

10.00

Upstairs - Shelby

1834 241

FEB 28 3 38 PM '95

ORDINANCE NO. 95-2

MARY ALICE GALDWIN
RECORDER OF BOONE COUNTY
LEBANON, INDIANA, 46052
Miss BK 151 PG 744

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

WHEREAS, the Lebanon City Plan Commission and the Lebanon City Council have been approached by Max Cowan and Warren Huntzinger, by and through their legal representative, who have petitioned for annexation of certain land owned by them contiguous to the City of Lebanon, State of Indiana, the legal description of which is described hereinbelow; and

WHEREAS, the Lebanon City Plan Commission has conducted a public hearing on the proposed annexation and has recommended unanimous approval to the legislative body; and

WHEREAS, the Lebanon City Council has deemed it 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, the Petitioners specifically have expressed 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 hereinbelow described, to-wit:

LAND DESCRIPTION • 1:

The Northeast quarter of the Southeast quarter of Section 30, Township 19 North, Range 1 East being bounded as follows:

Beginning at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 30, Township 19 North, Range 1 East; thence North 89 degrees 26 minutes 01 seconds West 1346.53 feet to the Southwest corner of the Northeast quarter of said Southeast quarter; thence North 01 degrees 10 minutes 50 seconds East 656.03 feet to the Northwest corner of the Southwest quarter of the Northeast quarter of said Southeast quarter thence North 00 degrees 41 minutes 02 seconds East

SHELBY & EDENS, P.C.
CHRIS L. SHELBY
#123 - 06
J. JEFFREY EDENS
#8422 - 06
ATTORNEYS AT LAW
116 N. WEST STREET
P.O. BOX 743
LEBANON, INDIANA 46052
PHONE: (317) 482-1370

DULY ENT:

AUDITOR: .

DULY ENTERED FOR TAXATION
Feb 28, 1995
Connie Raman
AUDITOR BOONE COUNTY

656.03 feet to the Northwest corner of the Northeast quarter of said Southeast quarter; thence South 89 degrees 39 minutes 33 seconds East 1327.29 feet to the Northeast corner of said Southeast quarter; thence South 00 degrees 05 minutes 36 seconds West 1317.29 feet to the Point of Beginning, containing 40.30 acres more or less and being subject to all applicable easements and rights-of-way of record.

LAND DESCRIPTION • 2:

A part of the Southeast quarter of the Northeast quarter of Section 30, Township 19 North, Range 1 East being bounded as follows:

Beginning at the Southeast corner of the Northeast quarter of Section 30, Township 19 North, Range 1 East; thence North 89 degrees 39 minutes 33 seconds West 1327.29 feet to the Southeast corner of the Southeast quarter of said Northeast quarter; thence North 00 degrees 08 minutes 29 seconds East 1326.39 feet to the Northwest corner of the Southeast quarter of said Northeast quarter; thence South 89 degrees 36 minutes 06 seconds East 1060.17 feet along the North line of the Southeast quarter of said Northeast quarter to the Northwest corner of a 1 acre tract of land recorded in deed record 251, page 859 in the records of the Recorder of Boone County; thence South 00 degrees 00 minutes 23 seconds West 330.00 feet along the West line of said 1 acre tract of land and along the West line of a 1 acre tract of land recorded in deed record 239, page 455 in said records to the Southwest corner of said 1 acre tract of land; thence South 89 degrees 36 minutes 06 seconds East 264.00 feet along the South line of said 1 acre tract of land to the Southeast corner of said 1 acre tract of land, said point being on the East line of said Northeast quarter; thence South 00 degrees 00 minutes 23 seconds West 995.08 feet to the Point of Beginning, containing 38.35 acres, more or less, being subject to all applicable easements and rights-of-way of record.

be annexed into the City of Lebanon, Indiana, pursuant to the provisions of Indiana Code 36-4-3-1, eq seq. Said real estate, as described hereinabove, 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.

