

ORIGINAL

ORDINANCE NO. 03-09

**AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP
OF THE CITY OF LEBANON PURSUANT TO INDIANA CODE § 36-7-4-608**

WHEREAS, the Applicant Tom J. Presutti (the “Applicant”), as an interested person and with the consent of the record owner, The Board of Trustees of Witham Memorial Hospital, filed his Petition for zone map change pursuant to Ind. Code § 36-7-4-608 (the “Application”) before the City of Lebanon Plan Commission, seeking to rezone 2.8612 acres, more or less, in the City of Lebanon, Boone County, Indiana, from the MF-Multi-Family Zoning Classification to the PB-Planned Business Zoning Classification;

WHEREAS, Indiana Code §36-7-4-600 *et seq.* confers upon the Common Council of the City of Lebanon the power to determine reasonable zoning requirements for property within the City’s corporate boundaries;

WHEREAS, the property commonly known as 1124 North Lebanon Street, and more particularly described on Exhibit A attached hereto (the “Property) in the City of Lebanon, is currently zoned MF-Multi-Family;

WHEREAS, a duly noticed public hearing was held by the City of Lebanon Plan Commission on March 31, 2003;

WHEREAS, the City of Lebanon Plan Commission certified the Application to change the zone classification for the Property to PB-Planned Business to the Common Council of the City of Lebanon with a favorable recommendation;

WHEREAS, the Common Council of the City of Lebanon has been requested to amend the Official Zone Map for the City of Lebanon, and fix a time when same shall take effect;

WHEREAS, the Lebanon City Council considered the Application at its regular public meetings on April 14, 2003 and June 9, 2003; and

WHEREAS, this Common Council of the City of Lebanon having considered the Application, as well as all pertinent comments in writing and orally at their regular meeting held this day, now approves said Application, all as hereinafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

1. **Official Zone Map Amendment.**

(a) The Official Zone Map of the City of Lebanon Zoning Ordinance is hereby amended to rezone the Property located in the City of Lebanon, as more particularly described in Exhibit A attached hereto, from its current MF-Multi-Family zoning classification to the PB-Planned Business zoning classification. Such Property and the rezoning thereof shall be subject to those certain Deed Restrictions and Written Commitments Concerning the Use or Development of Real Estate Made in Connection with a Zone Map Change, attached hereto and incorporated by reference herein.

(b) The Clerk/Treasurer and Staff are directed to take all actions required to implement this Zone Map Amendment.

2. **Construction of Clause Headings.** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be

deemed to define, limit or extend the scope or intent of the clause to which they appertain.

3. **Repeal of Conflicting Ordinances.** The provisions of all other City ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

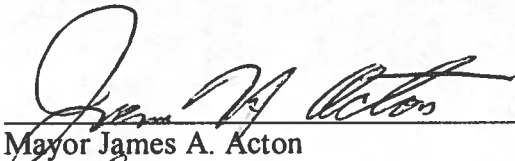
4. **Severability.** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. **Effective Date.** This Ordinance shall be in full force and effect from and after the date of any required publication.

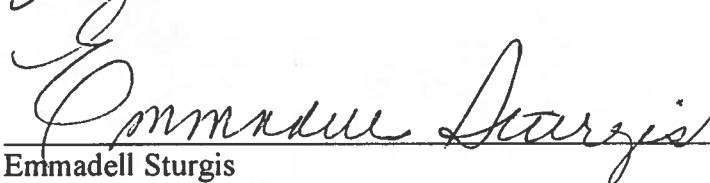
Introduced and filed on the 23rd day of June, 2003.

DULY PASSED AND ADOPTED this 23rd day of June, 2003, by the Common Council of the City of Lebanon, Boone County, Indiana.

COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA



Mayor James A. Acton



Emmadell Sturgis

Carl J. Rady

Carl J. Rady

Kay Geisler

Kay Geisler

Andrea Hester

John W. Lasley

John W. Lasley

Harold (Huck) Lewis

Harold "Huck" Lewis

James K. Urban

James K. Urban

ATTEST:

Elaine Kinsler, Clerk-Treasurer

Elaine Kinsler, IAME

Exhibit A

Legal Description of the Property

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 1 West, Center Township, Lebanon, Boone County, Indiana, more fully described by: Commencing at the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 25; thence within Camp Street and along the Quarter Quarter Section line, South 89°19'04" East 289.50 feet; thence along the East described line of the Indiana Methodist Episcopal Children's Home Property recorded in Deed Record 119, Page 507, Boone County Recorder's Office, South 00°32'46" West 30.82 feet to the Point of Beginning; thence along the South described right of way line of Camp Street recorded in Deed Record 238, Pages 520-21, South 89°09'23" East 375.26 feet; thence along the Northeast described line of said right of way line, South 42°46'16" East 27.14 feet; thence along the Westerly right of way line of Lebanon Street, South 09°52'59" East 321.53 feet; thence along the apparent North right of way line of Essex Street, North 89°19'04" West 136.98 feet; thence along the apparent North right of way line of Essex Street, North 88°28'14" West 315.14 feet; thence along the East described line of said Children's Home Property, North 00°32'46" East 332.18 feet to the Point of Beginning, containing 3.2309 Acres, more or less.

