

ORDINANCE NO. 2023-30
(LEAP Phase 4 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 owners of approximately 157.6 acres of land located in unincorporated Boone County but contiguous to the City (the “LEAP Phase 4 Annexation Area”) have petitioned to have their 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 4 Annexation Area; and

WHEREAS, the LEAP Phase 4 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 4 Annexation Area in order to attract and support 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 4 Annexation Area consists of nineteen (19) separate parcels containing a total of approximately 157.6 acres owned by seven (7) landowners, not including the adjacent public roadways. The LEAP Phase 4 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 4 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 4 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 4 Annexation Area to justify the assignment of the LEAP Lebanon Innovation Planned Unit Development District 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 23-63 to the Council with a favorable recommendation to assign the LEAP Lebanon Innovation Planned Unit Development District zoning classification for the LEAP Phase 4 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 4 Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the LEAP Phase 4 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 4 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 4 Annexation Area, generally located on the east side of Interstate 65 bordered on the west by Interstate 65, on the north by the CR 375N, on the south by CR 300 N, and with a few parcels located south of CR 300 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 4 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 4 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 4 Annexation area consists of multiple parcels that form a single, unified territory. The LEAP Phase 4 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 4 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 Lebanon Innovation Planned Unit Development District zoning classification is assigned for the LEAP Phase 4 Annexation Area.

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 2023-30 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 2023-30
this ____ day of _____, 2023.

Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2023-30
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

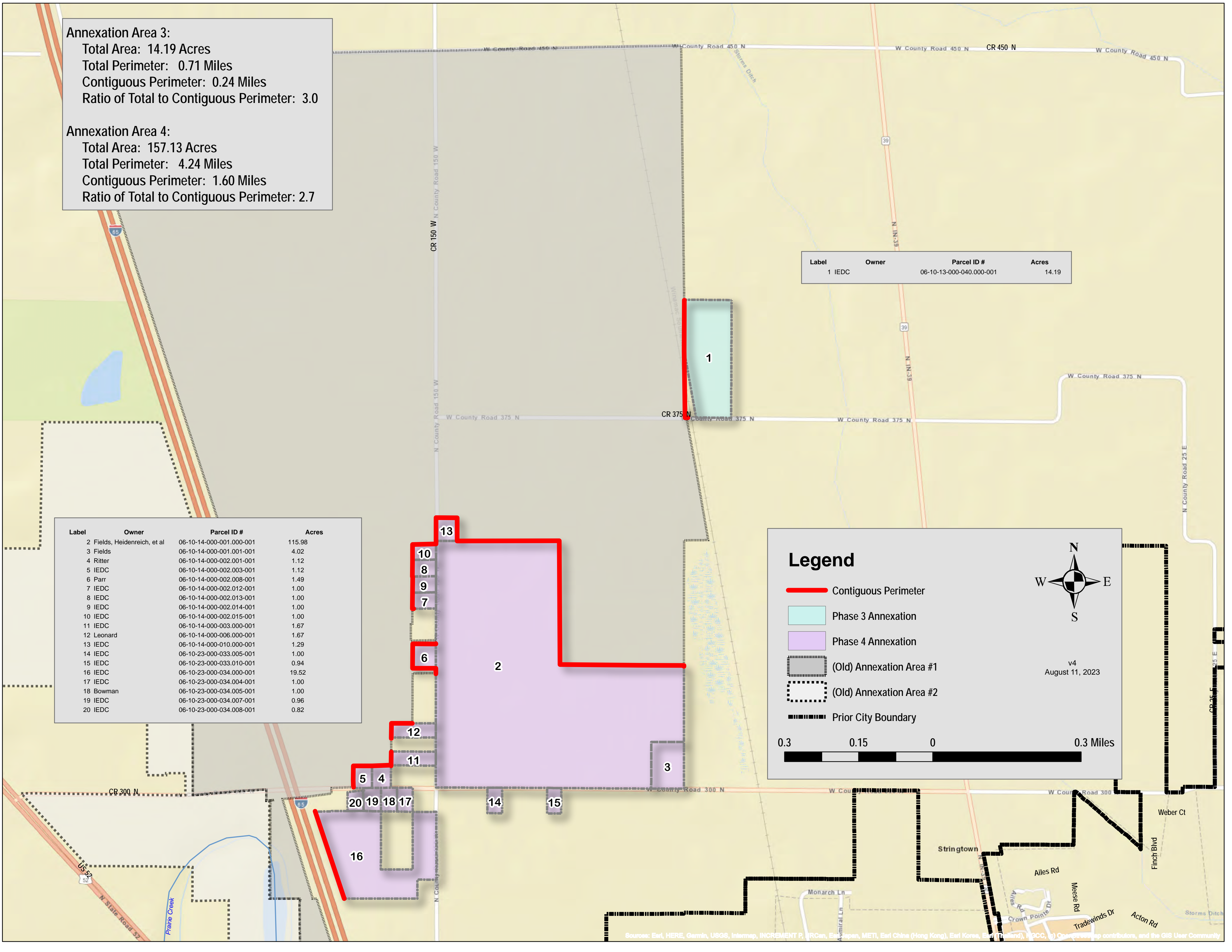
Label	Owner	Parcel ID #	Acres
2	Fields, Heidenreich, et al	06-10-14-000-001.000-001	115.98
3	Fields	06-10-14-000-001.001-001	4.02
4	Ritter	06-10-14-000-002.001-001	1.12
5	IEDC	06-10-14-000-002.003-001	1.12
6	Parr	06-10-14-000-002.008-001	1.49
7	IEDC	06-10-14-000-002.012-001	1.00
8	IEDC	06-10-14-000-002.013-001	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 4 ANNEXATION DESCRIPTION