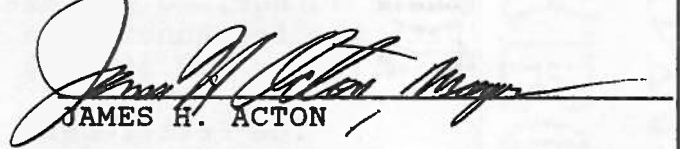
Section 2. Be it further declared by the action of the Common Council of the City of Lebanon, Indiana, and upon recommendation of the City Plan Commission, that the real estate is hereby assigned a zoning classification of "AA Residential," pursuant to the provisions of Section 25-27 of the Zoning Code of the City of Lebanon.

Section 3. Be it further declared that the Common Council of the City of Lebanon, Indiana, makes specific note of the Petitioners' preference that the annexed area be serviced by the

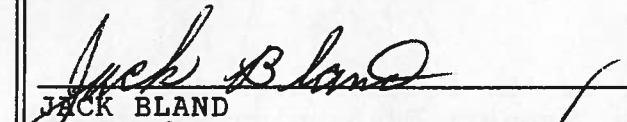
Lebanon Municipal Utilities, subject, however, to approval from the Indiana Regulatory Commission regarding assignment of service area.

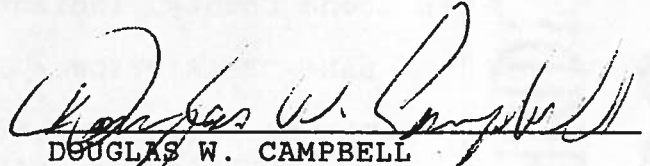
Section 4. The newly annexed territory shall be assigned to Councilmatic District Number 5, consisting of Precinct Number 12 and ~~Precinct Number 9~~, as revised in Ordinance Number 90-20.

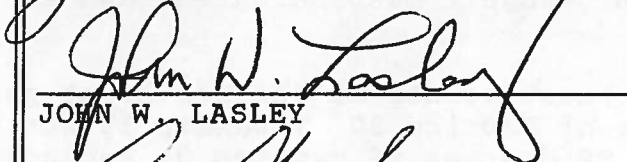
PRESIDING OFFICER:

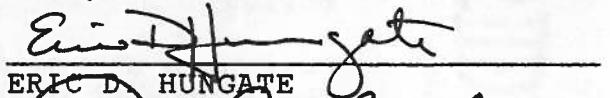

JAMES H. ACTON

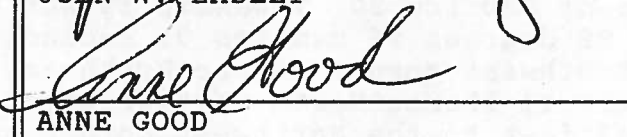
COUNCILPERSONS:

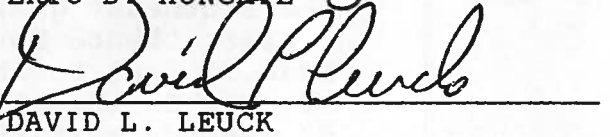

JACK BLAND

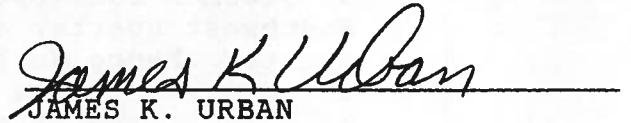

DOUGLAS W. CAMPBELL


JOHN W. LASLEY

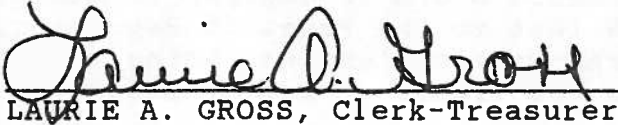

ERIC D. HUNGATE


ANNE GOOD

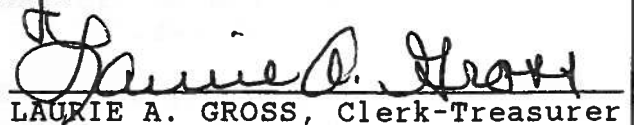

DAVID L. LEUCK


JAMES K. URBAN

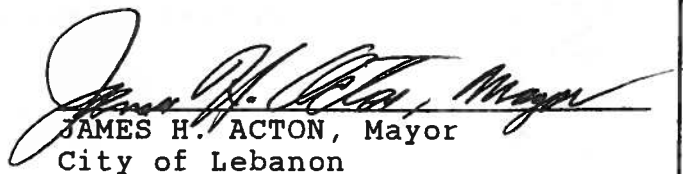
ATTEST:


LAURIE A. GROSS, Clerk-Treasurer

Presented by me to the Mayor of the City of Lebanon, Indiana, on the 27th day of February, 1995.


