

RESOLUTION NO. 2007 - 01

**RESOLUTION ADOPTING A WRITTEN FISCAL PLAN ESTABLISHING
A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXED AREA
(The Lebanon 39 South Land Annexation)**

WHEREAS, the City of Lebanon is tentatively in favor of a 100% voluntary petition to annex into its corporate boundaries ten (10) distinct tracts of contiguous land containing a total of approximately 573 acres located in Center Township, Boone County, Indiana, more specifically described in Exhibit A-1 through A-11 (excepting Exhibit A-10 which has been deleted) to the fiscal plan attached hereto; and

WHEREAS, the City desires to adopt a fiscal plan and a definite policy for the provision of services to the annexed areas; and

WHEREAS, such a plan has been developed and presented to the Common Council of the City of Lebanon, Indiana, entitled ANNEXATION FISCAL PLAN - "Lebanon 39 South".

RESOLVED


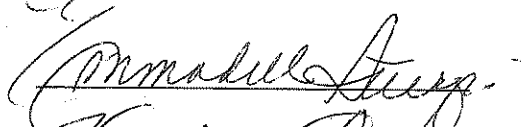
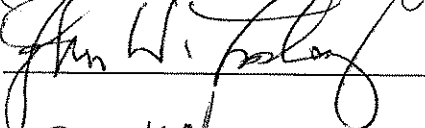
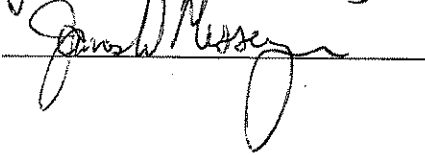
NOW, THEREFORE, BE IT ~~ORDAINED~~ BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, as follows:

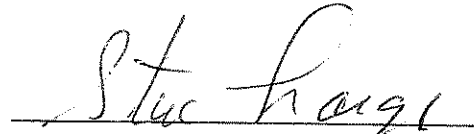
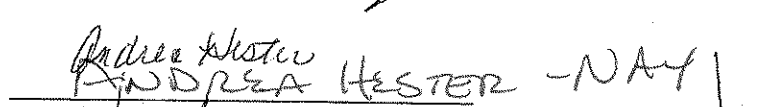
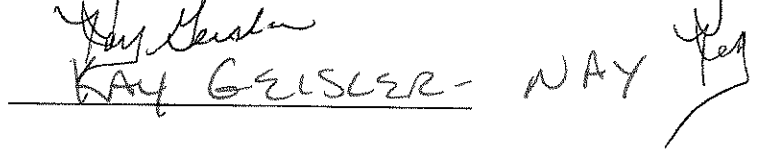
Section 1. The Common Council of the City of Lebanon hereby approves and adopts the above-referenced ANNEXATION FISCAL PLAN, which is attached hereto and made a part hereof, and hereby approves and adopts the specific policies for implementation of the plan as set out therein.

Section 2. Any monies necessary for the provision of services as described and itemized in the attached plan shall be budgeted and appropriated from the applicable fund pursuant to State law and the City's budgetary procedures.

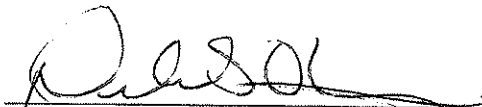
Section 3. It is anticipated that this annexation will not result in the elimination of jobs for employees of other governmental entities, and it is determined the fiscal impact of the proposed annexation would be positive for the City of Lebanon.

Passed in Council this 8 day of JAN, 2007.









ANDREA HESTER - NAY

KAY GEISLER - NAY

Presented by me to this 8 day of JAN, 2007.


Deborah S. Ottinger, Clerk-Treasurer

Approved by me this 8 day of JAN, 2007.


James H. Acton, Mayor
City of Lebanon, Indiana

**CITY OF LEBANON, INDIANA
AMENDED ANNEXATION FISCAL PLAN
LEBANON 39 SOUTH TERRITORY**

This Fiscal Plan is proposed for consideration and approval in accordance with IND. CODE § 36-4-3-3.1 and relates to the proposed 100% voluntary annexation into the corporate limits of the City of Lebanon ten (10) distinct tracts of contiguous land containing approximately 572.931 acres located in Center Township, Boone County. The land to be annexed is depicted on Exhibit A attached hereto and generally located south of I-65 and east of SR 39, more particularly described in Exhibits B-1 through B-9 attached hereto, sometimes hereinafter referred to as the "Territory."

