

ORDINANCE NO. 2022-35

**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 #22-68) to vacate a portion of public street right-of-way in the Halls Addition Subdivision, specifically a 18-foot wide portion of the Superior Street right-of-way directly south and adjacent to 702, 710, and 714 W Superior Street and 719 W Pearl 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 M/E Rental Properties LLC.
- 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 2022-35 was delivered to the Mayor of Lebanon on the _____ day of _____, 2022, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-35
this ___ day of _____, 2022.

I hereby VETO ORDINANCE 2022-35
this ___ day of _____, 2022.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

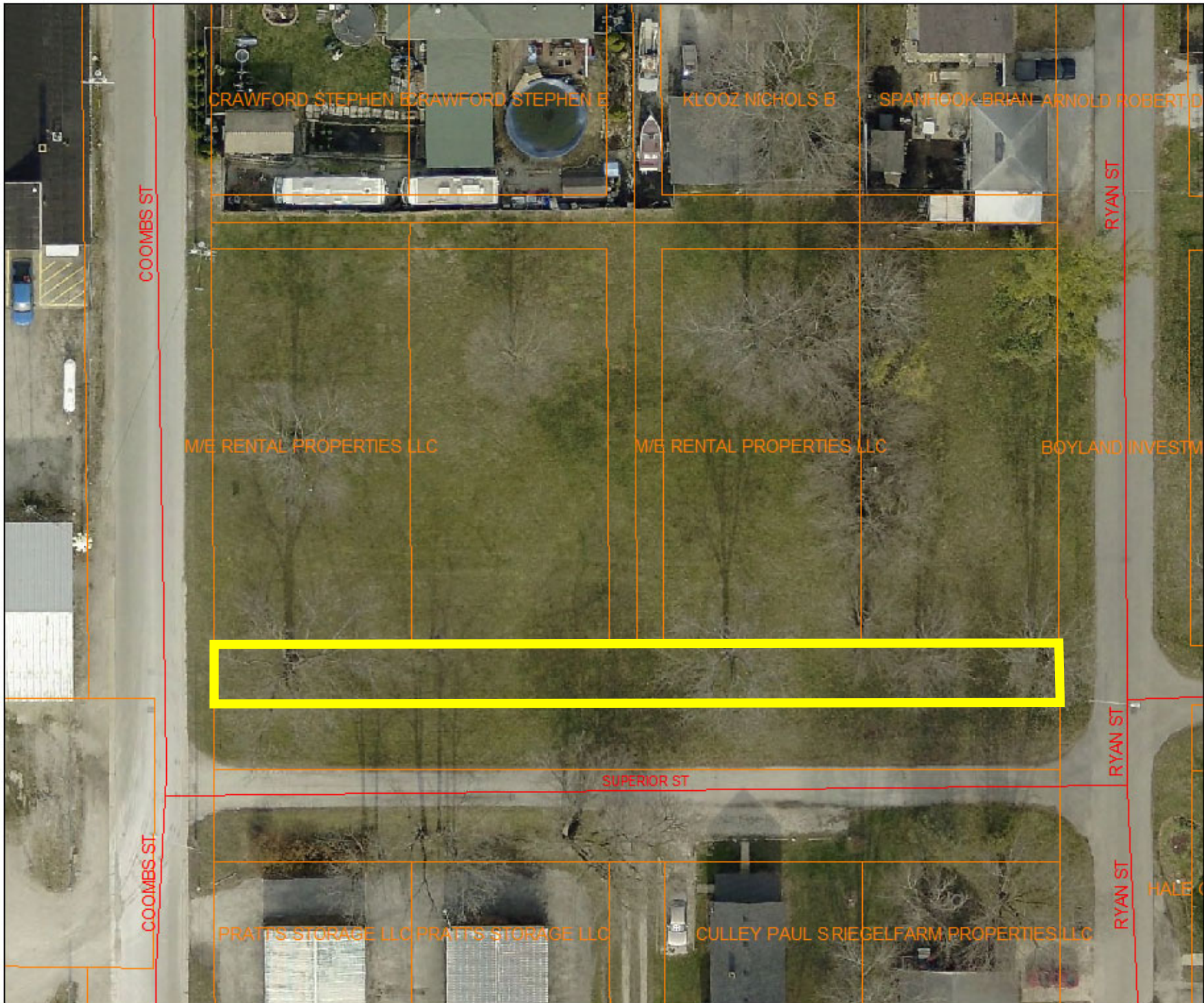
EXHIBIT A

Part of the Southeast Quarter of Section 36, Township 19 North, Range 1 west of the Second Principal Meridian in Boone County, Indiana more particularly described as follows: (Legal Description by James R. Gill, LS20800121)

Commencing at Southwest corner, Southeast Quarter of the Southeast Quarter, Section 36, Township 19 North, Range 1 West (Harrison Monument per Boone County Surveyor's Office) thence N 00°28'15" W 2057.11 feet (Assumed Bearing) along said quarter quarter line, thence N 89°17'21" W 225.80 feet to the centerline intersections of Ryan and Superior Streets, thence N 00°42'39" E 42.86 feet along the centerline of Ryan Street, thence N 89°17'38" W 20.00 feet to the SE corner of Lot 8 as recoded in Hall's Addition plat Book 2, Page 15 in the Boone County Recorder's Office, also the Point of Beginning, thence N 89°02'46" W 256.50 feet to the SW corner of Lot 5 in said Hall's Addition, thence S 00°42'22" W 18.97 feet, thence S 89°17'38" E 256.50 feet, thence N 00°42'39" E 17.86 feet to the Point of Beginning.

Containing 4724 square feet, 0.1085 acres, more or less.

EXHIBIT B



- ParcelsFromCounty
- Lebanon City Lim
- Roads
- Highways

COOMBS ST

COOMBS ST

CRAWFORD STEPHEN E CRAWFORD STEPHEN E

KLOOZ NICHOLS E

SPANHOOK-BRIAN ARNOLD ROBERT D

RYAN ST

M/E RENTAL PROPERTIES LLC

M/E RENTAL PROPERTIES LLC

BOYLAND INVESTM

SUPERIOR ST

RYAN ST

RYAN ST

PRATT'S STORAGE LLC PRATT'S STORAGE LLC

CULLEY PAUL S RIEGEL FARM PROPERTIES LLC

HALE ST

