

TOWN OF MONROE,
STATE OF INDIANA

ORDINANCE No.: 2023- 4

SHORT TITLE: AN ORDINANCE VACATING ALLEYWAY
IN THE INCORPORATED TOWN OF MONROE

WHEREAS, Indiana Code §36-1-3, *et seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, the Town Board is responsible for the public safety and general welfare for the residents within the Town of Monroe;

WHEREAS, pursuant to Indiana Code §36-7-3-13, Steven Blocker ("Mr. Blocker") filed his Petition to Vacate Alleys in the Incorporated Town of Monroe, Adams County, Indiana ("Petition") with the Town Board;

WHEREAS, Mr. Blocker is the fee simple owner of the following described tracts of real estate located in Monroe Township, Adams County, Indiana marked as "Blocker, Steven Alan" and "Blocker, Steven A." Said tracts are more particularly described as follows:

Lot 89 Wisler's Add. to Town of Monroe, Indiana.

Commencing at the Southwest corner of Inlot Eighty-eight (88) of the Joseph Wisler Addition to the town of Monroe, thence running South one hundred and thirty two feet (132); thence West one hundred and thirty-six and one-half feet (136 ½); thence North one hundred and thirty-two feet (132); thence East one hundred and thirty-six and one-half feet (136 ½) to the place of beginning; said tract being a portion of the Northeast quarter 1/4 of section four (4) in township twenty six (26) North of range fourteen (14) East that lays East of the right of way of the Grand Rapids and Indiana Railroad except a row of lots heretofore having been conveyed from said tract along the North side of said tract as an addition to the town of Monroe.

Commonly known as East Walnut Street, Monroe, Indiana 46772
Parcel No. 01-08-04-200-037.000-011

WHEREAS, Mr. Blocker desires to vacate a portion of a platted, but unimproved alley, that is located between the tracts owned by Mr. Blocker, tracts owned by Blocker and Miller and between tracts owned by Blocker and the Loops, and which are contiguous to said tracts, being located in Monroe Township, Adams County, Indiana, which portions of said alley is more particularly described as follows:

Part of Wisler's Addition to the town of Monroe as described in Plat Book 1, Page 114 as recorded in the Office of the Recorder of Adams County, Indiana, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 89 in said Wisler's Addition; thence Easterly, a distance of 16.50 feet (Plat) along the South right-of-way of Walnut Street to the East right-of-way line of a 16.5 foot alley; thence Southerly, a distance of 148.50 feet (Plat) along said East right-of-way line to the South right-of-way line of a 16.5 foot alley; thence Westerly, a distance of 76.50 feet (Plat) along said South right-of-way line to the Southerly extension of the West line of Lot 89 in said Addition; thence Northerly, a distance of 16.50 feet (Plat) along said extension to the Southwest corner of said Lot 89; thence Easterly a distance of 60.00 feet (Plat) along said South line of said Lot 89 to the Southeast corner of said Lot; thence Northerly, a distance of 132.00 feet (Plat) along the East line of said Lot to the Point of Beginning. Containing 0.079 acres, more or less. Subject to easements of record. (Hereinafter referred to as the "Alleyway").

A copy of the survey of the Alleyway is attached to this Ordinance and incorporated herein.

WHEREAS, all other property owners contiguous to the Alleyway have disclaimed any interest in the same.

WHEREAS, the Town Board has followed all notice and procedural requirements set forth in Indiana Code §36-7-3-12 in reviewing, advertising, and accepting Mr. Blocker's Petition;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONROE, ADAMS COUNTY, INDIANA, AS FOLLOWS:

The Town Board vacates the Alleyway, which is to be added to Mr. Blocker's contiguous property in fee simple.

The Town Board shall provide copies of this Ordinance to the Office of the Recorder for Adams County, Indiana and the Office of the Auditor for Adams County, Indiana for recording.

Duly adopted by the Town Board of the Town of Monroe, Adams County, Indiana at its regular meeting on this 5th day of October, 2023, with the following vote of 2 Yes and 0 Nays.

Town Board for the Town of Monroe,
County of Adams, State of Indiana

Debra Giessler



Michael Geels



Jeffrey Johnson

ATTEST:



Rachel Tague, Monroe Clerk-Treasurer

STATE OF INDIANA

TOWN OF MONROE INDIANA

COUNTY OF ADAMS, SS

STEVEN A. BLOCKER,
Petitioner.

**PETITION TO VACATE ALLEYS IN THE INCORPORATED TOWN OF MONROE,
ADAMS COUNTY, INDIANA**

Comes now the Petitioner, Steven A. Blocker (herein after referred to as "Blocker") and pursuant to I.C. 36-7-3-12, respectfully petitions the Town Council of Monroe, Adams County, Indiana as follows:

1. Blocker is the fee simple owner of the following described tracts of real estate located in Monroe Township, Adams County, Indiana marked as "Blocker, Steven Alan" and "Blocker, Steven A." on Exhibit A attached hereto and incorporated herein by reference. Said tracts are more particularly described as follows:

Lot 89 Wisler's Add. to Town of Monroe, Indiana.

