

ORDINANCE 17-C-24

Synopsis: This ordinance, if adopted, would vacate an alley right-of-way located Northwest of Hannah (formerly Milligan) Street, East of Cline Street, and South of Tracy Street, all within the City of Huntington.

AN ORDINANCE VACATING A RIGHT-OF-WAY WITHIN THE CITY OF HUNTINGTON, INDIANA

WHEREAS, on the 28th day of August 2024, Damon & Daline Kimmel filed a petition to vacate a right-of-way, located within the City of Huntington, Indiana and more particularly described as follows:

The 14 foot wide alley right-of-way, running East-West located Northwest of Hannah (formerly Milligan) Street, East of Cline Street, and South of Tracy Street; in Wire's Addition to the City of Huntington, Huntington County, Indiana; more particularly described as follows:

Commencing at the Southeast corner of Lot No. 17 in Wire's Addition to the City of Huntington; thence Southwest along the West line of Milligan Street (now Hannah Street), across the subject 14 foot wide alley (plat dimension) to the Northwest corner of Lot No. 26; thence North across the 14 foot wide alley (plat dimension) to the Northeast corner of Lot No. 23 in said addition; thence West along the North line of said Lot No. 23, a distance of 184 feet (plat dimension) to the Northwest corner of said Lot No. 23; thence Northwesterly across the subject 14 foot wide alley (plat dimension) to a point of intersection with the North line of the subject 14 foot wide alley (plat dimension) on the South line of Lot No. 22 in said addition; thence Easterly across the Southerly line of Lot Nos. 22, 21, 20, 19, 18, and 17 in said addition, a distance of 215 feet the Point of Beginning. Containing 2,792 square feet more or less.

WHEREAS, a map marking the proposed portion of the right-of-way to be vacated is attached and incorporated herein as Exhibit "A";

WHEREAS, appropriate notice has been given, and a public hearing has been held within thirty (30) days after the filing of that petition, all in the manner provided by law; and

WHEREAS, no remonstrances to the proposed vacation have been filed or raised and the matter is now properly before the Council for action, all pursuant to applicable law.

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NOW THEREFORE, THIS COUNCIL FINDS that the vacation of the right-of-way will not be a detriment to the health, safety, and general welfare of the citizens of the City of Huntington, Indiana, and that such vacation will not:

1. make access to any other parcels of land impossible;
2. eliminate the public's access to a church, school or other public building or place;
3. hinder the growth or orderly development of the City of Huntington, Indiana;
4. hinder the use of any street, alley or public way;
5. be of any detriment to the health, safety and general welfare of the citizens of the City of Huntington, Indiana.

NOW, THEREFORE, BE IT ORDAINED that the right-of-way as described above are hereby vacated.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect following its adoption and in accordance with applicable law and the Clerk-Treasurer is directed to furnish a copy of this Ordinance to the County Auditor and County Recorder for recording as provided by applicable law, which shall be conclusive evidence of the vacation of the right-of-way as described in this Ordinance.

[Signature Block Next Page]

This Instrument prepared by Bryn Keplinger, Director of Community Development & Redevelopment, City of Huntington, Indiana, City Building, 300 Cherry Street, Huntington, Indiana 46750.

I, Bryn Keplinger, affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security in this document, unless required by law.

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A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of ____ in favor and ____ in opposition.

Duly adopted on first reading this ____ day of _____, 2024, by a vote of ____ in favor and ____ in opposition.

Duly adopted on final reading this ____ day of _____, 2024, by a vote of ____ in favor and ____ in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

| | | |
|-------|--------------------------------|-------|
| _____ | Charles Chapman (President) | _____ |
| _____ | Dwight Brautigam | _____ |
| _____ | PJ Felton | _____ |
| _____ | Dave Funk | _____ |
| _____ | Todd Johnson | _____ |
| _____ | Paul Pike | _____ |
| _____ | Andrew Rensberger | _____ |

Attest:

Christi A. McElhaney
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this ____ day of _____, 2024.

Christi A. McElhaney
City Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this _____ day of _____, 2024.

Richard Strick
Mayor of the City of Huntington, Indiana