

FILE
OCT 30 2023
CITY OF LEBANON
Planning & Zoning Department

BEFORE THE COMMON COUNCIL
OF THE CITY OF LEBANON, INDIANA

IN THE MATTER OF PROJECT LEAP)
PHASE 21 VOLUNTARY)
ANNEXATION)

Docket No. 23-85

**LANDOWNER PETITION FOR VOLUNTARY ANNEXATION
INTO THE CITY OF LEBANON, INDIANA**

By this petition (“Petition”), the Donald K. Jackson Family Trust and Mary Jane Jackson Revocable Living Trust, Dated October 11, 2022 (collectively, “Petitioner”) seek the adoption of an ordinance by the Common Council (“Council”) of the City of Lebanon (“City”) annexing its land (“Territory”) into the City. In support thereof, Petitioner states:

1. The City is a municipal corporation formed under Indiana law whose territorial boundaries are established by ordinances the Council duly enacts from time to time.
2. Indiana law permits the expansion of the City’s boundaries through various means, one of which is a super-voluntary annexation proceeding under IC § 36-4-3-5.1. That proceeding is initiated by the filing of a petition signed by all owners of the land to be annexed expressing their desire and consent to be annexed. This is one such proceeding.
3. Petitioner is the owner of the following parcel(s) of land comprising the Territory proposed for annexation. The following table lists the Petitioner’s name, the number of the parcel(s) as reflected on the map attached as Exhibit B, the tax identification number for the parcel(s), the approximate acreage of the parcel(s) as calculated based upon the land boundaries of each parcel, and, in accordance with Section 1.8(B) of the City’s Unified Development Ordinance, the zoning classification requested for each parcel:

Parcel Letter on Map	Petitioner / Landowner(s)	State Tax Parcel No.	Approx. Acres	Proposed Zoning
C	Donald K. Jackson Family Trust and Mary Jane Jackson Revocable Living Trust, Dated October 11, 2022	06-10-23-000-034.002-001	5.0	PUD Zoning Classification Set Forth in Ordinance 2023-13

4. Petitioner requests that the Territory be assigned the zoning classification set forth in the Lebanon Innovation District Planned Unit Development Ordinance No. 2023-13 (“PUD”).

5. Petitioner contemporaneously submits as Exhibit C the supporting Concept Plan to support the requested zoning classification to be assigned to the Territory.

6. The exterior boundaries of the Territory form a solid, unbroken line which constitute a single, unified territory for purposes of annexation. *Town of Dyer v. Town of St. John*, 919 N.E.2d 1196, 1201 (Ind. Ct. App. 2010).

7. The Territory proposed to be annexed, including the boundaries thereof with public highways or rights-of-way, is described on Exhibit A attached hereto. The Territory is also depicted by the drawing attached as Exhibit B and incorporated herein by reference.

8. For ease of reference, the annexation to be effectuated by this Petition will sometimes be referred to as the “Project LEAP Phase 21 Annexation.”

9. Petitioner requests and consents to the voluntary annexation of its land in the Territory as evidenced by Petitioner’s executed annexation request and consent attached hereto as Exhibit D and incorporated into this Petition as if set forth verbatim (“Consent”). Such Consent identifies the Petitioner’s parcel constituting the Territory and also acts as, and is designated as, the signature page, to this Petition as required by Ind. Code § 36-4-3-5.1(a)(2)(B).

10. The Territory contains no parcel of land to be annexed against the wishes of its owner(s).

11. Parts of the Territory are contiguous to public roadways and rights of ways. Pursuant to IC § 36-4-3-1.5(b), those portions of such roadways and rights of way are to be annexed into the City in this proceeding.

