

ORDINANCE NO. 2016-12

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
INDIANA CONCERNING VACATION OF PUBLIC WAYS WITHIN THE NUNN AND
MILLER'S SUBDIVISION & ISRAEL M. RODMAN'S SUBDIVISION**

WHEREAS, a petition was filed with the City of Lebanon Plan Commission for Plat Amendment (Docket #16-27) to vacate public right-of-ways in the platted Nunn and Miller's Subdivision of Outlots 55, 56, & 57 of Spencer and McLaughlin Addition, and, in the platted Israel M. Rodman Subdivision of Lot 59 of the Spencer and McLaughlin Addition;

WHEREAS, the City of Lebanon Plan Commission held a public hearing and voted 5-0 to send a favorable recommendation to the Common Council of the City of Lebanon, Indiana (the "Common Council");

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

WHEREAS, pursuant to IC § 36-9-2-5, the City of Lebanon, Indiana has the authority to vacate public rights-of-way;

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

SECTION 1. The City has the authority to vacate public rights-of-way and now finds that the public right-of-way identified in **Exhibit A**, attached hereto and incorporated by reference herein is no longer needed for the benefit of the public. The right-of-way to be vacated is further described by subdivision as follows:

A. **Israel M. Rodman Subdivision**

- a. Walnut Street, between East Street and Meridian Street, fifteen (15) feet in width (denoted as "A" in **Exhibit A**);
- b. Ash Street, between East Street and Meridian Street, forty (40) feet in width (denoted as "B" in **Exhibit A**);
- c. Sixteen (16) feet in width east/west alley, south of Walnut Street and north of Ash Street (denoted as "C" in **Exhibit A**);

- d. Sixteen (16) feet in width east/west alley, south of Ash Street and north of Noble Street (denoted as “D” in **Exhibit A**); and
- e. Sixteen (16) feet in width north/south alley, immediately east of Meridian Street, from Walnut Street to Noble Street (denoted as “E” in **Exhibit A**)

B. **Nunn and Miller Subdivision**

- a. Walnut Street, between East Street and Meridian Street, twenty five (25) feet in width (denoted as “A” in **Exhibit A**);
- b. Sixteen and half (16.5) feet in width east/west alley, south of Green Street and north of Walnut Street (denoted as “B” in **Exhibit A**); and
- c. Sixteen and half (16.5) feet in width north/south alley, immediately east of Meridian Street, from Walnut Street to Green Street (denoted as “C” in **Exhibit A**)

SECTION 2. After a duly advertised and published public hearing pursuant to IC § 36-7-3-12, the Common Council finds that it is proper to vacate the public right-of-way of certain real property all identified in **Exhibit A**.

SECTION 3. 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 15 day of NOVEMBER, 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

ABSENT
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

I hereby certify that ORDINANCE 2016-12 was delivered to the Mayor of Lebanon on the 15 day of November, 2016, at 8:00 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2016-12
this 15 day of November, 2016

