

ORDINANCE NO 2005=XXI**AN ORDINANCE VACATING A PLATTED EASEMENT
OF LOTS 16 AND 17, RISING FAWN SUBDIVISION
PLAT NO. 1143, FLOYD COUNTY, INAIANA**

WHEREAS, petitioner, TRADING POST HOMES, INC. have filed a petition to be filed for the vacation of a platted drainage and utility easement on real estate owned by TRADING POST HOMES, INC more particularly hereinbelow , which real estate is adjacent to real estate owned by TRADING POST HOMES, INC. 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, there are no other adjoining property owners to the portion of the easement proposed to be vacated.

NOW, THERFORE, 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 th which they are contiguous.

IT IS FURTHER ORDAINED, that the Board of Commissioners of Floyd County, Indiana, does accordingly hereby vacate the drainage and utility easement located along the Lot line of Lots 16 and 17, Rising Fawn Subdivision, Plat No. 1143 from the right-of-way of Rising Fawn Court to the 20 foot landscape, drainage and utility easement along the rear lot line said lots 16 and 17.

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

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

This Ordinance proposed, promulgated, and adopted this 17th day of May, 2005, and shall be of full force and effect as of the date of its passage.


JOHN REISERT, Commissioner

Attested by:


CHARLES FREIBERGER, Commissioner


Teresa Plaiss, Floyd County Auditor


STEVE BUSH, Commissioner

