

ORDINANCE NO. 01-07

AN ORDINANCE VACATING A PLATTED ALLEY

WHEREAS, the Lebanon City Plan Commission has recommended to the Common Council of the City of Lebanon, Indiana, that portions of certain 16.5' wide platted alleys separating Lots #1, #4 and #5 of the Spencer and McLaughlin Addition to the City of Lebanon, Plat Book 3, Page 72 in the office of the Recorder of Boone County, Indiana, and Lots #2, #3 and part of #6 of the Rose, Harris and Longley's Addition to the City of Lebanon, Plat Book 2, Pages 105 in the office of the Recorder of Boone County, Indiana (the "Abutting Real Estate"), as hatch-marked on Exhibit "A," attached and incorporated herein (collectively, the "Alleyways") be vacated by appropriate action herein; and,

WHEREAS, the Lebanon City Plan Commission has held a public hearing upon said issue and the Common Council of the City of Lebanon, Indiana, having held a public hearing upon the requested vacation, following public notice and notice to all adjoining land owners herein; and,

WHEREAS, vacation of the Alleyways will not prevent continued use of those portions of the Alleyways not vacated, and all real estate directly or indirectly served by the Alleyways shall continue to have access to all public rights of way presently accessible on, under or over the Alleyways;

WHEREAS, all utilities lines, pipes, facilities or services presently utilizing the Alleyways shall be re-routed and the easements providing for such utilities shall be vacated, or the existing easements for such lines, pipes, facilities and services shall not be vacated and shall continue to encumber the real estate comprising the Alleyways;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, AS FOLLOWS:

1. That those portions of certain 16.5' wide platted alleys separating Lots #1, #4 and #5 of the Spencer and McLaughlin Addition to the City of Lebanon, Plat Book 3, Page 72 in the office of the Recorder of Boone County, Indiana, and Lots #2, #3 and part of #6 of the Rose, Harris and Longley's Addition to the City of Lebanon, Plat Book 2, Pages 105 in the office of the Recorder of Boone County, Indiana, as hatch-marked on Exhibit "A," attached and incorporated herein, are hereby vacated as a public alley and right-of-way.

2. That all easements for utilities, if any, running in favor of the City of Lebanon across, over, under, or through the vacated Alleyways are hereby vacated, except for that certain sanitary sewer easement providing for a buried sanitary sewer pipe running under the north-south alleyway, which shall remain in full force and effect (the "Sanitary Sewer Line").

3. That the applicant for this vacation of the Alleyways, TKC Properties, L.L.C. and its successors and assigns as owners of the Abutting Real Estate, shall protect and rebuild the Sanitary Sewer Line, and shall satisfy the requirements of Board of Works and the Common Council of the

City of Lebanon in order to erect a building or buildings and other structures and improvements over and on top of the Sanitary Sewer Line and to provide practical means for repairing and maintaining the Sanitary Sewer Line as specified by the Board of Works.


4. That the applicant for this vacation of the Alleyways, TKC Properties, L.L.C. shall execute such instruments as reasonably requested by the City of Lebanon and its Counsel to provide that TKC Properties, L.L.C. and successor owners of the Abutting Real Estate shall indemnify and hold the City of Lebanon harmless of and from extraordinary maintenance, repair, or replacement costs incurred by the City of Lebanon as a direct result of the inability of the City of Lebanon to gain access to those portions of the Sanitary Sewer Line that are inaccessible due to the location of structures and other improvements over and across the buried Sanitary Sewer Line.

5. That the right-of-way consisting of those certain 16.5' wide platted alleys separating Lots #1, #4 and #5 of the Spencer and McLaughlin Addition to the City of Lebanon, Plat Book 3, Page 72, and Lots #2, #3 and part of #6 of the Rose, Harris and Longley's Addition to the City of Lebanon, Plat Book 2, Pages 105, as hatch-marked on Exhibit "A," attached and incorporated herein, following their vacation as public right-of-way, shall become part and parcel of the adjoining lots so that the one-half of the existing dimension of each length of alley being vacated shall revert to the owners of Lots #1, #4 and #5 of the Spencer and McLaughlin Addition, Plat Book 3, Page 72, and Lots #2, #3, #6 and part of Lot #7 of the Rose, Harris and Longley's Addition, Plat Book 2, Pages 105, and said title thereto should be now quieted forever.

