

## SPECIAL ORDINANCE #1.2024

### VACATING AN ALLEYWAY NORTH OF HILL STREET IN THE CITY OF WABASH, INDIANA

WHEREAS, the Wabash Carnegie Public Library, by the attorney for the Board of Trustees, pursuant to Indiana Code §36-7-3-12, petitioned the Common Council of the City of Wabash, Indiana to vacate a public alley way running north-south for a half block on the Wabash Carnegie Public Library property within the City of Wabash, Indiana, to-wit:

Running north-south between OP Lot 174 and

OP West 2' Lot 172 and OP Lot 173.

WHEREAS, the Wabash Carnegie Public Library is the owner of all real estate contiguous and adjacent thereto and is interested therein;

WHEREAS, notice of the Petition and the public hearing thereon has been given as required by law; and

WHEREAS, there is only one (1) owner of land that abuts the property to be vacated:

Wabash Carnegie Public Library, 188 West Hill Street, Wabash IN 46992

NOW, THEREFORE, BE IT ORDAINED THAT;

(1) The following ½ block alley way, to-wit:

Running north-south between OP Lot 174 and

OP West 2' Lot 172 and OP Lot 173

Is hereby vacated and the fee simple thereof shall revert by operation of law and by this Special Ordinance to the Wabash Carnegie Public Library.

(2) The Clerk-Treasurer shall furnish a copy of this Ordinance to the County Recorder for recording and the County Auditor, all as required by Indiana Code §36-7-3-12.

BE IT FURTHER ORDAINED THAT this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed by the Common Council of the City of Wabash on final reading this \_\_\_\_ day of May, 2024.

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*President of the Common Council of the City of Wabash*

Approved this \_\_\_\_ day of May, 2024.

\_\_\_\_\_  
Scott A. Long, *Mayor of the City of Wabash*

Attest:

\_\_\_\_\_  
Printed \_\_\_\_\_

*For the Clerk-Treasurer*

**CERTIFICATION**

I, \_\_\_\_\_, on behalf of the Clerk-Treasurer of the City of Wabash, Indiana, hereby certify that the foregoing Special Ordinance is a true, correct and complete copy as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_ day of May, 2023.

\_\_\_\_\_  
Printed: \_\_\_\_\_

*For and on behalf of the Clerk-Treasurer*

I affirm, under the pains and penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. Mark C. Guenin (Attorney #7337-85)

THIS INSTRUMENT PREPARED BY: Mark C. Guenin Attorney #7337-85

GUENIN LAW OFFICE, PC

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Wabash Indiana 46992

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EmilyGH@GueninLaw.com

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GUENIN & GUENIN-HODSON

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*Your injury and insurance lawyers.*

April 30, 2024

Wabash City Clerk  
Wabash City Council  
City Hall  
202 S. Wabash St.  
Wabash, IN 46992

Subject: Petition for Vacation of Alley Adjacent to Wabash Carnegie Public Library

Wabash City Council,

Pursuant to Ind. Code Ann. § 36-7-3-12, we bring this petition on behalf of the Board of Trustees of the Wabash Carnegie Library located in Wabash, Indiana. We hereby petition the Wabash City Council to vacate the alleyway separating two properties owned by the Wabash Carnegie Library.

**Circumstances of the Case:**

The alley in question is rarely used and when used, is primarily used as access to the rear of the library and has become an impediment to the use and new design of the library. The vacation of this alley would allow the library to expand its facilities and enhance safety measures, which are crucial for the library's operation and the well-being of its patrons. The continued use of this alleyway will cause unnecessary vehicle traffic in the area with no legitimate use.

Lack of Use. The City's legal interest in the property appears of record or is reflected on an applicable plat, recently the Library acquired the property formerly owned by Dr. Bradley Farlow. Dr. Farlow operated an optometry office at this location. However the office building has been razed. There is no property adjacent to this alleyway that requires the use of the alley. There is no public use for this alley way.

Public Safety. The existence of the alley way does not contribute to the community's public safety in any way.

Urban Design. The continuation of the alley does not serve as a positive urban design element.

Community Purpose. The Petitioner is proposing to incorporate the vacated alleyway into the general landscape and design of the Library. The Library is in the process of a major expansion and remodel of its building. If the alley way is vacated and closed then this act will allow the Library an opportunity to use the property in the design and use of the Library.

**Description of Property Proposed to Be Vacated:**

The property proposed to be vacated is located between parcel 85-14-11-304-016.000-009 (owned by the Wabash Carnegie Public Library) and parcel 85-11-304-017.000-009 (owned by the Wabash Carnegie Public Library) and is depicted in the image below:



**Names and Addresses of All Owners of Land That Abuts the Property Proposed to be Vacated:**

The Wabash Carnegie Public Library by its Board of Trustees.

We request that the legislative body hold a hearing on this petition within thirty (30) days of its receipt, as required by law. The Library is the only property owner that abuts the proposed vacated alleyway. We will provide notice of the petition and the hearing through publication as prescribed in IC §5-3-1.

**Attachments:**

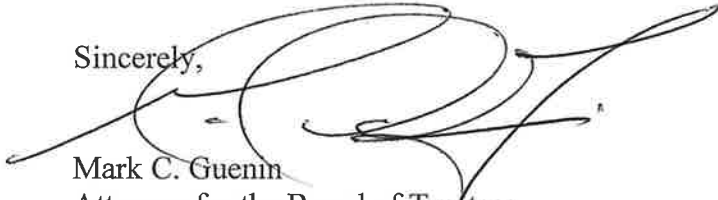
1. Photographs of the alleyway

We understand that the costs associated with these notices are our responsibility and are prepared to fulfill these obligations.

After the legislative hearing, should the council decide in favor of vacating the alley, we request that the ordinance be recorded by the county recorder and a copy furnished to the county auditor, as specified by law.

We appreciate your consideration of this petition and look forward to discussing it further at the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Guenin', written over a horizontal line.

Mark C. Guenin  
Attorney for the Board of Trustees  
Wabash Carnegie Public Library







574 South Miami Street  
Wabash, IN 46992  
Phone: 260.569.7900  
Fax: 260.638.2401



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