12. It is anticipated that the Project LEAP Phase 4 Annexation Ordinance 2023-30 will be final and in effect on or before November 17, 2023 – at which time the thirty-day period for seeking judicial review of that Phase 4 Annexation will have expired and the City will have sent the required notices to state and local agencies. Therefore, prior to the Plan Commission’s hearing on this Project LEAP Phase 21 Annexation Petition scheduled for November 20, 2023, at least one-eighth (1/8th) of the external boundaries of the Territory will coincide with the existing boundaries of the City, thereby satisfying the contiguity requirement of IC § 36-4-3-1.5(a). *See* Surveyor’s Certification, which is included as a part of Exhibit B.

13. Upon annexation, the Council should assign the Territory into one or more council districts as determined by the Council.

14. The attorney who prepared and submits this Petition is Kent M. Frandsen, PARR RICHEY FRANSDEN PATTERSON KRUSE LLP, 225 West Main Street, P. O. Box 668, Lebanon, Indiana 46052, telephone (765) 482-0110; e-mail kfrandsen@parrlaw.com. The undersigned states the information in this Petition is accurate to the best of his knowledge and belief.

WHEREFORE, upon compliance with the applicable process and satisfaction of the requirements of Indiana law, Petitioner requests that the Council adopt an ordinance (i) annexing the Territory and all contiguous areas of public roadways and rights-of-way into the City, (ii) assign the parcels in the Territory the requested zoning classification indicated on the table referenced in paragraph 3 of this Petition, and (iii) grant all other proper relief.

Respectfully submitted,

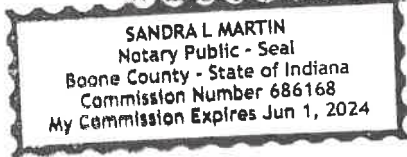
PARR RICHEY FRANDBSEN PATTERSON
KRUSE LLP

By: Kent Frandsen
Kent M. Frandsen, 6959-06

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Before me, a Notary Public in and for said County and State, personally appeared Kent M. Frandsen, who acknowledged the execution of the foregoing Petition, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of October, 2023.



Sandra L. Martin
SANDRA L. MARTIN Notary Public

My Commission Expires:
6-1-2024

County of Residence: Boone

Kent M. Frandsen, 6959-06
PARR RICHEY FRANDBSEN
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Exhibit A

Legal Description of the Phase 21 Annexation Territory

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PHASE 21 ANNEXATION DESCRIPTION

A PART OF THE NW 1/4, SEC. 23, T19N, R1W, 2ND P.M., CENTER TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NE CORNER OF SAID QUARTER, MARKED BY AN IRON BOLT OVER AN INVERTED RAIL, PROCEED THENCE N 89 DEGREES 45 MINUTES 00 SECONDS W (ASSUMED BEARINGS) A DISTANCE OF 432.58 FEET ALONG THE NORTH LINE OF SAID QUARTER, ALSO BEING ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD 300-N TO A RAILROAD SPIKE, THENCE SOUTH A DISTANCE OF 253.71 FEET TO THE POINT OF BEGINNING, MARKED BY AN IRON BAR; THENCE (1) CONTINUE ON SAID LINE A DISTANCE OF 634.27 FEET TO AN IRON BAR; THENCE (2) S 89 DEGREES 45 MINUTES 00 SECONDS E A DISTANCE OF 343.39 FEET TO AN IRON BAR; THENCE (3) NORTH A DISTANCE OF 634.27 FEET TO AN IRON BAR; THENCE (4) N 89 DEGREES 45 MINUTES 00 SECONDS W A DISTANCE OF 343.39 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0000 ACRES, MORE OR LESS.

