

ORDINANCE NO. 33-25

FILED
SEP 22 2025

Belinda Munson
MUNCIE CITY CLERK

AN ORDINANCE VACATING A PART OF AN ALLEY LOCATED IN BLOCK 15 OF T.H. KIRBY'S ADDITION TO THE CITY OF MUNCIE, INDIANA

WHEREAS, the Common Council of the City of Muncie has received a Petition to Vacate a part of an alley located in Block 15 of T.H. Kirby's Addition to the City of Muncie, Indiana;

WHEREAS, according to the Petition to Vacate, the portion of the alley is platted as a public way, but was never paved or improved to provide access to the lots located within the block that the alley adjoins;

WHEREAS, the Petition satisfies the requirements of Indiana law to allow the Common Council to consider the request;

WHEREAS, the Common Council has determined that the vacation will not hinder the growth or orderly development of the neighborhood or the City of Muncie; and

WHEREAS, the Common Council has determined that the vacation will not hinder the use of any public way by the neighborhood in which it is located; and

WHEREAS, the Common Council has determined that the vacation will not make access to the lands of any person difficult or inconvenient; and

WHEREAS, the Common Council has determined that the vacation will not hinder the public's access to any church, school or other public building or place; and

WHEREAS, a public hearing has been held and notice has been provided as required by Indiana law; and

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

Section 1: The portion of the alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie, Delaware County, Indiana, as more particularly described below and depicted on the map attached hereto, is hereby VACATED:

The following land description was prepared as part of a Proforma Survey by Haldon L. Ashton, LS 80040149, of Ashton Land Surveyors, Inc., per Job Number 2025485, certified August 28, 2025, being the vacation of an alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie as shown by the records of Delaware County, Indiana described as follows:

Beginning at the Northwest corner of the South Half of Lot 2 in Block 15 of T.H. Kirby's Second Addition to the City of Muncie; thence South 01 degrees 10 minutes 12 seconds West 75.00 feet (assumed bearing) to the Southwest corner of Lot 3 in said Block 15; thence North 89 degrees 11 minutes 34 seconds West 10.00 feet to the Southeast corner of Lot 8 in said Block 15; thence North 01 degrees 10 minutes 12 seconds West 75.00 feet to the Northeast corner of the South

Half of Lot 9 in said Block 15; thence South 89 degrees 11 minutes 34 seconds East 10.00 feet to the point of beginning, containing 0.017 of an acre more or less.

A survey of the alley vacated hereby is attached hereto as Exhibit A.

Section 2: The eastern half of the vacated alley shall be joined with Parcel No. 18-11-10-477-004.000-003, and the western half of the vacated alley shall be joined with Parcel No. 18-11-10-477-002.000-003.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Muncie.

Adopted by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2025.

	Yeas	Nays	Abstained	Absent
Jeff Green	_____	_____	_____	_____
Nora Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Harold Mason	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh	_____	_____	_____	_____

President Muncie Common Council

Presented by me to the Mayor for his approval, this ____ day of _____, 2025.

Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2025.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk

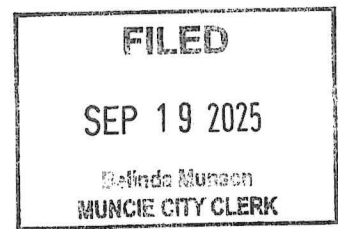
This Ordinance is proposed by Council Member Harold Mason

This Ordinance is approved in form by Legal Counsel Daniel J. Gibson

[For Purposes of Recording in Real Estate Records]

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law." Name: Daniel J. Gibson

This Instrument Prepared By: Daniel J. Gibson, 211 S. Walnut Street, Muncie, Indiana 47305



For: Kimberly Swoveland
0.017 Acres

The following land description was prepared as part of a Proforma Survey by Haldon L. Ashton, LS 80040149, of Ashton Land Surveyors, Inc., per Job Number 2025485, certified August 28, 2025, being the vacation of an alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie as shown by the records of Delaware County, Indiana described as follows:

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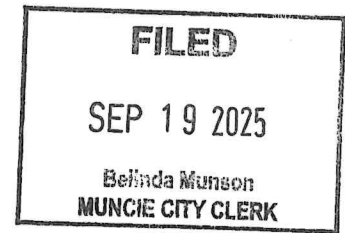
Dated: August 28, 2025

PRO FORMA SURVEY

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Registered Land Surveyor LS80040149
Haldon L. Ashton

STATE OF INDIANA }
 } SS:
COUNTY OF DELAWARE }



PETITION TO VACATE A PART OF AN ALLEY LOCATED IN BLOCK 15 OF T.H. KIRBY'S 2nd ADDITION TO THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA

WHEREAS, Kimberly Sue Swoveland, hereby petitions the City Council of the City of Muncie, Delaware County, Indiana, and represent as follows:

1. That, Kimberly Sue Swoveland is the owner and/or principal of Lot 3 and a part of Lots 2, 4, 8 and 9 in Block 15 of T.H. Kirby's 2nd Addition to the City of Muncie, Delaware County, Indiana; and

That she hereby petitions City Council to vacate part of the alley described as follows:

The following land description was prepared as part of a Proforma Survey by Haldon L. Ashton, LS 80040149, of Ashton Land Surveyors, Inc., per Job Number 2025485, certified August 28, 2025, being the vacation of an alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie as shown by the records of Delaware County, Indiana described as follows:

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2. That this petition is a legal request that the City Council of the City of Muncie, Delaware County, Indiana, hereby act upon this vacation petition.


3. That this segment of alley described above is platted as a public way; that it was never paved or improved to provide access to the lots located within said block that this public way adjoins in said addition;

4. That the vacation will not hinder the growth or orderly development of the neighborhood in which it is located; it will not make access to the lands of any person by a public way difficult or inconvenient; it will not hinder the public's access to any church, school or other public building or place; and it will not hinder the use of any public way by the neighborhood in which it is located or to which it is contiguous.

5. The following names and mailing addresses are all of the owners of land that abuts the Vacation Area:

Kimberly Sue Swoveland
401 N Brady St.
Muncie, IN 47305

NOW, THEREFORE, the petitioner asks that the portion of land as described herein be vacated.



Kimberly Sue Swoveland

This instrument was prepared by: Kimberly Sue Swoveland

For: Kimberly Swoveland
0.017 Acres

The following land description was prepared as part of a Proforma Survey by Haldon L. Ashton, LS 80040149, of Ashton Land Surveyors, Inc., per Job Number 2025485, certified August 28, 2025, being the vacation of an alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie as shown by the records of Delaware County, Indiana described as follows:

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Dated: August 28, 2025
PRO FORMA SURVEY


This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

Haldon L. Ashton

Registered Land Surveyor LS80040149
Haldon L. Ashton

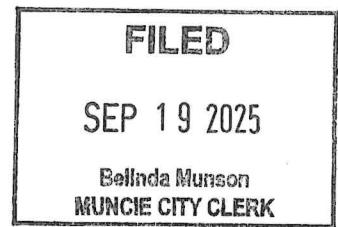


This Instrument Prepared by: Haldon L. Ashton
Accuracy or completeness of subsurface features is not certified.
I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN
REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS
DOCUMENT, UNLESS REQUIRED BY LAW (HALDON L. ASHTON),

Revisions	<p>Exhibit A Alley Vacation Block 15, T.H Kirby's 2nd Addition MUNCIE, INDIANA</p> <p>SECTION CORNER COORDINATES ARE BASED ON INDIANA STATE PLANE EAST ZONE (NORTH AMERICAN DATUM OF 1983, CORS 96 EPOC 2002.000)</p>	
Date: Reason:		
Drawn: KLM Date: 8/11/2025 Job: 2025485 Client: KIM SWOVELAND Owner: KIM SWOVELAND Crew: EHA Electronic Field Book Field Date: 8/1/2025 IUPPS REF. #		

