TOWN COUNCIL
TOWN OF MULBERRY, INDIANA
ORDINANCE NO. 2026-304
AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE TOWN OF MULBERRY, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF MULBERRY, INDIANA ("MULBERRY DOLLAR GENERAL").

WHEREAS, the Town Council (hereinafter the "Council") of the Town of Mulberry, Indiana (hereinafter the "Town") has investigated annexation of property west of its existing border; and

WHEREAS, pursuant to Indiana Code § 36-4-3, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations; and

WHEREAS, responsible planning and Indiana Code require adoption of a written fiscal plan and a definite policy for the provision of services to the annexed areas; and WHEREAS, this Council has previously adopted by resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 24-2026 (hereinafter the "Fiscal Plan"); and

WHEREAS, Exhibit A is a legal description of the territory to be annexed, which territory consists of approximately 2.412 acres (hereinafter the "Annexation Territory"); and

WHEREAS, Exhibit A also includes a map of the Annexation Territory; and WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the Town; and

WHEREAS, it is the intent of this Council that zoning of the Annexation Territory be zoned as General Business (B-4); and

WHEREAS, this Ordinance has been adopted following a duly noticed public hearing; and

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MULBERRY, INDIANA, as follows:

1. The above recitals, including Exhibit A, are incorporated herein by reference as though fully set forth herein below. Two (2) copies of Exhibit A shall be kept on file with the Clerk-Treasurer for public inspection.
2. In accordance with Indiana Code § 36-4-3-4, the Annexation Territory is hereby annexed to the Town of Mulberry, Indiana and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The terms and conditions applicable to this Annexation are as follows:
   i. **Timing of Annexation.** Pursuant to Indiana Code § 36-4-3-8, the effective date of this Ordinance shall be immediately upon the adoption of this Ordinance pursuant to Indiana Code § 36-4-3-7.
   ii. **Zoning Classification.** There shall be no zoning change as a result of annexation. The Annexation Territory is currently zoned as General Business (B-4) and will be zoned as General Business (B-4).
   iii. **Connection to Utilities.** The Annexation Territory is connected to or will be connected to the Town's utilities and shall be billed at the Town's utility rates and charges pursuant to the Town of Mulberry's Code of Ordinances upon adoption of this Ordinance.
   iv. **Taxes.** Those parcels in the Annexation TelTitory which are currently assessed as land non-residential under the real property assessment rules and regulations of the department of local government finance and shall be adjusted and assessed pursuant to Indiana Code.
4. The Annexation Territory is hereby assigned to the At-Large Town Council District.
5. The effective date of this annexation shall be immediately after the date as lawfully permitted following its adoption and execution and publication as required by law.
6. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.
7. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

ADOPTED on this 16th day of October, 2026, by the Town Council of the Town of Mulberry, Indiana.

TOWN COUNCIL,
TOWN OF MULBERRY, INDIANA

By: _____
President Joey Mitchell

By: _____
Member Dave Jones

By: _____
Member Lindsey Foster

By: _____
Member Randy Ravenscraft

By: _____
Member Lewis Wheeler

ATTEST: _____
Clerk-Treasurer
Anitra Ford

EXHIBIT A
Legal Description and Map

A part of the Southwest Quarter of Section 17, Township 22 North, Range 2 West, Madison Civil Township, Clinton County, Indiana, also being part of a tract of land conveyed to Gary V. and Robin R. Lahrman (Husband and Wife) and Daniel J. and Lisa A. Lahrman (Husband and Wife) by Instrument 20180592, and more particularly described as follows:

Commencing at the Southwest corner of said Section 17, being marked by a mag nail; thence South 89 degrees 43 minutes 0l seconds East (being the basis of all bearings this description), on and along the South line of said Southwest Quarter, a distance of 326.21 feet to the Southwest corner of College Park Addition to the Town of Mulberry as recorded in Plat Record 2, page 195; thence North 00 degrees 37 minutes 55 seconds East, on and along the West line of said College Park Addition, a distance of 449.97 feet to the Point of Beginning, being marked by a 5/8-inch diameter rebar with an identification cap stamped “T-E INC FIRM ID #0070” (from herein referred to as “T-E CAP”); thence continuing North 00 degrees 37 minutes 55 seconds East, on and along said West line of College Park Addition, a distance of 367.00 feet to the South Right-of-way line of State Road 38, also being the Southwest corner of a tract of land conveyed to the State of Indiana by Document 20220050, being marked by a “T-E CAP”; thence North 66 degrees 10 minutes 15 seconds West, on and along said South Right-of-way line of State Road 38 and the South line of said State of Indiana tract, a distance of 178.00 feet to a “T-E CAP”; thence South 24 degrees 28 minutes 48 seconds West, a distance of 352.18 feet to a “T-E CAP”; thence South 00 degrees 37 minutes 55 seconds West, a distance of 115.00 feet to a “T-E CAP”; thence South 89 degrees 22 minutes 05 seconds East, a distance of 306.00 feet to the Point of Beginning, containing 2.412 acres of land, more or less.

Now Commonly Known As:

Lot 1 in MULBERRY - DGMINOR SUBDIVISION SECONDARY PLAT, an Addition to Clinton County, Indiana, as per plat thereof recorded in Plat Book 3, Page Number 70, as Instrument No. 2024-1969, in the Office of the Recorder of Clinton County, Indiana.



Parcel No. 12-05-17-352-001.002-008