

20.00
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City of Lebanon

BEFORE THE COMMON COUNCIL OF
THE CITY OF LEBANON, INDIANA

ORDINANCE NO. 98-10

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

WHEREAS, Trilogy Health Services, LLC ("Petitioner") has filed a Petition for Annexation and Assignment of Zoning Classifications, seeking to annex into the City of Lebanon a certain tract of mostly unimproved real estate containing approximately 9.22 acres, more or less, the legal description of which is set forth on Exhibit A attached hereto, which is adjacent and contiguous to the existing boundaries of the City of Lebanon and generally located at the southwest corner of the intersection of State Road 39 North and County Road 250 North; and

WHEREAS, Donald V. Wolfe, the current owner of the real estate has filed his written consent to and joinder with the annexation petition; and

WHEREAS, the Plan Commission of the City of Lebanon has conducted a public hearing upon said petition pursuant to § 27-18(a) of the City Code and recommended that such annexation, if approved by the Common Council, result in the assignment of zoning classifications for the real estate of PB-2 for the approximately 6 ½ acre portion of the real estate located along the west side of State Road 39 North and AAA Residential for

DULY ENTERED FOR TAXATION

10-3-01

Maryln J. Smith

SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

the approximately 2 ¾ acre parcel on which is located a single family residence. A copy of the site plan showing the two separate parcels is attached hereto; 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 Petitioner; and

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

WHEREAS, the City of Lebanon has 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 owner seeking annexation have evaluated the proposed costs and methods of providing municipal services to the area and find them to be reasonable.

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

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

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 1 WEST, CENTER TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED BY:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 38 MINUTES 29 SECONDS EAST, ALONG THE QUARTER SECTION LINE AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 250 NORTH, A DISTANCE OF 652.43 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND ACQUIRED BY THE STATE OF INDIANA DEPARTMENT OF TRANSPORTATION, AS RECORDED IN DEED RECORD 238, PAGES 867-869; THENCE ALONG SAID WESTERLY BOUNDARY (WESTERLY RIGHT-OF-WAY OF STATE ROAD 39), BEING DESCRIBED AS FOLLOWS: (1) SOUTH 00 DEGREES 21 MINUTES 31 SECONDS WEST, A DISTANCE OF 20.00 FEET; (2) THENCE SOUTH 72 DEGREES 56 MINUTES 32 SECONDS EAST, A DISTANCE OF 52.20 FEET; (3) THENCE SOUTH 89 DEGREES 38 MINUTES 29 SECONDS EAST, A DISTANCE OF 50.00 FEET; (4) THENCE SOUTH 58 DEGREES 04 MINUTES 41 SECONDS EAST, A DISTANCE OF 73.86 FEET; (5) THENCE SOUTH 10 DEGREES 24 MINUTES 06 SECONDS EAST, A DISTANCE OF 175.00 FEET; (6) THENCE SOUTH 07 DEGREES 32 MINUTES 21 SECONDS EAST, A DISTANCE OF 100.12 FEET; (7) THENCE SOUTH 10 DEGREES 24 MINUTES 06 SECONDS EAST, A DISTANCE OF 100.00 FEET; (8) THENCE SOUTH 07 DEGREES 32 MINUTES 21 SECONDS EAST, A DISTANCE OF 40.04 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 28 SECONDS WEST, ALONG THE CORPORATION LINE OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA, SAID LINE BEING THE NORTH DESCRIBED LINE OF THE SMITH PROPERTY, AS RECORDED IN DEED RECORD 222, PAGE 571 AND DEED RECORD 222, PAGE 572, A DISTANCE OF 884.21 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 01 SECONDS EAST, ALONG THAT PART OF THE AKERS, SMITH AND HARRIS PROPERTY, AS RECORDED IN CAUSE NUMBER 10330 AND ALONG THE EAST DESCRIBED LINE OF THE AKERS PROPERTY, AS RECORDED IN DEED RECORD 231, PAGE 774, A DISTANCE OF 483.00 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF COUNTY ROAD 250 NORTH, ON AND ALONG THE NORTHERNMOST BOUNDARY, CONTAINING 9.2201 ACRES, MORE OR LESS.

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.

