

ORDINANCE NO. 2008-1

AN ORDINANCE VACATING ALLEY

WHEREAS, Ralph Hillyard, Jr. and Linda L. Hillyard 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 10 foot alley to the South of Lots 38, 39, 40, and 41 and to the North of Lots 47, 48, 49, and 50 in the Holcomb Addition to the Town of Fort Branch;

WHEREAS, the alley is a platted 10 foot strip of land to the South of Lots 38, 39, 40 and 41 and to the North of Lots 47, 48, 49, and 50 in the Holcomb Addition to the Town of Fort Branch, and the alley is located within the corporate limits of the Town of Fort Branch, Indiana (See attached Exhibit "A");

WHEREAS, the alley is not used, is not needed, and vacation of the alley would not hinder orderly development of the neighborhood in which it is located or to which it is contiguous, and 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;

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

WHEREAS, Town of Fort Branch reserves an easement for any water or sewer lines within the vacated alley;

WHEREAS, a public hearing has been held on the petition;

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 abut the alley.

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

Section 1: The platted 10-foot alley to the South of Lots 38, 39, 40, and 41 and to the North Lots 47, 48, 49, and 50 in the Holcomb Addition to the Town of Fort Branch be, and hereby is, vacated.

Section 2: In accordance with law, ownership of the vacated alley reverts to the abutting lot owners with the north half of the vacated alley belonging to the owners of

Lots 38, 39, 40, and 41 which abut the north side of said vacated alley, and the south half of the vacated alley belonging to the owners of Lots 47, 48, 49, and 50 which abut the south side of the vacated alley, all in the Holcomb Addition to the Town of Fort Branch.

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

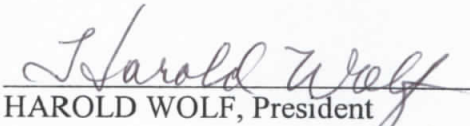
Section 4: Vacation of the alley will not deprive the Town of Fort Branch of the use of all or part of the vacated alley for any water or sewer lines located in the vacated alley, and the Town of Fort Branch shall have an easement for any water or sewer lines in the vacated alley.


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 13th day of February, 2008, by the Town Council of the Town of Fort Branch, whose respective signatures appear below.


COUNCIL OF THE TOWN
TOWN OF FORT BRANCH


HAROLD WOLF, President


WARREN FLEETWOOD, Member


GERALD L. BLEDSOE, Member

ATTESTED TO:


STACY ELPERS, Clerk/Treasurer

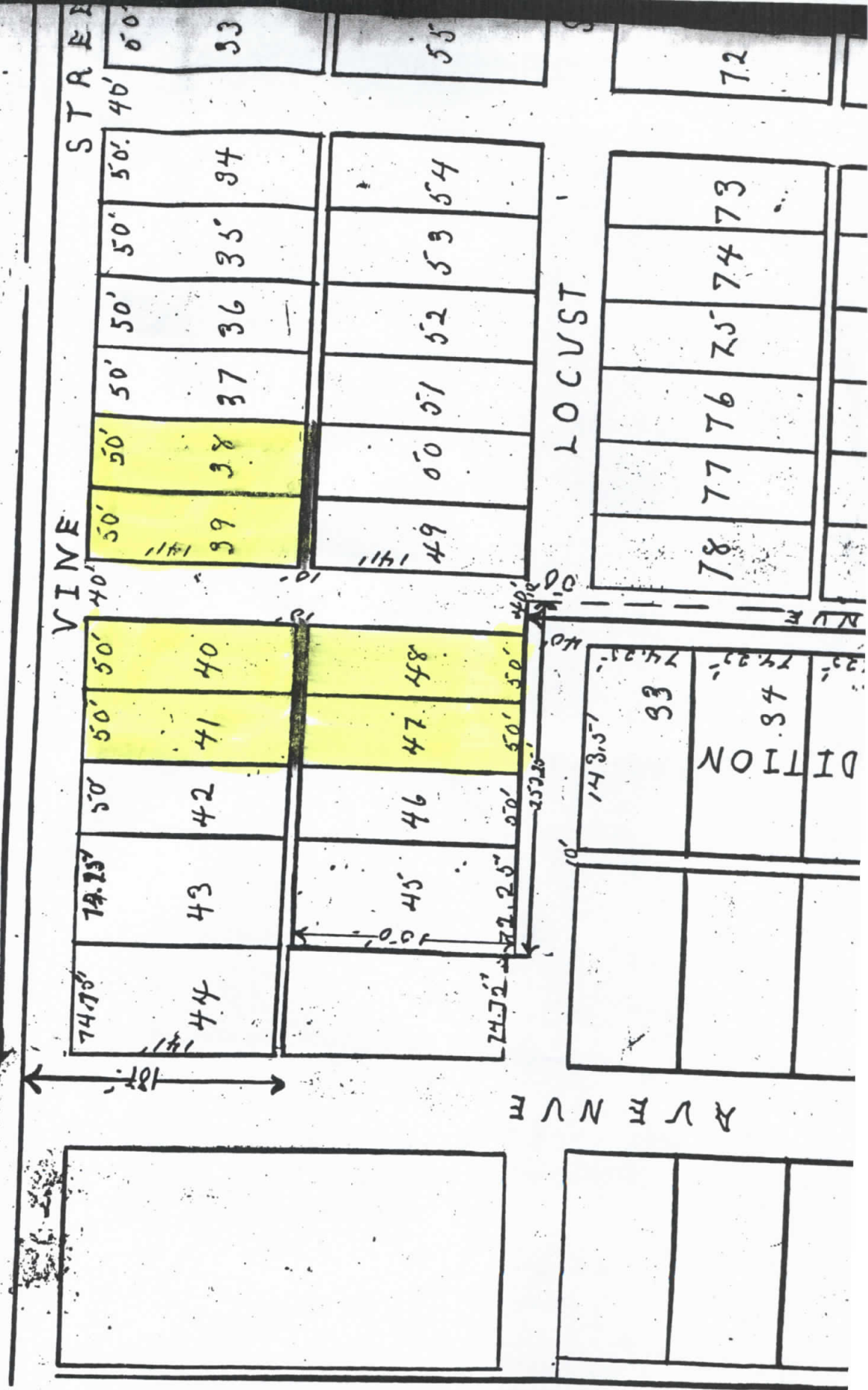
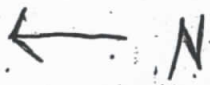


Exhibit 'A'