Exhibit B

Drawing of the Phase 21 Annexation Territory and Surveyor's Certification of Contiguity

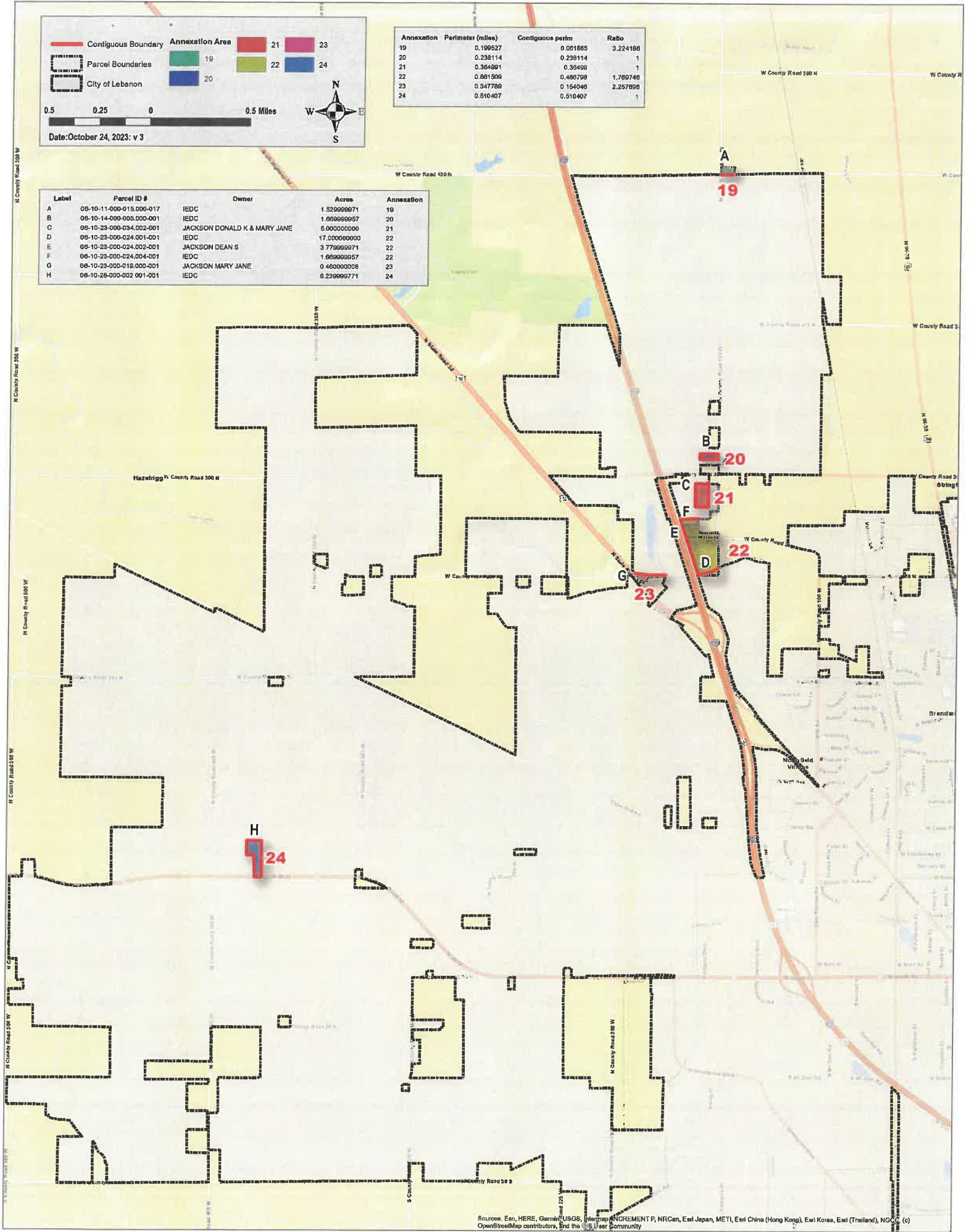
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— Contiguous Boundary Annexation Area 19 21 23
 Parcel Boundaries 19 22 24
 City of Lebanon 20

Date: October 24, 2023: v 3

Annexation	Perimeter (miles)	Contiguous perim	Ratio
19	0.199527	0.051855	3.224160
20	0.238114	0.238114	1
21	0.364991	0.36499	1
22	0.861509	0.486798	1.789748
23	0.347789	0.154046	2.257898
24	0.510407	0.510407	1