The Territory consists primarily of undeveloped agricultural land, except for a commercial lumber yard facility on an 8-acre parcel, four single-family homes, and several farm-related structures. The owners of the land in the Territory have requested annexation in order to improve access to public services and facilitate possible future development in the Territory. The proposed zoning classifications of Professional Business (PB) and Industrial District (ID) are consistent with the zoning classifications of neighboring lands already in the City and would facilitate anticipated development that is consistent with the recommended future uses under the revised Comprehensive Plan now in the final stages of drafting and adoption by the City of Lebanon. The proposed zoning classifications upon annexation are also consistent with the recommendation of the Lebanon Plan Commission following a public hearing on November 20, 2006.

Twenty-five percent (25%) of the aggregate external boundaries of the Territory coincides with the current boundaries of the City of Lebanon. This exceeds the statutorily required twelve and one-half percent (12½ %). IND. CODE § 36-4-3-1.5. In addition, the Territory "is needed and can be used" by the City for its development in the reasonably near future. The Territory is adjacent to the I-65/SR 39 interchange on the north and enjoys good access to the CSX rail line on the south, making parts of the Territory an ideal location for industrial development. Parts of the Territory are currently attracting interest by companies seeking to construct commercial and/or industrial facilities. The adjacent Lebanon Business Park has been successfully developed with similar uses to those which are anticipated in the Territory. The City has undertaken the development of a Comprehensive Plan update, which includes the Territory, in order to provide for uniform and managed growth. That updated plan is ready for adoption by the City in the coming weeks. In order to control anticipated development in accordance with the comprehensive plan, it is necessary to include the Territory within the City's corporate limits through annexation.

This plan is prepared with an anticipated effective date in the first quarter of 2007. The assumptions contained in this plan are based upon the City providing appropriate municipal services, both capital and non-capital, to the property within the annexed territory in its current configuration and level of land use. However, the owners of land in the Territory expressly waive as a condition of annexation any requirement that capital

services be extended within three (3) years after the effective date of annexation as provided in IND. CODE § 36-4-3-13. It is expected that non-capital services would be extended to and maintained in the Territory within one (1) year of annexation consistent with IND. CODE § 36-4-3-13.

ARTICLE I – GENERAL ADMINISTRATION

The City of Lebanon Administration includes the Mayor, a seven (7) member City Council, and a Clerk-Treasurer. The City also employs a City Attorney, a Building Commissioner, a Street Commissioner, a Park Director, and a General Manager of its Municipal Utility. The general administration services provided by the City to its citizens will be extended to the Territory immediately upon the effective date of the annexation. In addition, upon the effective date of the annexation, residents of the Territory (believed to be approximately 10) will be entitled to vote in any regular or special municipal elections for which residents are eligible.

The administrative staff, as presently composed, has the capability of meeting the needs of the Territory upon annexation in the same manner and to the same extent it does with the rest of the community. The hiring of additional administrative personnel is not anticipated and additional capital expenditures for General Administration also are not anticipated.

ARTICLE II – FIRE PROTECTION

The fire department is a modern, well-equipped department with a variety of special purpose firefighting vehicles and equipment. Its main branch is in downtown Lebanon and it has a new branch on the north side of Lebanon. City water is currently on the west side of SR 39 to a point approximately 900 feet south of Enterprise Drive with water pressure and hydrants sufficient to meet the fire department's needs for firefighting in the Territory.

The Territory is within the current service area of the Center Township Fire Department. The City will extend fire protection services to the Territory within one year of the effective date of the date of annexation. During the transition period, the City will coordinate with the Center Township Fire Department to effectively convert public safety service to the City's jurisdiction.

Two underground gas pipelines extend through the Territory, which pose some unknown but likely minimal risk of fire or other incident. The Lebanon Fire Department, as presently composed, has the capability of meeting the needs of the Territory upon annexation in the same manner and to the same extent it does with the rest of the community. The additional acreage in the Territory will not require the addition of any new firefighters to the department or the purchase of any additional equipment.

ARTICLE III – POLICE PROTECTION

The Lebanon Police Department currently consists of twenty-nine (29) regular officers. Based on the 2000 census of 14,222, there is currently a ratio of approximately one regular police officer for each 490 residents. The City will extend police patrols, 911 response and other police protection services into the Territory within one year of the effective date of the annexation. During the transition period, the City will coordinate with the Boone County Sheriff to effectively convert public safety service to the City's jurisdiction.

The Police Department, as presently composed, has the capability of meeting the needs of the Territory upon annexation in the same manner and to the same extent it does with the rest of the community. The hiring of additional officers, or the purchase of any additional equipment, is not anticipated by reason of the annexation

ARTICLE IV – SANITARY SEWERS

The City of Lebanon owns and operates a municipal sanitary sewer collection system and wastewater treatment plant. Currently, the City has a 12-inch sanitary line located on the west side of SR 39 along the south side of Enterprise Drive located just west of the Territory. In addition, the City has a sanitary line serving two residences on the east side of the Territory. Between those two lines, it is anticipated that there is sufficient sewer capacity to provide sewerage to the Territory.

The City's annexation policy requires that sanitary sewer facilities be extended to new developments at the expense of the developer/owner. The owners in the Territory understand and accept this responsibility. The City will work closely with future developers to assure that facilities are extended to the Territory in a timely fashion, and in accordance with the requirements of IND. CODE §§ 36-4-3.

ARTICLE V – PUBLIC WATER FACILITIES

The City of Lebanon owns and operates a municipal water distribution system and water treatment plant. Currently, there is a 12-inch water main on the west side of SR 39 which extends approximately 900 feet south of Enterprise Drive.

The City's annexation policy requires that water facilities necessary to serve development be extended to new developments at the expense of the developer/owner. The landowners in the Territory understand and accept this responsibility. The City will work closely with the developers to assure that facilities are extended to the Territory in a timely fashion, and in accordance with the requirements of IND. CODE §§ 36-4-3.

ARTICLE VI – ELECTRIC AND NATURAL GAS FACILITIES

The City of Lebanon operates a municipal electric utility through the Lebanon Utilities. It has a substation and electric distribution facilities in the area of the Territory and could extend service to those areas to maintain current and future service needs. The Boone REMC already has distribution lines located in and adjacent to the Territory and now serves the homes and buildings located therein. The REMC has the physical and financial capabilities of providing electrical utility service to the Territory. Vectren Energy already has distribution lines located adjacent to the Territory. That utility has the physical and financial capabilities of providing electrical utility service to the Territory. Should future electric service in the Territory be changed from Boone REMC to the Lebanon Utilities, such change can be accomplished without disruption of service to current or future users in the Territory.

ARTICLE VII – ROADS AND STREETS

No additional roads and streets are needed to serve the Territory in its current configuration and level of land use. Since SR 39 is a state highway, the City will not be required to provide non-capital street services to SR 39 (such as pot-hole repair, pavement and shoulder maintenance, snow removal, etc.) after annexation. The Lebanon Department of Public Works would be required to commence non-capital street services for CR 150 South and the that section of John Shaw Road adjacent to the Territory within one year after annexation. Those roads comprise 2.2 miles of additional paved surface that would come under municipal jurisdiction. Those roads are currently in good condition and can accommodate present and expected future traffic. The need for substantial repair or reconstruction is not expected in the near future, but should substantial development occur in the Territory the improvement of such roads would be addressed as part of that development.

In the event of development, additional interior roads and streets will likely be needed. However, such construction would be at the expense of the developer (with possible governmental participation) and only following issuance of necessary governmental approvals.

ARTICLE VIII – STORM DRAINAGE FACILITIES

Stormwater facilities for the Territory are under the jurisdiction of the Boone County Drainage Board, but after annexation will come under the jurisdiction of the City Stormwater Management Board. The Territory is adequately served by the Price, Helfin, Core, and Robinson Legal Drains. The City's annexation policy requires that additional or different storm sewer facilities needed to serve developments in the Territory shall be constructed at the expense of the developer/owner. The owners in the Territory understand and accept this responsibility. The City, through its Stormwater Management

Board, will work closely with future developers to assure that facilities are extended to the Territory in a timely fashion, and in accordance with the requirements of IND. CODE §§ 36-4-3.

ARTICLE IX – MISCELLANEOUS SERVICES

Residential trash pick-up service is available to City residents through a municipally-contracted firm. Participation is voluntary and subject to the user's agreement to pay the City the sum of \$6.00 per month as part of the monthly utility bills. The amount of the monthly billing is subject to periodic adjustment based on the City's costs. It is unknown how many of the current and future residents will take advantage of the program, but it will be offered to the Territory. The City anticipates no material change in its contracting costs in extending services to the Territory.

FISCAL PLAN FOR ANNEXATION – ESTIMATED REVENUES & COSTS

KEY ASSUMPTIONS

TOTAL ACREAGE	572.931 acres
TOTAL ESTIMATED NET ASSESSED VALUE OF LAND AND IMPROVEMENTS (as currently exists and assessed)	\$ 1,417,100
CORPORATE TAX RATE (2005 pay 2006)	\$0.5458 per \$100 of AV
TOTAL NET ASSESSED VALUE OF FUTURE IMPROVEMENTS AND INCREASE IN AV FROM CHANGE FROM AG ZONING TO DEVELOPMENT LAND USE OR POTENTIAL USE	Unknown

