," to allow utility customers to apply for adjustments to their water bills under certain circumstances. New section 51.37 shall read as follows:

§ 51.37 WATER BILL ADJUSTMENTS FOR EXTREME WATER LOSS

- (A) An "extreme water loss" is a water consumption event caused by a sudden and unexpected event, such as:
- (1) A significant water line break or burst pipe that results in unaccounted for water usage.
 - (2) A plumbing failure or malfunction within the customer's property that results in water loss exceeding 50,000 gallons of the customer's average monthly consumption.
 - (3) Any other situation approved by the Town of Ellettsville Department of Public Works (DPW) that leads to an unusually high usage due to circumstances beyond the customer's control.
- (B) Utility customers applying for a water loss adjustment must meet all of the following conditions:
- (1) The customer must provide documentation clearly demonstrating the cause of the extreme water loss, such as a plumber's report, utility repair invoice or evidence of a natural disaster; and
 - (2) The customer must notify the DPW within thirty (30) days of discovering the extreme water loss; and
 - (3) The customer must show that the issue causing the water loss has been repaired, or that the customer has taken reasonable steps to address the water loss.

(C) Utility customers must participate in the following process:

- (1) The customer must submit a written application for a water bill adjustment and include all necessary supporting documentation not later than thirty (30) days after the water bill has been issued that includes the excessive use.
- (2) The DPW shall review the submitted application and verify the cause of the extreme water loss.
- (3) If the application is approved, an adjustment to the bill will be applied. The customer will be responsible for paying the first 50,000 gallons at normal billing rates, the remaining gallons will be billed to the customer at the DPW's cost. The DPW will issue a credit for the remaining balance due to the extreme water loss.

(D) The following restrictions apply:

- (1) A customer is eligible for only one water adjustment for extreme water loss per calendar year.
- (2) The adjustment is non-transferable, and is available only to the customer experiencing the extreme water loss.

(E) Failure to comply with the terms of this ordinance, including providing false information, or failing to repair the cause of the extreme water loss in a timely manner, may result in denial of the adjustment.

Section 2. This Ordinance shall be in full force and effect after its passage.

This Ordinance was passed, approved, and adopted by the Ellettsville Town Council, on the 10th day of February, 2025.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham, President
Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk/Treasurer

EXHIBIT A

Ordinance 2025-02

CBO, LLC Annexation Ordinance

ORDINANCE 2025-02

AN ORDINANCE REGARDING THE VOLUNTARY ANNEXATION OF

**4295 W. State Road 46
Bloomington, Indiana 47404**

CBO, LLC

BE IT ORDAINED AND ADOPTED by the Town Council of Ellettsville, Indiana,

WHEREAS, the boundary of the Town of Ellettsville, Indiana, is contiguous to the real estate described herein; and

WHEREAS, on December 18, 2024, CBO, LLC filed a Petition for voluntary annexation of approximately 4.294 acres of land located at 4295 W. State Road 46, Bloomington, Indiana 47404, requesting voluntary annexation of the area pursuant to Indiana Code § 36-4-3-5.1;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ADOPTED BY THE TOWN COUNCIL OF ELLETTSVILLE, MONROE COUNTY, INDIANA, that:

Section 1. The following described land be, and the same is, hereby annexed to and declared a part of the Town of Ellettsville, Indiana, to-wit:

Address: 4295 W. State Road 46, Bloomington, Indiana 47404

Parcel Number: 53-04-13-300-059.000-011

LEGAL DESCRIPTION-

A part of the West half of the Southwest quarter of Section Thirteen (13), Township Nine (9) North, Range Two (2) West, in Monroe County, Indiana, bounded and described as follows, to-wit:

Beginning at a point that is Four Hundred Forty-two and Five Tenths (442.5) feet East and Four Hundred Twenty-three (423.0) feet North of the Southwest corner of the North half of the Southwest quarter of the Southwest quarter of said Section Thirteen (13); thence running East for a distance of Two Hundred Eighty-five and Eight Tenths (285.8) feet; thence running North for a distance of Six Hundred Ninety-five (695.0) feet and to the centerline of State Highway Number 46; thence running over and along the centerline of State Highway 46 for a distance of Three Hundred Eighty-six and Two Tenths (386.2) feet and to a point Four Hundred Forty-two and Five Tenths (442.5) feet East and One Thousand Three Hundred Seventy-eight (1,378.0) feet North of the Southwest corner of the North half of said quarter quarter, thence running South Nine Hundred Fifty-five (955.0)

feet to the place of beginning.

