

ORDINANCE NO. 96-12

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 Common Council of the City of Lebanon, Indiana, have been petitioned by Duke Realty, by its authorized representative, for the annexation of certain real estate contiguous to the City of Lebanon and located in and adjacent to the Lebanon Business Park, the legal description of which real estate is described herein; and

WHEREAS, the Lebanon City Plan Commission has conducted a public hearing on the proposed annexation and has recommended approval of the annexation ordinance to the Common Council; and

WHEREAS, the Common Council of the City of Lebanon has deemed it appropriate that the annexation be conducted pursuant to the provisions of the Lebanon City Zoning Code and the Indiana Statutes governing such annexation; 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, and in addition the City of Lebanon and petitioner herein recognizes that the annexed areas will be made a part of the Lebanon Business Park; and

WHEREAS, the Common Council has adopted a fiscal plan and has established a definite policy that furnishes the territory to be annexed within a period of three (3) years governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services now furnished by the City of Lebanon to all other areas of the City which areas have the same characteristics of topography, patterns of land utilization, and population density similar to the annexed area; and

WHEREAS, the annexation of the Lebanon Business Park is consistent with the planned growth and development of the City of Lebanon and is consistent to and a part of the overall planned

DAILY ENTERED FOR TAXATION
10-3-96
C. J. Hamel
AUDITOR BOONE COUNTY

growth of the City of Lebanon.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, as follows:

Section 1. That the real estate as described herein:

GRINDLEY PROPERTY

Part of the northwest quarter of Section 1, Township 18 North, Range 1 West, described as follows:

Commencing at the northwest corner of said tract and running thence east 30.74 chains to the west line of the right-of-way of Pennsylvania Railroad; thence south along the west line of the right-of-way of said railroad 40.99 1/2 chains to the south line of said tract; thence west 31.50 1/2 chains to the southwest corner of said tract; thence north 41.66 chains to the place of beginning.

Also, a part of the southwest quarter of Section 36, Township 19 North, Range 1 West of the Second Principal Meridian, described as follows, to-wit: Commencing at a point 24 rods east of the southwest corner of said tract, running thence north 22.26 3/4 chains to the center of the right-of-way of the Central Indiana Railroad; thence north 65 degrees east along the centerline of the right-of-way of said railroad 7.03 chains, thence east 18.45 chains to the west line of the right-of-way of the Pennsylvania Railroad; thence south along west line of the right-of-way of said railroad 25.16 1/2 chains to the south line of said tract; thence west 24.94 chains to the place of beginning.

EXCEPT: A part of the Southwest Quarter of Section 36, Township 19 North, Range 1 West and a part of the Northwest Quarter of Section 1, Township 18 North, Range 1 West, situated within the Corporate Limits of the City of Lebanon, Boone County, Indiana and being more particularly described as follows: From a stone at the Southeast corner of the Southwest Quarter of the aforesaid Section 36, proceed thence North 89 degrees 53 minutes 09 seconds West for a distance of 599.53 feet to the Point of Beginning, from said Point of Beginning, proceed thence South 0 degrees 03 minutes 27 seconds East for a distance of 111.38 feet to the centerline of Interstate No. 65; thence North 53 degrees 34 minutes 44 seconds West, with said centerline for a distance of 100.00 feet; thence North 52 degrees 57 minutes 35 seconds West for a distance of 100.00 feet; thence North 52 degrees 20 minutes 26 seconds West for a distance of 100.00 feet; thence North 51 degrees 43 minutes 17 seconds West for a distance of 100.00 feet; thence North 51 degrees 06 minutes 08 seconds West for a distance of 100.00 feet; thence North 50 degrees 28 minutes 59 seconds West for a distance of 100.00 feet; thence North 49 degrees 51 minutes 50 seconds West for a distance of 100.00 feet; thence North 49 degrees 14 minutes 41 seconds West for a distance of 100.00 feet; thence North 48 degrees 37 minutes 32 seconds West for a distance of 100.00 feet; thence North 47 degrees 23 minutes 14 seconds West for a distance of 100.00 feet; thence North 46 degrees 46 minutes 05 seconds West for a distance of 100.00 feet; thence North 46 degrees 08 minutes 56 seconds West for a distance of 100.00 feet; thence North 46 degrees 31 minutes 47 seconds West for a distance of 100.00 feet; thence North 44 degrees 54 minutes 38 seconds West for a distance of 100.00 feet; thence North 44 degrees 17 minutes 29 seconds West for a distance of 100.00 feet; thence North 43 degrees 40 minutes 20 seconds West for a distance of 100.00 feet; thence North 43 degrees 03 minutes 11 seconds West for a distance of 100.00 feet; thence North 42 degrees 26 minutes 02 seconds West for a distance of 100.00 feet; thence North 41 degrees 48 minutes 53 seconds West for a distance of 100.00 feet; thence North 41 degrees 11 minutes 44 seconds West for a distance of 100.00 feet; thence North 40 degrees 34 minutes 35 seconds West for a distance of 100.00 feet; thence North 39 degrees

