

BEFORE THE COMMON COUNCIL OF
THE CITY OF LEBANON, INDIANA

ORDINANCE NO. 93- 12

9502

AUG 24 1 31 AM '93

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

MARY ALICE BALDWIN
RECORDER OF BOONE COUNTY
LEBANON, INDIANA, 46052
Misc BK 138 PG 395

WHEREAS, Alexander and Kimberly Gatzimos and Frank Lobraico, et al. have filed a Petition for Annexation and Assignment of Zoning Classification, seeking to annex into the City of Lebanon a certain tract of real estate which is adjacent and contiguous to the existing northern boundaries of the City of Lebanon, known as 2485 North Lebanon Street, consisting of approximately 3.0 acres, more or less, as hereinafter described; and

WHEREAS, the Plan Commission of the City of Lebanon has conducted a public hearing upon said Petition and recommended that such annexation request be approved; and

WHEREAS, all procedural requirements for said annexation have been satisfied through compliance with the requirements of the City of Lebanon, its Department of Utilities, and others, for the purpose of this voluntary annexation sought by both Petitioners; and

WHEREAS, the Petitioners have specifically expressed their preference that the area proposed for annexation have utility services provided by the Lebanon Municipal Utilities; and that said utilities may serve this area proposed for annexation with water, sewer and electricity,

DULY ENTERED FOR TAXATION
August 24, 1993
Constance A. O'Garra
AUDITOR BOONE COUNTY

and that telephone and natural gas services are available to serve the property from other sources; and

WHEREAS, the Common Council of the City of Lebanon has deemed the Petition appropriate and that the annexation proposed by the Petitioners should be completed pursuant to the Lebanon City Zoning Code and the Indiana statutes governing annexations; and

WHEREAS, the City of Lebanon has previously adopted a study identifying areas appropriate for annexation, and an overall plan, to provide for a policy to serve the areas proposed for annexation with governmental and proprietary services by way of agreements with the property owners seeking annexation. In addition, the City of Lebanon and the property owners seeking annexation have evaluated the proposed costs and methods of implementing the provision of municipal services by the Petitioners with approval by the municipality to the area.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Indiana:

Section 1. The following described land, as hereinafter specifically described, be, and the same is, hereby annexed to and declared a part of the City of Lebanon, Indiana, to-wit:

A part of the Southeast Quarter of Section 24, Township 19 North, Range 1 West of the Second Principal Meridian, Boone County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the East Half of the Southeast Quarter of said Section 24; thence

South 89 degrees 38 minutes 29 seconds East (assumed bearing) along the North line of said East Half a distance of 187.44 feet; thence South 00 degrees 12 minutes 31 seconds West (calc. rec.) (deflecting right 89 degrees 51 minutes by deed) a distance of 339.04 feet to the POINT OF BEGINNING; thence North 89 degrees 53 minutes 29 seconds West (calc. rec.) (deflecting right 89 degrees 54 minutes by deed) a distance of 612.84 feet to the West right-of-way line of the former Terre Haute, Indianapolis and Eastern Traction Company; thence South 10 degrees 21 minutes 29 seconds East (calc. rec.) (deflecting left 100 degrees 28 minutes by deed) along said right-of-way line a distance of 224.37 feet to a point on the North line of a tract of land conveyed to C. Cole Warren as recorded in Deed Record 221, pages 36-37 in the Office of the Recorder of Boone County, Indiana; thence South 89 degrees 53 minutes 29 seconds East (calc. rec.) (deflecting left 79 degrees 32 minutes by deed) along said North line a distance of 571.70 feet; thence North 00 degrees 12 minutes 31 seconds East (calc. rec.) (deflecting left 90 degrees 06 minutes by deed) a distance of 220.64 feet to the Point of Beginning. Containing 3.000 Acres (130,676 Square Feet), more or less.

Subject to the right-of-way for State Road No. 39 along the entire West side.

Section 2. The boundaries of the City of Lebanon shall be, and the same are, hereby declared to be extended so as to include all of the real estate hereinabove described as part of the City of Lebanon, Indiana, and the City's boundary ordinance shall be amended accordingly.

Section 3. The area proposed for the annexation is within the assigned service territory of the municipally-owned electric utility. The area otherwise has available the means to have all other municipal or other utilities extended or implemented to serve this property. The Petitioners have represented they shall see to the implementation of said utilities to the site.