Label	Parcel ID #	Owner	Acres	Annexation
A	06-10-11-000-015-000-017	IEDC	1.529998871	19
B	06-10-14-000-005-000-001	IEDC	1.659696957	20
C	06-10-23-000-034-002-001	JACKSON DONALD K & MARY JANE	6.000000000	21
D	06-10-23-000-024-001-001	IEDC	17.000000000	22
E	06-10-23-000-024-002-001	JACKSON DEAN S	3.779999971	22
F	06-10-23-000-024-004-001	IEDC	1.669696957	22
G	06-10-23-000-019-000-001	JACKSON MARY JANE	0.460900008	23
H	06-10-28-000-002-001-001	IEDC	6.239999771	24



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



AMERICAN
STRUCTUREPOINT
INC.

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

October 27, 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

Exhibit C

Concept Plan Related to the Territory to Be Annexed and the Overall LEAP District

Development and Concept Plan for Project LEAP Annexation Phases 19 – 24

The Indiana Economic Development Corporation (“IEDC”) was officially established in February 2005 to replace the former Indiana Department of Commerce. It represents the state in the identification and promotion of potential economic development sites. In doing so, it also works with local economic development organizations and public officials in securing approvals for developments which will bring better jobs, economic investment, a more diversified and strengthened tax base and many other advantages that come from quality development.

Over the past couple of years, and after discussions with industry leaders, the IEDC identified an area in Boone County as a strategic location for growth and the potential establishment of a large-scale research and innovation park. The area is primarily rural and is located between Indianapolis and Purdue University in West Lafayette and bisected by Interstate 65. If developed, the area will allow the state to better compete globally for high-wage jobs and careers in high-tech industries. This strategic area, currently consisting of approximately 9,000 acres, is identified overall as the “LEAP Lebanon Innovation and Research District” or “Project LEAP Area” with “LEAP” being short for “Limitless Exploration/Advanced Pace.”

To advance this strategic initiative, the IEDC has secured rights to purchase approximately 9,000 acres in Boone County for the Project LEAP Area. IEDC has been, and is in the process of, collaborating with local stakeholders to develop an innovation district to support and attract advanced manufacturing; research and development; life,

biological and agricultural sciences; technology; aerospace; and microelectronics industries (collectively “Innovation Users”).

A depiction of the anticipated development and uses for the overall Concept Plan for the Project LEAP Area is attached as **Exhibit 1** in two pages. Exhibit B to each Annexation Petition in Project LEAP Phases 19 - 24 Annexation Petitions are hereby incorporated into this Concept Plan. Moreover, as discussed below, the City’s recently adopted LEAP PUD Ordinance sets forth the detailed use and development standards for properties part of, and anticipated to be part of, the Project LEAP Area.

Project LEAP – Phase 1 Annexation

As part of the first phase of the Project, on May 31, 2022, thirty-two (32) distinct landowners (“Petitioners”) owning approximately 1,400 acres of land (the “Phase 1 Territory”) under contract with IEDC, submitted to the City of Lebanon (“City”) a formal petition, assigned Docket No. 22-44, requesting the Territory be annexed into the City of Lebanon and assigned a zoning classification of General Industrial (ID).

The Phase 1 Territory was annexed into the City, with an effective date of August 16, 2022, and the Phase 1 Territory was assigned the ID zoning classification.

As a result of Project LEAP’s efforts, approximately 602 acres of land in the Project LEAP Area has been purchased by Eli Lilly and Company (“Lilly”), which has begun developing that property for an active pharmaceutical ingredient (“API”) synthesis plant and a cell and gene therapy research and development facility. The combined capital investment for these facilities (the “Lilly Project Area”) is anticipated to exceed \$3.5 Billion. Work on the Lilly Project Area has already commenced.