57 minutes 36 seconds West for a distance of 51.88 feet; thence North 0 degrees 13 minutes 33 seconds East for a distance of 52.06 feet; thence North 64 degrees 53 minutes 30 seconds East for a distance of 463.98 feet; thence South 89 degrees 28 minutes 36 seconds East for a distance of 1218.47 feet to the West line of the Railroad Right-of-Way; thence South 0 degrees 03 minutes 27 seconds East with the Right-of-Way Line, for a distance of 1660.89 feet to the Point of Beginning, containing 39.48 acres, more or less and being subject to an Easement for an Interstate Highway, said easement being 100 feet of even width off of and along the entire southwestern Boundary, and said easement containing 5.253 acres, more or less, leaving 34.227 acres, more or less unencumbered Except for Easements for Sanitary Sewers, a Gas Line, City Streets and any other Easement of Record. The bearings in this description are based upon the record document.

(Deed Record 221, Page 286 and Deed Record 184, Page 404)

TRISLER PROPERTY

The East Half of the Northwest Quarter of Section 2, Township 18 North, Range 1 West, EXCEPT: Commencing at the Northwest corner of the East Half of the Northwest Quarter of said Section 2, Township 18 North, Range 1 West, and run thence East 73 rods and 23 links to the center of the Midland Railway Track, where said Railway track crosses the North line of said East half of the above named Northwest Quarter, thence Southwesterly with the center of said Railroad Track of said Midland Railway to a point where said railway track crosses the West line of the above named East half, thence north 34 rods and 10 links to the place of beginning, containing 7.95 acres, more or less, also EXCEPT: the right-of-way of the Midland Railway, leaving 72 acres, more or less. Also, commencing 8 rods East of the Northwest corner of the East Half of the Southwest Quarter of Section 2, Township 18 North, Range 1 West, thence South 7 rods and 17 links to the Center line of the road, thence with the same North 70 3/4 degrees East 23 rods and 5 links to the north line of said Southwest quarter, thence west on said line 22 rods to the place of beginning, containing 1/2 acre more or less. Containing in all 72 1/2 acres, more or less, subject to legal highways and rights of way, and all the appurtenances thereto. EXCEPT: A part of the East Half of the Northwest Quarter of Section 2, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by: Commencing at the Southeast corner of the Northwest Quarter of said Section 2; thence South 88 degrees 52 minutes 09 seconds West, along the Quarter Section line and the approximate centerline of Mount Zion Road, a distance of 313.00 feet to the Point of Beginning; thence continuing South 88 degrees 52 minutes 09 seconds West, along the Quarter Section line and the approximate centerline of Mount Zion Road, a distance of 355.18 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 368.00 feet; thence North 88 degrees 52 minutes 09 seconds East, a distance of 355.18 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 368.00 feet to the Point of Beginning, containing 3.0000 Acres, subject to the Right-of-Way of Mount Zion Road on and along the South Boundary. EXCEPT: A part of the East Half of the Northwest Quarter of Section 2, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by: Commencing at the Southeast corner of the Northwest Quarter of said Section 2; thence South 88 degrees 52 minutes 09 seconds West, along the Quarter Section line and the approximate centerline of Mount Zion Road, a distance of 668.18 feet to the Point of Beginning; thence continuing South 88 degrees 52 minutes 09 seconds West, along the Quarter Section line and the approximate centerline of Mount Zion Road, a distance of 21.82 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 693.40 feet; thence North 88 degrees 52 minutes 09 seconds East, a distance of 377.00 feet; thence South 00 degrees 00 minutes 00 seconds West, a distance of 325.40 feet; thence South 88 degrees 52 minutes 09 seconds West, along the North described line of the King Property, as recorded in Deed Record 246,

Pages 961-962, a distance of 355.18 feet; thence South 00 degrees 00 minutes 00 seconds West, along the West described line of said King Property, a distance of 368.00 feet to the Point of Beginning, containing 3.0000 Acres, more or less. (The bearings in these descriptions are quoted from record descriptions and are not based upon the bearing system for Lebanon Business Park).

