

BEFORE THE COMMON COUNCIL OF  
THE CITY OF LEBANON, INDIANA

ORDINANCE NO. 93-16

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

WHEREAS, Carter Lumber Company and William Earl and Helen Smith 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 2480 North Lebanon Street, consisting of approximately 10.08 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, telephone and natural gas services which are available to serve the property from readily available sources; and

DUES RECEIVED FOR TAXATION  
Nov 9 1993  
*Connie J. Lane*  
AUDITOR, BOONE COUNTY

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Nov 9 3 12 PM '93  
MARY ALICE BALDWIN  
RECORDER OF BOONE COUNTY  
LEBANON, INDIANA. 46052  
Misc BK 140 PG 534

**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:

The west half of the southeast quarter of Section 24, Township 19 North, Range 1 West. Containing 80 Acres more or less.  
**EXCEPT:** Commencing at the northwest corner of the east half of the southeast quarter of Section 24, Township 19 North, Range 1 West thence west 30 rods and 18 links to the center of the gravel road, thence with the same south 10 1/3 degrees east 72 rods and 2 links to a stone, thence east 29 rods and 4 links to a stake from which a Beech bears north 50 degrees east 32 1/2 links, also an Elm North 20 degrees east 10 links, thence north 70 poles and 23 links to a stake from which a Burr Oak bears south 83 degrees east 28 links, also a Red Oak bears south 11 degrees west 45 links, thence west with the north line of said tract to the beginning, containing 5 acres in the east half of the southeast quarter and 10 76/100 acres in the northeast part of the northwest quarter southeast quarter.

ALSO EXCEPT: Commencing at the southeast corner of the west half of the southeast quarter of said Section 24, thence west 80 rods and 20 links to the southwest corner of said tract, thence north 50 rods and 21 links, thence east 71 rods and 20 links to the center of the gravel road, thence with same south 10 degrees east 51 rods and 15 links to the beginning. Containing 24.24 acres more or less.

ALSO EXCEPT: Commencing at a point 508.8 feet west of the northeast corner of the northwest quarter of the southeast quarter of Section 24, Township 19, Range 1 West and running thence west 827.3 feet to the west line of said tract thence south along said line 483 feet, thence east 919.8 feet to the center of State Highway #39, thence north 10 1/3° west along the center line of said highway 491.77 feet to the place of beginning. Containing 9.68 acres more or less.

ALSO EXCEPT: Commencing at a point 977 feet south of the northwest corner of said tract, and running thence south 821 feet; thence east 1170 feet, to the center of State Road #39; thence north 10 1/3 degrees west 838 feet; thence west 1025 feet to the point of beginning. Containing 20.24 acres more or less.

Reference after said exceptions 10.08 acres, more or less, for the proposed permitted use.

Located in Center Township, Boone County, Indiana.

Subject to all legal highway, easements and rights of way.

Street Address: 2480 North Lebanon Street, Lebanon, Indiana.

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.

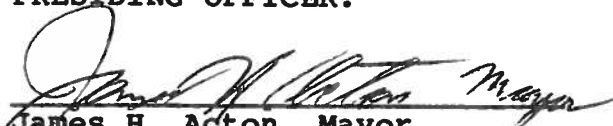
**Section 4.** Pursuant to the recommendation of the City Plan Commission, the real estate identified herein is hereby assigned a zoning classification of PB-2, pursuant to the provisions of the Zoning Code of the City of Lebanon, Indiana.

**Section 5.** The newly annexed territory shall be assigned to Councilmatic District No. 4 consisting of precincts No. 2, 7, and 11 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 8th day of November, 1993.

PRESIDING OFFICER:

  
James H. Acton, Mayor

COUNCILPERSONS:

Jack Bland  
Jack Bland

Anne Good  
Anne Good

Douglas W. Campbell  
Douglas W. Campbell

David L. Leuck  
David L. Leuck

John W. Lasley  
John W. Lasley

James K. Urban  
James K. Urban

Eric D. Hungate  
Eric D. Hungate

ATTEST:

Laurie Gross  
Laurie Gross, Clerk Treasurer,  
City of Lebanon

Presented by me to the Mayor of the City of Lebanon, Indiana,  
this 30th day of November, 1993.

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

Signed and approved by me this 30th day of November 1993.

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

This Instrument Prepared By DAVID F. TRUITT, Attorney At Law, 129  
North Meridian Street, Lebanon, IN. 46052 (317) 482-0710

Nov 9 2 51 PM '93

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

MARY ALICE BALDWIN  
RECORDER OF BOONE COUNTY  
LEBANON, INDIANA, 46052  
*Misc* BK 140 PG 532

AFFIDAVIT TO CORRECT LEGAL DESCRIPTION

Comes now David F. Truitt, counsel to petitioner for annexation before the Lebanon City Council, First Assembly of God Church, which annexation was adopted under Ordinance No. 93-8, and corrects the legal description set forth in said ordinance as recorded as Document No. 7525 on July 2, 1993, in Miscellaneous Record 137, page 121. Said Ordinance, due to scrivener's error, recited an incorrect bearing which is included in the corrected description as set forth hereinbelow. Said omission occurred from erroneous information passed on to your affiant who prepared the Ordinance which is corrected by this Affidavit.

