

ORDINANCE NO. 2019-11

**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 #19-26) to vacate public alley right-of-way in the Original Plat of the City of Lebanon, specifically the north half of the north-south alley located between N Lebanon Street and N Meridian Street, just south and adjacent to Williams Street (collectively the "Real Estate"), more accurately described in Exhibits A and B; and,

WHEREAS, the Plan Commission voted (7-0) 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 I, LLC.
- 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.

ALL OF WHICH IS ADOPTED THIS 12th day of November, 2019 by
the Common Council of the City of Lebanon, Indiana.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain


Keith Campbell

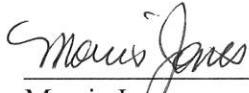
Keith Campbell

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

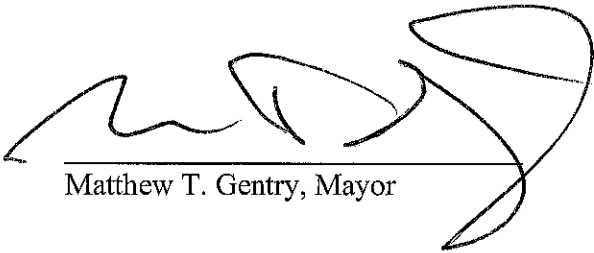
Brent Wheat

Brent Wheat

I hereby certify that ORDINANCE 2019-11 was delivered to the Mayor of Lebanon on the 12th day of November, 2019, at 8 00 pm.

Cynthia Thine - First Deputy
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2019-11
this 12 day of November, 2019



Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2019-11
this ___ day of _____, 2019

Matthew T. Gentry, Mayor

ATTEST:

Cynthia Thine 1st Deputy Clerk-Treasurer
Tonya Thayer, Clerk-Treasurer

EXHIBIT "A"

LEGAL DESCRIPTION

A portion of a platted alley lying between Lot 52 and Lot 53 in Levi Lane's Subdivision of Out Lot No. 7 in the Original Plat of Lebanon, Indiana and Lots 1,2,3 and 4 in Block Number 3 in the Original Plat of the Town, now City of Lebanon, Indiana being more particularly described as follows:

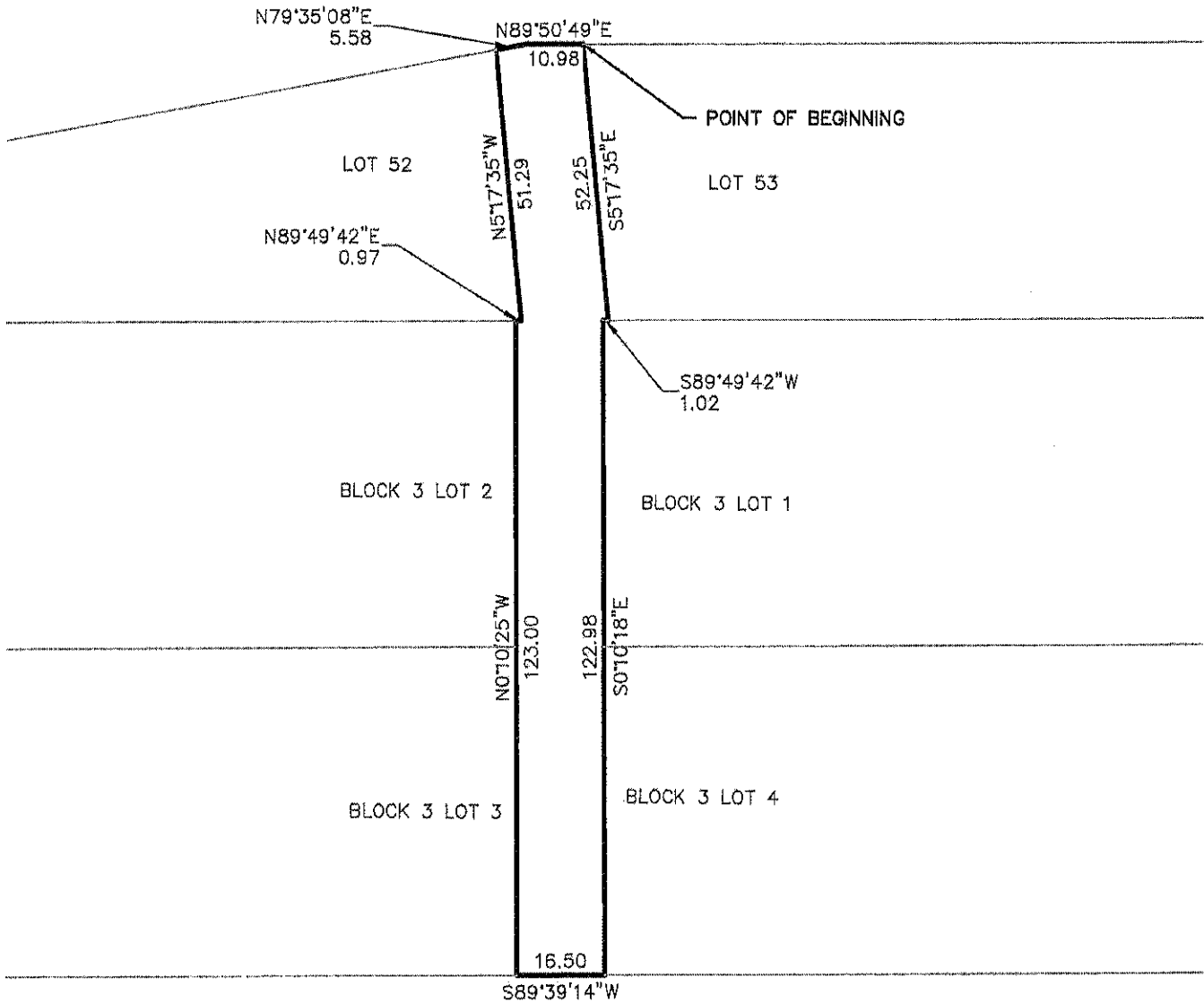
Beginning at the northwest corner of Lot 53 in Levi Lane's Subdivision, said point being on the South right-of-way of West Williams Street; thence South 05° 17' 35" East, a distance of 52.25 feet to the southwest corner of said Lot 53, thence South 89° 49' 42" West, along the north line of Lot 1 in Block Number 3 in the Original Plat of the City of Lebanon, a distance of 1.02 feet to the northwest corner of said Lot 1; thence South 00° 10' 18" East, along the west line of Lots 1 and 4, a distance of 122.98 feet to the southwest corner of Lot 4; thence South 89° 39' 14" West, a distance of 16.50 feet to the southeast corner of Lot 3; thence North 00° 10' 25" West, along the east line of Lots 2 and 3, a distance of 123.00 feet to the northeast corner of Lot 2; thence North 89° 49' 42" East along the south line of Lot 52 in Levi Lane's Subdivision, a distance of 0.97 feet to the southeast corner of Lot 52; thence North 05° 17' 35" West, a distance of 51.29 feet to the northeast corner of Lot 52, said point being on said South right-of-way line; thence along the said South right-of-way the following two (2) calls; 1) North 79° 35' 08" East a distance of 5.58 feet; 2) North 89° 50' 49" East a distance of 10.98 feet to the point of beginning, containing 0.06 acres, more or less.

