

ORDINANCE NO. 2022-34

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA TO VACATE PUBLIC WAYS**

WHEREAS, the City of Lebanon, Indiana (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and responsibility of the Council to maintain public rights-of-way for the benefit of the citizens of the City and to vacate those no longer needed for the benefit of the public; and,

WHEREAS, there has been filed before the City of Lebanon Plan Commission (the “Plan Commission”) a petition (Docket #22-61) to vacate a portion of public street right-of-way in the Ann M Williams Second Addition Plat, specifically a 20-foot wide portion of the Ann Street right-of-way directly east and adjacent to 623 E Main Street (collectively the “Real Estate”), more accurately described in Exhibits A and B; and,

WHEREAS, the Plan Commission voted (9-0) to send a favorable recommendation to the Council for its consideration; and,

WHEREAS, it has come to the attention of the Council that the request herein described is no longer necessary as a benefit to the general public and should be vacated.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

Section 1. Pursuant to Indiana Code 36-9-2-5, the City has the authority to vacate public rights-of-way and now finds that the public right-of-way identified in Exhibits A and B, attached hereto and incorporated by reference herein, is no longer needed for the benefit of the public.

Section 2. After a duly advertised and published public hearing pursuant to Indiana Code 36-7-3-12, the Council finds it proper and necessary to vacate the public right-of-way identified in Exhibits A and B.

Section 3. The conveyance of the Real Estate shall be to Alexander H. and Kimberly A. Andrews.

Section 4. This Ordinance shall be in full force and effect in accordance with Indiana law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2022-34 was delivered to the Mayor of Lebanon on the _____ day of _____, 2022, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-34
this ___ day of _____, 2022.

I hereby VETO ORDINANCE 2022-34
this ___ day of _____, 2022.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A

A part of Ann Street located in Williamson's Second Addition to the City of Lebanon, Boone County, Indiana, as per plat thereof recorded in Plat Book 4, Page 18, in the Office of the Recorder of Boone County, Indiana, being that 0.05 acre parcel surveyed by Jonathan E. Hause, P.S. 20600040 and shown on a plat of survey certified on September 26, 2022 as Hause Surveying and Engineering Job Number 22S531 (all monuments herein referenced are as set or found on the aforesaid Hause Survey), being more particularly described as follows:

Beginning at a 5/8-inch diameter rebar with blue plastic cap stamped "HAUSE PLS20600040" (hereafter called capped rebar), marking the Northeast corner of Lot 36 in said Williamson's Second Addition; thence North 89 degrees 48 minutes 53 seconds East 20.00 feet along the Easterly extension of the North line of said Lot 36 to a capped rebar; thence South 00 degrees 03 minutes 05 seconds West 90.00 feet, parallel with and 20.00 feet East of the Eastern line of said Lot 36 to a capped rebar; thence South 33 degrees 40 minutes 08 seconds West 36.12 feet to the Southeast corner of said Lot 36 and a capped re bar; thence North 00 degrees 03 minutes 05 seconds East 120.00 feet along the East line of said Lot 36 to the Point of Beginning.

Containing 0.05 acres, more or less, and being subject to all Legal Highways, Rights-of-way and Easements of Record.

EXHIBIT B