

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA ANNEXING CERTAIN TERRITORY TO THE CITY OF LEBANON, BOONE COUNTY, INDIANA

WHEREAS, the City of Lebanon Common Council (the “Council”) has the authority and desires to annex lands into the municipality as defined by Indiana Code 36-4-3: and,

WHEREAS, one hundred percent (100%) of the owners of the parcels proposed for annexation as identified in **Exhibit A** and **Exhibit B** (the “Annexation Area”) have filed a voluntary petition with the Council pursuant to Indiana Code 36-4-3-5.1; and,

WHEREAS, the City of Lebanon Advisory Plan Commission held a public hearing at their regularly scheduled meeting on March 19, 2018 and forwarded Docket 18-11 to the Council with a favorable recommendation (8-0) to assign the Planned Business Industrial (PBI) zoning classification for the Annexation Area; and,

WHEREAS, the Council has conducted a public hearing on March 26, 2018, as required by law with regard to the annexation of the Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the Annexation Area in accordance with Indiana Code 36-4-3-3.1 (Resolution 2018-13); and,

WHEREAS, the Annexation Area meets the contiguity requirements of Indiana Code 36-4-3-1.5; and,

WHEREAS, the Council now finds that the statutory criteria for annexation have been met; and,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

Section 1. The Annexation Area, generally located at the southeast corner of State Road 32 and N 200 W, and adjacent to the existing corporate limits along the eastern boundary of the Annexation Area, is hereby declared annexed to and declared to be part of the City of Lebanon, Indiana.

Section 2. The Annexation Area is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Area per Indiana Code 36-4-3-2.5.

Section 3. The Annexation Area is hereby assigned to Council District 2 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 4. The Annexation Area is hereby assigned the Planned Business Industrial (PBI) zoning classification.

Section 5. This Ordinance shall be in full force and effect upon its passage by the Council, its publication, and upon the passage of the applicable thirty (30) day waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

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PASSED AND ADOPTED THIS _____ day of _____, 2018.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Brent Wheat

Brent Wheat

Brent Wheat

Dick Robertson

Dick Robertson

Dick Robertson

I hereby certify that ORDINANCE 2018-__ was delivered to the Mayor of Lebanon on the ____ day of _____, 2018, at ____ ____m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2018-__
this __day of _____, 2018

I hereby VETO ORDINANCE 2018-__
this __day of _____, 2018

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

EXHIBIT A

A part of the West Half of the Southwest Quarter of Section 35, Township 19 North, Range 1 West, Center Township, Boone County, Indiana, more fully described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 35; thence North $00^{\circ}02'53''$ West, along the Section line and the approximate centerline of County Road 200 West, a distance of 1080.00 feet to the point of beginning; thence continuing North $00^{\circ}02'53''$ West, along the Section line and the approximate centerline of County Road 200 West, a distance of 573.00 feet; thence South $89^{\circ}41'16''$ East, a distance of 394.69 feet; thence North $00^{\circ}18'54''$ West, a distance of 259.44 feet; thence North $34^{\circ}47'12''$ West, a distance of 72.71 feet; thence North $00^{\circ}48'58''$ West, a distance of 392.99 feet; thence South $89^{\circ}56'10''$ East, parallel with the North line of the Southwest Quarter, a distance of 661.25 feet; thence South $00^{\circ}08'47''$ West, along that part of the West described line of the Ag-Chem Property as recorded in Deed Record 248, pages 990-991 and along that part of the Nelson Property as recorded in Deed Record 202, pages 766-767, for a distance of 1287.72 feet; thence North $89^{\circ}40'31''$ West, along the North described line of the Newman Property as recorded in Deed Record 203, page 31, a distance of 1003.67 feet to the point of beginning.

Containing 23.6816 acres, more or less.

Property Address Reference: 345 North 200 West, Lebanon, IN 46052

