

FILE

OCT 01 2021

CITY OF LEBANON, INDIANA ANNEXATION APPLICATION

CITY OF LEBANON
Planning & Zoning Department

Applicant Information

Applicants Name: Beazer Homes Indiana, LLP Telephone: 317.690.3415

Address: 9465 Counselors Row, Ste 125, Indianapolis, IN 46240 Email: ann.kloc@beazer.com

Property Owner's Name: Butler-Ross, LLC Telephone: 260.425.1636

Address: 6276 West South Lake Gage Drive, Angola, IN 46703 Email: phess@beckmanlawson.com

Representative's Name: Brian J. Tuohy, Attorney for Applicant Telephone: 317.638.2400

Company: Tuohy Bailey & Moore, LLP Email: btuohy@tbmattorneys.com

Address: 50 S. Meridian Street, Ste 700, Indianapolis, IN 46204

Property and Project Information

Address or Property Location: 3080 N SR 39 (Est), Lebanon, IN

Acreage: Approx. 78.86 Existing Land Use: Agriculture Existing Zoning District: _____

County Parcel ID(s): Part of Parcel No. 001-09590-00

Attached Copy of Current Property Deed (and legal description)

Fiscal Plan Information

The following information will be used to develop a written fiscal plan, as required by Indiana law, for the Council's consideration and adoption for annexation of the subject real estate (please note that these are for tax assessed value and revenue projections only).

Estimated Five-Year Build-Out Scenario:

Single-Family

Total Acreage: Approx. 118 Proposed Land Use(s): Residential Site Construction Start Date: 5/1/2022

	(Year When Construction of Structure is Estimated to be Completed)				
	Year 1	Year 2	Year 3	Year 4	Year 5
# of Lots (Single Family)	0	62	62	62	62
# of Units (Multi-Family)					
# of Acres/Sq. Ft. (Non-Residential)					
Estimated Market Value (Average Per Home or Structure if Multi-Family or Non-Residential)		\$300,000	\$310,000	\$320,000	\$330,000
Estimated New Street Miles (To Be Built by Developer)		.625	.625	.625	.625

PETITION FOR VOLUNTARY ANNEXATION INTO THE CITY OF LEBANON

The undersigned (hereafter "Petitioner"), in support of this Petition for Annexation alleges:

1. That Butler-Ross, LLC is the owner of the real estate legally described in Exhibit A attached hereto (hereafter "Real Estate").
2. That the Real Estate is contiguous to public highways and the public rights-of-way thereof (hereafter "Public Highway").
3. That the City Council of the City of Lebanon, Indiana (hereafter "Council") has by ordinance defined the corporate boundaries of the City of Lebanon, Indiana.
4. That more than one-eighth (1/8) of the aggregate external boundaries of the Real Estate coincides with the corporate boundaries of the City of Lebanon, Indiana.

WHEREFORE, the Petitioner requests that the Council adopt an ordinance annexing the Real Estate, and the contiguous areas of the Public Highway, to the City of Lebanon, Indiana.

Petitioner: Beazer Homes Indiana, LLP

By: Brian J. Tuohy

Name: Tuohy Bailey & Moore, LLP

Title: Attorney for Petitioner

If the petitioner is not the property owner of the described Real Estate, the property owner must give consent by signing below:

Lane J. Ross Member Butler-Ross LLC
 Signatures of Property Owner(s)

The above information, to my knowledge and belief, is true and correct.

Austin Barnett
 SIGNATURE OF NOTARY PUBLIC

State of Indiana, County of Steuben, SS:

Subscribed and Sworn before me this 29 day of September, 2021.

Printed Name of Notary Public: Austin Barnett

My Commission Expires: 10/29/2028



AUSTIN BARNETT, Notary Public
 Steuben County, State of Indiana
 Commission Number 0729650
 My Commission Expires 10/29/2028

Exhibit A
Legal Description

THE CENTRAL PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH RANGE 1 WEST, DESCRIBED ITS FOLLOWS:

COMMENCING ON THE EAST LINE OF THE INDIANAPOLIS & FRANKFORT RAILROAD COMPANY GROUND AT IT POINT 1060.6 FEET EAST OF THE SOUTHWEST COMER OF THE ABOVE SECTION, RUNNING THENCE NORTH 10 DEGREES 50 MINUTES WEST ALONG THE EAST LINE OF SAID RAILROAD COMPANY'S GROUND 2694.5 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, THENCE SOUTH 89 DEGREES 49 MINUTES EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 1973 FEET TO THE CENTER OF STATE ROAD NO. 39, THENCE WITH THE CENTER LINE OF SAID STATE ROAD NO. 39 AS FOLLOWS: SOUTH 7 DEGREES 17 MINUTES EAST 86 FEET, THENCE SOUTH 9 DEGREES 32 MINUTES EAST 800 FEET, THENCE SOUTH 10 DEGREES 35 MINUTES EAST 600 FEET, THENCE SOUTH 11 DEGREES 7 MINUTES EAST 1200 FEET, TO THE SOUTH LINE OF THE ABOVE SECTION, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 1954.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 118.55 ACRES, MORE OR LESS.

