

3. Petitioners operate a lumber company which completely surrounds said alleys and said alleys are of no further use as a means for ingress and egress to the public generally, but they are presently serving as rights of way for certain utility services as specified by the objections and remonstrance filed by the City of Lebanon.

4. Through negotiations with the City of Lebanon, petitioners have ascertained that the utilities for which said alleys are being used can be relocated, and once they are relocated, there is no further impediment to the vacation of said alleys except for reserving to the City of Lebanon such utility rights as may be necessary to support the relocated utilities.

5. Said alleys should be declared vacated except that there is hereby reserved to the City of Lebanon easements rights in, over and through such alleys as follows:

- a. In said North-South alley at the point where it intersects with the East-West alley a manhole for servicing the existing sewer therein; and the easements rights to service the sewer north from manhole to South Street.
- b. In the East-West alley or within the right of way thereof the right to establish and maintain not more than two (2) poles as necessary to support industrial electrical service to petitioner's lumber yard.

6. A plat showing the location of such relocated easements shall be and is attached to this decree as further evidence of the utility rights reserved to the City of Lebanon.

NOW, THEREFORE, IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that:

Said Alleys heretofore described in the findings of this decree be, and they are hereby, vacated subject only to the utility rights reserved to the City of Lebanon as heretofore specified in the findings and as reflected in the plat of these vacation proceedings which is attached hereto and made a part hereof by reference and the costs of this proceeding in the amount to \$_____ are hereby taxed against petitioners.

Peter Obremsky
Judge
Circuit Court of Boone County

Dated 7-28-69

APPROVED AS TO FORM:

ADNEY & ADNEY

By. Richard Adney

Attorneys for City of Lebanon

Richards, Russell

Kothe, Showell, Kortepeter

By Russell Richardson

Attorneys for Petitioners
1500 Fletcher Trust Building
Indianapolis, Indiana 46204