

1999-9

PETITION TO VACATE STREET

TO THE HONORABLE COUNCILMEN OF THE COMMON COUNCIL OF THE CITY OF ROCKPORT, INDIANA

The petitioners, Don F. Marsh and Molly Marsh, Mary Lee Montgomery Olson, and Mary Wayne Eble, respectfully represent and show to the Honorable Councilmen of the Common Council of the City of Rockport, as follows:

1. That the petitioners, Don F. Marsh and Molly Marsh, Mary Lee Montgomery Olson, and Mary Wayne Eble, are the owners of certain real estate in Rockport, Spencer County, Indiana, which real estate borders a portion of Seminary Street, which portion is not used as a street or public way, as more fully shown in the survey of George T. Wandel, dated October 29, 1991, a copy of which is attached as Exhibit "A" and by this reference made a part hereof. The relevant portion of Seminary Street is outlined in blue marker on Exhibit "A."

2. That the real estate owned by Don F. Marsh and Molly Marsh, which is more fully outlined in green marker on Exhibit "A," is occupied by a sewer main, lift station, and rock road, as more fully shown on Exhibit "A"; the occupation of the real estate of Don F. Marsh and Molly Marsh by such City of Rockport improvements were not granted subject to any easement.

3. That the petitioners desire to vacate that portion of Seminary Street more fully described in the legal description, attached hereto as Exhibit "B" and by this reference made a part hereof.

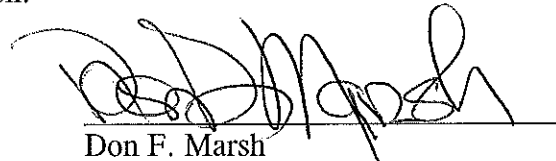
4. That, in the event the Honorable Councilmen of the Common Council of the City of Rockport grant such vacation of that portion of Seminary Street shown in Exhibit "B," the petitioners, Don F. Marsh and Molly Marsh, Mary Lee Montgomery Olson, and Mary Wayne

Eble, propose to grant to the City of Rockport a twenty-five foot easement concerning the sewer improvements of the City of Rockport as more fully shown in Exhibit "A" and outlined in yellow marker on said Exhibit "A."

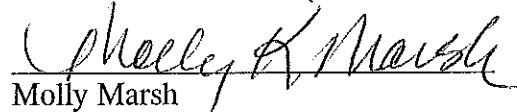
5. That the street the petitioners herein seek to vacate is not being used by the public and will not adversely affect the public interest.

6. That the only other owners of real estate that adjoin that portion of the street which petitioners seek to vacate are John A. Hargis and Connie L. Hargis, who shall be given due notice of this petition.

WHEREFORE, your petitioners respectfully pray the Honorable Councilmen to close and vacate the street as described in this petition.



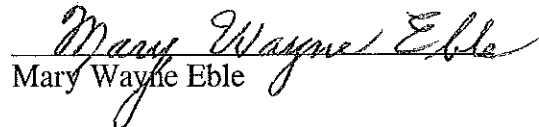
Don F. Marsh



Molly Marsh

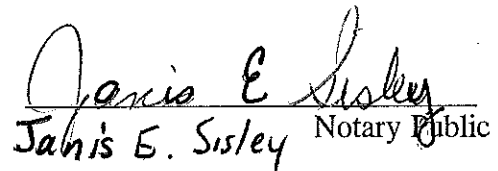


Mary Lee Montgomery Olson



Mary Wayne Eble

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, this 12th day of August, 1999.



Janis E. Sisley Notary Public

My Commission Expires:
6-13-2007

A resident of Spencer County
Indiana.

WANDEL ENGINEERING & SURVEYING

GEORGE T. WANDEL
CIVIL ENGINEER & LAND SURVEYOR
INDIANA & KENTUCKY

5934 E. STATE ROAD 66

GRANDVIEW, IN 47615

TELEPHONE (812) 649-2795

LEGAL DESCRIPTION; PART OF SEMINARY STREET TO BE VACATED

ALL TO THAT PART SEMINARY STREET IN THE CITY OF ROCKPORT, INDIANA THAT LIES BETWEEN THE EAST LINE OF SOUTH SECOND STREET AND THE FOOT OF THE BLUFF ROCK, TO WIT:

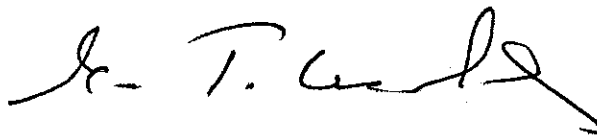
BEGINNING AT THE INTERSECTION OF THE EAST PROPERTY LINE OF SOUTH SECOND STREET AND SOUTH PROPERTY LINE OF SEMINARY STREET; THENCE NORTH-66.00 FEET TO THE INTERSECTION OF THE EAST PROPERTY LINE OF SOUTH SECOND STREET AND THE NORTH PROPERTY LINE OF SEMINARY STREET; THENCE EAST-205.39 FEET ALONG SAID NORTH LINE TO A POINT AT THE FOOT OF THE BLUFF ROCK; THENCE SOUTH $9^{\circ}38'57''$ E-33.47 FEET ALONG THE FOOT OF SAID BLUFF ROCK TO A POINT ON THE CENTERLINE OF SAID SEMINARY STREET; THENCE SOUTH-33.00 FEET ALONG SAID BLUFF ROCK TO A POINT ON THE SOUTH PROPERTY LINE OF SEMINARY STREET; THENCE WEST-211.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE FOLLOWING PUBLIC UTILITY EASEMENT.

A 25 FOOT WIDE PUBLIC UTILITY EASEMENT CENTERED ON AN EXISTING SANITARY SEWER, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 36.00 FEET EAST OF THE INTERSECTION OF THE EAST PROPERTY LINE OF SOUTH SECOND STREET AND THE NORTH PROPERTY LINE OF SEMINARY STREET; THENCE SOUTH $41^{\circ}06'09''$ EAST-43.79 FEET TO THE CENTERLINE OF SEMINARY STREET (SAID POINT BEING 64.79 FEET EAST OF THE EAST PROPERTY LINE OF SOUTH SECOND STREET); THENCE CONTINUING SOUTH $41^{\circ}06'09''$ EAST-39.75 FEET TO A MANHOLE; THENCE SOUTH $69^{\circ}41'20''$ EAST-8.79 FEET TO A POINT ON THE SOUTH PROPERTY LINE OF SEMINARY STREET, WHICH IS THE TERMINUS OF THIS EASEMENT (SAID POINT BEING 99.16 FEET EAST OF THE EAST PROPERTY LINE OF SOUTH SECOND STREET).

THIS DESCRIPTION FROM A PLAT AND SURVEY
OF THE ABOVE DESCRIBED AREA COMPLETED
BY ME ON JUNE 24, 1999



GEORGE T. WANDEL LS S0035