PART OF SECTIONS 14 & 23, TOWNSHIP 19 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 14; THENCE NORTH 0 DEGREES 15 MINUTES 42 SECONDS EAST 250.00 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14 TO THE NORTHWEST CORNER OF TAX PARCEL 06-10-14-000-010.000-001; THENCE ALONG THE NORTH AND EAST BOUNDARIES OF SAID TAX PARCEL 06-10-14-000-010.000-001 THE FOLLOWING TWO (2) COURSES; 1) SOUTH 89 DEGREES 41 MINUTES 19 SECONDS EAST 224.90 FEET; 2) SOUTH 0 DEGREES 15 MINUTES 42 SECONDS WEST 250.00 FEET TO THE NORTH LINE OF NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; THENCE SOUTH 89 DEGREES 41 MINUTES 19 SECONDS EAST 1,096.83 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; THENCE SOUTH 0 DEGREES 15 MINUTES 35 SECONDS WEST 1,320.51 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14 TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 89 DEGREES 33 MINUTES 29 SECONDS EAST 1,323.42 FEET ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0 DEGREES 11 MINUTES 13 SECONDS WEST 1,323.53 FEET ALONG THE EAST OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14 TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 25 MINUTES 41 SECONDS WEST 1,325.11 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23; TO THE NORTHEAST CORNER OF TAX PARCEL 06-10-23-000-033.010-001; THENCE ALONG THE EAST, SOUTH AND WEST BOUNDARIES OF SAID TAX PARCEL 06-10-23-000-033.010-001 THE FOLLOWING THREE (3) COURSES: 1) SOUTH 0 DEGREES 12 MINUTES 0 SECONDS WEST 272.25 FEET; 2) NORTH 89 DEGREES 25 MINUTES 41 SECONDS WEST 151.63 FEET; 3) NORTH 0 DEGREES 34 MINUTES 20 SECONDS EAST 272.25 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 25 MINUTES 41 SECONDS WEST 470.00 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF TAX PARCEL 06-10-23-000-033.005-001; THENCE ALONG THE EAST, SOUTH AND WEST BOUNDARIES OF SAID TAX PARCEL 06-10-23-000-033.005-001; 1) SOUTH 0 DEGREES 16 MINUTES 11 SECONDS WEST 272.25 FEET; 2) NORTH 89 DEGREES 25 MINUTES 41 SECONDS WEST 160.00 FEET; 3) NORTH 0 DEGREES 16 MINUTES 11 SECONDS EAST 272.25 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 25 MINUTES 41 SECONDS WEST 545.25 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE SOUTH 89 DEGREES 59 MINUTES 19 SECONDS WEST 260.88 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE NORTHEAST CORNER OF TAX PARCEL 06-10-23-000-034.004-001; THENCE

