



COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2024- 7

**AN ORDINANCE VACATING A PORTION OF PLATTED ALLEYWAY IN
AUSTIN, INDIANA**

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

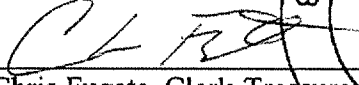
1. The Austin Redevelopment Commission ("Petitioner") owns or controls the property known as 609, 641, and 691 W. Main St., Austin, Indiana 47102 and the corner of Cherry Street and Sixth Street in Austin, Indiana.
2. The Petitioner has filed a petition with the City of Austin requesting the vacation 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 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.

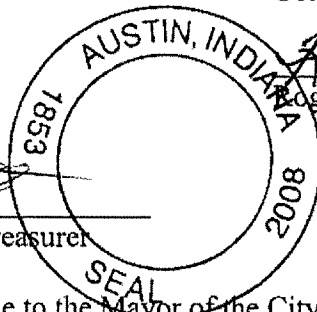
6. Therefore, the Common Council of the City of Austin, Indiana, does hereby find the above-described public way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Austin does hereby vacate that portion of 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.

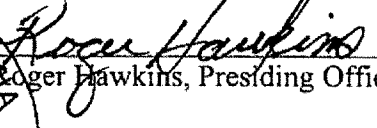
Passed and adopted this 11th day of June 2024.

Common Council City of Austin, Indiana

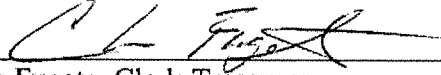
Attest:


Chris Fugate, Clerk-Treasurer

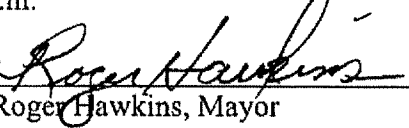



Roger Hawkins, Presiding Officer

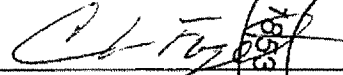
Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on June 11, 2024 at 5:25 p.m.

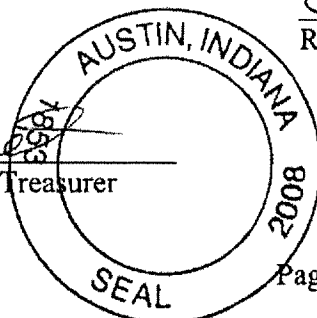

Chris Fugate, Clerk-Treasurer

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 June 11, 2024 at 5:25 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

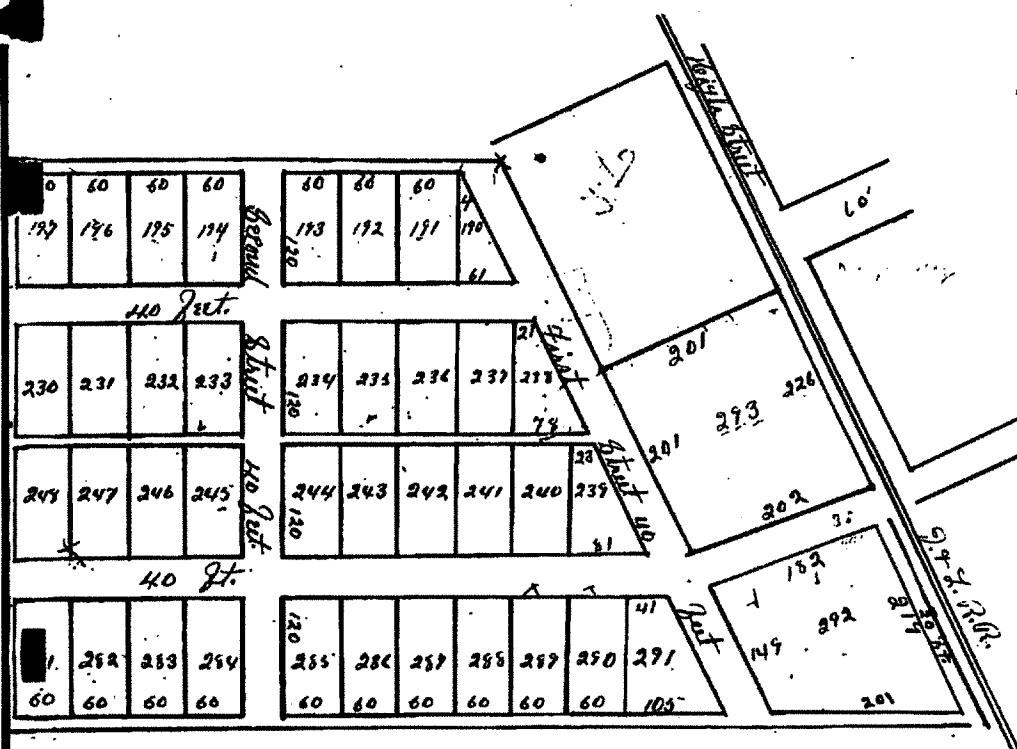
The alley, 10 feet in width, that lies between the south line of Lots Numbered Two Hundred Fourteen (214) through Two Hundred Seventeen (217), 240 feet in length, and the north line of Lots Numbered Two Hundred Sixty One (261) through Two Hundred Sixty Four (264), 240 feet in length, as shown on the Plat of Austin Canning Company's Addition to the Town (now City) of Austin, Scott County, Indiana as described in Deed Record 16, Page 468, Office of the Recorder, Scott County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Lot Number Two Hundred Fourteen (214) of the Austin Canning Company's Addition to the Town (now City) of Austin, Scott County, Indiana; thence East (assumed bearing) 240 feet to the southeast corner of Lot Number Two Hundred Seventeen (217) of said addition; thence South 10 feet to the northeast corner of Lot Number Two Hundred Sixty One (261) of said addition; thence West 240 feet to the northwest corner of Lot Number Two Hundred Sixty-Four (264); thence North 10 feet to the point of beginning, containing 0.055 acre (2400 square feet) and being subject to all legal rights of way.

Said description was prepared by Registered Land Surveyor Mark Gardner on April 29, 2024, as Job Number 240137.

END OF LEGAL DESCRIPTION

EXHIBIT "B"



State of Indiana Scott County ss:
 Before me the undersigned County Surveyor in and for
 said County this 13 day of March 1907 personally appeared
 Joseph S. Morgan President and J. C. Morgan Secretary
 of the Austin Canning Company and acknowledged
 the execution of the Annexed Plat

Witness my hand and official seal

Michael U. Harbold *(Seal)*
 Surveyor Scott County Ind.

Recorded March 13th 1907 at 3 P.M.

Jno. L. Bartle

R.S.B.