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MARY ALICE BALDWIN
RECORDER OF BOONE COUNTY
LEBANON, INDIANA, 46052
BK 138 PG 229

ORDINANCE NO. 93-6

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO THE CITY OF
LEBANON, INDIANA, AND ASSIGNMENT OF ZONING CLASSIFICATION**

WHEREAS, the Lebanon City Council has been approached by Road America, by and through its authorized representative, who will petition for annexation of certain land contiguous to the City of Lebanon, State of Indiana; and

WHEREAS, the Lebanon City Council has deemed appropriate that this annexation be conducted pursuant to the Lebanon City Zoning Code and the Indiana Statutes governing annexation; and

WHEREAS, the fiscal plan and study have been conducted outlining the advantages and disadvantages of the proposed annexation and placed of record with the city offices, indicating a policy to serve this area of annexation with governmental and proprietary services immediately upon approval, subject, however, to approval from the Indiana Regulatory Commission regarding assignment of service area; and

WHEREAS, Petitioners specifically express their preference that the annexed area have electrical services provided by the Lebanon Municipal Utilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, AS FOLLOWS:

Section 1. That the real estate as hereinafter described, to-wit:

A part of the East Half of the Northeast Quarter of Section 35, Township 19 North of Range 1 West, in Boone County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Half Quarter Section (said point being on the centerline of State Road 32 as now located); running thence North 00 degrees 27 minutes 52 seconds East (assumed bearing) upon and along the West line thereof a distance of 160.0 feet to a point; running thence North 89 degrees 54 minutes 00 seconds East and parallel with the South line of said Half Quarter Section and the centerline of said State Road 32 a distance of 200.0 feet by deed and 199.57 feet by measurement to a point (said point being on the West right of way line of a frontage road along the limited access right of way for Interstate 65 as now located); running thence South 00 degrees 27 minutes 52 seconds West upon and along said right of way line and parallel with the West line of said Half Quarter Section a distance of 110.0 feet to the intersection of said right of way line with the North right of way line of said State Road 32; continuing thence South 00 degrees 27 minutes 52 seconds West and parallel with the West line of said Half Quarter

Section a distance of 50.0 feet to a point on the South line of said half quarter Section and the centerline of said State Road 32; running thence South 89 degrees 54 minutes 00 seconds West upon and along said South line and centerline a distance of 200.0 feet by deed and 199.57 feet by measurement to the Point or Place of beginning.

The above described real estate, being sometimes also described as follows:

A part of the east half of the northeast quarter of Section thirty-five (35), Township Nineteen (19) north, Range one (1) West, of the Second Principal Meridian, described as follows, to-wit:

Commencing on the south line of said half quarter section at a point 100 feet east of the southwest corner thereof, and running thence north parallel with the west line of said half quarter section a distance of 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel to the west line of said half quarter section a distance of 160.0 feet to the south line of said half quarter section, thence west along the south line thereof a distance of 100.0 feet to the point of beginning.

A part of the east half of the northeast quarter of Section 35, Township 19 North, Range 1 West of the Second Principal Meridian, more particularly described as follows, to-wit:

Commencing at the southwest corner of said half quarter section and run thence north along the west line thereof 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel with the west line of said half quarter section 160.0 feet to a point, thence west along the south line thereof 100.0 feet to the place of beginning.

be annexed into the City of Lebanon, Indiana, pursuant to the provisions of Indiana Code 36-4-3-1, et seq. Said real estate as described herein is hereby declared by the action of the Common Council of the City of Lebanon to be annexed to and shall become a part of the City of Lebanon, State of Indiana, and the city's boundary ordinance shall be amended accordingly.

Section 2. Be it further declared by the action of the Common Council of the City of Lebanon, Indiana, that such real estate is hereby assigned a zoning classification of "PB-1."

Section 3. Be it further declared that the Common Council of the City of Lebanon, Indiana, makes specific note of Petitioner's preference that the annexed area be serviced by the Lebanon Municipal Utilities, subject, however, to approval by the Indiana Regulatory Commission regarding assignment of the service area.

Section 4. The newly annexed territory shall be assigned to Councilmatic District No. 4, consisting of Precinct No. 2, as revised in Ordinance No. 90-20.

PRESIDING OFFICER:

James H. Acton
JAMES H. ACTON

COUNCILPERSONS:

Jack Bland
JACK BLAND

Douglas W. Campbell
DOUGLAS W. CAMPBELL

John W. Lasley
JOHN W. LASLEY

Eric D. Hungate
ERIC D. HUNGATE
David L. Leuck
DAVID L. LEUCK

Anne Good
ANNE GOOD

James K. Urban
JAMES K. URBAN

Presented to me by the Mayor of the City of Lebanon, on the 14th day of June, 1993.

