

ORDINANCE NUMBER 93-17

ORDINANCE TO VACATE PART OF RYAN STREET

WHEREAS, pursuant to I.C. 36-7-3, et seq, Mundy Realty, Inc., an Indiana corporation (the "Petitioner"), has filed a Petition to Vacate a part of the right-of-way (the "Right-Of-Way") of Ryan Street as depicted and described in Exhibit "A" attached hereto, in the City of Lebanon, Indiana; and

WHEREAS, the Petitioner has the consent of the fee simple owner of the real estate abutting both sides of the Right-Of-Way; and

WHEREAS, the City Council of the City of Lebanon, Indiana (the "Council"), held a hearing on the Petition to Vacate pursuant to IC 36-7-3-12, at which hearing the Council determined that:

- (1) The portion of the road sought to be vacated is not necessary to the orderly growth and development of the area of Lebanon in which it is located;
- (2) The vacation will not make access to the lands of any property owner in the City of Lebanon difficult or inconvenient; and
- (3) The vacation will not adversely affect the public's access to a church, school, or other public building or place; and
- (4) The vacation will not hinder the use of a public way in the neighborhood in which it is located in the City of Lebanon,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, INDIANA that the Right-Of-Way described herein is hereby vacated. The vacation of the Right-Of-Way shall be effective immediately upon the passage of this ordinance.

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MARY ALICE BALDWIN
RECORDER OF BOONE COUNTY
LEBANON, INDIANA, 46052
Mlee BK 140 PG 888

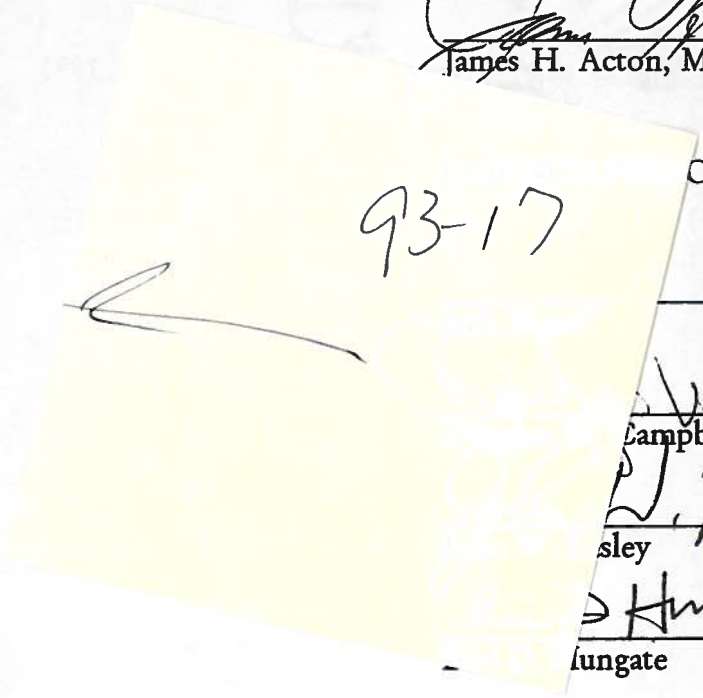
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ALL OF WHICH IS PASSED AND ADOPTED by the Common Council of the City of Lebanon, Boone County, State of Indiana, on the 23rd day of November, 1993.

PRESIDING OFFICER:

[Signature]
James H. Acton, Mayor



ONS:

[Signature]
Campbell
[Signature]
sley
[Signature]
ungate

Anne Good

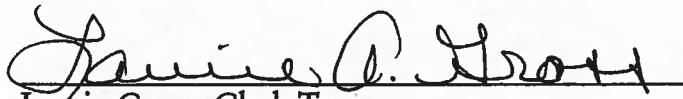
[Signature]
David L. Leuck

[Signature]
James K. Urban

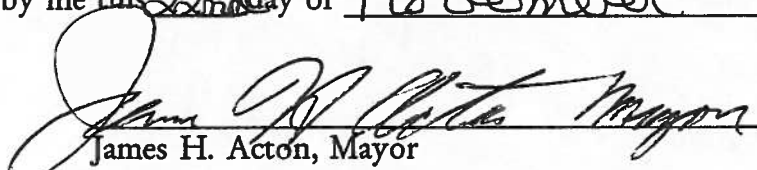
ATTEST:

[Signature]
Laurie Gross, Clerk-Treasurer
City of Lebanon, Indiana

Presented by me to the Mayor of the City of Lebanon, Indiana, this 22nd day of November, 1993.


