



ORDINANCE NO. 2018- 13

**VACATION OF ALLEY BETWEEN LOTS 71, 72, 73 AND 74 IN THE RESURVEY
OF THE ORIGINAL PLAT OF THE TOWN, NOW CITY OF ATTICA**

Comes now the City Council of Attica, Indiana, and makes the following recitals and ordains as follows:

WHEREAS, the City of Attica, Indiana currently has a platted alley sixteen and one-half (16½) feet in width and one hundred sixty-five (165) feet in length running East and West along the South line of Lots Numbered seventy-one (71) and seventy-two (72) and the North line of Lot Numbered seventy-three (73) and seventy-four (74) in the Resurvey of the Original Plat of the Town, now City of Attica, which resurvey is recorded Plat Book 5, Page 48 in the Recorder's Office of Fountain County, Indiana, and

WHEREAS, J & B Beverages, Inc. is the owner of the following described real estate located within the City of Attica, Indiana: Lot Numbered seventy-three (73) in the Resurvey of the Original Plat of the Town, now City of Attica, which resurvey is recorded in Plat Book 5, Page 48 in the Recorder's Office of Fountain County, Indiana, and

WHEREAS, CS Property Investment, LLC is the owner of the following described real estate located within the City of Attica, Indiana: Lot Numbered seventy-four (74) in the Resurvey of the Original Plat of the Town, now City of Attica, which resurvey is recorded in Plat Book 5, Page 48 in the Recorder's Office of Fountain County, Indiana, except therefrom the southern six and seventy-five hundredths (6.75) feet of even width throughout said Lot Numbered seventy-four (74), and

WHEREAS, Mark Stepp is the owner of the real estate located immediately North of the alley sought to be vacated by Petitioner, being Lots Numbered seventy-one (71) and seventy-two

(72) in the Resurvey of the Original Plat of the Town, now City of Attica, which resurvey is recorded in Plat Book 5, Page 48 in the Recorder's Office of Fountain County, Indiana, and

WHEREAS, notice of said petition was given, and a hearing was held, pursuant to Indiana Code §36-7-3-12,

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. That said alley situated in the City of Attica, Fountain County, Indiana, and being more particularly described as follows:

An alley sixteen and one-half (16½) feet in width and one hundred sixty-five (165) feet in length running East and West along the South line of Lot Numbered seventy-one (71) and seventy-two (72) and the North line of Lots Numbered seventy-three (73) and seventy-four (74) in the Resurvey of the Original Plat of the Town, now City of Attica, which resurvey is recorded Plat Book 5, Page 48 in the Recorder's Office of Fountain County, Indiana,

is vacated, subject to the reservation of easements as subsequently described.

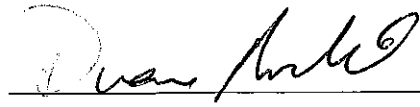
2. That the City of Attica reserves to itself an easement extending the length and breadth of said alley for the construction, maintenance, and operation or reconstruction of utilities in, through, over or under the same. That the vacation of said alley is also subject to the rights of all existing public utilities in said alley.

3. That all costs incident to the above-mentioned vacation are to be paid by petitioner.

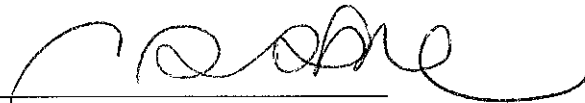
4. That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are repealed.

ALL OF WHICH IS ORDAINED this 10 day of December, 2018.

CITY COUNCIL OF THE
CITY OF ATTICA, INDIANA



ATTEST:



Clerk-Treasurer

This instrument prepared by John A. Larson, Attorney, Williamsport, IN.

I affirm under the penalties of perjury that I have taken all steps to redact the social security numbers of any of the parties unless allowed by law.
John A. Larson