

ORDINANCE NO. 2021-01

**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 #21-3) to vacate public rights-of-way in undeveloped Edgewood Subdivision Sections 2, 3, and 7 (collectively the "Real Estate"), more accurately described in Exhibits A and B; and,

WHEREAS, the Plan Commission voted (9-0) 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 John & Amanda Artman.

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.

PASSED AND ADOPTED THIS 22nd ~~8th~~ day of FEB., 2021.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell
Keith Campbell

Keith Campbell

Keith Campbell

John Copeland
John Copeland

John Copeland

John Copeland

Morris Jones
Morris Jones

Morris Jones

Morris Jones

Mike Kincaid
Mike Kincaid

Mike Kincaid

Mike Kincaid

VIRTUAL
Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson
Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat
Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2021-01 was delivered to the Mayor of Lebanon on the 23
day of FEBRUARY, 2021, at 8:42a.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2021-01
this 23 day of February, 2021.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2021-01
this ___ day of _____, 2021.

Matthew T. Gentry, Mayor

ATTEST:
Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

EXHIBIT A

1

LEGAL DESCRIPTION

Ambler Lane and Evergreen Road

All of Ambler Lane and Evergreen Road, public rights-of-way, as defined by Edgewood Second Section, per plat thereof, recorded in Plat Book 3, Page 155 in the Office of the Recorder of Boone County Indiana and by Edgewood Seventh Section, per plat thereof, recorded in Plat Book 3, Page 165 in said Recorder's Office, more particularly described as follows:

BEGINNING at the northeast corner of Lot 106 in said Edgewood Second Addition; thence North 90 degrees 00 minutes 00 seconds West 120.00 feet (basis of bearings is said Edgewood Second Addition); thence South 00 degrees 00 minutes 00 seconds East 93.13 feet; thence Southeasterly 169.04 feet along a curve to the left having a radius of 152.02 feet and subtended by a long chord having a bearing of South 31 degrees 51 minutes 22 seconds East and a length of 160.47 feet; thence South 63 degrees 42 minutes 44 seconds East 89.34 feet; thence Southeasterly 308.18 feet along a non-tangent curve to the right having a radius of 1,194.65 feet and subtended by a long chord having a bearing of South 56 degrees 19 minutes 19 seconds East and a length of 307.33 feet; thence South 41 degrees 04 minutes 16 seconds West 50.00 feet; thence Northwesterly 295.28 feet along a non-tangent curve to the left having a radius of 1,144.65 feet and subtended by a long chord having a bearing of North 56 degrees 19 minutes 19 seconds West and a length of 294.46 feet; thence North 63 degrees 42 minutes 44 seconds West 89.34 feet; thence Northwesterly 224.64 feet along a curve to the right having a radius of 202.02 feet and subtended by a long chord having a bearing of North 31 degrees 51 minutes 22 seconds West and a length of 213.25 feet; thence North 00 degrees 00 minutes 00 seconds East 93.13 feet; thence North 90 degrees 00 minutes 00 seconds West 120.00 feet; thence North 26 degrees 33 minutes 53 seconds West 55.90 feet; thence North 90 degrees 00 minutes 00 seconds East 315.00 feet; thence South 00 degrees 00 minutes 00 seconds East 50.00 feet to the POINT OF BEGINNING. Containing 1.129 acres, more or less.

Streets in Edgewood Third Section

All of the public streets defined by Edgewood Third Section, per plat thereof, recorded in Plat Book 3, Page 156 in the Office of the Recorder of Boone County, Indiana, more particularly described as follows:

