

ORDINANCE NO. 2023-41
(LEAP Phase 15 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 8.7 acres of land located in unincorporated Boone County but contiguous to the City (the “LEAP Phase 15 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 15 Annexation Area; and

WHEREAS, the LEAP Phase 15 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 15 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 15 Annexation Area consists of two (2) separate parcels containing a total of approximately 8.7 acres owned by two (2) landowners, not including the adjacent public roadways. The LEAP Phase 15 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 15 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 15 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 15 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 23-74 to the Council with a favorable recommendation to assign the LEAP Lebanon Innovation Planned Unit Development District zoning classification for the LEAP Phase 15 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 15 Annexation Area; and,

WHEREAS, the Council has adopted a fiscal plan for the annexation of the LEAP Phase 15 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 15 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 15 Annexation Area, generally located on the west side of Interstate 65, south of State Road 32, and north of W CR 50 S, 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 15 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 15 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 15 Annexation area consists of multiple parcels that form a single, unified territory. The LEAP Phase 15 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 15 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 15 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 2023-41 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 2023-41
this ___ day of _____, 2023.

Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2023-41
this ___ day of _____, 2023.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer