

ORDINANCE NO. 2023-28

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 September 18, 2023 and forwarded Docket 23-78 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 September 25, 2023, 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 2023-XX); 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 east side of State Road 39 and north of W CR 300 N and adjacent to the existing corporate limits along the eastern 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 5 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 _____, 2023.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2023-28 was delivered to the Mayor of Lebanon on the _____ day of _____, 2023, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2023-28
this ____ day of _____, 2023

I hereby VETO ORDINANCE 2023-28
this ____ day of _____, 2023

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A
LEGAL DESCRIPTION

A part of the west half of the southeast quarter of Section 13, Township 19 North, Range 1 West, Center Township, Boone County, Indiana, more particularly described as follows:

Commencing from a ½” rebar marking the southwest corner of the southeast quarter of the southeast quarter of said Section 13; thence north 89 degrees 41 minutes 15 seconds west 920.70 feet to the point of beginning; thence continuing along the south section line, north 89 degrees 41 minutes 15 seconds west 57.08 feet; thence north 10 degrees 05 minutes 00 seconds west 1067.96 feet to a mag nail with washer stamped “S0257”; thence along said centerline of Storms Ditch the five following courses; 1) South 70 degrees 24 minutes 00 seconds east 105.40 feet; 2) thence south 46 degrees 42 minutes 00 seconds east 415.07 feet; 3) thence south 70 degrees 51 minutes 00 seconds east 346.41 feet; 4) thence south 54 degrees 12 minutes 00 seconds east 69.64 feet; 5) thence south 23 degrees 30 minutes 00 seconds east 135.43 feet; thence leaving said centerline of said ditch, north 89 degrees 18 minutes 00 seconds west 675.67 feet to a 5/8” rebar with cap stamped “S0257”; thence south 10 degrees 05 minutes 00 seconds east 460.35 feet to the point of beginning, containing 6.034 acres, more or less.

Subject to all highways, rights-of-way and easements of record.

EXHIBIT B



- ParcelsFromCounty
- Lebanon City Lim
- Roads
- Highways

SR 39