SOUTH 0 DEGREES 13 MINUTES 27 SECONDS WEST 254.06 FEET ALONG THE EAST LINE OF SAID TAX PARCEL 06-10-23-000-034.004-001 TO A NORTHERN CORNER OF TAX PARCEL 06-10-23-000-034.000-001; THENCE ALONG THE BOUNDARIES OF SAID TAX PARCEL 06-10-23-000-034.000-001 THE FOLLOWING EIGHT (8) COURSES: 1) SOUTH 89 DEGREES 55 MINUTES 20 SECONDS EAST 260.88 FEET; 2) SOUTH 0 DEGREES 13 MINUTES 26 SECONDS WEST 728.03 FEET; 3) NORTH 89 DEGREES 36 MINUTES 17 SECONDS WEST 208.71 FEET; 4) SOUTH 0 DEGREES 13 MINUTES 26 SECONDS WEST 208.71 FEET; 5) NORTH 89 DEGREES 36 MINUTES 17 SECONDS WEST 816.26 FEET; 6) NORTH 14 DEGREES 10 MINUTES 57 SECONDS WEST 161.75 FEET; 7) NORTH 17 DEGREES 37 MINUTES 48 SECONDS WEST 812.80 FEET; 8) SOUTH 89 DEGREES 48 MINUTES 41 SECONDS EAST 366.40 FEET TO THE SOUTHWEST CORNER OF TAX PARCEL 06-10-23-000-034.008-001; THENCE ALONG THE WEST AND NORTH BOUNDARIES OF SAID TAX PARCEL 06-10-23-000-034.008-001; 1) NORTH 0 DEGREES 21 MINUTES 42 SECONDS EAST 201.67 FEET; 2) NORTH 85 DEGREES 32 MINUTES 59 SECONDS EAST 172.13 FEET; THENCE NORTH 0 DEGREES 20 MINUTES 4 SECONDS EAST 38.71 FEET TO THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 89 DEGREES 59 MINUTES 19 SECONDS EAST 114.11 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF TAX PARCEL 06-10-14-000-002.003-001; THENCE NORTH 0 DEGREES 16 MINUTES 37 SECONDS EAST 237.60 FEET ALONG THE WEST LINE OF TAX PARCEL 06-10-14-000-002.003-001 TO THE NORTHWEST CORNER THEREOF; THENCE THENCE NORTH 89 DEGREES 59 MINUTES 19 SECONDS EAST 410.00 FEET ALONG THE NORTH LINES OF TAX PARCELS 06-10-14-000-002.003-001 AND 06-10-14-000-002.001-001 TO THE SOUTHWEST CORNER OF TAX PARCEL 06-10-14-000-003.000-001; THENCE ALONG THE WEST AND NORTH BOUNDARIES OF SAID TAX PARCEL 06-10-14-000-003.000-001 THE FOLLOWING TWO (2) COURSES: 1) NORTH 0 DEGREES 16 MINUTES 37 SECONDS EAST 151.41 FEET; 2) SOUTH 89 DEGREES 59 MINUTES 25 SECONDS EAST 480.38 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE NORTH 0 DEGREES 19 MINUTES 58 SECONDS EAST 151.36 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF TAX PARCEL 06-10-14-000-006.000-001; THENCE ALONG THE SOUTH, WEST AND NORTH BOUNDARIES OF SAID TAX PARCEL 06-10-14-000-006.000-001 THE FOLLOWING THREE (3) COURSES: 1) SOUTH 89 DEGREES 58 MINUTES 59 SECONDS WEST 480.52 FEET; 2) NORTH 0 DEGREES 16 MINUTES 37 SECONDS EAST 151.68 FEET; 3) SOUTH 89 DEGREES 57 MINUTES 21 SECONDS EAST 480.67 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE NORTH 0 DEGREES 19 MINUTES 58 SECONDS EAST 582.64 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF TAX PARCEL 06-10-14-000-002.008-001; THENCE ALONG THE SOUTH, WEST AND NORTH BOUNDARIES OF SAID TAX PARCEL 06-10-14-000-002.008-001 THE FOLLOWING THREE (3) COURSES: 1) NORTH 89 DEGREES 34 MINUTES 7 SECONDS WEST 248.91 FEET; 2) NORTH 0 DEGREES 19 MINUTES 58 SECONDS EAST 260.86 FEET; 3) SOUTH 89 DEGREES 34 MINUTES 7 SECONDS EAST 248.91 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE NORTH 0 DEGREES 19 MINUTES 58 SECONDS EAST 400.14 FEET ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF TAX PARCEL 06-10-14-000-002.012-001; THENCE NORTH 89 DEGREES 34 MINUTES 7 SECONDS WEST 248.91 FEET ALONG THE

SOUTH LINE OF SAID TAX PARCEL 06-10-14-000-002.012-001 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 0 DEGREES 19 MINUTES 58 SECONDS EAST 698.19 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 89 DEGREES 59 MINUTES 10 SECONDS EAST 248.91 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING PARCELS:

TAX PARCEL 06-10-14-000-002.002-001

TAX PARCEL 06-10-23-000-034.002-001

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