I hereby VETO ORDINANCE 2016-12
this ___ day of _____, 2016

[Signature]
Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

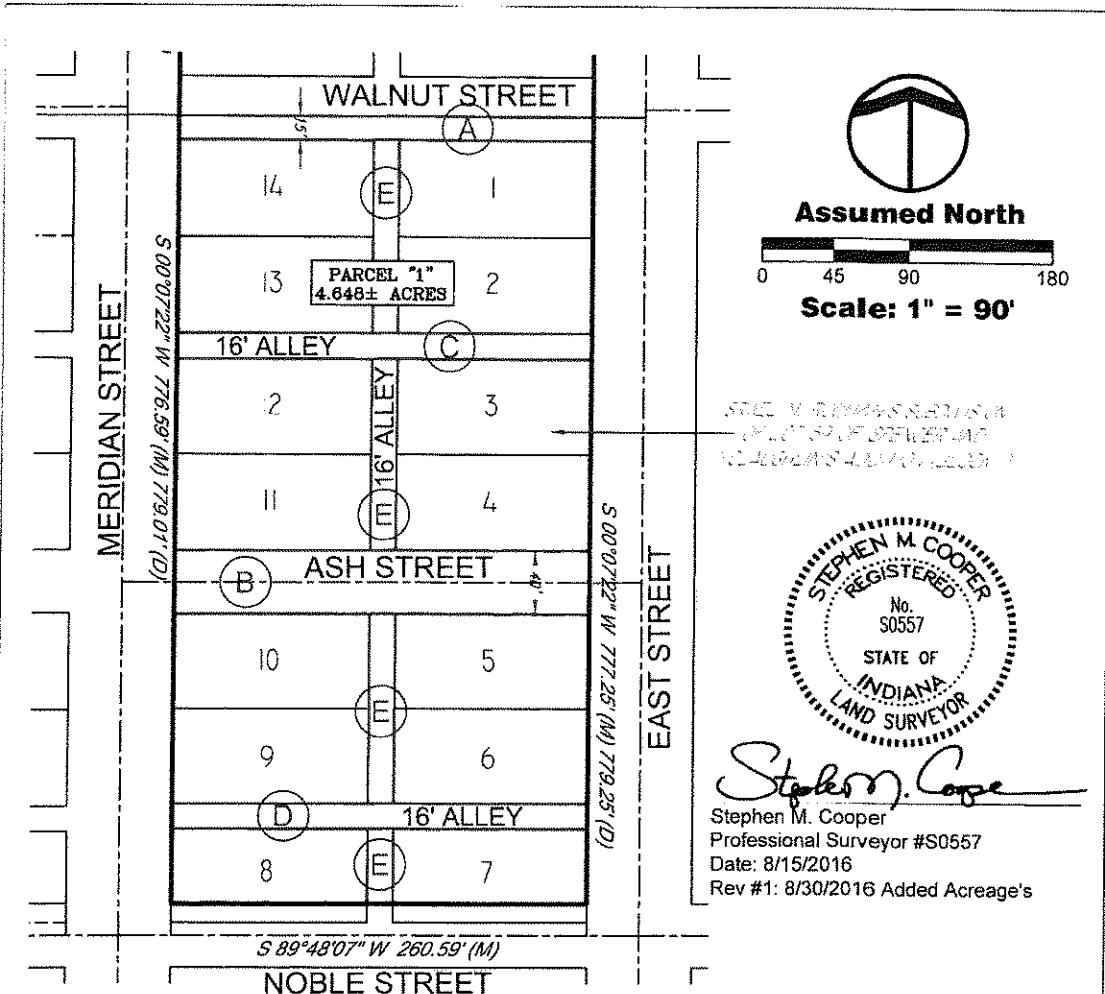
ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276

KD_8436798_1.DOCX

EXHIBIT A



"Re-plat of Israel M. Rodman's Subdivision"

Land Description - "Right-of-Way Vacations"


A part of the Israel M. Rodman's Subdivision of Lot 59 of Spencer and McLaughlin's Addition to the Town of Lebanon, the plat of which is recorded in Plat Book 2, Page 25 in the Office of the Recorder of Boone County, Indiana, the right-of-way vacations being described as follows:

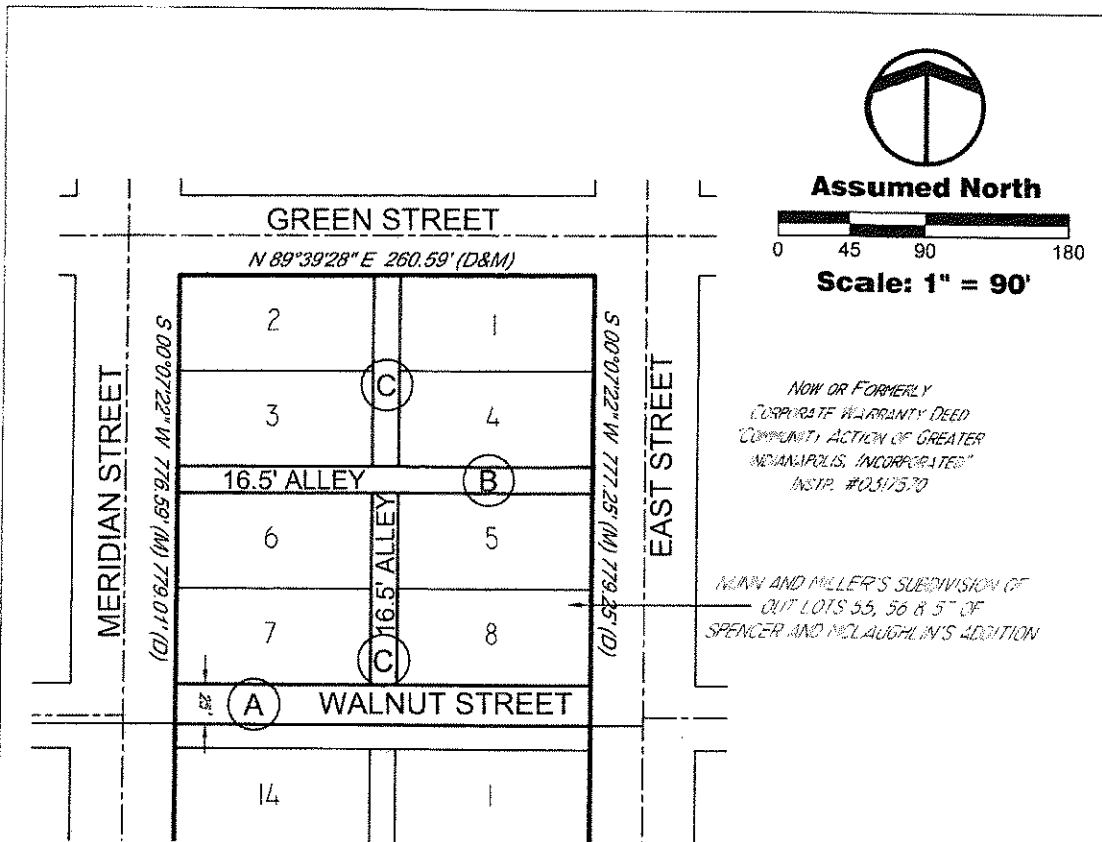
- A - The 15 foot right-of-way for Walnut Street (Lynn Street per plat) running east to west between East Street and Meridian Street containing 3,909 square feet.
- B - The 40 foot right-of-way for Ash Street running east to west between East Street and Meridian Street containing 10,424 square feet.
- C - The 16 foot right-of-way for the first alley south of Walnut Street running east to west between East Street and Meridian Street containing 4,170 square feet.
- D - The 16 foot right-of-way for the first alley north of Noble Street running east to west between East Street and Meridian Street containing 4,170 square feet.
- E - The 16 foot right-of-way for the first alley east of Meridian Street running north to south between Walnut Street and Noble Street containing 6,526 square feet

