

STATE OF INDIANA)
)
 COUNTY OF BOONE)

BEFORE THE COMMON COMMON COUNCIL OF THE CITY
 OF LEBANON, INDIANA AND THE BOARD OF
 WORKS OF SAID CITY.

IN RE: PETITION OF HARDEE'S FOOD SYSTEMS, INC.)
 AND SAGAMORE CENTER, INC. TO VACATE ALLEYS)

ORDINANCE NO. 89-2

ORDINANCE FOR ALLEY VACATION

WHEREAS, a Petition for Vacation of Alleys has been filed by the Petitioners, Hardee's Food Systems, Inc. and Sagamore Center, Inc. with the Common Council of the City of Lebanon, Boone County, Indiana; and

WHEREAS, it appearing to the satisfaction of the Common Council of the City of Lebanon, as the legislative body thereof, that proof of notice was given pursuant to statute, to-wit: that on February 2nd, 1989 The Lebanon Reporter, a daily newspaper of general circulation, printed and published in the city of Lebanon, Boone County, Indiana; and

WHEREAS, abutting and adjoining landowners have been given notice by certified mail; and

WHEREAS, evidence having been heard, the Common Council of the City of Lebanon, Boone County, Indiana, finds that the conditions of the platted areas have changed so as to defeat the original purpose of the plat and the platted alleys are no longer necessary or desirable, that the alleys hereinafter described should be vacated and become part and parcel of the adjoining property, that such vacation would be in the public interest, and further that any utility easements should remain or any utilities be satisfactorily relocated at the expense of the Petitioners.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the city of Lebanon, County of Boone, State of Indiana, as follows:

That the following described alleys are hereby vacated as a public way:

ALLEY NO. 1

Part of Block 30 in Spencer and McLaughlin's Addition to the City of Lebanon, Boone County, Indiana.

An alley between Lots 4 and 5 and extending from the west line of Meridian Street to the west line of Lots 4 and 5.

ALLEY NO. 2

Part of Out-Lot 20 of Rose, Harris, and Longley's Addition and part of Block 30 in Spencer and McLaughlin's Addition to the City of Lebanon, Boone county, Indiana.

An alley lying west of the west line of Lots 4, 5, and 8 of Block 30 and extending from the north line of Elm Street to the north line of the following described Tract A.

TRACT A
 LEGAL DESCRIPTION

A part of Out-Lot #20 of Rose, Harris, and Longley's Addition, and also Lots #5, 8 and a part of Lot 4 in block #30 in Spencer and McLaughlin's Addition to the City of Lebanon, boone County, Indiana, more particularly described as follows:

Begin at the southeast corner of the aforesais Lot #8 and proceed thence south 89°56'40" west (an assumed bearing 260.20 feet along the north line of west Elm Street) thence north 00°06'22" west 171.07 feet along the east line of South Lebanon Street; thence north 89°53'38" east, 260.69 feet; thence south 00°03'27" west, 171.30 feet along the west line of south Meridian Street to the point of beginning, containing 1.02 acres, more or less.

That further, the vacated alley No. 1 shall become part and parcel of Lots 4 and 5, part of Block 30 in Spencer and McLaughlin's addition to the City of Lebanon, Boone County, Indiana, equally.

That further, the vacated alley No. 2 shall become part and parcel of Lots 4, 5, and 8 of Block 30 in Spencer and McLaughlin's addition to the City of Lebanon, Boone County, Indiana, equally.

That further, a copy of this vacation ordinance shall be furnished to the Boone County Recorder for recording and to the Boone County Auditor.