

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.

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PASSED AND ADOPTED THIS 14 day of FEBRUARY, 2022.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

ABSENT

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2022-04 was delivered to the Mayor of Lebanon on the 14 day of FEBRUARY, 2022, at 7:52 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-04
this 17 day of February, 2022

Matthew T. Gentry
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-04
this ___ day of _____, 2022

Matthew T. Gentry, Mayor

ATTEST:
Tonya Thayer
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 $88^{\circ}42'13''$ 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 $63^{\circ}39'09''$ 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 $01^{\circ}02'03''$ West 1969.66 feet to the North line of the South Half of Section 4 and a capped re-bar; thence North $88^{\circ}42'29''$ East 2645.71 feet along said North line to a capped re-bar; thence South $00^{\circ}25'13''$ East 1540.79 feet to a capped re-bar; thence North $89^{\circ}32'16''$ East 1106.19 feet to a capped re-bar; thence South $00^{\circ}27'43''$ East 620.46 feet parallel to the East line of the Southeast Quarter of said Section 4; thence North $89^{\circ}32'16''$ East 220.00 feet to said East line and a mag nail with washer; thence South $00^{\circ}27'43''$ East 50.00 feet along said East line to a mag nail with washer; thence South $89^{\circ}32'16''$ West 220.00 feet to a capped re-bar; thence South $00^{\circ}27'43''$ East 434.33 feet parallel to said East line to said South line and a mag nail with washer; thence South $88^{\circ}42'13''$ 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 $88^{\circ}44'29''$ 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 $88^{\circ}44'29''$ West 174.99 feet along said South line; thence North $01^{\circ}15'31''$ West 394.75 feet; thence South $63^{\circ}39'08''$ East 197.47 feet; thence South $01^{\circ}15'31''$ East 303.25 feet to the Point of Beginning, containing 1.40 acres, more or less.

EXHIBIT B

LEBANON ADVISORY PLAN COMMISSION CERTIFICATION

The Lebanon Advisory Plan Commission (the "Commission") held a public hearing on January 18, 2022 to consider initial zoning classification for potential annexed territory generally located on the north side of 100 S just west of 300 E. Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Boone County, Indiana. The proposal is as follows:

Docket No.: 22-2

Ordinance/Resolution No.: 2022-04

Petitioner: Crow Family Farms LLC

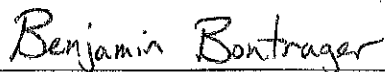
Description: Initial Zoning Classification for Potential Annexed Territory

On January 18, 2022, a motion was made and passed to send a favorable recommendation for a zoning classification of Single-Family Residential (SF) (Vote: 8 in favor, 0 opposed) to the Lebanon City Council.

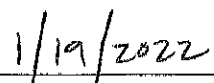
The above-mentioned proposal and the Commission's recommendation thereof are hereby certified.



Commission Secretary



Commission Secretary (Printed)



Date