ESTIMATED IMPACT ON GENERAL FUND

ESTIMATED ANNUAL PROPERTY TAX REVENUES TO CITY OF LEBANON	\$7,737
ESTIMATED INCREMENTAL OPERATING COSTS:	nominal
No additional Administrative Staff needed No additional Police Officers needed No additional Fire Fighters needed Increased Road Maintenance (minimal)	

ESTIMATED IMPACT ON MUNICIPAL UTILITIES

	<u>ELECTRIC</u>	<u>WATER</u>	<u>SEWER</u>
ESTIMATED CAPITAL COSTS TO CITY	\$ -0-	\$ -0-	\$ -0-
TOTAL ESTIMATED ANNUAL REVENUES	\$ unk	\$ unk	\$ unk
ESTIMATED MARGINAL COSTS	\$ unk	\$ unk	\$ unk
ESTIMATED NET MARGINAL REVENUES	\$ unk	\$ unk	\$ unk

L-204273v5

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCELS**

The undersigned Hazel Ruth Powell affirms under penalties of perjury that she is the owner of the following described parcels of real estate located along State Road 39 South and John Shaw Road in Center Township, Boone County:

Tract 1

Also all that part of the southeast quarter of section 1 in township 18 north, range 1 west bounded and described as follows, to-wit: Beginning at the southeast corner of said quarter section and running thence north 40 chains and 11 1/2 links to the north east corner of said quarter section, thence west 13 chains 19 links to the middle of the Lebanon and Milledgeville Gravel Road, thence along the middle line of said road as follows: south 18 degrees west 7 chains and 9 links, south 28 1/4 degrees west 6 chains and 20 1/3 links, south 36 degrees west 20 chains and 27 links, south 22 degrees west 4 chains and 41 1/3 links, south 16 1/2 degrees west 8 chains and 16 links to the south line of said quarter section, thence east 34 chains 12 links more or less to the place of beginning, containing 96 acres more or less.

Excepting therefrom:

TRACT A

Being part of the Southeast Quarter of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, more particularly described as follows, to-wit: Beginning at the southeast corner of said Southeast Quarter, thence North 2647.59 feet along the section line which is also the Second Principal Meridian in Indiana to a point in the quarter section line; thence South 89 degrees 53 minutes 31 seconds West 507.96 feet with said line to a point, the true point of beginning; thence South 0 degrees 40 minutes 23 seconds West 579.84 feet to a point marked by a steel pipe; thence South 89 degrees 58 minutes 43 seconds West 534.20 feet to a point marked by the root of a concrete post; thence North 25 degrees 42 minutes 16 seconds East 174.19 feet along the east right of way line of Indiana State Road 39 said line being the right of way chord of a curve to the left; thence North 19 degrees 24 minutes 20 seconds East 150.64 feet along a right of way chord to the left of said State Highway No. 39 to a point on the east side of a right of way monument; thence North 18 degrees 46 minutes 14 seconds East 93.42 feet to a point on the east side of a right of way monument; thence North 25 degrees 16 minutes 55 seconds East 212.30 feet to a point on the southeast corner of a right of way monument; thence North 89 degrees 53 minutes 31 seconds East 294.68 feet along the quarter section line to a point, the true point of beginning, containing 5.5140 acres, more or less.

ALSO, part of the right of way of Indiana State Route 39 described as follows: Beginning at the southeast corner of a Route 39 Highway Monument in the quarter section line of Section 1, Township 18 North, Range 1 West; thence South 25 degrees 16 minutes 55

seconds West 212.30 feet to a point; thence South 18 degrees 46 minutes 14 seconds West 93.42 feet; thence South 19 degrees 24 minutes 20 seconds West 150.64 feet to a point; thence South 25 degrees 42 minutes 16 seconds West 174.19 feet to a point; thence South 89 degrees 58 minutes 43 seconds West 42.10 feet to a point in the centerline of said Indiana State Road 39; thence with said centerline North 24 degrees 10 minutes 16 seconds East 192.46 feet on a chord of a curve to the left; thence North 20 degrees 23 minutes 40 seconds East 150.66 feet along a chord of a curve to the left to a point; thence approximate P.T. of the curve; thence with the tangent and ramp up North 18 degrees 46 minutes 14 seconds East 277.28 feet to a point; thence North 89 degrees 53 minutes 31 seconds East 67.90 feet to a point being the true point of beginning, containing 0.6351 acre, more or less.

