

**ORDINANCE NO. 2003 - 06****AN ORDINANCE REZONING PROPERTY  
AND CHANGING THE ZONING MAPS  
OF THE CITY OF LEBANON, INDIANA**

**WHEREAS**, the Petitioner, ProLogis Development Services, Inc, in person and by counsel, **Michael J. Andreoli**, filed their Petition for Zoning before the Lebanon Plan Commission, seeking to rezone 30.0 acres, in The City of Lebanon, Center Township, Boone County, Indiana, from the P.B. Planned Business District to the I.D. Industrial District Classification; and

**WHEREAS**, The Lebanon Plan Commission at their duly scheduled meeting of February 17, 2003, did forward to the Lebanon City Council, the Applicant's Petition for Rezoning with a unanimous "favorable" recommendation; and

**WHEREAS**, the Lebanon City Council having considered the Petition for Rezoning and the "favorable" recommendation made to them by the Lebanon Plan Commission, as well as all pertinent comments in writing or orally at their scheduled meeting held this day, now approves said rezoning, all as hereinafter set out.

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

1. That the Petitioner, ProLogis Development Services, Inc., is the fee simple owner of property located in the City of Lebanon, Center Township, Boone County, Indiana.
2. That the above described property is currently located in the P.B. Planned Business Classification and the Petitioner herein seeks to have the above described property rezoned to I.D. Industrial District Classification said property being more particularly described as follows:

## LEGAL

A part of the Southeast Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Lebanon, Indiana, being bounded as follows:

Commencing at the Northwest Corner of the Southeast Quarter of said Section 6; thence South 00 degrees 21 minutes 40 second West (assumed bearing) 812.39 feet along the West Line of said Southeast Quarter, also being along the eastern line of the Clancy D. and Patricia A. Fairfield Property as recorded in Deed Record 232, page 110 in the Office of the Recorder of Boone County, Indiana, and the eastern line of the Richard D. and Dorothy M. Hoffman Property as recorded in Deed Record 200, page 701 in said Recorder's Office to the northern right-of-way of Interstate 65 per plans for Indiana State Highway Project 03-44 (Lebanon Bypass) and per Right-of-Way Grant, recorded as Deed Record 164, Page 172 in said Recorder's Office, said point lying 100.00 feet (measured northerly in a perpendicular direction) from the centerline of said Interstate 65 as located on March 24, 1998, the following three (3) courses are along said northern right-of-way of Interstate 65; (1) thence South 72 degrees 01 minutes 11 seconds East 1201.98 feet to the POINT OF BEGINNING of this description; (2) thence continuing South 72 degrees 01 minutes 11 seconds East 558.77 feet to a point of curvature of a curve concave to the south, said point lying North 17 degrees 58 minutes 49 seconds east 6131.14 feet from the radius point of said curve; (3) thence easterly 402.76 feet along said curve to a point lying North 21 degrees 44 minutes 39 seconds East 6131.14 feet from the radius point of said curve; thence North 00 degrees 21 minutes 39 seconds East 297.72 feet perpendicular to the North Line of said Southeast Quarter; thence South 89 degrees 38 minutes 21 seconds East 30.00 feet parallel with said North line; thence North 00 degrees 21 minutes 39 seconds East 827.06 feet perpendicular to said North Line to the westerly extension of the Northern line of the 4.6686 acre tract conveyed to Monument Properties of Boone County, LLC, recorded as Instrument No. 9704972 in the Office of the Recorder of Boone County, Indiana; thence South 89 degrees 38 minutes 21 seconds East 183.47 feet along said westerly extension and along said northern line to the southerly extension of the western line of a tract of land conveyed to Norbert J. Stencil Grantor Retained Annuity Trust recorded as Instrument No. 9606297 in said Recorder's Office; thence North 00 degrees 08 minutes 11 seconds West 355.02 feet along said southerly extension and said western line to said North Line; thence North 89 degrees 38 minutes 21 seconds West 1122.54 feet along said North Line, also being along part of the southern line of the Farmer State Corporation Property recorded in Deed Record 213, page 310 in said Recorder's Office, and along a part of the southern line of the Charles Hendricks Property recorded as Deed Record 238, pages 203-204 in said Recorder's Office, to a point lying South 89 degrees 38 minutes 21 seconds East 1145.58 feet from the Northwest Corner of said Southeast Quarter; thence South 00 degrees 21 minutes 39 seconds West 1176.22 feet perpendicular to said North line to the POINT OF BEGINNING, containing 30.000 acres, more or less.

