

**STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE BOARD OF COMMISSIONERS**

ORDINANCE NO. 23-2018

**AN ORDINANCE VACATING UNIMPROVED PLATTED PUBLIC WAYS COMMONLY
KNOWN AS 2ND CROSS STREET, LIVERY STREET, AND
WATER STREET, LOCATED IN MEMPHIS, CLARK COUNTY, INDIANA**

WHEREAS, petitioners, Barbara Burgin and Carol M. Hamm, as Personal Representatives of the Estate of Raymond S. Book, Doris Ann Book f/k/a Doris Ann Konermann, Kenneth Ray Drury and Theresa A. Drury, (“Petitioners”), have filed a petition to vacate unimproved public ways commonly known as 2nd Cross Street, Livery Street, and Water Street located in Memphis, Clark County, Indiana, pursuant to the provisions of Ind. Code § 36-7-3-12; and,

WHEREAS, Petitioners have caused a notice of public hearing on such petition before this Commission to be properly published in accordance with Indiana law; and,

WHEREAS, this Commission having held such public hearing at the date and time as stated in such published notification; and,

WHEREAS, except for the Petitioners, there are no adjoining property owners to the unimproved public ways that are proposed to be vacated; and,

WHEREAS, no facilities of any public utility service provider are located within the unimproved public ways that are proposed to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA, as follows:

1. Board of Commissioners of Clark County, Indiana hereby finds all of the following:
 - a. No other person or entity owns any real property that is adjacent to or served by the public ways.
 - b. The proposed vacation will not hinder the growth or orderly development of Clark County, Indiana.
 - c. The proposed vacation will not make access to the lands of any aggrieved

person by means of public way difficult or inconvenient.

d. The proposed vacation will not hinder the public's access to a church, school, or other public building or place.

e. The proposed vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

2. Petitioners' petition for vacation of the unimproved public ways commonly known as 2nd Cross Street, Livery Street, and Water Street located in Memphis, Clark County, Indiana, as described in Exhibit "A" and shown in Exhibit "B" attached, is hereby adopted.

3. Petitioners shall cause a certified copy of this Ordinance to be recorded in the office of the Recorder of Clark County, Indiana, in accordance with the provisions of Ind. Code § 36-7-3-12(e).

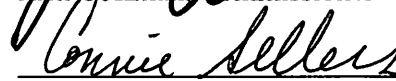
4. This Ordinance shall be in force and effect upon its adoption.

SO ORDERED this 15th day of December, 2018.

BOARD OF COMMISSIONERS, CLARK
COUNTY, INDIANA



Jack Goffman, Commissioner

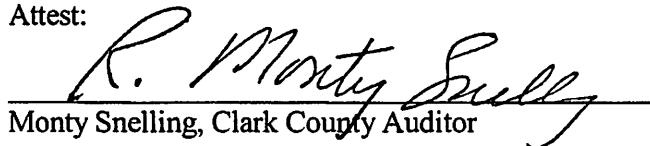


Connie Sellers, Commissioner



Bryan Glover, Commissioner

Attest:



Monty Snelling, Clark County Auditor

Exhibit "A"

Being a part of the town of Bennetsville as shown in Deed Record Book 37, Page 291, in the northeast quarter of Section 14, T-1-S, R-6-E, Clark County, Indiana and being further described as follows:

Beginning at a steel pin on the southeast corner of the northeast quarter of said Section 14; Thence N 88°01'17" E, along the quarter Section line dividing the northwest and southwest quarters of fractional Section 13, T-1-S, R-6-E, 79.46 feet to a "mag" nail in Bennetsville Road on the eastern line of the CSX Railroad; Thence N 22°14'07" W, along said eastern line, 211.28 feet to a "mag" nail on the line dividing said Sections 13 & 14; Thence N 0°09'24" W, along said dividing line, 55.87 feet to a steel pin on the eastern Right-of-Way line of Bennetsville Road (formerly Washington Street); Thence N 22°14'07" W, along said Right-of-Way line 389.4 feet to a steel pin on the southern Right-of-Way line of 2nd Cross Street, the TRUE PLACE OF BEGINNING:

Thence continuing N 22°14'07" W, along said Right-of-Way line, 33 feet to a steel pin on the southwest corner of lot 4 in said town;
Thence N 67°30'53" E, along the north Right-of-Way line of said 2nd Cross Street, 132 feet to a steel pin on the southeast corner of said lot 4;
Thence N 22°14'07" W, along the western Right-of-Way line of Livery Street, 264 feet to the southern Right-of-Way line of Bennetsville Road (formerly Franklin Avenue);
Thence N 67°30'53" E, along said southern Right-of-Way line, 33 feet to the northwest corner of lot 1 in said town;
Thence S 22°14'07" E, along the eastern Right-of-Way line of said Livery Street, 236.44 feet to a steel pin on the south corner of lot 3 in said town;
Thence N 0°09'24" W, along the west Right-of-Way line of Water Street, 255.61 feet to the northeast corner of said lot 1;
Thence N 67°30'53" E, along said southern Right-of-Way line of said Bennetsville Road (formerly Franklin Avenue), 17.84 feet to said line dividing Sections 13 & 14;
Thence S 0°09'24" E, along said dividing line, being the east Right-of-Way line at said Water Street, 321.07 feet to a steel pin on the southern Right-of-Way line of said 2nd Cross Street;
Thence S 67°30'53" W, along said southern Right-of-Way line, 158.23 feet to THE TRUE PLACE OF BEGINNING;

Exhibit "B"

