

8045

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filed with  
Jeds*

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

BEFORE THE COMMON COUNCIL FOR THE  
CITY OF CHARLESTOWN, INDIANA

JUN 6 1995

ORDINANCE NO. 1995-5

*Heidi J. Neal*  
AUDITOR CLARK COUNTY

AN ORDINANCE VACATING AN UNIMPROVED PORTION  
OF MADISON STREET

WHEREAS, Edwin D. Johnson, the owner of a portion of unimproved Madison Street petitioned the Common Council for the City of Charlestown, Clark County, Indiana, to vacate an unimproved portion of Madison Street, consisting of approximately 9,150 square feet; and

WHEREAS, the said petition was filed pursuant to I.C. 36-7-3-12; and

WHEREAS, the Common Council for the City of Charlestown, Clark County, Indiana, held a hearing on the petition on May 1, 1995, within thirty (30) days after the said petition was received; and

WHEREAS, notice of the petition and of the time and place of the hearing was given in accordance with I.C. 36-7-3-12(c), and the Petitioner has paid the expense of providing the notice; and

WHEREAS, the City has decided that the petition to vacate an unimproved portion of Madison Street should be granted;

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Charlestown, Indiana, as follows:

1. FINDINGS. The Common Council conducted a public hearing on May 1, 1995. The unimproved portion of Madison Street which the Petitioner proposes to be vacated has never been used as a public way, despite the fact that it has been platted as a public way. The City has no plans or intentions to develop the subject section of unimproved Madison Street. The proposed vacation of the subject portion of the unimproved Madison Street will not adversely effect the property values of any surrounding land owners. The proposed vacation will not hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous. The proposed vacation will not affect in any way the access to the lands of surrounding owners, as the subject unimproved portion of Madison Street has never been used as a roadway, and has never been traveled by the public as access to any surrounding lands. The proposed vacation will not hinder the public's access to a church, school, or other public building or place. The vacation of the subject road will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

2. VACATION OF A PORTION OF MADISON STREET. The unimproved portion of Madison Street described below, shall be, and is hereby, vacated by the City of Charlestown, Indiana:

Being a part of Madison Street between Lots #20 and #21 in the Town of Charlestown, in Survey #117 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at the south corner of said Lot #21, same being the intersection of the northeast Right-of-Way line of Madison Street and the line dividing Surveys #96 and #117; Thence S.50°W., along said dividing line, 60 feet to the east corner of said Lot #20; Thence N.40°W., along the northeast line of said Lot #20, same being the southwest Right-of-Way line of said Madison Street, 120 feet, more or less, to the east Right-of-Way line of The C S X Railroad (formerly the B. & O.); Thence northwardly, along said east Right-of-Way line, 88.5

feet, more or less, to a point on the southwest line of said Lot #21, same being the northeast Right-of-Way line of said Madison Street; Thence S.40°E., along the southeast line of said Lot #21, same being the northeast Right-of-Way line of said Madison Street, 185 feet, more or less, to the PLACE OF BEGINNING.

Containing 9150 square feet, more or less, and being subject to all easements of record.

A copy of a plat drawing is attached herewith and made a part hereof.

3. COPY TO COUNTY OFFICIALS. The Clerk-Treasurer shall furnish a copy of this ordinance to the County Recorder for recording, and to the County Auditor in compliance with Indiana Code 36-7-3-12.

THIS ORDINANCE ADOPTED ON THIS 5<sup>TH</sup> DAY OF JUNE, 1995.

CITY COUNCIL:

Hiram Abbott  
Hiram Abbott

France Hensley  
France Hensley

Gary W. Moore  
Gary W. Moore

Geneva Noe  
Geneva Noe

Ward Tackett  
Ward Tackett

5<sup>TH</sup> Approved by the Mayor of Charlestown, Indiana, on this day of June, 1995.

Mayor Robert Braswell  
Mayor Robert Braswell

ATTEST:

Dorothea Jenkins  
Dorothea Jenkins  
Clerk-Treasurer

RECEIVED  
FOR RECORD

JUN 6 9 14 AM '95

RECORDED IN 8045  
INSTR. NO. 8045  
RALPH G. STEHLER  
RECORDER OF CLARK CO.