

ORDINANCE D-2538-20

**AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF CARMEL, INDIANA
VACATING RIGHT-OF-WAY LOCATED WITHIN LOTS 13 and 14 of HENRY
ROBERTS HEIRS ADDITION**

**Synopsis: Vacates one 10' alley between lots 13 and 14 in Henry Roberts Heirs addition,
addressed as 120 1st Ave. NW and 126 1st Ave NW, Carmel, IN 46032**

WHEREAS, Old Town Companies LLC (“Petitioners”), have filed a Petition for Vacation of Public Right-of-Way (the “Petition”) with the City of Carmel, Indiana, pursuant to Indiana Code §36-7-3-12(b), which is attached hereto and incorporated herein as Exhibit C;

WHEREAS, the public right-of-way to be vacated, one alley located between Lot 14 of Henry Roberts Heirs Addition, parcel 3 and part of Lot 13 Henry Roberts Heirs Addition, parcel 2, are described in Exhibit A and Exhibit B, attached hereto and incorporated herein (the “Right-of-Way”);

WHEREAS, the vacation of the Right-of-Way will allow the Petitioners to eliminate a curb cut at the front of the homes, along 1st Ave NW, enhance the aesthetic beauty of the front yards, eliminate an underutilized alley and take advantage of a city improved, brick paved alley to the rear of the homes.

WHEREAS, the City of Carmel Board of Public Works and Safety voted to recommend the vacation of the Right-of-Way at its meeting on July 1, 2020;

WHEREAS, pursuant to IC 36-7-3-12(c), a properly noticed public hearing on proposed vacation of Right-of-Way was held by the Common Council of the City of Carmel, Indiana, on the 3rd day of August, 2020;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Right-of-Way be, and hereby is, vacated and ownership thereof shall revert to the abutting property owners.
- Section 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

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This instrument was prepared by Grant C. Chapman, General Counsel, Old Town Companies, 31 1st St SW, Carmel, IN 46032.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Grant C. Chapman.

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PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____, 2020, by a vote of ____ ayes and ____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Laura D. Campbell, President

Sue Finkam, Vice-President

H. Bruce Kimball

Kevin D. Rider

Anthony Green

Jeff Worrell

Timothy J. Hannon

Miles Nelson

Adam Aasen

ATTEST:

Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____ 2020, at _____ .M.

Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2020, at _____ .M.

James Brainard, Mayor

ATTEST:

Sue Wolfgang, Clerk

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I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security number from this document, unless it is required by law. Grant C. Chapman.
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1st Ave NW Alley Vacation Context
Ordinance D-2538-20, Exhibit C