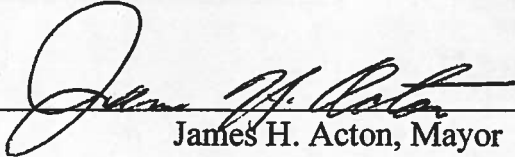
Section 3. The City of Lebanon has previously adopted a policy on annexation of contiguous real estate, as identified in Resolution No. 87-14. In addition, the Council adopts herewith a resolution approving a written fiscal plan establishing a policy for the provision of services to areas proposed for 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 is hereby assigned zoning classifications of PB-2 for that 6 ½ acre portion of the real estate located along the west side of State Road 39 North and AAA Residential for the approximately 2 3/4-acre parcel on which is located a single family residence, pursuant to the provisions of the Zoning Code of the City of Lebanon, Indiana.

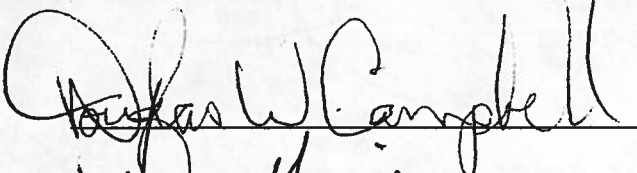
Section 5. The newly annexed territory shall be assigned to Council District No. 5, Precinct No. 7, as provided by City ordinance.

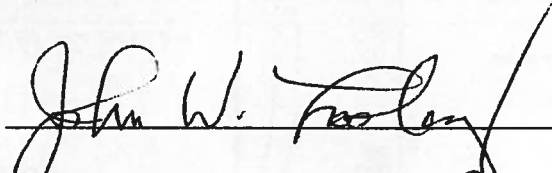
Section 6. This ordinance shall be in full force and effect from and after its passage, promulgation, approval by the Mayor, legislative body, and publication in accordance with the laws of the State of Indiana.

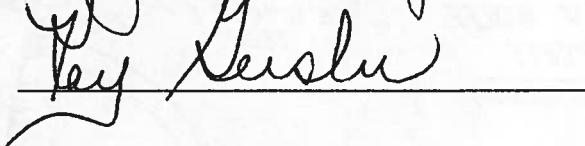
ALL OF WHICH IS PASSED AND ADOPTED by the Common Council of the
City of Lebanon, Boone County, State of Indiana, on the 14th day of December
1998.

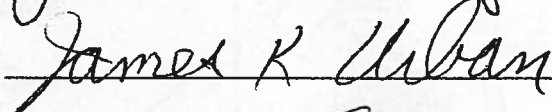

James H. Acton, Mayor


COUNCILPERSONS:


Douglas W. Campbell


John W. Farley


Kay Hensler

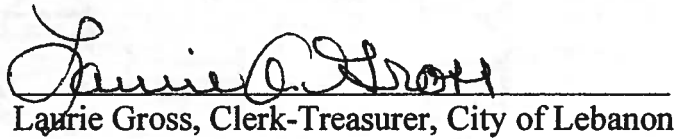

James R. Urban


Andrea Hester


Harold E. Smith


Jack B. Land

ATTEST:


Laurie Gross, Clerk-Treasurer, City of Lebanon

(#L-45456)

