

ORDINANCE NO. 95- 3**AN ORDINANCE REZONING PROPERTY  
AND AMENDING THE ZONING MAPS  
FOR THE CITY OF LEBANON**

**WHEREAS**, the Sycamore Group, Inc. having submitted their petition to rezone approximately fifty-six (56) plus acres of land located adjacent to Witt Road and old U.S. 52 in Center Township, Boone County, Indiana, more particularly described as follows:

A part of the Northeast Quarter of Section 26, and that part of the Southwest Quarter of the Southeast Quarter of Section 23, all of which being in Township 19 North, Range 1 West, Center Township, situated within the corporate limits of Lebanon, Indiana, more fully described by:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 26; thence South 00 degrees 25 minutes 38 seconds West, along the Section line and the approximate centerline of Witt Road, a distance of 1321.24 feet; thence South 84 degrees 23 minutes 33 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 957.15 feet; thence South 89 degrees 26 minutes 59 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 54.58 feet; thence North 54 degrees 29 minutes 13 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 45.39 feet; thence North 45 degrees 03 minutes 11 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 791.57 feet; thence North 42 degrees 18 minutes 18 seconds West, along the approximate centerline of the Small Reynolds Legal Open Drain, a distance of 563.49 feet to the point of intersection of the approximate centerline of Prairie Creek Legal Open Drain; thence along the approximate centerline of Prairie Creek, as described by the following courses:

- 1.) North 44 degrees 09 minutes 15 seconds East, a distance of 278.99 feet;
- 2.) North 15 degrees 38 minutes 39 seconds East, a distance of 803.31 feet;

- 3.) North 39 degrees 46 minutes 15 seconds East,  
a distance of 180.80 feet;
- 4.) North 36 degrees 36 minutes 20 seconds East,  
a distance of 256.67 feet;

thence leaving the approximate centerline of Prairie Creek at a bearing of South 00 degrees 04 minutes 09 seconds West, along the Quarter-Quarter Section line, being the West described line of the Lawson Property, as recorded in Deed Record 214, Page 117 and Deed Record 228, Page 160, a distance of 898.75 feet; thence South 89 degrees 41 minutes 36 seconds East, along the Section line, being the South described line of said Lawson Property and the South described line of the McGinley Property, as recorded in Deed Record 164, Pages 577-578, a distance of 1314.89 feet to the Point of Beginning, containing 56.7616 Acres.

and;

**WHEREAS**, said above described property is currently located in the "S" - Suburban Residence District and the Sycamore Group, Inc. having sought to have said property rezoned to the "B" - Residence District, with certain development restrictions as to the number of "B" lots being proposed in the subdivision; and

**WHEREAS**, the rezoning of the above property will in no way be detrimental to the public health, safety, welfare and property values in the area; and

**WHEREAS**, the use being proposed for the subject property is compatible with other uses and zoned property in the immediate area; and

**WHEREAS**, the Lebanon Plan Commission has conducted a Public Hearing on this request and has voted a favorable recommendation to the Common Council of the City of Lebanon, Indiana to approve said rezoning request; and

**WHEREAS**, the zoning maps for the City of Lebanon should now be amended to reflect that the above described property currently located in the "S" - Suburban Residence District should be rezoned to the "B" - Residence District, with certain development restrictions as to the number of "B" lots being proposed in the subdivision.

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

1. That the zoning maps for the City of Lebanon shall be amended to reflect that the approximately fifty-six (56) plus acres of land adjacent to Witt Road and old U.S. 52 in Center Township, Boone County, Indiana, as more particularly described above currently located in the "S" - Suburban Residence District shall now be rezoned to the "B" - Residence District, with certain development restrictions as follows:

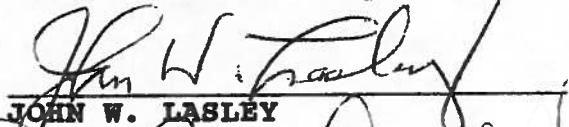
- a) Not more than eighty-six (86) lots in the subdivision may be permitted to be developed to the minimum criteria set out in the "B" Residence District as set out in Chapter 27 - Zoning of the Lebanon City Code.
- b) The "B" lots as set out above, and the criteria and development standards set out in Chapter 27 thereto, shall not be integrated but rather shall be segregated by section or phase of the development.

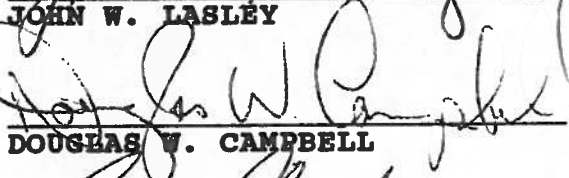
ALL OF WHICH IS CONSIDERED, APPROVED AND ADOPTED BY THE  
COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, this 27th  
day of February, 1995.

