

ORDINANCE NO. FCO 2003-V

**AN ORDINANCE VACATING PLATTED EASEMENTS
ON LOTS 23 AND 24 IN PLUM HILL SUBDIVISION,
PLAT NO. 965, FLOYD COUNTY, INDIANA**

WHEREAS, petitioners, Carl F. Booth, Katherine S. Booth, Edwin W. Wooley, and Dana L. Wooley, have filed a petition to be filed for the vacation of platted easements on their respective properties pursuant to the provisions of IC 36-7-3-12 and 36-7-3-16; and,

WHEREAS, such petitioners have further caused a notice of public hearing on such petition before this Board to be properly published in accordance with Indiana law; and,

WHEREAS, this Board having held such public hearing at the date and time as stated in such published notification; and,

WHEREAS, no there are no adjoining property owners to the easements proposed to be vacated, except for the petitioners as to the request of each other.

NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners of Floyd County, Indiana, hereby finds all of the following:

1. The proposed vacation will not hinder the growth or orderly development of Floyd County, Indiana.
2. The proposed vacation will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient.
3. The proposed vacation will not hinder the public's access to a church, school, or other public building or place.
4. The proposed vacation will not hinder the use of a public way by the neighborhood in which the easements are located or to which they are contiguous.

IT IS FURTHER ORDAINED, that the Board of Commissioners of Floyd County, Indiana, does accordingly hereby vacate the following described easements:

5. A platted 10-foot public utility and sign easement located on the westernmost side of the lot of petitioners, Carl F. Booth and Katherine S. Booth, located at the commonly known address of 1902 Plum Hill Way, Floyds Knobs, Floyd County, Indiana, which real property is more particularly described as follows:

LOT NO. TWENTY-THREE (23), PLUM HILL
SUBDIVISION, PLAT NO. NINE HUNDRED SIXTY-
FIVE (965) OF THE FLOYD COUNTY, INDIANA
RECORDS.

This vacation further partially vacates the effect of the easement held by Clark County REMC recorded as Instrument 200120157 in the office of the Recorder of Floyd County, Indiana, on December 19, 2001, and Clark County REMC has provided a written release with respect to the vacated portion of their easement rights under this recorded instrument, which release is attached to the petition for vacation.


6. A 10-foot public utility and sign easement located on the easternmost side of the lot of petitioners, Edwin W. Wooley and Dana L. Wooley, located at the commonly known address of 1904 Plum Hill Way, Floyds Knobs, Floyd County, Indiana, which real property is more particularly described as follows:

LOT NO. TWENTY-FOUR (24), PLUM HILL
SUBDIVISION, PLAT NO. NINE HUNDRED SIXTY-
FIVE (965) OF THE FLOYD COUNTY, INDIANA
RECORDS.

The drawing attached hereto and incorporated herein as Exhibit "A" further depicts the area of the platted easements hereby vacated.

IT IS FURTHER ORDAINED that this vacation shall not deprive a public utility of the use of all or part of the easements hereby vacated to the extent that any such public utility was occupying all or part of such easements at the time that the petition for vacation was filed.

This Ordinance proposed, promulgated, and adopted this 4th day of FEBRUARY, 2003, and shall be of full force and effect as of the date of its passage.



JOHN REISERT, Commissioner

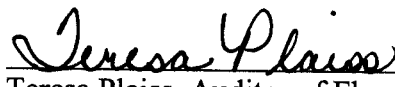


CHARLES FREIBERGER, Commissioner



MIKE MILLS, Commissioner

Attested by:



Teresa Plaiss, Auditor of Floyd County