EXCEPT:

A PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST COMER OF SAID SECTION 13, RUN FIRST EAST ALONG THE SOUTH LINE OF SAID SECTION 1060.6 FEET TO THE EAST LINE OF THE INDIANAPOLIS AND FRANKFORT R.R. CO., THENCE NORTH 10 DEGREES 50 MINUTES WEST ALONG SAID EAST LINE 2694.5 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, THENCE SOUTH 39 DEGREES 49 MINUTES EAST ALONG SAID NORTH LINE 1973 FEET TO THE CENTER OF STATE ROAD NO. 39, THENCE WITH THE CENTER LINE OF SAID ROAD AS FOLLOWS: SOUTH 7 DEGREES 17 MINUTES EAST 86 FEET, THENCE SOUTH 9 DEGREES 32 MINUTES EAST 697.25 FEET TO THE PLACE OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE CENTER LINE OF SAID STATE ROAD NO. 39, SOUTH 10 DEGREES 35 MINUTES EAST 780.18 FEET, THENCE WEST 52.10 FEET TO THE WEST RIGHT OF WAY LINE OF THE ABOVE NAMED ROAD, THENCE NORTH 63 DEGREES 11 MINUTES WEST ALONG AN EXISTING FENCE LINE 128.38 FEET, THENCE NORTH 48 DEGREES 14 MINUTES WEST 108.97 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH 41 DEGREES 12 MINUTES WEST 198.58 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH 208.32 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH 26 DEGREES 55 MINUTES WEST 105.76 FEET ALONG A PORTION OF AN EXISTING FENCE LINE; THENCE NORTH 28 DEGREES 47 MINUTES WEST 213.74 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 89 DEGREES 30 MINUTES EAST 376.94 FEET TO THE POINT OF BEGINNING, CONTAINING 4.955 ACRES, MORE OR LESS.

ALSO EXCEPT:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID QUARTER QUARTER SECTION 316.52 FEET WEST OF THE NORTHEAST CORNER THEREOF, THENCE CONTINUING WEST ON SAID NORTH LINE 201.27 FEET, THENCE DEFLECTING LEFT 90 DEGREES 00 MINUTES MEASURE SOUTHERLY 99.10 FEET; THENCE DEFLECTING LEFT 90 DEGREES 18 MINUTES MEASURE EASTERLY 208.88 FEET TO AN ESTABLISHED FENCE CORNER, THENCE DEFLECTING LEFT 94 DEGREES 09 MINUTES MEASURE NORTHERLY ON AND ALONG AN ESTABLISHED FENCE LINE 98.34 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.46 ACRES, MORE OR LESS.

ALSO EXCEPT:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID QUARTER SECTION 79.27 FEET WEST OF THE NORTHEAST CORNER THEREOF, WHICH POINT IS THE CENTER OF STATE ROAD NO. 39, THENCE WEST ALONG SAID NORTH LINE 237.25 FEET, SOUTHEASTERLY ALONG AN ESTABLISHED FENCE LINE 98.34 FEET, THENCE EAST 241.61 FEET TO THE CENTER OF STATE ROAD NO. 39, THENCE NORTHWESTERLY ALONG SAID CENTER OF ROAD 97.53 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.54 ACRES, MORE OR LESS.

ALSO EXCEPT:

A PART OF THE CENTER PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST, BOONE COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE EAST LINE OF THE INDIANAPOLIS & FRANKFORT RAILROAD COMPANY GROUND AT IT POINT 1060.6 FEET OF THE SOUTHWEST CORNER OF THE ABOVE SECTION; THENCE ALONG THE EAST LINE OF SAID RAILROAD COMPANY'S GROUND NORTH 10 DEGREES 50 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 766.26 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 1950.64 FEET TO THE CENTER OF STATE ROAD NO. 39; THENCE SOUTH 11 DEGREES 07 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 767.00 FEET TO THE SOUTH LINE OF THE ABOVE SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 1954.50 FEET TO THE POINT OF BEGINNING. CONTAINING 33.74 ACRES OF LAND, MORE OR LESS.

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24.00
BECKMAN LAWSON
LLP

Instrument PG 1 OF 5
200900004854

200900004854
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
05-08-2009 At 02:23 pm.
FEED 24.00

Grantee's Address/Mail tax bills to:
8919 Sandpiper Court, Fort Wayne, TN 46804

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Donald R. Ross, Marilyn K. McElroy, and Robert J. Ross, an undivided one-third (1/3) interest each as tenants in common ("Grantors") of Allen and Steuben Counties, respectively, in the State of Indiana CONVEY(S) AND WARRANT(S) TO Butler-Ross, LLC, an Indiana limited liability company, ("Grantee") in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Boone County, in the State of Indiana:

See attached Exhibit A.

Subject to the first installment of 2008 real estate taxes, due and payable in 2009, together with all subsequent real estate taxes and all assessments due and payable thereafter.

Subject to all liens and encumbrances of record and also to all easements, visible and recorded, as well as all covenants, restrictions, assessments and limitations of record, all applicable zoning ordinances, and all legal streets and highways.

