

**ORDINANCE NO. 2020-03**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA ANNEXING CERTAIN TERRITORY TO THE CITY OF LEBANON, BOONE COUNTY, INDIANA**

**WHEREAS**, the City of Lebanon Common Council (the "Council") has the authority and desires to annex lands into the municipality as defined by Indiana Code 36-4-3; and,

**WHEREAS**, one hundred percent (100%) of the owners of the parcels proposed for annexation as identified in **Exhibit A** and **Exhibit B** (the "Annexation Area") have filed a voluntary petition with the Council pursuant to Indiana Code 36-4-3-5.1; and,

**WHEREAS**, the City of Lebanon Advisory Plan Commission held a public hearing at their regularly scheduled meeting on January 21, 2020 and forwarded Docket 20-06 to the Council with a favorable recommendation (6-0) to assign the Single-Family Residential (SF) zoning classification for the Annexation Area; and,

**WHEREAS**, the Council has conducted a public hearing on January 27, 2020, as required by law with regard to the annexation of the Annexation Area; and,

**WHEREAS**, the Council has adopted a fiscal plan for the annexation of the Annexation Area in accordance with Indiana Code 36-4-3-3.1 (Resolution 2020-02); and,

**WHEREAS**, the Annexation Area meets the contiguity requirements of Indiana Code 36-4-3-1.5; and,

**WHEREAS**, the Council now finds that the statutory criteria for annexation have been met; and,

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

- Section 1.** The Annexation Area, generally located on the north side of 100 S, 2000 feet east of Indianapolis Avenue and adjacent to the existing corporate limits along the southern boundary of the Annexation Area, is hereby declared annexed to and declared to be part of the City of Lebanon, Indiana.
- Section 2.** The Annexation Area is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the Annexation Area per Indiana Code 36-4-3-2.5.
- Section 3.** The Annexation Area is hereby assigned to Council District 2 and shall become a part thereof immediately upon the effective date of this Ordinance.

**Section 4.** The Annexation Area is hereby assigned the Single-Family Residential (SF) zoning classification.

**Section 5.** This Ordinance shall be in full force and effect upon its passage by the Council, its publication, upon the passage of the applicable thirty (30) day waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

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PASSED AND ADOPTED THIS 24<sup>th</sup> day of FEBRUARY, 2020.

**LEBANON COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

Keith Campbell  
Keith Campbell

\_\_\_\_\_  
Keith Campbell

\_\_\_\_\_  
Keith Campbell

John Copeland  
John Copeland

\_\_\_\_\_  
John Copeland

\_\_\_\_\_  
John Copeland

Caleb Edwards  
Caleb Edwards

\_\_\_\_\_  
Caleb Edwards

\_\_\_\_\_  
Caleb Edwards

ABSENT  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

\_\_\_\_\_  
Mike Kincaid

Sierra Messenger  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

\_\_\_\_\_  
Sierra Messenger

Dick Robertson  
Dick Robertson

\_\_\_\_\_  
Dick Robertson

\_\_\_\_\_  
Dick Robertson

ABSENT  
Brent Wheat

\_\_\_\_\_  
Brent Wheat

\_\_\_\_\_  
Brent Wheat

ATTEST:

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2020-03 was delivered to the Mayor of Lebanon on the 24 day of FEBRUARY, 2020, at 7:30 p. m.

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2020-03 this 24 day of February, 2020

[Signature]  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2020-03 this \_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:  
Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

