

ORDINANCE NO. FCO-7

ORDINANCE VACATING AN EASEMENT IN THE RIDGEWOOD  
SUBDIVISION IN FLOYD COUNTY, INDIANA

WHEREAS, Elliott V. Phillips and Sue Phillips, have filed a petition requesting the Floyd County Commissioner to vacate easements and reduce easements as follows:

A) Vacate the following easements:

The thirty foot (30') Drainage and Utility Easement on the west side of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21); also known as the rear of said Lots Sixteen (16) through Twenty-one (21), and a thirty foot (30') Drainage and Utility Easement between Lots Nineteen (19) and Twenty (20).

B) Amendment of the Following Easement:

Drainage and Utility Easement between Lots Sixteen (16) and Seventeen (17) from thirty feet (30') to twenty (20') ten feet (10') each on Lots Sixteen (16) and Seventeen (17).

WHEREAS, the Commissioner has caused a public hearing to be held; and

WHEREAS, the Commissioner on 18 SEPTEMBER, 1990, has heard all persons wishing to be heard on the petition and has determined that neither the public nor the County will be harmed by the vacation and amendment of the easements more particularly described hereinafter.

NOW THEREFORE, BE IT ORDAINED by the Commissioner of the Floyd County, Indiana, that:

1. The following described easement be, and the same hereby is vacated and/or amended as more set forth below:

A) Vacate the following easements:

The thirty foot (30') Drainage and Utility Easement on the west side of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21); also known as the rear of said Lots Sixteen (16) through Twenty-one (21), and a thirty foot (30') Drainage and Utility Easement between Lots Nineteen (19) and Twenty (20).

B) Amendment of the Following Easement:

Drainage and Utility Easement between Lots Sixteen (16) and Seventeen (17) from thirty feet (30') to twenty (20') ten feet (10') each on Lots Sixteen (16) and Seventeen (17).

2. This Ordinance shall be in full force and effect upon its timely passage, promulgation and approval by the Commissioner.

Passed and adopted by the Commissioner of the Floyd County, Indiana, on the 18<sup>th</sup> day of SEPTEMBER, 1990.

BOARD OF COMMISSIONERS, COUNTY OF FLOYD

By: Edmund R. Quable

By: Charles L. Zipp

By: Paul Beaman

ATTEST:

Beth Skrup  
Auditor of Floyd County

TO: The Floyd County Commissioners  
PETITIONER: Elliott V. Phillips and Sue Phillips  
RE: Petition to vacate an easement located in Ridgewood  
Subdivision

PETITION TO VACATE AN EASEMENT LOCATED  
IN RIDGEWOOD SUBDIVISION

The petitioner hereby petitions the Commissioners of Floyd County, Indiana, as follows:

1. Petitioners are owners of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21) upon which the current easements are located.

2. That the easement referred to above is more particularly described as follows, to-wit:

The thirty foot (30') Drainage and Utility Easement on the west side of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21) also known as the rear of said lots Sixteen (16) through Twenty-one (21), and the thirty foot (30') Drainage and Utility Easement between Lots Nineteen (19) and Twenty (20) of Ridgewood Subdivision as recorded in Plat No. 852.

3. That the petitioner requests that the easements be vacated or reduced as follows:

A) Vacate the following easements:

The thirty foot (30') Drainage and Utility Easement on the west side of Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21); also known as the rear of said Lots Sixteen (16) through Twenty-one (21), and a thirty foot (30') Drainage and Utility Easement between Lots Nineteen (19) and Twenty (20).

B) Amendment of the Following Easement:

Drainage and Utility Easement between Lots Sixteen (16) and Seventeen (17) from thirty feet (30') to twenty (20') ten feet (10') each on Lots Sixteen (16) and Seventeen (17).

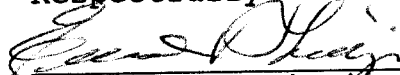
4. That the petitioner requests that the portion of the easement, above described and highlighted, be vacated so that the petitioner may expand its present area for housing, and thus use the lots to their highest and best purpose.

5. That the petitioner states that no person will suffer damage if the platted portion of the easement is vacated.

6. That this Petition is being made pursuant to the oral presentation made before the Floyd County Commissioners and approved by them on July 2, 1990.

WHEREFORE, the petitioner asks the Floyd County Commissioners to pass an ordinance vacating and modifying the easements as set forth above.

Respectfully submitted,

  
Elliott V. Phillips

  
Sue Phillips

Douglas L. Bowman and Angela F. Bowman, husband and wife hereby consent to the Petition as set forth above, and acknowledge that this Petition was acted upon and approved by the Floyd County Commissioners on July 6, 1990.

  
Douglas L. Bowman

  
Angela F. Bowman

STATE OF INDIANA )  
 ) SS:  
COUNTY OF CLARK )

BEFORE ME, the undersigned, Notary Public, in and for the above-named County and State, this 10<sup>th</sup> day of September, 1990, personally appeared Elliott V. Phillips, and acknowledged the execution of the foregoing.

WITNESS my hand and notarial seal.

Patricia C. Miller  
Notary Public

My commission expires:

3-28-93

Patricia J. Miller  
Printed Signature  
Floyd  
Resident of ~~Clark~~ County, Indiana

STATE OF INDIANA )  
 ) SS:  
COUNTY OF CLARK )

BEFORE ME, the undersigned, Notary Public, in and for the above-named County and State, this 10<sup>th</sup> day of September, 1990, personally appeared Sue Phillips, and acknowledged the execution of the foregoing.

WITNESS my hand and notarial seal.

Patricia C. Miller  
Notary Public

My commission expires:

3-28-93

Patricia J. Miller  
Printed Signature  
Floyd  
Resident of ~~Clark~~ County, Indiana

STATE OF INDIANA )  
 ) SS:  
COUNTY OF CLARK )

BEFORE ME, the undersigned, Notary Public, in and for the above-named County and State, this 7<sup>th</sup> day of September, 1990, personally appeared Douglas L. Bowman, and acknowledged the execution of the foregoing.