EXCEPT: Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 19 North, Range 1 West, Center Township, Lebanon, Boone County, Indiana, more fully described by: Commencing at the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 25; thence within Camp Street and along the Quarter Quarter Section line, South 89°19'04" East 289.50 feet; thence along the East described line of the Indiana Methodist Episcopal Children's Home Property recorded in Deed Record 119, Page 507, Boone County Recorder's Office, South 00°32'46" West 363.00 feet; thence along the apparent North right of way line of Essex Street, South 88°28'14" East 303.05 feet to the Point of Beginning; thence North 11°36'58" West 79.25 feet; thence North 80°39'00" East 18.08 feet; thence North 09°21'00" West 1.21 feet; thence North 80°39'00" East 67.31 feet; thence North 09°41'14" West 36.60 feet; thence North 80°39'00" East 63.40 feet; thence along the Westerly right of way line of Lebanon Street, South 09°52'59" East 143.14 feet; thence along the apparent North right of way line of said Essex Street, North 89°19'04" West 136.98 feet; thence along the apparent North right of way line of said Essex Street, North 88°28'14" West 12.09 feet to the Point of Beginning, containing 0.3697 Acre, more or less.

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ORDINANCE NO. 2003- 09

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OF THE CITY OF LEBANON PURSUANT TO INDIANA CODE § 36-7-4-608**

WHEREAS, the Applicant Tom J. Presutti (the "Applicant"), as an interested person and with the consent of the record owner, The Board of Trustees of Witham Memorial Hospital, filed his Petition for zone map change pursuant to Ind. Code § 36-7-4-608 (the "Application") before the City of Lebanon Plan Commission, seeking to rezone 2.8612 acres, more or less, in the City of Lebanon, Boone County, Indiana, from the MF-Multi-Family Zoning Classification to the PB-Planned Business Zoning Classification;

WHEREAS, Indiana Code §36-7-4-600 et seq. confers upon the Lebanon ~~City~~ *Common* Council the power to determine reasonable zoning requirements for property within the City's corporate boundaries;

WHEREAS, the property commonly known as 1124 North Lebanon Street, and more particularly described on Exhibit A attached hereto (the "Property") in the City of Lebanon, is currently zoned MF-Multi-Family;

WHEREAS, a duly noticed public hearing was held by the City of Lebanon Plan Commission on March 31, 2003;

WHEREAS, the City of Lebanon Plan Commission certified the Application to change the zone classification for the Property to PB-Planned Business to the Lebanon City Council with a favorable recommendation;

WHEREAS, the City of Lebanon ~~City~~ *Common* Council has been requested to amend the Official Zone Map for the City of Lebanon, and fix a time when same shall take effect;

Common
WHEREAS, the Lebanon ~~City~~ Council considered the matter at its regular public meetings on April 14, 2003 and ~~May 12, 2003~~; and *June 9, 2003*

Common Council City of Lebanon
WHEREAS, this Board of Commissioners having considered the Application, as well as all pertinent comments in writing and orally at their regular meeting held this day, now approves said Application, all as hereinafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

1. **Official Zone Map Amendment.**

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(b) The Clerk/Treasurer and Staff are directed to take all actions required to implement this Zone Map Amendment.

2. **Construction of Clause Headings.** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

3. **Repeal of Conflicting Ordinances.** The provisions of all other City ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

4. **Severability.** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. **Effective Date.** ~~An emergency exists for the passage of this Ordinance~~
~~and that~~ the same shall be in full force and effect from and after the date hereof.

Introduced and filed on the ____ day of _____, 2003.

DULY PASSED AND ADOPTED this ____ day of _____, 2003,
by the City Council of the City of Lebanon, Boone County, Indiana, having passed by a
vote of ____ in favor and ____ opposed.

CITY OF LEBANON, INDIANA
BY ITS CITY COUNCIL

ATTEST:

Lebanon Clerk-Treasurer

Exhibit A

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1st Reading
6/9/03

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Commissioner
WHEREAS, the Lebanon City Council considered the matter at its regular public meetings on April 14, 2003 and ~~May 12, 2003~~ *June 9*; and

WHEREAS, this Board of Commissioners having considered the Application, as well as all pertinent comments in writing and orally at their regular meeting held this day, now approves said Application, all as hereinafter set out.

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Introduced and filed on the ____ day of _____, 2003.

DULY PASSED AND ADOPTED this ____ day of _____, 2003,
by the City Council of the City of Lebanon, Boone County, Indiana, having passed by a
vote of 5 in favor and 1 opposed. *1 of*

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CITY OF LEBANON, INDIANA
BY ITS CITY COUNCIL

ATTEST:

Lebanon Clerk-Treasurer

Exhibit A

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