EXCEPTING THEREFROM:

The following described real estate as set forth in a certain Agreed Finding and Judgment In Re: State of Indiana v. Donna H. Ooley, IU Employees, Federal Credit Union, filed under Cause No. 53C03-9806-CP- 00888, in the Monroe Circuit Court Ill:

A part of the West Half of the Southwest Quarter of Section 13, Township 9 North, Range 2 West, Monroe County, Indiana, described as follows:

Commencing at the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter of said section; thence East 442.50 feet (bearing and distance taken from Deed Record 333, page 55); thence North 423.00 feet (bearing and distance taken from Deed Record 333, page 55) to the Southwest corner of the owner's land; thence North 1 degree 41 minutes 31 seconds West 912.33 feet along the West line of the owner's land to the Southwestern boundary of State Road 46 and to the point of beginning of this description: thence along the boundary of said State Road 46 Southeasterly 363.78 feet along an arc to the left and having a radius of 1,939.86 feet and subtended by a long chord having a bearing of South 52 degrees 11 minutes 16 seconds East and a length of 363.24 feet to the East line of the owner's land; thence South 1 degree 55 minutes 57 seconds East 54.23 feet along said East line; thence Northwesterly 282.39 feet along an arc to the right and having a radius of 1,984.86 feet and subtended by a long chord having a bearing of North 54 degrees 22 minutes 06 seconds West and length of 282.15 feet; thence North 37 degrees 33 minutes 01 second West 74.01 feet; thence North 43 degrees 43 minutes 37 seconds West 19.08 feet to the West line of the owner's land; thence North 1 degree 41 minutes 31 seconds West 40.08 feet along said West line to the point of beginning and containing 0.356 acres, more or less. All bearings in this description which are not taken from previous instruments are based on the bearing system for State Highway Project MANH-062-0 (004)C.

Section 2. BE IT FURTHER ORDAINED that the boundaries of the Town of Ellettsville shall be, and the same are, hereby declared to be extended so as to include all of the real estate described above as part of the Town of Ellettsville, Indiana.

Section 3. Pursuant to I.C. § 36-4-3-3, the above described territory, which is hereby annexed to and declared a part of the Town of Ellettsville, Indiana, shall be assigned to Council Ward 4.

Section 4. The above described territory, which is to be annexed to and declared a part of the Town of Ellettsville, Indiana, is to be zoned **Commercial 2, General Commercial**, upon

annexation.

Section 5. Pursuant to I.C. § 36-4-3-7(a) and § 36-4-3-7(b) this Ordinance shall be in full force and effect from and after its passage, promulgation, approval by the Town Council, and after final publication in accordance with the law.

PASSED AND ADOPTED by the Town Council of the Town of Ellettsville, Monroe County, Indiana, upon this 27th day of January, 2025.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham, President

Attest:

Noelle Conyer, Clerk/Treasurer

This Ordinance was published in the Herald Times on the _____ day of _____, 2025.

Noelle Conyer, Clerk/Treasurer

EXHIBIT B

CBO, LLC FISCAL PLAN



Town of Ellettsville

Department of Planning & Development

FISCAL PLAN **CBO, LLC**

Project Description

Location: 4295 W. State Road 46

Size: +/- 4.294 acres

Number of Parcels: 1

Current Zoning (Monroe County): GB; General Business

Proposed Zoning: C-2; General Commercial

State Law Requirements

When pursuing an annexation, a municipality must comply with State law, as established in the statutes at I.C. 36-4-3 et seq., as amended. I.C. 36-4-3-1.5 sets forth the requirements for contiguity:

1. The aggregate external boundaries of the territory sought to be annexed are thirty-two percent (32%) contiguous to the boundaries of the municipality;

Additionally, Indiana Statute (IC 36-4-3-3.1) requires the Town of Ellettsville, the annexing municipality, to develop and adopt by resolution, a fiscal plan for extension of municipal services to the annexed area.