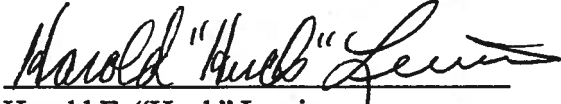
6. A copy of this Ordinance vacating public right-of-way for alleys shall be furnished to the Boone County Recorder for recording and a copy shall also be furnished to the Boone County Auditor as required by law.

ALL of which is CONSIDERED and PASSED by the Common Council of the City of Lebanon this 23rd day of July, 2001.

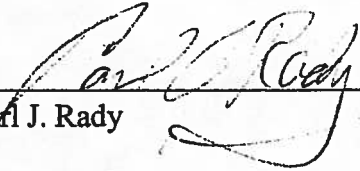
MAYOR:


Hon. James H. Acton

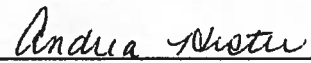
COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA:


Harold E. "Huck" Lewis

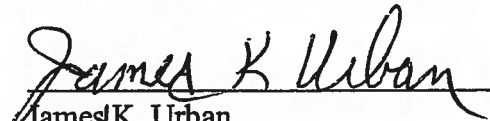
John W. Lasley



Carl J. Rady



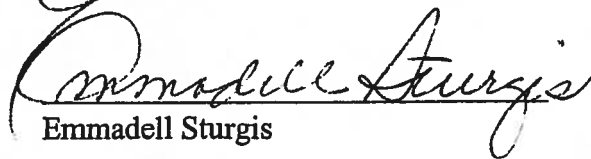
Andrea Hester



James K. Urban

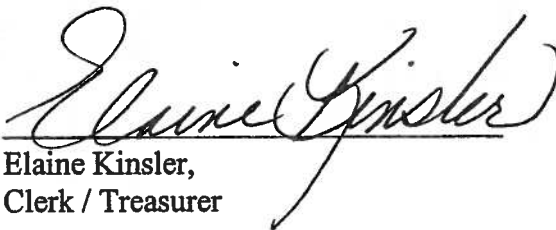


Kay Geisler

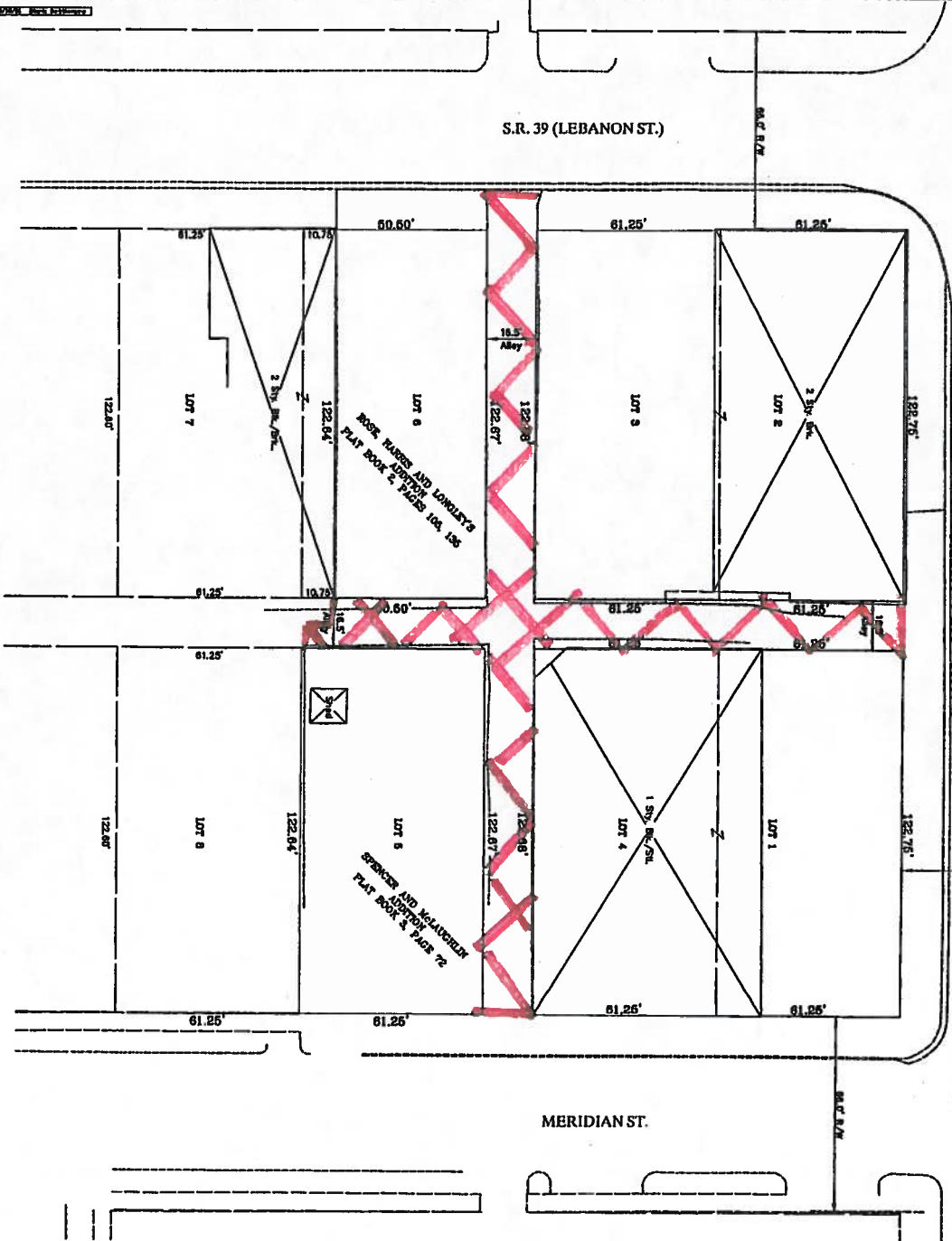


Emmadell Sturgis

ATTEST:



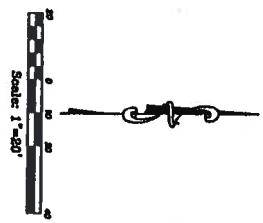
Elaine Kinsler,
Clerk / Treasurer



S.R. 32 (SOUTH ST.)

S.R. 39 (LEBANON ST.)

MERIDIAN ST.



LEGAL DESCRIPTIONS

TRACT 1:
 Lot Number One (01) in Block Number Twenty-Two (22) in Spencer and McLaughlin's Addition to the Town of City of Lebanon, Boone County, Missouri, as shown in Plat Book 5, page 108, and as shown in Plat Book 5, page 109, in the Office of the Recorder of Boone County, Missouri.

TRACT 2:
 A part of Lot Number Six (06) in Block Number Twenty-Two (22) in Spencer and McLaughlin's Addition to the Town of City of Lebanon, Boone County, Missouri, as shown in Plat Book 5, page 108, and as shown in Plat Book 5, page 109, in the Office of the Recorder of Boone County, Missouri.

TRACT 3:
 Lot Number Seven (07) in Block Number Twenty-Two (22) in Spencer and McLaughlin's Addition to the Town of City of Lebanon, Boone County, Missouri, as shown in Plat Book 5, page 108, and as shown in Plat Book 5, page 109, in the Office of the Recorder of Boone County, Missouri.

