

LEBANON COMMON COUNCIL

RESOLUTION NO. 11-05

A RESOLUTION OF THE LEBANON COMMON COUNCIL  
REGARDING THE LEBANON INDUSTRIAL PARK  
DEVELOPMENT AREA, THE LEBANON DOWNTOWN  
ECONOMIC DEVELOPMENT AREA AND THE LEBANON  
FIBERNET ECONOMIC DEVELOPMENT AREA

WHEREAS, the City of Lebanon ("City") Redevelopment Commission ("Commission") adopted Declaratory Resolution No. 94-1 on July 11, 1994, as amended on August 26, 1996 ("Resolution No. 96-1), and as further amended on February 9, 1998 (Resolution No. 98-1), May 10, 2010 (Resolution No. 10-1) and October 12, 2010 (Resolution No. 10-04) (collectively, "Industrial Park Declaratory Resolution") establishing the Lebanon Industrial Park Development Area ("Industrial Park Area"), and the Industrial Park Declaratory Resolution was modified and confirmed by Confirmatory Resolution No. 94-2 adopted on August 8, 1994 as amended by Confirmatory Resolution No. 98-2 adopted on February 23, 1998 and as further amended by Confirmatory Resolution No. 10-06 adopted on October 25, 2010 (collectively, "Industrial Park Confirmatory Resolution");

WHEREAS, the Industrial Park Declaratory Resolution approved the Economic Development Plan, as amended ("Industrial Park Plan") which Industrial Park Plan contained specific recommendations for economic development in the Industrial Park Area;

WHEREAS, on April 4, 2011, the Commission adopted its Amending Declaratory Resolution with respect to the Industrial Park Area ("Amending Industrial Park Declaratory Resolution"), for the purpose of amending the Industrial Park Plan to add the construction of facilities to house electronics and the installation of fiber optic cable that will provide high speed internet, telephone and television services, together with all necessary appurtenances and related improvements and equipment ("2011 Industrial Park Plan");

WHEREAS, the Commission adopted a declaratory resolution on October 12, 2010 ("Downtown Declaratory Resolution") establishing the Downtown Economic Development Area ("Downtown Area"), and the Downtown Declaratory Resolution was modified and confirmed by Confirmatory Resolution No. 10-07 adopted on November 29, 2010 ("Downtown Confirmatory Resolution");

WHEREAS, the Downtown Declaratory Resolution approved the Economic Development Plan ("Downtown Plan") which Downtown Plan contained specific recommendations for economic development in the Downtown Area;

WHEREAS, on April 4, 2011, the Commission adopted its Amending Declaratory Resolution with respect to the Downtown Area ("Amending Downtown Declaratory Resolution"), for the purpose of amending the Downtown Plan to add the construction of facilities to house electronics and the installation of fiber optic cable that will provide high speed internet, telephone

and television services, together with all necessary appurtenances and related improvements and equipment ("2011 Downtown Plan");

WHEREAS, on April 4, 2011, the Commission initially approved an Economic Development Plan ("Lebanon FiberNet Plan") for the Lebanon FiberNet Economic Development Area ("Lebanon FiberNet Area");

WHEREAS, the Common Council of the City requests that the Commission modify the Lebanon FiberNet Area to consist of all parcels, easements and/or rights-of-way within the Eligible Area (as hereinafter defined) of the City on which Lebanon FiberNet, LLC (or any successors or assigns thereof) improves real property, or places depreciable personal property; for purposes of this description, "Eligible Area" means the entire City EXCEPT for any areas of the City that are currently designated as "economic development areas" under IC 36-7-14, including without limitation, the Industrial Park Area, the Downtown Area and the Lebanon Business Park Building # 11 Economic Development Area;

WHEREAS, on April 4, 2011, the Commission adopted a Declaratory Resolution ("Lebanon FiberNet Declaratory Resolution") declaring that the Lebanon FiberNet Area is an economic development area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act"); and

WHEREAS, the Act requires approval of the Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution, the Lebanon FiberNet Declaratory Resolution, the 2011 Industrial Park Plan, the 2011 Downtown Plan and the Lebanon FiberNet Plan by the Lebanon Plan Commission ("Plan Commission"), which occurred on May 23, 2011, and also requested modification of the description of the Lebanon FiberNet in the same manner as set forth herein, which approving order is attached hereto as Exhibit A; and

