

ORDINANCE NO. 10-07

**AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET OR RIGHT-OF-WAY
IN THE CITY OF LEBANON, INDIANA**

WHEREAS, the Petitioner has filed their request for the Vacation of a portion of a public alley running parallel between Pearl Street and East South Street (“the Alley”), located within the corporate boundaries of the City of Lebanon, Indiana (as delineated in the attached “Exhibit A”), pursuant to I.C. 36-7-3-12; and

WHEREAS, the Lebanon Board of Works and Lebanon City (Common) Council have jurisdiction over the request; and

WHEREAS, the Petitioner has submitted evidence that the portion of the Alley to be vacated is improved and contains certain utilities under and above ground, and further that Petitioner owns all privately owned property surrounding and abutting the portion of the Alley to be vacated; and

WHEREAS, The Board of Works for the City of Lebanon having considered the request of Petitioner voted to grant said request;

WHEREAS, a hearing on the Petitioner’s request having been conducted pursuant to I.C. 36-7-3-12 and notice provided pursuant to I.C. 5-3-1; and evidence being presented by the Petitioner and the various departments of the City of Lebanon; the Council hereby finds the requirements of I.C. 36-7-3-12 and I.C. 5-3-1 have been satisfied and that the Vacation is in the public interest.

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED by the City Council of the City of Lebanon, Boone County, Indiana that:

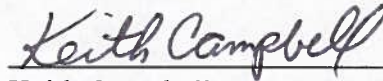
1. The Vacation of a portion of the alley located parallel and between Pearl Street and East South Street, as delineated in the attached Exhibit A (“the Alley”), is hereby vacated, without cost to the City of Lebanon.
2. The vacation is subject to a permanent and non-exclusive easement for the installation, maintenance and repair of any utilities or utility structures located within the vacated portion of the Alley.

Passed and adopted this 24 day of May, 2010.

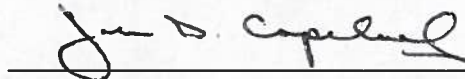
THE COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA



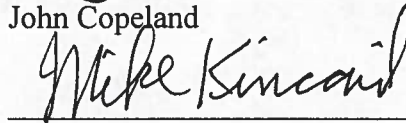
Harold "Huck" Lewis, Mayor



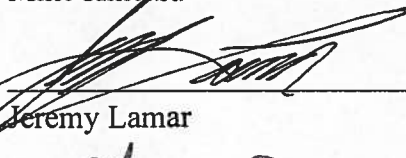
Keith Campbell



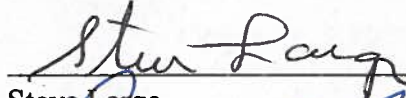
John Copeland



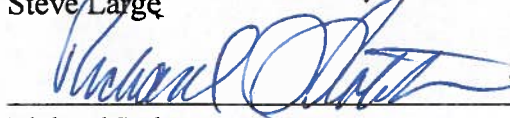
Mike Kincaid



Jeremy Lamar



Steve Large



Richard Robertson

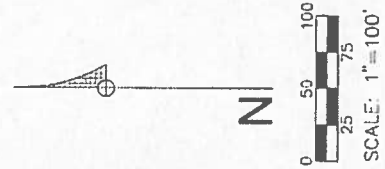
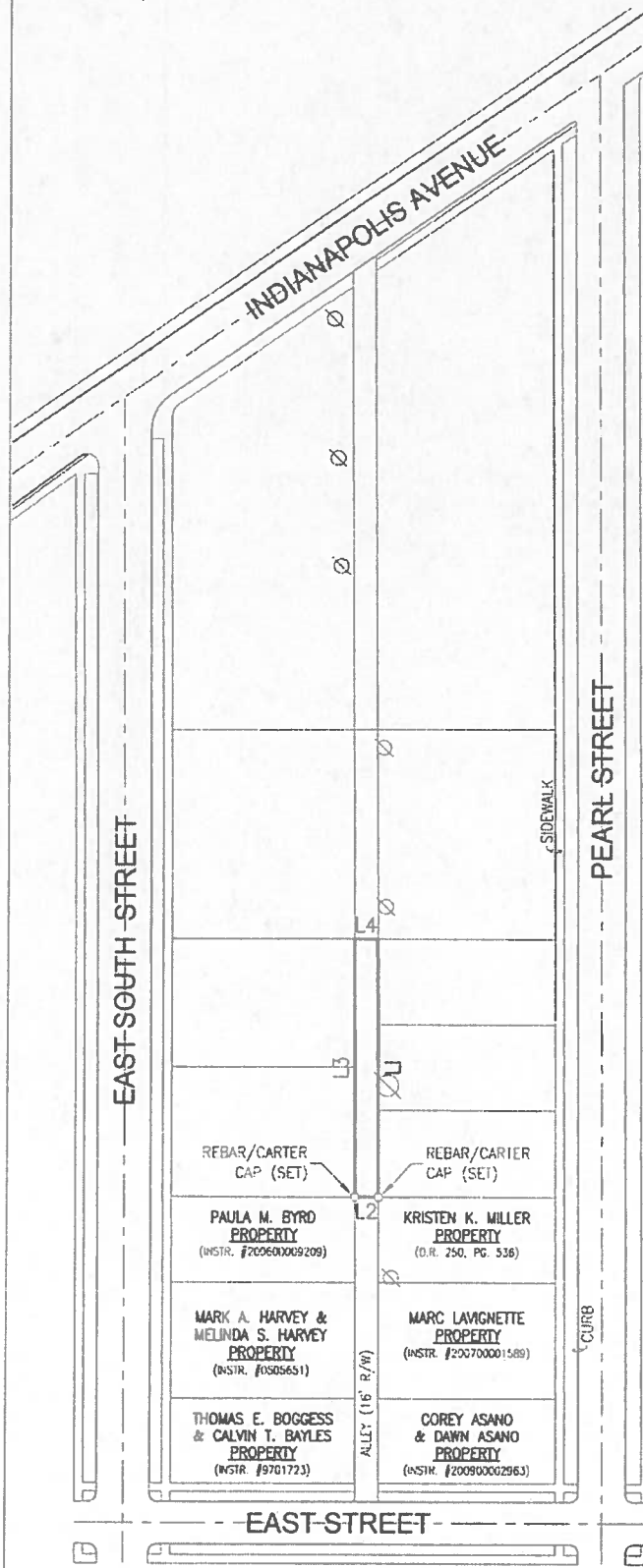


