

FILED

MAY 24 2021

Belinda Munson
MUNCIE CITY CLERK

ORDINANCE NO.

26-21

ORDINANCE TO VACATE A PORTION OF A CERTAIN
PUBLIC ALLEY AT 405 N. BRADY STREET IN THE CITY OF MUNCIE,
DELAWARE COUNTY, INDIANA

WHEREAS, Glenn A. Scroggins and Cindy Scroggins have filed their Petition to Vacate a Portion of a Certain Public Alley in the Thomas H. Kirby's Second Addition to the City of Muncie, Indiana, commonly known as 405 N. Brady Street, Muncie, Indiana and more particularly described as follows to-wit:

A VACATION of a ten (10) foot wide alley south of Wysor Street running north and south seventy-five (75) in length feet between Lots Numbered One (1) and Ten (10) and the North half of Lots Numbered Two (2) and Nine (9), all in Block number Fifteen (15) in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana.

Reserving, however an easement for existing public utilities and subject to restrictions of record;

WHEREAS, Glenn A. Scroggins and Cindy Scroggins will be the owner of the land that comprises the part of the public alley for which vacation is sought;

WHEREAS, notice of the filing of the Petition to Vacate Streets and the date of the hearing on said Petition have been given to all interested persons and published as required by law:

WHEREAS, the vacation will not hinder the growth or orderly development of the neighborhood or of the City of Muncie, Indiana;

WHEREAS, the vacation will not hinder the public's access to any church, school or other public building or place.

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

Section 1. Parts of certain public alley, more particularly described as follows, to-wit:

A VACATION of a ten (10) foot wide alley south of Wysor Street running north and south seventy-five (75) feet in length between Numbered Lots One (1) and Ten (10) and the North half of Lots Numbered Two (2) and Nine (9), all in Block number Fifteen (15) in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana.

are hereby vacated, subject to all easements of existing public utilities and restrictions of record.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana.


	Yeas	Nays	Abstained	Absent
Ralph Smith	<u>✓</u>	_____	_____	_____
Jeff Robinson	<u>✓</u>	_____	_____	_____
Brandon Garrett	<u>✓</u>	_____	_____	_____
Brad Polk	<u>✓</u>	_____	_____	_____
Jerry Dishman	<u>✓</u>	_____	_____	_____
Anitra Davis	<u>✓</u>	_____	_____	_____
Aaron Clark	<u>✓</u>	_____	_____	_____
Roza Selvey	<u>✓</u>	_____	_____	_____
Troy Ingram	<u>✓</u>	_____	_____	_____

Passed by the Common Council of the City of Muncie, Indiana, this 7th day of June, 2021.



President, Muncie Common Council

Presented by me to the Mayor for his approval this 7th day of JUNE, 2021.

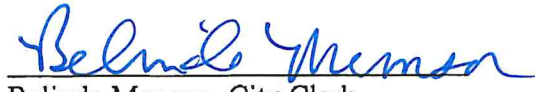


Belinda Munson, City Clerk
City of Muncie, Indiana


The above ordinance(s) is approved (vetoed) by me this 7th day of June, 2021.


Dan Ridenour, Mayor
City of Muncie, Indiana

ATTEST:


Belinda Munson, City Clerk
City of Muncie, Indiana

This Ordinance is proposed by  Council Member.

This Ordinance is approved in form by  Legal
Counsel. Corporate

Parcel Nos.: 18-11-10-477-003.000-003
18-11-10-477-001.000-003

STATE OF INDIANA)
) SS:
DELAWARE COUNTY)



BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: GLENN A. & CINDY SCROGGINS

PETITION TO VACATE A PORTION OF A CERTAIN PUBLIC ALLEY
IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA

Glenn A. Scroggins and Cindy Scroggins, "Petitioners", respectfully petition to vacate part of certain public alley and in support thereof says that:

1. Petitioners are the owners of the following described Real Estate commonly known as 405 N. Brady Street, located in the City of Muncie, Delaware County, Indiana, to-wit:

Lots Numbered One (1) and Ten (10) and the North half of Lot Number Nine (9) and the North half of Lot number Two (2) all in Block number Fifteen (15) in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana.
("Real Estate")

2. Laid out and platted as to a public right-of-way, a certain alley, which is south of Wysor Street running north and south seventy-five (75) feet between Petitioners' real estate described above. See Exhibit "A".