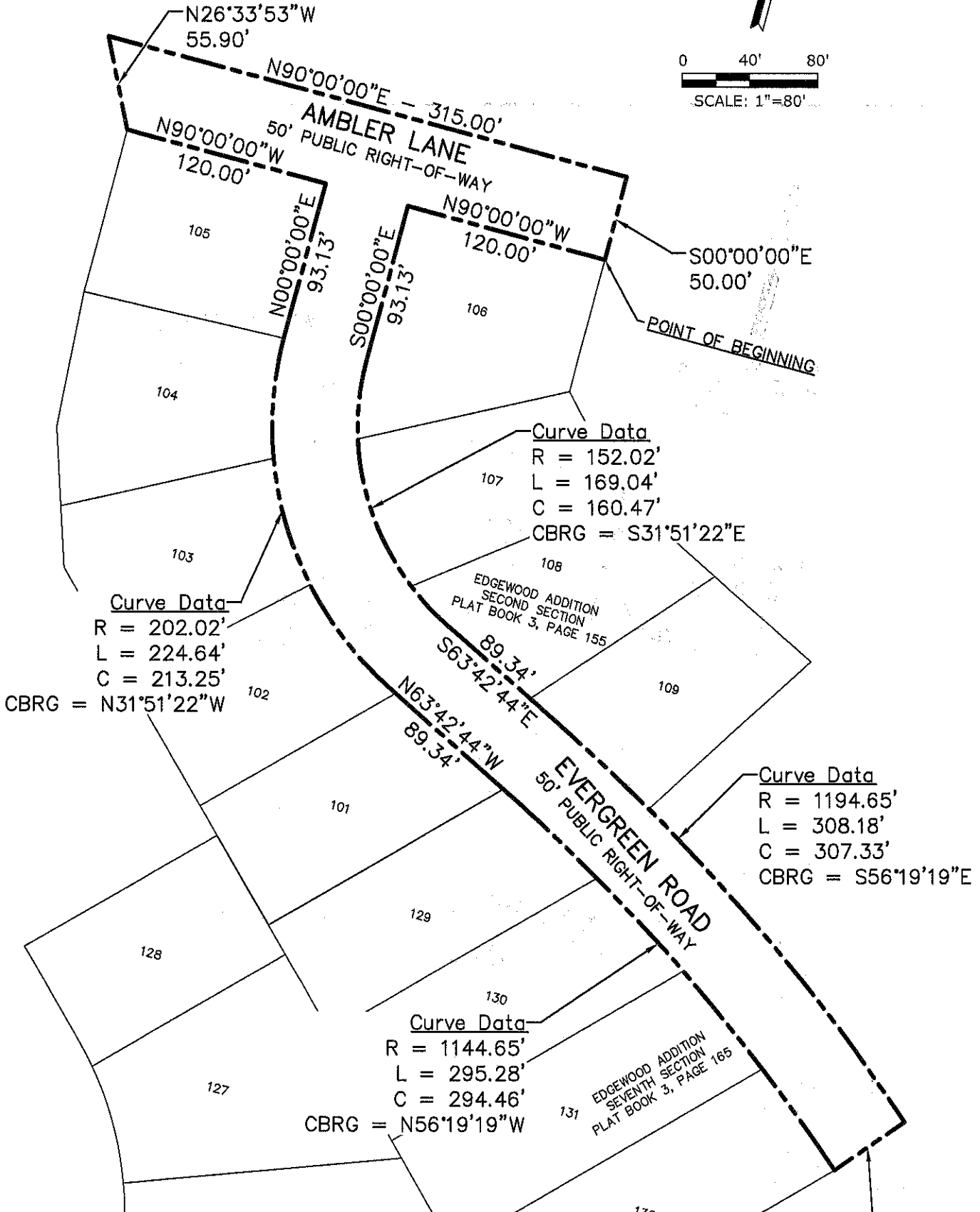
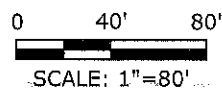
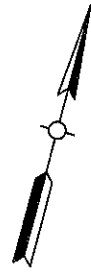
BEGINNING at the northeast corner of Lot 84 in said Edgewood Third Section; thence South 84 degrees 43 minutes 29 seconds West 218.85 feet (basis of bearings is said Edgewood Third Section); thence Westerly 102.23 feet along a curve to the right having a radius of 1,107.60 feet and subtended by a long chord having a bearing of South 87 degrees 22 minutes 08 seconds West and a length of 102.19 feet; thence North 00 degrees 00 minutes 00 seconds East 50.00 feet; thence Easterly 97.63 feet along a non-tangent curve to the left having a radius of 1,057.60 feet and subtended by a long chord having a bearing of North 87 degrees 22 minutes 09 seconds East and a length of 97.59 feet; thence North 84 degrees 43 minutes 29 seconds East 4.37 feet; thence Northeasterly 29.57 feet along a curve to the left having a radius of 20.00 feet and subtended by a long chord having a bearing of North 42 degrees 21 minutes 44 seconds East and a length of

26.95 feet; thence North 00 degrees 00 minutes 00 seconds East 92.64 feet; thence North 90 degrees 00 minutes 00 seconds East 50.00 feet; thence South 00 degrees 00 minutes 00 seconds East 84.15 feet; thence Southeasterly 33.26 feet along a curve to the left having a radius of 20.00 feet and subtended by a long chord having a bearing of South 47 degrees 38 minutes 16 seconds East and a length of 29.56 feet; thence North 84 degrees 43 minutes 29 seconds East 128.71 feet; thence South 00 degrees 00 minutes 00 seconds East 50.40 feet to the POINT OF BEGINNING. Containing 0.498 acres, more or less.

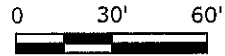
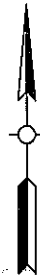
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EXHIBIT B

EXHIBIT B



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SCALE: 1"=60'