Due to the Lilly Project and other IEDC initiatives with respect to the development of the Project LEAP Area, the IEDC has continued to receive significant interest from the exact types of Innovation Users that are being targeted. As development in the Project LEAP Area continues to come to fruition, IEDC anticipates local communities and businesses to expand and flourish as more Innovation Users invest in the Project LEAP Area. Indeed, the IEDC is in discussions with various Innovator Users that may result in combined capital investment of an additional \$50 billion or more in the LEAP Area.

Project LEAP – Phase 2 Annexation Area

On the heels of the early success achieved in Phase 1, on October 31, 2022, forty-three (43) distinct landowners owning approximately 5,225 acres of land (the “Phase 2 Territory”) under contract with IEDC, submitted to the City a formal petition, assigned Docket No. 22-72, requesting the Phase 2 Territory (like the Phase 1 Territory) be annexed into Lebanon.

The Phase 2 Territory was annexed into the City, with an effective date of July 17, 2023. Portions of the Phase 2 Territory were initially assigned the SF zoning classification and portions of the Phase 2 Territory were initially assigned the LP zoning classification.

The City Amended its Comprehensive Plan to Encompass the Project LEAP Area

On July 24, 2023, the Common Council of the City of Lebanon, Indiana (“the Council”) adopted Resolution 2023-15. Resolution 2023-15 amended the City’s 2019 Comprehensive Plan to reflect the City’s renewed vision for the City and its surrounding areas, including the entire Project LEAP Area.

The Enactment of a Planned Unit Development Ordinance for the Project LEAP Area

Given the large amount of land annexed into the City of Lebanon pursuant to the Phase 1 and 2 Annexations, in order to better facilitate and coordinate the development of the property in the Project LEAP Area, the IEDC and other landowners submitted an application seeking the adoption of the LEAP Lebanon Innovation Planned Unit Development (“PUD”) District Ordinance (“PUD Ordinance”) for all the Territory in the Phase 1 and 2 Annexation Areas, except for the area being developed by Lilly, where construction has commenced under the Lilly site’s present ID zoning classification.

On August 14, 2023, the City Council adopted the LEAP PUD Ordinance, which codifies a new PUD Ordinance for portions of the City. The PUD Ordinance, among other things, rezoned the Phase 1 and 2 Annexation Territories (except the Lilly Project Area) in accordance with the PUD mandates, and the PUD Ordinance sets forth and imposes very detailed development standards.

Project LEAP – Phase 3, 4, and 6 - 18 Annexation Areas

On August 25, 2023, twenty-two (22) distinct landowners owning approximately 638 acres of land (the “Phase 3 *et al* Territory”) owned by, or under contract with, IEDC, submitted to the City a formal petition requesting the Phase 3 *et al* Territory (like the Phase 1 and 2 Territories) be annexed into the City.

The City Council approved the annexation of the Phase 3 *et al* Territory, and its effective date is anticipated to be on or before November 17, 2023 – at which time the thirty-day period for seeking judicial review of the annexation ordinances associated with the Phase 3 *et al* Territory will have expired and the City will have sent the required notices to state and local agencies. The Phase 3 *et al* Territory was assigned the zoning

classification set forth in the LEAP PUD Ordinance, with the exception of one parcel that was assigned SF zoning.

Project LEAP Phase 19 - 24 Annexation Areas and Requested Inclusion in the PUD

This current and updated Development Proposal/Concept Plan information is being submitted for review by City officials in considering the annexation and assignment of appropriate zoning classifications for the Phase 19 - 24 Annexation Areas. They are identified and referenced in the contemporaneously submitted Voluntary Petitions for those areas to be annexed into the City.

