

**ORDINANCE NO. 00-6****AN ORDINANCE REZONING LAND  
AND CHANGING THE ZONING MAPS  
OF THE CITY OF LEBANON, INDIANA**

**WHEREAS,** The Board of Trustees of F.J. Witham Memorial Hospital has filed a petition seeking to change the zoning classification of approximately 25.48 acres of unimproved real estate in Center Township, Lebanon, Boone County, Indiana, the legal description of which is set forth on Exhibit A attached (the "Real Estate"), from its current AA Residential classification to PB-2 to allow for compatible usage with an adjacent parcel Witham also owns at the northeast corner of Anderson Lane (formerly 250 North) and State Road 39 as a health care campus; and

**WHEREAS,** following a duly noticed public hearing, the Plan Commission voted to pass the request on to the Common Council for the City of Lebanon with a favorable recommendation; and


**WHEREAS,** the Council, having considered the petition and the recommendation of the Plan Commission, the City's Comprehensive Plan, and other pertinent comments in writing or orally at regularly scheduled meetings, now approves this rezoning request, all as hereinafter set out.

**IT IS, THEREFORE, CONSIDERED, ORDAINED, AND ADOPTED** as follows:

1. The zoning classification of the Real Estate is hereby changed from AA Residential to PB-2 effective upon adoption of this ordinance and publication, if any, required by law.
2. Considering the current conditions and character of the land and other structures and uses around the Real Estate, the rezoning will not be detrimental to the public health, safety, welfare, or property values in this area. The rezoning does not violate the City Comprehensive Plan.
3. There will be no curb cuts from the Real Estate onto the three streets in Tradewinds subdivision which now dead end at the property line of the Real Estate, except insofar as the Plan Commission determines these streets should be looped to improve fire equipment accessibility.
4. From and after this date, the official zoning maps of the City shall be changed to reflect the rezoning in accordance with the above.
5. No development or construction on the Real Estate shall occur without compliance with and satisfaction of the requirements of the City Code and the orders of all applicable state and local regulatory officials, including the Board of Zoning Appeals.

**ORDAINED AND ADOPTED** this 12<sup>th</sup> day of June, 2000.

**COMMON COUNCIL OF THE CITY OF LEBANON**

  
\_\_\_\_\_  
Kay Geisler

*Andrea Hester*

Andrea Hester

*John W. Lasley*

John W. Lasley

Harold (Huck) E. Lewis

*Joe Rady*

Joe Rady

*Emmadell Sturgis*

Emmadell Sturgis

*James K. Urban*

James K. Urban

*James H. Acton*

Mayor James H. Acton

Attest:

*Louise O. Dean*

Clerk-Treasurer

Doc #69145  
(5/16/00)

## RESOLUTION OF THE BOARD OF TRUSTEES OF WITHAM MEMORIAL HOSPITAL

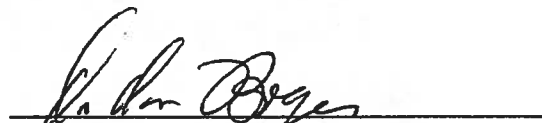
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**WHEREAS**, Witham Memorial Hospital is a nonprofit county-owned hospital committed to providing quality healthcare services to the citizens of Boone County; and

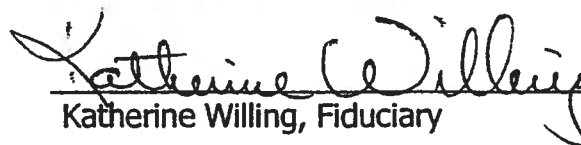
**WHEREAS**, Witham Memorial Hospital is currently in the pre-construction phase of building a new 116,000 square foot acute care facility and desires to plan for the future to avoid a landlocked situation, as well as present to the public our capabilities for future growth by rezoning an additional 26 acre parcel adjacent to the existing acreage;

**THEREFORE**, be it resolved that the Governing Body of Witham Memorial Hospital desires to be considerate of the concerns of the neighboring homeowners and has every intention to provide healthcare or healthcare related services on the entire 50 acre parcel.