All vacations contain a total of 29,199 square feet.

These land descriptions were prepared and is based exclusively upon record deed information and/or prior surveys of the subject premises or its parent. For purposes of the preparation of this description, no survey of the described real estate was performed and no monuments were set.

SHEET 1 OF 1

VACATION EXHIBIT		JOB #: 2014-107	 www.coorconsulting.com <small>This drawing along with the concepts, ideas, and designs are the exclusive intellectual property of COOR Consulting & Land Services, Corporation ID. Any use and/or reproduction, in whole or in part, shall not be achieved or performed without the expressed consent of COOR Consulting & Land Services, Corporation ID.</small>
Prepared For	CITY OF LEBANON	FILE #: 2014-107_2016_EXHIBIT D+VG	
Project Location	A PART OF ISRAEL M. RODMAN'S SUBDIVISION AND A PART OF WILLIAM MILLER'S SUBDIVISION CITY OF LEBANON BOONE COUNTY, INDIANA	DATE: 8/15/2016	
		APPROVED BY: SMC	
		DRAWN BY: CMC	



"Re-plat of Nunn and Miller's Subdivision"

Land Description - "Right-of-Way Vacations"

A part of the Nunn and Miller's Subdivision of Out Lots 55, 56 & 57 of Spencer and McLaughlin's Addition, the plat of which is recorded in Plat Book 2, Page 11 in the Office of the Recorder of Boone County, Indiana, the right-of-way vacations being described as follows:

- A - The 25 foot right-of-way for Walnut Street running east to west between East Street and Meridian Street containing 6,515 square feet.
- B - The 16.5 foot right-of-way for the first alley south of Green Street running east to west between East Street and Meridian Street containing 4,300 square feet.
- C - The 16.5 foot right-of-way for the first alley east of Meridian Street running north to south between Green Street and Walnut Street containing 3,970 square feet.

All vacations containing a total of 14,785 square feet.

These land descriptions were prepared and is based exclusively upon record deed information and/or prior surveys of the subject premises or its parent. For purposes of the preparation of this description, no survey of the described real estate was performed and no monuments were set.

Stephen M. Cooper

Stephen M. Cooper
 Professional Surveyor #S0557
 Date: 8/15/2016
 Rev #1: 8/30/2016 Added acreage's



