

STATE OF INDIANA )  
COUNTY OF BOONE ) SS:

IN THE BOONE SUPERIOR COURT  
1975 TERM  
CAUSE NO. S76-34

CITY OF LEBANON, INDIANA )  
LEBANON CITY PLAN COMMISSION, )  
Plaintiffs, )  
VS: )  
RONALD F. AND VICKY L. CARIBBEAN )  
POOL COMPANY, INC., )  
Defendants )

FILED January 27, 1976  
Thelma Burgin  
Clerk Boone Superior Court

COMPLAINT FOR AN INJUNCTION

The plaintiff complains of the defendants, and for cause of action alleges:

1. That the plaintiff, City of Lebanon, Indiana is a corporation duly organized under the laws of the state of Indiana, having its principal office at the Municipal Building at 201 E. Main Street, Lebanon, Indiana, that the plaintiff, Lebanon City Plan Commission is the agency of the City having authority to regulate the classification of the city into various zoning laws and the buildings of various structures in the City of Lebanon by the virtue of Chapter 27 of the City Code of Lebanon, Indiana; that by the provisions of the City Code of Lebanon, Chapter 27, no structure may be erected within the City over a utility easement, nor should any structure be erected without the issuance of a building permit.

2. That the defendant Ronald F. and Vicky L. Walker, are the owners of certain real estate located at 114 Monroe Crescent, Lebanon, Indiana; that the defendant, Caribbean Pool Company, Inc. is in the business of installing above ground swimming pools and has its principal office at 816 U.S. Highway No. 1, Edison, New Jersey 08817; that said defendant, Caribbean Pool Company, Inc. is engaged in the business of installing swimming pools within the State of Indiana and within the County of Boone.

3. That on or about July of 1973 the defendant, Caribbean Pool Company, Inc. installed an above ground swimming pool for the defendants, Ronald F. Walker and Vicky L. Walker over an underground electric transmission easement which contained a 69,000 volt electric transmission line; that the defendants failed to consult with the proper officials of the plaintiffs and failed to secure a building permit for the installation of said swimming pool; that further said swimming pool was not eligible for the issuance of a building permit in its present location due to being installed over the above described electric transmission line.

4. That defendants have been notified repeatedly to re-located said swimming pool and to secure a building permit therefore all in accordance with the ordinances of the plaintiffs but have refused to do so.

5. That the plaintiff has no adequate remedy at law or otherwise for the harm of damage done or threatened to be done by the defendants because of the extremely dangerous conditions caused by the location of the swimming pool over and above the 69,000 volt electric transmission line owned by the plaintiffs, City of Lebanon, Indiana, and further because there is great danger that the electric transmission line will cause injury to those using said swimming pool.

6. That irreparable harm, damage, and injury will follow and be done unless the acts and conduct of the defendants above complained of are enjoined because of the danger to the users of said swimming pool and the possibility of the liability actions being commenced against the plaintiffs.

WHEREFORE, Plaintiffs pray that the defendants be permanently enjoined from using said swimming pool and further that they be permanently enjoined from permitting said swimming pool to be installed in its present location and directed to remove the same from over the above set out transmission line and from the easement therefore; that further they be required to secure a building permit from the City of Lebanon, Indiana prior to re-locating said swimming pool. And plaintiff further prays that during the pendency of this action, and a temporary injunction issued to injoin and restrain from the defendants from the acts and conduct aforesaid.

Tom Bowen (Signed)  
Tom Bowen, Building Inspector  
City of Lebanon, Indiana

Subscribed and sworn to before me this 23rd day of January, 1976.

Wendell B. Iddings (Signed)  
Notary Public

My commission expires: 2-6-77.

Wendell B. Iddings (Signed)  
Wendell B. Iddings, Attorney  
City of Lebanon, Indiana

FINDING AND ORDER UHLER-STEWART 1/20/76

STATE OF INDIANA )  
COUNTY OF BOONE ) SS:

BEFORE THE BOARD OF ZONING  
APPEALS OF THE CITY OF  
LEBANON, INDIANA

FINDING AND ORDER ON THE PETITION OF  
RICHARD THOMAS UHLER AND GARY A. STEWART  
FOR A VARIANCE

Comes now Richard Thomas Uhler and Gary A. Steward, 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 following words and figures, to-wit: (H. I.)