

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2024-04

**AN ORDINANCE VACATING A PORTION OF PLATTED ALLEYWAY IN
AUSTIN, INDIANA KNOWN AS WALNUT STREET**

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

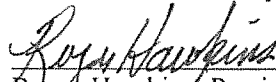
1. Thomas R. McLemore ("Petitioner") owns or controls the property known as 76 N. Railroad St. and N. Railroad St., Austin, Indiana 47102.
2. The Petitioner has filed a petition with the City of Austin requesting the vacation of certain public rights-of-way within the City of Austin.
3. The Petitioner is requesting that a portion of 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 in paragraph 3 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 in paragraph 3 subject to any and all easements, conditions, restrictions, covenants and other rights-of-way of record.

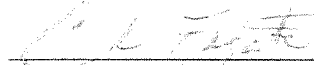
7. The Mayor of the City of Austin is hereby authorized to execute a Quitclaim Deed to the Petitioner, or its designee, effectuating the vacation of the described rights-of-way in paragraph 3.
8. This Ordinance shall be in full force and effect from and after its passage and recording according to law.

Passed and adopted this 14th day of May 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 May 14, 2024 at 5:07 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 May 14, 2024 at 5:07 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 TO BE VACATED

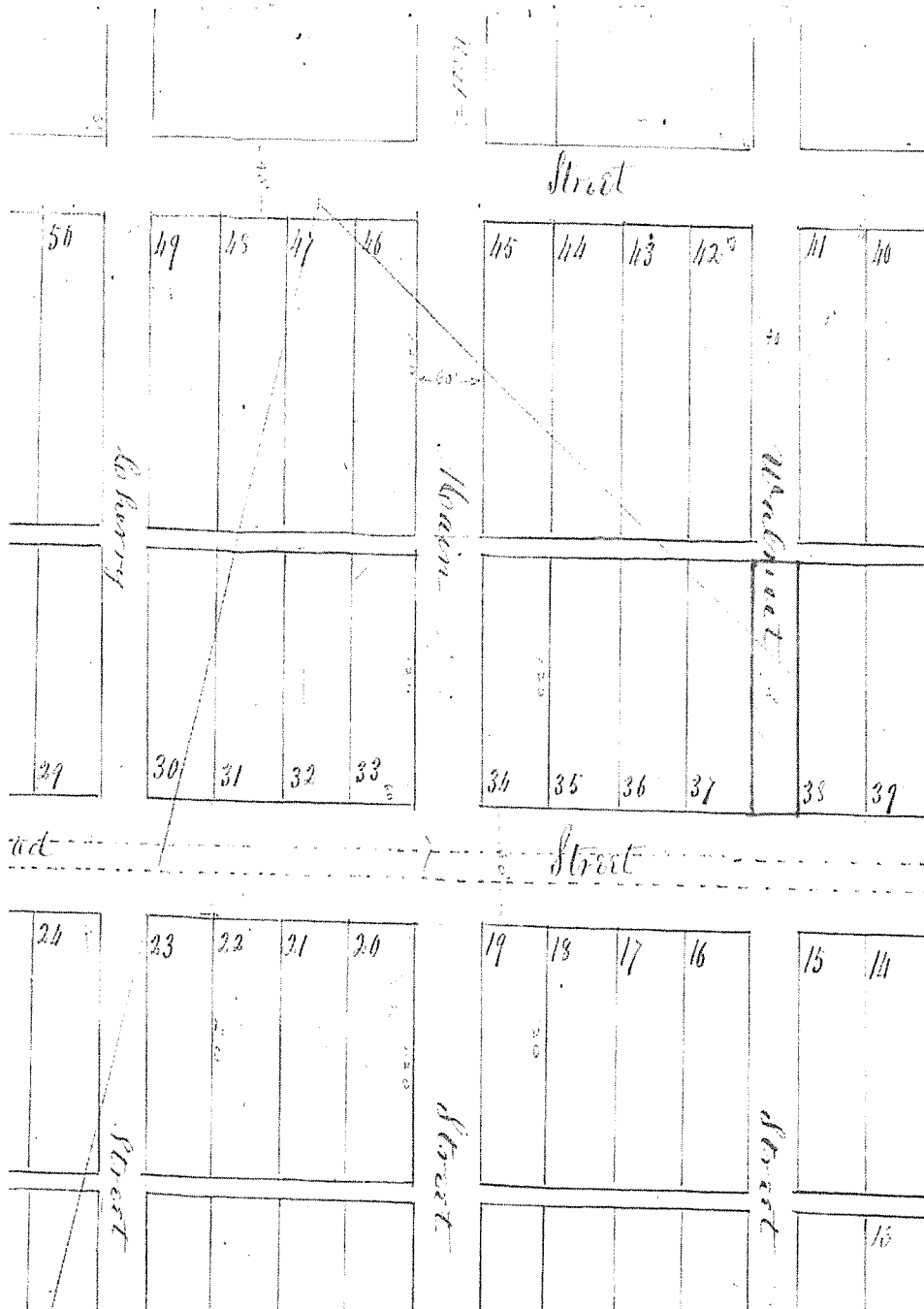
That part of Walnut Street, 40 feet in width, that lies between the northwesterly line of Lot Number Thirty Seven (37), 120 feet in length, and the southeasterly line of Lot Number Thirty Eight (38), 120 feet in length, as shown on the Plat of the Original Town (now City) of Austin, Scott County, Indiana recorded in Deed Record "N", Page 21, Office of the Recorder, Scott County, Indiana, more particularly described as follows:

Beginning at the west corner of Lot Number Thirty Seven (37) of the Original Town (now City) of Austin, Scott County, Indiana; thence North 64 degrees East (assumed bearing) 120 feet to the north corner of said lot; thence North 26 degrees West 40 feet to the east corner of Lot Number Thirty Eight (38) of said Town; thence South 64 degrees West 120 feet to the south corner of said lot; thence South 26 degrees East 40 feet to the point of beginning, containing 0.110 acre, and being subject to all legal rights of way.

Said description was prepared by Registered Land Surveyor Mark Gardner on April 5, 2024 as Job Number 240123.

END OF LEGAL DESCRIPTION

EXHIBIT "B"



Plat of the Original Town (now City) of Austin, Scott County, Indiana recorded in Deed Record "N", Page 21