  
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Judith Psikula, Chairman

  
\_\_\_\_\_  
Dr. Don Boyer, Vice Chairman

  
\_\_\_\_\_  
Jack E. Jones, Secretary

  
\_\_\_\_\_  
Katherine Willing, Fiduciary

## EXHIBIT A

A part of the northeast quarter of Section 24, Township 19 North, Range 1 West and a part of the southwest quarter of the northwest quarter of Section 19, Township 19 North, Range 1 East, all of which is situated in Center Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the northeast quarter of said Section 24; thence south 00 degrees 25 minutes 54 seconds west on the east line of said quarter section said line also being the range line common to Range 1 East and Range 1 West and also the Second Principal Meridian Line a distance of 1356.87 feet to the point of beginning of this description; thence south 89 degrees 18 minutes 30 seconds east on the south described line of the Lenox property recorded in Deed Record 245, page 822, said line also being the same line as recorded in Deed Record 240, page 754, a distance of 348.87 feet; thence south 00 degrees 25 minutes 00 seconds west on the west described line of Ulen Countryside Estates, Section One, recorded in Plat Book 7, page 70 & 71, a distance of 931.97 feet; thence north 89 degrees 22 minutes 40 seconds west on the north described line of the Quick property recorded in Deed Record 223, page 733, the north described line of the Shepherd property recorded in Deed Record 237, page 812, and that part of the north described line of the Shepherd property recorded in Deed Record 202, page 493, to a point on the aforesaid east line of the northeast quarter of Section 24, a distance of 349.11 feet; thence south 00 degrees 25 minutes 54 seconds west on said east line 2.88 feet; thence north 89 degrees 19 minutes 50 seconds west on that part of the north described line of the Shepherd property as recorded in said Deed Record 202 and the north described line of the Adams property recorded in Deed Record 167, page 541, and Deed Record 202, page 287, a distance of 331.77 feet; thence south 00 degrees 09 minutes 31 seconds west on the west described line of said Adams property recorded in said Deed Record 202 a distance of 348.52 feet; thence north 89 degrees 19 minutes 50 seconds west on the south line of the aforesaid northeast quarter of Section 24, and the approximate center line of County Road 250 North 507.65 feet; thence north 10 degrees 06 minutes 00 seconds west 1344.65 feet; thence north 82 degrees 48 minutes 04 seconds east 63.68 feet; thence north 07 degrees 11 minutes 56 seconds west 212.50 feet; thence south 82 degrees 48 minutes 04 seconds west 2.08 feet; thence north 07 degrees 11 minutes 56 seconds west 130.00 feet; thence north 82 degrees 48 minutes 04 seconds east 83.01 feet; thence north 81 degrees 43 minutes 12 seconds east 60.00 feet; thence south 08 degrees 16 minutes 48 seconds east 80.06 feet; thence north 81 degrees 43 minutes 12 seconds east 130.30 feet; thence north 08 degrees 21 minutes 39 seconds west 23.60 feet; thence north 81 degrees 37 minutes 38 seconds east 182.50 feet to a point on a non-tangent curve concave northeasterly, the radius point of said curve being north 81 degrees 37 minutes 38 seconds east 270.00 feet from said point; thence southeasterly along said curve 26.13 feet to a point on said curve, the radius point being north 76 degrees 04 minutes 58 seconds east 270.00 feet; thence north 76 degrees 04 minutes 58 seconds east 167.84 feet; thence south 02 degrees 06 minutes 31 seconds east 17.68 feet; thence south 44 degrees 18 minutes 30 seconds east 520.00 feet; thence south 67 degrees 18 minutes 30

seconds east 80.00 feet to the point of beginning. Subject to all legal highways, rights of way, easements and restrictions of record.

(Ref. only, 40.14 acres, more or less)

EXCEPT, a part of the northeast quarter of Section 24, Township 19 North, Range 1 West, and a part of the southwest quarter of the northwest quarter of Section 19, Township 19 North, Range 1 East all of which is situated in Center Township, Boone County, Indiana, being more particularly described as follows:

Commencing at the northeast corner of the northeast quarter of said Section 24; thence south 00 degrees 25 minutes 54 seconds west (assumed bearing) on the east line of said quarter section, said line also being the range line common to Range 1 East and Range 1 West and also the Second Principal Meridian Line a distance of 1356.87 feet; thence south 89 degrees 18 minutes 30 seconds east on the south described line of the Lennox property recorded in Deed Record 45, page 822; said line also being the same line as recorded in Deed Record 240, page 754 a distance of 348.87 feet; thence south 00 degrees 25 minutes 00 seconds west on the west described line of Ulen Countryside Estate, Section One, recorded in Plat Book 7, pages 70 & 71 a distance of 547.34 feet to the point of beginning of this description; thence continuing south 00 degrees 25 minutes 00 seconds west along said west described line 384.63 feet; thence north 89 degrees 22 minutes 40 seconds west on the north described line of the Quick property recorded in Deed Record 223, page 733, the north described line of the Shepard property recorded in Deed Record 237, page 812 and that part of the north described line of the Shepard property recorded in Deed Record 202, page 493, a distance of 349.11 feet to a point on the aforesaid east line of the northeast quarter of Section 24; thence south 00 degrees 25 minutes 54 seconds west on said east line 2.88 feet; thence north 89 degrees 19 minutes 50 seconds west parallel with the south line of said northeast quarter section and on that part of the north described line of the Shepard property recorded in Deed Record 202 and the north described line of the Adams property recorded in Deed Record 167, page 541 and Deed Record 202, page 287 a distance of 331.77 feet; thence south 00 degrees 09 minutes 31 seconds west on the west described line of said Adams property recorded in Deed Record 202 a distance of 348.52 feet to a point on the south line of the northeast quarter section and the approximate centerline of County Road 250 North; thence north 89 degrees 19 minutes 50 seconds west on said south line and the approximate centerline of County Road 250 North 458.99 feet; thence north 00 degrees 54 minutes 20 seconds east 300.00 feet; thence north 89 degrees 36 minutes 58 seconds west 106.86 feet; thence north 10 degrees 06 minutes 00 seconds west 365.16 feet; thence north 81 degrees 59 minutes 14 seconds east 178.73 feet; thence north 40 degrees 34 minutes 20 seconds east 102.15 feet; thence south 64 degrees 54 minutes 05 seconds east 243.29 feet; thence south 25 degrees 05 minutes 55 seconds west 2.86 feet; thence south 64 degrees 54 minutes 05 seconds east 119.63 feet; thence north 25 degrees 05 minutes 55 seconds east 85.03 feet; thence north 77 degrees 06 minutes 12 seconds east 43.67 feet; thence south 89 degrees 35 minutes 00 seconds east 190.00 feet; thence south 00 degrees 25 minutes 00 seconds west parallel with said west described line of Ulen Countryside Estate, Section One, 6.41 feet; thence south 89 degrees 35 minutes 00 seconds east 130.00 feet; thence north 00 degrees 25 minutes 00 seconds east 35.00 feet; thence south 89 degrees 19 minutes 50 seconds east parallel with said south line 150.00 feet; thence north 00 degrees 25 minutes 00 seconds east 6.96 feet; thence south 89 degrees 35 minutes 00 seconds east 190.00 feet to the place of beginning of this described.

(Ref. only, 14.121 acres, more or less)

(11.076 A., M/L - Pt. NE 1/4 Section 24, Township 19 North, Range 1 West)

(3.045 A., M/L - Pt. SW 1/4 NW 1/4 Section 19, Township 19 North, Range 1 East)

Note: Exception platted into Tradewinds, Section One, Lots 1-19, Lots 70-79, Lots 94-96, 108, and 109.

Also EXCEPT therefrom, those portions of the following description which may effect the above described real estate:

A part of the northeast quarter of Section 24, Township 19 North, Range 1 West, Boone County, Indiana, and being a part of the land of or formerly owned by Promontory Group, Inc. (Deed Record 254, pages 381-383, Office of the Recorder) more particularly described as follows:

Beginning at a point on the south line of said quarter section north 89 degrees 59 minutes 59 seconds west (assumed bearing) 240.518 meters (789.10 feet) from the southeast corner of said quarter section, said point also being the southwest corner of Tradewinds Subdivision, Section One as recorded in Plat Book 9, pages 17-21, Office of the Recorder; thence north 89 degrees 59 minutes 59 seconds west 14.832 meters (48.66 feet) along said south line to the west line of the owner's land; thence north 10 degrees 46 minutes 09 seconds west 9.161 meters (30.06 feet) along said west line; thence south 89 degrees 59 minutes 59 seconds east 16.581 meters (54.40 feet) to the west line of said subdivision; thence south 0 degrees 14 minutes 11 seconds west 9.000 meters (29.53 feet) along said west line to the point of beginning.

