

Attached Res. 2014-01  
Plan Commission

**RESOLUTION NO. 2014-10**

**A RESOLUTION OF THE COMMON COUNCIL OF  
THE CITY OF LEBANON, INDIANA DETERMINING THAT  
AN AMENDMENT TO A DECLARATORY RESOLUTION AND  
DEVELOPMENT PLAN APPROVED AND ADOPTED  
BY THE CITY OF LEBANON REDEVELOPMENT COMMISSION  
CONFORMS TO THE PLAN OF DEVELOPMENT FOR THE  
CITY AND APPROVING THE AMENDMENTS**

WHEREAS, the City of Lebanon Redevelopment Commission (the "Redevelopment Commission") on June 9, 2014, adopted its Resolution No. 2014-01 (the "Resolution") designating an area more particularly described in Exhibit A to the Resolution (the "Expansion Area"), as an expansion to the City of Lebanon Industrial Park Development Area (the "Original Area"), and approving an amendment to the Development Plan for such area as reflected in Exhibit B to the Resolution (the "Plan Amendment"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Amendment to this Common Council; and

WHEREAS, on June 16, 2014, the City of Lebanon Plan Commission approved and adopted a resolution (the "Approving Order") approving the Resolution and the Plan Amendment and determining that the Resolution and the Plan Amendment conform to the plan of development for the City of Lebanon, and has submitted the Approving Order to this Common Council.

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

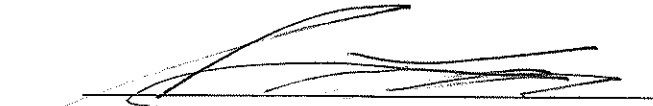
SECTION 1. The Resolution and the Plan Amendment conform to the plan of development for the City of Lebanon, Indiana.

SECTION 2. This Common Council hereby approves the Resolution, the Plan Amendment and the Approving Order, including without limitation the determination that the Expansion Area is an economic development area added to the Original Area pursuant to IC 36-7-14-15 and IC 36-7-14-41.

SECTION 3. This Resolution shall be in full force and effect immediately from and after its passage.

PASSED by the Common Council of the City of Lebanon, Indiana, this 23<sup>rd</sup> day of JUNE, 2014.


CITY OF LEBANON, INDIANA

  
Jeremy Lamar, President,  
Lebanon Common Council

Attest:

  
Tonya Thayer, Lebanon Clerk-Treasurer

Presented by me to the Mayor of the City of Lebanon at 9:00 p.m., on the 23<sup>rd</sup> day of JUNE, 2014.

  
Tonya Thayer, Lebanon Clerk-Treasurer

This Resolution approved and signed by me, the Mayor of the City of Lebanon, at 9:00 p.m., on the 23<sup>rd</sup> day of JUNE, 2014.

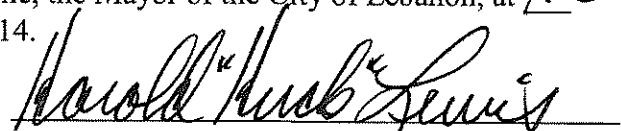
  
Harold "Huck" Lewis, Mayor  
City of Lebanon

EXHIBIT A

Description of the Expansion Area

The area to be included in the Expansion Area shall include property described on the attached depiction, which includes the following parcels located in the City of Lebanon:

Tax Parcel Number

06-10-35-000-022.002-002

06-10-36-000-022.003-002

## EXHIBIT "A"

Property Address: 315 North Mt. Zion Road, Lebanon, IN 46052

## PARCEL I

A part of the Southeast Quarter of Section 35, Township 19 North, Range 1 West, Center Township, Boone County, Lebanon, Indiana, more fully described by

Commencing at the Northwest corner of the Southeast Quarter of said Section 35, thence South 89°48'33" East, along the Quarter Section line and the approximate centerline of State Road 32, a distance of 1329.05 feet, thence South 00°06'22" West, along the Quarter-Quarter Section line a distance of 1988.12 feet, thence North 65°18'06" East, along that part of the North described line of Eagle Enterprises LLC property, as recorded in Deed Record 252, pages 950-955 and Instrument Number 950-511, a distance of 22.72 feet to the Point of Beginning; thence North 34°22'10" East, along the Southeastly described line of the J.M.B. Corporation Property, as recorded in Deed Record 244, pages 764-765, a distance of 1288.86 feet; thence South 58°30'00" East, along the Right of Way of Mount Zion Road, a distance of 175.16 feet; thence on a curve to the left, being along the Right of Way of Mount Zion Road, having a radius of 405.00 feet, the chord of which bears South 79°30'23" East, a distance of 290.35 feet and having an arc length of 295.97 feet; thence South 10°30'47" East, a distance of 350.61 feet, thence South 65°18'06" West, along that part of the Northwesterly described line of the Trustees of the First Assembly of God Church property, as recorded in Deed Record 206, page 399, the Northwesterly described line of the Suler Company property, as recorded in Deed Record 251, pages 596-599 and the Northwesterly described line of the Kaufman Engineering, Inc. property, as recorded in Deed Record 240, page 247 and that part of the Northwesterly described line of said Eagle Enterprises LLC property, a distance of 1351.92 feet to the Point of Beginning, containing 11.617 acres more or less.