325 West Washington Street Muncie, IN 47305
Ph: (765) 882-5594 Fax: (765) 882-5594
Email: ashtonlandsurveyors.com

Sheet 2 of 2



STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

BEFORE THE CITY COUNCIL
MUNCIE, DELAWARE COUNTY, INDIANA

IN RE: PETITION TO VACATE A PART OF AN ALLEY LOCATED IN BLOCK 15 OF T.H. KIRBY'S 2nd
ADDITION TO THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA BY: KIMBERLY SUE
SWOVELAND.

NOTICE OF PUBLIC HEARING

On Monday October 6th, 2025, the City Council of the City of Muncie, Delaware County, Indiana, will hold a public hearing on the matter of a petition to vacate part of a certain alley filed by Kimberly Sue Swoveland, more particularly described as follows:

The following land description was prepared as part of a Proforma Survey by Haldon L. Ashton, LS 80040149, of Ashton Land Surveyors, Inc., per Job Number 2025485, certified August 28, 2025, being the vacation of an alley in Block 15 of Thomas Kirby's Second Addition to the City of Muncie as shown by the records of Delaware County, Indiana described as follows:

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The public hearing will take place at 6:45 P.M. on the above date, in the City Hall Auditorium, City Hall, 1st Floor, 300 N High Street, Muncie, Indiana. Interested persons may appear and voice their opinions. Copies of the petition to vacate may be examined at the City of Muncie Clerk's office, 300 N High St, Muncie, Indiana, during normal office hours. Please contact the Deputy Clerk, Lacey Jones, at 765-747-4831 for information on viewing the petition.

TAWNY RUMLER
405 N BRADY ST
MUNCIE, IN 47305

CARDINAL GREENWAY INC
700 E WYSOR ST
MUNCIE, IN 47305-1916

FILED

SEP 19 2025

**Delinda Munson
MUNCIE CITY CLERK**

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com[®].

Muncie, IN 47305

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as applicable)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$0.75

Total Postage and Fees \$10.40

Sent To
 Street or
 PO Box
 Muncie, IN 47305

Postmark
 Here
 SEP 19 2025
 MUNCIE, IN 47305
 USPS

PS Form 3800, January 2023 PSN 7530-02-000-9001 See Reverse for Instructions

U.S. Postal Service[™]
CERTIFIED MAIL[®] RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com[®].

Muncie, IN 47305

Certified Mail Fee \$5.30

Extra Services & Fees (check box, add fee as applicable)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00

Postage \$0.75

Total Postage and Fees \$10.40

Sent To
 Street and A
 City, State, Z
 CARDINAL GREENWAY, INC
 700 E WYSOR ST
 MUNCIE, IN 47305-1916

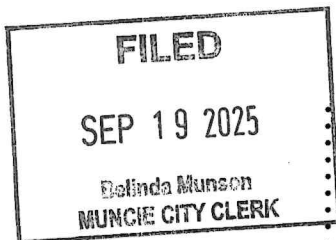
Postmark
 Here
 SEP 19 2025
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 USPS

PS Form 3800, January 2023 PSN 7530-02-000-9001 See Reverse for Instructions

FILED

SEP 19 2025

Belinda Munson
 MUNCIE CITY CLERK



Chey Barr, ROW Agent
Indiana Michigan Power Company
5000 N Wheeling Ave
Muncie, Indiana 47304
765-356-2942

Indiana Michigan Power Company

September 18, 2025

Ms. Beth Axson
Ashton Land Surveyors
beth@ashtonlandsurveyors.com

Re: Vacation letter

Dear Beth:

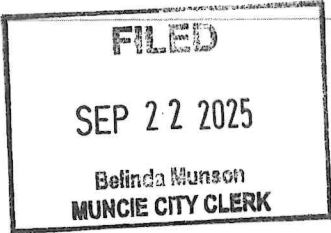
We have reviewed our lines on the property at 401 N Brady Street in Muncie, IN. We will retain the lines for the property, within the road right-of-way. We consent to the public alley being vacated.

