

ORDINANCE NO. 2010-05

**AN ORDINANCE VACATING A CERTAIN PUBLIC-WAY
LOCATED IN HUNTINGTON COUNTY, INDIANA**

An Ordinance adopted by the Board of Commissioners of Huntington County, Indiana, in a meeting duly assembled on the 15th day of March, 2010, as follows:

WHEREAS, at the regular meeting of this Board, held on the 5th day of October, 2009, a Petition to Vacate was filed by Larry W. Lewis seeking vacation of a portion of an unimproved platted street and alley in the original plat of the Town of New Lancaster, more particularly described as that portion of the 66' wide platted street and 16.5' wide platted alley between Lots numbers 5,6,18,19 and 20.

WHEREAS, at a regular meeting of this Board, held on the 26th day of October, 2009, being within thirty (30) days after the filing of said petition on October 5, 2009, and continued subsequently thereto, this Board conducted a public hearing on said petition;

WHEREAS, due notice of said public hearing was published according to law pursuant to the revisions of I.C. 36-7-3-12(c)(1) and I.C. 5-3-1-2; and

WHEREAS, due notice of said public hearing to all other owners of land abutting said portion of the platted street and alley was sent via certified mail to the abutting land owners; and

WHEREAS, said portion of the unimproved platted street and alley sought to be vacated is located in Huntington County, Indiana, and outside the corporate boundaries of any municipality, and this Board has proper jurisdiction over the proceedings herein; and

WHEREAS, Larry W. Lewis will pay to pay the cost in installing a driveway on

the Susanne Finch half of the vacated roadway, pursuant to an estimate and bid submitted to him dated March 8, 2010, by Dirt Excavating, Inc; and

WHEREAS, the objections to said petition having been heard and considered concerning that portion of the unimproved platted street and alley being vacated, the Board now finds that the vacation of said street and alley would not:

1. Hinder the growth or orderly development of the unit or neighborhood in which said unimproved platted street and alley is located;
2. Make access to the lands of any person by means of public-way difficult or inconvenient;
3. Hinder the public's access to a church, school, or other public building or place; or
4. Hinder the use of a public-way by the neighborhood of which said unimproved platted street and alley are located or to which they are contiguous.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Huntington County, Indiana, as follows:


That the following described portion of the unimproved platted street and alley in the original plat of the Town of New Lancaster would be, and the same is hereby vacated, to-wit: the portion of the unimproved platted 66' wide street and 16.5' wide alley between lots numbered 4,5,6,18,19 and 20, which are more specifically described on the attached Exhibit "A", subject to Larry W. Lewis paying the cost for the installation of a new gravel

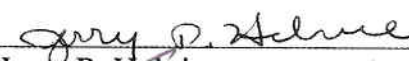
or crushed stone driveway on the neighboring Susanne Finch property on the Finch half of the road to be vacated, with said gravel or crushed stone driveway to begin at 543 S and head in a northerly direction, parallel to the existing driveway until it connects with a drive heading toward the Finch current parking area.

That the Secretary of the Board is instructed to furnish a copy of this ordinance to the Recorder of Huntington County, Indiana, for recording, and to the Auditor of Huntington County, Indiana.

Dated this 15th day of March, 2010.

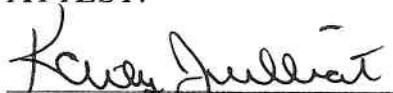
THE BOARD OF COMMISSIONERS OF
HUNTINGTON COUNTY, INDIANA


Kathryn Branham


Jerry P. Helvie


Tom Wall

ATTEST:


Kathy Juillerat, Huntington County Auditor