

**ORDINANCE NO. 2022-04**

**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 18, 2022 and forwarded Docket 22-2 to the Council with a favorable recommendation (8-0) to assign the Single-Family Residential (SF) zoning classification for the Annexation Area; and,

**WHEREAS**, the Council has conducted a public hearing on January 24, 2022, 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 2022-03); 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 just west of 300 E and adjacent to the existing corporate limits along the west and south boundaries 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.

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**LEBANON COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

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

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

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

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

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

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

\_\_\_\_\_  
Morris Jones

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Morris Jones

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Morris Jones

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

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Mike Kincaid

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Mike Kincaid

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Sierra Messenger

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Sierra Messenger

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Sierra Messenger

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

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

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Dick Robertson

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

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

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

ATTEST:

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2022-04 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ m.

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-04  
this \_\_\_\_ day of \_\_\_\_\_, 2022

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

I hereby VETO ORDINANCE 2022-04  
this \_\_\_\_ day of \_\_\_\_\_, 2022

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

ATTEST:

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

**EXHIBIT A**  
**LEGAL DESCRIPTION**

STEWART FARM-Parcel Numbers: 06-07-04-000-006.000-001 Alt. Parcel Number: 001-11050-00; 06-07-04-000-007.000-001 Alt. Parcel Number: 001-11070-00

Part of the Southeast Half of Section 4, Township 18 North, Range 1 East, Center Township, Boone County, and being more particularly described as follows:

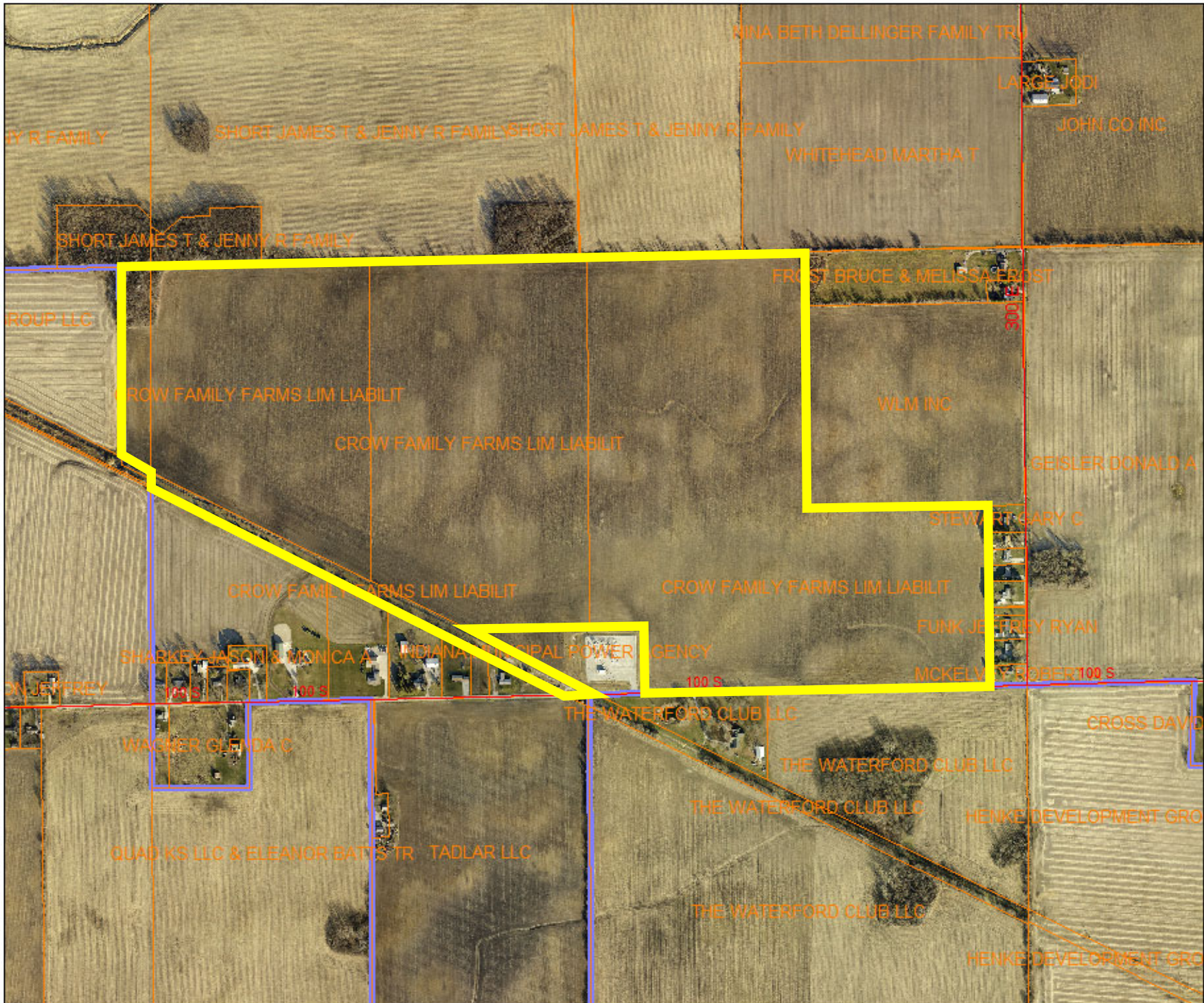
Commencing at a Harrison Monument marking the Southwest Corner of the Southeast Quarter of said Section 4; thence North 88°42'13" East 35.43 feet along the South line of the Southeast Quarter of said Section 4 to a magnetic nail with metal washer stamped "HAUSE PLS20600040" (hereafter called mag nail with washer) said mag nail with washer being the Point of Beginning of this description; thence North 63°39'09" West 1491.34 feet to a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (here after called capped re-bar); thence North 01°02'03" West 1969.66 feet to the North line of the South Half of Section 4 and a capped re-bar; thence North 88°42'29" East 2645.71 feet along said North line to a capped re-bar; thence South 00°25'13" East 1540.79 feet to a capped re-bar; thence North 89°32'16" East 1106.19 feet to a capped re-bar; thence South 00°27'43" East 620.46 feet parallel to the East line of the Southeast Quarter of said Section 4; thence North 89°32'16" East 220.00 feet to said East line and a mag nail with washer; thence South 00°27'43" East 50.00 feet along said East line to a mag nail with washer; thence South 89°32'16" West 220.00 feet to a capped re-bar; thence South 00°27'43" East 434.33 feet parallel to said East line to said South line and a mag nail with washer; thence South 88°42'13" West 2400.04 feet along said South line to the Point of Beginning. Containing 178.78 acres, more or less.

WILHOITE FARM: Parcel Number: 06-07-04-000-023.00S-001 Alt. Parcel Number: 001-12700-06

Lot Numbered One (1) as depicted on the Re-plat Wilhoite Minor recorded April 23, 2003 as Instrument No. 0307159 in the Office of the Recorder of Boone County, Indiana.

Excepting therefrom: Part of Lot Numbered One (1) of the Re-plat of Wilhoite Minor Plat 02CE-7-032, recorded in Plat Book 13, page 60, located in the Southwest Quarter of Section 4, Township 18 North, Range I East, Center Township, Boone County, and being more particularly described as follows: Commencing at a Harrison Monument marking the Southeast corner of the Southwest Quarter of said Section 4; thence South 88°44'29" West 717.08 feet along the South line of the Southwest Quarter of said Section 4 to the Point of Beginning of this description; thence continuing South 88°44'29" West 174.99 feet along said South line; thence North 01°15'31" West 394.75 feet; thence South 63°39'08" East 197.47 feet; thence South 01°15'31" East 303.25 feet to the Point of Beginning, containing 1.40 acres, more or less.

## **EXHIBIT B**



- ParcelsFromCounty
- Lebanon City Lim
- Roads
- Highways