## PARCEL II:

A part of the Southeast Quarter of Section 35 and also a part of the Southwest Quarter of Section 36 both being in Township 19 North, Range 1 West, Center Township, Boone County, Lebanon, Indiana, more fully described by

Commencing at the Northwest corner of the Southeast Quarter of said Section 35, thence South 89°48'33" East, along the Quarter Section line and the approximate centerline of State Road 32, a distance of 1329.05 feet, thence South 00°06'22" West, along the Quarter-Quarter Section line, a distance of 1988.12 feet, thence North 65°18'06" East, along that part of the North described line of Eagle Enterprises LLC property, as recorded in Deed Record 252, pages 950-955 and Instrument Number 950-511, the Northwesterly described line of the Kaufman Engineering, Inc. property as recorded in Deed Record 240, page 247, the Northwesterly described line of the Suler Company property, as recorded in Deed Record 251, pages 598-599, and that part of the Northwesterly described line of the Trustees of the First Assembly of God Church property, as recorded in Deed Record 206, page 397, a distance of 1374.14 feet to the point of beginning; thence North 10°30'47" West, a distance of 350.61 feet, thence on a curve to the left, being along the right of way of Mount Zion Road, having a radius of 405.00 feet, the chord of which bears North 79°00'56" East, a distance of 6.67 feet and having an arc length of 6.67 feet; thence on a curve to the right, being along the right of way of Mount Zion Road, having a radius of 345.00 feet, the chord of which bears South 75°17'35" East, a distance of 304.24 feet and having an arc length of 315.07 feet, thence South 38°58'41" East, along the right of way of Mount Zion Road, a distance of 159.24 feet; thence South 95°18'06" West, along that part of the Northwesterly described line of said Trustees of the First Assembly of God Church property, a distance of 389.35 feet to the point of beginning, containing 2.09 acres more or less.

ENCLOSURE BY BANK 11/2/81

Instrument No. 2010961151

Exhibit A

Terms and provisions of Agreement to Maintain Drainage Pond Facilities set out in an instrument dated August 15, 1976 and recorded August 15, 1983 in Miscellaneous Record 106, pages 562-567 and also recorded December 23, 1994 in Miscellaneous Record 150, pages 487-493 in the Office of the Recorder of Boone County, Indiana.

Declaration of Restrictive Covenant and Grant of Easement recorded September 17, 1986 in Deed Record 231, pages 813-823 in the Office of the Recorder of Boone County, Indiana. Restrictions do not provide for forfeiture or reversion for violation thereof.

NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, marital status or national origin, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.

Easement and associated rights granted to Indiana Gas Company, Inc. in an instrument dated November 8, 1963 and recorded November 9, 1963 in Instrument No. in Deed Record 270, pages 41-42 in the Office of the Recorder of Boone County, Indiana.

Permanent relinquishment of all rights and easements of ingress and egress to, from and across the titled access facility as set out in Warranty Deed from Robert H. Nelson Trust to the State of Indiana recorded February 5, 1987 in Deed Record 277, page 489 in the Office of the Recorder of Boone County, Indiana.

Easement and associated rights granted to Indiana Gas Company, Inc. by Robert H. Nelson Trust in an instrument dated November 8, 1963 and recorded November 9, 1963 in Deed Book 270, page 41 in the Office of the Recorder of Boone County, Indiana.

Subject to all legal highways and rights of way.  
Possible easements for legal drains and ditches, if any, and all rights thereof.

INFORMATION NOTE: The acreage in the legal description is shown for convenience only. The policy when issued will not insure the acreage of the insured premises.

EXHIBIT B

Amendment to Development Plan

The Development Plan is amended to add to the Development Plan the acquisition and redevelopment of the Expansion Area by the Redevelopment Commission, which may include site preparation, infrastructure improvements, and new mixed-use building construction to house lab space, as well as office space and common meeting areas. After discussing the development of the Expansion Area with various stakeholders, potential occupants of the mixed-use building have indicated to the City and the Redevelopment Commission that they would not relocate to the building but for the provision of the tax increment incentives contemplated by this Amendment to the Development Plan.

The total estimated cost of the development of the Expansion Area is \$5,500,000.