The City of Lebanon has previously adopted a policy

on annexation of contiguous real estate as identified in Resolution No. 87-14. In addition, the Council adopts herewith a resolution approving a written fiscal plan establishing a policy for the provisions of service to areas proposed for annexation which are substantially equivalent in standard and scope to the services furnished by the City of Lebanon to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to the territory annexed herein.

Section 4. Pursuant to the recommendation of the City Plan Commission, the real estate identified herein is hereby assigned a zoning classification of PB-2, pursuant to the provisions of the Zoning Code of the City of Lebanon, Indiana.

Section 5. The newly annexed territory shall be assigned to Councilmatic District No. 5 consisting of precincts No. 9, 12 as provided by City ordinance.

Section 6. This ordinance shall be in full force and effect from and after its passage, promulgation, approval by the Mayor, legislative body, and publication in accordance with the laws of this state.

ALL OF WHICH IS PASSED AND ADOPTED by the Common Council of the City of Lebanon, Boone County, State of Indiana, on the 23 day of August, 1993.

PRESIDING OFFICER:

James H. Acton
James H. Acton, Mayor

COUNCILPERSONS:

Jack Bland
 Jack Bland
Douglas W. Campbell
 Douglas W. Campbell
John W. Lasley
 John W. Lasley
Eric D. Hungate
 Eric D. Hungate

Anne Good
 Anne Good
David L. Leuck
 David L. Leuck
James K. Urban
 James K. Urban

ATTEST:

Laurie Gross
 Laurie Gross, Clerk-Treasurer,
 City of Lebanon

Presented by me to the Mayor of the City of Lebanon,
 Indiana, this 23rd day of August, 1993.

Laurie Gross
 Laurie Gross, Clerk-Treasurer
 City of Lebanon, Indiana

Signed and approved by me this 23rd day of August,
 1993.

James H. Acton
 James H. Acton, Mayor,
 City of Lebanon, Indiana

PRELIMINARY FISCAL PLAN

ANNEXATION OF THE PROPERTY
OF ALEXANDER AND KIMBERLY GATZIMOS
AND FRANK LOBRAICO, ET AL.

INTRODUCTION

The following is a preliminary fiscal plan for the annexation of a tract of real estate directly adjacent to the current boundaries of the City of Lebanon on its northern boundary (hereinafter referred to as the "Annexation Area"). This property has been proposed for annexation in a cooperative effort between Alexander and Kimberly Gatzimos and Frank Lobraico, et al., and the City of Lebanon and is deemed to be a voluntary annexation. The Petitioners are requesting the assignment of a zoning classification of PB-2, pursuant to a hearing which was conducted by the Lebanon City Plan Commission in a previous public meeting pursuant to the requirements of the Lebanon City Zoning Code. The Petitioners for the voluntary annexation are also requesting that the Lebanon Municipal Utilities provide services of a capital nature to the Annexation Area, however, are extending, where necessary, or arranging for municipal utilities as part of the overall development of the property.

1. Location. The Annexation Area consists of one tract of real estate directly north of the area commonly known as the Warren Annexation and west of the Sagamore property and is bordered on the west by the roadway known

as State Road 39. The tract is identified as the "Gatzimos Tract" consisting of 3.00 acres, more or less. Exhibit "A" attached hereto generally reflects the Annexation Area per highlights. The area is contiguous to the City of Lebanon for the required touching of current City boundaries and is generally located in the southeast quarter of Section 24, Township 19 North, Range 1 West, Center Township, Boone County, Indiana with a street address of 2485 North Lebanon Street, Lebanon, Indiana 46052.

2. Topography. The topography of the Annexation Area is generally flat and comparable with the area surrounding the annexed property.

3. Patterns of Land Use. The land has generally been used for residential purposes. The Annexation Area is directly adjacent to another area just recently annexed to the City of Lebanon for purposes of business development. There is believed to be adequate access to the real estate for appropriate hook-up of required electricity, gas, sanitary sewer, and water utilities.

4. Zoning Classification. The zoning classification to be assigned to the property upon the approval of the Lebanon Common Council is that of PB-2, pursuant to the recommendation and resulting public hearing conducted by the Lebanon City Plan Commission. This classification is compatible with land currently zoned in the same fashion

directly south and west of the property as established in the City's Master Plan.

5. Population Density. As of the date of the Petition to annex, as submitted by the parties, there are no people living in the area proposed for annexation. Comparable areas existing within the City limits specifically include the area directly south of the proposed Annexation Area. Local fire and police protection is already available in this general area as well as capital services such as street construction, storm sewer facilities, water, gas, telephone and electricity.