In the preparation of the annexation fiscal plan, as required by Indiana Code, the Town of Ellettsville has determined and compared the cost of providing non-capital and capital services to the annexation area, with the potential tax revenue generated by the developed parcel. The fiscal plan shall identify the following:

1. The cost estimates for planned services to be furnished to the property to be annexed;
2. The method or methods of financing the planned services;
3. The organization and extension of services;
4. 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 will be provided within one (1) year after the effective date of annexation;
5. Those services requiring capital improvements, including street construction, sewer facilities, water facilities, and stormwater drainage facilities, will be provided within three (3) years after the effective date of the annexation;
6. The estimated effect on taxpayers in the Town of Ellettsville;
7. The effect of annexation on the Town of Ellettsville finances;
8. The effect of annexation on other political subdivisions and taxpayers that are not part of the annexation; and
9. A list of the property, property owner, parcel identification number and most recent assessed value.

Contiguity

The property to be annexed by the Town of Ellettsville has a total border of 2,249 feet and is contiguous along 717 feet. The total percentage contiguous is 59%, meeting contiguity requirements of Indiana Code and will be zoned Residential 1; Single Family Residential.

Cost of Services Provided by the Town of Ellettsville to the Annexed Property

This report has been created for the purpose of estimating the potential fiscal impact of new development and annexations to the Town of Ellettsville. It is not intended to serve a specific budgetary purpose, but rather express estimated costs and benefits based on a set of level-of-service related assumptions.

Organization and Extension of Services

The Town of Ellettsville is committed to providing capital and non-capital services to the land proposed for annexation in the same manner as areas currently within Town limits, regardless of similarity. Non-capital services will be provided within one year of the completion of the annexation. Capital improvements, if any, will be provided within three years of the completion of the annexation. Any monetary figures presented here are merely estimates, subject to change. Many variables, including the rate and extent of future development, future property assessments, and fluctuations in the cost of providing various services are expected to have an influence.

1. Non-Capital Improvements:

The Town of Ellettsville Departments of Planning, Utilities, Stormwater, Police, Fire, EMS, Clerk/Treasurer, and Street will assume and retain immediate responsibility. There are little to no actual anticipated costs with the extension of these services and each of these services will be readily available within the one (1) year requirement.

2. Capital Improvements:

Capital improvements are those such as water, sanitary sewer, storm sewer and street maintenance projects that would be required for further development. Each of these utilities are currently located on or near the property and will not require any capital projects. Any new development of the property requiring utilities will be the responsibility of the developer. Other utilities such as natural gas, electric, cable, and telephone services are provided by private companies.

Financial Recommendations

The purpose of this section is to review and discuss the potential revenues for funding the increased costs for providing services to the annexation area.

1. Real Property Tax
 - a. The net assessed valuations of the parcel as of May 10, 2024, is \$205,600 and will have very little impact the tax rate throughout town, and will have little effect on revenue. See 'Effect of Annexation' section for further information.
2. Personal Property Tax
 - a. There will likely not be personal property taxes associated with development of this parcel.
3. Local Income Tax (LIT)
 - a. On July 1st of each year, the Indiana Department of Revenue certifies a distribution of the Local Income Tax (LIT) for Monroe County. LIT is distributed based upon the

proportionate share of the Town's budget levy in relation to the civil taxing units and school corporations within the county and is dependent on a number of variables including the budget levies of other taxing units in Monroe County and the estimated county income tax collection. The estimated LIT revenues to the Town attributable to the annexation cannot be determined.

4. Water/Sewer
 - a. There are no expected cost increases to the Town to provide these services.

Effect of Annexation

1. Estimated Effect on Taxpayers in Ellettsville
 - a. The estimated tax rate would increase from 0.5673 to 0.6069 in the year 2024 - 2025, and would be expected to remain relatively similar for the next four (4) years.
 - b. The estimated change in tax levy per taxpayer will be minimal. The tax rate drop of 0.004 would amount to approximately \$16.00 per year for a \$200,000 home. The amount over four (4) years would be negligible.
 - c. The annexation will not require any increase in expenditures.
 - d. The annexation of this parcel should have no noticeable effects on service levels.
 - e. The annexation will have minimal to no effect on annual debt service payments.
2. Estimated Effect on Municipal Finances
 - a. The estimated levy increase due to the annexation is \$992. Estimated levy increases contributed to this annexation and a constant growth rate of 4.3% over the next four (4) years would be an increase of \$3,968 over this time period compared to the growth rate without annexation.
 - b. Any lowering of the tax levy will result in a slight reduction in the number of properties reaching the tax caps, and increase receivable revenue for the Town.
3. Estimated Effect on Other Political Subdivisions
 - a. There is no outstanding Monroe County debt tied to income taxes to consider.
 - b. The annexation will not be taking possession of any Monroe County infrastructure currently with outstanding debt.
 - c. Richland Township currently has \$38,475 of outstanding debt spread which is anticipated to be paid off this year to consider.
 - i. Ellettsville would be required to repay a total of \$60.50 over those five years to cover the amount lost from annexation.
 - d. There is a tax rate totaling 0.0003144 for Richland Township fire does not result in an increase (see i)
 - i. The resulting change in the tax rate for Richland Township fire related services could rise to 0.12890, resulting in a decrease to Richland Township residents in unincorporated areas of Monroe County.
 - e. The circuit breaker does not come into effect for this annexation.

