EDINBURGH TOWN COUNCIL

ORDINANCE NO. 2024-4

AN ORDINANCE VACATING A PORTION OF UNION STREET, A CERTAIN PUBLIC WAY THAT IS PART OF MUTZ & LYNCH'S ADDITION

WHEREAS, the Town of Edinburgh's Water Department submitted a Petition to Vacate a Public Way pursuant to Indiana Code 36-7-3-12 to the Edinburgh Town Council ("Council") on the 17th day of January, 2024. ("Petition")

WHEREAS, the Petition requested that the Council vacate Union Street, a public way that is an alley extending east-to-west between North Main Street and North Walnut Street and is depicted in attached Exhibit "A" and more particularly described as follows:

> PART OF MUTZ & LYNCH'S ADDITION TO THE TOWN OF EDINBURG, INDIANA, THE PLAT OF WHICH IS RECORDED IN P.C. C, SLIDE 417 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE NORTHWEST CORNER OF LOT 9 IN SAID PLAT; THENCE NORTHERLY A DISTANCE OF 11 FEET TO THE SOUTH LINE OF A TRACT OF LAND RECORDED IN BOOK 272 PAGE 681 IN SAID RECORDER'S OFFICE; THENCE EASTERLY ALONG SAID SOUTH LINE A DISTANCE OF 293 FEET; THENCE SOUTHERLY A DISTANCE OF 11 FEET TO THE NORTHEAST CORNER OF LOT 8 IN SAID PLAT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOTS 8 AND 9 A DISTANCE OF 293 FEET TO THE PLACE OF BEGINNING CONTAINING 0.074 ACRES, MORE OR LESS.
>
> (referred to as "Alley")

WHEREAS, the Alley is located within the Town of Edinburgh's town limits and therefore the Council has authority under Indiana Code 36-9-2-5 to vacate the same.

WHEREAS, the Council deemed the Petition was submitted in proper form and contained the required information proscribed by Indiana Code 36-7-3-12.

WHEREAS, the Council held a public hearing at the Edinburgh Town Hall on the Petition on the 12th day of February, 2024 in accordance with Indiana Code 36-7-3-12(d). ("Hearing")

WHEREAS, that prior to the Hearing, the Town of Edinburgh's Clerk-Treasurer issued notices of the Hearing to the property landowners in accordance with Indiana Code 36-7-3-12(c).

WHEREAS, that at the Hearing, the Council approved the Petition and vacated the Alley.

NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:

I. VACATION OF ALLEYS

a. That in accordance with Indiana Code 36-7-3-12(e) the Council hereby vacates the following public way:

i. PART OF MUTZ & LYNCH'S ADDITION TO THE TOWN OF EDINBURG, INDIANA, THE PLAT OF WHICH IS RECORDED IN P.C. C, SLIDE 417 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 9 IN SAID PLAT; THENCE NORTHERLY A DISTANCE OF 11 FEET TO THE SOUTH LINE OF A TRACT OF LAND RECORDED IN BOOK 272 PAGE 681 IN SAID RECORDER'S OFFICE; THENCE EASTERLY ALONG SAID SOUTH LINE A DISTANCE OF 293 FEET; THENCE SOUTHERLY A DISTANCE OF 11 FEET TO THE NORTHEAST CORNER OF LOT 8 IN SAID PLAT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOTS 8 AND 9 A DISTANCE OF 293 FEET TO THE PLACE OF BEGINNING CONTAINING 0.074 ACRES, MORE OR LESS.

II. RECORDATION

a. That in accordance with Indiana Code 36-7-3-12(e), the Town of Edinburgh's Clerk-Treasurer shall furnish a copy of this Ordinance to the Johnson County Recorder for purposes of recording the same and to the Johnson County Auditor.

III. EXECUTION OF DEEDS

a. The President of the Town Council is authorized to execute all documents necessary to accomplish the purpose of this Ordinance.

IV. REPEALER

a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

V. SEVERABILITY

a. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

VI. EFFECTIVE DATE

a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

ADOPTED this 11 day of March 2024.

EDINBURGH TOWN COUNCIL

Ryan Piercefield, Council President

Miriam Rooks, Vice President

Debbie Buck, Member

Sherri Sweet, Member

Michael Bryant, Member

ATTEST:

Rhonda Barrett, Clerk-Treasurer