

ORDINANCE NO. 2021 - 5

AN ORDINANCE VACATING AN UNUSED PORTION OF A  
CERTAIN ALLEY AND STREET  
IN THE CITY OF DELPHI, CARROLL COUNTY, INDIANA

WHEREAS, Underhill Family, LLC, an Indiana Limited Liability Company, is the owner of certain real estate in the City of Delphi, Carroll County, Indiana, described as follows:

(A) Lot Number seven (7), eight (8), and nine (9) in Block forty-three (43) in Grimes First Addition to the Town (now City) of Delphi, as recorded in Plat Book 1, page 8 (now Slide 2 in Plat Cabinet A) in the office of the Recorder of Carroll County, Indiana. Also, Lot number ten (10) in Block forty-three (43) in Grimes' First Addition to Delphi. Also, Lot number eleven (11) in Block forty-three (43) in Grimes' First Addition to Delphi. Also, Lot numbered twelve (12) in Block Forty-three (43) in Grimes 1<sup>st</sup> Addition to the City of Delphi. Also vacated Crockett Street North of Monroe Street lying East of Lot 12 in Block 43 in Grimes First Addition to the Town, now City of Delphi, Indiana.

(B) Also, A part of Section 30, Township 25 North, Range 2 West, Carroll County, Indiana, being a portion of the land describes in Instrument Number 200200005276 (all referenced documents are recorded in the Office of the Recorder of Carroll County, Indiana), and being that part of the grantors' land more particularly described as follows: Commencing at a plastic capped rebar stamped "BF&S FIRM #0056" (hereinafter referred to as BF&S capped rebar) at the southeast corner of Lot 12 of Block 42 of Grimes First Addition to the Town (now City) of Delphi, now recorded in Plat Cabinet A, Slide 2; thence North 26 degrees 34 minutes 26 seconds West 132.33 feet along an extension of the east line of said Lot 12 to a BF&S capped rebar on the north line of the 12 foot alley platted on the north side of said Block 42 and the point of beginning of this description; thence continuing North 26 degrees 34 minutes 26 seconds West 241.67 feet on said extension to a BF&S capped rebar; thence North 63 degrees 25 minutes 34 seconds East 408.00 feet to a BF&S capped rebar at the northwest corner of Hamstra Builders, Inc. property as described in Instrument Number 200200006028; thence South 26 degrees 34 minutes 26 seconds East 241.67 feet along the west line of said Hamstra Builders, Inc. property to a BF&S capped rebar on the north line of said 12 foot alley; thence South 63 degrees 25 minutes 34 seconds West 408.00 feet along said north line to the point of beginning, containing 2.264 acres, more or less.

and

WHEREAS, there lies a platted alleyway consisting of One Hundred and Twenty Feet (120') of uniform width extending between the entirety of said above-described real estate labeled as part (A);

WHEREAS, there lies a platted street consisting of fifteen (15') of even width running along the entire southern boundary of Parcel ID 08-06-30-046-018.000-007, which is said real estate labeled as part (B);

WHEREAS, Underhill Family, LLC, has petitioned the City of Delphi to vacate said platted alley and street for the reason that Underhill Family, LLC intends to develop or improve the land; and

WHEREAS, the area has never been improved or used as an alley or street, could not be used as an alley or street in its present condition, and is not necessary for the growth of any city or town; and

WHEREAS, the vacation of this alley and street will in no way leave any other real estate without right of ingress and egress by means of a public way, street or lake, and that said vacation will not cut off the public's access to any church, school, or other public buildings or grounds; and

WHEREAS, the alley and street sought to be vacated is not presently installed with underground water or sewer utility transmission lines; and

WHEREAS, Underhill Family, LLC has followed the proper statutory procedures regarding notice and hearing in this matter.

**NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

That the Common Council of the City of Delphi now approves the petition by Underhill Family, LLC, and vacates the platted alley and street on the above-described real estate, to-wit:

1. Fifteen feet (15') of even width running along the entire southern boundary of Parcel ID 08-06-30-046-018.000-007, located in a part of Section 30, Township 25 North, Range 2 West, in the City of Delphi.
2. One Hundred and Twenty Feet (120') of length for the alleyway located between lot 9 in Block Forty-Three (43) in Grimes First Addition to the Town (now City) of Delphi and lot 10 in Block Forty-Three (43) in Grimes First Addition to the City of Delphi.

That the City of Delphi waives its rights for a public utility easement upon the alley and grants its consent for Underhill Family, LLC to erect a permanent structure upon the vacated portion of said alley.

Resolved by the Common Council of the City of Delphi, Indiana this 3rd day of May, 2021.

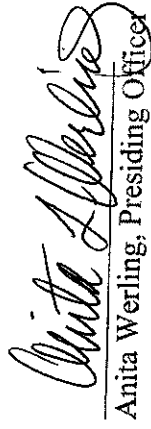
Passage by a Majority of the Common Council:

  
Attest: Leanne Aldrich, Clerk-Treasurer

  
Anita Werling, Presiding Officer

Approved / Vetoed by me, the Mayor this 3rd day of May, 2021.

  
Attest: Leanne Aldrich, Clerk-Treasurer

  
Anita Werling, Presiding Officer