

## ORDINANCE NO. 2021-18

### 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 May 18, 2020 and forwarded Docket 20-13 to the Council with a favorable recommendation (6-0) to assign the Single-Family Residential (SF) zoning classification for the Annexation Area; and,

**WHEREAS**, the Council has conducted a public hearing on September 27, 2021, 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 2021-16); 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 northeast corner of State Road 39 and 300 N and adjacent to the existing corporate limits along the southern and western boundaries 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 4 and shall become a part thereof immediately upon the effective date of this Ordinance.

**Section 4.** The Annexation Area is hereby assigned the Single-Family Residential (SF) zoning classification.

**Section 5.** This Ordinance shall be in full force and effect upon its passage by the Council, its publication, 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.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**LEBANON COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Morris Jones

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Dick Robertson

\_\_\_\_\_  
Dick Robertson

\_\_\_\_\_  
Dick Robertson

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Brent Wheat

ATTEST:

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2021-18 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ m.

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2021-18  
this \_\_\_\_ day of \_\_\_\_\_, 2021

I hereby VETO ORDINANCE 2021-18  
this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Matthew T. Gentry, Mayor

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

**EXHIBIT A  
LEGAL DESCRIPTION**

Parcel 1

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

COMMENCING 27 RODS AND 3 LINKS EAST OF THE NORTHWEST CORNER OF SAID HALF QUARTER SECTION AND RUN THENCE SOUTH 20 RODS; THENCE WEST 27 RODS AND 3 LINKS TO THE WEST LINE OF SAID TRACT; THENCE SOUTH ON SAID WEST LINE 24 RODS AND 13 LINKS TO THE CENTER LINE OF THE LEBANON AND SUGAR CREEK GRAVEL ROAD; THENCE SOUTH 10 ¼ DEGREES EAST WITH SAID CENTER LINE 117 RODS AND 9 LINKS TO THE SOUTH LINE OF SAID TRACT; THENCE EAST ON SAID SOUTH LINE 59 RODS AND 13 LINKS TO THE SOUTHEAST CORNER OF SAID HALF QUARTER SECTION; THENCE NORTH 160 RODS TO THE NORTHEAST CORNER OF SAME; THENCE WEST 52 RODS 22 LINKS TO THE PLACE OF BEGINNING, CONTAINING 69.22 ACRES, MORE OR LESS, EXCEPT THEREFROM COMMENCING AT THE SOUTHEAST CORNER OF SAID HALF QUARTER SECTION AND RUN THENCE WEST 13.95 CHAINS TO THE EAST LINE OF THE FORMER RIGHT OF WAY OF THE TERRE HAUTE INDIANAPOLIS & EASTERN TRACTION COMPANY; THENCE NORTH 10 DEGREES 50' WEST ALONG SAID EAST LINE 975/1000 CHAINS; THENCE EAST 15.26 CHAINS TO THE EAST LINE OF SAID HALF QUARTER SECTION THENCE SOUTH 6.85 CHAINS TO THE PLACE OF BEGINNING CONTAINING 10 ACRES MORE OR LESS AND LEAVING AFTER EXCEPTION 59.22 ACRES, MORE OR LESS.

ALSO, A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS:

COMMENCING 20 RODS SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION AND RUN THENCE WEST TO A POINT IN THE CENTER OF THE LEBANON AND SUGAR CREEK GRAVEL ROAD; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO THE EAST LINE OF SAID QUARTER QUARTER SECTION THENCE NORTH ALONG SAID EASTLINE TO THE PLACE OF BEGINNING, CONTAINING .211 ACRES, MORE OR LESS.

EXCEPT THEREFROM THE FOLLOWING:

A PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 19 NORTH RANGE 1 WEST SITUATED IN CENTER TOWNSHIP, BOONE COUNTY INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: FROM THE CENTER OF THE AFORESAID SECTION 13, PROCEED THENCE SOUTH 89 DEGREES 35' 55" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF, FOR A DISTANCE OF 447.48 FEET; THENCE SOUTH 0 DEGREES 24' 34" EAST FOR A DISTANCE OF 268.30 FEET; THENCE NORTH 89 DEGREES 35' 55" WEST FOR A DISTANCE OF 503.95 FEET TO THE

CENTERLINE OF STATE HIGHWAY #39 THENCE WITH SAID CENTERLINE CURVE RIGHT WITH AN 11459.16 FEET RADIUS CURVE FOR A DISTANCE OF 265.58 FEET (THE CHORD OF WHICH BEARS NORTH 7 DEGREES 40' 55" WEST FOR A DISTANCE OF 265.58 FEET THENCE LEAVING SAID CENTERLINE PROCEED THENCE SOUTH 89 DEGREES 35' 55" EAST FOR A DISTANCE OF 487.91 FEET TO THE POINT OF BEGINNING CONTAINING 2.9966 ACRES, MORE OR LESS.

