

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2024-11

AN ORDINANCE VACATING A PLATTED ALLEYWAY IN AUSTIN, INDIANA

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF
AUSTIN, INDIANA:**


1. EJG PROPERTIES, LLC (“Petitioner”) owns or controls the property known as 125 N. 2nd St., Austin, Indiana 47102.
2. The Petitioner has filed a petition with the City of Austin requesting the vacation of certain public rights-of-way within the City of Austin that is contiguous to its property.
3. The Petitioner is requesting that a platted alleyway be vacated that is legally described in Exhibit “A” attached hereto and incorporated herewith. The plat map showing the location of the alleyway that is the subject of the request is marked Exhibit “B”, attached hereto, and incorporated herein.
4. That after due and proper notice a timely public hearing was convened and held by the Common Council of the City of Austin, at which time all interested parties were permitted to address the Common Council regarding said vacation petition.
5. That the Common Council of the City of Austin, after due investigation and consideration, has determined that the vacation of that part of the public way or public place as described and depicted on the exhibits attached hereto is warranted.
6. Therefore, the Common Council of the City of Austin, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of

Austin does hereby vacate that portion of the public way or public place as described herein subject to any and all easements, conditions, restrictions, covenants and other rights-of-way of record.

7. That title in fee simple to the described vacated property in Exhibit "A" shall be transferred to the adjoining property owners, extending the boundaries of the adjoining parcels of real estate, by parallel lines, to be centerline of the public way herein vacated.
8. All ordinances, resolutions, and orders (or parts thereof) that conflict with the provisions of this Ordinance is hereby repealed to the extent of such conflict.
9. If any section, paragraph, or provision of this Ordinance is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.
10. This Ordinance shall be in full force and effect from and after its passage and recording according to law.

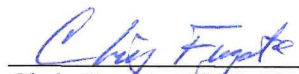
Passed and adopted this 13th day of August 2024.

Common Council City of Austin, Indiana



Roger Hawkins, Presiding Officer

Attest:



Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on August 13, 2024 at 5:17 p.m.



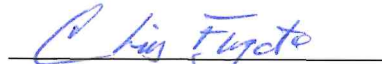
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on August 13, 2024 at 5:17 p.m.



Roger Hawkins, Mayor

Attest:



Chris Fugate, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Joshua Stigdon

PREPARED BY: Joshua Stigdon, #29501-72
Houston, Thompson, and Lewis, PC
59 E. Wardell St.
Scottsburg, IN 47170

EXHIBIT "A"

LEGAL DESCRIPTION OF ALLEYWAY

The alley, 16 feet in width, that lies between the south line of Lots Numbered Seven (7) through Nine (9), 111.75 feet in length, and the north line of Lots Numbered Ten (10) through Fourteen (14), 143.75 feet in length, all in Block 1, as shown on the Plat of Fairview Addition Block 1 to the Town (now City) of Austin, Scott County, Indiana recorded in Deed Record 25, Page 338, Office of the Recorder, Scott County, Indiana, more particularly described as follows:

Beginning at the southeast corner of Lot Number Seven (7) of the Fairview Addition Block 1 to the Town (now City) of Austin, Scott County, Indiana; thence West (assumed bearing) 111.75 feet to the southwest corner of Lot Number Nine (9) of said addition; thence south 16 feet to the northwest corner of Lot Number Fourteen (14) of said Addition; then East 143.75 feet to the northeast corner of Lot Number Ten (10); then Northwest 17.14 feet to the point of beginning, all in Block 1, containing 0.052 acre, and being subject to all legal rights of way.

END OF LEGAL DESCRIPTION

EXHIBIT "B"

MAP