Laurie Gross, Clerk-Treasurer
City of Lebanon, Indiana

Signed and approved by me this 22nd day of November, 1993.


James H. Acton, Mayor
City of Lebanon, Indiana

This instrument prepared by Douglas B. Floyd, Attorney at Law, 970 Logan Street, Noblesville, Indiana 46060.

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN RE: PETITION TO VACATE A PART OF RYAN STREET IN THE CITY OF LEBANON, INDIANA

Comes now Mundy Realty, Inc., an Indiana corporation, (the "Petitioner"), by its attorney, Douglas B. Floyd, pursuant to I.C. 36-7-3-12, to hereby petition the Common Council of the City of Lebanon, Indiana (the "City"), to vacate a part of Ryan Street between Main Street and South Street in the City. The Petitioner requests the vacation of the part of the right-of-way of Ryan Street as depicted and described in Exhibit "A" attached hereto (Right-Of-Way), to allow the construction of parking lot improvements over the Right-Of-Way and the Petitioner's contiguous lands. In support of its Petition, the Petitioner says:

1. That the Petitioner has the consent for the vacation described herein from the property owners contiguous to both sides of the Right-Of-Way;

2. That the property owners who own property contiguous to the Right-Of-Way are:

- a. Stephen R. and Lorretta A. Thrine, 930 John Bart Road, Lebanon, IN 46052
- b. John F. King, Jr., 2525 Middle Jamestown Road, Lebanon, IN 46052
- c. George Alan and Thelma R. Roth, 7070 North Caldwell Road, Lebanon, IN 46052
- d. Timothy L. Gatewood, 103 Ryan Street, Lebanon, IN 46052

3. That the Right-Of-Way requested to be vacated is not necessary to the orderly growth and development of the area of the City of Lebanon in which it is located;

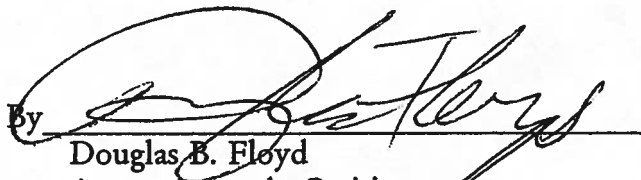
4. That the vacation will not make access to the lands of any property owner in the City of Lebanon difficult or inconvenient;

5. That the vacation will not adversely affect the public's access to a church, school, or other public building or place; and

6. That the vacation will not hinder the use of a public way in the neighborhood in which it is located in the City of Lebanon,

WHEREFORE, the Petitioners request the Common Council of the City of Lebanon, Indiana, to vacate the Right-Of-Way described herein.

MUNDY REALTY, INC.

By 
Douglas B. Floyd
Attorney for the Petitioner

STATE OF INDIANA)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Douglas B. Floyd, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.



Witness my hand and Notarial Seal this 5th day of November, 1993.

KELLY L. SHULK
MY COMMISSION EXPIRES: 10-24-95
MY COUNTY OF RESIDENCE IS: HAMILTON
Printed: Kelly L. Shulk, Notary Public
Resident of Hamilton County, Indiana

This instrument prepared by and Douglas B. Floyd, Attorney-at-Law, 970 Logan Street, Noblesville, Indiana, 46060.

