

ORDINANCE NO. 2022-20

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER,
INDIANA, VACATING PUBLIC ALLEY**

WHEREAS, the Most Reverend Joseph M. Siegel, Bishop of the Catholic Diocese of Evansville has filed, with the Common Council of the City of Jasper, Indiana, a Petition on behalf of the Catholic Diocese of Evansville ("owner") for vacation of a platted alley. Said Petition shall be recorded with the Recorder of Dubois County on the 17th day of August, 2022, as Document Number 2022004582

WHEREAS, a public hearing on said Petition was held on August 17, 2022, and notice was given as required by law;

WHEREAS, the Common Council of the City of Jasper, Indiana, has jurisdiction to vacate a portion of the platted and dedicated alley, as described in said Petition and described herein, below.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, as follows:

SECTION 1. The findings of this Council are as follows:

- A. Adequate reason exists for the vacation of the public alley that exists on the real estate owned by Petitioner.
- B. Petitioner owns real estate upon which the subject alley is located, and which is described as follows:

Lots 175, 176, 178, and 179 in the Original Town of Jasper, Jasper, Indiana.
- C. The public alley underlying the real estate is more particularly described as follows:

A part of the Original Town now City of Jasper, Bainbridge Civil Township, Dubois County, Indiana, being that 0.035-acre tract surveyed by Ethan T. Hopf, Indiana Professional Surveyor No. LS21800026, with Brosmer Land Surveying & Engineering, Inc., as shown on a plat of survey certified on December 10, 2020, and being more completely described as follows:

Beginning at the southeast corner of Lot One-hundred seventy-nine (179) of the Original Town now City of Jasper;
thence North 00 degrees 19 minutes 43 seconds East a distance of 174.99 feet along the east line of said Lot 179 and the east line of Lot One-hundred seventy-five (175) of the Original Town now City of Jasper to the northeast corner thereof;
thence South 89 degrees 40 minutes 17 seconds East a distance of 8.71 feet to the northwest corner of Lot One-hundred seventy-six (176) of the Original Town now City of Jasper;
thence South 00 degrees 19 minutes 43 seconds West a distance of 174.99 feet along the west line of said Lot 176 and the west line of Lot One-hundred seventy-eight (178) of the Original Town now City of Jasper to the southwest corner thereof;
thence North 89 degrees 40 minutes 17 seconds West a distance of 8.71 feet to the point of beginning of the herein described tract.
Containing 0.035 acre.

State Parcel ID NO.

19-06-26-403-402.000-002
19-06-26-403-447.000-002
19-06-26-403-403.000-002
19-06-26-403-446.000-002
19-06-26-403-445.000-002
19-06-26-403-444.000-002

See depiction of alley incorporated by reference and attached hereto as Exhibit A.

- D. Proper notice of the hearing for the Petition for Vacation of Public Alley was published in the Herald on August 6, 2022, and that notice by hand delivery with return receipt has been given to the abutting landowner, and no one has appeared to object to the vacation of the Right of Way.
- E. There are obsolete and unused communication lines located within the alley. These transmission lines do not serve any customers. No other utilities exist within this alley. Therefore, the public alley is not currently being used for purposes of ingress/egress or other public purposes.
- F. No public benefit is derived from the continuous existence of the subject public alley.
- G. No adjacent property owner will be adversely affected by the petitioned vacation of said public alley.
- H. The vacation of the public alley will not diminish the value of any other real estate located in the vicinity thereof.
- I. No reason exists for the continued maintenance of the subject public alley in its current location and the same should now be vacated and title to said vacated public alley shall vest in the adjacent landowner, namely Petitioner.

SECTION 2. The subject public alley, as herein identified, shall be and is vacated.

SECTION 3. A copy of this Ordinance shall be recorded in the office of the Auditor and Recorder of Dubois County, Indiana.

SECTION 4. Separability. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 5. Prior Ordinances. That any ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall be effective after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 17th day of August, 2022.

Dean Vonderheide
Dean Vonderheide, Presiding Officer

ATTEST:

Allen Seifert
Allen Seifert, Clerk Treasurer

PRESENTED by me to the Mayor of the City of Jasper on this 17th day of August, 2022, at the hour of 7:17 o'clock a.m./p.m.

Allen Seifert
Allen Seifert, Clerk Treasurer

This Ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana, this 17th day of August, 2022, at the hour of 7:17 o'clock a.m./p.m.

Dean Vonderheide
Dean Vonderheide, Mayor

ATTEST:

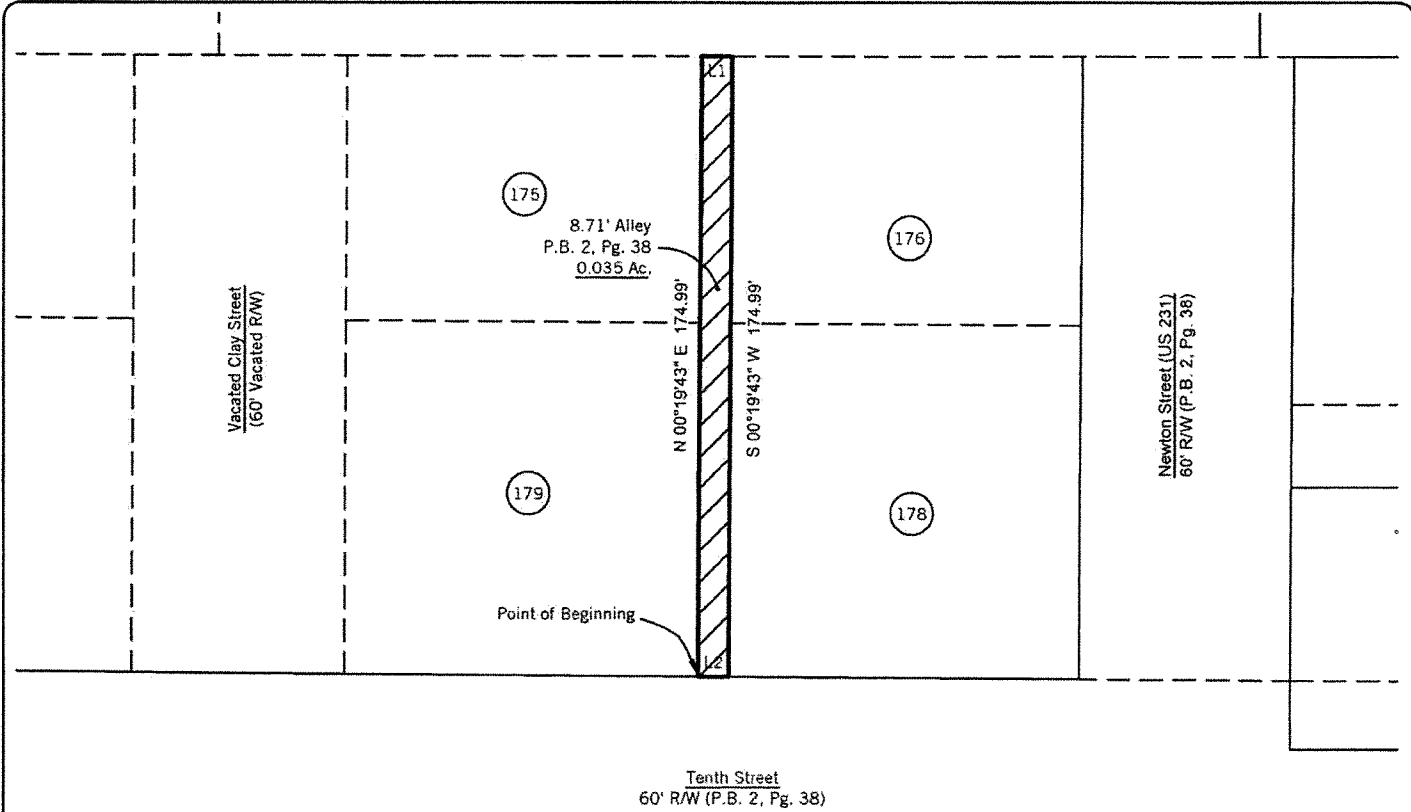
Allen Seifert
Allen Seifert, Clerk Treasurer

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.

Renee J. Kabrick
Renee J. Kabrick, City Attorney

*This instrument was prepared by Renee J. Kabrick
City of Jasper, 610 Main Street, Jasper IN*

Exhibit A



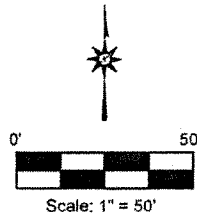
Recommended Boundary Description

A part of the Original Town now City of Jasper, Bainbridge Civil Township, Dubois County, Indiana, being that 0.035-acre tract surveyed by Ethan T. Hopf, Indiana Professional Surveyor No. LS21800026, with Brosmer Land Surveying & Engineering, Inc., as shown on a plat of survey certified on December 10, 2020, and being more completely described as follows:

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Line Table

LINE	BEARING	DIST
L1	S 89°40'17" E	8.71'
L2	N 89°40'17" W	8.71'



Surveyor's Notes

- The bearing system of this survey is based upon a survey performed for Saint Joseph Catholic Church and Greater Jasper Consolidated Schools by Ethan T. Hopf (LS 21800026), completed December 10, 2020. Said survey is recorded at Record Document 2021000259 of the Dubois County Recorder's Office.
- Unless otherwise noted, all dimensions shown are measured horizontal ground level distances. Where a record dimension is shown accompanying a measured dimension, the measured dimension supercedes the record dimension. In this case, the record dimension is informational only.
- The subject boundary description is based upon a boundary survey performed for Saint Joseph Catholic Church and Greater Jasper Consolidated Schools by Ethan T. Hopf (LS 21800026), completed December 10, 2020. Said survey is recorded at Record Document 2021000259 of the Dubois County Recorder's Office. No actual boundary retracement survey was physically performed on the ground at this time of certification, being at the request of the client. The existence of corner monuments has not been verified at this time of certification.

Certification

I, Bradley J. Eckerle, certify that I am a Registered Professional Land Surveyor, of the State of Indiana, and that the above boundary description exhibit was performed wholly under my direct supervision, and to the best of my knowledge and belief, is true and correct.

Bradley J. Eckerle
7/1/22

Bradley J. Eckerle Date
Reg. Land Survey No. LS21000206
State of Indiana

BOUNDARY DESCRIPTION EXHIBIT

Vacated Alley lying between Lots 175, 176, 178 & 179
in the Original Town now City of Jasper, Indiana

Client: Saint Joseph Church	Surveyed Address: 1020 Kundeck Street Jasper, IN 47546
 BROSMER LAND SURVEYING & ENGINEERING, INC. P.O. Box 101 • 205 East Sixth Street • Jasper, Indiana 47546 Phone: (812) 482-9819 • Fax: (812) 482-4445	
File Path: 19/1s-5w/26/St Joseph Church/Vacation Alley	
Scale: 1"= 100'	Date: 7/1/22
Drawn by: C.M.B.	Approved by: P.J.B.