

ORDINANCE NO. FCO -XXIX

**AN ORDINANCE VACATING PLATTED UTILITY EASEMENT ON
LOTS 22 AND 23 IN THE WOODS OF SKYLINE SUBDIVISION,
PHASE 1, PLAT NO. 1201, FLOYD COUNTY, INDIANA**

WHEREAS, petitioner, BZ Developer, LLC, has filed a petition for the vacation of platted easements on its properties consisting of Lot 22 and 23 of the Woods of Skyline subdivision, Phase 1, 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 along the northernmost boundary of Lot 22, Phase 1, of The Woods of Skyline Subdivision, as shown in Plat No. 1201 of the Floyd County, Indiana Records, which lot is also contiguous to Lot 23. The drawing attached as Exhibit "A" to Petitioner's petition herein further depicts the area of the platted easement hereby vacated.

6. A platted 10-foot public utility and sign easement located along the southernmost boundary of Lot 23, Phase 1, of The Woods of Skyline Subdivision, as shown in Plat No. 1201 of the Floyd County, Indiana Records, which lot is also contiguous to Lot 22. The drawing attached as Exhibit "A" to Petitioner's petition herein 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 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. A copy of this Ordinance shall be recorded in the office of the Recorder of Floyd County, Indiana, promptly after its adoption.

This Ordinance proposed, promulgated, and adopted this 27th day of DECEMBER, 2004, and shall be of full force and effect as of the date of its passage.

JOHN REISERT, Commissioner

Charles A. Freiburger

CHARLES FREIBERGER, Commissioner

Mike Mills

MIKE MILLS, Commissioner

Attested by:

Teresa Plaiss

Teresa Plaiss, Auditor of Floyd County