DATE: November 18, 1993

PETITIONER'S AFFIDAVIT OF NOTICE OF PUBLIC HEARING
CITY OF LEBANON DEPARTMENT OF PLANNING AND DEVELOPMENT

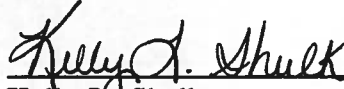
STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

I, Kelly L. Shulk of Land Rush Development Services, Inc., do hereby certify that Notice of Public Hearing to adjoining property owners to consider the application requesting that the right-of-way of Ryan Street between South Street and Main Street be vacated, for Mundy Realty Inc., was mailed by CERTIFIED MAIL at least TEN (10) days prior to the date of the Public Hearing, to the last known address of each of the following people:

1. Stephen R. and Lorretta A. Thrine, 930 John Bart Road, Lebanon, IN 46052
2. John F. King, Jr., 2525 Middle Jamestown Road, Lebanon, IN 46052
3. George Alan and Thelma R. Roth, 7070 North Caldwell Road, Lebanon, IN 46052
4. Timothy L. Gatewood, 103 Ryan Street, Lebanon, IN 46052

STATE OF INDIANA, HAMILTON COUNTY, SS:

The undersigned, having been duly sworn, upon oath, says that the above information is true and correct as she is informed and believes.

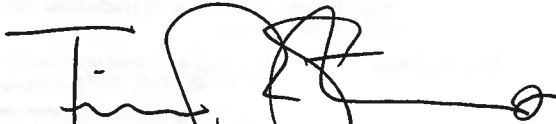


Kelly L. Shulk

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18TH DAY OF NOVEMBER, 1993.



TIM R. STEVENS
MY COMMISSION EXPIRES: 10-30-95
MY COUNTY OF RESIDENCE IS: HAMILTON



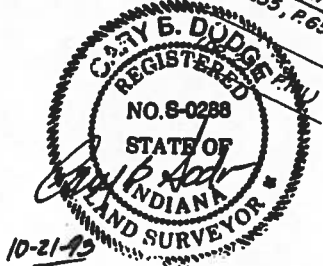
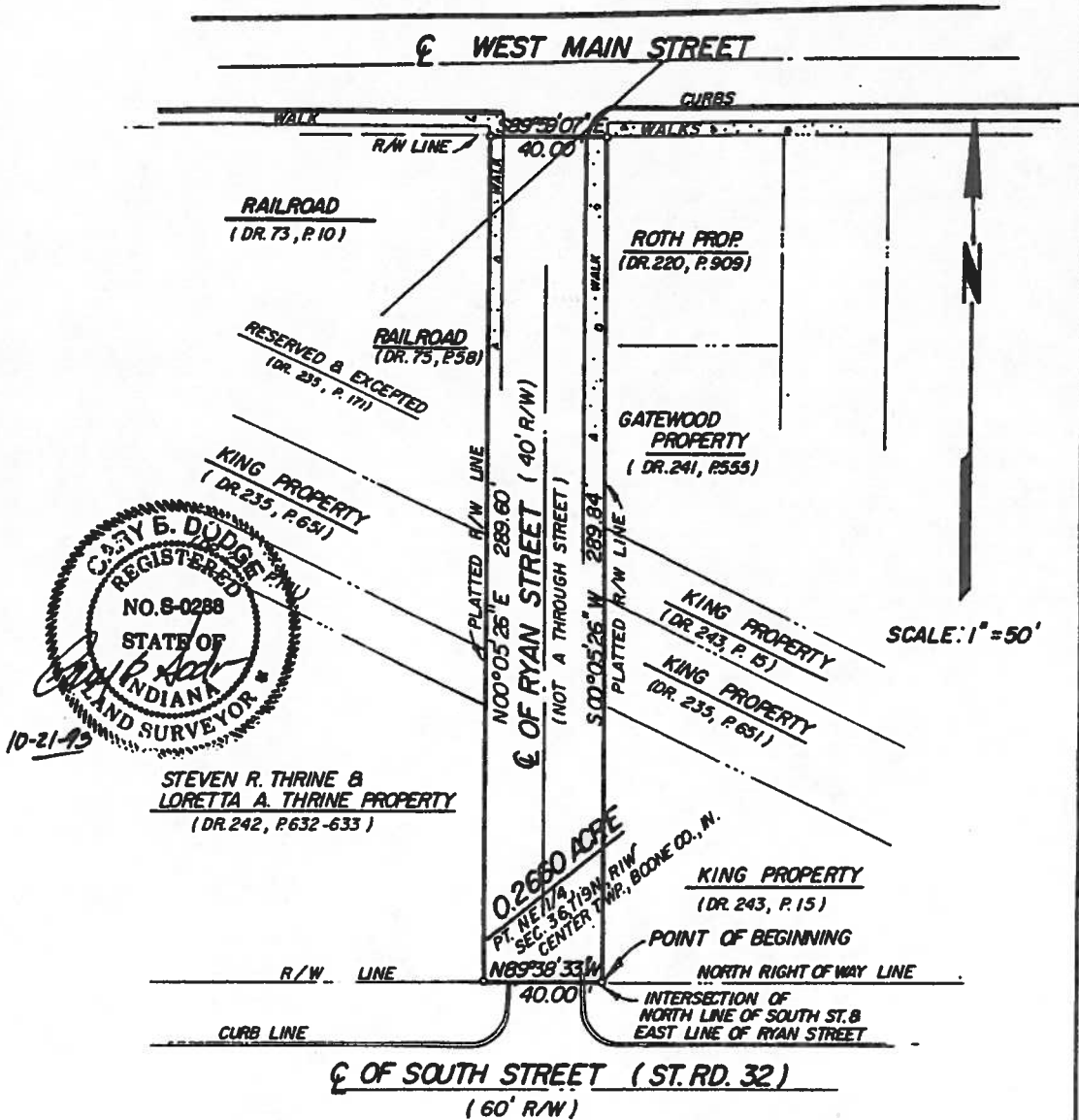
Tim R. Stevens, Notary Public

