

BE IT ORDAINED by the Common Council of the City of Lebanon, Indiana, that:
SECTION 1: The Common Council hereby takes notice of the change in zoning since the imposition of certain restrictive covenants thereon on August 13, 1973 of the following described real estate, to-wit:

160 feet off of the entire west side of the following described real estate, to-wit:

A part of the northeast quarter of Section 25, Township 19 North, Range 1 West, situated in Lebanon, Boone County, Indiana, and being more particularly described as follows, to-wit:

From the southwest corner of the northwest quarter of Section 30, Township 19 north, Range 1 East, proceed thence south 89°58'27" west for a distance of 422.40 feet to the point of beginning. From said point of beginning, continue thence south 89°58'27" west for a distance of 454.57 feet to the center line of State Highway #39; thence north 10°10'26" west with said center line, for a distance of 209.86 feet; thence south 89°58'27" east for a distance of 491.89 feet; thence south 0°04'15" west for a distance of 206.58 feet to the point of beginning, containing 2.2442 acres, more or less, subject to the easement for a state highway on and along the entire westernmost boundary.

which lies adjacent to and north of the Lebanon Memorial Park within said city; that the landowner and the city intend to protect the adjoining landowners and the park by modification of the restrictive covenants heretofore imposed on said real estate.

SECTION 2: The City and the owner of the land are hereby authorized to enter into a modification of the covenants heretofore entered on said real estate restricting the use of such real estate; that the Mayor is hereby authorized to execute such covenants and such modification of the covenants on behalf of the City.

SECTION III: The covenants on the above described tract of real estate heretofore imposed be, and the same are hereby released with the exception of a prohibition against the sale of alcoholic beverages thereon in any form. The above described real estate may be used for any other purpose outlined in the existing zoning Ordinance of the City of Lebanon, Indiana.

SECTION IV: This Ordinance is to be in full force and effect from and after its passage.

Passed by the Common Council this _____ day of May, 1976.

Robert M. Campbell (Signed)
 ROBERT M. CAMPBELL, MAYOR

ATTEST: Ann Garoffolo (Signed)
 ANN GAROFFOLO, CLERK-TREASURER

AGREEMENT TO RECORD MODIFICATION OF RESTRICTIVE COVENANTS

WHEREAS, Ward Devon Gillan and Sue Gillan, hereinafter called Landowner, are the owners of the following described real estate, to-wit:

160 feet off of the entire west side of the following described real estate, to-wit:

A part of the northeast quarter of Section 25, Township 19 North, Range 1 West, situated in Lebanon, Boone County, Indiana, and being more particularly described as follows to-wit:

From the southwest corner of the northwest quarter of Section 30, Township 19 north, Range 1 East, proceed thence south 89°58'27" west for a distance of 422.40 feet to the point of beginning. From said point of beginning, continue thence south 89°58'27" west for a distance of 454.77 feet to the center line of State Highway #39; thence north 10°10'26" west with said center line, for a distance of 209.86 feet; thence south 89°58'27" east for a distance of 491.89 feet; thence south 0°04'15" west for a distance of 206.58 feet to the point of beginning, containing 2.2442 acres, more or less, subject to the easement for a state highway on and along the entire westernmost boundary.

which lies adjacent to and north of the Lebanon Memorial Park within the City of Lebanon, Indiana, and

WHEREAS, since the original covenants entered into herein were recorded, the City has rezoned said land to a PB2 use, and

WHEREAS, the City of Lebanon, Indiana, hereinafter called City, and the Landowner desires to restrict the use of said real estate under PB2 to prohibit the use of alcoholic beverages in any form, in order to protect the value of said Park and adjoining landowners; that all other uses permitted under PB2 zoning of the City of Lebanon, Indiana are hereby authorized on said real estate.

NOW THEREFORE, as authorized by Section 2 of Ordinance No. 76-___ the City and Landowner hereby agree that the restrictive covenants heretofore imposed on said real estate are hereby removed, provided however, that the sale of alcoholic beverages in any form shall not be permitted on said real estate at any time now or in the future.

Landowners hereby agree that they are executing this covenant agreement for themselves and for any other persons or corporations which have an interest in the above described real estate. Said agreement is to be binding on the heirs, assigns, and successors, in interest of the parties hereto.

CITY OF LEBANON

Robert M. Campbell (Signed)