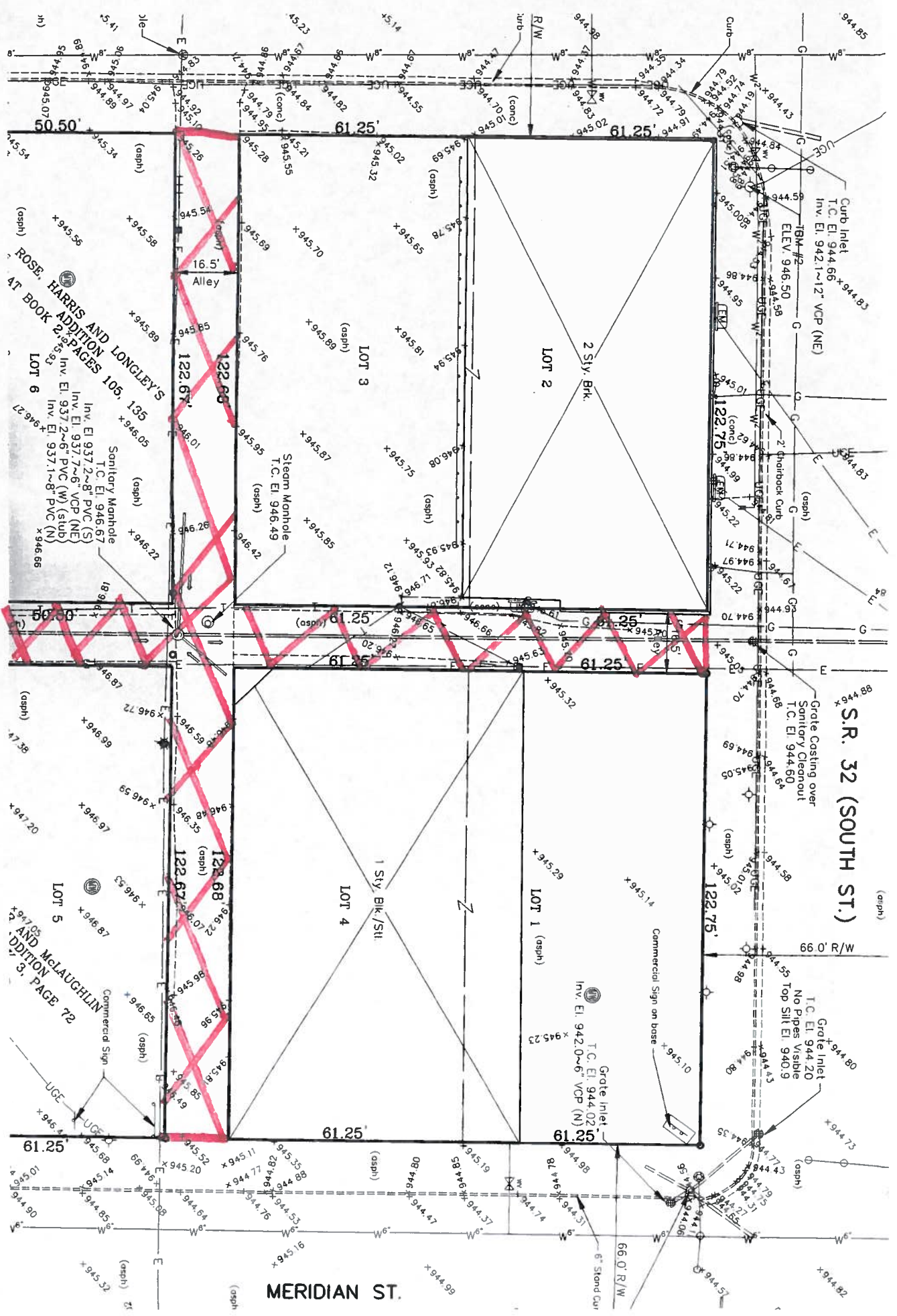
TRACT 4:
 Lot Number Eight (08) in Block Number Twenty-Two (22) in Spencer and McLaughlin's Addition to the Town of City of Lebanon, Boone County, Missouri, as shown in Plat Book 5, page 108, and as shown in Plat Book 5, page 109, in the Office of the Recorder of Boone County, Missouri.

TRACT 5:
 Lot Number Nine (09) in Block Number Twenty-Two (22) in Spencer and McLaughlin's Addition to the Town of City of Lebanon, Boone County, Missouri, as shown in Plat Book 5, page 108, and as shown in Plat Book 5, page 109, in the Office of the Recorder of Boone County, Missouri.