WHEREAS, the Act requires the approval of the 2011 Industrial Park Plan, the 2011 Downtown Plan, the Lebanon FiberNet Plan, the Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution, the Lebanon FiberNet Declaratory Resolution and the action of the Plan Commission by the Common Council of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, THAT:

Section 1. The 2011 Industrial Park Plan, the 2011 Downtown Plan, the Lebanon FiberNet Plan, the Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution and the Lebanon FiberNet Declaratory Resolution are in all respects hereby approved, ratified and confirmed by the Common Council; provided that the definition of the Lebanon FiberNet Area in the Lebanon FiberNet Declaratory Resolution shall be modified to read as follows: Lebanon FiberNet Area consists of all parcels, easements and/or rights-of-way within the Eligible Area (as hereinafter defined) of the City on which Lebanon FiberNet, LLC (or any successors or assigns thereof) improves real property, or places depreciable personal property; for purposes of this description, "Eligible Area" means the entire City EXCEPT for any areas of the City that are currently designated as "economic development areas" under IC 36-7-14, including without


limitation, the Industrial Park Area, the Downtown Area and the Lebanon Business Park Building #11 Economic Development Area.

Section 2. The actions of the Plan Commission approving the 2011 Industrial Park Plan, the 2011 Downtown Plan, the Lebanon FiberNet Plan, the Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution and the Lebanon FiberNet Declaratory Resolution, as modified, are in all respects hereby approved, ratified and confirmed by the Common Council.


Section 3. This Resolution shall be effective from and after its passage and approval by the Mayor.

Passed by the Common Council of the City of Lebanon, Indiana, this 23<sup>rd</sup> day of May, 2011.

COMMON COUNCIL OF THE CITY OF  
LEBANON, INDIANA

  
\_\_\_\_\_  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer

Presented by me to the Mayor of the City of Lebanon, Indiana, this 23<sup>rd</sup> day of  
May, 2011 at 8:10 p.m.

  
\_\_\_\_\_  
Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Lebanon, Indiana this 23<sup>rd</sup> day of  
May, 2011 at 8:10 p.m.

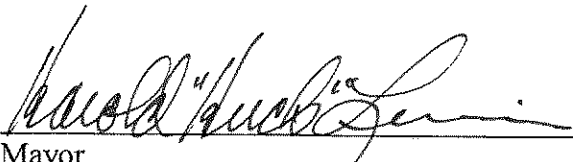
  
\_\_\_\_\_  
Mayor

EXHIBIT A

ORDER OF THE LEBANON PLAN COMMISSION  
REGARDING THE LEBANON INDUSTRIAL PARK  
DEVELOPMENT AREA, THE LEBANON DOWNTOWN  
ECONOMIC DEVELOPMENT AREA AND THE LEBANON FIBERNET ECONOMIC  
DEVELOPMENT AREA

WHEREAS, the City of Lebanon ("City") Redevelopment Commission ("Commission") adopted Declaratory Resolution No. 94-1 on July 11, 1994, as amended on August 26, 1996 ("Resolution No. 96-1), and as further amended on February 9, 1998 (Resolution No. 98-1), May 10, 2010 (Resolution. No. 10-1) and October 12, 2010 (Resolution No. 10-04) (collectively, "Industrial Park Declaratory Resolution") establishing the Lebanon Industrial Park Development Area ("Industrial Park Area"), and the Industrial Park Declaratory Resolution was modified and confirmed by Confirmatory Resolution No. 94-2 adopted on August 8, 1994 as amended by Confirmatory Resolution No. 98-2 adopted on February 23, 1998 and as further amended by Confirmatory Resolution No. 10-06 adopted on October 25, 2010 (collectively, "Industrial Park Confirmatory Resolution");

WHEREAS, the Industrial Park Declaratory Resolution approved the Economic Development Plan, as amended ("Industrial Park Plan") which Industrial Park Plan contained specific recommendations for economic development in the Industrial Park Area;

WHEREAS, on April 4, 2011, the Commission adopted its Amending Declaratory Resolution with respect to the Industrial Park Area ("Amending Industrial Park Declaratory Resolution"), for the purpose of amending the Industrial Park Plan to add the construction of facilities to house electronics and the installation of fiber optic cable that will provide high speed internet, telephone and television services, together with all necessary appurtenances and related improvements and equipment ("2011 Industrial Park Plan");

WHEREAS, the Commission adopted a declaratory resolution on October 12, 2010 ("Downtown Declaratory Resolution") establishing the Downtown Economic Development Area ("Downtown Area"), and the Downtown Declaratory Resolution was modified and confirmed by Confirmatory Resolution No. 10-07 adopted on November 29, 2010 ("Downtown Confirmatory Resolution");

