



DEC ' 9 2013

Mary B Beery
AUDITOR ADAMS COUNTY

ORDINANCE NO. 2013- 2

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

1700

Adams, State of Indiana, hereby vacate that portion of the alleyway described as follows:

Beginning at the Northeast corner of Inlot number Seventy-one (71) in the Original Plat of the Town of Monroe, Adams County, Indiana, as the same as appears of record in Plat Book 1 at Page 6 of the records of Adams County, Indiana; thence Westerly, a distance of 200.00 feet along the South line of a 16.5 foot alley; thence Northerly, a distance of 16.50 feet to the Northerly line of said 16.5 foot alley; thence Easterly, a distance of 200.00 feet along said Northerly line to the Southeast corner of Inlot number Fifty-one (51) in said Original Plat; thence Southerly, a distance of 16.50 feet to the Point of Beginning. Containing 0.076 Acres, more or less.

and further described as **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 51, 52, 53, and 54 to the north of the alleyway and Lots 71, 72, 73, and 74 to the south of the alleyway, in the Town of Monroe, Adams County, Indiana.

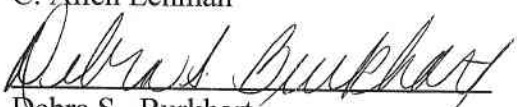
3. Findings. The referenced vacation of alleyway in the incorporated town of Monroe, Adams County, Indiana, would not:
 - a. Hinder the growth or orderly development of the Town or neighborhood in which said alleyway is located or to which it is contiguous;
 - b. Make access to the lands of any person 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 5th DAY OF December, 2013.

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


C. Allen Lehman


Debra S. Burkhart


Michael J. Geels

ATTEST:

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

Corporate Office
 221 Tower Drive
 Monroe, IN 46772
 Phone: (260) 692-6166
 Fax: (260) 692-6242

Brett R. Miller, PLS No.LS20300059
 Robert J. Marucci, PLS No.LS20400028
 Larry W. Owen, PLS No. S-0334

Miller Land Surveying, Inc.

EXHIBIT "A"

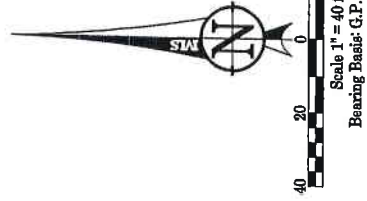
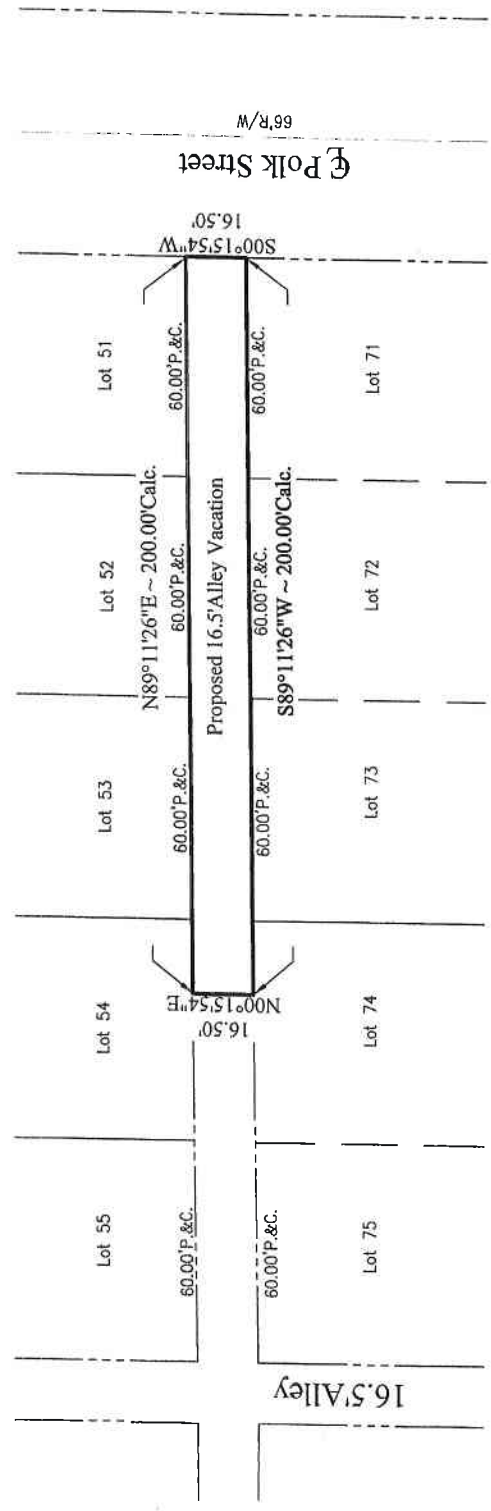
Precision and Professionalism is where we draw the line.

Fort Wayne Office
 217 Airport North Office Park
 Fort Wayne, IN 46825
 Phone: (260) 489-8571
 Fax: (260) 489-8570



Easement Description

Beginning at the Northeast corner of Inlot number Seventy-one (71) in the Original Plat of the Town of Monroe, Adams County, Indiana, as the same as appears of record in Plat Book 1 at Page 6 of the records of Adams County, Indiana, thence Westerly, a distance of 200.00 feet along the South line of a 16.5 foot alley; thence Northerly, a distance of 16.50 feet to the Northerly line of said 16.5 foot alley; thence Easterly, a distance of 200.00 feet along said Northerly line to the Southeast corner of Inlot number Fifty-one (51) in said Original Plat; thence Southerly, a distance of 16.50 feet to the Point of Beginning. Containing 0.076 Acres, more or less.



Survey No. 13102493
 County: Adams
 For: Zurcher Tire
 IN WITNESS WHEREOF, I hereunto place my hand and seal this 21st day of November, 2013.

Brett R. Miller
 Brett R. Miller, PLS No. 20300059

(Drawing Name: 13102493.dwg)

- Legend**
- R/W - Right of Way
 - POB - Point of Beginning
 - M. - Measured
 - R. - Record
 - C. - Calculated
 - D. - Deed
 - ℄ - Center Line

EXHIBIT A