

**ORDINANCE NO. 2021-13**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,  
BOONE COUNTY, INDIANA TO VACATE PUBLIC WAYS**

**WHEREAS**, the City of Lebanon, Indiana (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

**WHEREAS**, it is the duty and responsibility of the Council to maintain public rights-of-way for the benefit of the citizens of the City and to vacate those no longer needed for the benefit of the public; and,

**WHEREAS**, there has been filed before the City of Lebanon Plan Commission (the “Plan Commission”) a petition (Docket #21-19) to vacate public street and alley rights-of-way in the Lane’s Subdivision of the City of Lebanon, specifically the west half of Howard Street from Lebanon Street to the north-south alley located between N Lebanon Street and N Meridian Street and the west half of the east-west alley between N Lebanon Street and the north-south alley located between N Lebanon Street and N Meridian Street, the first alley north of Williams Street (collectively the “Real Estate”), more accurately described in Exhibits A and B; and,

**WHEREAS**, the Plan Commission voted (7-0-1) to send a favorable recommendation to the Council for its consideration; and,

**WHEREAS**, it has come to the attention of the Council that the request herein described is no longer necessary as a benefit to the general public and should be vacated.

**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.** Pursuant to Indiana Code 36-9-2-5, the City has the authority to vacate public rights-of-way and now finds that the public right-of-way identified in Exhibits A and B, attached hereto and incorporated by reference herein, is no longer needed for the benefit of the public.

**Section 2.** After a duly advertised and published public hearing pursuant to Indiana Code 36-7-3-12, the Council finds it proper and necessary to vacate the public right-of-way identified in Exhibits A and B.

**Section 3.** The conveyance of the Real Estate shall be to Iron Men Properties of Lebanon.

**Section 4.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**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 2021-13 was delivered to the Mayor of Lebanon on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ m.

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2021-13  
this \_\_\_ day of \_\_\_\_\_, 2021.

I hereby VETO ORDINANCE 2021-13  
this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Matthew T. Gentry, Mayor

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:

\_\_\_\_\_  
Tonya Thayer, Clerk-Treasurer

## EXHIBIT "A"

### LEGAL DESCRIPTIONS

#### NORTH ALLEY

Portions of alley lying between Lots 47 & 48 in Lane's Subdivision of Out Lots No. 6 and 7 in the Original Plat of the town, now City of Lebanon, Boone County, Indiana, as per plat thereof recorded in Plat Book 4, page 48, in the Office of the Recorder of Boone County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Lot 48, thence North 79 degrees 43 minutes 17 seconds East (assumed bearing) along the North line of said Lot 48 a distance of 153.72 feet to the Northeast corner of said Lot 48; thence North 05 degrees 15 minutes 22 seconds West a distance of 16.56 feet to the Southeast corner of Lot 47; thence South 79 degrees 43 minutes 17 seconds West along the South line of Lot 47 a distance of 155.18 feet to the Southwest corner of said Lot 47; thence South 10 degrees 20 minutes 28 seconds East a distance of 16.50 feet to the place of beginning, containing 0.06 acres, more or less.

#### SOUTH ALLEY

Portions of alley lying between Lots 49 & 50 in Lane's Subdivision of Out Lots No. 6 and 7 in the Original Plat of the town, now City of Lebanon, Boone County, Indiana, as per plat thereof recorded in Plat Book 4, page 48, in the Office of the Recorder of Boone County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Lot 50, thence North 79 degrees 43 minutes 17 seconds East (assumed bearing) along the North line of said Lot 48 a distance of 141.57 feet to the Northeast corner of said Lot 50; thence North 05 degrees 15 minutes 22 seconds West a distance of 16.56 feet to the Southeast corner of Lot 49; thence South 79 degrees 43 minutes 17 seconds West along the South line of Lot 49 a distance of 143.04 feet to the Southwest corner of said Lot 49; thence South 10 degrees 20 minutes 28 seconds East a distance of 16.50 feet to the place of beginning, containing 0.05 acres, more or less.

**EXHIBIT "B"**

LOT 47



PLAN SCALE: 1" = 30'

155.18

S79°43'17"W

16.56

N5°15'22"W

N79°43'17"E

153.72

16.5' PLATTED ALLEY

S10°20'28"E

16.50

POINT OF BEGINNING  
NORTH ALLEY

LOT 48

NORTH LEBANON STREET (SR 39)  
60' R/W

LOT 49

143.04

S79°43'17"W

16.56

N5°15'22"W

N79°43'17"E

141.57

S10°20'28"E

16.50

POINT OF BEGINNING  
SOUTH ALLEY

LOT 50



**ROGER WARD  
ENGINEERING  
INCORPORATED**

6555 CARROLLTON AVENUE  
Indianapolis, IN 46220  
(317) 251-1738 (Fax) 251-1923

PROJECT NAME: IRONMEN  
PROPERTIES  
PLAN SCALE: 1" = 30'  
DATE: 03-16-2021  
DESCRIPTION: ALLEY VACATION  
EXHIBIT "B"