

ORDINANCE NO. 2007-09

AN ORDINANCE VACATING STREET

WHEREAS, Robert D. Houchins and Andrea J. Houchins pursuant to IC 36-7-3-12 have filed a petition with the Town Council of the Town of Fort Branch, Indiana, to vacate a 50 foot platted street abutting the east side of Lots 32 and 47 and abutting the west side of Lots 31 and 48, all in the Hillcrest Addition to the Town of Fort Branch, Indiana, and

WHEREAS, The street, which is named Eastview Street, is a platted 50 foot strip of land abutting the east side of Lots 32 and 47 and abutting the west side of Lots 31 and 48, and bounded on the south by Ulen Street and bounded on the north by Sinclair Street, all in the Hillcrest Addition as shown on the plat of Hillcrest Addition recorded in Plat Book 2, Page 45, Office of the Recorder of Gibson County, Indiana, and the street is located within the corporate limits of the Town of Fort Branch, Indiana, and

WHEREAS, the street is not opened and is not needed. Vacation of the street would not hinder orderly development of the neighborhood in which it is located or to which it is contiguous, would not make access to any lands difficult or inconvenient, would not hinder the public's access to a church, school or other public building or place, and would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous, and

WHEREAS, there are electric overhead utility lines in the platted street, and in accordance with IC 36-7-3-16, vacation of the street will not deprive the public utility of the use of all or part of the vacated street, and vacation of the street will have no effect on any public utility that has utilities in the vacated street, and there are no water or sewer utilities in the street, and

WHEREAS, Town of Fort Branch has a water line in the platted street, and vacation of the street shall not deprive the Town of Fort Branch of the use of all or part of the vacated street, and vacation of the street shall have no effect on the Town of Fort Branch for any water line in the vacated street, and the Town of Fort Branch shall have a twenty (20) foot wide easement for the water line in the vacated street being ten (10) feet on each side of the center of the water line.

WHEREAS, a public hearing has been held on the Petition, and

WHEREAS, notice of the public hearing on the Petition was published in the South Gibson Star-Times in accordance with IC 5-3-1-2, and

WHEREAS, notice of the public hearing on the Petition was given by certified mail to all owners of land that abuts the street.

WHEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Branch, as follows:

Section 1: The street, which is named Eastview Street, and which is a platted 50 foot strip of land abutting the east side of Lots 32 and 47 and abutting the west side of Lots 31 and 48, and bounded on the south by Ulen Street and bounded on the north by Sinclair Street, all in the Hillcrest Addition as shown on the plat of Hillcrest Addition recorded in Plat Book 2, Page 45, Office of the Recorder of Gibson County, Indiana, be and hereby is vacated.

Section 2: In accordance with law, ownership of the vacated alley reverts to the abutting lot owners with the west half of the vacated street belonging to the owners of Lots 32 and 47 which abut the west side of said vacated street and the east half of the vacated street would belonging to the owners of Lots 31 and 48 which abut the east side of the vacated street, all in the Hillcrest Addition to the Town of Fort Branch.

Section 3: In accordance with IC 36-7-3-16, vacation of the street will not deprive the public utility having electric utility lines in the vacated street of the use of all or part of the vacated street, and vacation of the street will have no effect on any public utility that has utilities in the vacated street.

Section 4: Vacation of the street will not deprive the Town of Fort Branch of the use of all or part of the vacated street for a water line located in the vacated street, and vacation of the street shall have no effect on the Town of Fort Branch for any water line in the vacated street, and the Town of Fort Branch shall have a twenty (20) foot wide easement for the water line in the vacated street being ten (10) feet on each side of the center of the water line.

Section 5: In accordance with IC 36-7-3-12, within 30 days of the adoption of this ordinance, a copy of this Ordinance shall be filed with the Auditor's Office of Gibson County, Indiana, and a copy of this Ordinance shall be recorded in the Office of Recorder of Gibson County, Indiana.

Section 6: This ordinance shall be in full force and effect from and after the date of passage.

PASSED AND ADOPTED on this 19th day of September, 2007, by the Town Council of the Town of Fort Branch, whose respective signatures appear below.

COUNCIL OF THE TOWN
TOWN OF FORT BRANCH



GERALD L. BLEDSOE, President

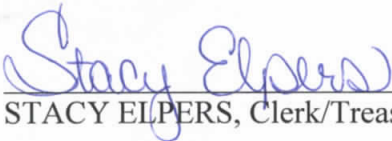


RAY FALLS, Member



CHRIS MOSBY, Member

ATTESTED TO:



STACY ELPERS, Clerk/Treasurer