3. Petitioners desire to vacate certain parts of the alley, specifically the portion running directly through Petitioners' Real Estate, more particularly described as follows:

A VACATION of a ten (10) foot wide alley south of Wysor Street running north and south seventy-five (75) feet in length between Numbered Lots One (1) and Ten (10) and the North half of Lots Numbered Two (2) and Nine (9), all in Block number Fifteen (15) in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana.

4. Petitioners own all of the real estate on both the east and west side of the alley sought to be vacated. The name and address of the other owner of land that abuts the property proposed to be vacated is the following:


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

5. The vacation of the part of alley described above is subject to all easements of existing public utilities and all restrictions of record.

6. No person will suffer any damage by reason of the vacation of the part of the alley described above. The vacation will not make access to the lands of any person difficult or inconvenient. The vacation will not hinder the use of any street by the neighborhood in which it is located. The vacation will not hinder the public's access to any church, school or other public building or place, nor will the vacation hinder the growth or orderly development of the neighborhood or the City of Muncie, Indiana.

7. The undersigned affirms under the penalties of perjury that they are the owners of the Real Estate described in this petition and that the foregoing representations are true.

WHEREFORE, Petitioner prays that the part of the public alley described above be vacated by Ordinance of the Common Council of the City of Muncie, Indiana.


Glenn A Scroggins (May 24, 2021 13:55 EDT)

Glenn A. Scroggins

Cindy Scroggins

May 24, 2021

Date

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

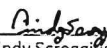
5. The vacation of the part of alley described above is subject to all easements of existing public utilities and all restrictions of record.

6. No person will suffer any damage by reason of the vacation of the part of the alley described above. The vacation will not make access to the lands of any person difficult or inconvenient. The vacation will not hinder the use of any street by the neighborhood in which it is located. The vacation will not hinder the public's access to any church, school or other public building or place, nor will the vacation hinder the growth or orderly development of the neighborhood or the City of Muncie, Indiana.

7. The undersigned affirms under the penalties of perjury that they are the owners of the Real Estate described in this petition and that the foregoing representations are true.

WHEREFORE, Petitioner prays that the part of the public alley described above be vacated by Ordinance of the Common Council of the City of Muncie, Indiana.

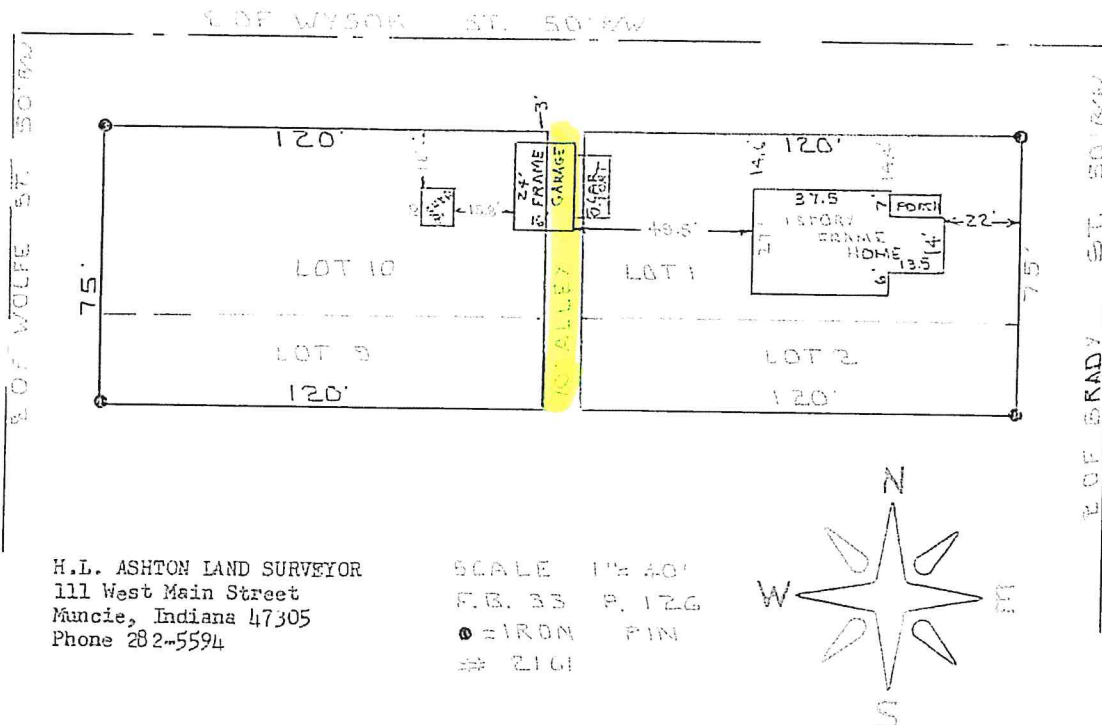
Glenn A. Scroggins


Cindy Scroggins (May 24, 2021 15:15 EDT)

