

cause number S76-132, pending in the Hamilton County Indiana, Superior Court against the Plaintiff and the directors of Plaintiff.

3. The defendants agree that the tract upon which the H & W Development Company, above named, proposed to build a K-Mart shall not be used for any purpose less than A Residential as defined by the Master Plan Code of Lebanon, Indiana, 1974, until the ground located south of said tract, north of the Brendanwood Subdivision, and, bounded on the east by the east by the Ulen Country Club, and on the west by State Road 39, has been developed residential in the pattern of development of the Brendanwood Subdivision.

4. After the residential pattern of development of the ground which is south of the south line of the K-Mart tract, north line of Brendanwood, and between state Road 39 and the Ulen Country Club has been completed, the Plaintiff and Dan and Carolyn Wheat will not be interested parties in any proceeding, lawsuit, or controversy involving the use of the K-Mart tract for -C- residential purposes.

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July 14, 1976

Mrs. Ann Garoffolo, Secretary
Lebanon Common Council
Municipal Building
Lebanon, Indiana 46052

Repeated

Mr. James Nelson, President
Lebanon Plan Commission
Municipal Building
Lebanon, Indiana 46052

Dear Members of the Common Council and Plan Commission:

This letter concerns actions of the City of Lebanon to continue the residential pattern of development of Lebanon in the territory immediately north of Brendanwood subdivision and east of State Road 39.

As you know, the pattern of development of the City of Lebanon, in the Brendanwood subdivision, has been north, with condominium units and apartments along the east side of State Road 39, and single family residences between the multi-family housing and the Ulen Country Club.

There are, at the present time, three apartment units under construction in the southwest corner of the territory immediately north of Brendanwood. It is my understanding that the Plan Commission was strict in insisting that apartment construction extend no farther east than the existing apartments in Brendanwood.

Cleo Smith has presented a plan for the further residential development of the

FINDING AND ORDER
BURTNER BROTHERS CONSTRUCTION 1976

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

BEFORE THE BOARD OF ZONING
APPEALS
LEBANON, INDIANA

FINDING AND ORDER ON PETITION OF
LLOYD O. BURTNER AND
OTIS S. BURTNER, OWNERS OF
BURTNER BROTHERS CONSTRUCTION

Come now Lloyd O. Burtner and Otis S. Burtner, petitioners herein, and file their petition for a variance from the terms and provisions of the Zoning Ordinance found in the Master Plan of the City of Lebanon, Indiana, with the Board of Zoning Appeals of said city, which petition is in the words and figures following, to wit: (H.I.).

And now proof of publication to all interested parties in the Lebanon Reporter is filed herein, which proof of publication reads as follows: (H.I.).

And now said petition is heard by the Board of Zoning Appeals of Lebanon, Indiana, in the council chambers, City Hall, Lebanon, Indiana, with all interested parties, including the general public present, and now evidence is heard on said petition.

And the Board of Zoning Appeals, having heard evidence and being duly advised herein, now finds:

1. That petitioners are the owners of the following described real estate, to wit:

Lot C-1 in Spencer and McLaughlin
Addition, Lebanon, Indiana.