

**ORDINANCE NO. 2021-09**

**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 April 19, 2021 and forwarded Docket 21-16 to the Council with a favorable recommendation (7-0) to assign the Multi-Family Residential (MF) zoning classification for the Annexation Area; and,

**WHEREAS**, the Council has conducted a public hearing on April 26, 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 2021-06); 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 bordered by N Lebanon Street to the east and 300 N to the north 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 Multi-Family Residential (MF) 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.

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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

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John Copeland

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

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Morris Jones

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Morris Jones

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Mike Kincaid

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Mike Kincaid

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Mike Kincaid

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Sierra Messenger

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Sierra Messenger

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Sierra Messenger

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Dick Robertson

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

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Dick Robertson

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

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

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

ATTEST:

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

I hereby certify that ORDINANCE 2021-09 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ m.

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

I hereby APPROVE ORDINANCE 2021-09  
this \_\_\_\_ day of \_\_\_\_\_, 2021

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

I hereby VETO ORDINANCE 2021-09  
this \_\_\_\_ day of \_\_\_\_\_, 2021

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

ATTEST:

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Parcel 1: Beginning Ten and Thirty Two Hundredths (10.32) chains west and Fourteen and Four Hundred Twenty Five Thousandths (14.425) chains south of the northeast corner of the northwest quarter of section Twenty Four (24), township Nineteen (19) north of range One (1) west of the SECOND PRINCIPAL MERIDIAN, and run thence south Five and Sixty Four Hundredths (5.64) chains, thence east Twenty One and Eighty Two Hundredths (21.82) chains to the center of State Road Number Thirty Nine (39), thence north Ten and One Half (10.5) degrees west with the center of said road Five and Seventy Four Hundredths (5.74) chains; thence west Twenty and Seventy Seven Hundredths (20.77) chains to the point of the beginning, containing TWELVE (12) ACRES, MORE OR LESS.

Located in Center Township, Boone County, Indiana

Parcel 2: A part of the northwest quarter of Section 24, Township 19 North, Range 1 West, situated in Center Township, Boone County, Indiana, and being more particularly described as follows:

From a railroad rail at the northeast corner of the aforesaid tract, proceed thence north 89 degrees 23'24" west (the bearing computed from solar observation) along the section line for a distance of 166.98 feet to the point of the beginning. From said point of beginning, proceed thence south 0 degrees 06'49" west for a distance of 952.05 feet; thence north 89 degrees 23'24" west for a distance of 684.54 feet; thence north 0 degrees 10'33" west for a distance of 952.10 feet to the section line; thence south 89 degrees 23'24" east along the section line, for a distance of 689.35 feet to the point of beginning, containing 15.0133 acres, more or less, subject to an easement for a county highway on and along the entire northern boundary.

## **EXHIBIT B**



- ParcelsFromCounty
- Lebanon City Lim
- Roads
- Highways

