

ORDINANCE NO. 05-19

**BEFORE THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE
AN ORDINANCE VACATING AN ALLEY
LOCATED ON THE MORTON CENTER PROPERTY**

Petitioner, the City of West Lafayette, having filed its Petition to Vacate an Alley located on the Morton Center Property, and the Common Council of City of West Lafayette finding the Petition is in the proper form, it is now determined:

WHEREAS, the alley to be vacated is located on the Morton Center Property and is an alley approximately 12-foot wide running east to west directly south of lot number 36 and the School Donation Lot and directly north of contiguous lots numbered 29, 30, 31, 32, 33, 34, and 35 of the Northeastern block of the Plat of Kingston. A true and accurate legal description of the alley is attached as Exhibit "A;"

WHEREAS, the contiguous property to the alley to be vacated is the property of the City of West Lafayette;

WHEREAS, the City of West Lafayette, petitioner for the vacation of such alley, has complied with the provisions of the Indiana Code; and

WHEREAS, the City of West Lafayette, being the owner of all contiguous properties, does not dispute that the entire referenced alley should be vacated in favor of the City of West Lafayette.

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of West Lafayette that:

Section 1. The approximately 12-foot wide alley containing 0.091 acres located on the Morton Center Property running east to west directly south of lot number 36 and the School Donation Lot and directly north of contiguous lots numbered 29, 30, 31, 32, 33, 34, and 35 in the Northeastern block of the Plat of Kingston as shown in a legal description attached hereto and incorporated herein as Exhibit "A", is hereby vacated and transferred, in fee, to the City of West Lafayette;

Section 2. The vacation of the alley is subject to the rights of all public utilities in the alley, and the Petitioner requesting such vacation shall be responsible to the public utilities for any vacating, re-arrangement, or relocating costs in the event the same are necessary.

Section 3. All costs incident to the above-mentioned vacation are to be paid by Petitioner.

Section 4. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are repealed.

Section 5. This ordinance shall become effective on final passage.

INTRODUCED ON FIRST READING ON THE 4 DAY OF March, 2019.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND
SECONDED BY COUNCILOR Dietrich.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 1 DAY OF April, 2019, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich	✓			
Jones			✓	
Keen			✓	
Leverenz	✓			
Sanders	✓			
Thomas	✓			
Wang	✓			


Peter Bunder, Presiding Officer

Attest:

Sana G. Booker
Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
ON THE 2 DAY OF April, 2019.

Sana G. Booker
Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 2 DAY OF April,
2019.

John R. Dennis
John R. Dennis, Mayor

Attest:

Sana G. Booker
Sana G. Booker, Clerk



This instrument prepared by: Eric Burns of the firm of WITHERED BURNS, LLP, 8 N 3rd Street, Suite
401, Lafayette, Indiana 47901. Telephone: (765) 742-1988. E-mail: eburns@witheredlaw.com

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. Eric
Burns

EXHIBIT "A"

Tax I.D.: N/A

Sheet: 1 of 1

A part of the Plat of Kingston, in the Town of Chauncey, now City of West Lafayette, Indiana, recorded in Deed Record 35, Page 251, in the Office of the Tippecanoe County Recorder, more particularly described as follows: All of the platted 12 foot alley running East and West through the Northeastern block of said Plat of Kingston. Said alley is bounded on the south by lots 29, 30, 31, 32, 33, 34, and 35, and is bounded on the north by lot 36 and the School Donation Lot. Containing 0.091 acres, more or less.

Given this 18th day of February, 2019.



Gene K. Gosewehr, P.S.
Registered Professional Land Surveyor
State of Indiana, Surveyor No. 21000232



This description was prepared for the City of West Lafayette by Butler, Fairman & Seufert, Inc.