As the maps for the Phase 19 - 24 Annexation Areas indicate, each such annexation area is within the Project LEAP Area, is contiguous to or located near parcels already subject to the PUD Ordinance and is specifically encompassed within the City's existing Comprehensive Plan. They were not part of the Phase 1, Phase 2, or Phase 3 *et al*/Territory annexation proceedings for various reasons. For example, those parcels were not then under IEDC ownership or control, or they did not then satisfy the contiguity requirements for annexation.

Consequently, in order to avoid a patchwork of zoning classifications in the Project LEAP area, to better facilitate and coordinate the consistent development of its property, and require these to-be-annexed areas to be subject to the very detailed development standards in the PUD Ordinance, the Petitioners of the Phase 19 - 24 Annexation Areas respectfully request that the Phase 19 - 24 Annexation Areas now be annexed and assigned the zoning classification set forth in the LEAP PUD Ordinance LEAP PUD.

Next Steps/Questions

The IEDC intends to work efficiently, collaboratively and in good faith with City and county officials and other stakeholders to effectuate all annexation, zoning and related approvals to support the above-referenced planned development and use of the Phase 19 - 24 Areas.

Toward that end, the IEDC has designated Kurt Frandsen, the IEDC's Executive Vice President, as its authorized representative to answer any questions and provide any additional information concerning this annexation proceeding.

Respectfully submitted,

PARR RICHEY FRANSEN PATTERSON
KRUSE LLP

By:



Kent M. Frandsen, 6959-06

225 West Main Street

P. O. Box 668

Lebanon, IN 46052

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(317) 269-2509

Facsimile: (765) 483-3444

E-mail: kfrandsen@parrlaw.com

EXHIBIT 1

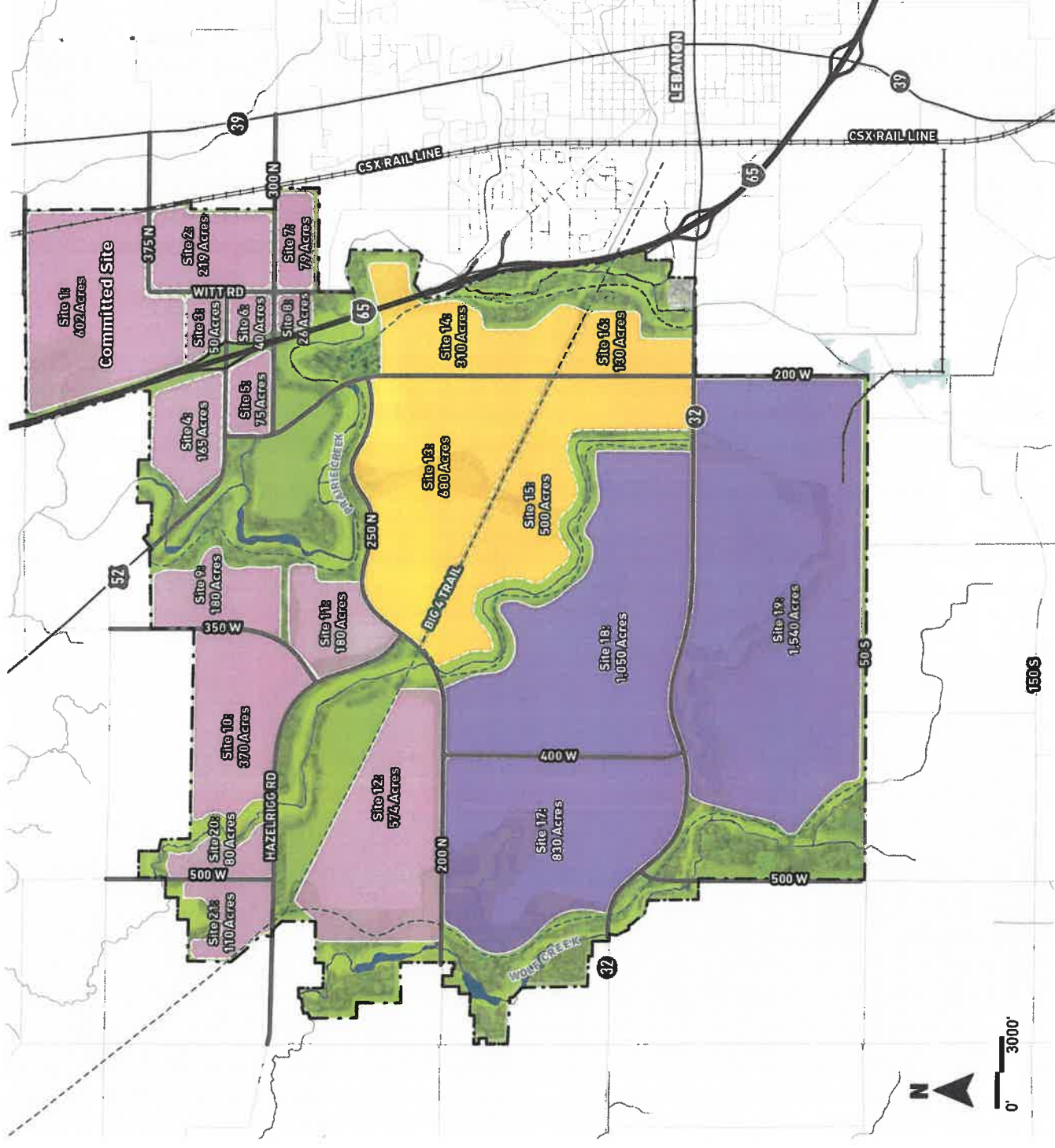
LEAP District Concept Plan and Road Classification Plan

