

ORDINANCE NO. 2023-29
(LEAP Phase 3 Annexation)

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 owner of approximately 14.19 acres of land located in unincorporated Boone County but contiguous to the City (the “LEAP Phase 3 Annexation Area”) has petitioned to have its land voluntarily annexed into the City of Lebanon (“City”); and,

WHEREAS, the Common Council of the City (the “Council”) is legally authorized to annex lands that qualify for annexation as defined in Indiana Code § 36-4-3 and is desirous of approving the annexation of the LEAP Phase 3 Annexation Area; and

WHEREAS, the LEAP Phase 3 Annexation Area is part of a transformational economic development opportunity for the State of Indiana, Boone County, and the City and the Council support the proposed development and use of the LEAP Phase 3 Annexation Area in order to facilitate new business investment, with a focus on attracting advanced manufacturing, agri-science, bioscience, and other “economy-of-the-future” businesses that will yield a diversified tax base and high paying job opportunities for local residents; and,

WHEREAS, the LEAP Phase 3 Annexation Area consists of one (1) parcel containing a total of approximately 14.19 acres owned by one (1) landowner, not including the adjacent public roadways. The LEAP Phase 3 Annexation Area is identified more particularly in **Exhibit A** and **Exhibit B**; and,

WHEREAS, the Council finds that one hundred percent (100%) of the landowners comprising the LEAP Phase 3 Annexation Area have signed and filed a voluntary annexation petition with the Council under Indiana Code § 36-4-3-5.1; and,

WHEREAS, the LEAP Phase 3 Annexation Area does not include any parcel of land for which its owner(s) have not filed an express written consent to this annexation; and,

WHEREAS, as authorized by Section 1.8(B) of the City’s Unified Development Ordinance, the Council has received and considered a Development Proposal/Concept Plan which provides sufficient information about the intended development and use of the LEAP Phase 3 Annexation Area to justify the assignment of the Single Family Residential (SF) zoning classification to the annexed area; and,

WHEREAS, the City of Lebanon Advisory Plan Commission held a duly and timely noticed public hearing regarding a recommended zoning classification for the proposed annexation area at its regularly scheduled meeting on September 18, 2023 and forwarded Docket 23-62 to the Council with a favorable recommendation to assign the Single Family Residential (SF) zoning classification to the LEAP Phase 3 Annexation Area; and,

WHEREAS, in accordance with Indiana Code § 36-4-3-5.1(e), on September 25, 2023, the Council held a daily and timely noticed public hearing regarding the petition for annexation of the LEAP Phase 3 Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the LEAP Phase 3 Annexation Area in accordance with Indiana Code § 36-4-3-3.1 (Resolution _____); and,

WHEREAS, the Council has determined, after due consideration, that this annexation satisfies the contiguity requirements of Indiana Code § 36-4-3-1.5, as shown more particularly in **Exhibit C**, attached and incorporated here by reference; and,

WHEREAS, parts of the LEAP Phase 3 Annexation Area are contiguous to public roadways and rights-of-ways, and under Indiana Code § 36-4-3-1.5(b), those portions of such roadways and rights-of-way are to be annexed into the City; and

WHEREAS, the Council has considered the statutory criteria for annexation and finds that the legal process and requirements for this super-voluntary annexation have been satisfied; 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. Incorporation. The foregoing recitals are found to be accurate and are incorporated herein by reference.

Section 2. Annexed Area. The LEAP Phase 3 Annexation Area, generally located on the east side of Interstate 65 bordered on the west by CR 150 W, on the south by W CR 375 N, and on the north by CR 450 N, as depicted on Exhibit A and more particularly described in Exhibit B, is eligible for annexation into the City and is hereby declared annexed into and part of the City of Lebanon, Indiana.

Section 3. Contiguity. The LEAP Phase 3 Annexation Area meets the contiguity requirements for annexation under Indiana Code 36-4-3-1.5(a). At least one-eighth (1/8th) of the external boundaries of the LEAP Phase 3 Annexation Area coincides with and adjoins existing City boundaries. See the contiguity calculation on the attached Exhibit A and certification on Exhibit C, incorporated herein by reference. Further, the LEAP Phase 3 Annexation area forms a single, unified territory. The LEAP Phase 3 Annexation Area is to further include the contiguous public highways and rights-of-way of the public highways which are adjacent to the LEAP Phase 3 Annexation Area per Indiana Code 36-4-3-2.5 and 36-4-3-1.5(b).

Section 4. Council District. The LEAP Annexation Area is hereby assigned to Council District 3 and shall become a part thereof immediately upon the effective date of this Ordinance.

Section 5. Zoning. Upon the recommendation of the Plan Commission, the LEAP annexation Area is hereby assigned the Single Family Residential (SF) zoning classification.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its passage by the Council, required publication and filings, and upon the expiration 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 ON SECOND READING 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 2023-29 was delivered to the Mayor of Lebanon on the ____ day of _____, 2023, at ____:____ a.m./p.m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2023-29
this ____ day of _____, 2023.

Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2023-29
this ____ day of _____, 2023.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Annexation Area Depiction

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Annexation Area 3:

Total Area: 14.19 Acres
 Total Perimeter: 0.71 Miles
 Contiguous Perimeter: 0.24 Miles
 Ratio of Total to Contiguous Perimeter: 3.0

Annexation Area 4:

Total Area: 157.13 Acres
 Total Perimeter: 4.24 Miles
 Contiguous Perimeter: 1.60 Miles
 Ratio of Total to Contiguous Perimeter: 2.7

Label	Owner	Parcel ID #	Acres
1	IEDC	06-10-13-000-040.000-001	14.19

Label	Owner	Parcel ID #	Acres
2	Fields, Heidenreich, et al	06-10-14-000-001.000-001	115.98
3	Fields	06-10-14-000-001.001-001	4.02
4	Ritter	06-10-14-000-002.001-001	1.12
5	IEDC	06-10-14-000-002.003-001	1.12
6	Parr	06-10-14-000-002.008-001	1.49
7	IEDC	06-10-14-000-002.012-001	1.00
8	IEDC	06-10-14-000-002.013-001	1.00
9	IEDC	06-10-14-000-002.014-001	1.00
10	IEDC	06-10-14-000-002.015-001	1.00
11	IEDC	06-10-14-000-003.000-001	1.67
12	Leonard	06-10-14-000-006.000-001	1.67
13	IEDC	06-10-14-000-010.000-001	1.29
14	IEDC	06-10-23-000-033.005-001	1.00
15	IEDC	06-10-23-000-033.010-001	0.94
16	IEDC	06-10-23-000-034.000-001	19.52
17	IEDC	06-10-23-000-034.004-001	1.00
18	Bowman	06-10-23-000-034.005-001	1.00
19	IEDC	06-10-23-000-034.007-001	0.96
20	IEDC	06-10-23-000-034.008-001	0.82

Legend

- Contiguous Perimeter
- Phase 3 Annexation
- Phase 4 Annexation
- (Old) Annexation Area #1
- (Old) Annexation Area #2
- Prior City Boundary

v4
August 11, 2023

0.3 0.15 0 0.3 Miles

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NCCO, © OpenStreetMap contributors, and the GIS User Community

EXHIBIT B

Legal Description

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PHASE 3 ANNEXATION DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SAID HALF QUARTER SECTION, THENCE SOUTH ALONG THE WEST LINE THERE OF DISTANCE OF 575.96 FEET TO AN ESTABLISHED CORNER POST IN THE EAST RIGHT-OF-WAY LINE OF THE PENNSYLVANIA RAILROAD, THENCE SOUTH 11 DEGREES EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD 766.75 FEET, MORE OR LESS TO A POINT IN THE SOUTH LINE OF SAID HALF QUARTER SECTION, SAID POINT BEING IN THE CENTER LINE OF A PUBLIC ROAD, THENCE EAST ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION AND THE CENTER LINE OF SAID PUBLIC ROAD A DISTANCE OF 364.1 FEET, THENCE NORTH PARALLEL WITH THE WEST LINE OF AFORESAID HALF QUARTER SECTION, A DISTANCE OF 1325.3 FEET TO A POINT IN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 13, THENCE WEST ALONG SAID NORTH LINE 506.1 FEET TO THE PLACE OF BEGINNING, CONTAINING 14.194 ACRES, MORE OR LESS.

EXHIBIT C

Surveyor's Certification of Contiguity

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AMERICAN
STRUCTUREPOINT
INC.

9025 RIVER ROAD, SUITE 200
INDIANAPOLIS, INDIANA 46240
TEL 317.547.5580
FAX 317.543.0270

August 21, 2023

Per request of the Indiana Economic Development Corporation ("IEDC"), American Structurepoint, Inc., has reviewed the information provided by, and available from, the City of Lebanon, Indiana (the "City") and the law firm of Taft, Stettinius and Hollister ("Taft") to determine whether the parcels identified in the attached map, if annexed into the City of Lebanon, would comply with the contiguity requirements set forth in IC§ 36-4-3-1.5(a).

Based upon the information available, reviewed, and provided (which is commonly relied upon in the industry), at least one-eighth (1/8) of the external boundaries of the proposed territory to be annexed ("Territory") coincides with the existing boundaries of the City, thereby satisfying the contiguity requirement of IC§ 36-4-3-1.5(a) to support the voluntary annexation of such parcels into the City.

We are available at your convenience to answer any questions or further discuss this matter.

Sincerely,
American Structurepoint, Inc.

Matthew D. Moore, PE, PMP
Vice President