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+ 2 Non  
Kirtley Taylor Sims Chad & Minnette

**ORDINANCE 2014 - 12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEBANON, INDIANA, ANNEXING TERRITORY TO THE CITY OF LEBANON, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF LEBANON**

WHEREAS, the City Council ("Council") of the City of Lebanon ("City"), Indiana, deems it desirable and in the best interest of the City to annex to the City certain territory as hereinafter described ("Annexation Territory"); and

WHEREAS, the Annexation Territory is owned by one (1) owner ("Owner"), who owns and controls one hundred percent (100%) of the property with a common address of 1285 West State Road 32, Lebanon, IN 46052; and

WHEREAS, the Owner has filed with Council a Petition for Voluntary Annexation ("Petition"), pursuant to IC 36-4-3-5.1; and

WHEREAS, the Petition states the Owner waives any statutory right to public notice under IC 5-3-1 and further waives any right to the adoption of a fiscal plan; and

WHEREAS, a map and legal description of the Annexation Territory is attached hereto as Exhibit A; and

WHEREAS, the Annexation Territory consists of approximately seventy one hundredths (0.71) acres; and

WHEREAS, the Annexation Territory is contiguous to the existing corporate boundaries of the City; and

WHEREAS, the City has introduced the Petition and Annexation Ordinance at a public meeting as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Lebanon, Indiana, as follows:

1. The above recitals are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. §36-4-3 et seq., the Annexation Territory is hereby annexed to the City and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District No. 4.
4. The Annexation Territory shall be zoned Planned Business Industrial (PBI).

All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, and words of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion unconstitutional, invalid or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.

The effective date of this annexation shall be not less than thirty (30) days following its adoption and execution and publication as required by law.

Adopted by the City Council of the City of Lebanon, Indiana, on the 8<sup>th</sup> day of September, 2014.

THE CITY COUNCIL OF THE TOWN OF  
LEBANON, INDIANA

Harold "Huck" Lewis  
Harold "Huck" Lewis, Mayor

Keith Campbell  
Keith Campbell

ABSENT  
John Copeland

Mike Kincaid  
Mike Kincaid

Lana Kruse  
Lana Kruse

Jeremy Lamar  
Jeremy Lamar

Steve Large  
Steve Large

ABSENT  
Preston Myers

ATTEST:

Tonya Thayer  
Tonya Thayer, Lebanon Clerk-Treasurer

I affirm under penalties for perjury that I have taken reasonable care to redact each Social Security Number in this document unless required by law. *Printed name:* Bob Clutter

This instrument prepared by Bob Clutter, Attorney at Law, Indiana Supreme Court #13942-49, 117 W. Main Street, Lebanon, Indiana 46052.

## **EXHIBIT A**

**Annexation Description  
City of Lebanon**

Tax Parcel ID number 001-09510-00  
Address 1285 West State Road 32, Lebanon, IN 46052



Residing in Platte County,  
mo

③  
20.00  
+2.00 on  
Lawyers Title

Instrument PG 1 OF 3  
201400005737  
Filed for Record in  
BOONE COUNTY, INDIANA  
NICOLE K. (NIKKI) BALDWIN, RECORDER  
07-14-2014 At 03:00 pm.  
DEED 22.00

**COPY**

**WARRANTY DEED**  
Parcel No. 001-09510-00

THIS INDENTURE WITNESSETH. That McCardwell Properties, LLC, an Indiana limited liability company ("Grantor") CONVEYS AND WARRANTS to Lebanon 65, LLC, a Missouri limited liability company ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Boone County, State of Indiana:

**SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN**

Property Address: 1285 W SR 32, Lebanon, IN 46052

The undersigned person executing this deed on behalf of Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this deed this day of 14<sup>th</sup> of July, 2014.

[The remainder of this page intentionally left blank.]