Brent Wheat

ATTEST:



Deborah S. Ottinger
Clerk-Treasurer



FLOOD HAZARD ZONE "X"
 F.I.R.M. #180013 00020
 DATED: MARCH 17, 1997

LAND USE ZONE
 "RESIDENTIAL"

LEGEND
 ∅ POWER POLE

LINE TABLE		
LINE ID	BEARING	LENGTH
L1	S 89°38'18" W	180.00'
L2	N 00°00'12" E	16.00'
L3	N 89°38'18" E	180.00'
L4	S 00°00'29" E	16.00'



Jerry L. Carter

JERRY L. CARTER, R.L.S. #S0350
 REG. PRO. LAND SURVEYOR
 STATE OF INDIANA

LAND DESCRIPTION FOR VACATION OF ALLEY (0.066 ACRE, ±)

A part of Out Lot No. 46 in Spencer and McLaughlin's Addition to Lebanon, Boone County, Indiana, more particularly described as follows:

Beginning at the East line of said Out Lot No. 46 and a South line of an existing 16.00 feet wide alley; thence South 89°38'18" West 180.00 feet; thence North 00°00'12" East 16.00 feet; thence North 89°38'18" East 180.00 feet; thence South 00°00'28" East 16.00 feet to the Point of Beginning, containing 0.066 of an Acre, more or less.

SURVEYOR'S REPORT

Client: St. Joseph Catholic Church

Job #: 100301

Field Work Completed: March 20, 2010

Type of Survey: Original Survey.

Purpose: The purpose of this assignment was to provide an Original Survey of land for vacation of alleyway.

Basis of Bearings: Bearings are based upon assumed datum.

Class of Survey: Urban Survey, Indiana Survey Standards (Title 865, Article 1, Chapter 12).
The Relative Positional Accuracy due to random errors in measurement of the boundary corners with respect to the referenced controlling corners, as stipulated by Indiana Statutes for a rural survey is 0.07' plus 50 ppm.

Location: A part of Out Lot No. 46 in Spencer and McLaughlin's Addition to Lebanon, Boone County, Indiana.

Research & Information: A search of the records within this office, along with those of the Boone County Court House, revealed the following information regarding Section Corners, Quarter Section Corners and the type of monumentation referenced for said Section Out Lot No. 46.

- 1.) Curbs and sidewalks.....Physical Evidence (find).

Availability and Condition of Reference Monuments:
The above listed monuments were found tested and accepted as correct.

Occupation Overlap: None observed.

Improvements: Not located this survey.

Easements: None of record found.

It is this Surveyor's professional opinion that the uncertainties in the lines of the surveyed tracts are as follows:

- 1.) Due to variances in the reference monuments: ±1.00'
- 2.) Due to discrepancies in the record descriptions: Negligible
- 3.) Due to inconsistencies in the lines of occupation: Negligible

General Notes:

- 1.) The Zoning Classification for the surveyed real estate, as established by governmental record is "Residential".
- 2.) This is to certify that the subject property does not lie within a Special Flood Hazard Area Zone "A" as said tract plots by graphic scale (subject to the accuracy of the map scale uncertainty) on Community Panel Number 180013 0002D of the Flood Insurance Rate Maps, dated: March 17, 1997.
- 3.) This survey was prepared without the benefit of an up-to-date Abstract or an up-to-date Title Commitment, and is therefore subject to any statement of fact that such documents may disclose
- 4.) Unless noted on the attached plat of this report, there is no evidence of occupation along the boundary lines of the subject tract. When fences or other lines of occupation are shown on the plat, they have been located only at the ends or specific locations noted; therefore, for the purpose of this survey, such lines are assumed to run straight between said locations, but in actuality may vary slightly from such straight line.
- 5.) The described land is the apparent Alley within Out Lot No. 46.

865 IAC 1-12-2, Sec.2. (d) "Original Survey" means a survey that is executed for the purpose of locating and describing real property which has not been previously described in documents conveying an interest in said real property.

Jerry L. Carter

JERRY L. CARTER, REG. PRO. LAND SURVEYOR NO. S0350



File No. 100301