Laurie Gross
LAURIE GROSS, Clerk-Treasurer

APPROVED AND SIGNED by me this 14th day of June, 1993.

James H. Acton
JAMES H. ACTON, Mayor
City of Lebanon

This instrument prepared by J. Jeffrey Edens, Attorney at Law, SHELBY & EDENS, P.C., 116 North West Street, P. O. Box 743, Lebanon, IN 46052

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE THE PLAN COMMISSION
AND CITY COUNCIL OF THE
CITY OF LEBANON, INDIANA

**PETITION FOR ANNEXATION
AND ASSIGNMENT OF ZONING CLASSIFICATION**

Comes now Road America, by and through its authorized representative, and submit the following Petition for Annexation and Assignment of Zoning Classification by alleging and stating as follows:

1. The Petitioner, Road America, is the owner of a certain tract of real estate more particularly described as follows:

A part of the East Half of the Northeast Quarter of Section 35, Township 19 North of Range 1 West, in Boone County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Half Quarter Section (said point being on the centerline of State Road 32 as now located); running thence North 00 degrees 27 minutes 52 seconds East (assumed bearing) upon and along the West line thereof a distance of 160.0 feet to a point; running thence North 89 degrees 54 minutes 00 seconds East and parallel with the South line of said Half Quarter Section and the centerline of said State Road 32 a distance of 200.0 feet by deed and 199.57 feet by measurement to a point (said point being on the West right of way line of a frontage road along the limited access right of way for Interstate 65 as now located); running thence South 00 degrees 27 minutes 52 seconds West upon and along said right of way line and parallel with the West line of said Half Quarter Section a distance of 110.0 feet to the intersection of said right of way line with the North right of way line of said State Road 32; continuing thence South 00 degrees 27 minutes 52 seconds West and parallel with the West line of said Half Quarter Section a distance of 50.0 feet to a point on the South line of said half quarter Section and the centerline of said State Road 32; running thence South 89 degrees 54 minutes 00 seconds West upon and along said South line and centerline a distance of 200.0 feet by deed and 199.57 feet by measurement to the Point or Place of beginning.

The above described real estate, being sometimes also described as follows:

A part of the east half of the northeast quarter of Section thirty-five (35), Township Nineteen (19) north, Range one (1) West, of the Second Principal Meridian, described as follows, to-wit:

Commencing on the south line of said half quarter section at a point 100 feet east of the southwest corner thereof, and running thence north parallel with the west line of said half quarter section a distance of 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel to the west line of said half quarter section a distance of 160.0 feet to the south line of said half quarter section, thence west along the south line thereof a distance of 100.0 feet to the point of beginning.

A part of the east half of the northeast quarter of Section 35, Township 19 North, Range 1 West of the Second Principal Meridian, more particularly described as follows, to-wit:

Commencing at the southwest corner of said half quarter section and run thence north along the west line thereof 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel with the west line of said half quarter section 160.0 feet to a point, thence west along the south line thereof 100.0 feet to the place of beginning.

2. The Petitioner desires that the real estate comprised in the above described tract be annexed into the City of Lebanon, Boone County, Indiana, pursuant to the provisions of I.C. 36-4-3-1 et seq., which states that the legal requirements or annexation of such real estate are satisfied in the following respects:

- a. That such real estate is contiguous to the boundaries of the City of Lebanon;
- b. The real estate is not inside the corporate boundaries of any other municipality; and
- c. Road America is the legal owner of the real estate.

3. The Petitioner desires that such real estate be annexed into the City of Lebanon so that they may have assigned a zoning classification and be available for possible future development for use as permitted in the assigned zoning classification.


4. The Petitioner will pay all expenses incurred in connection with the development of this real estate, but it is necessary that the within described real estate, as heretofore described, be annexed into the City of Lebanon in order to secure municipal services for such real estate, such as utilities, sewage and public safety protection.

5. The Petitioner specifically expresses its preference as proposed owner, occupier and consumer in the annexed area, and that said annexed area have electrical services provided by the Lebanon Municipal Utilities.

6. Pursuant to Section 27-18 of the Zoning Code of the City of Lebanon, the Petitioner would propose that the tract herein described be assigned a zoning classification of PBI.

WHEREFORE, the Petitioner respectfully requests that the City Plan Commission of the City Council of Lebanon, Boone County, Indiana, take steps as are herein necessary to annex the real estate comprised in the tract herein described into the City of Lebanon, and to assign such real estate zoning classification as set forth hereinabove, and for any and all other relief just and proper in the premises.