ALL WITHIN ON ADDITIONAL LEGAL DESCRIPTIONS FROM TC PROPERTIES

PRELIMINARY BOUNDARY SURVEY

| | | | |
|----------------------|-------------------|---|----------------|
| | | Sommerstone Surveys, Inc. 222 N. Shiloh Ave., Suite 202 (717) 865-3400 Fax: 865-4800 | |
| DATE | QUALITY BY | CTD. BY | JOB NO. |
| 02/08/21 | MAS | JAV | 01-140 |
| REVISIONS | | | |
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| CERTIFIED BY: | | | T C P I |
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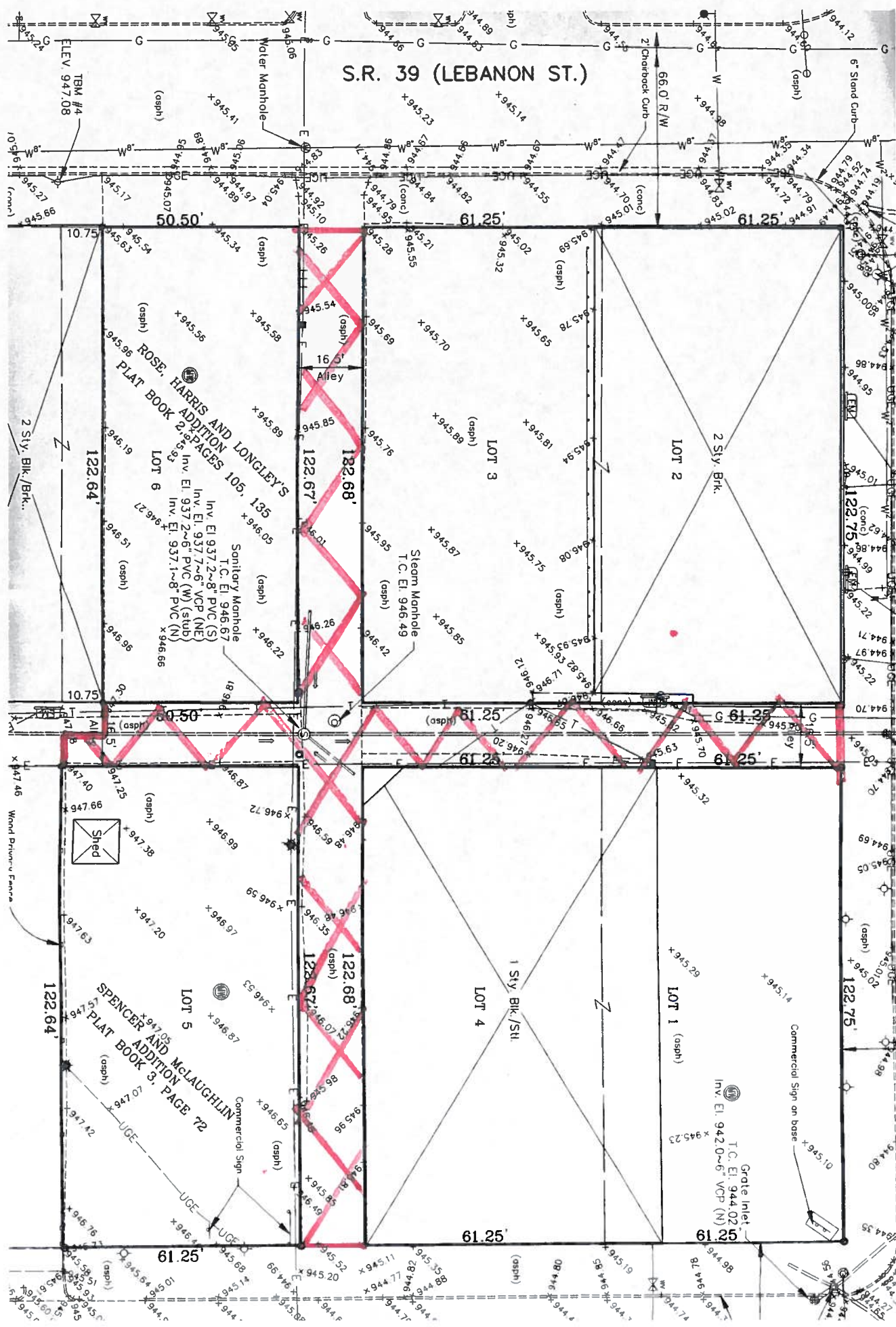


ROSE, HARRIS AND LONGLEY'S
 AT BOOK 2, PAGES 105, 135
 LOT 6
 Inv. El. 937.2~8" PVC (S)
 Inv. El. 937.7~6" VCP (NE)
 Inv. El. 937.2~6" PVC (W) (Sub)
 Inv. El. 937.1~8" PVC (N)

LOT 5
 AND McLAUGHLIN
 ADDITION, PAGE 72
 Commercial Sign

S.R. 32 (SOUTH ST.)

MERIDIAN ST.



S.R. 39 (LEBANON ST.)

ROSE, HARRIS AND LONGLEY'S
PLAT BOOK 2, PAGES 105, 135

SPENCER AND McLAUGHLIN
PLAT BOOK 3, PAGE 72

ELEV. TBM #4
947.08

2 Sty. Bk./Bk...

2 Sty. Bk.

1 Sty. Bk./Sh

LOT 5

LOT 6

LOT 4

LOT 3

LOT 1

LOT 2



Ward Privacy Fence

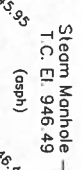


EXHIBIT A**Next Pages:**

Reduced (not to scale) diagrams of certain 16.5' wide platted alleys separating Lots #1, #4 and #5 of the Spencer and McLaughlin Addition to the City of Lebanon, Plat Book 3, Page 72, and Lots #2, #3 and part of #6 of the Rose, Harris and Longley's Addition to the City of Lebanon, Plat Book 2, Pages 105, all as filed of record in the Office of the Recorder of Boone County, Indiana, with portions to be Vacated Hatch-Marked.