(Ref. only, 0.035 acres, more or less)

The portion of the above-described real estate which is not already embraced within public rights of way.

(Ref. only, 0.012 acres, more or less)

**Modernized Legal Description:**

A part of the northeast quarter of Section 24, Township 19 North, Range 1 West and a part of the southwest quarter of the northwest quarter of Section 19, Township 19 North, Range 1 East, all of which is situated in Center Township, Boone County, Indiana, being more particularly described as follows:

Beginning at the northeast corner of the northeast quarter of said Section 24; thence south 00 degrees 25 minutes 54 seconds west on the east line of said quarter section, said line also being the range line common to Range 1 West and Range 1 East and also the Second Principal Meridian Line, a distance of 1356.87 feet to the point of beginning of the description; thence south 89 degrees 18 minutes 30 seconds east on the south described line of the Lenox property recorded in Deed Record 245, page 822, said line also being the same line as described in Deed Record 240, page 754, a distance of 348.87 feet; thence south 00 degrees 25 minutes 00 seconds west on the west described line of Ulen Countryside Estates, Section One, recorded in Plat Book 7, pages 70-71, a distance of 547.34 feet; thence following the northernmost boundary of Tradewinds Section One, as recorded in Plat Book 9, page 17, as described by the following courses; north 89 degrees 35 minutes 00 seconds west a distance of 190.00 feet; thence south 00 degrees 25 minutes 00 seconds west a distance of 6.96 feet; thence north 89 degrees 19 minutes 50 seconds west a distance of 150.00 feet;

thence south 00 degrees 25 minutes 00 seconds west a distance of 35.00 feet; thence north 89 degrees 35 minutes 00 seconds west a distance of 130.00 feet; thence north 00 degrees 25 minutes 00 seconds east a distance of 6.41 feet; thence north 89 degrees 35 minutes 00 seconds west a distance of 190.00 feet; thence south 77 degrees 06 minutes 12 seconds west a distance of 43.67 feet; thence south 25 degrees 05 minutes 55 seconds west a distance of 85.03 feet; thence north 64 degrees 54 minutes 05 seconds west a distance of 119.63 feet; thence north 25 degrees 05 minutes 55 seconds east a distance of 2.86 feet; thence north 64 degrees 54 minutes 05 seconds west a distance of 243.29 feet; thence south 40 degrees 34 minutes 20 seconds west a distance of 102.15 feet; thence south 81 degrees 59 minutes 14 seconds west a distance of 178.73 feet; thence leaving said northernmost boundary of Tradewinds Section One, at a bearing of north 10 degrees 06 minutes 00 seconds west, along the west described line of the Board of Trustees of Witham Hospital property as recorded in Instrument No. 9707230, a distance of 674.66 feet; thence following the boundary line of the Samaritans, LLC property as recorded in Instrument No. 9805096, as described by the following courses; north 82 degrees 48 minutes 04 seconds east a distance of 63.68 feet; thence north 07 degrees 11 minutes 56 seconds west a distance of 212.50 feet; thence south 82 degrees 48 minutes 04 seconds west a distance of 2.08 feet; thence north 07 degrees 11 minutes 56 seconds west a distance of 130.00 feet; thence north 82 degrees 48 minutes 04 seconds east a distance of 83.01 feet; thence north 81 degrees 43 minutes 12 seconds east a distance of 60.00 feet; thence south 08 degrees 16 minutes 48 seconds east a distance of 80.06 feet; thence north 81 degrees 43 minutes 12 seconds east a distance of 130.30 feet; thence north 08 degrees 21 minutes 39 seconds west a distance of 23.60 feet; thence north 81 degrees 37 minutes 38 seconds east a distance of 182.50 feet; thence along a curve, being non-tangent to the preceding course, a radius of 270.00 feet with a central angle of 05 degrees 32 minutes 39 seconds, an arc length of 26.13 feet; thence north 76 degrees 04 minutes 58 seconds east a distance of 167.84 feet; thence south 02 degrees 06 minutes 31 seconds east, 17.68 feet; thence south 44 degrees 18 minutes 30 seconds east a distance of 520.00 feet; thence south 67 degrees 18 minutes 30 seconds east a distance of 80.00 feet to the point of beginning.

(Ref. only, 25.4806 acres, more or less.)