  
JAMES H. ACTON,  
MAYOR

COMMON COUNCIL OF THE CITY OF  
LEBANON, INDIANA

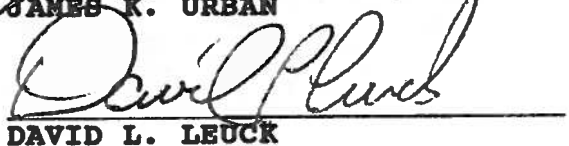
  
ERIC D. HUNGATE

  
JOHN W. LASLEY

  
DOUGLAS W. CAMPBELL

  
ANNE GOOD

  
JAMES K. URBAN

  
DAVID L. LEUCK

\_\_\_\_\_  
JACK S. BLAND

ATTEST:

  
LAURIE A. GROSS,  
Clerk-Treasurer

# COPY

## DEVELOPMENT AGREEMENT AND COMMITMENT

WHEREAS, The Sycamore Group, Inc., hereinafter called "Sycamore", is the Developer of certain property consisting of fifty-six (56) plus acres of land located adjacent to Witt Road and old U.S. 52 in Center Township, Boone County, Indiana, more particularly described as follows:

A part of the Northeast Quarter of Section 26, and that part of the Southwest Quarter of the Southeast Quarter of Section 23, all of which being in Township 19 North, Range 1 West, Center Township, situated within the corporate limits of Lebanon, Indiana, more fully described by:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 26; thence South 00 degrees 25 minutes 38 seconds West, along the Section line and the approximate centerline of Witt Road, a distance of 1321.24 feet; thence South 84 degrees 23 minutes 33 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 957.15 feet; thence South 89 degrees 26 minutes 59 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 54.58 feet; thence North 54 degrees 29 minutes 13 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 45.39 feet; thence North 45 degrees 03 minutes 11 seconds West, along the approximate centerline of the Small-Reynolds Legal Open Drain, a distance of 791.57 feet; thence North 42 degrees 18 minutes 18 seconds West, along the approximate centerline of the Small Reynolds Legal Open Drain, a distance of 563.49 feet to the point of intersection of the approximate centerline of Prairie Creek Legal Open Drain; thence along the approximate centerline of Prairie Creek, as described by the following courses:

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thence leaving the approximate centerline of Prairie Creek at a bearing of South 00 degrees 04 minutes 09 seconds West, along the Quarter-Quarter Section line, being the West described line of the Lawson Property, as recorded in Deed Record 214, Page 117 and Deed Record 228, Page 160, a distance of 898.75 feet; thence South 89 degrees 41 minutes 36 seconds East, along the Section line, being the South described line of said Lawson Property and the South described line of the McGinley Property, as recorded in Deed Record 164, Pages 577-578, a distance of 1314.89 feet to the Point of Beginning, containing 56.7616 Acres.

and;

**WHEREAS**, Sycamore is seeking to have the subject property rezoned from its current zoning classification of "S" - Suburban Residence District to "B" - Residence District; and

**WHEREAS**, Sycamore, as an inducement to the Lebanon Plan Commission and the Common Council for the City of Lebanon, Indiana, to approve the rezoning of the property prior to the submission of primary and secondary plats, hereby enters into the following Development Agreement and Commitment, to run and be a part of the subject property as follows:

1. Sycamore will not plat more than eighty-six (86) lots in the subdivision which will be developed to the minimum criteria set out in the "B" - Residence District as set out in Chapter 27 - Zoning of the Lebanon City Code.

2. That the platting of the "B" lots, along with the criteria, development and building standards of the "B" - Residence District classification, shall be platted

in segregated sections or phases of the subdivision so that the development of houses on "B" lots will not be integrated with the development of houses in phases of the subdivision which will contain minimum criteria of "A" lots or greater.

3. That this Development Agreement and Commitment shall take effect immediately upon the signing of the ordinance granting Sycamore's request to rezone the subject property, all pursuant to I.C. 36-7-4-613. This Development Agreement and Commitment shall run permanently and become part of the subject property, without change or modification by Sycamore, excepting that this agreement shall automatically expire and be superseded by matching subdivision covenants upon approval of primary and final subdivision plats by the Lebanon Plan Commission.

THE SYCAMORE GROUP, INC.

BY *[Signature]*  
*[Signature]*  
 Title

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF BOONE )

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 13th day of February, 1995.

Signature *Susan A. Heath*  
 Printed Susan A. Heath  
 Notary Public

My Commission Expires:  
4-17-95

County of Residence:  
Boone