

BILL \_\_\_\_\_

ORDINANCE NO. FLO-2011-VII

AN ORDINANCE VACATING ROADWAY

AN ORDINANCE VACATING FORTY (40) FOOT ENTRANCE ROADWAY  
TO ALTAWOOD SUBDIVISION IN FLOYD COUNTY, INDIANA

WHEREAS, Carol Ann Nell, as Trustee for Ronald William Nell and Ronald W. Nell, filed a Petition requesting the Floyd County Commissioners vacate that portion of the old entrance way to Altawood Subdivision being a forty (40) foot wide entrance roadway at the southeast corner of the Altawood Plat running from State Road 150 (Paoli Pike) to its termination at the intersection of Orchard Lane and North Hill Road in the Altawood Subdivision, which Petition is in the following words and figures, to-wit:

(H.I.)

WHEREAS, in support of their Petition, Petitioners own real estate contiguous with the roadway sought to be vacated, and a copy of the Plat of Altawood was attached to the Petition and marked as Exhibit "A"; and

WHEREAS, they desire to vacate that forty (40) foot roadway as described above shown on said Plat and highlighted in Petition's Exhibit "A"; and

WHEREAS, the roadway to be vacated is more particularly described as follows, to-wit:

THAT FORTY (40) FOOT ENTRANCE ROADWAY AT THE  
SOUTHEAST CORNER OF THE ALTAWOOD PLAT  
RUNNING FROM STATE ROAD 150 (PAOLI PIKE) TO ITS  
TERMINATION AT THE INTERSECTION OF ORCHARD  
LANE AND NORTH HILL ROAD.

WHEREAS, the Floyd County Commissioners have caused a Public Hearing to be set and held on June 7, 2011 at 6:00 p.m., in the Commissioners' Room, Second Floor, City-County Building, New Albany, Indiana, and a Notice was served upon the contiguous owners to said roadway by certified mail, which returns of said certified mail are of record in the Office of the Auditor of Floyd County, Indiana, and reads in the following words and figures, to-wit:

(H.I.)

WHEREAS, the Notice of the public hearing was published in the News and Tribune on May 12, 2011, and the Publisher's Affidavit in support thereof is also of record in the office of the Auditor of Floyd County, Indiana, and reads in the following words and figures, to-wit:

(H.I.)

WHEREAS, at the public hearing all persons wishing to be heard on the Petition had an opportunity to appear and make public comment, and no one appeared opposed or in favor of the vacation, excepting the Petitioners.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Floyd County, Indiana, pursuant to Indiana Code, that:

1. The following described roadway in Floyd County, Indiana, be and the same is hereby vacated:

THAT FORTY (40) FOOT ENTRANCE ROADWAY AT THE SOUTHEAST CORNER OF THE ALTAWOOD PLAT RUNNING FROM STATE ROAD 150 (PAOLI PIKE) TO ITS TERMINATION AT THE INTERSECTION OF ORCHARD LANE AND NORTH HILL ROAD.

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

PASSED AND ADOPTED BY THE COUNTY COMMISSIONERS ON THE 7<sup>TH</sup> DAY OF JUNE, 2011.

FLOYD COUNTY COMMISSIONERS

  
STEPHEN BUSH

  
CHARLES A. FREIBERGER

  
MARK SEABROOK

ATTEST:

  
COUNTY AUDITOR