TRACT B

Beginning at the southeast corner of the Southeast Quarter of Section 1, Township 18 North, Range 1 West, thence northerly 2647.59 feet along the section line of said Section No. 1, said section line also being the Second Principal Meridian in Indiana, to a point in the East-West quarter Section line; thence with said quarter section line South 89 degrees 53 minutes 31 seconds West 507.96 feet to a point, the true point of beginning; thence South 00 degrees 40 minutes 23 seconds West 579.84 feet to a point; thence North 89 degrees 58 minutes 43 seconds East 375.5 feet to a point; thence North 00 degrees 40 minutes 23 seconds East 580.37 feet to a point; thence South 89 degrees 53 minutes 31 seconds West 375.52 feet to a point, the true point of beginning, containing 5.001 acres, more or less.

Tract 2

The west half of the northwest fractional quarter of section 7, township 18 north, range 1 east containing 70.65 acres, more or less.

and hereby consents to the petition to have such real estate annexed into the City of Lebanon and assigned a zoning classification of PB-1. The undersigned reserves the right to withdraw this consent if the terms and conditions of annexation are not acceptable.

Dated this 18 day of November, 2006.

Hazel Ruth Powell

By: James A. Powell
James Powell, Attorney-in-Fact

Sharon Powell
Sharon Powell

Joy R. Mackey
Joy Mackey

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, an authorized representative of Kenneth Limp Farms, Inc., affirms under penalties of perjury that it is the owner of the following described real estate located along the east side of State Road 39 south in Center Township, Boone County:

The Northeast Quarter of Section 12, Township 18 North, Range 1 West of the Second Principal Meridian, containing 160 acres, more or less, except therefrom the following two tracts, to-wit: (1.) Commencing at the Southwest corner of said quarter section and run thence east along the south line thereof 215 feet to a point in the northeasterly right of way line of the Indianapolis and Frankfort Railroad Company, thence in a northwesterly direction along said northeasterly right of way line 450 feet to a point in the West line of said quarter section, thence south along said west line 400 feet to the place of beginning, containing 0.93 acres, more or less; and (2.) Commencing at the northwest corner of said quarter section and run thence south along the west line thereof 762 feet 7 inches to a point in the center of a state road, thence east along said center line 134 feet 6 inches to its point of intersection with the center line of State Road No. 39, thence North 15 degrees 54 minutes east along the center line of said State Road No. 39, 803 feet to a point in the north line of said quarter section, thence West along said North line 356 feet 8 1/2 inches to the place of beginning, containing 4.30 acres, more or less.

Leaving after said exceptions 154.78 acres, more or less, but subject to all legal highways rights of way and other easements of record.

EXCEPTING THEREFROM (tax parcel 0010568001):

A part of the Northeast Quarter of Section 12, Township 18 North, Range 1 West, Boone County, Indiana, and being described as follows: Beginning on the south line of said quarter-quarter section at a point North 88 degrees 33 minutes 22 seconds East 41.805 meters (137.16 feet) (215.00 feet by Deed Record 17, page 41) from the southwest corner of said quarter section, which point is on the northeastern right of way line of Conrail Railroad; thence North 24 degrees 34 minutes 00 seconds West 102.164 meters (335.18 feet) (450.00 feet by Deed Record 172, page 41) along the right of way line of Conrail Railroad to the west line of said quarter section and the centerline of S.R.39; thence North 0 degrees 25 minutes 00 West 61.064 meters (200.34 feet) along said west line; thence North 89 degrees 38 minutes 23 seconds East 13.716 meters (45.00 feet) to point #22 on said plat, which point is on the east boundary of said S.R.39; thence South

41 degrees 20 minutes 21 seconds East 34.084 meters (111.82 feet) to point #39 on said plat; thence South 70 degrees 24 minutes 38 seconds East 63.343 meters (207.82 feet) to point #38 on said plat; thence South 61 degrees 50 minutes 43 seconds East 55.512 meters (182.13 feet) to point #37 on said plat; thence South 59 degrees 26 minutes 51 seconds East 52.403 meters (171.93 feet) to point #36 on said plat; thence South 65 degrees 18 minutes 53 seconds East 62.989 meters (206.66 feet) to point #35 on said plat; thence South 84 degrees 46 minutes 35 seconds East 68.357 meters (224.27 feet) to point #27 on said plat; thence North 88 degrees 33 minutes 13 seconds East 52.360 meters (171.78 feet) to point #28 on said plat; thence South 74 degrees 45 minutes 39 seconds East 25.732 meters (84.42 feet) to point #32 on said plat, which point is on the north boundary of County Road 150 South; thence South 2 degrees 46 minutes 05 seconds East 7.622 meters (25.01 feet) to the south line of said quarter section; thence South 88 degrees 33 minutes 22 seconds West 350.013 meters (1,148.34 feet) along said south line to the point of beginning and containing 2.2157 hectares (5.475 acres), more or less, inclusive of the presently existing right of way which contains 0.5093 hectares (1.258 acres), more or less, for a net additional taking of 1.7064 hectares (4.217 acres), more or less,

and hereby consents to a petition to have such real estate voluntarily annexed into the City of Lebanon and assigned an appropriate zoning classification.