My commission expires:
October 30, 1995

ANDERSON & ASSOCIATES

FIL 482-5141 or 073-2513

222 E. MAIN STREET, P.O. BOX 585
LEBANON, INDIANA 46052



STEVEN R. THRINE &
LORETTA A. THRINE PROPERTY
(DR. 242, P.632-633)

Purpose: The purpose of this assignment was to prepare a description for the vacation of that part of Ryan Street, located North of South Street (State Road 32) and South of West Main Street, being situated within the City of Lebanon, Indiana.

Basis of Bearings: Bearings are based upon the East and West Right of Way of Ryan Street, observed as North 00°05'26" East, which is in agreement with other Record Descriptions.

LEGAL DESCRIPTION FOR THAT PART OF RYAN STREET

A part of Ryan Street, located South of West Main Street and North of South Street (State Road 32), situated in that part of the Northeast Quarter of Section 36, Township 19 North, Range 1 West, Center Township, being located within the City of Lebanon, Boone County, Indiana, more fully described by:
Beginning at the intersection of the North line of South Street and the East line of Ryan Street, City of Lebanon, Indiana, thence North 89°38'33" West, along the North Right of Way of South Street (State Road 32), a distance of 40.00 feet; thence North 00°05'26" East, along the West platted Right of Way of Ryan Street, a distance of 289.60 feet; thence South 89°59'07" East, along the South Right of Way of West Main Street, a distance of 40.00 feet; thence South 00°05'26" West, along the East platted Right of Way of Ryan Street, a distance of 289.84 feet to the Point of Beginning, containing 11,588.66 square feet or 0.2660 of an Acre.

SURVEY NOTES:

This survey was prepared without the benefit of an up-to-date Abstract or up-to-date Title Report; and is therefore subject to any statement of fact that such documents may disclose.
All dimensions computed from electronic measurements.
This tract is subject to all easements and restrictions of record.
Existing maps in the Office of the Surveyor of Boone County indicate that no Legal Drains exist within 75 feet of the hereon described tract.

I do hereby certify that all corners were determined in such a manner as to exceed the accuracy required by the Indiana Survey Standards, Title 865, Article 1, Chapter 12, of the Indiana Administrative Code, this 21st day of October, 1993.