LEAP DISTRICT CONCEPT PLAN

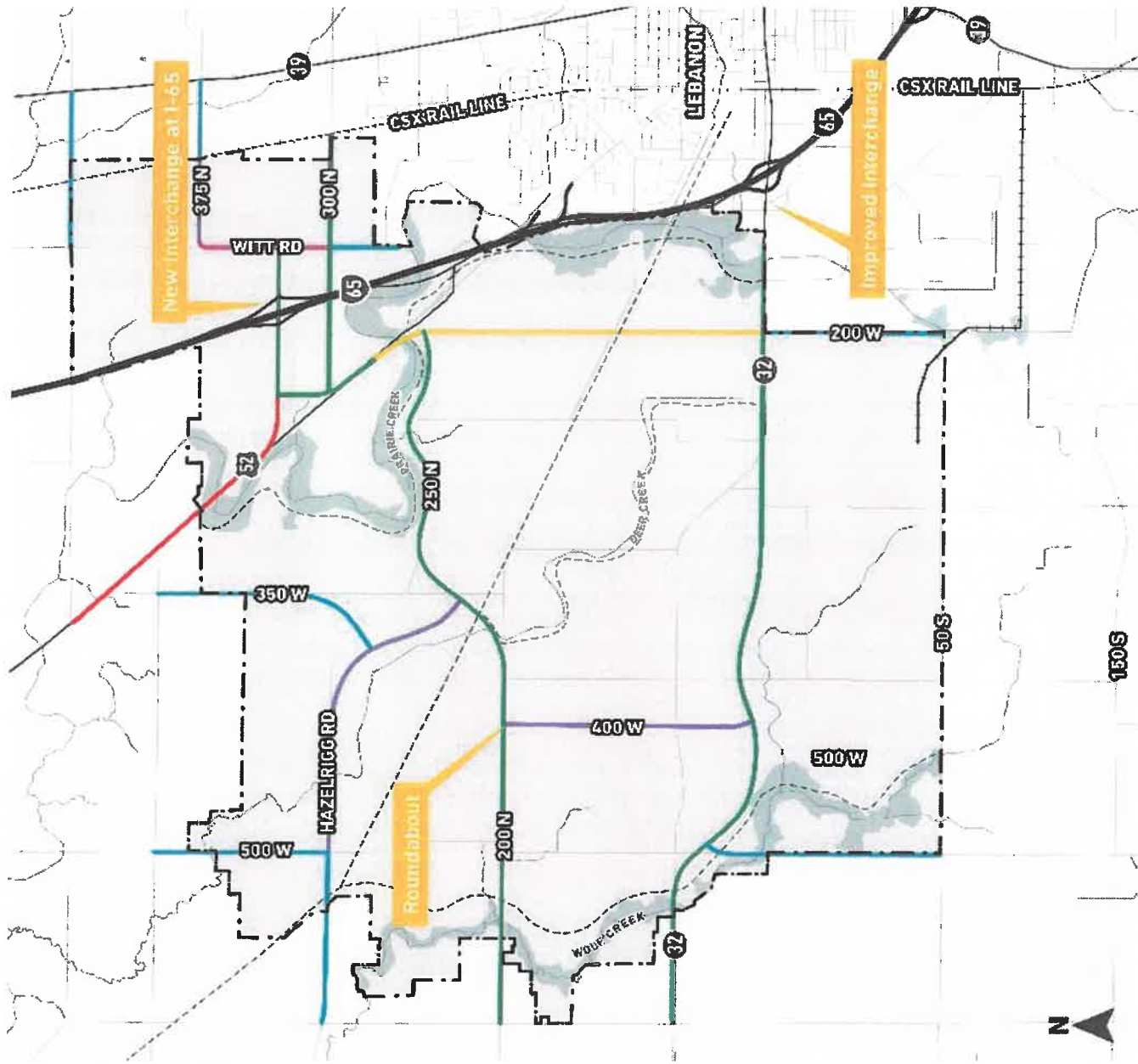
For clarification, the Concept Plan coverage area depicts some parcels that are not currently controlled, or may not come under control, by the Developer.

