

ORDINANCE NO. 2010- /

SHORT TITLE: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONROE, COUNTY OF ADAMS, STATE OF INDIANA, WHICH VACATES A PORTION OF ONE ALLEYWAY, LOCATED IN THE INCORPORATED TOWN OF MONROE, ADAMS COUNTY, INDIANA.

WHEREAS, I.C. 36-9-1-7 identifies that platted alleyways are public ways; and

WHEREAS, the Town Council of the Town of Monroe, Adams County, Indiana, an incorporated community, is the unit empowered to vacate public ways within the its town limits; and

WHEREAS, pursuant to I.C. 36-7-3-12 adjoining owners of lots within the Town of Monroe, Adams County, Indiana, have petitioned the Town Council of the Town of Monroe, County of Adams, State of Indiana, to vacate a portion of a public alleyway within the Town of Monroe, Adams County, Indiana; and

WHEREAS, the Town of Monroe gave notice in accordance with I.C. 5-3-1 of a hearing on said Petition as required under I.C. 36-7-3-12(c), and

WHEREAS, at the hearing no person opposed the vacation of the public way as petitioned;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Monroe, County of Adams, State of Indiana, as follows:

1. Purpose. The purpose of this ordinance is to vacate a portion of a public way within the incorporated Town of Monroe, Adams County, Indiana
2. Vacation. After due notice, and having held a hearing, and having received no objections, the Members of the Town Council of the Town of Monroe, County of Adams, State of Indiana, hereby vacate that portion of the alleyway described as

follows:

A portion of 16.5 foot Alley that lies between Inlots Numbered Forty-six (46) to Fifty (50) and Inlots Numbered Sixty-six (66) to Seventy (70) in the Original Plat of the Town of Monroe, Adams County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Inlot Number Forty-nine (49) in the Original Plat of the Town of Monroe, Adams County, Indiana; thence Southerly, a distance of 16.50 feet to the Northeast corner of Inlot Number Sixty-nine (69) in the Original Plat of the Town of Monroe, Adams County, Indiana, said point also being on the South right-of-way line of a 16.5 foot alley; thence Westerly, a distance of 82.82 feet along said South right-of-way line to the East line of an existing tract described in Deed Record 217, Page 346 in the Office of the Recorder of Adams County, Indiana; thence Northeasterly, a distance of 16.59 feet along said East line to the North right-of-way line of said 16.5 foot alley; thence Easterly, a distance of 81.44 feet along said right-of-way line to the Point of Beginning. Containing **0.031 Acres**, more or less. Subject to easements of record.

and further described as **Tract 1** on **Exhibit A**, which **Exhibit A** is attached hereto, made a part hereof and incorporated herein by reference, which public way is located within the incorporated town of Monroe, Adams County, Indiana. Said vacated alleyway shall now be transferred in fee simple to the current owner of Lots 50 and 49 to the north of the alleyway and Lots 70 and 69 to the south of the alleyway, in the Town of Monroe, Adams County, Indiana.

3. Findings. The referenced vacation of alleyway in the incorporated town of Monroe, Adams County, Indiana, would not:
 - a. Hinder the growth or orderly development of the Town or neighborhood in which said alleyway is located or to which it is contiguous;
 - b. Make access to the lands of any person by means of a public way difficult or inconvenient;
 - c. Hinder the public's access to a church, school, or other public building or place;
 - d. Hinder the use of a public way by the neighborhood in which it is

located or to which it is contiguous;

e. Adversely affect police or fire protection;

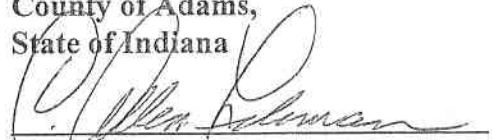
f. Harm any other person or entity.

4. Filing and Recordation. The clerk-treasurer of the Town Council of the Town of Monroe, is hereby directed to place a copy of the ordinance with the records of the Town of Monroe, Adams County, Indiana, to file a copy of this vacation ordinance with the Adams County Recorder for recording and to keep a copy of said vacation ordinance in the records of the Adams County Auditor.

5. Effective Date. This ordinance is effective thirty (30) days after the adoption of this ordinance unless any aggrieved person appeals this ordinance to the Circuit Court of Adams County, Indiana, within thirty (30) days of the date of the adoption of this ordinance.

DULY ADOPTED, PASSED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROE, ADAMS COUNTY, STATE OF INDIANA, THIS 4th DAY OF February, 2010.

**TOWN COUNCIL OF
TOWN OF MONROE
County of Adams,
State of Indiana**



C. Allen Lehman



Debra S. Burkhart

ABSTAINED

Michael J. Geels

ATTEST:



Rachel A. Burkhart, Clerk-Treasurer,
Town of Monroe, Adams County, Indiana

Miller Land Surveying, Inc.

221 Tower Drive P.O. Box 34 Monroe, IN 46772 Phone: 260-692-6166 Fax: 260-692-6242

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Legal Description Tract 1 0.031 Acres

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Survey Job #09111231

Date: January 8, 2010

Miller Land Surveying, Inc.