

ORDINANCE NO. 2005-7 INTRODUCED BY: Rockport City Attorney
PETITIONER: Bissey Investments, L.L.C.

**AN ORDINANCE TO VACATE CERTAIN PLATTED PUBLIC ALLEY
WITHIN THE CITY OF ROCKPORT, INDIANA**

BE IT ORDERED by the Common Council of the City of Rockport, Indiana, as follows, to-wit:

Section I. That pursuant to MCE Section 9.96.06.70, a sworn petition, was presented to the Common Council of the City of Rockport, requesting that the platted alley described in Section III, below, be vacated by the City of Rockport.

Section II. That after due and proper notice, a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Rockport, after due investigation and consideration, has determined that the nature and extent of the public use and the public interests to be subserved are such as to warrant the vacation of that part of the platted public alley described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached, which is made a part of this Ordinance:

Part of Wright and Griffith's Donation to the Town (now City) of Rockport per plat thereof being recorded in Plat Book 1, Page 3 in the office of the Recorder of Spencer County, Indiana, being the same alley being bordered on the north by Lots 36 and 51 and on the south by Lots 37 and 50 of said Wright and Griffith's Donation, being more particularly described as follows:


Beginning at the southeast corner of said Lot 36, said point being on the west right-of-way line of Fifth Street; thence along the west line of Fifth Street South 00 degrees 00 minutes 00 seconds East 12.00 feet to the northeast corner of said Lot 37; thence along the north line of said Lots 37 and 50 North 89 degrees 14 minutes 52 seconds West 264.00 feet to the northwest corner of said Lot 50, said point being on the east right-of-way line of Sixth Street; thence along the east line of Sixth Street North 00 degrees 00 minutes 00 seconds West 12.00 feet to the southwest corner of said Lot 51; thence along the south line of said Lots 51 and 36 South 89 degrees 14 minutes 52 seconds East 264.00 feet to the point of beginning containing 3168 square feet (0.0727 acre).

Section IV. That the vacation of said platted public alley described in Section III, above, is not subject to an easement in favor of Vectren, , Rockport Water & Sewer Utility, SBC or Adelphia Communications, the area compassed in said easement being the same area as described in Section III, above.

Therefore, the Common Council of the City of Rockport, Indiana, does hereby find the above-described platted public alley is no longer required for public use, and the public interest will be served by such vacation, and the Common Council of the City of Rockport does hereby vacate that portion of the platted public alley described in Section III, above, subject to the terms and conditions as stated in this Ordinance.

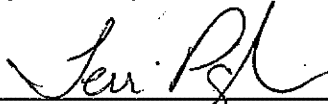
PASSED by the Common Council of Rockport, Indiana, on this 14 day of July, 2005, and on said day signed by the President of said Common Council and attested to by the Clerk-Treasurer.

ATTEST:

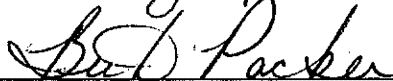

Clerk-Treasurer

_____, President

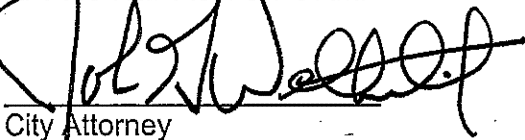
Presented by me, the undersigned, Clerk Treasurer of the City of Rockport, Indiana, to the Mayor of said City, the 14 day of July, 2005.


Clerk-Treasurer

Having examined the foregoing Ordinance, I do now as Mayor of said City of Rockport, Indiana, approve said Ordinance, and return; same to the Clerk-Treasurer this 14 day of July, 2005 at 7:00 p.m.


Mayor
City of Rockport, Indiana

APPROVED AS TO FORM:


City Attorney

This instrument was prepared by Morley and Associates, Inc., 600 S.E. Sixth Street, Rockport, Indiana 47713.

Petitioner's Mailing Address:
P. O. Box 757
Washington, IN 47501

Alley Vacation Exhibit

Part of Wright and Griffith's Donation to the Town of Rockport
Plat Book 1, Page 3

15-23-301-014-91
S.I.G.E.Co.
20-24 N.W. 4th St.
Evansville, IN 47713

15-23-301-006-91
City of Rockport

15-23-301-015-91
First State Bank-- Southwest Indiana
645 Main St. Box 248
Tell City, IN 47586

Lot 36
15-23-302-060-91
City of Rockport

15-23-301-020-91
Bissey Investments
Deed Book ____, Pg. ____

15-23-301-025-91
Bissey Investments L.L.C.
P.O. Box 757
Washington, IN 47501
Deed Book 188, Pg. 433

15-23-304-001-91
Southern Railway
110 S.E. Franklin St.
Roanoke, VA 24042

Lot 57
15-23-302-081-91
City of Rockport

15-23-301-026-91
Bissey Investments
Deed Book ____, Pg. ____

15-23-301-027-91
15-23-301-029-91
Family Dollar Stores of Indiana, L.P.
P.O. Box 1017
Charlotte, N.C. 28201

15-23-301-022-91
Yvonne L. & William Stephen Shore
1207 N. Meadow Ct.
Rockport, IN 47635

Approximate Location of
8" waterline per George T.
Wandel survey dated May 3, 1990
Water valves south of site are
located about 5' east of the
west edge of pavement of 5th

15-23-301-024-91
Alma Myers
R.R. 1 Box 107
Rockport, IN 47635

15-23-301-018-91
Evansville Materials, Inc.
900 N.W. Riverside Dr.
Evansville, IN 47713

Sycamore Street (State Hwy. 66)

Sixth Street

Fifth Street (SR 45)