The Concept Plan does not assume that such parcels will be incorporated into the LEAP District, but the Concept Plan does, as required, depict the general area and general vision for the LEAP District, given that the Developer controls the vast majority of that land.

- LEGEND**
- Advanced Manufacturing
 - Mega Site Development
 - Mixed-Use/Village Center



ROAD CLASSIFICATION PLAN



- LEGEND**
- Major East West Corridor
 - U.S. 52 (Keeps Current Conditions)
 - Rural Minor Truck Route
 - Urban Minor Truck Route
 - Minor Road
 - Mixed Use Village Boulevard
 - Interstate
 - Trail

Exhibit D

Owner Request and Consent to Phase 21 Annexation

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Exhibit D

Donald K. Jackson Family Trust and Mary Jane Jackson Revocable Living Trust, Dated October 11, 2022

Tax Parcel No.	Approx. Acreage	Drawing Reference
06-10-23-000-034.002-001	5.0	Parcel C

**LANDOWNER PETITION SIGNATURE PAGE
AND CONSENT TO ANNEXATION
INTO THE CITY OF LEBANON, INDIANA**

The undersigned is/are the current owner(s) of land referenced below and hereby adopt(s) the Petition for, and give(s) consent to, the annexation of such land, part of the Territory to be annexed as referenced in the Petition, into the corporate limits of the City of Lebanon and the assignment of an appropriate zoning classification to the land proposed to be annexed.

Tax Parcel No.	Approx. Acreage
06-10-23-000-034.002-001	5.0

The undersigned executing this Petition and Consent has full right, power and authority to execute this Petition and request and give consent to the annexation and assignment describe above pertaining to the above land.

PETITIONERS:

DONALD K. JACKSON FAMILY TRUST

By:

Dean S. Jackson Trustee
Dean S. Jackson, Trustee

**MARY JANE JACKSON REVOCABLE LIVING
TRUST DATED OCTOBER 17 2022**

By:

Dean S. Jackson Trustee
Dean S. Jackson, Trustee