

**ORDINANCE NO. 2008-OR-II\_\_\_\_\_**

**AN ORDINANCE VACATING THE EASEMENT  
ON LOT 48 IN THE WOODS OF LAFAYETTE SUBDIVISION,  
FLOYD COUNTY, INDIANA**

WHEREAS, petitioner, Wind Dance Farm, Inc., an Indiana Corporation, has filed a petition pursuant to the provisions of IC 36-7-3-12 and IC 36-7-3-16 seeking the vacation of a 15 foot drainage, sanitary sewer and public utility easement on Lot 48 of the Woods of Lafayette in Floyd County, State of Indiana, in Plat 1174 in the Floyd County, Indiana Record of Plats; and,

WHEREAS, such petitioner has further caused a notice of public hearing on such petition before the County Commissioners to be (i) served by all other owners adjoining the property proposed to be vacated, and (ii) properly published in accordance with Indiana law; and,

WHEREAS, the County Commissioners having held such public hearing at the date and time as stated in such published notice; and,

WHEREAS, the County Commissioners now find that the relief requested by such petitioner should be granted.

NOW, THEREFORE, BE IT ORDAINED, that the County Commissioners of Floyd County, Indiana, do accordingly hereby vacate the following described easement:

Being a 15 foot Drainage, Sanitary Sewer and Public Utility Easement to be vacated, being a part of Lot No. 48 of the Woods of Lafayette as recorded on Plat No. 1174 in the Floyd County, Indiana Record of Plats and being more fully described as follows, to-wit:

Commencing at an iron pin at the most southerly corner of said Lot No. 48; running thence North 19° 57' 57" East along the southeasterly line of an existing 15' Easement as shown on said Plat No. 1174, a distance of 31.64 feet to a point; thence South 67° 08' 11" West, 10.23 feet to the true place of beginning of the centerline of said 15 foot Drainage, Sanitary Sewer and Public Utility Easement to be herein vacated:

Thence North 19° 57' 57" East along said centerline, 139.56 feet to a point on the southwesterly line of a 20 foot Easement as shown on said Plat No. 1174 and being the end of said 15 foot Drainage, Sanitary Sewer and Public Utility Easement to be vacated.

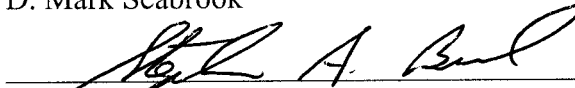
IT IS FURTHER ORDAINED that this vacation shall not deprive any public utility of the use of all or part of the easements hereby vacated to the extent that any such public utility was occupying all or part of such easements at the time that the petition for vacation was filed.

This Ordinance was proposed, promulgated, and adopted this 5<sup>th</sup> day of February, 2008, and shall be of full force and effect as of the date of its passage. The County Auditor is directed to furnish a copy of this ordinance to the Floyd County Recorder for recording.

**FLOYD COUNTY COMMISSIONERS**




D. Mark Seabrook



Steve Bush



Charles Frieberger

Attest.   
Teresa Plaiss, Auditor