

RESOLUTION

2012-13

CLOSURE OF A PART OF BAKER ROAD

Resolution of the Board of County Commissioners of Martin County, Indiana:

WHEREAS, the Martin County Board of Commissioners has received a petition from landowner Baker Road Farm LLC requesting closure of a certain part of Baker Road; and

WHEREAS, the Martin County Board of Commissioners has consulted with Phillip Baker, representative of the other landowners that would be affected by said road closure; and

WHEREAS, the Board of Commissioners consents to the request of the petitioning landowner, it is

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Martin County, Indiana, that the closure of Baker Road beginning at the fork of Eagle's Nest Road and Baker Road is in the public and economic interest of the County, and

BE IT FURTHER RESOLVED, that the Martin County Board of Commissioners find that the closing of said road will not unreasonably interfere with the flow of traffic on the Martin County road system, and

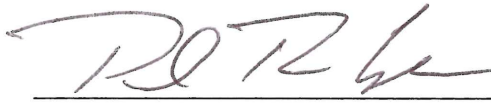
BE IT FURTHER RESOLVED, that all other affected landowners have received notice of this request and do not object to the proposed road closure, and

BE IT FURTHER RESOLVED, that the Martin County Board of Commissioners shall enter into an agreement with Baker Farm Road LLC documenting the terms of the agreement to close said road, and

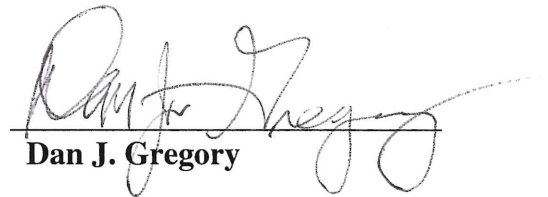
BE IT FURTHER RESOLVED, that Baker Road shall be closed beginning at the fork of Eagle's Nest Road and Baker Road and continuing to the northern bank of the White River and that said part of the road shall be removed from the County Highway Inventory.

Adopted this 18th day of September, 2012.

**BOARD OF COMMISSIONERS
MARTIN COUNTY, INDIANA.**



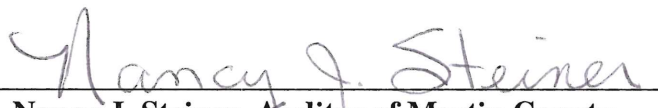
Paul R. George, President



Dan J. Gregory



John Wininger

ATTEST: 

Nancy J. Steiner, Auditor of Martin County

AGREEMENT FOR THE CLOSURE OF A PART OF BAKER ROAD

Agreement made this 18th day of September, 2012 between the Martin County Board of Commissioners (“Commissioners”) and Baker Road Farm LLC.

RECITALS

That Baker Road Farm LLC has requested the closure of the southern end of Baker Farm Road beginning at the fork of Eagle’s Nest Road and Baker Road.

That the owners of all real estate contiguous to said roadway are aware of said request and consent to the closure of that part of Baker Road.

That the Martin County Board of Commissioners have determined that the closing of said roadway is in the public and economic interest of Martin County.

That the closing of said roadway will not unreasonably interfere with the flow of traffic on the Martin County road system.

In consideration of the matters described above, and of the mutual benefits and obligations set forth in this agreement, the parties agree as follows:

1. Closure of Road. The Martin County Board of Commissioners shall adopt a resolution that closes Baker Road, beginning at the fork of Eagle’s Nest Road and Baker Road, and continuing to the northern bank of the White River.

2. Removal from County Road Inventory. The Martin County Highway Department shall remove that part of Baker Road from the County Road Inventory and shall cease all maintenance activity upon said part of Baker Road that has been closed.

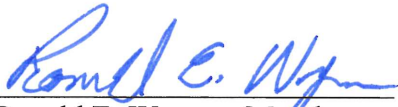
3. Obligation of Baker Road LLC. Baker Road LLC shall be responsible for erecting and maintaining a physical barrier closing off Baker Road at the fork of Eagle’s Nest Road and Baker Road. The location and nature of said barrier shall be inspected and approved by the Martin County Highway Supervisor prior to erection.

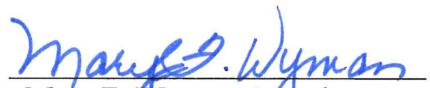
4. Easement. Baker Road LLC shall provide a written easement of ingress and egress to Phillip Baker and related landowners for continuing access to their property following the closure of said part of Baker Road.

5. Effect of Agreement. This agreement shall inure to the benefit of and be binding upon the heirs, legal representatives, assignees, and successors in interest of the respective parties.

Executed this 18th day of September, 2012 at Shoals, Indiana.

Baker Road LLC


Ronald E. Wyman, Member

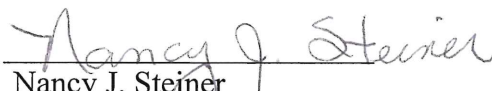

Mary F. Wyman, Member

Martin County Board of Commissioners


Paul R. George, President


Dan Gregory, Commissioner


John Wininger, Commissioner

Attest: 
Nancy J. Steiner
Auditor of Martin County

**BEFORE THE BOARD OF COMMISSIONERS
OF MARTIN COUNTY, INDIANA**

PETITION

This Petition is hereby filed by Baker Road Farm, LLC, (the "Petitioner"), to request permanent closure of a portion of Baker Road (County Road 19) in Mitcheltree Township, Martin County, Indiana, consisting approximately of one-quarter mile of the southern-most portion of Baker Road maintained by the County beginning at the fork of Eagle's Nest Road and Baker Road (the "Roadway"). This Petition amends and restates that certain Petition dated August 12, 2012, filed with the Board of County Commissioners by Petitioner on September 4, 2012, to conform with Ind. Code § 8-20-8-3.

The property contiguous to the Roadway consists of a farm owned by the Petitioner, and farmland owned by Philip R. Baker, Howard W. Pratt and Linda P. Poole (collectively, the "Other Landowners"). Closure of the Roadway will not affect the flow of traffic on Baker Road. Each of the Other Landowners has been provided a copy of this Petition by certified mail as required by Ind. Code § 8-20-8-6.

The Petitioner hereby respectfully requests that permanent closure of the Roadway be hereby considered and approved.

IN WITNESS WHEREOF, the undersigned Petitioner hereby executes this Petition the 12th day of September, 2012.

PETITIONER:

Baker Road Farm, LLC
Address: 5763 Brenda Blvd.
Greenwood, Indiana 46143

By: Ronald E. Wyman
Ronald E. Wyman, Member

By: Mary F. Wyman
Mary F. Wyman, Member