SHELBY & EDENS, P.C.



J. JEFFREY EDENS
Authorized Representative
for Petitioner

**PRELIMINARY PHYSICAL PLAN,
ANNEXATION OF ROAD AMERICA PROPERTY**

The following is a preliminary physical plan for the annexation of certain property located in Boone County, Indiana, more specifically described as follows:

A part of the East Half of the Northeast Quarter of Section 35, Township 19 North of Range 1 West, in Boone County, Indiana, being more particularly described as follows, to-wit:

Beginning at the Southwest corner of said Half Quarter Section (said point being on the centerline of State Road 32 as now located); running thence North 00 degrees 27 minutes 52 seconds East (assumed bearing) upon and along the West line thereof a distance of 160.0 feet to a point; running thence North 89 degrees 54 minutes 00 seconds East and parallel with the South line of said Half Quarter Section and the centerline of said State Road 32 a distance of 200.0 feet by deed and 199.57 feet by measurement to a point (said point being on the West right of way line of a frontage road along the limited access right of way for Interstate 65 as now located); running thence South 00 degrees 27 minutes 52 seconds West upon and along said right of way line and parallel with the West line of said Half Quarter Section a distance of 110.0 feet to the intersection of said right of way line with the North right of way line of said State Road 32; continuing thence South 00 degrees 27 minutes 52 seconds West and parallel with the West line of said Half Quarter Section a distance of 50.0 feet to a point on the South line of said half quarter Section and the centerline of said State Road 32; running thence South 89 degrees 54 minutes 00 seconds West upon and along said South line and centerline a distance of 200.0 feet by deed and 199.57 feet by measurement to the Point or Place of beginning.

The above described real estate, being sometimes also described as follows:

A part of the east half of the northeast quarter of Section thirty-five (35), Township Nineteen (19) north, Range one (1) West, of the Second Principal Meridian, described as follows, to-wit:

Commencing on the south line of said half quarter section at a point 100 feet east of the southwest corner thereof, and running thence north parallel with the west line of said half quarter section a distance of 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel to the west line of said half quarter section a distance of 160.0 feet to the south line of said half quarter section, thence west along the south line thereof a distance of 100.0 feet to the point of beginning.

A part of the east half of the northeast quarter of Section 35, Township 19 North, Range 1 West of the Second Principal Meridian, more particularly described as follows, to-wit:

Commencing at the southwest corner of said half quarter section and run thence north along the west line thereof 160.0 feet to a point, thence east parallel with the south line of said half quarter section a distance of 100.0 feet to a point, thence south parallel with the west line of said half quarter section 160.0 feet to a point, thence west along the south line thereof 100.0 feet to the place of beginning.

(hereinafter referred to as "Annexation Area.")

1. Location.

The Annexation Area consists of approximately two lots located next to Interstate 65 off of State Road 32 (See Exhibit A.) The area is contiguous to the City of Lebanon, Indiana, on all of its boundaries. The Annexation Area is located in Section 35, Township 19 North, Range 1 West, in Boone County, Indiana.

2. Topography.

The topography in the Annexation Area is flat and commensurate the area surrounding the annexed property.

3. Patterns of Land Use.

The land surrounding the Annexation Area, on all boundaries, is being used for commercial purposes. There is access and is an already existing appropriate hook-up for electric, gas, sanitary and water utilities. The zoning classification to be assigned to the property, upon approval by the Common Council, is PB-1.

4. Population Density.

There are no people living in the immediate area of the Annexation Area.

5. Comparable Neighborhoods.

There are no neighborhoods in the immediate Annexation Area. All property surrounding the Annexation Area is presently being used for commercial purposes.

6. Relationship to City Services.

As noted above, city services are already available to the area surrounding the real estate and it is not believed that any existing costs need to be expended to extend water, sewage and storm sewer lines to the existing facilities.

7. Provisions of Services.

a. Street and Road Maintenance. The Annexation Area is located on State Road 32 and will be serviced by the State Highway Department. No additional stop signs, street lights or sidewalks will need to be constructed.

b. Police and Fire Protection. Police and fire services are already serving all sides of the Annexation Area. It is not anticipated that any additional officer overtime or vehicle costs will be incurred as a consequence of the Annexation Area.

c. Animal Control, Refuse Collection, Parks and Recreation. The Annexation Area is in a commercial area and is not intended for future use as real property. Refuse collection will be done by private carrier and will provide only a small impact on the area.