

ORDINANCE NO. 2021-14

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA REZONING PROPERTY AND AMENDING THE
ZONING MAP OF THE CITY OF LEBANON, INDIANA**

WHEREAS, the Petitioner, Forestar Group, filed an Application for Rezone before the City of Lebanon Plan Commission, seeking to rezone approximately 45.51 acres, more or less, in Center Township, Boone County, Indiana, said property being generally located at the northeast corner of Elm Swamp Road and Angilee Way, Lebanon, Indiana and more particularly described in Exhibit A and B, from the Planned Unit Development (PUD) zoning classification to Single-Family Residential (SF2) zoning classification; and,

WHEREAS, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Plan Commission conducted the required Public Hearing on June 21, 2021 and voted 8-0 to send a favorable recommendation of the rezoning petition of the Property and certified its favorable recommendation to the legislative body, the City of Lebanon Common Council, on June 22, 2021; and,

WHEREAS, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Common Council, having considered the Application and the recommendation of the City of Lebanon Plan Commission now adopts the proposal and approves the requested rezoning.

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.** That the Petitioner, Forestar Group, has received appropriate Affidavit and Consent from the Owners of the Property, Etowah Group, LLC and Dale Gene Smith u/a Smith Family Trust.
- Section 2.** That the Petitioner seeks to have the Property, comprised of approximately 45.51 acres and generally located at the northeast corner of Elm Swamp Road and Angilee Way and more particularly described in Exhibit A and B, rezoned from the Planned Unit Development (PUD) zoning classification to Single-Family Residential (SF2) zoning classification.
- Section 3.** That the City of Lebanon Common Council has paid reasonable regard to applicable comprehensive plans; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

Section 4. That from and after this date, the Official Zoning Map of the City of Lebanon, Indiana shall be changed to rezone the subject Property from the Planned Unit Development (PUD) zoning classification to Single-Family Residential (SF2) zoning classification. Further, the Director of Planning of the City of Lebanon Planning Commission is hereby authorized to change the Official Zoning Map consistent with this Ordinance.

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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 2021-14 was delivered to the Mayor of Lebanon on the _____ day of _____, 2021, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2021-14
this ___ day of _____, 2021.

I hereby VETO ORDINANCE 2021-14
this ___ day of _____, 2021.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Legal Description

A part of Section 19, Township 19 North, Range 1 East in Center Township, Boone County, Indiana, being more particularly described as follows: Beginning at the Southeast corner of the Northeast quarter of said Section 19; thence North 89 degrees 38 minutes 26 seconds West 1327.12 feet along the South line of the Northeast quarter of said Section 19 to the West line of the East half of the Northeast quarter of said Section 19; thence South 00 degrees 07 minutes 53 seconds West 8.74 feet to the Northeast corner of Chadwick Village, Section 6, being recorded in Plat Book 4, page 168 in the Office of the Recorder of Boone County, Indiana; thence North 89 degrees 41 minutes 43 seconds West 498.91 feet along the Northern line of said Chadwick Village, Section 6; thence South 00 degrees 07 minutes 53 seconds West 168.00 feet along the Western line of said Chadwick Village, Section 6; thence North 89 degrees 41 minutes 43 seconds West 589.91 feet to an Eastern line of said Chadwick Village, Section 6; thence North 00 degrees 17 minutes 18 seconds East 17.57 feet along the Eastern line of said Chadwick Village, Section 6; thence North 66 degrees 33 minutes 49 seconds West 51.99 feet along the Eastern line of said Chadwick Village, Section 6; thence North 00 degrees 17 minutes 18 seconds East 110.00 feet along the Eastern line of said Chadwick Village, Section 6; thence North 89 degrees 41 minutes 44 seconds West 180.00 feet along the Northern line of said Chadwick Village, Section 6; thence North 00 degrees 17 minutes 18 seconds East 30.00 feet along the Eastern line of said Chadwick Village, Section 6 to the South line of the Northeast quarter of said Section 19; thence North 89 degrees 41 minutes 43 seconds West 2.04 feet along the South line of the Northeast quarter of said Section 19 to the Southwest corner thereof; thence North 89 degrees 41 minutes 44 seconds West 447.96 feet along the South line of the Northwest quarter of said Section 19 to the center of Elm Swamp Road; thence North 17 degrees 56 minutes 48 seconds East 210.00 feet along the center of said Elm Swamp Road; thence South 89 degrees 41 minutes 44 seconds East 389.42 feet; thence North 17 degrees 56 minutes 48 seconds East 511.18 feet; thence South 89 degrees 38 minutes 26 seconds East 2483.20 feet to the East line of the Northeast quarter of said Section 19; thence South 00 degrees 07 minutes 58 seconds West 687.4 feet along the East line of the Northeast quarter of said Section 19 to the point of beginning, containing 45.51 acres, more or less.

EXHIBIT B