*Way Hester*

Council Member

*Paul A. Rody*

Council Member

*Andrea Hester*

Council Member

*Emmanuel Sturz*

Council Member

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )  
COUNTY OF BOONE )

BEFORE THE CITY COUNCIL  
OF THE CITY OF LEBANON  
and the LEBANON PLAN  
COMMISSION

1-28-03  
KE  
FILE

IN RE: THE MATTER OF A PETITION )  
FOR REZONING INTO THE CITY OF )  
LEBANON, INDIANA filed by PROLOGIS )  
DEVELOPMENT SERVICES, INC. )  
Petitioner.

**PETITION FOR REZONING**

Come now the Petitioner, in person and by counsel, Michael J. Andreoli, and for their Petition for Rezoning, and would allege and say as follows:

1. That the Petitioners are ProLogis Development Services, Inc. fee-simple property owner of thirty (30) acres, more or less located generically in the Lebanon Commerce Park at the intersection of Indianapolis and Hall-Baker Roads, more particularly described as follows:

**SEE ATTACHED LEGAL – EXHIBIT “A”**

2. That approximately five (5) acres of the above-described property, more or less, is zoned ID-Industrial District (I-1 Enclosed Industrial). The balance is zoned PB-Planned Business District (PC-1 Planned Business 1). Petitioner seeks to rezone the entire parcel to the ID-Industrial District classification.

3. That the rezoning of the above property will in no way be detrimental to the public health, safety, welfare and property values in the area. Further, the rezoning of this property will in no way violate the Lebanon Master Plan or the Lebanon County Zoning Ordinance.

**WHEREFORE**, the Petitioner requests that the Lebanon Plan Commission conduct a Public Hearing on this request, grant a favorable recommendation to the City Council of Lebanon to approve said rezoning, and for all other proper relief in the premises.

**PROLOGIS DEVELOPMENT SERVICES, INC.**

By: 

Jeremy Woods

**DONALDSON, ANDREOLI & TRUITT**

By: 

Michael J. Andreoli,  
Attorneys for ProLogis Development  
Services, Inc.

**LEGAL**

**ProLogis Development Services, Inc.**

A part of the Southeast Quarter of Section 6, Township 18 North, Range 1 East, Center Township, Boone County, Lebanon, Indiana, being bounded as follows:

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**EXHIBIT "A"**

## NOTICE OF PUBLIC HEARING

Please take notice that the Lebanon Plan Commission will, at their regularly scheduled meeting on Tuesday, February 18, 2003, at 7:00 p.m. in the City Building located at 201 E. Main Street, Lebanon, Indiana 46052, consider a Petition for Rezoning filed by ProLogis Development Services, Inc., individually and through their counsel, Michael J. Andreoli, said property located generically at Lebanon Commerce Park at the intersection of Indianapolis and Hall Baker Roads, and consisting of thirty (30) acres more or less, and more particularly described as follows:

### LEGAL

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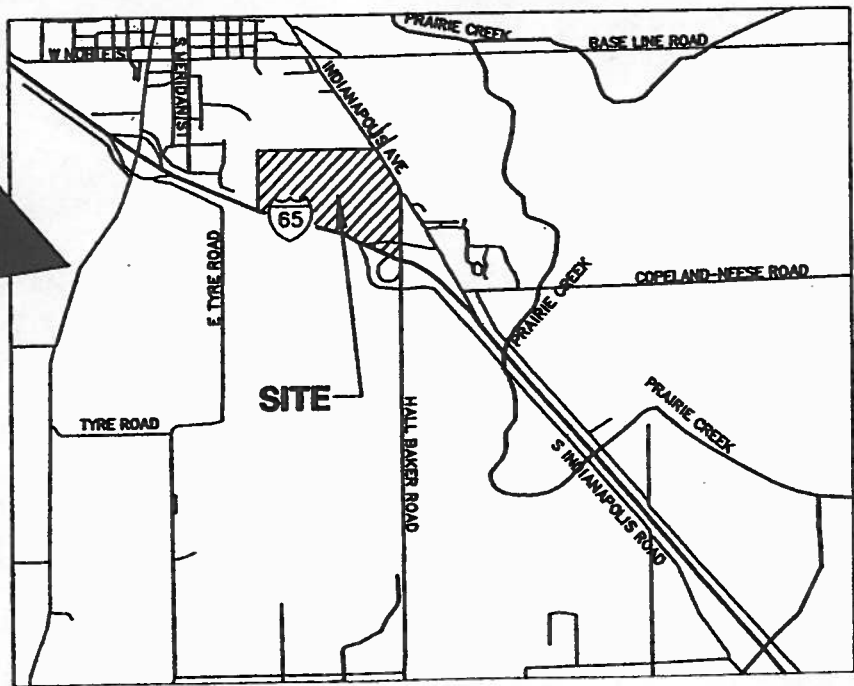
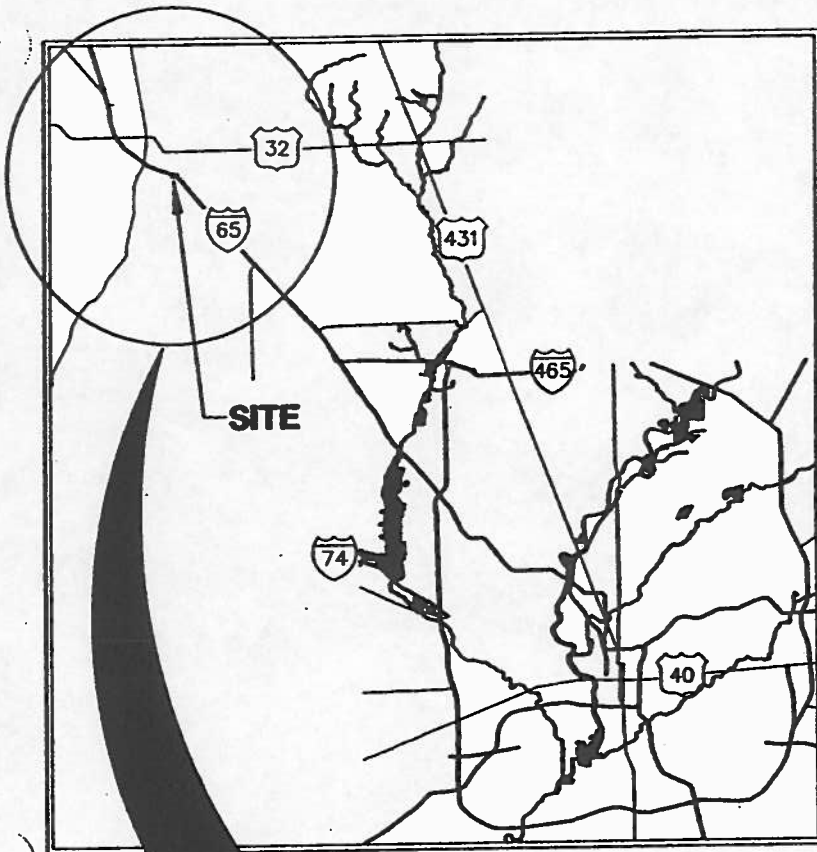
the Charles Hendricks Property recorded as Deed Record 238, pages 203-204 in said Recorder's Office, to a point lying South 89 degrees 38 minutes 21 seconds East 1145.58 feet from the Northwest Corner of said Southeast Quarter; thence South 00 degrees 21 minutes 39 seconds West 1176.22 feet perpendicular to said North line to the POINT OF BEGINNING, containing 30.000 acres, more or less.

All interested parties are urged to attend this public hearing, and shall be given an opportunity to make statement and testify as to the Petition. A copy of the Petition for Annexation is on file and may be examined prior to the Public Hearing from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for Holidays, in the Offices of the Building Inspector in the Lebanon City Building, Lebanon, Indiana 46052. Written comments in support of or in opposition of the Petition that are filed with the Lebanon City Council prior to the Public Hearing will be considered. The Public Hearing is open to the public and will continue from time to time until completed.

Clerk/Treasurer City of Lebanon



# Lebanon Commerce Park



**AMERICAN CONSULTING ENGINEERS, INC.**

ARCHITECTS ENGINEERS  
 4165 MILLERSVILLE ROAD INDIANAPOLIS, INDIANA 46205 (317) 547-5580

SCALE: NONE	
DATE: 12/30/97	
DRAWN BY: JCB	
DRAWN BY:	
JOB NO. 97-728	(C) Copyright 1997

**MATERIAL REPRESENTATIONS AND COMMITMENTS**  
**IN SUPPORT OF PROPOSED ZONE MAP CLASSIFICATION**  
**IN ACCORDANCE WITH I.C. 36-7-4-610.5**

The Applicant, Crossmann Communities, Inc., in support of their proposed Zone Map Classification to MF-1 Residential, would make the following material representations and commitments to the Lebanon Plan Commission and Lebanon City Council, as follows:

- The proposed development and use of the subject property will not include apartments--single-family only;
- The Applicant will extend existing public roadway in and through right-of-way and/or public easement so to create an entrance and exit from the proposed development to the south; and
- Not more than 40% of all lots in the proposed subdivision will be less than 7,200 square feet. No lot in the subdivision shall be less than 6,000 square feet.