

BEFORE THE COMMON COUNCIL FOR THE
CITY OF CHARLESTOWN, INDIANA

ORDINANCE NO. 2005-OR-1

AN ORDINANCE VACATING PART OF AN ALLEY

WHEREAS, Clark W. Nickles and Brenda Nickles, husband and wife, the owners of a portion of real estate, petitioned the Common Council for the City of Charlestown, Clark County, Indiana, to vacate an unimproved part of an alley; and,

WHEREAS, the paid petition was filed pursuant to I. C. 36-7-3-12; and,

WHEREAS, the Common Council for the City of Charlestown, Clark County, Indiana, held a hearing on the petition on November 1, 2004, within thirty (30) days after the said petition was received, which hearing was continued to November 15, 2004; and,

WHEREAS, notice of the petition and of the time and place of the hearing was given in accordance with I.C. 36-7-3-12(c), and the Petitioner has paid the expense of providing the notice; and,

WHEREAS, the City has decided that the petition to vacate an unimproved alley should be granted;

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Charlestown, Indiana, as follows:

1. FINDINGS. The Common Council conducted a public hearing on November 1, 2004, and continued to November 15, 2004, and continued to January 3, 2005.. The unimproved portion of a part of the unimproved alley, which the Petitioner proposes to be vacated, have never been used as a public way, despite the fact that it has been platted as a public way. The City has no plans or intentions to develop the subject section of a part of the alley. The proposed vacation of the subject unimproved alley will not adversely affect the property values of any surrounding land owners. The proposed vacation will not hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous. The proposed vacation will not affect in any way the access to the lands of surrounding owners, as the subject unimproved alley has never been used as a roadway and/or alley, and has never been traveled by the public as access to any surrounding lands. The proposed vacation will not hinder the public's access to a church, school, or other public building or place. The vacation of the subject alley will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

2. VACATION OF A PORTION OF PART OF AN ALLEY.

That the part of said alley described below shall be, and is hereby, vacated by the City of Charlestown, Indiana, to-wit:

Being a part of a 12 foot alley in the City of Charlestown, Clark County, Indiana and being further described as follows: Beginning at a steel pin on the South corner of Lot 17 in said City; Thence N. 49 deg. 49' 02" E. along the northwest line of said alley 514.35 feet (to a point 32 feet S. 49 deg. 49' 02" W. from the East corner of Lot 229 in said City); Thence S. 40 deg. 02' 09" E. 12' to the southeast line of said alley; Thence S. 49 deg. 49' 02" W. along said southeast right-of-way line, 514.36 feet to the northeast right-of-way line of Harrison Avenue; Thence N. 39 deg. 59' 01" W. along said right-of-way line, 12 feet to THE PLACE OF BEGINNING.

Containing 6172 square feet.

Subject to any and all existing easements for water and sewer.

3. That the vacated alley shall become the property of Clark W. Nickles and Brenda Nickles, husband and wife.

4. A copy of the plat is attached herewith and made a part hereof.

5. COPY OF COUNCIL OFFICIALS. The Clerk-Treasurer shall furnish a copy of this ordinance to the County Recorder for recording, and to the County Auditor in compliance with Indiana Code 36-7-3-12.

THIS ORDINANCE ADOPTED on this 3rd day of January, 2005.

CITY COUNCIL

Michael S. Hall

Mike Hall, Mayor

Matthew Woods

Jeff Aaron

Bruce M. Bottoff

Jerry Price

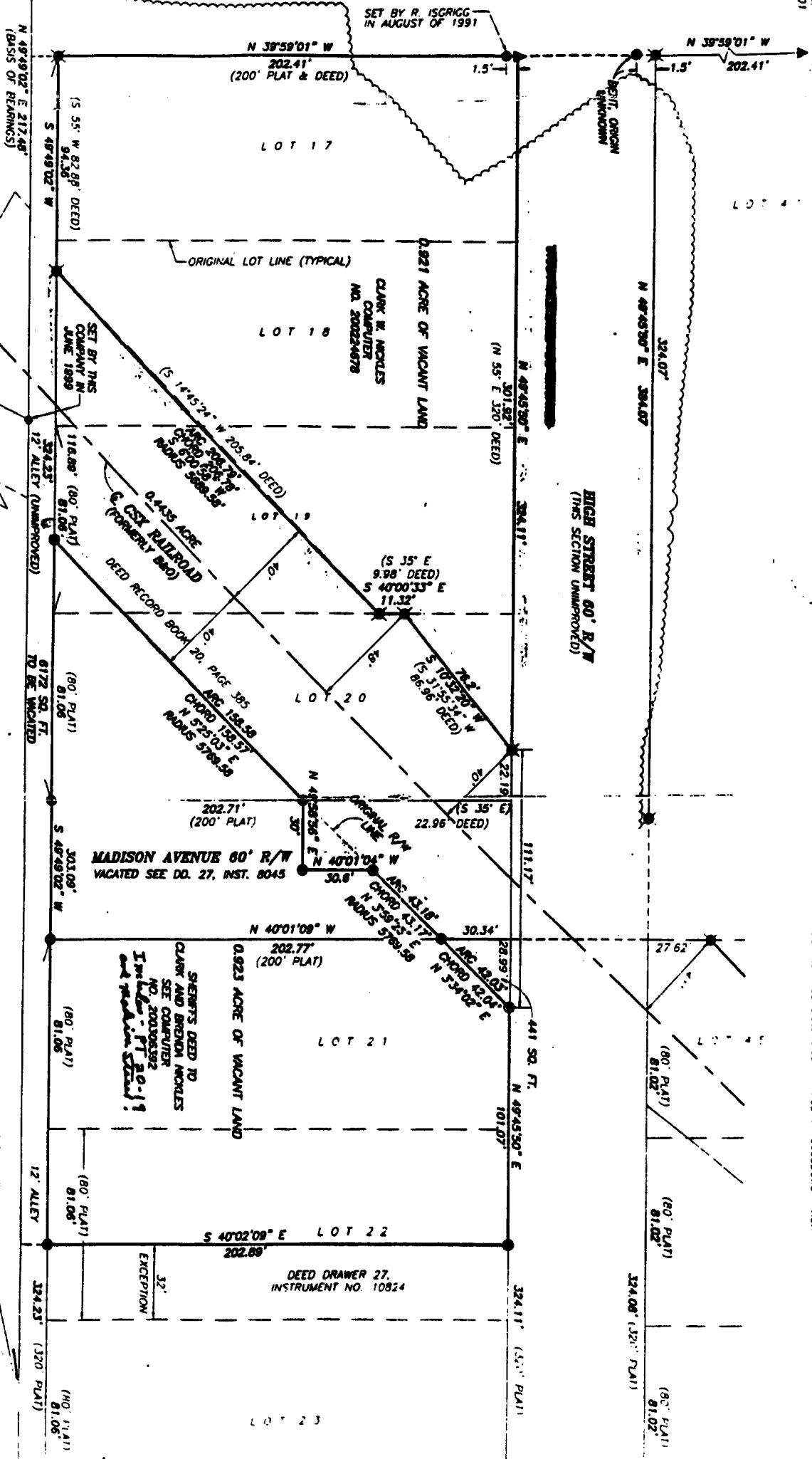
Brian Walker

ATTEST:

Donna Coomer

Donna Coomer,
Clerk-Treasurer

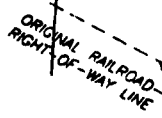
HARRISON AVENUE 60' R/W



DESCRIPTION OF 0.921 ACRE SHOWN

17 and part of lots 18, 19 and 20 in the City of Charlestown, Clark County, Indiana and
 of the following:

show pin on the west corner of said Lot 17 being the eastern intersection of High Street and
 the N48°45'30"E along the railroad right-of-way line of said High Street, S01°32' West



STATE HIGHWAY 62

OWNER: CLARK
 1501
 CHARL

SURVEY AND DEED
 OF LOT 22 AND
 CHARLESTOWN,