Sponsor: Councilor Kimball

ORDINANCE D-2538-20

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA VACATING RIGHT-OF-WAY LOCATED WITHIN LOTS 13 and 14 of HENRY ROBERTS HEIRS ADDITION

Synopsis: Vacates one 10' alley between lots 13 and 14 in Henry Roberts Heirs addition, addressed as 120 1st Ave. NW and 126 1st Ave NW, Carmel, IN 46032

WHEREAS, Old Town Companies LLC ("Petitioners"), have filed a Petition for Vacation of Public Right-of-Way (the "Petition") with the City of Carmel, Indiana, pursuant to Indiana Code §36-7-3-12(b), which is attached hereto and incorporated herein as Exhibit C;

WHEREAS, the public right-of-way to be vacated, one alley located between Lot 14 of Henry Roberts Heirs Addition, parcel 3 and part of Lot 13 Henry Roberts Heirs Addition, parcel 2, are described in Exhibit A and Exhibit B, attached hereto and incorporated herein (the "Right-of-Way");

WHEREAS, the vacation of the Right-of-Way will allow the Petitioners to eliminate a curb cut at the front of the homes, along 1st Ave NW, enhance the aesthetic beauty of the front yards, eliminate an underutilized alley and take advantage of a city improved, brick paved alley to the rear of the homes.

WHEREAS, the City of Carmel Board of Public Works and Safety voted to recommend the vacation of the Right-of-Way at its meeting on July 1, 2020;

WHEREAS, pursuant to IC 36-7-3-12(c), a properly noticed public hearing on proposed vacation of Right-of-Way was held by the Common Council of the City of Carmel, Indiana, on the 3rd day of August, 2020;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Right-of-Way be, and hereby is, vacated and ownership thereof shall revert to the abutting property owners.

Section 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ordinance D-2538-20 Page One of Two

This instrument was prepared by Grant C. Chapman, General Counsel, Old Town Companies, 31 1st St SW, Carmel, IN 46032.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Grant C. Chapman. C:\Users\DELL\Downloads\D-2538-20 Alley Vacation of ROW Ordinance.docx

PASSED by the Common Council, 2020, by a vote of ayes and	of the City of Carmel, Indiana, this day of nays.
COMMON COUNCIL I	FOR THE CITY OF CARMEL
Laura D. Campbell, President	Sue Finkam, Vice-President
H. Bruce Kimball	Kevin D. Rider
Anthony Green	Jeff Worrell
Timothy J. Hannon	Miles Nelson
Adam Aasen ATTEST:	
Sue Wolfgang, Clerk	
Presented by me to the Mayor of the C	City of Carmel, Indiana this day ofM.
	Sue Wolfgang, Clerk
Approved by me, Mayor of the City of 2020, at	f Carmel, Indiana, this day ofM.
ATTEST:	James Brainard, Mayor
Sue Wolfgang, Clerk	
Ordinance D-2538-20 Page Two of Two Pages	
This instrument was prepared by Grant C. Chapman, G Carmel, IN 46032.	eneral Counsel, Old Town Companies, 31 1st St SW,

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Grant C. Chapman. C:\Users\DELL\Downloads\D-2538-20 Alley Vacation of ROW Ordinance.docx

VACATION EXHIBIT A

ALLEY BETWEEN LOTS 13-14, HENRY ROBERTS HEIRS ADDITION CARMEL, INDIANA

LAND DESCRIPTIONS

A 10 FEET ALLEY BETWEEN LOTS 13 AND 14 IN HENRY ROBERT'S HEIRS ADDITION TO THE TOWN OF CARMEL, INDIANA AS PER PLAT THEREOF RECORDED IN DEED RECORD 97. PAGE 12 IN THE RECORDERS OFFICE OF HAMILTON COUNTY INDIANA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14 RUN THENCE SOUTH 89° 41' 22° WEST, 155,18 FEET, ALONG THE NORTH LINE OF SAID LOT, TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE EAST RIGHT OF WAY OF AN EXISTING 10 FOOT ALLEY, NORTH 00° 18' 14" WEST, 10.00 FEET TO THE SOUTHWEST CORNER OF LOT 13 IN SAID ADDITION; THENCE ALONG THE SOUTH LINE THEREOF, NORTH 89° 41' 22" EAST, 155,18 FEET TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE ALONG THE WEST RIGHT OF WAY LINE OF 1ST AVENUE NORTHWEST, SOUTH 00°18' 37" EAST, 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 15,518 SQUARE FEET (0.036 AC) MORE OR LESS.

LAND SURVEYOR'S CERTIFICATE

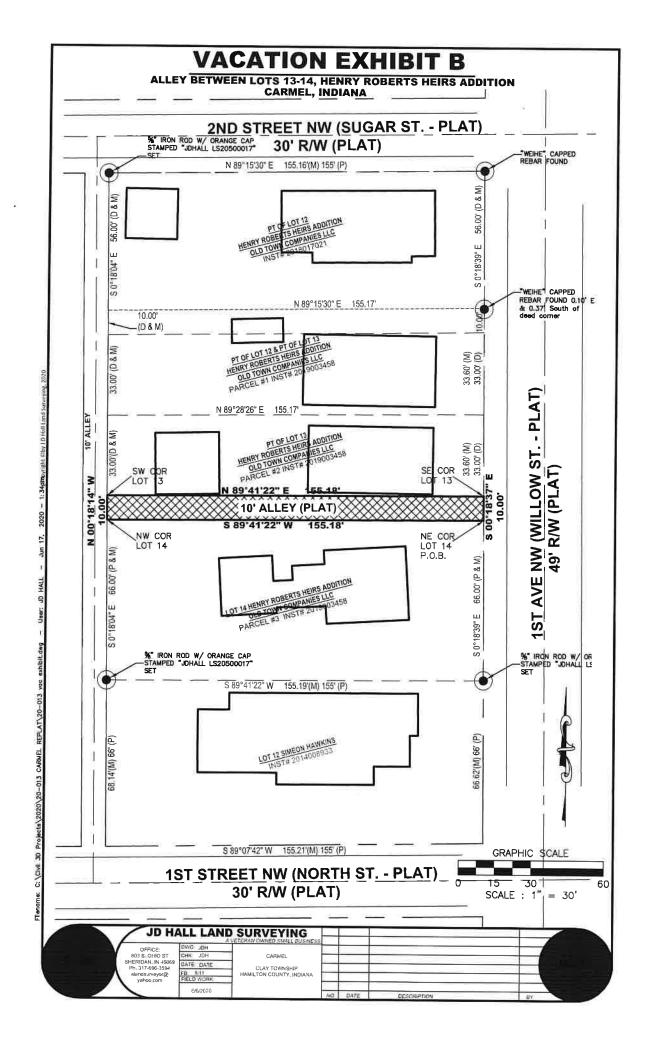
The undersigned, a Registered Land Surveyor of the State of Indiana does hereby certify that the attached plat and above legal description were prepared under his direct supervision, and to the best of his knowledge and belief was executed in accordance with the requirements of the Indiana Survey Standards as defined in Title 865, Article 1, Rule 12 of the Indiana Administrative Code.

CERTIFIED BY: ______ DATE: 6/17/2020 JAMES D. HALL, LS20500017

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. JAMES D. HALL

Prepared by: JAMES D. HALL









1st Ave NW Alley Vacation Context Ordinance D-2538-20 Exhibit C