

ORDINANCE 11- 06
AN ORDINANCE VACATING A CERTAIN ALLEY

WHEREAS, on proper petition after public notice and hearing as provided by law, the Cass County Commissioners have heard evidence and testimony recommending that a certain alleys be vacated and abandoned, which alleys are more fully described as follows:

- a. An east-west alley approximately 160 feet in length and 10 feet in width located west of School Street and south of Main Street in Twelve Mile, Indiana which alley is contiguous to the north of Lot 5 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana and contiguous to the south of Lots 1 to 4 inclusive of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana.
- b. A north-south alley approximately 208 feet in length and 10 feet in width located west of School Street and south of Main Street in Twelve Mile, Indiana which alley is contiguous to the west of Lot 4 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana and contiguous to the east of a tract of land more fully described as Tract III in Deed Record Book 260, Pages 597 and 597A of the records on file in the office of the Recorder of Cass County, Indiana.

WHEREAS, the adjoining landowners that might be affected by the vacation of said alley have been duly notified and input has been requested from them, and the vacation of said alley will have no adverse effect to them;

NOW THEREFORE, be it ordained by the Cass County Commissioners, Cass County, Indiana, as follows:

1. That the Petitioner, Anthony L. Paul, is the owner of the following described real estate situated in Twelve Mile, Cass County, Indiana to-wit:

Lots 5 & 6 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana.

2. That located contiguous to the above described real estate of Anthony L. Paul are two platted alleys, more fully described as follows:

- a. An east-west alley approximately 160 feet in length and 10 feet in width located west of School Street and south of Main Street in Twelve Mile, Indiana which alley is contiguous to the north of Lot 5 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana and contiguous to the south of Lots 1 to 4 inclusive of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana.
- b. A north-south alley approximately 208 feet in length and 10 feet in width located west of School Street and south of Main Street in Twelve Mile, Indiana which alley is contiguous to the west of Lot 4 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana and contiguous to the east of a tract of land more fully described as Tract III in Deed Record Book 260, Pages 597 and 597A of the records on file in the office of the Recorder of Cass County, Indiana.

3. That the vacation of these alleys will not hinder the growth or development of the unit of our neighborhood in which they are located, will not make access to lands to any person by means of public way difficult or inconvenient, will not hinder the public's access to any church, school, or any public building or place, or hinder the public way by the neighborhood in which it is located, and is of no public benefit or use.

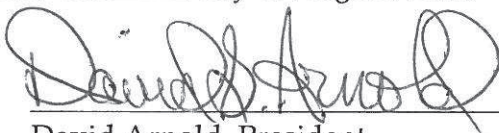
4. That said alleys are now declared abandoned and vacated and the ownership of said alleys shall vest as follows:

- a. The east-west alley between its intersection with School Street and its intersection with the extended west line of Lot 5 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana, shall be divided equally between all adjoining lot owners so that the north one-half of the entire width of said alley shall once again become part of Lots 1 to 4 Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana and the south one-half of the entire width of said alley shall once again become part of Lot 5 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana.

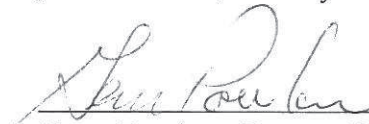
b. The entire platted length of the north-south alley between its intersection with Main Street and its intersection with that certain parcel of real estate owned by Gertrude R. Townsend, Trustee of the George L. Townsend Revocable Trust, shall be divided equally between all adjoining lot owners so that the west one-half of the entire width of said alley shall once again become part of that certain parcel of real estate located contiguous to said alley and currently owned by Gertrude R. Townsend, Trustee of the George L. Townsend Revocable Trust and the east one-half shall once again become part of Lots 4 and 5 of Stephen Eurit's Second Addition to the Town of Twelve Mile, Indiana including the increase in size of those Lots by the vacation of the east-west alley.

5. That this ordinance shall be in full force and effect from and after its passage.

Passed by the Cass County Commissioners, this ____ day of August, 2011.


David Arnold, President


James Sailors, County Commissioner


Gene Powlen, County Commissioner

ATTEST:


Vaneen Ide, Cass County Auditor