WHEN RECORDED RETURN TO:  
LAWYERS TITLE COMMERCIAL SERVICES  
135 N. PENNSYLVANIA STREET  
SUITE 710  
INDIANAPOLIS, IN 46204  
CASE NO. 14-007671A

DULY ENTERED FOR TAXATION  
7-14-2014  
Deanne Wohlhelt  
SUBJECT TO FINAL ACCEPTANCE  
AUDITOR, BOONE COUNTY

GRANTOR

MCCARDWELL PROPERTIES, LLC,  
an Indiana limited liability company

By: Terry McCardwell  
Terry McCardwell, Manager

ACKNOWLEDGMENT

STATE OF INDIANA )  
COUNTY OF Boone ) SS:

Before me, a Notary Public in and for said County and State, personally appeared Terry McCardwell, as Manager of McCardwell Properties, LLC, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 16<sup>th</sup> day of July, 2014.

My Commission expires:

5/17/2016

Signature Terrance Merrell

Printed TERRANCE MERRELL

Resident of HAMILTON County

State of INDIANA



Send Tax Bills to: Lebanon 65, LLC, c/o Northpoint Development, 5015 NW Canal Street, Suite 200, Riverside, Missouri 64150

Grantor's Mailing Address: Lebanon 65, LLC, c/o Northpoint Development, 5015 NW Canal Street, Suite 200, Riverside, Missouri 64150

This instrument prepared by: Marcus G. Abbott, Attorney at Law, Levy Craig Law Firm, 1301 Oak Street, Suite 500, Kansas City, Missouri 64106. Telephone: 816-474-8181.

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Jeffrey R. Wade, Attorney at Law



**EXHIBIT A**

## Legal Description

Part of the West Half of the Southeast Quarter of Section 35, Township 19 North, Range 1 West, bounded and described as follows: Beginning at a point on the North line of said half-quarter section which is 301.34 feet, West of the Northeast corner thereof, said point being also in the centerline of Indiana State Highway #32; thence South 0° 22' East, with a fenceline, 238.5 feet to an iron pin; thence West, with a fenceline, 149.0 feet, to an iron pin; thence North 0° 22' West, 238.5 feet, to the centerline of the Highway; thence East, with the centerline of the Highway, 149.0 feet to the beginning, containing 0.815 acres, more or less, subject to the Right-of-Way of a public Highway, in Boone County, Indiana.

LESS AND EXCEPT: That part of the above-described property conveyed to the State of Indiana by Warranty Deed dated July 12, 2001 and recorded September 28, 2001 as Instrument No. 0111854, more particularly described as follows:

A part of the West Half of the Southeast Quarter of Section 35, Township 19 North, Range 1 West, Boone County, Indiana, and being that part of the grantors' land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the northeast corner of said west half; thence South 89 degrees 33 minutes 59 seconds West 91.849 meters (301.34 feet) along the north line of said quarter section to the northeast corner of the grantors' land; thence South 0 degrees 41 minutes 28 seconds East 11.880 meters (38.98 feet) along the east line of the grantors' land to the south boundary of S.R. 32 and the point of beginning of this description; thence continuing South 0 degrees 41 minutes 28 seconds East 12.108 meters (39.73 feet) along said east line to point "441" designated on said plat; thence North 56 degrees 04 minutes 38 seconds West 7.112 meters (23.33 feet) to point "159" designated on said plat; thence South 89 degrees 42 minutes 00 seconds West 39.562 meters (129.80 feet) to the west line of the grantors' land; thence North 0 degrees 41 minutes 28 seconds West 8.108 meters (26.60 feet) to the south boundary of SR 32; thence North 89 degrees 42 minutes 00 seconds East 45.416 meters (149.00 feet) along said south boundary to the point of beginning and containing 0.0380 hectares (0.094 acres) more or less.