SHEET 1 OF 1

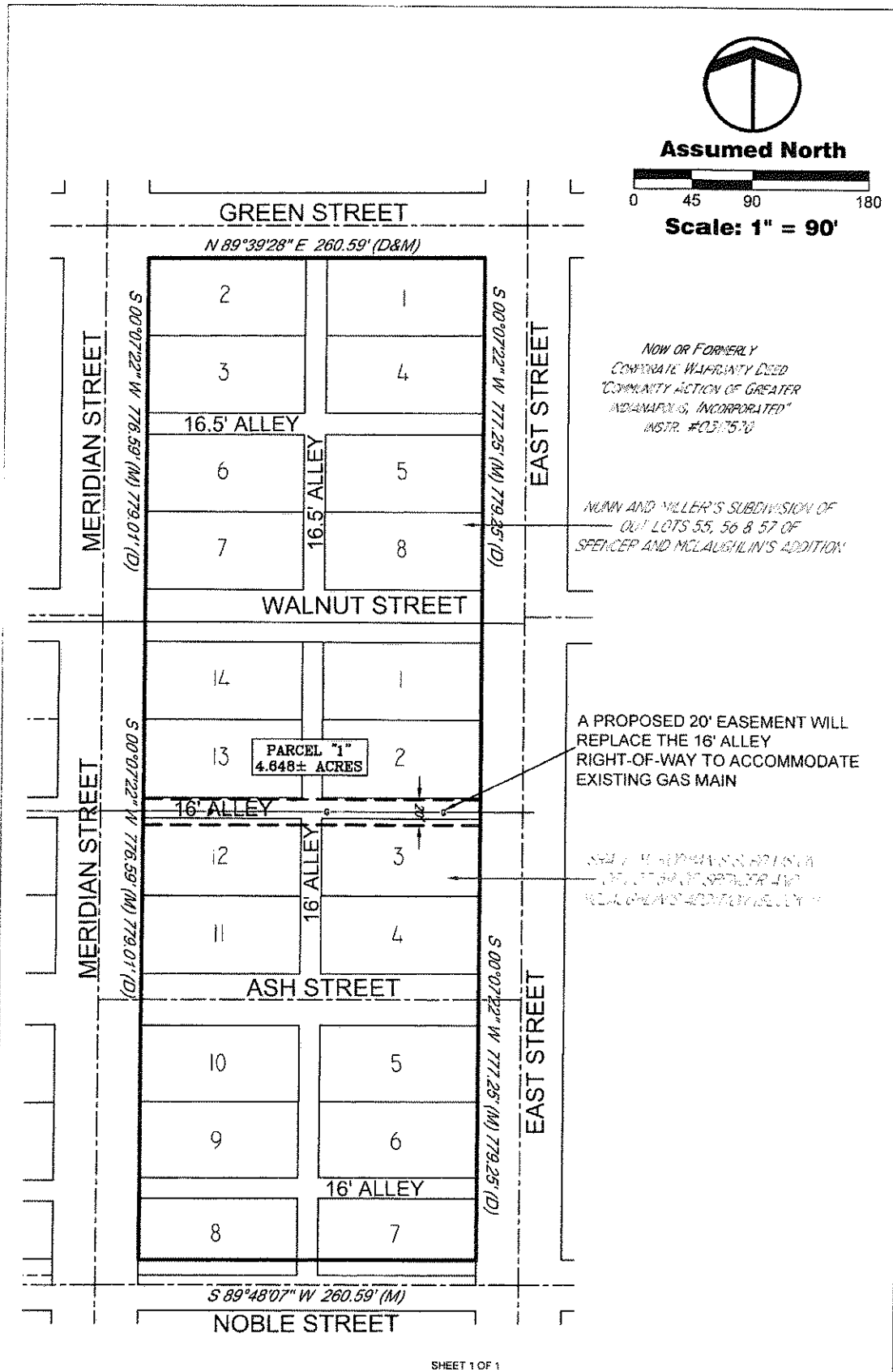
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Prepared For:	CITY OF LEBANON	FILE # 2014-107_2016_EXHIBIT DWG	
Project Location:	A PART OF ISRAEL M. RODMAN'S SUBDIVISION AND A PART OF WILLIAM MILLER'S SUBDIVISION CITY OF LEBANON BOONE COUNTY, INDIANA	DATE: 8/15/2016	
		APPROVED BY: SMC	
		DRAWN BY: CMC	



Assumed North



Scale: 1" = 90'



SHEET 1 OF 1

UTILITY PLAN		JOB # 2014-107	www.coorconsulting.com This drawing along with the concepts, ideas, and designs are the exclusive intellectual property of COOR Consulting & Land Services, Corporation ©. Any use and/or reproduction, in whole or in part, shall not be achieved or performed without the expressed consent of COOR Consulting & Land Services, Corporation ©.
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Project Location:	A PART OF ISRAEL M. RODMAN'S SUBDIVISION AND A PART OF WILLIAM MILLER'S SUBDIVISION CITY OF LEBANON BOONE COUNTY, INDIANA	DATE: 8/15/2016	
		APPROVED BY: SMC	
		DRAWN BY: CMC	
			303 WEST MAIN STREET, KNIGHTSTOWN, INDIANA 46148 (888) 683-2667 (765) 345-6943 FAX: (765) 345-6692