6. General Relationship to City Services. As noted above, there are already existing City services available to the surrounding real estate, and the Petitioners, and the City of Lebanon, are aware that Petitioners, as part of the development of this property, be required at their own cost to extend water, sewage and storm sewer lines to the existing facilities as agreed upon between the City and the Petitioners.

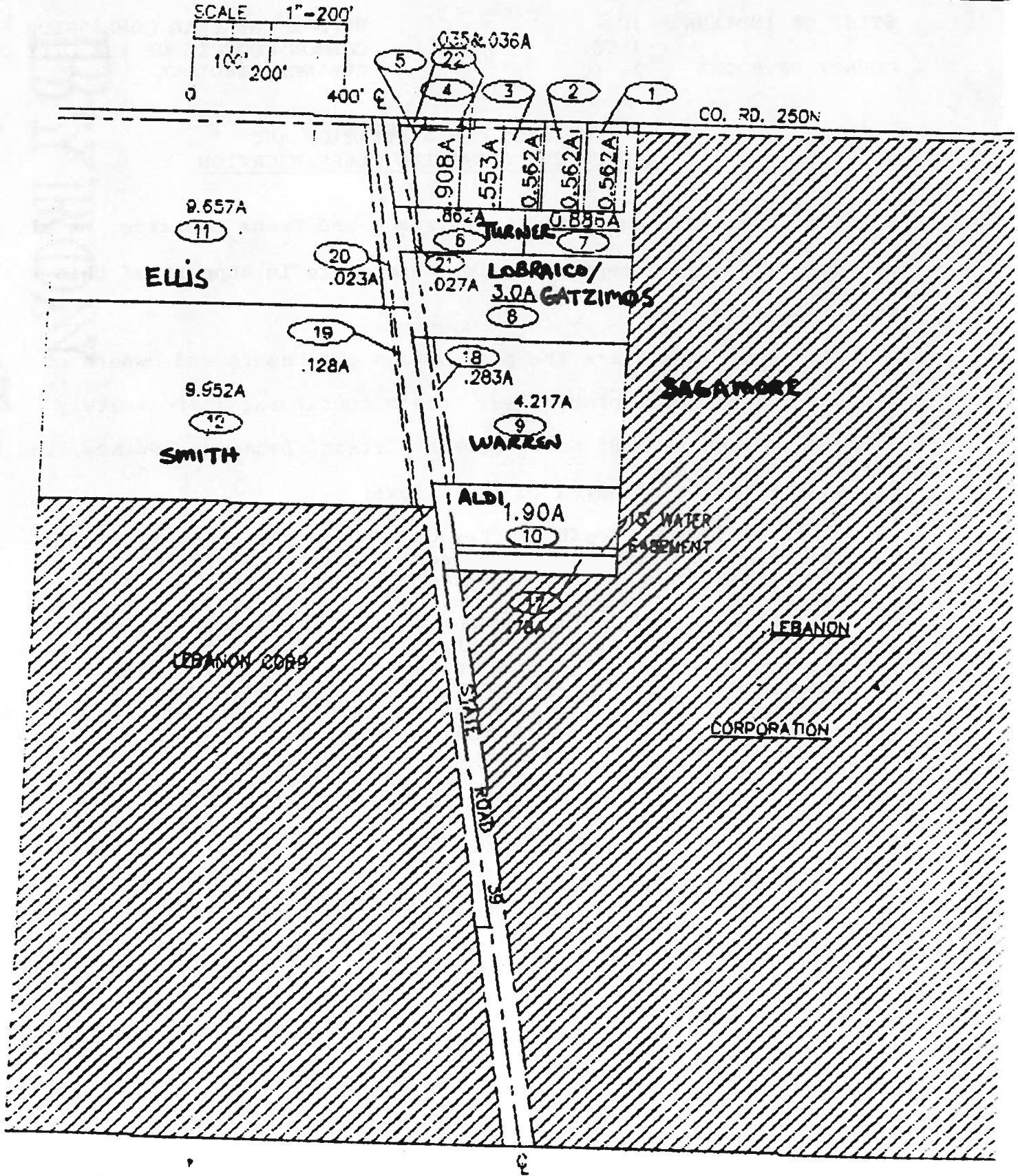
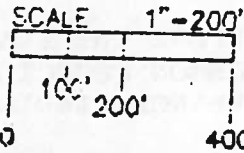
7. Provision of Services.

(a) Sanitary Sewer Service, Water Distribution, Fire Hydrants, Storm Drainage, Street and Road Maintenance. All of said items are recognized as being the subject of a certain agreement between the Petitioners and the City of Lebanon which will require the extension of these services, at the Petitioners' cost, unless modified by agreement with the City of Lebanon, which is the subject of a separate agreement between the Petitioners and the City of Lebanon.