KENNETH LIMP FARMS, INC.

By Kenneth D. Limp, pres.
Kenneth D. Limp, President

By: Rosalie J. Limp, Secy.
Rosalie J. Limp, Secretary

Dated this 30th day of October, 2006

L-199795

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, authorized representatives of John W. Limp Trust U/W John W. Limp of Boone County and the Betty J. Limp Revocable Trust dated February 19, 1999, affirm under penalties of perjury that it the trusts own of the following described real estate in Center Township, Boone County, Indiana:

A part of the Southeast Quarter of Section 12, Township 18 North, Range 1 West of the 2nd Principal Meridian, Center Township, Boone County, Indiana as follows:

Beginning at the Southeast Corner of the Southeast Quarter of said Section 12 marked by a M.A.G. nail found 0.6 foot above a railroad rail, said rail referenced by the Boone County Surveyor as the section corner; thence South 88 degrees 41 minutes 54 seconds West (bearings based on Indiana State Plane Coordinates, West Zone) along the south line of said Quarter Section a distance of 1017.56 feet to the east line of the CSX railroad; thence North 29 degrees 48 minutes 46 seconds West along said east line a distance of 2117.42 feet to the south line of the land described in Instrument Number 0304321 in the Office of the Recorder, Boone County, Indiana marked by a 5/8 inch rebar with yellow cap stamped "Schneider Firm #0001"; thence North 89 degrees 17 minutes 56 seconds East along said south line a distance of 441.54 feet to the southeast corner of said land marked by a 5/8 inch rebar; thence North 29 degrees 47 minutes 13 seconds West along the east line of said land a distance of 905.71 feet to the north line of said Quarter Section; thence North 89 degrees 22 minutes 08 seconds East along said north line a distance of 238.82 feet to the northwest corner of the land described in Instrument Number 0007408, the following 5 courses are along the west, south, and east lines of said land; (1) South 00 degrees 39 minutes 38 seconds East a distance of 25.00 feet; (2) South 83 degrees 51 minutes 21 seconds East a distance of 205.10 feet; (3) North 89 degrees 21 minutes 59 seconds East a distance of 171.78 feet; (4) North 72 degrees 56 minutes 13 seconds East a distance of 85.51 feet; (5) North 01 degrees 57 minutes 19 seconds West a distance of 25.01 feet to the north line of said Quarter Section; thence North 89 degrees 22 minutes 08 seconds East along said north line a distance of 1369.03 feet to the northeast corner of said Quarter Section marked by a 5/8 inch rebar; thence South 00 degrees 18 minutes 04 seconds East along the east line of said Quarter Section a distance of 2628.30 feet to the Point of Beginning, containing 98.20 acres, more or less,

and the authorized representatives of the trusts hereby consent to the petition to have such real estate voluntarily annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 27 day of October, 2006.

DiAnn Riley
Trustee, John W. Limp Trust U/W John W. Limp

Betty J. Limp
Trustee, Betty J. Limp Revocable Trust

L-199799

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, an authorized representative of Ruth E. Brookshire Charitable Foundation, Inc., affirms under penalties of perjury that it is the owner of the following described real estate in Center Township, Boone County, Indiana:

A part of the North Half of the Northeast Quarter of Section 13, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by:

BEGINNING at the Northeast corner of the Northeast Quarter of said Section 13; thence South 00 degrees 05 minutes 44 seconds West, along the Section line and approximate centerline of John Shaw Road, a distance of 1064.07 feet; thence South 89 degrees 21 minutes 59 seconds West, along the North described line of the Robinson Cemetery Association property, as recorded in Deed Record 130, page 428, and said line extended, a distance of 421.68 feet; thence North 29 degrees 25 minutes 38 seconds West, along the Easterly Right of Way of Indianapolis and Frankfort Railroad Company, as recorded in Deed Record 102, page 210, a distance of 1208.72 feet; thence North 89 degrees 06 minutes 05 seconds East, along the South described line of the Limp Property, as recorded in Deed Record 179, pages 534-537, a distance of 1017.42 feet to the POINT OF BEGINNING, containing 17.552 acres, more or less,

and hereby consents to the petition to have such real estate voluntarily annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 30th day of October, 2006.

RUTH E. BROOKSHIRE CHARITABLE
FOUNDATION, INC.

