

Incorporation petition up for review

By COOKIE WALTER CLEMENTS
 Bulletin Staff Writer

The little community of Daleville isn't giving up its dream of becoming a town.

Its petition for incorporation will be reviewed again in August by the Anderson City Council. A similar petition was denied by a 3-5 vote in March.

This time, however, the petition deletes a controversial 55-acre parcel which is claimed by the town of Chesterfield in its annexation plans.

State statutes require communities planning to incorporate or cities planning to annex to obtain permission from any second- or third-class city when the proposed boundaries extend within three miles of the city's limits.

Anderson approved the Chesterfield petition for annexation of 170 acres in October 1981. That approval was based on a promise of renegotiating sewer rates now paid by Chesterfield to Anderson. The agreement is for treatment of Chesterfield's waste and use of the sewer lines to transport it to the Anderson Water Pollution Control utility.

However, included in Chesterfield's annexing area were about 60 acres of Delaware County land that Daleville wanted to include in its boundaries. Chesterfield beat Daleville to the punch by getting approval of its plans first.

Daleville has filed suit against Chesterfield, with the main contention being it has illegally crossed a county line to annex property.

Chesterfield had completed its work prior to January, but due to some technical foul-up had to redo it after the first of the year. Before it could be completed, the state Legislature passed a law forbidding crossing county lines for annexation.

The issue is still pending in Delaware County, Charles Braddock,

Anderson city attorney, told the city council during its special Monday meeting. But "so the community can move on it, it is asking city council approval only of that area not in dispute."

The five council members voting against the Daleville incorporation in March said they did so because they didn't feel they could approve both Chesterfield and Daleville

petitions when both included some of the same acreage.

Larry Swick, assistant city attorney, had advised the council its task was only to determine if Daleville's plans interfered with Anderson's future plans for development.

Year-long battle comes to halt

Daleville, Chesterfield call truce

By **TODD E. APPLEMAN**
Herald staff writer

A cease-fire has been called between the tiny community of Daleville and the town of Chesterfield.

Both have put to rest their verbal and legal artillery for good over approximately 65 acres the two sides have been eager to call their own.

AT TUESDAY NIGHT'S public hearing on Anderson's proposed 1983 budget, City Attorney Charles Braddock announced the two parties have apparently resolved the dispute.

Earlier in the day, Braddock learned Chesterfield and Daleville had "come to a common settlement" — he understood it included dismissal of the lawsuit filed by Daleville, challenging Chesterfields crossing county line.

He also said Daleville still planned to keep its boundaries in Delaware County, but Chesterfield, although still crossing into Delaware County somewhat, is going to concede land it has already annexed there.

WILLIAM HUGHES, a Muncie attorney who represents the Daleville camp, said his clients sat down and looked at the interests of both communities and developed a common boundary for the two sides.

Hughes said the lawsuit has been dropped and both sides have agreed that Chesterfield will take 45 acres of Delaware County land for annexation and 10 will go to Daleville. Ten acres of the original 65 acres Chesterfield once tried to annex will remain "no-man's land" for both sides.

The Council will still consider the incorporation petition filed by Daleville residents during its regular meeting Thursday at 7:30 p.m. however.

BRADDOCK NOTED the legal description of the property in question will be revised to reflect the change.

After receiving permission to incorporate from the Delaware County commissioners, Daleville residents must vote their approval. Braddock said any delays in the

proceedings may cause the community to miss the general election and force it to opt for a more expensive special election or wait another year.

To get a referendum on the November ballot, Daleville is asking the Council to approve its plans on third and final reading as soon as possible. After getting consensus for the move, Council President Joan Wile said final consideration will probably be scheduled at a special Aug. 19 meeting.

"**WE ARE STILL** hopeful of being able to elect our first town board in the fall," said Hughes.

Why the skirmish in the first place?

It started when the Daleville incorporation committee declared approximately 65 acres of disputed property in Delaware County a demilitarized zone. Then the town of Chesterfield claimed the land for its annexation plans.

A battle ensued.

BECAUSE DALEVILLE is within three miles of Anderson (Anderson Municipal Airport), it had to have

Anderson City Plan Commission and City Council approval. When Daleville saw an uphill battle brewing, it abandoned all plans for annexation in Madison County and decided to incorporate only the undisputed property in Delaware County.

But Chesterfield never gave up on its plans to annex land in Delaware County. Chesterfield has utilities, including a new water main system which supplies several businesses in the disputed area.

On Dec. 30, 1981, the City Council allowed the town of Chesterfield to annex the area in Delaware County.

But because recent state legislation (retroactive to Jan. 1 of this year) forbids annexation across county lines, the argument wound up in Delaware County Superior Court.

Daleville filed a suit against Chesterfield, contending the town illegally crossed into Delaware County to annex property.