The corrected description, with the corrected language appearing with underscoring, is as follows:

Tract II - First Assembly of God Tract.

A part of the southwest quarter of Section 36, and a part of the southeast quarter of Section 35, both in Township 19 North, Range 1 West, situated in Center Township, Boone County, Indiana.

From a railroad rail (on end) at the southwest corner of the aforesaid Section 36, proceed thence South 89°39'40" East, along the section line, 297.61 feet; thence North 0°20'20" East, 20.90 feet; thence North 28°05'59" East, along the right-of-way of a frontage road, 85.89 feet; thence North 0°20'34" East, along the aforesaid right-of-way, 920.94 feet to the point of beginning. From said point of beginning, proceed thence North 89°39'26" West, 898.33 feet; thence North 65°18'06" East, along the centerline of an abandoned railroad right-of-way, 898.61 feet; thence South 38°58'41" East, along the right-of-way of a frontage road, 50.98 feet; thence South 17°25'39" East, along said right-of-way, 169.96 feet; thence South 0°20'34" West, along said right-of-way, 179.06 feet to

the point of beginning; containing 4.1315 acres, more or less.

Further affiant saith not.

*David F. Truitt*

David F. Truitt

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 6<sup>th</sup> day of November, 1993.



*Barbara E. Quick*

Barbara E. Quick  
Notary Public

My Commission Expires: 8/22/97

County of Residence: Boone

This instrument prepared by David F. Truitt, Attorney-at-Law  
129 North Meridian Street, Lebanon, Indiana 46052

12558  
Oct 29 3 24 PM '93

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF BOONE )

MARY ALICE SALDWIN  
RECORDER OF BOONE COUNTY  
LEBANON, INDIANA, 46052  
*Mace* BK 140 PG 227

AFFIDAVIT TO CORRECT LEGAL DESCRIPTION

Comes now David F. Truitt, counsel to petitioners for annexation before the Lebanon City Council, Jack L. Lenox and Mariam Lenox, which annexation was adopted under Ordinance No. 93-8, and corrects the legal description set forth in said ordinance as recorded as Document No. 7525 on July 2, 1993, in Miscellaneous Record 137, page 121, and an easement for utilities which references said ordinance and prior legal description in Document No. 11716 as recorded October 14, 1993, in Deed Record 248, page 222, office of the Boone County Recorder. Said ordinance and easement omitted, due to scrivener's error, one line from the description which is included in the corrected description as set forth hereinbelow. Said omission occurred from erroneous information passed on to your affiant who prepared both of said documents which are corrected by this Affidavit.

The corrected description, with the added language appearing with underscoring, is as follows:

A part of the south half of Section 35, Township 19 North, Range 1 West; and a part of the southwest quarter of Section 36, Township 19 North, Range 1 West, both being situated in Center Township, Boone County, Indiana, more particularly described as follows:

From a railroad rail at the southeast corner of the aforesaid south half of Section 35, proceed North 89°46'28" West (an assumed bearing), along the section line, 1293.69 feet; thence North 0°13'32" East, 150.00 feet; thence North 89°46'28" West, 150.00 feet; thence South 0°13'32"



West 150.00 feet; thence North 89°46'28" West, along the section line, 1203.68 feet to the southwest corner of the southeast quarter of said Section 35; thence North 89°36'13" West, along the section line, 332.35 feet; thence North 0°00'36" West 489.82 feet; thence South 89°39'29" East 332.35 feet; thence South 89°46'51" East 893.51 feet; thence North 65°18'06" East 474.98 feet to a point on the quarter-quarter section line, thence South 0°06'22" West, along the quarter-quarter section line, 27.54 feet to a point in the centerline of the abandoned railroad right-of-way line; thence North 65°18'06" East, along the centerline of the abandoned right-of-way, 845.15 feet; thence South 89°39'26" East, along the south line of Deed Record 206, page 399, 898.33 feet to the right-of-way of a frontage road; thence South 0°20'34" West, along the aforesaid right-of-way, 920.94 feet; thence South 28°05'59" West along the aforesaid right-of-way, 85.89 feet; thence South 0°20'20" West, along the aforesaid right-of-way, 20.90 feet to a point on the south line of the southwest quarter of Section 36; thence North 89°39'40" West along the aforesaid section line, 297.61 feet to the point of beginning, containing 54.8195 Acres.

Further affiant saith not.

David F. Truitt

Subscribed and sworn to before me, a Notary Public in and for Boone County and State, this 29<sup>th</sup> day of October, 1993.



Barbara E. Quick  
Notary Public

My Commission Expires: 8/22/97

County of Residence: Boone

This instrument prepared by David F. Truitt, Attorney-at-Law  
129 North Meridian Street, Lebanon, Indiana 46052