Commencing at the Southwest corner of Inlot Eighty-eight (88) of the Joseph Wisler Addition to the town of Monroe, thence running South one hundred and thirty two feet (132); thence West one hundred and thirty-six and one-half feet (136 2); thence North one hundred and thirty-two feet (132); thence East one hundred and thirty-six and one-half feet (136 2) to the place of beginning; said tract being a portion of the Northeast quarter 1/4 of section four (4) in township twenty six (26) North of range fourteen (14) East that lays East of the right of way of the Grand Rapids and Indiana Railroad except a row of lots heretofore having been conveyed from said tract along the North side of said tract as an addition to the town of Monroe.

Commonly known as East Walnut Street, Monroe, Indiana 46772
Parcel No. 01-08-04-200-037.000-011

2. Michael J. Miller ("Miller") is the fee simple owner of the following described tract of real estate located in Monroe Township, Adams County, Indiana marked as "Miller,

Michael J.” on Exhibit A attached hereto and incorporated herein by reference. Said tract is more particularly described as follows:

Sixty (60) feet off of the North side of Lot number Eighty Eight (88) in Wisler's Addition to the town of Monroe, Adams County, Indiana, and more particularly described as follows: Commencing at the Northeast corner of said Lot numbered Eighty Eight (88); thence 163 Y2 feet west; thence 60 feet south; thence 163 1/2 feet east; thence 60 feet north to the place of beginning.

3. Kara and Jeremy Loop (the “Loops”) are fee simple owners of the following described tract of real estate located in Monroe Township, Adams County, Indiana marked as “Loop, Jeremy J. & Kara R.” on Exhibit A attached hereto and incorporated herein by reference. Said tract is more particularly described as follows:

Lot Number One (1) in the Minnich Road Subdivision, being a subdivision of a part of the north half of the northeast quarter of Section 1, Township 28 North, Range 13 East, Adams County, Indiana.

Commonly known as: 3196 W 1200 N, Decatur, IN 46733
Parcel Number: 01-01-01-200-002.000-012

4. Blocker desires to vacate a portion of a platted, but unimproved alley, that is located between the tracts owned by Blocker, tracts owned by Blocker and Miller and between tracts owned by Blocker and the Loops, and which are contiguous to said tracts, being located in Monroe Township, Adams County, Indiana, as indicated on the attached survey marked as Exhibit A, which portions of said alley is more particularly described as follows:

Part of Wisler's Addition to the town of Monroe as described in Plat Book 1, Page 114 as recorded in the Office of the Recorded of Adams County, Indiana, being more particularly described as follows:
BEGINNING at the Northeast corner of Lot 89 in said Wisler's Addition; thence Easterly, a distance of 16.50 feet (Plat) along the South right-of-way of Walnut Street to the East right-of-way line of a 16.5 foot alley; thence Southerly, a distance of 148.50 feet (Plat) along said East right-of-way line to the South right-of-way line of a 16.5 foot alley; thence Westerly, a distance of 76.50 feet (Plat) along said South right-of-way line to the Southerly extension of the West line of Lot 89 in said Addition; thence Northerly, a distance of 16.50 feet (Plat) along said extension to the Southwest corner of said Lot 89; thence Easterly a distance of 60.00 feet (Plat) along said South line of said Lot

89 to the Southeast corner of said Lot; thence Northerly, a distance of 132.00 feet (Plat) along the East line of said Lot to the Point of Beginning. Containing 0.079 acres, more or less. Subject to easements of record.

5. Said platted alley is located in Monroe Township, Indiana, in the incorporated Town of Monroe, in Adams County, Indiana.

6. Said platted alley is not improved and is not used by the public.

7. The vacation of said alley would not:

a. Hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

b. Make access to the lands of any person more difficult or inconvenient;

c. Hinder the public's access to a church, school, or other public building or place; or

d. Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

8. Blocker recommends that the proposed vacation shall add the alley in fee simple to his property.

9. Miller and the Loops agree to the aforementioned vacation, as evidenced by Miller's and the Loops' Affidavits Disclaiming Interest in Alley Vacation attached hereto.

WHEREFORE, Steve Blocker request the Town Council for the Town of Monroe: 1) hold a hearing on this Petition within thirty (30) days after it is received; 2) prior to said hearing, give notice of this Petition and of the time and place of the hearing in the manner prescribed by Indiana Code §5-3-1 and by certified mail to each abutting land owner of the land proposed to be vacated; and 3) following said hearing on this Petition, vacate by ordinance the street as

proposed herein and direct Clerk-Treasurer for the Town of Monroe to furnish a copy of said ordinance to the Adams County Recorder for recording and also to the Adams County Auditor.

/s/ Clayton J. Lengerich
Clayton J. Lengerich, #35288-49
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