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DULY ENTERED FOR TAXATION
5-08-09
Melody Price
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

Dated this 23rd day of Apr, 2009.

Donald R. Ross
Donald R. Ross

STATE OF INDIANA COUNTY OF ALLEN SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 23rd day of April 2009 personally appeared Donald R. Ross and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: Oct. 18, 2015 Signature Maisha J. Ambrose
Resident of Allen County Printed Maisha S. Ambrose Notary Public



Instrument
200900004854

PG

3 OF 5

Marilyn K. McElroy
Marilyn K. McElroy

STATE OF INDIANA COUNTY OF STEUBEN SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 24th day of April

2009 personally appeared Marilyn K. McElroy and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 9-14-13 Signature Kimberly S. Elston
Resident of Steuben County Printed Kimberly S. Elston Notary Public

KIMBERLY S. ELSTON
NOTARY PUBLIC, STATE OF INDIANA
STEUBEN COUNTY
COMMISSION EXPIRES: 9-14-13



Robert J. Ross
Robert J. Ross

STATE OF INDIANA COUNTY OF STEUBEN SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 24 day of April, 2009 personally appeared Robert J. Ross and acknowledged the execution of the foregoing deed. In witness whereof, I have herunto subscribed my name and affixed my official seal.

My commission expires: 31 June 2016 Signature Joann M. Stanley
Resident of Steuben County Printed Joann M. Stanley Notary Public

This instrument prepared by Patrick R. Hess, Attorney at Law
Attorney No. 19395-02

MAIL TO:

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Patrick R. Hess.

EXHIBIT A

The central part of the south half of Section 13, Township 19 North Range 1 West, described its follows:

Commencing on the east line of the Indianapolis & Frankfort Railroad Company ground at it point 1060.6 feet east of the southwest corner of the above Section, running thence north 10 degrees 50 minutes west along the east line of said Railroad Company's ground 2694.5 feet to the north line of the southwest quarter of said Section 13, thence south 89 degrees 49 minutes east along the north line of said quarter section 1973 feet to the center of State Road No. 39, thence with the center line of said State Road No. 39 as follows: south 7 degrees 17 minutes east 86 feet, thence south 9 degrees 32 minutes east 800 feet, thence south 10 degrees 35 minutes east 600 feet, thence south 11 degrees 7 minutes east 1200 feet, to the south line of the above section, thence west along the south line of said section 1954.5 feet to the place of beginning, containing 118.55 acres, more or less.

EXCEPT:

A part of the south half of Section 13, Township 19 North, Range 1 West of the Second Principal Meridian, described as follows:

From the southwest corner of said Section 13, run first east along the south line of said section 1060.6 feet to the east line of the Indianapolis and Frankfort R.R. Co., thence North 10 degrees 50 minutes west along said east line 2694.5 feet to the north line of the southwest quarter of said Section 13, thence south 89 degrees 49 minutes east along said north line 1973 feet to the center of State Road No. 39, thence with the center line of said road as follows: south 7 degrees 17 minutes east 86 feet, thence south 9 degrees 32 minutes east 697.25 feet to the place of beginning for this description; thence along the center line of said State Road No. 39, south 10 degrees 35 minutes east 780.18 feet, thence west 52.10 feet to the west right of way line of the above named road, thence north 63 degrees 11 minutes west along an existing fence line 128.38 feet, thence north 48 degrees 14 minutes west 108.97 feet along an existing fence line; thence north 41 degrees 12 minutes west 198.58 feet along an existing fence line; thence north 208.32 feet along an existing fence line; thence north 26 degrees 55 minutes west 105.76 feet along a portion of an existing fence line; thence north 28 degrees 47 minutes west 213.74 feet along an existing fence line; thence south 89 degrees 30 minutes east 376.94 feet to the point of beginning, containing 4.955 acres, more or less.

ALSO EXCEPT:

A part of the northeast quarter of the southwest quarter of Section 13, Township 19 North, Range 1 West of the Second Principal Meridian, described as follows:

Beginning on the north line of said quarter quarter section 316.52 feet west of the northeast corner thereof, thence continuing west on said north line 201.27 feet, thence deflecting left 90 degrees 00 minutes measure southerly 99.10 feet; thence deflecting left 90 degrees 18 minutes measure easterly 208.88 feet to an established fence corner, thence deflecting left 94 degrees 09 minutes measure northerly on and along an established fence line 98.34 feet to the place of beginning, containing 0.46 acres, more or less.

ALSO EXCEPT:

A part of the northeast quarter of the southwest quarter of Section 13, Township 19 North, Range 1 West of the Second Principal Meridian, described as follows:

Beginning on the north line of said quarter section 79.27 feet west of the northeast corner thereof, which point is the center of State Road No. 39, thence west along said north line 237.25 feet, southeasterly along an established fence line 98.34 feet, thence east 241.61 feet to the center of State Road No. 39, thence northwesterly along said center of road 97.53 feet to the place of beginning, containing 0.54 acres, more or less.

Butler Ross Parcel

