

ORDINANCE 2021-31

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, VACATING AN UNIMPROVED STREET AND ALLEYS WITHIN THE TOWN OF WHITESTOWN

WHEREAS, the Town Council ("Council") of the Town of Whitestown ("Town"), Indiana, has received a petition ("Petition"), pursuant to Ind. Code § 36-7-3-12, requesting that the Town abandon and vacate the following street and alleys:

- a. A platted and undeveloped portion of Laughner Street, having a 27.5 foot and 40' (varies) right-of-way as it intersects with the western boundary of South Buck Street and proceeds west approximately 661.25 linear feet to where it intersects with the west property boundary of 402 South Buck.
- b. A platted and undeveloped alley that commences approximately 0 feet west of the Southeast Property corner of 402 S. buck St. and consists of a strip of land approximately 10 feet in width north-to-south and approximately 120 feet in length east-to-west.
- c. A platted and undeveloped alley that commences approximately 120 feet west of the Southeast Property corner of 402 S. Buck Street and consists of a strip of land approximately 16.5 feet in width east-to-west and approximately 170 feet in length north-to-south.

("Vacation Areas"); and

WHEREAS, Ind. Code § 36-7-3-12(c) requires that the Town Council hold a hearing on the Petition; and

WHEREAS, prior to adoption of this Ordinance, the Town will have provided notice of the Petition and the time and place of the hearing pursuant to Ind. Code § 36-7-3-12(c); and

WHEREAS, prior to adoption of this Ordinance, the Town Council will have convened a public hearing on the Petition and proposed vacation, where any person aggrieved by the proposed vacation was permitted to object; and

WHEREAS, a copy of the Petition, including a survey and map of the Vacation Area is attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. The above recitals are incorporated herein by this reference as though fully set forth herein.
2. Having considered the Petition and all other evidence and testimony received at the public hearing, the Town Council hereby makes the following affirmative findings with regard to the Petition:

- a. The vacation will not hinder the growth or orderly development of the Town or neighborhood in which the vacated area is located or to which it is contiguous;
 - b. The vacation will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient;
 - c. The vacation will not hinder the public's access to a church, school, or other public building or place;
 - d. The vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and
 - e. The vacation is of public utility and benefit.
3. Pursuant to Ind. Code § 36-7-3-12, the Town Council, by Ordinance, hereby grants the Petition attached as Exhibit A and vacates the area described and depicted therein.
 4. This Ordinance shall take effect immediately upon its adoption; provided, however, that the vacation shall be effective (a) thirty (30) days from the date of adoption of the Ordinance if no appeal is filed pursuant to Ind. Code § 36-7-3-13 during said thirty (30) days ("Appeal"), or (b) upon final resolution of any timely Appeal.
 5. The Clerk-Treasurer shall furnish a copy of this Ordinance to the County Recorder for recording and to the County Auditor.

10 Adopted by the Town Council of the Town of Whitestown, Indiana, on November, 2021, by a vote of 5 in favor and 0 against.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN

DocuSigned by:



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Clinton Bohm, President

ATTEST:

DocuSigned by:

Matthew Sumner

0A9463A78E9B455...

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

4212727

EXHIBIT 1

Petition