EXHIBIT "B"



WEST WILLIAMS STREET
28' R/W

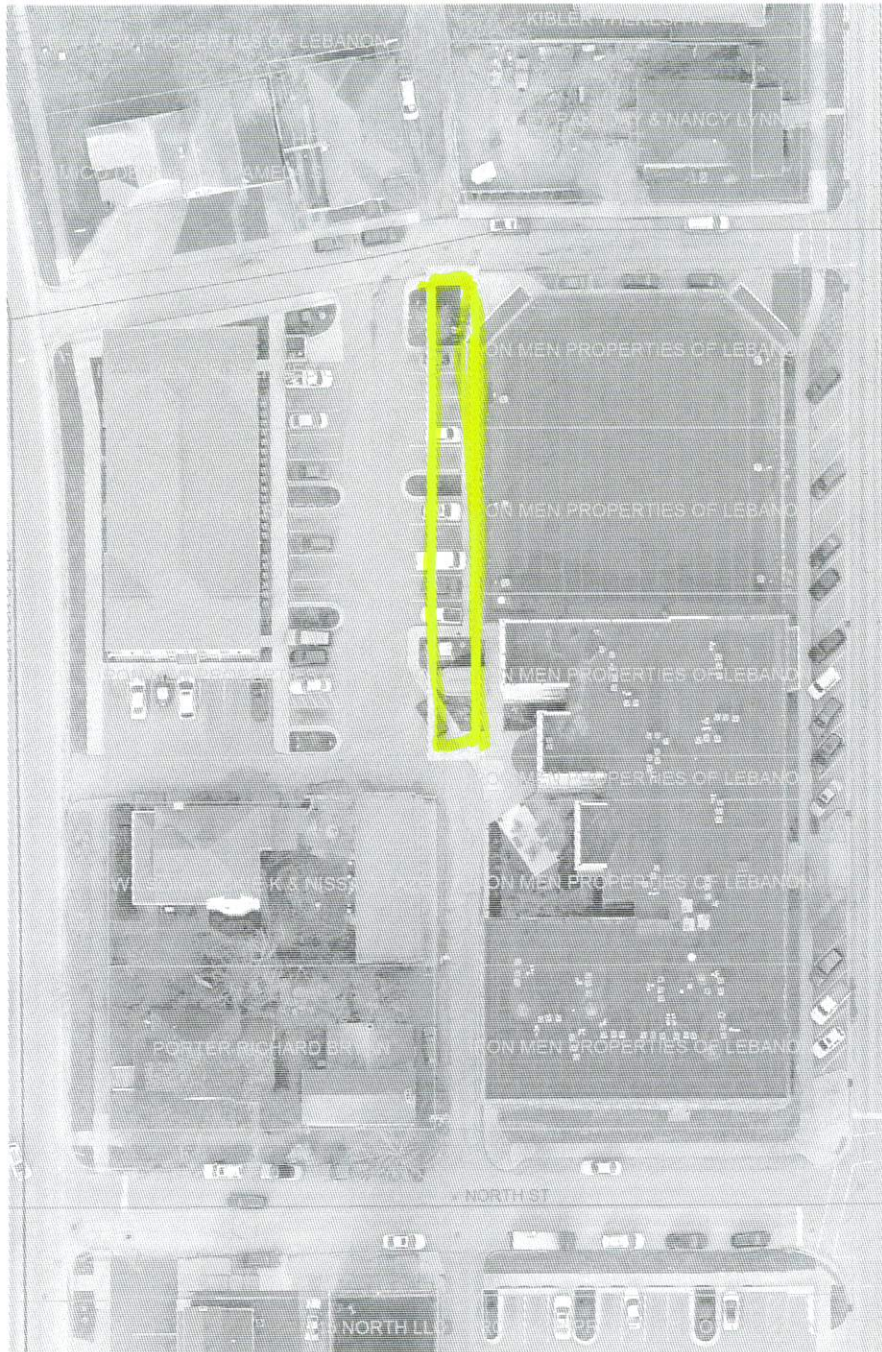
PLAN SCALE: 1" = 30'



**ROGER WARD
ENGINEERING
INCORPORATED**

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

PROJECT NAME: THE FLATS OF LEBANON
PLAN SCALE: 1" = 30'
DATE: 07-22-2019
DESCRIPTION: ALLEY VACATION EXHIBIT
"B"



ParcelsFromCounty

Lebanon City Li

Roads

Highways

