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Avon, Brownsburg settle land dispute



Written by

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A border war, of sorts, that had been brewing for years was resolved last week just days before Avon and Brownsburg leaders were scheduled to go to court.

Both town councils approved a 24-page interlocal agreement Jan. 24, avoiding a potentially costly court hearing. The agreement defines annexation boundaries between the towns.

The agreement was reached a few days after Brownsburg filed and was granted a temporary restraining order and preliminary injunction against Avon to prohibit future development within Lincoln Township. The towns tried to reach an agreement defining annexation boundaries a few years ago, but those talks stalled.

"Certainly, we are pleased to reach an agreement after 21/2 years," said Brownsburg Town Council President Matthew Bowles. "We made every effort to notify Avon prior to filing the lawsuit, but there was no indication they were going to delay their involuntary annexation of land in

Lincoln Township."

The most recent parcels Avon pursued that led to Brownsburg's lawsuit included a nearly 100-acre parcel owned by the Magee family, located between the Ronald Reagan Parkway, Hendricks County Road 300 North, County Road 900 East and the old Speedway Airport land.

Avon also had its sights set on more than 150 acres owned by Utah-based Farmland Reserve on behalf of the Mormon church, south of Lucas Oil Raceway, formerly O'Reilly Raceway Park. Annexation of the first portion of that parcel was to be discussed at last week's Town Council meeting until the interlocal agreement was reached.

Avon town leaders said they wanted to annex the land because they already annexed the old Speedway Airport site and saw the Magee and church parcels as natural extensions. They said developers tend to want to deal with just one entity and don't care about township lines.

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"Hopefully, we didn't deny any rights to property owners; that was my biggest worry with this interlocal agreement," said Avon Town Council President Mike Rogers. "I don't know what Brownsburg's motivation was for this, but we were looking at what made good sense for development of the whole area."

Both parcels hold significant value for future commercial development because of their proximity to the Ronald Reagan Parkway and racetrack, Bowles said. As a result, the benefits that come from future development will more than make up for what was spent to file the lawsuit.

"If you look at the first-year tax from an industrial building, the legal fees pale in comparison," he said. "It is an investment to preserve land that will be crucial to our future tax base. But in our mind at least, this also is a win for both communities because we have ground between us that will become very valuable for taxpayers in terms of land use. So it is important we work together to get the most out of it."

The interlocal agreement generally defines the Lincoln and Washington township border as the dividing line for annexation for both towns moving forward with a few minor exceptions.

The old Speedway Airport land, including portions in Lincoln Township, was annexed by Avon prior to the agreement, so it will stay within the town.

The agreement also calls for two exceptions for both towns.

Brownsburg will be allowed to annex about 87 acres in Washington Township, as part of the Heritage Hill residential development along Ind. 267. In return, Avon can annex about 160 acres in the southwest corner of Lincoln Township that also will likely become residential development.

Rogers said Avon leaders finally decided to relent and sign the agreement to avoid going to court.

"Personally, I'm a little disappointed there wasn't a phone call made to us first," he said. "We have other things to spend taxpayer money on other than lawsuits dealing with annexation."

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