

11th E: City of Lebanon
② Susan Snyder

ORIGINAL

ORDINANCE NO. 03-13

AN ORDINANCE VACATING UTILITY EASEMENT

WHEREAS, the Lebanon Utility Service Board has recommended to the Common Council of the City of Lebanon, Indiana, that a platted but unused utility easement should be vacated by appropriate action herein; and

WHEREAS, the homeowners have requested that said utility easement be vacated in order to facilitate the construction of a home swimming pool; and

WHEREAS, no utilities exist in said easement and there is no legal nor factual basis to maintain such easement in favor of the City of Lebanon.

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

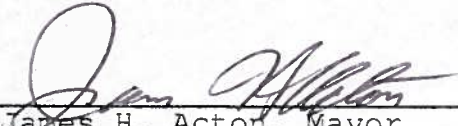
1. That the utility easement platted on real estate more particularly described as follows:

Lot 519 in Chadwick Village, Section 5, an Addition in Boone County, Indiana, as recorded in Plat Book 3, page 174, in the Office of the Boone County Recorder

is hereby vacated as a city utility easement.

2. That a copy of this Ordinance vacating a utility easement 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 15 day of August, 2003.


James H. Acton, Mayor

COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

Harold E. "Huck" Lewis
Harold E. "Huck" Lewis

John W. Lasley
John W. Lasley

Carl J. Rady
Carl J. Rady

Andrea F. Hester
Andrea Hester

James K. Urban
James K. Urban

Kay Geisler
Kay Geisler

Emmadell Sturgis
Emmadell Sturgis

Attest: Elaine Kinsler
Elaine Kinsler
Clerk/Treasurer

SOUTHWORTH

SELECTION

75% COTTON FIBER

July 24, 2003

RECEIVED
AUG - 5 2003

James H. Acton
Mayor
City of Lebanon
201 E. Main Street
Lebanon, IN 46052

Dear Mayor Acton,

Recently, we received a vacation of our rear utility easement from Lebanon Utilities and the Utility Board at 2111 Dale Court. We are requesting that you relay this information to the City Council for appropriate action.

Sincerely,

Handwritten signatures of Kerry and Susan Kries in black ink.

Kerry & Susan Kries

cc: Stan Meece, Building Inspector

Attachments



COPY

Friday, September 5, 2003

The Lebanon Reporter

ATTN: Legal Ads

Please publish Ordinance #03-13 (1) times.

Your assistance in this matter will be appreciated.

Thank You,

City of Lebanon

Susan K Snyder

Susan K. Snyder
Deputy Clerk-Treasurer

Encl-

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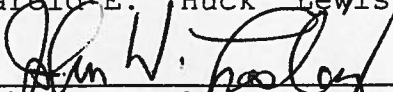
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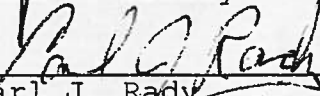
All of which is considered and passed by the Common Council of the City of Lebanon this 25 day of August, 2003.

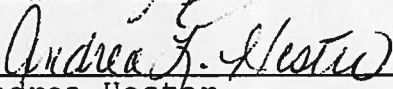

James H. Acton, Mayor

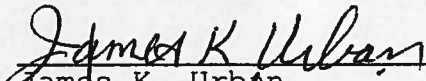
COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

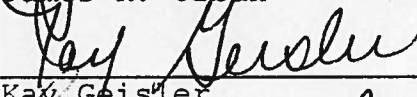

Harold E. "Huck" Lewis

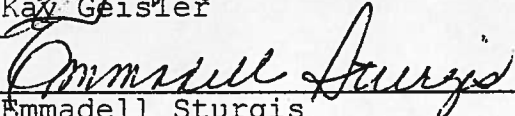

John W. Lasley


Carl J. Rady


Andrea Hester


James K. Urban


Kay Geisler


Emmadell Sturgis

Attest: 
Elaine Kinsler
Clerk/Treasurer

July 24, 2003

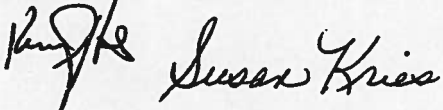
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Kerry & Susan Kries

cc: Stan Meece, Building Inspector

Attachments



201 East Main Street
Post Office Box 479
Lebanon, IN 46052-0479
www.lebanon-utilities.com

MUNICIPAL BUILDING

Phone: 765-482-5100
FAX: 765-482-8848
Emergency: 765-482-8850
Email: utility@in-motion.net

Wednesday, July 23, 2003

Stan Meece
Building Inspector
City of Lebanon
201 E. Main St.
Lebanon, IN 46052

Dear Stan,

The Lebanon Utilities has no existing utilities in the rear easement at 2111 Dale Court and will allow the easement to be vacated.

Sincerely,

A handwritten signature in black ink that reads "David VanWye". The signature is written in a cursive style with a large, prominent "D" and "V".

David VanWye
Lebanon Utilities

CC: Susan Kries

Attorneys at Law

GIDDINGS, WHITSITT & McCLURE, P.C.

121 North Meridian Street
P.O. Box 663
Lebanon, Indiana 46052

Lawrence D. Giddings
Thomas A. Whitsitt
J. David McClure - Civil & Domestic Mediation
Dennis A. Williams

(765) 482-6632
(317) 687-0390
Fax: (765) 482-9633

August 5, 2003

Ms. Elaine Kinsler
Clerk/Treasurer
Municipal Building
201 E. Main Street
Lebanon IN 46052

Re: Ordinance Vacating Utility Easement

Dear Elaine:

Here is the draft ordinance vacating the utility easement on the Kries' property located in Chadwick Village. Also enclosed is supporting documentation supplied to me by the Mayor wherein the Utilities has determined that no utilities exist in the easement and there is no reason not to vacate the same.

Please be sure this ordinance gets passed out to the councilmembers as part of the packet for next Monday's meeting. You can also include a copy of my letter with the packet and, if the Mayor so desires, the information from the Utilities office.

Thank you for your attention to this matter.

Sincerely,



Lawrence D. Giddings

LDG/kjv
Encls.