Sixth Street

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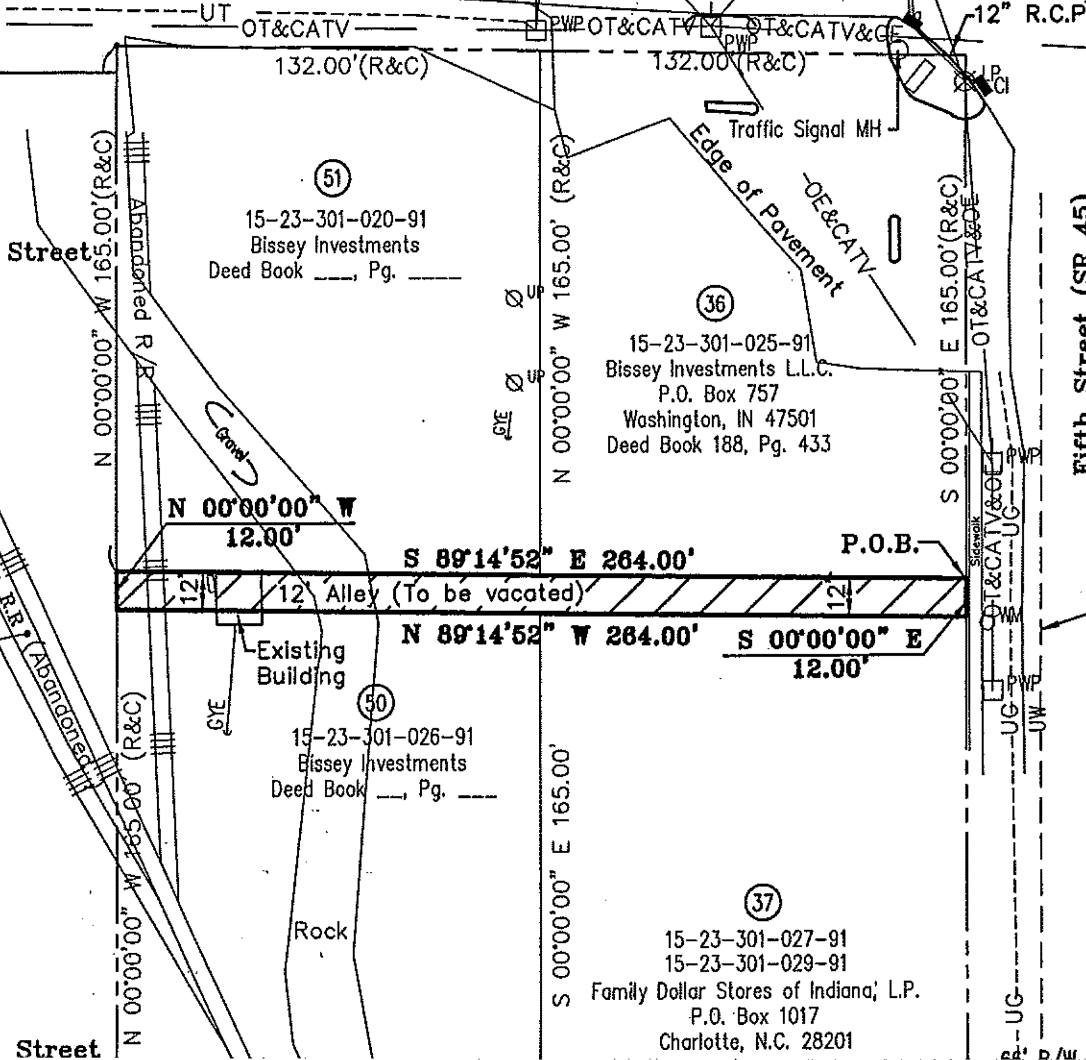
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Evansville, IN 47713

Sycamore Street (State Hwy. 66)

Sixth Street

Fifth Street (SR 45)

Sixth Street



Consent to Vacation of Alley

The undersigned represent(s) as follows:

- 1) The undersigned is(are) the owner(s) of the following described real estate situated in the City of Rockport, State of Indiana:

Lot 37 of Wright and Griffith's Donation to the Town of Rockport (Plat Book 1, Page 3)

Tax Code No(s) 15-23-301-027-91
15-23-301-029-91

- 2) The undersigned understand(s) that Bissey Investments L.L.C. desires to file a petition with the Common Council of the City of Rockport to vacate a 12-foot alley at the rear of my property. The alley runs north of and parallel to Vine Street between Fifth Street (S.R. 45) on the west and the unimproved Sixth Street.
- 3) The undersigned consent(s) to and joins in the proposed petition for vacation of the alley by Bissey Investments L.L.C.

Keith M. Gehl
By: Keith M. Gehl Its: Senior vice president

Family Dollar Stores of Indiana, L.P.
By: Family Dollar Holdings, Inc, General Partner

STATE OF North Carolina)
)SS:
COUNTY OF Mecklenburg)

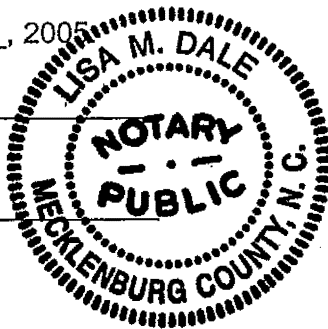
Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named Keith M. Gehl, who acknowledged the execution of the foregoing instrument to be his/her/their voluntary act and deed.

WITNESS my hand and notarial seal this 20th day of April, 2005

My commission expires:
My Commission Expires April 5, 2009

Lisa M. Dale
Notary Public

Lisa m. Dale
Printed or Typed Name



Notary Resides in Mecklenburg County North Carolina
(state)

The foregoing instrument was prepared by: Morley and Associates, Inc., 600 S. E. Sixth Street, Evansville, IN 47713-1222.