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

BEGINNING AT A POINT 447.18 FEET EAST AND 330 FEET SOUTH AND SOUTH 11 DEGREES 4' 34" EAST 268.30 FEET FROM THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST AND RUN THENCE SOUTH 11 DEGREES 5' EAST 350 FEET FOLLOWING AN EXISTING FENCE; THENCE WEST 524.85 FEET TO THE CENTER OF OLD STATE ROAD #39 (PRIOR TO RECONSTRUCTION IN 1955) THENCE NORTHERLY 349.85 FEET FOLLOWING THE CENTERLINE OF OLD STATE ROAD #39 (PRIOR TO RECONSTRUCTION IN 1955) THENCE EAST 518.95 FEET TO THE PLACE OF BEGINNING CONTAINING 4.19 ACRES, MORE OR LESS.

ALSO EXCEPT A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

FROM THE SOUTHEAST CORNER OF THE AFORESAID TRACT, PROCEED THENCE WESTERLY ALONG THE SOUTH LINE OF THE SECTION 920.70 FEET TO A POINT OF BEGINNING. FROM SAID POINT OF BEGINNING CONTINUE THENCE WESTERLY WITH SAID SECTION LINE 57.08 FEET TO A POINT 9.18 FEET WEST OF THE CENTER LINE OF THE PAVEMENT OF STATE ROAD NO 39 PROCEED THENCE NORTH 10 DEGREES 05' WEST 1067.96 FEET PARALLEL WITH THE CENTER LINE OF STATE ROAD NO 39 TO A POINT WHERE SAID LINE INTERSECTS THE CENTER LINE OF A DRAINAGE DITCH; PROCEEDING THENCE WITH THE CENTER LINE OF SAID DRAINAGE DITCH SOUTH 70 DEGREES 24.7' EAST, 105.40 FEET THENCE SOUTH 46 DEGREES 42.8' EAST 415.07 FEET THENCE SOUTH 70 DEGREES 50.7' EAST 346.41 FEET; THENCE SOUTH 54 DEGREES 11.9' EAST 69.64 FEET; THENCE SOUTH 23 DEGREES 29.5' EAST 144.48 FEET THENCE LEAVING THE CENTER LINE OF SAID DRAINAGE DITCH PROCEED NORTH 89 DEGREES 18' WEST 679.33 FEET; THENCE SOUTH 10 DEGREES 05' EAST 460.35 FEET, PARALLEL WITH THE CENTER LINE OF STATE ROAD NO 39 TO THE POINT OF BEGINNING CONTAINING 6.110 ACRES, MORE OR LESS.

ALSO EXCEPT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 19 NORTH, RANGE 1 WEST, CENTER TOWNSHIP, BOONE COUNTY, INDIANA MORE FULLY DESCRIBED BY:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 00 DEGREES 09' 46" WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 806.75 FEET TO A POINT LOCATED ON THE CENTERLINE OF THE LEBANON SUGAR CREEK GRAVEL ROAD (STATE ROAD 39 PRIOR TO 1950 RELOCATION) THENCE SOUTH 10 DEGREES 21' 00" EAST ALONG THE DESCRIBED CENTERLINE OF THE LEBANON SUGAR CREEK GRAVEL ROAD (STATE ROAD 39 PRIOR TO 1950 RELOCATION) A DISTANCE OF 504.48 FEET TO THE POINT OF BEGINNING THENCE NORTH 87 DEGREES 45' 35" EAST A DISTANCE OF 258.83 FEET; THENCE NORTH 02 DEGREES 39' 02" WEST A DISTANCE OF 152.13 FEET; THENCE NORTH 89 DEGREES 51' 27" EAST A DISTANCE OF 194.70 FEET; THENCE SOUTH 02 DEGREES 13' 59" EAST A DISTANCE OF 394.45 FEET; THENCE NORTH 88 DEGREES 31' 55" WEST A DISTANCE OF 421.48 FEET; THENCE NORTH 10 DEGREES 21' 00" WEST ALONG THE DESCRIBED CENTERLINE OF SAID LEBANON SUGAR CREEK GRAVEL ROAD A DISTANCE OF 224.43 FEET TO THE POINT OF BEGINNING CONTAINING 3.0195 ACRES.

#### Parcel 2

A part of the East Half of the Southeast Quarter of Section 13, Township 19 North, Range 1 West, Center Township, Boone County, Indiana, being more particularly described as follows:

Commencing at a Railroad Rail found marking the Southeast corner of the Southeast Quarter of said Section 13; thence North 89 degrees 49 minutes 07 seconds West 187.29 feet along the South line of the Southeast Quarter of said Section 13 to the Southwest corner of the Richardson Minor Residential Plat recorded in Plat Book 24, Page 54 and re-recorded in Plat Book 24, Page 82, both recorded in the office of the Recorder of Boone County, Indiana, thence North 00 degrees 12 minutes 03 seconds West 2110.02 feet to the Point of Beginning of this description; thence North 89 degrees 12 minutes 03 seconds West 1149.57 feet to the West line of the East Half of the Southeast Quarter of said Section 13; thence North 00 degrees 07 minutes 12 seconds West 526.79 feet to the Northeast corner of the West Half of the Southeast Quarter of said Section 13; thence South 89 degrees 5 minutes 58 seconds East 1148.83 feet along the North line of the East Half of the Southeast Quarter of said Section 13 to the Northwest corner of the Richardson Minor Residential Plat; thence South 00 degrees 12 minutes 03 seconds East 525.74 feet along the West line of the Richardson Minor Residential Plat to the Point of Beginning.

Containing 13.88 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easement of record.

## **EXHIBIT B**