

in said cause nor filed any answer or remonstrance to or against said petition, except the defendant, City of Lebanon, Indiana, which has filed as answer, by and through its attorney, Roscoe Hollingsworth, and this cause now being at issue upon the petition herein and the said answer filed by City of Lebanon, Indiana, the same is now submitted to the court for trial, finding and judgment without the intervention of a jury.

And after having heard the evidence and being fully advised in the premises, the court now finds for the petitioner and that the allegations of the petition are true in the following particulars:--

1. That the plaintiff is a resident of the City of Lebanon, Boone County, Indiana, and that the defendant is an incorporated town and city located in Boone County in the State of Indiana.

2. That the plaintiff is the owner in fee simple of the following described real estate:--

A part of Out Lot 23 in Rose, Harris and Longley's addition to Lebanon, Boone County, Indiana, described as follows, to-wit:--Commencing at a point which is 180 feet south of the north line of said Out Lot 22 and 350 feet west of the west line of West Street in Lebanon, Indiana, and run first south 120 feet, more or less, to the north line of Elm Street in Lebanon, Indiana, thence west 200 feet, thence north 120 feet more or less to a point 180 feet south of the north line of said Out Lot 22, thence east 200 feet to the place of beginning.

3. That the plaintiff is the owner in fee simple of the following described real estate:--

Lot No. 5 in B.F. Herdricks Sub-Division of Rose, Harris and Longley's Addition to the City of Lebanon, Indiana.

4. That lying between said two tracts of real estate there is located an alley, described as follows, to-wit:--

Commencing at the northeast corner of Lot No. 5, in B.F. Herdrick's Sub-Division of Rose, Harris and Longley's addition to Lebanon, Indiana, and run thence south 120 feet, more or less, to the north line of West Elm Street, Lebanon, Indiana, thence east 13 feet, thence north 120 feet, thence west 13 feet to the place of beginning.

5. That the plaintiff is the sole owner of the real estate lying on both sides of said alley and that said alley is not needed by the general public as a thoroughfare in said City of Lebanon but that in fact said alley is a "Dead-end" alley, un-improved and unmarked in any manner so as to identify it as an alley.

6. That no person, firm or corporation is the owner of property which will be damaged by the vacation of said alley.

7. The court further finds that the City does not maintain any water service line or sewer nor any other utility in said alley and that the public interest does not require any reservation of any right-of-way or easement of any nature in, on or along the said alley.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED by the court that the prayer of the plaintiff petitioner be, and the same is, hereby granted, and the said described alley is hereby vacated and it is further adjudged that the said alley shall attach to and become a part Lot No. 5 in B.F. Herdricks Sub-Division of Rose, Harris, and Longley's Addition to the City of Lebanon, Boone County, Indiana.

Read and signed in open court this 25th day of June, 1953.

(Signed) Charles F. Thompson
JUDGE OF THE BOONE CIRCUIT COURT

Approved:

(Signed) Roscoe Hollingsworth
Attorney for Defendant
City of Lebanon, Indiana

*Filed & Recorded in Boone County Clerk's office, Civil Order Book 100,
Page 151.*