(Deed Record 155, Page 577)

LENOX PROPERTY

The southeast quarter of the southeast quarter of Section 2, Township 18 North, Range 1 West, containing 40 acres, more or less.

EXCEPT that land conveyed to Kenneth W. & Nancy S. Wethington by warranty deed dated January 2, 1995 and recorded January 5, 1995 in Deed Record 252, page 986, in the Office of the Recorder of Boone County, described as follows: A part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by: Beginning at the Southeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 2; thence North 89 degrees 44 minutes 06 seconds West, along the Section line and that part of the North described line of the Owens Property, as recorded in Deed Record 191, Page 665, a distance of 245.61 feet; thence North 00 degrees 08 minutes 26 seconds East, a distance of 289.70 feet; thence South 89 degrees 44 minutes 06 seconds East, a distance of 245.61 feet; thence South 00 degrees 08 minutes 26 seconds West, along the Section line, a distance of 289.70 feet to the Point of Beginning, containing 1.6335 Acres. (The bearings in this description are quoted from record description and are not based upon the bearing system for Lebanon Business Park.)

ALSO, that part of the southwest quarter of Section 1, Township 18 North, Range 1 West, lying west of the right-of-way of the Pennsylvania Railroad, formerly known as the Indianapolis and Frankfort Railroad. Subject to all legal highways and rights-of-way. Located in Center Township, Boone County, Indiana. (Deed Record 156, Page 93)

COUCHMAN PROPERTY

A part of the Southeast Quarter and a part of the Southwest Quarter of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, described as follows: Commencing at the wood post found at the southwest corner of the Southeast Quarter of said section, said corner being South 01 degree 13 minutes 55 seconds East 2,649.14 feet, measured along the west line of said quarter section, from the iron pin with Anderson & Associates' cap found at the northwest corner of said quarter section; thence North 01 degree 13 minutes 55 seconds West 994.61 feet along the west line of said quarter section to the POINT OF BEGINNING of this description, said point coinciding with the northwest corner of that certain parcel of land described in a deed to Indiana Gas Company, Inc. recorded in Deed Record 204, Page 633, in the Office of the Recorder of Boone County; thence North 01 degree 13 minutes 55 seconds West 0.23 feet along said west line to the northeast corner of that certain parcel of land described in a deed to Indiana Gas Company, Inc. recorded in Deed Record 211, page 187, in said Recorder's Office; thence South 89 degrees 41 minutes 54 seconds West 465.82 feet (466.65 feet by deed) along the north line of said Indiana Gas Company land to an iron pin found at the northwest corner of said Indiana Gas Company land, said corner coinciding with the east right-of-way line of Conrail Railroad; thence North 00 degrees 07 minutes 34 seconds East 552.12 feet along the east right-of-way line of said railroad to the southwest corner of that certain parcel of land described

in deeds to Donald L. Kenyon and others first recorded in Deed Record 230, page 266, in said Recorder's office; thence North 89 degrees 08 minutes 54 seconds East 1,674.00 feet along the south line of said Kenyon land to the southeast corner of said Kenyon land, said corner coinciding with the center line of State Road 39 as established on plans for the improvement of said road under Indiana Department of Transportation Project 404 Section C; thence South 36 degrees 08 minutes 36 seconds West 358.26 feet along the center line of said State Road 39 to the northeast corner of that certain parcel of land described in a deed to Robert and Virginia Couchman recorded in Deed Record 226, page 713, in said Recorder's Office; thence South 89 degrees 06 minutes 50 seconds West 426.72 feet (418.65 feet by deed) along the north line of said Couchman land to the northwest corner of said Couchman land; thence South 00 degrees 53 minutes 10 seconds East 270.00 feet along the west line of said Couchman land and along the west line of a certain parcel of land described in a deed to Couchman recorded in Deed Record 211, Page 832, in said Recorder's Office, to the southwest corner of said Couchman land, said corner coinciding with the north line of said Indiana Gas Company land; thence South 89 degrees 06 minutes 50 seconds West 575.48 feet along said north line to the POINT OF BEGINNING and containing 16.731 acres, more or less. Subject to all easements, restrictions, and rights-of-way of legal record. The bearings in this description are based upon the bearing system for Lebanon Business Park.