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*parcel number  
001-09510-00 .71 acres*

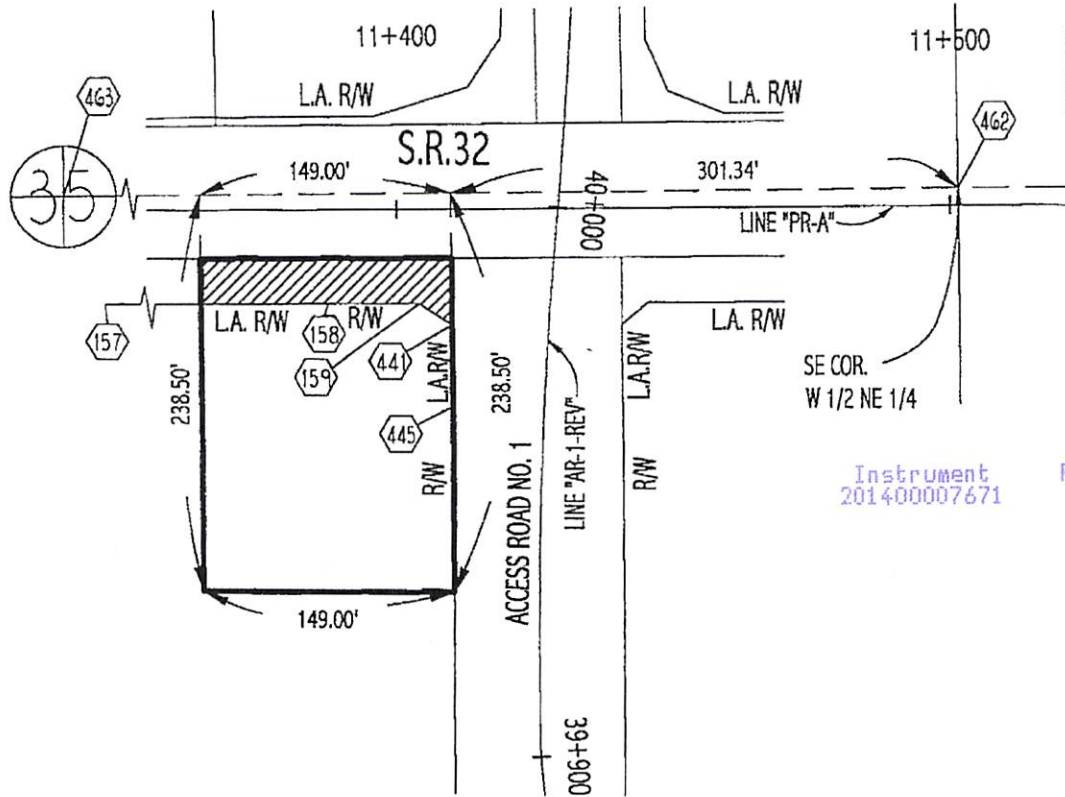
{1893/084/TITLE/00850615;1}

*Sold to Lebanon 65 LLC on 7-14-2014*

# RIGHT-OF-WAY PARCEL PLAT

Prepared for Indiana Department of Transportation  
by Paul I. Cripe, Inc. (Job No. 980533-30021)

0 10m 20m 30m  
SCALE 1:1000




SE COR.  
W 1/2 NE 1/4

Instrument  
201400007671

PG 11 OF 11

0111854 09/28/2001 11:59A 5 of 6  
Maryln J. Smith, Boone County Recorder

PARCEL: 16	OWNER: SMITH, MILBURN R. ET AL	DRAWN BY: C.M. OUILLEN 5/3/2000
CODE: 3837		CHECKED BY: R.J. COYLE 5/5/2000
PROJECT: STP-088-3(002)		DES. NO.: 8574050
ROAD: SR 32	 HATCHED AREA IS THE APPROXIMATE TAKING	DEED BOOK 222, PAGE 364, DATED 6/27/1973
COUNTY: BOONE		
SECTION: 35	NOTE: PROPERTY LINE DIMENSIONS ARE SHOWN IN ENGLISH	
TOWNSHIP: 19 N.		
RANGE: 1 W.		

DIMENSIONS SHOWN ARE FROM THE ABOVE LISTED RECORD DOCUMENTS.

*the "hatched" area is the R-O-W for State of Indiana.*