

**ORIGINAL**

**BEFORE THE COMMON COUNCIL OF  
THE CITY OF LEBANON, INDIANA**

**ORDINANCE NO. 05-03**

**AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
INTO THE CITY OF LEBANON, INDIANA,  
AND ASSIGNING ZONING CLASSIFICATION  
AND COUNCILMANIC DISTRICT  
[Foster / Nesbitt Land]**

WHEREAS, Ron Foster ("Petitioner") has filed a Petition for Annexation of Contiguous Real Estate into the Corporate Boundaries of City of Lebanon ("City"), consented to by the current owners of the real estate containing 0.64 acres located at 2530 North State Road 39, the legal description of which is set forth on Exhibit A attached hereto ("Real Estate"); and

WHEREAS, the Plan Commission has conducted a public hearing upon the petition pursuant to the City Code and recommended that such annexation, if approved by the Common Council, result in the assignment of a zoning classification of Planned Business (PB) for the Real Estate; and

WHEREAS, all procedural requirements for the annexation have been satisfied through compliance with the requirements of the City, its department of utilities, and others, including the preparation and approval of a fiscal plan in connection this voluntary annexation sought by Petitioner; and

WHEREAS, the Common Council ("Council") has deemed the petition appropriate and that the annexation proposed by Petitioner should be completed pursuant to the City Code and Indiana law governing municipal annexations; and

WHEREAS, the City 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 and the property owners seeking this 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 Council as follows:

Section 1. The Real Estate be, and the same is, hereby annexed to and declared a part of the City of Lebanon, Indiana. Pursuant to Ind. Code § 36-4-3-2.5(b), to the extent the right-of-way of any public roads are contiguous to the Real Estate, the territory being annexed hereunder shall include the entirety of such contiguous public roadway.

Section 2. The corporate boundaries of the City shall be, and the same are, hereby declared to be extended so as to include the Real Estate, and the City's boundary ordinance shall be amended accordingly.

Section 3. The City has previously adopted a policy on annexation of contiguous real estate, as identified in Resolution No. 87-14. In addition, the Council is adopting herewith a resolution approving the written fiscal plan presented by Petitioner establishing a plan and the fiscal impact thereof for the provision of services to this Real Estate which are substantially equivalent in standard and scope to the services furnished to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to the territory being annexed.

Section 4. After considering the recommendation of the Plan Commission, the Real Estate being annexed is hereby assigned a zoning classification of Planned Business (PB) pursuant to the provisions of the Zoning Code.

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, recordation and filing in accordance with the laws of the State of Indiana.

ALL OF WHICH IS PASSED AND ADOPTED on Second Reading by the Common Council of the City of Lebanon, Indiana, on the 23 day of May, 2005.

COUNCILPERSONS:

John W. Frost  
Ray J. Loman  
James W. Messinger

Andrea Weston  
Emmerville Scurry  
Richard Platt

James H. Acton  
James H. Acton, Mayor

ATTEST:

Deborah S. Ottinger  
Deborah S. Ottinger, Clerk-Treasurer, City of Lebanon

L-151473

## LEGAL DESCRIPTION

A part of the Southwest Quarter of the Northeast Quarter of Section 24, Township 19 North, Range 1 West of the Second Principal Meridian more particularly described as follows:

The South Half of the following described real estate: BEGINNING at a point 827.63 feet West and 321.08 feet North of the Southeast Corner of the Southwest Quarter of the Northeast Quarter of Section 24, Township and Range aforesaid; run thence North 277 feet 2 ½ inches; run thence East 209 feet 2 ½ inches to the Center of Old State Road No. 39; run thence South 10 ½ degrees East 278 feet 9 inches following the Center Line of Old State Road No. 39 run thence West 260 feet to the place of beginning.

L-148867

"EXHIBIT   A  "