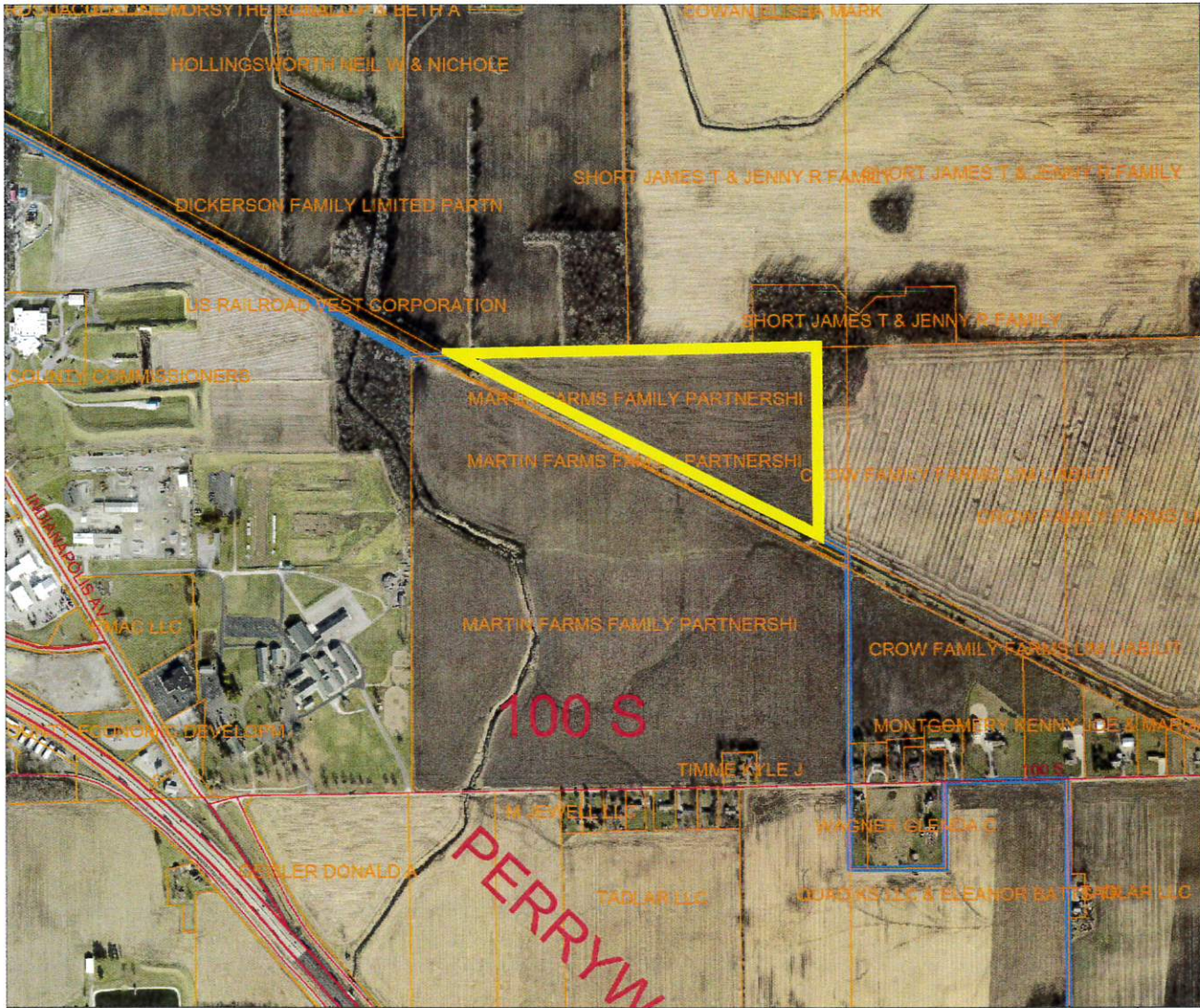
## EXHIBIT A

### Legal Description

Part of the Southeast Quarter of Section 5, Township 18 North, Range 1 East, Center Township, Boone County, Indiana, more fully described by:

Commencing at the Northeast corner of the Southeast Quarter of said Section 5, thence along the North line thereof, South 88 degrees 57 minutes 44 seconds West (assumed bearing) 188.43 feet to the Point of Beginning; thence along the West described line of the Lester, Wilhoite and G. Joyce Wilhoite Property recorded in Deed Record 219, Pages 837-841, Boone County Recorder's Office, South 00 degrees 13 minutes 08 seconds West 1164.94 feet; thence along the Northeasterly right of way of the former Cleveland, Cincinnati, Chicago & St. Louis Railway Right of Way which is the Northeasterly line of the U.S. Railroad Vest Corp. Property recorded in Deed Record 242, Pages 500-506, North 63 degrees 05 minutes 43 seconds West 2485.48 feet; thence, along the South described line of the Arthur O. Dickerson and Theda J. Dickerson Property, recorded in Deed Record 242, Pages 516-517 and Deed Record 246, Pages 280-282 and along the South described line of the James T. Short and Jenny R. Short Property recorded in Deed Record 225, Page 364 and the Quarter Section line, North 88 degrees 57 minutes 44 seconds East 2221.27 feet to the Point of Beginning, containing 29.6950 acres, more or less. Subject to all highways, rights-of-way and easements.

The annexation shall also include the full right-of-way of all road frontage of the above described parcels.



- Parcels From County
- Lebanon City Li
- Roads
- Highways

EXHIBIT B