(Part of the land as described in Deed Record 241, Page 875)

COUCHMAN PROPERTY
(South Tract Around Buildings)

Tract I:

A part of the southwest quarter of the southeast quarter of Section 1, Township 18 North, Range 1 West of the Second Principal Meridian, situated in Center Township, Boone County, Indiana, and containing 1.18 acres, more or less, and more particularly described as follows: Beginning at a point 994.61 feet north (60 rods by previous deeds) and east 575.48 feet from the southwest corner of the southwest quarter of the southeast quarter of Section 1, Township 18 North, Range 1 West, and run thence east 219.70 feet following an existing fence to the centerline of State Road #39; thence north 34 degrees 51 minutes 22 seconds East 225.45 feet following the centerline of State Road #39; thence west 352.58 feet to an iron pipe; thence south 180 feet to the place of beginning.
(Deed Record 211, Page 832)

COUCHMAN PROPERTY
(North Tract Around Buildings)

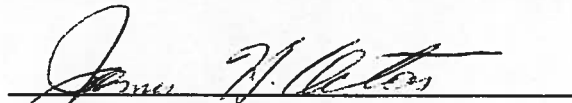
Tract II:

A part of the southwest quarter of the southeast quarter of Section 1, Township 18 North, Range 1 West of the Second Principal Meridian, situated in Center Township, Boone County, Indiana, and containing .80 acres, more or less, and more particularly described as follows: Beginning at a point 994.61 feet north (60 rods by previous deeds) and east 575.48 feet, and north 180 feet from the southwest corner of the southwest quarter of the southeast quarter of Section 1, Township 18 North, Range 1 West, and running thence east 352.58 feet to the centerline of State Road No. 39; thence north 34 degrees 51 minutes 22 seconds east 111.65 feet following the centerline of State Road No. 39; thence west 418.65 feet to an iron pipe; thence south 90 feet to the place of beginning. The bearings in these descriptions are based upon the record documents.
(Deed Record 226, Page 713)

be annexed into the City of Lebanon, Indiana, pursuant to the provisions of Indiana law. Said real estate, as described hereinabove, is hereby declared by the action of the Common Council of the City of Lebanon, to be annexed and shall become a part of the City of Lebanon, State of Indiana, and the City's boundaries shall be amended accordingly.

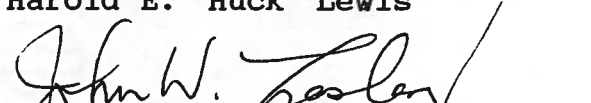
Section 2. Be it further declared by the action of the Common Council of the City of Lebanon, Indiana, and upon recommendation by the Plan Commission that the real estate is hereby assigned a zoning classification of PB-1 pursuant to the provisions of the City of Lebanon Zoning Code.

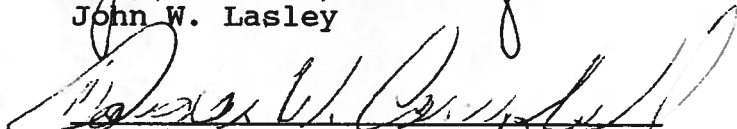
Section 3. The newly annexed territory shall be assigned a Councilmatic District Number 2, consisting of Precinct Number 3, all as revised in Ordinance No. 90-20.



James H. Acton, Mayor

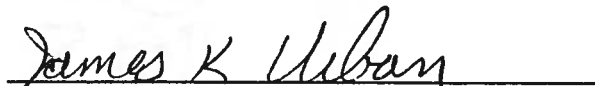
COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA


Harold E. "Huck" Lewis


John W. Lasley


Douglas W. Campbell


Andrea Hester


James K. Urban

Kay Geisler
Kay Geisler

Jack S. Bland
Jack S. Bland

Attest: Laurie A. Gross
Laurie A. Gross
Clerk/Treasurer

July 8, 1996