WHEREAS, the Downtown Declaratory Resolution approved the Economic Development Plan ("Downtown Plan") which Downtown Plan contained specific recommendations for economic development in the Downtown Area;

WHEREAS, on April 4, 2011, the Commission adopted its Amending Declaratory Resolution with respect to the Downtown Area ("Amending Downtown Declaratory Resolution"), for the purpose of amending the Downtown Plan to add the construction of facilities to house electronics and the installation of fiber optic cable that will provide high speed internet, telephone and television services, together with all necessary appurtenances and related improvements and equipment ("2011 Downtown Plan");

WHEREAS, on the April 4, 2011, the Commission initially approved an Economic Development Plan ("Lebanon FiberNet Plan") for the Lebanon FiberNet Economic Development Area ("Lebanon FiberNet Area");

WHEREAS, this Lebanon Plan Commission (the "Plan Commission") requests that the Commission modify the Lebanon FiberNet Area to consist of all parcels, easements and/or rights-of-way within the Eligible Area (as hereinafter defined) of the City on which Lebanon FiberNet, LLC (or any successors or assigns thereof) improves real property, or places depreciable personal property; for purposes of this description, "Eligible Area" means the entire City EXCEPT for any areas of the City that are currently designated as "economic development areas" under IC 36-7-14, including without limitation, the Industrial Park Area, the Downtown Area and the Lebanon Business Park Building # 11 Economic Development Area;

WHEREAS, on April 4, 2011, the Commission adopted a Declaratory Resolution ("Lebanon FiberNet Declaratory Resolution") declaring that the Lebanon FiberNet Area is an economic development area subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act"); and

WHEREAS, the Act requires approval of the Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution, the Lebanon FiberNet Declaratory Resolution, the 2011 Industrial Park Plan, the 2011 Downtown Plan and the Lebanon FiberNet Plan by the Plan Commission;

NOW, THEREFORE, BE IT ORDERED BY THE LEBANON PLAN COMMISSION, AS FOLLOWS:

1. The Amending Industrial Park Declaratory Resolution, the Amending Downtown Declaratory Resolution, the Lebanon FiberNet Declaratory Resolution, the 2011 Industrial Park Plan for the Industrial Park Area, the 2011 Downtown Plan for the Downtown Area and the Lebanon FiberNet Plan for the Lebanon FiberNet Area each conform to the comprehensive plan of the City; provided that the definition of the Lebanon FiberNet Area in the Lebanon FiberNet Declaratory Resolution shall be modified to read as follows: Lebanon FiberNet Area consists of all parcels, easements and/or rights-of-way within the Eligible Area (as hereinafter defined) of the City on which Lebanon FiberNet, LLC (or any successors or assigns thereof) improves real property, or places depreciable personal property; for purposes of this description, "Eligible Area" means the entire City EXCEPT for any areas of the City that are currently designated as "economic development areas" under IC 36-7-14, including without limitation, the Industrial Park Area, the Downtown Area and the Lebanon Business Park Building #11 Economic Development Area.

2. The Amending Industrial Park Declaratory Resolution and the 2011 Industrial Park Plan are in all respects approved.

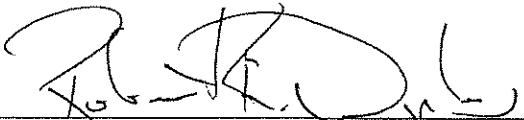
3. The Amending Downtown Declaratory Resolution and the 2011 Downtown Plan are in all respects approved.

4. The Lebanon FiberNet Declaratory Resolution and Lebanon FiberNet Plan, as modified in paragraph 1 hereof, are in all respects approved.

5. The Secretary of the Plan Commission is hereby directed to file a copy of the Amending Industrial Park Declaratory Resolution, Amending Downtown Declaratory Resolution, Lebanon FiberNet Declaratory Resolution, 2011 Industrial Park Plan, 2011 Downtown Plan and Lebanon FiberNet Plan with the permanent minutes of this meeting.

Passed by the Lebanon Plan Commission, this 23<sup>rd</sup> day of May, 2011.

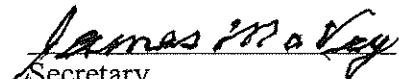
LEBANON PLAN COMMISSION



---

President

ATTEST:



---

Secretary