

21.
126
Stacey Cross
City of Lebanon

ORDINANCE NO. 99-10

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 Indiana Gas Company, Inc., 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 growth of the City of Lebanon.

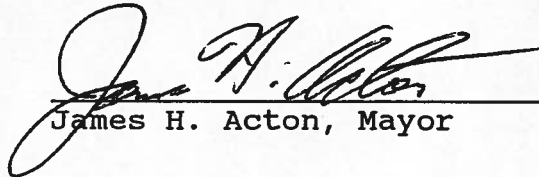
DULY ENTERED FOR TAXATION
7.9.99
Cynthia A. Max
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

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

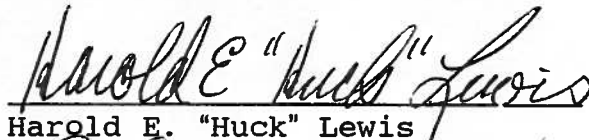
Section 1. That the real estate as described herein as Exhibit A be annexed into the City of Lebanon, Indiana, pursuant to the provisions of Indiana law. Said real estate, as described hereinabove, is hereby declared by the action of the Common Council of the City of Lebanon, to be annexed and shall become a part of the City of Lebanon, State of Indiana, and the City's boundaries shall be amended accordingly.

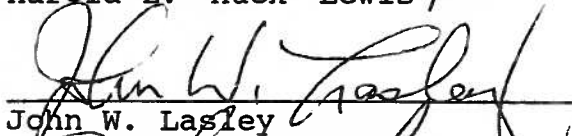
Section 2. Be it further declared by the action of the Common Council of the City of Lebanon, Indiana, and upon recommendation by the Plan Commission that the real estate is hereby assigned a zoning classification of PB-1 pursuant to the provisions of the City of Lebanon Zoning Code.

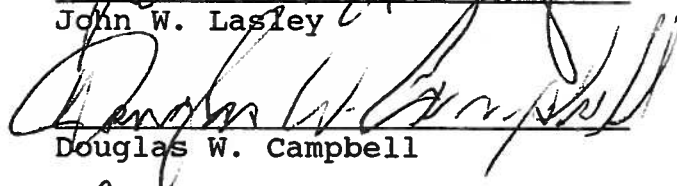
Section 3. The newly annexed territory shall be assigned a Councilmatic District Number 8, all as revised in Ordinance No. 90-20.

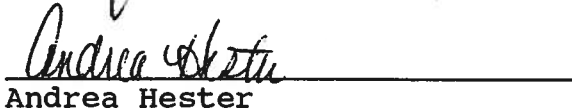

James H. Acton, Mayor

COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA


Harold E. "Huck" Lewis


John W. Lasley


Douglas W. Campbell


Andrea Hester

James K. Urban
James K. Urban,

Kay Geisler
Kay Geisler

Jack S. Bland

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

DEED DESCRIPTION FOR SOUTH HOUSE (RED BRICK):

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING ON THE WEST LINE OF SAID TRACT 150 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, THENCE CONTINUING SOUTH ON SAID WEST LINE 130 FEET, THENCE EAST, PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF AFORESAID SECTION 12, A DISTANCE OF 275.84 FEET TO THE CENTER OF STATE HIGHWAY NO. 39, THENCE NORTHEASTERLY ALONG THE CENTER OF SAID HAIGHWAY 136.88 FEET, THENCE WEST PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 1 WEST, 313.67 FEET TO THE PLACE OF BEGINNING.

DATED THE 5TH DAY OF AUGUST, 1977 AND PLACED FOR RECORD: SEPTEMBER 1, 1977, AT DEED RECORD 206, PAGE 117, AT THE BOONE COUNTY RECORDERS OFFICE, LEBANON, INDIANA.

EXHIBIT A

Description for North House Tract:

Part of the Southeast Quarter of Section 1, Township 18 North, Range 1 West, Second Principal Meridian, Center Township, Boone County, Indiana, and being more particularly described as follows, to-wit:

Commencing at a wood corner post marking the southwest corner of the Southeast Quarter of said Section 1, said corner lying South 01 degrees 13 minutes 55 Seconds East (bearing based upon the bearing system for Lebanon Business Park and all bearings contained herein are based thereon) a distance of 2649.14 feet from an iron pin marking the northwest corner of said Southeast Quarter and said southwest corner also being the Point of Beginning of the tract of land described herein, and thence running North 01 degrees 13 minutes 55 seconds West along the west line of said southeast quarter a distance of 894.65 feet to the southwest corner of a 2.110 acre tract of land to be used as right of way for Enterprise Boulevard conveyed to The City of Lebanon by Instrument Number 9800782, Boone County Recorder's Office, said corner being on a curve concave to the north whose radius point lies North 00 degrees 11 minutes 56 seconds West a distance of 545.00 feet from said corner; Thence running easterly along said curve and along the south line of said Enterprise Boulevard tract an arc distance of 6.54 feet to a Point of Tangency; Thence running North 89 degrees 06 minutes 50 seconds East along the south line of said Enterprise Boulevard tract 571.49 feet to a corner thereof; Thence running South 12 degrees 18 minutes 46 seconds East along the southwesterly line of said Enterprise Boulevard tract 89.04 feet to a corner thereof; Thence running South 16 degrees 55 minutes 25 seconds West along a westerly line of said Enterprise Boulevard tract 115.55 feet to a corner thereof; Thence running South 65 degrees 19 minutes 00 seconds East along a southerly line of said Enterprise Boulevard tract 40.00 feet to a corner thereof, said corner lying in the centerline of Indiana State Highway Number 39 on a curve concave to the southeast whose radius point lies South 65 degrees 19 minutes 00 seconds East a distance of 1432.39 feet from said corner; Thence running southwesterly along said highway centerline and along said curve an arc distance of 191.00 feet to a Point of Tangency; Thence running South 17 degrees 02 minutes 36 seconds West along said highway centerline 528.96 feet to the point of intersection of said highway centerline with the south line of the Southeast Quarter of said Section 1; Thence running South 89 degrees 11 minutes 41 seconds West along the south line of said southeast quarter 357.45 feet to the Point of Beginning.

Said above described tract containing 10.214 acres.

DATED: May 18, 1998 BY: J. W. BAUER, LS

Description for Indiana Gas Company Service Building and
Propane Mixing Building Tract:

Part of the Southwest Quarter of Section 1, Township 18
North, Range 1 West and also part of the Northwest Quarter
of Section 12, Township 18 North, Range 1 West, Second
Principal Meridian, Center Township, Boone County, Indiana,
and being more particularly described as follows, to-wit:

Commencing at a wood corner post marking the southeast
corner of the Southwest Quarter of said Section 1, said
corner lying South 01 degrees 13 minutes 55 Seconds East
(bearing based upon the bearing system for Lebanon Business
Park and all bearings contained herein are based thereon) a
distance of 2649.14 feet from an iron pin marking the
northeast corner of said Southwest Quarter and North 89
degrees 24 minutes 21 seconds East a distance of 2744.39
feet from an iron pin marking the southwest corner of said
Southwest Quarter, and thence running South 01 degrees 02
minutes 18 seconds West along the east line of the northwest
quarter of said Section 12 a distance of 86.16 feet to a
capped iron rebar marking the southeast corner of an 11.173
acre tract conveyed to Texon Terminals Corporation by a deed
recorded as Instrument Number 9706047, Boone County
Recorder's Office, said southeast corner also being the
Point of Beginning of the tract of land described herein;
Thence running North 89 degrees 04 minutes 04 seconds West
along a line of said Texon tract 285.10 feet to a capped
iron rebar; Thence running South 00 degrees 48 minutes 52
seconds West along a line of said Texon tract 71.00 feet to
a capped iron rebar; Thence running North 89 degrees 12
minutes 21 seconds West along a line of said Texon tract
49.82 feet to a capped iron rebar; Thence running North 01
degrees 01 minutes 48 seconds East along a line of said
Texon tract 148.37 feet to a point in the south line of the
Southwest Quarter of said Section 1 which lies South 89
degrees 24 minutes 21 seconds West a distance of 334.80 feet
from the southeast corner thereof; Thence running North 01
degrees 01 minutes 48 seconds East along a line of said
Texon tract 125.96 feet to a capped iron rebar; Thence
running North 89 degrees 22 minutes 33 seconds West along a
line of said Texon tract 156.61 feet to a capped iron rebar
set in the east right of way line of the Conrail Railroad;
Thence running South 00 degrees 07 minutes 34 seconds West
along the east right of way line of said railroad 129.25
feet to a point in the south line of the Southwest Quarter
of said Section 1 which lies South 89 degrees 24 minutes 21
seconds West a distance of 489.42 feet from the southeast
corner thereof; Thence running South 89 degrees 24 minutes
21 seconds West along the south line of the Southwest
Quarter of said Section 1 and the east right of way line of
said railroad 25.00 feet; Thence running South 00 degrees 07
minutes 34 seconds West along the east right of way line of
said railroad 46.91 feet to a tangent Point of Curvature of

a curve concave to the east having a radius of 5679.65 feet; Thence running southerly along said curve and the easterly right of way line of said railroad an arc distance of 713.78 feet to the point of intersection of said right of way line with the centerline of Boone County Road 125 South; Thence running North 89 degrees 53 minutes 28 seconds East along said road centerline 457.44 feet to the point of intersection of said road centerline with the east line of the Northwest Quarter of said Section 12; Thence running North 01 degrees 02 minutes 18 seconds East along the east line of said Northwest Quarter 677.34 feet to the Point of Beginning.

Said above described tract containing 0.456 acres in the Southwest Quarter of Section 1 and 7.929 acres in the Northwest Quarter of Section 12 for a total of 8.385 acres.

DATED: May 18, 1998
BY: JOHN W. BAUER, LS