By Ronald L. Lind
Ronald L. Lind, Trustee

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCELS**

The undersigned, an authorized representative of Tyre Home Place Farm, LLC, affirms under penalties of perjury that it is the owner of two parcels of real estate located in Center Township, Boone County described on the attached exhibit and hereby consents to the petition to have such real estate annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 30 day of October, 2006.

TYRE HOME PLACE FARM, LLC

By Charlotte Y. Frandsen
Charlotte Y. Frandsen,
Managing Member

L-199802

EXHIBIT B-5
PAGE 1 OF 2

EXHIBIT
LEGAL DESCRIPTION
TO
TYRE HOME PLACE FARM, LLC
CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCELS

The north half of the southwest quarter of Section 6, Township 18 North, Range 1 East, except the following: Commencing at the southeast corner of the northeast quarter of the southwest quarter of Section 6, Township 18 North, Range 1 East, and run thence west 17.81 chains, thence north 3.37 chains, thence east 17.81 chains, thence south 3.37 chains to the place of beginning, containing in all, 99 acres, more or less.

Excepting therefrom the following:

A part of the North Half of the Southwest Quarter of Section 6, Township 18 North, Range 1 East, Boone County, Indiana, described as follows: Commencing at the southwest corner of said section; thence North 89 degrees 09 minutes 32 seconds East 1,176.24 feet along the south line of said section to the center line of Shaw Road, which point is on Line "S-Shaw" at Station 90+88.4 of the above-designated project; thence North 1 degree 07 minutes 40 seconds West 1,684.80 feet along the center line of said Shaw Road; thence South 88 degrees 52 minutes 20 seconds West 20.00 feet to the point of beginning of this description, which point is on the west boundary of Shaw Road; thence North 57 degrees 18 minutes 21 seconds West 96.30 feet; thence North 1 degree 07 minutes 40 seconds West 100.00 feet; thence North 71 degrees 21 minutes 24 seconds East 84.16 feet to the boundary of said Shaw Road; thence South 0 degrees 10 minutes 38 seconds East 15.63 feet along said boundary; thence South 1 degree 07 minutes 40 seconds East 163.31 feet along said boundary to the point of beginning and containing 0.256 acres, more or less.

- and -

Beginning at the northeast corner of the northwest quarter of Section 7, Township 18 North, Range 1 East of the Second Principal Meridian, run thence south 80 rods; thence west 70 rods; thence north 80 rods; thence east 70 rods to the place of beginning, containing 35 acres, more or less, located in Center Township, Boone County, Indiana.

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, an authorized representative of Lebanon 39 Partners, LLC, affirms under penalties of perjury that it is the owner of the following described real estate located in Center Township, Boone County, Indiana:

A part of Section 12 Township 18 North Range 1 West, Center Township, Boone County, Indiana, more fully described by:

Commencing at the southeast corner of the southeast quarter of said Section 12; thence north 00 degrees 00 minutes 00 seconds east, along the section line and the approximate centerline of John Shaw Road, a distance of 1343.38 feet to the point of beginning; thence south 90 degrees 00 minutes 00 seconds west, as distance of 172.98 feet; thence north 90 degrees 00 minutes 00 seconds east, and distance of 212.44 feet; thence south 00 degrees 00 minutes 00 seconds east, a distance of 172.98 feet to the point of beginning. Subject to the right of way of John Shaw Road, on and along the entire east boundary. Consisting of 0.8436 acres, more or less.

Subject to any and all easements, agreement and restrictions of record. The address of such real estate is commonly known as 2055 S. John Shaw Road, Lebanon, Indiana 46052,

and hereby consents to the petition to have such real estate voluntarily annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 30th day of October, 2006.

LEBANON 39 PARTNERS, LLC

By *Daniel G. Hantel*

L-200661

"EXHIBIT B-6"

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned affirms under penalties of perjury that he is the owner of the following described real estate located along the east side of John Shaw Road in Center Township, Boone County:

A part of the east half of the Southwest Quarter of Section 6, Township 18 North, Range 1 East of the Second Principal Meridian, described as follows:

Commencing at a point 9.715 chains north of the southwest corner of said tract and running thence north with the west line of said tract 10.555 chains, thence east 10.95 chains, thence south 10.555 chains, then west 10.95 chains, to the point of beginning, containing 11.15 acres, more or less.

Property address: 755 South John Shaw Road, Lebanon, IN 46052

and hereby consents to the petition to have such real estate annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 30 day of October, 2006.