Cindy Scroggins

May 24, 2021

Date



Buyer: Glenn & Cindy Scroggins
405 North Brady
Muncie, Indiana

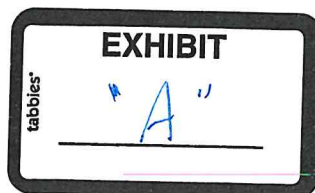
A survey of Lot 1 and 10, the north half of Lot 9 and the north half of Lot 2, block 15, in Thomas Kirby Second Addition, an addition to the City of Muncie, as recorded in Plat Book 1, page 68, Records of Delaware County, Indiana.

I hereby certify that this identification plat shows the improvement or improvements as located on the premises described, that the improvement or improvements are entirely within lot lines, and that there are no encroachments upon the premises described, by the improvement or improvements, of any adjoining premises, except as indicated. I further certify that there are no record plat easements affecting the tract shown hereon, except as indicated.

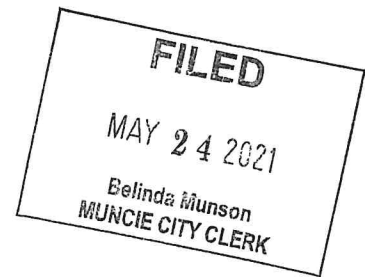
Dated: September 12, 1980

Haldon L. Ashton

Registered Land Surveyor S0149
Haldon L. Ashton



STATE OF INDIANA)
) SS:
DELAWARE COUNTY)



BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: GLENN A. & CINDY SCROGGINS

NOTICE OF PETITION TO VACATE
STREETS AND HEARING THEREON


TO: The City of Muncie, Indiana, and the Citizens Thereof:

You are hereby notified that Glenn A Scroggins and Cindy Scroggins have filed a petition with the Common Council of the City of Muncie, Indiana to vacate a portion of a certain public alley in the City of Muncie, Delaware County, Indiana, being ten (10) feet in width in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana, said portion of this public alley is described as follows:

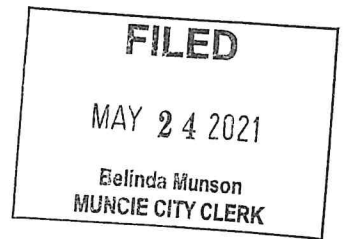
A VACATION of a ten (10) foot wide alley south of Wysor Street running north and south seventy-five (75) feet in length between Numbered Lots One (1) and Ten (10) and the North half of Lots Numbered Two (2) and Nine (9), all in Block number Fifteen (15) in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana.

You are further notified that said petition and the things at issue will be heard and determined by the Common Council of the City of Muncie, Indiana, on the 7th day of June, 2021 at 7:00 P.M. at the City Hall, 300 North High Street, Muncie, Indiana.

IN WITNESS WHEREOF, the Clerk of the City of Muncie, Indiana, has affixed her signature and official seal this 24th day of May, 2021.


CLERK, City of Muncie, Indiana

STATE OF INDIANA)
) SS:
DELAWARE COUNTY)



BEFORE THE COMMON COUNCIL
OF THE CITY OF MUNCIE, INDIANA

IN RE: GLENN A. & CINDY SCROGGINS

NOTICE OF PETITION TO VACATE
STREETS AND HEARING THEREON

TO: The City of Muncie, Indiana, and the Citizens Thereof:

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IN WITNESS WHEREOF, the Clerk of the City of Muncie, Indiana, has affixed her signature and official seal this 24th day of May, 2021.


CLERK, City of Muncie, Indiana

PUBLIC MEETING NOTICE:

You are hereby notified that Glenn A. Scroggins and Cindy Scroggins have filed a petition with the Common Council of the City of Muncie, Indiana to vacate a portion of a certain public alley in the City of Muncie, Delaware County, Indiana, being ten (10) feet in width in Thomas H. Kirby's Second Addition to the City of Muncie, Indiana, said portion of the public alley is described as follows:

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You are further notified that said petition and the things at issue will be heard and determined by the Common Council of the City of Muncie, Indiana, on the 7th day of June, 2021 at 6:45 P.M. at the City Hall, 300 North High Street, Muncie, Indiana.

Belinda Munson, Muncie City Clerk