If you have any questions, please feel free to contact me.

Sincerely,

Chey Barr
Right-of-Way Agent

From: Beth Ashton
Sent: Monday, September 22 2025, 9:49 am
To: Dan Gibson;
Subject: FW: [External Email] FW: Alley vacation 401 N Brady St. Muncie



Below is an email from CenterPoint Energy stating they have no objection to the alley vacation.
Thank you,



Beth Axsom
beth@ashtonlandsurveyors.com
Phone# (765)282-5594

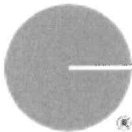
From: Reichle, Andrew P <Andrew.Reichle@centerpointenergy.com>
Sent: Monday, September 22, 2025 8:55 AM
To: Beth Ashton <Beth@ashtonlandsurveyors.com>; 'bf2712@att.com'; dallen@amwater.com; aleach@muncie.in.gov
Subject: RE: [External Email] FW: Alley vacation 401 N Brady St. Muncie

Hello Beth,

We have no objection to the vacation of the alley.

Thank you,

Drew



Andrew Reichle
Senior Right of Way Agent

CenterPoint Energy | Land and Field Services
765.287.2102 w | 765.215.7040 c
CenterPointEnergy.com

From: Beth Ashton <Beth@ashtonlandsurveyors.com>
Sent: Monday, September 22, 2025 8:53 AM
To: 'bf2712@att.com'; Reichle, Andrew P <Andrew.Reichle@centerpointenergy.com>; dallen@amwater.com;
aleach@muncie.in.gov
Subject: [External Email] FW: Alley vacation 401 N Brady St. Muncie

I am following up on my prior email. We will need this by October 1st.

Thank you,



Beth Axsom

beth@ashtonlandsurveyors.com

Phone# (765)282-5594

From: Beth Ashton

Sent: Monday, September 15, 2025 9:06 AM

To: 'Chey Carpenter Barr' <cbarr@aep.com>; 'bf2712@att.com' <bf2712@att.com>; 'david.croft@centerpointenergy.com' <david.croft@centerpointenergy.com>; 'dallen@amwater.com' <dallen@amwater.com>; 'aleach@muncie.in.gov' <aleach@muncie.in.gov>

Subject: Alley vacation 401 N Brady St. Muncie

We are helping our client vacate the alley as shown on the attached drawing. Her property is located at 401 N Brady St, Muncie, IN. Could you provide us with a written statement as to whether or not your utility company objects to the alley vacation or has any future use or need for the alley?

If you are not the correct person to contact for this at your company/office, could you provide us the contact of the person who is?

Thank you,

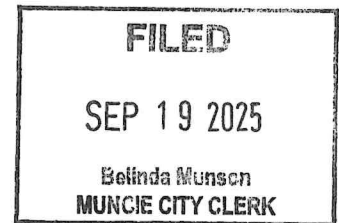


Beth Axsom

beth@ashtonlandsurveyors.com

Phone# (765)282-5594

Notice of Public Hearing



STATE OF INDIANA)

) SS:

COUNTY OF DELAWARE)

BEFORE THE CITY COUNCIL

MUNCIE, DELAWARE COUNTY, INDIANA

IN RE: PETITION TO VACATE A PART OF AN ALLEY LOCATED IN
BLOCK 15 OF T.H. KIRBY'S 2nd ADDITION TO THE CITY OF MUNCIE,
DELAWARE COUNTY, INDIANA BY: KIMBERLY SUE SWOVELAND.

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HSPAXLP

Publication Dates

LSBN0374726