Gerald L. Marion

L-200812

"EXHIBIT B-7"

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, an authorized representative of Indiana Department of Transportation (INDOT), State of Indiana, affirms under penalties of perjury that it is the owner of the following described real estate:

A part of the Northeast Quarter of Section 12, Township 18 North, Range 1 West, Boone County, Indiana, and being described as follows:

Beginning on the south line of said quarter-quarter section at a point North 88 degrees 33 minutes 22 seconds East 41.805 meters (137.16 feet) (215.00 feet by Deed Record 17, page 41) from the southwest corner of said quarter section, which point is on the northeastern right of way line of Conrail Railroad; thence North 24 degrees 34 minutes 00 seconds West 102.164 meters (335.18 feet) (450.00 feet by Deed Record 172, page 41) along the right of way line of Conrail Railroad to the west line of said quarter section and the centerline of S.R.39; thence North 0 degrees 25 minutes 00 West 61.064 meters (200.34 feet) along said west line; thence North 89 degrees 38 minutes 23 seconds East 13.716 meters (45.00 feet) to point #22 on said plat, which point is on the east boundary of said S.R.39; thence South 41 degrees 20 minutes 21 seconds East 34.084 meters (111.82 feet) to point #39 on said plat; thence South 70 degrees 24 minutes 38 seconds East 63.343 meters (207.82 feet) to point #38 on said plat; thence South 61 degrees 50 minutes 43 seconds East 55.512 meters (182.13 feet) to point #37 on said plat; thence South 59 degrees 26 minutes 51 seconds East 52.403 meters (171.93 feet) to point #36 on said plat; thence South 65 degrees 18 minutes 53 seconds East 62.989 meters (206.66 feet) to point #35 on said plat; thence South 84 degrees 46 minutes 35 seconds East 68.357 meters (224.27 feet) to point #27 on said plat; thence North 88 degrees 33 minutes 13 seconds East 52.360 meters (171.78 feet) to point #28 on said plat; thence South 74 degrees 45 minutes 39 seconds East 25.732 meters (84.42 feet) to point #32 on said plat, which point is on the north boundary of County Road 150 South; thence South 2 degrees 46 minutes 05 seconds East 7.622 meters (25.01 feet) to the south line of said quarter section; thence South 88 degrees 33 minutes 22 seconds West 350.013 meters (1,148.34 feet) along said south line to the point of beginning and containing 2.2157 hectares (5.475 acres), more or less, inclusive of the presently existing right of way which contains 0.5093 hectares (1.258 acres), more or less, for a net additional taking of 1.7064 hectares (4.217 acres), more or less.

EXHIBIT B-8
PAGE 1 OF 2

and hereby consents to the petition to have such real estate annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this ___ day of November, 2006.

INDIANA DEPARTMENT OF
TRANSPORTATION, STATE OF INDIANA

By DELETED AND NOT INCLUDED AS
PART OF ANNEXATION

L-200664

**CONSENT OF OWNER TO PROPOSED ANNEXATION
AND LEGAL DESCRIPTION OF PARCEL**

The undersigned, an authorized representative of KaChar Investments, Ltd., affirms under penalties of perjury that it is the owner of the following described real estate located in Center Township, Boone County, Indiana:

A part of the southeast ¼ of Section 12, Township 18 North, Range 1 West of the Second Principal Meridian in Center Township, Boone County, Indiana, said part being more particularly described as follows: Commencing at a rebar marking the northeast corner of said ¼ section; thence south 88 degrees 21 minutes 12 seconds west (assumed bearing) along the north line of said ¼ section a distance of 2063.60 feet to a rebar marking the point of beginning of this description; thence south 30 degrees 43 minutes 57 seconds east a distance of 903.21 feet to a capped 5/8" rebar; thence south 88 degrees 21 minutes 12 seconds west parallel to said north line a distance of 442.23 feet to the easterly right-of-way line of the Indianapolis and Frankfort Railroad Company, said right-of-way being 50 feet measured radially or at right angles to the centerline of the double tracks as called for in Deed Book 179, page 534-535 in the Office of the Recorder of Boone County, Indiana; thence north 30 degrees 43 minutes 57 seconds west along said easterly right-of-way line a distance of 632.02 feet to the point of curvature of a curve to the right marked as station 1557+81 on said railroad maps, whose radius point bears north 59 degrees 16 minutes 03 seconds east a distance of 5,673.08 feet; thence northwesterly around the arc of said curve a distance of 267.77 feet to the intersection of said right-of-way line with the north line of said ¼ section; thence north 88 degrees 21 minutes 12 seconds east along said north line a distance of 435.00 feet to the point of beginning, containing 8.00 acres, more or less.

and hereby consents to the petition to have such real estate voluntarily annexed into the City of Lebanon and assigned an appropriate zoning classification.

Dated this 8th day of December, 2006.

KaChar Investments, Ltd.


By  President of the General Partner
Printed: Charles D. Hess, Jr.

EXHIBIT B-9