Parcel to be Annexed

1. Parcel ID No. 53-04-13-300-059.000-011
 - a. Property Owner – CBO, LLC
 - b. Property Address – 4295 W. State Road 46
 - c. Assessed Value (2023) - \$205,600

Other Considerations

1. The property is currently zoned GB; General Business by Monroe County and will be designated as C-2; General Commercial
2. The property will be assigned to Council Ward 4.

Summary

The purpose of this annexation is to bring one (1) parcel into the jurisdiction of the Town of Ellettsville. The fiscal plan for this property shows little impact on Town revenue, and the costs associated with this annexation are negligible. Overall, there should be a small, positive effect on Town finances. The effects on taxpayers outside of Ellettsville will be minimal. Therefore, Staff recommends that the Plan Commission send a favorable recommendation to Town Council for annexation with a recommended zoning of C-2; General Commercial.

Legal Description

A part of the West half of the Southwest quarter of Section Thirteen (13), Township Nine (9) North, Range Two (2) West, in Monroe County, Indiana, bounded and described as follows, to-wit:

Beginning at a point that is Four Hundred Forty-two and Five Tenths (442.5) feet East and Four Hundred Twenty-three (423.0) feet North of the Southwest corner of the North half of the Southwest quarter of the Southwest quarter of said Section Thirteen (13); thence running East for a distance of Two Hundred Eighty-five and Eight Tenths (285.8) feet; thence running North for a distance of Six Hundred Ninety-five (695.0) feet and to the centerline of State Highway Number 46; thence running over and along the centerline of State Highway 46 for a distance of Three Hundred Eighty-six and Two Tenths (386.2) feet and to a point Four Hundred Forty-two and Five Tenths (442.5) feet East and One Thousand Three Hundred Seventy-eight (1,378.0) feet North of the Southwest corner of the North half of said quarter quarter, thence running South Nine Hundred Fifty-five (955.0) feet to the place of beginning.

EXCEPTING THEREFROM:

The following described real estate as set forth in a certain Agreed Finding and Judgment In Re: State of Indiana v. Donna H. Ooley, IU Employees, Federal Credit Union, filed under Cause No. 53C03-9806-CP- 00888, in the Monroe Circuit Court III:

A part of the West Half of the Southwest Quarter of Section 13, Township 9 North, Range 2 West, Monroe County, Indiana, described as follows:

Commencing at the Southwest corner of the North Half of the Southwest Quarter of the Southwest Quarter of said section; thence East 442.50 feet (bearing and distance taken from Deed Record 333, page 55); thence North 423.00 feet (bearing and distance taken from Deed Record 333, page 55) to the Southwest corner of the owner's land; thence North 1 degree 41 minutes 31 seconds West 912.33 feet along the West line of the owner's land to the Southwestern boundary of State Road 46 and to the point of beginning of this description: thence along the boundary of said State Road 46 Southeasterly 363.78 feet along an arc to the left and having a radius of 1,939.86 feet and subtended by a long chord having a bearing of South 52 degrees 11 minutes 16 seconds East and a length of 363.24 feet to the East line of the owner's land; thence South 1 degree 55 minutes 57 seconds East 54.23 feet along said East line; thence Northwesterly 282.39 feet along an arc to the right and having a radius of 1,984.86 feet and subtended by a long chord having a bearing of North 54 degrees 22 minutes 06 seconds West and length of 282.15 feet; thence North 37 degrees 33 minutes 01 second West 74.01 feet; thence North 43 degrees 43 minutes 37 seconds West 19.08 feet to the West line of the owner's land; thence North 1 degree 41 minutes 31 seconds West 40.08 feet along said West line to the point of beginning and containing 0.356 acres, more or less. All bearings in this description which are not taken from previous instruments are based on the bearing system for State Highway Project MANH-062-0 (004)C.