TRILOGY SITE PLAN
WOLFE PROPERTY ANNEXATION

PH. 765-482-5141 OR 317-873-2515

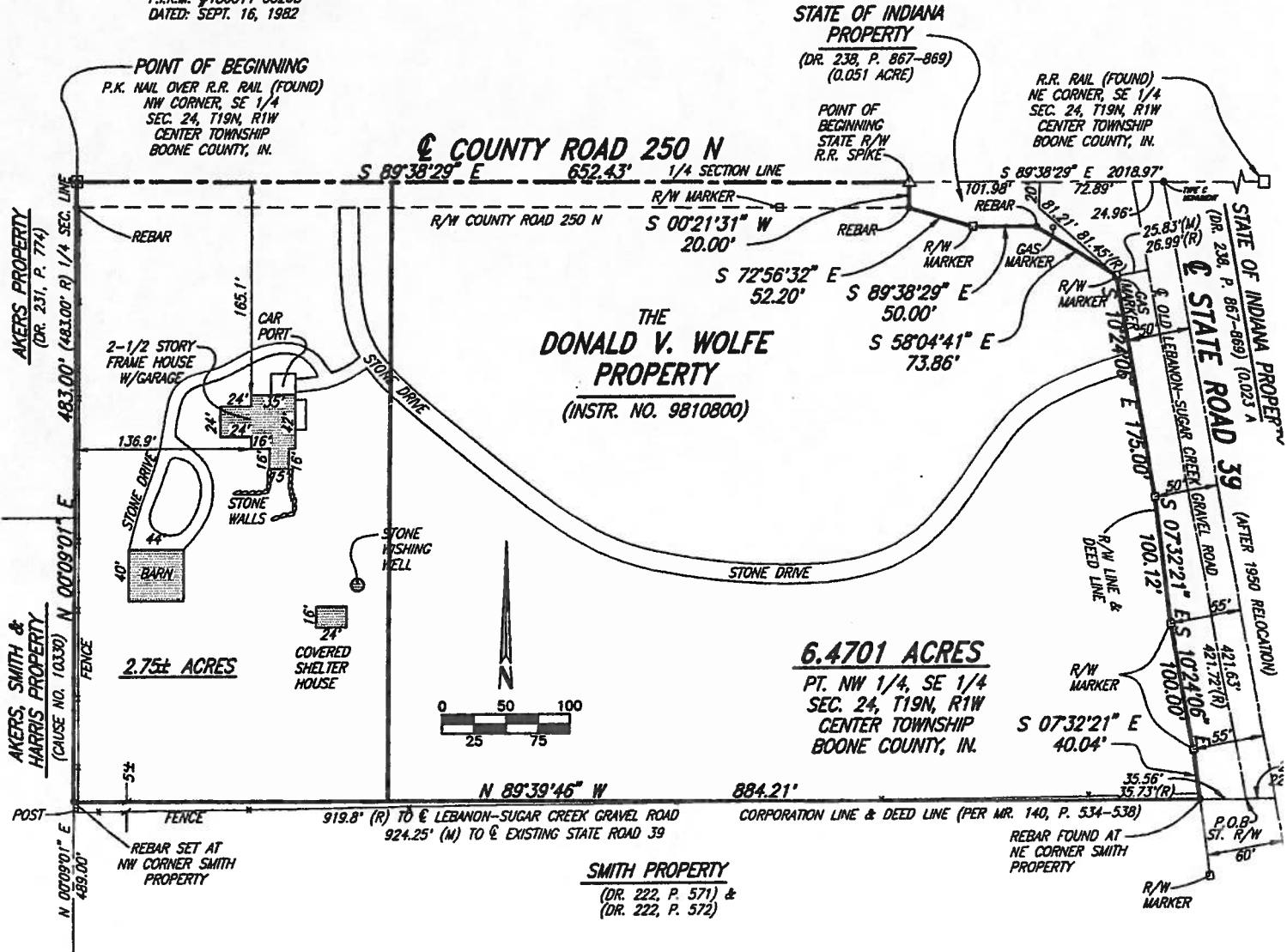
117 WEST MAIN STREET, PO BOX 508
LEBANON, INDIANA 46052

LAND USE ZONE
NOW OR FORMERLY
"RESIDENTIAL 2" SEE
BOONE COUNTY ZONING
MAP DATED: 1976

ANDERSON & ASSOCIATES

FLOOD HAZARD ZONE "C"

F.I.R.M. #180011 00208
DATED: SEPT. 16, 1982



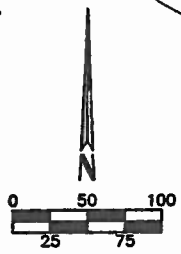
POINT OF BEGINNING
P.K. NAIL OVER R.R. RAIL (FOUND)
NW CORNER, SE 1/4
SEC. 24, T19N, R1W
CENTER TOWNSHIP
BOONE COUNTY, IN.

**STATE OF INDIANA
PROPERTY**
(DR. 238, P. 867-869)
(0.051 ACRE)

R.R. RAIL (FOUND)
NE CORNER, SE 1/4
SEC. 24, T19N, R1W
CENTER TOWNSHIP
BOONE COUNTY, IN.

**THE
DONALD V. WOLFE
PROPERTY**
(INSTR. NO. 9810800)

6.4701 ACRES
PT. NW 1/4, SE 1/4
SEC. 24, T19N, R1W
CENTER TOWNSHIP
BOONE COUNTY, IN.



AKERS PROPERTY
(DR. 231, P. 774)

**AKERS, SMITH &
HARRIS PROPERTY**
(CAUSE NO. 10330)

STATE OF INDIANA PROPERTY
(DR. 238, P. 867-869) (0.023 A)

STATE OF INDIANA PROPERTY
(AFTER 1950 RELOCATION)

SMITH PROPERTY
(DR. 222, P. 571) &
(DR. 222, P. 572)

REBAR FOUND AT
NE CORNER SMITH
PROPERTY