

ORDINANCE NO. 2021-38

ORDINANCE VACATING PUBLIC RIGHT-OF-WAY

BE IT ORDAINED by the Board of Commissioners of Hendricks County, Indiana (the "Board"), that:

WHEREAS, Theodore Lee Englert, Wayman E. Waites, and James M. Waites ("Petitioners") have filed a Petition to Vacate Platted right-of-way (the "Petition") with the Board, pursuant to statute; and

WHEREAS, the Petition concerns Petitioners' request to vacate a certain alleyway, or portions thereof, located within J James H. Oliver's Subdivision of the Town of Cartersburg, Hendricks County, Indiana; and

WHEREAS, notice has been given by first class mail with certificate of mailing, to each owner of record of land that abuts the property proposed to be vacated; and

WHEREAS, notice by publication has been given as prescribed by Indiana Code ("I.C.") § 5-3-1, and the proof of publication has been filed with the Board; and

WHEREAS, the Board held a public hearing on Petitioners' Petition on the 22nd day of June, 2021 at 9:00 a.m.; and

WHEREAS, having reviewed at such public hearing all pertinent facts relative to the Petition and having offered all interested persons the opportunity to be heard in connection with the Petition, the Board determined that the Petition should be granted.

NOW, THEREFORE, by the powers vested in the Board, pursuant to I.C. § 36-7-3-12, it is hereby ordered that the relief requested in Petitioners' Petition is now granted.

IT IS, THEREFORE, ORDERED that the alleyways described below, which alleyways were heretofore platted as a part of James H. Oliver's Subdivision of the Town of Cartersburg, Hendricks County, Indiana, be, and the same are hereby vacated:

The entire alleyway running north and south and located between Lots Sixty-Three (63) and Sixty-Four (64) in James H. Oliver's Addition to the Town of Cartersburg, Hendricks County, Indiana, as per plat thereof recorded May 8, 1856 in Plat Book 1, pages 13-14, in the Office of the Recorder of Hendricks County, Indiana.

IT IS FURTHER ORDAINED AND ORDERED that the Secretary of the Board shall furnish a copy of this Ordinance to the Hendricks County Recorder for recording, and to the Hendricks County Auditor, all pursuant to the provisions of I.C. § 36-7-3-12.

THIS ORDINANCE ADOPTED THIS 22nd DAY OF June, 2021.

BOARD OF COMMISSIONERS,
HENDRICKS COUNTY, INDIANA

Phyllis A. Palmer
PHYLLIS A. PALMER, PRESIDENT

Bob Gentry
BOB GENTRY, VICE PRESIDENT

Dennis W. Dawes
DENNIS W. DAWES, MEMBER

ATTESTED BY:

Nancy L. Marsh
Nancy L. Marsh, Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (Ben Comer).

This instrument prepared by Ben Comer, COMER LAW OFFICE, LLC, P.O. Box 207, Danville, Indiana 46122.

EXHIBIT A

The twelve foot (12') wide alleyway running north and south between lots 63 and 64 in James H. Oliver's Addition to the Town of Cartersburg, Hendricks County, Indiana, as per plat thereof recorded May 8, 1856 in Plat Book 1, pages 13-14, in the Office of the Recorder of Hendricks County, Indiana.

