

ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF LEBANON
VACATION OF GREEN STREET WITHIN THE CITY OF LEBANON, INDIANA AND
PORTIONS OF 16' PUBLIC ALLEY IN SAID LIBERTY ADDITION SUBDIVISION**

WHEREAS, there has been filed before the City of Lebanon Plan Commission a petition for Vacation of Green Street and Portions of 16' Platted Alley, specifically, the portion of the 16' public alley west of Lots 4, portion of the 16' alley located within platted "Green Street", and Lots 5, 6, 7,8, 9, and 10 in Liberty Addition Subdivision;

WHEREAS, the subject Green Street is approximately 40' feet wide by 260' feet long, further described by the attached legal description in Attachment A between Lots 4 and 5 of Liberty Addition (the "Green Street Vacation");

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held by the City of Lebanon Plan Commission on the 21st day of March 2016. The Plan Commission under State Statue 36-7-4-711 must consider the vacation of plats or parts of plats.

WHEREAS, pursuant to 36-7-4-711, the City of Lebanon Plan Commission has voted and sent an Unfavorable Recommendation by a 4-3 to the Common Council of the City of Lebanon, Indiana for consideration and adoption of the subject Ordinance with the following recommendations:

**NOW, THEREOF, THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA
ORDAINS AND ENACTS THE FOLLOWING:**

1. **Public Way Vacation Request:** As required by State Statue IC 36-7-3-12, the Common Council must consider the Vacation of Public Ways. The subject Vacation Ordinance is in consideration of Public Ways described as the Green Street Vacation and portions of 16' Platted Alley, specifically, the portion of the 16' public alley west of Lots 4 described by the legal description in Attachment B1 (the "Lot B1 Alley Vacation"), portion of the 16' alley located within platted "Green Street", Lots 5 and 6 described by the legal description in Attachment B2 (the "Lot B2 Alley Vacation"), Lots 7,8, 9, and 10 as described by the legal description in Attachment C (the Lot C Alley Vacation") (the Lot B1 Alley Vacation, the Lot B2 Alley Vacation and the Lot C Alley Vacation collectively are, the "Alley Vacation") in said Liberty Addition Plat.
2. **Establishment of Utility Maintenance Easements: Conveyance of Portions of Green Street to City of Lebanon - Brian and Lisa Richards** Prior to the subject Vacation Ordinance being effective and conditioned on the following, the property owners, Brian and Lisa Richards, will dedicate in the vacated Green Street as described in Attachment A, as well as the property described by the legal description in Attachment D, a non-exclusive drainage and utility easement in favor of and for the benefit of the City of Lebanon and all public utilities.

3. **Conveyance of 16' Alleyway in Entirety west of Lots 4, 5, and 6 to City of Lebanon - Brian and Lisa Richards** Brian and Lisa Richards will dedicate in the vacated portion of the 16' public alley way west of Lots 4, 5, and 6 described by the legal descriptions in Attachments B1 and B2 in said Liberty Subdivision, a non-exclusive drainage and utility easement in favor of and for the benefit of the City of Lebanon and all public utilities.
4. **Conveyance of 16' Alleyway in Entirety west of Lots 7, 8, 9, and 10 to City of Lebanon - Ron Smith** Additionally, Ron Smith will dedicate in the vacated portion of the 16' alley way west of Lots 7, 8, 9, and 10 described by the legal description in Attachment C in said Liberty Subdivision, a non-exclusive drainage and utility easement in favor of and for the benefit of the City of Lebanon and all public utilities.
5. **Conveyance by Deed to Property Owners:** Prior to the subject Vacation Ordinance being effective and conditioned on the receipt of the easements referenced above, the City Attorney will draft and prepare in deed form to convey the vacated portions of public ways of the Green Street Vacation and the Alley Vacation, specifically, the vacated portions of Green Street described by the legal description in Attachment A, the 16' public alley west of Lots 4 described by the legal description in Attachment B1, the portions of 16' public alley west of Lots 5 and 6 described by the legal description in Attachment B2 to Brian and Lisa Richards. Further, the City Attorney will draft and prepare in deed form to convey the vacated portions of the 16' public alley found west of Lots 7, 8, 9, and 10 in said Liberty Addition Subdivision described by the legal description in Attachment C to Ron Smith.
6. **UDO Requirement:** Upon receipt of the recorded maintenance access agreement, the City of Lebanon Operations Manager will sign a notarized letter of Vacation approval per Section 9.21 of the UDO.
7. **Distribution:** A copy of this Ordinance shall be transmitted and recorded to the Recorder of Boone, County, Indiana.
8. **Duration and Effective Date:** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code 36-4-6-14.

ALL OF WHICH IS ORDAINED THIS 25th DAY OF April, 2016.

LEBANON CITY COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson

Dick Robertson

Dick Robertson

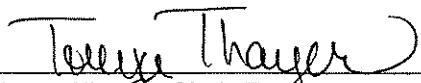
Dick Robertson

ATTEST:

Tonya Thayer

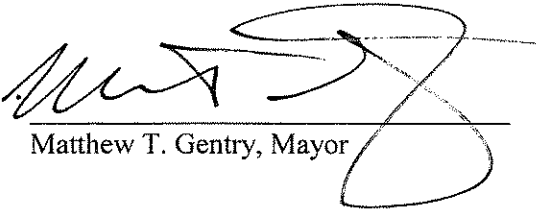
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2016-02 was delivered to the Mayor of Lebanon on the 25 day of April, 2016, at 7:30 p. m.



Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2016-02
this 27 day of April, 2016



Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2016-02
this ___ day of _____, 2016

Matthew T. Gentry, Mayor

ATTEST:



Tonya Thayer, Clerk-Treasurer