

ORDINANCE 19-C-22

Synopsis: This ordinance, if adopted, would vacate a street right-of-way bound by Edith Boulevard, the first alley west of Oak Street, Agnes Street, and the first alley east of LaFontaine Street, all within Collins Gauntlett & Harter's Addition of Hawley Heights in the City of Huntington, Huntington County, Indiana.

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

WHEREAS, on the 20th day of July 2022, Robert Coyle filed a petition to vacate a right-of-way, located within the City of Huntington, Indiana and more particularly described as follows:

The 40 foot wide street right-of-way, running Northeast-Southwest and bound Edith Boulevard, the first alley west of Oak Street, Agnes Street, and the first alley east of LaFontaine Street, all within Collins Gauntlett & Harter's Addition of Hawley Heights in the City of Huntington, Huntington County, Indiana; more particularly described as follows:

Commencing at the Southwest corner of Lot No. 144 in Collins Gauntlett & Harter's Addition of Hawley Heights in the City of Huntington; thence Northeasterly along the Southerly lot line of Lot Nos. 144 & 141 to the Southeast corner of Lot No. 141, a distance of 100 feet; thence Southeasterly along the projected Easterly line of Lot No. 141 and across the subject street right-of-way to the Northeast corner of Lot No. 142, a distance of 40 feet; thence Southwesterly along the Northerly lot line of Lot Nos. 142 & 143, a distance of 100 feet; thence Northerly across the subject 40 foot street right-of-way to the Point of Beginning. Containing 4,000 square feet more or less.

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

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; and

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 is hereby vacated.

BE IT FINALLY 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.

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.

[Signature Block Next Page]

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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 _____, 2022, by a vote of ____ in favor and ____ in opposition.

Duly adopted on final reading this ____ day of _____, 2022, by a vote of ____ in favor and ____ in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Joe Blomeke

Charles Chapman
(President)

PJ Felton

Dave Funk

Todd Johnson

Seth Marshall

Paul Pike

Voting in Opposition:

Attest:

Christi A. McElhaney
City Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this ____ day of _____, 2022.

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 _____, 2022.

Richard Strick
Mayor of the City of Huntington, Indiana