(b) **Police and Fire Protection.** Police and fire services are already serving the area directly south 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 intended for the development of business uses and is therefore not anticipated that it will cause a significant demand on animal control. Refuse collection in the area will likely be supplied by private and outside contractors to the businesses locating in the annexed area. The Annexation Area is located within one mile of Lebanon's Memorial Park.

S.E. 1/4 SEC. 24-T.19N.-R.1W. 121



STATE OF INDIANA)
) SS:
 COUNTY OF BOONE)

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

PETITION FOR ANNEXATION AND
 ASSIGNMENT OF ZONING CLASSIFICATION

Dr. Alexander and Kimberly Gatzimos and Frank Lobraico, et al,
 by their authorized representative, now state in support of this
 petition as follows:

1. Petitioners are the prospective purchasers and owners of
 a certain tract of improved real estate containing approximately
 3 acres located at 2485 North Lebanon Street, Lebanon, Indiana, the
 legal description of which is as follows:

Part of the southeast quarter of section 24, township 19
 north, range 1 west of the Second Principal Meridian,
 described as follows: From the northwest corner of the
 east half of the southeast quarter of said section measure
 187.44 feet easterly along the north line of said quarter
 section, thence deflecting right 89 degrees 51 minutes
 measure southerly 339.04 feet for a place of beginning;
 thence deflecting right measure 89 degrees 54 minutes
 westerly 612.84 feet to a point, said point being on the
 west right of way line of the former Terre Haute,
 Indianapolis and Eastern Traction Company, thence deflecting
 left 100 degrees 28 minutes measure southeasterly with same
 224.37 feet to a point, said point being on the north line
 of a tract of land currently owned by Cole Warren, thence
 deflecting left 79 degrees 32 minutes measure easterly along
 the north line of said Warren tract 571.70 feet, thence
 deflecting left 90 degrees 6 minutes measure northerly
 220.64 feet to the place of beginning, containing 3 acres,
 more or less, and subject to all legal highways, easements
 and rights of way. Located in Center Township, Boone County,
 State of Indiana. Street Address: 2485 North Lebanon Street,
 Lebanon, Indiana.

2. A diagram of the real estate and adjacent area from the
 Center Township plat book and a list of the owners of adjacent
 property are attached.

3. Petitioners desire that the real estate be annexed into the City of Lebanon and state that the legal requirements for annexation of Ind. Code §§ 36-4-3-1 et seq. are satisfied in the following respects:

- (a) The 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) The current legal owners and prospective purchasers of the real estate are the Petitioners herein.

4. Petitioners desire such real estate be annexed into the City of Lebanon so that it may have assigned a zoning classification and be available for possible future development for uses permitted in the assigned zoning classification.


5. It is necessary that the real estate be annexed into the City of Lebanon in order to secure necessary municipal services for the real estate such as utilities, sewage disposal and public safety protection.

6. Pursuant to Section 27-18 of the Zoning Code of the City of Lebanon, Petitioners propose the real estate be assigned a zoning classification of PB-2. The real estate is well suited to such classification as it would be the same classification as adjacent real estate located to the south of this real estate.

WHEREFORE, Petitioners, by their authorized representative, request that the City Plan Commission and Common Council of the City of Lebanon take such steps as are necessary to annex the real estate

described above, assign such real estate a zoning classification of PB-2, and for all other proper relief in the premises.

DONALDSON, ANDREOLI & TRUITT

By 

David F. Truitt

David F. Truitt - #892-06
DONALDSON, ANDREOLI & TRUITT
129 North Meridian Street
Lebanon, Indiana 46052
(317) 482-0710 and 873-6038

ADJACENT AND ADJOINING PROPERTY OWNERS

Sagamore Center, Inc.
P. O. Box 631
Lebanon, Indiana 46052

C. Cole Warren
7147 South County Road 130 West
Frankfort, Indiana 46041

William E. Smith and Helen L. Smith
2480 North Lebanon Street
Lebanon, Indiana 46052

Merwyn S. and Lovoy O. Ellis
2494 North Lebanon Street
Lebanon, Indiana 46052

Byron C. and Vivian L. Turner
2491 North Lebanon Street
Lebanon, Indiana 46052

State of Indiana
Indiana Department of Transportation
100 North Senate Avenue
Indianapolis, Indiana 46204
(Easement Holder for State Highway)