LAURIE A. GROSS, Clerk-Treasurer

APPROVED AND SIGNED by me this 27th day of February, 1995.


JAMES H. ACTON, Mayor
City of Lebanon

This instrument prepared by J. Jeffrey Edens, Attorney at Law, 116 N. West St., 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**

Come now Max Cowan and Warren Huntzinger, by and through their authorized representative, who now submit the following Petition for Annexation and Assignment of Zoning Classification by alleging and stating as follows:

1. The Petitioners are owners of certain real estate located in Boone County, Indiana, more particularly described as follows:

LAND DESCRIPTION • 1:

The Northeast quarter of the Southeast quarter of Section 30, Township 19 North, Range 1 East being bounded as follows:

Beginning at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 30, Township 19 North, Range 1 East; thence North 89 degrees 26 minutes 01 seconds West 1346.53 feet to the Southwest corner of the Northeast quarter of said Southeast quarter; thence North 01 degrees 10 minutes 50 seconds East 656.03 feet to the Northwest corner of the Southwest quarter of the Northeast quarter of said Southeast quarter thence North 00 degrees 41 minutes 02 seconds East 656.03 feet to the Northwest corner of the Northeast quarter of said Southeast quarter; thence South 89 degrees 39 minutes 33 seconds East 1327.29 feet to the Northeast corner of said Southeast quarter; thence South 00 degrees 05 minutes 36 seconds West 1317.29 feet to the Point of Beginning, containing 40.30 acres more or less and being subject to all applicable easements and rights-of-way of record.

LAND DESCRIPTION • 2:

A part of the Southeast quarter of the Northeast quarter of Section 30, Township 19 North, Range 1 East being bounded as follows:

Beginning at the Southeast corner of the Northeast quarter of Section 30, Township 19 North, Range 1 East; thence North 89 degrees 39 minutes 33 seconds West 1327.29 feet to the Southeast corner of the Southeast quarter of said Northeast quarter; thence North 00 degrees 08 minutes 29 seconds East 1326.39 feet to the Northwest corner of the Southeast quarter

of said Northeast quarter; thence South 89 degrees 36 minutes 06 seconds East 1060.17 feet along the North line of the Southeast quarter of said Northeast quarter to the Northwest corner of a 1 acre tract of land recorded in deed record 251, page 859 in the records of the Recorder of Boone County; thence South 00 degrees 00 minutes 23 seconds West 330.00 feet along the West line of said 1 acre tract of land and along the West line of a 1 acre tract of land recorded in deed record 239, page 455 in said records to the Southwest corner of said 1 acre tract of land; thence South 89 degrees 36 minutes 06 seconds East 264.00 feet along the South line of said 1 acre tract of land to the Southeast corner of said 1 acre tract of land, said point being on the East line of said Northeast quarter; thence South 00 degrees 00 minutes 23 seconds West 995.08 feet to the Point of Beginning, containing 38.35 acres, more or less, being subject to all applicable easements and rights-of-way of record.

2. The Petitioners desire that the real estate comprising the above and described tracts be annexed in 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 for the 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. The petition is signed by fifty-one percent (51%) of the owners of the territory south of the annex.

3. The Petitioners desire that such real estate be annexed in 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 Petitioners, Max Cowan and Warren Huntzinger, 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 in the City of Lebanon in order to secure municipal services for such real estate, such as utilities, sewage disposal and public safety protection.

