

ORDINANCE NO. 2019-0826 B

VACATION OF STREET AND ALLEY IN
INDEPENDENCE, WARREN COUNTY, INDIANA

Comes now the Board of Commissioners of Warren County, and makes the following recitals
and ordains as follows:

WHEREAS, the Town of Independence currently has a street and an alley which the
Petitioners, Zachary G. Griffin and Mikayla F. Griffin, are petitioning to vacate, to-wit:

Street: A part of Third Street in the Town of Independence, sixty-six (66) feet in width, and running East and West, from a point of beginning sixty-six (66) feet westerly and sixty-six (66) feet northerly of the Northwest corner of Lot 75 of the Original Plat of the Town of Independence, thence southerly sixty-six (66) feet to the southern right-of-way line of Third Street, thence easterly along the southern right-of-way line of Third Street to the Northeast corner of Lot 69 of the Original Plat, then northerly for the width of Third Street, approximately sixty-six (66) feet, to the northern right-of-way line of Third Street, thence westerly along the northern right-of-way line of Third Street to the point of beginning, affecting the following parcel numbers:

Parcel No. 86-09-23-420-114.000-014 (Petitioners)
86-09-23-420-110.000-014 (Petitioners)
86-09-23-420-109.000-014 (Petitioners)
86-09-23-300-021.000-014 (Petitioners)
86-09-23-420-102.000-014 (Edward and Yvette Bulington)
86-09-23-410-228.000-014 (Independence Community Sesq)

Alley: An alley between Second Street and Third Street in the Town of Independence, sixteen and one-half (16 ½) feet in width, and running East and West, between Lots 43, 44, 45, 46, 47 and 48, and Lots 73, 74, 75, 76, 77 and 78, all in the Original Plat of the Town of Independence, Warren County, State of Indiana, affecting the following parcel numbers:

Parcel No: 86-09-23-420-115.000-014 (Petitioners)
86-09-23-420-112.000-014 (Petitioners)
86-09-23-420-108.000-014 (Petitioners)
86-09-23-420-114.000-014 (Petitioners)
86-09-23-420-110.000-014 (Petitioners)
86-09-23-420-109.000-014 (Petitioners)

WHEREAS, Zachary G. Griffin and Mikayla F. Griffin, are the owners of real estate adjacent to said street and alley, and have filed a Petition for the vacation of the street and alley; and

WHEREAS, Edward B. and Yvette Bulington, and Independence Community Sesq, c/o Robert D. and Jessie M. Bulington, are the owners of real estate adjacent to said street; and

WHEREAS, notice of said petition was given, and a hearing was held, pursuant to Indiana Code §36-7-3-12, and at that hearing no person aggrieved by the proposed vacation objected to said petition;

IT IS THEREFORE ORDAINED AS FOLLOWS:

1. That a part of Third Street, in Independence, Warren County, Indiana , described as a part of Third Street in the Town of Independence, sixty-six (66) feet in width, and running East and West, from a point of beginning sixty-six (66) feet westerly and sixty-six (66) feet northerly of the Northwest corner of Lot 75 of the Original Plat of the Town of Independence, thence southerly sixty-six (66) feet to the southern right-of-way line of Third Street, thence easterly along the southern right-of-way line of Third Street to the Northeast corner of Lot 69 of the Original Plat, then northerly for the width of Third Street, approximately sixty-six (66) feet, to the northern right-of-way line of Third Street, thence westerly along the northern right-of-way line of Third Street to the point of beginning, affecting the following parcel numbers:

Parcel No.	86-09-23-420-114.000-014 (Petitioners)
	86-09-23-420-110.000-014 (Petitioners)
	86-09-23-420-109.000-014 (Petitioners)
	86-09-23-420-102.000-014 (Edward and Yvette Bulington)
	86-09-23-410-228.000-014 (Independence Community Sesq)

is vacated, subject to the reservation of easements as subsequently described, and that the vacated street shall be become a part of the above-named parcel numbers, and not split in one-half between landowners on either side of said Third Street, due to the fact that said section of Third Street is a

part of the northern boundary of the Original Plat of the Town of Independence, Warren County, Indiana.

2. That Warren County and the Town of Independence reserve to themselves an easement extending the length and breadth of said street for the construction, maintenance, and operation or reconstruction of utilities in, through, over or under the same.

3. That the vacation of said street is subject to the rights of all public utilities in said road, and the Petitioners requesting such vacation shall be responsible to the public utilities for any vacating, re-arrangement or relocating costs in the event the same are necessary without any costs to Warren County or the Town of Independence, their successors or assigns.

4. That a part of an alley, between Second Street and Third Street in the Town of Independence, sixteen and one-half (16 ½) feet in width, and running East and West, between Lots 43, 44, 45, 46, 47 and 48, and Lots 73, 74, 75, 76, 77 and 78, all in the Original Plat of the Town of Independence, Warren County, State of Indiana, affecting the following parcel numbers:

Parcel No: 86-09-23-420-115.000-014 (Petitioners)
 86-09-23-420-112.000-014 (Petitioners)
 86-09-23-420-108.000-014 (Petitioners)
 86-09-23-420-114.000-014 (Petitioners)
 86-09-23-420-110.000-014 (Petitioners)
 86-09-23-420-109.000-014 (Petitioners)

is vacated, subject to the reservation of easements as subsequently described, and that the vacated alley shall split equally between, and become a part of, the above-named parcel numbers.

5. That Warren County and the Town of Independence reserve to themselves an easement extending the length and breadth of said alley for the construction, maintenance, and operation or reconstruction of utilities in, through, over or under the same.

6. That the vacation of said alley is subject to the rights of all public utilities in said alley,

and the Petitioners requesting such vacation shall be responsible to the public utilities for any vacating, re-arrangement or relocating costs in the event the same are necessary without any costs to Warren County or the Town of Independence, their successors or assigns.

7. That all costs incident to the above-mentioned vacation are to be paid by Petitioners.

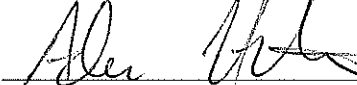
8. That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are repealed.

ALL OF WHICH IS ORDAINED this 26th day of August, 2019.

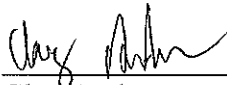
BOARD OF COMMISSIONERS OF
WARREN COUNTY



W. Brian Jordan

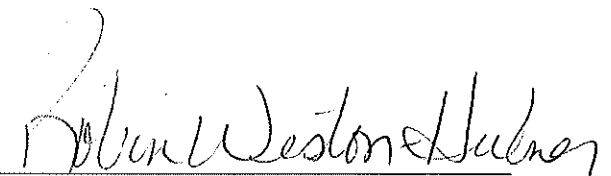


Adam Hanthorne



Clay Andrews

ATTEST:



Robin Weston-Hubner, Warren County 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. Judson G. Barce

This Instrument Prepared by:
Judson G. Barce, Attorney No. 17229-04
BARCE & REDLIN, P.C.
103 N. Jackson Ave., P.O. Box 252
Fowler, IN 47944