5. Pursuant to Section 27-18 of the Zoning Code of the City of Lebanon, the Petitioners would propose that the tracts herein described be assigned a zoning classification of RA

Residential

WHEREFORE, the Petitioners respectfully request that the City Plan Commission of the Lebanon City Council take such steps as are necessary to annex the real estate comprising the tract herein described in the City of Lebanon, and to assign such real estate a zoning classification as set forth hereinabove, and for any and all other relief just and proper in the premises.

SHELBY & EDENS, P.C.

By: _____


J. JEFFREY EDENS
Authorized Representative
for Petitioners

PRELIMINARY FISCAL PLAN

ANNEXATION OF HUNTZINGER AND COWAN PROPERTIES
ALONG JOHN BART ROAD AND FORDICE ROAD

INTRODUCTION

The following is a preliminary fiscal plan for the annexation of approximately eighty (80) acres, in two tracts of land, located along Fordice Road and John Bart Road (hereinafter referred to as "Annexation Area").

1. Location:

The Annexation Area is located in two tracts, one comprising 40.30 acres and the other comprising 38.35 acres. Said tracts bound John Bart Road north from Fordice Road and north of Fordice Road from John Bart Road. The area is contiguous to the City of Lebanon for more than one-eighth of its aggregate external boundaries. The Annexation Area is located in Section 30, Township 19 North, Range 1 East in Boone County, Indiana.

2. Topography:

The topography of the Annexation Area is generally flat. However, there exists a small rise on the southeast corner of the two tracts. The topography is commensurate with the area surrounding the annexed property.

3. Pattern of Land Use:

The land has generally been used for agricultural purposes. There is access to the real estate upon appropriate hook-up of electric, gas, sanitary sewer and water utilities.

The zoning classification to be assigned to the property, upon approval by the Lebanon County Council, is _____, commensurate with the land use classification of the property located in the area.

4. Population Density:

As of the date of the petition to annex, there were no people living on the Annexation Area.

5. Comparable Areas:

The property sought to be annexed abuts a northernmost boundary of the Morningside Addition to the City of Lebanon. Further, the property sought to be annexed abuts the new Stable Walk and Stable Run Subdivisions to the City of Lebanon. Local fire and police protection is already available in the general area, as well as capital services, such as street construction, sewer facilities and water facilities.

6. General Relationship to City Services:

As noted above, there are already city services available to the surrounding real estate and the Petitioners are aware that they may be required, at their own cost, to extend water, sewer and storm sewer lines to the existing facilities.

7. Provisions of Services:

a. Sanitary Sewer Service. City sewer service is presently serving the area adjacent to the Annexation Area to the south and to the west. A sanitary sewer line of sufficient size will be installed by the developers, if required, at their sole cost, under the specifications of the Lebanon Utility Services Board to join existing sewer service in the general area.

b. Water Distribution. The City Water Utility is presently serving the area adjacent to the Annexation Area to the south and to the west. The developers will provide, if required, at its own expense, any necessary extensions for the annexed property to attach to the existing water distribution lines. Estimated costs to the City would be any amount rebated to the developers upon hook-up.

c. Fire Hydrants. The Petitioners believe that _____ fire hydrants will adequately cover the area.

d. Storm Drainage. Developers, at their own cost, will provide adequate storm drainage service commensurate with those services existing in adjoining areas.

e. Street and Road Maintenance. The Annexation Area is bordered by Fordice Road and John Bart Road. It is proposed that the old Slabtown Road be extended through the tract and connect with the Lebanon Middle School. Street signs, street lights and sidewalks will be necessary for the development of the area.

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

g. Animal Control, Refuse Collection, Parks and Recreation. While the Annexation Area is intended for future use as residential as property, it is not anticipated that it will cause significant demand on animal control. In addition, similar services generally are provided on a county-wide basis. Impact on trash collection service is expected to be low, as the area is already being serviced on the south and the west by a trash pick-up service contracted to the City of Lebanon.

The City's Parks and Recreation Department offers a wide variety of organized activities to the City of Lebanon. The Annexation Area is located within one to two miles of the Lebanon City Park.